

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1910
By: Ratliff
Natural Resources
4-23-97
Committee Report (Substituted)

DIGEST

Currently, the Texas Natural Resource Conservation Commission's (TNRCC) regulations on the discharge of waste into waters of the state exempt poultry operations that do not have liquid waste handling systems. Most poultry houses fall within this exemption because they operate with a dry waste handling system. For those unregulated facilities, poultry litter is often stockpiled and disposed of without any effort to protect the waters of the state. Additionally, in the poultry industry, the occurrence of deaths of chickens in large quantities is not unusual. These deaths can occur from disease or climatic conditions. In such instances, there are no state laws which relate to the disposal of these chicken carcasses. Some poultry producers dispose of dead chickens in open, unlined pits, similar to a landfill. This bill will provide regulations relating to the disposal and handling of poultry and poultry litter.

PURPOSE

As proposed, C.S.S.B. 1910 provides regulations relating to the disposal and handling of poultry and poultry litter.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Sections 26.276(f) and 26.277(b), Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 26, Water Code, by adding Subchapter H, as follows:

SUBCHAPTER H. POULTRY OPERATIONS

Sec. 26.301. DEFINITIONS. Defines "confined poultry operation," "poultry," "poultry carcass," "poultry facility," "poultry litter," "provider," "user," and "wastewater."

Sec. 26.302. EXEMPTION. Provides that this subchapter does not apply to a person whose flock of poultry in a confined poultry operation does not average more than 3,000 birds per day for a 90-day period unless the Texas Natural Resource Conservation Commission (TNRCC) determines, on notice and hearing, that the method of disposal of poultry waste used by the person poses threat of disease.

Sec. 26.303. REGISTRATION WITH COMMISSION. Requires certain persons to register with TNRCC. Authorizes a person who is described by Subsections (a)(1) and (2) to submit a single registration. Authorizes TNRCC to impose a registration fee not to exceed \$50.

Sec. 26.304. COMMISSION RULES. Requires TNRCC to adopt rules to implement this subchapter, including rules regarding registration procedures, registration fees, and enforcement procedures.

Sec. 26.305. REGULATION OF POULTRY FACILITIES. Requires a person who owns or operates a poultry facility to ensure that the facility is adequately equipped for handling and disposal of poultry carcasses, poultry litter, and other poultry waste regardless of whether the

person owns the poultry.

Sec. 26.306. HANDLING AND DISPOSAL OF POULTRY CARCASSES. Requires TNRCC, by rule, to adopt requirements for the safe and adequate handling, storage and transportation, and disposal of poultry carcasses. Requires the rules to include certain requirements and prohibitions. Requires a person to obtain any permit required by other law to dispose of poultry carcasses as provided by Subsection (a)(1).

Sec. 26.307. HANDLING AND DISPOSAL OF POULTRY LITTER. Requires a person who transports poultry litter to ensure that the poultry litter does not leak, spill, or otherwise emanate from the transportation vessel. Requires TNRCC, by rule, to require a provider to maintain records on site until the third anniversary of the date the poultry litter is delivered to a user. Requires certain information to be included in the record. Requires TNRCC, by rule, to require the operator of a poultry facility to maintain records on site. Requires certain information to be included in the records. Requires the records required by this section to be made available to the executive director of TNRCC on request. Provides that this section does not limit the power of TNRCC to regulate poultry facilities or poultry litter under other law.

Sec. 26.308. LAND APPLICATION OF POULTRY LITTER. Requires TNRCC, by rule, to specify best management practices for the land application of poultry litter. Requires certain prohibitions to be included in the rules. Authorizes TNRCC, if TNRCC determines that a user has applied litter in violation of a rule under Subsection (a), to prohibit a provider from delivering additional litter to the user.

Sec. 26.309. ENFORCEMENT. Authorizes TNRCC's employees and agents to enter any premises on which poultry is produced, stored, or disposed of to conduct an inspection or otherwise enforce compliance with this subchapter. Authorizes TNRCC to contract with a local government to investigate and enforce compliance with this subchapter.

SECTION 2. Effective date: March 1, 1998, except as provided by Subsection (b) of this section.

(b) Effective date for Section 26.306, Water Code: March 1, 1999.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 26.301, Water Code, formerly designated as Section 26.275, Water Code, to delete definitions of "average daily basis," "commission," "executive director," "feedlot/concentrated animal feeding operation," "housed lot," "major enforcement actions," "operator," and "refrigerated." Defines "confined poultry operation" and "poultry facility," and redefines "poultry carcass," "poultry litter," and "wastewater."

Amends Section 26.302, Water Code, formerly designated as Section 26.278, Water Code, to provide that the daily average must not be more than 3,000 birds per day for a 90-day period. Makes nonsubstantive changes.

Deletes Sections 26.276, 26.277, and 26.279-26.281, Water Code.

Adds Section 26.303, Water Code, regarding registration with TNRCC.

Adds Section 26.304, Water Code, regarding TNRCC rules.

Adds Section 26.305, Water Code, regarding regulation of poultry facilities.

Adds Section 26.306, Water Code, regarding handling and disposal of poultry carcasses.

Adds Section 26.307, Water Code, regarding handling and disposal of poultry litter.

Adds Section 26.308, Water Code, regarding land application of poultry litter.

Adds Section 26.309, Water Code, regarding enforcement of this subchapter.

SECTION 2.

Sets forth the effective date of Section 26.306 of the Water Code, as added by this Act.