

## **BILL ANALYSIS**

Senate Research Center  
79R7246 QS-F

S.B. 1707  
By: Staples  
S/C on Agriculture & Coastal Resources  
4/6/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Since its inception, the water quality management plan program has been intended to apply to nonpoint source farmsteads and unpermitted animal feeding operations that did not require a water quality permit. Although the Agriculture Code states that the Texas State Soil and Water Conservation Board (board) is authorized to certify a water quality management plan on any Texas land at the request of the landowner, the authority of the agency to provide technical conservation planning assistance to a regulated entity is not explicitly given.

As proposed, S.B. 1707 clarifies the board's authority to provide technical conservation planning assistance to poultry facilities that do not use a liquid waste handling system and are required to obtain water quality permit coverage under the Clean Water Act. These changes do not exempt an entity from obtaining a permit coverage from the Texas Commission on Environmental Quality. The changes only make it clear that the board is authorized to continue to provide assistance to a certain sector of the regulated community, and that a certified water quality management plan should be an option for meeting permit requirements for certain poultry facilities.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BYSECTION ANALYSIS**

SECTION 1. Amends Section 26.301, Water Code, by adding Subdivision (5), to define "liquid waste handling system."

SECTION 2. Amends Section 26.302, Water Code, by adding Subsections (b-1) and (d), as follows:

(b-1) Authorizes the State Soil and Water Conservation Board (board) to certify a water quality management plan for a poultry facility if the facility does not use a liquid waste handling system and is required to obtain a permit or other authorization from the Texas Commission on Environmental Quality (TCEQ).

(d) Provides that this section does not affect the authority of TCEQ to investigate or take enforcement action against a point source discharge under Section 26.121 (Unauthorized Discharges Prohibited).

SECTION 3. Amends Section 201.026(e), Agriculture Code, as added by Section 1, Chapter 1189, Acts of the 77th Legislature, Regular Session, 2001, to provide that Section 26.302(b-1), Water Code, applies to a water quality management plan developed or certified for use by a poultry facility under this section.

SECTION 4. Effective date: September 1, 2005.