

1-1
1-2
1-3
1-4
1-5
1-6
1-7
1-8
1-9
1-10
1-11
1-12
1-13
1-14
1-15
1-16
1-17
1-18
1-19
1-20
1-21
1-22
1-23
1-24
1-25
2-1
2-2
2-3
2-4
2-5
2-6
2-7
2-8
2-9
2-10
2-11
2-12
2-13
2-14
2-15
2-16
2-17
2-18
2-19
2-20
2-21

AN ACT

relating to requiring owners or operators of poultry facilities to implement and maintain certified water quality management plans.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 26.302, Water Code, is amended to read as follows:

Sec. 26.302. REGULATION OF POULTRY FACILITIES. (a) A person who owns or operates a poultry facility shall ensure that the facility has adequate means or is adequately equipped to handle and dispose of poultry carcasses, poultry litter, and other poultry waste regardless of whether the person owns the poultry.

(b) A person who owns or operates a poultry facility shall implement and maintain a water quality management plan for the facility that is certified by the State Soil and Water Conservation Board under Section 201.026, Agriculture Code.

(c) The commission may bring a cause of action to remedy or prevent a violation of this section.

SECTION 2. (a) As soon as practicable after the effective date of this Act, the State Soil and Water Conservation Board and the Texas Natural Resource Conservation Commission shall adopt rules regarding the certification of water quality management plans for poultry facilities and other rules as necessary to implement and administer Section 26.302, Water Code, as amended by this Act.

(b) Each owner or operator of a poultry facility required to implement and maintain a certified water quality management plan under Section 26.302, Water Code, as amended by this Act, shall develop and submit to the State Soil and Water Conservation Board a site-specific water quality management plan according to the following schedule:

Date of initial operation of facility	Plan submission date
January 1, 2002, or later	before receipt of birds
September 1, 2001, to December 31, 2001	before January 1, 2002
January 1, 1993, to August 31, 2001	before January 1, 2002
January 1, 1988, to December 31, 1992	before January 1, 2003
January 1, 1983, to December 31, 1987	before January 1, 2005
December 31, 1982, or earlier	before January 1, 2008

(c) Each owner or operator of a poultry facility required to implement and maintain a certified water quality management plan under Section 26.302, Water Code, as amended by this Act, who expands the facility on or after September 1, 2001, shall develop and submit to the State Soil and Water Conservation Board a site-specific water quality management plan for the expanded facility before the later of the receipt of the additional birds that will occupy the expanded facility or January 1, 2002.

(d) On or after January 1, 2002, an owner or operator of a poultry facility is not in violation of Section 26.302, Water Code,

2-22 as amended by this Act, if the owner or operator has applied for
2-23 certification in accordance with Subsection (b) of this section and
2-24 the State Soil and Water Conservation Board has not made a
2-25 determination with regard to the certification.

2-26 SECTION 3. Nothing in this Act shall be construed as
3-1 designating a poultry operation as a point source of pollution
3-2 under Chapter 26, Water Code, or Texas Natural Resource
3-3 Conservation Commission rules regarding animal feeding operations
3-4 under 30 T.A.C. Section 321.31 through 321.47. A poultry operation
3-5 may not be designated as a point source of pollution unless the
3-6 poultry operation meets the requirements for designation as a point
3-7 source of pollution under that chapter or those rules.

3-8 SECTION 4. (a) This Act takes effect September 1, 2001,
3-9 except as provided by Subsection (b) of this section.

3-10 (b) Section 1 of this Act takes effect January 1, 2002.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1339 passed the Senate on
April 17, 2001, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1339 passed the House on
May 8, 2001, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor