

SUBJECT: Regulating shrimp farms on the Gulf Coast

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 6 ayes — Counts, Walker, Cook, Corte, King, R. Lewis
0 nays
3 absent — Culberson, Moffat, Puente

WITNESSES: For — Pamela Baker; Cecil Hopper, Hynes Bay Coalition; Fritz Jaenike, Harlingen Shrimp Farms; Tim C. Moore, Texas Aquaculture Association; Franklin L. Turner
Against — None

DIGEST: CSHB 2665 would establish wastewater discharge permitting requirements for commercial shrimp farms located in counties bordering the Gulf of Mexico or its tidewater limits. The bill would require a facility to obtain a site-specific wastewater discharge permit from the Texas Natural Resource Conservation Commission (TNRCC) before construction or expansion if the facility was built before the effective date of the bill.

An application for a permit would have to include:

- certification that copies of the application were filed with the Texas Parks and Wildlife Department and the commissioners court;
- a copy of a resolution from the commissioners court and governing body of each county in which the facility would be located stating a position on whether the facility should be permitted, or a sworn statement that the applicant tried and was unable to secure a resolution;
- copies of required federal permits;
- an environmental report; and
- a description of the management practices the applicant would apply to minimize potential adverse environmental effects.

The environmental report would have to describe in detail the facility's design and operating plans for wastewater management, prevention of conditions that could create a nuisance, and removal of settled solids necessary to protect water quality. The report also would have to include a description of the environmental condition of the site at the time the application was filed and any potential adverse effects on sensitive aquatic habitats that could be caused by wastewater discharge, construction and operation of the facility, or attenuation of light due to suspended solids in discharges.

For applications filed after January 1, 2002, the TNRCC could waive elements or the requirements for the report if it determined it could make a decision without that element.

The TNRCC could issue a permit only if the discharge would not violate water quality standards and the operator would use best management practices and make reasonable efforts to minimize adverse environmental effects.

The facility would be prohibited from discharging wastewater if shrimp in the facility were found to have a disease caused by infectious exotic pathogens or if the executive director of the TNRCC or the Texas Parks and Wildlife Department (TPWD) notified the operator of having good cause to suspect the presence of such a pathogen at the facility. The facility could not discharge wastewater or other substances again until the executive director of the TNRCC provided written permission or identified the cause of the disease to be something other than infectious exotic pathogens.

The TPWD could not issue a shrimp farm license without a letter from the TNRCC stating that the facility had the required permits or was not required to have them, or was in operation on or before January 1, 1997 and was diligently pursuing a permit.

CSHB 2665 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

SUPPORTERS
SAY:

CSHB 2665 would supply badly needed oversight of coastal shrimp farms to preserve the Texas shrimp industry and protect other fish and wildlife in

the area. Shrimp farming on the coast has created a number of problems, including the spread of viruses in exotic shrimp, the contamination of estuaries and waterway, and the threat to other kinds of fish that breed and live in waters receiving shrimp farm discharges. CSHB 2665 would help contain these problems and dramatically reduce the environmental threat shrimp farming can pose.

The provisions in CSHB 2665 were developed as a cooperative effort by representatives of a number of groups, including aquaculture producers, shrimpers, environmentalists, and regulators.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The committee substitute added the provision requiring the TNRCC to report on whether the requirements of the bill should remain in effect.