

BILL ANALYSIS

Senate Research Center
77R10993 MI-F

H.B. 3023
By: Chisum (Bivins)
Natural Resources
5/9/2001
Engrossed

DIGEST AND PURPOSE

The 76th Legislature enacted legislation that subjects an application for a confined animal feeding operation (CAFO) to a contested case hearing if the CAFO is sufficiently close to a sole-source surface drinking water supply (water supply). If the CAFO is not sufficiently close, permit applications are generally subject to a less stringent permitting process. However, confusion exists over the vague meaning of "sufficiently close" and the implementation of stricter regulations for CAFOs near water supplies has been delayed. H.B. 3023 clarifies which CAFOs are sufficiently close to a water supply by requiring the Texas Natural Resource Conservation Commission to designate a protection zone around a water supply and specifies the location of a protection zone.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.0286, Water Code, as follows:

Sec. 26.0286. PROCEDURES APPLICABLE TO PERMITS FOR CERTAIN CONCENTRATED ANIMAL FEEDING OPERATIONS. (a) Defines "sole-source" and "protection zone."

(b) Adds language relating to the Texas Natural Resource Conservation Commission (commission) determining that the application is administratively complete.

(c) Requires the commission, when adopting rules under Section 26.023 to set water quality standards for water in the state, to designate a surface water body as a sole-source drinking water supply if that surface water body is identified as a public water supply in rules adopted by the commission under Section 26.023 and is the sole source of supply of a public water supply system, exclusive of emergency water connections. Requires that at the same time, the commission designate as a protection zone any area within the watershed of a sole-source surface drinking water supply that meets certain requirements.

SECTION 2. Requires that not later than the 45th day after the effective date of this Act, the Texas Natural Resource Conservation Commission by order identify surface water bodies that are considered "sole-source drinking water supplies" for purposes of Section 26.0286(b), Water Code, as amended by this Act, and designate the protection zones for those identified water bodies. Provides that the order expires on the date on which the commission adopts final rules under Section 26.0286(c), Water Code, as added by this Act.

SECTION 3. Effective date: September 1, 2001.