

**Agriculture Stakeholder Work Group**  
**Meeting Summary**  
**December 10, 2004**

**Welcome and Introductions - Darrell Williams**

**Legislative Update - Leonard Olson**

- Key Issues
  - ▶ Budget and School Finance
    - ✓ Sunset Robin Hood System
    - ✓ Special Session - not resolved
    - ✓ Income tax not during this session
  - ▶ Chair of Senate Finance
    - ✓ Look at business services finance to make sure they pay their share
  - ▶ Workforce Commission - Sunset
    - ✓ PUC- Sunset - ERCOT- mismanagement of contracts
    - ✓ What is PUC doing to prevent blackouts - lack of electricity
  - ▶ Health and Human Services - CHP issue
  - ▶ Enforcement review may bring issues package
  - ▶ Agriculture industry may be interested in CCN process
    - ✓ Some CCN issues will go to the Legislature
    - ✓ Revising rule regarding lack of some notice requirements
  - ▶ TCEQ looking at rock quarries - crushers causing impairment to some waterways
    - ✓ Senator Fraser - Committee on Rock Crushers
    - ✓ Rock quarries may be a problem with phosphorous issues
  - ▶ Draft 303(d) list came out recently - looking at issues and impact around Waco
  - ▶ Possible reuse issues
    - ✓ Large municipalities looking at impacts downstream - environmental and instream flows
    - ✓ TWDB, TCEQ, and TPWD are all looking at models on environmental flows
  - ▶ Groundwater Districts - focus on how they are operating
    - ✓ Concerned about rule of capture
    - ✓ Single county districts have problems creating enough funding - look at bigger districts
  - ▶ Water Conservation Plan - looks at BMPs
    - ✓ Generated lots of interest to impose more methods
    - ✓ Debate on rural Texas and Municipalities - looking at groundwater
    - ✓ Debate on impacts to rural Texans for municipalities to pull their groundwater for use
  - ▶ Some discussion about Interbasin Transfers

## **Update on General Permit - Darrell Williams**

Our understanding of the issues discussed at the September 27, 2004 meeting on implementation of the CAFO General Permit is listed below:

- Notice of Intent
  - ▶ TCEQ will consider requests for extensions beyond the NOI application deadline of October 26, 2004 on a case-by-case basis. Requests for extensions should be made by individual CAFOs or as groups of CAFOs submitted by livestock organizations, CAFO consultants, or other CAFO representatives.
  - ▶ Previously authorized CAFOs and expansions of existing CAFOs that have not yet been constructed should check the box in Section F.1. for “Existing Facility” and list the maximum number of head previously authorized by the Registration or Individual Permit as the “Number Currently Authorized” in Section F.10. On the Notice of Intent application.
- Notice of Change
  - ▶ A Notice of Change form is currently being developed by TCEQ staff
  - ▶ Until a Notice of Change form is finalized, a CAFO can submit changes to the TCEQ by letter correspondence.
- Annual Report to TCEQ
  - ▶ The form for the Annual Report to the TCEQ has been drafted by TCEQ staff
  - ▶ The section in the draft Annual Report titled “Instances of Noncompliance not Previously Reported” was deleted
  - ▶ The first Annual Report will be due February 15, after coverage under the general permit
- Revised Potential Pollution Prevention
  - ▶ Potential Pollutant Sources and Spill Response: A checklist-type format for the listing of potential pollutant sources is appropriate. In addition, an emergency response plan is only needed for those substances that typically merit a hazardous materials type of response, such as fuel, oil and pesticides.
  - ▶ 100-year Floodplain - A CAFO operator shall evaluate the location of the CAFO to determine that inundation by a 100-year flood is not physically possible or protect the control facility from the 100 year flood. If the CAFO operator is unsure, a licensed professional engineer should conduct an evaluation.
  - ▶ Employee Training - Daily Inspection of Water Lines: A daily inspection of water lines within the drainage area of the RCS in practice can be implemented through employee training. Repairs made to broken water lines within the drainage area of the RCS should be recorded in the Weekly Reports section of the PPP. No daily log of the inspection is required by the PPP.
  - ▶ Weather Conditions: Those conditions that should be recorded on the day of onsite manure or wastewater application and 24 hours before and after application included: 1) rainfall, 2) high and low temperature for each day, and 3) an indication of the cloud cover for each day. Weather conditions can be recorded manually or from a weather station (located onsite or in the vicinity of the CAFO) or from a local weather report (newspaper, TV, radio station, etc.)
  - ▶ Nutrient Management Plans: A suggested template for the Nutrient Management Plan required by the CAFO General Permit will be developed as part of a

coordinated effort between TCEQ staff, CAFO organizations, and other appropriate agencies. CAFOs and Certified Nutrient Management Specialists that have developed site-specific nutrient management planning documents and other tools will not be precluded from using those formats.

#### **Permitting Update - Beth Fraser**

- 475 NOIs received - 19 new facilities
- 212 NOIs acknowledged, 83 extension requests - application letter drafted
- 45 renewal applications pending that have not sent NOIs
- Permits first reviewed in Permit Administrative Review
- Then goes to CAFO team for technical review
- 150-180 days for new permit processing - does not include public meeting
- Individual Permit
  - ▶ 53 applications received - 16 sent to administrative review, 37 in technical review
  - ▶ Still need information for quite a few
  - ▶ NOD letters were sent
  - ▶ There are 3 individual permits that do not expire until 2005 and 2007
  - ▶ Working on language for final permit with EPA
  - ▶ EPA asking for more clarification

#### **NOI Update - Laurie Fleet (Handout #1)**

- See handout for revisions and changes to the NOI

#### **Recharge Feature Certification - Michael Chadwick (Handouts #2, #3, and #4)**

- Overview of the Recharge Feature Identification Report
- Guidance Document - tells what rules require and who should certify the document
- Identify recharge features
- Submit plan with BMPs to protect the water quality of the recharge zone
- Look at case-by-case basis
- Review and send comments to Darrell Williams at [dawillia@tceq.state.tx.us](mailto:dawillia@tceq.state.tx.us) by January 31, 2005

#### **Wrap-up**

- Nutrient Management Plan workgroup - Let Darrell know if interested - Group will meet after the first of the year