

House Bill 3023
Regular Legislative Session 77
Special designations for sole-source drinking water supplies:

Enrolled Bill Summary*

Legislative Session: 77(R)

HOUSE BILL 3023

HOUSE AUTHOR: Chisum

EFFECTIVE: 09-01-01

SENATE SPONSOR: Bivins

House Bill 3023 amends the Water Code to require the Texas Natural Resource Conservation Commission in setting water quality standards to designate watershed protection zones to clarify when a concentrated animal feeding operation is close enough to a sole-source surface drinking water supply to trigger water quality permitting requirements, including environmental permitting procedures. The bill sets specific distance parameters for relevant surface water bodies and streams, and the requirements are triggered if any part of a feeding operation pen, lot, pond, or other type of control or retention facility or structure is within such a protection zone. A land application area is not considered a control or retention facility.

Excerpts from House Bill 3023 and the Bill Analysis*

Background and Purpose

77(R) House Bill 3023 was enacted in 2001 to clarify Texas Water Code §26.0286 pertaining to concentrated animal feeding operations (CAFOs).

Prior to the 77th legislative session, the TNRCC aimed at protecting sole-source surface drinking water supplies by applying a more stringent permit process for CAFOs deemed “sufficiently close” to a sole-source drinking water supply. However, due to the vague meaning of “sufficiently close,” CAFOs were not being regulated strictly enough. H.B. 3023 was proposed to clarify the term by having TNRCC (now TCEQ) designate sole-source surface drinking water supplies and their protection zones.

Definitions

This bill introduced two new terms: ‘sole-source surface drinking water supply’ and ‘protection zone.’ According to (a)(1) and (c), a ‘sole-source surface drinking water supply’ is defined as:

- 1) a public water supply according to Section 26.023; and
- 2) the sole-source of a public water supply, exclusive of emergency connections.

A ‘protection zone’ of a sole-source surface drinking water supply is defined as:

- 1) being in the watershed of the respective ‘sole-source;’ and
- 2) within 2 miles of:

- a) the normal elevation of the ‘sole-source;’
- b) any perennial stream that’s a tributary of the ‘sole-source;’
- c) any perennial stream that’s 3 miles upstream of the ‘sole-source;’

Application

Section 2 of H.B. 3023 requires TNRCC (now TCEQ) to designate ‘sole-source surface drinking water supplies’ and their ‘protection zones’ when adopting or revising the Texas Surface Water Quality Standards. H.B. 3023 took effect September 1, 2001 (H.B. 3023 Section 3), was reinstated in 2003 by H.B. 3057, and will expire on the date TCEQ complies.

* All text downloaded from the following [http://](http://www.legis.state.tx.us/BillLookup/History.aspx?LegSess=77R&Bill=HB3023) site. Complete bill text and analysis can be found at this site as well.

<http://www.legis.state.tx.us/BillLookup/History.aspx?LegSess=77R&Bill=HB3023>