

1-1 By: Rogers, et al. (Senate Sponsor - Springer) H.B. No. 3387  
1-2 (In the Senate - Received from the House May 10, 2021;  
1-3 May 12, 2021, read first time and referred to Committee on Water,  
1-4 Agriculture & Rural Affairs; May 19, 2021, reported favorably by  
1-5 the following vote: Yeas 9, Nays 0; May 19, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Perry</u>	X		
1-9	<u>Springer</u>	X		
1-10	<u>Creighton</u>	X		
1-11	<u>Eckhardt</u>	X		
1-12	<u>Gutierrez</u>	X		
1-13	<u>Johnson</u>	X		
1-14	<u>Kolkhorst</u>	X		
1-15	<u>Powell</u>	X		
1-16	<u>Taylor</u>	X		

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the authorization for certain land applications and  
1-20 disposal of dairy waste.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter C, Chapter 361, Health and Safety  
1-23 Code, is amended by adding Section 361.1215 to read as follows:

1-24 Sec. 361.1215. PERMISSIVE LAND APPLICATION OF DAIRY WASTE.

1-25 (a) In this section, "dairy waste" means milk, milk by-products, or  
1-26 milk processing waste that is spilled, spoiled, adulterated,  
1-27 unmarketable, stranded, or otherwise unfit for human consumption  
1-28 produced by a dairy operation.

1-29 (b) Notwithstanding any other law, the commission shall  
1-30 issue an authorization by rule for land application of dairy waste.

1-31 (c) The commission shall adopt rules governing the land  
1-32 application of dairy waste authorized under this section.

1-33 (d) Rules adopted under Subsection (c) must:

1-34 (1) minimize the risk of water quality impairment  
1-35 caused by the land application; and

1-36 (2) prescribe the conditions under which an  
1-37 authorization is issued, including:

1-38 (A) the duration of the authorization;

1-39 (B) the location of the land application unit;

1-40 (C) the maximum quantity or application rate of  
1-41 dairy waste that may be applied or disposed of under the  
1-42 authorization;

1-43 (D) the suggested agronomic application rate for  
1-44 the dairy waste or other beneficial uses of the dairy waste; and

1-45 (E) best management practices for the handling  
1-46 and disposal of dairy waste.

1-47 SECTION 2. Subchapter B, Chapter 26, Water Code, is amended  
1-48 by adding Section 26.0481 to read as follows:

1-49 Sec. 26.0481. DISPOSAL OF DAIRY WASTE IN RETENTION

1-50 FACILITY. (a) In this section, "dairy waste" means milk, milk  
1-51 by-products, or milk processing waste that is spilled, spoiled,  
1-52 adulterated, unmarketable, stranded, or otherwise unfit for human  
1-53 consumption produced at a concentrated animal feeding operation.

1-54 (b) Notwithstanding any other law and to the extent  
1-55 permitted by federal law, the commission shall adopt rules under  
1-56 this section to allow:

1-57 (1) the disposal of dairy waste from a concentrated  
1-58 animal feeding operation into a control or retention facility,  
1-59 including a lagoon or playa, as that term is defined by Section  
1-60 26.048; and

1-61 (2) the land application by irrigation associated with

2-1 the disposal described by Subdivision (1).

2-2 (c) Rules adopted under Subsection (b) must:

2-3 (1) minimize the risk of water quality impairment  
2-4 caused by:

2-5 (A) the disposal of dairy waste into the control  
2-6 or retention facility; and

2-7 (B) the land application by irrigation  
2-8 associated with the disposal described by Paragraph (A); and

2-9 (2) require best management practices to ensure that  
2-10 the disposal of dairy waste into the control or retention facility  
2-11 does not impair water quality.

2-12 SECTION 3. Not later than March 1, 2022, the Texas  
2-13 Commission on Environmental Quality shall adopt rules necessary to  
2-14 implement Section 361.1215, Health and Safety Code, and Section  
2-15 26.0481, Water Code, as added by this Act.

2-16 SECTION 4. This Act takes effect September 1, 2021.

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