Light on the Legislation
Water

Historical:

Federal Clean Water Act amendments, 1972 – Regulates discharge of pollutants into U.S. Waters; Citizen Suit Provision allows citizens to push issues.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA aka Superfund Statute), 1980 – Party with response cost can recover cost from polluter

HB 3023, Sept. 1, 2001– TCEQ can designate and regulate watershed protection zones when a CAFO is close to a sole-source surface drinking water supply. Texas Water Code 26.0286(b).

TX SB 876, May 27, 2009 – TCEQ must test CAFO's soil and the analyses will be public record. Texas Water Code: Section 26.504, subsections (a) and (b).

HB2827 (passed 77-61, but failed in committee), 2023

***Would have*:**

- **Created a geographic area within TX with less regulatory authority than anywhere else in the state**
- **Removed the need for individual permits for CAFOs, and therefore public notice and the chance for public participation and comment**
- **Repealed aspects of the TMDL, required TMDL rewrite**
- **No more soil testing "3rd party" fields**
- **Required rewrite of the existing general permit**
- **Removed training requirement for farmers**

Watershed still impaired for phosphorous, bacteria, & dissolved oxygen
Dairy headcount in watershed is growing

Current:

Watershed Protection Tax Credit – Franchise tax credit to offset shipping costs for farmers who haul-out manure from an impaired watershed.

HB: 1674 PFAS in fertilizer/soil amendments
HB: 1730 PFAS effects on health

North Bosque River Watershed

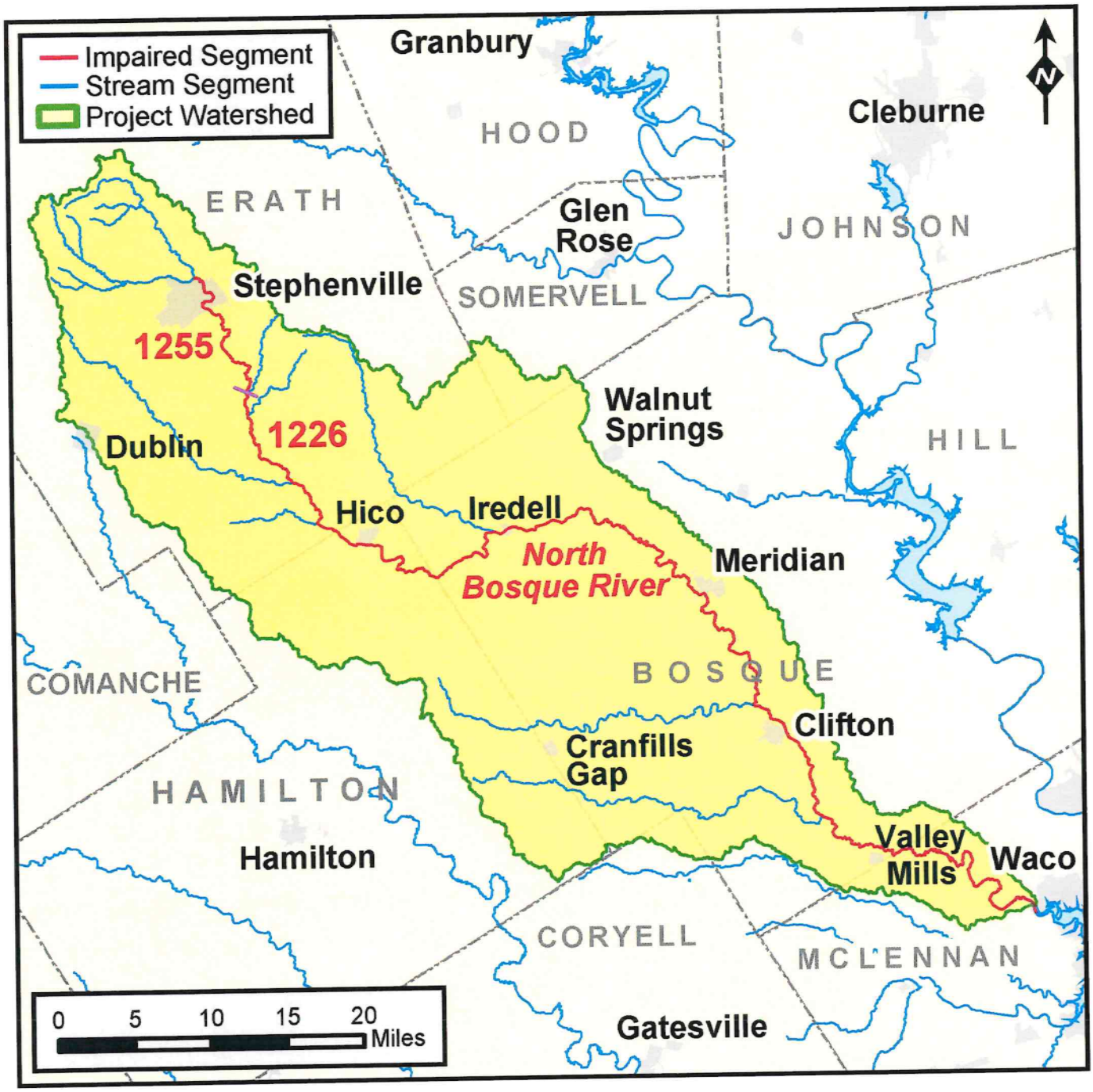


Image 1. The North Bosque River Watershed, which has a Total Maximum Daily Load for Phosphorus (TCEQ, 2021)

Image 2. The North Bosque River in Waco (City of Waco)

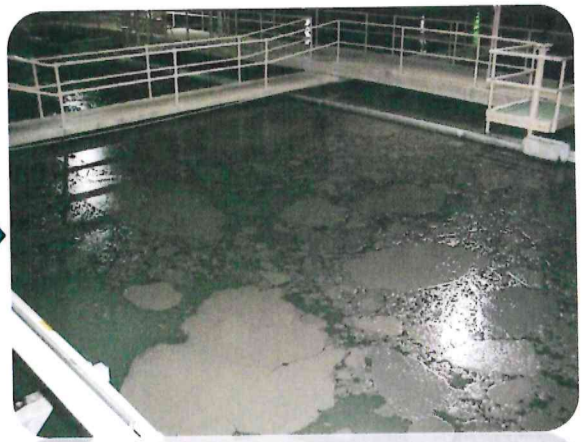
Image credit: mgstudyo, 2019

Image credit: J. Anderson

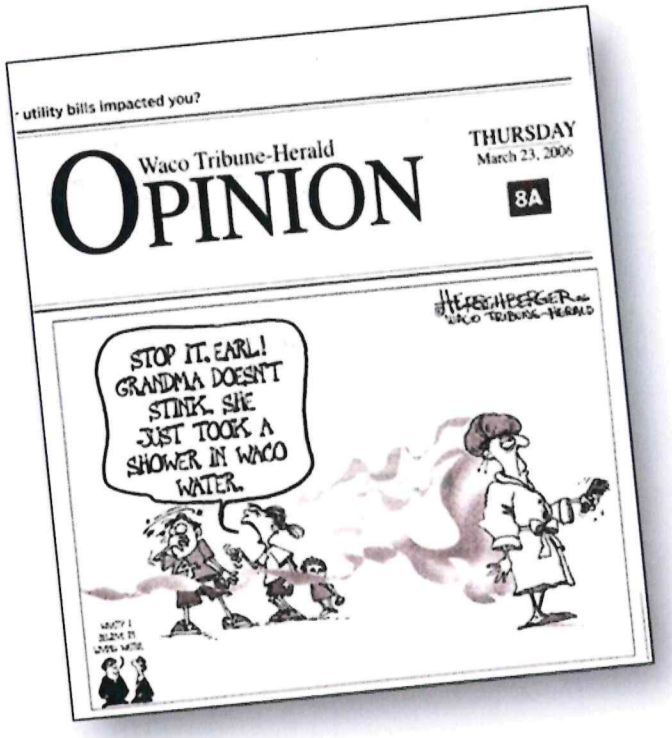
Image credit: K. Ledbetter, 2020

North Bosque algae bloom

Lake Waco algae bloom



Algae bloom in Filtration Basin



utility bills impacted you?

Waco Tribune-Herald

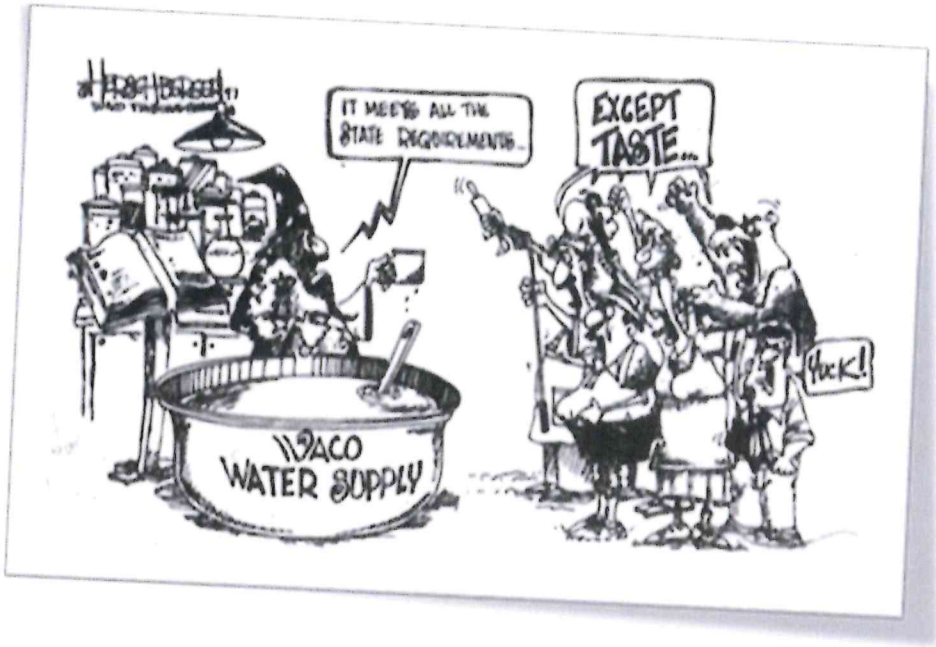
OPINION

THURSDAY
March 23, 2006

8A

HERSCHBERGER
WACO TRIBUNE-HERALD

STOP IT, EARL! GRANDMA DOESN'T STINK. SHE JUST TOOK A SHOWER IN WACO WATER.



IT MEETS ALL THE STATE REQUIREMENTS...

EXCEPT TASTE...

YUCK!

WACO WATER SUPPLY

"There's really not any other option, other than taking all the dairies out of the watershed and waiting another 40 or 50 years."

Dr. Bryan Brooks
Baylor University Water Quality Scientist
Waco-Tribune interview, 2011

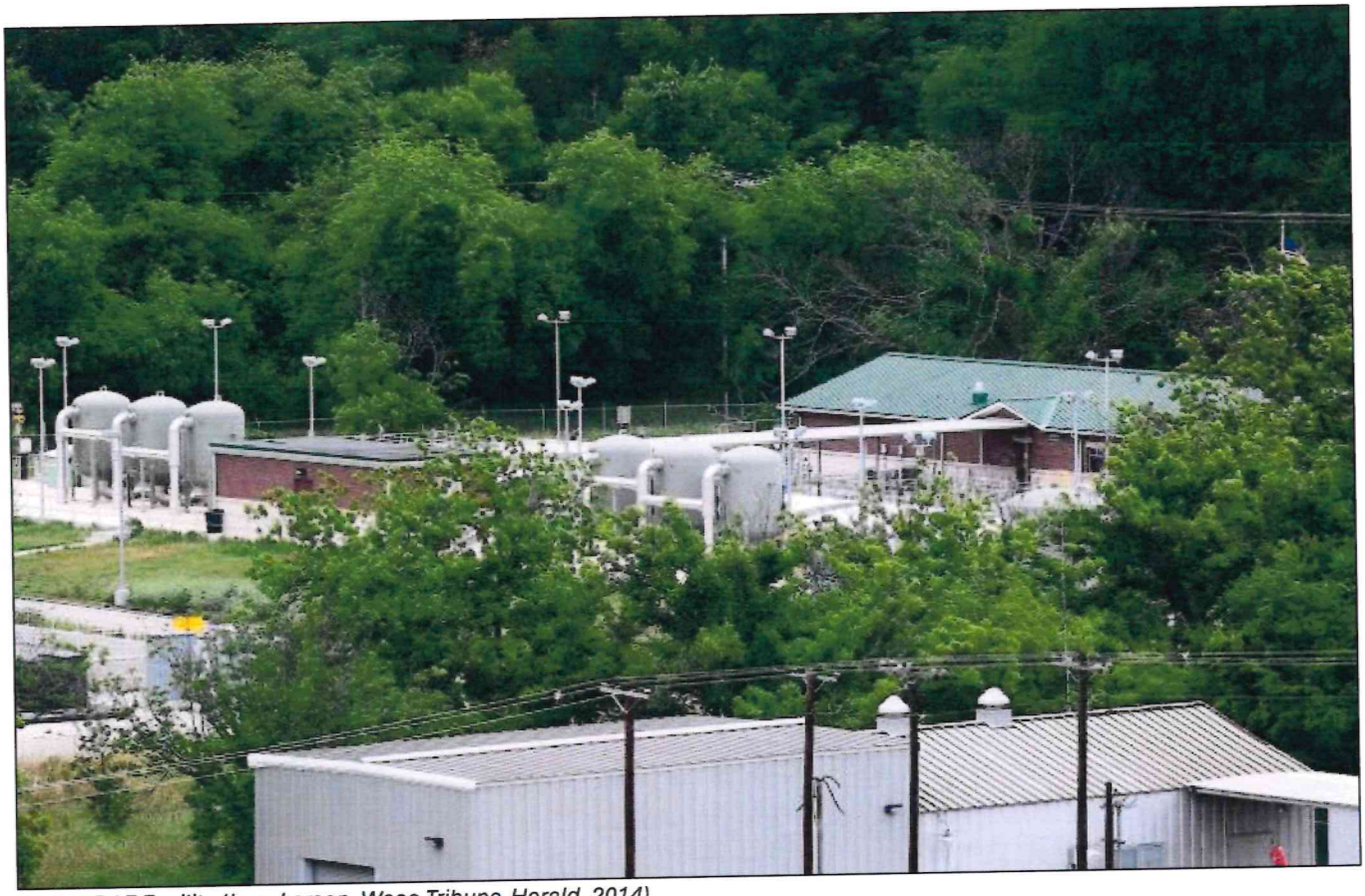


Figure 1. DAF Facility (Jerry Larson, Waco Tribune-Herald, 2014)

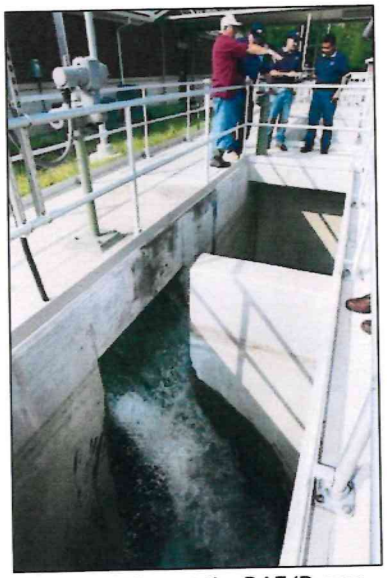


Figure 2. Inflow at the DAF (Duane Laverty, Waco Tribune-Herald, 2011)

Figure 3. Dissolved Air Flotation Cell (City of Waco)

2001 - TMDL Established

"The Total Maximum Daily Load (TMDL) is a technical analysis that:

- determines the maximum loadings of pollutant a water body can receive and still both attain and
  maintain its water quality standards, and
- allocates this allowable loading to point and nonpoint source categories in the watershed." (p.1)

2002 - TMDL Implementation Plan established

The "implementation plan is designed to guide the achievement of reductions in concentrations of phosphorus in the North Bosque and Upper North Bosque River as defined in the adopted TMDLs" (p. 2).

The goal of the North Bosque River TMDLs is to achieve a significant reduction in soluble reactive phosphorus (SRP) annual-average concentrations, as measured in the river at five index sites.

Goals: Annual-average soluble phosphorous concentration reduction of 33-60% depending on site.

Method: *Required* reduction of loading from municipal wastewater treatment facilities. *Voluntary* best management plans (WQMPs and CNMPs) for non-permitted CAFOs. *Voluntary* measures such as reduced P in dairy cow diets, removal of 50% of manure from watershed. *Required* that permitted CAFOs obtain comprehensive nutrient management plans.

Success?

Depends on who you ask. . .