

§201.006. Agriculture Code

Confidentiality of Certain Information

- (a) Except as provided by this section, information collected by the state board or a conservation district is not subject to Chapter 552, Government Code, and may not be disclosed if the information is collected in response to a specific request from a landowner or the landowner's agent or tenant for technical assistance relating to a water quality management plan or other conservation plan if the assistance is to be provided:
 - (1) under this code; and
 - (2) on private land that:
 - (A) is part of a conservation plan or water quality management plan developed cooperatively with the state board or conservation district; or
 - (B) is the subject of a report prepared by the state board or conservation district.
- (b) The state board or a conservation district may disclose information regarding a tract of land to:
 - (1) the owner of the tract or the owner's agent or tenant; and
 - (2) a person other than the owner or the owner's agent or tenant if:
 - (A) the owner or the agent or tenant consents in writing to full or specific partial disclosure of the information; and
 - (B) the consent is attached to each plan or report regarding the tract prepared by the state board or conservation district.
- (c) The state board or a conservation district may disclose, in a manner that prevents the identification of a particular tract of land, the owner of the tract, or the owner's agent or tenant, a summary of information collected by the state board or conservation district regarding:
 - (1) the number of acres of land that are in a particular conservation plan;
 - (2) the number of acres of land that are subject to a particular conservation practice; or
 - (3) other conservation program information.
- (d) The state board or a conservation district shall provide a person with notice regarding this section at the time the person requests technical assistance from the state board or conservation district.
- (e) The state board or a conservation district may disclose information to a law enforcement agency of this state or the United States in compliance with a subpoena for the information.
- (f) The state board or a conservation district may disclose information relating to water quality complaints or compliance failures to the Texas Natural Resource Conservation Commission under Section 201.026.
- (g) The state board or a conservation district may disclose to the attorney general information relating to a breach of contract.
- (h) The state board or a conservation district may not be held liable for damage caused by a violation of this section.
- (i) A reference in this section to the state board or a conservation district includes an officer, employee, or agent of the state board or conservation district.

Added by Acts 1997, 75th Leg., ch. 410, Sec. 1, eff. Sept. 1, 1997.

Section 201.026(c). Agriculture Code

(c) In an area that the state board identifies as having or having the potential to develop agricultural or silvicultural nonpoint source water quality problems or an area within the "coastal zone" designated by the Coastal Coordination Council, the state board shall establish a water quality management plan certification program that provides, through local soil and water conservation districts, for the development, supervision, and monitoring of individual water quality management plans for agricultural and silvicultural lands. Each plan must be developed, maintained, and implemented under rules and criteria adopted by the state board and comply with state water quality standards established by the Texas Natural Resource Conservation Commission. The state board shall certify a plan that satisfies the state board's rules and criteria and complies with state water quality standards established by the Texas Natural Resource Conservation Commission. The Texas Natural Resource Conservation Commission has the sole and exclusive authority to set water quality standards for all water in the state.

Section 26.121(a)(2) Water Code

- (a) Except as authorized by the commission, no person may:
 - (1) discharge sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state;
 - (2) discharge other waste into or adjacent to any water in the state which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any of the water in the state, unless the discharge complies with a person's:
 - (A) certified water quality management plan approved by the State Soil and Water Conservation Board as provided by Section 201.026, Agriculture Code; or
 - (B) water pollution and abatement plan approved by the commission; or
 - (3) commit any other act or engage in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any water in the state, unless the activity is under the jurisdiction of the Parks and Wildlife Department, the General Land Office, the Department of Agriculture, or the Railroad Commission of Texas, in which case this subdivision does not apply.