



TEXAS STATE SOIL & WATER CONSERVATION BOARD

Protecting and Enhancing Natural Resources for Tomorrow

TEXAS SENATE BILL 1693

OVERVIEW

The 81st Texas Legislature passed Senate Bill 1693 which went into effect on September 1, 2009. This law amended the Texas Water Code and the Health & Safety Code to address the issue of nuisance odors created by poultry farms and land application of poultry litter. The law has 5 basic requirements as follows:

- ◆ COMPLAINT INVESTIGATIONS
- ◆ ODOR CONTROL PLANS
- ◆ RECORD KEEPING
- ◆ TRAINING FOR ODOR PREVENTION
- ◆ RULES FOR SITING NEW CONSTRUCTION

COMPLAINT INVESTIGATIONS

The Texas Commission on Environmental Quality (TCEQ) must investigate within 18 hours:

- a second complaint against a poultry facility concerning odor associated with:
 - the facility OR;
 - land application of poultry litter by the poultry facility;
- a complaint concerning odor from a poultry facility at which the TCEQ has substantiated odor nuisance conditions in the previous 12 months.

If the investigation finds a violation of the facility's air quality authorization or an odor nuisance, the TCEQ must issue a Notice of Violation (NOV).

RULES FOR SITING NEW CONSTRUCTION

The law requires the TSSWCB to write rules to establish criteria to determine whether a persistent nuisance odor condition is likely to occur when assessing the siting and construction of new poultry facilities. *The criteria were developed by TSSWCB, TCEQ, Texas AgriLife Extension, and USDA-NRCS. The poultry rules are available on the TSSWCB website or from a TSSWCB office.*

TRAINING FOR ODOR PREVENTION

The owner or operator of a new poultry facility shall complete a poultry facility training course on the prevention of poultry facility odor nuisances from the poultry science unit of the Texas AgriLife Extension Service not later than the 90th day after birds are first placed on-farm. Extension may charge a fee for the course.

ODOR CONTROL PLANS

- If TCEQ issues 3 odor NOVs to a poultry facility within a 12-month period, the facility must enter into a comprehensive compliance agreement with TCEQ, which must include an odor control plan TCEQ determines is sufficient to control odors.
- The TSSWCB may not certify a Water Quality Management Plan for a new poultry facility (or one expanding more than 50%) located less than ½ of one mile from a business, off-site permanently inhabited residence, or a place of worship if the presence of the facility is likely to create a persistent odor nuisance for such neighbors [as determined by the TSSWCB rules], unless the facility provides an odor control plan approved by TCEQ.
- *An example odor control plan has been approved by TCEQ and is available from TSSWCB.*
- *TSSWCB rules allow an option to not obtain an odor control plan if a consent form is provided by all neighbors with ½ of one mile of the facility.*

RECORD KEEPING

- Those owners or operators required to take the odor prevention training course must maintain records of the training.
- A poultry facility must maintain for 2 years records of sale or transfer of poultry litter regarding:
 - ◆ identity of the purchaser or applicator;
 - ◆ physical destination of the poultry litter;
 - ◆ date the poultry litter was removed from the poultry facility; and
 - ◆ number of tons of poultry litter removed.
- A person that purchases or obtains poultry litter for land application must maintain for 2 years a signed and dated proof of delivery document for every load of poultry litter land applied and the date(s) it was land applied (*does not apply to litter taken to a composting facility, used as bio-fuel, used in bio-gasification, or otherwise beneficially used without being land applied*).
- All of these records are subject to inspection by TCEQ upon their request.

For information on Water Quality Management Plans, rules pertaining to poultry farms, or to obtain an example Odor Control Plan, contact:



POULTRY PROGRAM

POULTRY PROGRAM OFFICE

2200 NW Stallings Dr., Suite 102
Nacogdoches, TX 75964
(936) 462-7020

CENTERVILLE POULTRY OFFICE

1028 E. Frontage Rd.
Centerville, TX 75833
(936) 245-9027

GONZALES POULTRY OFFICE

920 St. Joseph St., Rm. 132
Gonzales, TX 78629
(830) 672-6541

DUBLIN REGIONAL OFFICE

611 East Blackjack
Dublin, TX 76446
(254) 445-4814

MOUNT PLEASANT REGIONAL OFFICE

1809 West Ferguson, Suite B
Mount Pleasant, TX 75455
(903) 572-4471

WHARTON REGIONAL OFFICE

1120 Hodges Lane
Wharton, TX 77488
(979) 532-9496

www.tsswcb.texas.gov/poultry

For information on Odor Prevention Training Course, contact:



POULTRY SCIENCE DEPARTMENT
107 Kleberg Center
2472 TAMU
College Station, Texas 77843-2472
(979) 845-4319

Submit Odor Control Plans to:



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Air Section Manager at Regional Office for your area:

Region 5
2916 Teague Dr.
Tyler, TX 75701
(903) 535-5100

Region 9
6801 Sanger Ave., Ste. 2500
Waco, TX 76710
(254) 751-0335

Region 10
3870 Eastex Frwy.
Beaumont, TX 77703
(409) 898-3838

Region 14
NRC Bldg., Ste. 1200
6300 Ocean Dr., Unit 5839
Corpus Christi, TX 78412
(361) 825-3100

See TCEQ Regional Office List and Map for the office that serves your county