

Texas State Soil & Water Conservation Board

Reference Guide

For a water quality management program to
address agricultural and silvicultural
nonpoint source pollution



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“The Texas State Soil and Water Conservation Board is the lead agency in Texas for activity relating to abating agricultural and silvicultural nonpoint source pollution.”

73rd Texas Legislature



The water quality management plan certification program created by Senate Bill 503 of the 73rd Legislature in 1993 provides agricultural and silvicultural producers the opportunity to comply with state water quality laws through traditional, voluntary, incentive-based programs.

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Texas State Soil & Water Conservation Board

Guidance Document – Water Quality Management Program

For Agricultural and Silvicultural Nonpoint Source Pollution

Nonpoint Source Pollution (NPS) as Defined by the Texas Administrative Code

Nonpoint Source (NPS) pollution is caused by diffuse sources that are not regulated as point sources. NPS pollution is normally associated with runoff from agricultural, silvicultural, urban, and construction activities.

Such pollution is the result of human-made or human-induced alteration of the chemical, physical, biological and radiological integrity of water. In practical terms, nonpoint source pollution does not result from a discharge at a specific, single location (such as a single pipe) but generally results from land runoff, precipitation, atmospheric deposition, or percolation.

Pollution from nonpoint sources occurs when the rate at which pollutants enter water bodies or groundwater exceeds natural rates, or total loadings exceed natural loadings.

Causes of NPS Pollution

Possible nonpoint source pollutants associated with agricultural and silvicultural activities include *nutrients, pesticides, organic matter, sediment and bacteria*.

These pollutants may be transported to surface waters in solution with runoff water or adsorbed on eroded soil particles.

The primary concern about agricultural and silvicultural nonpoint source impacts on groundwater relates to the use of pesticides and nutrients and the potential leaching of these compounds into groundwater through avenues such as abandoned and improperly constructed wells or through naturally occurring hydrologic connections.

Agriculture as Defined By the Texas Administrative Code

Agricultural Activities Include:

- Crop Production
- Aquaculture
- Floriculture
- Horticulture
- Livestock Production
- Poultry Production
- Pasture and Hayland Management
- Range/Wildlife Management
- Viticulture

Silviculture as Defined by the Texas Administrative Code

Silviculture Includes:

- Natural or planted afforestation.
- Controlling, suppressing or culling unwanted woody or herbaceous vegetation in a forested area.
- Constructing and maintaining roads and fire lanes.
- Operating facilities for harvesting, handling and removing timber products from growing sites.
- Establishing and maintaining strips or belts of trees for wildlife habitat.
- Propagation and culture of tree seedlings, tree saplings and Christmas trees.
- Establishing and maintaining windbreaks and riparian buffers.
- Establishing, nurturing, protecting and enhancing the desired tree growth for human and wildlife benefit.

Animal Feeding Operations

Animal feeding operations (AFOs) may be designated as point or nonpoint sources depending on size, location and other considerations. For the purposes of this guide, all AFOs not required to obtain a permit from the Texas Commission on Environmental Quality (TCEQ) will be considered nonpoint source. Those AFOs requiring a permit are Concentrated Animal Feeding Operations (CAFOs). For

numbers of animals that automatically make an operation a CAFO refer to Title 30, Texas Administrative Code, Chapter 321, Subchapter B, most recent revision.

Dry-litter poultry CAFOs may qualify as nonpoint sources in accordance with Chapter 321 and are not required to obtain a permit from TCEQ. Such operations must operate according to Chapter 321 rules and the requirements of the Poultry WQMP Program and are subject to annual inspections by TSSWCB (see page 8)



Problem Area Identification

On its own petition or on the petition of a soil and water conservation district (SWCD), the Texas State Soil and Water Conservation Board (TSSWCB) may designate an area having the potential to cause agricultural or silvicultural nonpoint source water pollution problems.

The TSSWCB identified AFOs as a potential problem statewide. All SWCDs can assist AFOs to develop Water Quality Management Plans (WQMPs).

The TSSWCB continually evaluates watersheds for inclusion as a priority area for all agricultural activities.

Priority areas may be designated based on the following criteria:

- Data and information submitted by SWCDs;
- Studies conducted by the TSSWCB or SWCDs;
- Assessments, special studies and programs and research conducted relative to surface and underground water quality;
- Guidelines developed and promulgated by the TSSWCB.

The TSSWCB maintains a list of priority watersheds as a part of its management program activities under section 319 of the federal Clean Water Act. This list contains watersheds with the most severe agricultural/silvicultural nonpoint source pollution concerns facing the state at any given time. Identification of priority watersheds is based on an assessment prepared by the State pursuant to the federal Clean Water Act, Section 106, 303d, 305b, 314, and 319; the Coastal Zone Act Reauthorization Amendment (CZARA), Section 6217; the National Estuary Program; the Federal Insecticide, Fungicide and Rodenticide Act; the Texas Water Code, Section 26.0135; the Texas Clean Rivers Program and data and information collected or obtained by other local, state or federal government entities.

It is from the list of priority watersheds that water quality management program areas are identified. In addition, the designated "Coastal Management Zone" is also a program area for the TSSWCB. SWCDs with nonpoint source concerns that they would like to see addressed under the WQMP program should first work with the TSSWCB to assure their problems or concerns are identified as priority watersheds. Once a problem area is on the list of priority watersheds, it may be considered by the TSSWCB for inclusion into the WQMP cost-share program. SWCDs not included in a priority area are also eligible to request cost-share on a case-by-case, plan-by-plan basis by writing to the TSSWCB and requesting such assistance for each producer with a certified WQMP for eligible practices needed to implement the WQMP.

Allocation of Resources

Allocation of resources will be based on priority considerations. In allocating program resources, the TSSWCB will consider the following:

1. Known Problems -- Where the TSSWCB has determined that adequate data show the existence of a water quality problem caused by agricultural or silvicultural nonpoint sources and in the state designated coastal management zone.
2. Potential Problems -- Where the TSSWCB has determined that the intensity and location of certain agricultural and silvicultural activities requires program implementation to prevent pollution problems caused by agricultural and silvicultural nonpoint source activities.
3. Corrective Action Plans -- When the TSSWCB has determined that implementation of specific measures is necessary to abate a problem identified in a complaint investigation.
4. Economic impact on producers.

5. Benefits to water quality.

Water Quality Management Plans (WQMP) Defined

A WQMP is a *site-specific plan for agricultural or silvicultural lands developed through and approved by SWCDs*. It includes appropriate land treatment practices, production practices, management measures, technologies or combinations thereof. The plan is to achieve a level of pollution prevention or abatement determined by the TSSWCB in consultation with the local SWCD to be consistent with state water quality standards. This will be achieved by developing and implementing plans that meet or exceed the resource quality criteria for water quality at the Resource Management System level of treatment as defined in the NRCS-Field Office Technical Guide (FOTG).

Process for Obtaining a WQMP

A landowner or operator may request the development of a plan through his/her local SWCD.

The SWCD will determine the priority of plan development and subsequently cause the development and approval of the plan.

A landowner or operator may appeal SWCD decisions relative to practices and practice standards to the TSSWCB in the manner prescribed by the TSSWCB.

When approved, the SWCD submits the plan to the TSSWCB. The TSSWCB then certifies the plan if it is consistent with state water quality standards.

Producers following their certified WQMPs are considered compliant with state water quality laws.



Texas State Soil & Water Conservation Board
Revised September 1, 2010

Establishment of Practice Standards

Practice Standards will be based on specific local conditions.

Practice standards will be those included in the *NRCS Field Office Technical Guide*; however, modification of those practice standards to ensure consistency with state water quality standards and the state agricultural and silvicultural nonpoint source management program will be made as necessary.

Practice standards will be developed in conjunction with the local SWCD and with assistance and advice of the USDA-Natural Resources Conservation Service (NRCS), Texas AgriLife Extension Service, Texas Forest Service, Texas Agricultural Experiment Station, TCEQ, any local underground water conservation district and others as determined to be needed by the TSSWCB.

Implementation Schedule

A WQMP must contain an implementation schedule.

As far as practicable, it shall balance the State's need for protecting water quality with the need of agricultural and silvicultural producers to have sufficient time to implement practices in an economically feasible manner.

Highest priority will be given to the implementation of the most cost effective and most needed pollution abatement practices.

The TSSWCB, in consultation with affected SWCDs, will conduct status reviews of the implementation of selected WQMPs.

The TSSWCB, in consultation with the local SWCDs, may withdraw certification of a water quality management plan that is not being implemented in accordance with its schedule. Prior to certification being withdrawn, a landowner will be notified and provided a reasonable period of time to implement the water quality management plan according to the schedule or a modified schedule approved by the SWCD.

The holder of a certified water quality management plan shall notify the local SWCD in the event he or she deviates from the implementation schedule.

Water Quality Standards

Development, approval, and certification of water quality management plans will be based on...

Available Technology -- presented in the NRCS Field Office Technical Guide;

Water Quality Standards -- established by TCEQ.

Requirements for WQMP

SB 503 of the 73rd Legislature provides for the development and certification of WQMPs. These plans are site specific plans for agricultural or silvicultural lands which include appropriate land treatment practices, production practices, management measures, technologies or combinations thereof.

When implemented they are to achieve a level of pollution prevention or abatement determined by the TSSWCB, in consultation with the local SWCD and TCEQ, to be consistent with state water quality standards. Conservation planning and implementation at the RMS level of treatment for water quality accomplishes this. To be certified, a WQMP must cover all lands that constitutes an operating unit for agricultural or silvicultural purposes.

A WQMP must contain an implementation schedule. The legislature gave responsibility for this program to the TSSWCB and SWCDs, in part, because it wanted the implementation schedule, as far as is practicable, to balance the State's need for protecting water quality with the needs of agricultural and silvicultural producers to have sufficient time to implement practices in an economically feasible manner. No other entity is more qualified to make this determination than a SWCD. This places tremendous responsibility on SWCDs, because these types of decisions require judgment and local knowledge.



Consideration must be given to local conditions and economy and must place appropriate importance on protecting the state's water resources.

TSSWCB policy requires that a WQMP cover an operating unit before it is eligible for certification. The intent of the TSSWCB is that, when a WQMP is certified and implemented, it will protect water quality to a degree consistent with the state's water quality standards. Certification by the TSSWCB affords the producer certain protections under state law in that it holds the same status as a discharge permit. It is important that certified WQMPs do what they are intended to do and protect water quality consistent with state standards.

To do that, all unpermitted activities on an agricultural or silvicultural operation must be addressed. The term operating unit is used by the TSSWCB to assure that a farm or ranch with a certified plan is meeting the state's water quality requirements with all its activities. Therefore, the policy includes a requirement that a plan include the entire operating unit. There is an element of judgment involved in making determinations as to whether or not a plan covers an operating unit. Again, no other entity is better equipped to make such decisions than a SWCD. The SWCD confirms that a plan includes an operating unit with its approval of the plan. The SWCD should approve the operating unit when Request for Planning Assistance is approved.

Setting Priorities

The SWCD should establish priorities for water quality management planning assistance.

In assigning priorities for plan development or plan modification, the law requires that water quality considerations are the primary factor in determining priorities. Priority assignments for water quality purposes should be included as part of the SWCD's ongoing priority determination for conservation programs within its boundaries and should address the TSSWCB determination of priority activities.

Request for Assistance

The first step in the water quality planning process is when a producer requests assistance from the SWCD to obtain a WQMP. The producer should fill out a "Request for Water Quality Management Planning Assistance," form (*TSSWCB001). If the producer is not already a cooperator with the SWCD, a SWCD cooperator agreement should be executed at this time. The producer may also indicate interest in cost-share. Operations required to have a permit

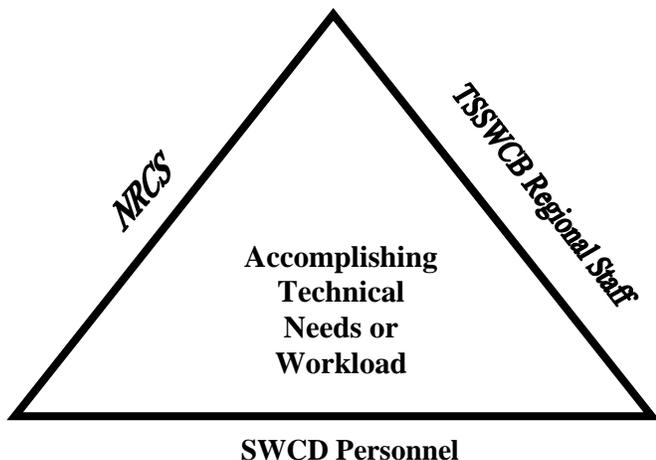
with TCEQ (CAFO's), other than poultry, are not eligible for participation in the WQMP program.

Each request for planning assistance will be assigned a three-digit number representing the sequential order in which the planning requests are received. When a WQMP is developed, the plan will be numbered as follows:

- An eight digit number scheme in the format of xxx-xx-xxx will be utilized.
- The first three digits will be the SWCD number.
- The middle two digits will reflect the fiscal year in which the resulting plan is certified. *If the year of certification is doubtful at the time the plan is completed, this segment of the number may be left blank until the plan is certified.*
- The last three digits will be the same as the number of the request for planning assistance.

The SWCD, within its priority system, may then cause plan development to begin. Depending on technical needs and workload, the plan development may be accomplished by the local NRCS, TSSWCB regional office personnel and/or SWCD personnel.

**Form TSSWCB001 is included in the Appendix B of this Reference Guide.*



Note: A cooperators may get an outside party to develop the plan then submit the WQMP to the local SWCD and NRCS for technical review.

Approval and Certification Process

The TSSWCB adopted the NRCS Field Office Technical Guide as the criteria applicable for water quality management plans. This guide is specifically tailored for the geographic area of each SWCD. The Field Office Technical Guide contains technical information such as:

- Important conservation considerations for natural resources;
- Quality criteria and treatment levels;
- Conservation management system guide sheets by land use;
- And practice standards and specifications.

Each SWCD annually reviews and adopts the Technical Guide as the criteria for use within the SWCD. Both the TSSWCB and SWCDs are involved in the development and maintenance of the Technical Guide.

In the same fashion as a conservation plan, SWCD approval of a WQMP should be based on conformity with the technical guide and adherence to its priorities and policies. Certification of conformity with the technical guide will normally be made by the authorized NRCS representative. WQMP Certification form (*TSSWCB004) should be signed by the applicant, authorized NRCS representative and SWCD. After SWCD approval, two originally signed copies of the form are to be sent to the TSSWCB regional office, along with two copies of the plan. Plans are sent to the TSSWCB regional offices to be reviewed for final certification. Once certified, the producer has a plan that meets the state's goals for water quality as per Section 26.121 of the Texas Water Code.

The TSSWCB will then return both copies of the plan to the SWCD with signature sheets completed. The producer should be given his or her copy of the certified WQMP. The SWCD should retain a copy in its regular files. The TSSWCB does not keep plans on file except for those developed for dry-litter poultry CAFOs.

**Form TSSWCB004 is included in the Appendix B of this Reference Guide.*



Modifications

A WQMP must be modified when land use changes are made, significant areas of land are added or deleted, or other changes occur where modification of the plan becomes necessary to maintain consistency with a producer's operation.

Minor modifications that can be accomplished by pen and ink changes include:

- a. Slight adjustments in the implementation schedule that do not change the effectiveness of the plan;
- b. Modification of components needed to complete a planned practice measure; or
- c. Corrections to acres in a field.

Modifications that will require recertification include:

- a. The addition or deletion of significant acreage, such as the acquisition of new land that will be managed as part of the operating unit covered by the certified WQMP or the loss of significant acreage covered by the certified WQMP;
- b. Alteration of planned permanent practice measures including the addition or deletion of such; and
- c. A land use change of any part of the operating unit.
- d. A change of ownership or producer.

When pen and ink changes are made, a copy of the conservation plan of operation (CPO) pages on which the changes were made must be sent to the TSSWCB regional office for review. With the plans being on the computer, it is sometimes easier to make the correction at the SWCD and print a new CPO. When changes are documented in this manner, the procedure for recertification should be followed.

Recertification can be accomplished as follows:

- a. Print the revised CPO.
- b. Revise the plan map if needed.
- c. Prepare two copies of the Revised Certification form (*TSSWCB 004) with a brief narrative at the top of the form explaining the changes being made followed by signature and date spaces for representatives of each of the four entities signing the original plan certification form. Have the cooperator, authorized NRCS representative, and the SWCD sign and date both copies of the Revised Certification form.

- d. Send a copy of the revised CPO and both copies of the signed Revised Certification form to the TSSWCB regional office.



- e. The Revised Certification form will be signed by the regional manager and returned to be filed immediately in front of the original certification form in each copy of the plan.

It is recommended that the replaced CPO be retained in the SWCD copy of the plan. It can be filed behind the new CPO and marked as having been revised.

**The form TSSWCB 004 is included in the Appendix B of this Reference Guide.*

Plan Development

The TSSWCB requires that WQMPs meet resource management system standards as defined in the FOTG. The NRCS National Planning Procedures Handbook will also be used to set standards for planning requirements and plan content.

Criteria to Consider in Planning a WQMP

1. Cover the entire operating unit.
2. Include essential practices applicable to the land use planned:

Cropland--	Conservation Crop Rotation and Residue Management (No-Till and Strip Till, Mulch Till, Ridge Till or Seasonal).
Hayland--	Forage Harvest Management.
Rangeland--	Prescribed Grazing and first water facility.

Pastureland-- Prescribed Grazing and first water facility.

3. Include Nutrient Management when nutrients are applied.
4. Include Pest Management when pesticides are applied.
5. Include applicable practices to properly handle animal waste and mortality when an animal feeding operation is involved.
6. Include Waste Utilization when agricultural wastes are applied.
7. Include Irrigation Systems and Irrigation Water Management when irrigated land is involved.
8. Include erosion control measures to bring soil loss to tolerance levels established for each soil.
9. Include erosion control to treat other forms of erosion according to quality criteria in the FOTG.
10. Include other practices to meet site concerns for a RMS.

Items to be Included in a WQMP

1. SWCD cooperator agreement.
2. Request for WQMP planning assistance.
3. Soil Map with appropriate interpretations.
4. Conservation Plan Map showing boundaries, fields, land use and acres, facilities, etc. Other appropriate maps will be added depending on type of plan.
5. Location Map (Optional)
6. A narrative record of decisions (CPO) using appropriate forms. Narratives should be developed for each identified practice that is needed for a WQMP.
7. Implementation Schedule (month/year practices are to be applied in proper sequence).
8. Worksheets used during the inventory or planning phases: waste utilization/nutrient management plan, forage inventories, grazing plans, erosion worksheets, engineering notes and designs, planning notes, etc.
9. Environmental evaluation. (As required for NRCS technical assistance.)
10. Signature Sheet. (Original signatures of Cooperator, NRCS, SWCD, TSSWCB.)
11. Conservation assistance notes.

Sequence of WQMP Development

The sequence of events in the planning process is as follows:

1. The participant requests planning assistance.

2. The SWCD approves this request and sets a planning priority.
3. The plan is developed.
4. The producer's signature is to be entered after he has reviewed the completed WQMP document and agrees that it is what he intends to do.
5. The authorized NRCS representative will certify that the WQMP complies with the technical guide requirements for an RMS.
6. The SWCD then confirms that the entire operating unit is included and approves the WQMP as meeting their program, plan and priorities.
7. The SWCD submits the plan to the TSSWCB regional office for review and certification.

The dates on all forms should reflect that the correct planning sequence has been followed.

WQMP Status Review

The purpose of the WQMP Status Review is to verify that implementation and maintenance of the practices scheduled in certified WQMPs are current and to determine if plan modifications are needed. The implementation schedule should balance the state's need for protecting water quality with producer's need to have sufficient time to implement practices in an economically feasible fashion.

All certified WQMPs will be subject to a WQMP Status Review at the end of one full year following plan certification.

WQMP Status Reviews will be conducted on certified plans each year. The review will be done on the farm or ranch covered by the plan.

Plans on which WQMP status reviews are to be made will be selected by the TSSWCB regional offices based on the priority issues in each area (i.e. AFOs, Total Maximum Daily Load [TMDL], etc.).

The staff of the TSSWCB or qualified SWCD personnel will conduct WQMP Status Reviews. Each WQMP Status Review should be made with the producer or his/her representative present. Local SWCD directors and NRCS personnel will be invited to attend and participate in the review. Arrangements for the review will be made in advance with the producer, the applicable SWCD and authorized NRCS representative.

During the WQMP Status Review, the progress in applying the practices in the plan, the condition of existing practices and the need for follow-up assistance will be observed and

noted. The results will be recorded on the Water Quality Management Plan Status Review form (*TSSWCB005). Copies of the completed form will be provided to the producer and the local SWCD for filing in the applicable WQMP. The original will be filed in the TSSWCB regional office.

All items determined during the review to need corrective action will be discussed with the local SWCD. If it is determined that corrective action is required, the producer will be advised and plans will be developed to enable him/her to remain in compliance with their plan. Results of follow up assistance will be documented on Record of Follow Up Assistance Water Quality Management Plan Status Review form (*TSSWCB006).

In situations where the producer is unable or is unwilling to take steps to correct items needing correction, the SWCD should take the following action:

- a. Establish a time frame for the holder of the plan to meet the requirements established in their WQMP.
- b. Notify the holder of the plan of the deadline explaining that failure to meet the requirements of the plan can result in decertification of the plan. This notice should be delivered by certified mail to establish the beginning of the allowed time frame.
- c. If the holder of the plan fails to meet the established time frame, the SWCD should request that the TSSWCB decertify the plan. This request should be in a letter form.
- d. If the decertified plan is on an AFO, the TSSWCB is required to notify TCEQ.

**Forms TSSWCB005 and TSSWCB006 are included in the Appendix B of this Reference Guide.*

CAFO Inspections for Dry-Litter Poultry Farms

All poultry farms that meet the definition of a Concentrated Animal Feeding Operation (CAFO) as defined in Title 30, Texas Administrative Code, Chapter 321, Subchapter B, are subject to annual inspections. Those dry-litter poultry farms that operate under a WQMP and choose not to obtain permit coverage from TCEQ will be inspected by TSSWCB staff. The inspection form used by TSSWCB is found in Appendix B of this guide.

Complaint Resolution

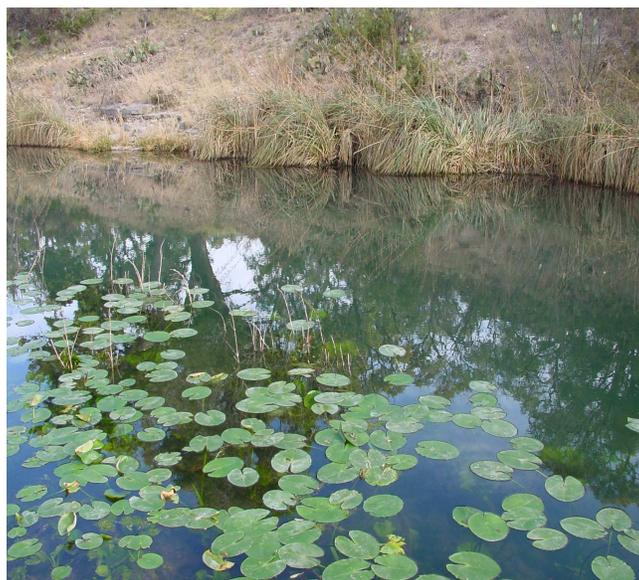
Refer to Appendix D

Administration of Cost-Share Program

General Purpose

The purpose of this program is to provide the needed incentive to landowners or operators for the installation of soil and water conservation land improvement measures consistent with the purpose of controlling erosion, conserving water, and/or protecting water quality.

The intent of the WQMP Program is to see WQMPs developed and implemented permanently. Cost-share assistance is intended as an incentive and not the driving force behind the program. It is the policy of the TSSWCB to cost-share on the basis of actual cost not to exceed the average cost.



Responsibilities of the TSSWCB

1. Establish a procedure to allocate funds to designated SWCDs for their use in cost-share assistance.
2. Establish conservation practice(s) eligible for cost-share and their standards, specifications, maintenance and expected life.
3. Establish the maximum cost-share rate for conservation practice(s) approved for cost-share.

4. Review average costs developed annually by the SWCDs.
5. Establish the maximum cost-share assistance that an eligible person may receive under the program in any one year.
6. Perform clerical, administrative and record keeping responsibilities required for carrying out the cost-share program.
7. Receive and maintain monthly reports from SWCDs showing the unobligated balance of allocated funds as shown on each ledger at the close of the last day of each month.
8. Receive requests for reallocated funds and funds reverted from participating SWCDs
9. Act on appeals filed by applicants.
10. Process vouchers and issue warrants for cost-share to eligible recipients.

Responsibilities of the SWCD

1. Designate, from TSSWCB approved list, those conservation treatment measures that will be eligible for cost-share in their SWCD.
2. Establish SWCD maximum cost-share rates not to exceed maximum set by TSSWCB.
3. Develop the SWCD's average cost of practices and practice components for each practice for each program year.
4. Establish annually the maximum amount of cost-share available to each applicant.
5. Administer the cost-share program within the funds allocated by the TSSWCB.
6. Establish, under guidelines of the TSSWCB, the priority system to be used for evaluation for applications.
7. Establish the period(s) of time for accepting applications and announce the cost-share program locally.
8. Accept, prioritize and process cost-share applications.
9. Keep accurate records and logs. *
10. Determine eligibility of lands and persons for cost-share assistance under guidelines established by the TSSWCB.
11. Notify applicants of the SWCD's decision on approval of application.
12. File approved application in the SWCD's copy of the applicant's WQMP.
13. Obligate allocated funds for applications receiving final approval within SWCD boundaries.
14. Provide or arrange for technical assistance to applicants, or approve applicant and provide for an alternate source of technical assistance.

15. Certify completed conservation practice(s) to the TSSWCB prior to payment.
16. Submit required reports on the obligated balance of allocated funds and on accomplishments to the TSSWCB. Route through servicing regional office.
17. Route all cost-share forms and documents through the regional office and copy regional office on any correspondence related to cost-share.

*Record keeping Guidance and Suggested Application and Obligation Logs are included in Appendix C of this Reference Guide.

Allocation of Funds

The TSSWCB may allocate funds appropriated from the general revenue fund and other sources for cost-share assistance among particular SWCDs or among areas of the state for land improvement measures and may adjust such allocations through the year as available funds and SWCD needs and priorities change in order to achieve the most efficient use of state funds.

The TSSWCB may designate a portion of the funds allocated to a SWCD to reimburse the SWCD for obligations incurred in administering the cost-share program. These administrative funds will automatically be sent to the SWCD upon the TSSWCB's acknowledgement of the obligation of funds. The SWCD does not have to request administrative funds.

Annually, the TSSWCB will make a determination about cost-share allocation based upon extent of program area, seriousness of nonpoint source pollution concerns and available cost-share funds. Eligible SWCDs will receive notification of their cost-share allocation by letter from the servicing TSSWCB regional office. Upon receipt of a letter, the SWCD must request the allocation of cost-share funds from the TSSWCB regional office by letter.

Request for Allocation

The SWCDs within areas designated for the cost-share program must submit to the TSSWCB a written request for their cost-share fund allocation. The request should be accompanied by the SWCD's approved practice list, the average cost of all practices and components of practices to be cost-shared, the maximum amount per applicant and maximum rate established for the fiscal year for which the allocation is requested.

Approval for Allocation

The TSSWCB shall consider and approve, reject or adjust the SWCD's request for allocation, giving consideration to relative need for funding, SWCD's workload and fund balances, as well as other information deemed necessary by the TSSWCB. Only SWCDs for which the TSSWCB has established an allocation are eligible to claim cost-share funds.

Eligibility for Cost-Share Assistance

Cost-share assistance funds may be allocated only:

To An Eligible Person -- Any individual, partnership, administrator for a trust or estate, family-owned corporation, or other legal entity who as an owner, lessee, tenant, or sharecropper, participates in an agricultural or silvicultural operation within a SWCD.

For Eligible Purposes -- Those conservation practice(s) included in a certified WQMP and determined by the SWCD to be needed to:

- a. Improve water quality and/or quantity and/or;
- b. Reduce erosion.

On Eligible Land -- Land within the state that is privately owned by an eligible person. Land leased by an eligible person over which the SWCD determines the applicant has adequate control to implement the WQMP, and which land is utilized as part of the applicant's conservation operating unit.

Ineligible Land -- Allocated funds shall not be used:

- a. To reimburse other units of government for implementing conservation practice(s).
- b. On privately owned land not used for agricultural or silvicultural production.
- c. On portion of operation (other than dry-litter poultry) that is permitted.

For Eligible Practices -- Annually, the TSSWCB will develop and approve a list of practices eligible for cost-share assistance under the WQMP program. *See Appendix A for the current list of practices.*

SWCDs should review the list of practices and from it, prepare a list of practices and component practices to be cost-shared in their SWCD. The list should be sent to the servicing TSSWCB regional office along with their allocation request for approval. The SWCD list may include:

- a. The entire list from the TSSWCB;

- b. Selected practices from the TSSWCB list, or;
- c. The entire list or partial list along with additional water quality justifiable practices and associated life spans for the SWCD. These additions must be approved by the TSSWCB prior to application in order to be eligible for cost-share.

The use of special conservation practice(s) is limited to those that can solve unique problems in a SWCD and which conform with one or more of the purposes of the cost-share program. These must be approved by the TSSWCB on a case-by-case basis.

If additional practices are requested, it will take action by the TSSWCB at its next scheduled meeting to obtain approval. The additional practices should be submitted to the TSSWCB for their consideration at the same time the list of approved practices is submitted. A brief statement of the water quality benefits of each additional practice should be included. The TSSWCB will notify SWCDs in writing of additional approved cost-share practices.

Average cost and cost-share rates should be established and included for all practices on the list intended to be cost-shared. This information should accompany the SWCD's request for their cost-share allocation. Cost data from other existing cost-share programs may be used. The TSSWCB will notify SWCDs in writing that their list of practices and supporting documentation has been approved.

Selected practices shall be consistent with the Agricultural and Silvicultural Nonpoint Source Management Program developed by the TSSWCB pursuant to the federal Clean Water Act, Section 319 and CZARA Section 6217.

Requirement to File an Application --In order to qualify for cost-share assistance, an eligible person shall file an application with their local SWCD.

Authorization to Sign Applications and Agreements -- ALL applications and agreements shall be signed by:

- a. The eligible person(s) and
- b. The landowner in cases where the eligible person does not hold title to the land constituting the operating unit.

Waivers to One-Time Cost-Share

Section 523.6, (e), (2) of the TSSWCB rules states: In accordance with the terms of the maintenance agreement an eligible person may receive cost-share only once for an operating unit. The TSSWCB, on a case-by-case or project basis, in consultation with a SWCD, may grant a waiver to this requirement in situations where:

- a. Research and/or advanced technology indicates a plan modification to include additional measures to meet Texas surface water quality standards is needed.
- b. The operating unit is significantly increased in size by the addition of new land areas that require conservation practice(s) in order to meet Texas surface water quality standards.
- c. More stringent measures become necessary to meet Texas surface water quality standards.
- d. A landowner has assumed the responsibilities of a maintenance agreement in cases where the landowner was not the applicant.
- e. The life expectancy of a conservation practice or practices that was/were previously cost-shared through this program has/have expired and the practice or practices is/are mandated by state law or the laws, rules, or regulations of a political subdivision.
- f. A landowner has previously received cost-share through this program but an additional practice or practices has/have been subsequently mandated by state law or the laws, rules, or regulations of a political subdivision.

Responsibilities of Applicants

- a. Complete and submit an application to the SWCD.
- b. If an applicant is a district director/employee, he/she must complete and attach the District Director/Employee Addendum to the Application For Cost-Share Assistance form (*TSSWCB002Ad-2). This form should be completed by the SWCD.
- c. Where an applicant does not have a certified WQMP and has not determined the anticipated total cost of the requested practice(s), he/she, as part of the application, may request assistance from the SWCD in developing such plan and determining costs.
- d. After being notified of approval and obligation of funds by the SWCD, the applicant may request technical assistance through the SWCD to design and layout the approved practices or request approval of alternate sources of technical assistance.
- e. Secure any approved contractor(s) needed and all contractual or other agreements necessary to construct or perform the approved practice(s). Cost-share is not allowed for work begun before the application is approved.
- f. Complete and sign performance and maintenance agreements and any amendments to those agreements.

- g. Supply the documents necessary to verify completion of the approved practice(s) along with a completed and signed Performance Certification form (TSSWCB003).

**Forms TSSWCB002Ad-2 and TSSWCB003 are included in the Appendix B of this Reference Guide.*

Responsibilities of SWCDs

- a. Establish the period(s) of time for accepting applications and announce the cost-share program locally.
- b. Accept cost-share applications at the SWCD's office.
- c. Determine eligibility of lands and persons for cost-share assistance. If an applicant's land is in more than one SWCD, the respective SWCD will review the application and agree to oversee all work, administer all contracts and obligate all funds from one SWCD, or prorate the funding between SWCDs.
- d. Give initial approval to those applications that meet the eligibility requirements.
- e. Evaluate the initially approved applications under the SWCD's priority system and give final approval to the high priority applications that can be funded by the SWCD's allocated funds.
- f. Obligate funds for the approved conservation practice(s) that can be funded and notify the applicant that his/her conservation practice(s) has/have been approved for cost-share and to proceed with installation. Allocated funds must be obligated by the last day of April of the fiscal year allocated. All unobligated allocations shall revert to TSSWCB as of May 1st of that fiscal year.
- g. Determine compliance with standards and specifications and certify the amount of cost-share for completed conservation practice(s) that meet standards.
- h. Keep accurate records and logs of applications and obligations.

Amended Applications for Cost-Share Assistance

- a. In the event that an adjustment to the estimated cost of conservation practice(s) is necessitated by the final design, the applicant shall either agree to assume the additional cost or complete and submit an amendment to

his/her application for cost-share assistance to the SWCD for approval or denial.

- b. The SWCD may elect to adjust the amount of funds obligated for the conservation practice(s), provided funds are available, or to request additional funds from the TSSWCB.
- c. In the event additional funds are not available, the conservation practice(s) may be redesigned, if possible, to a level commensurate with available funds, provided the redesign still meets standards established by the TSSWCB; or the applicant can agree to assume full financial responsibility for the portion of the cost of conservation practice(s) in excess of the amount authorized.
- d. All information and data on the application and performance certification should agree and correspond to the water quality management plan. Any deviation should be accompanied by an explanation, plan revision if necessary, or revised certification documents if changes meet criteria for revision.



Performance Agreement

As a condition for receipt of cost-share assistance for conservation practice(s), the eligible person receiving the benefit of such assistance shall agree to perform those measures in accordance with standards established by the TSSWCB. Completion of the performance agreement and the signature of the eligible person is required prior to payment.

Maintenance Agreement

As a condition of the receipt of state cost-share funds, the person receiving the funds shall agree to implement and maintain all measures in his or her WQMP consistent with its implementation schedule. This agreement shall remain in effect for a minimum period of two years after the WQMP is completely implemented for all practices except those cost-shared. This maintenance agreement shall remain in effect on cost-shared practice(s) for the expected life of the cost-shared practice(s) as established by the TSSWCB or, a period of two years after the WQMP is completely implemented, whichever period of time is longer.

The maintenance agreement is found on the application for cost-share. "Completely implemented" means that all practices contained in the implementation schedule are implemented to their full extent. Management practices must also be fully implemented. Practices such as conservation crop rotation must be completed before a plan will be considered as completely implemented. If a producer defaults on this agreement, repayment of all or a portion of the cost-share funds may be required by the TSSWCB.



The legal status afforded by a certified WQMP does not end two years after implementation. It is ongoing as long as the plan is in place.

In the event that a producer chooses not to carry out the plan at some point after expiration of the maintenance agreement, certification of the plan may be withdrawn by the TSSWCB with SWCD concurrence.

Transfer of Land Ownership

A seller of agricultural land with respect to which a maintenance agreement is in effect may request the SWCD to inspect the practices. If the practices have not been removed, altered, or modified, the SWCD shall issue a written statement that the seller has satisfactorily maintained the permanent practice as of the date of the statement.

The buyer of lands covered by a maintenance agreement may also request that the SWCD inspect the lands to determine whether any practice has been removed, altered, or modified as of the date of the inspection. If so, the SWCD will provide the buyer with a statement specifying the extent of noncompliance as of the date of the statement.

The seller and the buyer, if known, shall be given notice of the time of inspection so that they may be present during the inspection to express their views as to compliance.

Payment to Recipients

The SWCD shall determine eligibility of the applicant to receive payment of cost-share assistance, and provide certification to the TSSWCB that measure(s) have been installed consistent with established standards.

The TSSWCB shall issue warrants or direct deposits for payments of cost-share assistance.

Applications Held in Abeyance Because of a Lack of Funds

In those cases where funds are not available, the applications will be held by the SWCD until allocated funds become available or until the end of the program year. When additional funds are received, the SWCD will obligate those funds. The SWCD may shift all unfunded applications held in abeyance because of lack of funds that are on hand at the end of a program year to the new program year or require all new applications as it deems appropriate.

Applications Denied for Reasons Other than Lack of Funds

Applications for funds which are denied by the SWCD for reasons other than lack of funds shall be retained in the records of the SWCD in accordance with the SWCD's established record retention policy. Written notification of

the denial shall be provided to the applicant along with the reason(s) that the application was denied.

Applications Withdrawn

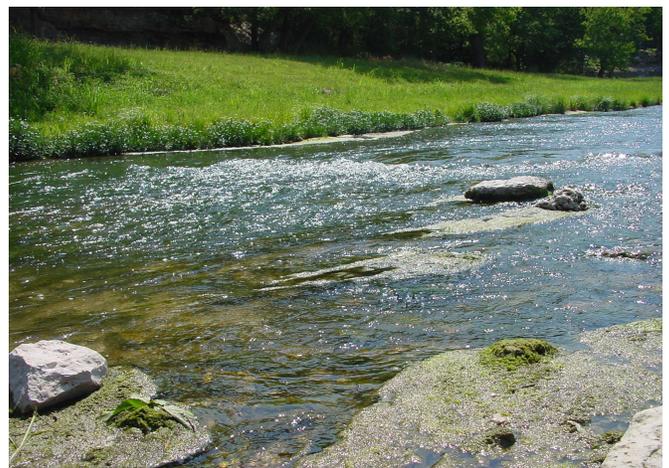
An application may be withdrawn by the applicant at any time prior to receipt of cost-share assistance by notifying the SWCD in writing that withdrawal is desired. Applications withdrawn by the applicant shall be retained in the records of the SWCD in accordance with the SWCD's established record retention policy.

Applications Cancelled

If the applicant has not begun implementation of his/her practice(s) as indicated on his application, the SWCD may, if the directors determine such action is warranted, cancel a pending cost-share application. The applicant should be notified in writing establishing a specified time period for the applicant to provide evidence of his commitment to earn the obligated funds.

Appeals

- a. An applicant may appeal the SWCD's decision relative to his/her application for cost-share funds.
- b. The applicant shall make any appeal in writing to the SWCD which received his/ her application for cost-share funds and shall set forth the basis for the appeal.
- c. The SWCD shall have 60 days in which to make a decision and notify the applicant in writing.
- d. The decision of the SWCD may be appealed by the applicant to the TSSWCB.
- e. All appeals made to the TSSWCB shall be made in writing and shall set forth the basis for the appeal.
- f. All TSSWCB decisions shall be final.



Maintenance of Practices

Requirements for maintenance of practices applied using cost-share funds will be outlined in the eligible person's certified WQMP and reviewed with the eligible person at the time of application for cost-share.

A properly executed maintenance agreement shall be signed by the successful applicant prior to receipt of payment of cost-share assistance from the SWCD for a conservation practice(s) installed.

The SWCD may require refund of any or all of the cost-share paid to an eligible person when the applied conservation practice(s) has not been maintained in compliance with applicable design standards and specifications for the practice during its expected life as agreed to by the eligible person.

In cases of hardship, death of the participant, or at the time of transfer of ownership of land where a conservation practice(s) has been applied using cost-share assistance and the expected life assigned the practice has not expired, the participant, heir(s) or buyer(s) respectively, must agree to maintain the practice(s) or the participant, heir(s) or the buyer(s) by agreement with the seller must refund all or a portion of the cost-share funds received for the practice as determined by the TSSWCB in consultation with the SWCD. The TSSWCB, on a case by case basis, may grant a waiver to this requirement.

If there is an occurrence of bankruptcy by a cooperator who has received cost-share assistance for the implementation of their WQMP, bankruptcy does not automatically relieve the participants of their responsibilities under the terms of their cost-share agreement. If a recipient of cost-share is unable to carry out these terms or cannot arrange for another party to assume their responsibilities, then he/she must refund all or a portion of the cost-share funds received depending on the age of the installed practice. SWCDs have the responsibility to make a good faith effort to collect the amount owed. In the case of a bankruptcy, the involved SWCD should, as a minimum, make the court aware that the debt is owed by filing a proof of claim form* with the appropriate Bankruptcy Court. Any checks received from the Bankruptcy Court should be made payable to the TSSWCB.

**Copy of Proof of Claim Form can be found on line at http://www.uscourts.gov/rules/BK_Forms_1207/B_010_1207f.pdf*

Failed Practice Restoration

The rules below are not intended for the cost-sharing of additional practices, but to restore a failed cost-share practice. This is not considered additional cost-share and does not violate the established maximum cost-share amount.

- Section 523.6,(g),(4),(A) states -- When conservation practice(s) that have been successfully completed and which later fail as the result of floods, drought, or other natural disasters, and not the fault of the applicant; the applicant may apply for and SWCD may allocate additional cost-share funds to restore them to their original design standards and specifications. These funds cannot exceed the amount of the original cost-share practice and must come from the SWCD's current program year allocation.
- Section 523.6, (g),(4),(B) states -- When conservation practice(s) that have been successfully completed and which later fail as the result of error or omission on the part of the TSSWCB staff, the SWCD staff, or the NRCS staff while assisting the SWCD, and not the fault of the applicant; the TSSWCB may approve additional cost-share funds to restore the measure(s) to the correct design standards and specifications, where an investigation approved by the Executive Director or his designee shows good cause. These funds cannot exceed the amount of the original cost-share practice and must come from the SWCD's current program year allocation.

SWCD Administration of the Cost-Share Program

In establishing a priority system to be used for the evaluation of application for cost-share assistance, the SWCD may consider the following facts:

- a. The potential for the producer to receive an enforcement order to control or abate possible nonpoint sources of agriculture-related pollutants. (The higher the potential, the higher the rating.)
- b. The relative significance of off-site benefits that are obtained by installation of the practices to be cost-shared. (The more significant the off-site benefits, the higher the rating.)
- c. The impact the installation of the cost-shared practices will have on helping the SWCD meet its program, plan and priorities. (The greater the impact, the higher the rating.)

Priorities should be based on identifiable parameters such as agricultural activities, watershed boundaries, proximity to groundwater, etc.

Example:

- Priority 1: Animal Feeding Operations
- Priority 2: Irrigated Cropland
- Priority 3: Dry Cropland
- Priority 4: Pasture and Range

A SWCD has two workable options in determining what is cost-shared and at what priority:

- a. Cost-share funds may be obligated first-come, first-serve.
- b. An established sign-up period may be established. At the end of the sign-up period, each application is reviewed and assessed relative to other applications.

It is advisable and most efficient to make prospective applicants aware up front of what WILL and what WILL NOT be cost-shared by the SWCD, and to convey SWCD priorities to applicants.

This can be accomplished by providing a sign-up period in the SWCD and advertising it in the media most applicable in the local area. TSSWCB regional staff could be available to assist with a sign-up.

A producer, having a certified WQMP may apply for cost-share by completing Application for Cost-share Assistance form (*TSSWCB002). The application for cost-share can be completed by the cooperator at any time during the planning process. The SWCD should not approve the cost-share application before the plan is certified by the TSSWCB.

The SWCD may then approve individual applications for cost-share assistance. Approvals should be based on funding limitations, priorities, and the individual caps established by the TSSWCB or SWCD. It is at this point that funds are considered obligated to the individual. Applicants should be advised that they will be eligible to apply for cost-share only one time per operating unit.

Before approving the application, the SWCD must determine that a practice for which cost-share is requested meets the conditions of eligibility established by the TSSWCB.

If a SWCD director is applying for cost-share, the director must complete the District Director Addendum to the Application for Cost-Share Assistance form (*TSSWCB002Ad-2) (to be completed by SWCD). In accordance with established ethical procedures, such directors should recuse themselves when the SWCD considers their application.

The SWCD should retain the original and submit a copy of each approved and executed Application For Cost-Share Assistance form (*TSSWCB002) to the TSSWCB regional office servicing that SWCD. The regional office will review the application, make necessary entries to logs and records, make copies and fax to the TSSWCB headquarters. The TSSWCB will set up a vendor ID number for the applicant, to facilitate payment of cost-share funds to the producer.

When practices to be cost-shared are implemented, the producer should contact and inform the SWCD that the cost-share practice(s) is complete and furnish the SWCD with receipts for reimbursement. The SWCD should then certify that the practice(s) meets standards set forth in the FOTG. Once the practice(s) is certified, the SWCD should complete the Performance Certification form (*TSSWCB 003) and have the producer sign it. Normally, assistance from the authorized NRCS representative will be available for this certification. The SWCD may utilize other means, as it determines necessary, to make the certification. It is the SWCD's responsibility to assure that it is done adequately.



Partial payment can be made for completed practices that are listed separately on the application for cost-share. The partial payment block at the top of the performance certification form must be checked. The partial payments

cannot exceed the amount of cost-share estimated for that particular practice by more than 10% of the application total.

When all practices for which cost-share was requested have been installed, the final payment block at the top of the performance certification form must be checked. If the amount of cost-share money earned is less than that obligated on the application, the difference should be released back to the SWCD by entering that amount in the release blank on the performance certification form. The amount of cost-share payment for any particular practice cannot exceed by more than 10% the amount of cost-share estimated for that particular practice and the total amount of cost-share payment for all practices combined cannot exceed the total amount approved on the application by the local SWCD.

The signed Performance Certification form (*TSSWCB003) should be sent to the TSSWCB regional office servicing that SWCD and should be accompanied by receipts and other necessary documentation. The regional office will review the performance certification, make necessary entries to logs and records, make copies and forward the original documents to the TSSWCB headquarters. Original signatures are required because the form is retained for audit purposes at TSSWCB headquarters.

In addition, any correspondence from SWCDs concerning cost-share, water quality management plans or the program should be sent to the servicing regional office.

Upon submission of a voucher by the TSSWCB, the State Comptroller will prepare a warrant in the amount requested based on Performance Certification form (TSSWCB003*). The warrant will be sent to the TSSWCB. The TSSWCB will then send it directly to the producer.

An individual may receive cost-share only once for a water quality management plan unless a waiver is granted by the TSSWCB [§523.6(e)(2)]. No person, whether as an individual, a partnership, or a corporation, may receive more than \$15,000 per fiscal year in cost-share funds from the TSSWCB. Any amount received by a person through a partnership or corporation shall be assessed against the annual \$15,000 limit in proportion to that person's interest in the partnership or corporation.

SWCDs may not establish a limit less than the minimum amount set by the TSSWCB.

**Forms TSSWCB002, TSSWCB002Ad-2, and TSSWCB003 are included in the Appendix B of this Reference Guide.*

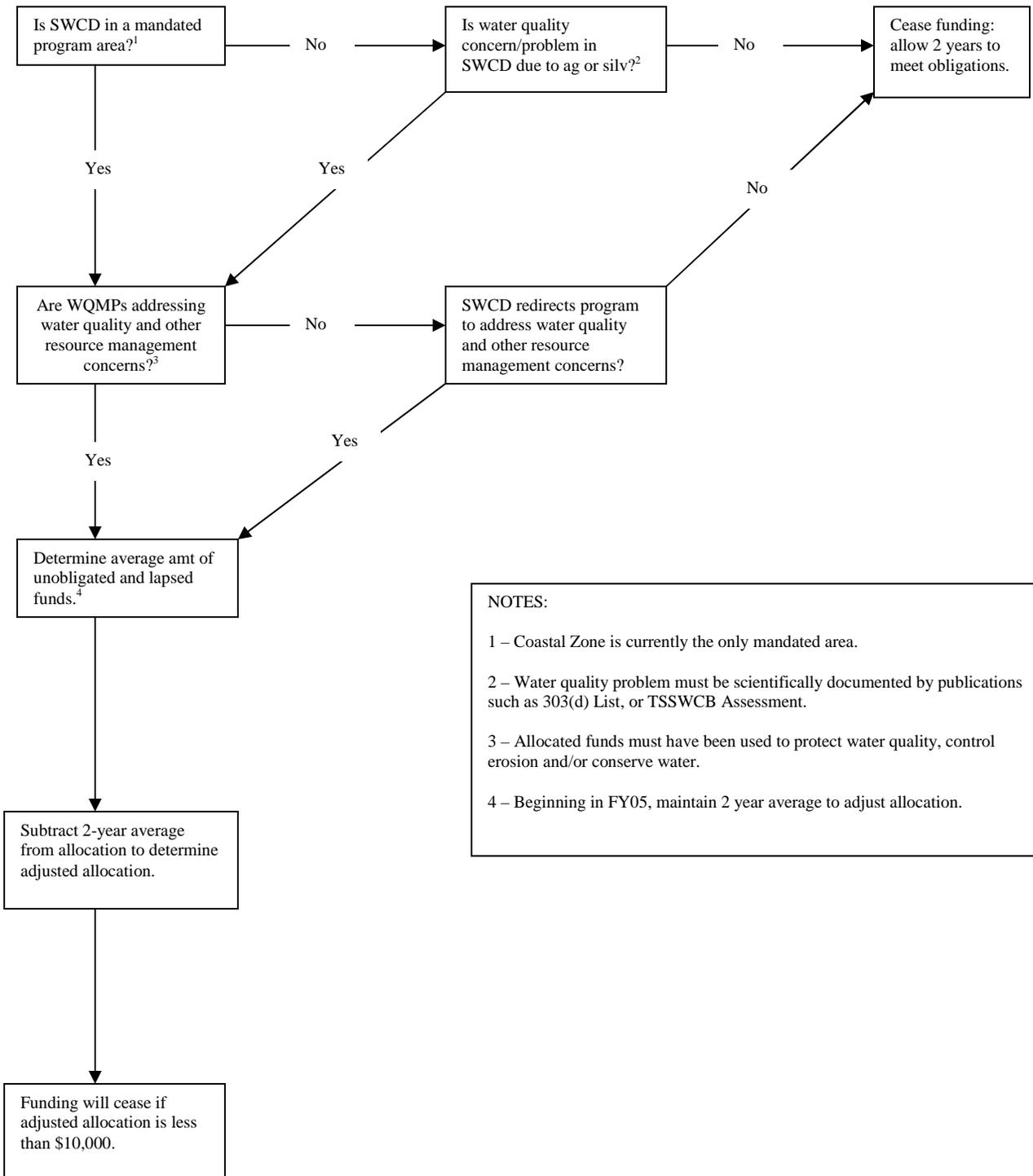
Reporting and Accounting

The TSSWCB shall receive and maintain required reports from the SWCDs showing the unobligated balance of allocated funds as shown on each ledger at the close of the last day of each month.

Statewide Cost-Share Program

SWCDs outside a designated area with animal feeding operations that have developed WQMPs may request an allocation for cost-share assistance from funds that the TSSWCB has reserved for statewide application. These requests should be specific to the plan and amount required for each plan. The requests should be accompanied by a SWCD practice list, average cost of practices, and cost-share limit and rates as discussed on previous pages.

Water Quality Management Program Evaluation Procedure



NOTES:

- 1 – Coastal Zone is currently the only mandated area.
- 2 – Water quality problem must be scientifically documented by publications such as 303(d) List, or TSSWCB Assessment.
- 3 – Allocated funds must have been used to protect water quality, control erosion and/or conserve water.
- 4 – Beginning in FY05, maintain 2 year average to adjust allocation.

Glossary

Allocated Funds -- Funds budgeted through the TSSWCB to a SWCD for cost-share assistance.

Applicant -- A person(s) who applies for cost-share assistance from the SWCD.

Available Funds -- Monies budgeted, unobligated and approved by the TSSWCB for cost-share assistance.

Conservation practice(s) -- The conservation practice(s) approved by the TSSWCB and applied to the land to control soil erosion or improve the quality and/or quantity of water.

Cost-Share Assistance -- An award of money made to an eligible person for conservation land improvement measures pursuant to the terms of Senate Bill 503, 73rd Texas Legislature.

SWCD Director -- A member of the governing board of a SWCD.

Eligible Land -- Those lands that are eligible for application of conservation land improvement measures using cost-share assistance.

Eligible Person -- Any of the landholders eligible to apply for cost-share assistance or any person designated to represent the applicant as provided by a durable power of attorney, court order or other valid legal document.

Eligible Practices -- Those conservation land improvement measures that have been approved by the TSSWCB.

Landowner -- Any person, firm, or corporation holding title to land lying within a SWCD.

Maintenance Agreement -- A written agreement between the eligible person and the SWCD wherein the eligible person agrees to maintain the applied conservation practice(s) for a period of time as established by the TSSWCB and outlined in the applicable WQMP.

Obligated Funds -- Monies from a SWCD's allocated funds which have been committed to an applicant after final approval of the application.

Operating Unit -- Land or lands, whether contiguous or non-contiguous, owned and/or operated in a manner that contributes or has the potential to contribute agricultural

or silvicultural nonpoint source pollution to water in the state. An operating unit must be determined through mutual agreement by the holder of the water quality management plan, the SWCD and the TSSWCB. When determining the applicability of an operating unit, the following criteria must be considered:

1. Contiguous lands under the same ownership and/or operational control must be considered one operating unit.
2. Non-contiguous lands under the same ownership and/or operational control may be considered as more than one operating unit when there is mutual agreement by the SWCD and the potential holder of the water quality management plan unless the lands are associated with an animal feeding operation.
3. An operating unit, when designated for an animal feeding operation, must at a minimum encompass all land or lands owned and/or operated by the holder of the water quality management plan that are used to produce feed that is consumed by the animals, as well as all land or lands owned and/or operated by the potential holder of the water quality management plan where manures or other agricultural by-products are beneficially used as a source of nutrients to produce food or fiber for any use.
4. Land or lands within the scope of an existing operating unit for a certified water quality management plan may not be separated from the existing operating unit to establish another operating unit unless a change of ownership has occurred.
5. Where mutual agreement regarding an operating unit's consistency with these rules is not achieved by the potential holder of the water quality management plan, the SWCD, and the TSSWCB, the TSSWCB will make a final determination whether or not to certify the water quality management plan.

Performance Agreement -- A written agreement between the eligible person and the SWCD wherein the eligible person agrees to perform conservation practice(s) for which allocated funds are being paid.

Priority System -- The system devised by the SWCD, under guidelines of the TSSWCB, for ranking approved conservation practice(s) and for facilitating the disbursement of allocated funds in line with the SWCD's priorities.

Program Year -- The period from September 1st to August 31st. Same as fiscal year.

Resource Management System -- A combination of conservation practice(s) and resource management activities for the treatment of all identified resource concerns for soil,

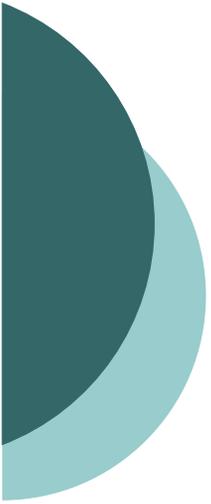
Glossary (Continued)

water, air, plants, animals and humans that meets or exceeds the quality criteria in the NRCS Field Office Technical Guide for resource sustainability.

Soil and Water Conservation District -- Also referred to as “SWCD”, means a government subdivision of this state and a public body corporate and politic, organized pursuant to Chapter 201 of the Agriculture Code of Texas.

TSSWCB -- The Texas State Soil and Water Conservation Board organized pursuant to the provisions to Chapter 201 of the Agriculture Code of Texas.

Water Quality Management Plan (WQMP) – A site specific plan for agricultural or silvicultural lands which includes appropriate land treatment practices, production practices, management measures, technologies or combinations thereof which when implemented will achieve a level of pollution prevention or abatement determined by the TSSWCB in consultation with the local SWCD and Texas Commission on Environmental Quality to be consistent with Texas surface water quality standards.



APPENDIX A — APPROVED PRACTICE LIST

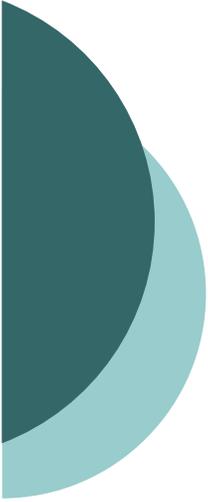
To locate the approved practice list on the TSSWCB website go the agency's home page and click on the link, "Water Quality Management Plan Program". Scroll down to Technical Resources and click on "TSSWCB approved practices and Expected Life".

TSSWCB APPROVED PRACTICES AND EXPECTED LIFE
3-18-10

Code	Practice Name and Unit	Minimum Life Span in Years
313	Waste Storage Facility (no.) (See note 10 & 11)	10
314	Brush Management (acre)	10
316	Animal Mortality Facility (no.) (See note 8)	5
317	Composting Facility (no.)	10
324	Deep Tillage (acre) (See note 15)	5
327	Conservation Cover (acre)	5
332	Contour Buffer Strips (acre)	5
342	Critical Area Planting (acre)	5
350	Sediment Basin (no.) (See note 11)	10
351	Well Decommissioning (no.) (See note 7)	5
359	Waste Treatment Lagoon (no.)	10
360	Closure of Waste Impoundments (no.) (See note 13)	5
362	Diversion (ft.)	10
378	Pond (no.) (See note 4)	10
382	Fence (ft.) (See note 1)	10
386	Field Border (ft.)	5
390	Riparian Herbaceous Cover (acre) (See note 14)	10
391	Riparian Forest Buffer (acre) (See note 12)	10
393	Filter Strip (acre)	5
410	Grade Stabilization Structure (no.)	10
412	Grassed Waterway (acre)	10
430	Irrigation Water Conveyance, Pipeline (ft.)	20
	IRRIGATION SYSTEM (no. and acre) [441-443]	
441	Microirrigation (all needed components)	10
442	Sprinkler-low pressure-new installations (See Note 2)	10
442	Sprinkler – Conversion to low pressure	10
442	Sprinkler – Chemigation equipment	10
443	Surface – Shallow flood, rice (all needed components)	10
443	Surface – Surge valves	5
447	Irrigation System, Tailwater Recovery (no.)	10
462	Precision Land Forming (acre)	10
464	Irrigation Land Leveling (acre)	10
512	Pasture and Hayland Planting (acre) (See note 3)	5
516	Pipeline (ft.)	10
521	Pond Sealing or Lining (no.)	10
533	Pumping Plant (no.)	10
550	Range Planting (acre) (See note 5)	5
552	Irrigation Regulating Reservoir (no.)	10
558	Roof Runoff Structure (no.) (See note 16)	10
560	Access Roads (hard surface lanes) (ft.) (See note 11)	10
600	Terrace (ft.)	10
606	Subsurface Drain (ft.)	10
612	Tree/Shrub Establishment (acre) (See note 12)	10
614	Watering Facility (no.)	10
632	Vegetated Treatment Area (acre)	5
634	Manure Transfer (no.) (See note 9 & 11)	10
635	Solid/Liquid Waste Separation Facility (no.)	10
638	Water and Sediment Control Basin (no.)	10
642	Water Well (no.) (See note 6)	20

642	Well Head Protection (no.)	20

GUIDANCE NOTES	
NOTE 1	Cost sharing of fences for management will be limited only to that needed to install a sound management system for the unit. Property line fences are not eligible for cost share. Cost share will not be allowed for fences between cropland and grassland.
NOTE 2	N/A
NOTE 3	No cost-share assistance will be provided for the conversion of rangeland to pastureland when rangeland is in a high-fair or better condition. Fair condition rangeland in a downward trend or with excessive erosion would be allowed.
NOTE 4	Ponds are eligible for cost-share only when required for sound grazing management.
NOTE 5	Cost sharing will not be provided for range seeding where 15 percent desirable grasses are present. Desirable grasses are defined as decreasers and good quality increasers. These climax dominant grasses are listed in the technical range site description.
NOTE 6	Wells are eligible for cost-share only when required to provide livestock water for sound grazing management.
NOTE 7	Well plugging must meet requirements of Water Well Drillers Rules Sections 338.48-338.50 and 338.72.
NOTE 8	Cost-share is limited to poultry incinerators and freezers. Compressor alone may be cost-shared if existing freezer box is in working condition. Applicant must obtain from Texas Commission on Environmental Quality authorization to operate the incinerator prior to payment of cost-share. Incinerators must be placed on concrete slabs.
NOTE 9	Eligible components: Waste transfer pipelines, pumps, sprinklers (including traveling sprinklers) and agitators.
NOTE 10	Eligible components: Dry stack manure storage structures and waste storage ponds (including liners, liner certification, and inlet protection).
NOTE 11	Eligible only when addressing waste management of animal feeding operations.
NOTE 12	Riparian forest buffer and tree/shrub establishment are only eligible for mechanical altered areas and critically eroding areas when trees are the best cover to protect these areas from erosion, reduce runoff, and protect water quality.
NOTE 13	Waste impoundments constructed with Water Quality Management Program cost-share funds are not eligible to be cost-shared for closure unless they have been in place longer than their minimum life span. Waste impoundments constructed under other cost-share programs – ACP, LTA, EQIP, etc. – are not eligible to be cost-shared for closure unless they have been in place longer than their minimum life span or permission to close the structure is granted by the cost sharing entity.
NOTE 14	Riparian Herbaceous Buffer is only eligible for mechanical altered areas and critically eroding areas.
NOTE 15	Only applicable for waste application fields.
NOTE 16	Limited to gutters associated with waste management of animal feeding operations.



APPENDIX B — TSSWCB FORMS

To locate a document in this appendix on the TSSWCB website go the agency's home page and click on the link, "SWCDS". Scroll down and click on "SWCD Resources". All forms will be found under the title, "Water Quality Management Plan (SB503) Program".

Request No.

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Priority: _____

REQUEST FOR WATER QUALITY MANAGEMENT PLANNING ASSISTANCE
SOIL AND WATER CONSERVATION DISTRICT #

County _____, Texas HUA No.

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Name: _____

Address: _____

City/State: _____ Zip Code: _____ Phone #: _____

I hereby apply for assistance in developing a Water Quality Management Plan, as provided by Section 201.026 (c) of the Agricultural Code. It is my intention to implement and maintain this plan in order to meet the State's requirements for water quality as expressed in Section 26.121(a)(2)*, Texas Water Code.

(1) General description and location of all property within this operating unit.

Total Acres: _____

(2) The land is controlled and operated by the applicant(s). Yes No If no, explain.

(3) An Animal Feeding Operation is involved Yes No If yes, is a permit required Yes No

(4) I understand that my plan could be randomly selected for an WQMP status review by personnel of the State Soil and Water Conservation Board .

(5) Anticipated cost-share needs: _____

Applicant's Signature

Date



District Director

Date

NOTE: If you are not a cooperator with the Soil and Water Conservation District, a District Cooperative Agreement must be completed and attached to this application.

*See back of this sheet for full text of quoted Sections.

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)

(a) Except as authorized by the commission, no person may:

(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 certified water quality management plan approved by the State Soil and Water Conservation Board as provided by Section 201.026, Agriculture Code; or

Priority: _____

WQMP Number - -

**APPLICATION FOR COST-SHARE ASSISTANCE
SOIL AND WATER CONSERVATION DISTRICT #**

Name: _____ Is the applicant the landowner? Yes No
 Address: _____ (If no, the landowner must sign in the space provided below the applicant's signature)
 City/State: _____ Zip Code: _____ Phone No: _____
 Social Security # _____ Or Federal Tax Id (Corp, Partner, etc.) _____

I request cost-share assistance for the soil and water conservation practice/practices listed below that are contained in my Water Quality Management Plan certified by the Texas State Soil and Water Conservation Board. I understand that practices on which implementation is begun prior to certification of my plan and approval of this application by the District are not eligible for cost-share.

FIELD NO.	BMP NO.	SOIL & WATER CONSERVATION PRACTICE	EST. LIFE	QUANTITY REQUESTED	UNIT COST	EST. COST	COST-SHARE RATE	ESTIMATED COST-SHARE AMOUNT	
<i>**Estimated Cost-Share amount(s) can not exceed the maximum set by the SWCD (Maximum \$ _____)</i>							TOTAL		**

Performance Agreement: I agree to perform the above practices in accordance with standards established by the Texas State Soil and Water Conservation Board. SWCD approval will be obtained for design of all structural measures prior to start of construction.

Maintenance Agreement: I agree, as a condition of the receipt of state cost-share funds, to implement and maintain all measures in my Water Quality Management Plan consistent with its implementation schedule. This agreement shall remain in effect for a minimum period of two years after the Water Quality Management Plan is completely implemented for all practices except those cost-shared. This maintenance agreement shall remain in effect on cost-shared practice(s) for the expected life of the cost-shared practice(s) as established by the Texas State Soil and Water Conservation Board or a period of two years after the Water Quality Management Plan is completely implemented, whichever period of time is longer. I realize that failure to do so may result in a requirement to repay all or a portion of the cost-share funds.

I fully understand that this application will be cancelled automatically by the SWCD on _____ if the above-mentioned soil and water conservation practice(s) has not been installed. The SWCD may grant extensions on a case-by-case basis.

Applicant's Signature Date

Landowner Agreement: I understand that I must assume the responsibility of the **maintenance agreement** on permanently installed practices if the applicant becomes incapable or unwilling to fulfill those obligations.

Landowner's Signature (required if the applicant is not the landowner) Date

SOIL AND WATER CONSERVATION DISTRICT ACTION

The _____ Soil and Water Conservation District Board of Directors has determined that the above signatory person is the eligible person or appropriately designated agent for the person eligible to request cost-share funds for the indicated WQMP and thereby approves this application and agrees to the amount of cost-share assistance shown above.

For The Soil And Water Conservation District Date

Program: _____ Fiscal Year: _____ Application Number: _____
 Priority: _____ Fiscal Year: _____ Application Number: _____
 Fiscal Year: _____ Application Number: _____
 WQMP Number: _____

**APPLICATION FOR COST SHARE ASSISTANCE
SOIL & WATER CONSERVATION DISTRICT # _____**

Name: _____ Is the applicant the landowner? Yes _____ No _____
 Address: _____ (If no, the landowner must sign in the space
 City / State: _____ Zip Code: _____ provided below the applicant's signature)
 Social Security #: _____ Or Federal Tax ID (Corp., Partner., etc.) _____
 Phone No.: _____

I request cost share assistance for the soil and water conservation practice/practices listed below that are contained in my Water Quality Management Plan certified by the Texas State Soil and Water Conservation Board. I understand that practices on which implementation is begun prior to certification of my plan and approval of this application by the District are not eligible for cost share.

Field No.	BMP No.	Soil and Water Conservation Practice Description	Est. Life	Quantity Requested		Unit Cost \$	Estimated Cost	Cost Share Rate	Estimated Cost Share Amount
				Amt.	Meas.				

Estimated Cost Share amount(s) can not exceed the maximum set by the SWCD:

Cost Share F Y:	_____
Cost Share F Y:	_____
Cost Share F Y:	_____
Total Cost Share-All F Y:	_____

Total Cost Share-All F Y from Continuation Page: _____

Performance Agreement: I agree to perform the above practices in accordance with standards established by the Texas State Soil and Water Conservation Board. SWCD approval will be obtained for design of all structural measures prior to start of construction.

Maintenance Agreement: I agree, as a condition of the receipt of state cost share funds, to implement and maintain all measures in my Water Quality Management Plan consistent with its implementation schedule. This agreement shall remain in effect for a period of two years after the Water Quality Management Plan is completely implemented for all practices except those cost shared. This maintenance agreement shall remain in effect on cost shared practice(s) for the expected life of the cost shared practice(s) as established by the Texas State Soil and Water Conservation Board or a period of two years after the Water Quality Management Plan is completely implemented, whichever period of time is longer. I realize that failure to do so may result in a requirement to repay all or a portion of the cost share funds.

I fully understand that this application will be cancelled automatically by the SWCD on _____ if the above-mentioned soil and water conservation practice(s) has not been installed. The SWCD may grant extension(s) on a case by case basis.

Applicant's Signature _____
Date

Landowner Agreement: I understand that I must assume the responsibility of the maintenance agreement on permanently installed practices if the applicant becomes incapable or unwilling to fulfill those obligations.

Landowner's Signature (required if the applicant is not the landowner) _____
Date

SOIL AND WATER CONSERVATION DISTRICT ACTION

The _____ Soil and Water Conservation District Board of Directors has determined that the above signatory person is the eligible person or appropriately designated agent for the person eligible to request cost share funds for the indicated WQMP and thereby approves this application and agrees to the amount of cost share assistance shown above.

For The Soil And Water Conservation District _____
Date

**PERFORMANCE CERTIFICATION OF SOIL AND WATER CONSERVATION PRACTICES
 APPLIED WITH COST-SHARE ASSISTANCE
 SOIL AND WATER CONSERVATION DISTRICT #**

Name: _____

Address: _____

SSN or Tax ID: _____

Program

Fiscal Year

Application No.

WQMP Plan No. - -

FIELD NO.	BMP NO.	SOIL & WATER CONSERVATION PRACTICE	QUANTITY PERFORMED*	UNIT COST	COST-SHARE RATE	COST OF PRACTICE	COST-SHARE EARNED	
TOTAL								**

**Estimated Cost-Share amount (s) can not exceed the maximum set by the SWCD (Maximum \$ _____)

*Explain Deviation if any: _____

I certify that the Conservation Practices approved for cost-share on the application number as shown above have been completed in accordance with established standards.

I hereby release \$ _____ of cost-share funds allocated to me by the above listed Application for Cost-Share Assistance. All practices listed on this application have been installed. I understand these funds may be reallocated.

 Applicant's Signature

 Date

SOIL AND WATER CONSERVATION DISTRICT CERTIFICATION

I certify that the applicant named above has completed the approved Soil and Water Conservation Practices listed and provided necessary documentation that the practice meets standards. The district therefore requests that cost-share amount shown above be paid.

 For the Soil & Water Conservation District

 Date

Partial

Final

**PERFORMANCE CERTIFICATION OF SOIL AND WATER CONSERVATION PRACTICES
APPLIED WITH COST SHARE ASSISTANCE
SOIL AND WATER CONSERVATION DISTRICT #**

Name:

Address:

SSN or Tax ID:

Program:

Fiscal Year:

Application No.:

Fiscal Year:

Application No.:

WQMP Plan No.:

Fiscal Year:

Application No.:

Field NO.	BMP NO.	SOIL AND WATER CONSERVATION PRACTICE	QUANTITY PERFORMED		UNIT COST	COST OF PRACTICE	COST SHARE RATE	COST-SHARE EARNED
			Amt.	Meas.				

Estimated Cost-Share amount(s) can not exceed the maximum set by the SWCD: ()

Cost Share USED: FY: <input type="text"/>	Amount: <input type="text"/>
Cost Share USED: FY: <input type="text"/>	Amount: <input type="text"/>
Cost Share USED: FY: <input type="text"/>	Amount: <input type="text"/>
Total Cost Share Certified - All F Y: <input type="text"/>	

Explain Deviation if any:

I certify that the Conservation Practices approved for cost-share on the application number as shown above have been completed in accordance with established standards.

I hereby release of F Y and of F Y and of F Y cost-share funds allocated to me by the above listed Application for Cost-Share Assistance. All practices listed on this application have been installed. I understand these funds may be reallocated.

Applicant's Signature _____

Date _____

SOIL AND WATER CONSERVATION DISTRICT CERTIFICATION

I certify that the applicant named above has completed the Soil and Water Conservation Practices listed and provided necessary documentation that the practice meets standards. The district therefore requests that the certified cost-share amount shown above be paid.

For the Soil and Water Conservation District _____

Date _____

To be completed by district directors/employees only

Application No.

Plan No. - -

**District Director/Employee Addendum to the APPLICATION FOR COST-SHARE ASSISTANCE
TEXAS STATE SOIL AND WATER CONSERVATION BOARD**

Soil and Water Conservation District # _____

Program Year _____

District Director/Employee _____



The potential conflict of interest marked below has been noted by SWCD board:

District director/employee is program participant

District director/employee is related to contractor

District director/employee is related to participant

Signature of District Director/Employee _____

Date _____

Recorded by the SWCD Board in the minutes of its meeting on _____
Date

Minutes reflect that the potential conflict of interest has been reviewed by SWCD board.

District Secretary Signature

WQMP Number

--	--	--	--	--	--	--	--	--	--

CERTIFICATION

I (We) concur in the conservation practices and implementation schedules indicated in this Water Quality Management Plan. I (We) understand that when these planned Conservation Practices are applied and maintained, the Water Quality Management Plan will meet the State's requirements for water quality. Failure to comply with this plan and implementation schedule will result in the loss of certification. I (We) agree to notify the local Soil and Water Conservation District in the event of deviation from the implementation schedule. Any substitution or changes to the above practices or implementation schedule must be in accordance with the Field Office Technical Guide and approved by the Soil and Water Conservation District.

Applicant (Producer)

Date

The above Water Quality Management Plan, in accordance with the Field Office Technical Guide, meets the resource quality criteria for Water Quality at the Resource Management System Level.

Certified By: NRCS Representative

Date

The Water Quality Management Plan includes the operating unit and meets the Soil and Water Conservation District's program, plan and its priorities.

Approved by: Soil & Water Conservation District

Date

The Water Quality Management Plan satisfies the State Board's criteria; complies with Section 26.121 (a) (2) of the Water Code which prohibits the discharge of other waste (agriculture nonpoint source pollution), unless the discharge complies with the person's certified Water Quality Management Plan approved by the State Soil and Water Conservation Board as provided by Section 201.026 of the Agriculture Code.

Certified by: Texas State Soil & Water Conservation Board

Date

**REVISED
CERTIFICATION**

I (We) concur in the conservation practices and implementation schedules indicated in this Revised Water Quality Management Plan. The basic revisions to the existing Water Quality Management Plan are as follows:

I (We) understand that when these planned Conservation Practices are applied and maintained, the Water Quality Management Plan will meet the State's requirements for water quality. Failure to comply with this plan and implementation schedule will result in the loss of certification. I (We) agree to notify the local Soil and Water Conservation District in the event of deviation from the implementation schedule. Any substitution or changes to the above practices or implementation schedule must be in accordance with the Field Office Technical Guide and approved by the Soil and Water Conservation District.

Applicant (Producer) Date

The above Water Quality Management Plan, in accordance with the Field Office Technical Guide, meets the resource quality criteria for Water Quality at the Resource Management System Level.

Certified by: NRCS Representative Date

The Water Quality Management Plan includes the operating unit and meets the Soil and Water Conservation District's program, plan and its priorities.

Approved by: Soil and Water Conservation District Date

The Water Quality Management Plan satisfies the State Board's criteria; complies with Section 26.121 (a) (2) of the Water Code which prohibits the discharge of other waste (agriculture nonpoint source pollution), unless the discharge complies with the person's Certified Water Quality Management Plan approved by the State Soil and Water Conservation Board as provided by Section 201.026 of the Agriculture Code.

Certified by: Texas State Soil and Water Conservation Board Date

**WATER QUALITY MANAGEMENT PLAN
STATUS REVIEW
FISCAL YEAR:**

SWCD _____ **County** _____

Water Quality Management Plan No. _____

Producer _____ **Address** _____

1. Progress in applying plan.

2. Follow-up assistance needed to remedy any discrepancies.

3. Is original applicant still in control of WQMP? Yes No

Signed _____ Date _____
TSSWCB Employee

Producer

Reviewed by: _____ Date _____
Soil & Water Conservation District

**RECORD OF FOLLOW UP ASSISTANCE
WATER QUALITY MANAGEMENT PLAN STATUS REVIEW
FISCAL YEAR:**

SWCD: _____ **County:** _____

Water Quality Management Plan No. _____

Producer: _____

Address: _____

Follow up assistance (describe, sign and date each follow up contact):

WQMP STATUS REVIEW POULTRY FARM CHECK LIST

Name: _____ **Date:** _____
WQMP No: _____ **TSSWCB/SWCD Employee:** _____

I. WQMP	Circle One	
1. Does the producer have a copy of the WQMP available on-site?	Yes	NO
2. Does the WQMP reflect current operations of the farm?	Yes	NO
3. Maximum no. of placed birds on farm: _____ Bird type: _____ Is this farm a CAFO?	Yes	No
II. MORTALITY MANAGEMENT		
1. Is an approved method of mortality disposal installed on-site? How many? Number of: _____ Incinerators _____ Freezers _____ Composter _____ Other (explain)	Yes	NO
2. Is the approved method functioning and being used properly?	Yes	NO
3. If an incinerator is used, is it registered with TCEQ?	Yes	n/a NO
4. Does producer have registration correspondence from TCEQ?	Yes	n/a NO
5. Is there evidence of unauthorized dead bird disposal?	YES	No
III. LITTER UTILIZATION AND NUTRIENT MANAGEMENT		
1. Does the Waste Utilization and Nutrient Management Plan (NMP / NUP) reflect current operations of the farm?	Yes	NO
2. Is the producer following the requirements of the NMP / NUP?	Yes	NO
3. Is litter/manure land-applied on the farm? If yes;	Yes	No
a). is it applied in accordance with the NMP / NUP?	Yes	n/a NO
b). are filter strip areas (buffers) avoided as required in WQMP?	Yes	n/a NO
c). are records available for amount, rate, and date of application?	Yes	n/a NO
d). are current (<12 mos) soil test records available for LMUs receiving litter?	Yes	n/a NO
e). were soil samples taken at 0-2, 2-6, & 6-24" in LMU's to which litter was applied?	Yes	n/a NO
4. Is this a new farm where no litter/manure has been removed from houses? If no;	Yes	No
a). Does the producer have a current (<12 mos) litter/manure analysis?	Yes	NO
5. Is litter/manure sold or given away for off-site use? If yes;	Yes	No
a). are records available for dates of removal, name/address of the person(s) receiving the litter, and the amounts of litter received?	Yes	n/a NO
b). was receipt(s) of litter from this farm given a copy of the litter analysis?	Yes	n/a NO
6. Is litter/manure being stored on-farm? If yes;	Yes	No
a). is the litter/manure stored under a covered structure; (ie: dry stack facility or appropriately tarped)?	Yes	n/a NO
b). if stored uncovered, is litter/manure bermed or otherwise protected so that stormwater runoff contacting litter/manure will not enter water of the state or leave the poultry farm property?	Yes	n/a NO
c). if stored uncovered, has storage been more than 30 days?	YES	n/a No
d). is the litter/manure storage in an appropriate location - (ie: on suitable soils, >100 ft. from waterways, >150 ft. from wells, and away from neighbors)?	Yes	n/a NO
7. Are any discharges observed?	YES	No
IV. WASTE STORAGE POND (Retention Control Structure)		
1. Is a waste storage pond on-site? If yes;	Yes	No
a). is permit required under 30 TAC 321 CAFO Rules?	YES	No
b). is proper documentation available or in WQMP showing pond was designed to accommodate waste for number of animals on site?	Yes	NO
c). is drainage from uncovered livestock pens caught in waste storage pond?	Yes	NO
d). are livestock excluded from pond?	Yes	NO
e). does pond have certified liner?	Yes	NO
f). is a permanent normal water level indicator present (aka: pond marker)?	Yes	NO
g). is water level maintained at or below pond marker?	Yes	NO
h). is woody vegetation present on pond embankment?	YES	No
i). is condition of pond embankment sound?	Yes	NO
j). are outlet pipes present in embankments?	YES	No
k). are any discharges observed?	YES	No

TSSWCB POULTRY FARM CAFO INSPECTION FORM



Name: _____
 WQMP No: _____

Date: _____
 TSSWCB Employee: _____

I. WQMP	Circle One	
1. Does the producer have a copy of the WQMP available on-site?	Yes NO	If no, explain in notes on page 2 of this form. _____ _____
2. Does the WQMP reflect current operations of the farm?	Yes NO	
3. Maximum no. of placed birds on farm: _____ Bird type: _____		
II. MORTALITY MANAGEMENT		
1. Is an approved method of mortality disposal installed on-site? Number of: ___ Incinerators ___ Freezers ___ Composter ___ Other (explain)	Yes NO	_____ _____
2. Is the approved method functioning and being used properly?	Yes NO	If no, explain in notes on page 2 of this form.
3. If an incinerator is used, is it registered with TCEQ?	Yes n/a NO	
4. Does producer have registration correspondence from TCEQ?	Yes n/a NO	
5. Is there evidence of unauthorized dead bird disposal?	YES No	If yes, explain in notes on page 2 of this form.
III. LITTER UTILIZATION AND NUTRIENT MANAGEMENT		
1. Does the Waste Utilization and Nutrient Management Plan (NMP / NUP) reflect current operations of the farm?	Yes NO	If no, explain in notes on page 2 of this form.
2. Is the producer following the requirements of the NMP / NUP?	Yes NO	If no, explain in notes on page 2 of this form.
3. Is litter/manure land-applied on the farm? If yes;	Yes No	_____ If no, explain in notes on page 2 of this form. _____ Date of last soil test(s): _____
a. is it applied in accordance with the NMP / NUP?	Yes n/a NO	
b. are filter strip areas (buffers) avoided as required in WQMP?	Yes n/a NO	
c. are records available for amount, rate, and date of application?	Yes n/a NO	
d. are current (<12 mos) soil test records available for LMUs receiving litter?	Yes n/a NO	
e. were soil samples taken at 0-2, 2-6, & 6-24" in LMU's to which litter was applied?	Yes n/a NO	_____
4. Is this a new farm where no litter/manure has been removed from houses? If no;	Yes No	_____ Date of last litter test(s): _____
a. Does the producer have a current (<12 mos) litter/manure analysis?	Yes NO	
5. Is litter/manure sold or given away for off-site use? If yes;	Yes No	_____ _____ _____
a. are records available for dates of removal, name/address of the person(s) receiving the litter, and the amounts of litter received?	Yes n/a NO	
b. was recipient(s) of litter from this farm given a copy of the litter analysis?	Yes n/a NO	
6. Is litter/manure being stored on-farm? If yes;	Yes No	_____ _____ _____ _____ If no, explain in notes on page 2 of this form.
a. is the litter/manure stored under a covered structure; (ie: dry stack facility or appropriately tarped)?	Yes n/a NO	
b. if stored uncovered, is litter/manure bermed or otherwise protected so that stormwater runoff contacting litter/manure will not enter water of the state or leave the poultry farm property?	Yes n/a NO	
c. if stored uncovered, has storage been more than 30 days?	Yes n/a NO	
d. is the litter/manure storage in an appropriate location - (ie: on suitable soils, >100 ft. from waterways, >150 ft. from wells, and away from neighbors)?	YES n/a No	
7. Are any discharges observed?	Yes n/a NO	_____ If no, explain in notes on page 2 of this form. _____ If yes, explain in notes on page 2 of this form.

TSSWCB POULTRY FARM CAFO INSPECTION FORM



Name: _____
 WQMP No: _____

Date: _____
 TSSWCB Employee: _____

IV. WASTE STORAGE POND (Retention Control Structure)

1. Is a waste storage pond on-site? If yes;
 - a). is permit required under 30 TAC 321 CAFO Rules?
 - b). is proper documentation available or in WQMP showing pond was designed to accommodate waste for number of animals on site?
 - c). is drainage from uncovered livestock pens caught in waste storage pond?
 - d). are livestock excluded from pond?
 - e). does pond have certified liner?
 - f). is a permanent normal water level indicator present (aka: pond marker)?
 - g). is water level maintained at or below pond marker?
 - h). is woody vegetation present on pond embankment?
 - i). is condition of pond embankment sound?
 - j). are outlet pipes present in embankments?
 - k). are any discharges observed?

Circle One

Yes No
YES No
 Yes **NO**
 Yes **NO**
 Yes **NO**
 Yes **NO**
 Yes **NO**
 Yes **NO**
YES No
 Yes **NO**
YES No
YES No

 If no, explain below.

 If no, explain below.

 If yes, explain below.

V. ADDITIONAL RECORD KEEPING

1. If litter applied on-site;
 - a). does producer have rainfall records for the site?
2. Does producer have the following records:
 - a). training for employees on WQMP and CAFO Rules?
 - b). list of potential pollutant sources?
 - c). self inspections of site and equipment?
 - d). harvested crops from litter application fields?
 - e). new water wells constructed by licensed water-well driller?

Yes n/a **NO**
 Yes **NO**
 Yes **NO**
 Yes **NO**
 Yes n/a **NO**
 Yes n/a **NO**

NOTES

Producer Signature: _____

Date: _____

INSTRUCTIONS FOR NEW SETUP DIRECT DEPOSIT/ADVANCE PAYMENT NOTIFICATION AUTHORIZATION FORM

SECTION 1: VENDOR/PAYEE INFORMATION

Texas Identification Number: (Payee Number, SSN or EIN)

Enter your 11-digit Texas Identification Number or your 9-digit Social Security number (SSN) or Employer Identification Number (EIN).

MAIL CODE (Optional)

Enter your 3-digit mail code address identifier if known.

VENDOR CONTACT NAME (Required for Vendor)

Enter the name of the person that can be contacted for assistance as needed.

TITLE

Enter the title of the VENDOR CONTACT.

SECTION 2: FINANCIAL INSTITUTION INFORMATION

Section 2 is recommended to be completed by a financial institution.

NOTE: Alterations to routing, account number and/or type of account must be initialed by the financial institution representative or the payee.

SECTION 3: AUTHORIZATION FOR DIRECT DEPOSIT SETUP

The individual authorizing the direct deposit setup must sign, print their name and date the form.

SECTION 4: AUTHORIZATION FOR ADVANCE PAYMENT NOTIFICATION SETUP

Receiving your state payments by direct deposit also enables you to take advantage of our Advance Payment Notification option. Notifications can be sent by e-mail or FAX, and provides one (1) business day advance notice prior to your payment posting to your bank account. You may also choose to have your payment remittance information included. To sign-up simply complete Section 4.

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ <input type="checkbox"/> Exempt payee <input type="checkbox"/> Other (see instructions) ▶	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
	List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number
or
Employer identification number

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here	Signature of U.S. person ▶	Date ▶
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a “saving clause.” Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called “backup withholding.” Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate Instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the “Name” line. You may enter your business, trade, or “doing business as (DBA)” name on the “Business name” line.

Limited liability company (LLC). Check the “Limited liability company” box only and enter the appropriate code for the tax classification (“D” for disregarded entity, “C” for corporation, “P” for partnership) in the space provided.

For a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Regulations section 301.7701-3, enter the owner’s name on the “Name” line. Enter the LLC’s name on the “Business name” line.

For an LLC classified as a partnership or a corporation, enter the LLC’s name on the “Name” line and any business, trade, or DBA name on the “Business name” line.

Other entities. Enter your business name as shown on required federal tax documents on the “Name” line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the “Business name” line.

Note. You are requested to check the appropriate box for your status (individual/sole proprietor, corporation, etc.).

Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the “Exempt payee” box in the line following the business name, sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
2. The United States or any of its agencies or instrumentalities,
3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
5. An international organization or any of its agencies or instrumentalities.

Other payees that may be exempt from backup withholding include:

6. A corporation,
7. A foreign central bank of issue,
8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
9. A futures commission merchant registered with the Commodity Futures Trading Commission,
10. A real estate investment trust,
11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
12. A common trust fund operated by a bank under section 584(a),
13. A financial institution,
14. A middleman known in the investment community as a nominee or custodian, or
15. A trust exempt from tax under section 664 or described in section 4947.

The chart below shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 13. Also, a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 7

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation (including gross proceeds paid to an attorney under section 6045(f), even if the attorney is a corporation) and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, and payments for services paid by a federal executive agency.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited liability company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting www.irs.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt payees, see *Exempt Payee* on page 2.

Signature requirements. Complete the certification as indicated in 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

Call the IRS at 1-800-829-1040 if you think your identity has been used inappropriately for tax purposes.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS personal property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.consumer.gov/idtheft or 1-877-IDTHEFT(438-4338).

Visit the IRS website at www.irs.gov to learn more about identity theft and how to reduce your risk.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
5. Sole proprietorship or disregarded entity owned by an individual	The owner ³
For this type of account:	Give name and EIN of:
6. Disregarded entity not owned by an individual	The owner
7. A valid trust, estate, or pension trust	Legal entity ⁴
8. Corporate or LLC electing corporate status on Form 8832	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership or multi-member LLC	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or "DBA" name on the second name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

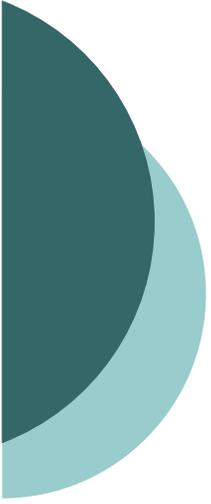
⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA, or Archer MSA or HSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S. possessions to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 28% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.



APPENDIX C – Record Keeping Guidance

Record Keeping Guidance—Page 1

SPECIFIC GUIDANCE FOR SB503 RECORD KEEPING

Log of Requests for Planning Assistance

The district should maintain a log of the requests for planning assistance. The numbers assigned to WQMPs are cumulative. The information will include plan number, applicant's name, number of acres, land use and TSSWCB certification date.

Log of Applications for Cost-share

First complete the heading. As cost-share applications are received they are assigned sequential numbers. Enter the application number, the applicant's name and the date received in the appropriate column. If the application is deferred and later reconsidered and approved or disapproved there will be two dates entered under Dates of Board action.

Record of Cost-share Obligations

Step 1 – Complete the heading and enter the district's initial allowance for cost-share.

Step 2 – Enter application number of first application approved by the district board, the applicant's name, the date approved and the amount obligated. The balance will be the initial allocation minus the total obligated. Subsequent applications will be entered in the same manner. Each time the amount obligated is added to the previous total obligated to arrive at the current total obligated. This total obligated is subtracted from the previous balance to arrive at the current balance.

Step 3 – When a final performance certification is received that releases unused funds back to the district, enter the application number, the applicant's name and the date the district approved the performance certification in the appropriate

column. Enter the amount released in the released column and subtract this amount from the previous total obligated to arrive at the current total obligated. This total obligated is subtracted from the previous balance to arrive at the current balance.

Step 4 - When an adjustment of the district's allocation is made, either as an additional funds received from the TSSWCB, or as the return of an unused portion of the district's allocation to the TSSWCB, enter the date of the transaction in the date column and the amount in the adjustment column. Note an additional allocation as plus and the return of funds as a minus. Add or subtract the amount of the adjustment to or from the previous balance to arrive at the current balance.

Form TSSWCB002

First complete the heading by entering the program identification (503 or 319), the fiscal year, the sequential application number, the applicant's WQMP number, the district name, the applicant's name and address (name should be the same as the name on the plan), and either the applicant's social security number or federal tax ID number, whichever is appropriate. If a federal tax ID is used, form TSSWCB002Ad must be completed.

Next enter the required information on the practices for which cost-share is requested. The practice must be scheduled in the applicant's WQMP. The field number must agree with the plan. The estimate quantity must agree with the quantity planned. If the total of the estimated cost-share amount exceeds the established district limit, enter the maximum set by the district, as indicated by the asterisk footnote. Each practice of practice component for which partial payment might be requested should be a line entry on the application.

Record Keeping Guidance—Page 2

Then enter the district's proposed cancellation date. Have the applicant sign and date the application. This can be done at anytime in the planning process that the information is known. If the applicant does not own the land, the landowner is also required to sign.

Enter the district name and have the application signed by a district director after the district board approves the application. The district should not sign an application before the district has received approval of its allocation or before the applicant's plan is certified. The district does not have funds to obligate until their allocation is approved. A practice is not eligible for cost-share unless it is included in the applicant's certified WQMP.

If the applicant is a district director, or if a district director has an interest in the operation for which the cost-share application is made, the director must complete the application addendum for district directors form TSSWCB002A-2

Form TSSWCB002Ad-2

This form is to be completed by each district director that has an interest in an operation with a WQMP for which cost-share application is being made, whether or not he or she is the applicant.

Enter the appropriate application number, WQMP number, district name and number, the program year and the director's name. The director should complete the portion of the form describing his interest, then sign and date the form. The district board's approval of the cost-share application is to be read in the meeting minutes and this attested to in the block at the bottom of the form.

Form TSSWCB003

Mark the performance certification as partial if all the practices for which cost-share has

been requested have not been completed. Partial payment can only be made on practices or components of practices that are listed separately on the application. Mark the form as final if all practices on the application have been completed.

Complete the heading by entering the district name, the applicant's name (as entered on the application), the cost-share program (503 or 319), the fiscal year, the application number and the WQMP number.

Enter each practice or practice component that is being certified. The information should agree with the cost-share application, except the quantity performed should reflect the actual quantity installed. Explanation will be provided for difference in request and performance quantity. Partial payment for practices or practice components cannot exceed the estimated dollars for that item. Final payments cannot exceed the total dollars approved on the application. If the performance certification is final and not all of the dollars obligated are being claimed, the unused funds should be released back to the district by entering the unused amount in the blank provided. The applicant should sign and date the form. When the district has satisfied itself that the practice has been installed to standards and the quantity reported is correct, enter the amount of cost-share approved. The form is then signed and dated by a district director.

Log of Requests for WQMP Planning Assistance

_____ SWCD # _____

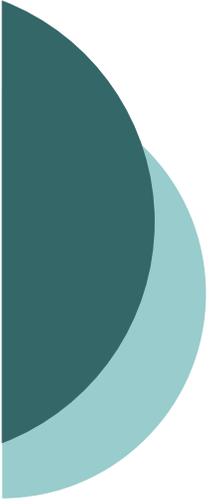
_____ Field Office

_____ Fiscal Year

	<i>Applicant's Name</i>	<i>Plan #</i>	<i>Acres</i>	<i>Land Use</i>	<i>Date Requested</i>	<i>Date Certified by TSSWCB</i>
1						
2						
3						
4						
5						
6						
7						
8						
9						
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35						

Land Use:
 C: Cropland
 H: Hayland
 P: Pastureland
 R: Rangeland
 W: Wildlife
 CAFO/AFO





APPENDIX D – COMPLAINT RESOLUTIONS

TEXAS STATE SOIL & WATER CONSERVATION BOARD



PROCESS
FOR

NONPOINT SOURCE
AGRICULTURAL & SILVICULTURAL
WATER QUALITY
COMPLAINTS

AND
ALL DRY-LITTER POULTRY COMPLAINTS



TABLE OF CONTENTS

Section	Topic
1.	First step in the complaint process.
2.	Where to refer complaints.
3.	Process for complaints received by the TSSWCB Regional Office.
4.	Process for valid complaints where the producer will not or can not take corrective action.
5.	Discharges or other violations of water quality rules or laws.
6.	Hearings regarding complaints.

Appendix	Topic
	Instructions for assigning a complaint identification number.
	Complaint log form.
	Complaint investigation report form.
	Instructions for the investigation report.
	County codes and names.
	Nature of complaints codes.
	Example Violations Requiring Notification to TCEQ
	Example of letter to complainant.
	Example of letter to producer.
	Example of letter to TCEQ.

COMPLAINT RESOLUTION PROCESS

1. First step in the complaint process.

1.1 Determine whether or not a certified Water Quality Management Plan (WQMP) exists for the operation involved in the complaint.

- Throughout this document “poultry” means all dry-litter poultry operations.

2. Where to refer complaints.

2.1 All complaints should be referred to the Regional Office of Texas Commission on Environmental Quality (TCEQ) if:

- the nature of the complaint is not water quality (ie: odor; refer to subsection 2.2 if the complaint is odor on a poultry operation,) or;
- the nature of the operation is not agricultural or silvicultural or;
- authorization under 30 TAC 321 is required or;
- within 45 days of notification of the outcome of the investigation, the owner/operator does not implement corrective action or apply for a WQMP or;
- within 90 days of signing a request for planning assistance, the owner/operator has not signed a WQMP, where agreement to develop and implement a WQMP for the involved facility was initially the resolution of the complaint.

2.2 All complaints should be referred to the Regional Office of Texas State Soil & Water Conservation Board (TSSWCB) if:

- there is a WQMP on the operation and the complaint is water quality in nature or;
- the operation is poultry whether the complaint is water quality or odor and whether or not there is a WQMP on the operation or;
- there was a valid Request for Water Quality Management Planning Assistance (TSSWCB Form 001) on file with the local soil and water conservation district (SWCD) at the time of the complaint or;
- there is not a WQMP on the operation, BUT, the complaint is concerning a violation of law or rule relating to agricultural or silvicultural nonpoint source pollution under the jurisdiction of the TSSWCB.

2.3 All complaints received by TSSWCB from TCEQ must be in writing.

3. Process for complaints received by the TSSWCB Regional Office.

3.1 Ensure one of the conditions under subsection 2.2 is satisfied. If no, refer the complaint to TCEQ. If yes, proceed to subsection 3.2.

3.2 The Regional Office will assign a complaint identification number to the case and maintain a log of all complaints. Refer to Appendix E for instructions.

3.3 Contact the complainant within 2 working days of receipt of the complaint to verify the nature of the complaint and ensure them the complaint is being investigated.

3.4 Contact the individual in control of the operation for which the complaint was filed as soon as possible and schedule a site visit to be conducted within 5 working days of receipt of the complaint to investigate the complaint and develop a WQMP or ensure the existing WQMP is being followed. If contact with the producer cannot be made within 5 working days, schedule a site visit anyway. If the alleged complaint involves a discharge to water of the state or other violation that causes an immediate impact to aquatic life, impacts the environment, or affects human health or safety, attempt to contact the individual in control of the operation immediately and schedule a site investigation immediately.

- If the producer has a WQMP and cannot or will not schedule a prompt meeting, or will not give TSSWCB permission to conduct the investigation promptly, notify the producer that the complaint will be immediately referred back to TCEQ for investigation and recommendation to the SWCD for decertification of the WQMP. Texas Agriculture Code 201.026 (j) requires the complaint be referred to TCEQ under these circumstances. If the operation is poultry, refer to subsection 4.4;

- If the producer does not have a WQMP and cannot or will not schedule a prompt meeting, refer the complaint back to TCEQ. If the operation is poultry, refer to subsection 4.4.

3.5 Contact the local SWCD Chairman and/or other district directors and the TSSWCB Field Representative to invite them to attend the site visit.

3.6 While on-site, investigate the validity of the specific charges in the complaint and, if a WQMP exists, complete a WQMP status review (TSSWCB Form 005); otherwise gather information needed to develop a WQMP. For animal feeding operations (AFO or CAFO), also complete a compliance inspection form.

- 3.7** When the investigation is concluded, while on-site if the producer is there, inform the producer of corrective action needed, if any, and provide the producer with a deadline, not to exceed 45 days, by which corrective action should be taken, unless an immediate impact to aquatic life, impact to the environment, or affect on human health or safety, then corrective action must begin immediately. If needed, the WQMP will be revised to accommodate required corrective action and a copy of the revised WQMP provided to the producer as soon as possible. Inform the producer that he/she will receive a letter from TSSWCB describing what has occurred and what actions he/she needs to take to return the operation to WQMP compliance. If the producer will not or cannot take corrective action, refer to section 4.
- 3.8** If it is determined that actions occurred that caused a discharge of pollutants to water of the state or other violations of water quality laws or there have been repeated notifications to the producer of other WQMP violations, refer to section 5.
- 3.9** If possible, visit the complainant to inform them of the findings.
- 3.10** Complete the complaint investigation report form. Refer to Appendix E. Copies of the report should be sent to the following:
- local SWCD to be included in the district's copy of the WQMP;
 - TSSWCB Regional Office file;
 - TSSWCB Regional Office Coordinator;
 - TSSWCB Field Representative.
- 3.11** Send a letter to the complainant (certified mail - return receipt requested if no problems found) informing them of the findings. Copies of the letter should be sent to the same as listed in subsection 3.10.
- 3.12** Send a letter to the producer (certified mail - return receipt requested if problems found) informing them of the findings and, if needed, required corrective actions and deadlines. Copies of the letter should be sent to the same as listed in subsection 3.10.
- 3.13** If the complaint was a referral from TCEQ, send a letter to the appropriate TCEQ Regional Office Water Section Manager informing them of the findings and corrective action taken and/or prescribed, if any.
- If the complaint was odor related, and the TSSWCB investigation found no problems related to the WQMP, the complaint should be referred to the TCEQ Regional Office Air Section Manager for further consideration.
- 3.14** If corrective action was required, schedule an appointment for follow-up and complete the Status Review Follow-up form (TSSWCB Form 006). If

corrective action has not been taken as required in subsection 3.7 or 5.1, refer to Section 4. If a poultry operation is involved, and TSSWCB has disclosure permission under Texas Agriculture Code §201.006(b), the integrator company will be notified for assistance in gaining compliance prior to proceeding with Section 4.

- 3.15** At the next regularly scheduled SWCD meeting, the status of the complaint should be discussed with the district directors.
- 4. Process for valid complaints where the producer will not or cannot take corrective action.**
- 4.1** If a WQMP does not exist, immediately refer the complaint to TCEQ.
- 4.2** If a WQMP does exist, the TSSWCB Regional Office should present the findings to the local SWCD with a recommendation to decertify the plan, except for poultry operations. Texas Agriculture Code 201.026 (j) requires the complaint be referred to TCEQ under these circumstances.
- 4.3** Upon decertification of the WQMP, a letter from the Regional Office Manager stating the WQMP has been decertified and describing the nature of the violation will be submitted immediately to the following:
- TCEQ Headquarters Office (certified mail, return receipt requested);
 - TCEQ Regional Office Water Section Manager (certified mail, return receipt requested);
 - producer in control of the WQMP (certified mail, return receipt requested);
 - local SWCD to be included in the district's copy of the decertified WQMP;
 - TSSWCB Regional Office file;
 - TSSWCB Regional Office Coordinator;
 - TSSWCB Field Representative.
- 4.4** If a poultry operation is involved, whether or not the operation has a WQMP, the notification to TCEQ as required by Texas Agriculture Code 201.026(j) should include producer's failure to comply with Texas Water Code §26.302, requirement to implement and maintain a WQMP, in addition to other violations found. Notification should go to the TCEQ Regional Office Water Section Manager (certified mail, return receipt requested) and copies to the same as listed in 3.10 and the producer.
- 4.5** If subsequent to actions in 4.1 or 4.2 or 4.4, TSSWCB receives notification from TCEQ or the producer that the producer will become compliant with Texas Water Code §26.302 and/or 30 TAC §321.47(a-b), proceed with subsections 3.7 – 3.15

and notify the TCEQ Regional Office Water Section Manager when the operation has achieved WQMP compliance. Copies of the TCEQ notification should go to the same as listed in subsection 3.10 and the producer.

5. Discharges or other violations of water quality laws.

5.1 If it is determined that actions occurred that resulted in a discharge of pollutants to water of the state or other violations of water quality laws, inform the producer, while on-site if the producer is there, and in writing as stated in subsection 3.12, of corrective action needed, and provide the producer with a deadline, not to exceed 45 days, by which corrective action should be taken, unless an immediate impact to aquatic life, impact to the environment, or affect on human health or safety, then corrective action must begin immediately. If needed, the WQMP will be revised to accommodate required corrective action and a copy of the revised WQMP provided to the producer as soon as possible. Inform the producer that TCEQ will be notified of the violations (including other WQMP violations for which there have been three written notifications to the producer with no corrective action taken) and that the SWCD will be notified of his/her actions and a determination made as to the status of the WQMP certification. Refer to Appendix E for examples of violations that require notification to TCEQ.

5.2 In addition to following steps in subsections 3.7 – 3.15, after corrective action has been taken as required in subsection 5.1, the Regional Office manager will notify in writing the appropriate TCEQ Regional Office Water Section Manager of the findings and corrective action taken and/or prescribed, if any. Pictures and other appropriate evidentiary documentation will accompany the written notice to TCEQ.

- If producer does not comply with requirements of subsection 5.1, then proceed with actions in Section 4.

5.3 At the next regularly scheduled SWCD meeting, the SWCD should address the issue and determine if decertification is warranted.

5.4 If the SWCD determines that the WQMP should be decertified, a letter from the Regional Office manager stating the WQMP has been decertified and describing the nature of the violation will be submitted immediately to the same as listed in subsection 4.3.

6. Hearings regarding complaints.

6.1 After an investigation, the complainant and/or the operator will have the opportunity for a hearing

before the directors of the soil and water conservation district involved in the investigation.

6.2 Following a hearing with local district directors, the complainant and/or the operator may request a hearing before members of the TSSWCB. The State Board may grant the requested hearing at their discretion.

Refer to Appendix for forms pertinent to complaint resolutions.

This process approved by the Texas State Soil & Water Conservation Board at their January 17, 2008 meeting in Temple, Texas.

APPENDIX

INSTRUCTIONS FOR ASSIGNING COMPLAINT IDENTIFICATION NUMBERS

The complaint identification number is composed of three parts in the form xxx-xx-xx. The three parts are as follows:

1. The first 3 digits represent the SWCD number.
2. The next two digits represent the fiscal year (September 1 - August 31) in which the complaint was received by TSSWCB.
3. The last two digits represent the number of the complaint received in that SWCD for that fiscal year. Assignment of this number will start again with 01 at the beginning of each fiscal year.

An example complaint identification number for the 2nd complaint received in fiscal year 2008 in SWCD 999 would be as follows:

SWCD - FY - Complaint #
999 - 08 - 02

Each complaint received will be logged on the Complaint Log form shown in Appendix.

**TEXAS STATE SOIL AND WATER CONSERVATION BOARD
INVESTIGATION REPORT**

COMPLAINT NUMBER	# xxx-xx-xx	DISTRICT	
DATE REQUESTED		SOURCE	Referred by TCEQ-Waco
		STATUS	Final

REQUESTOR ADDRESS			
CITY, STATE, ZIP			
TELEPHONES:	HOME	WORK	OTHER

ENTITY ADDRESS			
CITY, STATE, ZIP			
TELEPHONES:	HOME	WORK	OTHER
		WQMP:	xxx-xx-xxx

ALLEGED PROBLEM:

LOCATION:

INSPECTOR		COUNTY		BASIN		SEGMENT	
TYPE:	AGRICULTURAL NPS		SILVICULTURAL NPS		OTHER		
NATURE (CODE & DESCRIPTION):							

DATES:			
COMPLAINANT CONTACTED		INVESTIGATED	
COMPLAINANT ADVISED		LETTER TO ENTITY	
LETTER TO COMPLAINANT		REPORT	
RESOLUTION		REFERRED	

SUMMARY OF INVESTIGATION:

RESOLUTION:

XxxxxxXXXXXXXXXX

INVESTIGATOR

XxxxxxXXXXXXXXXX

REGIONAL MANAGER

DATE

ATTACHMENT(S):

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

PHOTOS

CORRESPONDENCE

OTHER

INSTRUCTIONS FOR COMPLETING THE COMPLAINT INVESTIGATION REPORT

Complaint Number:	Refer to Instructions for Assigning Complaint Identification Numbers in Appendix.
Date Requested:	Date the complaint was received by the TSSWCB Regional Office.
Source:	Agency or person referring the complaint to TSSWCB.
Status:	Final, Pending, or other status condition of the investigation.
Requestor:	The individual who filed the complaint.
Entity:	The facility which is the subject of the complaint.
WQMP:	The WQMP ID.
Inspector:	Initials of the inspector(s) investigating the complaint.
County:	3-digit code, refer to list of County Codes & Names in Appendix.
Basin:	2-digit code; refer to Atlas of Texas Surface Waters - Maps of the Classified Segments of Texas River and Coastal Basins.
Segment:	4-digit code; refer to Atlas of Texas Surface Waters - Maps of the Classified Segments of Texas River and Coastal Basins.
Nature:	2-letter code with description; refer to Nature of Complaints Codes in Appendix.
Dates:	
Complainant Contacted:	Date TSSWCB contacted complainant to advise that problem will be investigated.
Investigated:	Date TSSWCB investigated the complaint.
Complainant Advised:	Date TSSWCB advised complainant of results of investigation (in person or by phone or in writing).
Letter to Entity:	Date TSSWCB sent letter to entity regarding results of investigation.
Letter to Complainant:	Date TSSWCB sent letter to complainant regarding results of investigation.
Report:	Date the investigation report is completed.
Resolution:	Date problem was resolved.
Referred:	Date the complaint is referred to TCEQ or other agency for further investigation.

A copy of Publication GI-316, Atlas of Texas Surface Waters - Maps of the Classified Segments of Texas River and Coastal Basins, is available from TCEQ at:

TCEQ Publications
MC 195
P.O. Box 13087
Austin, Texas 78711

A single copy of this publication is free.

COUNTY CODES & NAMES

001	ANDERSON	065	DONLEY	129	KAUFMAN	193	REAL
002	ANDREWS	066	DUVALL	130	KENDALL	194	RED RIVER
003	ANGELINA	067	EASTLAND	131	KENEDY	195	REEVES
004	ARANSAS	068	ECTOR	132	KENT	196	REFUGIO
005	ARCHER	069	EDWARDS	133	KERR	197	ROBERTS
006	ARMSTRONG	070	ELLIS	134	KIMBLE	198	ROBERTSON
007	ATASCOSA	071	EL PASO	135	KING	199	ROCKWALL
008	AUSTIN	072	ERATH	136	KINNEY	200	RUNNELS
009	BAILEY	073	FALLS	137	KLEBERG	201	RUSK
010	BANDERA	074	FANNIN	138	KNOX	202	SABINE
011	BASTROP	075	FAYETTE	139	LAMAR	203	SAN AUGUSTINE
012	BAYLOR	076	FISHER	140	LAMB	204	SAN JACINTO
013	BEE	077	FLOYD	141	LAMPASAS	205	SAN PATRICIO
014	BELL	078	FOARD	142	LA SALLE	206	SAN SABA
015	BEXAR	079	FORT BEND	143	LAVACA	207	SCHLEICHER
016	BLANCO	080	FRANKLIN	144	LEE	208	SCURRY
017	BORDEN	081	FREESTONE	145	LEON	209	SHACKELFORD
018	BOSQUE	082	FRIO	146	LIBERTY	210	SHELBY
019	BOWIE	083	GAINES	147	LIMESTONE	211	SHERMAN
020	BRAZORIA	084	GALVESTON	148	LIPSCOMB	212	SMITH
021	BRAZOS	085	GARZA	149	LIVE OAK	213	SOMERVELL
022	BREWSTER	086	GILLESPIE	150	LLANO	214	STARR
023	BRISCOE	087	GLASSCOCK	151	LOVING	215	STEPHENS
024	BROOKS	088	GOLIAD	152	LUBBOCK	216	STERLING
025	BROWN	089	GONZALES	153	LYNN	217	STONEWALL
026	BURLESON	090	GRAY	154	MCCULLOCH	218	SUTTON
027	BURNET	091	GRAYSON	155	MCLENNAN	219	SWISHER
028	CALDWELL	092	GREGG	156	MCMULLEN	220	TARRANT
029	CALHOUN	093	GRIMES	157	MADISON	221	TAYLOR
030	CALLAHAN	094	GUADALUPE	158	MARION	222	TRELL
031	CAMERON	095	HALE	159	MARTIN	223	TERRY
032	CAMP	096	HALL	160	MASON	224	THROCKMORTON
033	CARSON	097	HAMILTON	161	MATAGORDA	225	TITUS
034	CASS	098	HANSFORD	162	MAVERICK	226	TOM GREEN
035	CASTRO	099	HARDEMAN	163	MEDINA	227	TRAVIS
036	CHAMBERS	100	HARDIN	164	MENARD	228	TRINITY
037	CHEROKEE	101	HARRIS	165	MIDLAND	229	TYLER
038	CHILDRESS	102	HARRISON	166	MILAM	230	UPSHUR
039	CLAY	103	HARTLEY	167	MILLS	231	UPTON
040	COCHRAN	104	HASKELL	168	MITCHELL	232	UVALDE
041	COKE	105	HAYS	169	MONTAGUE	233	VAL VERDE
042	COLEMAN	106	HEMPHILL	170	MONTGOMERY	234	VAN ZANDT
043	COLLIN	107	HENDERSON	171	MOORE	235	VICTORIA
044	COLLINGSWORTH	108	HIDALGO	172	MORRIS	236	WALKER
045	COLORADO	109	HILL	173	MOTLEY	237	WALLER
046	COMAL	110	HOCKLEY	174	NACOGDOCHES	238	WARD
047	COMANCHE	111	HOOD	175	NAVARRO	239	WASHINGTON
048	CONCHO	112	HOPKINS	176	NEWTON	240	WEBB
049	COOKE	113	HOUSTON	177	NOLAN	241	WHARTON
050	CORYELL	114	HOWARD	178	NUECES	242	WHEELER
051	COTTLE	115	HUDSPETH	179	OCHILTREE	243	WICHITA
052	CRANE	116	HUNT	180	OLDHAM	244	WILBARGER
053	CROCKETT	117	HUTCHINSON	181	ORANGE	245	WILLACY
054	CROSBY	118	IRION	182	PALO PINTO	246	WILLIAMSON
055	CULBERSON	119	JACK	183	PANOLA	247	WILSON
056	DALLAM	120	JACKSON	184	PARKER	248	WINKLER
057	DALLAS	121	JASPER	185	PARMER	249	WISE
058	DAWSON	122	JEFF DAVIS	186	PECOS	250	WOOD
059	DEAF SMITH	123	JEFFERSON	187	POLK	251	YOAKUM
060	DELTA	124	JIM HOGG	188	POTTER	252	YOUNG
061	DENTON	125	JIM WELLS	189	PRESIDIO	253	ZAPATA
062	DE WITT	126	JOHNSON	190	RAINS	254	ZAVALA
063	DICKENS	127	JONES	191	RANDALL		
064	DIMMIT	128	KARNES	192	REAGAN		

NATURE OF COMPLAINTS CODES

MM	Animal Mortality Management Practices
WA -	Animal Waste Application Management Practices
WF -	Animal Waste/Feeding Practices
WS	Animal Waste Storage Practices
ES -	Erosion/Sediment Practices
FM -	Fertilizer Management Practices
FP -	Fire Management Practices
GM -	Grazing Management Practices
GW -	Ground Water Contamination
HP -	Harvest Practices
IT -	Irrigation/Tailwater Management Practices
OD	Odor
OO -	Other
PM -	Pesticide Management Practices
RP -	Revegetation Practices
RS -	Road System Management Practices
SP -	Site Preparation Practices
SM -	Streamside Management Practices
SW -	Surface Water Contamination
WM -	Wetlands Management Practices

EXAMPLE VIOLATIONS REQUIRING NOTIFICATION TO TCEQ

Category A Violations, Requires Immediate notification to TCEQ for Enforcement (NOE)

- Discharge of any pollutant into water of the state
- Discharge of litter/manure-contaminated runoff into neighbor's pond, creek, or otherwise onto the neighbor's property when not applied at agronomic rate or otherwise prescribed by the WQMP
- Dumping dead animals into water of the state
- Burial or placing of dead animals in pit within creek channel, although not directly in the water

Category B Violations, Requires Immediate Notification to TCEQ for Notice of Violation (NOV)

- Improper poultry mortality management (ie: evidence that incinerator, composter, etc not being used)
- Dumping dead animals on the farm
- Burial of poultry other than as a result of major die-off (0.3% of inventory)
- Failure of dry-poultry operation to implement and maintain WQMP (failure to comply with TWC §26.302)

Category B Violations, Requires Notification to TCEQ for Notice of Violation (NOV) after repeated attempts to gain compliance from producer

- Chronic failure to obtain soil and/or litter samples, maintain buffers, or other water quality issues as required by WQMP after repeated notifications to producer (failure to implement and maintain WQMP as required by TWC §26.302 for poultry and failure to comply with 30 TAC §321.47(b)(2) for all other AFOs).

What Is Considered A Discharge?

Any pollutant from a "point source" that leaves your property or enters water in the state. For example, when rainwater comes in contact with a point source such as a litter/manure storage pile, and runoff water from that pile flows onto your neighbor's property or enters water in the state; that **IS** a discharge and subject to enforcement. Runoff from litter/manure that is applied to a hay field or pasture or other crop in accordance with the Water Quality Management Plan (WQMP) is non-point source runoff and would **NOT** be considered a discharge. However, if that litter/manure is land applied at a rate exceeding what the WQMP says **OR** in buffer zones excluded by the WQMP, and runoff from that field enters water of the state or a neighbor's property, it **IS** a discharge. Water from a waste storage pond via a pipe or hose not sprayed agronomically on a field **IS** a discharge if it enters water of the state or leaves the WQMP property. Dead animals dumped in water of the state **IS** a discharge.

What Is "Water In The State"?

According to the CAFO rules in 30 Texas Administrative Code §321.32(58), water in the state includes all surface and groundwater within the boundaries of the state of Texas, including ponds, creeks, streams, lakes, etc. on private property.

EXAMPLE LETTER TO COMPLAINANT

Date

CERTIFIED MAIL#
RETURN RECEIPT REQUESTED

A1
A2
A3

Re: Complaint # ____-____-____
Agricultural Nonpoint Source
_____ SWCD #____, _____ County, Texas

Dear Mr. _____,

On (DATE), this office received referral of your complaint dated (DATE) from the Texas Commission on Environmental Quality regarding contaminated runoff from a (TYPE) operation. On (DATE), (NAME OF INVESTIGATOR) and I of our _____ Regional Office accompanied by (NAME & TITLE) met with the owner at the operation to perform a status review and investigate the alleged problem. Prior to the investigation it was determined that the owner is the holder of a Water Quality Management Plan certified by the Texas State Soil and Water Conservation Board.

During the (DATE) visit, the regional office staff determined that the farm was in compliance with the requirements of the Water Quality Management Plan and observed no indication of the alleged complaint.

OR:

During the (DATE) visit, the regional office staff determined that the farm was not in compliance with the requirements of the Water Quality Management Plan and corrective action will be taken to correct the problem.

Should clarification of this letter be necessary or if we may be of further assistance, please contact me at (xxx) xxx-xxxx or at the address shown below.

Sincerely,

Xxxxx XXXXXXXXXXXXX
Regional Manager

cc: _____ Soil & Water Conservation District #____
_____, Field Representative, TSSWCB
_____, Regional Office Coordinator, TSSWCB
File

EXAMPLE LETTER TO PRODUCER

Date

CERTIFIED MAIL#
RETURN RECEIPT REQUESTED

A1
A2
A3

Re: Complaint # ____-____-____
Agricultural Nonpoint Source
_____ SWCD #____, _____ County, Texas

Dear Mr. _____,

On ____ (DATE) ____, this office received referral of a complaint from the Texas Commission on Environmental Quality regarding contaminated runoff leaving your ____ (TYPE) operation ____ miles (direction) of _____. On ____ (DATE) ____, _____ and I of our _____ Regional Office accompanied by _____, Field Representative, met with you at the operation to perform a status review and investigate the alleged problem. Prior to the investigation it was determined that you are the holder of Water Quality Management Plan # ____-__-____ as certified by the Texas State Soil and Water Conservation Board on ____ (DATE) ____.

During the ____ (DATE) ____ visit, the regional office staff determined that you were in compliance with the requirements of your Water Quality Management Plan. We discussed the alleged complaint with you and more specifically asked questions pertaining to allegations. Before leaving your farm, the investigators and yourself drove through your place and observed no indication of contaminated runoff leaving your farm.

We appreciate your cooperation with us and the Water Quality Management Plan Program. Should clarification of this letter be necessary or if we may be of further assistance, please contact me at (xxx) xxx-xxxx or at the address shown below.

Sincerely,

Xxxxx XXXXXXX
_____ Regional Manager

cc: _____ Soil & Water Conservation District #____
_____, Field Representative, TSSWCB
_____, Regional Office Coordinator, TSSWCB
File

EXAMPLE LETTER TO TCEQ

Date

CERTIFIED MAIL#
RETURN RECEIPT REQUESTED

NAME

Water Section Manager
Texas Commission on Environmental Quality

A1

A2

A3

Re: Complaint # ___-___-___
Agricultural Nonpoint Source
_____ SWCD # ___, _____ County, Texas

Dear Mr. _____,

On (DATE), this office received referral of a complaint from the Texas Commission on Environmental Quality regarding contaminated runoff from _____'s (TYPE) operation approximately miles (DIR) of (COMMUNITY/TOWN). On (DATE), (NAME OF INVESTIGATOR) and I of our _____ Regional Office accompanied by (NAME & TITLE) met with Mr. _____ at his operation to perform a status review and investigate the alleged problem. Prior to the investigation it was determined that Mr. _____ is the holder of Water Quality Management Plan # ___-___-___ certified by the Texas State Soil and Water Conservation Board on (DATE).

During the (DATE) visit, our staff determined that Mr. _____ was in not in compliance with the requirements of his Water Quality Management Plan and had the following violations:

V1

V2

Corrective action has been taken to resolve these issues and the operation has returned to a compliant status. Enclosed for your information is a map of the location and pictures showing the violations and corrective action taken. Should clarification of this letter be necessary or if we may be of further assistance, please contact me at (xxx) xxx-xxxx or at the address shown below.

Sincerely,

XXXXX XXXXXXXX

_____ Regional Manager

cc: _____ Soil & Water Conservation District # _____
_____, Field Representative, TSSWCB
_____, Regional Office Coordinator, TSSWCB
File



APPENDIX E – Water Quality Mgmt. Program Rules

To locate a document in this appendix on the TSSWCB website go the agency's home page and click on the link, "About Us". Scroll down and click on "TSSWCB Rule Review Plan".

**SUBCHAPTER I. COST-SHARE ASSISTANCE
PROGRAM FOR SOIL AND WATER
CONSERVATION LAND IMPROVEMENT
MEASURES**

§201.301. Creation of Program

The state board shall administer a cost-share assistance program for soil and water conservation land improvement measures.

Added by Acts 1993, 73rd Leg., ch. 54, Sec. 2, eff. April 29, 1993.

§201.302. Use of Funds

- (a) The state board may provide cost-share assistance to landowners or operators for the installation of soil and water conservation land improvement measures consistent with the purpose of controlling erosion, conserving water, or protecting water quality.
- (b) The state board may employ and contract with and provide for the compensation of personnel and may take any other action necessary to implement this subchapter.
- (c) The state board may reimburse a conservation district for the reasonable costs the district incurs in administering this subchapter.

Added by Acts 1993, 73rd Leg., ch. 54, Sec. 2, eff. April 29, 1993.

§201.303. Allocation of Funds

- (a) The state board may allocate funds under this subchapter among particular soil and water conservation land improvement measures or among areas of the state for each of the purposes provided by Section 201.302 of this code.
- (b) The state board may allocate funds among conservation districts to pay the state's share of the costs of installing eligible soil and water conservation land improvement measures on agricultural lands within the districts any may adjust allocations as needs change in order to achieve the most efficient use of funds.
- (c) A conservation district may submit a request for an allocation of cost-share assistance funds to the state board. A request must be submitted in the manner provided by the state board.
- (d) The state board shall set priorities for allocation of cost share assistance funds consistent with the purposes provided by Section 201.302 of this code. The state board may consider local priorities and needs in establishing priorities. The state board shall:
 - (1) give greater weight among the priorities set under this subsection to allocation of funds to owners of land in the priority areas identified under Section 201.026(g); and
 - (2) keep records of financial incentive disbursements to owners of land in the priority areas identified under Section 201.026(f).

Added by Acts 1993, 73rd Leg., ch. 54, Sec. 2, eff. April 29, 1993.
Amended by Acts 2001, 77th Leg., ch. 109, Sec. 14, eff. Sept. 1, 2001.

§201.304. Eligibility for Cost-Share Assistance

As a condition for assistance under this subchapter, the state board may require that a person:

- (1) own or operate agricultural land within the boundaries of the conservation district providing cost-share assistance;
- (2) have a conservation plan approved by the conservation district covering the land for which a soil and water conservation land improvement measures is proposed; and
- (3) include in the conservation plan practices for which cost-share assistance is proposed.

Added by Acts 1993, 73rd Leg., ch. 54, Sec. 2, eff. April 29, 1993.

**§201.305. Eligible Soil and Water Conservation
Land Improvement Measures**

- (a) Soil and water conservation land improvement measures eligible for cost-share assistance shall be determined by the state board and must be consistent with the purposes provided by Section 201.302 of this code. The state board may consider local priorities and needs in determining eligible measures.
- (b) Each conservation district receiving an allocation of cost-share assistance funds shall designate the soil and water conservation land improvement measures that are eligible for cost-share assistance within its boundaries, subject to approval by the state board.

Added by Acts 1993, 73rd Leg., ch. 54, Sec. 2, eff. April 29, 1993.

§201.306. Application for Cost-Share Assistance

An application for cost-share assistance may be made on forms provided by the state board or by other means approved by the state board.

Added by Acts 1993, 73rd Leg., Ch. 54, Sec. 2, eff. April 29, 1993.

§201.307. Approval of Application

- (a) A conservation district may approve an application for cost-share assistance if the soil and water conservation land improvement measure is consistent with the purposes provided by Section 201.302 of this code and the priorities established by the state board under Section 201.303 of this code.
- (b) A conservation district may not approve applications for cost-share assistance funds in excess of the funds allocated to the conservation district by the state board.

Added by Acts 1993, 73rd Leg., Ch. 54, Sec. 2, eff. April 29, 1993.

§201.308. Cost-Share Rates

- (a) The state board shall establish the cost-share rates for all eligible soil and water conservation land improvement measures.
- (b) The state board may not bear more than 75 percent of the cost of a soil and water conservation land improvement measure.
- (c) A person may not receive cost-share assistance for a soil and water conservation land improvement measure if the person is simultaneously receiving cost-share assistance for the measure from another source.

- (d) The state board may grant an exception to Subsection (b) of this section if the state board finds the higher share is necessary to obtain adequate implementation of a certain soil and water conservation land improvement measure.
- (e) The state board may grant an exception to Subsection (c) of this section if the state board finds that participation with another cost-share assistance program will
 - (1) enhance the efficiency and effectiveness of a soil and water conservation land improvement measure; and
 - (2) lessen the state's financial commitment to the soil and water conservation land improvement measure.

Added by Acts 1993, 73rd Leg., Ch. 54, Sec. 2, eff. April 29, 1993.

§201.309. Standards and Specifications

The state board shall establish standards and specifications for soil and water conservation land improvement measures eligible for cost-share assistance.

Added by Acts 1993, 73rd Leg., Ch. 54, Sec. 2, eff. April 29, 1993.

§201.310. Cost-Share Payments

- (a) The state board shall make each cost-share assistance payment directly to an eligible person.
- (b) Before making a payment to an eligible person for a soil and water conservation land improvement measure, the state board may require certification by the conservation district in which the measure has been installed to determine if the measure has been completely installed and satisfies the standards and specifications established by the state board.

Added by Acts 1993, 73rd Leg., Ch. 54, Sec. 2, eff. April 29, 1993.

§201.311. Designation of Local Districts.

The state board may designate one or more conservation districts to administer this subchapter locally.

Added by Acts 1993, 73rd Leg., Ch. 54, Sec. 2, eff. April 29, 1993.

CHAPTER 523

§§523.1 - 523.8

AGRICULTURAL AND SILVICULTURAL WATER QUALITY MANAGEMENT

§523.1 Scope and Jurisdiction

(a) The Texas State Soil and Water Conservation Board (State Board) is the lead agency in this state for activity relating to abating agricultural and silvicultural nonpoint source pollution.

(1) Nonpoint source pollution is pollution caused by diffuse sources that are not regulated as point sources and normally is associated with agricultural, silvicultural, and urban runoff, runoff from construction activities, etc. Such pollution is the result of human-made or human-induced alteration of the chemical, physical, biological, and radiological integrity of water. In practical terms nonpoint source pollution does not result from a discharge at a specific, single location (such as a single pipe) but generally results from land runoff, precipitation, atmospheric deposition, or percolation. Pollution from nonpoint sources occurs when the rate at which pollutant materials entering water bodies or groundwater exceeds natural rates or total loadings exceed natural loadings.

(A) Possible nonpoint source pollutants associated with agricultural and silvicultural activities include nutrients, pesticides, organic matter, sediment, and animal wastes. These pollutants may be transported to surface waters in solution with runoff water, suspended in runoff water, or adsorbed on eroded soil particles. The primary concern about agricultural and silvicultural impacts on groundwater relate to use of pesticides, nutrients and potential leaching of these compounds to groundwater or surface runoff entering groundwater through avenues such as abandoned and improperly constructed wells.

(B) Animal feeding operations may be considered as point or nonpoint sources depending on size, location, and other considerations. For the purposes of these rules, all animal feeding operations not required to obtain a permit from the Texas Commission on Environmental Quality will be nonpoint sources.

(2) Agriculture includes, but is not limited to, the following activities: cultivating the soil; producing crops for human food, animal feed, planting seed, or fiber; floriculture; viticulture; horticulture; aquaculture; raising or keeping livestock or poultry; and planting cover crops or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.

(3) Silviculture includes, but is not limited to, the following activities: practices to establish, nurture, protect, and enhance the desired growth of trees for human and/or wildlife benefit; natural or planted afforestation; the propagation and culture of tree seedlings, tree

saplings, and Christmas trees; controlling, suppressing, or culling unwanted woody or herbaceous vegetation in a forested area; establishing and/or maintaining strips or belts of trees for purposes of providing wildlife habitat, wind breaks, or riparian buffers; construction and maintenance of roads and fire lanes; practices and operations that facilitate the harvesting, handling, and removing timber products from a site where they were grown.

(b) As the lead agency, the State Board shall plan, implement, and manage programs and practices for abating agricultural and silvicultural nonpoint source pollution. At a minimum, these programs shall include:

(1) a water quality management plan certification program required by Agriculture Code §201.026(g);

(2) a nonpoint source grant program funded by §319(h) of the federal Clean Water Act and any planning, assessment, education, demonstration, or implementation programs associated with the effective administration of the Texas Nonpoint Source Management Program;

(3) a total maximum daily load program in cooperation with the Texas Commission on Environmental Quality and as required by §303(d) of the federal Clean Water Act; the State Board may enter into an agreement with the Texas Commission on Environmental Quality regarding the effective coordination of agricultural and silvicultural nonpoint source pollution components of total maximum daily loads and total maximum daily load implementation plans; and;

(4) a coastal nonpoint source pollution control program as required by §6217 of the Coastal Zone Act Reauthorization Amendments of 1990 in cooperation with the Coastal Coordination Council and the Texas Coastal Management Program as required by Natural Resources Code §33.052.

§523.2 Identification of Problem Areas

(a) On its own petition or on the petition of a soil and water conservation district, the State Board may delineate an area having the potential to develop agricultural or silvicultural nonpoint source water pollution problems.

(b) Problem areas may be delineated based on the following criteria:

(1) data and information submitted by soil and water conservation districts;

(2) data and information obtained by the State Board;

(3) studies conducted by the State Board or soil and water conservation districts;

(4) assessments, special studies, and programs and research conducted relative to surface and underground water quality pursuant to the Federal Clean Water Act, §§106, 305b, 314, and 319; the Coastal Zone Act Reauthorization Amendments (CZARA), §6217; the National Estuary Program; the Federal Insecticide, Fungicide, and Rodenticide Act; the Texas Water Code, §26.0135; the Texas Clean Rivers Program and data and information collected or obtained by other local, state, or federal governmental entities;

(5) guidelines developed and promulgated by the State Board.

(c) Allocation of resources will be based on priority considerations. In allocating program resources, the State Board will consider the following:

(1) first, known problems, where the State Board has determined that adequate data show the existence of a water quality problem caused by agricultural or silvicultural nonpoint sources;

(2) second, potential problems, where the State Board has determined that the intensity and location of certain agricultural and silvicultural activities requires program implementation to prevent pollution problems caused by agricultural and silvicultural nonpoint source activities;

(3) third, corrective action plans needing to be implemented, the economic impact on producers, and benefits to water quality. Corrective action plans may include, but are not limited to, watershed protection plans, total maximum daily loads and associated implementation plans, nonpoint source grant project plans, or certified water quality management plans.

§523.3 Water Quality Management Plan Certification Program

(a) Purpose. The purpose of this program is to carry out the mandate in Agriculture Code §201.026(g) relating to the abatement of agricultural and silvicultural nonpoint source pollution through a water quality management plan certification program.

(b) Definitions. For the purposes of this section the following definitions shall apply.

(1) Animal feeding operation--A lot or facility (other than an aquatic animal production facility) where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and the animal confinement areas do not sustain crops, vegetation, forage growth, or postharvest residues in the normal growing season.

(2) Coastal Zone Act Reauthorization Amendments--The 1990 amendments to the federal Coastal Zone Act that created the Coastal Nonpoint Program under §6217, "Protecting Coastal Waters." Under §6217, all states with approved coastal zone management programs must develop a Coastal Nonpoint Program to control polluted runoff to coastal waters.

(3) Dry-litter poultry facility--A poultry animal feeding operation that does not use a liquid waste handling system.

(4) Clean Water Act--Federal Water Pollution Control Act, 33 USC, §§1251 - 1387 (1977, as amended).

(5) Field Office Technical Guide (FOTG)--The official Natural Resources Conservation Service guidelines, criteria, and standards for planning and applying conservation practices.

(6) Natural Resources Conservation Service (NRCS)--An agency of the United States Department of Agriculture which includes the agency formerly known as the Soil Conservation Service (SCS).

(7) Operating unit--Land or lands, whether contiguous or non-contiguous, owned and/or operated in a manner that contributes or has the potential to contribute agricultural or silvicultural nonpoint source pollution to water in the state. An operating unit must be determined through mutual agreement by the holder of the water quality management plan, the soil and water conservation district, and the State Board. When determining the applicability of an operating unit, the following criteria must be considered:

(A) Contiguous lands under the same ownership and/or operational control must be considered one operating unit.

(B) Non-contiguous lands under the same ownership and/or operational control may be considered as more than one operating unit when there is mutual agreement by the soil and water conservation district and the potential holder of the water quality management plan unless the lands are associated with an animal feeding operation.

(C) An operating unit, when designated for an animal feeding operation, must at a minimum encompass all land or lands owned and/or operated by the holder of the water quality management plan that are used to produce feed that is consumed by the animals, as well as all land or lands owned and/or operated by the potential holder of the water quality management plan where manures or other agricultural by-products are beneficially used as a source of nutrients to produce food or fiber for any use.

(D) Land or lands within the scope of an existing operating unit for a certified water quality management plan may not be separated from the existing operating unit to establish another operating unit unless a change of ownership has occurred.

(E) Where mutual agreement regarding an operating unit's consistency with these rules is not achieved by the potential holder of the water quality management plan, the soil and water conservation district, and the State Board, the State Board will make a final determination whether or not to certify the water quality management plan.

(8) Practice standard--A technical specification for a conservation practice within the NRCS FOTG that contains information on why and where the practice should be applied, and sets forth the minimum quality criteria that must be met during the application of that practice in order for it to achieve its intended purpose(s).

(9) Resource management system--a combination of conservation practices and resource management activities for the treatment of all identified resource concerns for soil, water, air, plants, animals, and humans that meets or exceeds the quality criteria in the NRCS FOTG for resource sustainability.

(10) Soil and water conservation district (SWCD)--A governmental subdivision of this state and a public body corporate and politic, organized pursuant to Chapter 201 of the Agriculture Code.

(11) State Board--The Texas State Soil and Water Conservation Board organized pursuant to Chapter 201 of the Agriculture Code.

(12) Status review--An audit performed by the State Board on a water quality management plan for the purpose of determining adherence to the plan's implementation schedule.

(13) Texas Nonpoint Source Management Program--The comprehensive management strategy to protect and restore water impacted by nonpoint sources of pollution jointly developed and administered by the Texas Commission on Environmental Quality and the State Board and approved by the Governor of the State of Texas and the United States Environmental Protection Agency.

(14) Texas surface water quality standards--The designation of water bodies for desirable uses and the narrative and numerical criteria deemed necessary to protect those uses established by the Texas Commission on Environmental Quality.

(15) Water in the state--Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

(16) Water quality management plan--a site specific plan for agricultural or silvicultural lands which includes appropriate land treatment practices, production practices, management measures, technologies or combinations thereof which when implemented will achieve a level of pollution prevention or abatement determined by the State Board in consultation with the local SWCD and Texas Commission on Environmental Quality to be consistent with Texas surface water quality standards.

(c) To be certified, a water quality management plan must at a minimum meet the resource quality criteria for water quality at the resource management system level specified within the NRCS FOTG and encompass all lands whether contiguous or non-contiguous that constitutes an operating unit for agricultural or silvicultural nonpoint source pollution abatement purposes.

(d) A water quality management plan should be modified when there is a land use change of any part of the operating unit; an addition or deletion of significant acreage to or from the operating unit covered by the water quality management plan; alteration of planned permanent practice measures including addition or deletion of such; changes identified by research and advanced technology as being needed to meet Texas surface water quality standards; or when more stringent measures become necessary to meet Texas surface water quality standards.

(e) Process for obtaining a Water Quality Management Plan.

(1) Landowners and operators may request the development of a plan or plan modification by the local SWCD. Landowners and operators, following consultation with their SWCD, will be encouraged and aided in working with the SWCD in the preparation of a plan or plan modification based on standards adopted by the State Board to prevent or abate their nonpoint source pollution.

(2) The SWCD will determine the priority of plan development or plan modification and subsequently cause the development and approval of the plan or plan modification.

(3) Landowners and operators may appeal SWCD decisions relative to practices and practice standards to the State Board in the manner prescribed by the State Board.

(4) When determined to be consistent with Texas surface water quality standards, taking into account the state of existing technology, economic feasibility and water quality needs, the State Board will certify the plan or plan modification.

(f) Practice selection.

(1) Practices eligible for water quality management planning will be selected by the State Board in consultation with the SWCD.

(2) Practices will address activities determined by the State Board in consultation with the SWCD to be in need of pollution prevention or abatement.

(3) Insofar as practicable, those practices shall be consistent with the Texas Nonpoint Source Management Program developed by the State Board and the Texas Commission on Environmental Quality pursuant to the federal Clean Water Act, §319 and Coastal Zone Act Reauthorization Amendments §6217.

(g) Practice standards.

(1) Practice standards will be based on specific local conditions.

(2) Practice standards will be based on criteria in the NRCS, FOTG; however, modification of those practice standards to ensure consistency with Texas surface water quality standards and the Texas Nonpoint Source Management Program will be made as necessary. It is the decision of the State Board that the implementation of a water quality management plan based on the NRCS FOTG, including all practices required to minimally meet the resource quality criteria for water quality at the resource management system level, represents the best available technology for meeting Texas surface water quality standards.

(3) Practice standards will be selected or developed in consultation with the local SWCD, with assistance and advice of the NRCS, Texas AgriLife Extension Service, Texas Forest Service, Texas AgriLife Research, Texas Commission on Environmental Quality, the local underground water conservation district and others as determined to be needed by the State Board.

(h) Implementation schedule.

(1) A water quality management plan must contain an implementation schedule.

(2) The implementation schedule will, as far as is practicable, balance the state's need for protecting water quality with need of agricultural and silvicultural producers to have sufficient time to implement practices in an economically feasible manner.

(3) Highest priority will be given to the implementation of the most cost effective and most needed pollution abatement practices.

(4) The State Board in consultation with affected SWCD will conduct status reviews of plan implementation.

(5) The State Board in consultation with the local SWCDs may withdraw certification of a water quality management plan that is not being implemented in accordance with its schedule. Prior to certification being withdrawn, a landowner will be notified and provided a reasonable period of time to implement the water quality management plan according to the schedule or a modified schedule approved by the SWCD.

(6) The holder of a certified water quality management plan shall notify the local SWCD in the event he or she deviates from the implementation schedule.

(i) Applicability of Texas surface water quality standards. To the extent allowed by available technology, water quality management plan development, approval and certification will be

based on Texas surface water quality standards as established by the Texas Commission on Environmental Quality.

(j) Water Quality Management Plans for Poultry Facilities.

(1) After September 1, 2001 in accordance with the schedule in paragraph (2) of this subsection, all poultry facilities producing poultry for commercial purposes will be required to develop and implement a certified water quality management plan covering the poultry operating unit.

(2) Poultry facilities must request development and certification of a water quality management plan according to the following:

Attached Graphic

(3) Poultry facilities may obtain a water quality management plan as prescribed in subsections (a) - (h).

(4) The State Board will maintain a listing of poultry facilities that have requested a certified water quality management plan. The list will indicate date of plan approval by the SWCD and date of certification by the State Board. The listing will also indicate status of implementation.

(5) The State Board in consultation with the local SWCD will conduct status reviews of certified water quality management plans covering poultry facilities on a schedule determined by the State Board.

(6) The State Board, in consultation with the local SWCD may withdraw certification of a water quality management plan that is not being implemented according to its schedule. Prior to certification being withdrawn, the owner/operator of the facilities will be notified and provided a reasonable period of time, as determined by the State Board, to implement the water quality management plan, which may, at the discretion of the local SWCD in accordance with State Board guidance be modified to allow implementation to occur.

(7) The list developed and maintained under paragraph (4) of this subsection will be made available to the Texas Commission on Environmental Quality.

(8) Landowners and operators after consultation with the SWCD may appeal SWCD decisions to the State Board.

§523.4 Resolution of Complaints

Complaints concerning the violation of a water quality management plan or a violation of a law or rule relating to nonpoint source pollution will be addressed as follows.

(1) The State Board will investigate complaints regarding:

- (A) agricultural and silvicultural nonpoint sources;
- (B) operations with a certified water quality management plan;
- (C) operations that have applied for a water quality management plan;
- (D) nonpoint source problems related to operations needing a water quality management plan; and
- (E) general complaints regarding agricultural and silvicultural nonpoint source related pollution.

(2) Determination of the need for action.

(A) The State Board in consultation with the soil and water conservation district will make a determination relative to the need for action.

(B) To the extent practicable, the complainant will be interviewed by the State Board and the soil and water conservation district prior to an investigation.

(C) The State Board in consultation with the local soil and water conservation district will, based on complainant interviews and investigations, including a review of the water quality management plan on file with the State Board and/or the soil and water conservation district, determine whether or not the need for corrective action exists.

(D) The State Board will inform the complainant of the outcome of a determination upon completion of the investigation and it is determined whether the need for corrective action exists.

(E) Upon completion of an investigation by the State Board and all pertinent soil and water conservation districts, and provision of the final investigative determination to all complainants and operators interviewed and investigated, any complainant or operator interviewed or investigated shall be provided an opportunity for a hearing before members of the soil and water conservation district or districts involved in the investigation.

(F) Subsequent to a hearing before members of the local soil and water conservation district or districts involved in the investigation, any complainant or operator

interviewed or investigated may request a hearing before the State Board. The State Board may provide for the requested hearing at its discretion.

(3) Corrective action plan. Once the determination of the need for action is made, a corrective action plan will be developed.

(A) The corrective action plan must meet all requirements of a certified water quality management plan.

(B) The corrective action plan will be developed in consultation with the soil and water conservation district in the same manner as a water quality management plan is developed.

(C) The corrective action plan will be developed with the technical assistance from the Natural Resources Conservation Service, Texas AgriLife Extension Service, Texas Forest Service, the local underground water conservation district, and/or State Board as appropriate.

(4) If the person upon whom the complaint was filed fails or refuses to take warranted corrective action within 45 days of notification of the outcome of the investigation, the State Board shall refer the complaint to the Texas Commission on Environmental Quality.

§523.5 Memorandum of Understanding between the Texas State Soil and Water Conservation Board and the Texas Commission on Environmental Quality

The Texas State Soil and Water Conservation Board may enter into and maintain a Memorandum of Understanding with the Texas Commission on Environmental Quality which sets forth the coordination of jurisdictional authority, program responsibility, and procedural mechanisms for point and nonpoint source pollution programs.

§523.6 Cost-Share Assistance for Soil and Water Conservation Land Improvement Measures

(a) Purpose. The purpose of this program is to provide the needed incentive to landowners or operators for the installation of soil and water conservation land improvement measures consistent with the purpose of controlling erosion, conserving water, and/or protecting water quality.

(b) Definitions. For the purposes of this section the following definitions shall apply.

(1) Allocated funds--Funds budgeted through the State Board to a soil and water conservation district for cost-share assistance.

(2) Applicant--A person who applies for cost-share assistance from the soil and water conservation district.

(3) Available funds--Monies budgeted, unobligated and approved by the State Board for cost-share assistance.

(4) Conservation practice(s)--The conservation land improvement measure(s) approved by the State Board and applied to the land to control soil erosion or improve the quality and/or quantity of water.

(5) Cost-share assistance--An award of money made to an eligible person for conservation land improvement measures pursuant to the terms of Agriculture Code §201.301.

(6) District director--A member of the governing board of a soil and water conservation district.

(7) Eligible land--Those lands that are eligible for application of conservation land improvement measures using cost-share assistance.

(8) Eligible person--Any of the land holders eligible to apply for cost-share assistance or any person designated to represent the applicant as provided by a durable power of attorney, court order or other valid legal document.

(9) Eligible practices--Those conservation land improvement measures that have been approved by the State Board.

(10) Landowner--Any person, firm or corporation holding title to land lying within a soil and water conservation district.

(11) Maintenance agreement--A written agreement between the eligible person and the soil and water conservation district wherein the eligible person(s) agrees, as a condition of the receipt of State cost-share funds, to implement and maintain all measures in the certified water quality management plan consistent with its implementation schedule. The maintenance agreement shall remain in effect for a minimum period of two years after the certified water quality management plan is completely implemented for all practices except those cost-shared. The maintenance agreement shall remain in effect on cost-shared practices for the expected life of the practice as established by the State Board or for a period of two years after the certified water quality management plan is completely implemented, whichever period of time is longer. It is the expectation of the State Board that a water quality management plan be maintained by the landowner for an indefinite period of time. The maintenance agreement is only intended to ensure a minimum period of time during which the State of Texas can realize the conservation and water quality benefits of its investment of technical and financial assistance to a landowner.

(12) Obligated funds--Monies from a soil and water conservation district's allocated funds which have been committed to an applicant after final approval of the application.

(13) Operating Unit--Land or lands, whether contiguous or non-contiguous, owned and/or operated in a manner that contributes or has the potential to contribute agricultural or silvicultural nonpoint source pollution to water in the state. An operating unit must be determined through mutual agreement by the holder of the water quality management plan, the soil and water conservation district, and the State Board.

(A) Contiguous lands under the same ownership and/or operational control must be considered one operating unit.

(B) Non-contiguous lands under the same ownership and/or operational control may be considered as more than one operating unit when there is mutual agreement by the soil and water conservation district and the potential holder of the water quality management plan unless the lands are associated with an animal feeding operation.

(C) An operating unit, when designated for an animal feeding operation, must at a minimum encompass all land or lands owned and/or operated by the holder of the water quality management plan that are used to produce feed that is consumed by the animals, as well as all land or lands owned and/or operated by the potential holder of the water quality management plan where manures or other agricultural by-products are beneficially used as a source of nutrients to produce food or fiber for any use.

(D) Land or lands within the scope of an existing operating unit for certified water quality management plan may not be separated from the existing operating unit to establish another operating unit unless a change of ownership has occurred.

(E) Where mutual agreement regarding an operating unit's consistency with these rules is not achieved by the potential holder of the water quality management plan, the soil and water conservation district, and the State Board, the State Board will make a final determination whether or not to certify the water quality management plan.

(14) Performance agreement--A written agreement between the eligible person and the soil and water conservation district wherein the eligible person agrees to perform conservation land improvement measures for which allocated funds are being paid.

(15) Practice standard--A technical specification for a conservation practice within the NRCS FOTG that contains information on why and where the practice should be applied, and sets forth the minimum quality criteria that must be met during the application of that practice in order for it to achieve its intended purpose(s).

(16) Priority system--The system devised by the soil and water conservation district, under guidelines of the State Board, for ranking approved conservation practices and for

facilitating the disbursement of allocated funds in line with the soil and water conservation district's priorities.

(17) Program year--The period from September 1 to August 31.

(18) Soil and water conservation district (SWCD)--A governmental subdivision of this state and a public body corporate and politic, organized pursuant to Chapter 201 of the Agriculture Code.

(19) State Board--The Texas State Soil and Water Conservation Board organized pursuant to Chapter 201 of the Agriculture Code.

(c) Responsibilities.

(1) The State Board shall:

(A) Establish a procedure to allocate funds to designated SWCDs for their use in cost-share assistance.

(B) Establish conservation practices eligible for cost-share and their standards, specifications, maintenance and expected life.

(C) Establish maximum cost-share rate for each conservation practice approved for cost-share.

(D) Establish the minimum cost-share assistance prior to September 1 each year that may be made under the program and the maximum cost-share assistance that an eligible person may receive under the program in any one year.

(E) Perform clerical, administrative and record-keeping responsibilities required for carrying out the cost-share program.

(F) Receive and maintain monthly reports from SWCDs showing the unobligated balance of allocated funds as shown on each ledger at the close of the last day of each month.

(G) Receive requests for reallocated funds and funds reverted from participating SWCDs.

(H) Act on appeals filed by applicants.

(I) Process vouchers and issue warrants for cost-share to eligible recipients.

(2) The SWCDs shall:

(A) Designate, from State Board approved list, those conservation practices that will be eligible for cost-share in their SWCD.

(B) Administer the cost-share program within the funds allocated by the State Board.

(C) Establish, under guidelines of the State Board, the priority system to be used for evaluation of applications.

(D) Establish the period(s) of time for accepting applications and announce the cost-share program locally.

(E) Accept and process cost-share applications.

(F) Determine eligibility of lands and persons for cost-share assistance under guidelines established by the State Board.

(G) Notify applicants of the SWCD's decisions on approval of applications.

(H) File approved applications in the SWCD's copy of the applicant's water quality management plan.

(I) Obligate allocated funds for applications receiving final approval.

(J) Provide or arrange for technical assistance to applicants, or approve applicant and provide for an alternate source of technical assistance.

(K) Certify completed conservation practices to the State Board prior to payment.

(L) Submit required reports on the unobligated balance of allocated funds and on accomplishments to the State Board.

(d) Administration of Funds.

(1) Allocation of Funds. The State Board may allocate funds appropriated from general revenue fund and other sources for cost-share assistance among particular soil and water conservation land improvement measures or among areas of the state and may adjust such allocations throughout the year as available funds and SWCD needs and priorities change in order to achieve the most efficient use of state funds. The State Board may designate a portion of the funds allocated to a SWCD to reimburse the SWCD for obligations incurred in administering the cost-share program.

(2) Requests for Allocations. SWCDs within areas designated for cost-share program must submit requests for a cost-share fund allocation to the State Board by September 1st each year.

(3) Approval of Allocations. The State Board shall consider and approve, reject or adjust SWCD requests for allocations giving consideration to relative need for funding, SWCD workload and fund balances, as well as other information deemed necessary by the State Board. Only SWCDs for which the State Board has established an allocation are eligible to claim cost-share funds.

(4) Maximum Allowable Amount of Cost-Share Funds per Operating Unit. The maximum allowable amount of cost-share funds that may be applied to any single operating unit is \$15,000. This provision applies only to general revenue funds appropriated by the Texas Legislature to assist program participants with the implementation of soil and water conservation land improvement measures as allowed by Agriculture Code §201.301.

(e) Eligibility for Cost-Share Assistance.

(1) Eligible person. Any individual, partnership, administrator for a trust or estate, family-owned corporation, or other legal entity who as an owner, lessee, tenant, or sharecropper, participates in an agricultural or silvicultural operation and has a certified water quality management plan on an operating unit within the SWCD shall be eligible for cost-share assistance.

(2) In accordance with the terms of the maintenance agreement an eligible person may receive cost-share only once for an operating unit. The State Board on a case by case, project or watershed basis in consultation with the SWCD may grant a waiver to this requirement in situations where:

(A) Research and/or advanced technology indicate(s) a plan modification to include additional measures to meet Texas surface water quality standards is needed

(B) the operating unit is significantly increased in size by the addition of new land areas that require conservation practices in order to meet Texas surface water quality standards;

(C) more stringent measures become necessary to meet Texas surface water quality standards;

(D) a landowner has assumed the responsibility of a maintenance agreement in cases where the landowner was not the applicant;

(E) the life expectancy of a conservation practice or practices that was/were previously cost-shared through this program has/have expired and the practice or practices is/are

mandated by state law or the laws, rules, or regulations of a political subdivision. This waiver is only applicable to the mandated practice or practices; or

(F) a landowner has previously received cost-share through this program but an additional practice or practices has/have been subsequently mandated by state law or the laws, rules, or regulations of a political subdivision. This waiver is only applicable to the mandated practice or practices.

(3) Eligible land. Any of the following categories of land shall be eligible for cost-share assistance:

(A) Land within the State that is privately owned by an eligible person.

(B) Land leased by an eligible person over which he/she has adequate control and which land is utilized as a part of his/her operating unit.

(C) Land owned by the State, a political subdivision of the State, or a nonprofit organization that holds land in trust for the state.

(4) Ineligible lands. Allocated funds shall not be used:

(A) To reimburse other units of government for implementing conservation practices.

(B) On privately owned land not used for agricultural or silvicultural production.

(5) Eligible purposes. Cost-share assistance shall be available only for those eligible practice measures included in an approved water quality management plan and determined to be needed by the SWCD to:

(A) Reduce erosion, and/or

(B) Improve water quality and/or quantity.

(6) Eligible practices. Conservation practices which the State Board has approved and which are included in the applicant's approved water quality management plan shall be eligible for cost-share assistance. The list of eligible practices will be approved as needed by the State Board. The SWCDs shall designate their list of eligible practices from those practices approved by the State Board. SWCDs may request the State Board's approval to offer cost-share assistance for conservation practices not included in the State Board's list of approved practices. The use of special conservation practices is limited to those measures that can solve unique problems in a SWCD and which conform with one or more of the purposes of the cost-share program. Requests for special conservation practices will be filed in writing with the State Board in time to obtain action and notification in writing from the State Board of its decision(s) prior to announcing the

cost-share program locally for the program year. Conservation practices may be included in a SWCD's list of eligible practices offered for cost-share assistance only as approved by the State Board.

(7) Requirement to file an application. In order to qualify for cost-share assistance, an eligible person shall file an application with the local SWCD.

(8) Persons required to sign applications and agreements. All applications and agreements shall be signed by:

(A) The eligible person and;

(B) the landowner in cases where the eligible person does not hold title to the land constituting the operating unit.

(f) Cost-Share Assistance Processing Procedures.

(1) Responsibility of applicants. Applicants for cost-share assistance for conservation practices shall:

(A) Complete and submit an application to the SWCD.

(B) Where an applicant does not have an approved water quality management plan and has not determined the anticipated total cost of the requested measure(s), he/she, as part of the application, may request assistance from the SWCD in developing such plan and determining costs.

(C) After being notified of approval and obligation of funds by the SWCD, request technical assistance through the SWCD to design and layout the approved practices or request approval of alternate sources of technical assistance.

(D) Secure any approved contractor(s) needed and all contractual or other agreements necessary to construct or perform the approved practice(s). Cost-share will not be allowed for work begun before the application is approved.

(E) Complete and sign performance and maintenance agreements and any amendments to those agreements.

(F) Supply the documents necessary to verify completion of the approved practice(s) along with a completed and signed certification of cost.

(2) Responsibilities of SWCDs. SWCDs shall:

(A) Establish the period(s) of time for accepting applications and announce the cost-share program locally.

(B) Accept cost-share applications at the SWCD's office.

(C) Determine eligibility of lands and persons for cost-share assistance. If an applicant's land is in more than one SWCD, the respective SWCD boards of directors will review the application and agree to oversee all works, administrate all contracts and obligate all funds from one SWCD or prorate the funding between SWCDs.

(D) Give initial approval to those applications that meet the eligibility requirements.

(E) Evaluate the initially approved applications under the SWCD's priority system and give final approval to the high priority applications that can be funded by the SWCD's allocated funds.

(F) Obligate funds for the approved conservation practices that can be funded and notify the applicant(s) that his/her conservation practice(s) has/have been approved for cost-share and to proceed with installation. Allocated funds must be obligated by the last day of April of the fiscal year allocated. All unobligated allocations shall revert back as of May 1st of that fiscal year.

(G) Determine compliance with standards and specifications and certify completed conservation land treatment measure(s) that meet standards.

(3) Amended Applications for Allocated Funds.

(A) In the event that an adjustment to the estimated cost of conservation practice(s) is necessitated by the final design, the applicant shall either agree to assume the additional cost or complete and submit an amendment to his/her application for allocated funds to the SWCD for approval or denial by the SWCD.

(B) The SWCD may elect to adjust the amount of funds obligated for the conservation practices, provided funds are available, or to request additional funds from the State Board.

(C) In the event additional funds are not available, the conservation practice(s) may be redesigned, if possible, to a level commensurate with available funds, provided the redesign still meets practice standards established by the State Board; or the applicant can agree to assume full financial responsibility for the portion of the cost of conservation practice(s) in excess of the amount authorized.

(4) Performance Agreement. As a condition for receipt of cost-share assistance for conservation practices, the eligible person receiving the benefit of such assistance shall agree to perform those measures in accordance with standards established by the State Board. Completion of the performance agreement and the signature of the eligible person are required prior to payment.

(5) Maintenance Agreement. As a condition for receipt of cost-share assistance, the person(s) receiving the assistance shall agree to implement and maintain all measures in the certified water quality management plan consistent with its implementation schedule. The maintenance agreement shall remain in effect for a minimum period of two years after the certified water quality management plan is completely implemented for all practices except those cost-shared. The maintenance agreement shall remain in effect on cost-shared practices for the expected life of the cost-shared practice(s) as established by the State Board or for a period of two years after the certified water quality management plan is completely implemented, whichever period of time is longer. The landowner must sign the application for cost-share pursuant to subsection (e)(8) of this section and assumes the responsibility of the maintenance agreement. Completion of the maintenance agreement and all appropriate signatures are required prior to payment.

(6) Payment to Recipients.

(A) The SWCD shall determine eligibility of the applicant to receive payment of cost-share assistance, and provide certification to the State Board that measure(s) have been installed consistent with established standards.

(B) The State Board shall issue warrants for payment of cost share assistance.

(7) Applications Held in Abeyance Because of Lack of Funds. In those cases where funds are not available, the applications will be held by the SWCD until allocated funds become available or until the end of the program year. When additional funds are received, the SWCD will obligate those funds. The SWCD may shift all unfunded applications held in abeyance because of lack of funds that are on hand at the end of a program year to the new program year or require all new applications as it deems appropriate.

(8) Applications Denied for Reasons Other Than Lack of Funds. Applications for funds which are denied by the SWCD directors for other than lack of funds shall be retained in the records of the SWCD in accordance with the SWCD's established record retention policy. Written notification of the denial shall be provided to the applicant along with the reason(s) that the application was denied.

(9) Applications Withdrawn. An application may be withdrawn by the applicant at any time prior to receipt of cost-share assistance by notifying the SWCD in writing that withdrawal is desired. Applications withdrawn by the applicant shall be retained in the records of the SWCD in accordance with the SWCD's established record retention policy.

(10) Appeals.

(A) An applicant may appeal the SWCD decisions relative to his/her application for allocated funds.

(B) The applicant shall make any appeal in writing to the SWCD which received his/her application for allocated funds and shall set forth the basis for the appeal.

(C) The SWCD shall have 60 days in which to make a decision and notify the applicant in writing.

(D) The decision of the SWCD may be appealed by the applicant to the State Board.

(E) All appeals made to the State Board shall be made in writing and shall set forth the basis for the appeal.

(F) All State Board decisions shall be final.

(g) Maintenance of Practices.

(1) Requirements for maintenance of practices applied using cost-share funds will be outlined in the eligible person's water quality management plan and reviewed with the eligible person at the time of application for cost-share.

(2) A properly executed maintenance agreement shall be signed by the successful applicant prior to receipt of payment of cost-share assistance from the SWCD for a conservation practice(s) installed.

(3) The SWCD will require refund of any or all of the cost-share paid to an eligible person when the applied conservation practice(s) has not been maintained in compliance with applicable design standards and specifications for the practice during its expected life as agreed to by the eligible person. The State Board may grant a waiver to this requirement on a case-by-case basis in consultation with the SWCD.

(4) Failed Practice Restoration.

(A) When conservation practices that have been successfully completed and which later fail as the result of floods, drought, or other natural disasters, and not the fault of the applicant; the applicant may apply for and SWCD may allocate additional cost-share funds to restore them to their original design standards and specifications. These funds cannot exceed the amount of the original cost-share practice and must come from the SWCD's current program year allocation.

(B) When conservation practices that have been successfully completed and which later fail as the result of error or omission on the part of the State Board staff, the SWCD staff, or the Natural Resources Conservation Service staff while assisting the SWCD, land not the fault of the applicant; the State Board may approve additional cost-share funds to restore the measure(s) to the correct design standards and specifications, where an investigation approved by the Executive Director or his designee shows good cause. These funds cannot exceed the amount of the original cost-share practice and must come from the SWCD's current program year allocation.

(5) In cases of hardship, death of the participant, or at the time of transfer of ownership of land where a conservation practice(s) has been applied using cost-share assistance and the expected life assigned the practice has not expired, the participant, heir(s), or buyer(s) respectively, must agree to maintain the practice(s) or the participant, heir(s) or the buyer by agreement with seller must refund all or a portion of the cost-share funds received for the practice as determined by the SWCD. The State Board on a case by case basis in consultation with the SWCD may grant a waiver to this requirement.

(h) Determining Status of Practices During Transfer of Land Ownership

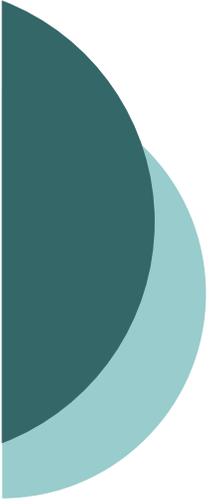
(1) A seller of agricultural land with respect to which a maintenance agreement is in effect may request the SWCD to inspect the practices. If the practices have not been removed, altered, or modified, the SWCD shall issue a written statement that the seller has satisfactorily maintained the permanent practice as of the date of the statement.

(2) The buyer of lands covered by a maintenance agreement may also request that the SWCD inspect the lands to determine whether any practice has been removed, altered, or modified as of the date of the inspection. If so, the SWCD will provide the buyer with a statement specifying the extent of noncompliance as of the date of the statement.

(3) The seller and the buyer, if known, shall be given notice of the time of inspection so that they may be present during the inspection to express their views as to compliance.

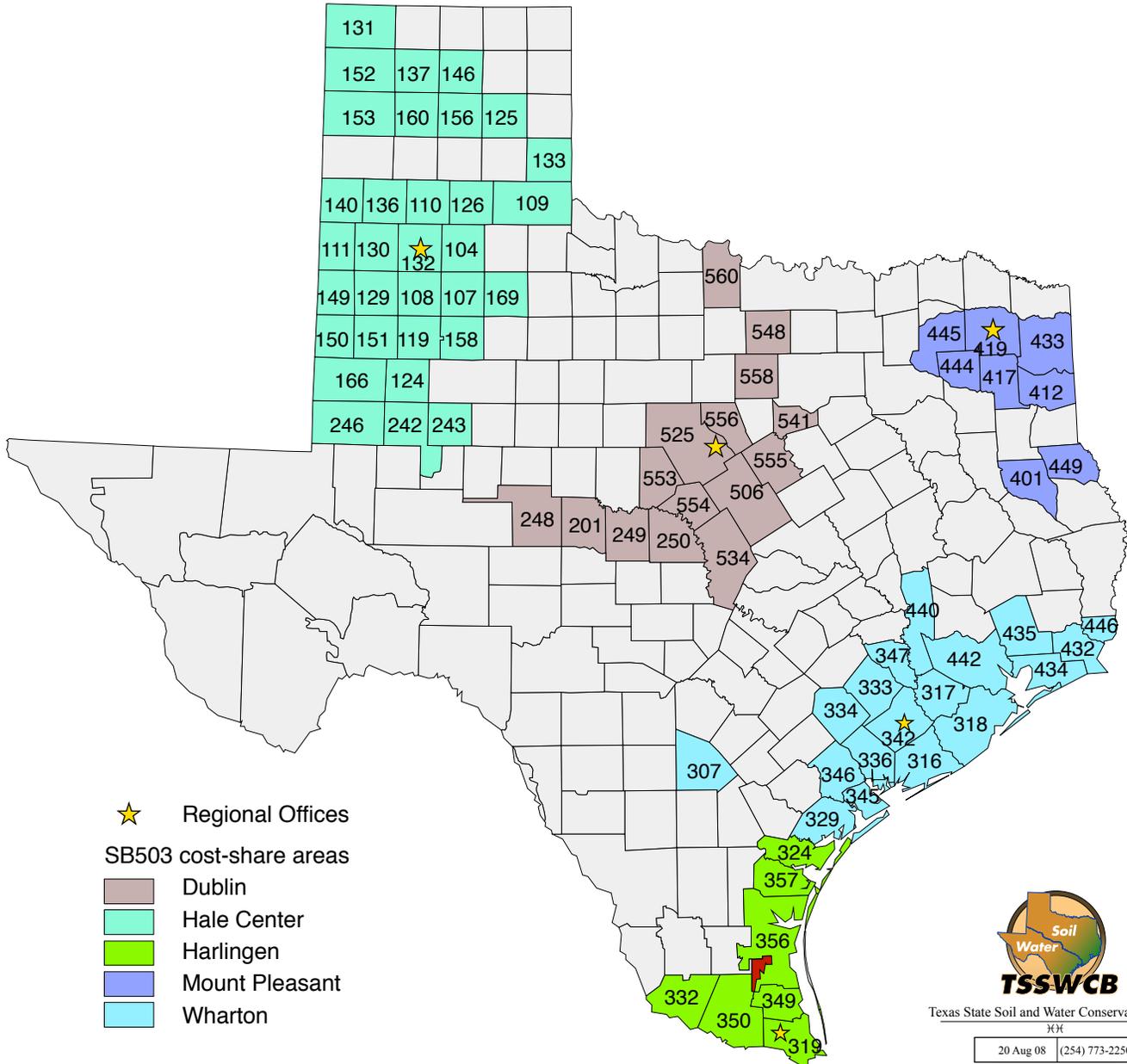
(i) Reporting and Accounting. The State Board shall receive and maintain required reports from SWCDs showing the unobligated balance of allocated funds as shown on each ledger at the close of the last day of each month.

(j) Pursuant to Agriculture Code §201.311, one or more SWCDs may be designated to administer portions of this section as determined by the State Board.



APPENDIX F – Maps

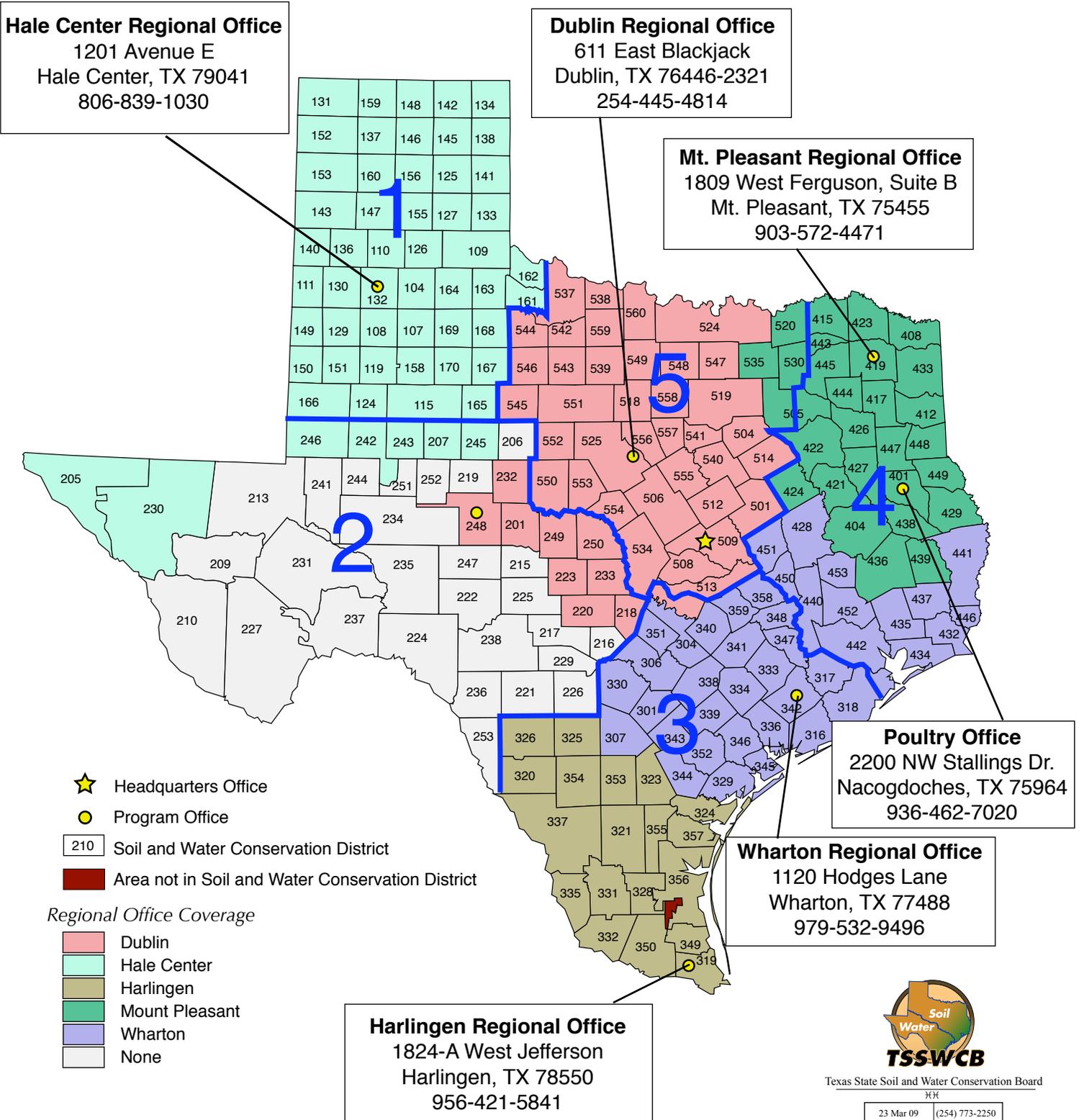
REGIONAL OFFICES AND SB 503 COST-SHARE AREAS



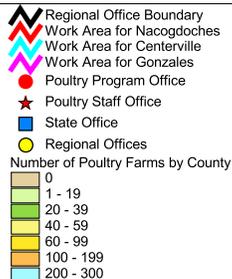
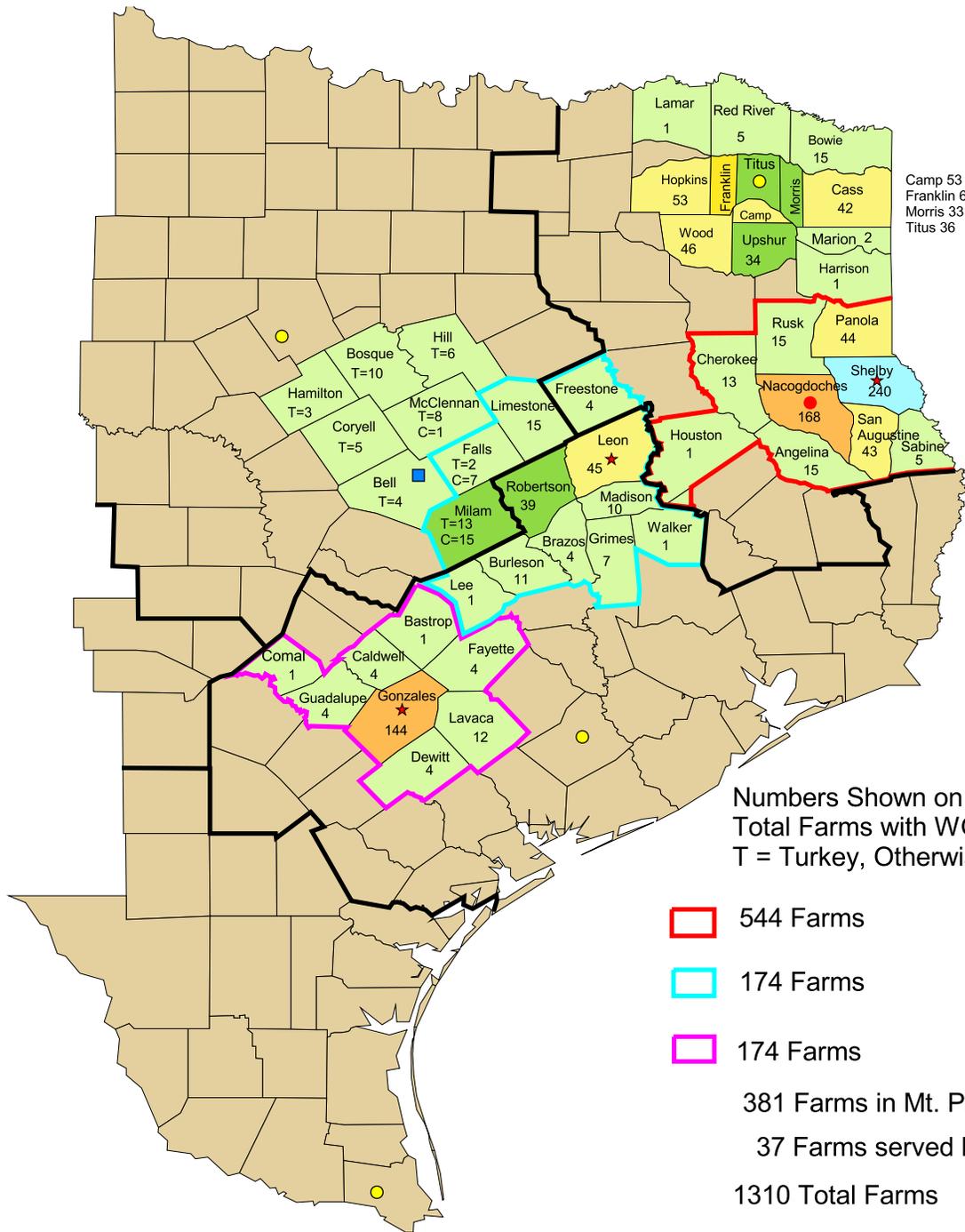
TSSWCB
Texas State Soil and Water Conservation Board

Texas State Soil and Water Conservation Board

Regional Office Coverages

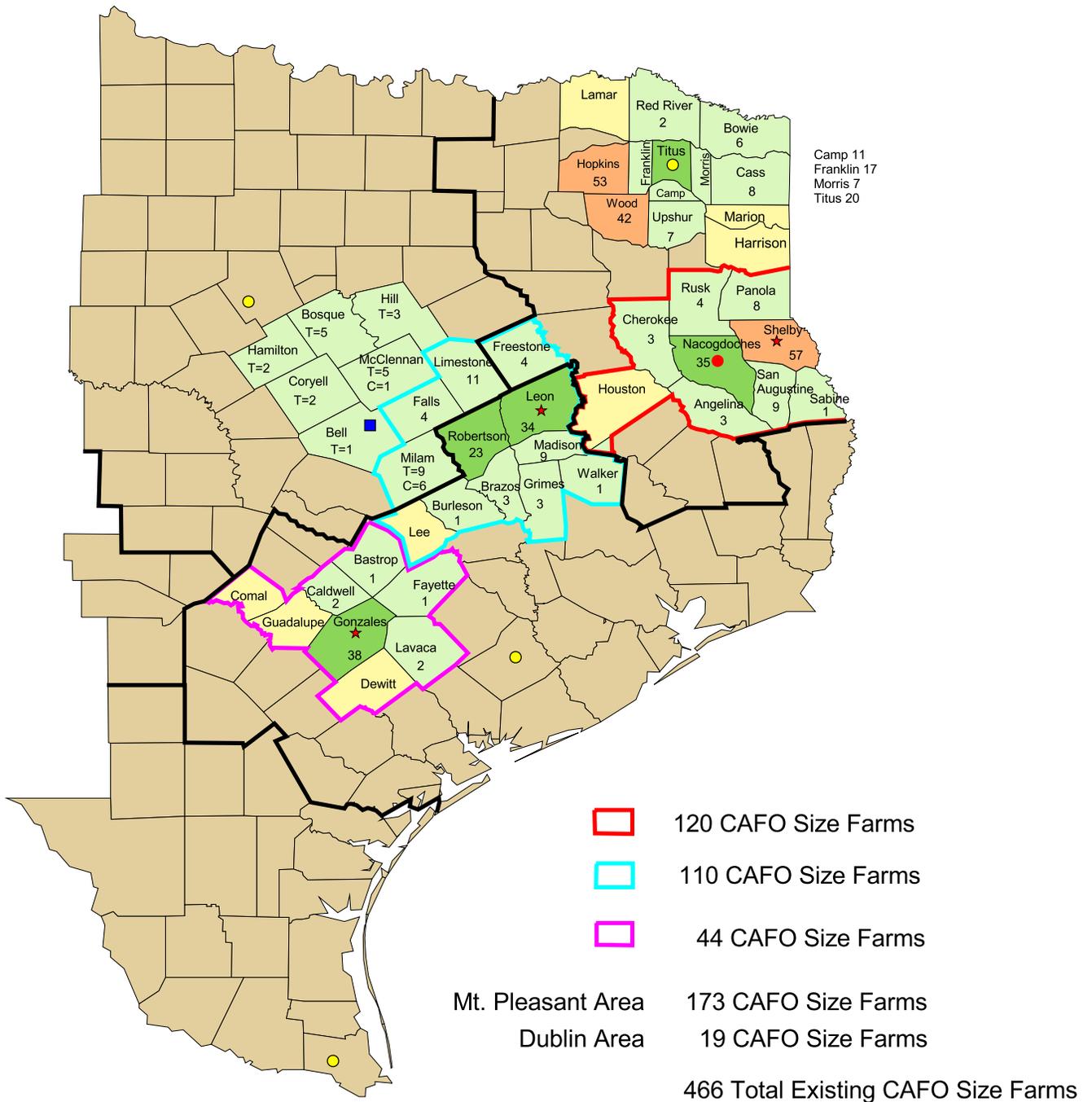


Texas Poultry Counties



03/01/2009
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Texas Poultry Counties With CAFO Size Dry-Litter Poultry Farms



- Regional Office Boundary
 - Work Area for Nacogdoches
 - Work Area for Centerville
 - Work Area for Gonzales
 - Poultry Program Office
 - Poultry Staff Office
 - State Office
 - Regional Offices
- Poultry CAFO Counties**
- 0
 - 1 - 19
 - 20 - 39
 - 40 - 60
 - Other Poultry AFOs



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