

TEXAS ADMINISTRATIVE CODE
TITLE 31. NATURAL RESOURCES AND CONSERVATION
Part XVII. Soil and Water Conservation Board
Chapter 523. Agricultural and Silvicultural Water Quality Management

§523.3 Water Quality Management Plans

(a) A water quality management plan is 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 soil and water conservation district and Texas Natural Resource Conservation Commission to be consistent with state water quality standards. To be certified, a water quality management plan must cover all lands whether contiguous or non-contiguous that constitutes an operating unit for agricultural or silvicultural purposes.

(b) 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 water quality standards; or when more stringent measures become necessary to meet water quality standards.

(c) 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 soil and water conservation district. Landowners and operators, following consultation with their soil and water conservation district, will be encouraged and aided in working with the district 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 soil and water conservation district 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 district decisions relative to practices and practice standards to the State Board in the manner prescribed by the Board.

(4) When determined to be consistent with state 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.

(d) Practice selection.

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

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

(3) Insofar as practicable, those practices shall be consistent with the Agricultural and Silvicultural Nonpoint Source Management Program developed by the State Board pursuant to the Federal Clean Water Act, §319 and CZARA §6217.

(e) Practice standards.

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

(2) Practice standards will be based on criteria in the Natural Resource Conservation Service, 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.

(3) Practice standards will be developed in consultation with the local soil and water conservation district, with assistance and advice of the USDA, the Natural Resource Conservation Service, Texas Agricultural Extension Service, Texas Forest Service, Texas Agricultural Experiment Station, Texas Natural Resource Conservation Commission, the local underground water conservation district and others as determined to be needed by the State Board.

(f) 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 soil and water conservation districts will conduct an annual status review of plan implementation.

(5) The State Board in consultation with the local soil and water conservation districts 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 soil and water conservation district.

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

(g) Applicability of state water quality standards. To the extent allowed by available technology, water quality management plan development, approval and certification will be based on state water quality standards as established by the Texas Natural Resources Conservation Commission.

(h) 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, which consists of all poultry production facilities and lands upon which poultry wastes are applied.

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

| Date of initial operation of facility | Plan submission date |
|--|-----------------------------|
| January 1, 2002, or later | Before receipt of birds |
| September 1, 2001, to December 31, 2001 | Before January 1, 2002 |
| January 1, 1993 to August 31, 2001 | Before January 1, 2002 |
| January 1, 1988 to December 31, 1992 | Before January 1, 2003 |
| January 1, 1983 to December 31, 1987 | Before January 1, 2005 |
| December 31, 1982 or earlier | Before January 1, 2008 |

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

(4) The Texas State Soil and Water Conservation Board (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 soil and water conservation district 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 soil and water conservation district will conduct annual 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 soil and water conservation district 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 district 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 Natural Resource Conservation Commission.

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

Source Note: The provisions of this §523.3 adopted to be effective December 22, 1993, 18 TexReg 9106; amended to be effective June 22, 1995, 20 TexReg 4270; amended to be effective June 20, 2000, 25 TexReg 5913; amended to be effective January 7, 2002, 27 TexReg 270.