

Texas Commercial Egg Clinic

Brazos Center

Bryan, Texas

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Environmental Law Changes

Vernon D. Rowe, P.E.

rowenvironmental &

Pilgrim's Pride Corporation



Summary of Laws & Issues



- TCEQ CAFO General Permit
- Ogden Odor Bill
- CERCLA/ EPCRA
- TCEQ Public Drinking Water Rules
- EPA CAFO General Permit
- Policy and Political Issues

TCEQ CAFO General Permit

- Expires July 20, 2009
- Public comment period ended
- New permit proposed to expire July 20, 2014
- Changes:
 - Poor performer not eligible
- Other – Egg wash water is covered under GP. Industrial wastewater permit required if GP coverage not taken



Ogden Odor Bill

- Resulted from odor complaints at broiler farms in Waco area
- Requires timely TCEQ response to odor complaint
- Requires compliance order after three NOV's
- Requires TSSWCB to establish siting guidelines and not prepare WQMP's without odor abatement plan if within ½ mile of...
- Requires producer that transfers or sells litter to third party to record where litter to be managed



CERCLA/EPCRA

- Requires reporting of ammonia releases
- Producers who signed ACA do not have to report anything at this time
- Other producers were required to submit one-time continuous release report to SERC and LEPC



TCEQ Public Drinking Water Rules

- Facilities with over 25 employees that provide drinking water from onsite wells are classified as Public Drinking Water Suppliers and have to be permitted
- Separate public water from process water where possible



EPA CAFO

General Permit



- Effective Feb 27, 2009
- Duty to Apply
 - Those who discharge or propose to discharge
 - Can opt for voluntary no discharge certification
 - If do not discharge or propose to discharge to not have to take coverage unless state regs trump
- NOI
 - Submit NMP with NOI
 - Agency reviews and provides for public comments
 - Details of NMP have to be made part of permit
 - Significant changes to NMP has to go to agency and additional public comment:
 - New land (LMU) added
 - Increase in nutrient loading rates
 - Crop changes
 - Change in field specific components
- Production Area and Non-exempt Agricultural Runoff – “For CAFO’s, any point source discharge of stormwater that comes into contact with these materials and reaches waters of the US is a violation of the CWA unless authorized by a CWA NPDES permit.”
 - Manure handling and storage areas
 - Feed storage areas
 - Litter storage areas
 - Litter released through confinement house ventilation systems

Policy & Political Issues



- Third party litter handlers
- Definition of Zero Discharge
- Inspections
 - Entry Interview
 - Record and Document Review
 - Animal inventory records
 - Rainfall records
 - Waste retention structure level records
 - Waste disposal records
 - Permit
 - NOI
 - Leases and spreading agreements
 - WQMP/NMP/NUP
 - Construction plans or as-built drawings of facility
 - Facility Tour
 - Exit Interview
- Green House Gas (GHG) Reporting
 - Over 25,000 metric tons per year
 - Lagoons and manure storage areas
 - Does not include land application releases

Summary



- Take permit coverage under the GP
- Develop and implement Pollution Prevention Plan and NMP/NUP – TSSWCB WQMP meets this requirement
- Keep a clean operation and make sure changes of stormwater runoff from litter, feathers, etc. are addressed and minimized
- Comply with TCEQ Public Drinking Water System Regs where applicable
- Carefully site any new construction
- Anticipate that policy and political issues will continue to impact how Environmental Regulations change going forward