

# TAD News... Nov. 2004

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## Managers Update

By John Cowan

We all have so much to be thankful for this year even with all the unrest in the World, so I want to take this opportunity to wish each of you a very happy, safe and fruitful Holiday Season. You are part of a rich heritage of which we can all be proud, providing food, fiber, feeding and providing clothing and shelter for the rest of our fellow citizens. We shouldn't take for granted that the way of life we all cherish and want for our children and grandchildren will be there in future years, so we must recognize our responsibilities and leave this world a little better off than when we arrived.



## Environmental & TCEQ Reminders for Dairymen

### Enviro-Ag Engineering November Reminders

General Permits

### Monthly Inspections

- ◆ Mortality management systems, including containers, burial sites, composting facilities, incinerators; &
- ◆ Location of chemical storage and disposal, including pesticide containers.

### Annual Site Inspection

- ◆ A complete site inspection of the CAFO and LMUs shall be conducted and a report documenting the findings of the inspection made at least once per year.
- ◆ The inspection shall include: (A) identifying potential pollutant sources that exist on-site; (B) inspection of all controls and operations outlined in the PPP to reduce the

potential for pollutants to be transported off the CAFO; and (C) updating the PPP to reflect current conditions.

### Imminent Overflow

◆ If a pond is in danger of imminent overflow from chronic or catastrophic rainfall or conditions, then the facility shall take reasonable steps to irrigate wastewaters to land management units only to the extent necessary to prevent overflow from the retention control structure. If irrigation results in a discharge from the land management unit, the facility shall collect samples from the drainage pathway at the point of discharge from the LMU and provide the TCEQ notifications. The facility shall sample and analyze all discharges from retention control structures and land management units. Should the facility need lab information or TCEQ notification requirement, please give EAE a call.

### TCEQ Notification

◆ The permittee shall notify the appropriate TCEQ regional office at least 48 hours prior to: (a) putting into operation any new or replacement RCS. For purposes of this general permit, "putting into operation" means the RCS commences the receipt of manure, litter or wastewater from a control facility; (b) any change in the number or configuration of LMUs; and (c) any new construction or modification of control facilities.

### Pond Cleanout

◆ The permittee shall provide written notice to the appropriate regional office of the commission as soon as the RCS cleaning is scheduled, but not less than ten days before cleaning. The operator shall also provide written verification of completion to the same regional office within five days after the cleaning has been completed. *This paragraph does not apply to cleaning of solid separators or settling basins.* Removal of sludge shall be conducted during favorable wind conditions that carry odors away from nearby receptors. Any increase in odors associated with a properly managed cleanout under this subsection will be taken into consideration by the executive director when determining compliance with the provisions of this general permit. *Enviro-Ag Engineering, Inc. 800/753-6525 The preceding article was reprinted with the permission of Enviro-Ag Engineering as a public service to dairy owners and operators across Texas.*

## Waco Lawsuit against Dairies Update

According to sources close to this lawsuit, the Federal Court in the Western District of Texas (Waco Texas) has set a trial date of May 2005 for the lawsuit filed by the City of Waco Texas on 14 dairies in Central Texas. Since the filing of this lawsuit, one dairy has been dismissed from the suit and one other dairy has entered into a settlement agreement with the City. As a result of that activity, 12 defendant dairies continue to prepare themselves to go to trial. The outcome of this litigation could have a major effect to the future of not only dairy farming, but other agriculture operations as well. TAD will continue to stand with these dairymen and their efforts to defend their rights and their future.

## BSE UPDATE

“The USDA National Veterinary Services Laboratories (NVSL) in Ames, Iowa, has determined that the inconclusive screening test sample reported on Nov. 18 has tested negative for BSE upon confirmatory testing. “The Nov. 18 sample is the first that has tested inconclusive under an APHIS protocol announced in August that calls for public reporting of screening results only after two reactive screens. NVSL used the immunohistochemistry (IHC) test, an internationally-recognized gold standard test for BSE, and received a negative result on Nov. 22. Because the Nov. 18 screening test results were reactive in both the first and second screens, NVSL scientists made the recommendation to run the IHC test a second time. On Nov. 23 they reported the second IHC test was negative. Negative results from both IHC tests makes us confident that the animal in question is indeed negative for BSE. “APHIS began an enhanced surveillance program on June 1 and to date has tested over 121,000 samples for BSE. Screening tests are designed to be extremely sensitive and false positives are not unexpected. APHIS has reported three inconclusives including the Nov. 18 sample and all have tested negative on confirmatory

testing.” By John Clifford, Deputy Administrator Animal & Plant Health Inspection Service November 23, 2004

## STATE LEADERS PRE-FILE BILLS

The next session of the State Legislature will convene on Tuesday, January 11, 2005. On Monday, November 8, 134 bills were pre-filed. Some of the more noted ones (*none of which have any impact on agriculture*) were: Republican State Representative **WARREN CHISUM** of Pampa filed a bill that proposes a Texas Constitutional ban on gay marriages. Republican State Representative **DAN BRANCH** of Dallas filed a bill to require the state to cover 55 percent of the cost of operating schools. The state has covered about 38 percent of this cost in recent years. He also filed a bill that would push the earliest date that schools could start from the week of August 21 to the week of August 28. Democratic State Representative **CHUCK HOPSON** of Jacksonville filed a bill to restore the state paying \$1,000 instead of \$500 annually for teacher health care. With funding of schools one of the top issues for the legislative session, one political observer predicted this one to be the most difficult since 1961. Following that 1961 session, which created a new tax on sales, the Texas Governor at that time placed third in his re-election bid.

Public School Finance will of course take the spotlight early on with some lobbyist saying it is going to get ugly. There are strong indications the State Legislature will take up issues potentially having a significant impact on agriculture as well. We should expect to see another “water bill” similar to what was introduced in the 77<sup>th</sup> session known as Senate Bill 1. Ground water as well as surface water rights are going to be debated for sure. Today, property owners understand the “Rule of Capture” and their inherent right to the water underneath your property. We will be watching these and other issues closely.

J.C.



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