



Texas Dairies: Bosque Watershed

Dairies in Texas' Bosque River Watershed must meet more stringent permit requirements than dairies in other parts of the state. These permits are the strictest environmental quality permits issued to any agricultural facility in Texas.

Why, and what does this mean?

How many dairies operate in the Bosque River Watershed?

In 2000, 144 dairy farms with 58,807 cows operated in Erath County, the main county included in the watershed. When the City of Waco sued the dairies in 2004, that number had dropped to 111 dairies with 48,836 cows. As of September 2010, the number had fallen further to 80 dairy producers with about 40,088 cows in Erath County. After the July 2004 adoption of the individual CAFO permit rules, dairies in the region faced very onerous and complicated compliance requirements. As a result, some dairies have been forced out of business by excessive regulatory burdens and economic reasons while others relocated from the watershed. Those that remain face a very concerning and uncertain future. In just 10 years, Texas' strongest milk producing county lost more than 64 farms.

Is the watershed an important geographic area for Texas' dairy industry?

The watershed, located in Central Texas, includes Erath County, the #1 dairy producing county in the state, and Comanche County, ranked #10, as of September 2010.

Central Texas dairies provide a cost effective supply of raw milk to processors supplying milk to homes in Austin, Dallas/Fort Worth, Houston, San Antonio and Waco. If milk needed by these plants is not available from Central Texas, it must be trucked in from the western part of the state at a cost of about \$1,000 per load.

Why do a dairy's operating requirements in the Bosque Watershed differ from requirements in the rest of the state?

In 2001, the Texas Legislature passed HB 2912, after aggressive lobbying by the City of Waco, that required dairy Confined Animal Feeding Operations (CAFOs) located in the North Bosque River watershed to obtain an individual Texas Pollution Discharge Elimination System (TPDES) CAFO permit. No other livestock enterprises (ie, cattle or poultry) in the watershed are required to obtain an individual permit.

In Spring 2004, concerns raised by the City of Waco about drinking water quality led officials from the City, the Texas Commission on Environmental Quality (TCEQ), the Texas Association of Dairymen (TAD) and others to sit down and discuss how parties could work together to improve water aesthetics in Lake Waco, the source of the Waco's drinking water.

Even though municipal water treatment plants and other discharge sources were located upstream from Lake Waco, public perception and political pressures targeted dairy farms as the source of the lake's issues. In fact, Lake Waco's taste and odor problems date back decades, well before the expansion of the dairy industry upstream. In addition, the lake never has been determined to be impaired with phosphorous or unsafe for drinking or other uses by the TCEQ.

In response to significant political pressure by the City of Waco, TCEQ issued new stricter CAFO rules in July 2004 applicable only to the dairies in the North Bosque River Watershed. The dairies were required to obtain expensive and cumbersome individual permits. Thereafter the City

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of Waco filed a federal lawsuit against 14 upstream dairies in April 2004, delaying implementation of the CAFO rules.

What are some of the more stringent requirements these dairies must meet?

Among other requirements, dairies in the watershed must:

- Provide liquid waste storage lagoons large enough to contain process wastewater produced by the farm plus rainfall from a 25-year, 10-day rainfall event, a regulatory standard for industrial facilities. By comparison, lagoons at dairies in other parts of the state have to contain wastewater produced plus rain from a 25-year, 24-hour rainfall event.
- Enlarge storage lagoon capacity by 64 percent over the size required of other dairies in the state.
- Manage their crop/waste application fields to meet a more stringent phosphorus index.
- Develop Comprehensive Nutrient Management Plans (CNMP's) not required outside the watershed.

What is the status of the new CAFO permits?

It took until early 2008 for the TCEQ to finally issue the first permit under these rules holding dairies in the Bosque watershed to stricter environmental standards. Although permit issuance was delayed by the City of Waco's April 2004 lawsuit against dairies in the watershed, the lawsuit was settled in January 2006. To date, the City of Waco and other groups continue to intervene in the TCEQ's permit hearing process, which further delays permit issuances.

What is the impact of these delays?

Ironically, holding up the issuance of permits also delays the dairies from operating under the new permit requirements, which include stronger rules to protect the environment and water quality.

Can't dairies go ahead and implement these more stringent measures on their own?

No, dairy CAFOs in the watershed are prohibited from making any material changes on their farm – even those required by the new rules – without a permit.

While they wait for new permits, what are dairies in the watershed doing, voluntarily, to protect the environment?

Dairy producers in the Bosque watershed have long tried to be good neighbors and do their part to ensure the quality of the water downstream. The dairy industry has been working with the Brazos River Authority, the U.S. Army Corps of Engineers, the Texas Institute of Applied Environmental Research, the Texas Farm Bureau and the City of Waco to develop wetlands and implement other environmental solutions to benefit the North Bosque River and Leon River watersheds.

Producers are embracing new technologies in order to do their job providing food for Texas with less of an impact on the environment. They've been open to a dialogue about the City of Waco's concerns about water quality and have been willing to operate under new rules that govern their industry.

The Texas Association of Dairymen (www.milk4texas.org) is a non-profit corporation comprised of dairy cooperatives whose members are individual milk producers in Texas.