

By: Kerwin

H.B. No. 292

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition of the application of biosolids to certain land.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 361.121, Health and Safety Code, is amended to read as follows:

Sec. 361.121. ~~[LAND]~~ APPLICATION TO NON-AGRICULTURAL LAND OF CERTAIN SLUDGE; PERMIT REQUIRED.

SECTION 2. Section 361.121(a)(2), Health and Safety Code, is amended to read as follows:

(2) "Land application unit" means an area where wastes are applied onto or incorporated into the soil surface for non-agricultural ~~[agricultural]~~ purposes, including ~~[or for]~~ treatment and disposal or maintaining public parks, golf courses, and athletic fields. The term does not include manure spreading operations.

SECTION 3. Section 361.121(d), Health and Safety Code, is amended to read as follows:

(d) In each permit, the commission shall prescribe the conditions under which it is issued, including:

- (1) the duration of the permit;
- (2) the location of the land application unit;
- (3) the maximum quantity of Class B sludge that may be applied or disposed of under the permit;

1           (4) a requirement that the permit holder submit  
2 quarterly to the commission a computer-generated report that  
3 includes, at a minimum, information regarding:

4                   (A) the source, quality, and quantity of sludge  
5 applied to the land application unit;

6                   (B) the location of the land application unit,  
7 either in terms of longitude and latitude or by physical address,  
8 including the county;

9                   (C) the date of delivery of Class B sludge;

10                  (D) the date of application of Class B sludge;  
11 and

12                   (E) the cumulative amount of metals applied to  
13 the land application unit through the application of Class B  
14 sludge;

15                   ~~[(F) crops grown at the land application unit~~  
16 ~~site; and~~

17                   ~~[(G) the suggested agronomic application rate~~  
18 ~~for the Class B sludge;]~~

19           (5) a requirement that the permit holder submit  
20 annually to the commission evidence that the permit holder is  
21 complying with the nutrient management plan and the practice  
22 standards described by Subsection (h)(4);

23           (6) a requirement that the permit holder post a sign  
24 that is visible from a road or sidewalk that is adjacent to the  
25 premises on which the land application unit is located stating that  
26 a beneficial application site is located on the premises;

27           (7) any other monitoring and reporting requirements

prescribed by the commission for the permit holder; and

(8) a requirement that the permit holder must report to the commission any noncompliance by the permit holder with the permit conditions or applicable commission rules.

SECTION 4. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.1211 to read as follows:

Sec. 361.1211. APPLICATION TO AGRICULTURAL LAND OF BIOSOLIDS IN CERTAIN COUNTIES.

(a) This section applies only to a county with a population of not less than 170,000 and not more than 190,000, according to the most recent federal decennial census.

(b) In this section:

(1) "Agricultural land" means land that is used for:

(A) the production of plants or food grown for human or animal consumption;

(B) animal grazing; or

(C) raising livestock.

(2) "Biosolids" means any solid, semi-solid, or liquid material generated from the treatment of sewage sludge, including Class A biosolids, Class AB biosolids, and Class B sludge.

(3) "Class A biosolids" means biosolids that meet the metal limits established in 30 T.A.C. 312.43(b)(1) and (3) and the pathogen reduction requirements of 30 T.A.C. 312.82(a)(1)(B).

(4) "Class AB biosolids" means biosolids that meet the metal limits established in 30 T.A.C. 312.43(b)(1) and (3) and the pathogen reduction requirements of 30 T.A.C. 312.82(a)(1)(A).

(5) "Class B sludge" means sewage sludge that meets

1 one of the pathogen reduction requirements of 30 T.A.C. 312.82(b).

2 (c) A person may not apply biosolids onto agricultural land  
3 or incorporate biosolids into the soil of agricultural land in a  
4 county to which this section applies.

5 SECTION 5. A permit, registration, or other authorization  
6 issued by the Texas Commission on Environmental Quality that allows  
7 the application to agricultural land of biosolids, as defined by  
8 Section 361.1211, Health and Safety Code, as added by this Act,  
9 expires on the effective date of this Act. The remainder of a  
10 permit, registration, or other authorization that contains items in  
11 addition to an authorization allowing the application to  
12 agricultural land of biosolids remains in effect to the extent that  
13 it does not authorize the application to agricultural land of  
14 biosolids.

15 SECTION 6. This Act takes effect on the 91st day after the  
16 last day of the legislative session.