

By: Bonnen

H.B. No. 2546

A BILL TO BE ENTITLED

AN ACT

relating to the land application of certain sludge.

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

SECTION 1. Section 361.121, Health and Safety Code, is amended by amending Subsections (d) and (h) and adding Subsections (j), (k), and (l) 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;

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

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

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

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

(D) the date of application of Class B sludge;

(E) the cumulative amount of metals applied to the land application unit through the application of Class B

1 sludge;

2 (F) crops grown at the land application unit  
3 site; and

4 (G) the suggested agronomic application rate for  
5 the Class B sludge;

6 (5) any other monitoring and reporting requirements  
7 prescribed by the commission for the permit holder; and

8 (6) [~~(5)~~] a requirement that the permit holder must  
9 report to the commission any noncompliance by the permit holder  
10 with the permit conditions or applicable commission rules.

11 (h) The commission by rule shall require an applicant for a  
12 permit under this section to submit with the application, at a  
13 minimum:

14 (1) [~~7~~] information regarding:

15 (A) [~~(1)~~] the applicant;

16 (B) [~~(2)~~] the source, quality, and quantity of  
17 sludge to be applied; and

18 (C) [~~(3)~~] the hydrologic characteristics of the  
19 surface water and groundwater at and within one-quarter of a mile of  
20 the land application unit;

21 (2) proof evidencing that the applicant has a  
22 commercial liability insurance policy that:

23 (A) is issued by an insurance company authorized  
24 to do business in this state that has a rating by the A.M. Best  
25 Company of A- or better;

26 (B) designates the commission as the certificate  
27 holder; and

1                   (C) is in an amount of not less than \$5 million;

2 and

3                   (3) proof evidencing that the applicant has an  
4 environmental impairment insurance policy or similar insurance  
5 policy that:

6                   (A) is issued by an insurance company authorized  
7 to do business in this state that has a rating by the A.M. Best  
8 Company of A- or better;

9                   (B) designates the commission as the certificate  
10 holder; and

11                   (C) is in an amount of not less than \$5 million;

12 and

13                   (4) proof that any individual supervising the  
14 application of Class B sludge meets the qualifications established  
15 by the commission under Chapter 37, Water Code, for a Class B or  
16 Class III wastewater operator license prescribed by Section 26.0301  
17 of that code.

18                   (j) A permit holder must maintain an insurance policy  
19 required by Subsection (h) in effect for the duration of the permit.

20                   (k) The commission shall create and operate a tracking  
21 system for the land application of Class B sludge. The commission  
22 shall require a permit holder to report deliveries and applications  
23 of Class B sludge using the tracking system and shall post the  
24 reported information on its website. The tracking system must  
25 allow a permit holder to report electronically:

26                   (1) the date of delivery of Class B sludge to a land  
27 application unit; and

1           (2) for each application of Class B sludge to a land  
2 application unit:

3                   (A) the date of the application; and

4                   (B) the source, quality, and quantity of the  
5 sludge applied.

6           (1) A permit holder may not accept Class B sludge unless the  
7 sludge has been transported to the land application unit in a  
8 covered container with the covering firmly secured at the front and  
9 back.

10           SECTION 2. (a) This Act takes effect September 1, 2003.

11           (b) The changes in law made by this Act relating to an  
12 application for a permit for the land application of Class B sludge  
13 apply only to an application received by the Texas Commission on  
14 Environmental Quality on or after the effective date of this Act.  
15 An application received before the effective date of this Act is  
16 covered by the law in effect on the date the application is  
17 received, and the former law is continued in effect for that  
18 purpose.