

By: Wray

H.B. No. 2248

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the land application of sewage sludge in certain
3 counties.

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

5 SECTION 1. Section 361.121(o), Health and Safety Code, is
6 amended to read as follows:

7 (o) The commission may not issue a permit under this section
8 for a land application unit that is located:

9 (1) in a county described by Section 361.1215(b); or

10 (2) both:

11 (A) [~~(1)~~] in a county that borders the Gulf of
12 Mexico; and

13 (B) [~~(2)~~] 500 feet or less from any water well or
14 surface water.

15 SECTION 2. Subchapter C, Chapter 361, Health and Safety
16 Code, is amended by adding Section 361.1215 to read as follows:

17 Sec. 361.1215. PROHIBITION ON LAND APPLICATION OF SLUDGE IN
18 CERTAIN COUNTIES. (a) In this section:

19 (1) "Class A sludge" means sewage sludge that meets
20 one of the pathogen reduction requirements of 30 T.A.C. Section
21 312.82(a)(1)(B).

22 (2) "Class AB sludge" means sewage sludge that meets
23 one of the pathogen reduction requirements of 30 T.A.C. Section
24 312.82(a)(1)(A).

1 (3) "Class B sludge" has the meaning assigned by
2 Section 361.121.

3 (4) "Land application unit" means an area where wastes
4 are applied onto or incorporated into the soil surface for
5 agricultural purposes or for treatment and disposal.

6 (b) This section applies only to a county that:

7 (1) does not contain a municipality located entirely
8 within the county that has a population of more than 40,000;

9 (2) is adjacent to two counties with populations of
10 more than one million; and

11 (3) is located in the Region C regional water planning
12 area designated in accordance with Section 16.053, Water Code.

13 (c) Notwithstanding any other law, a person may not apply
14 sewage sludge, including Class A sludge, Class AB sludge, or Class B
15 sludge, on a land application unit located in a county described by
16 Subsection (b).

17 SECTION 3. Not later than January 1, 2016, the Texas
18 Commission on Environmental Quality shall adopt any rules required
19 to implement the changes in law made by this Act.

20 SECTION 4. (a) The changes in law made by this Act apply
21 only to an application to apply Class A sludge, Class AB sludge, or
22 Class B sludge to a land application unit that is:

23 (1) filed with the Texas Commission on Environmental
24 Quality on or after the effective date of this Act; or

25 (2) filed with the Texas Commission on Environmental
26 Quality before the effective date of this Act but not found to be
27 administratively complete before that date.

1 (b) A person who holds a registration or permit for the
2 application of Class A sludge, Class AB sludge, or Class B sludge
3 approved by the Texas Commission on Environmental Quality before
4 the effective date of this Act may apply Class A sludge, Class AB
5 sludge, or Class B sludge in accordance with the terms of the
6 registration or permit.

7 SECTION 5. This Act takes effect September 1, 2015.