

By: Wray

H.B. No. 2460

A BILL TO BE ENTITLED

AN ACT

relating to allowing certain counties to regulate the land application of certain sewage sludge.

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

SECTION 1. Section 361.121, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) This section does not apply to a permit to apply Class B sludge to a land application unit located in a county described by Section 361.1215(b) if the commissioners court of the county has established regulations and procedures under Section 361.1215(d) for the land application of Class B sludge.

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

Sec. 361.1215. COUNTY REGULATION OF SLUDGE. (a) In this section:

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

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

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

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

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

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

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

7           (c) The commission shall delegate its authority and  
8 responsibilities under this chapter with regard to the land  
9 application of Class A sludge, Class AB sludge, and Class B sludge  
10 in a county described by Subsection (b) to the commissioners court  
11 of the county if the commissioners court adopts an order to assume  
12 that authority and those responsibilities.

13           (d) A commissioners court to whom the commission delegates  
14 the commission's authority and responsibilities as described by  
15 Subsection (c) by order shall establish regulations and procedures  
16 necessary to maintain at least the same level of environmental  
17 protection as provided by the commission.

18           SECTION 3. Not later than the 60th day after the date the  
19 commissioners court of a county adopts an order under Section  
20 361.1215(c), Health and Safety Code, as added by this Act, to assume  
21 the Texas Commission on Environmental Quality's authority and  
22 responsibilities under Chapter 361, Health and Safety Code, with  
23 regard to the land application of Class A sludge, Class AB sludge,  
24 and Class B sludge in the county, the Texas Commission on  
25 Environmental Quality and the commissioners court shall enter into  
26 a memorandum of understanding under which the commission and  
27 commissioners court shall clarify, to the extent necessary, the

1 transfer of authority and responsibilities as authorized by that  
2 section.

3 SECTION 4. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2015.