

SUBJECT: Regulation of beneficial land application of sludge (biosolids)

COMMITTEE: Environmental Regulation — favorable, without amendment

VOTE: 5 ayes — Chisum, Jackson, Howard, Stiles, Yost

0 nays

4 absent — Dukes, Kuempel, Saunders, Talton

SENATE VOTE: On final passage, May 4 — voice vote (Brown, Zaffirini recorded nay)

WITNESSES: No public hearing

BACKGROUND: Municipal sewage sludge can be disposed of in three ways: incineration, landfilling and beneficial reuse. When sludge is applied to land for beneficial reuse, it is first put through treatment to create biosolids, which act as a slow release fertilizer and soil conditioner.

The U.S. Environmental Protection Agency (EPA) has issued regulations relating to biosolids.

DIGEST: SB 977 would amend the Texas Natural Resource Conservation Commission's (TNRCC) biosolid program to incorporate federal EPA requirements concerning biosolids into the Health and Safety Code. The beneficial land application biosolid program would come under the authority of TNRCC.

The bill would establish standards for the final use, or disposal through beneficial land application, of biosolids. In order to apply biosolids, a person would have to apply to TNRCC for registration. When an application became administratively complete, TNRCC would be required to mail a copy of the application to the county judge of the county where the proposed project was located and to mail written notice to all owners of property adjacent to the district.

Members of the commission would be authorized to impose more stringent requirements, on a case-by-case basis, as necessary to protect public health and the environment.

SB 477 would also establish general requirements and management practices, including set back and siting, soil testing requirements and the prohibition of food crops for certain periods of time after biosolid application. The bill would also require monitoring and record keeping concerning biosolid application.

The bill would also prohibit bulk biosolids or biosolids sold or given away from being applied to land if the concentration of any pollutant exceeded the ceiling concentration for the pollutant. The bill would set forth technical tables of ceiling concentrations, pollutant loading rates, operational standards and requirements for biosolids with respect to pathogens.

The bill would take effect September 1, 1995.

**SUPPORTERS  
SAY:**

SB 977 would codify into Texas law the EPA regulations relating to beneficial land application of biosolids. The biosolids addressed in the bill are municipal biosolids and are not from industrial or hazardous waste treatment facilities. The EPA rules concerning biosolids were enacted after 12 years of scientific study and adequately protect public health and safety.

Several of the bill's requirements are more stringent than federal law — including a registration program so that TNRCC could regulate the beneficial land application of biosolids. SB 977 would also add restrictions for the siting of land application projects to better protect public health, and would require that biosolids be tested before they were applied to land.

Although the EPA does not require soil testing of any kind, SB 977 would require soil testing at the beginning of the registration process and once every five years thereafter to ensure that metals concentrations in the soil would fall within the limits established in SB 977. Any stricter requirements would be unnecessary and would not promote beneficial reuse of biosolids.

SB 977 does provide public notice for beneficial land application sites and provides for public meetings for sites when affected landowners request a meeting. It would be bureaucratic overkill to require permits for these projects — no permits were ever required for the first 40 years of biosolid projects because the sites are safe and regulations adequately protect public health and safety. Permit requirements would burden TNRCC and would discourage beneficial use projects.

TNRCC would have flexibility under individual cases since it can vote to impose stricter standards on the registration site if it has documented evidence that a particular site may pose a risk to human health or the environment that cannot be handled under the provisions of the bill.

Applying biosolids to land is a way of recycling a material that otherwise would have to be burnt or landfilled. Biosolids are not, by definition, hazardous. SB 977 would encourage the application of biosolids on land throughout Texas and provide a streamlined program to regulate the beneficial land application of biosolids.

SB 977 would encourage the reuse of biosolids in Texas, not only as a tactic for handling sludge produced in Texas but as a soil additive and organic fertilizer. Recent research done by Texas Tech University shows that biosolids increase grass production by at least 50 percent after one year's application. Other studies have shown that there is no pollution of runoff water from biosolid fields, and drinking water leached from a biosolid field is not harmful. Texas A&M studies have shown that applying biosolids to rangeland reduces wind erosion.

**OPPONENTS  
SAY:**

SB 977 would keep public input into biosolid land application projects to a minimum because it only provides for public meetings, rather than contested cases and evidentiary hearings. In this way, the bill would short circuit public opposition to sludge disposal operations. Public meetings may make people feel better but for public input to be meaningful, public hearings and a contested case process should also be made available to the future neighbors of a sludge project. That is why TNRCC should require that sludge projects obtain permits and go through a formal permitting process.

The bill would limit TNRCC's discretion and flexibility and could cause even more waste to be brought into Texas from out of state because the state's sludge requirements would be lower than those of other states. This could present a danger because sludge can be full of hazardous materials and can be full of toxic metals and unsterilized pathogens that are a threat to human health.