

BILL ANALYSIS

Senate Research Center

H.B. 3242
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Natural Resources
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Engrossed

DIGEST AND PURPOSE

The application of sewage sludge on agricultural land is an economical disposal option that provides the benefit of recycling the nutrients and organic matter contained in sludge. However, this practice raises some concerns pertaining to human and animal health risks, water quality, odor, property value impacts, and liability. Requiring a person to obtain a permit before applying Class B sludge on an area may provide clarity and offer certainty to affected parties. H.B. 3242 provides for this permit.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Section 361.119, Health and Safety Code) and SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

C.S.H.B. 3242 amends the Health and Safety Code to prohibit a person from applying Class B sludge (sludge) on a land application unit (unit) unless the responsible person has obtained a permit issued by the Texas Natural Resource Conservation Commission (TNRCC) on or after September 1, 2003, if the unit begins operation before September 1, 2001, or on or after September 1, 2001, if the unit begins operation on or after that date. Notice and hearing provisions regarding environmental permitting procedures apply to an application for a permit, a permit amendment, or a permit renewal.

In each permit, TNRCC is required to prescribe the conditions under which it is issued, including monitoring and reporting requirements. A permit does not become a vested right in the permit holder and is authorized to be issued for a term set by TNRCC not to exceed six years from the date of issuance. TNRCC is required to charge a fee for the issuance of a permit in an amount not less than \$1,000 but not more than \$5,000. In determining the fee, TNRCC is required to consider the amount of sludge to be applied. TNRCC is required by rule to require an applicant for a permit to submit certain information with the application.

The bill authorizes TNRCC to expand the definition of Class B sludge only to include sludge that meets more stringent pathogen reduction requirements. TNRCC is authorized, by rule, to develop categories of persons required to obtain a permit to apply sludge on an existing unit and require certain categories of persons to and obtain a permit earlier than the prescribed date.

Effective date: September 1, 2001.