



December 11, 2013

Mr. David Galindo MC 150  
Water Quality Division  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

Dear Mr. Galindo:

As a follow up to the commissioners' approval of the staff report on odors from biosolids land application sites and the upcoming TCEQ rulemaking, WEAT and TACWA would like to offer some preliminary comments. In the staff report and addendum to the commissioners dated November 1, 2013, staff recommended separating existing Class A biosolids into two categories, A and AA, specific to the types of pathogen reduction and method of land application. Management conditions would become more stringent as treatment processes for pathogen reduction are less advanced.

We note that the petitioner's original complaint was based on nuisance odors and not on public health concerns. We acknowledge during the public meetings concerns expressed related to the public health impact of biosolids. These comments were unsubstantiated, and as demonstrated by TCEQ staff sampling at no time were any violations related to pathogens or public health identified. Existing biosolids classification is based on pathogen reduction and vector attraction reduction (public health). We would like to note that the proposed adjustment of the classification scheme is based on process used for pathogen reduction rather than odor potential. Instead of trying to modify the existing public health based classification system to deal with odors, we suggest that staff consider a new, separate classification scheme for odors. For example, default odor categories could be established based on process. Each default category would trigger a specific set of management practices. Entities could petition at any time to be re-classified to another, higher category based on performance (absence of nuisance odors). This approach would be a concept similar to the Quebec approach described in our earlier comment letter.

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While we realize that establishing a separate classification scheme for odors has the potential to complicate the regulatory process, we believe this approach more directly addresses the issue at hand. We also believe this approach would address the commissioners' directive to establish a performance based system that does not negatively impact existing operations that are performing well.

We look forward to working with you on this rulemaking. Please feel free to contact me if you have any questions or if we can provide any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Carol Batterton".

Carol Batterton  
Executive Director  
Water Environment Association of Texas  
Texas Association of Clean Water Agencies  
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Austin, Texas 78704