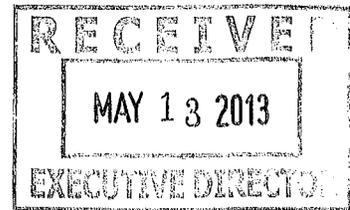


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Mr. Zak Covar  
Executive Director  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087



RE: Petition for Adoption of Rules (Title 30 TAC 20.15)

Dear Mr. Covar:

This Petition for Adoption of Rules is submitted by landowners and citizens subjected to the adverse effects of land application of sewage sludge in Ellis County, Texas. The changes affect the current Title 30 TAC 312 rules.

The purpose of the rule petition is to prohibit the application of sewage sludge in, or within, three miles of a city limit in Ellis County.

**Background**

Since February of 1998, land application of sludge has increased south of Midlothian. Specifically, the areas affected are in the vicinity of FM 875 and Singleton Road. The population since 1998 has increased dramatically to almost 1,200 families. The increased sludge application in the area has resulted in adverse effects leading to diminishing quality of life and enjoyment of property.

The primary adverse effect has been objectionable odors caused by the application of sewage sludge in the area, however, other physical effects include documented fish kills.

Currently, the land application of sludge is at its highest levels and public awareness of the problem is increasing with attention of news media outlets and local legislators.

**Proposed Rule**

The proposed changes are as follows:

**Title 30 TAC 312.3 Exclusions**

Add 312.3(n) – This chapter does not allow the application of bulk sewage sludge to land in, or within, three miles of a city limit in a county with a population of 140,000 or more that is located adjacent to a county with a population between 2,000,000 and 4,000,000.

Add 312.4(b)(5) – This subchapter does not authorize the application of bulk sewage sludge to land in, or within, three miles of a city limit in a county with a population of 140,000 or more that is located adjacent to a county with a population between 2,000,000 and 4,000,000.

Add 312.41(c)(3) – No person shall cause suffer or allow the land application of bulk material derived from sewage sludge in, or within, three miles of a city limit in a county with a population of 140,000 or more that is located adjacent to a county with a population between 2,000,000 and 4,000,000.

Add 312.42(j) – Land application of bulk sewage sludge is prohibited in, or within, three miles of a city limit in a county with a population of 140,000 or more that is located adjacent to a county with a population between 2,000,000 and 4,000,000.

Changes (*Italicized and underlined*) §312.41(b)(1) – Section 312.42 of this title (relating to General Requirements) and §312.44 of this title (relating to Management Practices), *with the exception of the requirements in §312.42(j)*, do not apply when bulk sewage sludge is applied to the land if the bulk sewage sludge meets the metal concentration in §312.43(b)(3) of this title (relating to Metal Limits), the Class A Pathogen requirement in §312.82(a) of this title (relating to Pathogen Reduction), and one of the vector attraction reduction requirements in §312.83(b)(1)-(8) of this title (relating to Vector Attraction Reduction).

Changes (*Italicized and underlined*) 312.41(d) – Special Requirements for Certain Bulk Derived Materials. The requirements in this subchapter when a bulk material derived from sewage sludge is applied to the land; if the sewage sludge from which the bulk material is derived *meets the distance requirement in §312.41(c)(3) and* meets the metal concentration in §312.43(b)(3) of this title the class A pathogen requirements in §312.82(a) of this title, and one of the vector attraction reduction requirements in §312.83(b)(1)-(8) of this title and the distance requirements in §312.32(j). The executive director may apply any or all of §312.42 and §312.44 of this title to the bulk derived material on a case-by-case basis after determining that the general requirements or management practices are needed to protect public health and the environment from any reasonably anticipated adverse effect that may occur from any metal in the sewage sludge.

#### **Statement of Authority**

Texas Health and Safety Code Chapter 361. Solid Waste Disposal Act and Title 30 Texas Administrative Code Chapter 312

#### **Allegation of injury or inequity**

It is my plea to help bring relief to over 1000 families who live in close proximity to an odor that is so offensive that it will run citizens back into their homes. For the past three years, since purchasing our home, we have been limited to the time we can spend outdoors due to the intense odor created by the sludge dumped on the acreage directly across the road from our home. Wind, humidity, rain and heat all cause the odor to intensify. We are confined to being indoors during the prettiest times of the year because the smell is unbearable and lingers well after it has been dumped. We are unable to open our windows in our house and the sludge odor prevents us from enjoying our property, our animals and outside activities. The smell also permeates our vehicles and the smell travels with us even when we are not at home.

Since 1998, housing and developing has increased the area population from hundreds to thousands as Midlothian, and the surrounding communities, continue to grow. New subdivisions are being created monthly and buyers are unaware of any odor, depending on the wind, until it is too late. A majority of citizens have no idea where the smell is coming from, nor do they know how to combat the intrusion when they do realize the origin. The average citizen is not prepared to spend hours and hours trying to fight for the rights they should already have.

My plea is for relief with a three mile no dump zone. Please help us get back the same clean air everyone else enjoys.

Sincerely,

A handwritten signature in cursive script that reads "Cole Turner". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Cole Turner  
1050 Marion Road  
Venus, Texas 76084