



Water Environment
Association of Texas



November 26, 2019

Mr. Brian Sierant
Water Quality Division
TCEQ
PO Box 13087, MC-150
Austin, Texas 78711-3087

Ms. Kris Hogan
Office of Legal Services
TCEQ
PO Box 13087, MC-205
Austin, Texas 78711-3087

Re: Rule Project Number 2017-035-312-OW

Dear Mr. Sierant and Ms Hogan,

The Water Environment Association of Texas (WEAT) and Texas Association of Clean Water Agencies (TACWA) appreciate the opportunity to provide input on the above referenced rules (the “Rules”). WEAT and TACWA members are responsible for the design, operation, and maintenance of publically owned wastewater collection and treatment systems all across Texas. As such, our members have extensive first-hand knowledge and experience with the land application of biosolids as well as a vested interest in ensuring that the Rules are protective of the environment and water quality, reflective of biosolids’ value to Texas farmers and soils, and not unjustifiably burdensome or costly for the water quality industry.

Introduction

We understand and agree with goal of the revision of the Rules to provide clarity, remove inconsistency, and improve readability. WEAT and TACWA have respectfully provided comments below with the consistency, clarification, and readability of 30 TAC Chapter 312 in mind, as well as consideration of water quality protection, the many benefits biosolids provide as a soil amendment, and sustainable and justifiable approach to resource recovery undertaken by the water quality industry. Please note that whenever possible, comments on the Rules are followed by suggested language.

Crop Harvest Tracking Requirements – Overarching Comment

The rule includes crop harvest tracking requirements that are more than just administrative in nature, and impose some new operational and record keeping requirements. Please reconsider these requirements, or present them as more than simple administrative changes.

Metal Concentration Limits

WEAT requests TCEQ revise the metal concentration limits established in 30 TAC 312.43(b) for chromium and selenium to be consistent with the limits established in 40 CFR Part 503.13(b). The metal limits established by EPA are risk-based to protect public health and the environment from reasonably anticipated adverse effects of pollutants that may be present in biosolids (sewage sludge) that are used or disposed. The EPA document *A Guide to the Biosolids Risk Assessments for the EPA Part 503 Rule*, September 1995 (EPA/832-B-93-005), provides supporting documentation and a description of the lengthy assessment process that was conducted prior to issuance of the current 503 Rule.

The EPA Risk Assessment document explains that chromium is not a risk for land application, and the risk-based limit for selenium is 100 milligrams per kilogram (mg/kg). Therefore, WEAT requests TCEQ delete the chromium limits in all four tables in 30 TAC 312.43(b) and revise the selenium concentration limit in Table 3 of 30 TAC 312.43(b)(3) from 36 mg/kg to 100 mg/kg.

Inclusion of domestic septage to Subchapter B: Land Application and Storage of Biosolids and Domestic Septage

Overarching Comment: In the past, the public has incorrectly associated domestic septage land application with biosolids. As a result, WEAT published a position on domestic septage, attached. Please consider the recommendations in this position paper. This suggestion also applies to the comments below regarding 312.8(13) on Beneficial Use definition.

Permit Amendment Provisions

The rule should be clear that a major amendment will keep an existing permitted processing facility as a Water Quality permit. Some of the rule is ambiguous in this area. This can be documented in the preamble to the rule, or the rule itself.

Other specific Provisions

312.4(b)(1) – Recommend adding reference to PCB requirements referencing paragraph 312.3(f).

312.7(c) – Recommend adding a reference to the approved method for quantifying PCBs.

312.8(88) – Stabilization definition is not consistent with EPA. EPA defines as biological or chemical treatment processes that minimize subsequent complications due to biodegradation of organic compounds. Biological stabilization reduces organic content. Chemical stabilization retards the degradation of organic materials.

312.3 (m)

Comment: As written, we are concerned that 312.3(m) could prohibit the addition of grease as part of a FOG anaerobic digestion process.

Recommendation: “This chapter does not authorize the land application of processed or unprocessed... *grease trap waste, unless the grease trap waste is added at a FOG receiving facility as part of an anaerobic digestion process...*”

312.3 (o)

Comment: We are concerned that 312.3(o) as written, *“This chapter does not authorize sewage sludge, biosolids, or domestic septage processing operations unless the processing occurs at a treatment works.”* may not allow for a WWTP to process biosolids at a separate dedicated or centralized biosolids facility.

Recommendation: Update the text of 312.3 (o) to state: *“unless the processing occurs at **or is associated with** a treatment works. Processing operations that are not located at **or associated with a** treatment works...”*

312.8 (47) Harvesting

Comment: Rule change regarding harvesting could have cost implications for utilities.

Recommendation: Rule introduction language should recognize that this change can potentially impact the way existing land application operations function, and that this can have potential cost impacts on utilities.

312.8 (13) Beneficial Use

Comment: WEAT disagrees that domestic septage as an equivalent to treated biosolids in meeting a beneficial use definition.

Recommendation: Refer to attached position paper related to separation of domestic septage from biosolids. While WEAT understands that the rules currently allow domestic septage to be land applied, WEAT recommends that the term “beneficial use” not be applied to domestic septage and the term “**disposal**” be used instead.

312.8 (54) Lagoon

Comment: As the definition currently reads, this may exclude lagoons at centralized biosolids processing facilities.

Recommendation: Modify the text “located on site at a wastewater treatment plant” to instead read “located on site **or associated with** a wastewater treatment plant” to allow for centralized biosolids processing facilities that are not co-located at a WWTP.

312.50(a)(3)

Comment: The text reading, “biosolids and/or domestic septage be stored away from odor receptors in order to prevent off-site dust migration from the storage area and to prevent nuisance odors” is problematic due to lack of definition and open to subjectivity. The definition of who qualifies as an impacted odor receptor is not provided. Enforcement of and compliance with the provision will be

difficult. Setback requirements are already accounted for within rule and make this an unnecessary addition.

Recommendation: Delete the sentence “Biosolids and/or domestic septage shall be stored away from odor receptors in order to prevent off-site dust migration from the storage area and to prevent nuisance odors.” from 312.50(a)(3).

WEAT and TACWA appreciate the opportunity to provide the above comments on 30 TAC Chapter 312. WEAT and TACWA technical experts and staff are available to meet to discuss or clarify any of the comments contained within. Again, thank you for the work you do and the opportunity to provide comments.

Kind Regards,

A handwritten signature in blue ink that reads "Julie Nahrgang". The signature is fluid and cursive, with a stylized ending.

Julie Nahrgang
WEAT | TACWA Executive Director

Cc:

Heather Cooke, WEAT President

Magda Alanis, TACWA President

Matt Berg, WEAT Biosolids Committee Chair



Domestic Septage Land Application

WEAT's Position

WEAT's position is that the public should be able to exercise due process over the land application of domestic septage. Domestic septage should be required to meet the minimum standards of biosolids for land application, and should be regulated and permitted similarly if not more rigorously, given the lack of treatment afforded to that type of waste.

Definitions

Domestic septage is untreated raw sewage from portable toilets, septic tanks, and recreational vehicles. Biosolids are nutrient enriched solids treated to meet federal and state standards, which are subsequently applied for beneficial use as a soil amendment.

Explanation

Applying biosolids to the soil for agriculture use offers a cost-effective way to manage a resource and avoid the expense of purchasing unnecessary chemicals. However, restrictions on the land application of biosolids differ greatly from the restrictions on the land application of domestic septage. According to Texas Administrative Code 30 TAC 312, Class A, AB, and B biosolids must undergo pathogen and vector attraction reduction treatment to reduce risk and odor before being land applied. The same stringent requirements do not apply to domestic septage.

Furthermore, Class A, AB, and B biosolids land application sites must be permitted and not simply administratively "registered" like domestic septage sites. As a result, biosolids undergo rigorous notice and reporting requirements, and the public is allowed to participate in the process of permitting those sites. The registration process for domestic septage does not require public notice or participation, which among other things, denies the public the ability to meaningfully participate in the process for siting and operating domestic septage waste disposal sites.

For these reasons among others, WEAT does not support the current treatment of domestic septage disposal sites. We believe that domestic septage should be treated as rigorously as biosolids, which are beneficial to the agricultural business and economy of the State of Texas.