

Success in the Texas Legislature...

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Adventures in Sausage-Making



Approaches

- 84th versus 85th Legislative Session
- Offense versus Defense



84th Session Offense: Identifying the Problem



SSO
VERSUS

**ACCIDENTAL SPILL OF 1000
GALLONS OR LESS**



84th Session Offense: Identifying the Problem

- *Reporting Burden*
- *Information Management burden*
- *Federal Perspective*
 - *Optics*
 - *City Report Card*



The Legislative Solution

- Establish a distinction between the reporting requirements of unauthorized discharges and spills.
- Create a reporting threshold of non-environmentally threatening accidental spills. Those less than 1000 gallons will be summarized on a monthly basis and sent only to the TCEQ.



SB 912 CUTS COSTS, ENSURES PUBLIC ANNOUNTABILITY, REDUCES BURDEN ON UTILITIES

Strategic allies and champions



Roadmap to Achieving Legislative Success

- Developing relationships
- Fostering and maintaining positive relationships
- Tap knowledge experts/Committee Chairs
- Developing background documents and gathering evidence
- Determining the right lawmakers to sponsor bills




Roadmap to Achieving Legislative Success

- Identifying potential opposition
- Educating opposition and members
- Work with stakeholders
- Bringing in the right people to testify/Know your audience!
- Working with local City Councils to support an action



The Missing Piece?

H I R E D G U N S LLC

Two silver and black revolvers are crossed in the center of the image. The background is light blue with a dark blue curved border at the top. The text 'H I R E D G U N S' is written in large, bold, black letters with a yellow outline, and 'LLC' is written in smaller, bold, black letters with a yellow outline below the guns.

Hazardous Substance Reportable Thresholds

<u>CHEMICAL</u>	<u>RQ</u>	<u>VOLUME</u>
Acetic acid	5000 pounds	12.7 barrels @ 50 % soln.
Acetone	5000 pounds	13.8 barrels @ 100 % soln.
Hydrochloric acid	5000 pounds	30.3 barrels @ 31% soln.
Hydrogen chloride	5000 pounds	30.3 barrels @ 31 % soln.
Phosphoric acid	5000 pounds	19.4 barrels @ 45 % soln.
Ferric sulfate	1000 pounds	3 barrels @ 50 % soln.
Sodium fluoride	1000 pounds	218 barrels @ 1 % soln.
Sulfuric acid	1000 pounds	3.4 barrels @ 50 % soln.
Formaldehyde	100 pounds	0.72 barrels @ 37 % soln.
Hydrofluoric acid	100 pounds	0.38 barrels @ 49 % soln.

Reportable discharge or spill. A reportable discharge or spill is a discharge or spill of oil, petroleum product, used oil, **hazardous substances**, industrial solid waste, or other substances into the environment **in a quantity equal to or greater than the reportable quantity** listed in § 327.4 of this title (relating to Reportable Quantities) in any 24-hour period. *30 TAC 327.3§ 327.3(a)*



The 85th Texas Legislative Session: A Tale of Budget Restraints and...



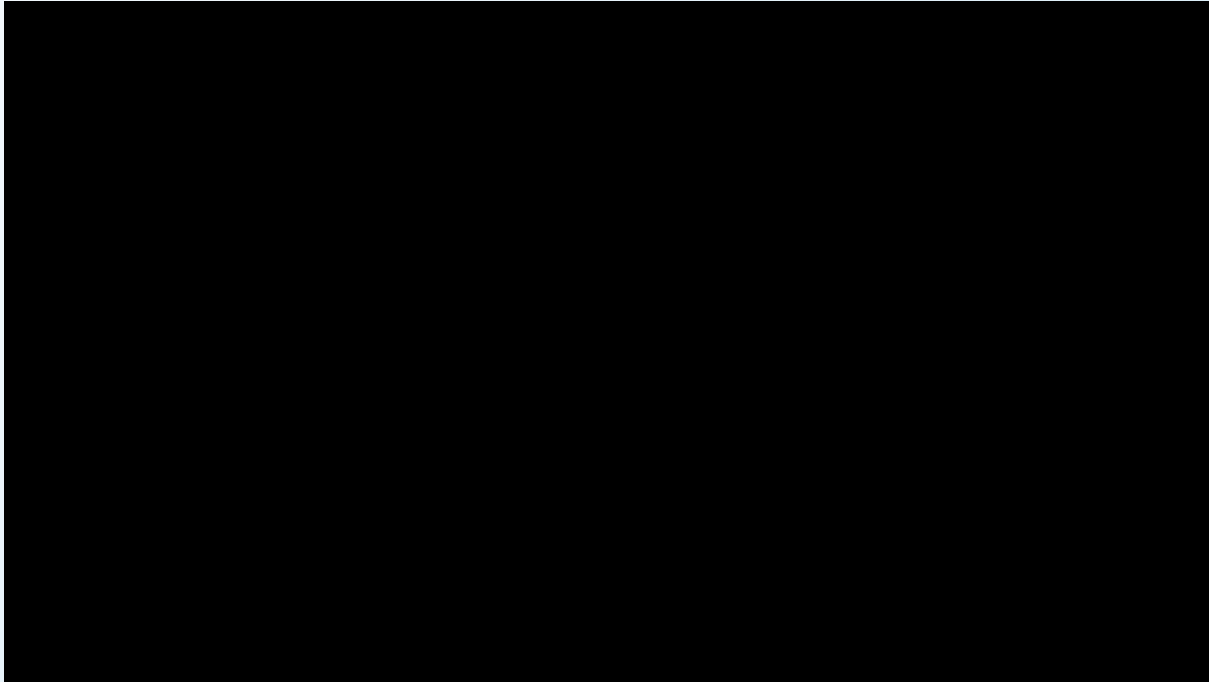
When Biosolids Hit the Fan of Public Perception



Victoria, Texas – September 27, 2016



Texas, Our Texas



The Reality of Biosolids Land Application

Biosolids are the nutrient rich residuals when treated wastewater is separated from solids. It is a valuable, safe, highly regulated, and sought after resource that benefits farmers and the environment by building better soils and improving water retention.



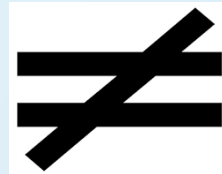
Misconceptions , Conspiracy Theories, and Threats: An Examination of Language

- *Don't Sludge Bastrop*
- *Sludge = Toxic Waste*
- *"Hazardous Toxic sewage sludge"*
- *Sludge = Poison*
- "I know what my next move will be and **I WILL bring as much media and legislation hurt as I can to the TCEQ on this.**"
- **"Most of you are part of the problem.** When will you be part of the solution? - Bob Crockett
- "I am very disappointed in how this is being handled and how the unsuspecting residents are being subjected to your Contractors sloppy handling of a product that is so controversial and disgusting." - CM
- **"Put your sewage on Ellis County and I will make sure you and Ft Worth know where I am from."** – Bob Crockett



Confusing the Issues

- Victoria Permit – Grit and Grease experimental use authorization blending grit and grease. WQ0004666000
- Domestic Septage – Administrative process to register, not a permitting process



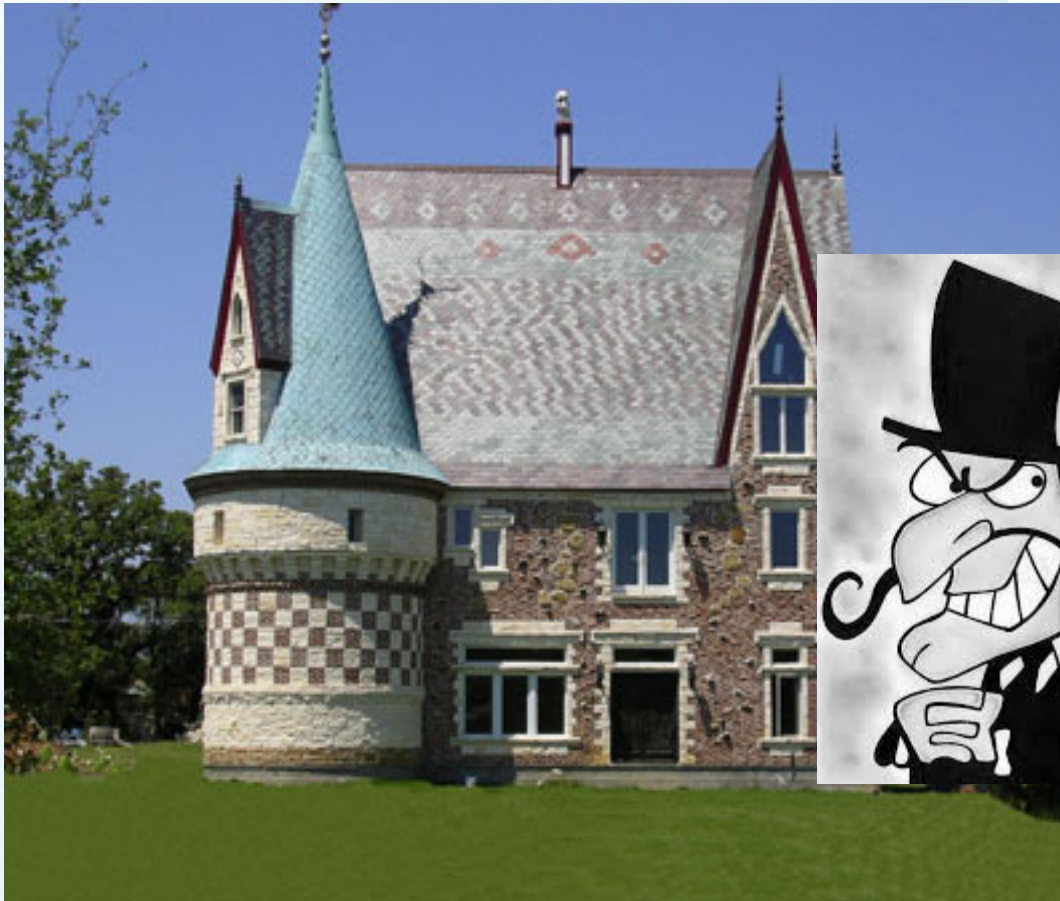
Cast of Characters

Lord Harrington

Residents Rebuff Royal Felon's Feces

By Matt Smith/msmith@trcle.com

Jul 2, 2016



The Summertime Sludge Panic of 2016

Withdrawn Permit Applications

WQ0005197000 Denali Water Solutions LLC (Class B Land Application)

Wallace Farm in Bastrop County

Application withdrawn on 7/13/16

17 Hearing Requests

55 Public Meeting Requests

122 Protestants

WQ0005199000 Denali Water Solutions LLC (Class B Land Application)

Banks Ranch in Fayette County

Application withdrawn on 6/17/16

88 Hearing Requests

11 Public Meeting Requests

68 Protestants

WQ0005191000 Denali Water Solutions LLC (Class B Land Application)

Fluharty Farms in Milam County

Application withdrawn on 3/25/16

1 Hearing Request

3 Public Meeting Requests

16 Protestants



The Summertime Sludge Panic of 2016

(continued)

Current Protested Applications:

WQ0004666000 Beneficial Land Management LLC (Class B Land Application)

Arenosa Creek Ranch in **Victoria County**

7 Hearing Requests

3 Public Meeting Requests

Public Meeting Held on 1/21/16

Contested Case Hearing (Preliminary) Scheduled 9/27/16

186 Protestants

WQ0005189000 Sprint Waste Services (Sewage Sludge Dewatering Unit)

West Bellfort Processing Facility in Fort Bend County

148 Hearing Requests

97 Public Meeting Requests

296 Protestants



The Summertime Sludge Panic of 2016

(continued)

Current Protested Applications:

WQ0005190000 Synagro of Texas-CDR, Inc. (Class B Land Application)

J1 Ranch in Henderson County

1 Hearing Request

1 Public Meeting Request

1 Protestant

711018 Reitz Environmental Services LLC (Domestic Septage Land Application)

Johnson County

Public Meeting Held 7/19/16

36 Protestants

711020 Harrington Environmental Services LLC (Domestic Septage Land Application)

Johnson County

Public Meeting Held 6/30/16

78 Protestants



Pathway to Success in the 85th Legislative Session: When Defense looks like Offense

- Educate lawmakers on the issue
- Submit alternative bill language to lawmakers
- Correctly identify the problem
- Develop white papers and position statements on domestic septage land application and addition of grit and grease



Years of E...
with



BIOSOLIDS MESSAGING BOOK

Component

- Acetaminophen
- Fluoxetine
- 17-a ethinyle
- Bisphenol A
- Ibuprofen
- Deca-BDE
- Azithromycin
- Ciprofloxacin
- Erythromycin - H2O
- Ofloxacin
- Sulfamethoxazole
- Triclosan

Worker

2,391
994
37
8

9,265,012
136,519

WEAT

TEXAS

ation



Grit and Grease Bills

SB 746/HB 2517: Would prohibit the permitting of Class B sludge with the addition of grit and grease waste. **RECEIVED COMMITTEE HEARING** by Sen Kolkhorst(R) and Rep Stephenson(R)

HB 2092: Would prohibit the land app permitting of Class B sludge with the addition of grit and grease trap waste *including* processed G&G trap waste. by Geanie Morrison(D) **RECEIVED COMMITTEE HEARING, PASSED COMMITTEE, BUT DID NOT PASS OUT OF HOUSE FLOOR.**



Anti Biosolids Bill

HB 1250: Bracketed bill that would allow County Commissioners to prohibit land application of ALL classes of biosolids in the county. **_DID NOT RECEIVE COMMITTEE HEARING**



Domestic Septage Bills

HB 3642/SB 1724: Relating to a permit requirement for the land application of domestic septage.

by Rep Burns(R) and Sen Birdwell(R) **DID NOT RECEIVE COMMITTEE HEARING**

HB 3644/SB 1723: Relating to collection of soil monitoring samples from land application units where sewage sludge or domestic septage is applied.

by Rep Burns(R) and Sen Birdwell(R) **DID NOT RECEIVE COMMITTEE HEARING**



Conclusions for Continued Success on Biosolids Front

- Need for continued education of lawmakers and public
- Distinction between Domestic Septage and Biosolids
- Local control of biosolids land application
- Benefits of biosolids and resource recovery
- Dispelling myths/improving public perception and public trust



Conclusions for Continued Success

- Be strategic and have a plan
- Playing offense and defense aren't as dissimilar as one would think - sometimes defense looks a lot like offense
- Engage Stakeholders
- Work closely with regulators



Similarities

- Hired Guns!
- Relationship building
 - Know your lawmakers
 - Maintain contact and frequent visits to lawmakers offices
 - Every visit does not need to be one with an “ask”

