

Resolution Spotlight

The Resolutions adopted by the County Judges and Commissioners Association of Texas (CJCAT) originate among members of Commissioners Courts and serve as the CJCAT Legislative Platform.

Sludge Waste and Biosolid Application Constituent → Commissioners Court → Association → Legislature

Plea for Help From Farmers and Ranchers

Johnson County ranchers approached Johnson County officials asking for help following the illness and death of livestock. For example, one rancher reported the deaths of 10 cows after a neighboring farmer spread biosolids fertilizer to nearby cropland. The second rancher reported the death of two horses, and both ranchers reported fish kills in four separate ponds. These ranchers also reported suffering negative impacts on their health and the health of their families.

The fertilizer that was spread on nearby cropland includes treated human waste, referred to as biosolids or sludge. Sewage sludge is produced when wastewater treatment plants clean sewer system water. The Texas Commission on Environmental Quality (TCEQ) and the Environmental Protection Agency (EPA) allow the sludge to be spread on cropland as biosolids fertilizer; however, the fertilizer must meet specific standards.

Response From Johnson County Commissioners Court

Johnson County launched an investigation into the matter with Detective Dana Ames, environmental crimes, Precinct 4, leading the effort. The Commissioners Court used the evidence from the investigation, summarized below, to pass a resolution calling for the authority to regulate and permit the application of biosolids.

Investigation Outcome

Ames conducted tests and found toxic PFAS levels in the biosolids fertilizer, soil, and groundwater; in the tissue of cattle and fish; and in the well water on the affected ranchlands.

PFAS stands for “per- and polyfluoroalkyl substances,” which are manmade chemicals, often referred to as “forever chemicals” because they break down very slowly over time. The TCEQ and EPA only regulate nine heavy metals and some pathogens in sewage sludge/biosolids. The EPA says there is no safe level for consumption of PFAS, and it recently started regulating PFAS in drinking water. The EPA set a maximum contamination level (MCL) for certain PFAS of 4 parts per trillion (ppt) for drinking water. Visually speaking, this equates to 4 drops of paint in a body of water about the size of 20 Olympic swimming pools.



The recent discovery in Johnson County of excessively high levels of PFAS found in the biosolids, ranchland, cattle, fish, and water far exceeded the MCL for drinking water by tens of thousands and hundreds of thousands of parts per trillion. For example, the tissue in the liver of a stillborn calf measured 660,000 ppt of PFOS, a major chemical in the PFAS group.

“The recently discovered PFAS in the biosolids fertilizer in Johnson County presents a major problem for all communities, as these contaminants do not stop at any county border and seriously threaten our food supply, drinking water, and health,” Ames stated.

Ames partnered with other experts including scientists and determined that the toxic, manmade chemicals in the fertilizer being used on the land in Johnson County originated from the biosolids produced from a wastewater treatment plant. The plant was contacted and denied the claims; a lawsuit is ongoing.

Concern Presented to Professional Associations, Resolution Developed and Adopted

The Johnson County Commissioner Court worked with both the North & East Texas County Judges and Commissioners Association and the County Judges and Commissioners Association of Texas to adopt the following resolution, which is now part of the current CJCAT Legislative Platform.

WHEREAS, human waste and other toxic materials are contained in municipal, domestic, and commercial sludge and biosolids; and

WHEREAS, this sludge and biosolid waste contains harmful bacteria, viruses, and chemicals that may contaminate local water supplies; and

WHEREAS, the current rules of the Texas Commission on Environmental Quality are inadequate to protect the water supply and adjacent landowners from the improper disposal of sludge and biosolid waste; and

WHEREAS, disposal of these materials should be a matter of local regulation;

NOW, THEREFORE, BE IT RESOLVED that the County Judges and Commissioners Association hereby requests that no permits be issued for the disposal of sludge and biosolid waste without the approval of the Commissioners Court and that the Texas Legislature clearly authorize local control of all sludge and biosolid waste permits.

