



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do NOT use for expedited rule making

Agency: Department of Ecology AO # 06-06

Subject of possible rule making: This rule making will amend chapter 173-308 WAC. The rule making will propose amendments to the following:

- Streamline the permitting process requirements
- Better address septage management requirements
- Develop a more thorough and equitable fee structure
- Address "general housekeeping" issues such as providing clarifications, making formatting changes, and ensuring that the rule is consistent with the new Biosolids general permit and previous interpretations and policy decisions.

The anticipated revisions will impact all facilities subject to the biosolids rule, including wastewater treatment plants (WWTPs) and Septage Management Facilities (SMFs).

Statutes authorizing the agency to adopt rules on this subject: Chapters 70.95J and 70.95 RCW.

Reasons why rules on this subject may be needed and what they might accomplish: Rule revisions are necessary to improve permitting processes, address inconsistencies in septage management requirements, create a more equitable program implementation fee, clarify previous rule interpretations and policy decisions, and correct inconsistencies between the biosolids rule and the biosolids general permit. Currently SMFs are paying fees that cover only an estimated 12% of the staff time estimated to be devoted to addressing SMFs. Facilities that manage only biosolids (not septage) are covering an estimated 81% of the estimated program staff time devoted to these facilities. Thus, there is a need for a new fee structure that better covers staff time and is more equitable. Other rule changes envisioned are relatively minor and will not deviate substantially from federal rule.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

EPA also regulates this subject. The federal biosolids rule is Title 40 CFR Part 503. RCW 70.95J.020 requires the department to adopt rules to implement a biosolids management program that, at a minimum, is consistent with the federal biosolids rule. The current rule is deemed consistent with the federal biosolids rule; however, revisions are needed to clarify the current rule.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

This rule making is to amend an existing rule. Amendments to the rule will be drafted and reviewed internally and by an Advisory Group. The public will be provided the opportunity to comment on the proposed rule. At least two public hearings will be conducted. Additionally the proposed amendments will be posted on the Department website and will be provided to parties that have previously identified themselves as interested parties.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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4/21/06

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