

Fact Sheet for the 2015 Draft General Permit for Biosolids Management

Introduction

The Department of Ecology is issuing a draft *General Permit for Biosolids Management* (general permit) because the existing general permit is expiring on August 20, 2015. The new general permit will apply to public and private entities that treat, store, transfer, apply, or dispose of biosolids in the state. There are currently 396 applicable facilities. This permit is the primary regulatory mechanism for approving the final use of biosolids in the state.

Ecology will use the standards for biosolids management adopted in the state biosolids rule and accepted best management practices as the basis of the general permit. This ensures that conditions in the general permit protect human health and the environment.

Legal Basis for the general permit

Federal rules, state law, and state regulations are the basis of Washington's biosolids program. The legislature established Chapter 70.95J RCW to ensure that municipal sewage sludge be used as a beneficial commodity to the maximum extent possible and be managed to reduce risk to human health and the environment. Ecology developed Chapter 173-308 WAC Biosolids Management, based on Federal Rule 40 CFR 503, to manage biosolids treated, stored, transferred, applied or disposed of in the state. The purpose of the general permit is to implement the requirements of Chapter 173-308 WAC.

Facilities and Activities subject to the permit

The general permit will apply to all treatment works treating domestic sewage in the state. These include both publicly and privately owned wastewater treatment plants treating domestic sewage, composting facilities that treat biosolids as a feedstock, biosolids beneficial use facilities, and septage management facilities.

The state biosolids program regulates biosolids (including septage) applied to the land, biosolids sold or given away in a bag or other container, biosolids being stored, biosolids transferred from one facility to another, and sewage sludge disposed in a municipal solid waste landfill.

Geographical area covered under the permit

This permit is applicable within the boundaries of the State of Washington, including state and federal lands and state and federal facilities. This permit does not apply to lands within the boundaries of Indian reservations or lands outside of Indian reservations that are held in trust by the federal government for a tribe.

Criteria for providing coverage under the permit

Upon submission of a complete permit application, as defined in the general permit, facilities will receive 'Provisional' approval for coverage under the general permit. Under provisional approval, a facility is authorized to carry out biosolids management activities according to the conditions of the general permit, the state biosolids rule, and any submitted plans. Facilities with provisional approval are subject to further review and requirements. After review of the permit application and considering other pertinent information including any testimony received during a public hearing or meeting or written comments submitted in response to a public notice, the

department may issue 'final' approval for coverage. In issuing final approval Ecology may impose additional or more stringent conditions deemed necessary to ensure proper biosolids management.

Facilities proposed to be covered under the permit

Three hundred ninety six (396) facilities have stated they will apply for coverage under the general permit. A List of the facilities is available at: <http://www.ecy.wa.gov/programs/swfa/biosolids/pdf/FacilityNOIs.pdf> or by requesting from the contact listed below.

Information required to be submitted with an application

Facilities applying for coverage under the general permit must submit a complete permit application as defined in the general permit. In addition to the Application for Coverage, a complete permit application package includes, but is not limited to, the following:

- A vicinity map of the facility.
- A vicinity map of any associated treatment or storage facilities.
- A treatment facility schematic.
- Confirmation that the SEPA requirements have been met.
- Confirmation that the public notice requirements have been met if appropriate.
- Land application plans if appropriate.
- Monitoring data if appropriate.
- A biosolids sampling plan if appropriate.
- A contingency plan for handling biosolids.
- A temporary disposal plan.
- A spill prevention/response plan if appropriate.

Characteristics of the facilities being authorized under the general permit

Biosolids treatment varies by facility type, including but not limited to, digestion, air drying and composting. Of the 396 facilities covered under the general permit, 42% process biosolids to meet either Class A or Class B standards, 3% are Beneficial Use Facilities (BUFs), 2.5% are composters and 12% are septage management facilities. The remaining facilities transfer their biosolids to another facility for further treatment.

Facilities that manage biosolids to meet Class A standards are required to prove pathogen reduction of 99% or greater as well as meet standards for heavy metals as defined in 40 CFR 503.13 and WAC 173-308-160. Class A biosolids may be sold or given away for use in public contact sites such as home lawns or gardens, golf courses and parks. Facilities that manage biosolids to meet Class B standards must prove pathogen reduction of 95-99% and also meet the standards for heavy metals referenced above. Class B biosolids are beneficially used as a soil amendment on agriculture lands and in working forests where sites are actively managed and access restrictions are implemented.

Standards and limitations imposed by the general permit

State standards for biosolids management in Chapter 173-308 WAC are based on federal standards in 40 CFR 503. Biosolids managed under the general permit must meet standards for pollutant limits, pathogen reduction and vector attraction reduction appropriate to the intended end use. Biosolids destined for public contact sites such as home gardens, lawns, and golf courses must meet higher standards than biosolids applied to areas where access is restricted.

Conditions set in the general permit

The general permit implements the conditions of Chapter 173-308 WAC and related federal biosolids laws and regulations. The rules and permit provide for imposing additional or more stringent standards as a condition of final approval of coverage on a case-by-case basis.

Compliance schedule

A schedule may be established leading to compliance with requirements of the general permit and Chapter 173-308 WAC. A compliance schedule may not extend deadlines established under the Clean Water Act or Chapter 70.95J RCW. Compliance schedules must be established in accordance with the requirements of WAC 173-308-310(16).

Procedures for finalizing the general permit

There will be a 30-day comment period for this draft permit. All comments received on this draft permit by the Department of Ecology by 5 p.m. on June 23, 2015, will be considered. Anyone may express their comments, concerns, or recommendations regarding the draft permit by submitting comments in writing or at a public hearing. Comments will be accepted by e-mail or by other means, including U.S. mail, delivered to the Department of Ecology headquarters office by the close of the comment period. See contact below. Two public hearings will be held on June 16, 2015 from 3-5PM at 300 Desmond Drive SE, Lacey WA and June 17, 2015 from 3-5PM at 15 West Yakima Ave Suite 100, Yakima WA 98902. A summary of responses to comments received will be prepared and made available at the time the final general permit is posted. Ecology anticipates issuing the final general permit by July 22, 2015. Following the issuance, there will be a 30 day appeal period for the final general permit before it becomes effective on August 21, 2015.

Economic Impact Analysis Summary

In accordance with the requirements in WAC 173-308-90005(4), an Economic Impact Analysis (EIA) was conducted on the draft general permit to assess whether it may have a disproportionate economic impact on small businesses relative to large businesses. Ecology found that the draft general permit would not have a disproportionate impact on small businesses. The EIA may be obtained from:

<http://www.ecy.wa.gov/programs/swfa/biosolids/GenPermitDev.html> or by requesting from the contact listed below.

Obtaining copies of this Fact Sheet

This fact sheet may be obtained from: <http://www.ecy.wa.gov/programs/swfa/biosolids/GenPermitDev.html> or by requesting from the contact below.

Contact for comments, questions, requests

Rebecca Singer
State Biosolids Coordinator
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
Email: rebecca.singer@ecy.wa.gov
Phone: 360-407-6108