



Rule Adoption Notice

Biosolids Management, Chapter 173-308 WAC

In 2003, the Legislature passed (ESSB 5766). This law requires Ecology to notify businesses that a rule adoption affects them. To comply with this law and to keep affected parties better informed of Ecology rule adoptions, we have sent you this notice of a rule adoption.

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MORE BIOSOLIDS INFORMATION ONLINE

Visit:

www.ecy.wa.gov/progr/ams/swfa/biosolids/

UPDATES ON RULE-MAKING ACTIVITIES

To get updates on Ecology's rule-making activities, sign-up for the **WAC Track** e-mail list.

Visit:

www.ecy.wa.gov/maillist.html

Requirements of the Rule

Washington State has its own authority for regulating biosolids management. The 1992 State Legislature passed into law a bill that became part of Chapter 70.95J RCW. Chapter 70.95J recognizes biosolids as a valuable commodity, and directs the Department of Ecology (Ecology) to implement a program that maximizes beneficial use. Chapter 173-308 WAC establishes requirements for treatment works treating domestic sewage, including sewage treatment plants and other facilities, which generate, treat, and use biosolids.

Summary of the Rule Changes Adopted on May 24, 2007

Ecology is amending Chapter 173-308, Biosolids Management, for the following reasons:

- (1) To improve the permit process.** The proposed amendments will: provide exemptions from some requirements for approved research projects; allow out-of-state producers of biosolids to send biosolids to permitted in-state facilities under a simplified process; allow deferral to existing environmental permits for storage of biosolids; require permit applications to be submitted within 90 days following the issuance of a new general permit; reduce the number of newspaper notices (when required) from two to one; not require public notice each permit cycle for facilities that do not land apply nonexceptional quality biosolids if proper notice has previously been conducted; and not require re-posting of land application sites each permit cycle if it was properly done previously.
- (2) To address septage management requirements.** The proposed amendments will: require that all septage management facilities obtain a permit from Ecology; impose the same site management and access restrictions on all septage applied to the land; and allow Ecology to impose a more stringent application rate where necessary.
- (3) To adjust the biosolids fee structure.** The proposed amendments will: impose a \$600 minimum fee on all facilities required to obtain a permit; impose a \$1,800 review fee for new facilities; increase the maximum fee for biosolids beneficial use facilities and other receiving-only facilities from \$2,500 to \$3,000; and provide for a reduced charge for each residential equivalent above 100,000.
- (4) To incorporate policy changes and address "general housekeeping" issues.** The proposed amendments will: require submittal of a spill prevention and response plan if biosolids are transported; update the analytical methods allowed; eliminate Alternatives 3 and 4 from the Class A pathogen reduction alternatives; impose a requirement to remove manufactured inerts by screening or an alternative method; impose a requirement that land applied biosolids contain less than one percent of recognizable manufactured inerts; require all biosolids sold or given away in a bag or other container to meet the exceptional quality standards; "grandfather-in" existing surface impoundments; and impose the Chapter 173-350 standards for new or upgraded surface impoundments.

Effective June 24, 2007

This amendment to Chapter 173-308 WAC becomes effective on June 24, 2007.

Anticipated Effects of the Rule

The anticipated revisions will affect all facilities subject to the biosolids rule, including wastewater treatment plants and Septage Management Facilities.

Public Involvement

Advisory Group. In July 2006, Ecology formed the Biosolids Rule Revision Advisory Group (BRRAG) that consisted of a broad spectrum of stakeholders. Ecology staff drafted the rule amendments. The BRRAG discussed and reviewed proposed significant changes in four meetings during the summer and fall of 2006.

Email List and Website. Ecology developed an electronic list of “interested parties” (ListServ) and posted it on the Solid Waste and Financial Assistance Program (SWFAP) website. Here persons interested in receiving information on the rule development process signed up to receive up-to-date information. In addition, Ecology staff posted rule documents on the SWFAP rule website and the biosolids program website to communicate messages to the media, tribes, and other interested persons.

Public Involvement Information. Ecology also direct-mailed a focus sheet about the proposed rule, public involvement opportunities, and public hearing information to over 452 interested persons. Recipients included tribes, counties, cities, and others interested in biosolids-related issues, including affected owners/operators of wastewater treatment plants and septage management facilities.

Public Hearings and Formal Comments. The proposed rule amendments and a Determination of Non-significance (DNS) issued in accordance with the State Environmental Policy Act (SEPA) were subject to a forty-seven day formal comment period that ended on March 8, 2007. Ecology held two public hearings on the proposal: one in Lacey and one in Moses Lake. Ecology published notice of hearing dates on its Public Events Calendar and webpage. Five members of the public attended the hearings. Two persons submitted oral comments, and sixteen persons submitted written comments on the proposed rule during the formal comment period. Ecology received no comments on the DNS.

Appeal Procedures

The Administrative Procedure Act (RCW 34.05.330) describes how persons can appeal this adoption. To learn more about appealing this adoption, please contact Jerry Thielen, Ecology’s Regulatory Affairs Manager, at (360) 407-7551 or by email jthi461@ecy.wa.gov.

More Information on Biosolids Management and the Rule Changes

Contact Daniel Thompson at dtho461@ecy.wa.gov or (360) 407-6108.

- Rules Web page
<http://www.ecy.wa.gov/laws-rules/activity/wac173308.html>
- Rule Development Web page
<http://www.ecy.wa.gov/programs/swfa/biosolids/ruleDev.html>
- State Biosolids Web page
<http://www.ecy.wa.gov/programs/swfa/biosolids/>