



Responsiveness Summary
General Permit for Biosolids Management
Comment Period: May 19, 2010 – June 22, 2010

Washington State Department of Ecology
Waste 2 Resources Program
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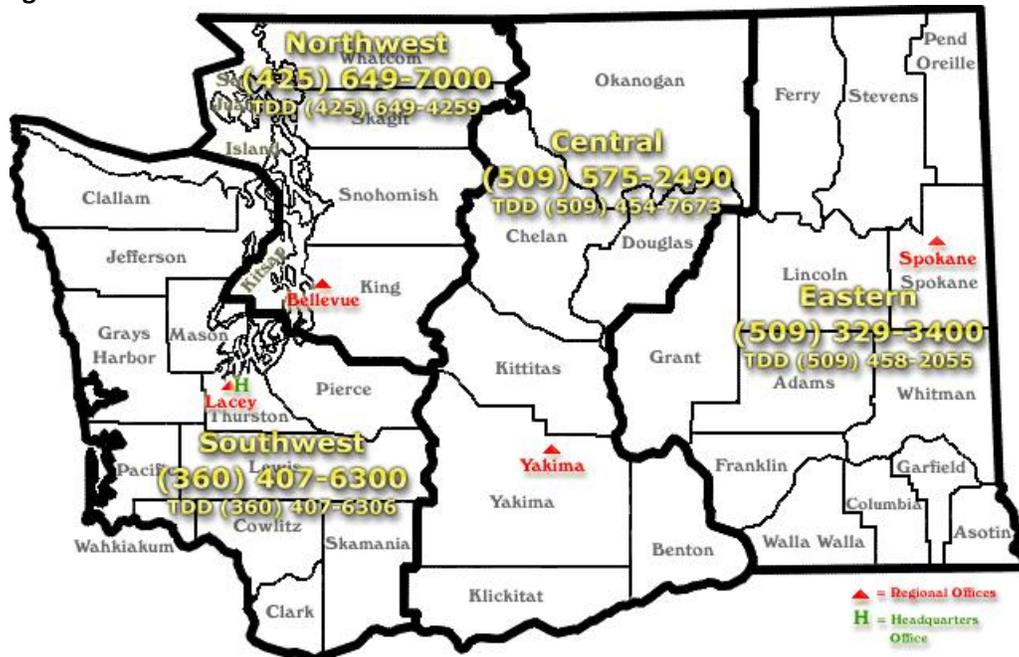
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Introduction

Washington State Department of Ecology (Ecology) has issued a final *General Permit for Biosolids Management* (general permit) following a public process of review and comment.

The general permit applies to all treatment works treating domestic sewage in the state. The majority of these facilities are publicly owned wastewater treatment plants. Other types of facilities subject to the general permit include privately owned wastewater treatment plants that treat only domestic sewage, composting facilities that treat biosolids as a feedstock, biosolids beneficial use facilities, and septage management facilities.

This document contains Ecology’s response to all comments received on the draft general permit during the public comment period that ran from May 19, 2010 – June 22, 2010.

Five persons submitted a total of 9 written comments on the draft general permit. Comments 8 and 9 are actually composed of several comments, but both are considered as single comments for the purposes of the general permit. Table 1 lists the commenters and the reference number(s) for the comments submitted. All comments along with Ecology’s responses follow Table 1. The text in all comments below is exactly as submitted to Ecology.

Ecology thanks all reviewers and commenters.

Table 1 – Commenters and Reference Number

Commenter	Reference Number
Joan K Bartz, ICI Services Corporation	Comments 1 – 2
Joe Frank, Neighbors Against Biosolids	Comments 3 – 6
David Bosch, Tacoma-Pierce County Health Department	Comment 7
Steven Salsbury	Comment 8
Hannelore van der Hengel	Comment 9

Comment 1

“Section 4.12, Reporting...: For the various notifications, I did not find position title, address, or telephone number that should be used. It would be helpful if this could be specified in this section.”

Ecology Response

Concur. Language specifying that reporting must be directed to the applicable regional biosolids coordinator was added where appropriate throughout Subsection 4.12.

Comment 2

“Section 9.2, Frequency of Biosolids Analysis: The frequency of analysis in Table 1 cannot be used for biosolids produced by the WWTP where I work. We produce sludge over a period of time greater than one or two years, and the batch is then available for sampling after being turned out to a drying bed.”

Ecology Response

No change. The text at the beginning of Subsection 9.2 specifically states, “The frequency of biosolids analysis is based on the dry weight tonnage of biosolids ***applied to the land or prepared for sale/give***

away per 365-day period (emphasis added).” Thus, for your facility, testing of the biosolids is not required until you prepare to remove the biosolids from the drying beds.

Comment 3

“We would like there to a limit on years that a company can spread bio solids on one piece of property.”

Ecology Response

No change. The state (and federal) biosolids regulations impose cumulative pollutant loading limits (WAC 173-308-160 Table 2) at sites if any of the pollutants in the applied biosolids are above the limits listed in WAC 173-308-160 Table 3. This isn’t a limit on the number of years biosolids can be applied, but it is a limit on the amount of pollutants that can be added to a site. These limits are ‘risk-based’ and were developed during the comprehensive risk assessment the US Environmental Protection Agency (EPA) conducted prior to issuing the federal biosolids rule in 1993. The risk-based limits have been upheld following significant scrutiny and numerous reevaluations over the years.

Due to the high quality of most biosolids managed in Washington, the cumulative pollutant loading limits do not apply in most cases. In 2008, >98% of biosolids met the highest quality standards for pollutants (those in WAC 173-308-160 Table 3). The reason the cumulative pollutant loading limits do not apply to biosolids meeting the WAC 173-380-160 Table 3 standards is that EPA’s risk assessment determined that it would be nearly impossible for biosolids meeting these standards to be applied to a site for the number of years necessary to reach the cumulative loadings allowed in WAC 173-308-160 Table 2.

For example, in 2008 the average concentration of nickel (Ni) in Washington biosolids was 20.4 parts per million. The WAC 173-308-160 Table 2 cumulative loading limit for Ni is 420 kilograms per hectare or approximately 275 pounds per acre. Using the average biosolids concentration for Ni and the allowable loading rate and a typical application rate of 4.5 dry tons per acre, it would take approximately 2,042 years of consecutive applications of biosolids to reach the allowable limit.

Comment 4

“We would like to see more testing of soil and ground water by the Dept Of Ecology. Also we would like to see the streams, rivers and aqua firs in the surrounding areas tested by the Dept Of Ecology.”

Ecology Response

Comment noted. Ecology may conduct testing of soils, groundwaters, and surface waters as appropriate.

Comment 5

“We would like the companies that are buying the cattle to be informed of where the cattle where raised and that they where on these fields spread with bio solids. The meat that reaches the stores should also be marked as raised on fields spread with bio solids. Also the same with the hay that is sold or given away.”

Ecology Response

No change. Ecology does not have the authority to require the notification and labeling suggested by the commenter. We suggest the commenter contact the US Food and Drug Administration and/or the US Department of Agriculture if desired.

Comment 6

"We would like the signs explaining what they are doing and spreading on the fields to be at least 2' x 2' in size so that people can read them."

Ecology Response

Comment noted. Signs restricting access must be posted at sites where Class B biosolids or septage are applied. Tables 6 and 9 in the general permit describe the requirements for signs posted at such sites. The size of signs is not specified in the general permit or the state biosolids rule. Ecology is currently working on guidance with respect to sign size, material, font, colors, etc. When final, the guidance will be shared with all permittees and will be considered during the permit review process for each facility.

Comment 7

"The Tacoma-Pierce County Health Department has reviewed Ecology's Draft General Permit for Biosolids Management (version dated May 19, 2010). The Health Department agrees that the Draft General Permit for Biosolids Management is protective of public health and the environment and, therefore, concurs with its issuance."

Ecology Response

Comment noted.

Comment 8

"Request for Review and Revocation of General Permit # BTO-206 for Biosolids Management."

Request for a public meeting of this permit in Twisp, WA in Okanogan County.

Comments under Chapter 173-308-310-23 and 24.

- 1. New information from new parol evidence, that is relevant, regarding the Twisp Landfill and dump, that was closed by Okanogan County in 1988 and is the site of this permit. The Statement of Fact filed by the County at closure states that the landfill's waste over a 40 year period, covering 8 acres, was 15 or much less feet in average depth. The landfill was closed using parol evidence. New parol evidence garnered from individuals growing-up in the 1940's and 1950's indicates that the beginnings of the dump and waste mass, began in a ravine on the NE side of "Red Mt.", that was 30' plus in depth.*

The Twisp Landfill Closure Plan of 1986 did not include this knowledge when it was engineered. To date, it puts the Plan in deficit for over 22 years. Because of this deficit, the stormwater perimeter ditch that was created at closure, emptying into drainage basin #B puts the drainage water run-off on top of the older waste mass. The pan-lysimeters that were installed nearby this stormwater ditch show significant amounts of water in this area. The possibility for leachate migration at this site has not been answered by Ecology or by the County. From the regulations that I've read, not promoting leachate production is the primary basis for the Closure Plan. For almost a year now, the elders from this community are not respected and listened to. The 'true situation at closure,' as worded in the Statement of Fact, is not accurate.

- 2. The permittee misrepresented facts in his 2009 Environmental Checklist for a SEPA determination, to expand the usage of his site for a Conditional Use Permit #2009-1, with Okanogan County.*

- a. *In the Checklist under B-2-Air-a., he states “some minimal odors from the land application at times,” when he already knew from neighbors that the odor was unbearable.*
- b. *Under B-3-Water-a., he states that the “irrigation ditch is 200’ from the closest point to the site” and “the Methow River is 1400’ from the closest point to the site.” The irrigation ditch is directly next to the site, possibly overlapping the ditch. The Methow River is approximately 700’ from the site.*
- c. *The permittee misrepresented the facts in his Comment Response that were included through the SEPA Determination up to the Board of Adjustment Hearing in April 2009, for his CUP determination. He stated that there was a “42 inch clay cap” on top of the Twisp Landfill. The response that “the landfill has a layer of clay that is 42 inches thick” is erroneous. In this document he also used quotes from the Landfill Closure Plan, to make his application seem more viable for approval and to make the public be more amenable to the project. An example of this is “The water that is placed on the cap is designed to evaporate before the septage has a chance to soak deep enough into the ground to contaminate the groundwater.” This is misuse of wording from the Closure Plan to make his application appear more viable.”*

Comments under Chapter 173-308-300-6-a.

1. *The use of this site to spread septage is not consistent with the Twisp Landfill Closure Plan. In the Plan, the County’s responsibilities were to include in the Statement of Fact and Easement, land use restrictions on future uses of this site for irrigated land. It is not included. Permit #BTO-206 is not consistent with the Plan, when the Plan states that incident precipitation should be the only moisture available for net infiltration through the cover to make contact with waste materials. The permit negates the Plan that was used for closure under 173-301, approved by the County. Daniel Thompson of Ecology, at a meeting in the summer of 2009, said that Ecology was unaware that the landfill may not have been closed in accordance with the Landfill Closure Plan. He also said that the County and Ecology have a responsibility for ensuring that there is no environmental contamination.*
2. *Under Construction Plans in the Closure Plan, the access gate was to be relocated so as to not disturb the cover over the waste mass. The access is in the same location at present, as on the filed survey map at closure, showing it entering directly on top of the waste mass. Recently to determine the boundary of that mass, the permittee was allowed to dig test holes, instead of using the survey thereby disrupting the cover in the process.*

Comments under Chapter 173-308-90005-11-c.

Our neighborhood and our local environment is significantly adversely impacted by the spreading of septage too close to people. We refer to this intrusion as an affrontive and offensive trespass. The cumulative effects on our environment are starting to add-up. People are not able to go out of their house when the PH changes, after an application. We all find this unacceptable, except for the permittee. Ecology employees have told us that the reaction to odor is a personal and subjective matter. It should be moved to a location well away from having any effects on people. We classify the septage as a pollutant because of the negative effects it is having on our persons, never knowing when we will have to inhale its exposure. Even though the permittee does probably the best he can, we’re still unsure of the stress involved long-term affecting our quality of life in our home environs. This is happening too close to people.

I did an informal survey asking what would be the worst smell that you'd have to put up with. It was unanimous about human septage. We have not been represented by the State or by the County in this matter, but we have been imposed upon by both. This is disenfranchising the environment, not the other way around. This is an impact on us that we have no idea when it will end and the effect will grow over time, negatively. We believe that we have rights to fresh, clean air."

Ecology Response

No changes. The comments are all applicable to a specific site and permittee rather than the general permit. The site is located in Ecology's Central Region. The comments have been forwarded to the Regional Septage Coordinator in Ecology's Central Region for consideration when the permittee applies for coverage under the general permit later this year. The commenter may choose to resubmit the comments at that time, but resubmitting is not necessary.

Comment 9

"Request for review and revocation of general permit #BT0-206 for Biosolids Management, and others.

Request for a public meeting of this permit (and others) in Twisp, WA in Okanogan County, Washington.

Comments under the following:

Re: WAC 173-308-120 Requirement to obtain and provide information.

We were all invited to give Mr. Wright our name and address, sent registered mail, to inform as of future plans. He has never contacted me, even though he has moved his storage tank from his home, (which was illegal due to zoning) to the dump behind my property.

Re: WAC 173-308-150 Frequency of biosolids monitoring

Monitoring of various facets of this project was not done at stated intervals. I would like to see them done now, and I would like to be informed each and every time monitoring is done, whatever the frequency.

Re: WAC 173-308-190 Agronomic rate requirement

I have had a report on my well at 20373B Hwy 20, Twisp of Dichlorodifluoromethane (Freon) in the water, and also just a little (.06) over the nitrate. Also Calcium and Magnesium were high. Conductivity was exceptionally high (801.0). (The MCL is 700.)

Re: WAC 173-308-210 Bulk Biosolids applied to agricultural land, forest land, a public contact site or a land reclamation site

Mr. Wright has indicated to me (and the DOE) that he wanted to grow grass and shrubs up in the landfill. (I guess that qualifies as "land reclamation site?") I wonder if that is where the contaminants in my well are coming from?

Re: WAC 173-308-270 Septage applied to the land

Same as above, my concern is leachate coming into my well.

Comments under Chapter 173-308-90005-11.e

I do not like the odor. It does not occur as often as before, but when it does, it is horrendous. You say, "Report it when it happens." By the time someone comes to check it out, the odor is gone, so you can't determine what it is coming from.

I am also concerned about what is basically my driveway, which is used by Mr. Wright to access his dump. (A little history first. A little while after I reported the theft of ~5' from the westside _____ coupled with the moving of my fence eastward, to Deputy Sheriff Laura Wright (Mr. Wright's wife) Mr. Wright came and without notifying anyone, resurfaced the asphalt road with large, sharp rocks, sand, and some gravel. My call to 911 started an afternoon of a runaround, with the dispatcher saying she had been given to understand that he was only filling a pothole, and the 4th call I made, the dispatcher told me I should be glad he wasn't charging me!!! No one ever came in response to see the trucks and machines.

Now every time a truck goes by, a cloud of dust is thrust up into the air. I have had to resort to washing and hanging my clothes on Saturday or Sunday.

To let you know what this is like, here is today's schedule

6:20 am –Awakened by a truck going up to the dump (I will show this is a ↑)

6:30 am- Big Tanker ↑

6:50 am- Black and Red Truck (small) ↑

7:00 am – Orange truck and pulling a second cart (which I will refer to as a "baby") ↑

7:05 am – A second orange truck w/baby ↑

7:15 am – Orange truck w/baby ↓ (leaving dump) loaded with dirt

7:17 am – Black and red truck ↑

7:23 am – Orange truck w/baby ↓

7:35 am – Black and Red truck ↓

7:45 am – Orange truck w/baby ↑

8:00 am – Orange truck w/baby ↑

8:01 am – Black and red truck ↑

8:02 am – Orange truck w/baby ↓

8:05 am – Black and red truck ↓

8:06 am – Orange truck w/baby ↓

- left window-

8:17 am - Black and Red truck ↓

8:35 am – Orange truck w/baby ↑

8:52 am – Orange truck w/baby ↑

9:15 am – Orange truck w/baby ↑

9:27 am – Orange truck w/baby ↓

9:29 am – Red and Black truck ↑

9:36 am – Orange truck w/baby ↓

9:44 am – Small tanker ↑

10:05 am – Orange truck w/baby ↑

10:19 am – White P.U. truck ↑

10:21 am – White P.U. truck (large) ↑

10:30 am – Orange septic tanker

I was not at the window 100% of the time, and I gave up keeping track after 10:30 am. The trucks were empty going up, and full of dirt coming down. Most of them did not carry the logo of Mr. Wright. So much for Air Quality.

I do not want you to grant either permit to Mr. Wright, because this is a residential area and it is wrong to put such a horrendous project right on top of people. The dump, (landfill) should never have been reopened. The deep ravine that all the old-timers were told to stay away from when they were kids, should be cleaned out, not covered up as I suspect it was these last few weeks. Can't you get a grant for that?

It was a travesty to permit this place to be opened again, and especially to septic waste. It is causing harm to me; personally, but eventually it will cause harm to others as well.

I would like to see you, at the very least, turn it over to Fish and Wildlife, which is right next door, I believe. Then, perhaps, you could leave the ravine intact.

I reiterate: to foist this project on the unsuspecting public of this residential area is a travesty and a negation of all you stand for."

Ecology Response

No changes. The comments are all applicable to a specific site and permittee rather than the general permit. The site is located in Ecology's Central Region. The comments have been forwarded to the Regional Septage Coordinator in Ecology's Central Region for consideration when the permittee applies for coverage under the general permit later this year. The commenter may choose to resubmit the comments at that time, but resubmitting is not necessary.