



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

## **Responsiveness Summary**

### **Notice of Intent to Develop a New General Permit for Biosolids Management**

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*Comment Period: January 21, 2015 – February 20, 2015*

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# Introduction

This document is the final Responsiveness Summary to comments/questions received on the Notice of Intent to develop a new General Permit for Biosolids Management. The following summarizes the comments we received and next steps.

On January 21, 2015 Ecology published a Notice of Intent to adopt a new general permit for biosolids to replace the permit that expires August 20, 2015. 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. The published notice requested comments on the proposal and specifically asked:

- (a) Should Ecology develop a biosolids general permit to cover all facilities that use or dispose of biosolids? (Note: Each facility would still be required to individually apply for and obtain coverage under the biosolids general permit.)
- or**
- (b) Should Ecology require each facility that uses or disposes of biosolids to obtain an individual permit?

The Notice of Intent was published in the State Register and distributed to a mailing list of interested persons and organizations. A thirty day comment period was provided for those wanting to respond.

Twenty-eight responses were received with 20 being from local government. Of the remaining eight, one was from an association of biosolids managers, one from an association of compost managers, three from consulting groups, one from a wastewater contract services group, one from an environmental group and one from a private citizen.

Of the responses, 25 were in favor of developing a new general permit, two in favor of individual permits and two expressed concerns with biosolids without responding to the questions posed.

All local governments felt that the general permit approach would allow Ecology to extend permit coverage to biosolids facilities in the state, and cover the regulatory and good management practices while not compromising the ability to tailor individual conditions for specific facilities or sites.

The comments of those with concerns or opposed to the general permit approach were focused primarily on land application of biosolids, either being opposed to this practice or concerned that the standards are not stringent enough.

Based on a review of the responses, Ecology intends to proceed with the development of a general permit for biosolids. The next step in the process is to develop a draft general permit. The department will issue a public notice when the draft permit is available for review and comment. Notice will be mailed directly to any person upon request and will be published in the State Register at least thirty days prior to the public hearings. Persons and organizations who responded to the initial notice regarding the use of a general permit will be placed on an interested parties list and will be notified directly when the draft permit is available.

Your continued interest and involvement will be appreciated.

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# Comments and Response on the Intent to Develop a New General Permit for Biosolids Management

## Comments in support of issuing a general permit

The following commenter(s) were in support of Ecology developing a biosolids general permit to cover all facilities that use or dispose of biosolids with the condition that each facility would still be required to individually apply for and obtain coverage under the biosolids general permit.

Commenter	Organization
Maile Lono-Batura	Northwest Biosolids Management Association
Dan Corum	Washington Organics Recycling Council
Eugene Repp	Spokane County Division of Utilities
Randy Edmonson	Satsop Business Park Wastewater Treatment Plant
Tom Meyer	Seattle City Light
Tim Campbell	Midway Sewer District
Patric Coxon	City of Bremerton
Edward Wheeler	Wheeler Consulting
John Peterson	Clean Water Alliance
Barry Benbow	Washington State Parks
Marc Borges	Holden Village
Chris Chesson	City of Everett
Gil Bridges	Mukilteo Water and Wastewater District
Jami Favor	American Water Contract Services
Barry Forvour	City of Ocean Shores
Patrick Wiltzius	Chehalis Regional Water Reclamation
Andy Comstock	Tacoma Peirce County Health Department
John Merchant	City of Port Townsend
Jim Doty	City of Yelm Water Reclamation Facility
Mark Cullington	Kennedy and Jenks
Randy Screws	South Kitsap Water Reclamation Facility
Mike Sowers	Birch Bay Water and Sewer
Tim Berge	Southwest Suburban Sewer District
Bill Angel	Whatcom County Health Department
Bill Franz	City of Lynnwood

## Ecology response

No Comment. Ecology currently issues a General Permit for Biosolids Management. No changes would be necessary with the continuance of this process

## Comments in support of issuing individual coverage

The following commenter(s) were in support of Ecology requiring each facility that uses or disposes of biosolids obtain an individual permit for biosolids management.

Commenter	Organization	Comment
Willy Breshears	CH2M	I would prefer that they issue an individual permit for each facility only on the condition that the permit is specific enough to deal with the uniqueness at each facility. If they are going to have a boiler plate permit that they give to everyone who applies then they should just have a general permit.
Darlene Schanfald	Sierra Club Washington State Chapter	We strongly recommend that individual permits should be conditional on the following: In the first two years of the approved permit, permit holders shall research and identify new and safer methods of using and disposing of sewage sludge. By the fifth year, the permit holder will have in operation a safe method of sewage sludge disposal that will not necessitate disposing of their residuals or ashes on forests or farm lands or selling them for compost/fertilizer.

## Ecology response

No Change. Ecology plans to continue using the current permit form. Each facility is required to submit supporting documents pertaining to the facilities processes including a description of their operating processes. When final approval is given it addresses the uniqueness of that facility.

Chapter 70.95J RCW requires that biosolids be used beneficially to the maximum extent possible. This means that each facility is required by law to determine the most economically feasible beneficial use for their biosolids. Through the implementation of WAC 173-308, Washington State has determined that beneficial use of biosolids, either through land application or composting, is safe and protective of human health and the environment.

## Comments related to land application of biosolids

The following commenter(s) made comment to the land application of biosolids.

Commenter	Organization	Comment
Darlene Schanfald	Sierra Club Washington State Chapter	The Sierra Club opposes the land spreading of municipal/ industrial sewage sludge. However, given the two permit choices, we support individual permits. Not all WWTPs/ POTWs are the same. Sewage may differ between communities. For example, some communities have industries like Boeing while others may only have pulp and paper plants. If these industries release wastes to sewers, their contents would differ. Some communities may contain hospital waste; other communities may not.  The practice of spreading sewage sludge on land does not protect human health, agriculture, wildlife or the environment. Communities need to be encouraged to investigate and implement alternatives for the safe handling of sewage sludge.

Commenter	Organization	Comment
Doris Cellarius	Private Citizen	<p>Please consider this message as comments on the Proposal for General Permits for Biosolids.</p> <p>I have questions about how biosolids are approved for use on the land in Washington state.</p> <p>If biosolids are treated with liming agents such as fly ash before application, no biosolids permits DOE authorizes will give adequate protection for biosolids applications.</p> <p>I could not find anything about this in the state's rules, but I know that sometimes biosolids are treated with liming agents such as fly ash before application.</p> <p>Before any approval as safe for use, any biosolids so treated should be tested for the relevant (503) metals and for other constituents known to be in fly ash such as dioxins, furans, and PBDEs which bioaccumulate in fly ash, and especially bottom ash. I can provide more information if needed.</p> <p>Furthermore, anyone applying biosolids to the land should be required to test surface water runoff from the application sites for these pollutants.</p> <p>I assume such surface water testing is required for all biosolids applications is required, but this is not clear from the regulation. Since biosolids are exempt from regulation as solid wastes, I would assume extra care is taken in this regard to assure that the environment is protected.</p>

## Ecology response

Comments noted. While wastewater influent differs between communities, all biosolids must meet specific pollutant standards pursuant to WAC 173-308-160 prior to beneficial use. Standards established by the Environmental Protection Agency (EPA) in 40CFR503 and those established by the Washington State Department of Ecology in WAC 173-308, provide guidelines specific to the protection of human health and the environment.

Lime stabilization is only used when septage is less than 75% by volume domestic septage. Ecology does not regulate the type of lime used for stabilization by farmers prior to the land application of septage.

Ecology has strict requirements regarding buffers to surface waters, wells and wetlands. Surface water testing near land application sites is not a requirement of the General Permit but is often a requirement of final coverage.