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5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

8 (a) Municipal sewage sludge is an unavoidable byproduct of the  
9 wastewater treatment process;

10 (b) Population increases and technological improvements in  
11 wastewater treatment processes will double the amount of sludge  
12 generated within the next ten years;

13 (c) Sludge management is often a financial burden to municipalities  
14 and to ratepayers;

15 (d) Properly managed municipal sewage sludge is a valuable  
16 commodity and can be beneficially used in agriculture, silviculture,  
17 and in landscapes as a soil conditioner; and

18 (e) Municipal sewage sludge can contain metals and microorganisms  
19 that, under certain circumstances, may pose a risk to public health.

20 (2) The legislature declares that a program shall be established to  
21 manage municipal sewage sludge and that the program shall, to the  
22 maximum extent possible, ensure that municipal sewage sludge is reused  
23 as a beneficial commodity and is managed in a manner that minimizes  
24 risk to public health and the environment."

25 "NEW SECTION. **Sec. 2.** The purpose of this chapter is to  
26 provide the department of ecology and local governments with the

1 authority and direction to meet federal regulatory requirements for  
2 municipal sewage sludge."

3 "NEW SECTION. Sec. 3. Unless the context clearly requires  
4 otherwise, the definitions in this section apply throughout this  
5 chapter.

6 (1) "Biosolids" means municipal sewage sludge that meets all  
7 requirements under this chapter.

8 (2) "Department" means the department of ecology.

9 (3) "Local health department" has the same meaning as  
10 "jurisdictional health department" in RCW 70.95.030.

11 (4) "Municipal sewage sludge" means a semisolid substance  
12 consisting of settled sewage solids combined with varying amounts of  
13 water and dissolved materials generated from a publicly owned  
14 wastewater treatment plant."

15 "NEW SECTION. Sec. 4. (1) The department shall adopt rules to  
16 implement a biosolid management program within twelve months of the  
17 adoption of federal rules, 40 C.F.R. Sec. 503, relating to technical  
18 standards for the use and disposal of sewage sludge. The biosolid  
19 management program shall, at a minimum, conform with all applicable  
20 federal rules adopted pursuant to the federal clean water act as it  
21 existed on February 4, 1987.

22 (2) In addition to any federal requirements, the state biosolid  
23 management program may include, but not be limited to, an education  
24 program to provide relevant legal and scientific information to local  
25 governments and citizen groups.

26 (3) Rules adopted by the department under this section shall  
27 provide for public input and involvement for all state and local  
28 permits."

1        "NEW SECTION.   **Sec. 5.**        The department may work with all  
2 appropriate state agencies, local governments, and private entities to  
3 establish beneficial uses for biosolids."

4        "NEW SECTION.   **Sec. 6.**        If a person violates any provision of  
5 this chapter, or a permit issued or rule adopted pursuant to this  
6 chapter, the department may issue an appropriate order to assure  
7 compliance with the chapter, permit, or rule."

8        "NEW SECTION.   **Sec. 7.**        The department, with the assistance of  
9 the attorney general, may bring an action at law or in equity,  
10 including an action for injunctive relief, to enforce this chapter or  
11 a permit issued or rule adopted by the department pursuant to this  
12 chapter."

13       "NEW SECTION.   **Sec. 8.**        A person who willfully violates, without  
14 sufficient cause, any of the provisions of this chapter, or a permit or  
15 order issued pursuant to this chapter, is guilty of a gross  
16 misdemeanor. Willful violation of this chapter, or a permit or order  
17 issued pursuant to this chapter is a gross misdemeanor punishable by a  
18 fine of up to ten thousand dollars and costs of prosecution, or by  
19 imprisonment for up to one year, or by both. Each day of violation may  
20 be deemed a separate violation."

21       "NEW SECTION.   **Sec. 9.**        In addition to any other penalty  
22 provided by law, a person who violates this chapter or rules or orders  
23 adopted or issued pursuant to it shall be subject to a penalty in an  
24 amount of up to five thousand dollars a day for each violation. Each  
25 violation shall be a separate violation. In the case of a continuing  
26 violation, each day of violation is a separate violation. An act of

1 commission or omission that procures, aids, or abets in the violation  
2 shall be considered a violation under this section."

3       "NEW SECTION. Sec. 10.       The department may delegate to a local  
4 health department the powers necessary to issue and enforce permits to  
5 use or dispose of biosolids. A delegation may be withdrawn if the  
6 department finds that a local health department is not effectively  
7 administering the permit program."

8       "NEW SECTION. Sec. 11.       (1) Any permit issued by a local health  
9 department under section 10 of this act may be reviewed by the  
10 department to ensure that the proposed site or facility conforms with  
11 all applicable laws, rules, and standards under this chapter.

12       (2) If the department does not approve or disapprove a permit  
13 within sixty days, the permit shall be considered approved.

14       (3) A local health department may appeal the department's decision  
15 to disapprove a permit to the pollution control hearings board, as  
16 provided in chapter 43.21B RCW."

17       "**Sec. 12.** RCW 43.19A.010 and 1991 c 297 s 2 are each amended to  
18 read as follows:

19       Unless the context clearly requires otherwise, the definitions in  
20 this section apply throughout this chapter.

21       (1) "Compost products" means mulch, soil amendments, ground cover,  
22 or other landscaping material derived from the biological or mechanical  
23 conversion of biosolids or cellulose-containing waste materials.

24       (2) "Department" means the department of general administration.

25       (3) "Director" means the director of the department of general  
26 administration.

1 (4) "Local government" means a city, town, county, special purpose  
2 district, school district, or other municipal corporation.

3 (5) "Lubricating oil" means petroleum-based oils for reducing  
4 friction in engine parts and other mechanical parts.

5 (6) "Mixed waste paper" means assorted low-value grades of paper  
6 that have not been separated into individual grades of paper at the  
7 point of collection.

8 (7) "Municipal sewage sludge" means a semisolid substance  
9 consisting of settled sewage solids combined with varying amounts of  
10 water and dissolved materials generated from a publicly owned  
11 wastewater treatment plant.

12 (8) "Biosolids" means municipal sewage sludge that meets the  
13 requirements of chapter 70.-- RCW (sections 1 through 11 of this act).

14 (9) "Paper and paper products" means all items manufactured from  
15 paper or paperboard.

16 ((+8)) (10) "Postconsumer waste" means a material or product that  
17 has served its intended use and has been discarded for disposal or  
18 recovery by a final consumer.

19 ((+9)) (11) "Procurement officer" means the person that has the  
20 primary responsibility for procurement of materials or products.

21 ((+10)) (12) "State agency" means all units of state government,  
22 including divisions of the governor's office, the legislature, the  
23 judiciary, state agencies and departments, correctional institutions,  
24 vocational technical institutions, and universities and colleges.

25 ((+11)) (13) "Recycled content product" or "recycled product"  
26 means a product containing recycled materials.

27 ((+12)) (14) "Recycled materials" means waste materials and by-  
28 products that have been recovered or diverted from solid waste and that  
29 can be utilized in place of a raw or virgin material in manufacturing  
30 a product and consists of materials derived from postconsumer waste,

1 manufacturing waste, industrial scrap, agricultural wastes, and other  
2 items, all of which can be used in the manufacture of new or recycled  
3 products.

4 ~~((13))~~ (15) "Re-refined oils" means used lubricating oils from  
5 which the physical and chemical contaminants acquired through previous  
6 use have been removed through a refining process. Re-refining may  
7 include distillation, hydrotreating, or treatments employing acid,  
8 caustic, solvent, clay, or other chemicals, or other physical  
9 treatments other than those used in reclaiming.

10 ~~((14))~~ (16) "USEPA product standards" means the product standards  
11 of the United States environmental protection agency for recycled  
12 content published in the code of federal regulations."

13 **"Sec. 13.** RCW 43.21B.110 and 1989 c 175 s 102 are each amended to  
14 read as follows:

15 (1) The hearings board shall only have jurisdiction to hear and  
16 decide appeals from the following decisions of the department, the  
17 director, and the air pollution control boards or authorities as  
18 established pursuant to chapter 70.94 RCW, or local health departments:

19 (a) Civil penalties imposed pursuant to RCW 70.94.431, 70.105.080,  
20 70.107.050, 90.03.600, 90.48.144, and ~~((90.48.350))~~ 90.56.330.

21 (b) Orders issued pursuant to RCW 43.27A.190, 70.94.211, 70.94.332,  
22 70.105.095, 86.16.020, 90.14.130, and 90.48.120.

23 (c) The issuance, modification, or termination of any permit,  
24 certificate, or license by the department or any air authority in the  
25 exercise of its jurisdiction, including the issuance or termination of  
26 a waste disposal permit, the denial of an application for a waste  
27 disposal permit, or the modification of the conditions or the terms of  
28 a waste disposal permit.

1 (d) Decisions of local health departments regarding the grant or  
2 denial of solid waste permits pursuant to chapter 70.95 RCW.

3 (e) Decisions of local health departments regarding the issuance  
4 and enforcement of permits to use or dispose of biosolids under section  
5 10 of this act.

6 (f) Any other decision by the department or an air authority which  
7 pursuant to law must be decided as an adjudicative proceeding under  
8 chapter 34.05 RCW.

9 (2) The following hearings shall not be conducted by the hearings  
10 board:

11 (a) Hearings required by law to be conducted by the shorelines  
12 hearings board pursuant to chapter 90.58 RCW.

13 (b) Hearings conducted by the department pursuant to RCW 70.94.332,  
14 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

15 (c) Proceedings by the department relating to general adjudications  
16 of water rights pursuant to chapter 90.03 or 90.44 RCW.

17 (d) Hearings conducted by the department to adopt, modify, or  
18 repeal rules.

19 (3) Review of rules and regulations adopted by the hearings board  
20 shall be subject to review in accordance with the provisions of the  
21 Administrative Procedure Act, chapter 34.05 RCW."

22 "**Sec. 14.** RCW 47.28.220 and 1991 c 297 s 14 are each amended to  
23 read as follows:

24 (1) A contract awarded in whole or in part for the purchase of  
25 compost products as a soil cover or soil amendment to state highway  
26 rights of way shall specify that compost products be purchased in  
27 accordance with the following schedule:

28 (a) For the period July 1, 1991, through June 30, 1993, twenty-five  
29 percent of the total dollar amount purchased;

1 (b) For the period July 1, 1993, through June 30, 1995, fifty  
2 percent of the total dollar amount purchased. The percentages in this  
3 subsection apply only to the materials' value, and do not include  
4 services or other materials.

5 (2) In order to carry out the provisions of this section, the  
6 department of transportation shall develop and adopt bid specifications  
7 for compost products used in state highway construction projects.

8 (3)(a) For purposes of this section, "compost products" means  
9 mulch, soil amendments, ground cover, or other landscaping material  
10 derived from the biological or mechanical conversion of biosolids or  
11 cellulose-containing waste materials.

12 (b) For purposes of this section, "biosolids" means municipal  
13 sewage sludge that meets the requirements of chapter 70.-- RCW  
14 (sections 1 through 11 of this act)."

15 "Sec. 15. RCW 70.95.255 and 1986 c 297 s 1 are each amended to  
16 read as follows:

17 After January 1, 1988, the department of ecology may prohibit  
18 disposal of (~~municipal~~) sewage sludge or septic tank sludge (septage)  
19 in landfills for final disposal, except on a temporary, emergency  
20 basis, if the jurisdictional health department determines that a  
21 potentially unhealthful circumstance exists. Beneficial uses of sludge  
22 in landfill reclamation is acceptable utilization and not considered  
23 disposal.

24 The department of ecology shall adopt rules that provide exemptions  
25 from this section on a case-by-case basis. Exemptions shall be based  
26 on the economic infeasibility of using or disposing of the sludge  
27 material other than in a landfill.

28 ~~((The department of ecology, after consulting with representatives~~  
29 ~~from cities, counties, special purpose districts, and operators of~~



1 ~~septic tank pump out services, shall adopt rules for the~~  
2 ~~environmentally safe use of municipal sewage sludge and septage in this~~  
3 ~~state.))~~

4 The department of ecology, after consulting with representatives  
5 from the pulp and paper industry and the food processing industry, may  
6 adopt rules for the environmentally safe use of appropriate industrial  
7 sludges, such as pulp and paper sludges or food processing wastes, used  
8 to improve the texture or nutrient content of soils.

9 The department of ecology, in conjunction with the department of  
10 social and health services and the department of agriculture, shall  
11 adopt rules establishing labeling and notification requirements for  
12 sludge material sold commercially or given away to the public. The  
13 department shall specify mandatory wording for labels and notification  
14 to warn the public against improper use of the material."

15 **"Sec. 16.** RCW 70.95.030 and 1991 c 298 s 2 are each amended to  
16 read as follows:

17 As used in this chapter, unless the context indicates otherwise:

- 18 (1) "City" means every incorporated city and town.
- 19 (2) "Commission" means the utilities and transportation commission.
- 20 (3) "Committee" means the state solid waste advisory committee.
- 21 (4) "Department" means the department of ecology.
- 22 (5) "Director" means the director of the department of ecology.
- 23 (6) "Disposal site" means the location where any final treatment,  
24 utilization, processing, or deposit of solid waste occurs.
- 25 (7) "Energy recovery" means a process operating under federal and  
26 state environmental laws and regulations for converting solid waste  
27 into usable energy and for reducing the volume of solid waste.

1 (8) "Functional standards" means criteria for solid waste handling  
2 expressed in terms of expected performance or solid waste handling  
3 functions.

4 (9) "Incineration" means a process of reducing the volume of solid  
5 waste operating under federal and state environmental laws and  
6 regulations by use of an enclosed device using controlled flame  
7 combustion.

8 (10) "Jurisdictional health department" means city, county, city-  
9 county, or district public health department.

10 (11) "Landfill" means a disposal facility or part of a facility at  
11 which solid waste is placed in or on land and which is not a land  
12 treatment facility.

13 (12) "Local government" means a city, town, or county.

14 (13) "Multiple family residence" means any structure housing two or  
15 more dwelling units.

16 (14) "Person" means individual, firm, association, copartnership,  
17 political subdivision, government agency, municipality, industry,  
18 public or private corporation, or any other entity whatsoever.

19 (15) "Recyclable materials" means those solid wastes that are  
20 separated for recycling or reuse, such as papers, metals, and glass,  
21 that are identified as recyclable material pursuant to a local  
22 comprehensive solid waste plan. Prior to the adoption of the local  
23 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),  
24 local governments may identify recyclable materials by ordinance from  
25 July 23, 1989.

26 (16) "Recycling" means transforming or remanufacturing waste  
27 materials into usable or marketable materials for use other than  
28 landfill disposal or incineration.

29 (17) "Residence" means the regular dwelling place of an individual  
30 or individuals.

1       (18) "Sewage sludge" means a semisolid substance consisting of  
2 settled sewage solids combined with varying amounts of water and  
3 dissolved materials, generated from a wastewater treatment system, that  
4 does not meet the requirements of chapter 70.-- RCW (sections 1 through  
5 11 of this act).

6       (19) "Solid waste" or "wastes" means all putrescible and  
7 nonputrescible solid and semisolid wastes including, but not limited  
8 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,  
9 demolition and construction wastes, abandoned vehicles or parts  
10 thereof, and recyclable materials.

11       (~~(19)~~) (20) "Solid waste handling" means the management, storage,  
12 collection, transportation, treatment, utilization, processing, and  
13 final disposal of solid wastes, including the recovery and recycling of  
14 materials from solid wastes, the recovery of energy resources from  
15 solid wastes or the conversion of the energy in solid wastes to more  
16 useful forms or combinations thereof.

17       (~~(20)~~) (21) "Source separation" means the separation of different  
18 kinds of solid waste at the place where the waste originates.

19       (~~(21)~~) (22) "Vehicle" includes every device physically capable of  
20 being moved upon a public or private highway, road, street, or  
21 watercourse and in, upon, or by which any person or property is or may  
22 be transported or drawn upon a public or private highway, road, street,  
23 or watercourse, except devices moved by human or animal power or used  
24 exclusively upon stationary rails or tracks.

25       (~~(22)~~) (23) "Waste reduction" means reducing the amount or  
26 toxicity of waste generated or reusing materials."

27       **"Sec. 17.** RCW 90.48.465 and 1991 c 307 s 1 are each amended to  
28 read as follows:

1 (1) The department shall establish annual fees to collect expenses  
2 for issuing and administering each class of permits under RCW  
3 90.48.160, 90.48.162, ~~((and))~~ 90.48.260, and section 10 of this act.  
4 An initial fee schedule shall be established by rule within one year of  
5 March 1, 1989, and thereafter the fee schedule shall be adjusted no  
6 more often than once every two years. This fee schedule shall apply to  
7 all permits, regardless of date of issuance, and fees shall be assessed  
8 prospectively. All fees charged shall be based on factors relating to  
9 the complexity of permit issuance and compliance and may be based on  
10 pollutant loading and toxicity and be designed to encourage recycling  
11 and the reduction of the quantity of pollutants. Fees shall be  
12 established in amounts to fully recover and not to exceed expenses  
13 incurred by the department in processing permit applications and  
14 modifications, monitoring and evaluating compliance with permits,  
15 conducting inspections, securing laboratory analysis of samples taken  
16 during inspections, reviewing plans and documents directly related to  
17 operations of permittees, overseeing performance of delegated  
18 pretreatment programs, and supporting the overhead expenses that are  
19 directly related to these activities.

20 (2) The annual fee paid by a municipality, as defined in 33 U.S.C.  
21 Sec. 1362, for all domestic wastewater facility permits issued under  
22 RCW 90.48.162 ~~((and))~~, 90.48.260, and section 10 of this act shall not  
23 exceed the total of a maximum of fifteen cents per month per residence  
24 or residential equivalent contributing to the municipality's wastewater  
25 system. The department shall adopt by rule a schedule of credits for  
26 any municipality engaging in a comprehensive monitoring program beyond  
27 the requirements imposed by the department, with the credits available  
28 for five years from March 1, 1989, and with the total amount of all  
29 credits not to exceed fifty thousand dollars in the five-year period.

1 (3) The department shall ensure that indirect dischargers do not  
2 pay twice for the administrative expense of a permit. Accordingly,  
3 administrative expenses for permits issued by a municipality under RCW  
4 90.48.165 are not recoverable by the department.

5 (4) In establishing fees, the department shall consider the  
6 economic impact of fees on small dischargers and the economic impact of  
7 fees on public entities required to obtain permits for storm water  
8 runoff and shall provide appropriate adjustments.

9 (5) All fees collected under this section shall be deposited in the  
10 water quality permit account hereby created in the state treasury.  
11 Moneys in the account may be appropriated only for purposes of  
12 administering permits under RCW 90.48.160, 90.48.162, ((and))  
13 90.48.260, and section 10 of this act.

14 (6) The department shall submit an annual report to the legislature  
15 showing detailed information on fees collected, actual expenses  
16 incurred, and anticipated expenses for the current and following fiscal  
17 years.

18 (7) The legislative budget committee in 1993 shall review the fees  
19 established under this section and report its findings to the  
20 legislature in January 1994."

21 "NEW SECTION. **Sec. 18.** Sections 1 through 11 of this act shall  
22 constitute a new chapter in Title 70 RCW."

23 **SHB 2640** - H COMM AMD  
24 By Committee on Appropriations

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26 On page 1, line 1 of the title, after "sludge;" strike the  
27 remainder of the title and insert "amending RCW 43.19A.010, 43.21B.110,

- 1 47.28.220, 70.95.255, 70.95.030, and 90.48.465; adding a new chapter to
- 2 Title 70 RCW; and prescribing penalties."