

HOUSE BILL REPORT

ESHB 2640

As Amended by the Senate

Title: An act relating to municipal sewage sludge.

Brief Description: Requiring the department of ecology to establish a comprehensive sludge management program.

Sponsor(s): By House Committee on Environmental Affairs (originally sponsored by Representatives R. Johnson, Rust, Kremen, Roland, Heavey, Rasmussen and Spanel).

Brief History:

Reported by House Committee on:
Environmental Affairs, January 31, 1992, DPS;
Appropriations, February 9, 1992, DPS(ENA-A APP);
Passed House, February 17, 1992, 90-0;
Amended by Senate.

**HOUSE COMMITTEE ON
ENVIRONMENTAL AFFAIRS**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 11 members: Representatives Rust, Chair; Valle, Vice Chair; Horn, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; Bray; Brekke; G. Fisher; J. Kohl; Neher; Pruitt; and Van Luven.

Staff: Rick Anderson (786-7114).

**HOUSE COMMITTEE ON
APPROPRIATIONS**

Majority Report: *The substitute bill by Committee on Environmental Affairs be substituted therefor and the substitute bill as amended by Committee on Appropriations do pass.* Signed by 24 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Brekke; Carlson; Dorn; Ebersole; Hine; Lisk; May; Mielke; Nealey; Peery; Pruitt; Rust; D. Sommers; H. Sommers; Valle; Vance; and Wang.

Staff: Nancy Stevenson (786-7137).

Background: Sludge is a by-product of the wastewater treatment process. Federal law requires wastewater to undergo secondary treatment and to meet state standards for allowable discharges.

Once sludge is removed from the wastewater treatment plant, it is regulated in this state as a solid waste. Local governments have primary enforcement authority for solid waste in this state. Local health departments are responsible for issuing solid waste permits for the use and disposal of municipal sludge. Local permits establish the practices and standards that must be followed by the person owning the land to which the sludge is applied, or by the operator of the disposal facility.

Most of the sludge generated in the state is beneficially reused through land application to forests and farms. A small percentage of sludge is incinerated in the state.

The permits issued by local health departments can be reviewed by the Department of Ecology. The department can approve a permit or appeal it to the Pollution Control Hearings Board. Permits are renewed annually by the local government; renewals can also be reviewed by the department. The Department of Ecology has developed guidelines for the use and disposal of sludge. These guidelines are used by local health departments when writing permits for sludge.

The Clean Water Act of 1987 required the Environmental Protection Agency (EPA) to develop rules to increase federal requirements of sludge management. In 1989, the EPA adopted rules relating to how states regulate a sludge management program. These rules, in part, require states to have direct enforcement authority, including the power to impose both civil and criminal penalties, and to have the power to delegate permitting authority to local governments. The state solid waste law does not provide the department with direct enforcement authority or the ability to delegate sludge permits to local governments.

The EPA is scheduled to adopt additional rules sometime in 1992 that will establish technical standards for the use and disposal of sludge. These rules will establish numeric standards for toxics and pathogens, and will establish certain best management practices.

The Water Environment Federation, and international association of water quality and wastewater treatment officials, has endorsed the term "biosolids" to distinguish sludge that has been treated according to state and federal law from sludge that has not been treated. The

Environmental Protection Agency may adopt the term biosolids for sludge that meets its proposed technical standards.

Summary of Bill: The Department of Ecology is required to develop a biosolid management program that will conform with recent and proposed federal regulations on municipal sewage sludge. Municipal sewage sludge that meets all state and federal standards will be regulated as biosolid; sludge not meeting these standards will continue to be regulated as a solid waste. Rules adopted by the department must provide for public input for all state and local biosolid permits.

The Department of Ecology is given authority to impose both civil and criminal penalties for violations of the biosolid program. The Department of Ecology is also given authority to delegate to local health departments the authority to issue and enforce permits for the use and disposal of biosolids. If the Department of Ecology does not act on a local permit within 60 days, the permit is considered approved. Local health departments may appeal a permit decision by the Department of Ecology to the Pollution Control Hearings Board (PCHB).

The Department of Ecology is authorized to promote beneficial uses of biosolids. Current definitions of compost are amended to include compost consisting of biosolids. The department is also authorized to provide relevant scientific and legal information to local governments and citizen groups.

EFFECT OF SENATE AMENDMENT(S): The Senate amendments make a number of technical changes that: 1) clarify that septic tank sludge that meets the all appropriate standards will be regulated as a biosolid; 2) allow the Department of Ecology to seek beneficial uses for classified sewage sludge; 3) direct that the transportation of biosolids are subject to regulation by the Utilities and Transportation Commission; 4) clarify the activities that can be funded through the water quality discharge permit fees; and 5) delete obsolete language from existing state law.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Environmental Affairs) The bill will allow Washington State to comply with federal regulations on municipal sludge management. Controversy over siting issues will be facilitated with a state sludge program. The bill will allow local health departments to continue to issue permits for the use and disposal of sludge.

(Appropriations) None.

Testimony Against: (Environmental Affairs) None.

(Appropriations) None.

Witnesses: (Environmental Affairs) K. Britt Pfaff, Skagit County Health Department (pro); Kathleen Collins, Association of Washington Cities (pro); Robert Thode, Barnt Ridge Ranch; Narda Pierce, Department of Ecology; Tom Eaton, Department of Ecology; Vallana Piccolo, Puget Sound Water Quality Authority (pro); Ed Thorpe, Coalition for Clean Water (pro); Dave Hufford, City of Tacoma (pro); Pete Machno, Municipality of Metropolitan Seattle (pro); Mel Kemper Jr., Tacoma Sewer Utility (pro); George F. Tyler; Representative Rob Johnson (pro); and Janice Skinner, Handicapped Representative.

(Appropriations) None.

VOTE ON FINAL PASSAGE:

Yeas 90; Excused 5; Absent 3

Excused: Representatives Lisk, Locke, Mielke, Riley, Sommers H

Absent: Representatives Dellwo, Scott, Wineberry