

HOUSE BILL REPORT

HB 2640

*As Reported By House Committee on:
Environmental Affairs
Appropriations*

Title: An act relating to municipal sewage sludge.

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

Sponsor(s): 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).

**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).

Background: Sludge is the by-product of the wastewater treatment process. Federal law requires municipal sewage and wastewater to use specified technology (secondary treatment) and to meet state standards for allowable discharges.

Once sludge is separated from wastewater, 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.

Summary of Substitute Bill: The substitute bill requires the Department of Ecology to develop a sludge management program that will conform with recent and proposed federal regulations on municipal sewage sludge. The Department of Ecology is given authority to impose both civil and criminal penalties. 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 municipal sewage sludge. 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 municipal sludge. Current definitions of compost are amended to include compost consisting of municipal sewage sludge.

Substitute Bill Compared to Original Bill: The substitute bill deletes Department of Ecology reporting requirements to

the Legislature on the management of municipal sludge. The substitute bill also deletes a provision restricting local government's ability to ban the use or disposal of sludge. The substitute adds provisions giving the Department of Ecology explicit authority to impose civil and criminal penalties and to delegate permitting authority to local health departments. Provisions are also added to provide the Department of Ecology with the authority to reject local health department permits and to allow local health departments to appeal Department of Ecology decisions to the PCHB.

Fiscal Note: Requested January 24, 1992.

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

Testimony For: 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.

Testimony Against: None.

Witnesses: 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.

**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).

New Background Information: The Water Environment Federation, an 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 Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Environmental Affairs: The term "biosolids" is incorporated into the bill to distinguish municipal sewage sludge that meets all state and federal standards from sludge that does not. A number of technical changes are made to clarify that sludge not meeting the biosolid standards continue to be regulated as a solid waste. The Department of Ecology is directed to fund the state Biosolid Program, subject to legislative appropriation, through wastewater discharge permit fees.

Fiscal Note: Available.

Effective Date of Substitute Bill as Amended: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Witnesses: None.