

SENATE BILL REPORT

ESHB 2640

AS REPORTED BY COMMITTEE ON WAYS & MEANS, MARCH 2, 1992

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

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

HOUSE COMMITTEE ON ENVIRONMENTAL AFFAIRS

SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

Majority Report: Do pass as amended.

Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Barr, Conner, Owen, Snyder, Sumner, and Sutherland.

Staff: Ats Kiuchi (786-7708)

Hearing Dates: February 24, 1992; February 25, 1992

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Gaspard, Hayner, M. Kreidler, Metcalf, Murray, Niemi, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Staff: Michael Groesch (786-7715)

Hearing Dates: March 2, 1992

BACKGROUND:

In 1990, based on increasing public concerns, the Senate Environment and Natural Resources Committee conducted a study on the use and disposal practices for municipal sewage sludge.

Sludge is a by-product of the wastewater treatment process. The federal Clean Water Act requires secondary treatment of the wastewater before being discharged. Secondary treatment increases sludge production.

Once sludge is removed from the wastewater treatment plant, the disposal or use comes under the state's solid waste laws. Local governments issue and enforce the permits.

The Department of Ecology has developed guidelines used by local health departments. The permits can be reviewed by the department. If the latter does not concur with the permit

issuance, it must appeal to the Pollution Control Hearings Board.

Most of the sludge generated in the state is used as soil conditioners or additives. It is applied on forest and farm lands. Some sludge is incinerated in the state.

Major changes to sludge management came in the federal Clean Water Act of 1987. 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 delegate permitting authority to local governments.

Currently, the state solid waste law does not provide the Department of Ecology with direct enforcement authority or the ability to delegate sludge permits to local governments.

This year in July, the EPA will establish technical standards for the use and disposal of sludge including numeric standards for toxics and pathogens, and some best management practices.

SUMMARY:

The Department of Ecology shall develop a biosolid management program under its water quality responsibilities to maintain state primacy and delegated authority and to conform to recent and proposed federal regulations on municipal sewage sludge.

The department may delegate permit authority to local health departments. The department shall act on a local permit within 60 days or the permit is considered approved.

Municipal sewage sludge meeting state and federal standards will be regulated as a biosolid under water quality regulations. Biosolids not meeting these standards will be regulated as a solid waste.

Rules adopted by the department must provide for public input on all state and local biosolid permit applications.

The department shall issue both civil and criminal penalties for violations.

Local health departments may appeal a permit decision by the Department of Ecology to the Pollution Control Hearings Board (PCHB).

The biosolids management program is funded through the wastewater discharge permit fee subject to legislative appropriation.

Appropriation: none

Revenue: none

Fiscal Note: available

SUMMARY OF PROPOSED ENVIRONMENT & NATURAL RESOURCES AMENDMENT:

Technical amendments are made to clarify: the intent to maintain state primacy for the sludge management program; the definition of "biosolids" to include septic tank sludge septage; conformation with Utilities and Transportation Commission regulations for municipal sludge haulers.

Waste produced by the food processing industry is stricken from consideration as an industrial sludge.

SUMMARY OF PROPOSED WAYS & MEANS AMENDMENT:

Permissible uses of the water quality discharge permit fees are expanded to include the Department of Ecology's role in implementing the sludge management program.

TESTIMONY FOR:

The legislation is necessary for the state to maintain its primacy in administering the federally delegated authority for sludge (biosolids) management programs. The Department of Ecology shall be the lead agency and may delegate the permitting responsibilities to local governments.

TESTIMONY AGAINST: None

TESTIFIED (Environment & Natural Resources): Representative Rob Johnson, original prime sponsor; Duke Schaub, Associated General Contractors (pro with amendments); Bill Fritz, Washington Food Processors (pro with amendments); J.P. Jones, Washington Waste Management (pro with amendments); Tom Eaton, Department of Ecology (pro); Pete Machno, METRO (pro); Ed Thorpe, Coalition for Clear Water (pro); Karen Van Dusen, Department of Health (pro); George Tyler, Olympia (pro); Britt Pfaff, Skagit County Health Department (pro); Dave Hufford, City of Tacoma (pro)

TESTIFIED (Ways & Means): Ed Thorpe, Coalition for Clear Water (pro)