

ANALYSIS OF ESB 5590

House Agriculture & Ecology Committee

March 24, 1997

BACKGROUND:

Sewage sludge that has been removed from a wastewater treatment plant or collected from septic tanks is regulated as a solid waste. The Department of Ecology (DOE) has adopted rules and published guidelines that establish the conditions under which sewage sludge can be applied to land. Local health departments are responsible for issuing solid waste permits for the use and disposal of municipal sludge. Approximately 85 percent of sewage sludge generated in the state is beneficially reused through land application to forests, farms, or reclamation sites. The remainder is incinerated or disposed of in landfills.

The federal Clean Water Act of 1987 required the Environmental Protection Agency (EPA) to develop rules to increase federal requirements for sludge management. In 1989, the EPA adopted rules relating to how states must 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. EPA rules adopted in 1993 established technical standards for the use and disposal of sludge, including numeric standards for toxics and pathogens.

Biosolids is a term used to define sewage sludge that meets specified state and federal standards.

In 1992, the Legislature directed the DOE to develop a biosolids management program that would conform with federal regulations on municipal sewage sludge. The DOE has direct enforcement authority and may delegate permitting authority to a qualified local health jurisdiction. The program is funded through a surcharge on certain waste discharge permit fees and has received federal grants.

The DOE has developed a draft rule to implement the federal standards but has not adopted this rule. Under these rules, municipal sewage sludge that meets all state and federal standards is to be regulated as a biosolid. Sludge that does not meet these standards will be regulated as a solid waste and may not be applied to land. The DOE is not eligible to receive federal delegation to administer a biosolids program until it adopts a rule meeting federal requirements.

SUMMARY:

The DOE is directed to establish annual fees to recover the costs of administering a biosolids program. A fee schedule must be adopted by rule and may not be revised more than once every two years. Fees apply to all permits and will be levied at the beginning of the funding cycle. The fee must be based on the number of residents in a permittee's biosolids program or on other similar criteria.

A biosolids permit account is established in the state treasury. Money from the account may be spent only after appropriation and only for the purposes of administering a biosolids program. The DOE must submit a report every two years detailing revenues and expenditures of the current funding cycle and estimate fiscal requirements for future funding cycles. The DOE must work with local health departments and permit holders to study the feasibility of allowing delegated local governments to receive a portion of the state imposed fee.

The biosolids program is made ineligible for wastewater discharge permit fees.