

WSR 25-01-003

DEPARTMENT OF ECOLOGY

[Filed December 5, 2024, 8:05 a.m.]

Notice of Final Statewide General Permit for Biosolids Management

The department of ecology (ecology) will issue the final statewide general permit for biosolids management on December 18, 2024, that will replace the expired general permit and go into effect on January 17, 2025. This general permit is the primary regulatory mechanism in Washington for approving the final use or disposal of biosolids.

In June of 2022, ecology reissued the general permit for biosolids management. It was appealed shortly after. The general permit remained in effect while ecology worked through the appeal process in the following years. On January 29, 2024, ecology learned the pollution control hearings board (PCHB) ruled for the appellant. This decision voided the State Environmental Policy Act (SEPA) determination of nonsignificance (DNS) issued for the general permit and any decisions made based on the DNS. This decision voided ecology's decision to issue the general permit in 2022.

After resolving issues outlined by the PCHB ruling, we reissued the SEPA checklist and DNS on the general permit. Following the comment period, ecology prepared a response to comments and resumed the permit issuance process.

A copy of the final general permit, permit applications for coverage, and other associated documents can be found at <https://ecology.wa.gov/Biosolids-permit-actions>, or by request to the contact listed below.

The general permit will apply to all treatment works treating domestic sewage in the state.

This includes:

- Publicly owned wastewater treatment plants;
- Privately owned wastewater treatment plants that treat only domestic sewage;
- Composting facilities and other separate treatment facilities that use biosolids as a feedstock;
- Biosolids beneficial use facilities; and
- Septage management facilities.

Regulated activities include production, treatment, storage, transferring, beneficial use, and disposal of biosolids. Beneficial uses include application to the land (including septage from on-site wastewater treatment systems and similar devices) and selling or giving away biosolids or products derived from biosolids such as compost and soil products.

The general permit is applicable within the jurisdiction of the state of Washington. Facilities on federal lands and Washington tribal lands that manage biosolids wholly within their jurisdiction are not subject to this permit. Facilities on federal and Washington tribal lands and those located in other states or countries that transport biosolids into the jurisdiction of the state of Washington are subject to state program requirements, may be required to pay a fee, and may or may not require coverage under the permit, depending on the reason for exporting biosolids. There are 374 facilities subject to coverage under the new general permit. A list of the facilities including what permit section(s) they are subject to can be found at <https://ecology.wa.gov/Biosolids-permit-actions>.

Permit application requirements differ depending upon the coverage required, except that all facilities regardless of operations are subject to SEPA review. Some existing facilities (those without active management programs) will have automatic final coverage on the effective date of the permit (January 17, 2025). Other facilities must submit a complete permit application within 90 days of the issuance of the general permit, and are subject to further review and potentially additional or more stringent requirements following evaluation of their permit application. All new facilities are required to submit a complete permit application within 90 days of the issuance of the general permit and comply with any SEPA and public notice requirements. Facilities that have met all these requirements are "provisionally" approved for coverage under the general permit. Each active management facility's application and biosolids program operations will receive a full review prior to issuing "final" approval of coverage.

Ecology previously sought public comments on the SEPA checklist and DNS associated with this proposal, as well as for the draft general permit for biosolids management. The first instance public comments were sought on the draft general permit was on a tentative decision to issue a new general permit. The comment period ended on January 24, 2020. Ecology received 25 comments. A response to comments can be found at <https://apps.ecology.wa.gov/publications/documents/2007017.pdf>.

The second instance public comments were sought was on the draft statewide general permit and SEPA checklist and DNS. The comment period ended July 12, 2021. Ecology received 146 comments. A copy of the response to comments can be found at <https://apps.ecology.wa.gov/publications/documents/2207015.pdf>, or by request to the contact listed below. An explanation of any changes made to the final general permit, other than editing changes, based on feedback received, and the principal reasons for adopting the changes can be found at the start of the response to comments.

The third instance public comments were sought was on the SEPA checklist and DNS. The comment period ended October 25, 2024. Ecology received 54 comments. A copy of the response to comments can be found on ecology's biosolids web pages <https://ecology.wa.gov/Biosolids-permit-actions>.

The terms and conditions of the general permit may be appealed. Any appeal must be filed with PCHB and served on ecology on or before January 17, 2025. More information about the appeals process can be found at <https://apps.ecology.wa.gov/publications/documents/1710007.pdf>.

Ecology is maintaining an interested parties list for anyone who wants to be informed about the general permit process. To be included on the list, subscribe at <https://bit.ly/biosolidslist>.

For more information and assistance, please contact Emily Kijowski, Statewide Biosolids Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, email emily.kijowski@ecy.wa.gov, phone 360-789-6592. Physical address: 300 Desmond Drive S.E., Lacey, WA 98503.