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HOUSE BILL 2640

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State of Washington

52nd Legislature

1992 Regular Session

By Representatives R. Johnson, Rust, Kremen, Roland, Heavey, Rasmussen and Spanel

Read first time 01/22/92. Referred to Committee on Environmental Affairs.

1 AN ACT Relating to municipal sewage sludge; amending RCW  
2 43.19A.010, 47.28.220, and 70.95.255; adding a new chapter to Title 70  
3 RCW; and recodifying RCW 70.95.255.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) Municipal sewage sludge is an unavoidable byproduct of the  
7 wastewater treatment process;

8 (b) Population increases and technological improvements in  
9 wastewater treatment processes will double the amount of sludge  
10 generated within the next ten years;

11 (c) Sludge management is often a financial burden to municipalities  
12 and to ratepayers;

1 (d) Properly managed municipal sewage sludge is a valuable  
2 commodity and can be beneficially used in agriculture, silviculture,  
3 and in landscapes as a soil conditioner; and

4 (e) Municipal sewage sludge can contain metals and microorganisms  
5 that, under certain circumstances, may pose a risk to public health.

6 (2) The legislature declares that a comprehensive program shall be  
7 established to manage municipal sewage sludge and that the program  
8 shall, to the maximum extent possible, ensure that municipal sewage  
9 sludge is reused as a beneficial commodity and is managed in a manner  
10 that minimizes risk to public health and the environment.

11 NEW SECTION. **Sec. 2.** The purpose of this chapter is to  
12 provide the department of ecology and local governments with the  
13 authority and direction to meet federal regulatory requirements for  
14 municipal sewage sludge.

15 NEW SECTION. **Sec. 3.** Unless the context clearly requires  
16 otherwise, the definitions in this section apply throughout this  
17 chapter.

18 (1) "Department" means the department of ecology.

19 (2) "Local health department" has the same meaning as  
20 "jurisdictional health department" in RCW 70.95.030.

21 (3) "Municipal sewage sludge" means a semisolid substance  
22 consisting of settled sewage solids combined with varying amounts of  
23 water and dissolved materials generated from a wastewater treatment  
24 plant.

25 NEW SECTION. **Sec. 4.** (1) The department shall adopt rules to  
26 implement a comprehensive sludge management program. The sludge  
27 management program shall, at a minimum, conform with all applicable

1 federal rules adopted pursuant to the federal clean water act as it  
2 existed on February 4, 1987.

3 (2) In addition to any federal requirements, the state sludge  
4 management program shall include, but not be limited to, an education  
5 program to provide relevant legal and scientific information to local  
6 governments and citizen groups.

7 (3) Rules adopted by the department relating to the treatment, use,  
8 and disposal of sludge may be implemented through the state national  
9 pollutant discharge elimination system permits under chapter 90.48 RCW.

10 (4) The department shall adopt rules authorizing local permits for  
11 the use and disposal of sludge. The rules shall allow a city, county,  
12 or local health department to have primary regulatory authority.  
13 Department rules shall provide for state review of the issuance or  
14 denial of local permits and enforcement actions.

15 (5) Rules shall be adopted within twelve months of the adoption of  
16 federal rules, 40 C.F.R. Sec. 503, relating to technical standards for  
17 the use and disposal of sewage sludge.

18 (6) Rules adopted by the department shall provide for public input  
19 and involvement for all state and local permits.

20 NEW SECTION. **Sec. 5.** A city, county, or local health  
21 department may prohibit, on a permit-by-permit basis only, the use or  
22 disposal of municipal sewage sludge that meets standards established by  
23 this chapter.

24 NEW SECTION. **Sec. 6.** The department shall work with all  
25 appropriate state agencies, local governments, and private entities to  
26 establish beneficial uses for municipal sewage sludge. Beginning  
27 December 1, 1994, and every two years thereafter, the department shall

1 report to the appropriate standing committees of the legislature on the  
2 extent to which municipal sewage sludge is being beneficially used.

3 **Sec. 7.** RCW 43.19A.010 and 1991 c 297 s 2 are each amended to read  
4 as follows:

5 Unless the context clearly requires otherwise, the definitions in  
6 this section apply throughout this chapter.

7 (1) "Compost products" means mulch, soil amendments, ground cover,  
8 or other landscaping material derived from the biological or mechanical  
9 conversion of municipal sewage sludge or cellulose-containing waste  
10 materials.

11 (2) "Department" means the department of general administration.

12 (3) "Director" means the director of the department of general  
13 administration.

14 (4) "Local government" means a city, town, county, special purpose  
15 district, school district, or other municipal corporation.

16 (5) "Lubricating oil" means petroleum-based oils for reducing  
17 friction in engine parts and other mechanical parts.

18 (6) "Mixed waste paper" means assorted low-value grades of paper  
19 that have not been separated into individual grades of paper at the  
20 point of collection.

21 (7) "Municipal sewage sludge" means a semisolid substance  
22 consisting of settled sewage solids combined with varying amounts of  
23 water and dissolved materials generated from a municipal wastewater  
24 treatment plant.

25 (8) "Paper and paper products" means all items manufactured from  
26 paper or paperboard.

27 ((+8)) (9) "Postconsumer waste" means a material or product that  
28 has served its intended use and has been discarded for disposal or  
29 recovery by a final consumer.

1       (~~(9)~~) (10) "Procurement officer" means the person that has the  
2 primary responsibility for procurement of materials or products.

3       (~~(10)~~) (11) "State agency" means all units of state government,  
4 including divisions of the governor's office, the legislature, the  
5 judiciary, state agencies and departments, correctional institutions,  
6 vocational technical institutions, and universities and colleges.

7       (~~(11)~~) (12) "Recycled content product" or "recycled product"  
8 means a product containing recycled materials.

9       (~~(12)~~) (13) "Recycled materials" means waste materials and by-  
10 products that have been recovered or diverted from solid waste and that  
11 can be utilized in place of a raw or virgin material in manufacturing  
12 a product and consists of materials derived from postconsumer waste,  
13 manufacturing waste, industrial scrap, agricultural wastes, and other  
14 items, all of which can be used in the manufacture of new or recycled  
15 products.

16       (~~(13)~~) (14) "Re-refined oils" means used lubricating oils from  
17 which the physical and chemical contaminants acquired through previous  
18 use have been removed through a refining process. Re-refining may  
19 include distillation, hydrotreating, or treatments employing acid,  
20 caustic, solvent, clay, or other chemicals, or other physical  
21 treatments other than those used in reclaiming.

22       (~~(14)~~) (15) "USEPA product standards" means the product standards  
23 of the United States environmental protection agency for recycled  
24 content published in the code of federal regulations.

25       **Sec. 8.** RCW 47.28.220 and 1991 c 297 s 14 are each amended to read  
26 as follows:

27       (1) A contract awarded in whole or in part for the purchase of  
28 compost products as a soil cover or soil amendment to state highway

1 rights of way shall specify that compost products be purchased in  
2 accordance with the following schedule:

3 (a) For the period July 1, 1991, through June 30, 1993, twenty-five  
4 percent of the total dollar amount purchased;

5 (b) For the period July 1, 1993, through June 30, 1995, fifty  
6 percent of the total dollar amount purchased. The percentages in this  
7 subsection apply only to the materials' value, and do not include  
8 services or other materials.

9 (2) In order to carry out the provisions of this section, the  
10 department of transportation shall develop and adopt bid specifications  
11 for compost products used in state highway construction projects.

12 (3) For purposes of this section, "compost products" means mulch,  
13 soil amendments, ground cover, or other landscaping material derived  
14 from the biological or mechanical conversion of municipal sewage sludge  
15 or cellulose-containing waste materials.

16 **Sec. 9.** RCW 70.95.255 and 1986 c 297 s 1 are each amended to read  
17 as follows:

18 After January 1, 1988, the department of ecology may prohibit  
19 disposal of municipal sewage sludge or septic tank sludge (septage) in  
20 landfills for final disposal, except on a temporary, emergency basis,  
21 if the jurisdictional health department determines that a potentially  
22 unhealthful circumstance exists. Beneficial uses of sludge in landfill  
23 reclamation is acceptable utilization and not considered disposal.

24 The department of ecology shall adopt rules that provide exemptions  
25 from this section on a case-by-case basis. Exemptions shall be based  
26 on the economic infeasibility of using or disposing of the sludge  
27 material other than in a landfill.

28 ~~((The department of ecology, after consulting with representatives~~  
29 ~~from cities, counties, special purpose districts, and operators of~~

1 ~~septic tank pump out services, shall adopt rules for the~~  
2 ~~environmentally safe use of municipal sewage sludge and septage in this~~  
3 ~~state.))~~

4 The department of ecology, after consulting with representatives  
5 from the pulp and paper industry and the food processing industry, may  
6 adopt rules for the environmentally safe use of appropriate industrial  
7 sludges, such as pulp and paper sludges or food processing wastes, used  
8 to improve the texture or nutrient content of soils.

9 The department of ecology, in conjunction with the department of  
10 social and health services and the department of agriculture, shall  
11 adopt rules establishing labeling and notification requirements for  
12 sludge material sold commercially or given away to the public. The  
13 department shall specify mandatory wording for labels and notification  
14 to warn the public against improper use of the material.

15 NEW SECTION. **Sec. 10.** RCW 70.95.255 shall be recodified as a  
16 section in the new chapter created in section 11 of this act.

17 NEW SECTION. **Sec. 11.** Sections 1 through 6 of this act shall  
18 constitute a new chapter in Title 70 RCW.