

# FINAL BILL REPORT

## ESHB 2640

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*Synopsis as Enacted*

*C 174 L 92*

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

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

House Committee on Environmental Affairs  
House Committee on Appropriations  
Senate Committee on Environment & Natural Resources  
Senate Committee on Ways & Means

**Background:** Sludge is a by-product of the wastewater treatment process. Federal law requires wastewater to undergo secondary treatment and to meet state standards for allowable discharges.

Sludge that has been removed from the wastewater treatment plant, is regulated in this state as a solid waste. Local governments have primary enforcement authority for solid waste. 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.

The permits issued by local health departments can be reviewed by the Department of Ecology. The department may 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 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. 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.

The Water Environment Federation, and the 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:** The Department of Ecology is required to develop a biosolid management program that will conform with federal regulations on municipal sewage sludge within 12 months of the final adoption of proposed federal sludge standards. Municipal sewage sludge that meets all state and federal standards will be regulated as a biosolid; sludge not meeting these standards will continue to be regulated as a solid waste. Rules adopted by the department must provide for public input for all state and local biosolid permits. The biosolid program will be funded, subject to legislative appropriation, through waste water discharge permit fees.

The Department of Ecology is given authority to impose both civil and criminal penalties for violations of the biosolid program. 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 biosolids. 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.

The Department of Ecology is authorized to promote beneficial uses of biosolids. Current definitions of compost are amended to include compost consisting of biosolids. The department is also authorized to provide relevant scientific and legal information to local governments and citizen groups.

*Votes on Final Passage:*

House	90	0	
Senate	49	0	(Senate amended)
House	97	0	(House concurred)

*Effective:* June 11, 1992