

## WSR 21-10-101

## DEPARTMENT OF ECOLOGY

[Filed May 5, 2021, 11:31 a.m.]

**Notice of a Draft New 2021 Biosolids General Permit**

The department of ecology (ecology) requests comments on a draft statewide general permit for biosolids management that will replace the expired general permit. This general permit is the primary regulatory mechanism in Washington for approving the final use or disposal of biosolids.

Ecology previously sought public comments on a tentative decision to issue a new general permit. The comment period ended on January 24, 2020. Ecology received twenty-five comments. A response to comments can be found at <https://apps.ecology.wa.gov/publications/SummaryPages/2007017.html>.

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 onsite wastewater treatment systems and similar devices), and selling or giving away biosolids or products derived from biosolids such as compost and soil products.

RCW 70A.226.007 directs ecology to implement a biosolids management program that maximizes the beneficial use of biosolids, and is protective of public health and the environment. Ecology has adopted rules for biosolids management in chapter 173-308 WAC. The purpose of the general permit is to implement the requirements of the rule. The permit system allows ecology to develop additional or more stringent requirements for individual facilities, as necessary to ensure proper management and protection of public health and the environment.

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.

After review of a completed environmental checklist and other information on file, ecology determined this proposal would not have a probable significant adverse impact on the environment. Ecology issued a determination of nonsignificance (DNS) under the State Environmental Policy Act (SEPA) for the draft general permit. The DNS and completed environmental checklist are available at <https://ecology.wa.gov/Biosolids-permit-actions> or by request from the contact listed below.

Three hundred and seventy-five facilities have submitted a notice of intent to apply for coverage under the new general permit. A list

of those facilities can be found at <https://ecology.wa.gov/Biosolids-permit-actions> or by requesting from the contact listed below.

There are significant changes in the structure of the proposed general permit, as compared with previous general permits. Ecology separated this general permit into three main sections (baseline, active septage management, and active biosolids management) based on facility operations.

Permit application requirements differ depending upon the coverage required. Some existing facilities (those without active management programs) will have automatic final coverage on the effective date of the permit. Other facilities are subject to further review, and potentially additional or more stringent requirements following evaluation of a complete permit application. All facilities that started operations after September 4, 2020, are required to submit a complete permit application 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. The permit system and certain changes in operational requirements are discussed in the fact sheet for the permit, available at <https://ecology.wa.gov/Biosolids-permit-actions>, or by requesting from the contact listed below.

In accordance with the requirements in WAC 173-308-90005(4), ecology prepared a small business economic impact analysis (SBEIA) to assess whether the permit may have a disproportionate economic impact on small businesses relative to large businesses. Ecology found that the draft general permit would have a disproportionate impact on small businesses. The SBEIA can be found at <https://ecology.wa.gov/Biosolids-permit-actions> or by requesting from the contact listed below.

A copy of the draft general permit, the fact sheet, and the proposed permit applications for coverage can be found at <https://ecology.wa.gov/Biosolids-permit-actions>, or by requesting from the contact listed below.

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://apps.ecology.wa.gov/SolidWasteFacilities>, or notify the person listed below.

Ecology invites comments on the draft general permit and the determination of nonsignificance. Comments can be submitted online through the Smart Comments system <https://swm.ecology.commentinput.com/?id=SpmPs>.

Oral comments can be made at an online public hearing: On June 22, 2021, at 10 a.m., <https://watech.webex.com/watech/onstage/g.php?MTID=ecb1aa1d2848f3b423f3c46da7ccc276e>. Audio conference: To receive a call back, provide your phone number when you join the event, or call the following number and enter the access code, 1-415-655-0001, Access code 133 197 0091.

On June 24, 2021, at 7 p.m., <https://watech.webex.com/watech/onstage/g.php?MTID=e0322106f31651a3844c4e378d6198dd2>. Audio conference: To receive a call back, provide your phone number when you join the event, or call the following number and enter the access code, 1-415-655-0001, Access code 133 344 4848.

Written comments can be submitted online until 11:59 p.m. on July 1, 2021. Following the comment period, ecology will prepare a response

to comments and notify the public of its decision. If issued, the permit will be effective thirty days after it is issued.

For more information and assistance, please contact Emily Kijowski, Biosolids Technical Specialist, 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.

Note: Physical address may be used for parcel delivery service. Due to COVID[-19] restrictions, the building is not open for individual walk-in service [service] at this time. Mailing address: P.O. Box 47600, Olympia, WA 98504-7600.