

EXHIBIT 188

VOL III

Exhibit 188

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Fort Lewis agrees to limit pollution discharges

By (b)(6)
Seattle Times staff reporter

Fort Lewis will limit its pollution discharges under an agreement announced Wednesday between the base and the state Department of Ecology.

The deal sets steps and a timeline for Fort Lewis to develop and implement a pre-treatment program for industrial wastes generated by the fort and other entities that use its wastewater-treatment plant, including Madigan Army Medical Center, McChord Air Force Base and Clover Park district schools.

The plant discharges to Puget Sound as much effluent daily as a city of about 50,000 people.

The agreement also requires Fort Lewis to identify, sample and inspect all sources of industrial wastewater discharging to the plant's sewage plant. Fort Lewis must also limit its discharges to pollutants that the plant can effectively treat and control.

Anything else would have to be collected and properly disposed of by other means.

The plant's effluent discharges into Puget Sound became an issue last spring in a whistle-blower complaint from workers who said the wastewater plant was poorly managed. Those charges are under investigation, said Phil Crawford, chief of environmental compliance at Fort Lewis.

The plant is complying with the terms of its discharge permits, (b)(6) said. Still, (b)(6) said, the base would like to be cleaner, and signing the agreement may help get money to improve.

Base officials hope that by 2025, beaches now closed for shellfish harvesting could be opened, and the plant would issue water so clean it would not be classified as wastewater at all, Crawford said.

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EXHIBIT 189



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January 16, 2004

CERTIFIED MAIL
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(b)(6)

Deputy Director of Public Works
AFZH-PW
Box 339500
Ft. Lewis, WA 98433-9500

RE: Coverage Under the Statewide General Permit for Biosolids Management

Permit Number: BA-0021954
Issuance Date: March 25, 1998
Effective Date: May 15, 1998
Final Coverage: January 16, 2004
Expiration Date: Coverage under this general permit remains in effect until further notice. Facilities covered under this permit and which are in compliance with permit requirements will have a minimum of 180 days to apply for coverage when a new general permit is issued.

Dear (b) (b)(6)

The purpose of this letter is to notify you that pursuant to your application, the Fort Lewis Wastewater Treatment Facility has been granted final approval of coverage under the statewide General Permit for Biosolids Management. You are required to comply with all the requirements of the General Permit as they apply to your operation, including all approved plans, and also with all applicable requirements of Chapter 173-308 WAC, *Biosolids Management*. The following additional or more stringent requirement must also be complied with as a condition of this approval:

1. The Analytical Sampling Plan prepared by (b)(6) on 3/31/03 as modified and approved by this office in May 2003 shall be the guide to sampling biosolids prior to removal to Fire Mountain Farms. The Fort Lewis Wastewater Treatment Facility must submit an Annual Biosolids Report to this office by March 1 each year containing information from the preceding calendar year including sampling results.



2. The Fort Lewis Wastewater Treatment Facility must acquire and maintain a copy of the appropriate *Site Specific Land Application* Plan for Fire Mountain Farms and a representative from Fort Lewis who is familiar with the Solo Point operation and requirements must visit the sites where biosolids are applied to the land at least once during the calendar year and record in the files the outcome of the visit.

You have the right to appeal as provided by law. Your appeal must be filed with the Pollution Control Hearings Board and served on the Department within thirty (30) days. The right of appeal under the state Biosolids rule is addressed in WAC 173-308-310(24) and in Section 8.21 of the General Permit for Biosolids Management. The Basic Process for an appeal is outlined in RCW 43.21B.310. Other rules and laws may also govern your appeal.

Your staff contact at the Department of Ecology for this permit is:

(b)(6)
Statewide Resource Section, SWFAP
Dept. Of Ecology
PO Box 47600
Olympia, WA 98504-7600

(b)(6)

SRS Section Manager
Solid Waste and Financial Assistance Program

cc: (b)(6) Ft. Lewis
(b)(6); EPA Region X
(b)(6) Tacoma Pierce County Health Department
(b)(6) Ecology SWRO

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Permit No. _____

Coverage Date: _____

Issuance Date: March 25, 1998

Effective Date: May 15, 1998

Expiration Date: May 14, 2003

General Permit for Biosolids Management

Permit holders that have submitted a notice of intent or properly applied for coverage under this permit are provisionally approved to recycle biosolids in accordance with the requirements of this permit. The department may impose additional requirements as a condition of formal approval of coverage or in conjunction with plans required to be developed and approved under this permit.

(b)(6)

Solid Waste & Financial Assistance Program Manager
Department of Ecology



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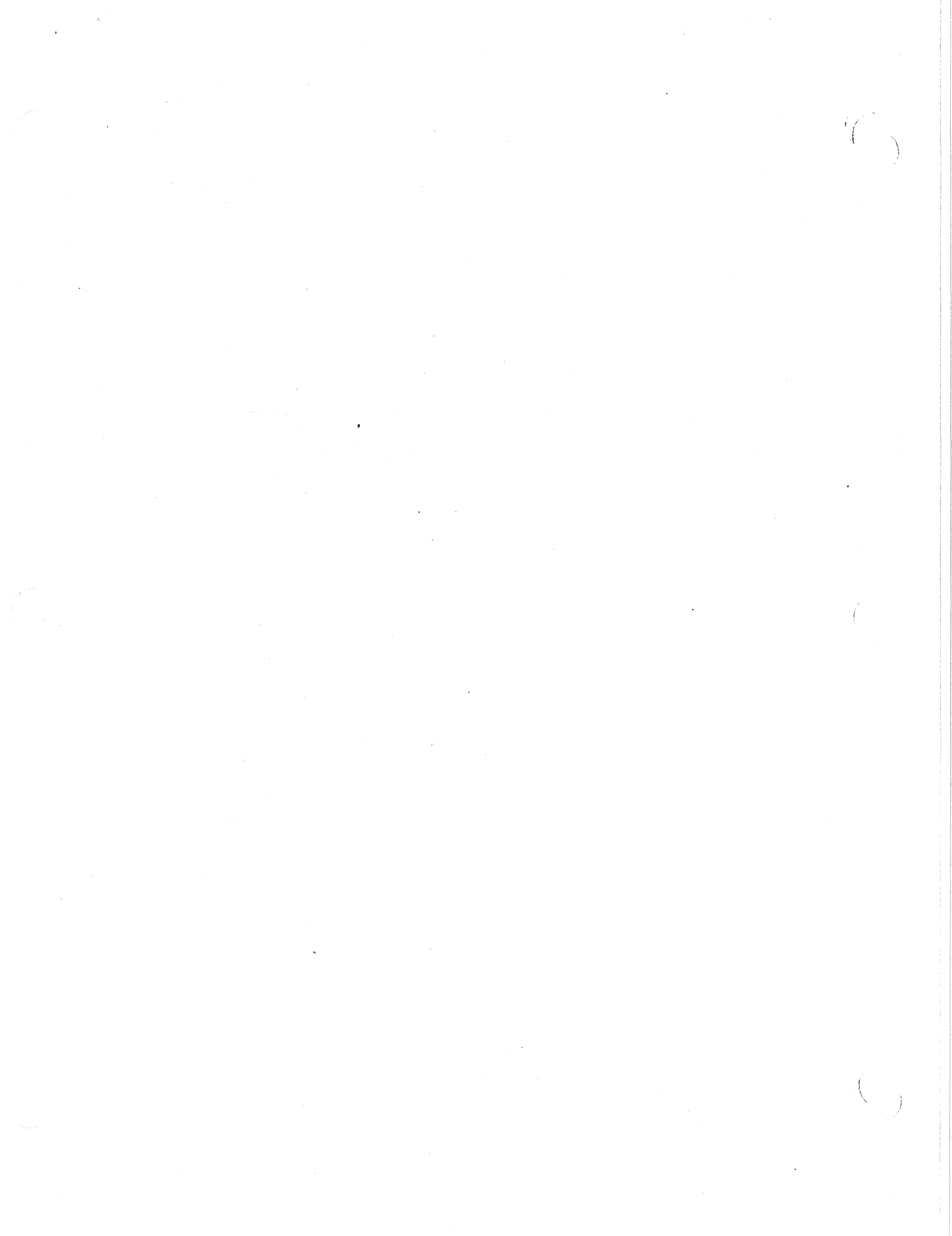
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1. Introduction

The biosolids program in Washington State is based on Chapter 173-308 WAC, *Biosolids Management*. Technical standards in the state regulation are patterned after the federal regulation 40 CFR Part 503, *Standards for the Use or Disposal of Sewage Sludge (Biosolids)*. Part 503 establishes federal requirements for the final use or disposal of biosolids. The permit requirements are based on federal regulations in 40 CFR Parts 122 and 501.

The Washington State program regulates biosolids used in land application (to condition the soil or fertilize crops or other vegetation), biosolids transferred from one facility to another, and biosolids disposed of in a municipal solid waste landfill. It does not regulate surface disposal or incineration of biosolids. However, incinerators are included in the state biosolids permitting system for those circumstances when alternatives to burning are needed (e.g. during periods when an incinerator is shut down for maintenance or repairs.)

1.1. Definition of Biosolids

Biosolids means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all applicable requirements under Chapter 173-308 WAC. Biosolids includes a material derived from biosolids and septic tank sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under Chapter 173-308 WAC. For the purposes of this permit, semisolid products include biosolids or products derived from biosolids ranging in character from mostly liquid to fully dried biosolids.

1.2. Explanation of Exceptional Quality (EQ) Biosolids

The term "exceptional quality" is used to describe biosolids that meet the following criteria:

- The pollutant concentration limits in Table 3 of WAC 173-308-160; and,
- The Class A pathogen reduction requirements in one of WAC 173-308-170(2)(a) through (f); and,
- The vector attraction reduction requirements in one of WAC 173-308-180(2) through (7).

Pollutant concentrations listed in Tables 1-4 of WAC 173-308-160 appear in Appendix 1 of this general permit.

Alternatives for pathogen reduction requirements are listed in WAC 173-308-170.

Alternatives for meeting vector attraction reduction are listed in WAC 173-308-180.

2. Overview of the General Permit for Biosolids Management

2.1. Purpose

This general permit for biosolids management authorizes the beneficial use of biosolids, the transfer of biosolids from one facility to another, and the disposal of biosolids in municipal solid waste landfills. This general permit establishes the conditions that must be met for the above activities in the state of Washington, according to the provisions of Chapter 173-308 WAC, *Biosolids Management*.

2.2. Authority

Authority for administering a state biosolids management program was granted to the Department of Ecology in Chapter 70.95J, Revised Code of Washington. The state program, which includes this general permit, is intended to comply with all applicable federal rules adopted pursuant to the federal Clean Water Act as it existed on February 4, 1987, and Chapter 90.48 RCW, Water Pollution Control.

2.3. How are local health departments involved?

The department may delegate authority to local health departments to implement and assist in the administration of Chapter 173-308 and this general permit. Delegation will be accomplished through an instrument of mutual consent, e.g. a Memorandum of Understanding, which is acceptable to both the department and the local health department.

The department may revoke part or all of a local health department's authority if it finds that a local health department has failed to carry out any portion of its delegated responsibility.

As a permit holder, you are obligated to respond to the local health department regarding any aspect of the biosolids management program under the local health department's authority.

When applying for coverage under this general permit, you should contact the department to find out the status of delegation agreements in the areas where you treat, store, or apply biosolids to the land.

2.4. Who is required to apply for coverage under this general permit?

- (1) You must apply for coverage under this permit if you are a person who:
- Owns or operates one of the facilities listed in Table 2-1 of this permit, and
 - You engage in biosolids management practices regulated under Chapter 173-308 WAC, including beneficial use, transfer to another facility, or disposal in a municipal solid waste landfill, and
 - You do not have an individual permit issued under Chapter 173-308 WAC and do not have permission from the Department to apply for an individual permit.

Table 2-1

| Facility Types |
|---|
| Publicly owned treatment works |
| Privately owned treatment works treating only domestic wastewater |
| Industrial facilities that treat domestic wastewater separately from the industrial waste stream, and generate biosolids regulated by Chapter 173-308 WAC |
| Beneficial use facilities |

- (2) You must apply for coverage under this permit if you are a person who:
- Owns or operates a facility that composts non-exceptional quality biosolids; and,
 - You do not have an adequate ¹permit issued by the local health department.
- (3) You must apply for coverage under this permit if you are a person who:
- Owns or operates a centralized septage treatment facility, and
 - You do not have an adequate ²permit issued by the local health department.

¹ A permit issued by the local health department is adequate if the department agrees the conditions in the permit meet or exceed the requirements of Chapter 173-308 WAC.

² See footnote number one.

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- (4) You must apply for coverage under this permit if you are an individual septage hauler who:
- Applies septage directly to the land, **and**
 - You do not have an adequate³ permit issued by the local health department where the septage will be applied, **and**
 - The department has designated you as a treatment works treating domestic sewage.
- (5) You must apply for coverage under this permit if you are a person who has been designated a treatment works treating domestic sewage by the department. The department may designate any person, site or facility that treats, uses, transports, or applies biosolids as a treatment works treating domestic sewage in order to:
- Protect human health or the environment from the adverse effects of pollutants in the biosolids,
 - Protect human health or the environment from poor biosolids management practices,
 - Ensure compliance with any of the requirements in Chapter 173-308 WAC,
 - The department may also designate a treatment works treating domestic sewage for any site where bulk biosolids originating from outside the jurisdiction of the state of Washington are applied or received.

2.4.1. "Person" Defined

A "person" is an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee of any of the above.

2.5. Who is not required to apply for coverage under this general permit?

- (1) If you are an individual septage hauler, who brings all septage to a facility permitted under Chapter 173-308 WAC, you are not required to apply for coverage under this permit unless you have been designated as a treatment works treating domestic sewage.
- (2) If you are the owner or operator of a facility that accepts only exceptional quality biosolids for composting or mixes only exceptional quality biosolids into top soil or top soil products, you are not required to apply for coverage under this permit.

³ See footnote number one.

2.6. What geographical area does this general permit cover?

This general permit is applicable within the boundaries of the state of Washington, exclusive of Indian lands.

2.7. Use of Reference Documents

The department will rely on several guidance documents to approve land application plans developed under this permit, including:

Biosolids Management Guidelines. (Working draft, final due 1998), WDOE 93-80.

Managing Nitrogen from Biosolids. (a cooperative publication of the Northwest Biosolids Management Association, area universities, and the Department of Ecology, to be released in 1998)

A Guide to the Biosolids Risk Assessments for the EPA Part 503 Rule. EPA 832-B-93-005, United States EPA, September 1995.

A Plain English Guide to the EPA Part 503 biosolids Rule. EPA/832/R-93/003, United States EPA, September 1994.

Guide to Septage Treatment and Disposal. EPA/625/R-94/002, United States EPA, September 1994.

Domestic Septage Regulatory Guidance – A guide to the EPA 503 Rule. EPA 832-B-92-005, United States EPA, September 1993.

Part 503 Implementation Guidance. EPA 833-R-95-001, United States EPA, October 1995.

Environmental Regulations and Technology – Control of Pathogens and Vector Attraction in Sewage Sludge. EPA/625/R-92/013, United States EPA, December 1992.

Process Design Manual – Land Application of Sewage Sludge and Domestic Septage. EPA/625/R-95/001, United States EPA, September 1995.

2.8. Activities subject to coverage under this general permit

2.8.1. List of activities

Coverage under this general permit is based on activities related to the final use of biosolids. These activities correspond to sections in Chapter 173-308 WAC and include the following management alternatives⁴:

- Bulk biosolids applied to agricultural lands
- Bulk biosolids applied to forest lands
- Bulk biosolids applied to public contact sites (e.g. ballfields)
- Bulk biosolids applied to a land reclamation site
- Bulk biosolids applied to lawns or home gardens
- Biosolids sold or given away in bags or other containers
- Domestic septage applied to the land
- Non-exceptional quality biosolids sent to another facility
- Sewage sludge disposed of in municipal solid waste landfills
- Non-exceptional quality biosolids sent to a beneficial use facility

2.8.2. Management Alternatives and Land Application Plans

This permit authorizes biosolids management for all of the above activities as approved in land application plans or disposal plans when required. If you do not submit a site specific land application plan, you must present your intentions in a general land application plan. Land application plans are described in Section 5 of this general permit.

⁴Clarification for biosolids compost facilities

If you own or operate a biosolids compost facility and you are required to apply for coverage under this permit according to Section 2.4, you must comply with the requirements in the sections of this general permit that describe the final use of the compost. For example, if you produce biosolids compost for bulk application to lawns and home gardens, you must comply with the requirements in Section 13 of this permit. The compost must meet the requirements to be classified as exceptional quality biosolids. If you produce biosolids compost for sale or give-away in bags or other containers, you must comply with the requirements in Section 14 of this permit.

2.9. Requiring an Individual Permit

Under certain conditions, you may request or be required to apply for coverage under an individual permit.

You may apply for an individual permit for any of the following reasons:

- You have requested permission to apply for an individual permit and the department has granted permission, or;
- You have proposed final use or disposal practices that are not covered in this general permit. In this instance, the department may require you to change your practices to conform to this general permit and then apply for coverage under this general permit.
- You have applied for coverage under this general permit but you also engage in practices that are not covered under the general permit. You must have approval by the department to apply for an individual permit in this instance.

You must apply for coverage under an individual permit if:

- You have been notified by the department that you must apply for an individual permit.

3. Automatic Coverage Under this General Permit

This section describes the provisions of automatic coverage for temporary and emergency disposal in a municipal solid waste landfill. This section also describes authorization for biosolids sent to another facility.

Any facility that has submitted a notice of intent or applied for coverage under this general permit, is automatically covered under this section for the practices described in this section.

3.1. Emergency Disposal - defined

Disposal of municipal sewage sludge or biosolids on an emergency basis, as defined in WAC 173-308-080, means disposal for "a period up to but not exceeding one year" from the date on which disposal begins. Generally, disposal on an emergency basis will normally occur due to any of the following reasons:

- Inclement weather conditions at a beneficial use site;
- Contractual or technical difficulties in the treatment, transportation, or application of the biosolids; or
- Short term economic or administrative barriers.

The department expects any and all of these emergency situations to be resolved within a period of one year.

3.2. Temporary Disposal - defined

Disposal on a temporary basis, as defined in WAC 173-308-080, means disposal for "a period of more than one but less than five years." Generally, disposal on a temporary basis will normally occur as a result of:

- Deficiencies in the wastewater or biosolids treatment process; or,
- Economic, administrative, or contractual constraints.

The department expects situations requiring temporary disposal to be resolved in less than five years.

3.3. Conditions for Emergency or Temporary Disposal

As a condition of emergency or temporary disposal, you must comply with the following requirements:

- (1) You must obtain a written determination from the local health department where the biosolids are being or would be land applied, that a potentially unhealthful circumstance exists under present conditions of management or would result from further land application of the biosolids, and that other management options are unavailable or would pose a threat to human health or the environment.
- (2) You must obtain written approval from the local health department where the disposal is proposed to take place. You must forward a copy of this written approval (from the receiving jurisdiction) to the department.
- (3) You must ensure that the landfill accepting municipal sewage sludge or biosolids for disposal complies with the requirements of Chapter 173-351 WAC, Criteria for Municipal Solid Waste Landfills and 40 CFR Part 258.
- (4) You must ensure that the municipal sewage sludge that is disposed of in a municipal solid waste landfill meets the restrictions for liquids in landfills in WAC 173-351-200(9).
- (5) You must ensure that the municipal sewage sludge that is disposed of in a municipal solid waste landfill is not hazardous waste as defined in Chapter 173-303 WAC.
- (6) You must ensure that the requirements in WAC 173-351-220(10) are met.

3.3.1. Plan Required for "Temporary" Disposal

In addition to the requirements in Section 3.3, you must submit a plan for temporary (but not emergency) disposal of municipal sewage sludge or biosolids in a municipal solid waste landfill. The plan must be submitted to and approved by the department. The plan must include the following information:

- The conditions which make disposal necessary;
- The steps that will be taken to correct the conditions so that disposal will not become a long term management option; and
- A time table for implementing the corrective steps.

3.4. Authorization for Sending Biosolids to Another Facility

Coverage under this general permit includes authorization for sending your municipal sewage sludge or biosolids to another facility if the following requirements are met:

- (1) The receiving facility must be covered under this general permit or another applicable permit issued by the department. The receiving facility's permit must not prohibit receipt of biosolids from other sources.
- (2) You must provide necessary information to the person who receives the municipal sewage sludge or biosolids to comply with Chapter 173-308 WAC. You must also obtain necessary information from the person who receives municipal sewage sludge or biosolids to comply with Chapter 173-308 WAC.

4. How do I apply for coverage?

4.1. Type of Application and When to Apply

To apply for coverage under this general permit, you must either submit a **complete application** or a **notice of intent** followed by a complete application at a later date according to Table 4-1.

Applications and notices of intent must be submitted on forms or in a format authorized by the department.

Table 4-1

| Type of Facility | Type of Application and When to Apply |
|--|---|
| Existing Class 1 biosolids management facility ⁵ ; | Complete application within 90 days of issuance of this general permit; |
| Existing publicly owned treatment works with a design flow rate equal to or greater than one million gallons per day | or Notice of Intent within 90 days of issuance of this permit, followed by a complete application within 180 days of issuance of this permit. |
| Existing publicly owned treatment works that serves a population of 10,000 or more people | |

⁵ See definition in Section 19.

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Table 4-1 (cont.)

| Type of Facility (cont.) | Type of Application and When to Apply (cont.) |
|---|--|
| <p>All existing applicable facilities not listed above in this table, e.g., biosolids compost facilities, publicly owned treatment works serving less than 10,000 people, private treatment works</p> | <p>Notice of Intent within 90 days of the effective date of this permit.</p> <p>A complete application for these facilities is due at a later date according to WAC 173-308(4)(h). The due date depends on whether or not the facility has an NPDES, State Waste Discharge permit, or solid waste handling permit and on the potential need to expedite the permit process. Facilities generally have at least 180 days to submit a complete application.</p> |
| <p>All new facilities</p> | <p>Notice of Intent or complete application at least 180 days in advance of engaging in applicable biosolids management activities.</p> |

The department may require any applicable facility to apply earlier if the department finds it necessary to do any or all of the following:

- Expedite the permitting process;
- Protect human health or the environment from the adverse effect of a pollutant in the biosolids;
- Protect human health or the environment from poor biosolids management practices;
- Ensure compliance with any of the requirements in Chapter 173-308 WAC;
- Regulate biosolids being applied to the land or received at any site when those biosolids originated from outside the jurisdiction of the state of Washington.

4.2. Complying with the State Environmental Policy Act

At or about the same time that you apply for coverage under this general permit, you must comply with the State Environmental Policy Act rules adopted under Chapter 197-11 WAC.

You may be able to coordinate public notice requirements of SEPA with similar requirements of this permit. If SEPA is used to meet the public notice requirements of the biosolids permit process, you must ensure that the requirements of WAC 173-308-310(11) are met. You must also ensure that comments are directed to the biosolids regulatory official as well as the responsible SEPA official.

4.3. Submitting a permit application or notice of intent

You must submit copies of your permit application or notice of intent as follows:

- (1) The original application to the biosolids coordinator at the headquarters office of the Department of Ecology;
- (2) One copy to each regional office of the Department of Ecology where biosolids will be treated or applied to the land;
- (3) One copy to the local health department in each county where biosolids will be treated, stored, applied to the land, or disposed in a municipal solid waste landfill. If the health department has made a written request to the department that they do not wish to receive copies of the permit application, you are not required to submit a copy to that health department.

4.4. What information do I submit in the application process?

4.4.1. Information required in the notice of intent

- (1) Activities conducted by the applicant which require it to obtain a permit;
- (2) Name, mailing address and location of the facility for which the notice of intent is submitted;
- (3) Operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity;
- (4) A description of the locations of any sites where biosolids are authorized to be treated, stored, disposed or applied, in a solid waste permit issued by a local health department;
- (5) A description of any other sites where biosolids are treated, stored, disposed or applied.

4.4.2. Information required in a complete permit application

- (1) Activities conducted by the applicant which require it to obtain a permit;
- (2) Name, mailing address and location of the facility for which the application is submitted;
- (3) Operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity;
- (4) A description of the locations of any sites where biosolids are authorized to be treated, stored, disposed or applied, in a solid waste permit issued by a local health department;
- (5) A description of any other sites where biosolids are treated, stored, disposed or applied.
- (6) Whether the facility is located on Indian or federal lands;

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- (7) A listing of other relevant environmental permits, and all permits or construction approvals received or applied for under any of the following programs:
- Hazardous Waste Management program under the Resource Conservation and Recovery Act;
 - Underground Injection Control program under the Safe Drinking Water Act;
 - NPDES program under the Clean Water Act;
 - Prevention of Significant Deterioration program under the Clean Air Act;
 - National Emission Standards for Hazardous Pollutants preconstruction approval under the Clean Air Act;
 - Ocean dumping permits under the Marine Protection, Research, and Sanctuaries Act.
 - Dredge or fill permits under Section 404 of the Clean Water Act;
 - Other relevant environmental permits, including State or local permits.
- (8) A vicinity map extending one mile beyond the property boundaries of the facility, showing the location and means of access to the facility. You must provide additional maps, if necessary, showing the same for any associated treatment or storage facilities not covered under a separate permit or specifically identified in a land application plan. (See Section 5 of this permit for land application plan requirements.)
- (9) Any biosolids monitoring data the applicant has for the last two years, including for land application sites any available soil or ground and surface water monitoring data, with a description of the sampling locations, and for wells the approximate depth to ground water. Site data is not required for sites where exceptional quality biosolids are applied.
- (10) A description of the applicant's biosolids use and disposal practices including, where applicable, the following items:
- The location of any sites where the applicant transfers biosolids for treatment or disposal;
 - The names of applier or other contractors who apply biosolids to the land if different from the applicant.
- (11) Land application plans as required under WAC 173-308-310(6). (See Section 5 of this permit.)

- (12) Biosolids production in dry tons, as applicable, including the following:
- The annual production of biosolids (based on a five year average),
 - The amount of biosolids applied to the land during the previous year,
 - The estimated amount of biosolids remaining in storage, and
 - The amount of biosolids estimated to be produced or applied to the land on an annual basis during the life of this permit
- (13) Any other information the department may request and reasonably require to assess the biosolids use and disposal practices, to determine whether to grant coverage under this permit, or to ascertain appropriate permit requirements.

4.5. Public notice required in the permit application process

4.5.1. When to issue public notice

- (1) Applying for coverage. When you apply for coverage under this general permit, you must issue public notice within each county where your biosolids will be treated or where your non-exceptional quality biosolids will be applied to the land. Note that the counties in which you carry out public notice will either be reflected in a general land application plan or a site specific land application plan. You must comply with this requirement if your facility is new or existing. You must comply with this requirement when you submit a complete application, but not when you submit a notice of intent.
- (2) Applying for renewal coverage. When you apply for renewal of coverage under this general permit, you must issue public notice within each county where your biosolids will be treated or stored, when you propose a significant change in biosolids management practices.
- (3) Exception. You are not required to issue public notice in the county where your biosolids are sent to a beneficial use facility if the following conditions are met:
- The beneficial use facility has issued public notice identifying your facility as a provider of biosolids; or
 - The beneficial use facility has issued public notice clearly stating that biosolids will be accepted from unidentified sources, including, if applicable, sources outside of the county in which the beneficial use facility is located.

4.5.2. How to issue public notice

- (1) When you submit a permit application, you must publish two public notices, at intervals of at least one week, in a newspaper of general circulation in each county where you propose to

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apply your biosolids to the land. Newspaper notice is not required for new sites proposed at a later date in accordance with an approved general land application plan.

- (2) You must mail a copy of the public notice to any person or group that has notified you in writing of an interest in your biosolids management activities. You must provide written confirmation to each interested person or organization that their name has been placed on a list of interested persons, if a request by the interested person is made in writing. The confirmation must be sent by certified mail, return receipt requested.
- (3) You must post all sites where non-exceptional quality biosolids will be applied to the land as proposed in a site specific land application plan. Sites must be posted for the duration of the public comment period. The public comment period is 30 days after the last date of posting or publication of the notice as in 4.5.2(1) above.
- (4) You must issue public notice by any other method required by the department.
- (5) You must send copies of the public notice, with a brief description of when and where it was issued to:
 - (a) The contact person in the regional office or headquarters of the Department of Ecology that has lead responsibility for the permit; and
 - (b) The local health department in each county where biosolids will be treated, stored, applied to the land, or disposed in a municipal solid waste landfill, unless the health department has waived receipt of notification.

4.5.3. Information to include in the public notice

- (1) The name, address, and location of the facility seeking the permit and a contact person;
- (2) The address of the local health department and a contact person for any county where the local health department has accepted delegation of responsibility under WAC 173-308-050;
- (3) The address of the regional or headquarters office of the Department of Ecology that has lead responsibility for the permit, and a contact person;
- (4) A brief statement of the biosolids management practices for which coverage under this permit is sought;
- (5) The name of this general permit, "Biosolids Management";
- (6) The statement: "Any person wishing to comment on this application or desiring to present their views regarding this application to the Department of Ecology or its delegated representative must do so in writing within thirty days of the last date of newspaper publication of this notice. Comments should be addressed to (insert the name and address of the contact person in the regional office or headquarters of the Department of Ecology that has lead responsibility for the permit)."

- (7) A statement specifying the following information:
- Whether or not the permit application contains any information about current or proposed biosolids application sites;
 - Whether or not the permit application contains a plan specifying how future application sites will be identified;
 - Whether biosolids will be provided to any other facility, including a beneficial use facility; and
 - How the public will be notified regarding the selection of future land application sites.
- (8) The time and place of any public hearing or meeting that will be held or the procedures to request a hearing or meeting, and other procedures by which the public may participate in the final permit decision;
- (9) The means by which an interested person or organization may have their name placed on a list to be maintained by you for the purpose of future notification of biosolids management activities.
- (10) Any additional information considered necessary or proper.

5. Land Application Plans

5.1. When are land application plans required?

5.1.1. Land application plans for non-exceptional quality biosolids

- (1) You are required to submit land application plan(s) as part of your application for coverage under this permit for non-exceptional quality biosolids, including septage.
 - (a) You must submit a **site specific land application plan** for approval for every site where non-exceptional quality biosolids are applied to the land, except when applied to a beneficial use facility site per (d) below.
 - (b) You must submit a **general land application plan** if you intend to apply biosolids to sites not identified in a site specific land application plan in your permit application (i.e. if you intend to develop other land application sites during the life of your permit coverage.)
 - (c) As you identify individual sites during the life of the permit (according to your general land application plan), you must submit a site specific land application plan for each new site, unless the new site is a permitted beneficial use facility site per (d) below.
 - (d) You are not required to submit land application plans for biosolids that you provide to a beneficial use facility if the beneficial use facility meets the requirements in Sections 5.1, 5.2, 5.3, 5.4, and 5.5 of this general permit.

5.1.2. Land application plans for exceptional quality biosolids

- (1) You are not required to submit land application plans if your facility prepares exceptional quality biosolids except under the circumstances in (b) below.
 - (a) You must prepare a contingency plan that describes a procedure you will follow in the event that your process yields biosolids that do not meet the requirements to be classified as exceptional quality. For example, biosolids compost that does not meet the Class A pathogen requirements can be re-processed using a Process to Further Reduce Pathogens. The contingency plan would briefly describe the procedures an operator would follow to re-process the compost.
 - (b) If you prepare exceptional quality biosolids for bulk application to the land, the department may require land application plans in circumstances where permit conditions need evaluation or the department finds there would be a strong benefit to the public from preparation of a site specific plan.

5.2. Public notice requirement

5.2.1. Adding new or expanded application sites.

You must issue public notice in the county where your non-exceptional quality biosolids will be applied to new or expanded application sites that have been proposed according to an approved general land application plan. This requirement to issue public notice for new or expanded sites can be satisfied by either a SEPA process or by an integrated project review under the State Growth Management Act. However, it is important to note that the public notice must include a comment period and must identify the department or local health department as the recipient of comments during the public comment period. In any case, the public notice must satisfy the requirements of Sections 4.5.2 and 4.5.3 of this permit.

When the proposal is for a specific land application site, persons wishing to comment should be directed to send their comments to the contact person at the Department of Ecology. If responsibility has been delegated to the local health department, comments should be sent to that local health department.

For each new site where biosolids will be applied, you must fulfill the public notice requirements in WAC 173-308-310(11)(a)(ii) through (iv) and WAC 173-308-310(11)(b). You must also fulfill the public hearing requirements, if required, in WAC 173-308-310(12).

5.3. Additional requirements for land application plans

5.3.1. Requirement for consistency

All site specific land application plans must be consistent with the general land application plan when a general land application plan is required.

5.3.2. All plans subject to review and approval

All land application plans are subject to review and approval by the department. If a land application plan is found to be insufficient, the department may either request additional information or may impose additional requirements as a condition of continued coverage under this general permit. Any such additional requirements are considered to be permit requirements, fully enforceable in accordance with the provisions of Chapter 173-308 WAC.

5.4. Site Specific Land Application Plan - Details

A site specific land application plan is required for every site where non-exceptional quality biosolids are applied to the land, and in accordance with Section 5.1 of this permit.

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Site specific land application plan(s) must provide information necessary to determine if a site is appropriate for land application of biosolids. Your site specific land application plan(s) must provide a description of how the site(s) will be managed and, at a minimum, the following information:

- (1) Whether or not it is known or can be determined that biosolids containing pollutants in excess of the values in Table 3 of Appendix 1 of this permit have ever been applied to the site, and if so:
 - The date(s) when the biosolids were applied (if known);
 - The amount of biosolids applied (if known);
 - The concentration of pollutants in the biosolids (if known);
 - The area(s) of the site to which biosolids were applied (if known);
- (2) A discussion of the types of crops grown or expected to be grown, their intended end use (e.g. pasture grass for a feed crop, corn as a food crop), and the current distribution of crops on the site;
- (3) An explanation of how agronomic rates will be determined during the life of the site along with any currently available calculations. Whenever agronomic rates are determined or conditions change (i.e. a change in crops or agronomic rates) an update of the agronomic rate calculations must be filed with the department;
- (4) Method(s) of application;
- (5) Seasonal and daily timing of biosolids applications;
- (6) Any available data from soils, surface water, or ground water monitoring collected from the site within the last two years, and any proposed new monitoring or continuation of existing monitoring programs;
- (7) The name of the county and water resource inventory area where biosolids will be applied;
- (8) A description of how biosolids will be stored at the site and also addressing related off-site storage;

(9) Site map(s) showing:

- The means of access to the facility and location by street address if applicable; a copy of the assessor's plat map(s) with the application area(s) clearly shown or the latitude and longitude of the approximate center of each land application site, and other means of identifying the location as appropriate and available;
 - The number of acres in the site;
 - Location and extent of any wetlands on the site;
 - A topographic relief of the application site and surrounding area;
 - Adjacent properties and uses and their zoning classification;
 - Any seasonal surface water bodies located on the site or perennial surface water bodies within 1/4 mile of the site;
 - The location of any wells within 1/4 mile of the site that are listed in public records or otherwise known to you, whether for domestic, irrigation, or other purposes;
 - The width of buffer zones to surface waters, property boundaries and other features requiring buffers;
 - The presence and extent of any threatened or endangered species or related critical habitat.
 - The location of any critical areas on site, as required to be identified under Chapter 36.70A RCW in the county's growth management plan;
 - Any portion of the site that falls within a wellhead protection area;
 - Any portion of the site that falls within an area included under a local Shoreline Master Program;
 - The location and size of any areas which will be used to store biosolids.
- (10) If the seasonal groundwater is three feet or less below the surface, a management plan describing how you will protect groundwater. For example, your plan may limit applications to the time of year when groundwater is receding to less than three feet and growing vegetation will use the nitrogen in the biosolids.
- (11) A description of how access to the site will be restricted (i.e. signs posted around the site or other approved method of access restriction).

5.5. General Land Application Plan - Details

5.5.1. General land application plan contents

A general land application plan is required when all biosolids sites are not identified in the permit application submitted for coverage under this general permit. Your general land application plan, at a minimum, must:

- (1) Describe the geographical area covered by the plan, including the names of all counties and water resource inventory areas where biosolids will be applied;
- (2) Identify site selection criteria;
- (3) Describe how sites will be managed;
- (4) Provide for advance notice to the department or local health department of new or expanded land application sites. The advance notice must be at least 30 days, to allow time for the department (or health department) to object prior to the biosolids applications; and
- (5) Provide for advance public notice as specified in WAC 173-308-310(11).

Refer to Section 5.1 to determine when site specific land application plans are required.

5.5.2. Changes to general land application plans - modifying permit coverage

- 1) Facilities with lagoons or other treatment works that have infrequent production of biosolids from the system, must submit a general land application plan even though they may have a limited ability to predict biosolids management during the life of this general permit. These facilities may need to modify their coverage at a later date when more information is known about biosolids removal from the facility.
- 2) Facilities that need to amend an original general land application plan that was submitted with the permit application will need to modify coverage under this permit.

6. Record Keeping Requirements

You must keep certain records and certification statements described in Section 6 of this general permit if you do either or both of the following:

- Prepare biosolids;
- Apply bulk biosolids to the land.

The records and certification statements must show that applicable standards for biosolids quality, treatment, and management have been met.

You must also keep records on the amount and type of biosolids applied to the land under different management scenarios or disposed of in a municipal solid waste landfill.

A responsible official must sign all certification statements required in this section. Responsible officials are described in WAC 173-308-310 (8).

6.1. Requirements for the person who prepares biosolids

6.1.1. Records on Amount of Biosolids

The person who prepares biosolids must keep the following records (amounts recorded as dry tons):

- (1) The amount of bulk biosolids applied by the preparer or the preparer's agents to agricultural land;
- (2) The amount of bulk biosolids applied by the preparer or the preparer's agents to forestland;
- (3) The amount of bulk biosolids applied by the preparer or the preparer's agents to a public contact site;
- (4) The amount of bulk biosolids applied by the preparer or the preparer's agents to a land reclamation site;
- (5) The amount of bulk biosolids applied by the preparer or the preparer's agents to a lawn or home garden;
- (6) The amount of biosolids that are sold or given away by the preparer in a bag or other container for application to the land;
- (7) The amount of biosolids in a compost or blended biosolids product that is sold or given away by the preparer in bulk form or in a bag or other container for application to the land;
- (8) The amount of bulk biosolids that are sold or given away by the preparer to another person who prepares biosolids for application to the land;

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- (9) The amount of bulk biosolids that are sold or given away by the preparer to a person other than an agent of the preparer for application to the land;
- (10) The amount of biosolids that are disposed of in a municipal solid waste landfill on an emergency, temporary, or (b)(1) term basis.

6.1.2. Records on Biosolids Quality and Treatment

6.1.2.1. Bulk Biosolids

When bulk biosolids are applied to the land, the person who prepares the biosolids must keep records according to the following table, as applicable, for five years:

| If these standards or requirements were met: | Keep these records: |
|--|---|
| Pollutant ceiling concentrations in Table 1 (WAC 173-308-160), (but pollutant concentration limits in Table 3 were exceeded) | Laboratory analysis data showing that Table 1 limits were met. |
| Pollutant concentration limits in Table 3 (WAC 173-308-160) | Laboratory analysis data showing the Table 3 limits were met. |
| Class A pathogen requirements (WAC 173-308-170(2)(a) through (f)) | 1) Process monitoring and/or laboratory analysis data showing that those requirements were met; and 2) Description of how those requirements were met. |
| Class B pathogen requirements (WAC 173-308-170(3)(a),(b), or (c)) | 1) Process monitoring and/or laboratory analysis data showing that those requirements were met; and 2) Description of how those requirements were met. |
| Vector attraction reduction requirements (WAC 173-308-180(2) through (7)) | 1) Process monitoring and/or laboratory analysis data showing that those requirements were met; and 2) Description of how those requirements were met. |

6.1.2.2. Biosolids Sold or Given Away in Bags or Other Containers

When biosolids are sold or given away in a bag or other container for application to the land, the person who prepares the biosolids must keep records according to the following table, as applicable, for five years:

| If these standards or requirements were met: | Keep these records: |
|--|--|
| Pollutant ceiling concentrations in Table 1 (WAC 173-308-160) | Laboratory analysis data showing that Table 1 limits were met. |
| Pollutant concentration limits in Table 3 (WAC 173-308-160) | Laboratory analysis data showing the Table 3 limits were met. |
| Class A pathogen requirements (WAC 173-308-170(2)(a) through (f)) | 1) Process monitoring and/or laboratory analysis data showing that those requirements were met; and 2) Description of how those requirements were met. |
| Vector attraction reduction requirements (WAC 173-308-180(2) through (7)) | 1) Process monitoring and/or laboratory analysis data showing that those requirements were met; and 2) Description of how those requirements were met. |
| Annual Pollutant Loading Rate in Table 4 (WAC 173-308-160) Required when biosolids exceed any pollutant concentrations in Table 3 (WAC 173-308-160) | 1) The concentration in the biosolids of each pollutant listed in Table 4 (WAC 173-308-160); and 2) The annual whole biosolids application rate that does not cause the annual pollutant loading rates in Table 4 to be exceeded. Procedures to determine the annual whole biosolids application rate are listed in Appendix 4 of this general permit. |

6.1.3. Records on Nitrogen in Biosolids

The person who prepares biosolids that will be applied to the land or sold or given away in a bag or other container must keep laboratory analysis data on nitrogen in the biosolids. The data must show concentration and types of nitrogen in the biosolids. This data is necessary to determine an agronomic rate for the crop under management. Biosolids must be applied at agronomic rates as a condition of this permit unless the biosolids are applied to land reclamation sites or research sites according to Section 8.4 of this permit. This data must be kept for five years.

6.1.4. Certification Statements for the Person who Prepares Biosolids

6.1.4.1. Certification for Preparers of Bulk Biosolids

If you prepare bulk biosolids for application to the land, you must keep one of the following certification statements as appropriate:

If vector attraction reduction requirements were met at your facility according to one of WAC 173-308-180(2) through (7), you must sign and keep the following certification statement:

"I certify, under penalty of law, that the [insert Class A or Class B as appropriate] pathogen requirements in [insert one of WAC 173-308-170(2)(a), (b), (c), (d), (e), or (f) if Class A, or insert one of WAC 173-308-170(3)(a), (b), or (c) if Class B], and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in 173-308-180(2) through (7)] have been met. This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that pathogen and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

If vector attraction reduction requirements were not met at your facility according to one of WAC 173-308-180(2) through (7), you must sign and keep the following certification statement:

"I certify, under penalty of law, that the [insert Class A or Class B as appropriate] pathogen requirements in [insert one of WAC 173-308-170(2)(a), (b), (c), (d), (e), or (f) if Class A, or insert one of WAC 173-308-170(3)(a), (b), or (c) if Class B] have been met. This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that pathogen reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

6.1.4.2. Certification for Preparers of Biosolids Sold or Given Away in Bags or Other Containers

If you prepare biosolids, which are sold or given away in bags or other containers for application to the land, you must keep one of the following certification statements as appropriate:

If the pollutant limits in Table 3 of WAC 173-308-160 were met, you must sign and keep the following certification statement:

"I certify under penalty of law that the Class A pathogen requirement in [insert one of WAC 173-308-170(2)(a), (b), (c), (d), (e), or (f) if Class A], and the vector attraction reduction requirement in [insert one of WAC 173-308-180(2) through (7)] have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that management practice, pathogen requirements, and vector attraction reduction requirements have

been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

If the pollutant limits in Table 3 of WAC 173-308-160 were not met, (but the pollutant limits in Table 1 of WAC 173-308-160 were met), you must sign and keep the following certification statement in addition to the certification regarding pathogen and vector attraction reduction:

"I certify, under penalty of law, that the labeling and notification requirement in WAC 173-308-260(1)(b)(ii) has been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the labeling and notification requirements are met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

6.2. Requirements for the person who applies bulk biosolids

6.2.1. Records on Biosolids Quality and Treatment

When bulk biosolids are applied to the land, the person who applies the biosolids must develop and maintain the information in the following table, as applicable, for five years or indefinitely. The time requirements are listed with the record requirements in the right column.

| If these standards or requirements were met: | Keep these records: |
|--|---|
| Pollutant ceiling concentrations in Table 1 (WAC 173-308-160), (but pollutant concentration limits in Table 3 were exceeded) | <ol style="list-style-type: none"> 1) The location, by street address if applicable, a copy of the assessor's plat map(s) with the application area(s) clearly shown or the latitude and longitude of the approximate center of each land application site, and the section, township, and range of each quarter section on which biosolids were applied; 2) The number of hectares in each site on which bulk biosolids were applied; 3) The date and time bulk biosolids were applied to each site; and 4) The cumulative amount of each pollutant listed in Table 2 of WAC 173-308-160 in the bulk biosolids applied to each site. 5) Keep these records indefinitely. |

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| | |
|--|---|
| <p>Class B pathogen standards (WAC 173-308-170(3)(a),(b), or (c))</p> | <p>1) A description of how the applicable site management and access restrictions were met for each site on which biosolids were applied. 2) Keep these records for five years.</p> <p>Site management and access restriction requirements for each of the final use categories are listed as follows: Bulk biosolids applied to agricultural land (WAC 173-308-210(4)(a)(i) through (x)) Bulk biosolids applied to forest land (WAC 173-308-220(4)(a)(i) through (ix)) Bulk biosolids applied to a public contact sites (WAC 173-308-230(4)(a)(i) through (ix)) Bulk biosolids applied to a land reclamation site (WAC 173-308-240(4)(a)(i) through (x))</p> |
| <p>Site management and access restrictions for non-exceptional quality biosolids</p> | <p>1) A description of how the applicable site management and access restrictions were met for each site on which biosolids were applied. 2) Keep these records for five years.</p> <p>Site management and access restriction requirements for each of the final use categories are listed as follows: Bulk biosolids applied to agricultural land (WAC 173-308-210(4)(b)(i) through (iii)) Bulk biosolids applied to forest land (WAC 173-308-220(4)(b)(i) through (iii)) Bulk biosolids applied to a public contact site (WAC 173-308-230(4)(b)(i) through (iii)) Bulk biosolids applied to a land reclamation site (WAC 173-308-240(4)(b)(i) through (iii))</p> |

6.2.2. Certification Statement for the Person who Applies Biosolids

6.2.2.1. Certification for the applier of bulk biosolids which meet Table 3 pollutant concentrations

If the Class B pathogen standards in one of WAC 173-308-170(3)(a), (b), or (c) were met, you must sign and keep the following certification statement:

"I certify, under penalty of law, that the site management and access restrictions in [insert WAC 173-308-210(4)(a)(i) through (x), or WAC 173-308-220(4)(a)(i) through (x), or WAC 173-308-

230(4)(a)(i) through (ix), or WAC 173-308-240(4)(a)(i) through (x), as applicable] have been met for each site on which bulk biosolids were applied. This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the site management and access restrictions have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

If the vector attraction reduction requirements in WAC 173-308-210(3)(a)(i) or (ii), WAC 173-308-220(3)(a)(i) or (ii), WAC 173-308-230(3)(a)(i) or (ii), or WAC 173-308-240(3)(a)(i) or (ii) were met, you must sign and keep the following certification statement:

"I certify, under penalty of law, that the vector attraction reduction requirement in [insert WAC 173-308-210(3)(a)(i), (WAC 173-308-210(3)(a)(ii), WAC 173-308-220(3)(a)(i), WAC 173-308-220(3)(a)(ii), WAC 173-308-230(3)(a)(i), WAC 173-308-230(3)(a)(ii), WAC 173-308-240(3)(a)(i), or WAC 173-308-240(3)(a)(ii), as applicable] has been met for each site on which biosolids were applied. This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the vector attraction reduction and site management requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

6.2.2.2. Certification statement for applicers of biosolids not meeting Table 3 pollutant concentrations

If the pollutant limits in Table 1 of WAC 173-308-160 were met, but the concentration limits in Table 3 were exceeded, you must sign and keep the following two certification statements:

"I certify, under penalty of law, that the requirement to obtain information under WAC 173-308-160(1)(b)(ii) has been met for each site on which bulk biosolids were applied. This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the requirements to obtain information have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

"I certify, under penalty of law, that the site management restrictions in [insert WAC 173-308-210(4)(b)(i) through (iii), or 173-308-220(4)(b)(i) through (iii), or WAC 173-308-230(4)(b)(i) through (iii), or WAC 173-308-240(4)(b)(i) through (iii), as applicable] were met for each site on which bulk biosolids were applied. This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the site management restrictions have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

6.3. Requirements for the person who applies domestic septage

6.3.1. Records on application information

The person who applies domestic septage must develop and maintain the following information, as applicable, for five years:

- (1) The location, by street address if applicable, a copy of the assessor's plat map(s) with the application area(s) clearly shown or the latitude and longitude of the approximate center of each land application site, and the section, township and range of each quarter section on which septage is applied;
- (2) The number of acres in each site on which septage is applied;
- (3) The date and time septage is applied to each site;
- (4) The nitrogen requirement for the crop or vegetation grown on each site during a 365 day period;
- (5) The rate, in gallons per acre per 365 day period, at which septage is applied to each site and the total number of gallons of septage applied to each site;
- (6) The source of the septage, including the name and address of the individual or business where the septage was generated. In the case of a centralized septage treatment facility, the name of the person or business who delivered the septage, the dates of delivery, and how much septage was delivered;
- (7) The class of septage as defined in WAC 173-308-080;
- (8) A description of how the pathogen requirements in either WAC 173-308-270(3)(a) or (b) were met;
- (9) A description of how the vector attraction reduction requirements in one of WAC 173-308-270(4)(a), (b), or (c) were met; and
- (10) A description of how the applicable site management and access restriction requirements in WAC 173-308-270(5) were met.

6.3.2. Certification Statement for Person who Applies Domestic Septage

The person who applies domestic septage to the land must sign and keep the following certification statement:

"I certify, under penalty of law, that the pathogen requirements in [insert either WAC 173-308-270(3)(a) or (b)], the vector attraction reduction requirements in [insert one of WAC 173-308-270(4)(a)(i), (ii), or (iii)], and the applicable site management and access restriction requirements in WAC 173-308-270(5) have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen and vector attraction reduction requirements and site management and access restrictions have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

7. Biosolids Monitoring Requirements

7.1. Biosolids Monitoring and Keeping Records of Biosolids Monitoring

- (1) You must monitor your biosolids according to the provisions of this general permit and in accordance with your individual NPDES permit or State Waste Discharge Permit, as applicable.
- (2) The department may require you to submit for approval, a plan for monitoring the quality of biosolids that is more detailed or requires monitoring beyond the minimum monitoring requirements of Section 7.2 of this permit.
- (3) Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.
- (4) Records of monitoring information must include:
 - The date, place and time of sampling or measurements;
 - The individual(s) who performed the sampling or measurements;
 - The date(s) analyses were performed;
 - The individual(s) who performed the analyses;
 - The analytical techniques or methods used; and
 - The results of the analyses.
- (5) Monitoring must be conducted according to test procedures specified in WAC 173-308-140 unless other test procedures have been specified under this permit.
- (6) You must monitor septage that has undergone alkaline stabilization in accordance with Section 15.4 of this general permit.

7.2. Frequency of biosolids monitoring

You must monitor your biosolids, at a minimum, at the frequency prescribed in Table 7.1 of this permit, but in no case less than once a year. You may be required to develop and comply with a more detailed monitoring plan according to 7.1 (2) of this permit.

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You must monitor your biosolids for the following:

- The pollutants listed in Tables 1,2,3, and 4 of WAC 173-308-160;
- The pathogen density requirements in WAC 173-308-170;
- The vector attraction reduction requirements in WAC 173-308-180;
- The concentration of nitrogen to support agronomic rate determinations.

Table 7.1 – Minimum Frequency of Biosolids Monitoring

| Dry metric tons (dry U.S. tons) per 365 day period | Frequency |
|--|--|
| Greater than zero but less than 290 (320) | once per year |
| Equal to or greater than 290 (320) but less than 1,500 (1,653) | once per quarter (four times per year) |
| Equal to or greater than 1,500 (1,653) but less than 15,000 (16,535) | once per 60 days (six times per year) |
| Equal to or greater than 15,000 (16,535) | once per month (12 times per year) |

The frequency of monitoring in Table 7.1 is based on the dry weight tonnage of bulk biosolids applied to the land per 365-day period. For biosolids that are sold or given away for application to the land, the dry weight tonnage in Table 7.1 is the amount received by the person who prepares the biosolids.

After the biosolids have been monitored for two years at or above the frequency in Table 7.1, the person who prepares the biosolids may request the department to reduce the frequency of monitoring for pollutant concentrations and for pathogen density requirements. In no case shall the frequency of monitoring be less than once per year when biosolids are applied to the land.

8. What are the standard permit conditions applicable to all permittees?

8.1. Complying with permit conditions

You must comply with all conditions of this general permit. Any noncompliance is grounds for enforcement action, for permit coverage termination, revocation and reissuance of coverage, or modification, or denial of a permit renewal application.

8.2. Complying with biosolids standards.

You must comply with all applicable requirements of Chapter 173-308 WAC.

8.3. Protecting waters of the state and agronomic rate requirement

- (1) You must apply biosolids to the land in a manner approved by the department, in accordance with Water Quality Standards for Ground Waters of the State of Washington, Chapter 173-200 WAC.
- (2) You must apply biosolids to the land at, or below agronomic rates unless the biosolids are applied to land reclamation sites or research sites according to the following:
 - (a) You may apply biosolids to land reclamation sites in excess of agronomic rates if approved by the department in a site specific land application plan according to WAC 173-308-310(6). Requirements for land application plans are listed in Section 5 of this general permit.
 - (b) You may apply biosolids to the land at greater than agronomic rates for the purposes of furthering legitimate research. The department must approve such research efforts in a site specific land application plan according to WAC 173-308-310(6). In addition, the land application plan for a research project must also include:
 - A research proposal describing the nature of the project, what may be learned, the anticipated benefits, provision for progress reports and peer review, and interpretation of results;
 - An explanation for the size of the research plot(s). Plot size must not exceed the minimum area required to support the goals of the research; and

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- A discussion of any potential adverse impacts of application rates in excess of agronomic rates, along with potential mitigation or response to adverse effects if observed.
- (3) If you prepare exceptional quality biosolids for sale or giveaway, you must provide sufficient information for the recipient to determine an agronomic rate of application.
 - (4) When required to prepare site specific land application plans and seasonal groundwater is three feet or less below the surface, you must provide a plan to protect groundwater at that site. The plan must be included in the site specific land application plan as described in Section 5.4 of this permit.
 - (5) When the potential for ground water contamination due to biosolids application exists, the department may require ground water monitoring or other conditions in accordance with WAC 173-200-080. If it is determined that an enforcement criterion may be violated, an evaluation must be conducted to demonstrate compliance with the provisions of WAC 173-200-050(3)(b)(vi).

8.4. Obtaining and providing information

- (1) If you apply bulk biosolids to the land, you must:
 - Obtain information needed to comply with the requirements of this permit;
 - Obtain written approval of the landowner prior to applying any non-exceptional quality biosolids to the land for the first time; and
 - Provide information to the landowner or leaseholder needed to comply with this permit.
- (2) If you prepare biosolids, you must provide information needed to comply with this permit to any person who receives your biosolids.

8.5. Retaining records

- (1) You must retain all records related to monitoring according to Section 7 of this general permit for a period of at least five years from the date of sample or measurement, or analysis, or longer as required by Chapter 173-308 WAC.
- (2) You must retain all records and data used to complete the application for this permit for a period of five years from the date of the application or longer as required by Chapter 173-308 WAC. This period may be extended by request of the department at any time.

8.6. Transporting biosolids

- (1) If you transport biosolids, you must ensure that the transportation vehicle is properly cleaned prior to use of the vehicle for the transportation of food crops, feed crops, or fiber crops.
- (2) You must notify the department of any biosolids spills that occur during transportation.

8.7. Storing biosolids

- (1) You must store biosolids in accordance with provisions of this permit, including provisions in a land application plan approved as a condition of coverage under this general permit.
- (2) You must prevent biosolids from being stored in a manner that would be likely to result in the contamination of ground water or surface water, air, and/or land under current conditions or in the case of fire or flood.
- (3) Facilities storing liquid biosolids in surface impoundments must meet the requirements of WAC 173-304-430 and other applicable sections of Chapter 173-304 WAC, Minimum Functional Standards for Solid Waste Handling, that apply to the design, construction, and operation of surface impoundments.

8.8. Violation penalties

- (1) The department, with the assistance of the attorney general, may bring action at law or in equity, including an action for injunctive relief, to enforce this permit.
- (2) If you willfully violate any of the provisions of this permit, you are guilty of a gross misdemeanor. Willful violation of this permit or orders issued pursuant to Chapter 70.95J RCW is a gross misdemeanor punishable by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment for up to one year, or by both. Each day of violation may be deemed a separate violation.
- (3) If you violate this permit, you are subject to a penalty of up to five thousand dollars a day for each violation. Each violation is a separate violation. In the case of a continuing violation, each day of violation is a separate violation. An act of commission or omission that procures, aids, or abets in the violation is considered a violation under this section.

8.9. Need to halt or reduce activity not a defense.

It is not a defense for a permit holder in an enforcement action to argue that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

8.10. Mitigating any adverse affects

You must take all reasonable steps to minimize or prevent biosolids use or disposal that may adversely affect human health or the environment.

8.11. Operating and maintaining facilities

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which you install or use to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that you install only when the operation is necessary to achieve compliance with the conditions of the permit.

8.12. Permit actions

The department may modify, revoke and reissue, or terminate coverage under this permit for cause.

Permit conditions remain in effect even if you do either or both of the following:

- File a request to modify, revoke and reissue, or terminate coverage under this permit;
- Notify the department of planned changes or anticipated noncompliance.

8.13. Providing information to the department

You must furnish to the department any information that the department may request to determine the following:

- Whether cause exists for modifying, revoking and reissuing, or terminating coverage under this permit; and
- Compliance with this permit.

You must also furnish to the department, upon request, copies of records you are required to keep.

8.14. Inspection and entry

You must allow the department, an authorized representative or a U.S. Environmental Protection Agency representative, upon the presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, during normal business hours, any records that must be kept under the conditions of this permit;
- (3) Inspect during normal business hours any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
- (4) Sample or monitor during normal business hours, for the purposes of assuring permit compliance or as otherwise authorized by state law, Chapter 70.95J RCW and the Clean Water Act, any substances, parameters or practices at any location.

8.15. Monitoring and records

You must monitor and report monitoring results as specified elsewhere in this permit and in accordance with your NPDES permit or State Waste Discharge Permit, if applicable. Monitoring, reporting monitoring results, and sampling requirements are listed in Section 7 of this general permit.

8.16. Signatory requirements

- (1) All applications, notices of intent, reports, or information submitted to the department must be signed and certified according to WAC 173-308-310(8).
- (2) It is a violation of this permit for any person to make a false certification or other false statement required in this permit or to make such certification or statement under false pretense.

8.17. Notice requirements

- (1) Planned changes. You must notify the department as soon as possible of any planned physical alterations or additions to the permitted facility. You must notify the department of significant changes in your biosolids management practices.

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- (2) Anticipated noncompliance. You must give advance notice to the department of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
- (3) Transfers. This permit is not transferable to any person except as provided in WAC 173-308-310(20).
- (4) Other noncompliance reporting. You must report all instances of noncompliance. Reports of noncompliance must be submitted with your next self-monitoring report or earlier, if requested by the department or if required by an applicable standard for biosolids management or condition of this permit.
- (5) Other information. Where you become aware that you failed to submit any relevant facts in a permit application or you submitted incorrect information in a permit application or in any report to the department, you must promptly submit such facts or information.

8.18. Modifying or revoking and reissuing this permit

- (1) The department may modify or revoke and reissue this permit during its term to conform to the standards for biosolids management established under Chapter 173-308 WAC if:
 - A new standard for biosolids management is established under Chapter 173-308 WAC before the expiration of this permit; and
 - That new standard is more stringent than the pollutant limits or management practices authorized in this permit, or that new standard controls a pollutant or practice not limited in this permit; or
 - There is a need to assure compliance with Chapter 173-308 WAC.
- (2) Whether or not this permit has been modified or revoked and reissued, you must comply with applicable standards for biosolids management by the compliance deadline specified in Chapter 173-308 WAC.

8.18.1. Causes for modifying coverage under this permit

The department may modify coverage under this permit to conform to the standards for biosolids management established under Chapter 173-308 WAC if any of the following causes exist:

- (1) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different from or absent in the existing permit.
- (2) Information. The department has received new information that was not available at the time your facility was granted coverage under this permit

- (3) New regulations. New regulations have been promulgated or the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued.
- (4) Compliance schedules. The department determines good cause exists for modification of a compliance schedule, such as an Act of God, strike, flood, or materials shortage or other events over which the permit holder has little or no control and for which there is no reasonable available remedy. However, in no case may a compliance schedule be modified to extend beyond an applicable Clean Water Act statutory deadline.
- (5) Land application plans. When required by a permit condition to incorporate a general land application plan for beneficial use of biosolids, to revise an existing general land application plan, or to add a general land application plan.
- (6) Cause exists for termination under WAC 173-308-310(22) and the department determines that modifying the permit is appropriate.
- (7) The department has received notification of a proposed transfer of the permit.

8.18.2. Modifying coverage under this permit

- (1) The department may determine whether cause for modifying your coverage under this permit exists upon receiving any information from sources including, but not limited to the following:
 - Inspection of a facility;
 - Receipt of information you submit as required in this permit;
 - Receipt of a request for modification or revocation and reissuance;
 - Review of the permit file.
- (2) If cause for modification exists, the department may modify conditions for coverage under this permit and request an updated application if necessary.
- (3) When conditions for coverage under this permit are modified, only the conditions subject to modification are reopened.
- (4) If cause does not exist under Section 8.18.1, the department will not modify coverage under this permit.
- (5) When coverage under this permit is modified, you must comply with the following for the reopened conditions:
 - The public notice requirements of WAC 173-308-310(11); and
 - If required, the public hearing requirements of WAC 173-308-310(12).

8.18.3. Causes for revoking and reissuing coverage under this permit

The department may modify or revoke and reissue your coverage under this permit, during the term of coverage, to conform to the standards for biosolids use established under WAC 173-308 if any of the following causes exist:

- (1) Cause exists for termination under WAC 173-308-310(22) and the department determines that revoking and reissuing the permit is appropriate; or
- (2) The department has received notification of a proposed transfer of the permit.

8.18.4. Revoking and reissuing coverage under this permit

- (1) The department may determine whether cause for revoking and reissuing coverage under this permit exists upon receiving any information from sources including, but not limited to the following:
 - Inspection of a facility;
 - Receipt of information you submit as required in the permit;
 - Receipt of a request for modification or revocation and reissuance; or
 - Review of the permit file.
- (2) If cause for revoking and reissuing exists, the department may revoke and reissue conditions for coverage under this permit and request an updated application if necessary.
- (3) If authorization for coverage under this general permit is revoked and reissued, the entire consideration of coverage under this general permit is reopened and subject to revision, and the coverage may be reissued for a new term.
- (4) If cause does not exist under Section 8.18.3, the department will not modify coverage under this permit.
- (5) When coverage under this permit is revoked and reissued, you must comply with the following for the reissued permit:
 - The public notice requirements of WAC 173-308-310(11); and
 - If required, the public hearing requirements of WAC 173-308-310(12).

8.19. Duty to reapply

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply at least 180 days in advance and obtain coverage under a new general permit or individual permit.

8.20. Renewal Coverage

- (1) If you have made timely and sufficient application for the renewal of coverage under a general permit, your expiring permit remains in effect and enforceable until:
 - The application has been denied;
 - A replacement permit has been issued by the department; or
 - The expired permit has been canceled by the department.
- (2) If you have been previously covered under this general permit, you are automatically covered under a new general permit issued by the department when you reapply in accordance with WAC 173-308-310(4)(i). This automatic coverage under a new permit is only applicable if no significant change in biosolids management practices will be effected under the new permit.
- (3) If you fail to submit a timely and sufficient application for coverage or notice of intent under a new general permit, your coverage under this general permit will cease on the expiration date of this general permit.

8.21. Appeals

In accordance with RCW 43.21B.310, the terms and conditions of the general permit for biosolids management may be appealed only by filing an appeal with the Pollution Control Hearings Board, PO Box 40903, Olympia, WA 98504-0903, and by serving it upon the Department of Ecology before May 15, 1998. Additional or more stringent requirements imposed on specific facilities or application sites after receipt of a permit application by the department may be similarly appealed within thirty days of notice by the department. Appellants must identify the statewide general permit for biosolids management effective May 15, 1998 as the subject of their appeal, and if appropriate any plan or other element required under the permit if it is the subject of the appeal. The appeal must contain the appellant's name and address; a clear, separate, and concise statement of every error alleged to have been committed; a clear and concise statement of facts upon which the requester relies to sustain his or her settlements of error; and a statement setting forth the relief sought.

9. What are the special permit conditions for bulk biosolids applied to agricultural land?

9.1. What is agricultural land?

Agricultural land, as defined in WAC 173-308(080), is land on which a food crop, feed crop, or fiber crop is grown. This includes range land and land used as pasture.

9.2. Agronomic rate

Bulk biosolids applied to agricultural land must be applied at agronomic rates, except as allowed in Section 8.4 of this general permit.

9.3. Pollutant concentrations

Bulk biosolids applied to agricultural land must meet the ceiling concentrations in Table 1 of WAC 173-308-160.

In addition, bulk biosolids applied to agricultural land must either:

- Meet the pollutant concentration limits in Table 3 of WAC 173-308-160; or
- Be applied at a rate that will not exceed the total cumulative loading rate for each pollutant in Table 2 of WAC 173-308-160.

Pollutant concentrations are listed in Tables 1-4 of WAC 173-308 and appear in Appendix 1 of this general permit.

9.4. Pathogens

Bulk biosolids applied to agricultural land must be either:

- Class A for pathogens; or
- Class B for pathogens and all site management and access restrictions in WAC 173-308-210(4) must be met. Site management and access restrictions for Class B biosolids applied to agricultural lands are listed in Section 9.6 of this general permit.

For biosolids to be classified Class A for pathogens, the requirements in one of WAC 173-308-170(2)(a) through (f) must be met.

For biosolids to be classified Class B for pathogens, the requirements in one of WAC 173-308-170(3)(a) through (c) must be met.

9.5. Vector attraction reduction

Bulk biosolids applied to agricultural land must either:

- Meet vector attraction reduction before application to the land according to one of the alternatives in WAC 173-308-180(2) through (7); or
- Be managed to reduce vector attraction in the field by injection or incorporation.

9.5.1. Injection

- (1) No significant amount of the biosolids is allowed on the surface of the land within one hour after the biosolids are injected.
- (2) When the biosolids are Class A for pathogens, the biosolids must be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

9.5.2. Incorporation

- (1) Biosolids must be incorporated into the soil within six hours after application to the land.
- (2) When biosolids are Class A for pathogens, the biosolids must be applied to the land within eight hours after being discharged from the pathogen treatment process.

9.6. Site management and access restrictions for Class B biosolids

The site management and access restrictions in this section are applicable to biosolids that are Class B for pathogens when they are applied to the land.

9.6.1. Crop harvest waiting periods

When bulk biosolids are applied to agricultural land, harvest must be restricted according to the following waiting periods from time of application to time of harvest.

| Harvested part of plant comes into contact with biosolids? | Part of plant harvested: | Biosolids remain on soil surface: | Waiting period from biosolids application to harvest: |
|--|--------------------------|-----------------------------------|---|
| yes | leaf/fruit/grain | no time specified | 14 months |
| yes | root | more than 120 days | 20 months |
| yes | root | less than 120 days | 38 months |
| not applicable | fiber/ forage | no time specified | 30 days |
| no | leaf/fruit/grain/ | no time specified | 30 days |

9.6.2. Restrictions for turf production

Turf grown on land where biosolids are applied must not be harvested sooner than one year after application of the biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by the department.

9.6.3. Restrictions for livestock grazing

Livestock must not be allowed to graze on land for 30 days after application of biosolids.

9.6.4. Restrictions for public access

Public access to land with a high potential for public exposure must be restricted for one year after application of biosolids.

Public access to land with a low potential for public exposure must be restricted for thirty days after application of biosolids.

9.6.5. Signs posted for access restriction

Unless otherwise authorized in a site specific land application plan according to Section 5.4, signs must be posted around the application site at all significant points of access, and otherwise around the perimeter so that they can be noticed and read by a reasonably observant person.

Signs must contain at least the following information:

- Name, address and phone number of the generator, and if different, the person who applies;
- Name, address and phone number of the regulatory and permitting authority;
- The material that is being applied (biosolids or a more detailed description);
- A notice that access is restricted, and if desired, the date after which access is no longer restricted; and
- If applicable, a notice on limitations regarding the harvest of edible plants from the site.

No trespassing signs may be substituted for the above information with the consent of the department.

9.6.6. Buffers from wells

Biosolids must not be applied to the land within one hundred feet of a well, unless authorized by an approved site specific land application plan.

9.7. *Site management restrictions for biosolids not meeting Exceptional Quality standards(due to pollutants, pathogens or vector attraction)*

The site management restrictions in this section must be followed when bulk biosolids, which do not meet the exceptional quality standards, are applied to agricultural land.

- (1) Bulk biosolids must not be applied to land that is 10 meters or less from surface waters of the state unless otherwise specified by the department. In some cases, 10 meters may not provide sufficient buffer to surface waters of the state. The need for a different width of buffer should be evaluated on a case-by-case basis, and established in site specific land application plans.
- (2) Bulk biosolids must not be applied to the land so that they enter a wetland or waters of the state, unless approved as a special condition of this permit or another permit issued by the department or issued by EPA with the approval of the department.
- (3) Bulk biosolids must not be applied to the land if they are likely to adversely affect a threatened or endangered species listed under WAC 232-12-011 or WAC 232-12-014 or its critical habitat.

9.8. Record Keeping

The person who prepares biosolids and the person who applies biosolids to agricultural land must keep the records required in Section 6 of this permit.

9.9. Reporting

You must submit information for the preceding calendar year to the department by March 1 of each year if your facility is:

- A Class I biosolids management facility; or
- A publicly owned treatment works with a design flow rate equal to or greater than 1 million gallons per day; or
- A publicly owned treatment works that serve 10,000 people or more.

You must submit the following:

- All applicable information required under WAC 173-308-290(2),(3), and (4); and
- The information in WAC 173-308-290(4)(c)(i) through (iv) and WAC 173-308-290(4)(d) and (4)(d)(i), when 90 percent or more of any of the cumulative pollutant loading rates in Table 2 of WAC 173-308-160 have been reached.

Any other applicable facilities, which are not required to submit an annual report, must submit information as requested by the department in writing.

10. What are the special permit conditions for bulk biosolids applied to forestland?

10.1. What is forestland?

A forest, as defined in WAC 173-308-080, is an area of land that is managed for the production of timber or other forest products, or for benefits such as recreation and watershed protection, and that is or will be dominated by trees under the current system of management. For the purposes of this permit, other areas of land that are not regulated as agricultural land, public contact sites, land reclamation sites, or lawns and home gardens are considered forestland.

10.2. Agronomic rate

Bulk biosolids applied to forestland must be applied at agronomic rates, except as allowed in Section 8.4 of this permit.

10.3. Pollutant concentrations

Bulk biosolids applied to forestland must meet the ceiling concentrations in Table 1 of WAC 173-308-160.

In addition, bulk biosolids applied to forestland must **either**:

- Meet the pollutant concentration limits in Table 3 of WAC 173-308-160; or
- Be applied at a rate that will not cause the total cumulative loading rate for each pollutant to exceed the concentrations in Table 2 of WAC 173-308-160.

Pollutant concentrations are listed in Tables 1-4 of WAC 173-308 and appear in Appendix 1 of this general permit.

10.4. Pathogens

Bulk biosolids applied to forestland must be either:

- Class A for pathogens; or
- Class B for pathogens and all site management and access restrictions in WAC 173-308-220(4) must be met. Site management and access restrictions for Class B biosolids applied to forestlands are listed in Section 10.6 of this general permit.

For biosolids to be classified Class A for pathogens, the requirements in one of WAC 173-308-170(2)(a) through (f) must be met.

For biosolids to be classified Class B for pathogens, the requirements in one of WAC 173-308-170(3)(a) through (c) must be met.

10.5. Vector attraction reduction

Bulk biosolids applied to forestland must either:

- Meet vector attraction reduction before application to the land according to one of the methods in WAC 173-308-180(2) through (7); or
- Be managed to reduce vector attraction in the field by injection or incorporation.

10.5.1. Injection

- (1) No significant amount of the biosolids is allowed on the surface of the land within one hour after the biosolids are injected.
- (2) When the biosolids are Class A for pathogens, the biosolids must be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

10.5.2. Incorporation

- (1) Biosolids must be incorporated into the soil within six hours after application to the land.
- (2) When biosolids are Class A for pathogens, the biosolids must be applied to the land within eight hours after being discharged from the pathogen treatment process.

10.6. Site management and access restrictions for Class B biosolids

The site management and access restrictions in this section are applicable to biosolids that are Class B for pathogens when they are applied to the land.

| Harvested part of plant comes into contact with biosolids? | Part of plant harvested: | Biosolids remain on soil surface: | Waiting period from biosolids application to harvest: |
|--|--------------------------|-----------------------------------|---|
| yes | leaf/fruit/grain | no time specified | 14 months |
| yes | root | more than 120 days | 20 months |
| yes | root | less than 120 days | 38 months |
| not applicable | fiber/ forage | no time specified | 30 days |
| no | leaf/fruit/grain/ | no time specified | 30 days |

10.6.1. Restrictions for livestock grazing

Livestock must not be allowed to graze on land for 30 days after application of biosolids.

10.6.2. Restrictions for public access

Public access to land with a high potential for public exposure must be restricted for one year after application of biosolids.

Public access to land with a low potential for public exposure must be restricted for thirty days after application of biosolids.

10.6.3. Signs posted for access restriction

Unless otherwise authorized in a site specific land application plan according to Section 5.4, signs ~~must~~ be posted around the application site at all significant points of access, and otherwise around the perimeter so that they can be noticed and read by a reasonably observant person.

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Signs must contain at least the following information:

- Name, address and phone number of the generator, and if different, the person who applies;;
- Name, address and phone number of the regulatory and permitting authority;
- The material that is being applied (biosolids or a more detailed description); and
- A notice that access is restricted, and if desired, the date after which access is no longer restricted.

No trespassing signs may be substituted for the above information with the consent of the department.

10.6.4. Buffers from wells

Biosolids must not be applied to the land within one hundred feet of a well, unless authorized by an approved site specific land application plan.

10.7. Site management restrictions for biosolids not meeting Exceptional Quality standards (due to pollutants, pathogens or vector attraction)

The site management restrictions in this section must be followed when bulk biosolids, which do not meet the exceptional quality standards, are applied to forestland.

- (1) Bulk biosolids must not be applied to land that is 10 meters or less from surface waters of the state unless otherwise specified by the department. In some cases, 10 meters may not provide sufficient buffer to surface waters of the state. The need for a different width of buffer should be evaluated on a case-by-case basis, and established in site specific land application plans.
- (2) Bulk biosolids must not be applied to the land so that they enter a wetland or waters of the state, unless approved as a special condition of this permit or another permit issued by the department or issued by EPA with the approval of the department).
- (3) Bulk biosolids must not be applied to the land if they are likely to adversely affect a threatened or endangered species listed under WAC 232-12-011 or WAC 232-12-014 or its critical habitat.

10.8. Record Keeping

The person who prepares biosolids and the person who applies biosolids to forestland must keep the records required in Section 6 of this permit.

10.9. Reporting

You must submit information for the preceding calendar year to the department by March 1 of each year if your facility is:

- A Class I biosolids management facility; or
- A publicly owned treatment works with a design flow rate equal to or greater than 1 million gallons per day; or
- A publicly owned treatment works that serve 10,000 people or more.

You must submit the following:

- All applicable information required under WAC 173-308-290(2),(3), and (4); and
- The information in WAC 173-308-290(4)(c)(i) through (iv) and WAC 173-308-290(4)(d) and (4)(d)(i), when 90 percent or more of any of the cumulative pollutant loading rates in Table 2 of WAC 173-308-160 have been reached.

Any other applicable facilities, which are not required to submit an annual report, must submit information as requested by the department in writing.

11. What are the special permit conditions for bulk biosolids applied to public contact sites?

11.1. What is a public contact site?

A public contact site, as defined in WAC 173-308-080, is land with a high potential for contact by the public. This includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

11.2. Agronomic rate

Bulk biosolids applied to public contact sites must be applied at agronomic rates except as allowed in Section 8.4 of this general permit.

11.3. Pollutant concentrations

Bulk biosolids applied to public contact sites must meet the ceiling concentrations in Table 1 of WAC 173-308-160.

In addition, bulk biosolids applied to public contact sites must either:

- Meet the pollutant concentration limits in Table 3 of WAC 173-308-160; or
- Be applied at a rate that will not exceed the total cumulative loading rate for each pollutant in Table 2 of WAC 173-308-160.

Pollutant concentrations are listed in Tables 1-4 of WAC 173-308 and appear in Appendix 1 of this general permit.

11.4. Pathogens

Bulk biosolids applied to public contact sites must be either:

- Class A for pathogens; or
- Class B for pathogens and all site management and access restrictions in WAC 173-308-230(4) must be met. Site management and access restrictions for Class B biosolids applied to public contact sites are listed in Section 11.6 of this general permit.

For biosolids to be classified Class A for pathogens, the requirements in one of WAC 173-308-170(2)(a) through (f) must be met.

For biosolids to be classified Class B for pathogens, the requirements in one of WAC 173-308-170(3)(a) through (c) must be met.

11.5. Vector attraction reduction

Bulk biosolids applied to public contact sites must either:

- Meet vector attraction reduction before application to the land according to one of the methods in WAC 173-308-180(2) through (7); or
- Be managed to reduce vector attraction in the field by injection or incorporation.

11.5.1. Injection

- (1) No significant amount of the biosolids is allowed on the surface of the land within one hour after the biosolids are injected.
- (2) When the biosolids are Class A for pathogens, the biosolids must be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

11.5.2. Incorporation

- (1) Biosolids must be incorporated into the soil within six hours after application to the land.
- (2) When biosolids are Class A for pathogens, the biosolids must be applied to the land within eight hours after being discharged from the pathogen treatment process.

11.6. Site management and access restrictions for Class B biosolids

The site management and access restrictions in this section are applicable to biosolids that are Class B for pathogens when they are applied to the land.

11.6.1. Crop harvest waiting periods

When bulk biosolids are applied to public contact sites, harvest must be restricted according to the following waiting periods from time of application to time of harvest.

| Does harvested part of plant come into contact with biosolids? | Part of plant harvested: | Biosolids remain on soil surface: | Waiting period from biosolids application to harvest: |
|--|--------------------------|-----------------------------------|---|
| yes | leaf/fruit/grain | no time specified | 14 months |
| yes | root | more than 120 days | 20 months |
| yes | root | less than 120 days | 38 months |
| not applicable | fiber/ forage | no time specified | 30 days |
| no | leaf/fruit/grain/ | no time specified | 30 days |

11.6.2. Restrictions for turf production

Turf grown on land where biosolids are applied must not be harvested sooner than one year after application of the biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by the department.

11.6.3. Restrictions for livestock grazing

Livestock must not be allowed to graze on land for 30 days after application of biosolids.

11.6.4. Restrictions for public access

Public access to land with a high potential for public exposure must be restricted for one year after application of biosolids.

11.6.5. Signs posted for access restriction

Unless otherwise authorized in a site specific land application plan according to Section 5.4, signs must be posted around the application site at all significant points of access, and otherwise around the perimeter so that they can be noticed and read by a reasonably observant person.

Signs must contain at least the following information:

- Name, address and phone number of the generator or if applicable, the applier;
- Name, address and phone number of the regulatory and permitting authority;
- The material that is being applied (biosolids or a more detailed description);
- A notice that access is restricted, and if desired, the date after which access is no longer restricted; and
- If applicable, a notice on limitations regarding the harvest of edible plants from the site.

No trespassing signs may be substituted for the above information with the consent of the department.

11.6.6. Buffers from wells

Biosolids must not be applied to the land within one hundred feet of a well, unless authorized by an approved site specific land application plan.

11.7. Site management restrictions for biosolids not meeting Exceptional Quality standards (due to pollutants, pathogens or vector attraction)

The site management restrictions in this section must be followed when bulk biosolids, which do not meet the exceptional quality standards, are applied to public contact sites.

- (1) Bulk biosolids must not be applied to land that is 10 meters or less from surface waters of the state unless otherwise specified by the department. In some cases, 10 meters may not provide sufficient buffer to surface waters of the state. The need for a different width of buffer should be evaluated on a case-by-case basis, and established in site specific land application plans.
- (2) Bulk biosolids must not be applied to the land so that they enter a wetland or waters of the state, unless approved as a special condition in this permit or in another permit issued by the department or issued by EPA with the approval of the department.
- (3) *Bulk biosolids must not be applied to the land if they are likely to adversely affect a threatened or endangered species listed under WAC 232-12-011 or WAC 232-12-014 or its critical habitat.*

11.8. Record Keeping

The person who prepares biosolids and the person who applies biosolids to public contact sites must keep the records required in Section 6 of this permit.

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11.9. Reporting

You must submit information for the preceding calendar year to the department by March 1 of each year if your facility is:

- A Class I biosolids management facility; or
- A publicly owned treatment works with a design flow rate equal to or greater than 1 million gallons per day; or
- A publicly owned treatment works that serve 10,000 people or more.

You must submit the following:

- All applicable information required under WAC 173-308-290(2),(3), and (4); and
- The information in WAC 173-308-290(4)(c)(i) through (iv) and WAC 173-308-290(4)(d) and (4)(d)(i), when 90 percent or more of any of the cumulative pollutant loading rates in Table 2 of WAC 173-308-160 have been reached.

Any other applicable facilities, which are not required to submit an annual report, must submit information as requested by the department in writing.

12. What are the special permit conditions for bulk biosolids applied to a land reclamation site?

12.1. What is a land reclamation site?

A reclamation site, as defined in WAC 173-308-080, is drastically disturbed land that is reclaimed using biosolids. This includes, but is not limited to, strip mines and construction sites.

12.2. Applications exceeding agronomic rates

Biosolids applied to land reclamation sites may be applied in excess of agronomic rates if approved by the department in a site specific land application plan authorized under Section 5.4 of this permit (see also Section 8.4).

12.3. Pollutant concentrations

Bulk biosolids applied to land reclamation sites must meet the ceiling concentrations in Table 1 of WAC 173-308-160.

In addition, bulk biosolids applied to land reclamation sites must either:

- Meet the pollutant concentration limits in Table 3 of WAC 173-308-160; or
- Be applied at a rate that will not exceed the total cumulative loading rate for each pollutant in Table 2 of WAC 173-308-160.

Pollutant concentrations are listed in Tables 1-4 of WAC 173-308 and appear in Appendix 1 of this general permit.

12.4. Pathogens

Bulk biosolids applied to land reclamation sites must be either:

- Class A for pathogens; or
- Class B for pathogens and all site management and access restrictions in WAC 173-308-240(4) must be met. Site management and access restrictions for Class B biosolids applied to land reclamation sites are listed in Section 12.6 of this general permit.

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For biosolids to be classified Class A for pathogens, the requirements in one of WAC 173-308-170(2)(a) through (f) must be met.

For biosolids to be classified Class B for pathogens, the requirements in one of WAC 173-308-170(3)(a) through (c) must be met.

12.5. Vector attraction reduction

Bulk biosolids applied to land reclamation sites must either:

- Meet vector attraction reduction before application to the land according to one of the methods in WAC 173-308-180(2) through (7); or
- Be managed to reduce vector attraction in the field by injection or incorporation.

12.5.1. Injection

- (1) No significant amount of the biosolids is allowed on the surface of the land within one hour after the biosolids are injected.
- (2) When the biosolids are Class A for pathogens, the biosolids must be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

12.5.2. Incorporation

- (1) Biosolids must be incorporated into the soil within six hours after application to the land.
- (2) When biosolids are Class A for pathogens, the biosolids must be applied to the land within eight hours after being discharged from the pathogen treatment process.

12.6. Site management and access restrictions for Class B biosolids

The site management and access restrictions in this section are applicable to biosolids that are Class B for pathogens when they are applied to the land.

12.6.1. Crop harvest waiting periods

When bulk biosolids are applied to land reclamation sites, harvest must be restricted according to the following waiting periods from time of application to time of harvest.

| Does harvested part of plant come into contact with biosolids? | Part of plant harvested: | Biosolids remain on soil surface: | Waiting period from biosolids application to harvest: |
|--|--------------------------|-----------------------------------|---|
| yes | leaf/fruit/grain | no time specified | 14 months |
| yes | root | more than 120 days | 20 months |
| yes | root | less than 120 days | 38 months |
| not applicable | fiber/ forage | no time specified | 30 days |
| no | leaf/fruit/grain/ | no time specified | 30 days |

12.6.2. Restrictions for turf production

Turf grown on land where biosolids are applied must not be harvested sooner than one year after application of the biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by the department.

12.6.3. Restrictions for livestock grazing

Livestock must not be allowed to graze on land for 30 days after application of biosolids.

12.6.4. Restrictions for public access

Public access to land with a high potential for public exposure must be restricted for one year after application of biosolids.

Public access to land with a low potential for public exposure must be restricted for thirty days after application of biosolids.

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12.6.5. Signs posted for access restriction

Unless otherwise authorized in a site specific land application plan according to Section 5.4, signs must be posted around the application site at all significant points of access, and otherwise around the perimeter so that they can be noticed and read by a reasonably observant person.

Signs must contain at least the following information:

- Name, address and phone number of the generator and if different, the applier ;
- Name, address and phone number of the regulatory and permitting authority;
- The material that is being applied (biosolids or a more detailed description);
- A notice that access is restricted, and if desired, the date after which access is no longer restricted;
- If applicable, a notice on limitations regarding the harvest of edible plants from the site.

No trespassing signs may be substituted for the above information with the consent of the department.

12.6.6. Buffers from wells

Biosolids must not be applied to the land within one hundred feet of a well, unless authorized by an approved site specific land application plan.

**12.7. Site management restrictions for biosolids not meeting
Exceptional Quality standards (due to pollutants, pathogens
or vector attraction)**

The site management restrictions in this section must be followed when bulk biosolids, which do not meet the exceptional quality standards, are applied to public contact sites.

- (1) Bulk biosolids must not be applied to land that is 10 meters or less from surface waters of the state unless otherwise specified by the department. In some cases, 10 meters may not provide sufficient buffer to surface waters of the state. The need for a different width of buffer should be evaluated on a case-by-case basis, and established in site specific land application plans.
- (2) Bulk biosolids must not be applied to the land so that they enter a wetland or waters of the state, unless approved as a special condition under this permit or another permit issued by the department, or issued by EPA with the approval of the department.
- (3) Bulk biosolids must not be applied to the land if they are likely to adversely affect a threatened or endangered species listed under WAC 232-12-011 or WAC 232-12-014 or its critical habitat.

12.8. Record Keeping

The person who prepares biosolids and the person who applies biosolids to land reclamation sites must keep the records required in Section 6 of this permit.

12.9. Reporting

You must submit information for the preceding calendar year to the department by March 1 of each year if your facility is:

- A Class I biosolids management facility; or
- A publicly owned treatment works with a design flow rate equal to or greater than 1 million gallons per day; or
- A publicly owned treatment works that serve 10,000 people or more.

You must submit the following:

- All applicable information required under WAC 173-308-290(2),(3), and (4);
- The information in WAC 173-308-290(4)(c)(i) through (iv) and WAC 173-308-290(4)(d) and (4)(d)(i), when 90 percent or more of any of the cumulative pollutant loading rates in Table 2 of WAC 173-308-160 have been reached.

Any other applicable facilities, which are not required to submit an annual report, must submit information as requested by the department in writing.

13. What are the special permit conditions for bulk biosolids applied to lawns or home gardens?

13.1. Requirement for exceptional quality biosolids

All bulk biosolids and bulk products derived from biosolids that are applied to lawns or home gardens must meet the requirements for exceptional quality biosolids. Requirements for biosolids classified as exceptional quality are listed in Section 1.2 of this permit.

13.2. Record Keeping

The person who prepares biosolids and the person who applies bulk biosolids to lawns or home gardens must keep the records required in WAC 173-308-290. Record keeping requirements are listed in Section 6 of this general permit.

13.3. Reporting

You must submit information for the preceding calendar year to the department by March 1 of each year if your facility is:

- A Class I biosolids management facility; or
- A publicly owned treatment works with a design flow rate equal to or greater than 1 million gallons per day; or
- A publicly owned treatment works that serve 10,000 people or more.

You must submit the following:

- All applicable information required under WAC 173-308-290(2), (3), and (4).

Any other applicable facilities that are not required to submit an annual report, must submit information as requested by the department in writing.

14. What are the special permit conditions for biosolids sold or given away in bags or other containers?

All biosolids or products derived from biosolids sold or given away in bags or other containers must meet the requirements in this section.

14.1. Pollutant concentrations

Biosolids or biosolids products sold or given away in bags or other containers must meet pollutant concentration limits in Table 1 of WAC 173-308.

In addition, biosolids or biosolids products sold or given away in bags or other containers must either:

- Meet the pollutant concentrations in Table 3 of WAC 173-308-160; or
- The mathematical product of the concentration of each pollutant in the biosolids and the annual whole biosolids application rate for the biosolids must not cause the annual pollutant loading rate for the pollutant in Table 4 of WAC 173-308-160 to be exceeded.

Procedures to determine the annual whole biosolids application rate are presented in Appendix A of Chapter 173-308 WAC.

The annual whole biosolids application rate as calculated above, or the recommended agronomic rate, whichever is less, must be included on the label or information sheet required in Section 14.4 below.

14.2. Pathogens

Biosolids or biosolids products sold or given away in bags or other containers must be Class A for pathogens.

Alternatives for pathogen reduction requirements are listed in WAC 173-308-170(2)(a) through (f).

14.3. Vector attraction reduction

Biosolids or biosolids products sold or given away in bags or other containers must meet vector attraction reduction before application to the land. Alternatives for meeting vector attraction are set forth in WAC 173-308-180(2) through (7).

14.4. Labeling requirements

Biosolids that are sold or given away in bags or other containers must have a label or accompanying information sheet. This requirement applies to biosolids products prepared or derived from biosolids that do not meet exceptional quality standards. The label or information sheet must contain the following information:

- (1) The name, address, and phone number of the person who prepared the biosolids;
- (2) A statement or information indicating that:
 - The product complies with applicable regulations for biosolids; or
 - The product has been prepared to meet standards that make it safe for its intended use when used in accordance with the directions provided by the manufacturer.
- (3) A statement or information that encourages proper use of the product and protection of public health and the environment. This may include information on agronomic rates, product storage, hygiene, and protection of surface or ground water resources.
- (4) Agronomic rates for typical applications or guidance on how to determine the agronomic rate of application;
- (5) A statement or information indicating that the product contains or is derived from biosolids;
- (6) Any additional information needed to facilitate safe use of the product.
- (7) The annual whole biosolids application rate when the pollutant limits in Table 3 of WAC 173-308-160 are exceeded, or the agronomic rate, whichever is less.

14.5. Record Keeping

The person who prepares the biosolids before they are sold or given away in a bag or other container for application to the land must keep the records required in WAC 173-308-290. Record keeping requirements are listed in this permit in Section 6.

14.6. Reporting

You must submit information for the preceding calendar year to the department by March 1 of each year if your facility is:

- A Class I biosolids management facility; or
- A publicly owned treatment works with a design flow rate equal to or greater than 1 million gallons per day; or
- A publicly owned treatment works that serve 10,000 people or more.

You must submit the following:

- All applicable information required under WAC 173-308-290(2), and (5).

Any other applicable facilities that are not required to submit an annual report, must submit information as requested by the department in writing.

15. What are the special permit conditions for domestic septage management?

Domestic septage may only be applied to non-public contact sites (agricultural land, forests, and reclamation sites). Septage applied to any other sites must be managed as biosolids under one or more of the other categories in this permit.

Domestic septage may not be applied to a public contact site, a lawn, or a home garden, unless it is managed as biosolids originating from municipal sewage sludge.

Domestic septage applied to non-public contact sites must meet the pathogen reduction and vector attraction reduction requirements in one of two ways:

- Management Option 1 - No additional treatment prior to application, or
- Management Option 2 - pH adjustment.

Requirements for each of these options are listed in Sections 15.3, and 15.4 of this general permit, respectively.

15.1. Domestic septage defined

Domestic septage must be classified as Class I, Class II, or Class III septage before application to the land.

15.1.1. Domestic septage - Class I

Class I domestic septage is liquid or solid material removed from domestic septic tanks, cesspools, or similar treatment works that receive only domestic sewage, and that has had a sufficiently (b) residency time to be considered largely stabilized. For the purposes of managing mixed loads or batches of septage, a load or batch may be considered Class I if it does not exceed twenty-five percent by volume of Class II domestic septage or twenty-five percent by volume of restaurant grease trap waste, unless otherwise approved by the department.

15.1.2. Domestic septage - Class II

Class II domestic septage is liquid or solid material removed from portable toilets, type III marine sanitation devices, vault toilets, pit toilets, recreational vehicle holding tanks, or other similar holding systems which receive only domestic sewage.

15.1.3. Domestic septage Class III

Class III domestic septage is liquid or solid material removed from domestic septic tanks, cesspools, or similar treatment works which receive commercial or industrial sewage, but which the department has determined to be domestic in quality under WAC 173-308-020(3)(g)(i).

15.2. Screening requirement

Domestic septage that is applied to the land must be treated by a process such as physical screening or grinding or another approved method must be employed to significantly remove or reduce recognizable materials when septage is applied to the land.

15.3. Management Option 1-No additional treatment prior to application

- (1) You must comply with all the requirements in Section 15.3, Management Option 1, if you are land applying domestic septage that has not met the alkaline stabilization requirements in Section 15.4.
 - (a) When Class II domestic septage is applied to the land without alkaline stabilization, it must meet one of the Class B pathogen requirements in WAC 173-308-170(3)(a) through (c).
- (2) Domestic septage applied to non-public contact sites without additional treatment, must be either:
 - Surface injected; or
 - Incorporated into the soil within 6 hours.

15.3.1. Crop Harvesting and Animal Grazing Restrictions – Option 1

All crop harvesting and animal grazing must be restricted according to the following table:

| Does the harvested part of the plant come into contact with the septage/soil mix? | What part of the plant is harvested? | Waiting period from time of septage application to harvest (or grazing): |
|---|--|--|
| yes | leaf/fruit/grain | 14 months |
| yes | root | 38 months |
| yes | pasture (grazing) | 30 days |
| yes | turf (placed on lawns or high-contact sites) | 1 year |
| no | leaf/fruit/grain | 30 days |
| not applicable | fiber/ forage | 30 days |
| | | |

15.3.2. Public Access and Requirement for Signs – Option 1

Public access to land with a high potential for public exposure must be restricted for one year after the application of septage.

Public access to land with a low potential for public exposure must be restricted for thirty days after the application of septage.

Unless otherwise authorized in a site specific land application plan according to Section 5.4, during the time when access is restricted, you must post signs around the application site at all significant points of access, and otherwise around the perimeter so that they can be noticed and read by a reasonably observant person.

The signs must contain at least the following information:

- The name and address or phone number of the generator and if different, the applier;
- The names, addresses, and phone numbers of the regulatory and permitting authority;
- The material which is being applied (i.e. septage);
- A notice that access is restricted, and if desired, the date after which access is no longer restricted; and
- If applicable, a notice on limitations regarding the harvest of edible plants from the site.

With the consent of the department, "no trespassing" signs may be substituted for the informational signs.

15.3.3. Site management restrictions – Option 1

The following site management restrictions must be followed whenever septage is applied to the land:

Septage must not be applied to land that is 100 feet or less from surface waters of the state unless otherwise specified by the department

Septage must not be applied to the land so that it enters a wetland or waters of the state, unless approved as a special condition under this permit or another permit issued by the department, or issued by EPA with the approval of the department.

Septage must not be applied to the land if it is likely to adversely affect a threatened or endangered species listed under WAC 232-12-011 or WAC 232-12-014 or its critical habitat.

15.3.4. Buffers from Wells – Option 1

Septage must not be applied to the land within one hundred feet of a well, unless authorized by an approved site specific land application plan.

15.4. Management Option 2 - pH adjustment (alkaline stabilization)

You must comply with the requirements in Option 2 if you land apply domestic septage that has undergone alkaline stabilization as follows:

- Septage treated with alkaline material such as hydrated lime or quicklime must remain at pH 12 or higher for at least 30 minutes prior to being land applied; and
- Each container of septage must be tested for pH after addition of lime to ensure maintenance of pH 12 for at least 30 minutes prior to land application. Samples of septage which are collected and analyzed must be representative of the material which is applied to the land.

15.4.1. Crop Harvesting Restrictions – Option 2

All crop harvesting must be restricted according to the following table:

| Does the harvested part of plant come into contact with soil/septage mix? | What part of the plant is harvested? | Length of time septage remains on soil surface: | Waiting period from biosolids application to harvest: |
|---|--------------------------------------|---|---|
| yes | leaf/fruit/grain | no time specified | 14 months |
| yes | root | more than 120 days | 20 months |
| yes | root | less than 120 days | 38 months |
| not applicable | fiber/ forage | no time specified | 30 days |
| no | leaf/fruit/grain/ | no time specified | 30 days |

15.4.2. Requirement for Signs – Option 2

Unless otherwise authorized in a site specific land application plan according to Section 5.4, during the time when access is restricted, you must post signs around the application site where domestic septage is applied at all significant points of access, and otherwise around the perimeter so that they can be noticed and read by a reasonably observant person.

The signs must contain at least the following information:

- The name and address or phone number of the generator and if different, the applier;
- The names, addresses, and phone numbers of the regulatory and permitting authority;
- The material that is being applied (i.e. septage);
- A notice that access is restricted, and if desired, the date after which access is no longer restricted; and
- If applicable, a notice on limitations regarding the harvest of edible plants from the site.

With the consent of the department, "no trespassing" signs may be substituted for the informational signs.

15.4.3. Site Management Restrictions – Option 2

The following site management restrictions must be followed whenever septage is applied to the land:

Septage must not be applied to land that is 100 feet or less from surface waters of the state unless otherwise specified by the department

Septage must not be applied to the land so that it enters a wetland or waters of the state, unless approved as a special condition under this permit or another permit issued by the department, or issued by EPA with the approval of the department.

Septage must not be applied to the land if it is likely to adversely affect a threatened or endangered species listed under WAC 232-12-011 or WAC 232-12-014 or its critical habitat.

15.4.4. Buffers from Wells – Option 2

Septage must not be applied to the land within one hundred feet of a well, unless authorized by an approved site specific land application plan.

15.5. Application rates

Applications of domestic septage must not exceed the annual application rate calculated using the equation below, unless the septage is managed as biosolids derived from municipal sewage sludge:

$$\text{AAR} = \frac{\text{N}}{0.0026}$$

where:

AAR = Annual application rate in gallons per acre per 365 day period.

N = Amount of nitrogen in pounds per acre per 365 day period needed by the crop or vegetation

15.6. Record Keeping

If you apply domestic septage to the land, you must keep the records required in Section 6.3 of this general permit.

15.7. Reporting

If you apply domestic septage to the land, you must report to the department by March 1 of each year the following information for the preceding calendar year:

- The number of gallons of septage applied to land; and
- The number of acres of land to which septage was applied.

You must also submit part or all of any applicable information in WAC 173-308-290(6) as required by a written request from the department.

16. Special Permit Conditions for Disposal of Municipal Sewage Sludge or Biosolids in a Municipal Solid Waste Landfill on a Long Term Basis

Any person wishing to adopt disposal of municipal sewage sludge or biosolids in a municipal solid waste landfill as a long term management option must:

- Demonstrate to the satisfaction of the department that other options for disposal or beneficial use are economically infeasible;
- Provide the department with written approval for disposal from the local health department in the receiving jurisdiction;
- Ensure that the receiving landfill complies with the requirements of WAC 173-351, Criteria for Municipal Solid Waste Landfills and 40 CFR Part 258;
- Ensure that the municipal sewage sludge which is disposed of in a municipal solid waste landfill meet the liquids in landfills requirements of WAC 173-351-200(9); and
- Ensure that the municipal sewage sludge, which is disposed of in a municipal solid waste landfill, is not hazardous waste as defined in WAC 173-303.

17. Supplemental Conditions

The department may impose additional or more stringent requirements relating to the management of biosolids if any of the following conditions exist:

- The department believes that such requirements are necessary to protect public health and the environment from any adverse effect of a pollutant in the biosolids;
- The department believes that such requirements are necessary to protect public health and the environment from poor biosolids management practices;

The department believes such requirements are necessary to ensure compliance with any of the requirements of this permit or Chapter 173-308 WAC.

These additional requirements will be in the form of supplemental conditions to coverage under this general permit or approval of a land application plan.

All supplemental conditions will be provided in writing and appended with the department's notice of approval of coverage under this general permit or with a notice of approval of a land application plan.

All supplemental conditions become a part of the permit and are fully enforceable.

Under this permit, a schedule may be established leading to compliance with requirements of this permit and Chapter 173-308 WAC. A compliance schedule may not extend deadlines established under the Federal Clean Water Act or Chapter 70.95J RCW. Compliance schedules must be established to meet the requirements of WAC 173-308-310(15).

18. Permit Fees

- (1) If you are required to obtain coverage under this permit, you must pay an annual biosolids permit fee to the Department of Ecology.
- (2) Permit fees are based on the number of residences or residential equivalents contributing to your biosolids management system and are assessed and collected in accordance with the provisions of WAC 173-308-320, except as follows:
 - (a) The permit fee for a beneficial use facility under this permit is limited to \$2,500.00 per year, regardless of the residential equivalent value determined for the facility.
 - (b) The permit fee for municipalities that operate incinerators applicable under this permit is the amount calculated under WAC 173-308-320 or \$500.00 per year, whichever is less (see (2)(c) below regarding further cost reduction).
 - (c) The cost per residential equivalent (used to calculate the fee under WAC 173-308-320) for municipalities that operate incinerators under this permit is \$0.00 for fiscal year 1998, if they do not dispose of biosolids in a municipal solid waste landfill or transfer biosolids to another treatment works from July 1, 1997 through June 30, 1998. The cost per residential equivalent will continue to be \$0.00 for ensuing fiscal years during the life of the permit as long as biosolids are not transferred or disposed in a municipal solid waste landfill.
 - (d) Municipalities which avail themselves of the permit fee reduction in (2)(c) above must notify the department if they subsequently transfer biosolids to another facility or dispose of biosolids in a municipal solid waste landfill. In this case the full amount otherwise due under (2)(b) above will be due within forty-five days after the department mails a billing statement.
- (3) The department assesses biosolids permit fees on an annual basis for the fiscal year, July 1 through June 30. The permit fees apply regardless of the date of your coverage under this permit.
- (4) You must pay biosolids permit fees within forty-five days after the department mails a billing statement.
- (5) If you fail to pay a permit fee, the department may deny coverage under this permit or revoke existing coverage under this permit. Fees are considered delinquent if they are not received by the first invoice billing due date. You will be notified by certified letter and have thirty days to bring your account up-to-date before further action is taken by the department.
- (6) Receiving-only facilities, centralized septage facilities, and persons who apply septage to the land may submit periodic payments based on their actual level of service in accordance with WAC 173-308(3)(c).

19. Definitions

The following list of definitions covers many of the terms used in this permit. For a complete list of applicable definitions, refer to WAC 173-308-080.

"Agricultural land" is land on which a food crop, feed crop, or fiber crop is grown. This includes range land and land used as pasture.

"Agronomic rate" is the whole biosolids application rate (dry weight basis) that will provide the amount of nitrogen required for optimum growth of vegetation, and that will not result in the violation of applicable standards or requirements for the protection of ground or surface water as established under Chapter 90.48 RCW and related rules including chapters 173-200 and 173-201 WAC.

"Annual pollutant loading rate" is the maximum amount of a pollutant that can be applied to a unit area of land during a three hundred sixty-five-day period.

"Annual whole biosolids application rate" is the maximum amount of biosolids (dry weight basis) that can be applied to a unit area of land during a three hundred sixty-five-day period.

"Beneficial use facility" means a site or sites where biosolids are applied to the land for beneficial use, which has been permitted as a treatment works treating domestic sewage in accordance with the provisions of WAC 173-308-310, and that has been designated as a beneficial use facility through the permitting process.

"Beneficial use of biosolids" means the application of biosolids to the land for the purposes of improving soil characteristics including tilth, fertility, and stability and enhancing the growth of vegetation consistent with protecting human health and the environment.

"Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all applicable requirements under this chapter. Biosolids includes a material derived from biosolids, and septic tank sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under this chapter. For the purposes of this rule, semisolid products include biosolids or products derived from biosolids ranging in character from mostly liquid to fully dried solids.

"Bulk biosolids" means biosolids that are not sold or given away in a bag or other container for application to the land.

"Ceiling concentration" means the maximum concentration of a pollutant in any biosolids sample, beyond which level the biosolids would be classified as municipal sewage sludge not suitable for application to the land. Ceiling concentrations are established in Table 1 of WAC 173-308-160.

"Class I biosolids management facility" is any publicly owned treatment works (POTW), as defined in 40 CFR 501.2, required to have an approved pretreatment program under 40 CFR 403.8(a) (including any POTW located in a state that has elected to assume local program responsibilities under 40 CFR 403.10(e)), and any treatment works treating domestic sewage, as defined in 40 CFR 122.2, classified as a Class I biosolids management facility by the EPA Regional Administrator, or in the case of approved state programs, the Regional Administrator in conjunction with the state director, because of the potential for its biosolids use or disposal practice to affect public health and the environment adversely.

"Clean Water Act" or "CWA" means the Clean Water Act or Federal Clean Water Act (FCWA) (formerly referred to as either the Federal Water Pollution Act or the Federal Water Pollution Control Act Amendments of 1972), Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, Public Law 97-117, and Public Law 100-4.

"Composting" means the controlled biological degradation of organic solid waste yielding a product for use as a soil conditioner. This does not include the treatment of sewage sludge in a digester at a wastewater treatment plant.

"Cumulative pollutant loading rate" is the maximum amount of a pollutant that can be applied to an area of land from biosolids that exceed the pollutant concentration limits established in Table 3 of WAC 173-308-160.

"Density of microorganisms" is the number of microorganisms per unit mass of total solids (dry weight) in the biosolids.

"Department" means the Washington State Department of Ecology and, within the scope of its delegation, a local health department that has been delegated authority under WAC 173-308-050.

"Disposal on an emergency basis" means a period up to but not exceeding one year. Generally, emergency situations requiring the use of disposal facilities will normally occur as a result of inclement weather conditions at a beneficial use site, contractual or technical difficulties in the treatment, transportation, or application of the biosolids, or as a result of short term economic or administrative barriers, any and all of which are expected to be resolved within a period of one year.

"Disposal on a long-term basis" means to adopt disposal as a preferred method of management for at least five years, or for an indefinite period of time with no expectation for pursuing other management alternatives.

"Disposal on a temporary basis" means a period of more than one but less than five years. Generally, situations requiring the temporary use of disposal facilities will normally occur as a result of deficiencies in the wastewater or biosolids treatment process, or economic, administrative, or contractual constraints which cannot be resolved in less than one year.

"Domestic septage" means domestic septage - Class I, Class II, or Class III as defined in this section.

"Domestic septage - Class I" is liquid or solid material removed from domestic septic tanks, cess pools, or similar treatment works that receive only domestic sewage, and that has had a sufficiently long residency time to be considered largely stabilized. For the purposes of managing mixed loads or batches of septage, a load or batch is considered Class I if it does not exceed twenty-five percent by volume of Class II domestic septage or twenty-five percent by volume of restaurant grease trap waste, unless otherwise approved by the department.

"Domestic septage - Class II" is liquid or solid material removed from portable toilets, type III marine sanitation devices, vault toilets, pit toilets, RV holding tanks or other similar holding systems that receive only domestic sewage.

"Domestic septage - Class III" is liquid or solid material removed from domestic septic tanks, cess pools, or similar treatment works that receive sewage from commercial or industrial sources, but which the department has determined to be domestic in quality under WAC 173-308-020 (3)(g).

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"Domestic septage managed as biosolids originating from municipal sewage sludge," means domestic septage managed as if it had originated from a sewage treatment process at a publicly owned treatment works.

"Domestic sewage" is waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

"Dry weight basis" means calculated on the basis of having been dried at 105°C until reaching a constant mass (i.e., essentially one hundred percent solids content).

"Exceptional quality biosolids" means biosolids that meet the pollutant concentration limits in Table 3 of WAC 173-308-160, the Class A pathogen reduction requirements in one of WAC 173-308-170 (2)(a) through (f), and the vector attraction reduction requirements in one of WAC 173-308-180 (2) through (7).

"Facility" means a treatment works treating domestic sewage as defined in Chapter 173-308, unless the context of the rule requires otherwise. For the purposes of Chapter 173-308 a facility is considered to be new if it has not been previously approved for the treatment, storage, use, or disposal of biosolids.

"Feed crops" are crops produced primarily for consumption by animals.

"Fiber crops" are crops such as flax and cotton, including but not limited to those whose parts or by-products may be consumed by humans or used in the production or preparation of food for human consumption.

"Food crops" are crops consumed by humans. These include, but are not limited to, fruits, vegetables, grains, and tobacco.

"Forest" is an area of land that is managed for the production of timber or other forest products, or for benefits such as recreation and watershed protection, and that is or will be dominated by trees under the current system of management. For the purposes of this rule, other areas of land that are not regulated as agricultural land, public contact sites, land reclamation sites, or lawns or home gardens are considered forestland.

"Groundwater" means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

"Health department" or "local health department" means city, county, city-county, or district public health department as defined in chapters 70.05, 70.08, and 70.46 RCW.

"Individual permit," for the purposes of this chapter, means a permit issued by the department to a single treatment works treating domestic sewage in accordance with WAC 173-308-310, which authorizes the application of biosolids to the land or the disposal of biosolids in a municipal solid waste landfill.

"Industrial wastewater" is wastewater generated in a commercial or industrial process.

"Land application" is the application of biosolids to the land surface by means such as spreading or spraying; the injection of biosolids below the land surface; or the incorporation of biosolids into the soil, for the purpose of beneficial use.

"Land with a low potential for public exposure" is land that the public uses infrequently. This includes, but is not limited to, agricultural land, forest, and a reclamation site located in an unpopulated area (e.g., a strip mine located in a rural area).

"Land with a high potential for public exposure" is land that the public uses frequently. This includes, but is not limited to, a public contact site and a reclamation site located in a populated area (e.g., a construction site located in a city).

"Local health department" see definition of health department.

"Monthly average" is the arithmetic mean of all measurements taken during the month.

"Municipal sewage sludge" means sewage sludge generated from a publicly owned treatment works. For the purposes of this chapter, sewage sludge generated from the treatment of only domestic sewage in a privately owned or industrial treatment facility is considered municipal sewage sludge.

"Municipality" means a city, town, borough, county, parish, district, association, or other public body (including an inter-municipal agency of two or more of the foregoing entities) created by or under state law; or a designated and approved management agency under section 208 of the Clean Water Act, as amended. The definition includes a special district created under state law, such as a water district, sewer district, sanitary district, utility district, drainage district, or similar entity, or an integrated waste management facility as defined in section 201(e) of the Clean Water Act, as amended, that has as one of its principal responsibilities the treatment, transport, use, or disposal of biosolids.

"Other container" is either an open or closed receptacle. This includes, but is not limited to, a bucket, a box, a carton, and a vehicle or trailer with a load capacity of one metric ton or less.

"Owner" means any person with ownership interest in a site or facility, or who exercises control over a site or facility, but does not include a person who, without participating in management of the site or facility, holds indicia of ownership primarily to protect the person's security interest.

"Pasture" is land on which animals feed directly on feed crops such as legumes, grasses, grain stubble, or stover.

"Pathogenic organisms" are disease causing organisms. These include, but are not limited to, certain bacteria, protozoa, viruses, and viable helminth ova.

"Permit" means an authorization, license, or equivalent control document issued by the director to implement the requirements of this chapter.

"Person" is an individual, association, partnership, corporation, municipality, state or federal agency, or an agent or employee thereof.

"Person who prepares biosolids" is either the person who generates biosolids during the treatment of domestic sewage in a treatment works or the person who derives a material from biosolids.

"pH" means the logarithm of the reciprocal of the hydrogen ion concentration.

"Pollutant" is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or a pathogenic organism that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food chain, could, on the basis of information available to the Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms.

"Pollutant limit" is a numerical value that describes the amount of a pollutant allowed per unit amount of biosolids (e.g., milligrams per kilogram of total solids); the amount of a pollutant that can be applied to a unit area of land (e.g., kilograms per hectare); the volume of a material that can be applied to a unit area of land (e.g., gallons per acre); or the number of pathogens or indicator organisms per unit of biosolids. Pollutant limits are established in Tables 1 - 4 of WAC 173-308-160, in WAC 173-308-170, and in WAC 173-308-270.

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"Public contact site" is land with a high potential for contact by the public. This includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

"Publicly owned treatment works" means a treatment works treating domestic sewage that is owned by a municipality, the state of Washington, or the federal government.

"Range land" is generally open, uncultivated land dominated by herbaceous or shrubby vegetation that may be used for grazing or browsing, either by wildlife or livestock.

"Receiving-only facility" means a treatment works treating domestic sewage that only receives municipal sewage sludge or biosolids from other sources for further treatment and/or application to the land, and which does not generate any biosolids from the treatment of domestic sewage.

"Reclamation site" is drastically disturbed land that is reclaimed using biosolids. This includes, but is not limited to, strip mines and construction sites.

"Residential equivalent value" means the number of residential equivalents determined for a facility under chapter 173-224 WAC or a value similarly obtained under WAC 173-308-320.

"Restrict public access" means to minimize access of nonessential personnel to land where biosolids are applied, through the use of natural or artificial barriers, signs, remoteness, or other means.

"Saturated zone" means the zone below the water table in which all interstices are filled with water.

"Sewage sludge" is solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

"Significant change in biosolids management practices" means a change in the quality of biosolids that are applied to the land, either from class A to class B for pathogens, or from Table 3 to Table 1 of WAC 173-308-160 for pollutant limits; the addition of a new area to which biosolids will be applied, which was not previously disclosed during a required public notice process; for class B biosolids only, a change from nonfood crops to food crops, a change from crops where the harvestable portions do not contact the biosolids/soil mixture to crops where the harvestable portion contacts the biosolids/soil mixture, or a change in site classification from land with a low potential for public exposure to land with a high potential for public exposure; or any change or deletion of a requirement established in an approved land application plan or established as a condition of coverage under a permit that would result in a decrease in buffer size, site monitoring, or facility reporting requirements, which was not otherwise provided for in the permit or plan approval process.

"Significantly remove or reduce recognizable materials" means to remove recognizable debris from biosolids by means such as screening, or to reduce the number of recognizable items in biosolids by means such as grinding, to a level that in the opinion of the department, will not result in an aesthetic nuisance or physical hazard when biosolids are applied to the land.

"Site" means all areas of land, including buffer areas, which are identified in the scope of an approved site specific land application plan. A site is considered to be new or expanded when

biosolids are applied to an area not approved in a site specific land application plan or that was not previously disclosed during a required public notice process.

"**Specific oxygen uptake rate (SOUR)**" is the mass of oxygen consumed per unit time per unit mass of total solids (dry weight basis) in the biosolids.

"**State**" means the state of Washington.

"**Store or storage of biosolids**" is the placing of biosolids on land on which the biosolids remain for two years or less. This does not include the placing of biosolids on land for treatment or disposal.

"**Stover**" is the nongrain, above-ground part of a grain crop, often corn or sorghum.

"**Surface waters of the state**" means surface waters of the state as defined in WAC 173-201A-020.

"**Total solids**" are the materials in biosolids that remain as residue when the biosolids are dried at 103 to 105°C.

"**Treat or treatment of biosolids**" is the preparation of biosolids for final use or disposal. This includes, but is not limited to, thickening, stabilization, and dewatering of biosolids. This does not include storage of biosolids.

"**Treatment works**" is either a federally owned, publicly owned, or privately owned device or system used to treat (including recycle and reclaim) either domestic sewage or a combination of domestic sewage and industrial waste of a liquid nature.

"**Treatment works treating domestic sewage**" means a publicly owned treatment works or any other sewage sludge or wastewater treatment devices or systems, regardless of ownership, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage or sewage sludge, including land dedicated for the disposal of sewage sludge. Treatment works treating domestic sewage also includes a beneficial use facility that has been permitted in accordance with the provisions of WAC 173-308-310, and a person, site, or facility designated as a treatment works treating domestic sewage in accordance with WAC 173-308-310 (1)(b). This definition does not include septic tanks or similar devices, but may include persons or vehicles that service septic systems and centralized septage facilities that are designated as a treatment works treating domestic sewage or are applicable under this definition.

"**Vector attraction**" is the primarily odorous characteristic of biosolids that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

"**Waters of the state**" means waters of the state as defined in RCW 90.48.020 RCW.

"**Wetlands**" means those areas that are inundated or saturated by surface water or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

20. Appendix 1 - Pollutant Concentration Tables

TABLE 1 - CEILING CONCENTRATIONS

| POLLUTANT | CEILING CONCENTRATION * |
|------------|-------------------------|
| Arsenic | 75 |
| Cadmium | 85 |
| Copper | 4300 |
| Lead | 840 |
| Mercury | 57 |
| Molybdenum | 75 |
| Nickel | 420 |
| Selenium | 100 |
| Zinc | 7500 |

*Milligrams per kilogram - dry weight basis

TABLE 2 - CUMULATIVE POLLUTANT LOADING RATES

| POLLUTANT | CUMULATIVE POLLUTANT LOADING RATE* |
|-----------|---------------------------------------|
| Arsenic | 41 |
| Cadmium | 39 |
| Copper | 1500 |
| Lead | 300 |
| Mercury | 17 |
| Nickel | (b) |
| Selenium | 100 |
| Zinc | 2800 |

* Kilograms per hectare - dry weight basis

TABLE 3 - POLLUTANT CONCENTRATIONS

| POLLUTANT | LIMIT* |
|-----------|--------|
| Arsenic | 41 |
| Cadmium | 39 |
| Copper | 1500 |
| Lead | 300 |
| Mercury | 17 |
| Nickel | 420 |
| Selenium | 100 |
| Zinc | 2800 |

* Monthly average concentration in milligrams per kilogram - dry weight basis

TABLE 4 - ANNUAL POLLUTANT LOADING RATES

| POLLUTANT | ANNUAL POLLUTANT LOADING RATE* |
|------------------|---|
| Arsenic | 2.0 |
| Cadmium | 1.9 |
| Copper | 75 |
| Lead | 15 |
| Mercury | 0.85 |
| Nickel | 21 |
| Selenium | 5.0 |
| Zinc | 140 |

* Kilograms per hectare per 365 day period