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Legal Landscape of Land Application: Biosolid Regulation

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It's a Matter of Oversight



Statutes, Regulations and Policy

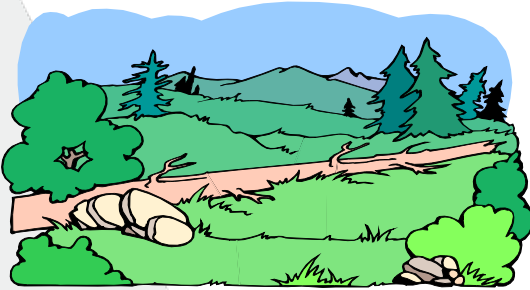
- Statutes – passed by legislature, have force of law, generally more general than regulations, often authorize promulgation of regulations
- Regulations – promulgated by regulatory agencies, specific process with public notice and comment, also have force of law
- Policies – drafted by regulatory agency, usually set forth operating procedures or agency interpretation of statutes or regulations, do not have force of law, agencies can deviate from policies

What are BIOSOLIDS?

- Nutrient-rich organic material resulting from the treatment of wastewater and residential septage
- Biosolids are generated from:
 - Solids removed during the wastewater treatment process at Sewage Treatment Plants (STPs); and
 - Solids and liquids from residential septic tanks, holding tanks and other treatment units.

Beneficial Uses of BIOSOLIDS

Mine Reclamation



Forestry



Gardening/Landscaping



Agricultural Use



BIOSOLIDS CLASSIFICATIONS

EXCEPTIONAL QUALITY

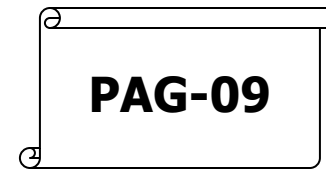
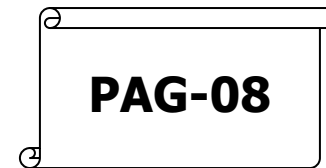
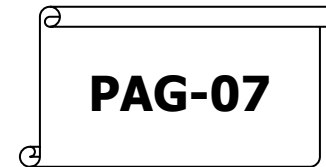
NON-EXCEPTIONAL QUALITY

RESIDENTIAL SEPTAGE

BASED ON:

- X PATHOGEN REDUCTION
- X VECTOR ATTRACTION REDUCTION
- X POLLUTANT CONCENTRATIONS

GENERAL PERMITS



PATHOGEN REDUCTION ALTERNATIVES

- **PROCESS CONTROLS**
- **PROCESS MONITORING**
- **INDICATOR ORGANISMS**

VECTOR ATTRACTION REDUCTION OPTIONS

- **PROCESS CONTROLS**
- **PROCESS MONITORING**
- **SITE MANAGMENT**

POLLUTANTS

- ARSENIC
- CADMIUM
- COPPER
 - LEAD
- MERCURY
- MOLYBDENUM
 - NICKEL
- SELENIUM
 - ZINC
 - PCBs

SITE SUITABILITY

- Exceptional Value Waters and Endangered and Threatened Species
- Isolation distances from:
 - Residences
 - Water Supplies
 - Regional and seasonal high water table
 - Streams
 - Sinkholes
 - Exceptional Value Wetlands
- Slopes
- Conservation or Erosion and Sedimentation Control Plan
- Nutrient needs

RECORDKEEPING AND REPORTING

PAG-07

- ✓ Quality Data
- ✓ Responsible Party Certification
- ✓ Amount Sold or Given Away
- ✓ Amount and Location of Bulk Applications
- ✓ Data Maintained for 5 Years

PAG-08

- ✓ Quality Data
- ✓ Responsible Party Certification
- ✓ 2-Part Form
 - Biosolids Quality
 - Application Site
- ✓ Quality Data Maintained for 5 Years
- ✓ Application Site Data Maintained Indefinitely

PAG-09

- ✓ Quality Data
- ✓ Responsible Party Certification
- ✓ One Form
 - Septage Quality
 - Application Site
- ✓ Quality Data Maintained for 5 Years

NOTIFICATIONS

PAG-08 and 09

- **30 Days prior to first application by a permit holder**
 - **Adjacent property owners (letters & signs)**
 - **County conservation district**
 - **DEP**
- **7 Days prior to first application by a permit holder**
 - **Occupant of the land receives an instruction sheet**

Biosolids and PFAS

PFAS are a class of synthetic chemicals used since the 1940s to make water, heat and stain resistant products such as cookware, carpets, clothing, furniture fabrics, paper packaging for food, and other resistant materials. These chemicals are persistent in the human body and throughout the environment. PFAS are believed to cause adverse health effects but are classified by scientists as emerging chemicals because the risks they pose to human health and the environment are not completely understood.

Biosolids and PFAS

Farmer v. Synagro Technologies, Case No. C-03-CV-24-000598,
Circuit Court for Baltimore County, MD, February 27, 2024

- Brought by Texas residents alleging that biosolids applied to neighboring properties contaminated drinking water wells.



“Come with us, ma’am — and if I were you, I’d get a good lawyer. No one’s gonna buy that my-husband-was-only-hibernating story.”

Questions?



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