

Resolution No. 559

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BIRCH BAY WATER AND SEWER DISTRICT REQUESTING WHATCOM COUNTY DEFERENCE TO FEDERAL SEWAGE SLUDGE (BIOSOLIDS) REGULATIONS, AND EXEMPTION OF BIOSOLIDS AND COMPOST MADE WITH BIOSOLIDS FROM CHAPTERS 24.06 AND 24.09 OF THE WHATCOM COUNTY HEALTH CODE.

Whereas, the Cities of BLAINE, LYNDEN, EVERSON, NOOKSACK, and SUMAS, non-charter, code cities, and the BIRCH BAY WATER AND SEWER DISTRICT, a duly organized and existing combined water and sewer district, each own and operate municipal sanitary sewer collection systems and provide for primary and secondary treatment of the municipal wastewater collected;

Whereas, the District and the Cities, cooperate in the transportation, storage and utilization of the byproducts of secondary treatment, commonly known as "sludge" but preferably referred to as "biosolids", by joint operating authority established by their **Interlocal Agreement for Municipal Sludge Disposal** and commonly referred to as "BBBLENS"; and

Whereas, the United States Environmental Protection Agency, following extensive risk-analysis studies, has promulgated comprehensive federal level sewage sludge management regulations in 40 Code of Federal Regulations (CFR), Part 503, now fully phased in effective February 19, 1995, and such regulations completely supplant the necessity of local regulation of high quality (federal class "A" and "B") biosolids, and compost made with biosolids; **Now Therefore**

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE BIRCH BAY WATER AND SEWER DISTRICT, AS FOLLOWS:

Section 1. Existing Solid Waste/Sludge Rules. The District, on behalf of itself and BBBLENS, requests that the Whatcom County Council:

- A. **Action.** Amend existing regulations relating to sewage sludge to define biosolids, to exempt federal Class "A" and Class "B" biosolids from local regulation, and to retain local regulation of sludge not meeting federal classifications; and
- B. **Implementation.** To accomplish the foregoing, the Whatcom County [Health] Code Section 24.06.020 "Definitions" be amended and a new section, Section 24.06.025 "Scope" be added, all in the form appearing on the attachment hereto.

Section 2. Proposed Compost Rules. The District, on behalf of itself and BBBLENS, further requests that the Whatcom County Council:

- A. **Action.** Amend proposed regulations relating to compost to exempt federal Class "A" biosolids compost from local regulation; and
- B. **Implementation.** To accomplish the foregoing, the proposed Whatcom County [Health] Code Section 24.09.020 "Applicability" be amended to read as appears

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on the attachment hereto.

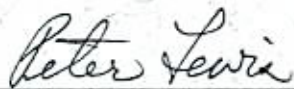
Section 3. Concurrent Adoption. The District, on behalf of itself and BBBLENS, requests that both the foregoing amendments be enacted concurrently or within the same ordinance.

Section 4. The Clerk is authorized and directed to certify a duplicate original of this Resolution for joint presentation with other members of BBBLENS to the Whatcom County Council, and to provide a second duplicate original of this Resolution to the Lynden City Clerk, as custodian of the BBBLENS documentation.

Adopted by a majority of the members of the Board of Commissioners of the Birch Bay Water and Sewer District, Whatcom County, Washington, as certified by its Secretary at a regular meeting of said Council held the 25 day of May, 1995.

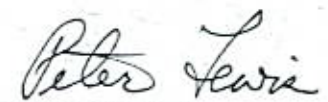
BIRCH BAY WATER & SEWER DIST.

By: 
DON MONTFORT, Commissioner

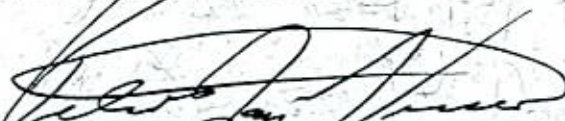
By: 
PETER LEWIS, Commissioner

By: 
CARL REICHHARDT, Commissioner

The undersigned hereby certifies that the foregoing is a true and correct copy of Resolution No. 559 of the Birch Bay Water and Sewer District adopted by a majority of its Board of Commissioners on the 25 day of May, 1995.


PETER LEWIS, Secretary

APPROVED AS TO FORM:


PETER JAY VISSER, District Attorney

BBBLENS Required Amendments to Existing Chapter 24.06 (Health Code - Solid Waste) Proposed Chapter 24.09 (Health Code - Compost)

[AMENDED SECTION] 24.06.020 Definitions

~~In addition to the definitions adopted by reference from contained in WAC 173-304-100 are hereby adopted by reference, subject to the following general additional definitions. In the event of conflict, the definitions below shall apply prevail:~~

BIOSOLIDS: Wastewater solids from a treatment works treating domestic sewage that meets the federal requirements for application to land under 40 CFR Part 503.

BOARD OF HEALTH: The Whatcom County Council.

HEALTH OFFICER: The Health Officer of the Whatcom County Health Department or the Health Officer's authorized representative.

[NEW SECTION] 24.06.025 Scope

- A. **Class "A" Biosolids Excepted.** Biosolids, or any product that contains a significant portion of biosolids, are not "sludge" under WAC 173-304-100(71 and 73) nor a solid waste subject to this Chapter, and may be distributed for application to land in accordance with applicable state law, if such biosolids are processed and analyzed with test results on file that demonstrate compliance with the following:
1. Pollutant limits meeting 40 CFR §503.13(b)(3) for unrestricted distribution; and
 2. Pathogen reduction meeting Class A in 40 CFR §503.32(a) for unrestricted distribution; and
 3. Vector attraction reduction utilizing one of the methods described in 40 CFR §503.33(b)(1-8) for unrestricted distribution.
- B. **Class "B" Biosolids Excepted.** Biosolids, or any product that contains a significant portion of biosolids, are not "sludge" under WAC 173-304-100(71 and 73) nor a solid waste subject to this Chapter, and may be distributed for application to land in accordance with applicable federal and state law, if such biosolids are processed, managed, and analyzed with test results on file that demonstrate compliance with the following:
1. Pollutant limits meeting 40 CFR §503.13(b)(3) for unrestricted distribution; and
 2. Pathogen reduction meeting Class B in 40 CFR §503.32(b); and
 3. Vector attraction reduction utilizing one of the methods described in 40 CFR §503.33(b)(1-10).
- C. **Unclassified Sludge.** Wastewater solids from a treatment facility treating domestic sewage that does meet the pollutant limits of 40 CFR 503(b), and meeting the pathogen reduction standards of 40 CFR 503.32(a or b), but requiring

BBBLENS Amendments, Cont'd.

treatment in accordance with or application with safe management techniques designed to meet the vector attraction reduction requirement of 40 CFR 503.33(1-10), may at that time be applied to land in accordance with applicable federal law, state law and this Chapter.

- D. **Unregulated Compost.** Compost excluded from regulation under Section 24.09.020 or produced by a generator under waiver or exemption from registration under 24.09.050 or 24.09.060 of this Code is not a solid waste subject to this Chapter.
- E. **Certified Compost.** Compost certified as Grade "AA" or Grade "A" under Chapter 24.09 of this Code is not a solid waste subject to this Chapter.

[AMENDED SECTION] 24.09.020 Applicability

These regulations apply to all composted material resulting from composting as defined in these regulations; the following composted materials are excluded from regulation:

- A. Composted materials produced and utilized solely on the generator's own property, such as, but not limited to, residential composting of prunings, animal manures, grass clippings, fruit and vegetable scraps; and
- B. Farm composting of vegetative waste and animal manures provided that such composting is conducted in accordance with a Washington State Dairy Waste Permit of Soil and Conservation Service Nutrient Management Guidelines and the compost is not distributed or sold; and
- C. Any Type 1 or Type 2 compost product, as described in Section 24.09.100 of these regulations, that is sold in pre-packaged bags of 4 cubic feet (113 liters) or less through retail, garden, nursery or other stores; and
- D. Biosolids/sludge composted with Type I feedstocks to achieve Class "A" biosolids unrestricted distribution under 40 CFR Part 503 and 24.06.020(A) of this Code.

BBBLENS is composed of the following municipal entities:

CITY OF BLAINE
BIRCH BAY WATER AND SEWER DISTRICT
CITY OF LYNDEN
CITY OF EVERSON
CITY OF NOOKSACK
CITY OF SUMAS