



Biosolids Regulatory Amendments Implementation

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Main Goals

- Cover All Biosolids Activities Under VPA or VPDES Permits
- Terminate All VDH-BUR Permits



Main Goals

Consistency



New Permits

- Any permit issued or modified on or after September 1, 2013 will be issued in accordance with the amended regulations effective September 1, 2013

BUR Permits

- 9VAC25-32-300.D

VDH-BUR permits shall terminate no later than ... 12 months after the effective date (of the regulation) ...

BUR Permits

- 9VAC25-32-300.D *continued*
*... if an administratively
complete VPA application for
the activity authorized by the
VDH-BUR permit has not been
submitted to the department.*



VPA Permit Reopener Clause

SWCB change: *“The Board **will** modify or revoke and reissue this permit as appropriate and necessary to incorporate changes to any applicable standard or requirement for the use or disposal of biosolids, ... promulgated under Section 405(d) of the Clean Water Act, State Water Control Law, or the VPA Permit Regulation (9VAC25-32).”*

Modifying Existing VPA Permits to Conform with New Regulations

DEQ Initiated
and
Permittee Initiated



Modifying VPA Permits

DEQ Initiated

- Incorporates the amended regulatory requirements
- Major Modification: Public Notice of Draft Permit + Opportunity to Request Public Hearing
- No Modification Fee

Permittee Initiated

- Incorporates the amended regulatory requirements
- Major Modification: Public Notice of Draft Permit + Opportunity to Request Public Hearing
- \$1000 Modification Fee



Modifying VPA Permits

DEQ Initiated

- No Addition of Land
- No Adjacent Resident Notification
- No Public Informational Meeting

Permittee Initiated

- Addition of Land
- Adjacent Resident notification for sites added;
- Public Informational Meeting if adding land $\geq 50\%$ of original permit

Modifying VPA Permits

DEQ Initiated

- DEQ will notify Permittee of intention to terminate VDH-BUR permit upon modification
 - If Permittee does not agree to termination, modification process will stop

Permittee Initiated

- DEQ will notify Permittee of intention to terminate VDH-BUR permit upon modification



Modifying VPA Permits

DEQ Initiated

- DEQ will add DEQ Control Numbers for all sites
- Site specific/facility specific special conditions from original permit will be incorporated

Permittee Initiated

- DEQ will add DEQ Control Numbers for all sites
- Site specific/facility specific special conditions from original permit will be incorporated



Modifying VPA Permits

DEQ Initiated

- VDH-BUR storage variances will be incorporated as a VPA permit special condition. Special condition will expire 9/1/2014.

Permittee Initiated

- VDH-BUR storage variances will be incorporated as a VPA permit special condition. Special condition will expire 9/1/2014.



Modifying VPA Permits

DEQ Initiated

- Draft Permit and Public Notice to Permittee(s) for review
- Combined notices for multiple permits whenever possible - i.e. multiple permits in one county or in one regional newspaper.

Permittee Initiated

- Draft Permit and Public Notice to Permittee for review
- One permit per Public Notice

New Permit Applications



Permit Applications

- The regulatory amendments include specific changes to the requirements of a permit application.
- Additional information will be required for any permit application that has been submitted for a new VPA Permit or modification

Administratively Complete???

A permit application is considered administratively complete when:

- all necessary blanks on the forms are accurately and completely filled in (or an accurate response is provided for every question on a form)
- the proper signature is applied
- all necessary documents are attached and complete
- permit fee is paid.



FORMS:

One complete accurate original of the VPA application forms and one electronic copy of the same, including:

- General VPA Applicant Information
- Biosolids Land Application Description
- Biosolids Characterization for biosolids sources not on the VA DEQ Approved Biosolids Source List
- Non-Hazardous Declaration for each source to be included
- Landowner Agreement form for each land application site;



FORMS cont.

- Evidence of financial responsibility on new forms as applicable;
- Fee payment and Fee Form submitted to the DEQ Finance Office



Required Attached Documents

- Site books that include all proposed land
- Odor Control Plans:
 - Permittee Odor Control Plan
 - Generator Odor Control Plan from each biosolids generator identified in the permit application

Required Attached Documents

- A nutrient management plan **approved by DCR** and the approval letter for:
 - Sites operated by an owner or lessee of a CAFO, or confined poultry feeding operation;
 - Sites proposed for frequent application, receiving >50% of the annual agronomic rate more frequently than once per 3 years;

Required Attached Documents

- A nutrient management plan **approved by DCR** and the approval letter for: *cont.*
- **Mined or disturbed land sites where land application is proposed at greater than agronomic rates** (for site management after reclamation is complete and the site is released from DMME)
- Other sites based on site-specific conditions that increase the risk that land application may adversely impact state waters;



Required Attached Documents

- Where reclamation of mined or disturbed sites is proposed using biosolids at greater than agronomic rates:
 - a **Reclamation Plan** specific to the site
 - written by or in consultation with the Department of Crop and Soil Environmental Sciences of the Virginia Polytechnic Institute and State University



Required Attached Documents

- The local government certification of conformance with local ordinances for routine storage facilities;
- Any other attachments DEQ has requested with the application (site specific).

Revisions to the VPA Permit Application

For
New Permits, Permittee Initiated Modifications
and
DEQ Initiated VPA Permit Modifications*

Permit Application Changes

Old

2. General Description

New

2. General Description

a.6) Generator's Odor
Control Plan*

a) Production

b) Prior to Delivery

c) If Delivered

d) If Land Applied

*Submitted within 90 days after modification of existing VPA

Permit Application Changes

Old

2. General Description
cont.

None

New

2. General Description *cont.*
a.8) On-site storage*
a.9) Staging methods*

4. Identify methods to notify
DEQ and county of
upcoming land application

*Submitted within 90 days after modification of existing VPA

Permit Application Changes

Old

5. Financial Responsibility
General/Pollution Liability Coverage
\$1-mil / \$2-mil
dependent on income

New

5. Financial Responsibility*
General/Pollution Liability Coverage
\$2-mil occurrence
\$2-mil annual aggregate
- Methods of Demonstration are Specified in Regulation
 - Required Forms Provided in Application

*Submitted within 90 days after modification of existing VPA

Permit Application Changes

Old

6. Waste Characterization

- Required for all sources
- Use Part D-IV

New

6. Biosolids Characterization

- Required for sources not on DEQ approved list
 - a) New facility
 - b) Existing facility – never applied
 - c) Existing facility not applied in 5 years
 - d) New process units at existing facility
- Use Part D-IV **Revised**

Permit Application Changes

Old

7. Non-Hazardous Declaration

- Use Part D-V

8. Nutrient Loading Value

9. – 12. Routine and emergency storage

New

7. Non-Hazardous Declaration

- Use Part D-V **Revised**

➤ Nutrient Loading Value – Moved to Part D-IV

8. – 10. Routine and On-Site Storage

Identify and describe status of routine and **on-site** storage.



Permit Application Changes

Old

Provide plans and specs
and local certification
of routine storage

New

9. Provide plans and specs
for routine and **on-site**
storage
10. Provide certification of
conformity to local
ordinances for routine
storage



Permit Application Changes

Old

New

None

12.b. On-Site Storage –
detailed description of:

- Procedures for obtaining DEQ approval for new sites.
- Designated site locations
- BMPs to prevent contact with storm water run on and runoff
- Procedures for tracking 45 day storage

Permit Application Changes

Old

None

New

12.c. Staging – Detailed description of:*

- Procedures for DEQ Notification
- Designated sites or specific site criteria
- Operational procedures, liners, covers, time limits

*Submitted within 90 days after modification of existing VPA

Permit Application Changes

Old

None

New

14. Land Applier

Odor Control Plan*

- In the Field Before Land Application
- After Land Application

*Submitted within 90 days after modification of existing VPA

Permit Application Changes

Land Application Sites

Old

16. – 27.

- Field Tract No.

New

15. – 28.

- DEQ Control No.
- Latitude and Longitude
- Landowner: Name, Mailing Address, Phone Number
- Land applier if not permittee: Name, Mailing Address, Phone Number

Permit Application Changes

Land Application Sites

Old

- Landowner Agreement

New

- Landowner Agreement*
 - Part D-VI: Any LOA submitted on or after 9/1/2013 must be on the form Rev 9/14/12

*Notice to Landowners within 60 days of permit modification
New Agreement submitted prior to land application

Permit Application Changes

Land Application Sites

Old

- Topo Map
 - Occupied Dwellings

New

- Topo & **Aerial Photo**
 - Occupied dwellings within 400 feet of Property Boundaries
 - All existing dwelling and property line setback distances
 - Publicly accessible properties and occupied buildings within 400 feet of property boundaries & the setbacks

Permit Application Changes

Land Application Sites

Old

- None

- None

New

- County Tax Map
 - Entire Farm
 - Tax Parcel IDs labeled
 - Depict Properties within 400 ft of field boundaries
- Identify Site as:
 - Agricultural
 - Forest
 - Reclamation Site
 - Public Contact Site

Permit Application Changes

Land Application Sites

Old

- None

- None

- None

New

- Description of Agricultural Practices
 - Proposed Crops
 - Tillage practices
- CPLR reporting
 - Sites that have received CPLR Biosolids
 - Sources of CPLR Biosolids
- Land Reclamation Sites
 - Reclamation Plan
 - Approved NMP

VPDES Permits

Implementation of New Regulations
in Existing Permits



Implementation in VPDES Permits

- No DEQ Initiated Permit Modifications are planned
- New regulatory requirements added
 - At permit reissuance
 - During major modifications



Implementation in VPDES Permits

- Permit requirements will vary if WWTP
 - utilizes a contractor with VPA permit
 - land applies under VPDES permit
- Fees
 - \$1000 Modification to authorize land application, distribution and marketing, or adding land
 - No additional Maintenance Fees
 - \$5000 Additional fee for new permit authorizing land application

Local Monitors

Changes in Reimbursement Procedures



Local Monitor Reimbursement

- Limited to \$2.50 per dry ton land applied in time period specified in invoice
- Up to \$4.00 per dry ton land applied if pre-approved by DEQ
- Reimbursement only for site monitoring associated with determining compliance with state or federal law or regulation
- Additional information required in description of monitoring activities
 - DEQ control number(s) for site(s) monitored
 - Contractor's name



Questions?