

# BIOSOLIDS NEWS

News and Information from the Virginia Biosolids Council • April 2007

## New laws to affect biosolids in Virginia

Important legislation associated with the regulation of biosolids was passed during the 2007 Virginia General Assembly. A brief review of legislation passed is provided below:

### Biosolids moved to DEQ

HB2802 consolidates the regulation of biosolids under the Department of Environmental Quality (DEQ). Currently, the responsibility for regulation of the land application of biosolids is split between DEQ and the Department of Health. The new law requires DEQ to conduct unannounced site inspections. The fee on each dry ton of biosolids applied in the Commonwealth is increased to \$7.50 a ton. The fee will continue to support the local biosolids monitoring program and will enable DEQ to increase its state-level monitoring. Additionally, when a farm is added to an existing permit, it will be the responsibility of DEQ to notify adjacent property owners. The transition to DEQ becomes effective on January 1, 2008.

### Localities may regulate storage

SB1300 provides that a locality may adopt an ordinance requiring that a special exception or a special use permit be obtained to begin the storage of biosolids within its jurisdiction. An ordinance or special use permit will not be required if the biosolids will be stored on the same farm where it is being land applied. Governor Kaine amended this bill, which the General Assembly approved, to make it effective immediately.

SB1313 requires that a local government certify that the site of a proposed storage facility is in compliance with all local ordinances. The locality must confirm or deny consistency within 30 days of receiving a request for certification. If the governing body does not respond, the site will be deemed consistent. This bill also gives

localities the authority to adopt an ordinance that *reasonably* restricts the storage of biosolids to certain areas based on public health, welfare or safety criteria. This bill does not apply to farmers who store biosolids on their farm and then use the biosolids within 45 days.

### Expert Panel to study biosolids

HJ694 directs the Secretary of Natural Resources and the Secretary of Health and Human Resources to convene a panel of experts to study the impact of land application of biosolids on human health and the environment.

The details of the study process are as follows:

The panel of experts is to complete its meetings for the first year by November 30, 2007, and for the second year by November 30, 2008. The panel will submit an executive summary to the Governor and the General Assembly and a report of its findings and recommendations for publication as a House or Senate document for each year.

In conducting its study, the panel is directed to consider the typical contaminant concentrations and application rates of biosolids and to respond to such questions, including but not limited to the following:

1. Are citizen-reported health symptoms associated with the land application of biosolids?
2. Do odors from biosolids impact human health and well-being and property values?
3. To what degree do biosolids-associated contaminants accumulate in food (plant crops and livestock)?
4. To what degree do biosolids-associated contaminants affect water quality?
5. What are the effects of an accumulation of biosolids-associated contaminants in wildlife?

In addition, the expert panel is directed to (1) perform

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*The Virginia Biosolids Council supports the land application of biosolids in Virginia through information and education on the beneficial use and safety of biosolids. The Council is supported by municipal wastewater treatment plants, land application companies and biosolids users, and is available as a resource to those who need information about the recycling of biosolids.*

## DEQ Goal: Restore confidence

With the biosolids program moving from the Virginia Department of Health to the Virginia Department of Environmental Quality, we asked the



David K. Paylor  
Director, DEQ

Director of DEQ, David Paylor, for his perspective on the transfer of authority. He was kind enough to respond with the following:

“My primary objective is to restore public confidence in the biosolids application program. Over the next few months we will be seeking stakeholder input to assess the best strategy to accomplish this. We plan to develop the

program in an open and transparent way. It is already clear that a principal focus of our program will be to assure compliance with all health and environmental regulations. We will develop an inspection and enforcement program that achieves a high level of confidence that biosolids applied in the

Commonwealth are appropriately treated and stabilized; and are applied in accordance with applicable environmental permits and nutrient management plans so that our health and environment are protected.”

## New laws to affect biosolids

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a detailed analysis of the chemical and biological composition of biosolids; (2) evaluate the toxic potential of biosolids constituents derived from land application to humans, agricultural products, soil organisms, and wildlife; (3) evaluate the capacity of alternative technologies to facilitate the beneficial use of biosolids and their disposal; (4) determine the availability, costs, and feasibility of technological alternatives to Class B land application; (5) investigate the availability, capital and operations costs, feasibility, environmental and human health impact, and public acceptance of alternative technologies for the beneficial use of biosolids; and (6) identify and recommend institutional and financial mechanisms for assisting localities in implementing alternative technologies at the state, local and regional levels.

## Progress Farm vital to state biosolids research

The Progress Farm in Virginia Beach is at the forefront of biosolids research efforts currently underway in Virginia. For more than 25 years, the Hampton Roads Sanitation District (HRSD) has operated this working farm, which is dedicated to researching the safety and benefits of biosolids.

“We’ve been land applying biosolids and documenting their impacts to the environment for over 25 years,” said Rhonda Bowen, Recycling Manager for HRSD.

Before ever beginning land applications, HRSD worked with Virginia Tech to collect two years of comprehensive background data on existing conditions. “This information served as a baseline for monitoring the long-term impacts of biosolids application,” said Bowen.

From 1984 to 1999, Progress Farm received over nine times the quantity of biosolids approved for private site application. Initially, the application rates were two to five times greater than typical agronomic rates. Bowen explained that these rates were only allowed because the farm is a research facility and had installed monitoring wells. The purpose of these high application rates was to stress the system to aid in the evaluation of environmental effects.

Evaluation of soil, crops, runoff, groundwater and



Researcher removes soil core samples at Progress Farm.

surface water monitoring data since the program’s inception shows no degradation of the environment.

“Importantly, with over 25 years of research on the Progress Farm, HRSD and Virginia Tech have not identified any public health or safety issues resulting from the application of biosolids,” Bowen said.

To learn more about HRSD’s biosolids management efforts, visit its website at [www.hrsd.com](http://www.hrsd.com).



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