

# TIMELINE

## REGULATIONS & BIOSOLIDS

1972

Initial federal regulations of “sludge” included in the Federal Water Pollution Control Act Amendments.

1977

Clean Water Act § 405(d) enacted requiring U.S. EPA to establish regulations for sludge use and disposal alternatives, including limitations on harmful constituents to protect health and environment. Also enacted were provisions of Clean Water Act requiring pretreatment of industrial discharges to prevent introduction of toxic materials into sludge.

Virginia Department of Health incorporates sludge management provisions in sewage treatment and disposal regulations.

1978

Regulations adopted limiting concentrations of pathogens and PCBs in wastewater treatment plant sludge.

Pre 1980

Virginia State Water Control Board begins administering “sludge management plans” of wastewater treatment plants.

1991

The Water Environment Federation (WEF) formally recognized the term “biosolids” in 1991 to describe the treated soil-like residue of materials removed from sewage during the wastewater treatment process.

1993

After years of scientific research, U.S. EPA Part 503 Rule established technical standards for use and disposal of biosolids.

1994

Virginia General Assembly enacts legislation establishing comprehensive program for land application and marketing of biosolids, mandating development of State regulations to protect health and the environment, requiring permits for land application and placing Virginia Department of Health in charge of state biosolids programs. Results in regulations more stringent than those adopted by Federal government.

1995

Virginia Biosolids Use Regulations approved in accordance with legislative mandate, establishing standards and procedures for land application of biosolids in Virginia.

1997

Virginia Biosolids Use Regulations revised, establishing more restrictive best management land application practices and requirements.

2001

Virginia Supreme Court rules counties cannot ban land application of biosolids when authorized pursuant to state permit program.

General Assembly enacts legislation allowing counties to hire local monitors to assist Virginia Department of Health with the enforcement of land application and establishing a per-ton fee for payment of local monitoring and testing costs.

2002

Legislation (SB 618) is introduced authorizing localities to regulate and/or ban land application. SB 618 is carried over in the Senate Agriculture Committee. The Commission on the Future of Virginia’s Environment (Bolling Commission) is directed to study Virginia’s biosolids program and make recommendations for action in 2003.

2002–03

Bolling Commission holds a series of hearings during which it receives testimony from federal and state officials, local governments, scientists, farmers, health experts, environmental groups, biosolids opponents and supporters and other stakeholders. The Commission concludes that state oversight and management of the program is necessary to ensure consistency, but that local governments should be authorized to assist with enforcement and monitoring to ensure compliance with State regulations. Commission also recommends that the program be strengthened in certain aspects and that the Biosolids Use Regulations be reviewed to determine whether changes are needed.

2003

Following the recommendations of the Bolling Commission, the General Assembly rejects SB 618 and enacts legislation strengthening the state program, including the requirement of nutrient management plans for each application site, the establishment of training, testing and certification requirements for applicators, requirements for liability insurance, authority for local monitors to order abatement of violations and ability for local governments to request site-specific permit conditions.

2005

The General Assembly approves additional legislation, including a bill directing the Joint Legislative Audit and Review Commission (JLARC) to study the land application of biosolids, a bill requiring notification of land application at least 100 days prior to land application and provision for additional buffers to protect odor sensitive receptors.

JLARC concluded that opportunities exist for improving the State’s biosolids use program, which at the time was managed by the Virginia Department of Health. These measures include using the proceeds from the underutilized biosolids fee fund to increase the State’s oversight capacity. JLARC also suggested that VDH could provide greater support to counties.

2007

General Assembly approves legislation establishing an Expert Panel on Biosolids. Co-chairs were the Secretary of Natural Resources and Secretary of Health & Human Resources. Panel included 22 members (physicians, public health officials, wastewater treatment professionals, forestry personnel, representatives from Virginia Tech, University of Virginia and VCU, and citizens).

The General Assembly also authorizes transfer of the regulatory program from the Department of Health to the Department of Environmental Quality (DEQ).

2008

The Expert Panel reports its findings. In its report it says that after a thorough review the Panel uncovered no evidence or literature verifying a causal link between biosolids and illness. It suggested that health claims against biosolids don’t meet biological plausibility tests, and that biosolids should be considered a “resource.”

2009–13

The Virginia Department of Environmental Quality develops new regulations that included the establishment of a Technical Advisory Committee to provide guidance to the development of DEQ’s biosolids regulatory program, and a series of regional public hearings by the State Water Control Board on the proposed regulations.

2011

State Water Control Board adopts final rules.

2013

Regulations implemented by DEQ.

The Potomac Riverkeepers file a lawsuit against the Commonwealth of Virginia claiming that the regulations are not protective of the environment, specifically on karst topography.

2015

The General Assembly approves legislation establishing a permit fee for “industrial residuals,” and amended the regulations associated with local monitoring program that would enable localities to be reimbursed for the monitoring of application sites where “industrial residuals” are applied.



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