



Biosolids Regulatory Program Update

Neil Zahradka

Manager, DEQ Office of Land Application Programs

**Virginia Biosolids Council Stakeholder Meeting
July 12, 2018**



Overview

- VPA Biosolids Permit Reissuance
- DEQ Biosolids Database Enhancements
- Extended Setback Procedures
- Exceptional Quality Biosolids Permits



VPA Biosolids Permit Reissuance

- DEQ authorizes Class B biosolids land application through:
 - Individual Virginia Pollution Abatement (VPA) permits
 - no point-source discharge authorized
 - maximum 10-year term
 - Individual Virginia Pollutant Discharge Elimination System (VPDES) permits
 - typically the waste treatment facility that also authorizes point-source discharges of wastewater
 - maximum 5-year term



VPA Biosolids Permit Reissuance

- VPA Biosolids Permits
 - After transfer from VDH, first permit issued April 15, 2009
 - Over 100 VPA biosolids permits have been issued since

Year of Expiration	# of Permits
2019	22
2020	31
2021	10
2022	8
2023	16
2024	6
2025	18
2026	4
2027	1



VPA Biosolids Permit Reissuance

- Evolution of Program
 - 2013 Regulatory Amendments
 - Application information
 - Site Books
 - Landowner agreements
 - Public Notification of permit processing
 - DEQ GIS Database
 - Assignment of DEQ Control IDs
 - Polygons – shift from field basis to site basis
 - Centralization of Program
 - All but Tidewater and Southwest Regional Offices
 - Increased consistency



VPA Biosolids Permit Reissuance

- Water Permit Reissuance
 - Due Date for reissuance application:
180 days before the permit expiration date
 - DEQ typically sends reminder letters out 180 days before the due date
 - Goal is to send VPA biosolids reminders out 1 year before due date
- First Reissuance Applications due:
 - October 2018: 1 permit – Milton Wright
 - December 2018: 3 permits – Houff's
 - January 2017: 11 permits – Recyc, Agri-Services, Nutri-Blend



VPA Biosolids Permit Reissuance

- Administrative Continuance of Water Permits
 - Permit may be administratively continued beyond the expiration date if, due to no fault of the permit holder, permit is not issued by expiration
 - Application must be technically complete by the application due date
 - DEQ may extend the deadline for submittal of information, but in no case beyond the permit expiration date
 - New 10 year permit term begins on the date the reissued permit is signed (effective date)



VPA Biosolids Permit Reissuance

- Technically Complete Site Books
 - If site books for currently permitted sites contain all of the information required by the 2013 VPA Permit Regulation, permit applicant need not resubmit site books – include reference in application
 - DEQ will use sitebook checklist to determine completeness
 - If a site book for a site authorized in the current permit does not contain all of the 2013 VPA requirements, permit writer may consider permit application technically complete, but will insert a special condition in the reissued permit that requires submission of updated site book before land application on that site.



VPA Biosolids Permit Reissuance

- Technically Complete Landowner Agreements
 - Must be signed by all current landowners
 - Must be on current form (as of date signed)
 - Revised landowner agreement form will be published in next two weeks
 - Must be less than 10 years old on expected permit expiration date
 - If a landowner agreement for a parcel(s) authorized in the current permit is not on the current form, permit writer may consider permit application technically complete, but will insert a special condition in the reissued permit that requires submission of updated agreement before land application on that parcel(s).



VPA Biosolids Permit Reissuance

- Public Meetings
 - DEQ will hold public meetings for reissuance applications that include proposed additions of land >50% of that authorized in the initial issuance of the permit (at the beginning of the first permit term) (9VAC25-32-140.B.2.)
 - Future public meeting and draft permit notice requirements for amendments to add land to a permit are based on the “acreage authorized in the initial permit” (9VAC25-32-140.C.2.)
 - Once the permit reissuance is effective, DEQ will consider the “acreage authorized in the initial permit” to be that acreage included in the initial issuance of the new permit for purposes of calculating 50% of the acreage for future modifications to add land



VPA Biosolids Permit Reissuance

- For draft permits, all permit reissuances require:
 - DEQ notification to affected locality
 - Newspaper public notice 1/week for 2 consecutive weeks, paid for by applicant
 - 30 day public comment period on the draft permit
 - Opportunity to request a hearing (§ 62.1-44.15:02)
- Adjacent Resident Notifications
 - DEQ will only conduct adjacent resident notifications (postcard in US mail) for additions of new, non-contiguous fields proposed for land application (9VAC25-32-140.C.1)
 - DEQ will not send postcards to residents adjacent to fields included in the current permit



VPA Biosolids Permit Reissuance

- Distribution of Expiration Dates
 - To distribute future reissuance workload
 - Administrative continuance of existing permit
 - new permit expiration date is shifted forward 10 years plus the term of administrative continuance
 - Issuing some permits with term <10 years
 - Term negotiated with permit applicant
 - Subsequent terms would be full 10 years
 - No additional reissuance fee upon reissuance of short term permit
 - Land could be added at the reissuance without a \$1000 modification fee
 - Would require newspaper public notice of draft permit
 - Would require opportunity for public to request a hearing
 - Revoke and Reissue
 - Permit applicant pays \$5000 revoke and reissue fee
 - DEQ issues new permit with effective date prior to the expiration date of current permit



VPA Biosolids Database Enhancements

- DEQ is adding additional functionality to the agency permitting and compliance database (CEDDS)
- Project is expected to be complete in early August 2018
- Monthly report spreadsheet format and submittal process will not change
- DEQ staff will use system to automatically upload the spreadsheet and validate data
- Data in report forms will be required to follow specific validation rules (most already noted in spreadsheet instructions)
- Additional instructions are forthcoming as the system is tested
- Inspection format will change (with minor changes to content)



Extended Setback Procedures - Review

- DEQ applies standard setbacks in all permits
 - 100' from property line
 - 200' from occupied dwelling
 - 200' from publicly accessible property line
 - 400' from odor sensitive receptor
- “Odor sensitive receptor” means any health care facility, such as hospitals, convalescent homes, etc. or a building or outdoor facility regularly used to host or serve large groups of people such as schools, dormitories, or athletic and other recreational facilities.
- If the facility is not a building, the setback will be measured from the farthest extent of the facility where groups normally congregate
- Publicly accessible sites are open to the general public and routinely accommodate pedestrians and include, but are not limited to, schools, churches, hospitals, parks, nature trails, businesses open to the public, and sidewalks.
- A publicly accessible site may or may not also contain an odor sensitive receptor.



Extended Setback Procedures - Review

- Examples of Standard Setbacks

Facility Type	Odor Sensitive Receptor 400' Setback from Facility	Publicly Accessible Property Line 200' Property Line Setback
physician's office	Yes	Yes
athletic fields	Yes	Yes
residential complexes for the elderly, assisted living facilities	Yes	Yes
restaurant/business serving prepared food	Yes	Yes
shopping center/business complex	Yes	Yes
movie theatre	Yes	Yes
church	Yes	Yes
public cemetery	Yes	Yes
veterinarian's office	No	Yes
single business with no characteristics of odor sensitive receptor	No	Yes



Extended Setback Procedures - Review

- Standard setbacks may be extended by resident or property owner with note from their physician
 - 200' from property line
 - 400' from occupied dwelling
- Physician's note must be on DEQ form
- DEQ retains no personal medical information in public file
- Property owners or residents who assert that they need additional protection beyond the extended setbacks must contact the VDH Local Health District Director to request an individual assessment to determine if an additional extended setback or other special condition is warranted.
- The Local Health District Director may request that the VDH Biosolids Medical Review Committee be convened to make a setback determination. This is an ad hoc committee composed of VDH staff.



Exceptional Quality Biosolids Permits

- EQ biosolids have received additional treatment for pathogens (Class A rather than Class B)
- Vector Attraction Reduction and Pollutant limits are also more stringent for EQ materials
- EQ biosolids require VPA or VPDES permits to ensure product quality, but may be marketed without site-specific conditions or site approval
- Must register product with VA Dept. of Agriculture
- Heat treated (typically pelletized) and blended materials marketed similarly to commercial fertilizer



Exceptional Quality Biosolids Permits

- Newer treatment technologies (e.g. thermal hydrolysis/anaerobic digestion, autothermal thermophilic aerobic digestion) can produce an EQ “cake” material that is similar to Class B in appearance
- DEQ issued a distribution and marketing permit to DC Water for EQ cake material: “Bloom”
- Nutrient Management Plans are required for:
 - bulk use of blended or unblended material on agricultural sites
 - bulk unblended material on all sites
- Notification requirements are reduced – includes signs
- If land included in Class B permits receives DC Water EQ material, Class B permit requirements must be followed



Neil Zahradka

Manager, DEQ Office of Land Application Programs

804-698-4102

neil.zahradka@deq.virginia.gov

<http://www.deq.virginia.gov/Programs/Water/LandApplicationBeneficialReuse.aspx>

OR:

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