

1 H.3

2 Introduced by Representative McCullough of Williston

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; solid waste; water quality; sludge;
6 septage; land application

7 Statement of purpose of bill as introduced: This bill proposes to prohibit the
8 land application of sludge or septage except for the land application of
9 exceptional quality biosolids. The bill would require municipally owned
10 wastewater treatment facilities to accept septage for treatment. The bill would
11 establish a Biosolids Conversion Special Fund to provide grants to municipal
12 wastewater facilities for the purpose of converting septage and sludge to
13 exceptional quality biosolids.

14 An act relating to the land application of sludge and septage

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. FINDINGS

17 The General Assembly finds that:

18 (1) the quality of Vermont's waters is of utmost importance to the health
19 and prosperity of the citizens of the State;

1 (2) multiple waters of the State are impaired due to phosphorus or
2 pathogens, and the State has adopted total maximum daily load plans to
3 improve the quality of these waters;

4 (3) nutrients appropriately applied to land are valuable to Vermont
5 farmers and the general public;

6 (4) exceptional quality biosolids are nutrient rich, and the application of
7 exceptional quality biosolids are a value-added product for Vermont farmers;
8 and

9 (5) appropriate application of exceptional quality biosolids decreases the
10 costs of transporting sewage sludge and diverts sewage sludge from landfills.

11 Sec. 2. 10 V.S.A. § 6602 is amended to read:

12 § 6602. DEFINITIONS

13 As used in this chapter:

14 (1) “Secretary” means the Secretary of Natural Resources or his or her
15 duly authorized representative.

16 (2) “Solid waste” means any discarded garbage, refuse, septage, sludge
17 from a waste treatment plant, water supply plant, or pollution control facility
18 and other discarded material, including solid, liquid, ~~semi-solid~~ semisolid, or
19 contained gaseous materials resulting from industrial, commercial, mining, or
20 agricultural operations and from community activities but does not include
21 animal manure and absorbent bedding used for soil enrichment; high carbon

1 bulking agents used in composting; or solid or dissolved materials in industrial
2 discharges ~~which~~ that are point sources subject to permits under the Water
3 Pollution Control Act, chapter 47 of this title.

4 * * *

5 (50) “Biosolids” means sewage sludge that has been subjected to a
6 treatment process for the reduction of pathogens and has been shown to meet
7 the applicable requirements for contaminant concentrations, vector attraction
8 reduction, and pathogen indicator organism density, as necessary for the
9 intended use, such as application to the land under a site-specific permit or
10 marketing and distribution to the general public for unregulated use.

11 (51) “Exceptional quality biosolids” means sewage sludge or biosolids
12 that have been subjected to an advanced pathogen reduction treatment process
13 and meet the vector attraction, pollutant concentration, and pathogen indicator
14 organism density standards established by the Agency of Natural Resources
15 such that they are no longer classified as a solid waste and may be marketed
16 and distributed to the general public for use without a site-specific permit.

17 (52) “Septage” means the liquid and solid materials pumped from a
18 septic tank, portable toilet, or cesspool during cleaning.

19 (53) “Sludge” means any solid, semisolid, or liquid generated from a
20 municipal, commercial, or industrial wastewater treatment plant or process,
21 water supply treatment plant, air pollution control facility, or any other such

1 waste having similar characteristics and effects. “Sludge” includes Class A
2 and Class B sewage sludge as those terms are defined under 40 C.F.R.
3 Part 503.

4 Sec. 3. 10 V.S.A. § 6605 is amended to read:

5 § 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

6 (a)(1) No person shall construct, substantially alter, or operate any solid
7 waste management facility without first obtaining certification from the
8 Secretary for such facility, site, or activity, except for sludge or septage
9 treatment or storage facilities located within the fenced area of a domestic
10 wastewater treatment plant permitted under chapter 47 of this title. This
11 exemption for sludge or septage treatment or storage facilities shall exist only
12 if:

13 (A) the treatment facility does not use a process to reduce pathogens
14 further in order to qualify for marketing and distribution; and

15 (B) the facility is not a drying bed, lagoon, or nonconcrete bunker;
16 and

17 (C) the owner of the facility has submitted a sludge and septage
18 management plan to the Secretary and the Secretary has approved the plan.

19 Noncompliance with an approved sludge and septage management plan shall
20 constitute a violation of the terms of this chapter, as well as a violation under
21 chapters 201 and 211 of this title.

1 (2) Certification shall be valid for a period not to exceed 10 years.

2 * * *

3 ~~(g)(1) Notwithstanding any contrary provision of this section, the Secretary~~
4 ~~may authorize the land disposal or management of sludge or septage by an~~
5 ~~applicant at any certified site or facility with available capacity, provided the~~
6 ~~Secretary finds:~~

7 ~~(A) that the applicant needs to dispose of accumulated sludge or~~
8 ~~septage promptly, and that delay would likely cause public health, or~~
9 ~~environmental damage, or nuisance conditions, or would result in excessive~~
10 ~~and unnecessary cost to the public, and that the applicant has lost authority to~~
11 ~~use previously certified sites through no act or omission of the applicant; and~~

12 ~~(B) that at the certified site or facility to be used:~~

13 ~~(i) the certificate holder agrees in writing to allow use of the site~~
14 ~~or facility by the applicant;~~

15 ~~(ii) management of the applicant's sludge or septage is compatible~~
16 ~~with the site or facility certificate;~~

17 ~~(iii) all terms and conditions of the original certification will~~
18 ~~continue to be met with addition of the applicant's sludge or septage; and~~

19 ~~(iv) beginning January 1, 2013, any sludge or septage applied to~~
20 ~~land shall be applied according to a nutrient management plan approved by the~~
21 ~~Secretary.~~

1 ~~(2) Issuance of an approval under this subsection shall comply with~~
2 ~~section 7716 of this title~~ A person shall not land apply sewage or sludge in the
3 State. Sludge from a wastewater treatment facility, as that term is defined in
4 section 1252 of this title, or collected septage shall be disposed of at a certified
5 landfill or converted to exceptional quality biosolids. The Secretary shall not
6 require a certification, permit, or other approval under this chapter for the land
7 application of exceptional quality biosolids, provided that exceptional quality
8 biosolids applied by a farm shall be incorporated into the nutrient management
9 plan for the farm.

10 * * *

11 Sec. 4. 10 V.S.A. § 1251 is amended to read:

12 § 1251. DEFINITIONS

13 Whenever used or referred to in this chapter, unless a different meaning
14 clearly appears from the context:

15 * * *

16 (3) "Discharge" means the placing, depositing, or emission of any
17 wastes, directly or indirectly, into an injection well or into the waters of the
18 State.

19 * * *

20 (20) "Biosolids" means sewage sludge that has been subjected to a
21 treatment process for the reduction of pathogens and has been shown to meet

1 the applicable requirements for contaminant concentrations, vector attraction
2 reduction, and pathogen indicator organism density, as necessary for the
3 intended use, such as application to the land under a site-specific permit or
4 marketing and distribution to the general public for unregulated use.

5 (21) “Exceptional quality biosolids” means sewage sludge or biosolids
6 that have been subjected to an advanced pathogen reduction treatment process
7 and meet the vector attraction, pollutant concentration, and pathogen indicator
8 organism density standards established by the Agency of Natural Resources
9 such that they are no longer classified as a solid waste and may be marketed
10 and distributed to the general public for use without a site-specific permit.

11 (22) “Septage” has the same meaning as in section 6602 of this title.

12 (23) “Sludge” means any solid, semisolid, or liquid generated from a
13 municipal, commercial, or industrial wastewater treatment plant or process,
14 water supply treatment plant, air pollution control facility, or any other such
15 waste having similar characteristics and effects. “Sludge” includes Class A
16 and Class B sewage sludge, as those terms are defined under 40 C.F.R.
17 Part 503.

18 (24) “Wastewater treatment facility” has the same meaning as in section
19 1295 of this title.

1 Sec. 5. 10 V.S.A. § 1263 is amended to read:

2 § 1263. DISCHARGE PERMITS

3 (a) Any person who intends to discharge waste into the waters of the State
4 or who intends to discharge into an injection well or who intends to discharge
5 into any publicly owned treatment works any waste that interferes with, passes
6 through without treatment, or is otherwise incompatible with that works or
7 would have a substantial adverse effect on that works or on water quality shall
8 make application to the Secretary for a discharge permit. Application shall be
9 made on a form prescribed by the Secretary. An applicant shall pay an
10 application fee in accordance with 3 V.S.A. § 2822.

11 * * *

12 (d) A discharge permit shall:

13 (1) Specify the manner, nature, volume, and frequency of the discharge
14 permitted and contain terms and conditions consistent with subsection (c) of
15 this section.

16 (2) Require proper operation and maintenance of any ~~pollution~~
17 ~~abatement~~ wastewater treatment facility necessary in the treatment or
18 processing of the waste by qualified personnel in accordance with standards
19 established by the Secretary and the Director of the Office of Professional
20 Regulation. The Secretary may require that a ~~pollution-abatement~~ wastewater
21 treatment facility be operated by persons licensed under 26 V.S.A. chapter 99

1 and may prescribe the class of license required. The Secretary may require a
2 laboratory quality assurance sample program to ensure qualifications of
3 laboratory analysts.

4 (3) Contain an operation, management, and emergency response plan
5 when required under section 1278 of this title and additional conditions,
6 requirements, and restrictions as the Secretary deems necessary to preserve and
7 protect the quality of the receiving waters, including requirements concerning
8 recording, reporting, monitoring, and inspection of the operation and
9 maintenance of ~~waste treatment facilities and waste collection systems~~
10 wastewater treatment facilities.

11 (4) Be valid for the period of time specified therein, not to exceed five
12 years.

13 (5) Require a municipally owned wastewater treatment facility to accept
14 septage for treatment, provided that:

15 (A) the wastewater treatment facility has capacity to treat the septage;

16 and

17 (B) the wastewater treatment facility may refuse to accept septage for
18 treatment during combined sewer overflows or mechanical failure at the
19 facility that prevents adequate treatment of the septage.

1 Sec. 6. 10 V.S.A. § 1285 is added to read:

2 § 1285. BIOSOLIDS CONVERSION SPECIAL FUND

3 The Biosolids Conversion Special Fund is established to provide grants to
4 the municipal wastewater treatment facilities to convert or process septage or
5 sludge into exceptional quality biosolids. The Fund shall be managed in
6 accordance with 32 V.S.A. chapter 7, subchapter 5, except that the Secretary of
7 Natural Resources shall administer the Fund. The Fund shall consist of
8 revenues dedicated for deposit to the Fund by the General Assembly.

9 Sec. 7. APPROPRIATION

10 In addition to other funds appropriated in fiscal year 2022, \$300,000.00 is
11 transferred from the Clean Water Fund to the Biosolids Conversion Fund to be
12 used by the Secretary of Natural Resources for the purposes of the Biosolids
13 Conversion Fund.

14 Sec. 8. TRANSITION

15 The Secretary of Natural Resources shall require a wastewater treatment
16 facility to comply with the requirements of Sec. 5 of this act (acceptance of
17 septage) upon renewal of the facility's permit or by July 1, 2023, whichever
18 occurs first.

19 Sec. 9. EFFECTIVE DATE

20 This act shall take effect on July 1, 2021.