

Sewage Sludge Task Force Meeting #5

November 20, 2007

Meeting Minutes

A.Hussain Alhija, Chair of Task Force

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Proposed Change(s)</u>	<u>Department Stance</u>
1	26.04.06.01.A.	The purpose of this chapter is to establish requirements and control measures for the utilization of sewage sludge or septage, which contains plant nutrients and organic matter that can be used for energy generation.	Take out everything after septage.	Take into consideration
2	26.04.06.01.C.(3). 26.04.06.01.D.	Be conducive to insect and rodent infestation or the attracting or harboring of animals or vectors;	Use air, dust or water transmission, methods of physical transmission. Move to Regulation .10 and clarify	Take into consideration
3	26.04.06.03.B.(7).	“Biosolids” means any thickened liquid, suspended or settled solid, or dried residue extracted from sewage at a wastewater treatment plant.....	Did not mention “cake” or say “dewatered”	Take into consideration

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5	26.04.06.03.B.(18)	“Contaminate” means to introduce a substance that causes the maximum contaminant level for pollutants....	MDE does not currently require land application sites to do groundwater or surface water sampling. The WWTP facilities is where the sampling is performed at.	Check with EPA 503
4	26.04.06.03.B.	Does not exist	Add “clean-earthen fill” or “clean-earthen materials”	Take into consideration
6	26.04.06.03.B.(29).	“Disposal” means the discharge, deposit, injection, dumping, spilling leaking, or placement of sewage sludge or septage into any land or water. Disposal may include, but is not limited to, incineration or landfilling.	Where “disposal” appears later in the draft regs, you may not dispose anything with biosolids as a potential “disposal.” Change to “For the purpose of this regulation....” Also, check definition in 503 and proposed definition in fly ash.	Take into consideration and also check with EPA 503
6	26.04.06.03.B.(30).	“Drainage Ditch” means a linear excavation or depression constructed for the purpose of conveying surface runoff or ground water from one area to another.	Does not include “water leads”	Take into consideration

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6	26.04.06.03.B.(33)	“Feed crops” means crops produced primarily for consumption by animals .	Change animals to livestock.	Will change
	26.04.06.03.B.(40)		Check current policy regarding depth.	Will check
9	26.04.06.03.(B)	Does not exist	Add “Nutrient Management Plan” as a definition.	Take into Consideration
12	26.04.06.03.B.(84)	“Sewage sludge” means any thickened liquid, suspension, settled solid, dewatered solids.....	Don’t define “septage” within definition, yet “septage” is used in the definition for “sewage sludge Utilization (84).	Add sewage sludge or “septage utilization.”
12	26.04.06.03.B.(80)	“Sewage sludge” means..... or dried residue that a wastewater treatment plant extracts from sewage.	Change “extracts” to “generates.”	Will change
15	26.04.06.05	N/A	Add “septage” throughout document in Section .05 where it is not included.	Will change
19	26.04.06.05.B.(2)	Table 2 – Cumulative Constituent	Keep limit at 18 kilograms	Will change

Loading Rates for Molybdenum (Mo) per hectare

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20	26.04.06.05.B.(4)	Table 4 – Annual Constituent Loading Rates for Chromium (Cr)	Take out Chromium	Will change
21	26.04.06.07.A.	“...All sample analysis shall be performed by an independent laboratory....”	What about WWTP’s that have their own labs? Take out independent labs.	Take into consideration
21	26.04.06.07.A.	“The frequency of analysis shall be in accordance with §A of this regulation.”	Change to §A1	Will change
21	26.04.06.07.A.	“The analysis shall include, as a minimum, percent of total solids, pH, and the dry weight concentration of total Kjeldahl nitrogen...”	Suggest placing “or other methods acceptable by the Department” in front of total Kjeldahl nitrogen.	Take into consideration
22	26.04.06.07.A.1.	Testing Frequency – Plant Capacity in front of Plant.	Add “Design Capacity”	Will change
22	26.04.06.07.A.1.	Table	Make A part of C	Take into consideration

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Proposed Change(s)</u>	<u>Department Stance</u>
23	26.04.06.08.B.(4).	The county and site where the sewage sludge is being utilized.	difficult to get information as to what field the sewage sludge goes.	Take into consideration
23	26.04.06.08.E.	A sewage sludge generator whose generator's wastewater treatment plant is located out-of-State shall submit to the Department a generator's report for that portion of the generator's sewage sludge that is utilized in the State as a condition for authoring...	Change authorizing to re-authorizing.	Will change
24	26.04.06.09.D.	Failure to pay the generator's fee shall constitute grounds for revocation of any Sewage Sludge Utilization Permit, authorization, or approval previously issued by the Department for the utilization of that generator's sewage sludge...	Add issued for the generator in front of authorization	Will change
26	26.04.06.10.B.	The Department may not issue a Sewage Sludge Utilization Permit for the purpose of utilizing sewage sludge or septage to grow tobacco.	Would this section be better served in placed in the agricultural section of the regulations?	Take in consideration

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Proposed Change(s)</u>	<u>Department Stance</u>
26	26.04.06.10A.	the word “excepted”	Check the word “excepted in .10A and thereafter	Take in consideration
27	26.04.06.10.C.(3)	“...result of a process failure, equipment breakdown, or any other emergency conditions as determined by the Department.	place “at the receiving wastewater treatment plant” in front of As	Will change
28	26.04.06.10.C.(4)	“...or as a result of a process failure, equipment breakdown, or any other emergency conditions...”	place “at the WWTP”	Will change
28	26.04.06.10.C.(4)(d)	The person complies with the requirements for transportation and disposal or alternative utilization at the municipal landfill established by the Department.	Add at the end “or out-of-State authority	Will change
29	26.04.06.10.C.(5)	A person mixing a Class A sewage sludge with clean earthen material such as clays, sands, gravels, silts, and other materials as approved by the Department...	person received written authorization from the Department	Take in consideration

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Proposed Change(s)</u>	<u>Department Stance</u>
29	26.04.06.10.C.(6)	A storage facility used for the storage of bagged Class A sewage sludge...	Add commercial in front of Class A and delete “bagged commercial products”	Will change
29	26.04.06.10.C.(6)(a)	The period of storage does not exceed 30 days; and	Take out and replace with “or”	Will change
30	26.04.06.10.C.(9)	A person who installs, materially alters, or materially extends a sewage sludge storage facility...	Add “or distribution” in front of facility	Will change
30	26.04.06.10.C.(10)	A person who installs, materially alters, or materially extends a septage storage Facility.	Add “or distribution” in front of facility	Will change
32	26.04.06.11.C.(5)	\$125,000 for a Sewage Sludge Utilization Permit for a sewage sludge or septage treatment, composting, storage, or distribution facility...	Based on capacity, fees determined by the Department	Take into consideration
35	26.04.06.13.A.	Within six months after the effective date of these regulations, a person who has received from the Department a	Address new versus existing treatment facilities	Take into consideration

written authorization...

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Proposed Change(s)</u>	<u>Department Stance</u>
35	26.04.06.13.B.	The Department may issue a Sewage Sludge Utilization Permit to construct and Operate a sewage sludge or septage treatment Facility to generate Class A or B sewage sludge	Take out Section B	Will change
36	26.04.06.13.C.(4)	A 1,000-foot buffer zone shall be maintained between the sewage sludge or septage treatment process or treated sewage sludge or septage storage area, or both...	Change to address existing treatment facilities	Take into consideration
41	26.04.06.15	N/A	Add exception to existing authorization	Take into consideration
42	26.04.06.15.B. & C.	N/A	Reversing paragraphs B & C as well as all similar regulations	Will change
42	26.04.06.15.D.	If the Department receives a request for a public hearing in accordance with §B...	Needs to be §C not §B	Will change
43	26.04.06.15.D.	...the Department shall hold a public hearing in the affected subdivision in accordance with the Administrative Procedure Act.	Add "where the proposed facility is to be constructed and operated" before "in accordance."	Will change

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Proposed Change(s)</u>	<u>Department Stance</u>
43	26.04.06.15.E.	If the executive or legislative bodies of more than one county or municipal corporation...	Take out “more than one county” and add “other Maryland Counties or other municipalities” that are located within one mile of the proposed facility. Also, replace B with C. In addition, delete “one county” and add “the affected subdivision where the proposed facility is to be constructed and operated.”	Will change

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Proposed Change(s)</u>	<u>Department Stance</u>
45	26.04.06.17	N/A	Include a provision where a generator may have an obligation to notify user or contractor of a problem with sewage sludge. Certify to the user that the sewage sludge is acceptable or meets standards	Take into consideration

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Proposed Change(s)</u>	<u>Department Stance</u>
54	26.04.06.20.D.	...the Department shall hold a public hearing in the affected subdivision in accordance with the Administrative Procedure Act...	Replace C with B and add “where the facility is to be installed, materially altered or materially extended” in front of “in accordance”	Will change

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Proposed Change(s)</u>	<u>Department Stance</u>
54	26.04.06.20.E.	If the executive or legislative bodies of more than one county or municipal corporation...	Take out “more than one” and replace with “other Maryland counties” and also add after corporation “that are located within one mile of the facility” and also add “the affected subdivision where the proposed facility is to be	Will change

constructed and operated.”

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Proposed Change(s)</u>	<u>Department Stance</u>
58	26.04.06.23.D.	N/A	Add MDE policy in September 19, 1997 letter.	Take into consideration
60	26.04.06.24.A.(2)	The results of a most recent laboratory analysis...	Take out “most”	Take into consideration
60	26.04.06.24.A.(2)	...The analysis shall include, as a minimum, percent of total solids, pH, and the dry weight concentration of total Kjeldahl...	Add “or other method acceptable by the Department” in front of “Kjeldahl.”	Will change
61	26.04.06.24.(3)(c)	Procedures for sampling on-site	Take out “sampling on-site”	Will change
61	26.04.06.24.(3)(f)	Methods and procedures to control odors and other nuisances at the site	Take out all of (f)	Will change
61	26.04.06.24.(3)(i)	Methods and procedures for restricting public access to the site.	Take out all of (i)	Will change
74	26.04.06.30.A.(1)(a)	...the county or municipal corporation where the storage facility is to be located .	Take out “located” and add “installed, materially altered or extended.”	Will change

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Proposed Change(s)</u>	<u>Department Stance</u>
75	26.04.06.30.A.(1)(b)	If the proposed facility is within one mile..	Take out “proposed”	Will change
75	26.04.06.30.B.	...a sewage sludge or septage storage facility, the Department may hold...	Add after “facility,” “where the facility is to be installed, materially altered or extended”	Will change
79	26.04.06.33.B.	...the label shall warn against using the Class A sewage sludge or septage on pasture land.	Add after “septage,” “by surface application on established”	Will change
86	26.04.06.35.A.(1)(a)	...the county or municipal corporation where the distribution facility is located .	Delete “located” and add “to be installed, materially altered or materially extended.”	Will change
86	26.04.06.35.A.(1)(b)	If the proposed site is within one mile of another Maryland county...	Take out “proposed”	Will change
86	26.04.06.35.B.	...If more than one county or municipal corporation will be affected by the...	Add “where the facility is to be installed, materially altered or materially extended”	Will change
90	26.04.06.38.B.(1)(b)	An average of the three highest yielding years...	Take out all of section (b)	Will change Dr. Trish will propose language

<u>Page #</u> 90	<u>Regulation</u> 26.04.06.38.B.(1)(c)	<u>Current Language</u> Estimated average yields for the specified crops as identified in the soils map...	<u>Proposed Change(s)</u> Take out all of section (c)	<u>Department Stance</u> Will change Dr. Trish will propose language
<u>Page #</u> 90	<u>Regulation</u> 26.04.06.38.B.(1)(d)	<u>Current Language</u> Documentation of management practices to be used...	<u>Proposed Change(s)</u> Take out all of section (d)	<u>Department Stance</u> Will change Dr. Trish will propose language
<u>Page #</u> 90	<u>Regulation</u> 26.04.06.038.B.(1)	<u>Current Language</u> N/A	<u>Proposed Change(s)</u> Add a section on how to determine PAN and how to use PAN tables	<u>Department Stance</u> Take into consideration
<u>Page #</u> 91	<u>Regulation</u> 26.04.06.038.B.(3)	<u>Current Language</u> Table 1 – Nitrogen Mineralization Factors after Sewage Sludge or Septage is Applied to Soils	<u>Proposed Change(s)</u> Within Table 1 – all areas where organic nitrogen is listed as “NO” change to “No” – small “o”	<u>Department Stance</u> Will change
<u>Page #</u> 95	<u>Regulation</u> 26.04.06.38.D.(1)	<u>Current Language</u> Sections (e) through (n)	<u>Proposed Change(s)</u> Re-letter to (a) to (j)	<u>Department Stance</u> Will change
<u>Page #</u> 96	<u>Regulation</u> 26.04.06.38.D.(2)	<u>Current Language</u> The restrictions in §D of this regulation shall be met...	<u>Proposed Change(s)</u> Take out all of section D.(2)	<u>Department Stance</u> Will change
<u>Page #</u> 96	<u>Regulation</u> 26.04.06.38.D.(3)	<u>Current Language</u> The Department may deny an application to apply lime stabilized sewage sludge or septage...exceeding the optimum pH	<u>Proposed Change(s)</u> Optimum pH – where is the list of crops and optimum pH. How do we enforce? Need to operationally	<u>Department Stance</u> Help from Dr . Trish Trish

		for the crop to be grown.	define it.	
<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Proposed Change(s)</u>	<u>Department Stance</u>
96	26.04.06.E.(1)	The permittee shall post weather resistant notices in conspicuous...	Check VA requirement	Take into consideration
<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Proposed Change(s)</u>	<u>Department Stance</u>
96	26.04.06.E.(2)	Sewage sludge or septage may not be applied on slopes greater than 15 percent.	Check slope in current regulation	Will check
<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Proposed Change(s)</u>	<u>Department Stance</u>
97	26.04.06.38.E.(6)	During land application, a sewage sludge or septage utilizer shall keep onsite records regarding the quantity and type of sewage sludge or septage received; the areas, which the sewage sludge or septage; was land applied.	Consider adding something that the farmer has to acknowledge that they know how much sewage sludge was applied, and what other nutrients are still needed.	Take into consideration
<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Proposed Change(s)</u>	<u>Department Stance</u>
97	26.04.06.38.E(4)	Sewage sludge or septage applied to land shall be incorporated into the soil by the end of each working day except under the following conditions:	Change wording to “under one of the following conditions” or after E.(4)(a) add “or”	Take into consideration
<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Proposed Change(s)</u>	<u>Department Stance</u>
99	26.04.06.38.F.(6)(a)	Sewage sludge or septage is either surface applied or subsurface injected using one of the application methods listed in §F(9)...	Change to §F(8)	Take into consideration