

Sewage Sludge Task Force Meeting #7

August 27, 2008

Meeting Notes

A.Hussain Alhija, Chair of Task Force

* M on page numbers means marked regulations and UM is the unmarked ones

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Task Force Comment(s)</u>	<u>Department Stance</u>
99UM, 107M	26.04.06.38.C.(1)(j)	Mean high waterline of tidal waters and landward side of tidal wetlands – 200 ft.	Why 200 feet when a farmer can apply his own fertilizer within that buffer zone. MDA is creating their own restrictions which is most likely going to be 100 feet.	Will consider
101UM, 110M	26.04.06.38.D.(5)(a) 26.04.06.38.D.(5)(b) 26.04.06.38.D.(5)(c)	Post signs that are legible at all times... The signs shall be weather resistant... ...replace any sign that has been removed or damaged...	Use less signage and more education.	Will consider
103UM, 111M	26.04.06.38.D.(9)(b)	The sign shall be made of weather resistant materials and shall be sturdily mounted so as to be capable of remaining in place for at least 12 months after completion of land application...	Sign up for 12 months is over-kill. May cause more people to panic if they see all these signs up. Perhaps more education and also a sign that may read “Bio-Solids Recycling” that is up for 4-5 days after land application would suffice.	Will consider
N/A	N/A	Proposed to have fencing installed	Fencing will only allow more	Fencing will not be

on properties that border a sludge app. Site and a municipality property or town incorporation.

children to climb the fence. Fencing is not a good strategy.

incorporated into regs.

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Task Force Comment(s)</u>	<u>Department Stance</u>
104UM, 113M	26.04.06.38.E.(1)	...sewage sludge or septage may not be land applied when the soil is saturated, when the ground is covered with snow, or when weather conditions prevent compliance with the requirement to incorporate the sewage sludge or septage into the soil.	It is impossible to predict rain events. During summer months rain storms can pop up at any moment so Synagro would have to shut down everytime there was a threat of a thunderstorm would then back up the WWTP's.	Will consider

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Task Force Comment(s)</u>	<u>Department Stance</u>
N/A	N/A	Issue is options for WWTP's for when inclement weather and other emergencies occur where storage of sludge, if allowed, is at full capacity. In other words, need alternatives for when outlets are limited. Don't want WWTP superintendents to have to violate regulations (lesser of 2 evils scenario).	Would MDE allow application of sludge to snow covered ground, etc. to help off-load extra sludge?	Will consider

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Task Force Comment(s)</u>	<u>Department Stance</u>
187UM, 200M	26.04.06.76.B	A written request for variance shall include the following information... a written description of the variance requested...	Add "except" for emergency situations as approved by MDE.	No, otherwise, the Department would have to add "except" for every section that would need it.

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Task Force Comment(s)</u>	<u>Department Stance</u>
105UM, 114M	26.04.06.38.E.(3)	...Sewage sludge or septage may not be incorporated into frozen ground by means of a chisel plow or similar device when the ground is frozen too hard for normal	MDE needs to define "frozen ground" and it needs to be consistent with MDA's definition.	Will consider

operation of the device such that the device raises large blocks of frozen ground or when the device cannot properly penetrate the ground as intended.

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Task Force Comment(s)</u>	<u>Department Stance</u>
109UM, 120M	26.04.06.39.C.(1).	An owner’s consent form completed and signed by the legal owner(s) of the site where sewage sludge or septage is to be land applied.	Synagro talks to the farmer or farm operator, in many cases, do not deal directly with legal owner(s). MDE’s concern is that the legal owner(s) understand language.	Owner’s Consent Form is fine the way it is.
116UM, 127M	26.04.06.40.H.	At least 10 working days before the Date of the public information meeting, The person applying for the Sewage Sludge Utilization Permit shall provide Copies, by <u>certified mail</u> ,within 1000 feet of the boundaries of the site...	Certified mail costs more money and more time to handle. Also, 1000 feet is way too many properties that may have to be notified. What about adjacent property owners only?	Ok, take out “certified” mail. Will consider the 1000 foot requirement.
32UM, 33M	26.04.06.10.C.(7).(a)	A person mixing a Class A sewage sludge with <u>clean earthern</u> material provided that...the person demonstrates to the Department that final utilization of the mixture will not cause an undue risk to the environment or public health, safety, or welfare...	Mixing it with clean earthen material is too narrow, could be yard waste. Why do you have to prove it is a non-risk when it is an approved Class A sludge? Take out “clean earthern.”	Will consider
N/A	N/A	Throughout the regulations, have the Term “distribution facility.”	Define “distribution facility”	Will consider

<u>Page #</u> 63UM, 66M	<u>Regulation</u> 26.04.06.23.D(1) 26.04.06.23.D(2) 26.04.06.23.D(3)	<u>Current Language</u> Splash guard issue. Span at least 25 percent of the trailer's open area, a minimum of 24 inches of freeboard, etc.	<u>Task Force Comment(s)</u> Most sludges are drier now. Loads do not shift around like they used to do. Say splash Guards 4 feet in front and 4 In the back.	<u>Department Stance</u> Will consider
<u>Page #</u> N/A	<u>Regulation</u> N/A	<u>Current Language</u> Fees	<u>Task Force Comment(s)</u> Fees are under consideration	<u>Department Stance</u> Under Consideration
<u>Page #</u> 22UM, 23M	<u>Regulation</u> 26.04.06.07.A.(1)	<u>Current Language</u> Testing frequency table. WWTP's greater than 100 MGD's have to test All Parameters Except PCB's on a daily basis.	<u>Task Force Comment(s)</u> Larger WWTP's are more stable than the smaller WWTP's. Testing daily is overkill and costly. MDE needs to be more in-line with 503.	<u>Department Stance</u> Will consider
<u>Page #</u> 25UM, 26M	<u>Regulation</u> 26.04.06.08.I.(I)	<u>Current Language</u> A written request by March 1 of each year to establish a plant available nitrogen value for the generator's sewage sludge to be utilized in the following calendar year.	<u>Task Force Comment(s)</u> Need regulations on how to get on the plant available nitrogen (PAN) table.	<u>Department Stance</u> Will consider
<u>Page #</u> 96UM, 101M	<u>Regulation</u> 26.04.06.38.B.(4)	<u>Current Language</u> $PAN(\text{lbs/ton}) = [(\%NH_4-N * K) + \%NO_3 + (\%N\text{-org} * F)20]$	<u>Task Force Comment(s)</u> 20 should be outside end bracket	<u>Department Stance</u> Will change
<u>Page #</u> 107UM, 115M	<u>Regulation</u> 26.04.06.38.F.(1).(c)	<u>Current Language</u> ...Plowing or discing is allowable for incorporating the sewage sludge provided	<u>Task Force Comment(s)</u> NRCS allows the use of vertical tillage in the non-tillage areas.	<u>Department Stance</u> NRCS will send info. To MDE on this.

that the field is immediately ridge-tilled afterwards.

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Task Force Comment(s)</u>	<u>Department Stance</u>
102UM, 113M	26.04.06.38.C.(8)	During land application, the permittee Shall provide the legal owner(s) and the Farmer with the records required in D(7) of this regulation.	Shouldn't we say farmer or operator	Will consider
29UM 30M	26.04.06.10.C.(3).	A person requesting to transport sewage sludge from a wastewater treatment plant to another wastewater treatment plant to be utilized for "emergency" seeding...	Take out "emergency"	Will change
30UM, 31M	26.04.06.10.C.(3)(d)	The sewage sludge generator that provides the sewage sludge agrees to pay a sewage sludge generator fee assessed by the Department.	Take fee out. What about a flat fee?	Will consider
30UM, 31M	26.04.06.10.C.(3) 26.04.06.10.C.(4) 26.04.06.10.C.(5)	Fees/transportation of sludge	Consolidate sections 3,4,5	Will consider
20UM, 20M	26.04.06.05.B.(2)	Tables 2 and 3, Molybdenum(Mo) should it be in there?	Keep limits consistent with 503	Will consult with Dr. Rufus Chaney
95UM, 100M	26.04.06.38.B.(1)(b)	...realistic crop calculations may be based on the average of 60 percent of the	Should be 60% of the years, not yield. Keep language	Will consider

highest-yielding years for all consecutive years...

consistent with MDA.

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Task Force Comment(s)</u>	<u>Department Stance</u>
N/A	N/A	political subdivision	What does "subdivision" mean	Will look into
<u>Page #</u> 104UM, 110M	<u>Regulation</u> 26.04.06.38.D.(13)	<u>Current Language</u> The Department will consider the permittee responsible for compensating the legal owner(s) of the site where sewage sludge or septage was applied for crop yield reductions...	<u>Task Force Comment(s)</u> Compensation for lime damaging crop yield. Research is antidotal, spotty, and testing research can't prove overliming at this time.	<u>Department Stance</u> MDE will take to Office of Attorney Generals.
<u>Page #</u> 113UM, 124M	<u>Regulation</u> 26.04.06.39.D.(13).	<u>Current Language</u> Specific field or management unit crop yield information for the last five consecutive years...	<u>Task Force Comment(s)</u> Take section 13 out	<u>Department Stance</u> Will change
<u>Page #</u> 98UM, 106M	<u>Regulation</u> 26.04.06.38.C.(1)	<u>Current Language</u> Buffer zones	<u>Task Force Comment(s)</u> Coordinate all buffer zones with MDA.	<u>Department Stance</u> Will consider
<u>Page #</u> 40UM, 42M	<u>Regulation</u> 26.04.06.13.B.(3)	<u>Current Language</u> ...The buffer distance may be reduced if the Department determines that the treatment facility has adequate odor control measures.	<u>Task Force Comment(s)</u> Need to be more scientific with odor measurements.	<u>Department Stance</u> Water Management Inspects facilities for odors. Use Nasal Rangers.
<u>Page #</u> 27UM, 28M	<u>Regulation</u> 26.04.06.09.E.(1)	<u>Current Language</u> Table 6 – Fee Factors	<u>Task Force Comment(s)</u> Shouldn't Class A sludge fees Be lower than Class B	<u>Department Stance</u> Will consider

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Task Force Comment(s)</u>	<u>Department Stance</u>
110UM, 121M	26.04.06.39.D.(2)	...water levels for the wells is to be included if available...	How does Syangro get the water levels?	Will take out
109UM, 120M	26.04.06.39.B	...Submit to the Department one original and fives copies...	Is there a way to not submit analysis every time. Can a book be made every six months with the analysis?	Will consider
112UM, 123M	26.04.06.39.D.(6)	The results of one soil test pit...	What is being measured?	Will consult with NRCS
111UM, 123M	26.04.06.39.D.(4)	The analysis shall include...	What tests are truly needed? It makes more sense to ask for Plant available phosphorus, not total phosphorus	Will consider
97UM, 102M	26.04.06.38.B.(5).(c)	...Unless the site is phosphorus-limited...	Add (d) for if the site is phosphorus limited	Will consider
39UM, 41M	26.04.06.13	...written authorization...	change to ...letter of authorization...	Will consider
39UM, 41M	26.04.06.13	Will other permits remain valid while Treatment Facility permits are being processed?	Add "The Department will make the determination to continue to operate while pending final determination"	Will Consider

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22UM, 22M	26.04.06.07	“laboratory acceptable by the Department”	“Certified lab” But no certified labs for sewage sludge.	No Change
22UM, 22M	26.04.06.07	Analysis should include...	Add PCBs to list, as it is included in the testing frequency table.	Will Change
118UM, 129M	26.04.06.41.(C)	...provide the owner with a...site specific topographic map...	Use a site-specific map	Will Consider
118UM, 129M	26.04.06.41.(C)	...provide the legal owner(s) and the farmer/operator...	Provide information just do the farmer/operator	Will Consider
39UM, 41M	26.04.06.13		Add information on how to get added to PAN table here, or in another separate section	Will Consider
41UM, 43M	26.04.06.14	Do existing facility need to submit all the information required of a new facility?	Specify what existing facilities need to submit	Will Change
N/A	N/A	“PAN Table”	Change name of table to “Nutrient Constituent Table”	Will Consider
96UM, 101M	26.04.06.38	K = Volatilization factor	Kv = Volatilization factor	Will Consider

<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Task Force Comment(s)</u>	<u>Department Stance</u>
43UM, 45M	26.04.06.14	Ground and surface water monitoring	Only monitor high risk areas	Will Consider
<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Task Force Comment(s)</u>	<u>Department Stance</u>
97UM, 102M	26.04.06.38.B.(5).(a)	Nmin-x = pounds of nitrogen mineralized	Nmin-x = pounds of nitrogen per acre minimized	Will Consider
<u>Page #</u>	<u>Regulation</u>	<u>Current Language</u>	<u>Task Force Comment(s)</u>	<u>Department Stance</u>
23UM, 24M	26.04.06.08		Add requirement that generator notify the utilizer should any anomalies occur during testing	Will Consider