

July 11, 2021

Thank you for the opportunity to comment on the Washington State Department of Ecology's Statewide General Permit on Biosolids Management. These comments are being submitted by the Washington State Chapter of Sierra Club. The Washington State Chapter of the Sierra Club is a 501(c)(4) non-profit organization with over 100,000 members and supporters in Washington State and over 3.8 million nationally. Headquartered in Seattle, the Washington State Chapter members and supporters live throughout the state of Washington. Many Sierra Club members and supporters are directly affected by the land spreading of sewage solids/biosolids whether delivered by truckloads to neighboring farms, forests and recreational sites, or purchased from commercial vendors for gardens.

We strongly recommend the following regarding the Draft General Statewide Permit:

- Individual permits should be required, rather than general permits
- Applicants' adherence should be science-based rather than Best Available Management
- Expand the list of contaminants to be analyzed
- The permit should include regulations pertaining to PFAS
- The permit should include expanded buffers for surface and subsurface water bodies
- The permit should strengthen oversight and enforcement
- The permit should address forest dumping
- The permit should strengthen signage regulations
- The permit should require truth in packaging labels for compost and fertilizer
- The permit should incorporate the HEAL Act
- The permit should address climate change in relation to changing soil qualities

*When an activity potentially threatens human health or the environment, the proponent of the activity, rather than the public, should bear the burden of proof as to the harmlessness of the activity. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation.*

Ecology must write permits which protect the natural environment and human health. The Washington State Chapter of the Sierra Club strongly suggests that the Department of Ecology (Ecology) prepare a Draft Biosolids Permit Plan which consolidates the work of staff working on the various elements relevant to the permit. This would include staff working independently on sewage, nutrients, PFAS, CAFOs, and CECs. Whether all these parts currently have guidance or regulations should not hinder this collaboration since these are all being reviewed by the agency and will eventually have Ecology positions. It is important to set recipients of permits on the right path now.



We see many parallels between the Draft Statewide General Permit on Biosolids with that of the June 29, 2021 [Washington State Appellate Court CAFO decision](#). To wit, this decision makes clear the need for site specific nitrate plans; for permit conditions pertaining to existing manure lagoons, compost areas, and high-risk fields; for stronger groundwater monitoring; for a requirement that farmers monitor water quality; an acknowledgement of climate change impacts; and for individual site pollution-prevention plans. The Appellate Court judges opined that current (CAFO) permits violated state and federal laws by failing to control the discharge of excess nutrients, bacteria and other pollutants, and that permits should include enforceable limits set at levels appropriate to protect public health.

We were pleased to see the July 2021 Report, [CECs and Wastewater Treatment, Publication 20-10-06](#). The Department of Ecology admitted to the existence and wide breadth of Chemicals of Emerging Concerns (CECs) in wastewater plants. And though Ecology only analyzed four contaminants in the waste and compared their potential removal levels from newer treatment technologies, we are glad to see Ecology invested in this work. This information on CEC's should be incorporated into the Draft Biosolids Permits.

Based on a 2009 [USEPA report measuring dozens of contaminants](#), including hazardous wastes, in sewage sludge, including from a Washington State Wastewater Treatment Plant, Ecology should expand the list of contaminants that municipalities and haulers must analyze to include those analyzed by EPA.

One CEC that should be on the list is PFAS. PFAS is now a primary chemical of concern with Congress, EPA and Ecology. Ecology staff is well along in its PFAS work and should supply permit language measuring influent, sewage sludge/solids and effluent for this "forever chemical."

A recent Sierra Club study, "[Sludge in the Garden](#)" tested nine commercial compost products used by home gardeners, including one produced in Washington State. These commercial composts are made with sewage sludge. All nine, marketed as "eco" or natural, contained PFAS. Eight of the nine products contained PFAS at a level higher than that allowed by the states of Maine, which currently have the strictest safeguards for PFAS contamination of agricultural lands.

Ecology must ensure more oversight and require more enforcement to protect the soils, waters and public health. One way to ensure public protection is through truth in labeling. This sewage-solid-laden compost and fertilizer, sold to the public loose as tonnage or packaged, whether pure or mixed with other wastes, should inform the public the product contains municipal and/or industrial toxic wastes. A brief list of these contaminants and pathogens should be noted, with information about who to contact for more details.

Another method to ensure oversight is to require individual permits, rather than general permits. As well, the Washington State Department of Health (DOH) should be, by regulation, more engaged in this permitting process that affects our water and our health.

Regarding the current Draft Biosolids General Permit, we find many areas insufficient. As well, regulations on the reuse of sewage solids as a “*beneficial use*” are old, and the referenced Best Management Practices do not equate to science-based data on which practices should be grounded.

The Draft Permit must strengthen language to better protect the surface and subsurface water bodies. There should be longer and deeper distances to buffer the waters from receiving biosolids, whether from runoff, wind, rain, ice and snow or injection into the soils.

Ecology must do better at informing the neighbors of land spreading events, as they have nothing to gain and much to lose. This is in line with the [2021 HEAL ACT](#).

Finally, we would like to see the Draft Permit require newer technologies be employed by Waste Water Treatment Plants that will detect viral levels in the influent, the solids and the effluent to ensure that pathogens are dead, not dormant, and will not be spread on land or passed to surface water bodies via the effluent. We recommend that you review “[Capacity of existing wastewater treatment plants to treat SARS-CoV-2. A review.](#)”

This concludes the summary comments. More detailed comments will be submitted in a separate file.

Sincerely,

*Darlene Schanfald*

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