

H. 3/5/97 Environmental Protection

FILED FEB 26 1997

H - 4/1/97 Amend/Do Pass w/H-1497

4/10/97 Unfinished Business Calendar

SENATE FILE 214

BY COMMITTEE ON NATURAL

RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 41)

Passed Senate, Date 3/4/97 (p.460) Passed House, Date 4-15-97

Vote: Ayes 45 Nays 0 Vote: Ayes 98 Nays 0

Approved May 9, 1997

*Re-passed
46-0 4/23/97
(p.1349)*

A BILL FOR

1 An Act relating to the regulation of the use and disposal of
2 sewage sludge and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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6

SENATE FILE 214

H-1497

1 Amend Senate File 214, as passed by the Senate, as
2 follows:

3 1. Page 1, line 27, by striking the word and
4 figure "July 1" and inserting the following: "March
5 1".

By COMMITTEE ON ENVIRONMENTAL
PROTECTION
HAHN of Muscatine, Chairperson

Adopted 4/15/97 (R 1223)
H-1497 FILED APRIL 1, 1997

14

HOUSE AMENDMENT TO
SENATE FILE 214

S-3517

1 Amend Senate File 214, as passed by the Senate, as
2 follows:

3 1. Page 1, line 27, by striking the word and
4 figure "July 1" and inserting the following: "March
5 1".

RECEIVED FROM THE HOUSE

S-3517 FILED APRIL 15, 1997

*Senate concurred
4/23/97 (p.1349)*

23

TLSB 1278SV 77

tm/jj/8

1 Section 1. Section 455B.171, subsection 7, Code 1997, is
2 amended to read as follows:

3 7. "Disposal system" means a system for disposing of
4 sewage, industrial waste, and or other wastes and, or for the
5 use or disposal of sewage sludge. "Disposal system" includes
6 sewer systems, treatment works, point sources, and dispersal
7 systems, and any systems designed for the usage or disposal of
8 sewage sludge.

9 Sec. 2. Section 455B.171, Code 1997, is amended by adding
10 the following new subsections:

11 NEW SUBSECTION. 25A. "Septage" means the liquid and solid
12 material pumped from a septic tank, cesspool, or similar
13 domestic sewage treatment system, or from a holding tank, when
14 the system is cleaned or maintained.

15 NEW SUBSECTION. 26A. "Sewage sludge" means any solid,
16 semisolid, or liquid residue removed during the treatment of
17 municipal waste water or domestic sewage. "Sewage sludge"
18 includes, but is not limited to, solids removed during
19 primary, secondary, or advanced waste water treatment, scum
20 septage, portable toilet pumpings, type III marine device
21 pumpings as defined in 33 C.F.R. part 159, and sewage sludge
22 products. "Sewage sludge" does not include grit, screenings,
23 or ash generated during the incineration of sewage sludge.

24 Sec. 3. Section 455B.172, Code 1997, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 9. Any county ordinance related to sewage
27 sludge which is in effect on July 1, 1997, shall not be
28 preempted by any provision of section 455B.171, 455B.174,
29 455B.183, or 455B.304.

30 Sec. 4. Section 455B.174, subsection 4, paragraph a,
31 unnumbered paragraph 1, Code 1997, is amended to read as
32 follows:

33 Approve or disapprove the plans and specifications for the
34 construction of disposal systems or public water supply
35 systems except for those sewer extensions and water supply

1 distribution system extensions which are reviewed by a city or
2 county public works department as set forth in section
3 455B.183. The director shall issue, revoke, suspend, modify,
4 or deny permits for the operation, installation, construction,
5 addition to, or modification of any disposal system or public
6 water supply system except for sewer extensions and water
7 supply distribution system extensions which are reviewed by a
8 city or county public works department as set forth in section
9 455B.183. The director shall also issue, revoke, suspend,
10 modify, or deny permits for the discharge of any pollutant, or
11 for the use or disposal of sewage sludge. The permits shall
12 contain conditions and schedules of compliance as necessary to
13 meet the requirements of this part of this division, the
14 federal Water Pollution Control Act and the federal Safe
15 Drinking Water Act. A permit issued under this chapter for
16 the use or disposal of sewage sludge is in addition to and
17 must contain references to any other permits required under
18 this chapter. The director shall not issue or renew a permit
19 to a disposal system or a public water supply system which is
20 not viable. If the director has reasonable grounds to believe
21 that a disposal system or public water supply system is not
22 viable, the department may require the system to submit a
23 business plan as a means of determining viability. This plan
24 shall include the following components:

25 Sec. 5. Section 455B.183, subsection 1, Code 1997, is
26 amended to read as follows:

27 1. The construction, installation, or modification of any
28 disposal system or public water supply system or part thereof
29 or any extension or addition thereto except those sewer
30 extensions and water supply distribution system extensions
31 that are subject to review and approval by a city or county
32 public works department pursuant to this section, the use or
33 disposal of sewage sludge, and private sewage disposal
34 systems. A permit shall be issued for the construction,
35 installation, or modification of a public water supply system

1 or part of a system if a qualified, registered engineer
2 certifies to the department that the plans for the system or
3 part of the system meet the requirements of state and federal
4 law or regulations. The permit shall state that approval is
5 based only upon the engineer's certification that the system's
6 design meets the requirements of all applicable state and
7 federal laws and regulations and the review of the department
8 shall be advisory.

9 Sec. 6. Section 455B.183, subsection 3, unnumbered
10 paragraph 1, Code 1997, is amended to read as follows:

11 The operation of any waste disposal system or public water
12 supply system or any part of or extension or addition to the
13 system. This provision does not apply to a pretreatment
14 system the effluent of which is to be discharged directly to
15 another disposal system for final treatment and disposal, a
16 ~~semi-public~~ semipublic sewage disposal system, the
17 construction of which has been approved by the department and
18 which does not discharge into water of the state or a private
19 sewage disposal system which does not discharge into a water
20 of the state. Sludge from a semipublic or private sewage
21 disposal system shall be disposed of in accordance with the
22 rules adopted by the department pursuant to chapter 17A. The
23 exemption of this paragraph shall not apply to any industrial
24 waste discharges.

25 Sec. 7. Section 455B.304, subsection 2, Code 1997, is
26 amended to read as follows:

27 2. The commission shall adopt rules that allow the use of
28 wet or dry sludge from publicly owned treatment works for land
29 application. A sale of wet or dry sludge for the purpose of
30 land application shall be accompanied by a written agreement
31 signed by both parties which contains a general analysis of
32 the contents of the sludge. The heavy metal content of the
33 sludge shall not exceed that allowed by rules of the
34 commission. An owner of a publicly owned treatment works
35 which sells wet or dry sludge ~~is not subject to criminal~~

1 ~~liability-for-acts-or-omissions-in-connection-with-a-sale,~~ and
2 is not subject to any action by the purchaser to recover
3 damages for harm to person or property caused by sludge that
4 is delivered pursuant to a sale unless it is a result of a
5 violation of the written agreement or if the heavy metal
6 content of the sludge exceeds that allowed by rules of the
7 commission. Nothing in this section shall provide immunity to
8 any person from action by the department pursuant to section
9 455B.307. The rules ~~promulgated~~ adopted under this subsection
10 shall be generally consistent with those rules of the
11 department existing on January 1, 1982, regarding the land
12 application of municipal sewage sludge except that they may
13 provide for different methods of application for wet sludge
14 and dry sludge.

15

EXPLANATION

16 This bill amends sections of the Code dealing with water
17 quality and solid waste disposal. Specifically the bill
18 relates to the regulation of the use and disposal of sewage
19 sludge.

20 Definitions of "septage" and "sewage sludge" are added to
21 the list of definitions in Code section 455B.171. Also, a
22 system used for the use and disposal of sewage sludge is added
23 to the existing definition of "disposal system".

24 The bill provides that any county ordinance related to
25 sewage sludge which is in effect on July 1, 1997, shall not be
26 preempted by any provision of section 455B.171, 455B.174,
27 455B.183, or 455B.304.

28 The bill authorizes the director of the department to
29 issue, revoke, suspend, modify, or deny permits for the use or
30 disposal of sewage sludge. Such a permit is in addition to
31 and must contain reference to any other permits required under
32 chapter 455B.

33 The bill adds the use or disposal of sewage sludge to the
34 list of unlawful activities which require a written permit
35 before the activity can be undertaken.

1 Current law requires a written permit for the operation of
2 any waste disposal system or public water supply system or any
3 part of or extension or addition to the system. Current law
4 contains an exemption to this permit requirement for both a
5 semipublic sewage disposal system, the construction of which
6 has been approved by the department and which does not
7 discharge into a water of the state and a private sewage
8 disposal system which does not discharge into a water of the
9 state. The bill requires that disposal of sewage from these
10 two types of systems will be done in accordance with rules
11 adopted by the department pursuant to chapter 17A.

12 The bill amends section 455B.304 to allow for criminal
13 liability for acts or omissions involved in the sale of sludge
14 by the owner of a publicly owned treatment works. The bill
15 also adds the use or disposal of sewage sludge without a
16 permit to the list of prohibited actions in section 455B.186.
17 The prohibited acts listed in section 455B.186 can be subject
18 to the penalties defined in section 455B.191.

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Borlang, Chair
Judge
Rehberg

SSB 41
Natural Resources
Succeeded by
SEV HF 214

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the regulation of the use and disposal of
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3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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33 or deny permits for the operation, installation, construction,
34 addition to, or modification of any disposal system or public
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7 meet the requirements of this part of this division, the
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35 two types of systems will be done in accordance with rules.

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5 also adds the use or disposal of sewage sludge without a
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7 The prohibited acts listed in section 455B.186 can be subject
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IOWA DEPARTMENT OF NATURAL RESOURCES

1. Why is the DNR proposing legislation sewage sludge regulation in Iowa?

The DNR submitted to EPA a request for delegation of federal sewage sludge regulation authority to the state. EPA has reviewed the state's request and have commented on the authority of Iowa law to support federal expectations.

2. Why does Iowa need to regulate sewage sludge?

The state received delegation of the federal wastewater discharge permit authority (NPDES) as allowed by the Clean Water Act from EPA in 1979 with widespread support of the regulated community. Later amendments to the Clean Water Act required EPA to develop federal regulations for permitting sewage sludge disposal. Federal regulations were finalized in 1993. The permitting process for sewage sludge is set up to be NPDES-like. Rather than have EPA administer the sludge permitting while the DNR administers the other NPDES permitting and since the facilities generating sewage sludge are already regulated by NPDES permits, it was natural to combine the permitting and keep EPA out of the process in Iowa. Without state authority, EPA will be required to implement the sludge permit program.

3. Who is regulated by the sludge permits?

The federal authority applies to "Sewage Sludge". Sewage sludge includes the biosolid residuals generated by publicly owned treatment works treating domestic wastewater, and private treatment systems treating solely domestic wastewater. Industrial sludges are not covered except as they are included in a publicly owned system that also treats domestic wastewater.

4. Who regulates industrial sludge?

Industrial sludge disposal is regulated by Iowa's current rules as a solid waste. Industrial sludge is not "sewage sludge" that would be regulated by the state through EPA delegation and therefore statutory and rule revisions are not required.

5. What are the benefits of the state regulating sewage sludge?

Advantages include:

- Iowa, like many states, already had an effective sludge management program in place. State experience and expertise can ensure implementation of federal standards most efficiently.
- States are in a better position than EPA to apply standards to encourage and promote beneficial use of sludge.
- State administration will retain maximum control over decisions and policies governing safe disposal of sewage sludge.
- Minimizes disruption of existing sludge programs and avoids permit duplication.

6. What are EPA's main concerns with Iowa's current authority?

The state has proposed to use the NPDES program as the umbrella to apply to sludge regulation. Chapter 455B of the Iowa Code does not appear to provide authority to regulate the disposal of all sewage sludge. Also, some generating facilities are exempted from the NPDES system. The state must also have authority to regulate the distributing and marketing of sludge and authority to apply civil and criminal sanctions for violations currently not allowed by 455B. EPA has made specific suggestions for changes.

7. Has DNR made other preparations to prepare for sludge regulation?

DNR developed technical sewage sludge rules in 1994. The federal technical regulations were very complex and confusing. The department used the federal regulations as a base and revised its rules that applied to sewage sludge and with the help of interested groups and regulated community arrived at rules that are more easily understood and applicable in Iowa. EPA has made minor comments in their review of the state's delegation request that will require some updating of the rule.

Fac-sldg

(BY) Don Paulin, Deputy Director 281-3388



SENATE FILE 214

AN ACT

RELATING TO THE REGULATION OF THE USE AND DISPOSAL OF
SEWAGE SLUDGE AND PROVIDING A PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 455B.171, subsection 7, Code 1997, is amended to read as follows:

7. "Disposal system" means a system for disposing of sewage, industrial waste, and or other wastes and, or for the use or disposal of sewage sludge. "Disposal system" includes sewer systems, treatment works, point sources, and dispersal systems, and any systems designed for the usage or disposal of sewage sludge.

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