



PCHB Ruling – Impacts to King County Biosolids Program

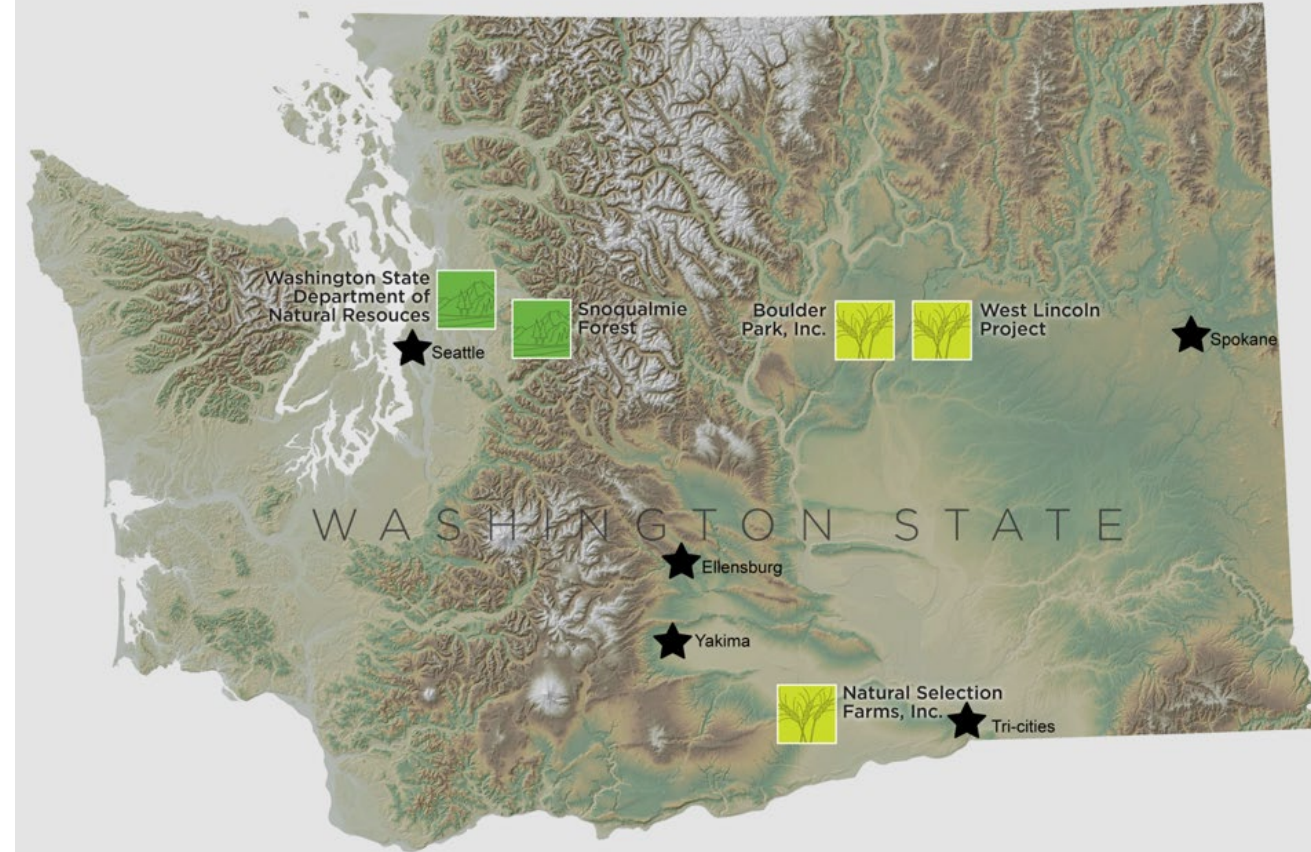


Erika Kinno
Policy & Research Unit Supervisor
Resource Recovery, King County WTD



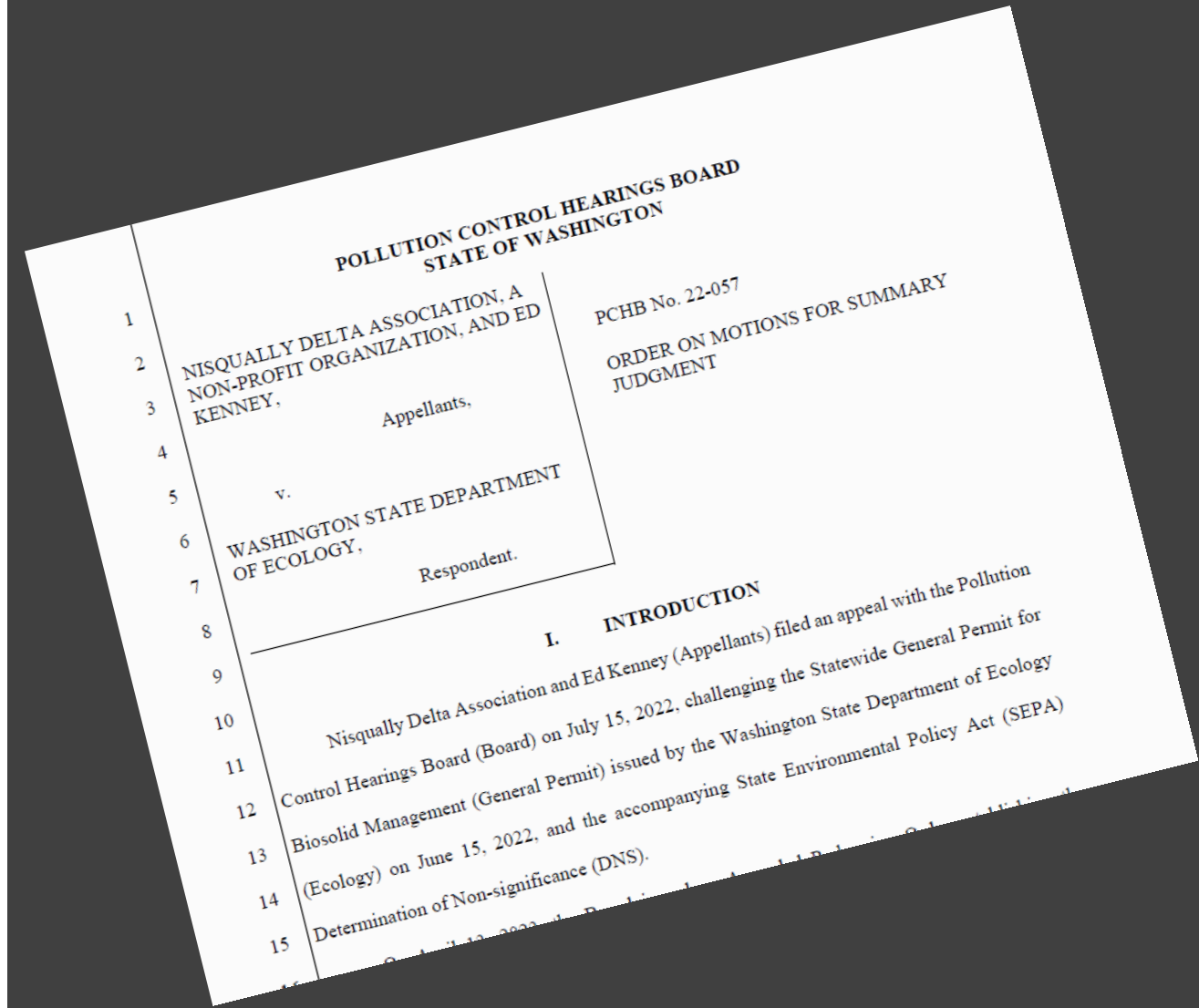
King County's Loop Biosolids Program

- In operation for 40+ years
- Produce 355 tons Class B every day from 3 treatment plants
- Land applied to forestry and agriculture sites
- In compliance with EPA and WA Ecology regulations



What PCHB ruling?

- Jan 29, 2024: Pollution Control Hearings Board invalidated the 2022 State General Biosolids Permit
- In response to appeal by Ed Kenney & Nisqually Delta Assn
- Ruling found Ecology failed to address PFAS, PBDEs, microplastics during SEPA review.



Ecology's response

- Ecology will not appeal PCHB decision
- Ecology will resolve issues and eventually reissue general permit
- Majority of biosolids facilities are eligible for continuing coverage under previous permit
- Ecology cannot approve new land application sites until new permit issued
- New facilities permitted under now-void permit could utilize "agreed orders," case by case



PCHB Decision

In June of 2022, Ecology reissued the General Permit for Biosolids Management. Soon after, we received an appeal from Ed Kenney and the Nisqually Delta Association. During the following months, Ecology worked through the appeals process with our legal team. On January 29, 2024, we learned the Pollution Control Hearings Board (PCHB) ruled for the appellant. This decision voided the current general permit issued in 2022. The PCHB concluded our Determination of Nonsignificance issued for the General Permit did not comply with SEPA. The Board requests Ecology include, in the SEPA Checklist and resulting determination, "an explicit and full disclosure and review of information on the environmental impacts of PFAS, PBDEs, and microplastics in biosolids."

Ecology will not appeal PCHB's decision

In issuing the general permit in 2022 and SEPA determination, the biosolids program considered contaminants of concern and potential impacts to human health and the environment. We spoke to this at length in our [Response to Comments](#), received on the Draft General Permit, which is available to the public on Ecology's webpage. We also continue monitoring studies on pollutants in biosolids, including work in other states and by the EPA. The EPA continues its efforts towards its Biosolids Screening Tool, as well as finishing method 1633 for PFAS in biosolids and the chemical risk assessment for PFOA and PFOS in biosolids.

The PCHB would have liked to see more substantial discussion and analysis of PFAS, PBDEs, and microplastics in our process. Rather than appeal the Board's decision, Ecology will move forward with resolving issues highlighted in the PCHB's decision. We intend to eventually reissue the general permit for biosolids management.

What does this mean for the interim?

The majority of biosolids facilities are eligible for continuing coverage under the [previous](#) general permit issued August 2015 and expired September 2020. Facilities may also be

What does this mean for WTD?

- Can continue operations under the previous permit; no major impact anticipated
- Capacity at existing permitted land application sites to take all biosolids
- Will explore options for “agreed orders” coverage



Boulder Park

- 62 new sites were added under new permit
- Halted deliveries and applications to all new sites
- Biosolids have been land applied to approx. dozen sites
- Biosolids still waiting on land application at 4 sites
- Considering pursuing agreed orders to allow these new sites
- Enough capacity to take WTD's & partner utilities' biosolids using only pre-2020 sites



Compost pilot

- Was not permitted under now-void 2022 permit
- Pursuing options for access orders



Questions?

