

Goochland County Legislative & Policy Activity Pertaining to Biosolids

Biosolids and industrial residuals have been a priority, both legislatively and policy wise, for the Goochland County Board of Supervisors and Goochland County since 2013. Biosolids and industrial residuals have been included in the County's Legislative Agenda in both "priority requests" and "policy positions".

Below is a brief history of biosolids oversight by the Commonwealth of Virginia and a summary of Goochland County's legislative and policy activity related to biosolids and industrial residuals.

Brief History of Biosolids Oversight by the Commonwealth of Virginia

In 2007, the General Assembly passed [HJ Resolution 694](#) that requested the Secretary of Natural Resources and the Secretary of Health and Human Resource to convene a panel of experts to study the impact of land application of biosolids on human health and the environment. [Final report](#) of the Expert Panel was issued on December 22, 2008, which stated that "Although much still needs to be learned about the content, bioavailability and fate of chemical and pathogens in biosolids and their health effects, there does not seem to be strong evidence of serious health risks when biosolids are managed and monitored appropriately. Human health allegations associated with biosolids usually lack evidence of biological absorption, medically determined health effects, and/or do not meet the biological plausibility test."

Oversight of the Biosolids program was transferred from the Department of Health to Department of Environmental Quality (DEQ) in 2007 and various changes to the Biosolids program were implemented as a result of this [report](#) and became effective on Sept. 1, 2013.

As part of this change, here are some of the changes that were included:

- Extended setbacks:
 - A doctor's note required for DEQ to grant request.
 - A permittee can make a voluntary agreement with citizens for extended buffers.
- All Biosolids Use Regulation (BUR) permits issued under the Department of Health will be reissued upon renewal as Virginia Pollution Abatement (VPA) or Virginia Pollution Discharge Elimination System (VPDES) permits under Department of Environmental Quality.
- Certified Land Appliers must be on site at all times during application and maintain a log book for all applications citing:
 - Location
 - Arrival and departure times
 - Name of any visitors to site
 - Complaints received
 - Unusual conditions at site
- Application can only be made with material from approved sources and a list of these sources will be identified in the Biosolid management plan.
- Biosolids quality is currently monitored for the following content:
 - Metals – Arsenic, Cadmium, Copper, Lead, Mercury, Molybdenum, Nickel, Selenium and Zinc

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- Nutrients – Nitrogen, Phosphorus and Lime
- Sites must have a Nutrient Management Plan.
- Applicators must have an odor management plan
- Signs must be posted on site as follows:
 - 5 days prior to delivery of material to the site
 - Signage must be maintained for 5 days after land application is complete
 - Applicator cannot remove sign until at least 30 days after application is complete.
 - All sign must be visible and legible from right-of-way in both directions of travel.
 - Shall be posted at intersection of main site access driveway and the public right-of-way and on each road beside the field on which material is to be applied.
- Applier must provide notification to DEQ and local government 180 days, 14 days and not more than 24 hours prior to posting of the sign for the proposed application.
- Standards were established for overnight staging of material on sites.

Goochland County Legislative & Policy Activity Related to Biosolids

Legislative Agenda 2013 – Priority Policy Positions (Approved November 7, 2012)

Sludge. The Board urges the General Assembly to SUPPORT legislation that authorizes a locality, by ordinance, to prohibit the land application of sewage sludge within its boundaries.

Legislative Agenda 2014 – Legislative Request (Approved October 1, 2013)

Sewage Sludge. Amend Section 62.1-44.19:3 of the Code of Virginia to allow a locality to regulate the land application of sewage sludge within its boundaries.

The only ability counties, cities, and towns have under Section 62.1-44.1.19:3 of the Code of Virginia is to adopt an ordinance that provides for the testing and monitoring of land application of sewage sludge within its political boundaries to ensure compliance with applicable laws and regulations.

Goochland County Code Amended Related to Biosolid Storage Facilities (2014)

In 2014, the Goochland Board of Supervisors amended the code to allow Biosolid Storage Facilities for routine storage within the A-1 zoning districts as a conditional use. They also approved a Conditional Use Permit for a Biosolid Storage Facility to be located at 2801 Chapel Hill Road. This is the only facility located in Goochland. These facilities must be approved and are regulated by DEQ in addition to needing County approval. The approval of this facility, gives the applicator a place to store the material in a secure location and limits the use of overnight staging at individual fields, thus limiting the impacts on properties abutting an application site.

Legislative Agenda 2015 – Legislative Request (Approved September 2, 2014)

Sludge – Study Resolution. Goochland County requests a Joint Resolution directing the Virginia Department of Environmental Quality (DEQ) to conduct a study of whether there are any long-term

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effects on public health and nearby ground water, wells and surface water that might be caused by the storage and/or land application of sewer and industrial sludge. The Joint Resolution should further direct DEQ and the State Water Control Board (SWCB) to study its regulations regarding testing, monitoring, setbacks and other regulatory safeguards to determine if they are adequate to protect the health of the public and any surface water, wells and ground water in close proximity to land receiving industrial and sewer sludge.

Sludge – Mandated Disclosure. Amend Article 4 of Title 62.1 of the Code of Virginia to require the owner of land used to store sewer sludge or industrial sludge, or the owner of land on which sewer sludge or industrial is applied as a fertilizer should be required by law to record a notice of such use of sludge with the Clerk’s Office of the Circuit Court for the locality in which the land is located. Said recording should be permitted under Chapter 2 of Title 17.1 of the Code of Virginia (See Va. Code Ann. § 17.1-229). Chapter 2 of Title 17.1 should be amended to include the recording of the sludge notice among services for which clerks shall not charge fees (See Va. Code Ann. § 17.1-267(C)).

Letter to House Agriculture, Chesapeake and Natural Resources Committee, House Rules Committee, and Senate Rules Committee from County Administrator (January 19, 2015)

Expressed support for the following bills:

[HB 1363](#) (Peace) Industrial waste; land application unlawful in certain counties. Request to add Goochland County. [02/10/15 House: Left in Agriculture, Chesapeake and Natural Resources]

[HB 1364](#) (Peace) Industrial wastes; fees for testing and monitoring of land application. [03/27/15 Governor: Acts of Assembly Chapter text (CHAP0677)]

[HB 1381](#) (Fowler) Fees for testing and monitoring of land application of industrial wastes. [02/10/15 House: Left in Agriculture, Chesapeake and Natural Resources]

[HB 1511](#) (Ware) Industrial waste and sewage sludge; disclosure of land. [02/10/15 House: Left in Agriculture, Chesapeake and Natural Resources]

[HJ 506](#) (Ware) Long-term impact of biosolids and industrial waste; DEQ to study. [02/27/15 House: Failed to pass in House]

[SJ 244](#) (Garrett) Study; long-term impact of biosolids and industrial waste; report. [01/27/15 Senate: Incorporated by Rules (SJ271-Norment) by voice vote]

[SJ 271](#) (Garrett) Study; long-term impact of biosolids and industrial waste; report. [02/27/15 Senate: Failed to pass in Senate]

Legislative Agenda 2016 – Priority (Legislative) Requests (Approved October 6, 2015)

Biosolids & Industrial Residuals – Study Resolution. The Board requests a Joint Resolution directing that an independent study be completed that:

- Analyzes the long term effects of biosolids and industrial residuals on health including, well, surface, and ground water impacts.

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- Includes an analysis of items such as pharmaceuticals, metals, pathogens, nutrients, personal care products, prions, bacteria, and any other pollutants that might be present.
- Evaluates strengthening regulatory safeguards for land application and storage such as increased buffers, etc.
- Evaluates the differences in toxicity between biosolids and industrial residuals rated as “Class A” material versus “Class B”.
- Evaluates the feasibility, including cost estimates, of requiring those producer plants currently permitted in Virginia to provide “Class B” material to upgrade its plant in order to produce only “Class A” material.
- Is conducted as a multi-year study, with annual executive summary reports to the General Assembly until completed.

Biosolids & Industrial Residuals – Requests for the Department of Environmental Quality. Goochland County requests that DEQ be directed to:

- Include a requirement that Nutrient Management Plans must also include testing for metals per (9VAC25-32-356) and pharmaceuticals, pathogens, nutrients, personal care products, prions, bacteria, etc. and that Nutrient Management Plans be called Management Plans to allow for the addition of these items.
- Amend the buffer to 100 feet for the land application of biosolids and industrial residuals along roads (currently is 10 feet).
- Require all out of state producer facilities to submit reports to the DEQ Piedmont Regional Office (currently only Virginia facilities required).

Biosolids & Industrial Residuals – Mandated Disclosure. The Board seeks legislation to amend Article 4 of Title 62.1 of the Code of Virginia to require property owners who know that biosolids or industrial residuals have been either stored on or applied as a fertilizer to property for sale to disclose or disclaim said storage or application in writing to any potential purchasers prior to conveyance of the property.

Legislative Agenda 2017 – Priority (Legislative) Request & Policy Position (Approved October 4, 2016)

Priority (Legislative) Request:

Transportation of Sludge. Goochland County requests legislation to regulate the safety of farm vehicles transporting fertilizers, chemicals, sewage sludge and industrial sludge. In addition, the County requests legislation to regulate the time of transport of sewage sludge and industrial sludge.

Regulations shall include the requirement that individuals transporting fertilizers, chemicals, sewage sludge and industrial sludge shall maintain adequate liability insurance coverage during transportation.

Policy Position:

Support efforts to complete the Joint Legislative Audit and Review Commission (JLARC) study of Industrial Residuals & Biosolids as outlined in HJ 120 that the General Assembly passed during the 2016 Session.

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Legislative Agenda 2018 – Priority (Legislative) Request & Policy Position (Approved November 8, 2017)

Priority (Legislative) Request:

Transportation of Sludge. Goochland County requests legislation to regulate the safety of farm vehicles transporting fertilizers, chemicals, sewage sludge and industrial sludge. In addition, the County requests legislation to regulate the time of transport of sewage sludge and industrial sludge.

Regulations shall include the requirement that individuals transporting fertilizers, chemicals, sewage sludge, and industrial sludge shall maintain adequate liability insurance coverage during transportation.

Policy Position:

Support recommendations and efforts resulting from the Joint Legislative Audit and Review Commission (JLARC) study of Industrial Residuals & Biosolids outlined in HJ 120 passed by the General Assembly during the 2016 Session.

Email to House Appropriations Committee, Senate Finance Committee, and Goochland County's Legislative Delegation to express support for amendments to House Bill 30 and Senate Bill 30 to implement JLARC study recommendations (February 1, 2018).

HB 30 Budget Bill – Amendments Item 295 #1h (Landes) – Goochland SUPPORTS

Please accept this correspondence on behalf of the Goochland County Board of Supervisors:

The Goochland County Board of Supervisors supports [Amendment Item 295 #1h](#) offered by Delegate Landes and respectfully asks you to incorporate it into [HB 30 Budget Bill](#).

[Amendment Item 295 #1h](#) implements recommendations from the recently completed Joint Legislative Audit and Review Commission (JLARC) [Land Application of Biosolids and Industrial Residuals report](#). Specifically, the amendment requests \$100K total, \$50K to design and conduct a pilot epidemiological study of the human health effects of land application of biosolids and another \$50K to perform sample testing of Class B biosolids. The study was a legislative priority for Goochland County in the 2016 General Assembly session and support of the seven JLARC report recommendations is a 2018 policy position for the County.

We respectfully request that you incorporate [Amendment Item 295 #1h](#) into [HB 30 Budget Bill](#).

SB 30 Budget Bill – Amendments Item 292 #2s & Item 295 #1s (Deeds) – Goochland SUPPORTS

Please accept this correspondence on behalf of the Goochland County Board of Supervisors:

The Goochland County Board of Supervisors supports Amendments [Item 292 #2s](#) & [Item 295 #1s](#) offered by Senator Deeds and respectfully asks you to incorporate it into [SB 30 Budget Bill](#).

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Amendments [Item 292 #2s](#) & [Item 295 #1s](#) implement recommendations from the recently completed Joint Legislative Audit and Review Commission (JLARC) [Land Application of Biosolids and Industrial Residuals report](#). Specifically, the amendments request \$100K total, \$50K to design and conduct a pilot epidemiological study of the human health effects of land application of biosolids and another \$50K to perform sample testing of Class B biosolids. The study was a legislative priority for Goochland County in the 2016 General Assembly session and support of the seven JLARC report recommendations is a 2018 policy position for the County.

We respectfully request that you incorporate Amendments [Item 292 #2s](#) & [Item 295 #1s](#) into [SB 30 Budget Bill](#).

Biosolids Program

For more information about Goochland County's role in the Biosolids Program visit <http://goochlandva.us/162/Biosolids-Program> or contact (804) 556-5860.