

## **40 CFR 503 Class A Exceptional Quality (EQ) Biosolids Used in Idaho for Soil Augmentation**

Class A Exceptional Quality (EQ) biosolids beneficially used by the general public for soil augmentation are regulated by EPA under 40 CFR 503. Please note that the federal regulations generally do not impose buffer zone, crop type, crop harvesting or site access restrictions.

The Department of Environmental Quality (DEQ) regulates Class A EQ biosolids under IDAPA 58.01.16, “Wastewater Rules”, Section 650. Currently, IDAPA 58.01.16.650 requires *Biosolids Management Plans* to be approved prior to land application of any biosolids or materials derived from biosolids such as compost. In imposing this requirement, IDAPA 58.01.16.650 does not distinguish between Class A EQ and other biosolids. DEQ intends to update its rules in the future to accommodate specifically for Class A EQ biosolids.

IDAPA 58.01.16, “Wastewater Rules” also allow the DEQ to waive rule requirements under certain circumstances. DEQ has made a general determination that land application of bagged biosolids for soil augmentation that meet all 40 CFR 503 Class A EQ requirements for pathogens, pollutants and vector attraction reduction requirements would be protective of the public health and the environment. Since DEQ has made this determination, DEQ waives the plan submission requirement imposed by IDAPA 58.01.16.650 so long as it is demonstrated in the Operation and Maintenance Manual that describes the operation, maintenance, and management of the treatment facility that conditions in 40 CFR 503 Class A EQ are met. Biosolids storage areas shall be constructed to ensure that all water and precipitation, which comes into contact with biosolids storage areas (stockpiles), does not enter waters of the state. In order to avoid the potential for an enforcement action, please ensure that the Operation and Maintenance Manual is available to inspectors and clearly demonstrates compliance with 40 CFR 503 Class A EQ.

Any biosolids not meeting 40 CFR 503 requirements for Class A EQ will still need to submit a plan under IDAPA 58.01.16.650 or obtain a waiver specific to the circumstances. DEQ reserves the right to require a plan for land application of Class A EQ biosolids on a case by case basis to protect public health and the environment.

The following definitions apply to this document:

**Biosolids.** Biosolids are defined in IDAPA 58.01.16 as *sludge*. For purposes of this document, these terms are interchangeable. The term *biosolids* refers to the semi-liquid mass produced and removed by the wastewater treatment process that can be beneficially recycled and includes materials derived from biosolids.

**Biosolids Management Plan.** A *Biosolids Management Plan* is equivalent to a *sludge disposal plan* referred to in IDAPA 58.01.16.650.

**Operation and Maintenance Manual.** The *Operation and Maintenance Manual* is a document that describes the operation, maintenance, and management of the

treatment facility. Depending on the nature of the facility, this document may have a different title such as: “Plan of Operation”. In addition to any other required content, the *Operation and Maintenance Manual* must provide the following core items of information in order for DEQ to determine compliance with 40 CFR 503 Class A EQ:

1. A description of how the Class A EQ biosolids are produced.
2. The frequency and type of testing and record keeping that will be used to ensure that the biosolids meet the pollutant, pathogen and vector attraction reduction requirements for Class A EQ biosolids based upon 40 CFR 503.
3. An alternative disposal plan for any batch of biosolids that does not meet the Class A EQ requirements.