

To: Torrie Shaul
Washington Department of Ecology
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Transmitted Via Online Public Comment Form:
<https://swm.ecology.commentinput.com/?id=rM4PhRNKm>

10 Oct 2024

RE: SEPA Determination of Nonsignificance for Draft Biosolids General Permit.

Dear Torrie Shaul,

Thank you for taking the time to consider our comments on the SEPA Determination of Nonsignificance for the Draft Biosolids General Permit. We still believe that the known and unknown risks of toxic contaminants inherently found in biosolids is too risky to allow biosolids to be applied to land in any fashion. We do not believe that the new information provided by Ecology justifies reversing the 2024 ruling from the Pollution Control Hearings Board that found the 2022 draft Permit DNS in violation of SEPA. ***We believe the current SEPA should be a Determination of Significance and that an Environmental Impact Statement be carried out to assess the full impacts.***

RE Sources is a non-profit organization located in northwest Washington and founded in 1982. We mobilize people in Northwest Washington to build just and thriving communities and to protect the land, water and climate on which we all depend. Our priority programs include Protecting the Salish Sea, Freshwater Restoration, Climate Action, and Fighting Pollution—all critical issues affecting our region. Our North Sound Baykeeper is also a member of the Waterkeeper Alliance, with over 300 organizations in 34 countries around the world that promote fishable, swimmable, drinkable water. RE Sources has thousands of supporters in Whatcom, Skagit, and San Juan counties, and we submit these comments on their behalf.

Tracking and Monitoring Contaminants

Successfully assessing and monitoring environmental impacts of chemical contaminants requires that the location of the contaminant is known and monitored. Neither of these conditions are met with the Draft Biosolids Permit. Biosolids are used across Washington state and are not fully mapped nor tracked. Providing biosolids products to private citizens via brands such as Tagro makes tracking impossible. There is no requirement to monitor so that is not done. It is not surprising that we need more sufficient data to assess the safety of biosolids as there are no systems currently in place that do so.

While Washington State does not have any known PFAS manufacturing facilities there is known PFAS contamination. PFAS in some instances can be tracked to known sources such as fire stations and military bases but other detections have unknown sources. For example, Squalicum Creek in Bellingham, WA had a PFAS detection of 31 ppm in Nov 2022. We have been unable to track the source of the PFAS. This exemplifies the unknowns associated with PFAS and other contaminants and means there could be higher than expected contaminant levels in our waste stream at any given time.

Do No Harm Policy

Ecology recognizes that biosolids contain chemical contaminants. They state, "Biosolids are an unavoidable byproduct of our municipal wastewater treatment facilities. As such they can contain contaminants from up stream, pre-wastewater treatment sources, including from products that we encounter on a regular basis." However, Ecology does not believe that the contaminants in the biosolids pose a health or environmental risk as exemplified by the following statement: "Reissuing the General Permit is not likely to cause an increase in discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise due to the nature of biosolids operations as well as mitigation efforts built into the general permit."

The statements above appear to contradict each other. How can there be contaminants present in biosolids but no release to the environment? How do we know if they don't pose harm unless we monitor our soils and environmental health? How is Ecology addressing PFAS, PBDEs, and microplastics that are ubiquitous in biosolids and a known health hazard? The Pollution Control Hearing Board directed Ecology to address this in the new permit, there has not been substantial change in the permit to address this so the original ruling should stand. Ecology's role is to protect the environment from pollution and they should always err on the side of caution.

Comprehensive safety tests on chemicals are not performed in the U.S. before they are used and released to the environment. Current environmental regulations often assume a chemical is benign until proven otherwise. This has resulted in people and the environment being exposed to thousands of unregulated contaminants with unknown consequences.

The SEPA checklist shows that Ecology also espouses this philosophy. When writing about PFAS it states: "The continued and evolving work being conducted on PFAS and biosolids is evidence that we don't have all the necessary information yet to determine whether regulatory action is necessary." When writing about microplastics it states "Additional peer-reviewed work that is replicable and representative of real-life biosolids land application is needed to better understand MPs levels in biosolids and their fate and transport in the environment from land application of biosolids." Despite these unknowns

Ecology is willing to continue the landspreading of contaminated biosolids. Ignorance is not an excuse to continue with the status quo.

Ecology needs to take a more proactive approach to protecting people and the environment from chemical contamination. We do not allow pharmaceuticals to be used until they have been rigorously tested and shown to be safe and even with those safety measures, medicines are sometimes recalled. Pharmaceuticals are often prescribed in very specific dosages to specific individuals, however, when released into the environment via biosolids they will be present in unknown quantities at unknown times. The principal association with pharmaceuticals needs to apply to our environmental practices as well; biosolids application needs to be proven safe before it is allowed to be released into the environment.

WWTPs are Contaminant Sinks and Biosolids Need to be Phased Out

It is no secret that wastewater treatment plants (WWTP) are reservoirs for toxic contaminants. It is then the WWTP's role to ensure that the contaminants are properly disposed of, not recirculated into the environment. WWTPs are a perfect place to properly remove and dispose of chemicals that have entered this system. Releasing these chemicals back into the environment defies common sense.

In addition, anaerobic digesters that are used to make biosolids also increase the amount of nitrogen that is discharged into the liquid waste stream. Anthropogenic nitrogen is responsible for the decreasing dissolved oxygen levels in the Salish Sea and is now being regulated by a Nutrient Permit. Biosolid production, therefore, puts more strain on wastewater treatment plants in regards to nutrient management and removal. Removing nitrogen is very expensive.

We understand that biosolid production can not halt overnight but we can begin to phase this system out. Recognizing that we need to find more sustainable solids management practices and proving a timeline to accomplish this should be incorporated into the permit. Alternately, all contaminants need to be filtered out and nutrients need to be managed.

Increased Transparency and Labeling

People have the right to know if the compost they are purchasing comes from sewage sludge or if the food they are consuming was grown in sewage sludge. Currently, there is not sufficient labeling or access to this information. If Ecology insists that contaminated biosolids continue to be used and spread in Washington state then the residents deserve to know where this contamination may exist and then know how to avoid it if they choose.

Too many Knowns and Unknowns = SEPA Determination of Significance

We know that biosolids contain toxic contamination and we know when we spread biosolids on the landscape that the contaminants can spread into our soils, food, water, and air. Persistent chemicals will persist for a very long time and continue to circulate in

the environment. We don't fully understand how many chemicals and to what degree are in sewage sludge nor how a chemical will affect individual people or different species. There have been no long term studies to prove that biosolids are benign.

We also don't have protective measures in place to ensure that chemicals in biosolids don't migrate away from the point of application. We don't regularly monitor biosolids and buffer requirements are slack. Ten meter buffers are not adequate for filtering out contaminants on the west side of the Cascade Mountains and larger than 10 meter buffers are rare.

Thank you for your time in reading our comments and considering a **SEPA Determination of Significance** for the draft Biosolids General Permit where a full **EIS** should be conducted.

Sincerely,

Kirsten McDade
North Sound Waterkeeper
RE Sources