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Final Pass: 60-0-0-0-0

HB 2669: ~~solid waste; sludge; water quality~~
NOW: prohibition; biosolids; land application
Sponsor: Representative Dunn, LD 25
Transmitted to the Governor

Overview

Instructs the Arizona Department of Environmental Quality (ADEQ) Director to require any land application of a substance containing sewage or septage to comply with ADEQ rules. Requires biosolids combined with solid waste to be regulated as solid waste.

History

Regulating Biosolid Disposal

The Clean Water Act regulates discharges of pollutants into waters of the United States. Section 402 of the act establishes a program to require permits for sewer and storm water discharges from developments, construction sites and other built areas into these waters ([33 U.S.C. § 1342](#)). ADEQ administers this program at the state-level, which is called the Arizona Pollutant Discharge Elimination System Program ([A.R.S. § 49-255.01](#)). Additionally, Section 405 of the act requires a permit from this program for any disposal of sewage sludge that may result in a pollutant from this sludge entering a water of the United States ([33 U.S.C. § 1345](#)). ADEQ has adopted rules to operate a state program to regulate the disposal of biosolids, which is sewage sludge that is placed on land as a soil amendment, conditioner or fertilizer ([A.R.S. § 49-255.03](#) and [R18-9-1001](#)). Within this program, *exceptional quality biosolids* are those that have been treated to meet certain pollutant concentrations, reduce the amount of pathogens carried and reduce the attractiveness for certain organisms (such as flies) that may transport these pathogens ([R18-9-1001](#)).

Regulating Solid Wastes

Solid waste is regulated under the Resource Conservation and Recovery Act, which establishes criteria for municipal solid waste landfills and other solid waste disposal facilities. It also prohibits open dumping of solid wastes (42 U.S.C. §§ [6943](#) and [6944](#)). Under this act, *solid waste* is any garbage or refuse, sludge from wastewater treatment plants, water supply treatment plant or air control facility and other material discarded from industrial, commercial, mining and agricultural operations as well as community activities ([42 U.S.C. § 6903](#)). ADEQ has adopted rules to regulate the storage, processing, treatment and disposal of solid wastes ([A.R.S. § 49-761](#)).

Provisions

1. Directs the ADEQ Director, notwithstanding any other law or rule, to require any land application of a substance containing sewage or septage to comply with ADEQ sewage sludge rules, including pathogen reduction requirements that are consistent with the Clean Water Act. (Sec. 1)

2. Requires, notwithstanding any other law or rule, a biosolid combined with a solid waste to be regulated as solid waste. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note