

Meeting Date	Comment Date	Commenter	Comment No.	Section	Page	Topic	Comment
1/20/2021	3-Feb-20	U.S. EPA Region 10 Water Division	1	2	4-5	Defining Sewage Sludge and Biosolids and Rule Applicability	<p>DEQ adopted the federal 503 regulation by reference. Therefore, DEQ is responsible for ensuring the provisions under 503 are implemented appropriately. It is important for DEQ to track the total universe of sewage sludge facilities, domestic septage facilities (generators and/or handlers), lagoons including all abandoned or non-discharging lagoons. A full accounting of all sewage sludge facilities is important for tracking, information dissemination and compliance/enforcement purposes.</p> <p>In A Plain English Guide to the EPA Part 503 Biosolids Rule (https://www.epa.gov/sites/production/files/2018-12/documents/plain-english-guide-part503-biosolids-rule.pdf), the EPA addresses domestic septage coverage as follows: Part 503 imposes separate requirements for domestic septage applied to agricultural land, forest, or a reclamation site (i.e., nonpublic-contact sites). The “simplified rule” for application of domestic septage to such sites is explained in Domestic Septage Regulatory Guidance: A Guide to the EPA 503 Rule (https://www.epa.gov/biosolids/domestic-septage-regulatory-guidance-guide-epa-503-rule). If domestic septage is applied to public contact sites or home lawns and gardens, the same requirements must be met as for bulk biosolids applied to the land (i.e., general requirements, pollutant limits, pathogen and vector attraction reduction requirements, management practices, frequency of monitoring requirements, and recordkeeping and reporting requirements). It is unclear from the DEQ’s inventory of 222 facilities if they include domestic septage operators (permitted or unpermitted).</p>

According to the DEQ's Permitted Septage Tank Pumpers List (under "Resources" at , <https://www.deq.idaho.gov/water-quality/wastewater/septic-and-septage/>) there are over 100 operators that may be subject to the federal biosolids regulation depending on what the haulers do with the domestic septage. For example, if the septage haulers land apply the domestic septage to agricultural land, forest land, reclamation sites or use surface disposal of sewage sludge, then they are regulated by 503. It appears that none of the domestic septage haulers are included with 122 facilities identified in the current guidance. Furthermore, it is unclear from the septage tank pumpers list if it includes domestic handling facilities (e.g., composters conduct further treatment of the septage and land apply the septage).

According to the Memorandum of Understanding (MOU) between the Department of Environmental Quality and Idaho's Public Health Districts (<https://www2.deq.idaho.gov/admin/LEIA/api/document/download/5959>) , in addition to posting a statewide list of permitted septic tank pumpers on its website, Idaho DEQ has certain regulatory responsibilities for domestic septage, including:

- Approving the method and location of domestic septage disposal if the disposal location is used for ongoing applications.
- Approving operation plans and providing inspections at approved domestic septage sites.
- Corrective action under rules governing the cleaning of septic tanks.

In addition, DEQ is responsible for reviewing plans and specifications for certain kinds of subsurface sewage disposal systems.

DEQ should review its records pertaining to domestic septage disposal facilities and subsurface sewage disposal systems in an effort to identify additional facilities that are subject to 40 CFR 503.

1/20/2021	3-Feb-20	U.S. EPA Region 10 Water Division	2	2	5	Defining Sewage Sludge and Biosolids and Rule Applicability	<p>The draft guidance states, "TWTDS facilities that hold neither an IPDES nor a reuse permit may or may not be subject to these regulations."</p> <p>This is confusing and potentially misleading. Facilities that meet the definition of TWTDS at 40 CFR 122.2 are subject to 40 CFR 503. Furthermore, regardless if a facility has a permit or not, the facility must comply with all standards and requirements under 503 that apply to it.</p>
1/20/2021	3-Feb-20	U.S. EPA Region 10 Water Division	3	5.2	15	Struvite	<p>The current language regarding struvite is not acceptable to EPA. DEQ cannot designate struvite a Class A EQ biosolids product without first meeting Class A EQ requirements under Part 503. Please clarify the last sentence and include language that explains how a company or TWTDS must meet the Class A EQ requirements before it can claim that its product may be used or disposed of a Class A EQ biosolids.</p>