



NORTHWEST BIOSOLIDS MANAGEMENT ASSOCIATION

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July 29, 2010

Proposed Rulemaking—Identification of Non-Hazardous
Secondary Materials That Are Solid Waste
Docket ID No. EPA–HQ–RCRA–2008–0329
U.S. Environmental Protection Agency
Mailcode: 28221T
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: Comments of the *Northwest Biosolids Management Association* on the Proposed Rule on Identification of Non-Hazardous Secondary Materials That Are Solid Wastes, Docket ID No. EPA–HQ–RCRA–2008–0329

Dear Sir or Madam:

The Northwest Biosolids Management Association (NBMA) is pleased to submit the following comments on the United States Environmental Protection Agency's ("EPA" or "Agency") proposed rule titled "Identification of Non-Hazardous Secondary Materials That Are Solid Waste (40 CFR Part 241)" that was published in the Federal Register on June 4, 2010.

First, we request that EPA preserve the current successful regulatory framework under 40 CFR Part 503 (Use or Disposal of Sewage Sludge). Biosolids management programs, representing a wide variety of treatment options, have operated successfully under this rule since it's implementation in 1993.

Second, we suggest that EPA update the quality data presented in the Proposed Rule. Over the years, the quality of biosolids has improved in large part due to the Part 503 rule and the pretreatment controls put in place through the Clean Water Act in 1972. The NBMA believes that the quality data posted in the Proposed Rule (Exhibit 3) inaccurately represent the current composition of wastewater treatment sludges. Regardless of the decided end use of biosolids, it is important to include updated information. Current data reflects the significant improvement in biosolids quality attained through aggressive pretreatment programs implemented over the last 20 years. The NBMA recommends using the latest Targeted National Sewage Sludge Survey that collected samples in 2006 and 2007.

Third, we would point out that defining sewage sludge as a solid waste even with the caveat that this only applies to incinerated sewage sludge is antithetical to the concept of beneficial use. EPA and biosolids stakeholders have spent millions of dollars researching biosolids recycling and informing the public on the safety and benefits of this practice. Redefining biosolids as a solid waste would severely undermine this effort to inform our

communities about biosolids use. The NBMA recommends that EPA at least strengthen the language in the Proposed Rule to clearly state that its determination that sewage sludge is a non-hazardous solid waste shall not impact other sewage sludge management options regulated under the Part 503 Regulations.

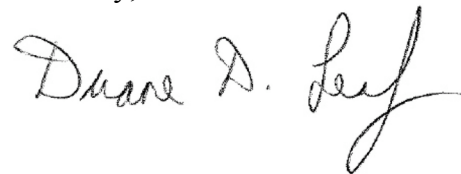
NBMA members pride themselves in the beneficial use projects that have taken shape since the inception of these national regulations. We support EPA's stance that this Proposed Rule will not impact these programs and ask that you reinforce this point in the language.

The Northwest Biosolids Management Association urges EPA to adhere to the Agency's Part 503 program that recognizes Congress' intent to provide for the safe use and disposal of sewage sludge, to support the sustainable biosolids management options chosen by individual communities and to continue to promote beneficial use of this resource.

Northwest Biosolids Management Association, incorporated in 1993, is a non-profit professional membership association working to advance environmental sustainability through the beneficial use of biosolids. Our membership spans Alaska, Idaho, Oregon, Washington and British Columbia. There is an estimated 226,165 dry tons of biosolids produced in this region of which 88% is beneficially used to agriculture, forestry, land reclamation and landscaping.

If you have any questions or would like additional information on the NBMA comments to this draft rule revision please call Daniel C. Thompson, Co-chair of our Regulations Development Committee, at 253 502-2191.

Sincerely,

A handwritten signature in cursive script that reads "Duane D. Leaf". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Duane Leaf
NBMA President