



COMMISSION SUMMARY

AGENDA CATEGORY:

ITEM NUMBER:

DATE: January 16, 2019

SUBJECT	Resolution No. 2019-2214 – Emergency Declaration Due to Accumulation of Biosolids and Sewage Sludge Due to Excess Rain
SUMMARY	The purpose for this agenda item is to obtain Commission approval for addressing the imminent threat of a lack of disposal options for WSSC's biosolids and cessation of removal by haulers from WSSC's Water Resource Recovery Facilities (WRRF's).
SPECIAL COMMENTS	WSSC along with other state sludge generators are working with MAMWA, Maryland Department of the Environment, and the Maryland Department of Agriculture to construct on-site biosolids storage facilities.
CONTRACT NO./ REFERENCE NO.	N/A
COSTS	N/A
AMENDMENT/ CHANGE ORDER NO. AMOUNT	N/A
MBE PARTICIPATION	N/A
PRIOR STAFF/ COMMITTEE REVIEW	Sheila Finlayson, Corporate Secretary
PRIOR STAFF/ COMMITTEE APPROVALS	Carla A. Reid, General Manager/CEO Jay Price, Deputy General Manager of Operations James C. Langley, Director of Production
RECOMMENDATION TO COMMISSION	Vote
COMMISSION ACTION	

RESOLUTION NO.: 2019-2214

Adopted: January [16], 2019

Effective Date: January 16, 2019

WASHINGTON SUBURBAN SANITARY COMMISSION

Subject: A RESOLUTION Declaring an Emergency Relating to Accumulation of Washington Suburban Sanitary Commission Biosolids and Sewage Sludge.

WHEREAS, Washington Suburban Sanitary Commission (“Commission” or “WSSC”), a bi-county state agency created under the laws of the State of Maryland (“State”), provides sanitary sewer services to its ratepayers that includes processing waste at six (6) Water Resource Recovery Facilities (WRRFs) throughout its district; and

WHEREAS, biosolids (and as used herein includes sewage sludge), is a byproduct of the continuous water resource recovery process at the WRRFs and must be disposed of at locations other than the WRRFs; and

WHEREAS, WSSC is also responsible for disposal of a portion of biosolids from DC Water’s Blue Plains wastewater treatment process; and

WHEREAS, the most common disposal options for biosolids are land applications on agricultural fields, deposition at landfills in the region, or storage at permitted facilities; and

WHEREAS, the State and other regional states, such as Virginia, regulate the storage and deposition of biosolids in their respective states, and restrict the land application of biosolids during various seasons and under various conditions; and

WHEREAS, landfill operators in the State and other regional states have discretion to limit the acceptance of biosolids at their facilities, and do limit acceptance; and

WHEREAS, the State and other regional states have experienced record-setting precipitation in 2018 creating conditions that have severely limited the opportunities for land application or landfilling of biosolids as never experienced by WSSC or other wastewater treatment facilities in the region,; and

WHEREAS, biosolids haulers providing transport, storage, and land application services to WSSC and other WRRFs in the region have indicated to WSSC that, due to 2018 weather conditions, their permitted storage facilities have reached or will soon reach maximum capacity,

creating a crisis by having no available storage or land application options until weather conditions subside; and

WHEREAS, due to lack of storage or disposal capacity, WSSC has been advised by its biosolids haulers that they are likely and with little advance notice, to cease hauling away biosolids from WSSCs WRRFs; and

WHEREAS, WSSC cannot suspend or stop receiving and processing wastewater flows from its system since such action would cause sanitary sewer overflows throughout the system and create a health and safety crisis in the district; and

WHEREAS, WSSC and other wastewater treatment facility generators in Maryland have engaged the Maryland Department of the Environment (“MDE”) and Maryland Department of Agriculture (“MDA”) for regulatory relief to permit temporary storage of biosolids at WRRFs or other facilities until abatement of crisis; and

WHEREAS, MDE has acknowledged crisis and an intent to assess and possibly implement alternatives for regulatory relief; however, WSSC may have to store biosolids temporarily at its WRRFs or other locations before action by MDE; and

WHEREAS, Maryland Public Utilities Article (“PUA”), §17-402 of the Annotated Code of Maryland, authorizes WSSC and vests authority in the Commission to adopt regulations to carry out the provisions of law under the PUA; and

WHEREAS, pursuant to the WSSC Code of Regulations 2019, Title 1, Subtitle 1, Chapter 1.15, §§1.15.15 and 1.15.17, an emergency may be declared when there is a serious, imminent, and unforeseen threat to the safety of the public, or to the WSSC system, its personnel, structures or equipment; and

WHEREAS, the imminent threat of lack of disposal options for WSSC’s biosolids and cessation of removal by haulers from WSSC’s WRRFs, creates a serious, imminent and unforeseen threat to the safety of the public and to WSSC’s personnel, structures and equipment;

NOW, THEREFORE, BE IT RESOLVED, the Commission, by virtue of its authority which has been vested in the Commission in law and regulation, hereby declares and determines, as follows:

1. An Emergency, as defined by the Washington Suburban Sanitary Commission Code of Regulations, Title 1, Subtitle 1, Chapter 1.15, §1.15.15, exists due to the imminent threat of biosolids accumulation as recited above; and,
2. The General Manager/CEO is authorized and directed to take steps, if necessary, to mitigate and abate the emergency conditions. The General Manager/CEO is also authorized to carry out this directive, if required, in cooperation with MDE and MDA, or other appropriate state and local agencies during the effective period of this emergency.

BE IT FURTHER RESOLVED, that, this declaration of emergency shall take effect on January 16, 2019 and continue until such time as the Commission determines the emergency has ended.

A True Copy.

Sheila R. Finlayson, Esq.

Corporate Secretary