

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

**Wednesday, February 6, 2019
Laurel, Maryland**

Commission Chair T. Eloise Foster, participating by telephone, along with Commission Vice Chair Chris Lawson and WSSC General Manager Carla Reid, called the emergency teleconference meeting to order at 10:00 a.m., pursuant to WSSC Code of Regulations 2019, Title 1, Subtitle 1, Chapter 1.15, Bylaws, Rules and Regulations, Article IV, Official Emergency Action, Sections 1.15.150, 1.15.160, 1.15.170 and 1.15.180, with WSSC Corporate Secretary Sheila R. Finlayson, Esquire, facilitating the conference call from the Corporate Secretary's Office of the Commission, 14501 Sweitzer Lane, Laurel, Maryland 20707. Deputy General Manager (DGM) for Operations James Price and General Counsel Amanda Conn were also present in the Corporate Secretary's Office during the call.

OPEN SESSION

General Manager Recommendation to Declare Emergency. The Chair stated the purpose of the emergency meeting, which was to receive an update and recommendation from the General Manager on the regional biosolids storage and disposal issues affecting WSSC and other Mid-Atlantic utilities that treat wastewater due to the record-setting rainfall that has occurred in the region over the past year.

The full Commission was previously briefed by management on this matter during the closed session portion of the January 16, 2019 Commission Meeting.

In summary, WSSC and others, are facing a growing crisis involving the disposal of biosolids, the nutrient-rich organic material resulting from the wastewater treatment process. WSSC has six Water Resource Recovery Facilities ("WRRFs" formerly Wastewater Treatment Plants) that produce approximately 8000 tons of biosolids (400 truckloads) per month. WSSC and the other utilities have contracts with haulers to transport the biosolids for offsite disposal which entails land application on farms in Maryland and Virginia during the spring, summer and fall months. Strict State and federal regulations limit the time of year and conditions upon which biosolids can be land applied. When they cannot be land applied, which is primarily during the winter months, the material is hauled away and stored temporarily in regulated storage facilities. State and federal regulations prohibit land application on saturated fields. Due to the record-setting rainfall this year, virtually all storage facilities in the region are at or near capacity. With the disposal options nearly exhausted, haulers will soon cease trucking biosolids from treatment plants. If this happens, WSSC will be forced to explore other storage options for its biosolids, to include building temporary storage sites at certain WSSC facilities. WSSC has been working with its industry partners through the Maryland Association of Municipal Wastewater Agencies (MAMWA) and State regulators, Maryland Department of the Environment (MDE) and Maryland Department of Agriculture (MDA), to strategize potential solutions.

Due to WSSC being informed by one of its largest haulers that it is just about at its maximum storage capacity and will soon no longer have space to store WSSC biosolids, the General Manager advised that the matter has now reached an emergency level, thereby recommending that the Commission take official action immediately to declare an emergency.

Under Chapter 1.15, Article IV, Official Emergency Action, WSSC Code of Regulations, "[a]n emergency shall be deemed such 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. The GM (General Manager) with the concurrence of the Chair and Vice Chair may declare an emergency."

Article IV, further states, "[I]n the event that an emergency is declared, and if the GM, Chair and Vice Chair reasonably believe that there is insufficient time to consult with the remaining Commissioners, the Chair and Vice Chair may exercise the powers of the Commission to the extent, and solely to the extent, necessary to address the imminent threat. Such exercise of power constitutes an emergency meeting, subject to the Open Meetings Act and these Bylaws. Such actions shall be confirmed at the next regularly scheduled meeting of the Commission by adoption of the minutes of that emergency meeting ... Any emergency action taken by the Commission shall be an official act of the Commission."

Official Emergency Action. With the imminent threat of lack of disposal options for WSSC's biosolids and looming cessation of removal of such biosolids by haulers from WSSC's WRRFs, thereby creating a serious, imminent and unforeseen threat to the safety of the public, or to the WSSC system, its personnel, structures or equipment, the Commission Chair and Vice Chair concurred with the General Manager in declaring an emergency. In so doing, the Commission Chair and Vice Chair also adopted WSSC Resolution No. 2019-2214, attached hereto, which provides the supporting rationale for the Commission action and authorizes the General Manager to carry out such emergency directive on behalf of the Commission and to take the necessary steps to mitigate and abate the emergency conditions.

Next Steps. DGM James Price explained that management will reach out to its largest hauler to finalize plans for construction of temporary storage facilities for submission to MDE for approval. A press release will also be issued to notify the media and general public of this emergency meeting and the action taken hereunder.

ADJOURNMENT

There being no additional business, the Chair, with the Vice Chair's concurrence, adjourned the emergency meeting at 10:30 a.m.

Respectfully submitted,

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Sheila R. Finlayson, Esq.
Corporate Secretary

RESOLUTION NO.: 2019-2214

Adopted: February [6th], 2019

Effective Date: February 6th, 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 application 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 disposition 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 WSSC's 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 the emergency.

BE IT FURTHER RESOLVED, that, this declaration of emergency shall take effect on February 6th, 2019 and continue until such time as the Commission determines the emergency has ended.

A True Copy.



Sheila R. Finlayson, Esq.
Corporate Secretary

WASHINGTON SUBURBAN SANITARY COMMISSION



AGENDA

EMERGENCY COMMISSION MEETING WEDNESDAY, FEBRUARY 6, 2019

Time	Item	Anticipated Action
10:00 A.M.	<u>OPEN SESSION - COMMISSION OFFICE</u> Chair, Vice Chair and GM Appear By Telephone	
	A. Meeting Called to Order Pursuant to WSSC Code of Regulations 2019, Title 1, Subtitle 1, Chapter 1.15, Bylaws, Rules and Regulations, Article IV, Official Emergency Action, Sections 1.15.150, 1.15.160, 1.15.170 and 1.15.180	Vote
	B. Official Emergency Action	Vote
	1. Chair and Vice Chair Vote to Adopt Resolution 2019-2214 Declaring an Emergency Relating to Accumulation of WSSC Biosolids and Sewage Sludge	
10:30 A.M.	<u>Adjourn</u>	Vote