

Virginia Administrative Code

Title 9. Environment

Agency 25. State Water Control Board

Chapter 32. Virginia Pollution Abatement (VPA) Permit Regulation

Part IX. Biosolids Program

Article 2. Operational and Monitoring Requirements

9VAC25-32-410. Biosolids management plan.

A. The permit holder shall maintain and implement a biosolids management plan that shall consist of ~~three~~ components: **1 through 3:**

1. The materials, including site booklets, developed and submitted at the time of permit application or permit modification adding a farm to the permit in accordance with 9VAC25-32-60 F;
 2. Nutrient management plan developed for each site, prior to biosolids application; and
 3. Operations and maintenance (O&M) manual, developed and submitted to the department within 90 days of the effective date of the permit.
4. **B. The biosolids management plan may also include an alternative management plan, developed and submitted to the department for approval at any point during the permit term. The requirements for an alternative management plan are set out in subsection F of this section.**

C. The biosolids management plan and all of its components shall be incorporated as an enforceable part of the permit.

D. Nutrient management plan:

1. A nutrient management plan approved by the Department of Conservation and Recreation shall be required for application sites prior to department authorization under specific conditions, including but not limited to:
 - a. Sites operated by an owner or lessee of a confined animal feeding operation as defined in subsection A of § 62.1-44.17:1 of the Code of Virginia, or confined poultry feeding operation as defined in subsection A of § 62.1-44.17:1.1 of the Code of Virginia;
 - b. Sites where land application more frequently than once every three years at greater than 50% of the annual agronomic rate is proposed;
 - c. Mined or disturbed land sites where land application is proposed at greater than agronomic rates; and

d. Other sites based on site-specific conditions that increase the risk that land application may adversely impact state waters.

2. Where conditions at the land application site change so that it meets one or more of the specific conditions identified in subdivisions 1 a through d of this subsection, an approved nutrient management plan shall be submitted prior to any future land application at the site.

3. The nutrient management plan shall be available for review by the department at the land application site during biosolids land application.

4. Within 30 days after land application at the site has commenced, the permit holder shall provide a copy of the nutrient management plan to the farm operator of the site, the Department of Conservation and Recreation and the chief executive officer or designee for the local government unless they request in writing not to receive the nutrient management plan.

5. The nutrient management plan must be approved by the Department of Conservation and Recreation prior to land application for application sites where the soil test phosphorus levels exceed the values in Table 1 of this section. For purposes of approval, permittees should submit the nutrient management plan to the Department of Conservation and Recreation at least 30 days prior to the anticipated date of land application to ensure adequate time for the approval process.

TABLE 1 SOIL PHOSPHORUS LEVELS REQUIRING NMP APPROVAL	
Region	Soil Test P (ppm) VPI & SU Test (Mehlich I)*
Eastern Shore and Lower Coastal Plain	135
Middle and Upper Coastal Plain and Piedmont	136
Ridge and Valley	162
*If results are from another laboratory, the Department of Conservation and Recreation approved conversion factors must be used.	

E. The O&M manual shall include at a minimum:

1. Equipment maintenance and calibration procedures and schedules;

2. Storage facility maintenance procedures and schedules;

3. Sampling schedules for:

a. Required monitoring; and

b. Operational control testing;

4. Sample collection, preservation, and analysis procedures, including laboratories and methods used; and

5. Instructions for recording and reporting of all monitoring activities.

F. Alternative management plan. The alternative management plan specifies the procedures a permit holder will follow to address administrative, staging, signage, and additional on-site and alternative storage site requirements when routine and on-site storage facility capacity and holding times are anticipated to be exceeded. The purpose of the alternative management plan is to protect against the release of biosolids into state waters, and to account for increased intensity, frequency, and duration of storm events.

1. The alternative management plan must include the following:
 - a. An outline of existing routine storage and onsite storage capacities;
 - b. Documentation of total volume of biosolids contracted or expected to be land applied annually;
 - c. Based on the information provided in F.1.a and F.1.b, a calculation of the estimated total number of days of storage available annually;
 - d. Procedures and thresholds for requesting the initiation of the alternative management plan;
 - e. Record keeping and reporting procedures when an alternative management plan is active; and
 - f. Procedures for concluding alternative management plan implementation.
2. The alternative management plan may also include:
 - a. Alternative storage locations that the permittee may only use after the alternative management plan is initiated in accordance with 9VAC25-32-550.F.
 - b. Planned deviations from on-site storage requirements specified in the biosolids management plan including:
 - i. The application of biosolids at permitted sites other than those under the operational control of the same owner or operator of the site where the on-site storage is located as specified in 9VAC25-32-550.D;
 - ii. The amount of biosolids stored as specified in 9VAC25-32-550.D.3; and
 - iii. The storage time limitations as specified in 9VAC25-32-550.D.5.
 - c. Planned deviations from or reduction of sign posting requirements specified in 9VAC25-32-515.B.
 - d. Changes to procedures specified in the O&M manual. Procedural variances to the O&M manual may not include additional variances from permit requirements other than those listed in 9VAC25-32-410.F.2.a. through c.
3. The alternative management plan shall be kept current and updated within 30 days of changes in available storage sites or volume of biosolids managed.
4. A request to initiate the alternative management plan must include:
 - a. A description of conditions causing limitations to land application that may include:
 - i. Saturated land due to prolonged precipitation or flooding;
 - ii. Governor-issued emergency declarations related to the intensity, frequency, or duration of storm events;
 - iii. Measured, regional precipitation thresholds;
 - iv. Influx of additional biosolids to be managed due to the intensity, frequency, or duration of storm events; and
 - v. Unreasonably burdensome geographic and transportation constraints.

- b. Efforts to utilize all available storage capacity including the total capacity of storage available at the time of the request to initiate the alternative management plan.
 - c. Documentation that landfills are further limiting biosolids disposal and a description of landfill limitations at the time of the request to initiate the alternative management plan.
 - d. Any additional information determining whether cause exists for initiating the alternative storage plan.
5. Approval and implementation procedures.
- a. A permittee shall submit the alternative management plan to the department for approval and may not submit a request to initiate the alternative management plan until it has been approved.
 - b. A permittee may submit a request to initiate the approved alternative management plan when the thresholds specified in the alternative management plan have been met.
 - c. Upon approval of the request to initiate the alternative management plan, the permittee shall follow the procedures described in the plan.
 - d. The active phase of an alternative management plan begins upon initiation and ends after the conditions causing limitations to land application cease.
 - e. During an active alternative management plan, a permittee shall include an addendum to monthly reports required by the permit that includes the following:
 - i. Date the permittee initiated the alternative management plan;
 - ii. A description of the deviations from or reductions of permit requirements, and changes in O&M manual procedures implemented;
 - iii. A description of efforts to phase out alternative management plan implementation, which may include emptying of alternative storage, bringing on-site storage back into compliance with permit requirements, and other reductions in alternative procedures;
 - iv. An inventory for each storage location to include:
 - 1. Dates and amounts of each biosolids source placed and removed;
 - 2. Destination permit and field identification for the sources removed;
 - v. Any conditions or activities that deviated from the approved alternative management plan;
 - vi. Changes in availability of landfill disposal;
 - vii. Date the permittee concluded alternative management plan implementation, when applicable.
6. The alternative management plan will conclude when the conditions causing limitations to land application cease.

Statutory Authority

§62.1-44.15 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 24, Issue 6, eff. January 1, 2008; amended, Virginia Register Volume 29, Issue 24, eff. September 1, 2013; Volume 39, Issue 5, eff. November 23, 2022.