

12VAC5-585-480. Land acquisition and management control.

When land application of sludge is proposed, the continued availability of the land and protection from improper concurrent use during the utilization period shall be assured. A written agreement shall be established between the landowner and the permitted land applicator ~~owner~~ (owner), with the information specified in Table A-1. Biosolids cannot be applied to a site unless the required signs have been posted at the permitted site and the department has received an up-to-date copy of the biosolids agreement specified in Table A-1 and copies are provided to the landowner and current farmer. The responsibility for obtaining and maintaining the agreements lies with the party who is the holder of the permit. Site management controls shall include for access limitations relative to the level of pathogen control achieved during treatment (12VAC5-585-560). In addition, agricultural use of sludge in accordance with this chapter will not result in harm to threatened or endangered species of plant, fish, or wildlife, nor result in the destruction or adverse modification of the critical habitat of a threatened or endangered species. Site specific information shall be provided as part of the management or operating plan.

12VAC5-585-570. Site access time restrictions.

A. ~~Unrestricted~~ Limited access (UA). Biosolids that have undergone Class I Treatment to achieve Class A Pathogen Control may be applied or incorporated into the soil of agricultural lands and ~~immediate~~ public access is permitted to sites with a low potential for public contact. A waiting period is required up to 30 days following application of Class I Treatment level biosolids to sites with a high potential for public contact, such as sites on which food preparation and consumption can occur (to allow adhering biosolids to be either desiccated or, washed from the foliar portion of the plants by precipitation). This waiting period is also required following application of Class I Treatment level biosolids before: (i) crops with harvested parts that touch the biosolids/soil mixture and are not totally above the land surface are harvested for human consumption, (ii) ~~domestic~~ livestock animals are allowed to graze on the site.

B. Restricted access (RA). Following application or incorporation of biosolids that have undergone Class II treatment to achieve Class B Pathogen Control public access and crop management shall be restricted as

follows: (i) access to any site with a high potential for public exposure and direct contact with the ground surface (public use such as picnics, preparation or consumption of food, outdoor concerts and team sporting events, guided tours, or exhibits, etc., on the site) by the general public shall be ~~controlled~~ prohibited for a minimum time period of one year, (ii) access to agricultural sites and other sites with a low potential for public exposure and limited contact with the ground surface (such as vehicle parking and transportation, bicycling, jogging, bird watching, hunting, etc., on the site) shall be controlled for 30 days, (iii) food crops with harvested parts that touch the biosolids/soil mixture and are not totally above the land surface shall not be harvested for 14 months, (iv) food crops with harvested parts below the surface of the land shall not be harvested for 20 months following application, when the biosolids remain on the land surface for four months or longer prior to incorporation into the soil, (v) food crops with subsurface harvested parts shall not be harvested for 38 months following application, when the biosolids remain on the land surface less than four months prior to incorporation, (vi) feeding of harvested crops to animals shall not take place for a total of one month following surface application (two months for lactating dairy livestock), (vii) grazing by animals whose products will or will not be consumed by humans is prevented for at least 30 days (60 days for lactating dairy livestock), and (viii) harvesting turf grass for placement on land with a high potential for public exposure or a lawn is prevented for 12 months. A summary listing of access restrictions is presented in Table 10.

C. Modified Access (MA). If ~~a~~ an additional biosolids processing sequence is used to treat PSRP biosolids, or other types of biosolids treated to a lesser degree that achieves Class B Pathogen Control (PSLP) ~~PSLP biosolids that~~ and that additional treatment eliminates or inactivates helminth eggs (EH), then high potential for contact public use access restrictions are reduced to six and eight months respectively for these types of biosolids, which shall include two summer months. A summary listing of access restrictions is presented in Table 10.

TABLE A-1  
BIOSOLIDS APPLICATION AGREEMENT

This Biosolids application agreement is made on..... between....., referred to here as "landowner, " and....., the leasee, referred to as the "farmer, " and .....the permitted land applier, referred to here as "owner." Landowner and farmer may terminate this agreement in writing to the Virginia Department of Health.

Landowner is the owner of agricultural land shown on the map attached as Exhibit A and ..... is the farmer, for the site(s) designated there as..... ("landowner's land"). Owner agrees to apply and landowner and farmer ~~agrees~~ agree to comply with certain permit requirements following application of Biosolids on landowner's land in amounts and in a manner authorized by permit number..... which is held by the owner. Landowner and farmer acknowledge that the site(s) listed in Attachment A are not permitted for land application of biosolids by any other owner, unless approved in writing by the owner named in this agreement and the Virginia Department of Health.

Landowner and farmer ~~acknowledges~~ acknowledge that the appropriate application of ~~Biosolids~~ biosolids will be beneficial in providing fertilizer and soil conditioning to ~~his property~~ the permitted site(s). Landowner and farmer acknowledge that the permitted site(s) may be permanently removed from the owner's permit by the owner, or the Virginia Department of Health, as a result of non-compliance with this agreement and violation of other permit requirements, caused by a deliberate action on the part of the landowner or farmer. Moreover, landowner and farmer ~~acknowledges~~ acknowledge that he has been expressly advised that, in order to protect public health:

~~4. Public access to and harvesting of crops on landowner's land upon which ~~Biosolids~~ biosolids has been applied ~~should~~ shall be controlled or prohibited ~~for at least 30 days following any application of biosolids,~~ and ~~no~~ as follows:~~

1. Following application or incorporation of biosolids that have undergone Class II treatment to achieve Class B Pathogen Control, (i) access to any site with a high potential for public exposure and direct contact with the ground surface (such as picnics, preparation or consumption of food, outdoor concerts and team sporting events, guided tours, or exhibits, etc., on the site) by the general public, shall be prohibited for a minimum time period of one year, (ii) access to agricultural sites and other sites with a low potential for public exposure and limited contact with the ground surface (such as vehicle parking and transportation, bicycling, jogging, bird watching, hunting, etc., on the site) shall be controlled for 30 days. Such 30 day site access control can involve the posting of visible no trespassing signs around a site with low potential for public exposure in accordance with this chapter and local ordinances. In addition, no such biosolids amended soil shall be excavated or removed from the site during this same period of time unless adequate provisions are made to prevent public exposure to soil, dusts or aerosols;

2. Food crops with harvested parts that touch the Treatment II Level biosolids/soil mixture and are totally above the land surface shall not be harvested for 14 months after the application of biosolids. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after the application of Treatment II Level biosolids when ~~the~~ such biosolids remain on the land surface for a time period of four (4) or more months prior to incorporation into the soil, or 38 months when the biosolids remain on the land surface for a time period of less than four (4) months prior to incorporation. Other food crops, feed crops and fiber crops shall not be harvested for 30 days after the application of Treatment II Level biosolids;

3. Following Treatment II Level biosolids application to pasture or hayland sites, meat producing livestock should not be grazed or fed chopped foliage for 30 days and lactating dairy animals should be similarly restricted for a minimum of 60 days. Other animals should be restricted from grazing for 30 days;

4. Supplemental commercial fertilizer or manure applications should be coordinated with the ~~Biosolids~~ biosolids applications such that the total crop needs for nutrients are not exceeded as identified on the nutrient balance sheet (Table A-2) or the nutrient management plan approved by the Virginia Department of Conservation and Recreation to be supplied to the landowner by the owner at the time of application of ~~Biosolids~~ biosolids to a specific permitted site;

5. Tobacco, because it has been shown to accumulate cadmium, should not be grown on landowner's land for three years following the application of biosolids borne cadmium equal to or exceeding 0.45 pounds/acre (0.5 kilograms/hectare);

6. Turf grown on land where biosolids are applied shall not be harvested for one year after application of Treatment II Level biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by the permitting authority.

Owner agrees to notify landowner or landowner designee of his proposed schedule for ~~Biosolids~~ biosolids application and specifically prior to any particular application to landowner's land. This agreement may be terminated by either party upon written notice to the address specified below.

Landowner: \_\_\_\_\_  
Mailing Address:

Owner (Land Applier): \_\_\_\_\_  
Mailing Address:

Farmer (Leasee): \_\_\_\_\_  
Mailing Address: