

**APPLICATION: Certificate of Approval
for Exceptional Quality (EQ) Biosolids Importation**

Purpose: Established in § 6-1303(c) of the Vermont Solid Waste Rules (effective 10/31/2021), all generators of EQ biosolids or EQ biosolids products that are intended for importation into Vermont must first obtain a Certificate of Approval from the Agency of Natural Resources. EQ biosolids are considered to be the equivalent of Class A biosolids for the purposes of this Certificate of Approval.

Application Cover Sheet

EQ Biosolids Manager

Name:

Mailing Address:

Telephone Number:

Primary Contact:

Secondary Contact:

EQ Biosolids Generating Facility

Name:

Physical Location:

Mailing Address:

Phone Number:

Primary Contact:

Primary Contact Phone/Email:

Secondary Contact Person:

Secondary Contact Phone/Email:

Application Preparer (if not prepared by the applicant)

Name:

Phone/Email:

Estimated Annual Volume of EQ Biosolids (tons/year) to be Managed:

Applicant Certification

I, _____, the duly authorized applicant, hereby make application for a Certificate of Approval for the generating facility named herein and described fully in supporting documentation. The application consists of this application form, the application check list, and documents listed below as appended to this application. I further certify that the support documents listed as appended to this application meet appropriate technical standards required by Subchapter 13 of the Vermont Solid Waste Rules (October 31, 2021) to the best of my knowledge and belief and based on the information available to me at the time of application.

SIGNATURE

DATE

Attachments: List below documents appended or included as a part of this application (attach additional sheets as necessary). See the following instructions from § 6-1303 “Exceptional Quality Biosolids” from the Vermont Solid Waste Rules (effective October 31, 2020).

Vermont Solid Waste Rules
Effective 10/31/2020
§ 6-1303 Exceptional Quality Biosolids

(a) EQ biosolids or EQ biosolids products produced in, or imported into, the State of Vermont shall:

(1) Meet the lower of:

(A) the pollutant limits established in the table below and in § 6-1306(o);

PARAMETER	CONCENTRATION (mg/kg, dry wt.)
Arsenic (As)	15
Cadmium (Cd)	21
Chromium (Cr)	1,200
Copper (Cu)	1,500
Lead (Pb)	300
Mercury (Hg)	10
Molybdenum (Mo)	75
Nickel (Ni)	420
Selenium (Se)	100
Zinc (Zn)	2,800
Polychlorinated biphenyls (PCBs)	1

(B) the contaminant standards established at 40 CFR 503.13 – Table 3;

(C) the corresponding pollutant limits of the jurisdiction in which they are generated or prepared, even if any given parameter is not otherwise regulated under these Rules or 40 CFR Part 503.

(2) Meet one of the pathogen reduction requirements established in 40 CFR Part 503.32(a)(3, 4, 7 or 8);

(3) Meet one of the vector attraction reduction requirements established in 40 CFR Part 503.33 Alternatives 1 – 8;

(4) Be tested for all parameters listed below and indicated under § 6-1306(n); and

Arsenic (As)
 Cadmium (Cd)
 Chromium (Cr)
 Copper (Cu)
 Lead (Pb)
 Mercury (Hg)
 Molybdenum (Mo)
 Nickel (Ni)

Selenium (Se)
Zinc (Zn)
Percent Solids (%)
Polychlorinated biphenyls (PCBs)
pH
Total Kjeldahl Nitrogen (TKN)
Ammonia-Nitrogen (NH₄-N)
Nitrate-Nitrogen (NO₃-N)
Total Phosphorus (TP)
Total Potassium (TK)
Water Extractable Phosphorus (WEP)
Per- and polyfluorinated Substances (PFAS)*

(5) Compost Stability. Finished composted EQ biosolids or composted EQ biosolids products marketed for sale or distributed in the State of Vermont shall be tested annually for two of the following methods listed below:

(A) Temperature decline to near ambient conditions (less than 100° F) when not the result of improper management of the composting process. Composting records shall indicate appropriate schedules for turning, monitoring of moisture within the required range, and an appropriate mix of composting feedstocks.

(B) Reheat potential using the Dewar Compost Self-Heating Flask. The results must indicate a stable product. Temperature rise above ambient must not exceed 20°C for stable compost.

(C) Specific Oxygen Uptake Rate (SOUR). To be classified as stable the product must have a specific oxygen uptake rate of less than 0.1 milligrams per gram of dry solids per hour.

(D) Solvita™ Compost Maturity Test. To be classified as stable the product must exhibit color equal or greater than six.

(E) Carbon dioxide evolution or Respiration Rate. Respirometry rate that meets or is equivalent to standards established by the US Composting Council Seal of Testing Assurance to be classified as stable.

(F) Reduction in organic matter (ROM) of at least 60 %

(G) Plant tests conducted in a manner approved by the Agency

(b) Applicability/Exemption

(1) In order for sewage sludge, domestic septage, or a biosolids product that has not been treated or prepared to EQ biosolids standards in the State of Vermont at a facility certified under these Rules to be eligible for management via marketing and/or distribution to the general public in the State of Vermont as a commodity pursuant to § 6-302(a)(2), the EQ biosolids or EQ biosolids product generator shall first obtain a Certificate of Approval from the Secretary unless the material is marketed and distributed in the State of Vermont solely in bags having a net weight of fifty (50) pounds or less.

- (2) EQ biosolids or EQ biosolids marketed and distributed in the State of Vermont solely in bags having a net weight of fifty (50) pounds or less shall nonetheless meet the requirements of § 6-1303(a), (i)(3), and bear labeling or be accompanied by an informational flyer that meets the requirements of § 6-303 (g).

(c) Certificate of Approval

An application to the Secretary for a Certificate of Approval shall consist of the following information. If the application is for multiple generating facilities under the EQ biosolids or EQ biosolids product generator's ownership, the required information shall be submitted for each generating facility.

- (1) an application form (**see cover sheet**), which shall include the following information:

- (A) the name, mailing address, and phone number of the EQ biosolids generator;
- (B) the name, mailing address, phone number, and physical location of the facility generating the EQ biosolids
- (C) the name, mailing address, and phone number of a primary and secondary contact person for the EQ biosolids generator;
- (D) the estimated annual volume of EQ biosolids, in tons per year, that will be so managed; and
- (E) the signature of the EQ biosolids generator or an authorized representative.

- (2) Information documenting the pathogen reduction and vector attraction reduction treatments to which the EQ biosolids or EQ biosolids product is subjected and chemical analyses conducted on the EQ biosolids or EQ biosolids product, which shall include the following:

- (A) for facilities that commenced operation two years or more prior to effective date of these Rules:
 - (i) records for the two (2) year period preceding the date of application documenting that the treated EQ biosolids or EQ biosolids product meets one of the Class A pathogen reduction standards established in 40 CFR 503.32 (a) (3, 4, 7, or 8);
 - (ii) records for the two (2) year period preceding the date of application documenting that the treated EQ biosolids or EQ biosolids product meets one of the vector attraction reduction standards established in 40 CFR 503.33 - Alternative 1 through VAR Alternative 8;
 - (iii) the results of all chemical analysis of the EQ biosolids or EQ biosolids product completed in the two (2) year period preceding the date of application. The results shall document that the treated EQ biosolids or EQ biosolid product has been tested for parameters in § 6-1306(n) and also meets the lowest of:
 - (I) the contaminant ceiling concentrations established in § 6-1306(o);

- (II) the contaminant standards established at 40 CFR 503.13 – Table 3; or
 - (III) the contaminant standards established for such materials in the jurisdiction in which the EQ biosolids or EQ biosolids product was generated, even if any given parameter is not otherwise regulated under these Rules or 40 CFR 503.13 – Table 3;
- (B) for facilities that commenced operation less than two years prior to the effective date of these Rules:
- (i) records sufficient to document that the treated EQ biosolids or EQ biosolids product meets one of the Class A pathogen reduction standards established in 40 CFR 503.32 (a) (3, 4, 7, or 8);
 - (ii) records sufficient to document that the treated EQ biosolids or EQ biosolids product meets one of the vector attraction reduction standards established in 40 CFR 503.33 Alternative 1 - 8;
 - (iii) records sufficient to document that the treated EQ biosolids or EQ biosolids product has been tested for parameters in § 6-1306(n) and also meets the lowest of:
 - (I) the contaminant ceiling concentrations established in § 6-1306(o);
 - (II) the contaminant standards established at 40 CFR 503.13 – Table 3; or
 - (III) the contaminant standards established for such materials in the jurisdiction in which the EQ biosolids or EQ biosolids product was generated, even if any given parameter is not otherwise regulated under these Rules or 40 CFR 503.13 – Table 3.
- (3) a copy of the informational flyer, fact sheet, or label that will be provided by the EQ biosolids or EQ biosolids generator to each recipient of the treated material.
- (4) a monitoring and sampling plan which assures that every batch of EQ biosolids or EQ biosolids product released for marketing and/or distribution in the State of Vermont is tested and demonstrated to meet the requirements of § 6-1303(a).
- (d) A Certificate of Approval shall be issued by the Secretary, in writing, and shall not be valid for a period of more than five (5) years from the date of issuance.
- (e) Non-conformances
- (1) Upon receipt by the EQ biosolids or EQ biosolids product generator of any information documenting failure an exceedance of any ceiling concentration established in §6-1307(o) or any failure to meet the Class A pathogen reduction standards established in 40 CFR 503.32 (a)(3, 4, 7, or 8)) or the vector attraction reduction standards established in 40 CFR 503.33 Alternative 1 through VAR Alternative 8, the following shall occur:
 - (A) The EQ biosolids or EQ biosolids product generator shall notify the Secretary of the non-conformance within twenty-four (24) hours or on the next business day; and

- (B) the Certificate of Approval for the generating facility involved shall immediately become suspended for a minimum period of thirty (30) days. In such instances, the EQ biosolids or EQ biosolids product from the affected generating facility, if managed in the State of Vermont, shall be managed only in accordance with the Vermont Solid Waste Management Rules. If the Certificate of Approval covers more than one generating facility under the control of a single generator, only the Certificate of Approval for the generating facility so involved shall be considered suspended; and
 - (C) within five (5) days of receipt by the EQ biosolids or EQ biosolids product generator of the information, the generator shall submit a written report to the Secretary. The report shall identify the nature of the non-conformance and the actions taken or anticipated to be taken to correct the problem; and
 - (D) the EQ biosolids generator or EQ biosolids product generator shall make any other reports that may be reasonably required by the Secretary.
- (2) Upon a determination by the Secretary that the testing requirements established in §6-1303 (4) were not met, the Secretary may suspend the Certificate of Approval.
- (3) Upon a determination by the Secretary that the storage or use of EQ biosolids or an EQ biosolids product that is used in the State of Vermont under this section has created a nuisance, the Secretary shall suspend the Certificate of Approval.
- (f) Reapproval: The Certificate of Approval for a generating facility that has been suspended pursuant to subsection (e) of this section may be reinstated at the discretion of the Secretary upon submittal of the following relevant to the non-conformance causing the suspension:
- (1) the results of a chemical analysis of four (4) consecutive weekly samples of EQ biosolids or EQ biosolids product generated at the involved facility documenting that the EQ biosolids or EQ biosolids product has been tested for parameters in § 6-1306(n) and material quality once again is in compliance with the most restrictive of:
 - (A) the contaminant ceiling concentrations established in § 6-1306(o);
 - (B) the contaminant standards established at 40 CFR 503.13 – Table 3; or
 - (C) the contaminant ceiling concentrations established for such materials in the jurisdiction in which the EQ biosolids or EQ biosolids product was generated even if any given parameter relevant to either (A) or (B) is not otherwise regulated under these Rules.
 - (2) records sufficient to document that the treated EQ biosolids or EQ biosolids product meets one of the Class A pathogen reduction standards established 40 CFR 503.32 (a)(3, 4, 7, or 8).
 - (3) records sufficient to document that the treated EQ biosolids or EQ biosolids product meets one of the vector attraction reduction standards established in 40 CFR 503.33 Alternative 1 - 8.
 - (4) evidence sufficient to demonstrate that storage or use of the EQ biosolids or EQ biosolids product will no longer create a nuisance, as necessary to document that the cause or causes for the

Certificate of Approval having been voided have been corrected and that the EQ biosolids or EQ biosolids product once again meets the applicable standard(s).

- (5) a written explanation of how the non-conformance occurred and a written explanation of steps that have been taken to prevent a recurrence of the non-conformance.
 - (6) any other reports that may be required by the Secretary.
- (g) Labeling: The EQ biosolids or EQ biosolids product generator shall provide to all persons to whom materials regulated under this section are marketed or distributed a flyer, fact sheet or label which, at a minimum, shall provide the following information:
- (1) the name, address, and telephone number of the generator;
 - (2) a statement that the product is derived or partially derived from sewage sludge or domestic septage;
 - (3) a statement that the product may contain per- and polyfluoroalkyl substances (PFAS);
 - (4) the concentration of total nitrogen, available phosphorus, and total potassium in the material. Any such products which are marketed and distributed in the State of Vermont with a guaranteed nutrient content shall be registered as a fertilizer with the Vermont Agency of Agriculture, Food, & Markets in accordance with 6 V.S.A. §364;
 - (5) the concentration in the material of the metals regulated under §6-1306(o);
 - (6) recommendations for acceptable uses and non-uses of the material;
 - (7) suggested application rates for the recommended acceptable uses; and
 - (8) suggested methods of application for the recommended uses.
- (h) Reporting
- (1) The EQ biosolids or EQ biosolids product generator shall report to the Secretary on an annual basis, the following information for each calendar year. The annual report of the preceding calendar year's activity shall be submitted to the Secretary on or before February 19th of each year.
 - (2) The annual report shall, at a minimum, provide the following information for all EQ biosolids or EQ biosolids product regulated under this section that is marketed or distributed in the State of Vermont:
 - (A) the total volume of EQ biosolids or EQ biosolids product that was marketed or distributed in the State of Vermont in the calendar year;
 - (B) analytical reports documenting that the EQ biosolids or EQ biosolids product met the contaminant standard of § 6-1303(a)(1);

- (C) the Class A pathogen reduction alternative by which the EQ biosolids or EQ biosolids product was demonstrated to meet the requirement of § 6-1303(a)(2);
- (D) the vector attraction reduction alternative by which the EQ biosolids or EQ biosolids product was demonstrated to meet the requirement of § 6-1304(a)(3);
- (E) analytical reports documenting that the EQ biosolids or EQ biosolids product were tested per § 6-1303(a)(4);
- (F) a statement signed by the EQ biosolids or EQ biosolids products generator that all EQ biosolids or EQ biosolids products that were marketed or distributed in the State of Vermont met the requirements of these rules; and
- (G) any additional records required to be kept under this section, as the Secretary may require upon request in order to demonstrate compliance with these rules.

(i) Recordkeeping

- (1) The following records shall be kept in a dry and secure location by the EQ biosolids or EQ biosolids product generator:
 - (A) all reports, records, data or other information required to demonstrate compliance with this section;
 - (B) copies of the annual reports that have been submitted to the Secretary;
 - (C) copies of any reports, records, data or other information required to be submitted to the Secretary under subsection (h)(2) of this section;
 - (D) copies of any reports, records, data, certifications, or other information required under 40 CFR 503.17.
- (2) All records shall be kept for a minimum of five (5) years following the date on which the applicable annual report was submitted to the Secretary.
- (3) Producers of EQ biosolids or EQ biosolids products which are imported into the State of Vermont solely in individual bags or containers weighing 50 pounds or less shall keep the following records for a minimum of five (5) years following importation and shall submit such records to the Agency upon request by the Secretary:
 - (A) all reports, records, data, certifications required under 40 CFR 503.17 or other information required to demonstrate compliance with this section; and
 - (B) records of the annual volume of EQ biosolids or EQ biosolids products imported into the State of Vermont.



**EQ Biosolids Importation Approval
Registration Checklist**

Submit this checklist with the application cover sheet and supplemental information		✓
Vermont Solid Waste Rules (Effective October 31, 2021) § 6-1303(c) – Exceptional Quality Biosolids Certificate of Approval Requirements		
1)	Name, mailing address and phone number of the EQ biosolids product generator	<input type="checkbox"/>
2)	Name, mailing address, phone number, and physical location of the Facility generating the EQ biosolids product	<input type="checkbox"/>
3)	Name, mailing address, and phone number of primary and secondary contact person for the EQ biosolids product generator	<input type="checkbox"/>
4)	Estimated annual volume of EQ biosolids product managed	<input type="checkbox"/>
5)	Signature of EQ biosolids product generator or an authorized representative	<input type="checkbox"/>
6)	Information documenting that EQ biosolids are subjected to and meet the pathogen reduction standards established in 40 CFR 503.32(a)(3, 4, 7 or 8)	<input type="checkbox"/>
7)	Information documenting that EQ biosolids are subjected to and meet vector attraction reduction standards in 40 CFR 503.33 Alt 1-8	<input type="checkbox"/>
8)	Information documenting that EQ biosolids are tested for all parameters in § 6-1606(n) of the Rules and meet lowest of contaminant ceiling concentrations in § 6-1306(o), 40 CFR 503.13 – Table 3, or standards established in the jurisdiction where EQ biosolids were generated	<input type="checkbox"/>
9)	Results of all chemical analysis of the product completed two-years preceding the date of application	<input type="checkbox"/>
10)	Copy of informational flyer, fact sheet, or label provided to recipients of EQ Biosolids, per § 6-1306(g)	<input type="checkbox"/>
11)	Monitoring and sampling plan assuring EQ biosolids imported to Vermont meet the requirements of § 6-1306(a)	<input type="checkbox"/>
12)	Plan for recordkeeping to meet the requirements of § 6-1303(h) and (i)	<input type="checkbox"/>