

BIOSOLIDS REGULATIONS
of the
NORTHEAST COLORADO HEALTH
DEPARTMENT

Adopted: January 1, 2008

Regulations
of the
Northeast Colorado Health Department
for Biosolids

Section 1: Title & Policy

The Northeast Colorado Health Department (NCHD) and the Northeast Colorado Board of Health with this regulation adopts the Colorado Department of Public Health and Environment, Water Quality Control Commission, 5 CCR 1002-64, Biosolids Regulation, Regulation 64. NCHD and the Board of Health declares that whenever necessary additional requirements, prohibitions, standards and concentration limitations can be established within the jurisdiction of NCHD that are more stringent than Regulation 64. The purpose of this regulation is to preserve the environment and protect public health; to eliminate and control the causes of disease and infection, and to reduce and control the pollution of air, land, and water. It is declared to be in the public interest to establish minimum standards, rules, and regulations for biosolids applied in the jurisdiction of NCHD and provide the authority for the administration and enforcement of such minimum standards, rules and regulations.

Note: To make this document user friendly we are using the following format. The above 2.64.7 should be viewed in this manner 2 refers to section 2 of this regulation, 64 refers to the State of Colorado Biosolids Regulation, and 7 is the section of Regulation 64 that has additional requirements, prohibitions, standards and concentration limitations by NCHD.

Section 2: Additional Requirements to Regulation 64

2.64.7 Fees

A. Assessment of Fees and Billing

1. A non-refundable fee of fifty cents (\$.50) per dry ton of biosolids shall be assessed to generators whose biosolids are used for beneficial purposes within the jurisdiction of NCHD unless:
 - a. The biosolids are generated within the six county jurisdiction of NCHD. Then no fee shall be assessed.
2. Payment shall be based on the actual amount of biosolids (dry weight basis) applied in the previous reporting period covered in the annual report and must be remitted on or before May 19.
3. The Payment shall be made out to the Northeast Colorado Health Department.

2.64.9 Definitions

A. "Letter of Notification" means a written notification to an occupied dwelling and business located within a boundary set in the regulation. This written notification should include the location of the land application site and intent to apply biosolids to the site.

B. "Recreational Area" A public area, open to the public, for recreation purposes. (I.e. a baseball field or a playground park)

2.64.10 Administration

A. Letter of Intent for the Use and Distribution of Biosolids shall be submitted to the following. This applies only to newly permitted application sites. Application sites permitted before January 1, 2008 the below shall not apply:

1. The Northeast Colorado Health Department,
2. The County Land Use Administrator for the County that the Biosolids will be used and distributed. The County Land Use Administrator may find it necessary to contact any city or town within the county that has included the parcel of land in an Intergovernmental Agreement or some similar agreement. When contacting the County Land Use Administrator the generator of the biosolids should ensure there are no additional requirements or fees that may be assessed by the local county,

B. The Letter of Intent shall be submitted to the parties listed above at the same time as it is submitted to the Colorado Department of Public Health and Environment Water Quality Control Division and shall contain the information found in 64.10 (1), (2), and (3) of Regulation 64.

C. A Letter of Notification shall be sent to all:

1. occupied dwellings and businesses located within 500ft of the land application site,
2. any irrigation ditch company with facilities on the parcel under consideration for land application of biosolids.

2.64.15 Use of Biosolids for Agriculture and Reclamation

A. No person shall apply biosolids to land that is within 100 feet of an occupied dwelling, business, or recreation area unless:

1. The biosolids meet the criteria for Class A with respect to pathogen destruction as defined in section 64.12 (B) of Regulation 64 and meet at least one of the vector attraction reduction criteria as defined in 64.12 (C) (3) through (13) of Regulation 64 when the biosolids are applied to a public contact site.

Section 3: **Enforcement, Fines and Penalties**

NCHD, through its Board of Health and Public Health Administrator may enforce the provisions of this regulation through fines and or penalties to the generator or the applicator of biosolids.

Section 4: **Regulation Review**

This regulation shall be reviewed every three (3) years by the Northeast Colorado Health Department or more often when deemed necessary by the Northeast Colorado Health Department or the Northeast Colorado Board of Health, to ensure the regulation is accomplishing the preservation of the environment and the protection of the public health in Northeast Colorado. When necessary after the review this regulation shall be amended by the Northeast Colorado Board of Health.