

**VIRGINIA POLLUTION ABATEMENT PERMIT APPLICATION
FORM D: MUNICIPAL EFFLUENT AND BIOSOLIDS**

PART D-VI: LAND APPLICATION AGREEMENT - BIOSOLIDS AND INDUSTRIAL RESIDUALS

A. This land application agreement is made on _____ between _____ referred to here as "Landowner", and _____, referred to here as the "Permittee". This agreement remains in effect until it is terminated in writing by either party or, with respect to those parcels that are retained by the Landowner in the event of a sale of one or more parcels, until ownership of all parcels changes. If ownership of individual parcels identified in this agreement changes, those parcels for which ownership has changed will no longer be authorized to receive biosolids or industrial residuals under this agreement.

Landowner:

The Landowner is the owner of record of the real property located in _____, Virginia, which includes the agricultural, silvicultural or reclamation sites identified below in Table 1 and identified on the tax map(s) attached as Exhibit A.

Table 1.: Parcels authorized to receive biosolids, water treatment residuals or other industrial sludges			
<u>Tax Parcel ID</u>	<u>Tax Parcel ID</u>	<u>Tax Parcel ID</u>	<u>Tax Parcel ID</u>

Additional parcels containing Land Application Sites are identified on Supplement A (check if applicable)

Check one:

- The Landowner is the sole owner of the properties identified herein.
- The Landowner is one of multiple owners of the properties identified herein.

In the event that the Landowner sells or transfers all or part of the property to which biosolids have been applied within 38 months of the latest date of biosolids application, the Landowner shall:

1. Notify the purchaser or transferee of the applicable public access and crop management restrictions no later than the date of the property transfer; and
2. Notify the Permittee of the sale within two weeks following property transfer.

The Landowner has no other agreements for land application on the fields identified herein. The Landowner will notify the Permittee immediately if conditions change such that the fields are no longer available to the Permittee for application or any part of this agreement becomes invalid or the information herein contained becomes incorrect.

The Landowner hereby grants permission to the Permittee to land apply residuals as specified below, on the agricultural sites identified above and in Exhibit A. The Landowner also grants permission for DEQ staff to conduct inspections on the land identified above, before, during or after land application of permitted residuals for the purpose of determining compliance with regulatory requirements applicable to such application.

<u>Class B biosolids</u>	<u>Water treatment residuals</u>	<u>Food processing waste</u>	<u>Other industrial sludges</u>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Landowner – Printed Name, Title	Signature	Mailing Address
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Permittee:

_____, the Permittee, agrees to apply biosolids and/or industrial residuals on the Landowner's land in the manner authorized by the VPA Permit Regulation and in amounts not to exceed the rates identified in the nutrient management plan prepared for each land application field by a person certified in accordance with [§10.1-104.2 of the Code of Virginia](#).

The Permittee agrees to notify the Landowner or the Landowner's designee of the proposed schedule for land application and specifically prior to any particular application to the Landowner's land. Notice shall include the source of residuals to be applied.

I reviewed the document(s) assigning signatory authority to the person signing for landowner above. I will make a copy of this document(s) available to DEQ for review upon request. (Do not check this box if the landowner signs this agreement)

Permittee – Authorized Representative Printed Name	Signature	Mailing Address
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VIRGINIA POLLUTION ABATEMENT PERMIT APPLICATION: PART D-VI LAND APPLICATION AGREEMENT

Permittee: _____ **County or City:** _____

Landowner: _____

Landowner Site Management Requirements:

I, the Landowner, I have received a DEQ Biosolids Fact Sheet that includes information regarding regulations governing the land application of biosolids, the components of biosolids and proper handling and land application of biosolids.

I have also been expressly advised by the Permittee that the site management requirements and site access restrictions identified below must be complied with after biosolids have been applied on my property in order to protect public health, and that I am responsible for the implementation of these practices.

I agree to implement the following site management practices at each site under my ownership following the land application of biosolids at the site:

1. Notification Signs: I will not remove any signs posted by the Permittee for the purpose of identifying my field as a biosolids land application site, unless requested by the Permittee, until at least 30 days after land application at that site is completed.
2. Public Access
 - a. Public access to land with a high potential for public exposure shall be restricted for at least one year following any application of biosolids.
 - b. Public access to land with a low potential for public exposure shall be restricted for at least 30 days following any application of biosolids. No 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;
 - c. Turf grown on land where biosolids are applied shall not be harvested for one year after application of biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by DEQ.
3. Crop Restrictions:
 - a. Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface shall not be harvested for 14 months after the application of biosolids.
 - b. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after the application of biosolids when the biosolids remain on the land surface for a time period of four (4) or more months prior to incorporation into the soil,
 - c. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months when the biosolids remain on the land surface for a time period of less than four (4) months prior to incorporation.
 - d. Other food crops and fiber crops shall not be harvested for 30 days after the application of biosolids;
 - e. Feed crops shall not be harvested for 30 days after the application of biosolids (60 days if fed to lactating dairy animals).
4. Livestock Access Restrictions:

Following biosolids application to pasture or hayland sites:

 - a. Meat producing livestock shall not be grazed for 30 days,
 - b. Lactating dairy animals shall not be grazed for a minimum of 60 days.
 - c. Other animals shall be restricted from grazing for 30 days;
5. Supplemental commercial fertilizer or manure applications will be coordinated with the biosolids and industrial residuals applications such that the total crop needs for nutrients are not exceeded as identified in the nutrient management plan developed by a person certified in accordance with §10.1-104.2 of the Code of Virginia;
6. Tobacco, because it has been shown to accumulate cadmium, should not be grown on the Landowner's land for three years following the application of biosolids or industrial residuals which bear cadmium equal to or exceeding 0.45 pounds/acre (0.5 kilograms/hectare).

Landowner's Signature

Date

**VIRGINIA POLLUTION ABATEMENT APPLICATION
FORM D: MUNICIPAL EFFLUENT AND BIOSOLIDS**

Instructions

PART D-VI BIOSOLIDS APPLICATION AGREEMENT

- A. The permit applicant or permittee requesting to add land to a permit shall submit landowner agreement forms as follows:
1. For land application sites with a sole landowner, i.e. only one landowner is recorded on the deed, submit Pages 1 and 2 of the **Part D-VI Biosolids Application Agreement**.
 2. For land application sites with multiple landowners submit Pages 1 and 2 of the **Part D-VI Biosolids Application Agreement** for each land owner recorded on the deed.
 3. Once all landowner agreements are obtained, the Permittee shall complete the "Landowner Coordination Form." Complete this form as specified below. (a) through (d) refer to the form presented on page 8 of 9. NOTE: this form does not require landowner signatures.
 - (a) Provide the name of the Permittee.
 - (b) Provide the name of the county or city in which land application is proposed.
 - (c) List tax parcels – tax parcels under common ownership may be listed together
 - (d) For each tax parcel or group of tax parcels under common ownership recorded in (c), identify the landowner(s).
 4. For any land that has an existing landowner agreement with another permitted contractor, submit a copy of the letter from the landowner to that original permitted contractor either:
 - a. Terminating the existing landowner agreement*
 - or
 - b. Asking to be removed from the original permit.*

* If the original landowner agreement (LOA) is terminated, the sites identified in the LOA are not removed from the permit held by the original contractor, only the landowner agreement has become invalid. The sites remain in the land base of the original permit, therefore if at a future date the landowner wishes to receive biosolids from the original contractor, he would only need to terminate the existing LOA and sign a new LOA with the original contractor.

However, if the sites are removed from the original permit, if at a future date the landowner wishes to receive biosolids from the original contractor, in addition to terminating and signing new LOAs, the original contractor's permit would require a permit modification to add the landowner's land prior to any future land application of biosolids on that land.

B. Completing Form D-VI

Page 1 of 2:

- (1) Provide the date on which the agreement is made.
- (2) Provide the name of the individual landowner signing this form or the name of the trust, estate, company or other entity that owns the property. If there are multiple landowners, each landowner will complete and sign his/her own form. The person identified as the owner and signing the form must be legal owner or part-owner of all tax parcels identified in the form.
- (3) Provide the legal name of the entity that will hold the land application permit (Company, Municipality, Authority, etc.)
- (4) Provide the name of the county or city in which the sites are located.

- (5) Provide the County/City Tax Parcel ID for each parcel that includes land application sites. A parcel may contain more than one "field". If a "field" is located in 2 or more parcels, provide the Tax Parcel IDs for all parcels. If you want to include a whole "farm", identify all tax parcels that make up the farm.

AND provide legible tax maps identifying each of the parcels proposed for inclusion in the permit.

- (6) If more than 20 parcels under ownership of the individual landowner signing this form will be authorized to receive biosolids, place a check in the box to indicate that more parcels are identified on Supplement A.
- (7) Check one box to indicate whether the person signing the form is the only owner of record, or one of two or more owners of record for the properties identified in **Table 1: Parcels authorized to receive biosolids, water treatment residuals or other industrial sludges** and in **Exhibit A**. A landowner of record is each person identified or referenced on the deed. Multiple owners may include husband and wife, brothers and sisters, or other relatives, business partners, etc. If a deed identifies owners as, for example, Mr. Smith et ux (and wife) or Mr. Smith et al (and others), a landowner agreement must be completed by Mr. Smith and his wife, or Mr. Smith and all other owners, respectively.
- (8) Check all boxes that apply, to indicate the type of products authorized to be land applied on the property.
- (9) Print or type the landowner's legal name, including suffixes (e.g. Jr, III, etc) and mailing address. Provide an original signature.

Where the landowner is a corporation, trust, estate or other entity, or has given signatory authority to another individual, use one of the following procedures:

- a. If the landowner is a corporation or other publicly recorded entity, print or type the name of the responsible official, including suffixes (e.g. Jr, III, etc), his/her title and mailing address. Provide an original signature in accordance with [9VAC25-32-70](#):
- i. For a corporation: by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - ii. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency.)
 - iii. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
- b. If the landowner is an estate or trust, or has given power of attorney, the landowner agreement must be signed by the individual(s) with signatory authority as follows:
- i. Print or type the name of the individual with signatory authority, his/her title indicating his/her signatory authority and his/her mailing address; e.g. John Smith, Power of Attorney for Robert Doe; John Smith, Executor Robert Doe Estate; or John Smith, Trustee, Doe Farm Trust. Provide an original signature; and
 - ii. One of the following documents must be presented to the Permit applicant for an estate, trust or power of attorney. The permit applicant or permit holder shall review the document(s) that assigns authority to the individual(s) and make a copy of this document(s) available to DEQ for review upon request. Documents to be reviewed include:
 - The original court document certifying the individual(s) as executor(s);
 - The original trust or memorandum of trust; or
 - The original notarized Power of Attorney.

- (10) Provide the legal name of the entity that will hold the permit.

- (11) **Use this box only if the actual landowner does not sign the agreement.** Check this box to verify that permittee has reviewed the original trust, power of attorney, executor qualification, or other document assigning signatory authority or control of the property to someone other than the landowner as required in (9) b) (2). If someone other than the company official signing the Landowner Agreement has reviewed these documents, the reviewer shall initial to the left of the check box and print his/her name below the statement.
- (12) Print or type the name of the Permit holder's authorized representative and his/her business mailing address. Provide an original signature.

Page 2 of 2:

- (13) Provide the legal name of the entity that will hold the permit – the same as provided in (10)
- (14) Provide the name of the county or city in which the sites are located – same as provided in (4)
- (15) Provide the printed name of the landowner signing this form – same as in (9)
- (16) Provide the Landowner's original signature as in (9) and date.

Supplement A

- (1) Provide the legal name of the entity that will hold the permit – the same as provided in (10) above
- (2) Provide the name of the county or city in which the sites are located – same as provided in (4) above
- (3) Provide the printed name of the landowner signing this form – same as provided in (9) above
- (4) Provide the County/City Tax Parcel ID for each parcel that includes land application sites. A parcel may contain more than one "field". If a "field" is located in 2 or more parcels, provide the Tax Parcel ID for all parcels
- (5) Print or type the landowner's legal name, including suffixes (e.g. Jr, III, etc) and mailing address. Provide an original signature as required in (9) above.

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FORM D: MUNICIPAL EFFLUENT AND BIOSOLIDS**

PART D-VI: LAND APPLICATION AGREEMENT - BIOSOLIDS AND INDUSTRIAL RESIDUALS

A. This land application agreement is made on _____ (1) _____ between _____ (2) _____ referred to here as "Landowner", and _____ (3) _____, referred to here as the "Permittee". This agreement remains in effect until it is terminated in writing by either party or, with respect to those parcels that are retained by the Landowner in the event of a sale of one or more parcels, until ownership of all parcels changes. If ownership of individual parcels identified in this agreement changes, those parcels for which ownership has changed will no longer be authorized to receive biosolids or industrial residuals under this agreement.

Landowner:

The Landowner is the owner of record of the real property located in _____ (4) _____, Virginia, which includes the agricultural, silvicultural or reclamation sites identified below in Table 1 and identified on the tax map(s) attached as Exhibit A.

Table 1.: Parcels authorized to receive biosolids, water treatment residuals or other industrial sludges			
<u>Tax Parcel ID</u>	<u>Tax Parcel ID</u>	<u>Tax Parcel ID</u>	<u>Tax Parcel ID</u>
(5)			

(6) Additional parcels containing Land Application Sites are identified on Supplement A (check if applicable)

(7) Check one: The Landowner is the sole owner of the properties identified herein.
 The Landowner is one of multiple owners of the properties identified herein.

In the event that the Landowner sells or transfers all or part of the property to which biosolids have been applied within 38 months of the latest date of biosolids application, the Landowner shall:

3. Notify the purchaser or transferee of the applicable public access and crop management restrictions no later than the date of the property transfer; and
4. Notify the Permittee of the sale within two weeks following property transfer.

The Landowner has no other agreements for land application on the fields identified herein. The Landowner will notify the Permittee immediately if conditions change such that the fields are no longer available to the Permittee for application or any part of this agreement becomes invalid or the information herein contained becomes incorrect.

The Landowner hereby grants permission to the Permittee to land apply residuals as specified below, on the agricultural sites identified above and in Exhibit A. The Landowner also grants permission for DEQ staff to conduct inspections on the land identified above, before, during or after land application of permitted residuals for the purpose of determining compliance with regulatory requirements applicable to such application.

(8) Class B biosolids Water treatment residuals Food processing waste Other industrial sludges
 Yes No Yes No Yes No Yes No

(9) _____
 Landowner – Printed Name, Title Signature Mailing Address

Permittee:

(10) _____, the Permittee, agrees to apply biosolids and/or industrial residuals on the Landowner's land in the manner authorized by the VPA Permit Regulation and in amounts not to exceed the rates identified in the nutrient management plan prepared for each land application field by a person certified in accordance with [§10.1-104.2 of the Code of Virginia](#).

The Permittee agrees to notify the Landowner or the Landowner's designee of the proposed schedule for land application and specifically prior to any particular application to the Landowner's land. Notice shall include the source of residuals to be applied.

(11) I reviewed the document(s) assigning signatory authority to the person signing for landowner above. I will make a copy of this document(s) available to DEQ for review upon request. (Do not check this box if the landowner signs this agreement)

(12) _____
 Permittee – Authorized Representative Signature Mailing Address
 Printed Name

VIRGINIA POLLUTION ABATEMENT PERMIT APPLICATION: PART D-VI LAND APPLICATION AGREEMENT

Permittee: _____ (13) County or City: _____ (14)

Landowner: _____ (15)

Landowner Site Management Requirements:

I, the Landowner, I have received a DEQ Biosolids Fact Sheet that includes information regarding regulations governing the land application of biosolids, the components of biosolids and proper handling and land application of biosolids.

I have also been expressly advised by the Permittee that the site management requirements and site access restrictions identified below must be complied with after biosolids have been applied on my property in order to protect public health, and that I am responsible for the implementation of these practices.

I agree to implement the following site management practices at each site under my ownership following the land application of biosolids at the site:

7. Notification Signs: I will not remove any signs posted by the Permittee for the purpose of identifying my field as a biosolids land application site, unless requested by the Permittee, until at least 30 days after land application at that site is completed.
8. Public Access
 - a. Public access to land with a high potential for public exposure shall be restricted for at least one year following any application of biosolids.
 - b. Public access to land with a low potential for public exposure shall be restricted for at least 30 days following any application of biosolids. No 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;
 - c. Turf grown on land where biosolids are applied shall not be harvested for one year after application of biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by DEQ.
9. Crop Restrictions:
 - f. Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface shall not be harvested for 14 months after the application of biosolids.
 - g. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after the application of biosolids when the biosolids remain on the land surface for a time period of four (4) or more months prior to incorporation into the soil,
 - h. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months when the biosolids remain on the land surface for a time period of less than four (4) months prior to incorporation.
 - i. Other food crops and fiber crops shall not be harvested for 30 days after the application of biosolids;
 - j. Feed crops shall not be harvested for 30 days after the application of biosolids (60 days if fed to lactating dairy animals).
10. Livestock Access Restrictions:

Following biosolids application to pasture or hayland sites:

 - a. Meat producing livestock shall not be grazed for 30 days,
 - b. Lactating dairy animals shall not be grazed for a minimum of 60 days.
 - c. Other animals shall be restricted from grazing for 30 days;
11. Supplemental commercial fertilizer or manure applications will be coordinated with the biosolids and industrial residuals applications such that the total crop needs for nutrients are not exceeded as identified in the nutrient management plan developed by a person certified in accordance with §10.1-104.2 of the Code of Virginia;
12. Tobacco, because it has been shown to accumulate cadmium, should not be grown on the Landowner's land for three years following the application of biosolids or industrial residuals which bear cadmium equal to or exceeding 0.45 pounds/acre (0.5 kilograms/hectare).

(16) _____
Landowner's Signature Date

