

EPA REAFFIRMS TO STATE SLUDGE COORDINATORS THAT IT SUPPORTS LOCAL CONTROL AND NO LONGER PROMOTES LAND APPLICATION OVER OTHER SLUDGE DISPOSAL METHODS

<http://www.biosolids.org/news.asp?id=1786>

[WI State Biosolids Coordinator Greg Kester 7-30-04 Letter to EPA OWM Director James Hanlon](#)

[WI DNR Secretary Scott Hassett 9-13-04 Letter to EPA Administrator Michael Leavitt](#) http://biosolids.org/docs/hassett_091304_leavittltr.pdf

[EPA OWM Director James Hanlon 9-20-04 Letter to Greg Kester](#)

[EPA Acting Assistant Administrator for Water Ben Grumbles 10-7-04 Letter to Scott Hassett](#)

7/30/04 letter from Greg Kester, Wisconsin DNR to Jim Hanlon, US EPA –

"The policy shift that occurred at EPA in early 2000, was significant and very disconcerting to the implementers of the regulations in the field." (Kester is referring to the EPA position of "neutrality" on the use or disposal of biosolids that was adopted at US EPA internally in early 2000 when EPA discontinued promoting land spreading of sewage sludge over landfilling or incineration.)

Kester goes on to say: "It appears that upper management in EPA believes that no preferred disposition alternative should be stated and is reluctant to defend its own regulations."

Kester concludes: " . . . as regulators believe that the Agency has officially shifted from a confirmed position of promoting beneficial use as a sustainable environmental solution to one of neutrality, we appeal to you to **reverse that position back to promoting beneficial use. This does not mean that EPA or a State would mandate decisions at the local level.**"

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9/13/04 letter from Scott Hassett, Wisconsin to Michael Leavitt, EPA administrator:

"We are also requesting that you reissue an official statement that beneficial use of biosolids through land application or public distribution **is preferable as a sustainable environmental solution, all other things being equal, to disposal in a landfill or incinerator combustion.**"

"We should be clear that we **are not asking that any regulatory agency interfere with local decisions**, but that a general preference be articulated as preferred policy."

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Letter 9/20/04 from EPA to Greg Kester, Wisconsin

"In the letter, you stated your concern and opinion that the Environmental Protection Agency (EPA) should abandon a position of neutrality on the methods for biosolids use or disposal."

"EPA supports the reuse of wastewater and the beneficial reuse of biosolids as viable options available to communities, **but firmly believes that any decisions regarding those choices are local decisions**, subject to meeting State regulations in addition to Federal regulations."

"The NRC report issued in July 2002 concluded that, although there is no documented scientific evidence that the 503 regulations have failed to protect public health, **further scientific work is needed to reduce persistent uncertainty about the potential for adverse human health effects from exposure to biosolids.**"

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Letter dated October 7, 2004, EPA Benjamin Grumbles to Scott Hassett, Wis DNR:

"The Part 503 regulations outline the use and disposal practices that publicly owned treatment works may select in their management of biosolids: **land application - land filling or surface disposal - and incineration.** Based on the technical and scientific record, and as explained in the response to Greg Kester's letter, EPA believes that the 40 CFR Part 503 regulations are protective of public health and the environment."

[Please note Mr. Grumbles is referring to **ALL THREE 40 CFR Part 503 disposal options: (1) Land application – (2) landfilling or surface disposal; and/or (3) Incineration.**]

"**As to the request that EPA should issue a statement favoring the beneficial reuse of biosolids over other uses, we do not believe that EPA should be involved in determining the biosolids management options most suitable for a particular community.**" *"Just as EPA does not require or expressly recommend that communities treat their wastewater to reuse standards and reuse it, or require particular technologies of municipal or industrial permittees to meet the National Pollutant Discharge Elimination System permit limits, we do not require or expressly recommend that communities choose beneficial reuse of biosolids."*

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Here are some points that should be made to state regulators -- particularly those in states such as Maine, Florida, Pennsylvania and Virginia where the waste industry has sued localities and encourages officials to preempt unwilling communities and bully them into being disposal sites for toxic/pathogenic sludge from urban and industrial sources:

- (1) The US EPA has very specifically stated its “neutrality” and does **NOT** favor land spreading of sewage sludge biosolids over other disposal options such as surface disposal, land filling and/or incineration.
- (2) The US EPA supports the right of **LOCAL** communities to make decisions as to the use or disposal of sewage sludge biosolids within their boundaries.
- (3) (3) The US EPA is finally acknowledging the National Research Council findings in 2002 which say there is **persistent uncertainty** about potential for adverse health effects from sludge spreading and a great deal more scientific research is needed before sludge can be pronounced “safe”. This is in stark contrast to claims by the waste industry and some state officials that studies “prove” land spreading of sewage sludge biosolids poses no risks to human health and the environment.

**EPA REAFFIRMS TO STATE SLUDGE COORDINATORS
THAT IT SUPPORTS LOCAL CONTROL AND NO
LONGER PROMOTES LAND APPLICATION OVER
OTHER SLUDGE DISPOSAL METHODS (landfilling,
surface disposal or incineration)**

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