



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

RECEIVED  
JUN 14 2004  
Abington

Honorable George V. Allen  
United States Senator  
332 Cummings Street  
Abington, Virginia 24210

JUN 4 2004

Dear Senator Allen:

Thank you for your letter of April 28, 2004, forwarding concerns of Ms. Barbara Rubin about a biosolids land application at the Athey farm site located in Loudoun County, Virginia. The Environmental Protection Agency (EPA) promulgated the Sewage Sludge Use or Disposal Regulation (40 CFR Part 503) on February 19, 1993. This rule includes standards that apply to public, private, and Federal facilities that generate or treat sewage sludge as well as any person who uses or disposes of sewage sludge or domestic septage.

The rule is a product of one of EPA's most comprehensive risk assessments to date, which considers a full range of potential impacts on public health and the environment. The risk assessment for the land application of biosolids evaluated fourteen different pathways through which a pollutant in biosolids could affect public health or the environment. The most stringent (safest) value for a pollutant from any of the pathways is the limit selected for the pollutant in the regulation. Thus, the pollutant limit protects public health and the environment for all of the pathways evaluated.

Regulation of biosolids in the Commonwealth of Virginia is administered through the Biosolids Use Regulation adopted by the Virginia Department of Health (VDH), and the Virginia Pollutant Discharge Elimination System (VPDES) permit regulation adopted by the Virginia Department of Environmental Quality (VDEQ). A treatment works owner may include specific sites for land application of biosolids within a sludge management plan. In accordance with the VPDES Permit, VDEQ approves the sludge management plan through the issuance of a permit. When an owner assigns responsibility for off-site biosolids use operations to a private contractor, a VDH permit is issued to the contractor in accordance with the Biosolids Use Regulations. VDH is responsible for permitting, monitoring, and ensuring the compliance of these private contractors.

The Commonwealth's regulations are based on many years of development. Their regulations provide site-specific standards that regulate the quality of biosolids, the application of biosolids, and site access restrictions which protect public health and the environment. For more information, please contact the following persons: Ms. Lily Choi at 804-698-4054, to discuss DEQ's permitting requirements for biosolids, and Mr. Calvin Sawyer at 804-786-1755, to discuss VDH's land application permitting requirements.



*Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.  
Customer Service Hotline: 1-800-438-2474*

My staff has contacted VDH regarding this matter and has also spoken with Ms. Rubin about the biosolids application near sinkholes and wetlands at Athey farm. Based on EPA's discussion with VDH, VDH acted appropriately in deciding not to issue an enforcement action. EPA's biosolids regulations have no provisions for applying biosolids near sinkholes. The VDH concluded that the areas in question were not regulated under their biosolids regulations because the sinkholes in question were not active. The VDH also concluded there were no adverse public health or water quality effects from such actions.

The short and long-term behavior of biosolids has been studied extensively. It has been used extensively in agriculture in this country for approximately the last sixty years. Available evidence indicates that when biosolids are properly used or disposed of according to all Federal and state regulations, there are no significant risks to public health or the environment.

If you have any questions, please feel free to contact me or have your staff contact Ms. Stephanie Branche, Virginia Liaison Officer, at 215-814-5556. The enclosure to your letter is returned as requested.

Sincerely,



Donald Welsh  
Regional Administrator

Enclosure