

July 22, 2005

via Email

Cal Sawyer, Division Director  
Division of Wastewater Engineering  
1500 E. Main Street, Room 109  
Richmond, VA 23219

I am in receipt of your July 19, 2005 letter responding to my July 12, 2005 email. As has been the case in past correspondence you totally ignore the very evidence you **claim** you seek. The peer-reviewed scientific evidence linking illness and death to sludge exposure is readily available in the literature to anyone who looks for it. Not only do you ignore published scientific data, you ignore substantial anecdotal evidence on the video documenting health, animal and environmental problems linked to sludge from numerous Commonwealth citizens. You also conveniently ignore the abundant additional health complaints linked to sludge exposure, submitted from counties all over Virginia. It is just as egregious that you also choose to ignore the diagnosis of a growing number of medical doctors attributing their patient's illnesses to sludge exposure. Do you really believe Commonwealth citizens find it credible that Health Department officials like yourself, have carefully evaluated all this accumulated corroborative evidence, and find it lacking? This arrogance and negligence towards protecting citizen health and life is staggering to any fair minded person. It is obvious that VDH has intentionally ignored this overwhelming evidence, and instead undertaken a policy of deceit and denial to protect an industry, and promote this unwanted program. This is done for political and/or economic expediency at the great expense of citizen health harm, including suspicious deaths, and environmental havoc for the Commonwealth.

Though citizens have provided you with the evidence you seek, , it is not their responsibility to provide any evidence. **It is the Health Department, charged with the protection of citizen health, that has the burden of proof to show that this heinous program, that has raised substantial questions about sickness, death and environmental harm in county after county, is safe.** You, VDH, and EPA have never done this. Instead you engage in willful neglect of duty and cruel indifference to those you are charged to protect.

There are a number of misleading statements in your letter. The first is that Ms. Shifflett and Dr. Helentjaris investigated and found no changes were necessary. According to Phil Haines, he heard on Saturday that sludge would be dumped on a neighbors farm. The following Monday morning at 5:30 am sludge was dumped. There was no time to complain and intercede. By the time Dr. Helentjaris returned his call, the sludge was already dumped. There was no finding that no changes were necessary. Citizens are certain that insufficient notification so that there is no time to protest about susceptible persons to the health Department is typical of the callous VDH attitude. Citizens have repeatedly asked for **VDH to do health surveys before sludge** is permitted or dumped so that immune compromised, young, and old persons can defend their legal rights.

Another misrepresented statement is that the EPA and VDH have rejected requests for a moratorium on land application because of "significant regulatory restrictions and oversight as well as the absence of a significant body of scientific data to support a ban on land applications of biosolids." There is nothing significant about regulations that were **REJECTED by peer review**. There is nothing significant about regulations that are not based on any credible scientific studies like buffer distances. There is nothing significant about regulations that are called out of date, inadequate and non-existent for health by 2 EPA Inspector General reports and 2 National Academy of Science reports. The previous paragraphs dispute lack of data to support a ban.

The third misleading statement is that "VDH is committed to enforcing the *Biosolids Use Regulations*....in a safe and lawful manor." The fact is that with recent Frederick County land application there was significant sludge drag out on Poorhouse Road in addition to total lack of concern for immune compromised persons. Photos were taken of the drag out on Saturday morning. There were bikers on the road that were exposed to the drag out. Many people complained about the heinous stench. Monday July 18 the drag out was still was on the road.. The Department of Health, was called. A citizen spoke to Steve Lee who said he would report it to Richmond and file a complaint. Ms. Shifflett , the monitor, was also notified. Monday evening there was no change. It is clear Synagro did not properly clean the roads after they land applied the Poorhouse farm. Sludge is still embedded in the asphalt. I would hardly call this sloppy job and lack of enforcement "committed to safe and lawful" procedures.

Barbara L. Rubin  
Loudoun Neighbors Against Toxic Sludge

cc: Press, Virginia Assembly