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June 20, 2003

CERTIFIED MAIL/RETURN RECEIPT

Hon. Robert B. Stroube, M.D., M.P.H.
Health Commissioner
Department of Health
1500 East Main Street
Richmond, VA 23219

Re: Synagro Mid Atlantic, Inc.
Operating Permit No. VDHBUR 63

Dear Commissioner Stroube:

Please accept this letter as my written petition to defer or suspend the application to renew the referenced permit of Synagro Mid Atlantic, Inc. Renewal would extend for five years the authority of Synagro to apply sewage sludges on 6,607.3 acres of farmland in Loudoun County. I am a resident of Loudoun County, a member of the Technical Committee on the Land Application of Biosolids appointed by the Board of Supervisors of Loudoun County to investigate and make recommendations concerning sewage sludge issues, and a member of Loudoun Neighbors Against Toxic Sludge, a local citizens organization.

The specific ground for deferral or suspension of the Synagro application is the failure of the Department of Health (VDH) to comply with the requirements of Section 32.1-164.2 of the Health Code. Pursuant to this law, the Board of Health must allow the involvement of local residents in the renewal process by convening a “public meeting to discuss technical issues relating to the proposal.” In fact, notice was given of a “public meeting” to be held on June 16, 2003. I attended, as did other Loudoun County residents.

In no manner could what occurred be described as a “public meeting.” Nor was there discussion or opportunity for discussion of “technical issues relating to the proposal.” The representative of the VDH, Desiree Lopasic, stated to me that this was an “informational meeting.” The information was decidedly one-sided. The representatives of Synagro were present to support the permit by advocating land application of sewage sludges. This was made clear from the documents and video presentation they brought promoting land-application of sewage sludges as highly beneficial to the environment and of no threat to public health. These representatives were unable to discuss “technical issues” relating to permit renewal for the simple reason that no investigation has been done by Synagro or the VDH of the current site-specific environmental and health conditions affecting the 6,607.3 acres. The absence of such updated site-specific information, combined with the lack of opportunity for residents to present questions and exchange opinions in an organized and open manner—the essence of a public meeting—renders the so-called “informational meeting” little more than a promotional subterfuge.

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The public has legitimate concerns about the hazards of sewage sludge applied near populated areas. Loudoun County nearly has doubled in population in ten years. Conditions that may have sustained the Synagro permits when first issued may be vastly different five years later when the permits are submitted for renewal. This includes changes in onsite conditions such as construction of new houses and buildings, changes in grading, creation of ponds and diversion of streams and springs, and new agricultural uses. Equally important are offsite changes such as increases in nearby residential density, construction of new hospitals and schools next to the permitted sites, differences in contamination levels of adjacent wells measured over the preceding five years of the permit, and the proximity to sites of immune-compromised residents. Dissemination of updated site-specific information is needed, and intended by Section 34.1-164.2, to permit meaningful local government and public discussion of "technical issues relating to the proposal." Such site-specific information also is essential to implementation of newly amended Section 32.1-164.5(D). The absence of such information is alone basis to invalidate the purported "public meeting."

The fact that recent sewage sludge legislation further limiting municipal control has been supported on the premise, and on the promise, that localities and citizens would be afforded meaningful opportunity for review and comment during the permit issuance process makes this violation of the letter and spirit of Section 32.1-164.2 that much more prejudicial to the rights of Loudoun County residents.

For all of these reasons, I respectfully request that the application of Synagro to renew its permit in Loudoun County for a further five years be deferred or suspended until such time as the requirements of Section 32.1-164.2 are fully met. This request includes a diligent investigation by the VDH, and dissemination to Loudoun County officials and residents, of the current conditions at each site covered in the permit renewal prior to the mandated "public meeting."

Very truly yours,

Barbara L. Rubin

cc: Governor Mark Warner
Virginia Board of Health
Senator William Bolling
Senator William Mims
Delegate Joseph May
Loudoun County Board of Supervisors
Loudoun County Administrator
Loudoun County Health Director
Calmet Sawyer (VDH)
Desiree Lopasic (VDH)
George Clark (Synagro)