

Barbara L. Rubin
P.O. Box 381
Waterford, VA 20197
June 25, 2004

Donald Welsh, Regional Administrator
USEPA, Region III
1650 Arch Street
Philadelphia, PA 24210

Dear Administrator Welsh:

I am writing to comment on your response to Senator Allen regarding my complaints about the Athey Farm sludge land applications. I am frankly in shock at the blatantly inaccurate statements included in your letter.

You claim the Sludge Rule is “the product of EPA’s most comprehensive risk assessment to date.” However you fail to mention that the 2002 National Academies of Science (NAS) Report *Biosolids Applied to Land* concluded that this risk assessment is totally **outdated**. Further you fail to point out that the NAS report also concluded that sludge is such a complex and unpredictable mixture of so many contaminants that it isn’t even possible to do a reliable risk assessment that would protect public health. You also fail to mention that in 1993 the Sludge Rule **failed** the initial peer-review by EPA’s own Office of Research and Development. In order to implement the Rule, which was being pushed by the Office of Water, that office had to agree to do the missing testing and assessments, all lacking at the time of inception. To date **none** of these studies have been done in spite of frequent insistence that they be done from the public, the NAS, EPA’s own Inspector General, and a group of independent scientists. All these groups consistently criticize the Rule and agree that the **science behind the rule is out of date, inadequate and in the case of health safety, non-existent!**

The problem with the VDH administering the sludge program in Virginia is that there are **only** two individuals in the whole Commonwealth, who are hired to oversee the program. They do not visit proposed fields, they do not test sludge when it arrives on the field, nor after sitting on the fields for months, they do not visit sites after land application to make sure they were spread in compliance. In short, they do not oversee at all, but merely allow an industry intent on spreading maximum amounts of this material, to regulate itself.

You claim in your letter that VDH regulations “provide site-specific standards that regulate the quality of biosolids, the application of biosolids, and the site access restrictions...” Unfortunately they do nothing of the kind. In my county sludge was allowed to be land applied to fields that were last “reviewed” **over 5 years ago** for a now out of date permit. Loudoun County is the fastest growing county in the US. On a daily basis, homes, schools, and shopping centers sprout up like weeds, yet VDH allowed the sludge company to land apply **without taking into account 5 years of change, and without updated specifications**. These egregious violations were noted by me in my June 20, 2003 *Petition to Suspend* complaint letter and my July 28, 2004, *Second Complaint* letter to Dr. Stroube, VDH. (These letters are enclosed with this letter.)

The unacceptable response by VDH to my latest complaint dated April 5, 2004, to Virginia's two Senators and my US Representative, was to send Charles Swanson, VDH, to "investigate." He came to Loudoun County, only to ignore (even scold) the county Health Department for their complaints and suggestions. He then redefined the definition of sinkholes, changed long standing scientific methods of measuring swales, totally ignored sludge spread on wetlands with water tables over 18", and refused to test wells affected by sludge run-off. This is hardly effective enforcement by any stretch of the imagination.

You further say "The short and long-term behavior of biosolids have been studied extensively." Also, "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." This contradicts not only the mounting anecdotal evidence of people getting ill from land application, but also the recent peer-reviewed articles that actually document such illnesses, as well as documentation of damages to live stock, soil, and groundwater. I would be interested to see **current, peer-reviewed, published studies** that show sludge is safe for the public health and does not cause illness and death.

If the claims in your letter had any veracity, why did an EPA Inspector General's September 6, 2002 memo to the Administrator warn that "(a) **EPA does not know whether current regulations, when adhered to, are protective of public health**"? And why did EPA Deputy Administrator Paul Gilman admit on October 29, 2003 at a CBS Evening News interview that current land application policies **may not be safe**? And why is EPA no longer promoting land application?

The reality is that Virginia has scores of people who link their illnesses to sludge exposure, feel their illnesses are exacerbated by sludge exposure, and/or feel deaths were connected to sludge exposure. Citizens now have a video which documents the outrageous results from the careless manner with which sludge is land applied. VDH and politicians are all on notice about the effects of the sludge program. Citizens will hold them responsible.

I believe your letter, like other letters in response to citizen complaints about the ill conceived sludge program, is full of intentional exaggerations and misrepresentations to hide the callous and sloppy way the program is run by EPA and VDH.

This correspondence will be posted on the Loudoun Neighbors Against Toxic Sludge website to allow all citizens to see how their state and federal agencies appear to conspire with the waste industry by ignoring and denying valid health complaints of residents exposed to sludge.

Barbara L. Rubin,
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www.LoudounNATS.org

cc: Senators Warner and Allen, Representative Wolf, Press