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C.M. Sawyer, Division Director

Division of Wastewater Engineering

1500 E. Main Street, Room 109

Richmond, VA 23219

Dear Mr. Sawyer:

Thank you for your response to my letter dated 4/21/04 in which I question the secret nature of VDH's sludge program and the lack of local involvement in a program potentially hazardous to citizen health. While I also spent half the letter stating the lack of scientific data on which VDH places its questionable assertion sludge is safe, there is no mention of this important issue at all in your response.

You appear to accept that the clear intent of both EPA and the Clean Water Act was for there to be local control of sludge programs. However, your letter definitively verifies my contention that in Virginia, with the passage of recent legislation (1088), all power has been stripped from the localities rather than given to them, by your statement: "The General Assembly has not authorized localities to create an approval process scheme that conflicts with the State law. Furthermore, limitations were placed on a County's ability to order abatement of land application in Senate Bill 1088 (2003) and limited authority for monitoring those activities was granted in the Virginia Code, Section 62.1-44.19:3."

"Limited authority for monitoring" is a phantom power, which my county found out recently when all their efforts and suggestions were ignored by VDH. The Loudoun County Health Department (LCHD) found maps submitted by Synagro (with no supporting documentation) were inadequate to determine if land application of sludge would comply with BUR. After visits to the sites, LCHD made corrections to the inadequate maps and forwarded these suggestions to Synagro. Suggestions included not spreading sludge on wetlands with water tables over 18 inches, not spreading on swales over 15 degrees, not spreading on sinkholes, and not spreading close to wells. All these suggestions were made in an effort to try to assure compliance with BUR and to prevent run-off. Sludge was subsequently spread ignoring all suggestions. Rains followed and as predicted, LCHD received complaints from neighbors about run-off from the sludged fields onto their property. This run-off crossed crop-producing fields and ran into neighbor's waterways, which had previously experienced a fish kill from sludge run-off.

The LCHD filed a draft letter of violation of regulations addressed to you at VDH. Charles Swanson was sent to "investigate." While visiting the sites, Mr. Swanson changed definitions of sinkholes, changed long accepted scientific methods of measuring swales, ignored wetlands, all in what appeared to be a clear effort to stretch the rules to allow more sludge applied than was safe and cover-up violations.

As a result of this eye opening exercise on the part of Loudoun County personnel, many have concluded "monitoring and testing" is probably a waste of time and money, without the needed teeth of enforcement by the state.

This is of grave concern to all Virginia citizens because even in localities in the state and throughout the US where **regulations are complied with, there are still health complaints**. The potential for harm to Virginia citizens is higher than most because there is not even an appearance of compliance and enforcement.

In your letter you claim I made a mistake by "asserting the Department had approved Synagro's request to renew its permit in Loudoun" which it had not. I guess I incorrectly assumed that at least the permit policy was conducted with integrity, and sludge was not allowed to be spread without a permit pertaining to CURRENT conditions, not conditions existing 5 years ago. Yet, I stand corrected by you, when you point out that apparently Synagro spread sludge without consideration of changes over the past 5 years, ignoring trouble spots pointed out by LCHD, thereby incurring numerous violations in land application, which VDH ignored and explained away. You further confirm in your letter that yes sludge trucks are to be properly sealed as per the BUR. Yet, the violations reported to you are ignored. Are the citizens of Virginia supposed to be reassured by this?

While you spend time pointing out my innocent mistake, you have ignored the vital section of my 4/21/04 letter that deals **with lack of any credible science** that can assure the public health. Every citizen's health is jeopardized when health officials pretend three peer-reviewed articles in the scientific literature, CDC's NIOSH Guidance, and the MERCK Physicians manual, which all link sludge exposure to health consequences, do not exist. Mr. Sawyer, your silence speaks volumes. It is vital for citizens to keep records of all the fruitless attempts we have made to implore you to stop turning a blind eye to an ever-increasing health problem. A problem faced by all Virginia citizens who are forced to endure, against their wishes, the horrific nuisance and drastic potential health consequences of this untested product of unknown composition, which is applied in a callous and negligent way. All the while, VDH continues to ignore and deny our valid health claims for which they are responsible.

Barbara L. Rubin, Loudoun Neighbors Against Toxic Sludge

cc: Senators Warner and Allen, Representative Wolf