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P.O. Box 381
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Senator Russell Potts, Jr.
14 North Braddock Street
Winchester, VA 22601-4120

Dear Senator Potts:

I am in receipt of your July 7, 2004 letter in which you say "I support your position in this regard." You also say "I don't know what else I can do."

I greatly appreciate your expression of support and offer to be of further help. However, I disagree with your contention that this is "a local issue that has to be handled by your Loudoun County Board of Supervisors." The Virginia legislature was quite clear that 1088 expressly removed any local control in the sludge issue by virtue of the Dillon Rule. 1088 placed **all power** in the hands of the state. This was particularly devastating in Loudoun County, one of a few Virginia counties that had its own sludge ordinance. The Loudoun County ordinance in effect since 1999 was rendered obsolete with the inception of 1088.

If you need any further proof that the counties have no authority or power, please review the letters posted on the home page of the Loudoun Neighbors Against Toxic Sludge website. www.LoudounNATS.org Scroll to the right of page to "Our letters to VA Legislators, Dept Health and EPA," and read the NATS letter #1 to Representative Wolf with documentation (#1-5) following the letter.

You will see my letter of complaint about violations in Loudoun County. The Loudoun County Health Department investigated these complaints which resulted in a "Draft Notice of Violations" forwarded to Cal Sawyer, VDH. (See # 2 of documentation following complaint letter.) This move was followed by Cal's "slap on the wrist" to Loudoun County admonishing that **only** VDH had authority to initiate violation enforcement. Although this email is not posted on the web, I have the email in my possession and would be happy to forward it to you. The email from Cal Sawyer dated Dec 24, 2003, 12:28 pm, scolds Jerry Franklin for issuing a "draft" violation letter. It says "Jerry, At this time any NOV for land application of biosolids under VDH Permit would originate from the Division of Wastewater Engineering under my signature." Also note Mr. Sawyer sent C. Swanson to Loudoun County to investigate. Mr. Swanson ignored most violations and changed definitions and long held scientific methods of measurements in order to "overlook" the other violations. This can be verified by document #4 following the NATS letter. This whole fiasco surely demonstrates that power is **not** with the localities, but centered in the State, which has demonstrated time and again that it does not have the manpower, money, nor will to enforce regulations. Loudoun County quickly learned they were spinning their wheels and wasting time and money in "monitoring" under 1088. I believe the whole "testing and monitoring" program is a paper tiger.

Beyond state control, EPA's policy guides the Commonwealth. Since the EPA is under the auspices of, and funded by the US Congress, the Sludge Program is also a federal issue. As I previously pointed out to you, Nevada's Senator Reid came to the aid of his constituents and stopped land application of sludge.

There is much to be done by all levels of government on the sludge issue. First I would ask you to speak out publicly on behalf of your constituents and demand that valid current scientific proof that sludge exposure is safe for the public health be available before any more sludge is applied. Second, I would ask that you propose and support legislation that puts control for the sludge program in the hands of local governments where it belongs. At the same time, I would ask you to review the attached questions and request that VDH and VBOH answer them. These questions are absolutely vital to the health and well being of all Virginia citizens.

Thank you for your attention to this important issue.

Barbara L. Rubin

Loudoun Neighbors Against Toxic Sludge

