



COMMONWEALTH of VIRGINIA

Department of Health

ROBERT B. STROUBE, M.D., M.P.H.
STATE HEALTH COMMISSIONER

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RICHMOND, VA 23218

TTY 7-1-1 OR
1-800-828-1120

May 11, 2004

Ms. Barbara L. Rubin
Post Office Box 381
Waterford, Virginia 20197

Dear Ms. Rubin:

Senator Allen requested that I respond to several concerns that you have expressed in two recent letters to him. Specifically, you have asserted that the Virginia Department of Health (VDH) will not receive complaints from the public about biosolids; you have requested that you be allowed to present a video tape containing citizen accounts of illness due to exposure to land applied biosolids; and you have expressed concerns about biosolids land application operations in Loudoun County.

VDH staff and I have neither denied the existence of complaints alleging illness caused by land applied biosolids, nor refused to view the video tape that you prepared. Complaints reported to VDH are investigated by individuals familiar with permit compliance issues concerning land applied biosolids. I have the utmost confidence in the efforts of VDH staff to investigate these complaints and review citizens' concerns about biosolids.

To ensure that all citizens have the opportunity to express their views on the broad range of health protection topics that come before the State Board of Health, the Board has adopted public participation procedures in accordance with Section 32.1-7 of the *Code of Virginia*. As a result, all concerned citizens who abide by the procedures established by the Board for public participation are offered the opportunity to appear before the Board. In your case, you requested to appear before the State Board of Health at its April meeting to address biosolids regulatory issues and you did make a presentation at that meeting. Furthermore, other parties interested in biosolids regulation have attended and participated in other State Board of Health meetings over the last two years, including those in which biosolids was not a topic on the meeting agenda, and all material provided by speakers, in addition to verbal presentations, has been made available to the Board members for their information.

The biosolids land application operations in Loudoun County, including your concerns of possible runoff, have been investigated by our Division of Wastewater Engineering (DWE) staff (see enclosed inspection report dated January 12, 2004). The DWE investigation began after local health department staff had expressed concerns about land application of biosolids on possible sink hole areas located within a permitted site. DWE staff conducted their

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Ms. Barbara L. Rubin
May 11, 2004
Page Two

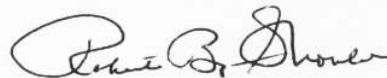
investigation in accordance with the procedures set out in the *Biosolids Use Regulations (12 VAC 5-585)* and determined that no permit violation had occurred. They did not observe any evidence of surface water runoff or potential damage to groundwater quality at the site in question. In order to further alleviate concerns, the permitted land applier, Synagro Mid Atlantic Inc., agreed to work with the local health department to identify possible sinkholes located within other permitted land application sites.

For as long as the Virginia legislature has allowed the land application of biosolids, VDH has been assessing both the environmental and possible health effects of biosolids. This assessment has relied on evaluation of complaints received by the local health departments, peer-reviewed articles and studies performed by recognized authorities in both the government and academic communities. VDH has also been in contact with other states, the Environmental Protection Agency (EPA) and the Centers for Disease Control and Prevention (CDC) regarding this issue.

We believe that in order to establish a valid cause and effect association between exposure to biosolids (and any associated aerosols) and disease or death, a number of studies employing different scientific methodologies need to be performed. A positive outcome of the recent National Research Summit is that EPA and CDC will bring various stakeholder groups together via a workshop to begin development of a national incidence tracking system to ultimately determine health effects following land application of biosolids (<http://biosolids.policy.net/relatives/27761.pdf>). The EPA Final Action Plan prepared in response to the National Resource Council Report on Land Application of Biosolids was published in the December 31, 2003 *Federal Register* (<http://www.epa.gov/fedrgstr/EPA-WATER/2003/December/Day-31/w32217.htm>). As part of its biennial review, EPA identified 15 pollutants for further review in its Action Plan. However, the fact that EPA identified 15 pollutants does not mean that it has concluded that these pollutants in biosolids adversely affect human health or the environment. Some, or perhaps even all, of these pollutants may not be present in concentrations that warrant regulation, or a refined risk assessment may indicate that there is insufficient risk to human health or the environment to warrant regulation. In any case, once new federal standards are developed, the *Biosolids Use Regulations* will be amended to include those standards.

Thank you for taking the time to write us regarding your concerns. Should you have further questions or desire additional information, please contact C. M. Sawyer, Director, DWE, VDH, 109 Governor Street, Fifth Floor, Richmond, Virginia 23219, (804) 864-7463.

Sincerely,



Robert B. Stroube, M.D., M.P.H.
State Health Commissioner

cc: The Honorable George Allen