

New Jersey Department of Environmental Protection
Division of Water Quality
Bureau of Pretreatment and Residuals
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September 10, 2002

W-99-18 NODA Comment Clerk
Water Docket (MC-4101)
USEPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Sir or Madam:

This letter is in response to EPA's recent Notice of Data Availability (NODA) regarding "Standards for the Use or Disposal of Sewage Sludge", published in the Federal Register on June 12, 2002. In this NODA, EPA requests comments on a revised assessment regarding the potential risks associated with dioxin and dioxin-like compounds that are in biosolids which are land applied.

The New Jersey Department of Environmental Protection recommends that EPA adopt a risk-based standard and have regulatory oversight of dioxins in biosolids that are land applied. We respectfully submit the following comments in response to the following specific items of the NODA (see page 40575):

1. Would it be appropriate for EPA to take no action with respect to regulating dioxins for land application (item #9)?

Biosolids can contain high concentrations of dioxin or dioxin-like compounds. Although samples from surveys conducted by both EPA and the Association of Metropolitan Sewage Agencies (AMSA) indicate biosolids from most wastewater treatment facilities (WWTF) are below 100 ppt TEQ, these surveys also had "outliers", with the highest concentrations of each survey at 718 and 3,590 ppt TEQ, respectively. There could be a significant impact to those that receive and use biosolids that have such high concentrations of dioxins. It is important to have regulatory oversight to assure that materials with high concentrations of dioxin-like compounds are not land applied.

Public acceptance of biosolids land application is difficult to achieve, and even harder to achieve if there is insufficient regulatory oversight. The Department believes the public would also question such a decision and have less trust and acceptance of the use of any biosolids on the land.

2. Is the proposed monitoring schedule and the threshold concentration of dioxin that would allow for less frequent monitoring appropriate (item #10); and, would it be appropriate to exclude small entities from the limit for dioxins in sewage sludge to be land applied (item #11)?

There are currently 15 permitted sewage sludge land application operations in the State of New Jersey. The amount of sludge produced for land application from these facilities ranges from less than 290 dry metric tons per year to over 100,000 dry metric tons per year. Below please find a table which compares the amount of sludge processed by New Jersey permitted land application operations (based on Table 1 of 40 CFR 503.16) against the percentage of the total sludge processed for land application in New Jersey.

Sewage Sludge Processed for Land Application in New Jersey

Amount of sewage sludge (DMT per 365 day period)	Number of operations	Percentage of total sludge proce for land application in New Jer
Greater than zero but less than 290	1	< 1%
Equal to or greater than 290 but less than 1,500	6	2%
Equal to or greater than 1,500 but less than 15,000	5	9%
Equal to or greater than 15,000	3	89%

Based on the above, and considering the relatively small potential impact from operations that produce less than 290 DMT/year of biosolids for land application, the Department supports the exemption from monitoring for these operations. However, for operations processing greater than 290 DMT/year, while it may be appropriate for operations at the lower range of production to reduce monitoring to once every five years, it would not be equitable (from a cost or risk perspective) to reduce the frequency of monitoring at the higher range (that is greater than 15,000 DMT/year) until site-specific historical data on the fluctuation of "dioxins" in biosolids is obtained. Therefore, the Department would recommend allowing a reduction to once every five years for facilities in the 290 to 1,500 DMT/year range if, after the initial two year monitoring period, the "dioxin" concentrations are below 30 ppt. For facilities in the 1,500 to 15,000 DMT/year range, the Department would recommend annual monitoring, and a possible reduction to once every five years if the "dioxin" concentration is less than 30 ppt after five years. However, for operations that land apply greater than 15,000 DMT/year, the Department would recommend twice a year monitoring for "dioxins", with the possibility of reducing the monitoring to annual if the "dioxin" concentrations are below 30 ppt after five years.

In New Jersey, out of the 15 permitted operations, 89 percent of the biosolids land applied are generated by the largest three operations over 15,000 DMT/year. Therefore, it would seem reasonable and appropriate that these facilities should share the largest burden of monitoring costs.

3. Should EPA promote a methodology to assist communities in voluntarily identifying and reducing or eliminating sources of dioxins entering wastewater treatment plants that contribute to elevated levels of dioxins in sewage sludge (item #12)?

Voluntary programs for reducing contaminants are a useful tool to manage contaminants that can pose

risk, but should not be relied upon as the sole means to ensure risk reduction. Programs to identify and reduce or eliminate sources of dioxins entering wastewater treatment plants can only be determined to be effective if there is a monitoring protocol in place to document the results being achieved. In other words, the Department supports the development of methodologies to assist communities in identifying and reducing or eliminating sources of dioxin, but not as a substitute for the monitoring of "dioxins" in biosolids that are land applied.

Thank you for the opportunity to comment. If you have any questions, please contact Anthony Pilawski of my staff at (609) 633-3823.

Sincerely,

Mary Jo M. Aiello, Chief
Bureau of Pretreatment and Residuals
Division of Water Quality