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September 5, 2002

NODA Comment Clerk
Water Docket No. W-99-18 (MC-4101)
U.S. Environmental Protection Agency
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 Vermont Department of Environmental Conservation 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 two specific items of the NODA (see page 40575):

- whether it would be appropriate for EPA to take "no action with respect to regulating dioxins for land application" (item #9) and
- whether EPA should 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).

1. **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. We disagree with EPA's suggestion that there is minimum impact from biosolids that have such high concentrations because most biosolids have a lower, more moderate concentration. 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. Without a regulatory standard and program, how will this be accomplished?

- 2. Voluntary programs for reducing contaminants may be effective, but should not be the only tool used to manage contaminants that can pose great risk.** Under a voluntary program, would there be sufficient monitoring to detect such contaminants? In examining test results, what will the “threshold” concentration be? Vermont Department of Environmental Conservation and Department of Health found 300 ppt TEQ to be inadequately protective and still hold that opinion.

If testing showed that the dioxin concentration in biosolids from a WWTF is “high”, who would verify such biosolids are not land applied? Will the WWTF owner *voluntarily* spend more money to either landfill or incinerate the contaminated biosolids? Our experience is that it is difficult to get municipalities to take such actions even with regulatory and legal consequences.

- 3. Public acceptance of biosolids land application is difficult to achieve, and even harder to achieve if there is insufficient regulatory oversight.** Currently EPA has regulatory limits for certain metals in biosolids that are land applied. We question any decision that favors not having a regulatory limit for dioxin, when the potential impact associated with dioxins can be greater than the impacts of the regulated metals, depending on the concentrations and exposures. Furthermore, we believe the public would also question such a decision and have less trust and acceptance of the use of any biosolids on the land.

Thank you for the opportunity to comment.

Sincerely,

Christopher Recchia, Commissioner
Department of Environmental Conservation

cc: Cathy Jamieson, Residuals Section, Wastewater Management Div., VT DEC
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