W-99-18 NODA Comment Clerk
Water Docket
US EPA

RE: Standards for the Use or Disposal of Sewage Sludge: Notice of Data Availability

Dear Comment Clerk

I am the Kyle Dorsey, the Biosolids Coordinator for the State of Washington Department of Ecology. The comments submitted here represent my views, and not necessarily those of my agency.

I commend EPA for its work in developing the Notice of Data Availability and its pursuit of resolution to the question of regulating dioxin in biosolids. I strongly encourage EPA to allot the resources necessary to maintain a viable national program supporting the beneficial use of biosolids, and I know my agency concurs with that recommendation. EPA specifically solicited comments in twelve areas. The enumeration of the comments below corresponds with that in the NODA.

(3) Highly exposed farm family. The scenario proposed for the HEI appears to be very conservative. Use of an MRE individual would present a more realistic scenario (and notably, show even less risk). While I have significant reservations about the likelihood of finding even one such HEI, its use has the benefit of incorporating a margin of safety where there are uncertainties. In future communications EPA should emphasize the nature of the HEI modeled. The general public often interprets risks as being based on their individual circumstance, which is very far from correct in this case.

(5) Treatment of non-detects. The use of one-half the detection limit is consistent with other scenarios my agency has evaluated, and I believe a reasonable approach. Additionally, detection limits are low enough that the use of one-half those values is obviously not going to introduce a significant error in the outcome of the evaluation.

(9) Taking no action with respect to regulating dioxins for land application.

The risk assessment made by EPA regarding the regulation of dioxin-like compounds in biosolids may support by some interpretations a "no-action" alternative. Respectfully, however, I disagree with this alternative for the following reasons:

The data are not infallible. While there is a goodly amount of data supporting relatively lower and even declining concentrations of dioxin-like compounds in biosolids, there is also data reflecting outlier concentrations ranging from several hundred to several thousand ppt, TEQ, depending upon which survey is referenced. By some interpretations the concentrations of dioxin-like compounds in biosolids are declining. The data are not conclusive in this respect, however, nor is it known exactly what circumstances contribute to the occasionally higher levels of dioxin in any particular biosolids product.

Public concern deserves weight. While it may not be based on hard science, the weight of public concern deserves significant consideration in this decision-making process. I believe that to establish no regulatory standard will send an entirely wrong message to the concerned public. I do not believe the general public would read or understand the information presented in the NODA and associated documents, yet the concerns of the public are likely to stand regardless. Some concessions, even if not entirely scientific, may be necessary to ensure a viable national program of beneficial use.

Non-cancer effects. Setting aside for the moment Q* values, there are a potential range of non-cancer and ecological affects from dioxin-like compounds. It is in the best interest of sustainable environment practices that EPA take positive steps to encourage good stewardship, including keeping a watchful eye on dioxin-like compounds in biosolids.

Mitigation of impacts. If EPA data are correct and most treatment works do not have significantly high concentrations of dioxins in their biosolids, a burden of more frequent monitoring would be removed under potential alternative monitoring scenarios. (See (10) below). Finally, more is likely to be learned in the next few years about the consequence of dioxin in our environment. If we find that the adopted rule is in fact simply too conservative, a similar analysis to the one presented in the NODA should support revising or rescinding the rules at that time. Likewise, if we find that a more conservative approach is warranted, we will already have taken the first steps.

(10) Monitoring schedule. I question whether it can be relied upon that small treatment works necessarily have lesser concentrations of dioxin-like compounds in their biosolids, although as an argument this seem generally plausible. The cost of monitoring to prove this, however, would be a heavy burden for some very small treatment works which have viable land application programs. In fact, the burden could be so heavy as to make beneficial use cost prohibitive in some cases. It may in fact be the case that the small - sometimes very small - amounts of biosolids land applied by smaller facilities do not pose significant risk overall or even in the specific circumstance. EPA should note, however, that many small facilities operate lagoon systems, and consequently the amount of biosolids land applied at any one time may not be so small as indicated by treatment plant size, but may result from many years of accumulation in the system.

On balance, alternative monitoring schedules based on the size of the treatment works and/or the concentrations of dioxin-like compounds found during monitoring events seem a reasonable approach. Any exemption from the monitoring requirements should contain an "unless otherwise required by the permitting authority" caveat, thus better enabling states to require monitoring when deemed appropriate, based on local/regional considerations (see 11 below).

(11) Excluding small facilities. I do not believe it is appropriate to exclude smaller treatment works from the limits for dioxin-like compounds when they land apply biosolids. This would be irresponsible. At the same time, if monitoring is not required (see 10 above), then land application would not be constrained unless circumstances provided contrary data. It seems most reasonable here to let monitoring - as it is required - drive the management decisions. It would be wholly untenable to know with certainty that a small treatment works had a high concentration of biosolids, and yet be potentially placed in the position of allowing beneficial use because of a blanket federal exemption.

(12) Methodology to assist communities. I strongly support this proposal by EPA to create a valuable tool for pollution prevention.

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