



**New England Interstate Water
Pollution Control Commission**

NEIETC New England Interstate
Environmental Training Center

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September 9, 2002

SEP 10 2002

NODA Comment Clerk
Water Docket No. W-99-18
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC20460

Dear Sir or Madam:

The New England Interstate Water Pollution Control Commission (NEIWPCC), on behalf of the New England States and New York, respectfully submits the following comments based on a consensus of the NEIWPCC Residuals Workgroup regarding the *Notice of Data Availability (NODA)* pertaining to the *Standards for the Use or Disposal of Sewage Sludge*.

Ronald F. Pollak
Executive Director

Robert Smith
Chairman

David Van Wie
Vice Chairman

Richard P. Kotelly
Treasurer

On June 12, 2002 EPA published a Notice of Data Availability (NODA) in the Federal Register detailing an extensively revised risk assessment methodology and new data on the levels of dioxins in sewage sludge, both designed to support a previously proposed numeric limit that would prohibit the land application of sewage sludge that contains greater than 300 parts per trillion (ppt) toxic equivalent (TEQ) of dioxins, furans, and co-planar PCBs. The June 2002 NODA requested public input on various issues associated with the revised risk assessment methodology, assumptions and data used in the revised risk assessment, and other general issues associated with a previous proposal to regulate land applied treated sewage sludge, also known as biosolids, containing dioxins.

EPA requested public input on two specific issues that are of interest to the NEIWPCC Residuals Workgroup; specifically, *Item 9 - Taking no action with respect to regulating dioxins for land application*, and *Item 12 - 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 dioxin in sewage sludge*.

Regarding Item 9 - Taking no action with respect to regulating dioxins for land application; the opinion of a majority of the Residuals Workgroup is that it is imperative that EPA take action with regard to dioxin and dioxin-like compounds in land-applied biosolids containing dioxin and dioxin-like compounds.

Information from the most recent EPA and AMSA (Association of Metropolitan Sewage Agencies) surveys have shown dioxin and dioxin-like compounds to be present in biosolids at concentrations up to 718 and 3,590 ppt TEQ, respectively.



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Without a regulatory standard and a monitoring program it would be a legal and acceptable practice to land-apply biosolids containing dioxin and dioxin-like compounds at these high concentrations. In the eyes of the public, this represents an unacceptable risk to public health and the environment.

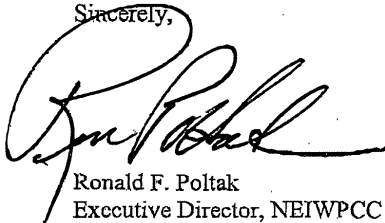
Regarding Item 12 – A methodology to assist communities in voluntarily identifying and reducing or eliminating sources of dioxins entering wastewater treatment plants that contribute to elevated levels of dioxin in sewage sludge; the opinion of a majority of the Residuals Workgroup is that **voluntary programs for reducing contaminants may be effective – but they should not be the only tool available to manage contaminants that are perceived to pose great risk.**

In order to achieve maximum effectiveness, a voluntary program must be combined with a regulatory standard and monitoring program that utilizes an appropriate risk-based dioxin limit and sampling frequency. Without these there is no incentive for the wastewater treatment facility to monitor for dioxin and dioxin-like compounds, determine if concentrations are “high”, and manage or dispose of materials with excessive dioxin concentrations appropriately.

In closing, NEIWPCC, on behalf of the Residuals Workgroup, would like to emphasize to EPA that presently it is difficult to attain public acceptance of biosolids land application. Further, it will be even more difficult, if there is insufficient regulatory oversight of a class of compounds (dioxins), which carry great potential risk for public health and foster extremely negative public perception.

Thank you for the opportunity to comments on this very important issue. Please feel free to contact Michael Jennings, 978-323-7929, NEIWPCC, if you have any questions.

Sincerely,



Ronald F. Poltak
Executive Director, NEIWPCC

Cc: NEIWPCC Executive Committee
NEIWPCC Residuals Workgroup