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Tri-TAC
Jointly Sponsored by:
League of California Cities
California Association of Sanitation Agencies
California Water Environment Association



SEP 5 2002

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September 5, 2002

W-99-18 NODA Comment Clerk
Water Docket (MC-4101)
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW.
Washington, DC 20460

SUBJECT: Comments on the June 12, 2002 Notice of Data Availability-Standards for the Use or Disposal of Sewage Sludge

This letter is written on behalf of Tri-TAC and the California Association of Sanitation Agencies (CASA). Tri-TAC and CASA are California-based organizations comprised of members from public agencies and other professionals responsible for wastewater collection, treatment, disposal, and reclamation. Tri-TAC is an advisory group that includes representatives from the California Association of Sanitation Agencies (CASA), the California Water Environment Association, and the League of California Cities. CASA's membership includes 100 agencies responsible for the wastewater collection, treatment, disposal, and water recycling. The constituency base collectively serves most of the sewered population of California by treating and managing more than six million wet tons of biosolids per year. A vast majority of this tonnage of biosolids is currently being beneficially recycled.

Tri -TAC and CASA offer the following comments on the Notice of Data Availability (NODA) for the Standards for the Use or Disposal of Sewage Sludge. Tri-TAC and CASA are supportive of the U. S. EPA reviewing scientific data and information concerning the Standards for Use or Disposal of Sewage Sludge and establishing limits if appropriate for dioxin and dioxin-like compounds in land applied sewage sludge. We believe that the limits established for dioxins in sewage sludge should be based on sound science and protective of public health and the environment.

Discussed below are specific comments per section as requested in the June 12, 2002 Federal Register notice.

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Section V.C.

The U. S. EPA has not codified test method 1668A used to test for coplanar PCB. The method was used to analyze the amount of PCBs contained in sewage sludge samples that were part of the EPA dioxin survey. This test method was identified in the proposed rule that was published in December 1999, in which the EPA stated that it would be codified in two years. Two years have since passed and EPA is stating that the test method will be codified within the next two years. If the final rule is scheduled to be promulgated in October 2003, the test method to analyze coplanar PCB in dioxins will not have been approved by this date. How does the EPA propose to handle the testing of dioxins for PCBs and what effect will this unapproved method have on the final rule, once promulgated?

Section V.G.

The significance in the differences in dioxin concentrations measured at facilities with flow less than one MGD varies less than dioxin concentrations measured at facilities with flow greater than one MGD. The survey data supports the claim that dioxin concentrations at facilities with flow less than one MGD remained approximately consistent even when using the three different substitution methods when specific congeners were not detected in the sewage sludge. Also the comparison survey results between 1988 data and 2001 data further supports the assumption that the dioxin level in facilities with flow less than one MGD is less and more than likely does not pose a significant threat to public or the environment.

Section V.H.

The difference in dioxin concentrations in sewage sludge measured in the 2001 EPA dioxin update survey, and comparing the results from the ASMA dioxin survey indicate the level of dioxins has decreased since the 1988 National Sewage Sludge Survey was taken. This would indicate that dioxin levels are decreasing and that significant impact to public health and the environment can be addressed without establishing stringent regulatory requirements for land applying sewage sludge.

Section VI.C.

The EPA's assumption that the farm family is the highly exposed population to dioxins in biosolids seems reasonable. The farm family is exposed to biosolids more than the general population would be and is more likely to consume products grown on the farm that may contain dioxin. What is the EPA's basis for assuming that the diet of a farm family will consist of 50 percent of the products grown or produced on the farm?

Section VI.D.

The assumption that chickens are raised in the buffer areas on the farm and exposed to dioxins via erosion seems appropriate. In Table 4-Receptors and Exposure pathways, the child was not identified under the "ingestion of fish" pathway. The child is likely to consume fish that is caught by the farmer or recreational fisher.

Section VI.E.

The use of one-half the detection limit for non-detects of dioxin congeners seems appropriate. The values in the EPA 2001 dioxin survey were not significantly different when the non-detects was reported at zero, one-half the detection limit, or the detection limit. Using one-half the detection limit does not seem to change the overall final dioxin TEQ concentration.

Section VII.

The Draft Dioxin Reassessment documents are considered relevant and were used to evaluate the assessment of risks from dioxins in sewage sludge that is applied to land. The risk assessment

characteristics for dioxin and exposure pathways used incorporates the findings and knowledge from the dioxin reassessment documents that are currently under review by the EPA. The EPA should finalize the Draft Dioxin Reassessment before proposing to use information contained in the documents to establish a new risk assessment for dioxins in sewage sludge and promulgating regulations for sewage sludge. It appears that the EPA is again open to litigation for using information that is currently not the policy of the agency or supported by factual conclusions. The EPA should weigh the options and determine if using the Draft Dioxin Reassessment would jeopardize or benefit the sewage sludge land application program.

Section VII. A.

The Science Advisory Board could not decide on a cancer slope factor in the Draft Dioxin Reassessment but the EPA has developed a lot of assumptions for the new risk assessment for sewage sludge based on the information in document. The EPA should decide if the scientific data and conclusions as outlined in the Draft Dioxin Reassessment support a new cancer slope factor before using in the dioxin rulemaking process for sewage sludge. The EPA should also determine if the new cancer slope factor will effect the allowable risk and daily exposure limits of the general population.

Section IX.

The EPA should take action and promulgate regulations for dioxins based on scientific data and knowledge. The EPA 2001 dioxin survey shows a significant decrease in dioxin levels as compared to the 1988 survey and scientific studies and data indicate that dioxin concentrations continue to decrease in sewage sludge. The EPA data also showed that dioxin levels at POTWs do not fluctuate greatly therefore the numbers recorded will more than likely remain consistent over several years. Based on the new EPA risk assessment and the assumptions used to estimate the risk it appears that there is a negligible increase in risk when there is long term exposure to dioxins in land applied sewage sludge. The EPA should establish a risk based limit and not a limit based on the 95th percentile concentration of dioxins measured in samples taken from the 2001 EPA sewage sludge survey or the 1995 ASMA survey. An established risk base limit for dioxins would help gain and maintain public confidence in the biosolids land application program. A baseline of dioxins in biosolids for all POTWs with flow greater than 1 MGD should be established during the first year after the rule is promulgated. Monitoring every five years thereafter could be established for POTWs that are below the regulatory limit to confirm that the level of dioxins in their biosolids is below the regulatory limit.

The EPA data also showed that dioxin levels at POTWs do not fluctuate greatly therefore the numbers recorded will more than likely remain consistent over several years. Monitoring of dioxin levels would be dependent on whether or not the EPA sets a regulatory limit for dioxin.

Section X.

The EPA dioxin survey data indicates that the dioxin concentrations in the sewage sludge contributed by small entities that treat a wastewater flow of one MGD or less pose a negligible risk to the general population. Also the dioxin concentrations in small entities, the amount of sewage sludge produced, and the amount land applied in comparison to the facilities that treat greater than one MGD of wastewater flow is significantly less. Based these finding and on the EPA 2001 dioxin survey data the small entities should be excluded from rule.

Section XII.

The EPA should provide as much data as possible to POTWs and other industries that may contribute to dioxins being released into the environment.

Methodologies:

1. Identification of sources known to generators or sinks for dioxins
 2. Comparison to a mix of dioxin congeners in a particular sewage sludge sample to the mix of dioxin congeners in a known source, which have a distinct pattern of "fingerprint"
- The EPA should implement both of the methodologies. The use of these methodologies are appropriate and can provide valuable and useful information concerning the levels of dioxins that may enter the wastewater treatment plants and ultimately end up in the sewage sludge.

Tri-TAC and CASA appreciate the opportunity to provide comments to the U. S. EPA on the NODA for Standards for the Use or Disposal of Sewage Sludge. If you have any comments or questions please feel free to contact us.

Sincerely Yours,

Tri-TAC and CASA

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