

May 2, 2008

The Honorable Barbara Boxer, Chair  
Senate Committee on Environment and Public Works  
U.S. Senate  
Washington, D.C. 20510-2602

Dear Senator Boxer:

The National Association of Clean Water Agencies (NACWA) and the Water Environment Federation (WEF) have learned that you intend to hold a Senate Environment and Public Works (EPW) Committee hearing on land application of biosolids. We are writing to you to request that we have an opportunity to testify and present our members' perspectives on land application of biosolids.

NACWA represents the nation's publicly owned clean water agencies that serve a majority of the sewer population of the United States. WEF is a technical and educational non-profit organization whose members include scientists and engineers working in the United States and around the world. Collectively, our members are responsible for the collection and treatment of billions of gallons of wastewater every day. Our members are tasked with carrying out the objectives of the Clean Water Act (CWA) and are committed to ensuring that the natural by-product of the waste treatment process is managed and beneficially reused pursuant to local options provided in the U.S. Environmental Protection Agency's (EPA) Part 503 rule under the CWA. Biosolids are a valuable resource, and it is critical that the Committee hear from a balanced group of witnesses to ensure that the facts and sound science governs their ongoing use.

Land application of biosolids has been successfully practiced by clean water agencies for decades. It is subject to close federal and state regulatory oversight and, when conducted in compliance with these regulations, it is considered a sound and environmentally sustainable practice. EPA's Part 503 rule was developed over a 10 year period with the active involvement of independent scientists and researchers from across the United States. Data collected from hundreds of research studies and operating projects were reviewed during the massive and comprehensive risk assessment effort that served as the technical basis for the rule.

In 2002, the National Research Council (NRC) of the National Academy of Sciences released a comprehensive review of the federal regulations governing the use of biosolids (*See NRC, Biosolids*

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*Applied to Land: Advancing Standards and Practices* – 2002). This study concluded that “There is no documented scientific evidence to indicate that the Part 503 rule has failed to protect human health.”

Although most land application programs enjoy broad support, we recognize that the fact that they are derived from human and other community wastes can lead to concern. Biosolids are a valuable resource for soil conditioning and crop fertilization, and offer farmers and the general public an environmentally friendly and sustainable fertilizer. Indeed, alternatives to biosolids should cause greater concern – namely chemical fertilizers or animal manures, which are largely unregulated. WEF and NACWA support the continuing work of both EPA and the scientific community to ensure the continued sound use of this valuable resource.

Thousands of local governments throughout the United States, including the state of California, rely on land application for environmentally beneficial management of biosolids. In fact, commercially available biosolids compost has been used to fertilize the White House grounds. According to recent survey of clean water agencies, approximately 55% of biosolids generated each year are beneficially used (*A National Biosolids Regulation, Quality, End Use and Disposal Survey*, Northeast Biosolids and Residuals Association, July 2007). Land application of biosolids not only contributes to efforts to clean up our nation’s waters, it also provides other environmental benefits by improving soil quality and the soil’s ability to absorb and store moisture, thereby reducing the need for irrigation. It is a time-tested practice that is critical to the nation’s clean water program and should remain a management option for municipalities.

As you have seen from EPA’s response to your October 2007 request for information on the Agency’s activities concerning the use of biosolids, a great deal of biosolids-related research is being done on the federal level. We support these and other research efforts, and the dissemination of research findings, to ensure that best practices are promoted. Further, NACWA and WEF are committed to promoting environmental stewardship by utilities. To this end, we have a very successful partnership of over a decade with the EPA called the National Biosolids Partnership (NBP). The Partnership has over 100 municipal members that collectively generate and treat over 20% of the biosolids nationwide. The NBP has created a certified environmental management system (EMS) for biosolids that exemplifies the steps being taken at the local level to ensure compliance with regulatory requirements and public participation in biosolids management decisions. It is this type of positive effort that we hope can be highlighted at any hearing on the subject.

We would like to work with your staff to identify qualified witnesses who can provide an overview of biosolids management options available to local communities, address the scientific basis for land applying biosolids, and discuss examples of successful and locally supported land application programs. One person in particular, Christopher Westhoff, NACWA President and Assistant City Attorney and Public Works General Counsel for the city of Los Angeles, would be an excellent witness. The City of Los Angeles operates an extensive land application program, and Mr.

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Westhoff has been heavily involved in a recent federal court case that overturned an ordinance passed by Kern County, Calif., voters in June 2006, which would have halted land application of biosolids in the county. In this case, the court found that land application constitutes a beneficial use of biosolids, and stated “government agencies cannot decide to stop producing biosolids and instead must find ways to manage those that are produced.” Californians generate over 750,000 tons of biosolids every year, and 61% is used beneficially as land applied fertilizer.

NACWA and WEF look forward to working with you to ensure a successful and balanced hearing and would be happy to discuss this further with you.

Sincerely,

A handwritten signature in black ink that reads "K Kirk". The "K" is large and stylized, followed by "Kirk" in a cursive script.

Ken Kirk  
Executive Director, NACWA

A handwritten signature in black ink that reads "William Bertera". The signature is written in a cursive, flowing style.

Bill Bertera,  
Executive Director, WEF

Cc: The Honorable James M. Inhofe

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