



# The United Sludge-Free Alliance

## Good Governance

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#### Who Is Protecting Your Community, Food & Water?

##### Federal EPA 503 Rule Regarding Land Application of Sewage Sludge

"Section 503.5 Additional or More Stringent Requirements (a) On a case-by-case basis, the permitting authority may impose requirements for the use or disposal of sewage sludge in addition to or more stringent than the requirements in this part when necessary to protect public health and the environment from any adverse effect of a pollutant in the sewage sludge (b) Nothing in this part preclude a State or political subdivision thereof or interstate agency from imposing requirements for the use or disposal of sewage sludge more stringent than the requirements in this part or from imposing additional requirements for the use or disposal of sewage sludge."

In 1975 James L. Agee, Assistant Administrator for Water and Hazardous Materials, went before the House Committee on Merchant Marine and Fisheries and said, "...we have seen a major problem emerge which may have far-reaching effects not only on the ocean dumping permit program, but also on our entire environmental protection effort." The problem referred to was the disposal of sewage sludge. "The greater degrees of treatment produce greater quantities of sludge and the sludge from more advanced waste treatment processes tends to contain large quantities of trace metals and persistent organic compounds, which may have adverse environmental consequences whether they are incinerated, put on the land or dumped in the ocean."<sup>i</sup>

Since 1975, "sludge" has moved from categorization as a 'hazardous material' to a component within 'normal farming practices'. How did this, 'sludge magic', occur and what is the background of the greenwashing of America's toxic waste? In 2005, PA HB 1646, commonly known as Act 38, or ACRE was passed into law. While the intent of the bill may have been to balance the legitimate business interests of agriculture with the environmental and community concerns of local citizens and elected leaders, this law has used it to support a legal position against the right of Townships to enact ordinances controlling the land application of sewage sludge. In

fact, in a legal brief filed with the Court against East Brunswick Township, over a protective Ordinance, on January 31, 2008 the PA Attorney General's office stated, "There is no inherent right to local self government." Despite this legal action, over 20 local governments have passed Resolutions supporting the Board of Supervisors in East Brunswick Township, challenging AG Corbett's interpretation of ACRE and on local governance.

In contrast to the PA Attorney General, NY Attorney General Cuomo has filed suit against a production facility in the Bronx under a charge of 'public nuisance' from foul, acrid odors. NY AG Cuomo has also recently indicted a former city water filtration plant superintendent and employee for knowingly dumping sludge into the Susquehanna River. In West Virginia, Attorney General McGraw has not only stopped imported sludge from being brought into two county landfills, but won a decision against the solid waste company Mascaro & Sons requiring the removal of sewage sludge that they had transported into WV. The WVA Attorney General was also able to close a facility in 2000, from the odor it produced.

**The following are some more examples of protective governance:**

### **Pennsylvania**

*11 June, 2008:* The Board of Supervisors for Packer Township in Carbon County, Pennsylvania, voted unanimously to enact a law that bans corporations from dumping sewage sludge as "fertilizer" and for "mine reclamation."

*5 September, 2008:* The Board of Supervisors in Shrewsbury Township in York County voted unanimously to adopt the Local Control, Sewage Sludge, and Chemical Trespass Ordinance.

*12 May, 2009:* State Rep. Camille "Bud" George, majority chair of the House Environmental Resources and Energy Committee, is appealing for support for The Sewage Sludge Testing Act, HB 1341. This act would enable local governments to assure citizens that applied substances around their homes are safe, and help develop a system to track complaints about sludge through the state DEP.

### **Alabama**

*30 March, 2009:* Colbert County commissioners approve of Senate Bills 462 and 463, which would amend the Alabama Constitution to severely regulate or prohibit the land application of biosolids as fertilizer or soil supplement.

*5 April, 2009:* Rep. Jody Leston introduce a bill in the state House, which would make the use of biosolids as recycled fertilizer or soil amendment illegal in Lawrence County. Senator Zeb Little will handle the bill in the Senate.

### **California**

*25 April, 2009:* Supervisors of San Luis Obispo vote to continue their existing ordinance, a restrictive cap on the amount of sludge that can be used on county lands, which has all but eliminated its use.

## **New York**

*21 January, 2009:* New York State Assembly, A02590. This legislation, recognizing that agricultural lands are irreplaceable state assets, protects lands under agricultural production from the potentially harmful effects of the application of certain wastes by limiting agricultural assessments to lands which have not been subject to sewage sludge, other sludge, or other products made from sewage sludge or other sludge application.

Throughout America, citizens are recognizing the dangers of sewage sludge, the corporate financial interest and the lack of control over their personal health, safety and quality of life. Legislators and elected officials voted to make land application of sewage sludge on our hometowns, food and water legal; legislators and elected officials must vote to make it illegal. Please check our website [www.usludgefree.org](http://www.usludgefree.org) as we update who is making an effort to protect their communities.

*Who are you looking out for?*

*America deserves our public servants who legislate for their constituents, not corporations.*

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<sup>i</sup> EPA Journal, July/August 1975