



# The United Sludge-Free Alliance

## Home and Garden Risks

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### Home Ownership & Sludge in Your Community

Federal EPA laws regarding land application of sewage sludge does nothing to protect your rights as a home owner. EPA 503 rules require a minimum level of testing of sewage sludge for nine elements by the waste water treatment facility or the sludge hauler. Somehow, you - the American home owner and tax payer - have no rights to stop a neighboring property owner from spreading a waste product that can have a smell so foul as to cause headaches, nausea, vomiting plus induce breathing and asthma problems. Other health related problems associated with living near an area where sewage sludge is spread include skin infections, muscle and joint pain, diarrhea and death. Trucks and farm equipment transferring sludge on site or between sites often trail the oozing sewage onto public roadways and throughout communities. All health related risks and deaths are directly linked to living in the communities where the sludge is spread. Legally, sewage sludge can be used to 'fertilize' parks, playgrounds, schools and golf courses. The onerous task of protecting well water, aquifers and streams from toxins in sewage sludge run-off falls on the home owner or community. The home owner must pay for water testing and then prove the contamination source. Real estate property values are affected.

Every situation associated with sewage sludge exposure differs depending on the toxins and hazardous materials mixed together at the wastewater treatment plant, the weather at the time of sludge spreading, if the sludge is turned into the soil promptly and the health of the individual. The more thorough the wastewater treatment plant is at removing the water, the more concentrated and toxic the sludge may be. The wastewater ingredients in the toxic soup are different every time.

Each state has the right to create stricter laws about the land application of sludge. Many states do not bother with stricter regulations or feign safety concerns by requiring one or two extra tests. This can vary extremely, depending on the level of involvement the sewage industry has in influencing state laws and "scientific studies." While some states, like New York, create stricter laws to guard - but not fully protect - the health and safety of their citizens, other states import sewage sludge from neighbors. For instance, Pennsylvania imports sludge from New York, New Jersey, Virginia, Delaware and Maryland - an excellent example of how a community and a farmer has no idea of what industrial, medical and hazardous waste is actually present in the sewage sludge being spread on the farmland. Sadly, the counties with the most land application are the counties that have farmland close to major urban centers. In states like Pennsylvania - and throughout the country - the counties that are convenient to large cities often receive the most sludge. The fertile farmlands of Berks, Lancaster and York counties, located near the city of Philadelphia, PA and within easy access to bordering states via the highway system, are now the toxic dump locations for urban waste. The goal is cheap disposal. The concern of land application of sludge is becoming more of an issue as the recent suburban sprawl has increased the number of citizens now living in rural communities. The issue is not anti-farm - the issue is anti-pollution transfer.

Each state, and many municipalities, can create regulations - and copious bureaucracy - that add extra testing requirements, notifications, road weight limits or access restrictions. But, some states create laws that actually deprive citizens of the basic rights to protect their health and safety in their own homes and communities. Pennsylvania's Act 38 ACRE rule removes the rights of locally elected municipalities and private citizens to protect themselves from the dangers of sewage sludge. In a push against democracy while using state tax dollars, the ACRE rule enables the state to sue anyone who the PA Attorney General deems a "threat to farming practice." Conveniently, land application of sewage sludge was put in the rule as a "farming practice" even though the federal Clean Water Act calls sewage sludge a "toxic waste." The regulations do little more than remove the rights of the individual or community to halt the practice of spreading sludge (or other hazardous disposal problems), forcing the burden of proof of health and environmental affects to the citizens. With the goal of protecting the policy, not the people, complaints to government bodies like the Environmental Protection Agency (EPA), Department of Environmental

Protection (DEP) or Department of Health (DOH) are met with the dismissive response that the land application of sewage sludge is legal. Complaints are often not recorded so the official response can be “no complaints or health related issues have been recorded.” Who are these policies protecting?

Sometimes state regulations can slow the spreading of sludge. In Pennsylvania, the state regulations require that property owner directly neighboring the farmland permitted to be sludged be notified in writing before the FIRST application. This gives neighbors the ability to “review”, but not halt the sludge application or file a complaint. Be forewarned – if you can farm it, you can sludge it. Many neighbors take this opportunity to talk with their farmer – civilly discuss concerns about how sludge will affect themselves and the farmer. Permits are rarely changed after initial approval. Check with your state DEP, or similar state environmental protection agency, for listings of land holders that accept sewage sludge. Be prepared for the bureaucratic run-around. Some DEP offices maintain websites or you can contact their regional offices for listings of farms permitted to use sludge.

If your land does not directly touch the property requesting a permit from the state DEP, you will not be notified that sewage sludge is being spread. If the first application has already been laid, you will not be notified. If you are a tenant renting a property, you will not be notified. A farmer need only limit access to his property after spreading sludge by posting a “private property” or “do not enter” sign. But the toxins spread by wind or run-off into waterways do not respect property boundaries. The overwhelming smell affects the quality of life of the community at large. The obvious and immediate effect after sewage sludge is spread is the challenge of home ownership. The long term health related effects are more insidious, but no less relevant.

In some states, major purchases like real estate have a written full disclosure of the potential future problems associated with land application of sewage sludge. By Pennsylvania law, a “seller’s disclosure sheet” is a way to track the history of what has occurred on a particular real estate site, both for buildings and for land. (See attach sellers disclosure sheet sample). It is a written way for the buyer to have a history of what has happened on the property and a way to transfer the knowledge of that history to subsequent buyers. Listed under the PA Sellers Disclosure sheet heading “Hazardous Substances and Environmental Issues”, section 213 asks the sellers to note “Are you aware of sewage sludge ....being spread on the property, or have you received written notice of sewage sludge being spread on an adjacent property?”

The value of this notice is it allows for full disclosure of an issue or potential problem while allowing the homebuyer to determine his or her own level of concern. Unfortunately, notification of neighboring sewage sludge spreading does not empower a property owner the right to stop the spreading of sewage sludge. Of course, farmers and neighboring properties are not notified of this novel concept of full disclosure when the sludge is being spread. And yes, real estate sales have been lost due to the land application of sewage sludge, both because of the concern of short term smell and long term soil and water effects. Unfortunately, your financial investment of home ownership can be influenced by the uninformed decisions made by the farmer or the business decisions of a land owner in your community. Check with your state Real Estate Association or the National Association of Realtors for your state laws regarding sewage sludge use notification. Federal and state laws are absent in protecting you and your investment.

The repercussions to the land owner neighboring a farm receiving sewage sludge are often the most obvious. The smell, stunning and vile enough to cause breathing problems and vomiting, permeates the community. The industry calls the smell “distinctive” and paints suffering neighbors as people who don’t understand farming. In Canada, one family has made the heartbreaking decision to abandon their home in the country and declare bankruptcy: their health and finances have taken the worst that sludge has to offer. No realtor will list their home for fear of the legal ramifications and no one will buy their home next to a heavily sludge property.

Illnesses in humans and family pets from sewage sludge exposure vary, but are persistent and are often dismissed by authorities as incidental. Reports of illness continue to be unmonitored and unrecorded by municipalities, states or national authorities, the issue casually drowning in the bureaucratic irresponsibility. Deaths associated with the land application of sludge have occurred in states including Pennsylvania and New Hampshire (check The Victims website link for full national health reports). But no one who experiences health impacts or death considers their own plight “incidental.”

Why do farmers use sludge/ biosolids as a fertilizer? Farmers using sewage sludge are supplied very limited information – they are told the nitrogen, phosphorous and “natural” byproducts of sludge are just like regular manure. Farmers are told how sludge/biosolids will help the plants grow and this product, often offered for free, saves the farmer money. They are often offered extra incentives by the sludge hauler: free delivery of

the product, help spreading the product and sometimes free farm equipment. The farmers is also coached that neighbors against sludge are against "farming." In some locations, the farmer does not live at the property where the sludge is being spread or the land is owned by an individual or business that is just using the farmland as a dumping ground.

The most infamous case of farms using sludge to the point of toxicity, poisoning of crops, and death of livestock and loss of the farms is near Augusta, Georgia. In both cases, *McElmurray vs. USDA* and *Boyce vs. City of Augusta*, the farmers were told the sludge applied to their fields was safe. Over the 10 to 20 years that it took for the levels of toxic hazardous waste to poison the farm beyond use, McElmurray and Boyce were constantly reassured that the sludge was not the cause of their farming woes. How could it be – the EPA and DEP say the product is safe? Ultimately, the farmers won their legal battles but lost their farms. Now one farm lays fallow, with no healthy crops or livestock able to be supported by the land. The other farm was sold to a developer who installed a mobile home park on the land where farm animals died by the hundreds from the toxic crops grown in toxic soil.

Nationally, farmers who have been using sludge are concerned for the health of their farms. But, caught in a catch-22 situation, many recognize the potential financial and legal trap they are in. In some locations places fearful farmers refuse testing after being informed that any problems found will be their responsibility. Suddenly, the friendly, neighborhood sludge haulers have removed legal and financial support. Sewage sludge is not a normal farming practice – it is a way to dispose of toxic waste. Sewage sludge impacts the farm where it is being spread, the food and water supply of America AND the communities and home owners that live close by.

World-wide, the land application of sewage sludge is the wake-up call to reevaluate the practice of protecting a waste policy that benefits a small group, despite the objections and concerns of the citizens. Unfortunately, by refusing to create a comprehensive federal law protecting all of America from the hazardous waste that is part of our modern life and sewage treatment system, the EPA and federal government have allowed for state regulation to vary from state to state. But these policies do nothing to secure the health and safety of the communities receiving sewage sludge. These policies do nothing to secure the health and safety of our food and water supply.

By the EPA's own admission, the regulations currently in place cannot guarantee the health and safety of citizens. This ironic act of short-sightedness only highlights that our food supply comes from all parts of America and the world: we are part of a global food economy. Who will grow America's food once these lands become too toxic to sustain our food and water? Where will our clean water come from and how do we protect the lands surrounding our homes and communities? Only regular complaints to your elected state and federal representative will change the fact that sewage sludge is used as a fertilizer option on large farms and in small family gardens throughout the nation. Are your family's health and your financial home investment worth the letter or phone call? Make the difference for our future.