The Honorable Joe Simitian, Chair  
Senate Environmental Quality Committee  
State Capitol, Room #2080  
Sacramento, CA 95814  

Re: Senate Bill 55  

Dear Senator Simitian:

The U.S. Environmental Protection Agency, Region 9, offers the following comments and information regarding proposed Senate Bill 55, addressing sewage sludge use and disposal practices in California. We hope that by providing this information, the Senate Environmental Quality Committee will understand what is currently required by federal rule. SB 55 requires the State Water Resources Control Board (SWRCB) to develop new standards for biosolids regulations based on mandated studies on pollutants and pathogens in sewage sludge, requires sewage sludge preparers to submit certification and notification statements, and sets certain monitoring and reporting requirements.

A vast amount of effort and scientific research went into developing the hazard profiles, exposure assessments, and risk assessments in 40 CFR Part 503. EPA is required to perform a biennial review of the standards using any new information available on the hazardousness of pollutants, as well as using new analytical techniques to identify the presence of pollutants in sewage sludge. Moreover, there have been several reviews of the Part 503 standards, none of which to date has identified additional pollutants requiring limits. EPA has several projects currently underway to provide updated information on whether additional pollutants or pathogens are of concern.

One example is a new Targeted National Sewage Sludge Survey conducted in 2006, to determine current quality of sewage sludge with respect to a wide variety of inorganics, semi-volatiles, polycyclic aromatic hydrocarbons, drugs, antibiotics, steroids, hormones and polybrominated diphenyl ethers, using updated analytical methods. Samples were collected from 75 Publicly Owned Treatment Works (POTWs) nationwide, including a representative number from California. Analyses of the samples are now underway and the results will be published in September 2007. This should give us a much better focus of which pollutants will need additional review.

The 126 priority pollutants listed in EPA's industrial pretreatment regulations are those identified as potentially affecting the quality of wastewater effluent and therefore impair surface water or ground water. EPA and the nine regional water quality control boards evaluate whether a POTW will need to monitor for these pollutants if they receive point or nonpoint sources of pollutant discharges that affect the quality of effluent or sludge.
EPA is currently working with researchers at U.C. Berkeley to develop a risk assessment methodology for pathogens. EPA is also investigating whether additional operational standards should be specified in order to ensure adequate pathogen reduction and prevention of pathogen re-growth.

With respect to certification statements, 40 CFR Part 503 and the SWRCB’s general order require sewage sludge preparers and applicators to maintain certification statements and provide them to parties receiving sewage sludge for further processing or land application. The rules at this time do not specifically require providing information to haulers, and we concern that this provision would be useful. Haulers should be fully aware regarding the level of pathogen reduction of what they haul (i.e., if it is Class A, Class B, or not Class B). A number of POTWs in California truck “less-than-Class-B” sewage sludge to independent composters or other preparers for further treatment. It is not clear what the phrase “or contains other similar pathogens” means, and suggest this could be reworded as “This certification shall identify whether the sewage sludge is Class B, Class A, Class A – EQ, or does not meet Class B pathogen reduction.” This would be particularly useful to have in cases where haulers are hauling sewage sludge that is not Class B.

The SWRCB’s general order currently requires monitoring for the pollutants in 40 CFR Part 503, as well as for salinity, PCB’s, aldrin/dieldrin, and semivolatiles. Furthermore, the general order requires the same frequency of monitoring as stipulated in 40 CFR Part 503 (i.e., ranging from once per month for large facilities to once per year for very small facilities). While this frequency may need to be adjusted on a case-by-case basis for small facilities, we believe that in most cases, this yields representative results. Nearly 95% of sewage sludge in California is anaerobically digested in continuous-flow digesters with hydraulic detention times ranging from 15 to 50 days. This serves to homogenize the solids so one does not generally see wide fluctuations in the levels of the various constituents over the course of several weeks or months.

The State’s general order could provide a needed state level oversight of sewage sludge management if implemented state-wide. We encourage all the regional water quality control boards to fully implement the requirements in the general order.

Please call Lauren Fondahl, EPA’s Biosolids Coordinator, at (415) 972-3514, if you have any questions or wish to discuss this further.

Sincerely,

Alexis Strass, Director
Water Division

Cc: Jarrod Ramsey-Lewis, State Water Resources Control Board