

072666256

HOUSE JOINT RESOLUTION NO. 694
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the House Committee on Rules
 on January 31, 2007)

(Patron Prior to Substitute—Delegate Byron)

Requesting the Secretary of Natural Resources and the Secretary of Health and Human Resources to convene a panel of experts to study the impact of land application of biosolids (sewage sludge) on human health and the environment. Report.

WHEREAS, the Department of Health defines biosolids as sewage sludge that has received an established treatment for required pathogen control and has been managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is suitable for use for land application, marketing, or distribution; and

WHEREAS, various biosolids contractors and wastewater treatment facilities provide biosolids generated by treatment facilities at little or no cost to farmers for use as fertilizer; and

WHEREAS, land application accounts for approximately one-half of the sewage sludge disposal in Virginia; the remainder is either incinerated or deposited in landfills; and

WHEREAS, during 2004, more than 232,000 dry tons of biosolids were applied to approximately 50,000 agricultural acres in Virginia; and

WHEREAS, a 2002 report by the National Academy of Science's National Research Council said that there is a lack of evidence that governmental regulations of biosolids have failed to protect health; however, the report also noted that additional scientific work is needed to reduce persistent uncertainty about the potential for negative health impacts; and

WHEREAS, according to a 2005 report of the Joint Legislative Audit and Review Commission "the land application of biosolids generates some controversy, as the material can negatively impact residents that are nearby the applications. Potential negative impacts include foul odors and anxiety over perceived and possibly real health effects"; and

WHEREAS, ground water monitoring is required in locations where sludge is applied more than once every three years, raising concerns of residents as to the safety of their surface and ground water supplies; and

WHEREAS, Virginia will invest millions of dollars to improve the water quality of the Chesapeake Bay and its tributaries and the extensive land application of biosolids to agricultural lands bordering our waterways represents a potential threat to the Commonwealth's efforts to clean up the Bay and the southern rivers; and

WHEREAS, population growth, and efforts to improve Virginia's water quality and restore the health of the Chesapeake Bay will increase the amount of solids produced by wastewater treatment plants and the need for biosolids management; and

WHEREAS, biosolids contain plant nutrients and biomass that can be used beneficially, thereby reducing the need for energy and landfill disposal space; and

WHEREAS, innovative and alternative technologies exist that promote the beneficial use of biosolids, such as in agronomy, horticulture and landscaping, land reclamation for commercial use, retaining energy, and using other nutrients and values present in this material while avoiding the negative aspects of Class B land application; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Secretary of Natural Resources and the Secretary of Health and Human Resources be requested to convene a panel of experts to study the impact of land application of biosolids (sewage sludge) on human health and the environment.

In conducting its study, the panel shall consider the typical contaminant concentrations and application rates of biosolids, and shall respond to such questions, including but not limited to the following:

1. Are citizen-reported health symptoms associated with the land application of biosolids?
2. Do odors from biosolids impact human health and well-being and property values?
3. Do biosolids-associated contaminants accumulate in food (plant crops and livestock), and can they affect water quality?

4. What are the effects of an accumulation of biosolids-associated contaminants in wildlife?

In addition, the expert panel in conducting its study shall (i) perform a detailed analysis of the chemical and biological composition of biosolids; (ii) evaluate the toxic potential of biosolid constituents derived from land application to humans, agricultural products, soil organisms, and wildlife; (iii) evaluate the capacity of alternative technologies to facilitate the beneficial use of biosolids and their disposal; (iv) determine the availability, costs, and feasibility of technological alternatives to Class B

60 land application; (v) investigate the availability, capital and operations costs, feasibility, environmental
61 and human health impact, and public acceptance of alternative technologies for the beneficial use of
62 biosolids; and (vi) identify and recommend institutional and financial mechanisms for assisting localities
63 in implementing alternative technologies at the state, local, and regional levels.

64 The Secretary of Natural Resources and the Secretary of Health and Human Resources shall appoint
65 individuals to the expert panel who by their training, education, or experience are knowledgeable
66 regarding the land application of biosolids. The membership of the panel shall include, but is not limited
67 to, representatives of the Department of Environmental Quality, the Department of Health, the
68 Department of Agriculture and Consumer Services, the Department of Conservation and Recreation,
69 Virginia Polytechnic Institute and State University, the Virginia Institute of Marine Science, the
70 University of Virginia, and Virginia Commonwealth University.

71 All agencies of the Commonwealth shall provide assistance to the panel of experts on biosolids for
72 this study, upon request.

73 The panel of experts convened by the Secretary of Natural Resources and the Secretary of Health
74 and Human Services shall complete its meetings for the first year by November 30, 2007, and for the
75 second year by November 30, 2008, and the panel of experts shall submit to the Governor and the
76 General Assembly an executive summary and report of its findings and recommendations for publication
77 as a House or Senate document for each year. The executive summaries and reports shall be submitted
78 as provided in the procedures of the Division of Legislative Automated Systems for the processing of
79 legislative documents and reports no later than the first day of the next Regular Session of the General
80 Assembly for each year and shall be posted on the General Assembly's website.