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SENATE JOINT RESOLUTION NO. 271
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the Senate Committee on Rules
 on January 27, 2015)

(Patrons Prior to Substitute—Senators Norment and Garrett [SJ 244])

Requesting the Secretary of Natural Resources, the Secretary of Health and Human Resources, and the Secretary of Agriculture and Forestry to convene a joint task force to review and evaluate existing scientific literature on the impact of biosolids and industrial residuals on human health and the environment. Report.

WHEREAS, prior to 1994, the Department of Environmental Quality regulated all land application of treated sewage sludge, commonly known as biosolids, when biosolids were applied to agricultural lands; and

WHEREAS, in 1994 the General Assembly directed the Virginia Department of Health to adopt regulations to ensure that (i) sewage sludge permitted for land application, marketing, or distribution is properly treated or stabilized; (ii) land application, marketing, and distribution of sewage sludge is performed in a manner that will protect public health and the environment; and (iii) the escape, flow, or discharge of sewage sludge into state waters in a manner that would cause pollution of state waters, as those terms are defined in § 62.1-44.3 of the Code of Virginia, will be prevented; and

WHEREAS, in 2007, the General Assembly authorized the transfer of all regulatory oversight of treated sewage sludge, commonly known as biosolids, from the Virginia Department of Health to the Department of Environmental Quality; and

WHEREAS, since 2008, biosolids have been land applied in at least 68 localities in the Commonwealth, with at least 54 of those localities receiving biosolids annually; and

WHEREAS, between 2008 and 2013, an average of 221,000 dry tons of biosolids have been spread over an average of 63,000 acres annually; and

WHEREAS, in accordance with House Joint Resolution No. 694, the Secretary of Natural Resources and Secretary of Health and Human Resources convened a panel of experts in 2007 to study the impact of land application of biosolids on human health and the environment; and

WHEREAS, the General Assembly posed specific questions to the panel and requested that it consider the typical contaminant concentrations and application rates of biosolids in its study; and

WHEREAS, the panel included stakeholders from a broad range of disciplines, including medicine, higher education, forestry, agronomy, environmental science, ecology, veterinary medicine, and law; and

WHEREAS, the Secretary of Health and Human Resources and the Secretary of Natural Resources published the final report of the panel in 2008 (House Document 27); and

WHEREAS, the panel uncovered no evidence or literature verifying a causal link between biosolids and illness, but recognized gaps in the science and knowledge surrounding this issue; and

WHEREAS, the panel stated these gaps could be reduced through highly controlled epidemiological studies relating to health effects of land-applied biosolids and additional efforts to reduce the limitations in quantifying all the chemical and biological constituents in biosolids; and

WHEREAS, the panel stated that there are gaps in the research to characterize the composition, fate, and effects of pharmaceutical and personal care products and other persistent organic compounds in biosolids, as well as in other products, materials, and the environment; and

WHEREAS, House Joint Resolution No. 694 also directed the panel to perform a detailed analysis of the chemical and biological composition of biosolids; and

WHEREAS, detailed analysis of the vast number of constituents of biosolids, combined with the specialized analytical methodologies employed to detect and quantify these constituents, involves significant cost; and

WHEREAS, because no funding was available to conduct new analyses, the panel was limited in performing a detailed analysis of the chemical and biological constituents of biosolids; and

WHEREAS, § 62.1-44.3 of the Code of Virginia defines industrial wastes as "liquid or other wastes resulting from any process of industry, manufacture, trade, or business or from the development of any natural resources"; and

WHEREAS, the land application of industrial wastes in Virginia is regulated by the Virginia Department of Agriculture and Consumer Services and the Department of Environmental Quality; and

WHEREAS, the Virginia Department of Agriculture and Consumer Services regulates certain industrial wastes as "industrial co-products" in accordance with the Virginia Fertilizer Law and Virginia Agricultural Liming Materials Law, which provide for the marketing and distribution of industrial wastes; and

WHEREAS, the land application of industrial wastes that are not regulated by the Virginia

60 Department of Agriculture and Consumer Services is regulated by the State Water Control Board and
61 the Department of Environmental Quality; and

62 WHEREAS, industrial wastes from over 35 facilities are land applied in Virginia pursuant to the
63 terms of a Virginia Pollution Abatement or Virginia Pollutant Discharge Elimination System Permit
64 issued by the Department of Environmental Quality; and

65 WHEREAS, since taking over the regulatory program from the Virginia Department of Health, the
66 Department of Environmental Quality has conducted over 10,000 inspections of biosolids and industrial
67 wastes land application sites; and

68 WHEREAS, biosolids and industrial wastes are land applied on less than one percent of the cropland,
69 pastureland, and woodland on Virginia farms; and

70 WHEREAS, on average, less than 10,000 dry tons of industrial wastes are land applied annually in
71 Virginia, which is less than five percent of the annual amounts of biosolids land applied in Virginia; and

72 WHEREAS, the Department of Environmental Quality permits include authorization for land
73 application of industrial wastes from a variety of facilities, including chicken and pork processing and
74 packaging, apple processing, breweries, concentrated and dried soup stocks manufacturing, confectionary
75 manufacturing, beverage manufacturing, snack cake manufacturing, fish processing, poultry hatching,
76 meat processing, tomato processing, wood processing, rendering, farmers' markets, and municipal potable
77 water treatment plants; and

78 WHEREAS, the Department of Environmental Quality's permit application requires the permit
79 applicant to submit details regarding the design of the industrial wastes treatment works, including the
80 storage facility and land area determination, as well as characterization of the industrial wastes that
81 includes analyses of heavy metals and other constituents; and

82 WHEREAS, the Department of Environmental Quality examines the specific processes used at the
83 facility generating the industrial wastes to determine whether constituents may represent a threat to
84 human health and the environment; and

85 WHEREAS, the Department of Environmental Quality requires the permit applicant to provide
86 analyses to determine the capacity of the land application site to assimilate nutrients, metals, and any
87 other pollutants of concern, in order to demonstrate that the activity may be performed safely and
88 protect the environment; now, therefore, be it

89 RESOLVED by the Senate, the House of Delegates concurring, That the Secretary of Natural
90 Resources, the Secretary of Health and Human Resources, and the Secretary of Agriculture and Forestry
91 be requested to convene a joint task force to review and evaluate existing scientific literature on the
92 impact of biosolids and industrial residuals on human health and the environment.

93 In convening the joint task force, the Secretaries shall provide for the participation of representatives
94 from the Department of Crop and Soil Environmental Sciences at Virginia Tech; Division of
95 Epidemiology at Virginia Commonwealth University; Division of Biostatistics and Epidemiology at the
96 University of Virginia; Department of Ocean, Earth, and Atmospheric Sciences at Old Dominion
97 University; and staff involved in the regulation of biosolids and industrial residuals from the Department
98 of Environmental Quality, Department of Conservation and Recreation, and Department of Agriculture
99 and Consumer Services.

100 The Secretaries shall complete their meetings for the first year by November 30, 2015, and for the
101 second year by November 30, 2016, and shall submit to the Division of Legislative Automated Systems
102 an executive summary and report of its progress in meeting the requests of this resolution no later than
103 the first day of the next Regular Session of the General Assembly for each year. The executive
104 summaries and reports shall be submitted for publication as provided in the procedures of the Division
105 of Legislative Automated Systems for the processing of legislative documents and reports and shall be
106 posted on the General Assembly's website.