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Executive Director
Ken Kirk

Association of
Metropolitan
Sewerage Agencies

June 13, 2003

Paul Gilman
Assistant Administrator for Research and Development
U.S. EPA, Ariel Rios Building, Mail Code 8101R
1200 Pennsylvania Avenue, NW
Washington, DC 20460

VIA FAX and REGULAR MAIL

RE: EPA's DRAFT DIOXIN REASSESSMENT

Dear Assistant Administrator Gilman:

I am taking this opportunity to write to you in your capacity as Chair of the U.S. Environmental Protection Agency's (EPA) Science Policy Council to address the Association of Metropolitan Sewerage Agencies' (AMSA) concerns with the potential use of the findings from EPA's draft Dioxin Reassessment in Agency rulemakings, including the forthcoming regulation governing dioxin in land-applied biosolids.

Founded in 1970, AMSA represents the interests of over 300 of the nation's publicly owned treatment works. AMSA members serve the majority of the sewered population in the United States and collectively treat and reclaim over 18 billion gallons of wastewater every day. It is the Association's stated mission to ensure continued water quality and environmental progress through scientifically sound programs and to ensure that the scientific integrity of the regulations that govern wastewater treatment and biosolids management is not undermined.

AMSA understands that the Science Policy Council on June 16, 2003, will consider, and possibly determine, whether the Office of Water should apply draft Dioxin Reassessment science to its pending regulation on dioxin in land-applied biosolids. Given the unique breadth and complexity of the Dioxin Reassessment, AMSA believes the inclusion of "draft science" in a final rule would set a disturbing and

AMSA Letter to Paul Gilman

June 13, 2003

Page 2

dangerous precedent and could have far-reaching, and perhaps unintended, consequences on other critical Agency programs.

While AMSA has been fully supportive of the Agency's effort to develop and maintain a regulatory program for the land application of biosolids, it is the Association's consistent position that any Agency decision regarding biosolids, or any other Agency program, be based on sound, peer-reviewed science. The fact that the draft Dioxin Reassessment has not yet received concurrence from all federal agencies in the inter-agency review process, and that it is likely to undergo National Academy of Sciences review, demonstrates unequivocally that the science underlying the reassessment is not yet ready for inclusion in Agency rulemakings.

Prematurely using the findings from the draft Dioxin Reassessment will only serve to undermine the validity of the regulations to which they are applied. AMSA is aware that EPA is under a looming court-ordered deadline to finalize the dioxin in land-applied biosolids rule, but the Agency should not be driven by such a deadline to use unapproved scientific findings, but by its mission to protect the environment through sound scientific policymaking.

Again, AMSA urges the Science Policy Council to recommend that the Office of Water use peer reviewed and accepted science in the land-applied biosolids rule and only use the science contained in the draft Dioxin Reassessment once it is approved. Should you have any further questions regarding AMSA's position on this issue, please call me at 202/833-4653.

Sincerely,

A handwritten signature in black ink, appearing to read "K Kirk". The signature is stylized with a large "K" and a cursive "Kirk".

Ken Kirk
Executive Director

cc: Linda Fisher, Deputy Administrator, EPA

Tracy Mehan, Assistant Administrator, Office of Water, EPA

Geoff Grubbs, Director, Office of Science and Technology, Office of Water, EPA

Raymond J. Kearney, Assistant Director, City of Los Angeles Bureau of Sanitation

Robert P. Dominak, Residuals and Air Emissions Manager, Northeast Ohio Regional Sewer District