



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 31 2002

Mr. Robert W. Varney
Regional Administrator
U.S. EPA, Region I
John F. Kennedy Federal Building
One Congress Street, Suite 1100
Boston, MA 02114

Dear Mr. Varney:

The National Research Council of the National Academy of Science (NAS) completed an 18-month study and issued a report in July 2002 entitled "*Biosolids Applied to Land: Advancing Standards and Practices.*" The U.S. Environmental Protection Agency (EPA) requested this study to assist the Agency in evaluating regulatory requirements and non-regulatory measures with respect to land application of biosolids. This is to advise you of our plan to respond to the NAS report and our advice regarding biosolids program implementation as the response plan is developed and implemented.

The overarching findings of the report concluded that there is no documented scientific evidence that the Part 503 rule has failed to protect public health, but there is persistent uncertainty on the potential for adverse health effects. The findings went on to say that, in the light of recent scientific advances, additional studies should be conducted and risk assessments performed to update the scientific basis of the rule.

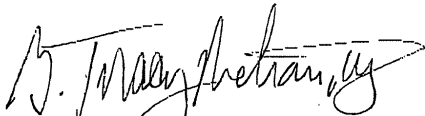
The Agency recognizes the Academy for the quality of the report. EPA will formally announce in the Federal Register and solicit public comment on a proposed plan of action in response to the report by April 2003. Based on public comments and other relevant information, we will publish a final action plan in the Federal Register in January 2004. Meanwhile, relevant research is currently underway and additional resources will be dedicated to the action plan prior to January 2004. This process will provide an opportunity for public participation along the way.

In light of the recent NAS report's findings and recommendations and a stream of questions that have been raised by States, local governments, and concerned citizens since the release of the report, the guidance outlined below is offered:

- We recommend that biosolids continue to be managed in full compliance with the Part 503 rule. We agree with the NAS and their conclusions regarding the need for additional studies on the potential effects of biosolids. As noted above, we are committed to conduct additional research on this subject and take appropriate action based upon that work.

- We believe that pursuant to Part 503, it is a matter of local government choice whether their biosolids are land applied, landfilled or incinerated and that the report does not affect the viability of any of these options.
- We support the activities of the National Biosolids Partnership that are leading to the adoption of voluntary Environmental Management Systems (EMS) for biosolids. Wastewater treatment works with EMS's actively involve the public in setting EMS goals and will undergo independent third party audits of their programs after they become established. While adoption of EMS programs is not a substitute for oversight and enforcement, it improves biosolids management practices, including the control of odors.
- We recommend that biosolids management processes be reviewed during normal State or Federal inspections at wastewater treatment facilities. Violations of the Part 503 rule should be addressed through appropriate administrative enforcement.

The sound management of the biosolids program will continue to be an important element of the National Water Program. A full copy of the NAS report is available on EPA's website at <http://www.epa.gov/waterscience/biosolids/nas/complete.pdf>. If you have any questions, please contact us or have your staff contact Dr. Alan Rubin at 202-566-1125. We look forward to working with you as the action plan is developed.



G. Tracy Mchan, III
Assistant Administrator
Office of Water

Sincerely,



Paul Gilman
Assistant Administrator
Office of Research and Development

IDENTICAL LETTERS SENT TO:
Regional Administrators, Regions I-X
State Commissioners (All States)