

TESTIMONY

By Dr. Howard E. Klein

Lower Mount Bethel Township, Northampton County

October 7, 2014

Before the

Committee on Environmental Resources and Energy

Hearing on House Resolution No. 426 (directing the Legislative Budget and Finance Committee to review the Commonwealth's program for the beneficial use of sewage sludge by land application)

Chairman Miller, Chairman Vitali and members of the Committee, I am Howard Klein, a resident of Lower Mount Bethel Township in Northampton County for the past fourteen years. During the last five years, I have served as a Supervisor in the township and have three years remaining in my current term. I have been actively involved in farming, using organic methods, for the past 12 years. In this capacity, I sell produce at the Easton Farmers' Market and manage a small CSA providing food for subscribing families. I am pleased to have the opportunity to provide comments related to House Resolution No. 426.

As a Supervisor living in a rural township where the land application of sewage sludge is growing, I can provide a unique perspective on how the rules and regulations directly affect township residents. My constituents are constantly expressing their concerns regarding the safety of applying sludge from wastewater treatment plants as "fertilizer" on local farms. Their questions range from what types of contaminants the sludge contains, to where it's being spread and the number of applications a particular field will receive. The potential impacts on water and air quality, how to keep their wells free of contaminants, and how property values will be affected are all grave concerns. They worry about the health and quality of life issues arising as consequences of multiple sludge applications. Entire neighborhoods are directly affected by the putrid smells occurring during and after sludge is applied, and at these times residents are frequently prevented from going outdoors due to the infestations of flies that occur. One needs to remember that this is not a "once and done" situation; a single field can have multiple applications per year depending on the crop being grown.

In my efforts to address their concerns, I have reached out to Tim Cravens, the local DEP representative overseeing sludge application, numerous times over the past two years. His response to questions I have posed on behalf of my constituents and myself is always that it is a permitted use, and as long as the landowners and the land applicators comply with the current regulations, nothing that can be done. Given the fact that these regulations are at least 17 years old, if not older, and that there is growing public concern about the hazards of applying sewage sludge

on farmland, it is time to review the Commonwealth's program and regulations on the land application of sewage sludge. House Resolution No. 426 will allow for a comprehensive review of the now seriously outdated Study on Land Application of Sewage Sludge (1997).

I would like to highlight a few areas, certainly not all, where the present regulations are deficient, confusing or non-existent:

- 1) The current testing of sewage sludge for only ten pollutants needs to be expanded to include new pharmaceuticals, new industrial compounds and byproducts such as flame retardants, carcinogens, radioactive agents and endocrine disruptors like phthalates that interfere with how testosterone is made, to name just a few. This testing should be done at the expense of the land applicator or application site landowner. If a township wants to expand the testing list, it should not be threatened with legal action by the Attorney General's office or the land applicator. This is of particular importance since contaminated wastewater from the fracking process is currently disposed of at several grandfathered municipal sewage treatment plants.
- 2) Requirements for "Adjacent Landowner Notification" (271.913(g)) as stated in the Land Application of Biosolids Workbook are grossly inadequate as related to onsite signage. First, the adjacent landowner notification signage should be expanded to include the general public. Second, in the interest of clarity, all posted signs should include:
 - a. applicable permit numbers,
 - b. classification of sludge (type A or B),
 - c. name of the sludge applicator with contact number,
 - d. DEP's contact number,
 - e. "No Trespassing" advisory.These signs should be informative only, not used as marketing or promotional tools. Third, all signs need to be posted at eye level (approximately 4 ft. high), be easily legible and clearly visible, not placed at ground level (see attached photographs). Signs should be posted every 200-300 feet along all property lines and should remain in place and be maintained as long as the agreement with the sludge applicator is active.
- 3) Currently, the Commonwealth of Pennsylvania has no means of tracking health related risks to citizens living where sludge has been land applied. Certainly this would be an area that the Legislative Budget and Finance Committee should investigate.
- 4) There is a need to re-evaluate the isolation distances (buffers) that are presently required on sites where sewage sludge is being applied. For example, at present, a long-term sludge storage site with no covering and no impervious base can be located on farm property only 33 feet from an intermittent stream or 100 feet from an active stream. Both distances are inadequate to prevent leaching and runoff into our streams which drain into the Delaware River.

As mentioned earlier, a comprehensive review is needed to re-assess the use of sludge as fertilizer on farmlands. Times have changed and so has the product. Concurrent with this re-evaluation, the Legislative Budget and Finance Committee should address the fore-mentioned examples of administrative and enforcement deficiencies.

On a further note, my constituents are frequently confused by the terms “biosolids,” and particularly “exceptional quality biosolids”. Classifying sewage sludge as “exceptional quality” is somewhat deceptive – let’s remember that the DEP recognizes that these “biosolids” still contain pollutants, heavy metals and pathogens. The genesis of these terms appears to be the waste recycling industry itself, an attempt to distort the true nature of the product.

Hopefully, this Committee will move forward House Resolution No. 426, allowing for a review of the Commonwealth’s sewage sludge program by the Legislative Budget and Finance Committee. If this review is undertaken, and if permissible, I would welcome the opportunity to participate in those deliberations.

Finally, I truly believe that the use of sludge on farm fields should be determined by each township in the Commonwealth, the way it use to be. House Bill No. 1866 would accomplish this. By passing both House Resolution No. 426 and House Bill No. 1866 we would have the best of both worlds – township self-determination, a better program and a better product.

Thank you for the opportunity to address this Committee. If I can answer any questions at this time, I would be happy to do so.

Relevant Documents

Commonwealth of Pennsylvania, Department of Environmental Protection. Land Application of Biosolids – Biosolids Workbook

Commonwealth of Pennsylvania, Department of Environmental Protection. Biosolids Sampling Manual

