

DR, ALAN RUBIN: “. . .I served as the senior author of the national standards (Part 503) for the use or disposal of sewage sludge (biosolids) during my tenure at the USEPA from 1984- 2005. “

## **DR.ALAN RUBIN WROTE THE FEDERAL SLUDGE LAWS AUTHORIZING COMMUNITIES AROUND THE COUNTRY TO ENACT LOCAL SLUDGE BIOSOLIDS RULES MORE STRINGENT THAN FEDERAL SLUDGE RULES**

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**DR. RUBIN SPEAKING IN SOLANO COUNTY, CALIFORNIA, 1/23/03**

**Sent:** Wednesday, January 22, 2003 8:00 PM

**Subject:** CALIFORNIA - SOLANO COUNTY - AL RUBIN, EPA OFFICE OF WATER, SAYS "LOCAL CONTROL" - ADMITS NO STUDY DONE ON SLUDGE IMPACT TO HUMAN HEALTH ALTH

**"An Environmental Protection Agency regulator told county officials Tuesday that they have the power to control the spread of sewage sludge on local farmland.**

<http://thereporter.com>

" Ruben said Tuesday that there are no studies in regard to people's direct contact with biosolids. Residents near Rio Vista, where there are commonly 25-mph winds, fear that spreading biosolids near their home sends particulates through the air into their yard and homes prior to decomposition.

"It's time we looked at direct exposure," Ruben said. "We have in the past concentrated on contaminates in the food chain."

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----- Original Message -----

From: <[Rubin.Alan@epamail.epa.gov](mailto:Rubin.Alan@epamail.epa.gov)>

To: "US Composting Council Compost Discussion List" <[compost@compostingcouncil.org](mailto:compost@compostingcouncil.org)>

Sent: Thursday, **September 30, 2004** 3:43 PM

Subject: RE: [USCC] Suggestion on Modifying Part 503 Standards to Accomodate Composts

Frank:

Composters and State/**Local regulatory authorities are free to impose more stringent requirements on biosolids, biosolids processing/treatment such as composting, and finished biosolids composts.** Less stringent measures are considered **not to be in compliance with the part 503 Standards and is not allowed.**

As I said before, any amendments to the part 503 Standards must be done by EPA in Notice and comment rulemaking.

Cheers

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**DR. ALAN RUBIN, SELF-DESCRIBED AUTHOR OF THE US EPA 40 CFR PART 503 SLUDGE REGULATIONS SAYS LOCAL AUTHORITIES ARE FREE TO IMPOSE MORE STRINGENT REQUIREMENTS ON SLUDGE BIOSOLIDS**

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**EXCERPTS from email from Dr. Alan Rubin, EPA retired to Virginia (sludge biosolids) Technical Advisory Committee**

From: A RUBIN [<mailto:rubinhial@verizon.net>]  
Sent: Sunday, **March 15, 2009** 12:49 PM

Subject: Re: Information Distribution needed for TAC meeting

To All Members of the TAC:

This is in response to Ms. Rhonda Bowen's E Mail of March 12, 2009, to all members of the Technical Advisory Committee (TAC) in which Ms. Bowen asserts that "Dr. Rubin is very inconsistent on his stance regarding biosolids and their safety." To support her assertion, Ms. Bowen attached a Power Point presentation that I have given many times and from this Ms. Bowen states: "Throughout the presentation, Rubin states that BIOSOLIDS POSE NO PUBLIC HEALTH OR ENVIRONMENTAL RISK."

**"This was based on USEPA's position that this issue was not a National issue but more of a locality by locality site-specific issue that should be addressed more appropriately by either State or local governments."**

**"As stated above, USEPA expected the States and local jurisdictions to develop additional regulations to afford the needed protection for this transmission pathway and these pollutant sensitive individuals."**

**"Recognizing this potential deficiency in the Part 503 Rule, USEPA added a provision in the rule that not only allowed but should have encouraged the States and even local governments to deal with and resolve this issue."**

**"Section 503.5 Additional or More Stringent Requirements (a) On a case-by-case basis, the permitting authority may impose requirements for the use or disposal of sewage sludge in addition to or more stringent than the requirements in this part when necessary to protect public health and the environment from any adverse effect of a pollutant in the sewage sludge (b) Nothing in this part preclude a State or political subdivision thereof or interstate agency from imposing requirements for the use or disposal of sewage sludge more stringent than the requirements in this part or from imposing additional requirements for the use or disposal of sewage sludge." In effect, by this provision, USEPA was assuring that States and/or local jurisdictions were empowered to provide the needed protection to those citizens being adversely impacted by their residing in close proximity to biosolids land application and/ storage sites. "**

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Sent: Sunday, June 21, 2009 6:29 PM

Subject: DR. ALAN RUBIN - AGAIN SUPPORTS LOCAL CONTROL IN VIRGINIA, AS HE WROTE IT IN FEDERAL SLUDGE LAW - and temporarily relocating potential sludge victims !

[http://www.newsadvance.com/lna/news/opinion/letters\\_to\\_the\\_editor/article/op\\_ed\\_editorial\\_on\\_biosolids\\_ignored\\_results\\_of\\_state\\_panels\\_study/16580/](http://www.newsadvance.com/lna/news/opinion/letters_to_the_editor/article/op_ed_editorial_on_biosolids_ignored_results_of_state_panels_study/16580/)

Posted by ( AB Rubin ) on June 08, 2009 at 7:52 pm

I take great exception to the comments of Charles Hooks that support his claim that land applied biosolids has no impact on surrounding populations . I was a member of the

Expert Panel established by the Virginia General Assembly. In the two years of its deliberations, **the Panel received compelling testimony from numerous citizens of Virginia describing negative health and/or aesthetic impacts as a result of residing in close proximity to biosolids land application and storage sites. For Mr. Hooks statements to be true, then the citizens who testified on their negative experience with biosolids must all be either liars, delusional, or merely reacting adversely to a little odor. Nobody on the Panel raised any of these attributes to those testifying including Mr. Hooks and other biosolids professionals that attended the Panel meetings over the course of two years.**

**I served as the senior author of the national standards (Part 503) for the use or disposal of sewage sludge (biosolids) during my tenure at the USEPA from 1984- 2005. During that time, risk assessments were conducted on biosolids for all exposure pathways relevant to either the farmer using biosolids as a soil amendment or fertilizer and to adjacent populations, EXCEPT for the exposure pathway of air transport of the volatile constituents of biosolids to impact the adjacent population. The lack of this analysis created a policy at EPA that it was the responsibility of the States and/or local jurisdictions (counties, etc) to evaluate this pathway and, based on this analysis, implement protective requirements in State and local biosolids regulations more stringent than those of the Part 503 Standards to protect these local populations.**

Unfortunately, the final report from the Panel chose not to take into account the testimony of these citizens or the failure of EPA to deal with this issue on a National level. For the record, there were three Panel members **including myself that considered the testimony of the citizens valid** and urged that the Panel recommend to the Virginia Department of Quality (VA DE) that their amended biosolids regulations include sufficiently protective provisions such as adequate buffer distances from biosolids sites to adjacent residences **to protect these pollutant sensitive individuals.** Unfortunately, the majority of the panel did not accept this minority opinion, views, and recommendations.

This unfortunate situation can be easily resolved. All that is being requested is that VA DEQ either implement adequate buffer distances, require biosolids incorporation into the receiving soil, **or temporarily relocate for a short time pollutant sensitive individuals when biosolids are land applied.** We do not believe that this will place any significant economic burden on

either the biosolids generator (ie the municipality), the biosolids spreading company, or the farmer that utilizes this material. In this way, impacts and, therefore, complaints should be significantly reduced if not eliminated, and biosolids can be used as the soil amendment and fertilizer it was intended to be with significantly greater public acceptability. Failure to heed these recommendations will continue to create unnecessary strife and controversy in rural Virginia communities that host biosolids projects with the possibility of continuing litigation by those who are suffering from this practice, thereby, jeopardizing the viability of the biosolids land application program in Virginia.

Finally, with respect to Mr Hooks' comment that biosolids poses no greater impact than the spread of manure, I remind Mr. Hooks of the hundreds if not thousands of citizens across rural areas of the US that suffer negative health and/or aesthetic impacts from residing in close proximity to enormous amounts of untreated animal manure from factory farms called concentrated animal feeding operations. Fortunately most States **and local jurisdictions that host these facilities do provide for adequately protective provisions in their regulations that control these facilities.** We are asking that the **Commonwealth of Virginia now do the same for biosolids to protect their vulnerable citizens.**

Sincerely,  
Alan B. Rubin, Ph.D.

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