

# Town Bans Land Application of Sewage Sludge, or Biosolids

August 22, 2014 by [Gary Kopycinski](#)

Washington, DC—(ENEWSPF)—August 22, 2014. The Town Board in Wheatfield, New York unanimously voted last month to amend its [biosolids law](#) to ban any application of sewage sludge and other similar materials from the treatment of municipal wastewater to any land in town, even for those who already have permits from the state. The law reasons that the potential contamination of groundwater, surface water, and soil, as well as the potential for air pollution, poses an unreasonable risk to town residents, public health, and the environment.

Biosolids, otherwise known as sewage sludge, are composed of dried microbes previously used to process wastewater in treatment plants. The material is increasingly being used in conventional agriculture, but its application is explicitly forbidden in [organic production](#). This is because the sludge can contain high concentrations of [toxic contaminants](#), such as pesticides, detergents, estrogenic hormones, antibiotics, dioxins, PCBs, flame retardants, and heavy metals. A [2002 study](#) revealed the material to be associated with an increased prevalence of Staphylococcus aureus infections, a condition known to cause skin rashes and respiratory problems, for people located in close proximity to biosolid application sites. More recently, [new research](#) adds to existing evidence of the hazards of sewage sludge fertilizer by demonstrating that chemical contaminants are sufficiently mobile and persistent that they can easily be transported to groundwater, with implication for local drinking water.

Town Attorney Robert J. O'Toole explained that although the new law allows for the continuation of "existing facilities," the amendment clarifies that land application is not considered an existing facility. "Any land application is not grandfathered," Mr. O'Toole said. "There's no application in Wheatfield, ever, for anything."

The ban, which passed July 28, was interpreted as making an exception for existing Department of Environmental Conservation (DEC) permits, such as those held by Milleville Brothers Farm.

The controversy arose last year from the byproduct created by Quasar Energy Group's anaerobic digester on Liberty Drive. The "equate," or the watery, nitrogen-rich byproduct, is hyped by the company as a good fertilizer. The company's plant uses microbes to convert food waste into methane gas, which is harnessed to produce electricity or compressed natural gas. However, part of its raw material is sewage sludge, which is processed human waste.

"I hope you'll hold the Niagara County Sewer District No. 1 to the same standard," Quasar spokesman Nathan C. Carr told the board. Unfortunately, however, the July 28 law exempts "the generation of biosolids at a public owned treatment works."

The town's law firm, Jaeckle Fleischmann & Mugel, blasted the DEC in a letter for attempting to rewrite its regulation according to the types of soil on which the biosolids may be spread, in an apparent effort to weaken the law and make it easier for application in Wheatfield to be permitted. The DEC contends that the omission of a common soil type in Wheatfield from the list of allowable biosolids sites was an accident. The letter said the attempted change violates two state laws and U.S. EPA guidelines.

The law cites the state's Environmental Conservation Law, which allows for municipalities to impose controls on waste disposal operations that are stricter than the state law requires..

The amendments to the town law also add a penalty section to the measure, which includes fines and/or possible imprisonment for illegal land application or production or storage of biosolids. The sale, storage, or application of lawn and garden fertilizer intended for retail sale on an area of land less than 2.5 acres in size is excluded from the town law.

The only surefire way to avoid food grown with biosolids is to buy products that are **USDA organic certified**, which does not allow the use of dried municipal waste microbes in its production. Additionally, be aware of products used on lawn and garden by scrutinizing any lawn fertilizers which claim to be "organic" or "natural" but list ingredients such as "biosolids," "dried microbes," or "activated sewage sludge." For more information on the hazards of biosolids, read [Beyond Pesticides' Biosolids or Biohazards?](#)