

125 Airstrip Lane
P. O. Box 539
Ophelia VA 22530
September 24, 2007

Mark S. Alling
DEQ Piedmont Regional Office
4949-A Cox Road
Glen Allen VA 23060

Dear Mr. Alling,

These comments are with regard to the "TMDL for Shellfish Waters, Cockrell Creek." Chesapeake Bay should be a "No Discharge Zone" to all ships, including the discharge of ballast water, but that is beyond the current local concern. Three actions should be taken with regard to Cockrell Creek.

Cockrell Creek, and all other waterways in Northumberland County, as well as other Counties where restrictions exist for the harvesting of shellfish, should be declared "No Discharge Zones." The discharge from a properly maintained Type II MSD should be less than 200 CFU/100 ml, whereas the shellfish standard is 14 CFU/100 ml. While it is true that dilution of overboard discharge from a properly operating Type I or Type II MSD would rapidly reduce the concentration of bacteria below the shellfish standard, every reasonable attempt should be made to eliminate all possible sources of fecal coliform bacteria from waters where shellfish are harvested. This is easily accomplished by requiring that only Type III MSDs be permitted, and that the holding tank be pumped out at a certified onshore facility. For boats without installed toilets, portable heads can be purchased for less than \$100, and a very inexpensive "bucket potty seat" can be constructed by adapting a toilet seat to the top of a 5 gallon bucket.

Virginia should enact a similar law as in Maryland, to make the overboard discharge policy uniform throughout Chesapeake Bay. All pathways for the overboard discharge of raw or treated sewage should be blocked or secured by disconnecting or physically blocking all onboard sewage lines or hull fittings. A "Y" valve, if present, should be set to ensure that all discharge enters the holding tank, and then properly secured to prevent any overboard discharge. There are now enough pump-out facilities available so boaters can plan ahead to prevent their holding tanks from filling.

The land application of municipal sewage sludge should be banned in all counties where restrictions exist for the harvesting of shellfish due to high fecal coliform bacterial levels. Class B sewage sludge from the Blue Plains facility contains roughly 500 CFU per dry gram. Assuming 80% moisture, a truck delivering 20 tons of wet sludge, enough to fertilize about an acre, contains at least 2 Billion CFU. As every farmer knows "Birds follow the plow." In Northumberland County the birds are almost always gulls. As the sludge is incorporated into the soil, the gulls feed and then they usually fly to water. I call your attention to previous correspondence, beginning Nov. 8, 2001, with Dr. Croonenbergs at VDH, and DEQ (including you and Mr. French) on this matter, posted at www.VaBayBlues.org on the "Harvesting Shellfish" and "Impairment of Waterways" pages. I request that all my previous letters and attachments, including my previous public comments of 02/17/06, that address bacterial contamination of tidal waterways and gulls as vectors of pathogen contamination, be entered into the official record with regard to the Cockrell Creek TMDL. Copies of the correspondence will be willingly supplied if requested. I challenge Virginia officials to find a qualified microbiologist who will testify that bacterial contamination of waterways cannot occur from gulls that have foraged on a field on which municipal sewage sludge has been land-applied. The most recent land application in Northumberland County took place this spring, approximately five miles south of Cockrell Creek, clearly within gull-range. This obvious massive potential source of human fecal coliform bacteria must be eliminated along with contamination from boats. An outright ban would affect very few farmers in very few counties, and would be easy to accomplish.

Yours sincerely,

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cc: Del. Rob Wittman; Sec. Bryant; Sec. Tavenner; K. Eades, Administrator, Northumberland Co.