



COMMONWEALTH of VIRGINIA

Office of the Governor

Doug Domenech
Secretary of Natural Resources

September 21, 2010

Dr. Lynton S. Land
P.O. Box 539
Ophelia, VA 22530

Dear Dr. Land:

Thank you for your letter concerning the land application of animal waste in general and specifically the concentrations of phosphorus in land applied biosolids and animal manures. We appreciate your desire to apprise appropriate officials in this administration of the background and regulatory development for this activity. Let me assure you that this Secretariat and the Governor are aware of the environmental and policy considerations surrounding land application of animal waste, and we are working closely with the appropriate state agencies to ensure that we develop regulations based on sound science and protection of health and the environment.

As you know, the rate of phosphorus application allowed when organic sources of fertilizer are utilized has been the subject of several legislative and regulatory changes in recent years, particularly since the 2004 land application you referenced. Further, the section of the Virginia Pollution Abatement (VPA) permit regulation you reference concerning the nutrient characteristics of biosolids (9VAC25-320-600.A) was the subject of extensive discussion by the Biosolids Expert Panel convened pursuant to House Joint Resolution 694, as well as the regulatory advisory panel convened by the Department of Environmental Quality (DEQ) during the regulatory development of proposed changes to the VPA permit regulation concerning biosolids.

All of these discussions led to the same conclusion: that it is indeed possible to land apply these materials at rates that exceed the agronomic demand of the current crop for phosphorus without environmental harm, if specific guidelines are followed. For phosphorus, there is no direct relationship between agronomic benefit and loss to the environment. The phosphorus index developed by Virginia Tech is the tool implemented by certified planners to meet the agronomic and environmental goals. Additionally, there is always a soil phosphorus level threshold above which no phosphorus may be applied, and nutrient management plans for application of all organic sources incorporate this maximum level to ensure phosphorus loss is controlled.

The advisory panels used by the agencies in my Secretariat are valued components in the regulatory development process, and each panel is carefully selected to be representative of all stakeholders. In the case of the biosolids panel from which the citizen members resigned, DEQ Director David Paylor has informed me that DEQ accepted the citizens' resignation with regret, as up to the point at which they resigned, the citizens had presented valuable input that was used in drafting the regulatory amendments (DEQ response attached). Despite their resignation, and in addition to their being able to comment during the open comment period when the draft regulation is advertised, these citizens will continue to be invited to participate in any further meetings the advisory panel conducts to consider changes to the proposed regulation.

Thank you for your interest in the regulatory program and your participation in the regulatory process. I encourage you to provide further comment when the biosolids regulation is published for review and comment. You may follow the progress of this action, as well as submit comment utilizing the following link:
<http://www.townhall.state.va.us/L/ViewStage.cfm?stageid=5374>.

Sincerely,



Maureen Riley Matsen
Deputy Secretary of Natural Resources and
Senior Advisor on Energy

Enclosure: June 1, 2009, letter from DEQ

C: David K. Paylor – Director - DEQ