



# United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
Washington, D.C. 20240

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Mr. Charles Miller  
Vice President, Wheelabrator Clean Water Systems  
550 East Dayton - Yellow Springs Road  
Fairborn, Ohio 45324

O.S.M. - MCRCC  
ALTON, ILLINOIS

Dear Mr. Miller:

I am responding to correspondence and ongoing contact by Mr. Greg Cybulski, formerly of Wheelabrator Clean Water Systems, with the Office of Surface Mining Reclamation and Enforcement (OSM) concerning the use of bio-solids for reclaiming abandoned mine lands (AML). In one of his letters, Mr. Cybulski specifically requested that OSM formally acknowledge the actual and potential benefits that exist for both Federal and State AML programs through the use of biosolids. His letter correctly pointed out that OSM was not a part of the Federal interagency group which developed policy in 1991 regarding the use of biosolids and does not have a formal policy concerning this issue.

Mr. Tim Dieringer of OSM's Appalachian Regional Coordinating Center (ARCC) and Mr. Dan Schrum of our Columbus Office met with Mr. Cybulski earlier this year to view several very successful applications of biosolids on AML projects in Ohio. In addition, Mr. Jim Spotts of ARCC has made several contacts with regulators, researchers, and applicators who have experience with biosolids throughout the country. The evidence indicates that the application of biosolids has been successful in restoring mine land and has been applied safely on agricultural sites. Based on research and the demonstrated success of these projects, the use of biosolids has the potential to improve soil properties, reduce the cost of reclaiming land affected by current and past mining practices, and results in the recycling of material that may otherwise be disposed of in landfills or incinerators.

As you know, decisions concerning specific reclamation practices are made by the State Regulatory Authorities in States with primacy. In a number of States, specific projects have already been authorized to use biosolids in reclamation. OSM recognizes the potential advantages of incorporating biosolids during restoration of abandoned mine land sites and in other restoration projects. We support this usage whenever it is consistent with the regulatory authority's resource management objectives for the specific sites.

OSM acknowledges that there may be occasions where State or other agency analysis reveals legal or programmatic obstacles, evidence indicating significant adverse environmental effects or excessive agency costs compared with the benefits that would limit or prohibit the use of biosolids. As you are undoubtedly aware, among the concerns is the potential presence of

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biological pathogens, heavy metals, and other contaminants which may be present in biosolids obtained from municipal sewage treatment facilities. OSM believes that the decision to utilize biosolids must be made in consideration of the specific characteristics of the materials to be used and other site-specific factors.

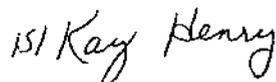
We also support the continuing work of research and regulatory agencies, such as the Environmental Protection Agency (EPA), to determine characterization techniques and materials specifications for biosolids to be used in this and similar applications. The EPA has developed specifications for biosolids to be used in agricultural applications, and is funding research into the benefits and potential problems with the use of biosolids in mine land reclamation. We believe that the EPA, as the Federal agency with responsibility for administering the Clean Water Act and the Resource Conservation and Recovery Act, is the most appropriate agency for issuing general standards and guidelines for biosolids and their applications.

However, OSM acknowledges that it is important that everyone involved with mined land reclamation consider multiple options in the reclamation process, some of which may reduce costs to reclaim sites while improving the final reclamation product. Use of biosolids should be considered as an option when the regulatory authority determines that conditions are proper for use of such material.

In summary, OSM is supportive of the use of this technology, where appropriate, for the reclamation of mined lands. We will continue to work with the States and other regulatory agencies, such as the EPA, concerning policy and guidance for the use of biosolids that they may develop and other cost-effective technologies for mine land reclamation which are protective of human health and safety and the environment.

I thank you for your company's continued interaction with OSM regarding this issue. Please feel free to contact me if you have any questions.

Sincerely,



Kathrine Henry  
Acting Director

cc: Mr. Greg Cybulski  
235 Rugby Lane  
Gahanna, Ohio 43230

bcc: OSM Subject OC Director/DD AD/PS DTS Subject and Reading  
OSM Management Council T. Dieringer D. Schrum J. Spotts C. Sandberg S. Sheffield  
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## **Issues Relating to the Letter on the Use of Biosolids in Mine Land Reclamation**

- Mr. Greg Cybulski of Wheelabrator Clean Water Systems contacted OSM in 1994 to seek its endorsement of the use of biosolids in mine land reclamation. This was subsequent to the 1991 Federal Register notice by an interagency work group regarding the application of sewage sludge to Federal lands.
- OSM has not issued a policy statement regarding the use of biosolids as soil amendments for mine land reclamation.
- The Columbus Field Office and the Appalachian Regional Coordination Center have been regularly corresponding and discussing the use of biosolids in mine reclamation with Mr. Cybulski and have investigated the outcome of such usage at a number of sites.
- The current regulatory framework allows for the application of biosolids, as approved by the regulatory authority. Biosolids have been used successfully at a number of sites in Illinois, Ohio, Pennsylvania, Texas, and Virginia.
- In August 1996, the ARCC sent a draft press release to OSM headquarters for approval. Upon review by staff, it was determined that a better option would be to respond directly to Mr. Cybulski who had requested OSM's policy, as no recent developments had occurred warranting a press release. Mr. Cybulski has since left Wheelabrator and the CFO has advised headquarters to send the Letter to Mr. Charles Miller.
- Biosolids, which are derived from municipal sewage treatment operations, may contain biological pathogens, heavy metals, and other contaminants. The character of such materials is widely variable.
- The EPA is conducting or sponsoring research into the appropriate characteristics of biosolids which could be applied in mine land reclamation. EPA has previously issued guidelines regarding the chemical and biological character of biosolids to be used in agricultural applications. OSM should continue to communicate with EPA regarding their activities.
- The final determination for biosolids use should be made considering the specific characteristics of the materials to be used and site-specific hydrology and other factors.
- The letter to Mr. Miller, once sent, will represent the only formal public statement of OSM on the use of biosolids in mine land reclamation. As such, the letter should be carefully drafted, so that it acknowledges the apparent success of biosolids applications in mine land reclamation, the potential concerns regarding the use of biosolids, the need for site-specific examination of the appropriateness of use of biosolids and OSM's intent to continue monitor the development of standards and procedures for the use of biosolids. In addition, OSM should not establish policies in this letter which may later prove inconsistent with the upcoming policies from EPA, the Nation's lead Federal environmental agency.
- The OSM Management Council concurred with sending the letter at its November 1996 meeting.