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Ken Kirk

March 19, 2008

Teresa Lasseter
Administrator
Farm Service Agency
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250-0506
Via Facsimile

Dear Administrator Lasseter,

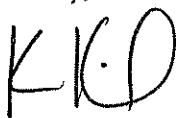
The recent decision by the U.S. District Court for the Southern District of Georgia in the matter of *McElmurray v. U.S. Department of Agriculture (USDA)*, regarding claims that biosolids land application resulted in contaminated pastureland, has received a significant amount of national attention over the last few weeks. Press coverage on the decision has shown that the District Court's statements can be used to cast doubt on the beneficial reuse of biosolids through land application, without regard to the facts in the case or those relating to the safety of land application in general. We understand that the U.S. Attorney representing the USDA is now considering an appeal to the 11th Circuit Court of Appeals. The National Association of Clean Water Agencies (NACWA) believes that a successful appeal of this decision would help to ensure that the District Court's statements do not become the foundation for renewed attacks on this environmentally sound and beneficial practice and strongly encourages the USDA to file an appeal.

NACWA represents the nation's clean water community – the publicly owned treatment agencies responsible for cleaning the nation's wastewater and managing the thousands of tons of biosolids generated on a daily basis. The risk-based pollutant levels in the U.S. Environmental Protection Agency's (EPA) Part 503 regulations, developed after extensive sampling and risk assessment, together with the other management restrictions in those regulations, provide a scientific framework to further ensure that biosolids land application is protective of human health and the environment. NACWA believes it is essential that the USDA appeal this decision and seek to correct any misimpressions the District Court's decision may have left regarding the effectiveness of EPA's Part 503 regulations and the safety of biosolids that meet the Part 503 requirements.

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Please consider my staff available to assist you as you work on this issue.

Sincerely,

A handwritten signature in black ink, appearing to be 'K.K.D.' or similar, written in a cursive style.

Ken Kirk
Executive Director