

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 403 and 503**

[FRL-5315-6]

RIN 2040-AC29

Standards for the Use or Disposal of Sewage Sludge

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On November 25, 1992, pursuant to Section 405 of the Clean Water Act (CWA), EPA promulgated the Standards for the Use or Disposal of Sewage Sludge (40 CFR parts 257, 403 and 503). In addition, EPA amended the General Pretreatment Regulations (40 CFR part 403) to establish a list of pollutants for which a removal credit may be available. Today's action proposes additional amendments to both regulations to clarify existing regulatory requirements and provide increased flexibility to the permitting authority and the regulated community in complying with some requirements.

The proposed amendments to part 503 would modify various land application, surface disposal, pathogen and vector attraction reduction, and incineration provisions. Most importantly, the proposed rule would delete the requirement for EPA or the State to issue sludge permits and would allow the regulated community flexibility to determine how to meet the sewage sludge incinerator requirements using existing Agency guidance. EPA is also proposing to amend part 403 to add a concentration limit for chromium in the list of unregulated pollutants eligible for a removal credit. Some of the changes EPA is proposing today will lessen the regulatory burden on States, local government, Tribes, and the regulated community.

When EPA promulgated the Sewage Sludge Regulation in 1992, EPA asked for public comment on several issues. Today's notice also responds to those comments.

DATES: Comments must be received by December 26, 1995.

ADDRESSES: Send written comments to Comment Clerk; Proposed Amendments to the Final Sewage Sludge Regulation; Water Docket MC-4101; Environmental Protection Agency; 401 M Street, SW; Washington, DC 20460. Respondents are requested to submit an original and three copies of their written comments. Respondents who want receipt of their comments acknowledged should include a self-addressed, stamped

envelope. All submissions must be postmarked or delivered by hand, no facsimiles (faxes) will be accepted.

A copy of the final part 503 rule and comments received on the final rule are available for review at EPA's Water Docket; 401 M Street, SW; Washington, DC 20460. Other references cited in the preamble also are available for review in the Docket. The Docket is located in room L-102. For access to Docket materials, call (202) 260-3027 between 9 a.m. and 3:30 p.m. for an appointment. The EPA public information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Robert M. Southworth, Biosolids Manager, Health and Ecological Criteria Division (4304), Office of Science and Technology, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, telephone (202) 260-7157.

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I. Background

On November 25, 1992, the U.S. Environmental Protection Agency promulgated, pursuant to section 405 of the Clean Water Act, Standards for the Use or Disposal of Sewage Sludge (58 FR 9248, February 19, 1993). This regulation establishes requirements to protect public health and the environment when: (1) The sewage sludge is applied to the land either to condition the soil or to fertilize crops grown in the soil; (2) the sewage sludge is disposed on land by placing it in a surface disposal site; (3) the sewage sludge is placed in a municipal solid waste landfill unit; or (4) the sewage sludge is incinerated.

Section 405(f) of the Clean Water Act (CWA) provides that any CWA discharge (section 402) permit issued to a publicly owned treatment works (POTW) or other treatment works treating domestic sewage (TWTDS) must include conditions to implement the sewage sludge regulation issued under section 405(d) unless these conditions are included in other permits. The other permits may either be other Federal permits or a State permit issued under an approved State program.

In 1989, EPA published regulations that establish State sewage sludge management program requirements and procedures for approving State National Pollutant Discharge Elimination System (NPDES) (40 CFR part 123) and non-