sludge standards, unless sewage sludge control requirements are included in a permit issued under one of the following: Subtitle C of the Solid Waste Disposal Act; Part C of the Safe Drinking Water Act; the Marine Protection, Research, and Sanctuaries Act; the Clean Air Act; or EPA-approved State programs that comply with sec. 405. EPA may also issue "sludge-only" permits to TWTDS that are not otherwise subject to the NPDES program or to the other permitting programs listed above.

2. Sewage Sludge Permit Program Regulations

On May 2, 1989, EPA promulgated regulations establishing the legal and programmatic framework for the National Sewage Sludge Program (54 FR 18716). Sewage sludge management provisions are to be incorporated into EPA-issued permits or permits issued by a State under an EPA-approved sewage sludge program. Sewage sludge information reporting requirements were also added to the overall NPDES permit application requirements of 40 CFR 122.21. The new regulations, however, neither listed the specific sewage sludge information requirements nor provided a form for reporting this information. Instead, the rulemaking cross-referenced the existing State Sludge Management Program regulations in Part 501 and required applicants to submit the information listed at § 501.15(a)(2). Paragraphs (i)-(v) of § 501.15(a)(2) require information on the location and permitting status of the TWTDS. Paragraphs (vi)–(xii) require technical information on the applicant's sewage sludge use or disposal practice(s).

On February 19, 1993, EPA amended the sewage sludge permit program regulations (58 FR 9404). This amendment phased in requirements for submitting sewage sludge permit application information. Any TWTDS that is required to have, or that requests, site-specific pollutant limits was required to submit permit application information by August 18, 1993, for the first round of Part 503 standards. Other TWTDS with NPDES permits must submit application information with their next NPDES permit applications. Finally, TWTDS without NPDES permits ("sludge-only facilities") were to submit identification and screening information to the permitting authority by February 19, 1994, for the first round of Part 503 standards.

3. Part 503 Technical Standards

On November 25, 1992, EPA promulgated the sewage sludge use and

disposal standards required by section 405 of the CWA (58 FR 9248, et seq., February 19, 1993). These standards regulate the use and disposal of sewage sludge when it is applied to land, placed on a surface disposal site (including sludge-only landfills), fired in a sewage sludge incinerator, or sent to a municipal solid waste landfill (MSWLF). The standards for each regulated sewage sludge use or disposal method consist of general requirements, pollutant limits, management practices, operational standards, and requirements for monitoring, recordkeeping, and reporting. A number of parties petitioned for review of the regulations and on November 15, 1994, the United States Court of Appeals for the District of Columbia Circuit remanded several aspects of the regulations for modification or additional justification. Leather Industries of America, Inc. v. Environmental Protection Agency, 40 F.3d 392 (D.C. Cir. 1994).

4. Implementation of Part 503 Technical Standards

Section 405(f) of the CWA requires that permits issued to facilities involved in sewage sludge generation, treatment, or disposal include Part 503 requirements. Both POTWs and other TWTDS are engaged in sewage sludge generation, treatment, or disposal. However, some of these facilities are not required to obtain NPDES discharge permits pursuant to sec. 402 of the CWA because they do not discharge pollutants to surface waters. These are "sludge-only" facilities.

POTW permits must contain requirements implementing applicable Part 503 technical standards and other Part 122 permit conditions (such as boilerplate conditions and compliance monitoring requirements). POTW permits may also contain any other conditions the permitting authority develops on a case-by-case basis to protect public health and the environment. The permit also establishes a POTW's responsibilities for sewage sludge it sends to other facilities for disposal.

In addition to POTWs, other TWTDS may also be issued permits. These treatment works include facilities dedicated to sewage sludge disposal (i.e., surface disposal sites and sewage sludge incinerators), as well as certain facilities that provide treatment or otherwise change the quality of the sewage sludge before ultimate use or disposal. Sewage sludge has undergone a change in quality if its pollutant concentrations, pathogen levels, or vector attraction properties have been altered sufficiently to change the sludge's regulatory status under Part 503. Therefore, processes such as stabilization, composting, digestion, heat treatment, or blending with bulking agents or with sewage sludge from another treatment works may all qualify as sewage sludge treatment. (For a more detailed discussion of who must apply for a permit, see the preamble to the May 2, 1989, regulations at 54 FR 18725.)

5. Interim Sewage Sludge Permit Application Form

On November 8, 1993, EPA published a notice about the interim sewage sludge permit application form (58 FR 59260). This interim form was developed to simplify the application process until Form 2S was completed. Section 122.21(d)(3)(ii) requires sewage sludge permit applications to include the information at § 501.15(a)(2), which includes both specific and general information. This interim form ensures that permittees submit the necessary information; helps permittees to understand exactly which requirements apply to them; and makes the application requirements consistent for all permittees.

Proposed Form 2S is based on the interim application form. EPA welcomes comments on the proposed Form 2S, especially from users of the interim form.

D. NPDES Watershed Strategy

The Watershed Protection Approach is an Agency initiative which promotes integrated solutions to address surface water, ground water, and habitat concerns on a watershed basis. It represents EPA's renewed emphasis on addressing all stressors within a hydrologically defined drainage basin, instead of viewing individual pollutant sources in isolation. It is not a new program competing with, or replacing, existing programs; rather, it provides a management framework, within which baseline CWA program requirements, related public health concerns, and newer initiatives can be integrated to address restoration and protection of aquatic ecosystems cost-effectively.

The Watershed Protection Approach has four components. First, it focuses protection and restoration activities within a geographically defined resource, the watershed. Second, it emphasizes the involvement of all affected stakeholders within a watershed; these may include Federal authorities, State governments, local governments, the regulated community, environmental groups, and other interested parties. Third, it stresses the need for appropriate stakeholders to