

merely clarify, without expanding, an existing reporting requirement.

## 2. Applicant Information

Proposed § 122.21(q)(2) would require information concerning the identity of the applicant and its status as a Federal, State, private, public, or other entity.

## 3. Permit Information

Proposed § 122.21(q)(3) restates the § 501.15(a)(2)(v) requirement that the applicant list the facility's NPDES permit number and any other permit numbers or construction approvals received or applied for under various authorities.

## 4. Federal Indian Reservations

Proposed § 122.21(q)(4) clarifies existing § 501.15(a)(2)(iv), which asks only "whether the facility is located on Indian Lands." A sewage sludge use or disposal permit, however, may cover activities occurring beyond the boundaries of the "facility." Therefore, the proposed paragraph asks whether any generation, treatment, storage, land application, or disposal of sewage sludge occurs on a Federal Indian Reservation. EPA believes that this information will better enable the permit writer to identify the proper permitting authority and applicable requirements.

## 5. Topographic Map

Proposed § 122.21(q)(5) would require the applicant to submit the following information on a topographic map (or maps) depicting the area one mile beyond the property boundaries of the TWTDS: All sewage sludge management facilities, all water bodies, and all wells used for drinking water listed in public records or otherwise known to the applicant within 1/4 mile of the property boundaries. This proposed requirement is different from the existing topographic map requirement at § 501.15(a)(2)(vi) in that the proposed requirement asks for information on use and disposal sites rather than just disposal sites. EPA believes that it is just as important to get information on land application sites as on disposal sites. Neither the existing nor the proposed requirements request a map for sites that extend more than a mile beyond the TWTDS's property boundary. The permitting authority could request maps of all use or disposal sites if they believe that this information is necessary to develop adequate permits. EPA requests comments on whether maps should be required for all use or disposal sites, or whether this requirement should be modified in some other way.

## 6. Sewage Sludge Handling

Proposed § 122.21(q)(6) would require the applicant to prepare a flow diagram, and/or a narrative description that identifies all sewage sludge management practices (including on-site storage) to be employed during the life of the permit. EPA believes that this information is necessary because the applicant may employ sewage sludge management practices not covered under the more specific questions proposed in today's rule. To draft a complete permit, the permit writer must be aware of all sewage sludge storage, use, or disposal practices that may have an adverse affect on public health and the environment. EPA requests comments on whether more specific information about on-site and off-site storage of sewage sludge should be required of permit applicants.

## 7. Sewage Sludge Quality

Currently, § 501.15(a)(2)(vii) requires applicants to report "any sludge monitoring data the applicant may have." However, this requirement neither identifies the parameters that must be reported nor provides a mechanism for reporting this information. Proposed Form 2S and § 122.21(q)(7) would address this need by requiring monitoring data for specific parameters in sewage sludge that is used or disposed.

Proposed paragraph (i) of § 122.21(q)(7) would require all Class I sludge management facilities to submit the results of at least one toxicity characteristic leaching procedure (TCLP) conducted during the last five years to determine whether the sewage sludge is a hazardous waste. The TCLP is described in 40 CFR Part 261, Appendix II, and is a method for determining whether a solid waste exhibits the characteristic of toxicity, in accordance with 40 CFR 261.24. 40 CFR Part 503 does not establish requirements for the use or disposal of sewage sludge determined to be hazardous under the procedures in Appendix II of 40 CFR Part 261 and § 261.24. Hazardous sewage sludge must be used or disposed of in accordance with the hazardous waste regulations in 40 CFR Parts 261–268, or authorized State law. Using the results of the hazardous waste test, the permitting authority will determine which requirements apply to the use or disposal of the applicant's sewage sludge. EPA requests comments on whether facilities should be allowed to use a method other than a TCLP to show that their sewage sludge is non-hazardous and whether non-Class I

sludge management facilities should be required to perform a TCLP.

Proposed paragraph (ii) of § 122.21(q)(7) would require all applicants to submit data on individual pollutants in the sewage sludge. Existing data could be submitted if it were two years old or less. EPA is proposing a two-tier approach for collection of pollutant data that is based on whether the treatment works has an industrial wastewater pretreatment program.

Under the two-tier approach, Class I sludge management facilities would submit sewage sludge data for the pollutants listed in proposed 40 CFR Part 122, Appendix J, Table 2 ("Effluent and Sewage Sludge Parameters for Selected POTWs and Treatment Works Treating Domestic Sewage") and Table 3 ("Other Effluent and Sewage Sludge Parameters for Treatment Works Treating Domestic Sewage and Selected POTWs") and for other selected pollutants, as part of the application for a permit for the use or disposal of sewage sludge. Other TWTDS would be required to submit data for the pollutants regulated in Part 503 and for other selected pollutants.

*a. Class I sludge management facilities.* A Class I sludge management facility is any POTW required to have an approved pretreatment program under 40 CFR 403.8(a) and any TWTDS classified as a Class I sludge management facility because of the potential for the TWTDS's sewage sludge use or disposal practice to affect public health and the environment adversely. Under today's proposal a Class I sludge management facility would submit sewage sludge concentration data for all the priority pollutants, except asbestos, as listed in Tables 2 and 3 of Appendix J; for the Part 503 pollutants; and for total kjeldahl nitrogen (TKN), ammonia, nitrate, and phosphorus (total).

EPA is proposing to require Class I sludge management facilities to submit data on the priority pollutants because they are known to have adverse effects on human health and the environment and are of concern to the general public. Since sewage sludge from Class I sludge management facilities has an industrial component, it is important to reassure the public that this sewage sludge will not cause harm if it is used or disposed according to Part 503. A pollutant scan every five years should help promote the beneficial use of sewage sludge by demonstrating its quality. If any pollutants that are not regulated by Part 503 show up in the scan, the results would enable the permitting authority to determine whether additional permit