

use or disposal would be required to submit. A "person who prepares," as defined at 40 CFR 503.9(r), is "either the person who generates sewage sludge during the treatment of domestic sewage in a treatment works or the person who derives a material from sewage sludge." This section would thus pertain to any POTW or other treatment works that generates sewage sludge. It also would include facilities (such as composting operations) that receive sewage sludge from another facility and then derive a material from that sewage sludge.

Paragraphs (i) and (ii) of proposed § 122.21(q)(8) would request information on the amount of sewage sludge "prepared" at the facility. This includes the amount generated (paragraph (i)) plus any other amount that is received from off-site (paragraph (ii)). These paragraphs are intended to clarify the existing requirement at § 501.15(a)(2)(x), which tells the applicant to report annual sludge production volume. Paragraph (ii) would also solicit information on sewage sludge treatment practices at any off-site facility from which sewage sludge is received. The off-site facility providing the sewage sludge is, by definition, also a "person who prepares," and, therefore, would also be subject to sludge permitting requirements. EPA believes that information on the delivering facility enables the permit writer to assess the quality of sewage sludge received by the applicant. It also fosters more appropriate allocation of permit requirements between the applicant's facility and an off-site "person who prepares."

As in the case of the Municipal Application regulations, the Agency desires to incorporate into the final rule provisions that reduce duplication of effort. One possible way is to allow the applicant to reference substantially similar information previously submitted to a permitting authority rather than resubmit the information. The Agency solicits comments on using this approach in the final rule and suggestions of other possible options.

Before sewage sludge is applied to the land or placed on an active sewage sludge unit, it must meet the requirements for pathogen reduction in § 503.32 and for vector attraction reduction in § 503.33. Therefore, paragraph (iii) of proposed § 122.21(q)(8) would request information on sewage sludge treatment processes at the applicant's facility, including pathogen or vector attraction reduction processes. The permit writer needs to know whether pathogen and vector attraction reduction requirements

are met at the applicant's facility and thus should be addressed in the applicant's permit. If these requirements are not met by the applicant, pathogen and vector attraction reduction must be met by a subsequent "person who prepares" or the owner/operator of a surface disposal site.

"Exceptional quality" (EQ) sewage sludge must meet the ceiling concentrations in 40 CFR 503.13(b)(1), the pollutant concentrations in § 503.13(b)(3), the Class A pathogen requirements in § 503.32(a), and one of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8). Because of its high quality, "EQ" sewage sludge is not subject to the general requirements of § 503.12 or the management practices of § 503.14. Therefore, fewer permitting and permit application requirements pertain to facilities generating such sewage sludge. Proposed paragraph (iv) of § 122.21(q)(8) would ask for the amount of sewage sludge that is applied to the land. EPA believes that this information is all that is needed to develop sewage sludge conditions for such a facility. Under paragraph (iv), the applicant would not need to provide the other, more-detailed, information in proposed § 122.21(q)(8) paragraphs (v) and (vi) for sewage sludge meeting "EQ" criteria.

The existing requirement at § 501.15(a)(2)(viii) asks for the "name of any distributors when the sludge will be disposed of through distribution and marketing." This requires the names of any facilities that sell or give away "EQ" sewage sludge. EPA believes that "EQ" sewage sludge should be treated similarly to other fertilizers. Thus, the Agency believes that the names of distributors should not be required and is proposing to delete the requirement at § 501.15(a)(2)(viii). The Agency seeks comments on this approach.

Paragraph (v) of proposed § 122.21(q)(8) would seek information on sewage sludge that is not "EQ," but is nevertheless placed in a bag or other container for sale or give-away for application to the land. Under Part 503, such sewage sludge must meet the Class A pathogen requirements in § 503.32(a) and one of the vector attraction reduction requirements in § 503.33(b)(1) through (8). In addition, the sewage sludge must meet either the pollutant concentrations in Table 3 of § 503.13 or the annual pollutant loading rates (APLRs) in Table 4 of § 503.13. If this sewage sludge meets the Table 3 pollutant concentrations, it is "EQ" sewage sludge and thus would be subject to proposed paragraph (iv). Proposed paragraph (v) would only apply to sewage sludge subject to the

Table 4 APLRs that is placed in a bag or other container for application to the land. EPA proposes to require that the applicant employing this type of sewage sludge use provide the volume of sewage sludge placed in bags or other containers and a copy of all labels or notices that accompany the product being sold or given away.

Paragraph (vi) of proposed § 122.21(q)(8) would seek information about any other "person who prepares" who receives sewage sludge from the applicant's facility. This information helps the permit writer to identify which permit requirements should apply to the applicant and whether the subsequent preparer needs to obtain a permit. Paragraphs (C) and (E) of proposed paragraph (vi) would provide the permit writer with necessary information on the quality of the sewage sludge that is ultimately land applied. This information also enables the permit writer to identify activities of the subsequent "person who prepares" that may subject the applicant to additional regulation or permit requirements. Therefore, these requirements would ensure that the sewage sludge will meet all applicable Part 503 requirements at the time of land application, regardless of the number of parties involved. One possible way to obtain this information is to allow the applicant to reference substantially similar information previously submitted to a permitting authority rather than resubmit the information. The Agency solicits comments on using this approach in the final rule and suggestions of other possible options.

9. Land Application of Bulk Sewage Sludge

Proposed § 122.21(q)(9) would request information on sewage sludge that is land applied in bulk form. This section would apply only where the applicant's permit must contain all applicable Part 503 requirements for land application. This section would not apply if the applicant generates "EQ" sewage sludge subject to proposed § 122.21(q)(8)(iv), or if the applicant places sewage sludge in a bag or other container for sale or give-away for application to the land subject to proposed § 122.21(q)(8)(v). In neither of these cases is it necessary to control the ultimate land application through a permit and thus the applicant would not need to provide this information as part of the application. The section also would not apply if the applicant provides sewage sludge to another "person who prepares" subject to proposed § 122.21(q)(8)(vi). In this case, the ultimate land application would be