

of the complete application. To receive EPA approval, a State or Tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and provides for adequate enforcement (section 404(b) of TSCA, 15 U.S.C. 2684 (b)). EPA's regulations (40 CFR part 745, subpart Q) provide the detailed requirements a State or Tribal program must meet in order to obtain EPA authorization.

A State may choose to certify that its lead-based paint activities program meets the requirements for EPA authorization, by submitting a letter signed by the Governor or the Attorney General stating that the program meets the requirements of section 404(b) of TSCA. Upon submission of such certification letter, the program is deemed authorized until such time as EPA disapproves the program application or withdraws the program authorization.

In accordance with 40 CFR 745.324(d), "Program Certification," the Governor of North Dakota submitted a self-certification letter to the EPA Administrator on September 26, 2002, certifying that the State program meets the requirements contained in 40 CFR 745.324(e)(2)(i) and (e)(2)(ii). Included in the application was a letter from the Attorney General of North Dakota, certifying that the laws and regulations of the State provided adequate legal authority to administer and enforce TSCA section 402.

Notice of North Dakota's application, a solicitation for public comment regarding the application was published in the **Federal Register** of January 8, 2003 (68 FR 1059) (FRL-7282-8). As determined by EPA's review and assessment, North Dakota's application successfully demonstrated that the State's Lead-Based Paint Activities Program achieves the protectiveness and enforcement criteria, as required for Federal authorization. Furthermore, no public comments were received regarding North Dakota's application. Therefore, as of September 26, 2002, the State of North Dakota is authorized to administer and enforce the lead-based paint program under TSCA section 402.

## II. Federal Overfiling

TSCA section 404(b) (15 U.S.C. 2684(b)) makes it unlawful for any person to violate, or fail or refuse to comply with, any requirement of an approved State or Tribal program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any

requirement of an authorized State or Tribal program.

## III. Withdrawal of Authorization

Pursuant to TSCA section 404(c), the Administrator may withdraw a State or Tribal lead-based paint activities program authorization, after notice and opportunity for corrective action, if the program is not being administered or enforced in compliance with standards, regulations, and other requirements established under the authorization. The procedures EPA will follow for the withdrawal of an authorization are found at 40 CFR 745.324(i).

## IV. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before certain actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this document in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

### List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: March 28, 2003.

**Robert E. Roberts,**

*Regional Administrator, Region VIII.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL -7478-7]

### Standards for the Use or Disposal of Sewage Sludge; Agency Response to the National Research Council Report on Biosolids Applied to Land and the Results of EPA's Review of Existing Sewage Sludge Regulations

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice, with request for comment.

**SUMMARY:** The Environmental Protection Agency is providing notice and requesting public comment on the Agency's preliminary review of

regulations under the Clean Water Act governing the use and disposal of sewage sludge. As part of this review, EPA commissioned the National Research Council (NRC) of the National Academy of Sciences to independently review the technical basis of the chemical and pathogen regulations applicable to sewage sludge that is applied to land. In July 2002, the NRC published a report entitled "Biosolids Applied to Land: Advancing Standards and Practices" in response to the EPA's request.

Today, the Agency is also announcing a strategy explaining how EPA plans to respond to the recommendations in the NRC report. Today's notice explains the rationale for the strategy and solicits public comments on the strategy.

In addition, EPA is announcing the preliminary results of its review of existing sewage sludge regulations under the Clean Water Act. At this time, EPA has not identified any additional toxic pollutants that warrant regulation in sewage sludge. The next step in identifying chemicals that may warrant regulation is to conduct a screening analysis of those chemicals for which adequate data and analytical methods are available and for which there is evidence that they may occur in sewage sludge. EPA plans to complete this screening analysis by January 2004. The terms "sewage sludge" and "biosolids" are used interchangeably in this notice.

**DATES:** EPA requests comments on all aspects of this notice. If you wish to submit comments on this action, you must do so by July 8, 2003.

**ADDRESSES:** Send your comments to: Water Docket, Environmental Protection Agency, Mailcode: 4101T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. OW-2003-0006. Comments may also be submitted electronically or through hand delivery/courier. Follow the detailed instructions for providing comments in section B of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** Arleen Plunkett, U.S. Environmental Protection Agency, Office of Water, Health and Ecological Criteria Division (4304T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460. (202) 566-1119. [plunkett.arleen@epa.gov](mailto:plunkett.arleen@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Additional Docket Information

*A. How Can I Get Copies of This Document and Other Related Information?*

1. *Docket.* EPA has established an official public docket for this action