

pollutants established by 42 U.S.C. 7412(b)(1).

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 123 and 501

[FRL-7589-7]

#### Water Pollution Control; State Program Requirements; Program Modification Application by Arizona To Administer the Sewage Sludge Management (Biosolids) Program

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of application and public comment period.

**SUMMARY:** The State of Arizona has submitted a program modification application to EPA, Region 9 to administer the sewage sludge (biosolids) management program. According to the State's application, this program would be administered by the Arizona Department of Environmental Quality (ADEQ). The application from Arizona is complete and is available for inspection and copying.

**DATES:** The public comment period on the State's request for approval to administer the proposed AZPDES biosolids program will be from the date of publication until January 5, 2004. Comments postmarked after this date may not be considered.

**ADDRESSES:** *Viewing/Obtaining Copies of Documents.* You can view Arizona's application for modification from 8 a.m. until 5 p.m. Monday through Friday, excluding holidays, at the Arizona Department of Environment Quality, Records Management Center, 1110 W. Washington St., Phoenix, AZ 85007. Please call (602) 771-4378 to set up an appointment. A copy of Arizona's application is also available for viewing from 9 am to 4 pm, Monday through Friday, excluding legal holidays, at EPA Region 9, 12th floor, Water Division, 75 Hawthorne St., San Francisco, CA. Part or all of the State's application may be copied, for a minimal cost per page, at ADEQ's office in Phoenix or EPA's office in San Francisco. ADEQ's submission documents are also available on the Internet at: <http://www.adeq.state.az.us/envIRON/water/compliance/assurance.html#bio>.

*Comments.* Electronic comments are encouraged and should be submitted to [mitchell.matthew@epa.gov](mailto:mitchell.matthew@epa.gov). Please send a copy to [varga.chris@ev.state.az.us](mailto:varga.chris@ev.state.az.us).

Written comments may be sent to Matthew Mitchell (WTR-5), EPA, Region 9, 75 Hawthorne Street, San Francisco, CA 94105. Please send an additional copy to Chris Varga, Surface Water Permits Unit, Arizona Department of Environmental Quality, 1110 W. Washington, Phoenix, AZ 85007. Public comments may be sent in either electronic or paper format. EPA requests that electronic comments include the commentor's postal mailing address. No Confidential Business Information (CBI) should be submitted through e-mail. Comments and data will also be accepted on disks in WordPerfect 8.0 format or ASCII file format. If submitting comments in paper format, please submit the original and three copies of your comments and enclosures. Commentors who want EPA to acknowledge receipt of their comments should enclose a self-addressed stamped envelope.

**FOR FURTHER INFORMATION CONTACT:** Matthew Mitchell at the above address by phone at (415) 972-3508, or by e-mail at [mitchell.matthew@epa.gov](mailto:mitchell.matthew@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under section 402 of the Clean Water Act (CWA), 33 U.S.C. 1342, the EPA may issue permits allowing discharges of pollutants from point sources into waters of the United States, subject to various requirements of the CWA. These permits are known as National Pollutant Discharge Elimination System (NPDES) permits. Section 402(b) of the CWA, 33 U.S.C. 1342(b), allows states to apply to the EPA for authorization to administer their own NPDES permit programs.

Section 405 of the Clean Water Act (CWA), 33 U.S.C. 1345, created the sewage sludge management program, requiring EPA to set standards for the use and disposal of sewage sludge and requiring EPA to include sewage sludge conditions in some of the NPDES permits which it issues. The rules developed under section 405(d) are also self-implementing, and the standards are enforceable whether or not a permit has been issued. Section 405(c) of the CWA provides that a state may submit an application to EPA for administering its own sewage sludge program within its jurisdiction. EPA is required to approve each such submitted state program unless EPA determines that the program does not meet the requirements of sections 304(i) and/or 402(b) and 405 of the CWA or the EPA regulations implementing those sections.

On June 11, 2002, Arizona submitted an application to EPA for approval of a state-administered NPDES permit

program pursuant to CWA section 402(b). The Arizona NPDES program (known as AZPDES) was approved by EPA on December 5, 2002. Prior to its submission of the AZPDES program application, Arizona determined that it would submit a separate application for the CWA Section 405 biosolids program at a later date. EPA received the biosolids program submittal from Arizona on November 29, 2002. Arizona's application for the biosolids management program approval contains a letter from the Governor requesting program approval, an Attorney General's Statement, copies of pertinent State statutes and regulations, a Program Description, and a Memorandum of Agreement (MOA) to be executed by the Regional Administrator of EPA, Region 9 and the Director of ADEQ. The State submitted a modification of its Attorney General's Statement, which EPA received on October 10, 2003.

#### Biosolids and the State Biosolids Management Program

Biosolids, or sewage sludge, are the solids separated from liquids during treatment at a domestic or municipal wastewater treatment plant and treated to stabilize and reduce pathogens. EPA in 1993 adopted standards for management of biosolids generated during the process of treating municipal wastewater. 40 CFR part 503. The part 503 rules establishes standards under which biosolids may be land applied as a soil amendment, disposed in a surface disposal site, or incinerated, and requirements for compliance with 40 CFR part 258 if placed in a municipal landfill. The standards, designed to protect public health and the environment, include pollutant limits, pathogen reduction requirements, vector attraction reduction requirements, and management practices specific to the use or disposal option selected.

The Arizona biosolids management program imposes requirements on wastewater treatment plants, biosolids appliers, and surface disposal site operators. It also provides for the issuance of permits under certain conditions, enforcing the standards as necessary, and providing guidance and technical assistance to members of the regulated community. The program also includes a state-specific feature requiring a land applier to register an application site with ADEQ before biosolids is applied to the site.

#### Indian Country

Arizona is not authorized to carry out its biosolids management program in Indian Country, as defined in 18 U.S.C. 1151.