

who have the expertise and should take part in helping to develop such a program. For this reason, EPA will participate in an incident tracking workshop to bring these stakeholders together and determine the next steps. See Project 6 later in this notice.

*B. Near-Term Projects (FY 2004 through FY 2005)*

The Agency expects to complete or begin the following activities, presented in this notice as "projects," within the next two to three years, with the goal of strengthening the sewage sludge use and disposal program. The sewage sludge program encompasses regulatory and non-regulatory components, as described in these projects.

**Project 1: Biennial Review Under CWA Section 405(d)(2)(C)**

As described above, the CWA requires EPA to review existing sewage sludge regulations at least every two years for the purpose of identifying additional pollutants for possible regulation under the CWA section 405(d)(2)(C).

This project relates to Category G, Regulatory Activities, in the April 9, 2003, notice. See 68 FR 17390. It also relates to major short-term and major long-term goals of continuing program implementation outlined in that notice. For the current biennial review, EPA has assessed available data on chemical pollutants that have been detected in sewage sludge and that have not been regulated or previously assessed in Rounds One and Two. EPA collected and conducted a preliminary review of publicly available information on chemical toxicity, environmental properties (e.g., mobility and persistence), and concentration; identified chemical pollutants for which appropriate analytical methods and human health benchmarks are available; made preliminary determinations regarding sufficiency of information; and conducted an exposure and hazard-based screening assessment. Details are presented in Sections VIII through X of this notice.

In addition to any regulatory amendments that EPA may propose as a result of the current review, EPA is planning to assess the need and appropriate levels for new numerical limitations for molybdenum in land-applied sewage sludge. See Project 13 later in this notice.

Subsequent reviews will be conducted every two years as required by the CWA. EPA will review any new peer-reviewed research and other relevant information to determine whether to identify any additional toxic pollutants for regulatory consideration.

This biennial review process may also be useful for identifying toxic pollutants that may warrant further research.

**Project 2: Compliance Assistance and Enforcement Actions**

As indicated in the Agency's preliminary strategy of April 9, 2003 (see 68 FR 17391), and this final action plan, EPA will continue to provide compliance assistance to individuals, municipalities, or other entities on matters pertaining to sewage sludge use and disposal and will take enforcement actions, as appropriate. This project relates to Category H, Biosolids Management Activities, in the April 9, 2003, notice. See 68 FR 17391.

EPA has maintained an active presence in biosolids compliance and enforcement activities. EPA's enforcement and compliance activities are tracked in the Integrated Compliance Information System (ICIS) and Permit Compliance System (PCS) databases. Specifically, the ICIS database documents the following Federal enforcement actions taken to address biosolids: 391 administrative orders for FY 1995–2002, 119 administrative penalty orders for FY 1995–2002, and one civil judicial action in FY 1997. The PCS database documents 382 regional and state biosolids inspections for FY 2000–2002.

Furthermore, EPA Regions and States have the responsibility to address situations where compliance assistance and enforcement actions to address biosolids are appropriate and necessary. Regional responsibilities for the biosolids program include actively following up on phone calls and complaints received from the public, and, where appropriate as demonstrated by the data, initiating Agency enforcement actions. EPA has taken enforcement actions and/or appropriate administrative remedies to address biosolids violations of 40 CFR part 503 and will continue to take such actions, including instances where biosolids pose an imminent and substantial endangerment to human health or the environment.

To assist the States and Regions in their oversight of the biosolids program, EPA has, either in place or in development, tools to assist and promote compliance with biosolids regulatory requirements. The National Pollutant Discharge Elimination System (NPDES) Compliance Inspection Manual, which is used by EPA and State inspectors to perform inspections in the field, includes a "Sludge (Biosolids)" chapter. EPA is currently revising and updating the manual, which is expected to be complete in 2004. The Clean Water

Act/NPDES Computer Based Inspector Training CD-ROM, including a module specific to biosolids inspections, was finalized in August 2003. EPA plans to make both of these tools available on the EPA Web site.

Additionally, there are two compliance assistance Web sites, which are available for biosolids compliance studies, information and tools, and for links to other sites with pertinent biosolids compliance information. One is the National Environmental Compliance Assistance Clearinghouse at: <http://cfpub.epa.gov/clearinghouse/>. This site is a searchable clearinghouse of compliance assistance materials. The second Web site is the Local Government Environmental Assistance Network (LGEAN) at <http://www.lgean.net>. This online compliance assistance center, which focuses on local government environmental requirements, is operated by the International City/County Management Association (ICMA), and has six other partners representing local government.

EPA is also working to improve its data reporting and management system that supports compliance oversight. EPA is continuing to work with States as it modernizes the Permit Compliance System (PCS) to allow for more effective program oversight. As part of the PCS modernization, a separate workgroup (including States and EPA) was devoted to the data needed to manage the biosolids program. Based upon the recommendations of this workgroup, the PCS Executive Council decided to add data elements to PCS to improve tracking and oversight of the biosolids program, and the draft detailed design was distributed for review. The detailed design document was finalized in September 2003, which served as the basis for the software development. The anticipated implementation date for the modernized PCS is December 2005, provided adequate funding is committed to this project.

The land application of sewage sludge in compliance with EPA's regulations is an appropriate choice for communities. The NRC concluded that "There is no documented scientific evidence that the part 503 rule has failed to protect human health. However, additional scientific work is needed to reduce persistent uncertainty about the potential for adverse human health effects from exposure to biosolids." Thus, EPA has directed its water enforcement and compliance resources to focus on risks posed by wet weather issues and untreated pollutants, including raw sewage and wastes associated with storm water, sanitary sewer overflows, combined sewer