

## § 503.9

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(b) *Methods.* The materials listed below are incorporated by reference in this part. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The materials are incorporated as they exist on the date of approval, and notice of any change in these materials will be published in the FEDERAL REGISTER. They are available for inspection at the HQ Water Docket Center, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/code-of-federal-regulations/ibr-locations.html>. Copies may be obtained from the standard producer or publisher listed in the regulation. The methods in the materials listed below (or in 40 CFR part 136) shall be used to analyze samples of sewage sludge.

(1) *Enteric viruses.* ASTM Designation: D 4994-89, “Standard Practice for Recovery of Viruses From Wastewater Sludges”, 1992 Annual Book of ASTM Standards: Section 11—Water and Environmental Technology, ASTM, 1916 Race Street, Philadelphia, PA 19103-1187.

(2) *Fecal coliform.* Part 9221 E. or Part 9222 D., “Standard Methods for the Examination of Water and Wastewater”, 18th Edition, 1992, American Public Health Association, 1015 15th Street, NW., Washington, DC 20005.

(3) *Helminth ova.* Yanko, W.A., “Occurrence of Pathogens in Distribution and Marketing Municipal Sludges”, EPA 600/1-87-014, 1987. National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (PB 88-154273/AS).

(4) *Inorganic pollutants.* “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, EPA Publication SW-846, Second Edition (1982) with Updates I (April 1984) and II (April 1985) and Third Edition (November 1986) with Revision I (December 1987). Second Edition and Updates I and II are available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (PB-87-120-291). Third Edition and Revision I are

available from Superintendent of Documents, Government Printing Office, 941 North Capitol Street, NE., Washington, DC 20002 (Document Number 955-001-00000-1).

(5) *Salmonella sp. bacteria.* Part 9260 D., “Standard Methods for the Examination of Water and Wastewater”, 18th Edition, 1992, American Public Health Association, 1015 15th Street, NW., Washington, DC 20005; or

Kenner, B.A. and H.P. Clark, “Detection and enumeration of *Salmonella* and *Pseudomonas aeruginosa*”, Journal of the Water Pollution Control Federation, Vol. 46, no. 9, September 1974, pp. 2163-2171. Water Environment Federation, 601 Wythe Street, Alexandria, Virginia 22314.

(6) *Specific oxygen uptake rate.* Part 2710 B., “Standard Methods for the Examination of Water and Wastewater”, 18th Edition, 1992, American Public Health Association, 1015 15th Street, NW., Washington, DC 20005.

(7) *Total, fixed, and volatile solids.* Part 2540 G., “Standard Methods for the Examination of Water and Wastewater”, 18th Edition, 1992, American Public Health Association, 1015 15th Street, NW., Washington, DC 20005.

[58 FR 9387, Feb. 19, 1993, as amended at 69 FR 18803, Apr. 9, 2004; 72 FR 14233, Mar. 26, 2007]

### § 503.9 General definitions.

(a) *Apply sewage sludge or sewage sludge applied to the land* means land application of sewage sludge.

(b) *Base flood* is a flood that has a one percent chance of occurring in any given year (i.e., a flood with a magnitude equalled once in 100 years).

(c) *Class I sludge management facility* is any publicly owned treatment works (POTW), as defined in 40 CFR 501.2, required to have an approved pretreatment program under 40 CFR 403.8(a) (including any POTW located in a State that has elected to assume local program responsibilities pursuant to 40 CFR 403.10(e)) and any treatment works treating domestic sewage, as defined in 40 CFR 122.2, classified as a Class I sludge management facility by the EPA Regional Administrator, or, in the case of approved State programs, the Regional Administrator in conjunction with the State Director, because

of the potential for its sewage sludge use or disposal practice to affect public health and the environment adversely.

(d) *Cover crop* is a small grain crop, such as oats, wheat, or barley, not grown for harvest.

(e) *CWA* means the Clean Water Act (formerly referred to as either the Federal Water Pollution Act or the Federal Water Pollution Control Act Amendments of 1972), Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, Public Law 97-117, and Public Law 100-4.

(f) *Domestic septage* is either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

(g) *Domestic sewage* is waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

(h) *Dry weight basis* means calculated on the basis of having been dried at 105 degrees Celsius until reaching a constant mass (i.e., essentially 100 percent solids content).

(i) *EPA* means the United States Environmental Protection Agency.

(j) *Feed crops* are crops produced primarily for consumption by animals.

(k) *Fiber crops* are crops such as flax and cotton.

(l) *Food crops* are crops consumed by humans. These include, but are not limited to, fruits, vegetables, and tobacco.

(m) *Ground water* is water below the land surface in the saturated zone.

(n) *Industrial wastewater* is wastewater generated in a commercial or industrial process.

(o) *Municipality* means a city, town, borough, county, parish, district, association, or other public body (including an intermunicipal Agency of two or more of the foregoing entities) created by or under State law; an Indian tribe or an authorized Indian tribal organi-

zation having jurisdiction over sewage sludge management; or a designated and approved management Agency under section 208 of the CWA, as amended. The definition includes a special district created under State law, such as a water district, sewer district, sanitary district, utility district, drainage district, or similar entity, or an integrated waste management facility as defined in section 201(e) of the CWA, as amended, that has as one of its principal responsibilities the treatment, transport, use, or disposal of sewage sludge.

(p) *Permitting authority* is either EPA or a State with an EPA-approved sludge management program.

(q) *Person* is an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

(r) *Person who prepares sewage sludge* 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.

(s) *Place sewage sludge or sewage sludge placed* means disposal of sewage sludge on a surface disposal site.

(t) *Pollutant* is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or a pathogenic organism that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food chain, could, on the basis of information available to the Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms.

(u) *Pollutant limit* is a numerical value that describes the amount of a pollutant allowed per unit amount of sewage sludge (e.g., milligrams per kilogram of total solids); the amount of a pollutant that can be applied to a unit area of land (e.g., kilograms per hectare); or the volume of a material that can be applied to a unit area of land (e.g., gallons per acre).

## § 503.10

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(v) *Runoff* is rainwater, leachate, or other liquid that drains overland on any part of a land surface and runs off of the land surface.

(w) *Sewage sludge* is solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

(x) *State* is one of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and an Indian Tribe eligible for treatment as a State pursuant to regulations promulgated under the authority of section 518(e) of the CWA.

(y) *Store or storage of sewage sludge* is the placement of sewage sludge on land on which the sewage sludge remains for two years or less. This does not include the placement of sewage sludge on land for treatment.

(z) *Treat or treatment of sewage sludge* is the preparation of sewage sludge for final use or disposal. This includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge. This does not include storage of sewage sludge.

(aa) *Treatment works* is either a federally owned, publicly owned, or privately owned device or system used to treat (including recycle and reclaim) either domestic sewage or a combination of domestic sewage and industrial waste of a liquid nature.

(bb) *Wetlands* means those areas that are inundated or saturated by surface water or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include

swamps, marshes, bogs, and similar areas.

### Subpart B—Land Application

#### § 503.10 Applicability.

(a) This subpart applies to any person who prepares sewage sludge that is applied to the land, to any person who applies sewage sludge to the land, to sewage sludge applied to the land, and to the land on which sewage sludge is applied.

(b)(1) *Bulk sewage sludge*. The general requirements in § 503.12 and the management practices in § 503.14 do not apply when bulk sewage sludge is applied to the land if the bulk sewage sludge meets the ceiling concentrations in Table 1 of § 503.13 and the pollutant concentrations in Table 3 of § 503.13; 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).

(2) The Regional Administrator of EPA or, in the case of a State with an approved sludge management program, the State Director, may apply any or all of the general requirements in § 503.12 and the management practices in § 503.14 to the bulk sewage sludge in § 503.10(b)(1) on a case-by-case basis after determining that the general requirements or management practices are needed to protect public health and the environment from any reasonably anticipated adverse effect that may occur from any pollutant in the bulk sewage sludge.

(c)(1) The general requirements in § 503.12 and the management practices in § 503.14 do not apply when a bulk material derived from sewage sludge is applied to the land if the derived bulk material meets the ceiling concentrations in Table 1 of § 503.13 and the pollutant concentrations in Table 3 of § 503.13; 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).

(2) The Regional Administrator of EPA or, in the case of a State with an approved sludge management program, the State Director, may apply any or all of the general requirements in § 503.12 or the management practices in § 503.14 to the bulk material in