



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

MEMORANDUM

SUBJECT: Land Application Requirements for Class A Exceptional Quality Treated Sewage Sludge

FROM: David P. Ross
Assistant Administrator

TO: Regional Administrators
Regions 1–10

The Environmental Protection Agency’s (EPA) Biosolids Program has received several requests for clarification on Class A Exceptional Quality (EQ) treated sewage sludge land application requirements. The purpose of this memorandum is to provide EPA’s interpretation of 40 CFR § 503.10, specifically §§ 503.10(e), (f), and (g), regarding whether certain land application requirements apply to entities, including a treatment works or a soil blender, that derive material from Class A EQ sewage sludge.¹

EPA regulations set out treatment standards for different classes of sewage sludge and different management and land application requirements, depending on the class of sewage sludge or material derived from that sludge. Class A “Exceptional Quality” or “EQ” sludge is treated sewage sludge that meets 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). As such, Class A EQ sewage sludge meets the most stringent pollutant, pathogen, and vector attraction reduction requirements under EPA’s regulations. Class A and Class B sewage sludge meet less stringent requirements than Class A EQ.

The Standards for the Use or Disposal of Sewage Sludge are set out in 40 CFR Part 503. Subpart B (40 CFR § 503.10) provides requirements for land application of sewage sludge, including when these requirements apply; and management practices, monitoring, recordkeeping and reporting requirements. This memorandum clarifies the land application applicability provisions found at 40 CFR §§ 503.10(e), (f), and (g). Section 503.10(e) provides that seven of the nine land application requirements apply when Class A EQ sewage sludge is produced and then distributed or sold in a bag or other container. Section 503.10(f) provides that seven of the nine land application requirements apply when a Class A EQ material is produced and then distributed or sold in a bag or other container. Section 503.10(g) provides

¹ There are similar provisions for bulk sewage sludge (as opposed to in a bag or other container) at 40 CFR §§ 503.10(b), (c), and (d); however, Class A EQ sewage sludge is rarely distributed as bulk material. That said, this interpretation would equally apply to those provisions if such a scenario arose.

that none of the nine land application requirements apply when a material *is derived from* Class A EQ sewage sludge and then that material is distributed or sold in a bag or other container.

Under EPA's biosolids regulations (40 CFR §§ 503.10(e), (f), and (g)), any preparer of sewage sludge (including a treatment works or a soil blender) that (1) produces Class A EQ sewage sludge, (2) derives a material from that Class A EQ sewage sludge, and (3) sells or gives that material away in a bag or other container is exempt from all land application requirements (*i.e.*, it benefits from the exclusions under 40 CFR § 503.10(g)), even if that preparer began the process with non-Class A EQ sewage sludge. Note that such a preparer would remain subject to 40 CFR § 503.10(e) or § 503.10(f) for the initial Class A EQ sewage sludge or material derived from non-Class A EQ sewage sludge (*i.e.*, the preparer would have to demonstrate that the initial sludge or material meets Class A EQ standards).

This interpretation is reasonable, fair, and protective of human health and the environment. It ensures that any preparer, *e.g.*, a treatment works or a soil blender, that derives a material from Class A EQ sewage sludge is subject to the same regulatory requirements. This interpretation is reasonable because it focuses on the quality of the sewage sludge and/or material derived from sewage sludge, rather than on the actor who is managing or treating the material to ensure that Class A EQ quality is achieved. This interpretation avoids creating inequities between treatment works and private contractors (*e.g.*, soil blenders) that are taking the same action – deriving a material from Class A EQ sewage sludge and then selling or giving away that material in a bag or other container. This interpretation is also protective of human health and the environment as such protections depend not on who is taking the actions but on what actions are being taken – treating sewage sludge to Class A EQ standards before deriving a material from it, and then selling or giving away that material in a bag or other container.

If you have any questions, please contact Elizabeth Resek at (202) 566-1228 or Resek.Elizabeth@epa.gov.

cc: Water Management Division Directors, Regions 1-10