

ADDENDUM
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
MEMORANDUM OF AGREEMENT
BETWEEN THE STATE OF ARIZONA AND
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9

This Addendum (hereinafter ADDENDUM) to the Memorandum of Agreement (MOA) dated June 4, 2002 clarifies the intentions of the Arizona Department of Environmental Quality (hereinafter DEPARTMENT) concerning the application for program approval for the Sewage Sludge/Biosolids Management program.

Section I. Sewage Sludge/Biosolids Management Program

The DEPARTMENT clarifies in this ADDENDUM that it is seeking United States Environmental Protection Agency review of the Sewage Sludge/Biosolids Management program application at this time.

The DEPARTMENT will ensure the treatment, transportation, disposal, application and management of sewage sludge is in accordance with applicable State statutes or rules, consistent with Section 405 of the Clean Water Act. The Sewage Sludge/Biosolids Management program will be carried out in accordance with applicable state and federal statutes, regulations, rules and this ADDENDUM.

The DEPARTMENT will incorporate sewage sludge/biosolids conditions in AZPDES permits; register land application of biosolids; review and approve solid waste facility plans for surface disposal sites and solid waste landfills (in accordance with A.R.S. §§ 49-761, 762, and 762.02); and, where necessary, issue sludge-only permits. In permitting cases, the DEPARTMENT will provide for public notice of permits and will modify, renew/reissue, and revoke these authorizations, as necessary.

The DEPARTMENT will monitor compliance with requirements under State rules (consistent with 40 CFR 503) and sewage sludge/biosolids permit conditions in AZPDES permits. The Sewage Sludge/Biosolids Management program will develop and implement procedures for taking appropriate enforcement actions to ensure resolution of compliance issues.

- A. EPA Review of Draft and Proposed Permits.
1. EPA waives its review of draft or proposed sludge-only permits for all classes and categories of permit applications, except for a draft permit for a Class I sludge management facility. The categories of AZPDES permits subject to EPA review or objection of sewage sludge permits will follow the same procedures as described in Section IV.D. of the MOA for the AZPDES Program.
 2. Definition of Class I Sludge Management Facilities. Class I sludge management facilities shall be considered as:

- a. A POTW or combination of POTWs operated by the same authority with a design flow greater than 5.0 MGD and receiving from industrial users pollutants which pass through or interfere with the operation of the treatment plant required to have an approved pretreatment program or are otherwise subject to pretreatment standards; and
 - b. Any other treatment works treating domestic sewage classified as a Class I Sludge Management Facility by the Regional Administrator in conjunction with the DEPARTMENT because of the potential for its sludge use or disposal practices to adversely affect public health or the environment.
- B. Enforcement and Compliance Monitoring of the Sewage Sludge/Biosolids Management Program. The enforcement procedures, compliance monitoring activities, and inspection sections, and all agreements contained within the MOA for the AZPDES program shall also apply to sludge use and disposal practices, to the extent applicable.
- C. Sludge Violation Report. Annually, the DEPARTMENT will submit a sludge violation report containing information on incidents of noncompliance occurring within the previous year by Class I sludge management facilities.

Section II. Approval and Effective Date

This ADDENDUM shall take effect upon approval by the Regional Administrator of the United States Environmental Protection Agency Region 9.

In witness whereof, the parties execute this agreement.

FOR THE STATE OF ARIZONA:

Richard W. Tobin II
Richard W. Tobin II, Acting Director
Arizona Department of Environmental Quality

19 Nov 02
Date

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:

Wayne Nasri
Wayne Nasri, Regional Administrator
EPA, Region 9

3/31/04
Date