

The Texas Commission on Environmental Quality (commission) adopts amendments to §312.2 and §312.8. Sections 312.2 and 312.8 are adopted *with changes* to the proposed text as published in the June 6, 2003 issue of the *Texas Register* (28 TexReg 4391).

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE ADOPTED RULES

On September 15, 1999, the commission granted a petition for rulemaking by Safety-Kleen Systems, Inc. for amendments to Chapter 312, concerning Sludge Use, Disposal, and Transportation; 30 TAC Chapter 324, concerning Used Oil Standards; and 30 TAC Chapter 330, concerning Municipal Solid Waste. This rulemaking is the result of that petition. The petitioner identified a conflict in commission rules where waste in waste management units containing recyclable used oil could be construed as being jointly regulated under Chapter 324 and Chapters 330 and 312.

On November 14, 2002, an advisory group meeting was held in Austin, Texas, to receive input from the regulated community and other interested entities on the proposed rule language, developed from the petition and the draft rule amendments to Chapters 312, 324, and 330. Entities registered in accordance with the Chapter 312 requirements voiced concern about alternative management of grit trap waste (i.e., the proposal to allow for commingling of grit trap waste regulated under Chapter 312 and used oil regulated under Chapter 324). Many of the advisory group members commented that there is no justification for a change to the current regulations. Advisory group members also commented that grit traps are not designed to accumulate oil and the existence of significant amounts of used oil found in grit traps indicates operational issues at facilities where such grit trap waste is found. The majority of the advisory group and other interested entities recommended changes to clarify that Chapter 312

does not apply to oily water mixtures in waste management units and that oil-water mixtures from waste management units designed for oil-water separation must comply with the requirements found in Chapter 324. The commission identified language modifications that were needed in Chapters 312, 324, and 330 regarding this matter and, therefore, rule language modifications are being adopted concurrently for these chapters.

SECTION BY SECTION DISCUSSION

Adopted §312.2, Applicability, amends subsection (g) to indicate that Chapter 312 does not apply to oily water mixtures in waste management units such as tanks, fractionation tanks, and sumps that meet the design requirements of the American Petroleum Institute for oil-water separation or have been designed for oil-water separation. Recycling of oil-water mixtures from the waste management units designed for oil-water separation must comply with the requirements found in Chapter 324. Two commas are deleted in subsection (f) because they are not needed. Since proposal, the term “engineered” has been replaced with the word “designed”; the sentence “These waste management units by design are not plumbed to a municipal sanitary sewer.” has been deleted; the words “recycling of” have been added at the beginning of the phrase “oil-water mixtures”; and the sentence “Waste in waste management units that do not meet the design criteria in this subsection and that are plumbed directly to a sanitary sewer are covered by this chapter.” has been added in subsection (g).

Adopted §312.8, General Definitions, adds new paragraph (37) to provide a definition of grit trap and amends the definition of grit trap waste. The commission is replacing the term “interceptors” with the term “grit traps” and adding “Waste collected in a grit trap.” to §312.8(38) in response to comment. In

addition, the commission is adding "Grit trap waste" to the beginning of the second sentence in §312.8(38) to be consistent with the definition of grit trap waste in §330.2(53).

FINAL REGULATORY IMPACT ANALYSIS

The commission reviewed this rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that this rulemaking is not subject to §2001.0225 because it does not meet the definition of a "major environmental rule" as defined in that statute. This rulemaking does not meet any of the four applicability requirements listed in §2001.0225(a).

A major environmental rule means a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The adopted rule amendments do not satisfy the definition of a major environmental rule. This rulemaking adds regulatory language which states that oily water mixtures in waste management units such as tanks, fractionation tanks, and sumps that meet the design requirements of the American Petroleum Institute for oil-water separation or have been designed for oil-water separation are not regulated under Chapter 312. In addition, the adopted rules contain language stating that recycling of oil-water mixtures from the waste management units designed for oil-water separation must comply with the requirements found in Chapter 324. This rulemaking adds a definition of grit trap and amends the definition of grit trap waste. The amendments are not a major environmental rule because they are not expected to adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public

health and safety of the state or a sector of the state. This rulemaking does not qualify as a major environmental rule because it does not have as its specific intent the protection of the environment or the reduction of risk to human health from environmental exposure.

In addition, a regulatory impact assessment is not required because this rulemaking does not meet any of the four applicability requirements listed in Texas Government Code, §2001.0225(a). This rulemaking does not exceed a standard set by federal law, but conforms with federal law. This rulemaking does not exceed an express requirement of state law, but conforms with state law. This rulemaking does not exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program. This rulemaking does not adopt a rule solely under the general powers of the agency, but also under specific state law, namely Texas Health and Safety Code (THSC), §371.028, which directs the commission to implement the used oil recycling program by adopting rules, standards, and procedures. Finally, this rulemaking is not adopted on an emergency basis to protect the environment or to reduce risks to human health from environmental exposure.

TAKINGS IMPACT ASSESSMENT

The commission performed a preliminary analysis for this rulemaking in accordance with Texas Government Code, §2007.043. The specific purpose of this rulemaking is to explain that recycling of oily water mixtures in waste management units such as tanks, fractionation tanks, and sumps that meet the design requirements of the American Petroleum Institute for oil-water separation or have been designed for oil-water separation are not regulated under Chapter 312 and to explain that oil-water

mixtures from the waste management units designed for oil-water separation must comply with the requirements found in Chapter 324. This rulemaking will substantially advance the stated purpose by adding a definition of grit trap in §312.8 and adding language in §312.2(g) specifying that waste in certain waste management units containing recyclable used oil is regulated under Chapter 324 and is not subject to Chapter 312. The promulgation and enforcement of these amended rules will not burden private real property nor adversely affect property values because the adopted rule amendments will merely specify that waste in certain waste management units that contain recyclable used oil is being regulated solely under the used oil rules in Chapter 324. Therefore, this rulemaking will not constitute a takings under Texas Government Code, Chapter 2007.

CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission reviewed this rulemaking and found that the adoption is a rulemaking identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11(b)(2), relating to Actions and Rules Subject to the Texas Coastal Management Program (CMP), or will affect an action and/or authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11(a)(6), and will therefore require that applicable goals and policies of the CMP be considered during the rulemaking process.

The commission prepared a consistency determination for the adopted rules under 31 TAC §505.22 and found that this rulemaking is consistent with the applicable CMP goals and policies. The CMP goal applicable to this rulemaking is the goal to protect, preserve, restore, and enhance the diversity, quality, quantity, functions, and values of coastal natural resource areas. CMP policies applicable to the adopted rules include the construction and operation of solid waste treatment, storage, and disposal facilities, and the discharge of municipal and industrial wastewater to coastal waters. Promulgation and

enforcement of these rules will not violate (exceed) any standards identified in the applicable CMP goals and policies because the adopted rule changes do not modify or alter standards set forth in existing rules and do not govern or authorize any actions subject to the CMP. This rulemaking defines grit trap and grit trap waste; indicates that Chapter 312 does not apply to oily water mixtures in waste management units; and indicates that recycling of oil-water mixtures in waste management units designed for oil-water separation must comply with the requirements found in Chapter 324.

PUBLIC COMMENT

A public hearing was not held on this rulemaking and one comment was received from Safety-Kleen Systems, Inc. (SK) during the comment period, which closed July 7, 2003.

RESPONSE TO COMMENT

SK commented that the commission is inconsistent with the federal used oil recycling program and cites to a United States Environmental Protection Agency revision found in the March 4, 1994 issue of the *Federal Register* (59 FR 10550). SK requested that the commission clarify that a decision as to whether used oil and used oil mixtures collected from oil/water separation units may be regulated is not dependent on whether the oil/water separation unit is connected to a municipal sanitary sewer.

The commission partially agrees with this comment. The proposed rules are not inconsistent with any existing federal regulations. However, the commission acknowledges that a decision as to whether used oil and used oil mixtures collected from oil-water separation units may be regulated is not dependent on whether the oil-water separation unit is connected to a sanitary sewer.

Chapter 312 will not apply to oily water mixtures in waste management units such as tanks, fractionation tanks, and sumps that meet the design requirements of the American Petroleum Institute for oil/water separators or have been designed for oil-water separation. Recycling of oil-water mixtures from the waste management units designed for oil-water separation must comply with the requirements found in Chapter 324. Waste in waste management units that do not meet the design criteria in §312.2(g) and that are plumbed directly to a sanitary sewer will be covered by Chapter 312. Therefore, the sentence “These waste management units by design are not plumbed to a municipal sanitary sewer.” has been deleted from §312.2(g).

SK noted that in proposed §330.2(53), grit trap waste is described as “waste collected in a grit trap” and that for consistency’s sake, the same phrase should be added to a complementing proposed definition in Chapter 312. As a proposed solution, SK suggested addition of this phrase to proposed §312.8(38).

The commission concurs with this comment and “Waste collected in a grit trap.” has been added to §312.8(38).

SK commented that the wording of the second sentence in proposed §312.8(38) defining grit trap waste could potentially lead to confusion as the term “interceptor” is not discretely defined. The commenter further suggested deletion of this wording and insertion of examples of facilities where grit traps may exist in §312.8(37).

The commission partially agrees with this comment. In order to remove any ambiguity regarding the term “interceptors” or the regulatory status of waste removed from grit traps, the commission is replacing the term “interceptors” with the term “grit traps” in existing language in §312.8(38). In response to the suggested listing of facilities which would typically operate grit traps, the commission points out that such a list is already provided within the proposed definition of grit trap waste in §312.8(38). Therefore, no change has been made in response to this portion of the comment.

In a similar comment, it was discussed that a listing of example facilities was given where grit traps may exist. SK expressed concern that this could be taken to imply that a grit trap and an oil/water separator could not exist at the same facility, and that it is possible for a grit trap or an oil/water separator to be located at an establishment not enumerated in the example facility list.

The commission realizes that it is possible for a grit trap and an oil/water separator to be located at the same facility and further acknowledges the potential for a grit trap or an oil/water separator to exist at a facility other than that listed in proposed §312.8(38). However, the commission points out that the facilities listed as typical sites which may own and operate a grit trap is not intended to be an exhaustive listing of such facilities, nor is it intended to imply that grit trap and oil/water separator activities are mutually exclusive. The purpose of the proposed rules is to more clearly delineate the management standards for these distinct waste streams based on design and functions of the units, and reiterates that the listing of facilities where grit traps

might be located is intended to function only as supportive examples in determining the applicable rules. Therefore, no change has been made in response to this comment.

SK commented that proposed language in §312.2(g) excludes waste from units which function specifically as oil/water separators. SK expressed concern that this exclusion, in concert with a proposed rule in Chapter 324 describing an oil/water separator, focused too narrowly on theoretical design specifications and could exclude oil-water mixtures from regulation as used oil, even if the mixture was derived from a unit whose purpose was to separate used oil from water.

The commission disagrees with this comment. The commission recognizes that oil-water mixtures may be generated in circumstances or units that do not strictly adhere to the design parameters outlined in the proposed rule. However, the intent of the rule is not that design requirements laid out in the regulatory description of an oil/water separator in Chapter 324 should function as an exhaustive listing of only the units which would be excluded from regulation as grit trap waste. The commission reiterates that the purpose of this rule is to draw a clear and enforceable distinction between oil/water separators and grit trap units, removing any ambiguity regarding the regulatory status of grit trap waste versus mixtures better regulated under the existing used oil regulations. The further purpose of proposed §312.2(g) is to define a grit trap through construction and design considerations while emphasizing that the purpose of these units is neither to collect nor accumulate oil. No change has been made in response to this comment.

SK requested that an additional sentence be added to proposed §312.2(g) stating specifically that used oils and oil/water mixtures would be excluded from regulation as grit trap waste.

The commission disagrees with this comment. The current wording of proposed §312.2(g) sufficiently outlines the regulatory framework of either grit trap waste or used oil and is sufficiently clear to remove any potential confusion. No change has been made in response to this comment.

SUBCHAPTER A: GENERAL PROVISIONS

§312.2, §312.8

STATUTORY AUTHORITY

The amendments are adopted under Texas Water Code, §5.103, which provides the commission with the authority to adopt any rules necessary to carry out its powers and duties under the code and other laws of the state and to adopt rules repealing any statement of general applicability that interprets law or policy; Texas Water Code, §5.105, which authorizes the commission to establish and approve all general policy of the commission by rule; THSC, §361.011, which gives the commission all powers necessary and convenient to carry out its responsibilities concerning the regulation and management of municipal solid waste; THSC, §361.024, which provides the commission with the authority to adopt and promulgate rules consistent with the general intent and purposes of the THSC; and THSC, §371.028, which directs the commission to implement the used oil recycling program by adopting rules, standards, and procedures.

§312.2. Applicability.

- (a) This chapter applies to any person who prepares sewage sludge or domestic septage.

- (b) This chapter applies to any person who fires sewage sludge in a sewage sludge incinerator.

- (c) This chapter applies to any person who applies sewage sludge or domestic septage to the land and to the owner/operator of a surface disposal site.
- (d) This chapter applies to sewage sludge or domestic septage applied to the land or placed on a surface disposal site.
- (e) This chapter applies to sewage sludge fired in a sewage sludge incinerator.
- (f) This chapter applies to land where sewage sludge or domestic septage is applied to a surface disposal site and to a sewage sludge incinerator.
- (g) This chapter applies to any person who transports sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste. This chapter does not apply to oily water mixtures in waste management units such as tanks, fractionation tanks, and sumps that meet the design requirements of the American Petroleum Institute for oil/water separators or have been designed for oil-water separation. Recycling of oil-water mixtures from the waste management units designed for oil-water separation must comply with the requirements found in Chapter 324 of this title (relating to Used Oil Standards). Waste in waste management units that do not meet the design criteria in this subsection and that are plumbed directly to a sanitary sewer are covered by this chapter.
- (h) This chapter applies to the exit gas from a sewage sludge incinerator stack.

(i) This chapter applies to any person who applies water treatment sludge for disposal in a landfill, surface impoundment, or waste pile, as defined in 40 Code of Federal Regulations (CFR) §257.2.

(j) This chapter applies to any person who applies water treatment sludge for disposal in a land application unit, as defined in §312.121 of this title (relating to Purpose, Scope, and Standards).

(k) This chapter applies to water treatment sludge which is disposed of in a landfill, surface impoundment, or waste pile, as defined in 40 CFR §257.2.

(l) This chapter applies to water treatment sludge which is disposed of in a land application unit, as defined in §312.121 of this title.

§312.8. General Definitions.

The following words and terms, when used in this chapter, have the following meanings.

(1) **25-year, 24-hour rainfall event** - The rainfall event with a recurrence interval of once in 25 years, with a duration of 24 hours as defined by the National Weather Service in Technical Paper Number 40, Rainfall Frequency Atlas of the United States, May 1961, and subsequent amendments, or equivalent regional or state rainfall information developed therefrom.

(2) **Active sludge unit** - A sludge unit that has not closed and/or is still receiving sewage sludge.

(3) **Aerobic digestion** - The biochemical decomposition of organic matter in sewage sludge into carbon dioxide, water and other by-products by microorganisms in the presence of free oxygen.

(4) **Agricultural land** - Land on which a food crop, a feed crop, or a fiber crop is grown. This includes range land and land used as pasture.

(5) **Agricultural Management Unit (AMU)** - A portion of a land application area contained within an identifiable boundary, such as a river, fence, or road, where the area has a known crop or land use history.

(6) **Agronomic rate** - The whole sludge application rate (dry weight basis) designed:

(A) to provide the amount of nitrogen needed by the crop or vegetation grown on the land; and

(B) to minimize the amount of nitrogen in the sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the groundwater.

(7) **Anaerobic digestion** - The biochemical decomposition of organic matter in sewage sludge into methane gas, carbon dioxide and other by-products by microorganisms in the absence of free oxygen.

(8) **Annual metal loading rate** - The maximum amount of a pollutant (dry weight basis) that can be applied to a unit area of land during a 365-day period.

(9) **Annual whole sludge application rate** - The maximum amount of sewage sludge that can be applied to a unit area of land during a 365-day period.

(10) **Apply sewage sludge or sewage sludge applied to the land** - Land application or the spraying/spreading of sewage sludge onto the land surface; the injection of sewage sludge below the land surface; or the incorporation of sewage sludge into the soil.

(11) **Aquifer** - A geologic formation, group of geologic formations, or a portion of a geologic formation capable of yielding groundwater to wells or springs.

(12) **Base flood** - A flood that has a 1% chance of occurring in any given year.

(13) **Beneficial use** - Placement of sewage sludge onto land in a manner which complies with the requirements of Subchapter B of this chapter (relating to Land Application for Beneficial Use and Storage at Beneficial Use Sites), and does not exceed the agronomic need or rate for

a cover crop, or any metal or toxic constituent limitations which the cover crop may have. Placement of sewage sludge on the land at a rate below the optimal agronomic rate will be considered a beneficial use.

(14) **Bulk sewage sludge** - Sewage sludge that is not sold or given away in a bag or other container for application to the land.

(15) **CFR** - Code of Federal Regulations.

(16) **Class A sewage sludge** - Sewage sludge meeting one of the pathogen reduction requirements in §312.82(a) of this title (relating to Pathogen Reduction).

(17) **Class B sewage sludge** - Sewage sludge meeting one of the pathogen reduction requirements in §312.82(b) of this title.

(18) **Contaminate an aquifer** - To introduce a substance that causes the maximum contaminant level for nitrate in 40 Code of Federal Regulations (CFR) §141.11, as amended, to be exceeded in groundwater or that causes the existing concentration of nitrate in groundwater to increase when the existing concentration of nitrate in the groundwater already exceeds the maximum contaminate level for nitrate in 40 CFR §141.11, as amended.

(19) **Cover** - Soil or other material used to cover sewage sludge placed on an active sludge unit.

(20) **Cover crop** - Grasses or small grain crop, such as oats, wheat, or barley, not grown for harvest.

(21) **Cumulative metal loading rate** - The maximum amount of an inorganic pollutant (dry weight basis) that may be applied to a unit area of land.

(22) **Density of microorganisms** - The number of microorganisms per unit mass of total solids (dry weight basis) in the sewage sludge.

(23) **Displacement** - The relative movement of any two sides of a fault measured in any direction.

(24) **Disposal** - The placement of sewage sludge on the land for any purpose other than beneficial use. Disposal shall not include placement onto the land where the activity has been approved by the executive director or commission as storage or temporary storage and it occurs only for the period of time expressly approved.

(25) **Domestic septage** - 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.

(26) **Domestic sewage** - Waste and wastewater from humans or household operations that is discharged to a wastewater collection system or otherwise enters a treatment works.

(27) **Dry weight basis** - Calculated on the basis of having been dried at 105 degrees Celsius until reaching a constant mass (i.e., essentially 100% solids content).

(28) **Experimental use** - Non-routine beneficial use land application or reclamation projects where sewage sludge is added to the soil for research purposes, in pilot projects, feasibility studies, or similar projects.

(29) **Facility** - Includes all contiguous land, structures, other appurtenances, and improvements on the land used for the surface disposal, land application for beneficial use, or incineration of sewage sludge.

(30) **Fault** - A fracture or zone of fractures in any materials along which strata, rocks, or soils on one side are displaced with respect to strata, rocks, or soil on the other side.

(31) **Feed crops** - Crops produced primarily for consumption by domestic livestock, such as swine, goats, cattle, or poultry.

(32) **Fiber crops** - Crops such as flax and cotton.

(33) **Final cover** - The last layer of soil or other material placed on a sludge unit at closure.

(34) **Floodway** - A channel of a river or watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the surface elevation more than one foot.

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

(36) **Forest** - Land densely vegetated with trees and/or underbrush.

(37) **Grit trap** - A unit/chamber that allows for the sedimentation of solids from an influent liquid stream by reducing the flow velocity of the influent liquid stream. In a grit trap, the inlet and the outlet are both located at the same vertical level, at, or very near, the top of the unit/chamber; the outlet of the grit trap is connected to a sanitary sewer system. A grit trap is not designed to separate oil and water.

(38) **Grit trap waste** - Waste collected in a grit trap. Grit trap waste includes waste from grit traps placed in the drains prior to entering the sewer system at maintenance and repair shops, automobile service stations, car washes, laundries, and other similar establishments. The term does not include material collected in an oil/water separator or in any other similar waste management unit designed to collect oil.

(39) **Groundwater** - Water below the land surface in the saturated zone.

(40) **Holocene time** - The most recent epoch of the Quaternary period, extending from the end of the Pleistocene Epoch to the present. Holocene time began approximately 10,000 years ago.

(41) **Industrial wastewater** - Wastewater generated in a commercial or industrial process.

(42) **Institution** - An established organization or corporation, especially of a public nature or where the public has access, such as child care facilities, public buildings, or health care facilities.

(43) **Land application** - The spraying or spreading of sewage sludge onto the land surface; the injection of sewage sludge below the land surface; or the incorporation of sewage sludge into the soil so that the sewage sludge can either condition the soil or fertilize crops or vegetation grown in the soil.

(44) **Land with a high potential for public exposure** - Land that the public uses frequently and/or is not provided with a means of restricting public access.

(45) **Land with a low potential for public exposure** - Land that the public uses infrequently and/or is provided with a means of restricting public access.

(46) **Leachate collection system** - A system or device installed immediately above a liner that is designed, constructed, maintained, and operated to collect and remove leachate from a sludge unit.

(47) **Licensed professional geoscientist** - A geoscientist who maintains a current license through the Texas Board of Professional Geoscientists in accordance with its requirements for professional practice.

(48) **Liner** - Soil or synthetic material that has a hydraulic conductivity of 1×10^{-7} centimeters per second or less. Soil liners shall be of suitable material with more than 30% passing a number 200 sieve, have a liquid limit greater than 30%, a plasticity index greater than 15, compaction of greater than 95% Standard Proctor at optimum moisture content, and will be at least two feet thick placed in six-inch lifts. Synthetic liners shall be a membrane with a minimum thickness of 20 mils and include an underdrain leak detection system.

(49) **Lower explosive limit for methane gas** - The lowest percentage of methane in air, by volume, that propagates a flame at 25 degrees Celsius and atmospheric pressure.

(50) **Metal limit** - A numerical value that describes the amount of a metal 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).

(51) **Monofill** - A landfill or landfill trench in which sewage sludge is the only type of solid waste placed.

(52) **Municipality** - A city, town, county, 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 organization having jurisdiction over sewage sludge management; or a designated and approved management agency under Clean Water Act, §208, as amended. The definition includes a special district created under state law, such as a water district, sewer district, sanitary district, or an integrated waste management facility as defined in Clean Water Act, §201(e), as amended, that has as one of its principal responsibilities the treatment, transport, use, or disposal of sewage sludge.

(53) **Off-site** - Property which cannot be characterized as “on-site.”

(54) **On-site** - The same or contiguous property owned, controlled, or supervised by the same person. If the property is divided by public or private right-of-way, the access shall be by crossing the right-of-way or the right-of-way shall be under the control of the person.

(55) **Operator** - The person responsible for the overall operation of a facility or beneficial use site.

(56) **Other container** - Either an open or closed receptacle, including, but not limited to, a bucket, box, or a vehicle or trailer with a load capacity of one metric ton (2,200 pounds) or less.

(57) **Owner** - The person who owns a facility or part of a facility.

(58) **Pasture** - Land on which animals feed directly on feed crops such as legumes, grasses, grain stubble, forbs, or stover.

(59) **Pathogenic organisms** - Disease-causing organisms including, but not limited to, certain bacteria, protozoa, viruses, and viable helminth ova.

(60) **Person who prepares sewage sludge** - 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.

(61) **Place sewage sludge or sewage sludge placed** - Disposal of sewage sludge on a surface disposal site.

(62) **Pollutant** - An organic or inorganic substance, 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 executive director, 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.

(63) **Process or processing** - For the purposes of this chapter, these terms shall have the same meaning as “treat” or “treatment.”

(64) **Public contact site** - Land with a high potential for contact by the public. This includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and/or golf courses.

(65) **Range land** - Open land with indigenous vegetation.

(66) **Reclamation site** - Drastically disturbed land that is reclaimed using sewage sludge. This includes, but is not limited to, strip mines and/or construction sites.

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

(68) **Seismic impact zone** - An area that has a 10% or greater probability that the horizontal ground level acceleration of the rock in the area exceeds 0.10 gravity once in 250 years.

(69) **Sewage sludge** - Solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 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 material derived from sewage sludge. Sewage sludge does not include ash generated during preliminary treatment of domestic sewage in a treatment works.

(70) **Sewage sludge debris** - Solid material such as rubber, plastic, glass, or other trash which may pass through a wastewater treatment process or sludge process or may be collected with septage. This solid material is visibly distinguishable from sewage sludge. This material does not include grit or screenings removed during the preliminary treatment of domestic sewage at a treatment works, nor does it include grit trap waste.

(71) **Sludge lagoon** - An existing surface impoundment located on-site at a wastewater treatment plant for the storage of sewage sludge. Any other type impoundment shall be considered an active sludge unit, as defined in this section.

(72) **Sludge unit** - Land on which only sewage sludge is placed for disposal. A sludge unit shall be used for sewage sludge. This does not include land on which sewage sludge is either stored or treated.

(73) **Sludge unit boundary** - The outermost perimeter of a surface disposal site.

(74) **Source separated yard waste** - For purposes of this chapter, shall have the same definition as found in Chapter 332 of this title (relating to Composting).

(75) **Specific oxygen uptake rate (SOUR)** - The mass of oxygen consumed per unit time per unit mass of total solids (dry weight basis) in the sewage sludge.

(76) **Staging** - Temporary holding of sewage sludge at a beneficial use site, for up to a maximum of seven calendar days, prior to the land application of the sewage sludge.

(77) **Store or storage** - The placement of sewage sludge on land for longer than seven days.

(78) **Temporary storage** - Storage of waste regulated under this chapter by a transporter, which has been approved in writing by the executive director, in accordance with §312.147 of this title (relating to Temporary Storage).

(79) **Three hundred sixty-five day period** - A running total which covers the period between sludge application to a site and the nutrient uptake of the cover crop.

(80) **Total solids** - The materials in sewage sludge that remain as residue if the sewage sludge is dried at 103 degrees Celsius to 105 degrees Celsius.

(81) **Transporter** - Any person who collects, conveys, or transports sewage sludge, water treatment plant sludges, grit trap waste, grease trap waste, chemical toilet waste, and/or septage by roadway, ship, rail, or other means.

(82) **Treat or treatment of sewage sludge** - 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.

(83) **Treatment works** - 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.

(84) **Unstablized solids** - Organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

(85) **Unstable area** - Land subject to natural or human induced forces that may damage the structural components of an active sewage sludge unit. This includes, but is not limited to, land on which the soils are subject to mass movement.

(86) **Vector attraction** - The characteristic of sewage sludge that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

(87) **Volatile solids** - The amount of the total solids in sewage sludge lost when the sewage sludge is combusted at 550 degrees Celsius in the presence of excess oxygen.

(88) **Water treatment sludge** - Sludge generated during the treatment of either surface water or groundwater for potable use, which is not an industrial solid waste as defined in §335.1 of this title (relating to Definitions).

(89) **Wetlands** - Those areas that are inundated or saturated by surface water or groundwater 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.