



## ***Availability of Removal Credits (Revisions to 40 CFR Part 403) -- Fact Sheet***

### **Background**

Removal credits increase the amount of a pollutant that an industrial user (IU) may discharge to a Publicly Owned Treatment Works (POTW) and still comply with national categorical pretreatment standards. Removal credits do this by taking pollutant removal by the POTW into account when the POTW sets discharge limits for the IU. Removal credits are intended to prevent redundant treatment where the IU and the POTW to which it discharges remove the same pollutant. Clean Water Act (CWA) section 307(b) (1) allows removal credits provided that:

- The combined pollutant removal by the POTW and the IU equals what is required of direct dischargers, and
- Revising the standard does not prevent the POTW's use or disposal of its sludge in accordance with CWA 405.

The U.S. Court of Appeals for the Third Circuit ruled in 1986 that removal credits could not be granted until EPA promulgates its sludge use and disposal regulations under the 1987 Amendments to the Clean Water Act (CWA). Those regulations are being promulgated today.

### **Effect of Today's Rule on the Availability of Removal Credits**

Today's rule makes removal credits available for 73 pollutants in POTW sludges that are used or disposed of in a manner covered by these regulations.

An appendix containing two lists of pollutants that are eligible for removal credit is being added to the removal credit regulations at 40 CFR 403.7.

- The first list, Appendix G-I, contains the pollutants controlled for the various use or disposal practices regulated by the Part 503

regulation. If a POTW complies with the pollutant limit for its use or disposal practice and complies with the other requirements in Part 503 for that practice, the POTW may be approved to grant removal credits for that pollutant so long as other EPA procedural and substantive requirements found at 40 CFR 403.7 are met.

- The second list, Appendix G-II, lists certain pollutants by use or disposal practice and a concentration for each pollutant. EPA has determined that these pollutants do not pose an unreasonable risk to public health and the environment at the concentrations listed. If the concentration of a pollutant in a POTW's sludge is below the listed amount, the POTW may apply to EPA (or an approved state program) for removal credit authority for that pollutant under 40 CFR 403.7.
- In addition, removal credits are available for pollutants in sludge that is sent to a Municipal Solid Waste Landfill that complies with EPA's separate rule applicable to those facilities (40 CFR 258).

Removal credits are not available for all pollutants or use and disposal practices at this time. For some pollutants they are available only for a limited number of use or disposal practices.

Removal credits will be available for additional pollutants and sludge use and disposal practices only when EPA, after public notice and comment, controls those pollutants or determines that they do not present an unreasonable risk to public health and the environment when present in sewage sludge.

### **EPA's Plans for Additional Pollutants**

EPA will evaluate additional pollutants as it prepares the second round of Part 503 regulations as required by the 1987 Amendments to the CWA.