

**EOEEA Regulation Summary**  
**310 CMR 32.00, Land Application of Sludge and Septage**

MassDEP has finalized amendments to its regulations on the approval process for land application of sludge and septage. There was only one change made to the final regulation, a deletion of the prior effective date, and no changes were made in response to public comments. **This final package is materially consistent with the draft regulations proposed for public comment.**

As part of MassDEP's Regulatory Reform Initiative, regulatory revisions now allow for a presumptive approval process for renewals of Type I suitability approvals issued for the land application of wastewater sludge, and also allow longer terms for all suitability approvals. Materials classified as Type I are fertilizers or soil improvement products made from the residual products of the wastewater treatment process. Approximately 30% (or 53,513 dry tons) of all wastewater sludge generated annually in Massachusetts (approximately 176,732 dry tons) is beneficially reused and monitored under 310 CMR 32.00. The highest quality materials are classified as Type I. Type I materials may be used, sold and distributed on any site without a site specific approval, while other types require prior Departmental approval of each use. The presumptive renewal mechanism at 310 CMR 32.13(11)(b) will be available for Type I materials which have met very high quality standards and are able to be generally applied in Massachusetts. Renewal applications will be reviewed under the same process as an initial application. The changes create a presumption of renewal for Type I approvals if MassDEP does not require additional information, issue a written approval, or deny approval within 45 days of the renewal application submittal. The changes are expected to allow for more efficient issuance of renewed approvals, saving both applicants and MassDEP staff resources without compromising environmental protection. These changes will also permit the issuance of suitability approvals for longer terms. Currently these approvals may be issued for a period no longer than two years. The change increased the maximum period, allowing terms up to five years.

Groups affected by this change include the generators of sludge and septage materials that are suitable for land application. The standards for each type or class of material will not be changed. A stakeholder advisory group for the MassDEP Regulatory Reform Initiative, consisting of environmental advocacy organizations, municipal officials, regulated businesses and others was generally supportive of the concept of creating the presumptive approval processes for some types of permits. Producers of sludge subject to these approvals are expected to support the proposed changes as they will result in time and permitting cost savings, and allow for longer approval terms. Fee revenue is not expected to decline substantially with longer term approvals, because most producers of these materials are municipal entities which are exempt from the MassDEP fee requirements.

The draft regulations were published on March 1, 2013, and the public comment period closed at the end of May. There were no significant public comments received on the proposed changes to these regulations. However, comments were made suggesting additional changes to the regulations that MassDEP should consider in the future. The only change made from the draft regulations was the deletion of the provision establishing the original effective date of September 11, 1992 (310 CMR 32.04), since it is no longer needed.