

~~(1) THE CONTRACTOR PAYS FOR A COMPREHENSIVE ANALYSIS OF THE SEWAGE SLUDGE TO BE RETURNED; AND~~

~~(2) THE COMPREHENSIVE ANALYSIS INDICATES THAT:~~

~~(I) THE SEWAGE SLUDGE MEETS ALL APPLICABLE PERMIT REQUIREMENTS; AND~~

~~(II) THE QUALITY OF THE SEWAGE SLUDGE HAS NOT CHANGED SIGNIFICANTLY SINCE ITS REMOVAL BY THE CONTRACTOR FROM THE SITE.~~

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(A) A sewage sludge utilization permit authorizes the permit holder to utilize sewage sludge according to the terms of the permit.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF THE UTILIZER IS UNABLE TO UTILIZE THE SEWAGE SLUDGE AS DEFINED IN THE PERMIT, THE UTILIZER MAY RETURN THE SEWAGE SLUDGE TO THE GENERATOR PROVIDED THAT THE UTILIZER OBTAINS A NEW COMPREHENSIVE ANALYSIS OF THE SEWAGE SLUDGE TO BE RETURNED THAT INDICATES THAT:

(1) THE SEWAGE SLUDGE MEETS ALL APPLICABLE PERMIT REQUIREMENTS; AND

(2) THE SEWAGE SLUDGE MAY BE UTILIZED IN THE SAME MANNER, WITHOUT ADDITIONAL TREATMENT, AS THE SEWAGE SLUDGE THAT IS GENERATED BY THE GENERATOR.

(C) IF THE UTILIZER RETURNS THE SEWAGE SLUDGE WITHIN 96 HOURS OF THE DEPARTURE FROM THE GENERATOR, THE UTILIZER MAY NOT BE REQUIRED TO OBTAIN A NEW ANALYSIS OF THE SEWAGE SLUDGE.

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(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IN ADDITION TO ANY OTHER PENALTIES SET FORTH IN THIS SECTION, IF ANY SEWAGE SLUDGE UTILIZER VIOLATES THE TERMS OF THE PERMIT BY ANY ACTION OR INACTION OF THE UTILIZER THAT RESULTS IN THE RETURN OF THE SEWAGE SLUDGE TO THE GENERATOR, THE UTILIZER IS LIABLE TO THE STATE FOR CIVIL PENALTIES.

(2) THE CIVIL PENALTY IMPOSED UNDER THIS SUBSECTION MAY NOT EXCEED \$100 FOR EACH WET TON OF SEWAGE SLUDGE RETURNED TO THE GENERATOR.

(3) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY IF THE VIOLATION IS NOT CAUSED BY ANY ACTION OR INACTION OF THE UTILIZER.