

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 122, 123, 403, and 501
[FRL-5328-9]****National Pollutant Discharge Elimination System Permit Application Requirements for Publicly Owned Treatment Works and Other Treatment Works Treating Domestic Sewage****AGENCY:** Environmental Protection Agency.**ACTION:** Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) today proposes to amend permit application requirements and application forms for publicly owned treatment works (POTWs) and other treatment works treating domestic sewage (TWTDS). TWTDS include facilities that generate sewage sludge, provide commercial treatment of sewage sludge, manufacture a product derived from sewage sludge, or provide disposal of sewage sludge. Today's notice solicits public comments on the proposed regulations, proposed forms and instructions.

The proposed regulations and Form 2A would replace existing Standard Form A and Short Form A to account for changes in the NPDES program since the forms were issued in 1973. This proposal would consolidate POTW application requirements, including information regarding toxics monitoring, whole effluent toxicity (WET) testing, pretreatment facility and hazardous waste contributions, and combined sewer overflows (CSOs). The most significant proposed revisions would require toxic and WET monitoring by major and pretreatment POTWs and monitoring of 17 parameters by minor POTWs. EPA believes this information is needed in order for permitting authorities to issue permits that will adequately protect the Nation's water resources.

The proposed regulations and Form 2S would replace the existing Interim Sewage Sludge form. The most significant proposed revision would require POTWs and other TWTDS to analyze sludge and provide data for ten metals, nitrogen, and phosphorus. Class I sludge management facilities (pretreatment POTWs) would also have to analyze for most of the priority pollutants. The Interim Form only requires the use of existing data. EPA believes the additional information is needed in order for permitting authorities to issue permits that meet the requirements of the sewage sludge use or disposal regulations.

The costs associated with the new requirements are not significant since many permitting authorities require essentially the same information already through a variety of reporting mechanisms. The proposed rule allows waivers where information is already available to the permitting authority. The new forms would make it easier for permit applicants to provide the necessary information with their applications and would minimize the need for additional follow-up information requests from permitting authorities. The proposal is estimated to reduce the current annual reporting and record keeping burden by about 9,000 hours, or ten percent. EPA is interested in identifying additional ways to further reduce the burden associated with the applications and is seeking comment on the use of electronic data transmission and other streamlining opportunities.

DATES: In order to be considered, comments must be received on or before March 5, 1996.

ADDRESSES: Comments should be addressed to Municipal and Sludge Application Rule Comment Clerk, Water Docket MC-4101; United States Environmental Protection Agency, 401 M Street SW., Washington, DC, 20460. Commenters are also requested to submit an original and 3 copies of their written comments as well as an original and 3 copies of any attachments, enclosures, or other documents referenced in the comments. Commenters who want receipt of their comments acknowledged should include a self-addressed, stamped envelope. All comments must be postmarked or delivered by hand by March 5, 1996. No facsimiles (faxes) will be accepted.

EPA will also accept comments electronically. Comments should be addressed to the following Internet address: ow-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Electronic comments will be transferred into a paper version for the official record. EPA will attempt to clarify electronic comments if there is an apparent error in transmission. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 p.m. (Eastern time) March 5, 1996. EPA is experimenting with electronic commenting, therefore commenters may want to submit both electronic comments and duplicate paper comments. This document has also been placed on the Internet for public review

and downloading at the following location: gopher.epa.gov.

FOR FURTHER INFORMATION CONTACT: For information on Form 2A and municipal wastewater permitting issues in this notice, contact George Utting, (202) 260-9530, Permits Division (4203), United States Environmental Protection Agency, 401 M Street S.W., Washington, D.C., 20460.

For information on Form 2S and sewage sludge permitting issues in this notice, contact Wendy Bell, (202) 260-9534, Permits Division (4203), United States Environmental Protection Agency, 401 M Street S.W., Washington, D.C., 20460.

SUPPLEMENTARY INFORMATION:**I. Background**

- A. Purpose of Today's Proposal
- B. History of the NPDES Permit Program
 - 1. National Pollutant Discharge Elimination System
 - a. Federal Water Pollution Control Act Amendments of 1972
 - b. Changes Leading to the Clean Water Act of 1977
 - c. Permit Consolidation and Deconsolidation
 - d. The Water Quality Act of 1987 and Water Quality-Based Permitting
 - 2. Background of the Pretreatment Program
 - 3. Program to Control Combined Sewer Overflows
- C. Sewage Sludge Program Background
 - 1. Statutory Requirements for Sewage Sludge
 - 2. Sewage Sludge Permit Program Regulations
 - 3. Part 503 Technical Standards
 - 4. Implementation of Part 503 Technical Standards
 - 5. Interim Sewage Sludge Application Form
- D. NPDES Watershed Strategy
- E. Permit Writer's Information Needs Related to Endangered Species and Historic Properties
- F. Permit as a Shield
- G. Pollutant Data from POTWs
- H. Public Consultation in the Development of Today's Proposal

II. Approach Taken in Today's Notice

- A. Scope of Today's Rulemaking
- B. The Agency Proposes to Revise the Definition of POTW and Existing Permit Application Requirements for POTWs
- C. EPA Proposes Form 2A for POTWs to Replace Standard Form A and Short Form A
- D. Applicability of Form 2A to Privately Owned and Federally Owned Treatment Works
- E. EPA Proposes Revised Application Requirements and Form 2S for Sewage Sludge Permits
- F. Reasons for Separate Form 2A and Form 2S
- G. EPA Solicits Comment on the Use of Electronic Application Forms

III. Description of Proposed Requirements

- A. EPA Proposes to Revise Requirements in § 122.21(c), (d), and (f) Concerning the Use of Forms 1, 2A, and 2S