- 1. Requirement to Submit Form 2A
- 2. Requirement to Submit Form 2S
- B. Application Requirements for POTWs (40 CFR 122.21(j))
- 1. Basic Application Information
- 2. Information on Effluent Discharges
- 3. Effluent Monitoring for Specific Parameters
- a. Pollutant Data Requirements for all POTWs
- Reporting of Additional Pollutants for Some POTWs
- 4. Effluent Monitoring for Whole Effluent Toxicity
- 5. Industrial Discharges, Pretreatment, and RCRA/CERCLA Waste
- 6. Discharges from Hazardous Waste Sources
- 7. Combined Sewer Overflows
- 8. Contractors
- 9. Certification
- C. Application Requirements for TWTDS (40 CFR 122.21(q))
- 1. Facility Information
- 2. Applicant Information
- 3. Permit Information
- 4. Federal Indian Reservations
- 5. Topographic Map
- 6. Sewage Sludge Handling
- 7. Sewage Sludge Quality
- a. Class I Sludge Management Facilities
- b. All TWTDS
- 8. Requirements for a Person Who Prepares Sewage Sludge
- 9. Land Application of Bulk Sewage Sludge
- 10. Surface Disposal
- 11. Incineration
- 12. Disposal in a Municipal Solid Waste Landfill
- 13. Contractors
- 14. Other Information
- 15. Signature
- IV. Paperwork Reduction Act
- V. Executive Order 12866
- VI. Executive Order 12875
- VII. Unfunded Mandates Reform Act of 1995 and Consultation with State, Local, and Tribal Governments
- VIII. Regulatory Flexibility Act

## I. Background

## A. Purpose of Today's Proposal

Today's notice proposes to amend NPDES permit application regulations for publicly owned treatment works (POTWs) and other treatment works treating domestic sewage (TWTDS). Proposed Form 2A would apply to POTWs and replace Standard Form A and Short Form A, which were developed in 1973. Proposed Form 2S would be used to report sewage sludge information consistent with applicable permit program regulations and technical standards for sewage sludge use or disposal. Proposed Form 2S would be used by POTWs and other TWTDS

EPA proposes these application regulations and forms for several reasons. First, this rulemaking addresses changes to the NPDES program since 1973. The NPDES program applicable to

POTWs has changed significantly since that time, specifically in the areas of toxics control, water quality-based permitting and pretreatment programs. Second, the proposal would consolidate application requirements from existing regulations into a "modular" permit application form, thereby streamlining and clarifying the process for permit applicants. Third, these revisions will provide permit writers with the information necessary to develop appropriate NPDES permits consistent with requirements of the Clean Water Act and thus also help to ensure for permittees the effectiveness of the permit as a shield for purposes of compliance with the CWA. Fourth, the Agency seeks to reduce redundant reporting by allowing waivers where information is already available to the permitting authority and, further, to provide a platform for electronic data transmission.

The proposed revisions would result in a net reduction in overall reporting burden hours nationwide. The burden reduction for the combined municipal and sludge proposed application requirements is calculated to be nearly 9,000 hours annually, from a total existing annual burden of 80,000 hours. This is due in part to the reduced number of WET tests calculated to be performed by POTWs. It is also due to the reduced number of major respondents that would be required to comply with the proposed regulations as compared to the number of major respondents estimated to complete the existing municipal application forms (i.e., different criteria apply). Finally, the respondent burden for CWA sec. 308 application requests also would be expected to decrease, because much of the information currently obtained through routine and medium sec. 308 requests is reflected in the proposed rule.

This burden reduction accounts for nearly 9,000 of the 287,000 hours projected to be saved, for an overall reduction of twenty-five percent for the NPDES program. The total savings will be achieved through revisions to this form, revisions to stormwater application forms, revisions to the industrial application form 2C, and reductions in discharge monitoring reports (DMRs). It is anticipated, however, that most of the NPDES burden reduction will involve reduced burden for DMRs, which currently account for greater than eighteen million annual burden hours.

At the same time, this proposed rule would result in increased net costs to municipal and sludge applicants of more than four million dollars per year

on a nationwide basis. It is calculated that this proposal would apply to more than 7,000 permit applications per year, with a total universe per year of more than three thousand applicants each for municipal and sludge permitting. Costs vary considerably from application to application. Thus, the average five-year cost per application would range from an average of about \$450 (less than \$100 per year) for small municipalities to an average of about \$4,000 (less than \$1,000 per year) for larger municipalities. Most of the costs associated with this proposal would be due to proposed pollutant data requirements for municipal permittees.

The Agency believes that the proposed increased costs are appropriate because certain data may be necessary to the permit writer in order to allow the issuance of permits that provide a "shield" to permittees (see discussion, "Permit as a Shield," at I.F.), and to ensure compliance with Clean Water Act requirements, especially water quality standards.

- B. History of the NPDES Permit Program
- 1. National Pollutant Discharge Elimination System
- a. Federal Water Pollution Control Act Amendments of 1972

The Clean Water Act (CWA) was enacted in 1972 (Federal Water Pollution Control Act Amendments of 1972) to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. CWA sec. 101(a), 33 U.S.C. 1251(a). The immediate predecessor to the CWA was the Water Quality Act of 1965 (Pub. L. 89-234). The 1965 Act directed each State to develop water quality standards for all interstate navigable waters. States had difficulty developing these standards, however, and by 1971 barely half the States had developed complete programs. States that did develop standards had difficulty implementing them because the 1965 Act lacked a workable mechanism for translating State water quality standards into limits enforceable against individual dischargers.

In response to this dilemma, Congress passed the CWA. Section 402 directed EPA to assume a substantial role in directing and defining the nation's water pollution control programs. The Act established the National Pollutant Discharge Elimination System (NPDES) permit program to be administered by EPA and the States with EPA approval. The NPDES program prohibits the discharge of any pollutant into waters of the United States except when