that 1,500 treatment facilities are required to administer such pretreatment programs.

The National Pretreatment Program's primary goal is protection of POTWs and the environment from the effects of discharges into municipal sewerage systems. This protection is achieved principally through regulating industrial users that discharge toxic pollutants or unusually large amounts of conventional pollutants into municipal systems. The General Pretreatment Regulations control pollutant discharges into POTWs in several ways. First, prohibited discharge standards apply to all industrial and commercial establishments connected to POTWs. 40 CFR 403.5. These standards include general prohibitions against the introduction of pollutants into POTW that may pass through the POTW or interfere with the operations of the POTW, as well as specific prohibitions relating to the introduction of pollutants which have the potential to create hazards for the POTW, such as heat, explosivity, and corrosivity. Second, categorical pretreatment standards apply to discharges by industrial users in specific industrial categories determined to be significant sources of toxic pollutants. Categorical standards are designed to ensure that wastewaters from direct and indirect industrial dischargers are subject to similar levels of treatment.

Finally, 40 CFR 403.5(c) requires POTWs to develop and enforce local limits designed to ensure that industrial users meet both the general and specific prohibitions. Thus, local limits are intended to ensure that POTWs are able to comply with NPDES limits, including water-quality based standards. Local limits are Federally enforceable pretreatment standards, as defined by sec. 307(d). In cases where local limits are more stringent than categorical standards, the more stringent limit applies and is enforceable as a Federal standard.

On July 24, 1990, EPA promulgated amendments to the NPDES and General Pretreatment Regulations to reflect the findings of the ''Report to Congress on the Discharge of Hazardous Wastes to Publicly Owned Treatment Works,'' also known as the Domestic Sewage Study (DSS) (55 FR 18716). The rule contained a number of regulatory changes intended to improve control of hazardous wastes discharged to POTWs, including revisions to the application requirements for POTWs at 40 CFR 122.21(j). Paragraphs 122.21(j) (1)–(3) contain whole effluent toxicity (WET) testing requirements, and paragraph 122.21(j)(4) requires POTWs with approved pretreatment programs to submit a written technical evaluation of the need to revise local limits. Today, EPA proposes to revise the WET reporting requirements at § 122.21(j) and to revise the provision for the local limits technical evaluation by making this a POTW pretreatment program requirement rather than an application requirement based on concerns about the timing of such evaluations relative to imposition of water quality-based effluent limitations in POTW permits.

3. Program To Control Combined Sewer Overflows

Combined sewer systems (CSSs) are wastewater collection systems that transport both sanitary wastewater and storm water to POTWs. During dry weather, CSSs carry sanitary wastes, as well as industrial and commercial discharges, to POTW treatment plants. In periods of heavy wet weather flows, transported sewer waters can overflow the regulator structures, which normally convey waste streams to the treatment plant, and discharge into adjacent surface waters. These discharges are called ''combined sewer overflows'' (CSOs). CSOs often contain high levels of suspended solids, bacteria, pathogens, and, in many instances, heavy metals and other toxic pollutants, floatables, nutrients, oxygen-demanding materials, oil and grease, and other contaminants.

CSOs are point source discharges subject to technology-based treatment requirements and applicable water quality-based standards through NPDES permits. Because they occur prior to the headworks of the POTW treatment plant, these discharges are not considered discharges from a POTW and, consequently, are not subject to secondary treatment requirements.

In the United States, approximately 1,100 (mostly older) municipalities have CSSs, with approximately 11,000 CSO outfalls that periodically discharge untreated sewage, commercial and industrial wastes, and storm water during wet weather events. Almost 85 percent of these municipalities are located in the Northeast and Great Lakes areas. Studies conducted in recent years reveal that CSO discharges are a leading cause of reduced water quality, increased health risks, degraded ecological conditions, and impaired beneficial uses within the Nation's surface waters. Although pollutant concentrations in CSOs frequently are lower than those in untreated average-flow municipal wastewater (due to dilution occurring during high flows), CSOs often result in large pollutant loadings within a short time, potentially causing beach closures, shellfish bed closures, and fish kills.

In 1989, EPA published the National Combined Sewer Overflow Control Strategy (54 FR 37370, Sept. 8, 1989). On April 19, 1994, EPA expanded on the 1989 strategy by publishing the CSO Control Policy (59 FR 18688). The Policy was developed through negotiated dialogue with State, environmental group, and municipal representatives. The Policy explains EPA's expectations for control of CSOs under the CWA and guides NPDES permitting authorities in issuing permits for CSO discharges. The Policy outlines a phased approach to permitting requirements. Under a Phase I permit, the permittee should document implementation of the nine minimum control measures identified in the Policy as minimum technology-based requirements established through best professional judgment (BPJ) to minimize CSO discharges. The nine minimum controls include review and modification of local pretreatment programs to minimize CSO impacts on receiving waters; maximization of flow to the POTW for treatment; control of solids and floatables; and monitoring to characterize effectively CSO impacts and the efficacy of CSO controls.

The nine minimum controls are measures that can generally be implemented expeditiously to reduce CSOs and their effects on receiving water quality. The Phase I permit should not only require implementation of the nine minimum controls, but should also require development of a long-term control plan. The long-term control plan describes the long-term control strategy developed to ultimately result in compliance with the requirements of the CWA (including attainment of water quality standards). Under a Phase II permit, the permittee implements the specific controls described in the long-term control plan.

C. Sewage Sludge Program

1. Statutory Requirements for Sewage Sludge

In 1987, Congress amended sec. 405 to establish a comprehensive sewage sludge control program. This program regulates the use and disposal of sewage sludge by POTWs and by other treatment works treating domestic sewage (TWTDS). Section 405 required EPA to develop technical standards that would establish sewage sludge management practices and acceptable levels of toxic pollutants in sludge.

Section 405 also provides that NPDES permits issued to TWTDS contain requirements implementing the sewage