take comprehensive, integrated actions to address environmental priorities. Finally, it promotes a regular effort to evaluate the success of these actions in protecting and restoring the watershed.

The broad range of NPDES functions and activities gives the NPDES program a key role in implementing the Watershed Protection Approach. On March 21, 1994, the EPA Assistant Administrator for Water issued the NPDES Watershed Strategy. The Strategy represents a first step toward OW's goal of fully integrating the NPDES program into the broader Watershed Protection Approach.

The Strategy outlines national objectives and implementation activities: (1) to integrate NPDES program functions into the broader Watershed Protection Approach; and (2) to support the development of Statewide basin management approaches. To this end, the Strategy identifies six areas that are considered essential for the Agency to support these objectives:

Statewide Coordination—Support the development of Statewide basin management frameworks, coordinate EPA Office of Water grants application and reporting processes, and coordinate interstate basin efforts to facilitate implementation of the Watershed Protection Approach;

NPDES Permits—Implement a methodology for issuing NPDES permits on a watershed basis and emphasize training on watershed protection. Streamline the NPDES permit development, issuance, and review process. Develop and implement innovative approaches to NPDES permitting on a watershed basis, where feasible:

Monitoring and Assessment—Develop a Statewide monitoring strategy; establish point source ambient monitoring requirements, where appropriate, to facilitate the development of monitoring consortia and individual monitoring efforts; and promote comparable data collection, analysis, and utilization by all stakeholders:

Programmatic Measures and Environmental Indicators—Revise existing national accountability measures to facilitate implementation of the Watershed Protection Approach and establish new measures of success that reflect assessment of progress toward short- and long-term watershed protection goals;

Public Participation—Utilize existing NPDES public participation process and development of basin-wide management plans to encourage informed participation by watershed stakeholders, educate stakeholders about watershed planning efforts, and seek broad public participation in identifying local environmental goals; and

Enforcement—Include emphasis on minor facilities which are discharging to priority basins, within the base national enforcement program, and use 308 authorities, inspections and supplemental environmental projects, where appropriate, to support watershed protection activities.

The Agency views today's rulemaking as an opportunity to further the objectives of the Watershed Protection Approach and the NPDES Watershed Strategy. Both proposed Form 2A and proposed Form 2S request information which support these objectives. These questions are discussed in detail below. The Agency requests comment on what specific additional changes might be made to proposed Form 2A and proposed Form 2S to support the Watershed Protection Approach.

E. Permit Writer's Information Needs Related to Endangered Species and Historic Properties

EPA is considering whether the permit application regulations should require permit applicants to provide available information related to endangered species and historic properties. The Endangered Species Act, 16 U.S.C. § 1531 et seq., creates certain obligations requiring the Agency to consult with other federal agencies (U.S. Fish and Wildlife Service and National Marine Fisheries Services) when EPA carries out, authorizes, or funds an action that may affect threatened or endangered ("listed") species. The National Historic Preservation Act, 16 U.S.C. § 470 et seq., creates certain obligations requiring the Agency to consult with State officials (State Historic Preservation Officers) and/or federal officials at the Advisory Council for Historic Preservation in order for EPA to take into account the effect on historic properties of an "undertaking," as that term is defined by the National Historic Preservation Act. EPA believes that the collection of such information would be useful to regulatory officials in considering permit applications for activities or undertakings that may affect listed species or historic properties, respectively. Absent information in the permit application, EPA may need to collect such information on a case-by-case basis, which could delay the permit issuance process in some instances.

EPA invites public comment on the information that could or should be provided by the permit applicant. Specifically, if EPA established permit

application questions about listed species or historic properties, what kind of information can or should the permit applicant provide? Would it be appropriate to request that the permit applicant identify whether there are known or suspected listed species, including species proposed for listing and designated critical habitat, or historic properties in the area of the POTW discharge (or sludge use or disposal site by a TWTDS) that would be affected by that POTW discharge (or sludge use or disposal by a TWTDS)? How could or should EPA provide applicants with flexibility to assist regulatory officials in the consideration of potential impacts of activities on listed species or historic properties? Though EPA does not propose what type of information related to endangered species or historic properties would be sought in today's proposal, any such information collection requests in the final regulation may affect the costs associated with complying with the permit application regulations, both in terms of financial cost and burden hours. EPA invites public comment on all aspects of efficient federal permitting of POTWs (and TWTDS) consistent with requirements of the Endangered Species Act and the National Historic Preservation Act.

F. Permit as a Shield

Section 402(k) of the CWA, also known as the "shield" provision, provides that compliance with an NPDES permit shall be deemed compliance, for purposes of sec. 309 and 505 enforcement, with sec. 301, 302, 306, 307, and 403 of the CWA (except for any standard imposed under sec. 307 for toxic pollutants injurious to human health). In response to questions raised regarding EPA's interpretation of the scope of the "shield" associated with NPDES permits under the CWA, the Agency issued a policy statement on July 1, 1994, to describe the Agency's current position on the scope of the authorization by EPA to discharge under an NPDES permit and the shield thus associated with permit authorization.

As part of an application for an individual NPDES permit, EPA requires that an applicant provide certain information on its facility. In the case of industrial permit application, this includes specific information about the presence and quantity of a number of specific pollutants in the facility's effluent, as well as general information on all waste streams and operations contributing to the facility's effluent and the treatment the wastewater receives. Present application requirements for