statistical methodologies, it was possible to discern certain general patterns in the incidence of pollutants reported. Our review of Region VI and North Carolina data indicated that over 90% of 300 POTWs sampled reported at least one of the chemicals listed in Appendix D, Table III. Copper and zinc each appeared in two-thirds of all the POTWs surveyed; lead and nickel each appeared in about thirty percent of the effluents sampled; antimony, arsenic, cadmium, and silver each appeared in more than fifteen percent of facilities; and mercury and cyanide each appeared in slightly fewer than fifteen percent. Certain volatile organics (i.e., THMs) each appeared in roughly a quarter or more of the POTWs sampled; and certain base neutral compounds (i.e., pthalate esters) each showed up in ten to twenty percent of POTWs. Finally, only a few of the pesticides listed in Appendix D, Table II were reported in a small number of these scans.

While this information was not determinative in the Agency's decisions about what to include on the forms, it was consistent with other information provided, and supported some of the Agency's assumptions articulated elsewhere in this preamble concerning the appropriate pollutant test data to require from major POTWs. Notably lacking, however, were data on discharges from "minor" POTWs (those with a design flow of less than one (1.0) mgd). The Agency is seeking information concerning the discharges from minor POTWs and intends to collect such information between this proposal and the final rule that will provide a basis for determining the appropriate sampling requirements for those POTWs.

H. Public Consultation in the Development of Today's Proposal

In the course of developing today's proposed rule, EPA made efforts to consult with interested stakeholders in the application process. In late 1993 and early 1994, the Agency sought feedback on draft forms and other elements of the proposal from States with approved NPDES programs, local governments, the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA), the Association of Metropolitan Sewerage Agencies (AMSA), the California Association of Sanitation Agencies (CASA), the Water Environment Federation (WEF), and several environmental groups. In response to this outreach effort, the Agency received written comments from a dozen States, several municipalities, and from AMSA. Agency representatives also met with State and

municipal representatives and conducted a conference call through WEF.

With respect to the POTW wastewater discharge application, the Agency was particularly interested in issues relating to pollutant data collection. The Agency indicated that it was considering a tiered approach, based upon POTW size and the level of industrial contribution (i.e., whether the POTW was required to implement a local pretreatment program). Most commenters generally supported the idea of a tiered approach (i.e., that the Agency not require the same information from all POTWs). The Agency received an array of suggestions concerning what pollutant data should be required. Among the concerns raised by commenters were the following: ease of completion; flexible implementation by States; reduced pollutant data requirements; sensitivity to impacts on small municipalities; and elimination of redundant reporting. In addition, the Agency received numerous technical comments concerning various details of the information to be reported.

In response, the Agency has made changes to the proposed rule to provide a user-friendly modular design for the forms and has revised its initial approach to municipal pollutant data collection for this proposal. The Agency's proposed approach to pollutant data collection would limit pollutant data requests to those pollutants of greatest concern and would require less pollutant data from smaller municipalities. However, the Agency is still considering several options concerning the amount of pollutant data to be provided, including options that would require minor POTWs to provide sampling data on metals, some organic compounds, and whole effluent toxicity.

With respect to the sludge application, the Agency was interested in the type and amount of pollutant data currently requested by States. Responses showed variation among States. Comments were also received that questioned the need for some of the information to be collected by Form 2S. The Agency has removed some questions that it agrees are not necessary for sludge permit applications. The Agency also requests comment on several options for pollutant data collection.

Finally, the Agency proposes to allow the use of existing data and to reduce redundant reporting by allowing permitting authorities to waive reporting of information to which they have direct access. This proposal is discussed in more detail in those portions of the preamble which focus on the relevant provisions of the proposed rule. The Agency also solicits comments on alternative considerations specifically addressed to pollutant data submission and industrial user information.

II. Approach Taken in Today's Notice

A. Scope of Today's Rulemaking

Today's notice proposes two sets of NPDES application requirements and a corresponding permit application form, together with instructions, for each. Proposed §122.21(j) contains application requirements pertaining to wastewater treatment and discharge at publicly owned treatment works (POTWs), and would require that applicants submitting this information to EPA use new Form 2A. Proposed §122.21(q) contains application requirements pertaining to generation, treatment, and disposal of sewage sludge at POTWs and other treatment works treating domestic sewage, and would require that applicants submitting applications to EPA use new Form 2S.

The proposed forms would be used both by EPA and by approved NPDES States that choose to adopt these forms. Approved States could also elect to use forms of their own design so long as the information requested includes at least the information required by the final NPDES/sludge regulations. EPA and State NPDES authorities may request additional information from permit applicants whenever necessary to establish appropriate permit limits and conditions. CWA sec. 308.

The proposed forms and instructions for each form are included with today's proposed rule as an appendix to the rulemaking package. EPA is not intending to publish the forms and instructions with the final rule, so as to reduce the length of the Federal Register notice for the final rulemaking, and solicits comment on this issue.

B. The Agency Proposes to Revise the Definition of POTW and Existing Permit Application Requirements for POTWs

Today, EPA proposes to revise the definition of the term "POTW," as defined in 40 CFR Part 122 to conform more exactly with the definition of the term at 40 CFR Part 403. "POTW" is defined at 40 CFR 403.3 as "a treatment works . . . which is owned by a State or municipality." This definition includes devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature, as well as sewers, pipes, and other conveyances that carry wastewater to a