

works that treat primarily domestic wastewater.

EPA is aware that Federal and State permitting authorities use a number of mechanisms for obtaining NPDES permit application information from non-POTW treatment works. These mechanisms include Standard Form A, Short Form A, Form 2C ("Existing Manufacturing, Commercial, Mining, and Silvicultural Operations"), and Form 2E ("Facilities Which Do Not Discharge Process Wastewater"). The Agency believes that Form 2A would in many cases be the more appropriate application form for non-POTW treatment works, and solicits comments on its applicability to such facilities.

Nevertheless, the Agency does not propose to require Form 2A for non-POTW treatment works. Despite many functional similarities to POTWs, such facilities do not share the same regulatory requirements and thus might not be required to report the same information to permitting authorities. In many instances, non-POTW treatment works are not required under the NPDES regulations to develop pretreatment programs, meet secondary treatment requirements, or report results of whole effluent toxicity testing with their permit applications. For those facilities, requiring such information through Form 2A might be unnecessary.

The Agency solicits comments on whether the provisions of § 122.21(j) and the requirement to use Form 2A should be extended to treatment works other than POTWs. EPA is particularly interested in commenters' views on how to collect appropriate information in appropriate circumstances. EPA also seeks to design permit application requirements to account for privatization of treatment plants initially constructed as publicly owned treatment works. The permit application requirements in this proposed rule may be appropriate for partially privatized portions of POTWs, particularly because the proposed information regulations in today's rule would solicit information about sewerage collection systems that might not otherwise be collected under the industrial permit application regulations. Finally, EPA solicits comment on the extent of the similarity between POTWs and FOTWs, for example, whether FOTWs would have combined sewage collection systems. In another part of today's proposal, EPA is soliciting comment about the definition of POTW to which the permit application regulations would apply.

#### *E. EPA Proposes Revised Application Requirements and Form 2S for Sewage Sludge Permits*

Today, EPA also proposes a new form, Form 2S, to collect information on sewage sludge from treatment works treating domestic sewage (TWTDS). The term "treatment works treating domestic sewage" is a broad one, intended to reach facilities that generate sewage sludge or effectively change its pollutant characteristics as well as facilities that control its disposal. The term includes all POTWs and other facilities that treat domestic wastewater. It also includes facilities that do not treat domestic wastewater but that treat or dispose of sewage sludge, such as sewage sludge incinerators, composting facilities, commercial sewage sludge handlers that process sludge for distribution, and sites used for sewage sludge disposal. In addition, EPA may designate a facility a TWTDS when the facility's sludge quality or sludge handling, use, or disposal practices have the potential to adversely effect public health and the environment. Septic tanks or similar devices are not considered TWTDS.

In addition to proposing sewage sludge application requirements in new paragraph 122.21(q), EPA also proposes to delete the cross-reference to § 501.15(a)(2) in paragraph 122.21(d)(3)(ii). This would consolidate all of the sewage sludge application requirements in paragraph 122.21(q). The information included in § 122.21(d)(3)(ii) and § 501.15(a)(2) was not intended to be a final, comprehensive list of all of the application information required of a TWTDS. Such a comprehensive list was not possible until after promulgation of the technical sewage sludge standards. Rather, with these sections, EPA provided a minimum set of information requirements to suffice until more comprehensive sewage sludge permit application regulations could be promulgated. In light of the promulgation of technical sewage sludge use or disposal standards, at 40 CFR Part 503, EPA today proposes to modify the sewage sludge permit application requirements to add new § 122.21(q) and to revise paragraph § 122.21(d)(3)(ii) accordingly.

EPA intends to maintain consistency between the NPDES permit application requirements of Part 122 and the State sewage sludge permitting requirements of Parts 123 and 501. This reflects EPA's belief that a TWTDS should submit the same application information regardless of whether the permitting authority regulates sludge management under an approved NPDES or under a non-NPDES

program. Therefore, under today's rulemaking, EPA also proposes to revise the language of §§ 123.25(a)(4) and 501.15(a)(2) to modify the sludge information requirements. EPA seeks comment on this revision.

#### *F. Reasons for Separate Form 2A and Form 2S*

EPA today proposes two separate forms for municipal wastewater discharges and sludge for several reasons. First, the forms would differ in their applicability. Form 2A would apply only to POTWs; Form 2S would require information from all TWTDS. Most facilities that generate, treat, or dispose of sewage sludge are POTWs, and will be required to submit both application forms. However, several thousand TWTDS do not discharge to surface waters and therefore are not required to have NPDES discharge permits. Thus, they would be required to submit Form 2S but not Form 2A.

Second, separate application forms are also appropriate because wastewater and sewage sludge are often regulated by different permitting authorities. In 41 States and territories, the NPDES program is administered at the State level through an EPA-approved NPDES program. Therefore, POTWs in NPDES States would obtain NPDES permits from the State permitting authority (by submitting Form 2A to the State) and sewage sludge permits from EPA (by submitting Form 2S to the EPA Regional Office). Separate application forms would facilitate this bifurcated permitting process. In addition, even when a State sludge permitting program is approved, the program will not necessarily be administered by the State's NPDES permitting authority. For example, a POTW in a State with both NPDES and sludge permitting authority could receive its NPDES permit from the water management agency and its sewage sludge permit from a solid waste agency. Separate Forms 2A and 2S would also facilitate permitting in this situation.

#### *G. EPA Solicits Comment on the Use of Electronic Application Forms*

Consistent with recent amendments to the Paperwork Reduction Act, the Agency intends to develop electronic data submission as an alternative form of application. The use of electronic media should help to streamline the application process and to reduce the amount of repetition associated with completing application forms that are only available on hard copy. As previously noted, the elimination of redundant reporting is one of the goals of this rulemaking.