

It is not clear, however, how this would best be accomplished, especially because permit application forms must be "signed" to ensure reliability of permit application information (and enforceability of the permit application regulations). Options range from transmitting data electronically, submitting disk copies, or submitting a hard copy. It might be most feasible to have electronic forms that could be distributed and completed electronically, and then printed, signed, and submitted. Although the Agency is considering how "signatures" for electronic submissions could be obtained, there are other issues concerning the use of application forms, such as how to attach accompanying documents. The Agency solicits comments regarding the interest that applicants and permitting authorities may have in this area, and suggestions as to how it could most feasibly be accomplished.

### III. Description of Proposed Requirements

#### A. EPA Proposes to Revise Requirements in § 122.21 (c), (d) and (f) Concerning the Use of Forms 1, 2A, and 2S

EPA proposes revisions to the existing general application requirements for all NPDES permittees, which would require the use of Forms 2A and 2S by applicants for EPA-issued permits. The proposed rule would not require applicants using these forms to use Form 1, as is currently required. Today's proposed rule substantially incorporates the requirements of § 122.21(f) into the requirements of proposed § 122.21 paragraphs (j) and (q).

##### 1. Requirement to Submit Form 2A

EPA proposes in § 122.21(d) to require POTWs to submit the information at § 122.21(j) using Form 2A or an equivalent form approved by the Director. The Agency proposes to require applicants for EPA-issued permits to complete Form 2A, but is considering not requiring the use of the form so long as the proposed regulatory requirements are met. The Agency intends to allow the use of any method of electronic data submission the Agency may approve as part of the final rule in lieu of the form itself.

##### 2. Requirement to Submit Form 2S

EPA also proposes in § 122.21 paragraphs (c)(2)(iii) and (d) to require TWTDS to submit the information at § 122.21(q) using Form 2S or an equivalent form approved by the Director. As with Form 2A, the Agency proposes to require applicants for EPA-

issued permits to complete Form 2S, but is considering not requiring the use of the form so long as the proposed regulatory requirements are met. Also as with Form 2A, the Agency intends to allow the use of any method of electronic data submission the Agency may approve as part of the final rule.

#### B. Application Requirements for POTWs (40 CFR 122.21(j))

Today's proposed rule includes application requirements for all POTWs. These requirements are proposed at 40 CFR 122.21(j). Form 2A tracks the information required by the regulation in parallel fashion. Applicants for State-issued permits are not required to use Form 2A, so long as the other application form provided by the Director requests the information required by proposed § 122.21(j).

EPA acknowledges concerns relating to redundant reporting which were raised by State and municipal commenters during the consultation process. The Agency does not wish to require applicants to report information already provided or available to the permitting authority. Today's proposal would allow permitting authorities to waive reporting requirements, as appropriate. The introductory paragraph of proposed § 122.21(j) would allow the Director to waive any requirement in proposed paragraph (j) if the Director has access to substantially identical information. The Agency solicits comment on this approach and, specifically, on the conditions for allowing such a waiver. In today's proposed rule, the Agency also solicits comments on more narrowly defined waivers for specific requirements (see discussion below concerning pollutant data requirements and industrial user information requirements).

The Agency also solicits comment on ways to allow the permit writer or permitting authority discretion in waiving particular information where the permitting authority determines that such information is not necessary for the application. In other words, there may be flexible ways to look at each applicant in light of the overall "matrix of characteristics" regarding a particular facility. Where, for example, historical data indicate that additional sampling is not warranted unless other conditions have changed, the Agency is allowing the permitting authority to waive such sampling. Such flexibility would involve a holistic approach to implementing these proposed requirements. The Agency solicits comment as to ways in which it could be accomplished without making these provisions entirely discretionary, and

thus making it difficult for the applicant to predict how discretion would be exercised. This might be particularly relevant on the second and subsequent rounds of permitting under these proposed provisions. The Agency also seeks comment on what information might be appropriate and what information might be inappropriate for such waivers.

##### 1. Basic Application Information

Today's proposal would require all POTW applicants to provide the information in proposed § 122.21(j)(1). All of this information is also requested in Questions 1–16 of the Basic Application Information part of proposed Form 2A.

Proposed § 122.21(j)(1) of today's rule would require information on the POTW's service area and physical plant. The proposed rule would require all applicants to provide information regarding the community served and physical characteristics of the treatment works.

Proposed § 122.21(j)(1)(i) requests facility identification information. Proposed § 122.21(j)(1)(ii) requests information about the applicant, which may or may not be the facility itself. Proposed § 122.21(j)(1)(iii) asks the applicant to provide permit numbers of any existing environmental permits that have been issued to the facility.

Proposed § 122.21(j)(1)(iv) would require the applicant to list the municipalities and populations served by the POTW. The POTW may serve several areas (including unincorporated connector districts) in addition to the one in which it is located. The permit writer needs to know what areas are served and the actual population served in order to calculate the potential domestic sewage loading to the facility. The information on the community is also useful for providing notice and public comment for permit reissuance, and for public education.

Proposed § 122.21(j)(1)(v) would require the applicant to report the facility's design flow rate and the annual average daily flow rate for each of the past three years. This information enables the permitting authority to calculate limits appropriate to the POTW, to alert the permitting authority to the need for flow restrictions or facility expansion, and to compare design and actual flows.

Proposed § 122.21(j)(1)(vi) would require information on the type of collection system used by the facility. The applicant would also identify whether the collection system is a separate sanitary system or a combined storm and sanitary system. The