

1.0 mgd. The Agency has found that major POTWs have a high potential to discharge toxic pollutants because of the strong likelihood that they receive industrial wastewaters and because of the large number of substances entering the treatment works from various sources. Therefore, the Agency believes that it is necessary to collect toxic pollutant data from these POTWs.

EPA also proposes to require data on toxic pollutants from POTWs that are required to develop pretreatment programs under 40 CFR Part 403. A POTW is required to develop a pretreatment program if it receives discharges from significant industrial users that may interfere with the POTW or pass through the treatment works. Approximately ten percent (approximately 1,500) of all POTWs have or are required to develop pretreatment programs. Most POTWs with pretreatment programs are also major POTWs, and so this criterion only slightly expands the requirements of this provision.

In addition to POTWs with design flows greater than or equal to 1.0 mgd and POTWs with pretreatment programs, EPA is proposing to allow the permitting authority to require any other POTW to submit monitoring data for some or all of the pollutants listed in proposed Appendix J, Table 2. The Agency would recommend that the permitting authority require an applicant to perform a complete or partial pollutant scan if toxicity is known or suspected in a POTW's effluent. Alternatively, if the facility's effluent causes adverse water quality effects, or if the POTW discharges to an impaired receiving water, the permit writer could require the applicant to provide analytical results from a complete pollutant scan.

The permit writer could also require the applicant to test for these parameters depending on the number or kinds of industrial users. EPA is proposing to grant the permit writer such discretion because smaller POTWs that receive industrial contributions also have the potential to discharge toxic pollutants. Although a POTW with a design flow less than 1.0 mgd may not have as great a volume of toxic pollutants entering its treatment system as a larger POTW, the impact of its industrial users could easily be more pronounced due to other considerations, such as smaller treatment capacity or an effluent-dominated receiving stream. Testing for toxic pollutants would provide the information needed to write a protective permit for such a POTW.

The Agency solicits comments on the above criteria for determining which

POTWs must test effluent for the pollutants in proposed Appendix J, Table 2. The Agency also solicits comment on whether other POTWs should be required to sample for some or all of these pollutants. Alternatively, the Agency solicits comment as to whether other POTWs should be required to provide any existing data on these pollutants. Such data would be important information in conducting watershed assessments.

The proposed approach for determining which POTWs must submit data on toxic pollutants is not the only approach being considered by the Agency. Among the alternatives being considered is one that would expand upon the approach described above, and require toxics data from two groups of non-pretreatment minors, each of which includes about half of all minor POTWs. In this approach, POTWs with a population between 1,000 and 10,000 (and not otherwise required to report as described above) would be required to provide a single pollutant scan for the Metals, Cyanide, and Total Phenols and the Volatile Organics groups in proposed Appendix J, Table 2. POTWs with a population of less than 1,000 (and not otherwise required to report as described above) would be required to provide a single scan for certain metals (i.e., cadmium, chromium, copper, lead, nickel, zinc, silver, and mercury). The Agency specifically solicits comment on this alternative approach. Commenters are requested to address the suggested cutoff points for different levels of reporting, the pollutants for which reporting is suggested, and the number of samples that should be required.

EPA proposes that POTWs meeting the three criteria enumerated above monitor for the pollutants in proposed Appendix J, Table 2, and any other pollutants for which there are established State water quality standards. Proposed Table 2 is a subset of the priority pollutants list previously described. As discussed in the background discussion of this preamble, these pollutants are regulated under the CWA and have been identified by Congress and/or EPA as potential threats to human health or aquatic life. Proposed Table 2 also includes total phenols, a parameter commonly used as an indicator pollutant for certain priority pollutants. Also as discussed, EPA and most States have developed numeric criteria and standards for most of these pollutants.

Proposed Appendix J, Table 2 represents pollutants that have been identified in priority pollutant scans of effluent from POTWs. Permit writers will be able to use data on these

pollutants as a basis to derive appropriate permit limits.

The Agency is proposing to not require pollutant data for certain priority pollutants (i.e., dioxin, asbestos, and priority pollutant pesticides). Available information on the occurrence of asbestos, dioxin, and priority pollutant pesticides reveals that these pollutants rarely occur at detectable levels in POTW effluents. Absent information to the contrary, the Agency does not consider asbestos to be a pollutant of concern in municipal wastewater effluents. Dioxin, while nearly ubiquitous, is present in such minute amounts in those industrial outfalls where it is known to be present in relatively high concentrations, that the Agency does not believe that, in general, it is appropriate to require POTWs to monitor for the pollutant at the POTW outfall, due to the high level of dilution in municipal wastestreams. Permitting authorities may wish to require such monitoring on a case-by-case basis if there is reason to believe that dioxin may be present in measurable amounts. To the extent that priority pollutant pesticides, including, for example, DDT and PCBs, appear in municipal wastestreams, the Agency believes that their presence is due, for the most part, to background concentrations, rather than to new introductions by discharges to the POTW. Where these pesticides result in toxicity problems or where other conditions merit, the Agency believes that permitting authorities should require sampling for them on a case-by-case basis. In the alternative, the Agency is considering adding pesticides to the list of required pollutants in proposed Appendix J, Table 2. The Agency solicits comment on whether routine monitoring and screening should be required for pesticides from all POTWs meeting the criteria of proposed § 122.21(j)(3)(iii) or whether the proposed approach is the appropriate one.

EPA also solicits comment on alternative ways to collect information in permit application about pollutants that occur in low levels, such as dioxin, or that otherwise present water quality concerns even in highly dilute effluent. As discussed previously, the proposal would require information about significant industrial users from certain POTWs so the permit writer should have sufficient knowledge about the potential for pass through of such pollutants. The Agency is interested in commenters' views on the adequacy of SIU identification for the purposes of developing adequate POTW permit limitations. Proposed § 122.21(j)(3)