the average dry weather hydraulic or organic capacity of the POTW; or

(3) is designated as such by the control authority (40 CFR 403.12(a)) because of a reasonable potential to adversely affect the POTW's operation or violate pretreatment requirements.

Proposed § 122.21(j)(5)(ii) would require POTWs with approved pretreatment programs to describe any substantial modifications to the POTW's pretreatment program that have not yet been approved in accordance with 40 CFR 403.18. EPA is considering revising the pretreatment regulations to streamline approved program requirements. Such revisions may make the need for this information unnecessary

Proposed § 122.21(j)(5)(iii) would require information on individual significant industrial users (SIUs) discharging to POTWs. This provision is similar to questions currently found on Standard Form A. The Agency desires to incorporate into the final rule provisions that reduce duplication of effort. One possible way is to allow the applicant to reference substantially similar information about SIUs previously submitted to the permitting authority rather than to resubmit the information. The Agency solicits comments on using this approach in the final rule and suggestions of other possible options. EPA is also considering whether to waive, either entirely or on a case-by-case basis, such reporting for any POTW with an approved pretreatment program under 40 CFR Part 403 that submits an annual report within the year preceding its application to the extent that the annual report contains information equivalent to that required in proposed Section M. The Agency solicits comment on this question.

The proposed provision requires POTWs to provide the following information for each SIU: Name and mailing address, description of the industrial processes affecting the discharge, principal products and raw materials, average daily volume of process and non-process wastewater discharged, and whether the SIU is subject to local limits or categorical pretreatment standards. The description of each SIU's industrial activity and its principal products and raw materials alerts the permit writer to the potential presence of pollutants in the discharge in concentrations that may be of concern to the POTW, and can be useful in establishing permit limits. Information on the average daily volume of process wastewater discharged helps the permit writer to estimate pollutant loads to the POTW. Knowing the

volume of non-process wastewater discharged will alert both the permit writer and the POTW to the possibility of hydraulic overload to the system, and will help the POTW minimize such occurrences.

Currently, Standard Form A requires the applicant to identify the quantities of product manufactured and raw materials used by each SIU. The Agency is not proposing to require this information in today's proposal because neither the amount of production nor the amount of raw materials used necessarily correlates directly to the toxicity of the waste stream. For example, the SIU might use all of the raw material and release little into the waste stream. The Agency is instead requesting a narrative description of products and raw materials involved in the industrial activity.

Standard Form A also requires the applicant to characterize each SIU's industrial discharge. Although this information may be necessary to establish permit limits at some POTWs, this question appears to be unnecessary. In many cases, the permit writer is able to determine parameters of concern from the principal products and raw materials for that industrial user. In other cases the permit writer may request this information on a case-bycase basis.

The proposed provision would also require the applicant to describe any problems at the POTW attributable to wastewater discharged by SIUs. Identification of such problems is necessary to set permit limits for pollutants that the POTW might not adequately remove, and should lead to other strategies for control of toxic pollutants, such as: more stringent local limits or other pretreatment requirements; best management practices, if the toxic pollutants appear to be from diffuse sources; or toxicity reduction evaluations (TREs), if toxicity testing shows that the effluent causes an excursion above water quality standards in the receiving stream. Instances of pass through and interference identified in this step will alert the permit writer to violations of the POTW's NPDES permit.

Discharges From Hazardous Waste Sources

Proposed § 122.21(j)(6) would require applicants to provide general information concerning discharges of RCRA hazardous wastes to POTWs and discharges from hazardous waste cleanup or remediation sites. The purpose of this information is to alert the permit writer to potential concerns

regarding the constituents of such discharges.

Proposed § 122.21(j)(5)(i) would require the applicant to provide information about any hazardous wastes, as defined under Subtitle C of the Resource Conservation and Recovery Act (RCRA), or authorized State law, that are delivered to the facility by truck, rail, or dedicated pipe. This requirement does not apply to RCRA hazardous wastes discharged to a sewer system that mix with domestic sewage before reaching the POTW, because the Domestic Sewage Exclusion (sec. 1004(27) of RCRA) provides that solid or dissolved material in domestic sewage is not solid waste as defined in RCRA, and therefore is not a hazardous waste.

If the POTW receives RCRA hazardous waste by truck, rail, or dedicated pipe, the applicant must list, for each waste received, the hazardous waste number, quantity, and method by which it is received. The permit writer would use this information to coordinate appropriate RCRA requirements including, where appropriate, additional permit terms to address such requirements. In addition, this information will enable permitting authorities to identify potential impacts

in the POTW's discharge.

In order to establish appropriate permit requirements, the permit writer also needs to be aware of wastewaters discharged to the POTW that originate from remedial activities conducted under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the RCRA corrective action program, or other authorities. POTWs are sometimes used for the disposal of wastewaters generated during remediation of CERCLA (Superfund) sites or during RCRA corrective action activities at industrial facilities. Paragraphs (ii)-(iv), in proposed § 122.21(j)(6), would require the applicant to identify wastewaters from remedial activities known or expected to be received during the life of the permit, the origin of such wastes and the treatment, if known, that such wastes receive prior to entering the POTW. This information is intended to help the permit writer decide whether to establish additional monitoring or permit requirements for the effluent and sewage sludge.

7. Combined Sewer Overflows

In developing permit requirements to meet BAT/BCT using BPJ and to meet applicable water quality standards for CSO discharges, the permit writer requires certain information. To ensure that the permit writer has the necessary