

information, EPA proposes to require information that reflects the Agency's 1994 CSO Control Policy (see discussion in background section). This paragraph is intended to complement, and not overlap, other reporting that POTWs may be required to provide by the NPDES authority in accordance with the CSO Control Policy.

Proposed § 122.21(j)(7)(i) would require information about the combined sewer system (CSS), including a system map and system diagram that describe the relevant features of the system. Applicants are also required to identify the number of CSO discharge points to be covered by the permit application. Because municipalities with CSOs often have more than one treatment plant, different POTW permits may include different outfalls from their CSS.

Similarly, proposed § 122.21(j)(7)(ii) would require that applicants provide information on each outfall specifically covered by the application. This includes some locational information similar to that for outfalls of treated effluent in proposed § 122.21(j)(2), paragraphs (i) and (ii). As discussed previously, this sort of locational data is consistent with Agency policy concerning the reporting of such information. It also provides permitting authorities with a means of locating dischargers within the U.S. Soil Conservation Service watershed categorization system, a State's river basin categorization system, and the U.S. Geological Survey cataloging scheme.

This provision would also require information about any monitoring conducted on the outfall by the applicant and any CSO incidents that occurred in the year previous to the permit application. Finally, proposed § 122.21(j)(7)(ii)(E) would require the permittee to identify any significant industrial users (see discussion on pretreatment and industrial user information) that contribute to the CSO and to describe any known water quality impacts, such as beach or shellfish bed closings and fish kills. The Agency considers this to be a minimal amount of information to be provided to the permit writer, inasmuch as the permit writer must have adequate information to specifically authorize discharges at each of the identified outfalls.

8. Contractors

Proposed § 122.21(j)(8) would require the applicant to identify all contractors responsible for any operation or maintenance aspects of the POTW and to specify such contractors' responsibilities. This information

enables the permit writer to determine who has primary responsibility for the operation and maintenance of the POTW, and thus determine whether a contractor should be included on the permit as a co-permittee.

9. Certification

Proposed § 122.21(j)(9) would require the signature of a certifying official in compliance with 40 CFR 122.22, which requires the signature of a certifying official on all NPDES applications. The certification would apply to all attachments identified on the application form, as well as any others included by the applicant.

10. Revision to Pretreatment Program Requirements

Existing § 122.21(j)(iv) requires applicants with a pretreatment program to provide a technical evaluation of the need to revise local limits, under 40 CFR 403.5(c)(1). Since 1990, when that requirement was promulgated, the Agency has received numerous requests to change the provision to make it effective after the date of permit issuance. The concern has been raised that a POTW most needs to review its local limits after permit reissuance, when new permit limits are in place, rather than prior to permit reissuance.

The Agency agrees with these comments and proposes to make this change. In order to be clear, the provision has been reworded and is proposed to be moved to 40 CFR 403.8(f)(4), with the existing POTW pretreatment program requirements. The Agency solicits comment on this approach.

C. Application Requirements for TWTDS (40 CFR 122.21(q))

Under § 122.21(d)(3)(ii), POTWs and other treatment works treating domestic sewage (TWTDS) are currently required to submit the sewage sludge information listed at § 501.15(a)(2) with their permit applications. Today EPA proposes regulatory language at § 122.21(q) to update the information that must be reported. Proposed revised § 501.15(a)(2) would reference the requirements of proposed § 122.21(q). EPA also proposes a new form, Form 2S, for collection of this information. Section (q) would require all TWTDS, except "sludge-only" facilities, to report information regarding sewage sludge generation, treatment, use, and disposal. The permitting authority may also require a "sludge-only" facility to submit a permit application containing this information. These proposed new requirements are intended to clarify existing sewage sludge application

requirements, as necessary to implement the Agency's Part 503 standards for sewage sludge use or disposal.

As with the proposed POTW application requirements, the Agency does not wish to require redundant reporting by TWTDS. Thus, the Agency is proposing to allow a waiver for information required to be reported under § 122.21(q) similar to that proposed for § 122.21(j). This would allow the Director to waive any requirements in proposed paragraph (q) if the Director has access to substantially identical information. The Agency solicits comment on this approach and the proposed conditions for allowing such a waiver.

Also as with the proposed POTW application 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 considering waiving such sampling. Such flexibility would involve a holistic approach to implementing these proposed requirements, and the Agency solicits comment as to ways in which it could be accomplished without making these provisions entirely discretionary, so that one could predict the exercise of discretion. 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. Facility Information

Proposed § 122.21(q)(1) would require summary information on the identity, size, location, and status of the facility. Proposed paragraph (ii) would request that the facility location be described by latitude and longitude to the nearest second. This information meets the specifications of EPA's Locational Data Policy and supports the Watershed Protection Approach, by providing permit writers and other Federal and State environmental managers with a means of geographically locating potential sources of polluted runoff. EPA believes that this change would