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National Pollutant Discharge Elimination System Permit Application Requirements for Publicly Owned Treatment Works and Other Treatment Works Treating Domestic Sewage; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9, 122, 123, 124, and 501

[FRL–6401–2]

RIN 2040–AB39

National Pollutant Discharge Elimination System Permit Application Requirements for Publicly Owned Treatment Works and Other Treatment Works Treating Domestic Sewage

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) today amends permit application requirements and application forms for publicly owned treatment works (POTWs) and other treatment works treating domestic sewage (TWTDS). TWTDS include facilities that generate sewage sludge, provide commercial treatment of sewage sludge, manufacture a product derived from sewage sludge, or provide disposal of sewage sludge.

Today's rule consolidates POTW application requirements, including information regarding toxics monitoring, whole effluent toxicity (WET) testing, industrial user and hazardous waste contributions, and sewer collection system overflows. The most significant revisions require toxic monitoring by major POTWs (and other pretreatment POTWs) and limited pollutant monitoring by minor POTWs. EPA believes that permitting authorities need this information in order to issue permits that adequately protect the Nation's water resources.

Form 2A replaces existing Standard Form A and Short Form A to account for changes in the National Pollutant Discharge Elimination System (NPDES) program since the forms were issued in 1973.

The regulations also clarify the requirements for TWTDS and allow the permitting authorities to obtain the information needed to issue permits that meet the requirements of the 40 CFR Part 503 sewage sludge use or disposal regulations. Form 2S replaces the existing Interim Sewage Sludge Form. Form 2S is similar to the Interim Sewage Sludge Form but requires less information.

EPA is revising these regulations to ensure that permitting authorities obtain the information necessary to issue permits which protect the environment in the most efficient manner. The forms make it easier for permit applicants to provide the necessary information with their applications and minimize the need for additional follow-up requests from permitting authorities. EPA expects the rule to reduce current annual reporting and record keeping burdens by 21 percent, by standardizing the forms to match information requests with information needs.

This rule also lifts the stay of 40 CFR 501.15(d)(1)(i)(B) in a final rule streamlining state sewage sludge regulations published on August 24, 1998 (63 FR 45113).

DATES: This rule and 40 CFR 501.15(d)(1)(i)(B) expires on December 2, 1999. In accordance with 40 CFR 23.2, this rule shall be considered final for the purposes of judicial review at 1:00 p.m. (Eastern Standard Time) on August 18, 1999.

ADDRESSES: The record for this rulemaking, including all public comments on the proposal, will be available for inspection and copying at the Office of Water Docket. The docket is located at EPA, East Tower Basement, 401 M. St. SW, Washington, D.C. 20460. The docket is open Monday-Friday 9:00 am to 4:00 pm, please contact the docket at (202) 260–3027 to schedule an appointment.

FOR FURTHER INFORMATION CONTACT: For information on Form 2A and municipal wastewater permitting issues in this document, contact Robin Danesi, (202) 260–2991, Permits Division (4203), United States Environmental Protection Agency, 401 M Street S.W., Washington, D.C., 20460.

For information on Form 2S and sewage sludge permitting issues in this document, contact Wendy Bell, (202) 260–9534, Permits Division (4203), United States Environmental Protection Agency, 401 M Street S.W., Washington, D.C., 20460.

Copies of this document with the forms are available from the EPA home page at www.epa.gov under the Laws and Regulations section. Electronic copies of the forms will be available on the Office of Wastewater Management home page at www.epa.gov/owm. EPA plans to provide a word wizard of the form which should be available shortly after the final rule is promulgated.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this action are governmental entities responsible for implementation of the NPDES and sewage sludge programs and entities that are regulated by these programs. Regulated entities include:

Category	Examples of regulated entities
Local government.	Publicly Owned Treatment Works, owners and operators of treatment works treating domestic sewage.
Private	Privately owned treatment works or other treatment works treating domestic sewage.
State government.	Treatment works owned or operated by States or Tribes.
Federal government.	Federally owned treatment works.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your organization is regulated by this action, you should carefully examine the applicability criteria in Parts 122 and 503 of Title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

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I. Background

A. Overview

EPA provided an extensive discussion of the background for today's rule in the proposed rule published on December 6, 1995 (60 FR 62546). For the sake of brevity, EPA refers the reader to that action for information about the background of today's rule.

B. Public Consultation in the Rule Development

EPA made efforts to consult with interested stakeholders during the development of the December 6, 1995, proposed rule. In late 1993 and early 1994, EPA sought feedback on draft forms and other elements of the proposal from States with approved NPDES programs, local governments, the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA), the Association of Metropolitan Sewerage Agencies (AMSA), the California Association of Sanitation Agencies (CASA), the Water Environment Federation (WEF), and several environmental groups. In response to this outreach effort, EPA received written comments from a dozen States, several municipalities, and from AMSA. EPA also met with State and municipal representatives and participated in a conference call with representatives from ten POTWs and two States.

EPA received 59 comments during the public comment period on the proposed rule and made numerous changes to the rule and the forms in response to the comments. Specific comments are mentioned throughout today's preamble in the applicable sections.

II. Description of Today's Final Rule and Response to Comments

A. Scope of Today's Rulemaking

Today's document finalizes two sets of application requirements and corresponding permit application forms, and provides instructions for each. Section 122.21(j) contains application requirements pertaining to wastewater treatment and discharge into and from publicly owned treatment works (POTWs). The requirements are incorporated into the new Form 2A which replaces Standard Form A and Short Form A, both of which were developed in 1973. Section 122.21(q) contains application requirements pertaining to generation, treatment, and disposal of sewage sludge at POTWs and other treatment works treating domestic sewage (TWTDS). These requirements are incorporated into the new Form 2S which replaces the Interim Sewage Sludge Permit Application Form.

EPA promulgates these application regulations and publishes the new forms for several reasons. First, this rulemaking addresses changes to the NPDES program since 1973. The NPDES program applicable to POTWs has changed significantly since that time, specifically in the areas of toxics control, water quality-based permitting and pretreatment programs. Second, the rule consolidates application requirements from existing regulations into a ''modular'' permit application form, thereby streamlining and clarifying the process for permit applicants. Third, these revisions provide permit writers with the information necessary to develop appropriate NPDES permits consistent with requirements of the Clean Water Act and thus, also provide greater certainty for permittees that compliance with their permits constitutes compliance with the CWA. Fourth, the Agency seeks to reduce redundant reporting by allowing NPDES permitting authorities to waive certain information requirements where information is already available to the permitting authority and, finally, to provide a platform for electronic data transmission.

EPA will use the forms in States where the Agency administers the NPDES and/or sewage sludge programs. Authorized States may choose to use these forms because the forms will provide the required application information. Authorized States can also elect to use forms of their own design so long as the information requested includes at least the information required by today's final permit application regulations. EPA and State authorities may request additional information from permit applicants whenever necessary to establish appropriate permit limits and conditions. See CWA sec. 308 and 402(b)(2)(B).

In the December 1995 proposal, EPA asked for comment on whether the forms and instructions should be included with the final rulemaking package. EPA received numerous comments that said that the forms and instructions should be published so they could be available for all to review along with the regulation. EPA has changed the forms significantly in response to comments and in order to facilitate electronic reporting. Therefore, EPA is publishing the forms in the new format with the final rule. The final forms and instructions are included as an appendix to today's notice, but will not be printed in the CFR.

B. Forms 2A and 2S

1. Form 2A

a. Overview. Prior to today's rule, NPDES permitting authorities generally gathered POTW data using Form 1, Standard Form A, and Short Form A. While all these forms are approved Federal forms, the NPDES regulations did not require use of the forms by POTWs when applying for a permit. Standard Form A was intended to be used by all POTWs with a design flow equal to or exceeding one million gallons per day (mgd). It contains questions about the facility and collection system, discharges to and from the facility (including information on some specific pollutant parameters), and planned improvements and implementation schedules. Short Form A was intended for use by all POTWs with a design flow of less than one mgd. It contains only fifteen questions of a summary nature, and asks for virtually no information on specific pollutants. Many States used one or both of the Federal forms, but a number of States

have developed forms that request information not included on the Federal forms.

The December 1995 proposed application form contained two parts, Basic Application Information and Supplemental Application Information. The basic application section was to be completed by all POTWs and contained facility information and monitoring requirements for 17 pollutants. The supplemental application information was for applicants providing data on toxic pollutants, applicants with significant industrial users, and applicants with CSOs.

During the comment period, EPA collected and scrutinized data on the types and quantities of toxic pollutants discharged by minor POTWs. EPA completed an evaluation of existing data sources and conducted toxic monitoring at selected minor POTWs. The results were published as ''Evaluation of the Presence of Priority Pollutants in the Discharges of Minor POTWs'' in June 1996. Copies of the report were sent to all State NPDES coordinators and an electronic version is available on the Office of Wastewater Management Home page (www.epa.gov/owm). The Study included a query of the Permit Compliance System (PCS), EPA's nationwide database for storing NPDES permit information. The June 1996 Study compiled the information from a PCS query for minor POTW data from 1990 to the present, an evaluation of minor POTW data provided by State agencies, and on-site monitoring for selected toxics at 86 minor POTWs located throughout the country.

Based on the information from the Minor POTW Study and comments received on the proposal, EPA decided to modify the proposed application requirement to reduce the information required from facilities under 0.1 mgd. The 0.1 mgd cut-off was based on data from the EPA Permit Compliance System (PCS). The data showed that facilities with design flows greater than 1.0 mgd (major facilities) account for 94.6% of the total POTW flow nationwide. Facilities with design flows between 1.0 mgd and 0.1 mgd account for 5% of the total flow. The remaining 0.4% of the nationwide POTW flow is discharged by facilities with design flows less than 0.1 mgd. A facility with a design flow of less than 0.1 mgd typically serves a population of 1,000 people or less. Approximately 40% of all POTWs fall into this less than 0.1 mgd category. Because these POTWs serve very small communities that contribute a small amount of flow (usually without an industrial influent component), EPA determined that requiring less information from these POTWs would reduce the costs associated with analytic monitoring without significantly affecting the information otherwise needed by permit writers.

Today's Form 2A still contains two parts, but the Basic Application Information has been subdivided to reduce the requirements for facilities with a design flow under 0.1 mgd. The ''Basic Application Information for All Applicants'' part includes information about the collection system and the treatment plant, general information concerning the types of discharges from the treatment plant, identification of outfalls, and effluent monitoring data from the plant for 6 parameters. The requirements are expanded to include effluent monitoring for 14 parameters and several additional questions for POTWs with design flows greater than or equal to 0.1 mgd but less than 1.0 mgd and without pretreatment programs. Larger POTWs and pretreatment POTWs must submit the information requested in the ''Supplemental Application Information'' part of Form 2A, which requires effluent monitoring data for metals and organic compounds, as well as the parameters required for smaller POTWs. This part also requires results of whole effluent toxicity tests, information on significant industrial users, and information on combined sewer overflows (CSOs) if applicable.

b. Applicability to Privately Owned and Federally Owned Treatment Works.

As in the case of existing Standard Form A and Short Form A, Form 2A and the application requirements at § 122.21(j) are required only for POTWs. EPA believes, however, that NPDES permitting authorities have the discretion to use the form on a case-by-case basis for treatment works that are not owned by a State or municipality. As previously discussed, the NPDES program has evolved considerably since EPA promulgated Standard Form A and Short Form A in 1973. The program can clearly be applied to facilities that are similar to POTWs but which do not meet the regulatory definition of ''publicly owned treatment works'' (POTWs). Although not owned by States or municipalities, such facilities nevertheless may receive predominantly domestic wastewater, provide physical and/or biological treatment, and discharge effluent to waters of the United States. Such facilities include Federally owned treatment works (FOTWs) and privately owned treatment works that treat primarily domestic wastewater.

EPA received eight comments regarding FOTWs and privately owned treatment works. All but one favored expansion of POTW application requirements to facilities that operate similarly to POTWs but that may be Federally or privately owned. One commenter stated that the current system of different forms for treatment works based on ownership creates an artificial difference between facilities. Other commenters agreed and felt that all facilities that operate similarly should complete the same application form. A commenter representing the Department of Defense provided comments on the similarities between FOTWs and POTWs based on size and scope of activities at military installations and compared the installations to small cities. The commenter argued that statutory differences prevent EPA from requiring the same information from Federal facilities that operate similarly to POTWs.

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''). EPA believes that Form 2A is often the most appropriate application form for non-POTW treatment works.

Nevertheless, EPA is not requiring the Form 2A information from non-POTW treatment works. Despite many functional similarities to POTWs, such facilities do not share the same regulatory requirements. Non-POTW treatment works are not required under the CWA, for example, to develop pretreatment programs. The CWA does not require such facilities to meet secondary treatment requirements, though permits for such facilities often apply secondary treatment based limits after a best professional judgement evaluation has been performed by the permit writer. NPDES regulations do not require such facilities to report results of whole effluent toxicity testing with their permit applications. For these facilities, uniformly requiring the same information required in Form 2A might be unnecessary. EPA has added language to the introductory paragraph of § 122.21(j) of today's final rule that allows the Director to require such facilities to comply with the POTW application requirements (e.g. through Form 2A) on a case-by-case basis. This discretion will provide NPDES permit

writers with the information necessary to develop permits for facilities that may operate similarly to POTWs but that do not meet the regulatory definition.

2. Form 2S

a. Overview. Today, EPA finalizes 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. Individual septic tanks or similar devices are not considered TWTDS.

EPA recognizes that the term ''biosolids'' is now being used by professional organizations and other stakeholders in place of ''sewage sludge'' to emphasize that it is a resource that can be recycled beneficially. EPA intends to work with these stakeholders to define the term ''biosolids'' consistent with the definition of ''sewage sludge'' in the CWA. Until then, EPA will continue to refer to sewage sludge in its regulations.

Form 2S consists of 2 sections. Part 1 asks for limited background information rather than a complete permit application. Only the information in Part 1 must be submitted by ''sludge-only'' facilities, i.e. facilities that do not discharge wastewater to surface waters, unless the permit writer determines that the information in Part 2 must also be provided. It is intended to give the permitting authority enough information to decide whether or not to issue a permit to that facility. The information in Part 2 must be submitted by all TWTDS with an NPDES permit and ''sludge-only'' facilities that have been asked by the permitting authority to submit a complete permit application.

b. Clarification of TWTDS. No change was proposed in the definition of TWTDS or who is required to provide the information in Form 2S, but EPA received several comments with questions or misconceptions on this subject. Since EPA did not propose to change nor solicit comments on the existing definition, EPA considers those comments on the definition to be beyond the scope of the proposal. Nonetheless, EPA provides clarifications of how it interprets the existing definition to assist in compliance with the existing rules. The first point of clarification is how sewage sludge land application sites (i.e., the land) fit into the definition of Treatment Works Treating Domestic Sewage (TWTDS). While the definition does include ''land dedicated for the disposal of sewage sludge,'' i.e., surface disposal sites, the definition does not include land application sites. A ''land application site'' is the land where sewage sludge is used to condition soil or fertilize crops or vegetation. EPA makes a distinction between *disposal* at a surface disposal site and *use* (also referred to as ''beneficial reuse'') at a land application site.

Commenters also asked questions about who must apply for a permit. Industrial treatment works that treat domestic sewage along with process wastes are TWTDS unless they generate hazardous sludge. However, EPA determined that it did not have enough information about these facilities to regulate them under Part 503, and it would be difficult to find a technical basis for routine case-by-case permitting. Since there are no Part 503 standards for industrial treatment works, there are no requirements to put in a permit. Therefore, even though these facilities are TWTDS, they are not required to apply for a sewage sludge permit at this time. Today's rule clarifies this issue by stating that ''all TWTDS whose sewage sludge use or disposal practice is *regulated by Part 503* must submit a permit application * * *''.

If EPA promulgates technical standards for industrial facilities in the future, they would then be required to apply for a permit. The permitting authority can, of course, ask for an application and issue a permit to an industrial facility if a permit is deemed necessary to protect public health and the environment (54 FR 18727, 58 FR 9324 & 9406). In those rare situations where an industrial facility treats domestic sewage and industrial wastewater through totally separate treatment trains, the facility would be required to apply for a permit for its domestic sludge, but not for its industrial sludge.

One commenter raised the situation of TWTDS that use a community septic tank with the effluent routed to a recirculating sand filter. The commenter questioned whether this type of a facility was a TWTDS because septic tanks are excluded from the definition of TWTDS. EPA intended the septic tank exclusion to refer to individual septic tanks because the Agency did not believe it was necessary to ask for information from individual homeowners. EPA believes that community systems that include septic tanks are TWTDS.

Because the type of facility identified by this commenter does not discharge, it probably would not have an NPDES permit. As a ''sludge-only'' facility, it is required to submit only limited background information (§ 122.21 (c)(2)(iii) (A) through (E)) when a sewage sludge standard applies to the facility's use or disposal practice. The TWTDS is not required to submit any additional application information unless the permitting authority requests a full permit application.

If there is no Part 503 standard for the facility's use or disposal practice, the owner/operator of the facility is not automatically required to submit a permit application. For example, if the sewage sludge from this septic tank is taken to a POTW, the limited background information does not have to be submitted because Part 503 does not apply to this type of disposal method. If the owner/operator of this facility wanted to stop taking its sewage sludge to a POTW and start applying it to the land, it would be required to submit the limited background information to the permitting authority 180 days before changing its use or disposal practice. In addition, because this facility is a TWTDS, the permitting authority can require a permit application at any time if a permit is deemed necessary to protect public health and the environment.

One commenter stated that his State did not make a distinction between NPDES and non-NPDES facilities in setting permitting priorities and would require all TWTDS to submit a full permit application. Another commenter thought that EPA should not make such a distinction in its rules. EPA decided to stagger permit applications and require less information from non-discharging facilities in the February 19, 1993 amendments to Parts 122 and 501 (58 FR 9404). Permitting authorities have the option to require complete permit applications from all TWTDS at any time.

EPA received a comment that asked whether a POTW with a non-discharging lagoon system must apply for a permit. If the lagoon is part of the

waste treatment system and there is no sewage sludge being removed, there is no use or disposal practice to trigger an application requirement. Before sewage sludge is removed from the lagoon and used or disposed in a manner regulated by Part 503, however, the TWTDS must provide limited background information to the permitting authority.

As with any TWTDS, the permitting authority can require a permit application at any time if a permit is deemed necessary to protect public health and the environment. Such circumstances may arise where the permitting authority may ask for an application even after the sewage sludge has been sitting in the lagoon for several years. The permitting authority will decide, for example, whether the sewage sludge lagoon is truly part of the treatment process or a storage lagoon, or whether the lagoon should be regulated as a surface disposal site.

The regulatory situation is similar for a discharging lagoon, where the NPDES permitting authority should already have information about the treatment process. When the sewage sludge permitting authority is also the NPDES permitting authority, EPA expects that they would already know how the TWTDS's sewage sludge should be regulated.

3. Reasons for Separate Form 2A and Form 2S

EPA today publishes two separate forms for municipal wastewater discharges and for sewage sludge for several reasons. First, the requirements represented by the two forms differ in their applicability. The NPDES permit application requirements collected in Form 2A apply only to POTWs; the sewage sludge information requirements collected in Form 2S apply to all TWTDS, not just POTWs. Most facilities that generate, treat, or dispose of sewage sludge are POTWs, and will be required to submit both application forms. Several thousand TWTDS, however, do not discharge to surface waters and therefore are not required to have NPDES permits. Thus, such TWTDS are subject to sewage sludge requirements (Form 2S) but not to NPDES requirements (Form 2A).

Second, separate application forms are also appropriate because wastewater and sewage sludge may be regulated by different permitting authorities. In 43 States and territories, the NPDES program is administered at the State level through an EPA-approved NPDES program. There are currently only 3 States that administer an EPA-approved sewage sludge program. Therefore, until more States are authorized to administer the federal sewage sludge program, POTWs in most NPDES States will obtain NPDES permits from the State permitting authority (by submitting Form 2A or a similar State form to the State) and sewage sludge permits from EPA (by submitting Form 2S to the EPA Regional Office). Separate application forms will 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 sewage sludge permitting authority could receive its NPDES permit from the water pollution control agency and its sewage sludge permit from a solid waste management agency. Separate Forms 2A and 2S will also facilitate permitting in this situation.

EPA received three comments supporting the use of separate forms. One of these commenters emphasized that applicants should be able to cross reference information submitted on the other form. As discussed in more detail in section II.G of today's preamble, applicants are allowed to photocopy other forms, or reference information that they know was previously submitted to the same permitting authority.

EPA also received several comments that suggested either combining parts of 2A and 2S or further separating them into segments applicable to different types of facilities. EPA considered many different types of form structures before proposing 2A and 2S and reconsidered the forms based on suggestions from commenters. While no form is ideal for all situations, EPA believes that the forms accompanying today's rule represent the best division of information for most applicants. Authorized States are free to create their own State forms as long as the forms request the same minimum information.

4. Electronic Application Forms

Consistent with recent amendments to the Paperwork Reduction Act, the Agency is developing electronic data submission as an alternative format for permit 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 currently available only in hard copy. As previously noted, the elimination of redundant reporting is one of the goals of today's rulemaking.

EPA's first step in the submission of electronic data is the development of an electronic version of the application form. The Agency has developed such an electronic version, which is available by contacting the persons listed in the **FOR FURTHER INFORMATION** Section of this preamble or on the Internet from the EPA Home Page (www.epa.gov). The application forms will be made available in Word and Windows Wizard formats and include instructions that guide the applicant through the form. Some authorized States are also considering electronic reporting. EPA believes that providing the forms in an easily manipulated software will also assist States that want to use electronic permit applications.

EPA received 21 comments on the issue of electronic reporting. Most of the commenters agreed with the concept of electronic reporting for application forms but were concerned about implementation. A few commenters thought it was not a feasible option for small facilities. The major implementation issues from the comments include: signature; hardware; and software needs. Electronic permit application reporting options range from transmitting data electronically, submitting disk copies, or submitting hard copy permit applications provided to the applicant in an electronic format. The most feasible option currently available involves electronic forms that can be distributed and completed electronically, and subsequently printed, signed, and submitted. EPA continues to explore options for electronic permit application transmission.

C. Endangered Species and Historic Properties

In the December 1995 proposed rule, EPA invited comments related to information about endangered species and historic properties. Specifically, if EPA established permit application questions about endangered and threatened species (listed species) or historic properties, what kind of information could or should the permit applicant provide? Would it be appropriate to request that the permit applicant identify whether there are listed species or historic properties in the area of the POTW discharge or sewage sludge use or disposal site? How could or should EPA provide applicants with flexibility to assist regulatory officials in the consideration of potential impacts of activities on listed species or historic properties?

Most commenters stated that EPA should not require any information in the permit application. The commenters felt strongly that they did not want applicants to determine what listed species or historic properties would be affected by their discharge. The

commenters felt this was information that is more easily obtained by the permitting authority.

EPA is not requiring information about listed species or historic properties in today's rule. In many permitting situations, this information may already reside with the permitting authority and therefore EPA believes it would be of little use to require all applicants to submit this information. However, some permit applicants may already have information regarding listed species and historic properties or may be better able than the permitting authority to obtain such information. In such cases, permitting authorities may require such information from applicants on a case-by-case basis.

EPA is also working with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) to develop procedures to more closely coordinate efforts to protect water quality and listed species including the use of Endangered Species Act Section 7 consultations for EPA-issued permits and other Federal actions where appropriate.

D. Definitions

In the proposed rule, EPA proposed to revise the definition of the term ''POTW,'' as defined in 40 CFR Part 122 to conform more exactly with the definition of the term at 40 CFR Part 403. The proposed change, however, appeared to create confusion. EPA received 12 comments on this issue. Several commenters agreed that the definitions should be consistent. Most of the commenters raised various issues that they thought might be affected by the changed definition. One commenter thought that the Part 403 definition was too confusing and should not be used. Another thought EPA should consider that other federal regulatory programs, such as hazardous waste management programs, include references to ''POTWs'' and could be affected by a change in the NPDES definition. After considering the comments, EPA has decided that it is not necessary to change the definition because the existing definitions are not inconsistent (even though the Part 403 definition contains more detail related to Pretreatment Program requirements). Therefore, today's rule does not change the definition of the term ''POTW'' in Part 122.

E. Requirements Concerning the Use of Forms (§§ 122.21(a), (c), (d) and (f))

EPA today finalizes revisions to the existing general application requirements for all NPDES permittees, which can be satisfied by the use of Forms 2A and 2S by applicants for EPA-issued permits. Today's rule does not require applicants using these forms to use Form 1, because the same information is requested on Forms 2A and 2S. The final rule substantially incorporates the requirements of § 122.21(f) for Form 1 into the requirements of §§ 122.21(j) for Form 2A and 122.21(q) for Form 2S.

On December 11, 1996 (61 FR 65268), EPA proposed a rule to streamline various parts of the NPDES regulations (NPDES streamlining proposal). One of the changes proposed would consolidate the requirements of §§ 122.1(d)(1) and 122.21(d)(3) and move them to a new paragraph, § 122.21(a)(2). Both of these sections dealt with application requirements and were duplicative. EPA believed § 122.21(a) would be a more appropriate location because that subsection pertains to all permit applicants, whereas § 122.21(d) applies to permit reapplications. Section 122.1 is also not a particularly suitable location because it concerns the scope of the NPDES program and not application requirements. EPA proposed to retain the current § 122.21(a) regulation in new § 122.21(a)(1). The Agency proposed to remove § 122.21(d)(3) and reserve the section for future use.

In the proposal for today's rule, EPA proposed changes in the application requirements (paragraph (d)(3)) to reference the new application requirements for POTWs and TWTDS (§§ 122.21(j) and (q)) and Forms 2A and 2S. To avoid confusion and to simplify the changes, EPA decided to make all the changes to §§ 122.21(a) through (d) in today's final rule. Other changes in the NPDES streamlining proposal will be finalized in a later notice. EPA received only favorable comments on these changes in both proposals. Therefore, today's rule deletes § 122.21(d)(3). The requirements in existing § 122.21(a) have been moved to a new § 122.21(a)(1) and modified to clarify that a sludge-only facility must submit a permit for its use or disposal practice only if the practice is regulated by Part 503.

New § 122.21(a)(2) contains the requirements previously included in §§ 122.1(d)(1) and 122.21(d)(3). One commenter on the NPDES streamlining proposal thought that the wording for the storm water-related application forms needed clarification. This language was simply moved from § 122.26(c)(1) and was not changed in the proposal. However, EPA agrees that some of the commenter's suggestions provide clarification and the language of § 122.21(a)(2)(i)(G) has been modified accordingly. This section is finalized as proposed in the NPDES streamlining proposal, with a few minor changes that clarify who is required to submit each form.

As mentioned above in section II.B.4, EPA received numerous comments that support the concept of electronically submitted forms. Section 122.21(a)(2)(ii) explains that electronic forms can be used if approved by EPA or an NPDES authorized State.

Both the municipal/sewage permit applications proposal and the NPDES streamlining proposal contained revisions to § 122.21(c)(2) to reflect the changed location of the application requirements. Section 122.21(c)(2) of today's rule reflects the changes mentioned above to §§ 122.21(a) and (d). EPA is also deleting existing § 122.21(c)(2)(i) and renumbering the remaining paragraphs of § 122.21(c)(2). This provision was intended to allow the permitting authority to obtain applications for sewage sludge incinerators and others who requested site-specific pollutant limits before authorization for other sewage sludge use or disposal practices because these permits would take the most time to issue and EPA believed that incinerators pose the greatest risk to public health. However, there have been few requests for site-specific permits. In addition, changes to Part 503 (60 FR 54771) make the incineration standard totally self-implementing along with the rest of the rule, i.e., the standard must be met whether or not a permit is issued. Therefore, this paragraph is no longer necessary. As described in § 122.21(c)(2)(iii), the Director may require permit applications from any TWTDS at any time if necessary to protect public health and the environment.

EPA received a comment on § 122.21(q)(8) that refers to existing § 122.21(c)(2)(iii)(C), now renumbered as § 122.21(c)(2)(ii)(C). Paragraph (c)(2)(ii) lists the limited background information requested of non-NPDES TWTDS. In § 122.21(q)(8), if sewage sludge meets the ''exceptional quality'' (EQ) requirements, no additional information is required about land application sites or facilities that further treat the sewage sludge. As pointed out by the commenter, § 122.21(c)(2)(ii)(C) should also be modified to require less information for ''EQ'' sewage sludge to provide consistency with the full permit application requirements. Therefore, today's rule modifies § 122.21(c)(2)(ii)(C) and does not require the applicant to provide the name and address of facilities where sewage sludge is sent for treatment or disposal

and the location of land application sites if the sewage sludge meets the ''EQ'' requirements.

F. Application Requirements for POTWs (40 CFR 122.21(j))

The regulations in § 122.21 (j) provide the application requirements for POTWs. Submittal of a complete Form 2A satisfies the application requirements of this section. POTWs may also satisfy the requirements of this section by completing a State-issued version of the form which has been approved by the State Director.

In the proposal for today's rule, EPA acknowledged concerns relating to redundant reporting raised by State and municipal commenters during consultation. EPA proposed the introductory paragraph of § 122.21(j) to allow the Director to waive any requirement in paragraph (j) if the Director has access to substantially identical information. EPA solicited comment on this approach and other ways to provide the permitting authority with discretion to waive particular information requirements where he or she determines that such information is not necessary for the application.

EPA received numerous responses to the waiver question. Most of the commenters agreed that the Director should be allowed to waive any requirement in paragraph (j) if he or she already has access to the information. Several commenters also stated that applicants should be able to reference previously submitted information that is still accurate rather than resubmit the data. For example, commenters mentioned that much of the information required in the permit application has already been submitted to the same permitting authority in the permittee's reports.

In response, EPA has modified today's final rule to allow applicants to provide information by referencing (in their application) how and when the applicant previously submitted the information. Applicants should be very specific when referencing information so the permitting authority has no difficulty in locating the previous submission. Permitting authorities should recognize the need to keep information available for future action and to ensure the availability of information submitted to various departments. All referenced information should also be incorporated into the administrative record for the permit application.

Many of the commenters also felt that EPA should go further than the proposal and allow a waiver for any requirement that an authorized NPDES State feels is not necessary for the application. EPA has considered this option, and has modified § 122.21(j) of today's rule to provide States with the ability to waive any requirement of § 122.21(j) that the State believes is not of material concern for a specific permit, if approved by the Regional Administrator.

In developing this change from the proposal, EPA attempted to anticipate and avoid confusion in implementation. The primary actors involved in the process for request and approval of waivers are authorized NPDES States and EPA Regions. The permit applicant would be most significantly impacted by this process. EPA intends that, if the authorized NPDES State complies with (and the permit applicant is mindful of) the waiver approval process, then the permit applicant will avoid any adverse legal consequences related to the permit application phase. The two areas of concern are administrative continuation of expired permits (and ''completeness'' of re-applications), and the scope of the authorization to discharge, also referred to as the ''permit shield.''

The goal of the application requirements is to provide the permit writer with the information necessary to develop appropriate NPDES permits consistent with requirements of the CWA. The ''permit shield'' provided by Clean Water Act section 402(k) is predicated on the permit writer's presumed knowledge of the discharge. If a permit application contains information about specific pollutants, waste streams, or processes, then the permit writer is legally presumed to have knowledge about them. The ''permit shield'' applies whether or not the permit writer imposes regulatory controls in the permit based on that presumed knowledge. The Agency believes that the application information required under today's rule is necessary for the permit writer to consider in developing a permit, so a case-specific waiver may affect the scope of knowledge that EPA presumes of the permit writer. If the waiver approval processes are not followed and the permit applicant does not submit required information, then the scope of the permit shield is questionable. If the waiver approval processes are followed, the scope of the permit shield will not be affected.

When the permitting authority wishes to waive the submission of information, the Director must request approval for the waiver from the Regional Administrator. This request must include documentation that provides justification for the waiver. Section 123.43(b) has been amended to include provisions for this waiver of information. If a waiver is approved by EPA, the justification for the waiver must appear in the permit fact sheet for each facility receiving the waiver. A new paragraph (9) has been added to § 124.8(b) to include this fact sheet requirement.

As with the scope of the permit shield, the waiver opportunity may affect the validity of authorization to discharge under an expired permit. In order to discharge under an expired permit, a permittee must submit a timely and complete application for renewal prior to expiration. The waiver opportunities under today's rule may affect the determination of whether an application is ''complete.'' EPA has added a new paragraph (e)(2) to § 122.21(e) to clarify the completeness requirements. If a State submits its waiver request within 210 days of permit expiration and EPA either approves the waiver or does not act on the waiver within 30 days, the permit application is considered ''complete.'' If EPA disapproves the waiver, the permit application based on the waiver is not ''complete.''

EPA plans to develop guidance, in consultation with States and other interested stakeholders, to assist the Regions in making determinations for waivers. EPA expects to have this guidance finalized within approximately two years. Until this guidance is completed, EPA and the States must work together to decide on appropriate waivers. The performance partnership agreement process is one forum for determining such appropriateness.

1. Permit-as-a-Shield

Section 402(k) of the CWA, also known as the ''permit shield'' provision, provides that compliance with an NPDES permit shall be deemed compliance, for purposes of Section 309 and 505 enforcement, with Section 301, 302, 306, 307, and 403 of the CWA (except for any standard imposed under Section 307 for toxic pollutants injurious to human health). In response to questions raised regarding EPA's interpretation of the scope of the ''shield'' associated with NPDES permits under the CWA, EPA issued a policy statement on July 1, 1994, to describe the Agency's policy on the scope of the authorization by EPA to discharge under an NPDES permit and the ''shield'' thus associated with permit authorization.

As part of an application for an individual NPDES permit, EPA requires that an applicant provide certain information on its facility. Previous application requirements for municipal

discharges focused primarily on the operation and treatment processes at the municipal treatment works, although some quantitative information is also required.

Historically, EPA has viewed the permit, together with material submitted during the application process and information in the public record accompanying the permit, as important bases for an authorization to discharge under CWA section 402. The availability of the section 402(k) shield is predicated upon the issuance of an NPDES permit and a permittee's full compliance with all applicable application requirements, any additional information requests made by the permit authority and any applicable notification requirements under 40 CFR §§ 122.41(l) and 122.42, as well as any additional requirements specified in the permit.

On April 11, 1995, EPA reissued the memorandum to clarify that a discharger must provide all information in writing for the permit record in order to obtain the authorization to discharge and the ''shield'' provided by a National Pollutant Discharge Elimination System permit. EPA explained that a permit provides authorization and therefore a shield for the following pollutants resulting from facility processes, waste streams and operations that have been clearly identified in writing in the permit application process when discharged from specified outfalls:

(1) Pollutants specifically limited in the permit or pollutants which the permit, fact sheet, or administrative record explicitly identify as controlled through indicator parameters (of course, authorization is only provided to discharge such pollutants within the limits and subject to the conditions set forth in the permit);

(2) Pollutants for which the permit authority has not established limits or other permit conditions, but which are specifically identified in writing as present in facility discharges during the permit application process and contained in the administrative record which is available to the public; and

(3) Pollutants not identified as present but which are constituents of waste streams, operations or processes that were clearly identified in writing during the permit application process (the permit, of course, may explicitly prohibit or limit the scope of such discharges) and contained in the administrative record which is available to the public.

With respect to subparts 2 and 3 of the permit authorization described above, EPA recognizes that a discharger may make changes to its permitted facility (which contribute pollutants to the effluent at a permitted outfall) during the effective period of the NPDES permit. Pollutants associated with these changes (provided they are within the scope of the operations identified in the permit application) are also authorized provided the discharger has complied in a timely manner with all applicable notification requirements, assuming the permit does not otherwise limit or prohibit such discharges. See 40 CFR 122.41(l) and 122.42(a)&(b). Section 122.42(b) requires that POTWs must provide adequate notice, including information on the quality and quantity of discharges to the POTW and anticipated impacts on the quantity or quality of effluent discharged by the POTW, of new introductions of pollutants by indirect dischargers into the POTW and any substantial change in the volume or character of pollutants being introduced by sources introducing pollutants into the POTW at the time of permit issuance.

Notwithstanding any pollutants that may be authorized pursuant to subparts 1 and 2 above, an NPDES permit does not authorize the discharge of any pollutants associated with waste streams, operations, or processes which existed at the time of the permit application and which were not clearly identified during the application process.

In the policy statement, EPA committed to revise the NPDES permit application regulations for both municipal and industrial discharges, so as to ensure that applicants would have the responsibility to characterize more fully the nature of their effluents and the contributions of their effluents to receiving waters. EPA stated that, in addressing this issue, it would review its position on the scope of the permit shield provided by section 402(k).

Generally, the discharger is in the best position to know the nature of its discharge and potential sources of pollutants. Consequently, requiring as full a disclosure as technically possible in the permit application is one option EPA considered in light of the protection afforded the discharger by the permit shield. In the case of POTWs, however, providing a permit shield only for pollutant discharges fully and completely characterized in the permit application could represent a significant burden on POTWs if they were required to identify every pollutant discharged due to the wide variation in potential pollutant contributions into POTW sewer systems from industrial users and residential dischargers, both in terms of pollutant parameters and volumes. Narrowing the scope of the shield and consequent expansion of potential liability would likely raise the cost associated with the failure to anticipate, detect, and provide information on these discharges.

EPA was concerned that, using the 1973 application form, permitting authorities would not always receive the necessary information about an applicant's discharge to develop adequate permits consistent with the requirements of the CWA. In practice, permitting authorities have been requiring supplemental information in order to write credible permits. Today's rule updates the POTW discharge application requirements and § 122.21(j), to provide necessary information to permit writers and to streamline the permitting process by ensuring that the information needed from most applicants is consolidated onto a single form.

Fourteen commenters responded on the issue of the permit application requirements and the permittee's responsibility to fully characterize its waste stream for permit shield protection under the 1995 policy. All but two of the commenters thought that the requirements did not need to be expanded to include more information than the § 122.21(j) requirements of today's rule. Several commenters thought that permitting authorities already have access to a great deal of discharge data and have the authority to ask for additional data when necessary. In the commenters' view, these information sources, such as pretreatment program POTW annual reports, provide enough information for a permit writer to determine what pollutants can be expected in a POTW's influent from industrial sources, and this information falls within the boundaries of the permit-as-a-shield policy. EPA agrees that some required information that may be found in reports previously submitted to the permitting agency falls within the permit-as-a-shield policy. Today's rule allows reports to be referenced by the permittee in the application form provided they are incorporated into the administrative record for the application.

The proposal for this rule requested comment on whether EPA should ask for information on beach closings, fish kills, or citizens' complaints. Commenters did not believe that asking for any of this information would provide any additional benefit to the permit writer. Two of the commenters thought that a general question such as ''Does the permittee have any other information on pollutants not otherwise requested on the forms?'' might be

useful. EPA does not at this time believe additional generic questions are necessary on the permit application because the permitting authority already has access to much of this information.

EPA has concluded that the application requirements in § 122.21(j) of today's rule are sufficient to provide the permitting authority with a reasonable characterization of a permittee's discharge for protection under the permit-as-a-shield policy. Accordingly, the application requirements have not been expanded to include any further questions on beach closings, fish kills, or citizen complaints nor have the requirements been expanded to include a general question on other pollutants.

Since the initial proposal, questions have arisen regarding interpretation of one aspect of the Agency's permit-as-a-shield policy, specifically, applicability of the permit shield to discharges from outfalls identified in the permit application, but not identified or discussed in the permit. Because today's rule requires in the application specific identification of outfalls, including outfalls within the collection system (upstream from the POTW treatment plant), the Agency provides clarification and explicit notice to affected parties of its interpretation of the permit shield, as explained below. This interpretation further clarifies the Agency's April 11, 1995, policy memorandum addressing the shield.

EPA believes that the protection afforded by the permit-as-a-shield provision does not apply to discharges from outfalls or other locations not identified in the permit. EPA believes this interpretation best effectuates the requirements of CWA section 301, which specifies pollutant control standards applicable to discharges. EPA believes that a permit applicant may reasonably expect a permit ''shield'' when the permitting authority applies its technical expertise to derive permit conditions and effluent limitations based on a permit application that fully discloses the nature of the effluent to be discharged. Permittees cannot, however, reasonably expect a permit ''shield'' for discharges from outfalls identified in a permit application, but not specifically authorized in a permit. There needs to be some explicit acknowledgment by the permitting authority that discharge from that specific outfall is permissible. Such a discharge would be subject to the technology-based and water quality-based requirements of the CWA. This is distinguished from the Agency's approach for pollutants identified in the application but not limited in the permit because here it is clear that the permitting authority, by choosing at least one pollutant to measure or limit, chose not to establish limits for other pollutants.

This aspect of the Agency's permit-as-a-shield policy is particularly relevant for ''emergency'' or ''accidental'' discharges from locations within municipal sewage collection systems not identified in the permit which would not automatically receive the protection of the permit-as-a-shield provision. Rather, the legal status of these discharges is specifically related to the permit language and the circumstances under which the discharge occurs. The Agency notes that NPDES permit regulations do provide limited relief under the bypass and upset provisions of 40 CFR 122.44(m) and (n), respectively, for such discharges. The Agency is currently developing guidance that would clarify the applicability of the bypass and upset provisions to such discharges.

2. Basic Application Information

The December 1995 proposal would have required all POTW applicants to provide the information requested in § 122.21(j)(1) and the 18 questions in the Basic Application Information part of Form 2A. Many commenters suggested that the requirements were not appropriate for smaller facilities and would require these smaller facilities to collect data that might not be utilized in the permitting process. Based on these comments, EPA has restructured the application requirements and Form 2A questions to request less information from smaller facilities. EPA believes the requirements that remain in today's rule will result in the collection of the minimum information a permitting authority needs to issue a permit meeting CWA requirements.

In today's final rule, the basic application requirements in proposed § 122.21(j)(1) have been divided into two sections. Section 122.21(j)(1) contains the requirements for all applicants and requests very limited facility and process information, and 122.21(j)(2) contains additional questions and limited monitoring information. EPA carefully examined the proposed requirements for all facilities and, in conjunction with the comments received, determined the final rule requirements found in § 122.21(j)(1) for very small facilities. Many commenters stated that very small facilities would be able to provide basic information, such as location, discharge methods, and type of treatment. Additional information, such as inflow and infiltration, topographic maps, and process flow diagrams may be more difficult to provide because these facilities lack the resources to provide this information. EPA evaluated each application requirement to determine the impact on the application and permitting process. As discussed earlier in this rulemaking, EPA determined that facilities discharging less than 0.1 mgd account for only 0.4% of the total flow from all POTWs. Additionally, these small facilities are often ''package'' systems receiving mainly residential sewage discharges. The basic nature of these facilities and their small impact in terms of flow on receiving waters, supported the decision to reduce the application requirements. The information requested in § 122.21(j)(1) is the minimum information a permit writer needs to write a permit that complies with the CWA.

Many paragraphs from proposed § 122.21(j)(1) have been renumbered in today's final rule. The addition of § 122.21(j)(2) to the proposed rule also causes the other paragraphs of § 122.21(j) to be renumbered, e.g., proposed § 122.21(j)(2) is § 122.21(j)(3) in today's final rule.

Section 122.21(j)(1)(i) requests treatment plant identification information. Section 122.21(j)(1)(ii) requests information about the permit applicant which may describe the owner or operator of the facility and not the facility itself. No comments were received on either of these sections, and they are unchanged from the proposed rule.

Section 122.21(j)(1)(iii) asks the applicant to provide permit numbers of any existing environmental permits that have been issued to the facility. One commenter requested clarification of the scope of this requirement because it was unclear in the proposal whether the applicant should provide information on all permits at the facility. The purpose of the requirement is to obtain information on permits related to the treatment plant operation and maintenance. EPA intended to include only environmental permits related to the permittee's treatment plant or collection system operations, e.g., under RCRA, UIC, CAA, etc. EPA does not seek information regarding permits under OSHA, general construction, or other permits that do not implement federal environmental laws. The requirement remains in the final rule.

Section 122.21(j)(1)(iv) requires the applicant to list the municipalities and populations served by the POTW. The POTW may serve several areas in addition to the municipal jurisdiction in which the POTW is located. Systems which discharge into a larger POTW are also known as satellite collection

systems. This section asks the POTW to provide information on the satellite collection systems served. If known, the POTW would indicate the type of collection system used by the satellite municipalities and whether the municipality owns or maintains any part of the collection system.

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 treatment plant. The information on the community served by the NPDES permittee is also useful for providing notice and public comment for permit reissuance and for public education. One commenter requested clarification of the term ''population served.'' By this term, EPA means the number of users of the system. EPA has expanded this requirement from the proposal in order to obtain a more complete picture of the area served by the POTW. The additional information on the satellite systems will be used by the permit writer to identify areas where there is a potential for unpermitted discharges in the collection system prior to the treatment plant. The identified areas may necessitate further investigation.

Section 122.21(j)(1)(v) requires the applicant to report whether the POTW is located in Indian country or discharges to a receiving water that flows through Indian country. This information enables the permit writer to identify the proper permitting authority and applicable requirements, including applicable water quality standards. Today's action also incorporates the definition of ''Indian country'' found at 18 U.S.C. section 1151. The term ''Indian country'' encompasses more area than the term ''Federal Indian Reservation,'' which was the term originally proposed. For the purposes of determining the proper permitting authority, the term ''Indian country'' is more appropriate because, even in States authorized to administer the NPDES program, EPA is generally the proper permitting authority in ''Indian country'' unless a Tribe is authorized to administer the program.

EPA received one comment on the information requirement regarding location relative to Federal Indian Reservations. The commenter felt that it might be difficult for new permittees to obtain information on discharges that might eventually flow through a Federal Indian Reservation. Readily available maps such as topographic and road maps often identify Federal Indian Reservations and other areas of Indian country, so in many cases a permittee should be able to easily obtain this information. Remaining questions should be directed to EPA Regional offices. The requirement is renumbered from proposed § 122.21(j)(1)(xii) to § 122.21(j)(1)(v).

Section 122.21(j)(1)(vi) requires the applicant to report the facility's design flow rate, annual average daily flow rate, and maximum daily inflow 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 special permit conditions or facility expansion, and to compare design and actual flows. Two commenters suggested this information is available from the facility's discharge monitoring reports (DMRs). EPA disagrees that this information is universally reported in all POTW DMRs but, as discussed previously, the permitting authority may waive submission of information already available to it or the applicant can reference the DMR if it contains the required information. This requirement remains unchanged from the proposal but it is renumbered from proposed § 122.21(j)(1)(v) to § 122.21(j)(1)(vi).

Section 122.21(j)(1)(vii) requires information on the type of sewer collection system used by the facility. The applicant must identify whether the collection system is a separate sanitary sewer system or a combined sewer system (conveying both storm water and sanitary wastes). The applicant must also estimate the percent of sewer line that each type comprises. Knowledge of the type of collection system enables the permit writer to determine whether the permit should include requirements based on the provisions of the 1994 CSO Control Policy (59 FR 18688). The current application form, Standard Form A, requests that the applicant provide the length of the collection system. Today's rule does not include this requirement because EPA does not believe that such information is useful to the permit writer. As noted previously, however, the application requirements do require identification of known outfalls and information about flow contributions from satellite municipalities. The latter information will be useful to identify areas within the collection system that would be particularly vulnerable to excessive flows. No comments were received on this section, and it is unchanged from the proposal but is renumbered from proposed § 122.21(j)(1)(vi) to § 122.21(j)(1)(vii).

Section 122.21(j)(1)(viii) requires general information regarding the disposition of treated wastes, whether discharged to waters of the United States, as well as to other destinations. This information enables the permit writer to account for all wastewater that enters the POTW plant, regardless of whether or not it is discharged directly to waters of the United States. From a watershed permitting standpoint, permitting authorities may use this information to identify: flows to surface impoundments; land application sites; underground injection; and flows that individually or collectively may have an impact on the watershed, whether or not they are discharged directly into waters of the U.S.

Section 122.21(j)(1)(viii)(A) of today's final rule has been modified slightly to clarify that information must be submitted about all types of outfalls throughout the sewer collection system as well as the POTW plant, including treated effluent, bypasses, CSOs, and constructed ''emergency'' outfalls within a separate sanitary sewer system.

If any effluent is discharged to a surface impoundment that is designed to avoid discharges to waters of the U.S., the applicant must report the location of each such surface impoundment, the annual average daily volume discharged to such surface impoundment(s), and whether the discharge is continuous or intermittent. If effluent is applied to the land, the applicant must provide the site location, the site size, and the average daily volume of effluent applied. The applicant must also state whether land application is continuous or intermittent. This information alerts the permit writer to the potential for point source discharges to arise from land application sites under exceptional circumstances, such as cold weather or high volume discharges, or from overflowing surface impoundments.

Section 122.21(j)(1)(viii)(D) requires the applicant to report whether wastewater is discharged to another treatment plant, the means by which the wastewater is transported, the average daily flow rate to that other facility, and information identifying the receiving facility. The applicant must also identify the person (owner or operator) transporting the discharge, if other than the applicant. The permit writer needs this information in order to track the wastewater and verify the transfer. One commenter questioned the need for this requirement due to the infrequent transfer of discharges among treatment works. Informal stakeholder comments indicate that this is a common practice at many POTWs, and EPA retains this requirement in today's rule.

Section 122.21(j)(1)(viii) also requires information on other types of disposal, such as underground percolation or injection, in paragraph (E). These types of disposal practices may result in the

transfer of pollutants to waters of the United States through underground flows and thus are of interest both to the permit writer in writing a watershed-based permit and to the permitting authority in designing watershed protection strategies. Section 122.21(j)(1)(viii) remains unchanged from the proposal but is renumbered from proposed § 122.21(j)(1)(xi) to § 122.21(j)(1)(viii).

3. Additional Information for Applicants With a Design Flow Greater Than or Equal to 0.1 mgd

Section 122.21(j)(2) contains additional requirements for applicants with a design flow greater than or equal to 0.1 mgd. EPA believes these requirements are necessary to account for the more complex nature of these more sophisticated facilities.

Section 122.21(j)(2)(i) requires information on estimated amount of inflow and infiltration (I&I) and steps taken and proposed to minimize it. Inflow is water other than sewage water that enters a sewerage system from sources such as roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, surface runoff, street wash waters, or drainage. Infiltration is water other than waste water that enters a sewerage system (including sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. These definitions are found at 40 CFR 35.2005.

Sixteen comments were received on this requirement, with most commenters wishing to have the requirement deleted. The commenters felt this information is difficult to quantify and could be overly burdensome for the permittee to obtain. This requirement has been eliminated for facilities under 0.1 mgd. However, for larger facilities EPA disagrees with this position. EPA does not expect facilities to complete extensive studies to provide the amount of I&I but rather to provide a best estimate based on average wet and dry weather flows. This estimate is used by the permit writer to determine if special conditions, such as I&I control programs, are necessary to reduce the unintended flow beyond the design capacity of the collection system or treatment capacity of the POTW plant. The information also helps identify portions of the collection system with potential for overflow or unplanned, untreated discharges. EPA understands that most facilities will have some amount of I&I entering their collection system and thus treatment plants. The Agency does not envision that every POTW will need special permit conditions to control I&I, for example, in cases where I&I is not excessive. The requirement applies only to facilities with a design flow equal to or greater than 0.1 mgd and has been renumbered from § 122.21(j)(1)(vii) to § 122.21(j)(2)(i).

Section 122.21(j)(2)(ii) requires the applicant to provide a topographic map (or other map if topographic map is unavailable) extending at least one mile from the boundaries of the plant, and including information on the layout of the treatment plant and all unit processes; intake and discharge structures; wells, springs, and other surface water bodies in the vicinity; sewage sludge management facilities; and the location(s) at which hazardous waste enters the treatment plant by truck, rail, or dedicated pipe.

Several commenters questioned the elements of the topographic map requirement stating that a topographic map containing this much information may be difficult to read. The contents of the map are necessary for the permit writer to understand the geography of the collection system and treatment facility and the potential for various water quality impacts due to the location of the treatment plant, the outfalls, and other structures and pipes. A topographic map helps the permitting authority identify nearby discharge sources or sensitive areas which may be necessary for a watershed-based approach to permitting. The map must include the major process units and primary structures that carry the wastewater to and from the plant. The permittee may provide another map if the topographic map is unavailable. Permittees may also provide a copy of an original topographic map. The requirement applies only to facilities with a design flow equal to or greater than 0.1 mgd and has been renumbered from § 122.21(j)(1)(viii) to § 122.21(j)(2)(ii).

This requirement is similar to section § 122.21(q)(5) of this rule that requires a topographic map for TWTDS. A facility required to comply with both sets of application requirements can use the same map if the map if the maps cover the same basic area.

Section 122.21(j)(2)(iii) requires the applicant to submit a process flow diagram or schematic, together with a narrative description. The permit writer uses this information to identify bypass and other ''emergency'' outfall structures and develop applicable permit conditions. Of the commenters on this requirement, half wished to keep it and half wanted it deleted. One commenter who wished to delete the requirement believed a more simplified schematic drawing should suffice. EPA does not intend this requirement to be complex. Instead, this drawing is meant to be a simple drawing of the basic unit processes with intake and discharge points labeled, as well as the design water flow identified for each component process.

This diagram requirement has been slightly modified to ask for information about backup power and identification of redundancy in the applicant's system in order to consolidate information and reduce the number of questions on the application form. Information on backup generators was included in the bypass section of proposed Form 2A but inadvertently left out of the proposed rule language. EPA has added information on backup generators to this part of the final rule because the separate bypass section (from the proposed rule) has been eliminated.

Facilities under 0.1 mgd are not required to submit a process flow diagram. The requirement applies only to facilities with a design flow greater than or equal to 0.1 mgd and has been renumbered from § 122.21(j)(1)(ix) to § 122.21(j)(2)(iii).

Proposed § 122.21(j)(1)(x) would have required information about bypasses, which are intentional diversions of waste streams from any portion of the treatment facility. The proposed rule would have required information about frequency, duration, and volume of bypass incidents. The Agency removed this from the final rule because it is already required by the bypass regulations at § 122.41(m). The bypass regulations set forth clear reporting and notification guidelines for each bypass incident.

Section 122.21(j)(2)(iv) requires the applicant to provide information about scheduled facility improvements. Improvements to the facility may change its flow or removal efficiency, necessitating a permit modification. The permit writer may modify the permit when the improvement is complete, or may include alternate limits in the permit that would take effect upon completion of the improvement. Comments favored keeping the information on facility improvements. One commenter suggested that submitting this type of information would help keep different groups in the same permitting agency informed of anticipated treatment plant upgrades. The requirement applies only to facilities with a design flow equal to or greater than 0.1 mgd and has been

renumbered from § 122.21(j)(1)(xii) to § 122.21(j)(2)(iv).

The existing application form, Standard Form A, requested certain information about required improvements including information on dates for completion of the preliminary plan, completion of the final plan, awarding of a contract, and site acquisition. Standard Form A also required the applicant to identify the authority imposing the improvement and the general and specific action codes. The Agency has deleted this requirement because permit writers have indicated that this information is unnecessary for writing the permit. Several commenters specifically endorsed removing this extra information from the final application requirements.

4. Information on Effluent Discharges

Proposed § 122.21(j)(2) has been renumbered in today's rule as § 122.21(j)(3). This section requires all POTWs that discharge effluent to waters of the United States to provide specific information for each outfall through which effluent is discharged to surface waters, excluding CSO outfalls and constructed ''emergency'' outfalls. This information will be reported in questions 9, 10, and 11 of the Basic Application Information part of Form 2A. The applicant is required to submit specific information for each outfall.

Section 122.21(j)(3)(i) requires general information about each outfall. The applicant must specify the outfall number, location, latitude and longitude, distance from shore and below surface, average daily flow, information about seasonal or periodic discharges, and information about diffusers at the outfall. EPA enters the latitude and longitude points into the water quality data base STORET and into the Permit Compliance System. Maps of the location of water discharges are developed to examine the relationship between NPDES outfalls and other areas of concern, such as drinking water intake points or sensitive ecosystems. This information is also used to establish water quality-based effluent limits appropriate for the particular receiving water. The locational data requested by this question also supports the watershed protection approach because it provides State and Federal environmental managers with information they need to geographically locate discharge points.

Latitude and longitude must be reported to the nearest second. This is consistent with EPA's Locational Data Policy, see ''Locational Data Policy Implementation Guidance, Guide to the Policy (March 1992).'' In accordance with this Policy, all latitude/longitude measurements in Agency data collection should have accuracies of better than 25 meters (i.e., roughly one second). One commenter disagreed with this requirement, stating that many facilities simply ''guess'' on this information so it is not accurate. However, EPA believes this information is vital to the permit writer's locating each discharge point. All of § 122.21(j)(3)(i) remains unchanged from the proposal.

Section 122.21(j)(3)(ii) solicits information that describes and identifies the receiving waters into which each outfall discharges. Information about the type of receiving water is useful to the permit writer because mixing zones and wasteload allocations may be calculated differently for different types of receiving waters.

This provision also requests the name of the watershed, the Soil Conservation Service watershed code, the name of the State management basin (if applicable), and the United States Geological Survey hydrologic code. This locational information supports the Watershed Protection Approach by providing Federal and State environmental managers 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. Some States, as well as EPA Regions, are implementing basin management approaches to watershed protection and will use the information requested by this question to issue permits on a watershed basis.

Several commenters disagreed with this request for information, stating that many facilities will not be able to provide it with their applications. In response, though EPA believes this is important information for State and regional authorities, this information request is no longer mandatory. The permit applicant needs to provide this information only if known.

Section 122.21(j)(3)(iii)(A) requires information on the level of treatment expected for discharges from each outfall. The CWA requires POTWs, with some exceptions, to achieve pollutant reductions to a level based upon secondary treatment prior to discharge. Secondary treatment is defined at 40 CFR 133.102 in terms of five-day biochemical oxygen demand (BOD_5), total suspended solids (TSS), and pH. Part 133 allows adjustments to the secondary treatment requirements for POTWs that meet certain criteria. In addition, some POTWs are subject to requirements for ''treatment equivalent to secondary treatment,'' as described in Section 133.105. Finally, some POTWs may need more advanced levels of treatment to meet water quality-based effluent limits for certain pollutants, such as nitrogen and phosphorous.

This provision requires data on design removal efficiencies for BOD_5 and TSS. Information on these parameters is necessary for the permit writer to set pollutant limits that accurately reflect the pollutant removal that the POTW can achieve. It may also alert the permitting authority to the need for improvements to the treatment facility. The only comment on this section stated that this information may not be appropriate for lagoon systems because design removal efficiencies for BOD_5 and TSS are not readily available or pertinent to these systems. EPA disagrees with this commenter's statement that basic design information is not pertinent to lagoon systems. All POTWs should have a design BOD_5 and TSS removal efficiency. The requirement is not changed from the proposal.

Section 122.21(j)(3)(iii)(B) requires information on disinfection, which commonly occurs through chlorination. Many POTWs also dechlorinate their effluent prior to discharge because excessive free chlorine in a wastewater discharge can cause aquatic toxicity in the receiving water. No comments were received on this section and it remains as proposed.

5. Effluent Monitoring for Specific Parameters

The purpose of § 122.21(j) and Form 2A is to provide the permit writer with the minimum information necessary to issue an NPDES permit that contains effluent limitations and conditions consistent with the requirements of the CWA. EPA recognizes that the quality of a POTW's effluent depends on several factors, such as the number and type of industrial users of the POTW, and that not all POTWs need to report the same information to ensure that NPDES permits satisfy CWA requirements. Hence, EPA proposed a tiered approach to collect needed effluent monitoring information.

In the December 1995 proposal, EPA proposed to require all POTWs to report effluent monitoring information for the 17 parameters listed at proposed 40 CFR Part 122, Appendix J, Table 1 (''Effluent Parameters For All POTWs''). EPA thought these parameters had a high likelihood of occurrence in most POTW effluents. EPA also proposed to require additional reporting of pollutant-specific data for POTWs with design flows greater than or equal to 1.0 mgd,

POTWs that have or are required to have pretreatment programs, and other POTWs required to provide this information to the permitting authority. In general, the pollutants for which additional data was proposed to be required are those for which States have established water quality standards (other than dioxin, asbestos, and ''priority pollutant'' pesticides). The preamble to the December proposal explained how EPA chose the pollutants to be sampled.

One commenter disagreed with EPA's approach of using data from a survey of six States as a basis for nationwide requirements. The commenter felt EPA should be required to prove the necessity of the rule based on valid scientific research associated with risk assessments that represent the majority of POTWs as opposed to a limited regional survey. EPA examined many pollutant data options through the rule development period. The Agency considered numerous stakeholder comments along with other information and the pollutant scans to determine the requirements in this final rule. EPA determined what pollutant data was necessary in the final rule to maintain a balance between satisfactory environmental protection and burden on applicants. The pollutant requirements in today's rule maintain that balance by setting the minimum data collection requirements necessary to write environmentally valid permits.

Many commenters felt that the requirement for minor POTWs, i.e., facilities with design flows less than 1.0 mgd, to provide the basic application information in proposed Appendix J, Table 1, was overly burdensome. Most of the State commenters felt that it would be more appropriate to request information from minor facilities on a case-by-case basis as determined by the permitting authority. EPA understands the limited resource issue for minor POTWs and in response has reduced the application requirements for facilities with a design flow of less than 0.1 mgd.

Section 122.21(j)(4) requires that data be separately provided for each outfall through which treated sanitary effluent is discharged to waters of the United States. EPA recognizes that a POTW's effluent may have similar qualities at more than one of its outfalls. EPA proposed to allow applicants to provide the effluent data from only one outfall as representative of all such outfalls, where there are two or more outfalls with substantially identical effluents, and with the specific approval of the permitting authority. For outfalls to be considered substantially identical, the outfalls should, at a minimum, be located at the same plant with flows subject to the same level of treatment and having passed through the same types of treatment processes. Six commenters supported allowing information on substantially identical outfalls to be submitted once at the discretion of the Director. One commenter wanted EPA to expand this requirement to allow POTWs to composite samples from outfalls in close proximity that enter the same receiving water but may not be substantially identical. The commenter stated that in such cases it is the combined effect of the various effluents that is important as far as the toxicity of the receiving stream is concerned. The commenter also believes that expanding this requirement in the final rule could substantially reduce the cost of sampling and analysis for the POTW. EPA agrees and § 122.21(j)(4)(i) of today's final rule has been amended to allow POTWs to combine effluent discharges from one or more outfalls that discharge into the same mixing zone of a stream segment, upon approval of the permitting authority.

In the proposal, EPA set forth conditions for data acceptability that all monitoring data submitted to the permitting authority must meet. While commenters agreed with the basis for the conditions, several commenters disagreed with individual requirements. EPA had proposed all data submitted on the application should be from three scans collected within a 3-year period preceding the permit application date. Some commenters felt that the three year constraint on the data would require facilities to collect data specifically for the application by excluding data collected in the first two years of the permit cycle. Several commenters also disagreed with the seasonal constraints placed on the data in the proposed rule. EPA proposed the three samples should span three different calendar seasons. Three commenters felt the seasonal constraints might require a facility to resample because available data was not obtained during the required seasonal variation.

In response to these comments, EPA has modified the proposed sampling requirements to allow applicants to use more of their existing monitoring data. Today's rule extends the window for sampling data to encompass the period from permit issuance to the time of subsequent application submittal in the final rule, which is normally four and one-half years, provided the data represents the current facility operations. In addition, EPA has eliminated the requirement for sample data to be a minimum of 4 months and a maximum of 8 months apart. Instead, EPA is requiring that the samples represent typical daily discharges occurring during the permit term and be representative of seasonal variation in the discharges. These requirements are listed in § 122.21(j)(4)(vi) of today's rule. Because applicants are allowed to submit samples from a four and one-half year period, § 122.21(j)(4)(vii) has also been modified to require summarization of all data from the previous four and one-half years instead of the proposed three years. As in the proposal, when a pollutant is sampled on a monthly or more frequent basis, only the most recent year's worth of data need be summarized for that pollutant.

One commenter felt three data scans may be excessive, especially for smaller facilities. The smallest facilities are only required to monitor for six pollutant parameters which many POTWs sample on a regular basis. Because facilities can use existing data, EPA believes three samples over four and one-half years is easily obtainable for all POTWs.

A few commenters were concerned with the requirements in proposed § 122.21(j)(3)(vii) and the accompanying preamble language that required including all data in the submitted data summaries. They believed that data collected during pilot studies or for system process control should not be required to be included in data summaries. EPA understands that facility operators may wish to collect samples in the influent or throughout the system in order to determine if they are operating properly or returning to proper operations after correcting problems. The introductory language of § 122.21(j)(4)(i) states that the information required is ''effluent monitoring information for samples taken from each outfall * * *'' Therefore, this does not include information from samples collected in process (prior to discharge). EPA does not intend to require ''check samples'' or samples collected during pilot studies to be included with other routine samples.

One commenter asked for clarification as to whether applicants were required to submit all sample data or just summaries. The rule language in § 122.21(j)(4)(vii) has been modified to clarify that only the data summaries need be included. NPDES permitting authorities that want to review all the individual data reports are free to request them, either from all applicants or on a case-by-case basis.

Proposed § 122.21(j)(3)(viii) contained sample testing requirements. Commenters stated that time-proportional composite samples should

be allowed as an alternative to flow-weighted composite samples because flow proportional samples are not feasible in every situation. They also questioned a preamble statement that suggested that 4 grab samples be summarized for each day of sample collection because they felt 4 samples per day per parameter could be overly burdensome. EPA agrees with these comments and has modified the language of § 122.21(j)(4)(viii) to allow time-proportional sampling. Because the grab sample language is provided as guidance, and not part of the proposed rule, no rule language change was necessary.

One of the requirements of proposed § 122.21(j)(3)(ix) was to report the designated method endpoint for the analytical method used. This section also required applicants to submit pollutant data based upon actual sample values. The proposal explained that even where test values are below the detection or quantification level of the method used, the actual data value should be reported, rather than reporting ''non-detect'' or zero. EPA would require the endpoint of the method to be reported along with the actual sample results so that the permitting authority could determine if the data is in the ''non-detect'' range or merely in the ''below quantification'' range.

Most of the comments received on this issue disagreed with the requirement to submit actual data values when results are below the detection level. These commenters believe that data that is below the sampling method's level of detection is not valid or meaningful data. Two State commenters supported reporting data even if it is below detection level. EPA believes that the maximum measured data value required by § 122.21(j)(4)(ix)(A) should be reported if it is above the method detection limit. Data values that fall below the quantification level of a test method should be reported as the actual sample value. If the maximum value reported for a pollutant is below a detection limit for the sampling method, the permittee should report non-detect. Reporting the method end point will notify the permit writer to look more closely at maximum values that are below the quantification level of the test performed.

EPA agrees with commenters that actual sample values below the method detection level or non-detect values should not necessarily be used in computing the averages required by § 122.21(j)(4)(ix)(B). There are many different ways of averaging numbers that are below detection or quantification limits. In today's final rule, which is about permit application requirements, not permit limit development requirements, EPA does not require a specific averaging method. Applicants can use any statistically credible approach as long as the method is explained with the results and the permitting authority agrees. Permitting authorities may require a specific method to be used.

EPA has provided guidance to the applicant in the Form 2A instructions in order to minimize the conditions that lead to inaccurate sampling data. EPA believes that the permit applicant should: (1) alert its laboratory to the analytical and detection limit requirements and the expectations for documentation; and (2) report the necessary documentation to ensure that the permit writer is fully informed as to the methods used and the results obtained. For more detailed information concerning analytical issues (acceptable methods, effluent-specific detection limits, and documentation of data and analytical problems), applicants should refer to the ''Guidance on Evaluation, Resolution, and Documentation of Analytical Problems Associated with Compliance Monitoring'', EPA 821–B–93–001, June 1993.

a. Pollutant Data Requirements for All POTWs. As mentioned earlier, EPA has modified the proposed rule to limit the reporting burden for very small (<0.1 mgd) POTWs without significant industrial contributions. These facilities are required to submit effluent monitoring data for only 6 parameters: biochemical oxygen demand (BOD_5 or $CBOD_5$), total suspended solids (TSS), fecal coliform, pH, temperature, and flow. These parameters are listed in Appendix J, Table 1A. EPA selected them based on the secondary treatment regulations at 40 CFR Part 133, which describe the minimum level of effluent quality that POTWs must attain in terms of BOD_5, TSS, and pH. Control of BOD_5 or $CBOD_5$ is necessary to ensure sufficient dissolved oxygen in the receiving water to protect aquatic life. High TSS levels in the effluent block light in the receiving water and inhibit photosynthesis. TSS limits also help prevent solids accumulations that can lead to sediment oxygen demand and other sediment related problems. Permit writers use information on all of the parameters listed above to set appropriate water quality-based limits for permit applicants. When POTWs have been allowed to substitute chemical oxygen demand (COD) or total organic carbon (TOC) for BOD_5, in accordance with 40 CFR 133.104, applicants must report the substituted parameter.

b. Pollutant Data Requirements for POTWs with Design Flows Greater Than or Equal to 0.1 mgd. Facilities that have a design flow greater than or equal to 0.1 mgd are required by § 122.21(j)(4)(iii) to provide additional data on the parameters listed at Appendix J, Table 1. These parameters are oil and grease, total residual chlorine (TRC), Kjeldahl nitrogen (total organic as N), total dissolved solids, total phosphorus, dissolved oxygen, ammonia (as N), and nitrate/nitrite (as N).

EPA originally proposed a pollutant scan list that would have included *E. coli*, enterococci and hardness. Many commenters felt that EPA was premature in proposing requirements for *E. coli* and enterococci to be used as bacterial indicators because EPA had not approved methods to measure for these parameters in POTW effluent. The Agency has, however, developed and recommended water quality criteria for these pollutants. Today's rule does not require analysis for these two pollutants. The Agency notes, however, that pending legislation may direct the Agency to re-evaluate this decision through future rulemaking.

The Beaches Environmental Awareness, Cleanup, and Health Act of 1999, H.R. 999, 106th Cong., 1st Sess. (1999), recently passed in the House of Representatives, is designed to protect coastal recreation waters and beach users from pathogens and beach debris. The legislation would apply to coastal recreational waters, defined as the Great Lakes and marine coastal waters, including estuaries, used by the public for swimming, bathing, surfing, or other similar water contact activities. Section 2 of the legislation would require States to develop revised recommended water quality criteria for *E. coli* and enterococcus for coastal recreation waters. Section 3 would also require EPA to develop new water quality criteria guidance for other pathogen indicators, which States would be required to adopt thereafter. Regardless of whether the legislation is ultimately enacted, EPA intends to propose methods soon to measure for both *E. coli* and enterococci in POTW effluent. Until the Agency approves and promulgates new methods and modifications to the permit application requirements, however, today's permit application rule will continue to use fecal coliform as the pathogen indicator for wastewater.

Three commenters felt that hardness data should be deleted from the general POTW requirements because hardness data are typically used to establish

metals limitations in the effluent. If the POTW is not required to test for metals, the hardness data is of limited value on the application. Based on these comments, EPA has moved the hardness requirement to § 122.21(j)(4)(iv) which requires reporting of additional pollutants, including metals, by some POTWs.

In the proposal, EPA also solicited comment on the need to require chlorine data from POTWs that do not use chlorination for disinfection and do not otherwise use chlorine in their treatment process. Most commenters felt that chlorine data should not be required from such facilities because facilities would have no reasonable potential to discharge chlorine. EPA agrees with the commenters and has created an exemption from the chlorine testing requirement at § 122.21(j)(4)(iii) for facilities that do not use chlorine for disinfection, do not use chlorine elsewhere in the treatment process, and have no reasonable potential to discharge chlorine in their effluent.

EPA received various other comments on all the remaining parameters. Some commenters questioned the testing requirement for oil and grease because facilities employing secondary treatment do not discharge significant quantities of the kinds of materials which would be measured with this parameter. EPA disagrees, and believes that many POTWS have the potential to discharge oil and grease, which may be significant even in very low quantities. Concentrations of oil and grease sufficient to create a sheen on the receiving water not only affect aesthetic qualities of these waters, but may also reduce the re-aeration rate of the receiving waters, potentially contributing to the dissolved oxygen sag problem. Oil and grease may also indicate the presence of other high molecular weight organic pollutants of concern because oil and grease are often discharged with or as a sink for such pollutants. For these reasons EPA is maintaining the oil and grease requirement for facilities with a design flow greater than or equal to 0.1 mgd.

EPA received comments to delete each of the following parameters: ammonia; total nitrate plus nitrite; Kjeldahl nitrogen; and total phosphate. Ammonia, which is common in nearly all sanitary sewage, is highly toxic to aquatic life and studies indicate frequent adverse effects from this compound in receiving waters. The commenter questioning ammonia testing suggested that testing should only be required at facilities which have ammonia limits in their permits. EPA disagrees. Without testing for ammonia in effluents, permit writers may lack the information to determine whether ammonia limits are necessary in the first place. In addition, many State water quality standards regulate ammonia due to its toxicity, thus making testing necessary to assure compliance with such standards.

EPA proposed three additional parameters, nitrate plus nitrite, Kjeldahl nitrogen and phosphorus, because they are prevalent in most POTW effluents and because of their potential for adverse impacts on receiving waters. Nitrogen and phosphorus are often ''limiting'' nutrients, which cause oxygen depletion in marine and fresh water systems, respectively. Excessive loadings of nitrogen (discharged as ammonia, nitrate, nitrite, and organic nitrogen) and phosphorus (discharged as phosphate) can stimulate algae growth, interfering with shoreline aesthetics and recreational uses. In addition, decaying algae can reduce dissolved oxygen concentrations, thus impairing the aquatic environment. One commenter felt the phosphorus testing should only be required for discharges into impounded lakes or reservoirs where phosphorus build up could result in a serious algal bloom. EPA disagrees with any such limitation because phosphorus is likely to be found in most POTW discharges and causes demonstrated problems in other types of water bodies, including estuaries (e.g. Chesapeake Bay) and in large rivers (e.g. Mississippi River). Therefore, testing for phosphorus and nitrate/nitrite and Kjeldahl nitrogen remain in the final rule.

EPA received no comments on the remaining two parameters, total dissolved solids and dissolved oxygen, and those parameters remain in Appendix J, Table 1 of today's rule.

In the proposal, EPA requested comment on the deletion of six parameters on Standard Form A. Commenters agreed that the six parameters, chemical oxygen demand, fecal streptococci, settleable matter, total coliform bacteria, total organic carbon, and total solids were no longer relevant or useful parameters for evaluation of POTW discharges. These parameters do not appear in the § 122.21(j) requirements.

In addition to the six parameters discussed above, Standard Form A required that POTWs indicate the presence of (but not provide quantitative data for) certain pollutants. These pollutants included metals, as well as other toxics and non-conventional pollutants. As proposed, certain POTWs would need to monitor and indicate the presence of the ''priority pollutants'' from that list. The requirements for these pollutants are discussed in the following section of this preamble.

Several commenters supported the proposed deletion of the other remaining parameters, which are not included in today's final rule. In the proposal, EPA asked for comment on requiring testing for sulfide, sulfate, aluminum, barium, and fluoride. All of the comments on these parameters supported EPA's proposal to not require testing for these parameters. Therefore, the final rule does not require such testing.

c. Additional Pollutant Data Requirements for Some POTWs. Section 122.21(j)(4)(iv) requires the testing of the additional parameters listed in Appendix J, Table 2, by certain POTWs specified below. EPA believes the specified POTWs are most likely to discharge such pollutants to receiving waters. The Table 2 pollutants are toxic and may interfere with POTW performance or pass through the POTW to receiving waters without treatment, thus causing adverse water quality impacts. As stated earlier, the Agency added hardness to the Table 2 list because permit writers use hardness data in conjunction with metals data to determine the need for and to derive water quality based effluent limits for metals.

Certain POTWs discharge toxic organic and inorganic pollutants primarily as a result of contributions from non-domestic sources. Section 122.21(j)(4)(iv) of today's rule requires the applicant to submit monitoring data for the pollutants listed in Appendix J, Table 2, if the POTW meets any one of the following criteria: (1) the POTW has a design flow rate equal to or greater than 1.0 mgd; (2) the POTW has a pretreatment program or is required to have one under 40 CFR Part 403; or (3) the POTW is otherwise required to submit this data by the permitting authority.

Two commenters felt that the designation of all facilities required to have pretreatment programs is overly burdensome for smaller facilities that are required to have pretreatment programs. The pretreatment regulations at 40 CFR 403.8 set forth the criteria for which POTWs must establish pretreatment programs. EPA believes that all POTWs with pretreatment programs have the potential to discharge Table 2 pollutants, regardless of size.

In addition to POTWs with design flows greater than or equal to 1.0 mgd and POTWs with pretreatment programs, the rule preserves the discretion of the permitting authority to

require any other POTW to submit monitoring data for some or all of the pollutants listed in Appendix J, Table 2. EPA recommends 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. In addition, if the POTW's effluent causes adverse water quality impacts or if the POTW discharges to an already impaired receiving water, the permit writer has the discretion to require the applicant to provide analytical results from a complete pollutant scan. The permit writer should also consider whether to require the applicant to test for individual parameters depending on the numbers or kinds of industrial users discharging to the POTW.

Numerous commenters provided input on EPA's decision to require testing of the pollutants listed on the Appendix J, Table 2 list. Many commenters provided individual preferences on which parameters they felt should be required. EPA has reviewed the comments carefully and feels that testing for the complete list is necessary for the development of environmentally protective permits. A few commenters noted cost as a factor for deleting various organic parameters. Upon review, EPA anticipates that most laboratories will run the entire volatile organics scan, acid-extractable scan or base-neutral scan at one price with one sample. Thus, deleting one or two individual parameters will not reduce cost to the permittee. In fact, the Agency developed EPA Methods 624 and 625 (published at 40 CFR 136) so that these two tests would cover most organic priority pollutants.

In the December 1995 preamble, EPA asked for comment on various other approaches to collecting pollutant data. The comments received did not support the use of any of these other approaches.

6. Effluent Monitoring For Whole Effluent Toxicity (WET)

Existing regulations require certain POTWs to provide the results of whole effluent biological toxicity testing as part of their NPDES permit applications. The proposal moved these requirements to proposed § 122.21(j)(4) to require the same POTWs to conduct WET tests and to identify any biological tests the applicant believed to have been conducted within three years of the date of application.

EPA received several comments on the issue of POTWs providing data from the last three years of the permitting cycle. States tended to disagree with the three year limitation because many States require more frequent testing during the first one or two years in the permitting cycle, and a reduced amount for the remaining years. Other commenters disagreed with the three year limitation because they have already undergone several cycles of WET testing and they are now on a routine testing cycle such as annual testing. These permittees do not wish to perform testing for application purposes only. EPA proposed the three year limitation because some of the available WET testing information was not conducted in accordance with the nationally-approved test procedures in 40 CFR Part 136 that became effective on November 15, 1995 (60 FR 53529). EPA agrees that facilities who perform routine WET testing, and have historically shown compliance, should not be required to perform testing for the permit reapplication.

EPA studied several possible scenarios for testing and has determined that it is important for facilities to provide the current WET data available in order for permit writers to set appropriate permit conditions. The most useful data is quarterly data collected within the year prior to the application form. This data provides the most useful and relevant characterization of the applicant's discharge at the time of the application. The Agency does understand that many facilities currently perform WET testing on a routine basis and may have a history of no toxicity. For these facilities, the Agency understands that collecting quarterly data for one year prior to the application may be unnecessary. Today's rule allows facilities who have performed WET analyses at least annually in the five year period prior to the application to submit that data on the application in lieu of collecting new data for the application. EPA presumes the validity of such data provided it shows no appreciable toxicity using a safety factor determined by the permitting authority. The data must also have been conducted in accordance with approved Part 136 methods.

EPA solicited comment on whether the requirement to conduct WET testing should be extended to other POTWs. EPA received several responses all recommending that the requirement should not be expanded. The commenters felt the permitting authority was in the best position to require WET testing from additional facilities on a case-by-case basis. EPA agrees; therefore, today's rule does not expand the WET requirement to other facilities.

Section 122.21(j)(5)(iii) allows the POTW applicant to provide the results of WET testing from only one outfall as representative of all outfalls where the POTW has two or more outfalls with substantially identical effluents discharging to the same receiving stream and where the permitting authority provides specific approval. For outfalls to be considered substantially identical, the outfalls should, at a minimum, be located at the same treatment plant with flows subject to the same level of treatment and having passed through the same types of treatment processes. This section has been modified in the same manner as § 122.21(j)(4)(i) to include a provision to allow an applicant to submit a composite sample in lieu of individual samples for discharges from one or more outfalls that discharge into the same mixing zone if approved by the permitting authority.

Existing WET testing requirements did not specify the number or frequency of tests required, the number of species to be used, or whether to provide the results of acute or chronic toxicity tests. Therefore the December 1995 proposal set minimum reporting requirements of four quarterly tests for a year, required multiple species (no less than two taxonomic groups, e.g., fish, invertebrate, plant), and specified testing for acute or chronic toxicity depending on the range of receiving water dilution.

Many commenters stated that permitting authorities often establish a permit reporting frequency that may change throughout the permit life based on the results. In setting a minimum permit application frequency of quarterly testing for a year, EPA indicated the frequency interval was necessary to adequately assess the effluent variability of toxicity observed over the course of the year. EPA understands that many permitting authorities commonly only require one cycle of quarterly testing at some time during the permit cycle. Most of the commenters agreed that four quarterly samples was an appropriate test size; they disagreed on the three year limitation of the data. One commenter, a permitting authority, stated that EPA should define the minimum data set size and let the NPDES permitting authority define acceptability of data based on when the data was generated. EPA agrees with this recommendation and has expanded the three year requirement for data to the most current permitting cycle in this final rule. EPA did not, however, change the requirement for four quarterly tests.

The existing whole effluent toxicity testing requirements do not specify whether applicants should test for acute or chronic toxicity. An acute toxicity

test typically measures the lethality of the test sample to test organisms over a period of 96 hours or less. A chronic toxicity test measures effects over longer time periods and measures sublethal effects, such as fertilization, growth, and reproduction, in addition to lethality. See Technical Support Document for Water Quality-Based Toxics Control (1991) (TSD) p. 4.

In the December 1995 proposal, EPA recommended that testing for acute or chronic toxicity be based upon the ratio of receiving water to effluent at the edge of the mixing zone as recommended in the TSD. Many commenters felt this determination should be left to the permitting authority because permit writers are more qualified than permit applicants to assess the discharge and its impacts on the receiving stream. In the final rule, EPA has not specified whether permit applicants must measure for either acute or chronic toxicity based on the ratio of receiving water to effluent though the Agency still maintains that the recommendation is reasonable based on the discussion in the TSD. Permit applicants should consult with the permitting authority to determine applicable testing requirements. Permitting authorities retain discretion to require testing for either acute or chronic toxicity. In jurisdictions where EPA administers the NPDES program, the Agency expects EPA Regions to follow the guidance in the TSD.

Section 122.21(j)(5)(ix) now requires that an applicant provide any information it may have on the cause of any toxicity. Further, applicants must provide written details of any toxicity reduction evaluation conducted. Toxicity reduction evaluations (TREs) are used to investigate the causes and sources of toxicity and identify the effectiveness of corrective actions to reduce it. The permitting authority may require a permittee to conduct a TRE in those cases where the discharger is unable to adequately explain and immediately correct non-compliance with a whole effluent toxicity permit limit or otherwise reduce the toxicity to a level below a ''trigger'' for the TRE.

7. Industrial Discharges

Today's rule requires certain applicants to provide certain information about industrial users. The proposed rule would have required the applicant to list the total number of categorical industrial users (CIUs) and other significant industrial users (SIUs) discharging to the POTW, to estimate the average daily flow from these users and from all industrial users, and to estimate the percent of total influent contributed by each class of users. Today's rule reduces the scope of required information from the proposal.

A categorical industrial user is any discharger subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N. ''Significant industrial user'' is defined at 40 CFR 403.3(t) as any categorical industrial user and any other industrial user that: (1) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); (2) contributes a process wastestream which makes up 5 percent or more of 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.

Several commenters stated that these requirements would be overly burdensome given the fact the term ''industrial user'' (IU) includes any non-domestic source regulated under Section 307(b), (c), or (d) of the CWA. The commenters also questioned the usefulness of the requirement to report average daily flow from all IUs and to estimate the percent of total influent contributed by each class.

Section 122.21(j)(6)(i) of the final rule has been modified from the proposal. It does not require reporting of the total SIU, CIU, and IU average daily flow and the estimated percent of total influent because this information can be difficult to obtain and the permit writer may be able to estimate this information from other sources. Today's final rule now only asks the applicant to list the total number of CIUs and other SIUs discharging to the POTW. EPA has not modified the definition of ''industrial users'' as some commenters suggested. The definition includes commercial sources of non-domestic wastewater because these facilities have the potential to adversely impact the POTW's discharge in the same way as other industrial discharge sources. This comment is beyond the scope of the proposal.

EPA proposed to require POTWs with approved pretreatment programs to describe any substantial modifications to the POTW's pretreatment program that had been submitted, but not yet approved by the approval authority in accordance with 40 CFR 403.18. EPA has determined this requirement is not necessary and the Agency has not included it in the final rule. The permitting authority should already be aware of program modifications submitted but not yet approved by the approval authority so it is not necessary for the applicant to resubmit this information.

EPA proposed to require information on individual SIUs discharging to POTWs. Several commenters suggested various deletions of the information required on SIUs. EPA believes that permit writers need this information to determine if a facility should be required to have a pretreatment program and to evaluate the SIUs and determine if any are more appropriately characterized as CIUs. Therefore, today's rule retains these requirements but renumbers them as § 122.21(j)(6)(ii).

EPA received several comments questioning the difference between the Standard Form A and proposed Form 2A requirements on principal products and raw materials, and the need for such information. Standard Form A required the applicant to identify the quantities of products and raw materials while proposed Form 2A would only have required a narrative description of these products and raw materials. EPA believes that the permit writer only needs this narrative information if the products or raw materials are present in the SIU's discharge. Therefore, today's final rule further modifies this provision to require only information on products or raw materials that may affect or contribute to the SIU's discharge.

Today's rule deletes a requirement on Standard Form A to characterize each SIU's industrial discharge. In many cases, the permit writer is able to determine parameters of concern from the principal products and raw materials for that SIU. If necessary, the permit writer may request this information on a case-by-case basis. Commenters supported this deletion.

In an attempt to reduce duplication of effort, the proposal requested comment on whether a POTW should be allowed to reference substantially similar information about SIUs previously submitted to the permitting authority or to waive SIU information reporting for a POTW who operates an approved pretreatment program and has submitted an annual report containing the required information within the year preceding the application. All of the comments received on this question supported this provision for facilities with approved pretreatment programs who have filed annual reports.

Today's rule contains a new § 122.21(j)(6)(iii) that allows the Director to waive requirements for reporting SIU information for POTWs that submit substantially similar information in an annual report or with a pretreatment

program submittal. All referenced information should also be incorporated into the administrative record for the permit application. This new provision responds to comments that POTWs provide much of this information on previously submitted pretreatment program reports.

8. Discharges From RCRA and CERCLA Waste Sources

EPA proposed to require applicants to provide general information concerning discharges to POTWs of wastes that would be considered ''hazardous wastes'' under the Resource Conservation and Recovery Act (RCRA) as well as discharges to POTWs from hazardous waste cleanup or remediation sites. This information would alert the permit writer to potential concerns regarding the constituents of such discharges.

Therefore, section 122.21(j)(7)(i) requests information on RCRA hazardous wastes received by truck, rail, or dedicated pipe. Generator information does not have to be reported on RCRA hazardous wastes discharged to a sewer system that mix with domestic sewage before reaching the POTW because the Domestic Sewage Exclusion (under RCRA section 1004(27)) provides that ''solid or dissolved material in domestic sewage is not solid waste'' and therefore is not a hazardous waste. Such materials, however, remain subject to the prohibited discharge standards of 40 CFR 403.5.

As noted by one commenter, the information requested in this section is already a POTW requirement under RCRA permit-by-rule (40 CFR 270.60(c)). The RCRA rule, however, does not require the POTW to report this information to the NPDES permitting authority. Today's rule ensures that the permitting authority is aware of any hazardous materials that may enter the POTW.

In many cases, POTWs will also already have the information required by § 122.21(j)(7)(ii) because similar information on hazardous constituents is required by the pretreatment requirements at § 403.12(p). This section of today's rule requires the POTW to report information on wastewaters from remedial activities that are accepted at the POTW. Two commenters were concerned that the requirement to identify all hazardous constituents of the wastewater did not have a de minimis exclusion. One of these commenters also questioned the meaning of ''hazardous constituent'' because it is not defined in the rule. The language has been modified to address these concerns in today's final rule. Section 122.21(j)(7)(ii)(B) clarifies that the hazardous constituents to be identified are those listed in Appendix VIII of 40 CFR part 261. Section 122.21(j)(7)(iii) provides a small quantity exemption for POTWs that receive less than fifteen kilograms of hazardous wastes per month from all discharges into the collection system, unless the wastes are acutely hazardous wastes. This exemption is the same as the exemption for IUs that must report hazardous wastes to POTWs under § 403.12(p) of the pretreatment requirements.

In today's rule language, hazardous constituents in remedial waste need only be reported if known. If a POTW has not required the remedial site to report all the hazardous constituents, the POTW is not required to sample the waste. If the hazardous constituents are not known, the permit writer may require such sampling on a case-by-case basis when he or she believes it is necessary to write a complete permit.

The proposed language requested the same information three separate times, for CERCLA wastes, RCRA corrective action wastes, and other remedial wastes. One commenter suggested that these three questions should be combined. EPA agrees and has done so in today's rule. Commenters also stated that POTWs do not know all the potential sources of hazardous wastes at the time of permit application so they should not be asked about wastes that they expect to receive. One of these commenters was concerned that the proposed language meant that POTWs could not accept remedial waste unless it was identified in the permit application. In response, EPA has changed the language of today's rule to require information on hazardous constituents in wastes that the POTW has received or has agreed or expects to receive. This rule does not preclude POTWs from accepting additional such wastes during the permit, though such wastes do remain subject to the prohibited discharge standards of 40 CFR 403.5.

9. Combined Sewer Overflows (CSOs)

Section 122.21(j)(8)(i) requires information about the combined sewer system (CSS), including a system map and system diagram that describe the relevant features of the system. EPA deleted other information from the proposed rule, such as a system evaluation, because the Agency agrees with commenters that such additional information is unnecessary or is requested elsewhere.

Today's rule at section 122.21(j)(8)(ii) requires that applicants provide information on each CSO outfall specifically covered by the application. This includes locational information similar to the information required for outfalls discharging treated effluent. As discussed previously, this sort of locational data is consistent with Agency policy concerning the reporting of such information and it provides permitting authorities with a means of locating dischargers.

This provision also requires reporting of any parameter monitoring conducted on discharges from CSO outfalls and requests information about any CSO events that occurred in the year previous to the permit application.

Section 122.21(j)(8)(ii)(E) requires the permittee to describe any known water quality impacts, such as beach or shellfish bed closings and fish kills. EPA considers this to be the minimum amount of information needed by the permit writer to specifically authorize discharges at each of the identified CSO outfalls. Originally, EPA proposed to require identification of any significant industrial users that introduce pollutants to the collection system upstream from a CSO outfall. No such requirement exists in the final rule because the information is provided in § 122.21(j)(6)(i) with other information on SIUs.

10. Contractors

Section 122.21(j)(9) requires 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.

The Agency received conflicting comments on this requirement. One commenter agreed, one disagreed on the basis that POTWs cannot contract out their liability in a permit, and one wanted more clarification. EPA believes that POTWs cannot contract away their liability for compliance with NPDES permit requirements rather, they can contract operational tasks. EPA believes it is important, however, for the permitting authorities to know all parties involved in the operation and maintenance of each POTW in order to determine the appropriate responsible party. This section remains as proposed.

11. Certification

Section 122.21(j)(10) requires the certification and signature of an authorized official in compliance with 40 CFR 122.22. The certification applies to all attachments identified on the application form, as well as any others included by the applicant. No comments were received on this section, and it is unchanged from the proposal.

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

Today EPA finalizes regulatory language at § 122.21(q) to update the information that treatment works treating domestic sewage (TWTDS) must submit with their permit applications. EPA also finalizes a new form, Form 2S, for collection of this information. Section (q) requires 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. Today's requirements are intended to clarify the previous sewage sludge application requirements that are necessary to implement EPA's Part 503 standards for sewage sludge use or disposal. These requirements were originally provided at § 501.15(a)(2) and were moved to § 501.15(a)(4) with the modifications to Parts 123 and 501 published on August 24, 1998 (63 FR 45114). As of today's rule, these requirements are replaced by § 122.21(q). See section II.I of today's preamble for additional discussion.

As with the POTW application requirements, EPA does not wish to require redundant reporting by TWTDS. Thus, the amended regulations authorize EPA to waive submission of certain information required to be reported under § 122.21(q) in circumstances similar to that provided in § 122.21(j). The Director may waive any requirements in paragraph (q) if he or she has access to substantially identical information. EPA received numerous favorable comments on this approach. In addition, an applicant may reference previously submitted information that is still accurate if the applicant is certain that the permitting authority already has all the necessary information.

As with the § 122.21(j) waiver, applicants should be very specific when referencing information so the permitting authority has no difficulty in locating the previous submission. Permitting authorities should recognize the need to keep information available for future action and to ensure the availability of information submitted to various departments. All referenced information should also be incorporated into the administrative record for the permit application.

EPA also solicited comments on ways to allow the permit writer or permitting authority discretion in waiving submission of particular information where the permitting authority determines that such information is not necessary for the application. EPA received several comments that suggested allowing the permitting authority to waive any requirements it deemed unnecessary. In response, EPA has revised § 122.21(q) of today's rule similarly to § 122.21(j) to provide authorized NPDES States with the ability to waive any requirement of § 122.21(q) that the State believes is not of material concern for a specific permit, if approved by the Regional Administrator. See section II.F.for additional waiver discussion.

1. Facility Information

Section 122.21(q)(1) requires summary information on the identity, size, location, and status of the facility as a Federal, State, private, public, or other entity. Proposed paragraph (ii) of this section required that the facility location be described by latitude and longitude to the nearest second. EPA received one comment on this issue. The commenter stated that this requirement is not contained in POTW permit application requirements and should not be in TWTDS application requirements. Section 122.21(j) does require location by latitude and longitude, but only for location of outfalls. For sewage sludge, the location of land application sites is in significance equivalent to outfall locations for POTWs. Therefore, EPA agrees that it does not need the location of a facility described by latitude and longitude. In today's final rule, information on location by latitude and longitude pursuant to EPA's Locational Data Policy is only requested in §§ 122.21(q)(9)–(11) as part of the specific information for land application sites, surface disposal sites, and incinerators.

2. Applicant Information

Section 122.21(q)(2) requires information concerning the identity of the applicant. The only change from the proposal is that proposed § 122.21(q)(2)(iii) is moved to become § 122.21(q)(1)(vi). The proposed question asked whether the applicant was a Federal, private, public, or other entity. This question should be asked about the facility, not the applicant. Therefore, it has been moved from the applicant information section to the facility information section.

3. Permit Information

Section 122.21(q)(3) restates the § 501.15(a)(2)(v) requirement that the applicant list the facility's NPDES permit number and any other permit numbers or construction approvals received or applied for under various authorities. EPA received no comments on this section and it is unchanged from the proposal.

4. Indian Country

Section 122.21(q)(4) asks whether any generation, treatment, storage, land application, or disposal of sewage sludge occurs in Indian country. This section clarifies existing § 501.15(a)(2)(iv), which previously asked only ''whether the facility is located on Indian Lands.''

Note: Safe Drinking Water Act regulations for the administration of the Underground Injection Control program define ''Indian Lands'' to mean ''Indian country.'' See 40 CFR 144.3.

For further discussion of the substitution of the term ''Indian country,'' see the discussion earlier in today's preamble. A sewage sludge use or disposal permit, however, may cover activities occurring beyond the boundaries of the ''facility.''

5. Topographic Map

Proposed § 122.21(q)(5) required the applicant to submit the following information on a topographic map (or maps) depicting the area one mile beyond the property boundaries of the TWTDS: all sewage sludge management facilities, all water bodies, and all wells used for drinking water listed in public records or otherwise known to the applicant within ¼ mile of the property boundaries. This proposed requirement is different from the existing topographic map requirement at § 501.15(a)(2)(vi) in that the proposed requirement asked for information on use and disposal sites rather than just disposal sites.

EPA received 16 comments on this issue of topographic maps. The comments were quite diverse and ranged from support for requiring topographic maps from all use or disposal sites to requiring them only of the facility. EPA has decided that the topographic map requirement for TWTDS should be similar to the requirement for POTWs. Therefore, the final language of § 122.21(q)(5) requires a topographic map that shows on-site treatment, storage, and disposal sites. This does not include land application

sites as these are use sites, not disposal sites. This section of the rule also requires the same identification of wells and water bodies as required for POTWs. Section 122.21(j)(1)(viii) requires a topographic map of each POTW that extends one mile beyond the facility. Therefore, all TWTDS that must meet this requirement can use the same topographic map to meet the requirements of § 122.21(q)(5). ''Sludge-only'' TWTDS are only required to submit limited background information. Therefore, they do not need to prepare a topographic map unless the permitting authority requires a full permit application.

EPA believes that it is important to get information on land application sites but recognizes that many applicants cannot identify all their land application sites at the time of permit application. This is the purpose of the land application plan. EPA believes that topographic maps should be submitted for all sites known to the applicant at the time of permit application unless they receive only exceptional quality (EQ) sewage sludge. EPA is modifying the proposed language in § 122.21(q)(9)(iii) to add a requirement for a topographic map. Several commenters stated that topographic maps should not be required for sites that used only ''EQ'' sewage sludge. EPA agrees and has placed the map requirement in § 122.21(q)(9)(iii), thereby excluding sites that accept only ''EQ'' sewage sludge.

The land application plan asks for general information on sites that are not known at the time of permit application. The permitting authority will need to decide exactly what information it needs about these sites as they are put into use.

6. Sewage Sludge Handling

The December 6, 1995, proposal required a flow diagram, and/or a narrative description that identifies all sewage sludge management practices (including on-site storage) to be employed during the life of the permit. EPA believes that this information is necessary because the applicant may employ sewage sludge management practices not covered under the more specific questions proposed in today's rule. Three comments were received on this requirement. One commenter thought that this description would normally not be necessary; the other two thought that it was appropriate.

EPA also requested comments on whether more specific information about on-site and off-site storage of sewage sludge should be required of permit applicants. All five commenters on this issue thought that some information should be obtained about storage, but there were no suggestions of specific questions. Because storage is not regulated by Part 503, EPA believes that asking for information on storage as part of a flow diagram or narrative description is the best way to obtain this information. Therefore, EPA is today promulgating § 122.21(q)(6) as proposed.

7. Sewage Sludge Quality

In the December 6, 1995, notice, EPA proposed a two-tier approach for collection of pollutant specific data based on whether the treatment works had an industrial pretreatment program. As proposed, Class I sludge management facilities would be required to submit the results of at least one toxicity characteristic leaching procedure (TCLP) conducted during the last five years to determine whether the sewage sludge is a hazardous waste. They would also be required to submit sewage sludge data for all the priority pollutants except asbestos, for the Part 503 pollutants, and for total kjeldahl nitrogen (TKN), ammonia, nitrate, and total phosphorus. Other TWTDS would be required to submit data for the pollutants regulated in Part 503 and for TKN, ammonia, nitrate, and total phosphorus.

EPA requested comments on adding several other requirements. These included requiring Class I sludge management facilities to submit data on 20 pollutants from the tentative list for the Part 503 Round Two regulation; requiring all TWTDS that land apply or place sewage sludge in a surface disposal site to submit data on fecal coliform, *Salmonella* sp. bacteria, enteric viruses, and viable helminth ova; and requiring non-Class 1 TWTDS to submit results of a TCLP and data on dioxin/dibenzofurans and co-planar polychlorinated biphenyls (PCBs). EPA also solicited comments on whether an applicant should be required to submit data only for the pollutants regulated for the TWTDS' use or disposal practice.

EPA received numerous comments on all the above issues. The vast majority of the comments questioned the need for data other than the parameters regulated in Part 503. Several commenters mentioned the Part 503 risk assessment and felt that if a pollutant was not regulated in Part 503, there was no need for monitoring or basis for setting a limit.

After considering the comments, EPA has concluded that the permit application should only include monitoring data for pollutants that have Part 503 limits for the applicant's use or disposal method at the time of permit application. At the time of this final rule, for land application these are arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc. For surface disposal they are arsenic, chromium, and nickel, and for incineration they are arsenic, cadmium, chromium, lead, and nickel. If an applicant thinks that it may change use or disposal practices during the permit period, it should submit data for all potentially regulated pollutants. Today's notice amends proposed § 122.21(q)(7) to require all applicants to submit data for pollutants for which Part 503 limits have been established for their use or disposal practices.

Two additional issues were raised in the comments received on this section. Three commenters suggested that data from the past three years should be allowed rather than two years for consistency with POTW permit applications. EPA agrees that consistency between the forms makes sense for this issue. The data period for POTW permit application requirements has been extended to four and one-half years in today's final rule. This allows applicants to submit data obtained at any time during the previous permit cycle. For consistency, EPA is making the same change for TWTDS application requirements in § 122.21(q)(7) (and on Form 2S).

The proposed rule asked for the analytical methods used but did not require use of specific methods, to allow for the submittal of existing data. Part 503 requires the use of test methods in SW–846 for monitoring pollutants. Three commenters suggested that SW–846 methods should be used for application data as well. Because all facilities have had to monitor according to Part 503 for several years, there is no longer any reason to accept data that is not analyzed according to SW–846 methods. Therefore, EPA is today modifying § 122.21(q)(7) to require application monitoring data to be analyzed according to methods in SW–846.

8. Requirements for a Person Who Prepares Sewage Sludge

In the December 6, 1995 proposal, § 122.21(q)(8) identified the permit application information that a person who prepares sewage sludge for use or disposal would be required to submit. A ''person who prepares,'' as defined at 40 CFR 503.9(r), is ''either the person who generates sewage sludge during the treatment of domestic sewage in a treatment works or the person who derives a material from sewage sludge.'' This section thus pertains to any POTW

or other treatment works that generates sewage sludge. It also includes facilities (such as composting operations) that receive sewage sludge from another facility and then produce a material derived from that sewage sludge.

Paragraphs (i) and (ii) requested information on the amount of sewage sludge generated (paragraph (i)) plus any other amount that is received from off-site (paragraph (ii)). Paragraph (ii) also solicited information on sewage sludge treatment practices at any off-site facility from which sewage sludge is received. Paragraph (iii) requested information on sewage sludge treatment processes at the applicant's facility, including pathogen or vector attraction reduction processes. Paragraph (iv) asked for the amount of ''EQ'' sewage sludge that is applied to the land. Paragraph (v) sought information on sewage sludge that is not ''EQ,'' but is nevertheless placed in a bag or other container for sale or give-away for application to the land. Paragraph (vi) sought information about any other ''person who prepares'' who receives sewage sludge from the applicant's facility.

EPA received eight comments on these proposed information requests. Most of the commenters believed that some or all of the information in § 122.21(q)(8)(vi) was unnecessary and duplicative because it would also be reported on the receiving TWTDS'' permit application. One commenter believed that the information in § 122.21(q)(8)(ii) was also unnecessary and duplicative because it would be reported on the sending TWTDS'' permit application. EPA anticipated these concerns and requested comments on ways to avoid this duplication, such as allowing the applicant to reference substantially similar information previously submitted to a permitting authority rather than resubmitting the information.

If all permit applications went to the same permitting authority at the same time, information on other TWTDS that handle sewage sludge from the applicant would not be necessary. Due to the tiered permitting scheme (58 FR 9404), however, the limited information requested from non-discharging TWTDS, and the possibility of inter-state transport, this is not always the case.

If the applicant is certain that the permitting authority has received an application from all other TWTDS that handle its sewage sludge, today's final rule allows it to reference the appropriate permit applications or include copies of the relevant sections. In addition, the Director's waiver authority could be used to eliminate duplication. A State that requires all TWTDS to submit full permit applications and believes it has access to all the necessary information could waive submittal of the requested information in §§ 122.21(q)(8)(ii) and (vi) for all its TWTDS once the State sewage sludge management program has been approved by EPA. EPA believes that the information requested in this section should be provided and the rule provides adequate ways of avoiding unnecessary duplication.

The previous requirement at § 501.15(a)(2)(viii) asks for the ''name of any distributors when the sludge will be disposed of through distribution and marketing.'' This requires the names of any facilities that sell or give away EQ sewage sludge. EPA believes that EQ sewage sludge should be treated similarly to other fertilizers. Thus, EPA proposed deleting the names of distributors in the December 1995 proposal. The five comments received on this issue all supported the proposal. For the reasons mentioned above, § 122.21(q)(8), as promulgated, is unchanged from the proposal.

9. Land Application of Bulk Sewage Sludge

Proposed § 122.21(q)(9) requested information on sewage sludge that is land applied in bulk form. This section applies only where the applicant's permit must contain all applicable Part 503 requirements for land application. This section does not apply if the applicant generates EQ sewage sludge subject to § 122.21(q)(8)(iv) or if the applicant places sewage sludge in a bag or other container for sale or give-away for application to the land subject to § 122.21(q)(8)(v). In neither of these cases is it necessary to control the ultimate land application through a permit. Thus the applicant does not need to provide the information requested in § 122.21(q)(9) as part of the application. The section also does not apply if the applicant provides sewage sludge to another ''person who prepares'' subject to § 122.21(q)(8)(vi). In this case, the ultimate land application would be controlled by the subsequent ''person who prepares.''

EPA received numerous comments on different aspects of § 122.21(q)(9). Most of the commenters suggested different ways to obtain the information requested in this section. Some commenters believe that this information should not be requested in a permit application but rather during the life of the permit as new sites are added. Other commenters stated that information on land application sites would be available through annual reports. This issue of how to obtain adequate information without duplication or overloading the permitting authority with unnecessary information was addressed during the original development of Part 501 and Part 503.

After reviewing the comments, EPA believes that its current approach is well grounded. If information is known about land application sites at the time of permit application, it should be submitted to the permitting authority. If information is not known, a land application plan must be submitted. Reports are only required from Class I sludge management facilities unless required on a case-by-case basis in a permit. Some States may have more extensive requirements, but this rule only provides the Federal requirements. As mentioned previously, if the required information is already available, the permitting authority may waive the requirement or the permit application may simply reference the information provided elsewhere. Several commenters thought that it would be more appropriate to require information from appliers. However, appliers who do not change the sewage sludge quality are not TWTDS and are therefore not required to apply for a permit. Generators should be aware of where and how their sewage sludge is land applied. EPA believes it is feasible for generators to obtain information from appliers and submit it with their permit application. As mentioned earlier, this section is not applicable if a TWTDS produces all EQ sewage sludge. The land application plan serves as the vehicle to allow TWTDS to add sites during the life of the permit without requiring a major permit modification. The following paragraphs describe the individual requirements in this section. The final rule is the same as the proposal unless otherwise mentioned.

Paragraph (i) of § 122.21(q)(9) clarifies the existing requirement at § 501.15(a)(2)(x) which tells the applicant to report annual sludge production volume. Paragraph (ii) asks how the applicant will satisfy the § 503.12(i) notification requirement for land application sites in a State other than the State where the sewage sludge is prepared.

Paragraphs (A)–(C) of § 122.21(q)(9)(iii) ask the applicant to identify the land application site. These questions request locational information which 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 land application sites.

Paragraphs (D) and (E) of § 122.21(q)(9)(iii) ask the applicant to identify the land application site owner and applier, if different from the applicant. EPA believes that this information is necessary in order to ensure that the permit is issued to the correct party. These proposed paragraphs clarify and expand on existing requirements at § 501.15(a)(2)(viii).

One of the land application management practices in § 503.14 mandates that bulk sewage sludge shall not be applied to land at greater than the agronomic rate. Therefore, paragraphs (F) and (G) of § 122.21(q)(9)(iii) ask the applicant to identify the type of land application site, the type of vegetation grown on that site, if known at the time of permit application, and the vegetation's nitrogen requirement. This information enables the permit writer to calculate an appropriate permit management practice regarding agronomic rate. EPA recognizes that different crops may be grown on a site during the life of a permit. If the crop for a site is not known or likely to change, the applicant should submit whatever information is available.

Paragraph (H) of § 122.21(q)(9)(iii) requests information on vector attraction reduction measures undertaken at the land application site. Before sewage sludge is applied to the land, it must meet the requirements for vector attraction reduction in § 503.33. These measures may be undertaken either by the ''person who prepares'' sewage sludge or by the operator of the land application site.

Proposed paragraph (G) of § 122.21(q)(9)(iii) asked the applicant to submit any existing ground-water monitoring data for the land application site. This was intended to give the permitting authorities ground-water monitoring data for land application sites in order to ensure that sewage sludge application rates are appropriately protective of ground water. Five commenters responded to this requirement. Since ground-water monitoring at land application sites is not required by Part 503, some commenters thought that this requirement could cause facilities that voluntarily monitor to discontinue their monitoring program rather than submit all their data to the permitting authority. Another commenter mentioned that many sites have commercial fertilizers applied along with sewage sludge so that it is difficult to relate the results of ground-water testing to sewage sludge. After considering the comments, EPA agrees that available ground-water data should not be required on a permit application, and has not promulgated proposed § 122.21(q)(9)(iii)(G). If States require ground-water monitoring, they may request this information. EPA will only ask for data on ground-water monitoring if it is a specific permit condition.

Section 501.15(a)(2)(ix) asks for information necessary to determine if the site is appropriate for land application and a description of how the site will be managed. This requirement could be interpreted in different ways. Today's rule clearly specifies site management requirements in paragraphs (F)–(H) of § 122.21(q)(9)(iii) by asking for the type of site, the vegetation grown, the nitrogen requirements, and any on-site vector attraction reduction activities.

Permitting authorities need to be assured that sewage sludge is being used in accordance with Part 503. Detailed information on site management is often obtained through operating plans, annual reports, and inspections. In some situations, permitting authorities may choose to get this information before issuing a permit. Paragraph (I) has been added to § 122.21(q)(9)(iii) to emphasize that the permitting authority can request other site management information if it is needed to identify appropriate permit conditions.

Section 122.21(q)(9)(iv) requests information that the permitting authority needs in order to verify whether the § 503.12(e)(2)(i) requirement for appliers of bulk sewage sludge subject to cumulative pollutant loading rates (CPLRs) has been met. A cumulative pollutant loading rate, as defined in § 503.11(f) is ''the maximum amount of an inorganic pollutant that can be applied to an area of land.'' This information enables EPA to ensure that the CPLRs are not exceeded when more than one facility is sending sewage sludge subject to CPLRs to the same site.

Section 122.21(q)(9)(v) restates the requirement in existing § 501.15(a)(2)(ix) for information on land application sites not identified at the time of permit application. EPA received numerous comments on paragraph (E) of this section. Many commenters discussed the difficulties involved in providing notice to ''landowners and occupants adjacent to or abutting the proposed land application site.'' Numerous questions have been raised about exactly what this language means.

EPA agrees that States should provide public notice as required by State and local law, when such laws exist. However, some States and municipalities have no provisions for public notice of land application sites. Section 122.21(q)(9)(v)(E) of today's rule requires that land application plans include provisions for public notice of new land application sites. If State or local law includes public notice provisions, these must be followed. Where State or local law does not require advance public notice, the land application plan must include specific provisions stating how the general public will be apprized of new sites.

10. Surface Disposal

Section 122.21(q)(10) requests information on sewage sludge that is placed on a surface disposal site. By definition, a sewage sludge surface disposal site is a TWTDS. Many surface disposal site owner/operators, however, do not have to complete this section, but instead submit the limited background information required by § 122.21(c)(2)(iii). The applicant is required to provide the information requested by § 122.21(q)(10) only if the surface disposal site is already covered by an NPDES permit; if the owner/operator is requesting site-specific pollutant limits; or if the permitting authority is requiring a full application.

Paragraph (i) of § 122.21(q)(10) clarifies the existing requirement at § 501.15(a)(2)(x) which tells the applicant to report annual sludge production volume. Paragraph (ii) of § 122.21(q)(10) requires that the applicant provide the name or number, address, telephone number, and amount of sewage sludge placed on each surface disposal site that the applicant does not own or operate. This paragraph clarifies and expands on existing requirements at § 501.15(a)(2)(viii). EPA believes that this information is necessary in order to ensure that the permit is issued to the correct party.

Paragraph (iii) of § 122.21(q)(10) requests detailed information on each active sewage sludge unit at each surface disposal site that the applicant owns or operates. A ''sewage sludge unit'' is defined in § 503.21(n) as ''land on which only sewage sludge is placed for final disposal.'' A ''surface disposal site'' is ''an area of land that contains one or more sewage sludge units.'' Information on each active sewage sludge unit is necessary because Part 503 provides for different pollutant limits, monitoring requirements, and management practices for each unit. This information enables the permitting authority to establish proper permit conditions.

Paragraphs (A)–(C) of § 122.21(q)(10)(iii) ask the applicant to identify the surface disposal site by submitting the same information requested in § 122.21(q)(9)(iii). This information may have already been provided if the surface disposal site is located at a POTW. The information is requested in this section in order to adequately locate ''sludge-only'' surface disposal sites that have been asked to submit a full permit application.

Paragraph (K) of § 122.21(q)(10)(iii) requests information on sewage sludge sent to the active sewage sludge unit by any facility other than the applicant's. This information helps the permit writer to determine which requirements apply to the surface disposal site owner/operator and which apply to the facility which sends sewage sludge to the surface disposal site. As previously mentioned, the applicant may reference substantially similar information already submitted to the permitting authority.

Paragraph (L) of § 122.21(q)(10)(iii) requests information on vector attraction reduction measures undertaken at the active sewage sludge unit. Before sewage sludge is placed on an active sewage sludge unit, it must meet the requirements for vector attraction reduction in § 503.33. Since vector attraction reduction measures may be performed either by the facility preparing sewage sludge or by the surface disposal site owner/operator, EPA believes that both should be required to supply information on their practices.

Section 503.24(n)(2) requires surface disposal sites to demonstrate by way of a ground water monitoring program or certification that sludge placed on an active sewage sludge unit does not contaminate the underlying aquifer. In order to ensure that this requirement is implemented, paragraph (M) of § 122.21(q)(10)(iii) requests information on ground water monitoring programs or certifications. Because many communities rely on ground water as a source of drinking water, EPA believes that this information is necessary to protect public health and the environment.

After August 18, 1993, only surface disposal sites showing good cause may apply for site-specific pollutant limits. Paragraph (N) of § 122.21(q)(10)(iii) requests the information necessary for the permit writer to determine whether such site-specific limits are warranted. This information must include a demonstration that the values for site parameters at the applicant's site differ from those used to develop the surface disposal pollutant limits in Part 503.

11. Incineration

Section 122.21(q)(11) requests information on sewage sludge that is fired in a sewage sludge incinerator. According to § 503.41(k), a sewage sludge incinerator is ''an enclosed device in which only sewage sludge and auxiliary fuel are fired.'' A sewage sludge incinerator is a TWTDS and is required to submit a full permit application.

Paragraph (i) of § 122.21(q)(11) clarifies the existing requirement at § 501.15(a)(2)(x) which tells the applicant to report annual sludge production volume. Paragraph (ii) of § 122.21(q)(11) requires that the applicant provide the name or identifying number, address, telephone number, and amount of sewage sludge fired in each sewage sludge incinerator that the applicant does not own or operate. This paragraph clarifies existing requirements at § 501.15(a)(2)(viii). EPA believes that this information is necessary in order to ensure that the permit is issued to the correct party.

Paragraph (iii) of § 122.21(q)(11) requests detailed information on each sewage sludge incinerator that the applicant owns or operates. Paragraph (B) of § 122.21(q)(11)(iii) asks the applicant to identify the sewage sludge incinerator by latitude and longitude. There is no requirement to submit a topographic map because EPA believes all sewage sludge incinerators are located at treatment works that generate sewage sludge. Therefore, they are already required to submit a topographic map under the requirements of § 122.21(q)(5).

Paragraph (C) of paragraph (iii) requests the total amount of sewage sludge fired annually in each incinerator. This information is necessary because the monitoring requirements for sewage sludge incinerators are based on the total amount fired.

Paragraphs (D) and (E) of § 122.21(q)(11)(iii) request information on compliance with the beryllium and mercury National Emissions Standards for Hazardous Air Pollutants (NESHAPs). Section 503.43 paragraphs (a) and (b) require compliance with these standards through a cross-reference to 40 CFR Part 61 subparts C and E. If the incinerator is required to perform stack testing, these paragraphs would require the applicant to submit a report of that testing.

Under § 503.43, the pollutant limits applicable to each sewage sludge incinerator are calculated based on factors unique to each incinerator. Paragraphs (F), (G), and (H) of § 122.21(q)(11)(iii) require each applicant to submit these factors for their incinerator(s). Calculating pollutant limits on an individual basis allows the actual performance of each incinerator and actual site conditions, such as topography, to be taken into account. EPA believes that this is more appropriate than mandating national pollutant limitations for sewage sludge incinerators.

EPA received one comment on this issue. The commenter mistakenly believed that all incinerator applicants would have to resubmit information on their performance tests and air modeling. Incinerator applicants that have already submitted this information to the permitting authority do not have to resubmit. Permit applications have already been completed for most currently operating sewage sludge incinerators. This requirement applies to incinerators for which complete permit applications have not yet been submitted. At the next permit cycle an incinerator permittee can reference the previously submitted data unless the permitting authority requires new testing.

In the development of Part 503, EPA determined that it would be infeasible to establish individual limits for each hydrocarbon in sewage sludge incinerator exit gas. Instead, the Agency adopted a 100 ppm total hydrocarbon (THC) limit and required continuous THC monitoring to show compliance. Part 503 was amended on February 25, 1994 (59 FR 9095) to allow sewage sludge incinerators whose exit gas does not exceed 100 ppm carbon monoxide (CO) to show compliance with the THC operational standard by monitoring CO instead of THC. Paragraphs (H), (I), and (J) of proposed § 122.21(q)(11)(iii) requested information on the incinerator's exit gas concentration of THC or CO, oxygen, and moisture.

One commenter questioned the validity of this requirement. The commenter stated that since THC or CO data must be monitored continuously, a request for one data point on the permit application is meaningless. EPA agrees with this comment and has deleted these questions. In today's rule § 122.21(q)(11)(iii)(I) asks whether the applicant monitors THC or CO.

Many of the incinerator's site-specific factors that are used to calculate pollutant limits and compliance with the operational standard are highly dependent on the temperature at which the incinerator is operated and the rate at which sewage sludge is fed into the incinerator. For most incinerators, these parameters are determined during an

initial performance test. EPA asked for the information in paragraphs (K) through (O) of proposed § 122.21(q)(11)(iii) in order to ensure appropriate pollutant limits and that the incinerator would be operated within the parameters of the original performance test.

After reviewing these questions, EPA is making some changes in today's rule. The information in paragraphs (K), (N), and (O) of proposed § 122.21(q)(11)(iii) remain unchanged but the paragraphs are renumbered as (J), (M), and (N). One commenter thought that proposed paragraph (O) is unnecessary and unclear. Part 503 requires that a sewage sludge incinerator's air pollution control devices be operated in a manner that is not significantly different from how they were operated during the performance test. This paragraph requests the performance test operating parameters for the air pollution control devices so compliance with this requirement can be determined. Therefore it is being promulgated as proposed.

The information requested in proposed paragraphs (L) and (M) is from the performance test. Proposed paragraph (L) is finalized as paragraph (K). To be consistent with the amendments to Part 503, the term ''combustion temperature'' is changed to ''maximum performance test combustion temperature'', which is the arithmetic mean of the maximum combustion temperature for each of the runs in a performance test. Proposed paragraph (M) is finalized as paragraph (L) and is modified to clarify that the requested sewage sludge feed rate is that used during the performance test.

Proposed paragraphs (P) and (Q) of § 122.21(q)(11)(iii) are promulgated unchanged except for being renumbered as paragraphs (O) and (P). They request information on the monitoring equipment and air pollution control devices installed on the incinerator. Information on this equipment is necessary to ensure that the facility complies with the management practices at § 503.45.

12. Disposal in a Municipal Solid Waste Landfill

Section 122.21(q)(12) requests information on sewage sludge that is sent to a municipal solid waste landfill (MSWLF). Section 503.4 states that sewage sludge sent to a MSWLF that complies with the requirements in 40 CFR Part 258 constitutes compliance with sec. 405(d) of the CWA. The questions in § 122.21(q)(12) are necessary to ensure the availability of accurate information about a MSWLF and the sewage sludge that is sent there.

Paragraphs (i) and (ii) of § 122.21(q)(12) clarify existing requirements at § 501.15(a)(2)(v), (viii), and (x) that request information on other permits, the location of disposal sites, and the annual sludge production volume. Paragraph (iii) requests information on the sewage sludge quality to ensure that it is acceptable for a MSWLF. Paragraph (iv) requests available information on whether the MSWLF is in compliance with Part 258.

EPA received three comments on this section. All three commenters stated that permittees should not be asked about landfill compliance with Part 258 since they believe this is the responsibility of the landfill. EPA disagrees with the commenters and this section remains as proposed. Section 503.4 states that disposal in a MSWLF that complies with the requirements in 40 CFR part 258 constitutes compliance with section 405(d) of the CWA. Sewage sludge that is placed in a MSWLF does not have to meet any of the pollutant limits or pathogen and vector requirements that are contained in Part 503. Protection of public health and the environment is provided by the Part 258 requirements. If sewage sludge is disposed in a landfill that is not in compliance with part 258, there is no way to know if the landfill is designed and operated so as to protect the environment from any potential problems from the sewage sludge. The preamble to Part 503 (58 FR 9248) explains the relationship between Parts 258 and 503.

13. Contractors

Section 122.21(q)(13) requires the applicant to provide contractor information. The applicant is required to identify all contractors responsible for any sewage sludge related operation or maintenance aspects of the TWTDS, and specify their responsibilities. The permitting authority uses this information to determine who has primary responsibility for the operation and maintenance of the TWTDS.

EPA received four comments on this section. One commenter agreed with EPA's proposal to identify all contractors, one disagreed, one wanted information on the proposal but only on appliers, and one wanted more clarification about the scope of the requirement. EPA agrees that TWTDS cannot by contracting out sewage sludge use or disposal avoid their legal obligation to comply with Part 503 and any permit requirements. However, EPA believes it is helpful to the permitting authorities and the general public to know all parties involved in sewage sludge management at a facility. This requirement remains as proposed.

14. Other Information

Section 122.21(q)(14) requires the applicant to report any information necessary to determine the appropriate standards for permitting under 40 CFR Part 503, and any other information the permitting authority may request and reasonably require to assess the sewage sludge use and disposal practices, to determine whether to issue a permit, or to identify appropriate permit requirements. This paragraph restates the existing requirements in § 501.15(a)(2)(xi) and (xii). EPA received one comment on this section. The commenter agreed with the proposal, and it remains as proposed.

15. Signature

Section 122.21(q)(15) requires that an authorized official sign and certify the form in compliance with 40 CFR 122.22. This ensures that the person signing the form has the authority to speak for and legally bind the permittee. No comments were received on this section and it remains as proposed.

H. Permit Conditions for POTWs (40 CFR 122.44(j))

Under existing § 122.21(j)(4), any POTW with an approved pretreatment program must provide a written technical evaluation of the need to revise local limits under 40 CFR 403.5(c)(1). This provision requires that the local limits evaluation be done prior to permit issuance. States and municipalities have expressed concerns that such evaluation would be more appropriate after permit issuance, so as to avoid the need for a second technical evaluation if the POTW's permit limits are revised in the new permit.

In response to these concerns, the Agency proposed to change this from an application requirement to a POTW pretreatment program requirement at § 403.8(f)(4). EPA did not receive any comments on this change but instead codifies this requirement at § 122.44(j), which lists pretreatment program permit conditions that must be in a POTW's permit. As such the requirement to provide a written evaluation of the need to revise local limits will be included in permits. POTWs must evaluate their local limits during each permit cycle, rather than during the permit application process.

I. State Program Requirements (40 CFR Parts 123 & 501)

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. In fact, EPA published changes to Parts 123 and 501 (63 FR 45114, August 24, 1998) that consolidate all State sewage sludge management requirements under Part 501. As part of this process, the December 6, 1995 proposal of today's rule included revisions to the language of §§ 123.25(a)(4) and 501.15(a)(2) to modify the sewage sludge information requirements. All four comments received by EPA supported having the same minimum requirements for EPA and authorized States.

Today's rule adds paragraph 122.21(q) to the list in § 123.25(a)(4) of provisions that States must implement to be granted NPDES authorization. The specific permit information requirements contained in § 122.21(q) of today's final rule are referenced in § 501.15(d)(1)(i)(B). The August 24, 1998 final rule states that § 501.15(d)(1)(i)(B) is not effective until today's rule becomes effective. This was necessary because § 122.21(q) was not yet final when the Part 501 and 123 revisions were published. Therefore, the August 24, 1998 final rule renumbered § 501.15(a)(2) as § 501.15(a)(4) and retained that section so that there would still be specific sludge permit information requirements in effect. The intent was that this new § 501.15(a)(4) would be deleted upon publication of today's rule. Today's final rule deletes § 501.15(a)(4) and makes § 501.15(d)(1)(i)(B) effective on December 2, 1999.

III. Regulatory Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 **Federal Register** 51735 (October 4, 1993)), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is a ''significant regulatory action.'' As such, this action was submitted to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

B. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or Tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and Tribal governments, the nature of their concerns, any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and Tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

EPA has concluded that this rule will create a mandate on State, local, and Tribal governments and that the Federal government will not provide the funds necessary to pay the direct costs incurred by the State, local, and/or Tribal governments in complying with the mandate. In developing this rule, EPA consulted with State, local, and Tribal governments to enable them to provide meaningful and timely input in the development of this rule. EPA made efforts to consult with interested stakeholders during the development of the December 6, 1995, proposed rule. In late 1993 and early 1994, EPA sought feedback on draft forms and other elements of the proposal from States with approved NPDES programs, local governments, the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA), the Association of Metropolitan Sewerage Agencies (AMSA), the California Association of Sanitation Agencies (CASA), the Water Environment Federation (WEF), and several environmental groups. In response to this outreach effort, EPA received written comments from a dozen States, several municipalities, and from AMSA. EPA also met with State and municipal representatives and participated in a conference call with representatives from ten POTWs and two States.

EPA received 60 comments during the public comment period on the proposed rule and made numerous changes to the rule and the forms in response to the comments. Stakeholders raised a number of issues related to the possible impacts of the municipal application requirements on local governments. The most significant issue concerned the required sampling data. States were particularly concerned about the ability of small municipalities to provide the data. To address this concern, EPA modified the regulation to reduce the information required from small facilities under 0.1 mgd. Many municipalities and States were also concerned about redundant information. EPA resolved this issue by allowing States to waive requirements for information otherwise available to them and by allowing facilities to reference information they have already provided in annual reports, discharge monitoring reports (DMRs), or other reports. The final rule provides flexibility to the States and reduces the reporting burden for regulated facilities while ensuring that EPA and the States will obtain the information necessary to issue permits that protect the environment.

C. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under UMRA section 202, EPA generally must prepare a written statement, including a cost-benefit analysis, for rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, UMRA section 205 generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome

alternative that achieves the objectives of the rule. The provisions of UMRA section 205 do not apply when they are inconsistent with applicable law. Moreover, UMRA section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted.

Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under UMRA section 203 a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that today's rule does not include a Federal mandate that may result in expenditures of $100 million or more to either State, local and tribal governments in the aggregate, or to the private sector in any year. To the extent enforceable duties arise as a result of today's rule on State, local and tribal governments and the private sector, such enforceable duties do not result in a significant regulatory action being imposed upon State, local and tribal governments and the private sector since the estimated aggregate cost of compliance for the regulated entities is not expected to exceed $4.8 million annually. Today's rule streamlines the permit application requirements for municipal and sludge application requirements to provide additional flexibility to the States in complying with current regulatory requirements and reduce the burden on affected governments. Thus, today's final rule is not subject to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments and thus this rule is not subject to the requirements in section 203 of UMRA. The amendments will not significantly affect small governments because as explained above, this rulemaking streamlines current regulatory requirements and provides additional flexibility to meet regulatory requirements. The small governments affected by this rule are tribal and municipal governments and the rule minimizes the impact on these small government entities.

D. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2040–0086. A copy may be obtained from Sandy Farmer, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2137); 401 M St., S.W.; Washington, DC 20460; or by calling (202) 260–2740.

The final rule consolidates application requirements from existing regulations into a ''modular'' permit application form, thereby streamlining and clarifying the process for permit applicants. EPA has developed forms 2A and 2S and the corresponding reporting requirements at § 122.21(j) and § 122.21(q) in order to consolidate the application requirements for POTWs and TWTDS. EPA has promulgated the Form 2A requirement under the statutory authority of section 402 of the CWA, as amended. Similarly, the Agency has promulgated the Form 2S requirement under section 405 of the CWA, as amended. Both operating statutes allow EPA to consider regulatory options to minimize the forms' economic impacts on small entities.

The annual reporting and recordkeeping costs and burden for this collection of information are described in the following paragraphs.

For Form 2A the total annual costs are $4,100,711. There are 731 major applicants, 1230 minor applicants between 0.1 and 1.0 mgd, and 1230 minor applicants <0.1 mgd. The cost per major (over 1.0 mgd) applicant is $4435, the cost per minor applicant between 0.1 and 1.0 mgd is $477, and the cost per minor applicant <0.1 mgd is $221. The average cost per applicant is $1285. Total annual burden is 30,593 hours. There are 731 major applicants, 1230 minor applicants between 0.1 and 1.0 mgd, and 1230 minor applicants <0.1 mgd. The burden per major applicant is 24 hours, the burden per minor applicant between 0.1 and 1.0 mgd is 6.2 hours, and the burden per minor applicant <0.1 mgd is 4.4 hours. The average burden per applicant is 9.6 hours.

For Form 2S the total annual costs are $714,823. There are 3911 NPDES POTW applicants, 221 NPDES privately owned treatment works applicants, 38 sludge-only POTW applicants, and 2 sludge-only privately owned treatment works applicants. The costs per applicant are: NPDES POTW $183, NPDES privately owned treatment works $551, sludge-only POTW $171, and sludge-only privately owned treatment works $242. The average cost per applicant is $207. Total annual burden is 32,628 hours. There are 3911 NPDES POTW applicants, 221 NPDES privately owned treatment works applicants, 38 sludge-only POTW applicants, and 2 sludge-only privately owned treatment works applicants. The burdens per applicants are: NPDES POTW 9.5 hours, NPDES privately owned treatment works 9.5 hours, sludge-only POTW 3.9 hours, and sludge-only privately owned treatment works 2.5 hours. The average burden per applicant is 9.4 hours.

Overall, for both Form 2A and Form 2S the total annual costs are $4,815,534 and the total annual burden is 63,221 hours. The annual public reporting and recordkeeping burden for this collection of information is estimated to average 9.5 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are displayed in 40 CFR Part 9 and 48 CFR Chapter 15. EPA is amending the table in 40 CFR Part 9 of currently approved ICR control numbers issued by OMB for various regulations to list the information requirements contained in this final rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, generally requires an administrative agency as part of any rulemaking to prepare a regulatory flexibility analysis to describe the impact of rules on small entities. Under 5 U.S.C. 605(b), no regulatory flexibility analysis is required, however, where the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Under RFA section 605(b), EPA

certifies that today's rule will not have a significant economic impact on a substantial number of small entities.

In developing these regulations, EPA considered their effects on small entities. Section 601(6) of the RFA defines small entities as small businesses, small governmental entities, and small, not-for-profit organizations. The small entities affected by this rule include small governmental jurisdictions and small businesses that own or operate wastewater treatment works and sludge facilities or sludge facilities only. About 16,080 small entities are regulated by the rule. Ninety-three percent of the small entities are small governmental jurisdictions, i.e., publicly owned treatment works (POTWs) and six percent are small businesses, i.e., privately owned treatment works. Almost all of the small governmental jurisdictions (99%) will be required to complete both the municipal and sewage sludge application forms; the rest will only have to complete the sewage sludge application form. The small businesses will only have to complete the sewage sludge application form.

Under the RFA, the term ''small governmental jurisdiction'' means, among other things, governments of cities, counties, towns or special districts with a population of fewer than 50,000. To evaluate the economic impact on small governmental jurisdictions subject to today's rule, EPA looked at the effect on 5 million gallons per day (mgd) or smaller POTWs, that is, those serving 50,000 or less. EPA cannot calculate from available data how many small governmental jurisdictions own and operate POTWs that are subject to the rule. EPA collects data on individual POTW operations and these data are not aggregated by the supplying public entities. EPA has data on POTWs by size, expressed in terms of mgd. With this information, EPA can determine with a fair degree of certainty what size community any given POTW serves. Thus, for example, a 1 mgd POTW will be needed to serve a community of around 10,000. However, EPA cannot determine the number of small governmental jurisdictions operating POTWs by simply totaling the number of POTWs serving populations up to 50,000 (as measured by mgd). This would overstate the number of small governmental jurisdictions owning POTWs. The number of POTWs operated by public entities will obviously vary. A municipality (or sewerage district) may operate one or more POTWs or even none at all, if it chooses to rely on the services of a POTW in a neighboring jurisdiction. Consequently, the number of POTWs serving communities of 50,000 or fewer does not correspond to the number of small governmental jurisdictions with a population of 50,000 or fewer.

While, as explained above, EPA could not determine how many POTWs a public entity owned and operated (and thus could not calculate the number of small governmental jurisdictions affected by the rule), EPA did calculate the economic impact on POTWs serving communities in a number of size ranges in order to evaluate the economic impact on small governmental jurisdictions as defined in the RFA. The result of this analysis showed that in no event would the impact to the community owning the POTW be significant as measured by the POTW's (and consequently, the public entity's) operating revenues. EPA concluded that the economic impact of the rule on small governmental jurisdictions as defined in the RFA would not be substantial in any circumstances.

For purposes of evaluating the economic impact, EPA assumed that water supply revenues of a municipality with a population of 50,000 were equivalent to those of a 5 mgd POTW. Of the data that is available in the 1991–1992 census of governments, the water supply revenue information is most likely to reflect revenues of POTWs, since customer billings generally cover water and sewer charges. To evaluate the economic impact on small businesses, EPA looked at private sewerage systems with annual revenues of 6 million or less, the Small Business Administration's definition of a small business for the sewerage industry.

EPA considered a range of regulatory options for the proposed forms. In today's final rule, EPA adopted the modular permit application approach for both POTWs and privately owned treatment works. In the final rule, EPA imposes fewer, more focused requirements for facilities discharging less than 1.0 mgd, which are less likely to pollute and which have a lower capacity to absorb large monitoring costs. The smallest facilities, less than 0.1 mgd, complete only eight basic questions and provide information on only four pollutants. The more focused requirements result from adjustments that are appropriate to these less ''complex'' facilities.

For purposes of evaluating the economic impact of this rule on small governmental jurisdictions, EPA compared costs with average annual water supply revenues for small governmental jurisdictions obtained from the 1991–1992 census of governments. Because annual revenues for small privately owned treatment works were not available, in evaluating the economic impact on small businesses, EPA used the average water supply revenue figure for small governmental jurisdictions as a proxy for small privately owned treatment works. For both small POTWs and small privately owned treatment works, EPA used the costs for compliance estimated in the ICR.

EPA's assessment shows that the costs of complying with today's rule are not significant, even for very small POTWs and privately-owned treatment works. The total cost of complying with today's rule for all POTWs and privately-owned treatment works is $4,815,534 and consists entirely of paperwork and testing costs associated with collecting the required information and completing the forms.

The five-year compliance cost estimates for small POTWs that are subject to both sets of application requirements are: $404 for POTWs less than 0.1 mgd; $660 for POTWs between 0.1 and 1.0 mgd; and $4,618 for POTWs between 1.0 and 5.0 mgd. The five-year compliance cost estimate for small POTWs that are subject only to the sludge application requirements are $172. The five-year compliance cost estimate for the vast majority of small privately owned treatment works, that are subject only to the sludge application requirements, is $551. The five-year compliance cost for a few small privately owned treatment works that don't have wastewater discharges is only $242.

The annual cost for a small POTW ranges from 0.02 to 0.09 percent of the average annual water supply revenues of these small governmental jurisdictions, depending on their size and whether or not they have to complete one or both application forms. The annual cost for most small privately owned treatment works will be about 0.08 percent of the average annual water supply revenue of these small businesses. The annual cost for a few small privately owned treatment works without wastewater discharges is even smaller (0.03 percent). Thus, impacts on small treatment facilities will not be significant.

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Agency certifies that today's rule will not have a significant economic impact on a substantial number of small entities.

F. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Pub. L. No. 104–113, § 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standard bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

G. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. section 801 *et.seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective on December 2, 1999.

H. Executive Order 13045

Executive Order 13045: ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866 and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not an economically significant action as defined by E.O. 12866 and it does not establish an environmental standard intended to mitigate health or safety risks. This rule is a procedural rule that streamlines existing regulations and application forms for municipal dischargers and treatment works who use or dispose of sludge.

I. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the Tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected Tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian Tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian Tribal governments nor does it impose substantial direct compliance costs on them. This rule streamlines current regulatory requirements and provides additional flexibility to meet regulatory requirements. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 122

Administrative practice and procedure, Confidential business information, Environmental protection, Reporting and recordkeeping requirements, Sewage disposal, Waste treatment and disposal, Water pollution control.

40 CFR Part 123

Confidential business information, Hazardous materials, Reporting and recordkeeping requirements, Sewage disposal, Waste treatment and disposal, Water pollution control, Penalties.

40 CFR Part 124

Administrative practice and procedure, Air pollution control, Hazardous waste, Indian lands, Reporting and recordkeeping requirements, Water pollution control, Water supply.

40 CFR Part 501

Confidential business information, Environmental protection, Publicly owned treatment works, Reporting and recordkeeping requirements, Sewage disposal, Waste treatment and disposal.

Dated: July 15, 1999.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 9—OMB APPROVALS UNDER THE PAPERWORK REDUCTION ACT

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. In § 9.1 the table is amended by adding entries in numerical order under the indicated headings, removing the entry for ''122.21(j)(4)'', and revising the entry for ''123.25'' to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * * * *	
EPA Administered Permit Programs: The National Pollutant Discharge Elimination System	
* * * * *	
122.21(j), (q)	2040–0086

40 CFR citation	OMB control No.
* * * * *	
122.44(j)	2040–0150
* * * * *	
State Permit Requirements	
* * * * *	
123.25	2040–0004 2040–0110 2040–0170 2040–0180 2040–0086
* * * * *	

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

3. The authority citation for Part 122 continues to read as follows:

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

4. Section 122.2 is amended by adding a definition for ''Indian country'' and ''TWTDS'' in alphabetical order to read as follows:

§ 122.2 Definitions.

* * * * *

Indian country means:

(1) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;

(2) All dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and

(3) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

* * * * *

TWTDS means ''treatment works treating domestic sewage.''

* * * * *

5. Section 122.21 is amended by revising paragraphs (a), (c)(2), the introductory text of paragraph (f), and paragraph (j); removing and reserving paragraph (d)(3); revising paragraph (e); and by adding paragraph (q) before the notes to read as follows:

§ 122.21 Application for a permit (applicable to State programs, see § 123.25).

(a) *Duty to apply.* (1) Any person who discharges or proposes to discharge pollutants or who owns or operates a ''sludge-only facility'' whose sewage sludge use or disposal practice is regulated by part 503 of this chapter, and who does not have an effective permit, except persons covered by general permits under § 122.28, excluded under § 122.3, or a user of a privately owned treatment works unless the Director requires otherwise under § 122.44(m), must submit a complete application to the Director in accordance with this section and part 124 of this chapter.

(2) *Application Forms:* (i) All applicants for EPA-issued permits must submit applications on EPA permit application forms. More than one application form may be required from a facility depending on the number and types of discharges or outfalls found there. Application forms may be obtained by contacting the EPA water resource center at (202) 260–7786 or Water Resource Center, U.S. EPA, Mail Code 4100, 401 M Street, S.W., Washington, DC 20460 or at the EPA Internet site www.epa.gov/owm/npdes.htm. Applications for EPA-issued permits must be submitted as follows:

(A) All applicants, other than POTWs and TWTDS, must submit Form 1.

(B) Applicants for new and existing POTWs must submit the information contained in paragraph (j) of this section using Form 2A or other form provided by the director.

(C) Applicants for concentrated animal feeding operations or aquatic animal production facilities must submit Form 2B.

(D) Applicants for existing industrial facilities (including manufacturing facilities, commercial facilities, mining activities, and silvicultural activities), must submit Form 2C.

(E) Applicants for new industrial facilities that discharge process wastewater must submit Form 2D.

(F) Applicants for new and existing industrial facilities that discharge only nonprocess wastewater must submit Form 2E.

(G) Applicants for new and existing facilities whose discharge is composed entirely of storm water associated with industrial activity must submit Form 2F, unless exempted by § 122.26(c)(1)(ii). If the discharge is composed of storm water and non-storm water, the applicant must also submit, Forms 2C, 2D, and/or 2E, as appropriate (in addition to Form 2F).

(H) Applicants for new and existing TWTDS, subject to paragraph (c)(2)(i) of this section must submit the application information required by paragraph (q) of this section, using Form 2S or other form provided by the director.

(ii) The application information required by paragraph (a)(2)(i) of this section may be electronically submitted if such method of submittal is approved by EPA or the Director.

(iii) Applicants can obtain copies of these forms by contacting the Water Management Divisions (or equivalent division which contains the NPDES permitting function) of the EPA Regional Offices. The Regional Offices' addresses can be found at § 1.7 of this chapter.

(iv) Applicants for State-issued permits must use State forms which must require at a minimum the information listed in the appropriate paragraphs of this section.

* * * * *

(c) * * *

(2) *Permits under section 405(f) of CWA.* All TWTDS whose sewage sludge use or disposal practices are regulated by part 503 of this chapter must submit permit applications according to the applicable schedule in paragraphs (c)(2)(i) or (ii) of this section.

(i) A TWTDS with a currently effective NPDES permit must submit a permit application at the time of its next NPDES permit renewal application. Such information must be submitted in accordance with paragraph (d) of this section.

(ii) Any other TWTDS not addressed under paragraphs (c)(2)(i) of this section must submit the information listed in paragraphs (c)(2)(ii)(A) through (E) of this section to the Director within 1 year after publication of a standard applicable to its sewage sludge use or disposal practice(s), using Form 2S or another form provided by the Director. The Director will determine when such TWTDS must submit a full permit application.

(A) The TWTDS's name, mailing address, location, and status as federal, State, private, public or other entity;

(B) The applicant's name, address, telephone number, and ownership status;

(C) A description of the sewage sludge use or disposal practices. Unless the sewage sludge meets the requirements of paragraph (q)(8)(iv) of this section, the description must include the name and address of any facility where sewage sludge is sent for treatment or disposal, and the location of any land application sites;

(D) Annual amount of sewage sludge generated, treated, used or disposed (estimated dry weight basis); and

(E) The most recent data the TWTDS may have on the quality of the sewage sludge.

(iii) Notwithstanding paragraphs (c)(2)(i) or (ii) of this section, the

Director may require permit applications from any TWTDS at any time if the Director determines that a permit is necessary to protect public health and the environment from any potential adverse effects that may occur from toxic pollutants in sewage sludge.

(iv) Any TWTDS that commences operations after promulgation of an applicable ''standard for sewage sludge use or disposal'' must submit an application to the Director at least 180 days prior to the date proposed for commencing operations.

(d) * * *

(3) [Reserved]

(e) *Completeness.* (1) The Director shall not issue a permit before receiving a complete application for a permit except for NPDES general permits. An application for a permit is complete when the Director receives an application form and any supplemental information which are completed to his or her satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity. For EPA administered NPDES programs, an application which is reviewed under § 124.3 of this chapter is complete when the Director receives either a complete application or the information listed in a notice of deficiency.

(2) A permit application shall not be considered complete if a permitting authority has waived application requirements under paragraphs (j) or (q) of this section and EPA has disapproved the waiver application. If a waiver request has been submitted to EPA more than 210 days prior to permit expiration and EPA has not disapproved the waiver application 181 days prior to permit expiration, the permit application lacking the information subject to the waiver application shall be considered complete.

(f) *Information requirements.* All applicants for NPDES permits, other than POTWs and other TWTDS, must provide the following information to the Director, using the application form provided by the Director. Additional information required of applicants is set forth in paragraphs (g) through (k) of this section.

* * * * *

(j) *Application requirements for new and existing POTWs.* Unless otherwise indicated, all POTWs and other dischargers designated by the Director must provide, at a minimum, the information in this paragraph to the Director, using Form 2A or another application form provided by the Director. Permit applicants must submit all information available at the time of permit application. The information may be provided by referencing information previously submitted to the Director. The Director may waive any requirement of this paragraph if he or she has access to substantially identical information. The Director may also waive any requirement of this paragraph that is not of material concern for a specific permit, if approved by the Regional Administrator. The waiver request to the Regional Administrator must include the State's justification for the waiver. A Regional Administrator's disapproval of a State's proposed waiver does not constitute final Agency action, but does provide notice to the State and permit applicant(s) that EPA may object to any State-issued permit issued in the absence of the required information.

(1) *Basic application information.* All applicants must provide the following information:

(i) *Facility information.* Name, mailing address, and location of the facility for which the application is submitted;

(ii) *Applicant information.* Name, mailing address, and telephone number of the applicant, and indication as to whether the applicant is the facility's owner, operator, or both;

(iii) *Existing environmental permits.* Identification of all environmental permits or construction approvals received or applied for (including dates) under any of the following programs:

(A) Hazardous Waste Management program under the Resource Conservation and Recovery Act (RCRA), Subpart C;

(B) Underground Injection Control program under the Safe Drinking Water Act (SDWA);

(C) NPDES program under Clean Water Act (CWA);

(D) Prevention of Significant Deterioration (PSD) program under the Clean Air Act;

(E) Nonattainment program under the Clean Air Act;

(F) National Emission Standards for Hazardous Air Pollutants (NESHAPS) preconstruction approval under the Clean Air Act;

(G) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act;

(H) Dredge or fill permits under section 404 of the CWA; and

(I) Other relevant environmental permits, including State permits;

(iv) *Population.* The name and population of each municipal entity served by the facility, including unincorporated connector districts. Indicate whether each municipal entity owns or maintains the collection system and whether the collection system is separate sanitary or combined storm and sanitary, if known;

(v) *Indian country.* Information concerning whether the facility is located in Indian country and whether the facility discharges to a receiving stream that flows through Indian country;

(vi) *Flow rate.* The facility's design flow rate (the wastewater flow rate the plant was built to handle), annual average daily flow rate, and maximum daily flow rate for each of the previous 3 years;

(vii) *Collection system.* Identification of type(s) of collection system(s) used by the treatment works (i.e., separate sanitary sewers or combined storm and sanitary sewers) and an estimate of the percent of sewer line that each type comprises; and

(viii) *Outfalls and other discharge or disposal methods.* The following information for outfalls to waters of the United States and other discharge or disposal methods:

(A) For effluent discharges to waters of the United States, the total number and types of outfalls (e.g, treated effluent, combined sewer overflows, bypasses, constructed emergency overflows);

(B) For wastewater discharged to surface impoundments:

(1) The location of each surface impoundment;

(2) The average daily volume discharged to each surface impoundment; and

(3) Whether the discharge is continuous or intermittent;

(C) For wastewater applied to the land:

(1) The location of each land application site;

(2) The size of each land application site, in acres;

(3) The average daily volume applied to each land application site, in gallons per day; and

(4) Whether land application is continuous or intermittent;

(D) For effluent sent to another facility for treatment prior to discharge:

(1) The means by which the effluent is transported;

(2) The name, mailing address, contact person, and phone number of the organization transporting the discharge, if the transport is provided by a party other than the applicant;

(3) The name, mailing address, contact person, phone number, and NPDES permit number (if any) of the receiving facility; and

(4) The average daily flow rate from this facility into the receiving facility, in millions of gallons per day; and

(E) For wastewater disposed of in a manner not included in paragraphs (j)(1)(viii)(A) through (D) of this section (e.g., underground percolation, underground injection):

(1) A description of the disposal method, including the location and size of each disposal site, if applicable;

(2) The annual average daily volume disposed of by this method, in gallons per day; and

(3) Whether disposal through this method is continuous or intermittent;

(2) *Additional Information.* All applicants with a design flow greater than or equal to 0.1 mgd must provide the following information:

(i) *Inflow and infiltration.* The current average daily volume of inflow and infiltration, in gallons per day, and steps the facility is taking to minimize inflow and infiltration;

(ii) *Topographic map.* A topographic map (or other map if a topographic map is unavailable) extending at least one mile beyond property boundaries of the treatment plant, including all unit processes, and showing:

(A) Treatment plant area and unit processes;

(B) The major pipes or other structures through which wastewater enters the treatment plant and the pipes or other structures through which treated wastewater is discharged from the treatment plant. Include outfalls from bypass piping, if applicable;

(C) Each well where fluids from the treatment plant are injected underground;

(D) Wells, springs, and other surface water bodies listed in public records or otherwise known to the applicant within ¼ mile of the treatment works' property boundaries;

(E) Sewage sludge management facilities (including on-site treatment, storage, and disposal sites); and

(F) Location at which waste classified as hazardous under RCRA enters the treatment plant by truck, rail, or dedicated pipe;

(iii) *Process flow diagram or schematic.*

(A) A diagram showing the processes of the treatment plant, including all bypass piping and all backup power sources or redundancy in the system. This includes a water balance showing all treatment units, including disinfection, and showing daily average flow rates at influent and discharge points, and approximate daily flow rates between treatment units; and

(B) A narrative description of the diagram; and

(iv) *Scheduled improvements, schedules of implementation.* The following information regarding scheduled improvements:

(A) The outfall number of each outfall affected;

(B) A narrative description of each required improvement;

(C) Scheduled or actual dates of completion for the following:

(1) Commencement of construction;

(2) Completion of construction;

(3) Commencement of discharge; and

(4) Attainment of operational level;

(D) A description of permits and clearances concerning other Federal and/or State requirements;

(3) *Information on effluent discharges.* Each applicant must provide the following information for each outfall, including bypass points, through which effluent is discharged, as applicable:

(i) *Description of outfall.* The following information about each outfall:

(A) Outfall number;

(B) State, county, and city or town in which outfall is located;

(C) Latitude and longitude, to the nearest second;

(D) Distance from shore and depth below surface;

(E) Average daily flow rate, in million gallons per day;

(F) The following information for each outfall with a seasonal or periodic discharge:

(1) Number of times per year the discharge occurs;

(2) Duration of each discharge;

(3) Flow of each discharge; and

(4) Months in which discharge occurs; and

(G) Whether the outfall is equipped with a diffuser and the type (e.g., high-rate) of diffuser used;

(ii) *Description of receiving waters.* The following information (if known) for each outfall through which effluent is discharged to waters of the United States:

(A) Name of receiving water;

(B) Name of watershed/river/stream system and United States Soil Conservation Service 14-digit watershed code;

(C) Name of State Management/River Basin and United States Geological Survey 8-digit hydrologic cataloging unit code; and

(D) Critical flow of receiving stream and total hardness of receiving stream at critical low flow (if applicable);

(iii) *Description of treatment.* The following information describing the treatment provided for discharges from each outfall to waters of the United States:

(A) The highest level of treatment (e.g., primary, equivalent to secondary, secondary, advanced, other) that is provided for the discharge for each outfall and:

(1) Design biochemical oxygen demand (BOD_5 or $CBOD_5$) removal (percent);

(2) Design suspended solids (SS) removal (percent); and, where applicable,

(3) Design phosphorus (P) removal (percent);

(4) Design nitrogen (N) removal (percent); and

(5) Any other removals that an advanced treatment system is designed to achieve.

(B) A description of the type of disinfection used, and whether the treatment plant dechlorinates (if disinfection is accomplished through chlorination);

(4) *Effluent monitoring for specific parameters.*

(i) As provided in paragraphs (j)(4)(ii) through (x) of this section, all applicants must submit to the Director effluent monitoring information for samples taken from each outfall through which effluent is discharged to waters of the United States, except for CSOs. The Director may allow applicants to submit sampling data for only one outfall on a case-by-case basis, where the applicant has two or more outfalls with substantially identical effluent. The Director may also allow applicants to composite samples from one or more outfalls that discharge into the same mixing zone;

(ii) All applicants must sample and analyze for the pollutants listed in Appendix J, Table 1A of this part;

(iii) All applicants with a design flow greater than or equal to 0.1 mgd must sample and analyze for the pollutants listed in Appendix J, Table 1 of this part. Facilities that do not use chlorine for disinfection, do not use chlorine elsewhere in the treatment process, and have no reasonable potential to discharge chlorine in their effluent may delete chlorine from Table 1;

(iv) The following applicants must sample and analyze for the pollutants listed in Appendix J, Table 2 of this part, and for any other pollutants for which the State or EPA have established water quality standards applicable to the receiving waters:

(A) All POTWs with a design flow rate equal to or greater than one million gallons per day;

(B) All POTWs with approved pretreatment programs or POTWs required to develop a pretreatment program;

(C) Other POTWs, as required by the Director;

(v) The Director should require sampling for additional pollutants, as appropriate, on a case-by-case basis;

(vi) Applicants must provide data from a minimum of three samples taken within four and one-half years prior to the date of the permit application. Samples must be representative of the seasonal variation in the discharge from each outfall. Existing data may be used, if available, in lieu of sampling done solely for the purpose of this application. The Director should require additional samples, as appropriate, on a case-by-case basis.

(vii) All existing data for pollutants specified in paragraphs (j)(4)(ii) through (v) of this section that is collected within four and one-half years of the application must be included in the pollutant data summary submitted by the applicant. If, however, the applicant samples for a specific pollutant on a monthly or more frequent basis, it is only necessary, for such pollutant, to summarize all data collected within one year of the application.

(viii) Applicants must collect samples of effluent and analyze such samples for pollutants in accordance with analytical methods approved under 40 CFR part 136 unless an alternative is specified in the existing NPDES permit. Grab samples must be used for pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, and fecal coliform. For all other pollutants, 24-hour composite samples must be used. For a composite sample, only one analysis of the composite of aliquots is required.

(ix) The effluent monitoring data provided must include at least the following information for each parameter:

(A) Maximum daily discharge, expressed as concentration or mass, based upon actual sample values;

(B) Average daily discharge for all samples, expressed as concentration or mass, and the number of samples used to obtain this value;

(C) The analytical method used; and

(D) The threshold level (i.e., method detection limit, minimum level, or other designated method endpoints) for the analytical method used.

(x) Unless otherwise required by the Director, metals must be reported as total recoverable.

(5) *Effluent monitoring for whole effluent toxicity.*

(i) All applicants must provide an identification of any whole effluent toxicity tests conducted during the four and one-half years prior to the date of the application on any of the applicant's discharges or on any receiving water near the discharge.

(ii) As provided in paragraphs (j)(5)(iii)–(ix) of this section, the following applicants must submit to the Director the results of valid whole effluent toxicity tests for acute or chronic toxicity for samples taken from each outfall through which effluent is discharged to surface waters, except for combined sewer overflows:

(A) All POTWs with design flow rates greater than or equal to one million gallons per day;

(B) All POTWs with approved pretreatment programs or POTWs required to develop a pretreatment program;

(C) Other POTWs, as required by the Director, based on consideration of the following factors:

(1) The variability of the pollutants or pollutant parameters in the POTW effluent (based on chemical-specific information, the type of treatment plant, and types of industrial contributors);

(2) The ratio of effluent flow to receiving stream flow;

(3) Existing controls on point or non-point sources, including total maximum daily load calculations for the receiving stream segment and the relative contribution of the POTW;

(4) Receiving stream characteristics, including possible or known water quality impairment, and whether the POTW discharges to a coastal water, one of the Great Lakes, or a water designated as an outstanding natural resource water; or

(5) Other considerations (including, but not limited to, the history of toxic impacts and compliance problems at the POTW) that the Director determines could cause or contribute to adverse water quality impacts.

(iii) Where the POTW has two or more outfalls with substantially identical effluent discharging to the same receiving stream segment, the Director may allow applicants to submit whole effluent toxicity data for only one outfall on a case-by-case basis. The Director may also allow applicants to composite samples from one or more outfalls that discharge into the same mixing zone.

(iv) Each applicant required to perform whole effluent toxicity testing pursuant to paragraph (j)(5)(ii) of this section must provide:

(A) Results of a minimum of four quarterly tests for a year, from the year preceding the permit application; or

(B) Results from four tests performed at least annually in the four and one half year period prior to the application, provided the results show no appreciable toxicity using a safety factor determined by the permitting authority.

(v) Applicants must conduct tests with multiple species (no less than two species; e.g., fish, invertebrate, plant), and test for acute or chronic toxicity, depending on the range of receiving water dilution. EPA recommends that applicants conduct acute or chronic testing based on the following dilutions:

(A) Acute toxicity testing if the dilution of the effluent is greater than 1000:1 at the edge of the mixing zone;

(B) Acute or chronic toxicity testing if the dilution of the effluent is between 100:1 and 1000:1 at the edge of the mixing zone. Acute testing may be more appropriate at the higher end of this range (1000:1), and chronic testing may be more appropriate at the lower end of this range (100:1); and

(C) Chronic testing if the dilution of the effluent is less than 100:1 at the edge of the mixing zone.

(vi) Each applicant required to perform whole effluent toxicity testing pursuant to paragraph (j)(5)(ii) of this section must provide the number of chronic or acute whole effluent toxicity tests that have been conducted since the last permit reissuance.

(vii) Applicants must provide the results using the form provided by the Director, or test summaries if available and comprehensive, for each whole effluent toxicity test conducted pursuant to paragraph (j)(5)(ii) of this section for which such information has not been reported previously to the Director.

(viii) Whole effluent toxicity testing conducted pursuant to paragraph (j)(5)(ii) of this section must be conducted using methods approved under 40 CFR part 136. West coast facilities in Washington, Oregon, California, Alaska, Hawaii, and the Pacific Territories are exempted from 40 CFR part 136 chronic methods and must use alternative guidance as directed by the permitting authority.

(ix) For whole effluent toxicity data submitted to the Director within four and one-half years prior to the date of the application, applicants must provide the dates on which the data were submitted and a summary of the results.

(x) Each POTW required to perform whole effluent toxicity testing pursuant to paragraph (j)(5)(ii) of this section must provide any information on the cause of toxicity and written details of any toxicity reduction evaluation conducted, if any whole effluent toxicity test conducted within the past four and one-half years revealed toxicity.

(6) *Industrial discharges.* Applicants must submit the following information about industrial discharges to the POTW:

(i) Number of significant industrial users (SIUs) and categorical industrial users (CIUs) discharging to the POTW; and

(ii) POTWs with one or more SIUs shall provide the following information for each SIU, as defined at 40 CFR 403.3(t), that discharges to the POTW:

(A) Name and mailing address;

(B) Description of all industrial processes that affect or contribute to the SIU's discharge;

(C) Principal products and raw materials of the SIU that affect or contribute to the SIU's discharge;

(D) Average daily volume of wastewater discharged, indicating the amount attributable to process flow and non-process flow;

(E) Whether the SIU is subject to local limits;

(F) Whether the SIU is subject to categorical standards, and if so, under which category(ies) and subcategory(ies); and

(G) Whether any problems at the POTW (e.g., upsets, pass through, interference) have been attributed to the SIU in the past four and one-half years.

(iii) The information required in paragraphs (j)(6)(i) and (ii) of this section may be waived by the Director for POTWs with pretreatment programs if the applicant has submitted either of the following that contain information substantially identical to that required in paragraphs (j)(6)(i) and (ii) of this section.

(A) An annual report submitted within one year of the application; or

(B) A pretreatment program;

(7) *Discharges from hazardous waste generators and from waste cleanup or remediation sites.* POTWs receiving Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or RCRA Corrective Action wastes or wastes generated at another type of cleanup or remediation site must provide the following information:

(i) If the POTW receives, or has been notified that it will receive, by truck, rail, or dedicated pipe any wastes that are regulated as RCRA hazardous wastes pursuant to 40 CFR part 261, the applicant must report the following:

(A) The method by which the waste is received (i.e., whether by truck, rail, or dedicated pipe); and

(B) The hazardous waste number and amount received annually of each hazardous waste;

(ii) If the POTW receives, or has been notified that it will receive, wastewaters that originate from remedial activities, including those undertaken pursuant to CERCLA and sections 3004(u) or 3008(h) of RCRA, the applicant must report the following:

(A) The identity and description of the site(s) or facility(ies) at which the wastewater originates;

(B) The identities of the wastewater's hazardous constituents, as listed in Appendix VIII of part 261 of this chapter; if known; and

(C) The extent of treatment, if any, the wastewater receives or will receive before entering the POTW;

(iii) Applicants are exempt from the requirements of paragraph (j)(7)(ii) of this section if they receive no more than fifteen kilograms per month of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e).

(8) *Combined sewer overflows.* Each applicant with combined sewer systems must provide the following information:

(i) *Combined sewer system information.* The following information regarding the combined sewer system:

(A) *System map.* A map indicating the location of the following:

(1) All CSO discharge points;

(2) Sensitive use areas potentially affected by CSOs (e.g., beaches, drinking water supplies, shellfish beds, sensitive aquatic ecosystems, and outstanding national resource waters); and

(3) Waters supporting threatened and endangered species potentially affected by CSOs; and

(B) *System diagram.* A diagram of the combined sewer collection system that includes the following information:

(1) The location of major sewer trunk lines, both combined and separate sanitary;

(2) The locations of points where separate sanitary sewers feed into the combined sewer system;

(3) In-line and off-line storage structures;

(4) The locations of flow-regulating devices; and

(5) The locations of pump stations;

(ii) *Information on CSO outfalls.* The following information for each CSO discharge point covered by the permit application:

(A) *Description of outfall.* The following information on each outfall:

(1) Outfall number;

(2) State, county, and city or town in which outfall is located;

(3) Latitude and longitude, to the nearest second; and

(4) Distance from shore and depth below surface;

(5) Whether the applicant monitored any of the following in the past year for this CSO:

(i) Rainfall;

(ii) CSO flow volume;

(iii) CSO pollutant concentrations;

(iv) Receiving water quality;

(v) CSO frequency; and

(6) The number of storm events monitored in the past year;

(B) *CSO events.* The following information about CSO overflows from each outfall:

(1) The number of events in the past year;

(2) The average duration per event, if available;

(3) The average volume per CSO event, if available; and

(4) The minimum rainfall that caused a CSO event, if available, in the last year;

(C) *Description of receiving waters.* The following information about receiving waters:

(1) Name of receiving water;

(2) Name of watershed/stream system and the United States Soil Conservation Service watershed (14-digit) code (if known); and

(3) Name of State Management/River Basin and the United States Geological Survey hydrologic cataloging unit (8-digit) code (if known); and

(D) *CSO operations.* A description of any known water quality impacts on the receiving water caused by the CSO (e.g., permanent or intermittent beach closings, permanent or intermittent shellfish bed closings, fish kills, fish advisories, other recreational loss, or exceedance of any applicable State water quality standard);

(9) Contractors. All applicants must provide the name, mailing address, telephone number, and responsibilities of all contractors responsible for any operational or maintenance aspects of the facility; and

(10) *Signature.* All applications must be signed by a certifying official in compliance with § 122.22.

* * * * *

(q) *Sewage sludge management.* All TWTDS subject to paragraph (c)(2)(i) of this section must provide the information in this paragraph to the Director, using Form 2S or another application form approved by the Director. New applicants must submit all information available at the time of permit application. The information may be provided by referencing information previously submitted to the Director. The Director may waive any requirement of this paragraph if he or she has access to substantially identical information. The Director may also waive any requirement of this paragraph that is not of material concern for a specific permit, if approved by the Regional Administrator. The waiver request to the Regional Administrator must include the State's justification for the waiver. A Regional Administrator's disapproval of a State's proposed waiver does not constitute final Agency action, but does provide notice to the State and

permit applicant(s) that EPA may object to any State-issued permit issued in the absence of the required information.

(1) *Facility information.* All applicants must submit the following information:

(i) The name, mailing address, and location of the TWTDS for which the application is submitted;

(ii) Whether the facility is a Class I Sludge Management Facility;

(iii) The design flow rate (in million gallons per day);

(iv) The total population served; and

(v) The TWTDS's status as Federal, State, private, public, or other entity;

(2) *Applicant information.* All applicants must submit the following information:

(i) The name, mailing address, and telephone number of the applicant; and

(ii) Indication whether the applicant is the owner, operator, or both;

(3) *Permit information.* All applicants must submit the facility's NPDES permit number, if applicable, and a listing of all other Federal, State, and local permits or construction approvals received or applied for under any of the following programs:

(i) Hazardous Waste Management program under the Resource Conservation and Recovery Act (RCRA);

(ii) UIC program under the Safe Drinking Water Act (SDWA);

(iii) NPDES program under the Clean Water Act (CWA);

(iv) Prevention of Significant Deterioration (PSD) program under the Clean Air Act;

(v) Nonattainment program under the Clean Air Act;

(vi) National Emission Standards for Hazardous Air Pollutants (NESHAPS) preconstruction approval under the Clean Air Act;

(vii) Dredge or fill permits under section 404 of CWA;

(viii) Other relevant environmental permits, including State or local permits;

(4) *Indian country.* All applicants must identify any generation, treatment, storage, land application, or disposal of sewage sludge that occurs in Indian country;

(5) *Topographic map.* All applicants must submit a topographic map (or other map if a topographic map is unavailable) extending one mile beyond property boundaries of the facility and showing the following information:

(i) All sewage sludge management facilities, including on-site treatment, storage, and disposal sites; and

(ii) Wells, springs, and other surface water bodies that are within ¼ mile of the property boundaries and listed in public records or otherwise known to the applicant;

(6) *Sewage sludge handling.* All applicants must submit a line drawing and/or a narrative description that identifies all sewage sludge management practices employed during the term of the permit, including all units used for collecting, dewatering, storing, or treating sewage sludge, the destination(s) of all liquids and solids leaving each such unit, and all processes used for pathogen reduction and vector attraction reduction;

(7) *Sewage sludge quality.* The applicant must submit sewage sludge monitoring data for the pollutants for which limits in sewage sludge have been established in 40 CFR part 503 for the applicant's use or disposal practices on the date of permit application.

(i) The Director may require sampling for additional pollutants, as appropriate, on a case-by-case basis;

(ii) Applicants must provide data from a minimum of three samples taken within four and one-half years prior to the date of the permit application. Samples must be representative of the sewage sludge and should be taken at least one month apart. Existing data may be used in lieu of sampling done solely for the purpose of this application;

(iii) Applicants must collect and analyze samples in accordance with analytical methods approved under SW–846 unless an alternative has been specified in an existing sewage sludge permit;

(iv) The monitoring data provided must include at least the following information for each parameter:

(A) Average monthly concentration for all samples (mg/kg dry weight), based upon actual sample values;

(B) The analytical method used; and

(C) The method detection level.

(8) *Preparation of sewage sludge.* If the applicant is a ''person who prepares'' sewage sludge, as defined at 40 CFR 503.9(r), the applicant must provide the following information:

(i) If the applicant's facility generates sewage sludge, the total dry metric tons per 365-day period generated at the facility;

(ii) If the applicant's facility receives sewage sludge from another facility, the following information for each facility from which sewage sludge is received:

(A) The name, mailing address, and location of the other facility;

(B) The total dry metric tons per 365-day period received from the other facility; and

(C) A description of any treatment processes occurring at the other facility, including blending activities and treatment to reduce pathogens or vector attraction characteristics;

(iii) If the applicant's facility changes the quality of sewage sludge through blending, treatment, or other activities, the following information:

(A) Whether the Class A pathogen reduction requirements in 40 CFR 503.32(a) or the Class B pathogen reduction requirements in 40 CFR 503.32(b) are met, and a description of any treatment processes used to reduce pathogens in sewage sludge;

(B) Whether any of the vector attraction reduction options of 40 CFR 503.33(b)(1) through (b)(8) are met, and a description of any treatment processes used to reduce vector attraction properties in sewage sludge; and

(C) A description of any other blending, treatment, or other activities that change the quality of sewage sludge;

(iv) If sewage sludge from the applicant's facility meets the ceiling concentrations in 40 CFR 503.13(b)(1), the pollutant concentrations in § 503.13(b)(3), the Class A pathogen requirements in § 503.32(a), and one of the vector attraction reduction requirements in § 503.33(b)(1) through (b)(8), and if the sewage sludge is applied to the land, the applicant must provide the total dry metric tons per 365-day period of sewage sludge subject to this paragraph that is applied to the land;

(v) If sewage sludge from the applicant's facility is sold or given away in a bag or other container for application to the land, and the sewage sludge is not subject to paragraph (q)(8)(iv) of this section, the applicant must provide the following information:

(A) The total dry metric tons per 365-day period of sewage sludge subject to this paragraph that is sold or given away in a bag or other container for application to the land; and

(B) A copy of all labels or notices that accompany the sewage sludge being sold or given away;

(vi) If sewage sludge from the applicant's facility is provided to another ''person who prepares,'' as defined at 40 CFR 503.9(r), and the sewage sludge is not subject to paragraph (q)(8)(iv) of this section, the applicant must provide the following information for each facility receiving the sewage sludge:

(A) The name and mailing address of the receiving facility;

(B) The total dry metric tons per 365-day period of sewage sludge subject to this paragraph that the applicant provides to the receiving facility;

(C) A description of any treatment processes occurring at the receiving facility, including blending activities

and treatment to reduce pathogens or vector attraction characteristic;

(D) A copy of the notice and necessary information that the applicant is required to provide the receiving facility under 40 CFR 503.12(g); and

(E) If the receiving facility places sewage sludge in bags or containers for sale or give-away to application to the land, a copy of any labels or notices that accompany the sewage sludge;

(9) *Land application of bulk sewage sludge.* If sewage sludge from the applicant's facility is applied to the land in bulk form, and is not subject to paragraphs (q)(8)(iv), (v), or (vi) of this section, the applicant must provide the following information:

(i) The total dry metric tons per 365-day period of sewage sludge subject to this paragraph that is applied to the land;

(ii) If any land application sites are located in States other than the State where the sewage sludge is prepared, a description of how the applicant will notify the permitting authority for the State(s) where the land application sites are located;

(iii) The following information for each land application site that has been identified at the time of permit application:

(A) The name (if any), and location for the land application site;

(B) The site's latitude and longitude to the nearest second, and method of determination;

(C) A topographic map (or other map if a topographic map is unavailable) that shows the site's location;

(D) The name, mailing address, and telephone number of the site owner, if different from the applicant;

(E) The name, mailing address, and telephone number of the person who applies sewage sludge to the site, if different from the applicant;

(F) Whether the site is agricultural land, forest, a public contact site, or a reclamation site, as such site types are defined under 40 CFR 503.11;

(G) The type of vegetation grown on the site, if known, and the nitrogen requirement for this vegetation;

(H) Whether either of the vector attraction reduction options of 40 CFR 503.33(b)(9) or (b)(10) is met at the site, and a description of any procedures employed at the time of use to reduce vector attraction properties in sewage sludge; and

(I) Other information that describes how the site will be managed, as specified by the permitting authority.

(iv) The following information for each land application site that has been identified at the time of permit application, if the applicant intends to apply bulk sewage sludge subject to the cumulative pollutant loading rates in 40 CFR 503.13(b)(2) to the site:

(A) Whether the applicant has contacted the permitting authority in the State where the bulk sewage sludge subject to § 503.13(b)(2) will be applied, to ascertain whether bulk sewage sludge subject to § 503.13(b)(2) has been applied to the site on or since July 20, 1993, and if so, the name of the permitting authority and the name and phone number of a contact person at the permitting authority;

(B) Identification of facilities other than the applicant's facility that have sent, or are sending, sewage sludge subject to the cumulative pollutant loading rates in § 503.13(b)(2) to the site since July 20, 1993, if, based on the inquiry in paragraph (q)(iv)(A), bulk sewage sludge subject to cumulative pollutant loading rates in § 503.13(b)(2) has been applied to the site since July 20, 1993;

(v) If not all land application sites have been identified at the time of permit application, the applicant must submit a land application plan that, at a minimum:

(A) Describes the geographical area covered by the plan;

(B) Identifies the site selection criteria;

(C) Describes how the site(s) will be managed;

(D) Provides for advance notice to the permit authority of specific land application sites and reasonable time for the permit authority to object prior to land application of the sewage sludge; and

(E) Provides for advance public notice of land application sites in the manner prescribed by State and local law. When State or local law does not require advance public notice, it must be provided in a manner reasonably calculated to apprize the general public of the planned land application.

(10) *Surface disposal.* If sewage sludge from the applicant's facility is placed on a surface disposal site, the applicant must provide the following information:

(i) The total dry metric tons of sewage sludge from the applicant's facility that is placed on surface disposal sites per 365-day period;

(ii) The following information for each surface disposal site receiving sewage sludge from the applicant's facility that the applicant does *not* own or operate:

(A) The site name or number, contact person, mailing address, and telephone number for the surface disposal site; and

(B) The total dry metric tons from the applicant's facility per 365-day period placed on the surface disposal site;

(iii) The following information for each active sewage sludge unit at each surface disposal site that the applicant owns or operates:

(A) The name or number and the location of the active sewage sludge unit;

(B) The unit's latitude and longitude to the nearest second, and method of determination;

(C) If not already provided, a topographic map (or other map if a topographic map is unavailable) that shows the unit's location;

(D) The total dry metric tons placed on the active sewage sludge unit per 365-day period;

(E) The total dry metric tons placed on the active sewage sludge unit over the life of the unit;

(F) A description of any liner for the active sewage sludge unit, including whether it has a maximum permeability of 1×10^{-7} cm/sec;

(G) A description of any leachate collection system for the active sewage sludge unit, including the method used for leachate disposal, and any Federal, State, and local permit number(s) for leachate disposal;

(H) If the active sewage sludge unit is less than 150 meters from the property line of the surface disposal site, the actual distance from the unit boundary to the site property line;

(I) The remaining capacity (dry metric tons) for the active sewage sludge unit;

(J) The date on which the active sewage sludge unit is expected to close, if such a date has been identified;

(K) The following information for any other facility that sends sewage sludge to the active sewage sludge unit:

(1) The name, contact person, and mailing address of the facility; and

(2) Available information regarding the quality of the sewage sludge received from the facility, including any treatment at the facility to reduce pathogens or vector attraction characteristics;

(L) Whether any of the vector attraction reduction options of 40 CFR 503.33(b)(9) through (b)(11) is met at the active sewage sludge unit, and a description of any procedures employed at the time of disposal to reduce vector attraction properties in sewage sludge;

(M) The following information, as applicable to any ground-water monitoring occurring at the active sewage sludge unit:

(1) A description of any ground-water monitoring occurring at the active sewage sludge unit;

(2) Any available ground-water monitoring data, with a description of

the well locations and approximate depth to ground water;

(3) A copy of any ground-water monitoring plan that has been prepared for the active sewage sludge unit;

(4) A copy of any certification that has been obtained from a qualified ground-water scientist that the aquifer has not been contaminated; and

(N) If site-specific pollutant limits are being sought for the sewage sludge placed on this active sewage sludge unit, information to support such a request;

(11) *Incineration.* If sewage sludge from the applicant's facility is fired in a sewage sludge incinerator, the applicant must provide the following information:

(i) The total dry metric tons of sewage sludge from the applicant's facility that is fired in sewage sludge incinerators per 365-day period;

(ii) The following information for each sewage sludge incinerator firing the applicant's sewage sludge that the applicant does *not* own or operate:

(A) The name and/or number, contact person, mailing address, and telephone number of the sewage sludge incinerator; and

(B) The total dry metric tons from the applicant's facility per 365-day period fired in the sewage sludge incinerator;

(iii) The following information for each sewage sludge incinerator that the applicant owns or operates:

(A) The name and/or number and the location of the sewage sludge incinerator;

(B) The incinerator's latitude and longitude to the nearest second, and method of determination;

(C) The total dry metric tons per 365-day period fired in the sewage sludge incinerator;

(D) Information, test data, and documentation of ongoing operating parameters indicating that compliance with the National Emission Standard for Beryllium in 40 CFR part 61 will be achieved;

(E) Information, test data, and documentation of ongoing operating parameters indicating that compliance with the National Emission Standard for Mercury in 40 CFR part 61 will be achieved;

(F) The dispersion factor for the sewage sludge incinerator, as well as modeling results and supporting documentation;

(G) The control efficiency for parameters regulated in 40 CFR 503.43, as well as performance test results and supporting documentation;

(H) Information used to calculate the risk specific concentration (RSC) for chromium, including the results of incinerator stack tests for hexavalent and total chromium concentrations, if the applicant is requesting a chromium limit based on a site-specific RSC value;

(I) Whether the applicant monitors total hydrocarbons (THC) or Carbon Monoxide (CO) in the exit gas for the sewage sludge incinerator;

(J) The type of sewage sludge incinerator;

(K) The maximum performance test combustion temperature, as obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies;

(L) The following information on the sewage sludge feed rate used during the performance test:

(1) Sewage sludge feed rate in dry metric tons per day;

(2) Identification of whether the feed rate submitted is average use or maximum design; and

(3) A description of how the feed rate was calculated;

(M) The incinerator stack height in meters for each stack, including identification of whether actual or creditable stack height was used;

(N) The operating parameters for the sewage sludge incinerator air pollution control device(s), as obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies;

(O) Identification of the monitoring equipment in place, including (but not limited to) equipment to monitor the following:

(1) Total hydrocarbons or Carbon Monoxide;

(2) Percent oxygen;

(3) Percent moisture; and

(4) Combustion temperature; and

(P) A list of all air pollution control equipment used with this sewage sludge incinerator;

(12) *Disposal in a municipal solid waste landfill.* If sewage sludge from the applicant's facility is sent to a municipal solid waste landfill (MSWLF), the applicant must provide the following information for each MSWLF to which sewage sludge is sent:

(i) The name, contact person, mailing address, location, and all applicable permit numbers of the MSWLF;

(ii) The total dry metric tons per 365-day period sent from this facility to the MSWLF;

(iii) A determination of whether the sewage sludge meets applicable requirements for disposal of sewage sludge in a MSWLF, including the results of the paint filter liquids test and any additional requirements that apply on a site-specific basis; and

(iv) Information, if known, indicating whether the MSWLF complies with criteria set forth in 40 CFR part 258;

(13) *Contractors.* All applicants must provide the name, mailing address, telephone number, and responsibilities of all contractors responsible for any operational or maintenance aspects of the facility related to sewage sludge generation, treatment, use, or disposal;

(14) *Other information.* At the request of the permitting authority, the applicant must provide any other information necessary to determine the appropriate standards for permitting under 40 CFR part 503, and must provide any other information necessary to assess the sewage sludge use and disposal practices, determine whether to issue a permit, or identify appropriate permit requirements; and

(15) *Signature.* All applications must be signed by a certifying official in compliance with § 122.22.

* * * * *

6. Section 122.44 is amended by revising paragraph (j)(2) to read as follows:

§ 122.44 Establishing limitations, standards, and other permit conditions (applicable to State NPDES programs, see § 123.25).

* * * * *

(j) * * *

(2)(i) Submit a local program when required by and in accordance with 40 CFR part 403 to assure compliance with pretreatment standards to the extent applicable under section 307(b). The local program shall be incorporated into the permit as described in 40 CFR part 403. The program must require all indirect dischargers to the POTW to comply with the reporting requirements of 40 CFR part 403.

(ii) Provide a written technical evaluation of the need to revise local limits under 40 CFR 403.5(c)(1), following permit issuance or reissuance.

* * * * *

7. Part 122 is amended by adding Appendix J to read as follows:

Appendix J to Part 122—NPDES Permit Testing Requirements for Publicly Owned Treatment Works (§ 122.21(j))

Table 1A—Effluent Parameters for All POTWS

Biochemical oxygen demand (BOD–5 or CBOD–5)
Fecal coliform
Design Flow Rate
pH
Temperature
Total suspended solids

Table 1—Effluent Parameters for All POTWS With a Flow Equal to or Greater Than 0.1 MGD

Ammonia (as N)
Chlorine (total residual, TRC)
Dissolved oxygen

Nitrate/Nitrite
Kjeldahl nitrogen
Oil and grease
Phosphorus
Total dissolved solids

Table 2—Effluent Parameters for Selected POTWS

Hardness
Metals (total recoverable), cyanide and total phenols
Antimony
Arsenic
Beryllium
Cadmium
Chromium
Copper
Lead
Mercury
Nickel
Selenium
Silver
Thallium
Zinc
Cyanide
Total phenolic compounds
Volatile organic compounds
Acrolein
Acrylonitrile
Benzene
Bromoform
Carbon tetrachloride
Chlorobenzene
Chlorodibromomethane
Chloroethane
2-chloroethylvinyl ether
Chloroform
Dichlorobromomethane
1,1-dichloroethane
1,2-dichloroethane
Trans-1,2-dichloroethylene
1,1-dichloroethylene
1,2-dichloropropane
1,3-dichloropropylene
Ethylbenzene
Methyl bromide
Methyl chloride
Methylene chloride
1,1,2,2-tetrachloroethane
Tetrachloroethylene
Toluene
1,1,1-trichloroethane
1,1,2-trichloroethane
Trichloroethylene
Vinyl chloride
Acid-extractable compounds
P-chloro-m-creso
2-chlorophenol
2,4-dichlorophenol
2,4-dimethylphenol
4,6-dinitro-o-cresol
2,4-dinitrophenol
2-nitrophenol
4-nitrophenol
Pentachlorophenol
Phenol
2,4,6-trichlorophenol
Base-neutral compounds
Acenaphthene
Acenaphthylene
Anthracene
Benzidine
Benzo(a)anthracene
Benzo(a)pyrene
3,4 benzofluoranthene
Benzo(ghi)perylene
Benzo(k)fluoranthene
Bis (2-chloroethoxy) methane
Bis (2-chloroethyl) ether
Bis (2-chloroisopropyl) ether
Bis (2-ethylhexyl) phthalate
4-bromophenyl phenyl ether
Butyl benzyl phthalate
2-chloronaphthalene
4-chlorophenyl phenyl ether
Chrysene
Di-n-butyl phthalate
Di-n-octyl phthalate
Dibenzo(a,h)anthracene
1,2-dichlorobenzene
1,3-dichlorobenzene
1,4-dichlorobenzene
3,3′-dichlorobenzidine
Diethyl phthalate
Dimethyl phthalate
2,4-dinitrotoluene
2,6-dinitrotoluene
1,2-diphenylhydrazine
Fluoranthene
Fluorene
Hexachlorobenzene
Hexachlorobutadiene
Hexachlorocyclo-pentadiene
Hexachloroethane
Indeno(1,2,3-cd)pyrene
Isophorone
Naphthalene
Nitrobenzene
N-nitrosodi-n-propylamine
N-nitrosodimethylamine
N-nitrosodiphenylamine
Phenanthrene
Pyrene
1,2,4,-trichlorobenzene

PART 123—STATE PROGRAM REQUIREMENTS

8. The authority citation for part 123 continues to read as follows:

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

9. Section 123.25 is amended by revising paragraph (a)(4) to read as follows:

§ 123.25 Requirements for Permitting.

(a) * * *

(4) Sections 122.21(a), (b), (c)(2), (e) through (k), and (m) through (p), and (q)—(Application for a permit)

* * * * *

10. Section 123.43 is amended by adding paragraph (b) to read as follows:

§ 123.43 Transmission of information to EPA.

* * * * *

(b) If the State intends to waive any of the permit application requirements of § 122.21(j) or (q) of this chapter for a specific applicant, the Director must submit a written request to the Regional Administrator no less than 210 days prior to permit expiration. This request must include the State's justification for granting the waiver.

* * * * *

PART 124—PROCEDURES FOR DECISIONMAKING

11. The authority citation for part 124 continues to read as follows:

Authority: Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.;* Safe Drinking Water Act, 42 U.S.C. 300(f) *et seq.;* Clean Water Act, 33 U.S.C. 1251 *et seq.;* Clean Air Act, 42 U.S.C. 7401 *et seq.*

12. Section 124.8 is amended by adding paragraph (b)(9) as follows:

§ 124.8 Fact sheet.

* * * * *

(b) * * *

(9) Justification for waiver of any application requirements under § 122.21(j) or (q) of this chapter.

PART 501—STATE SLUDGE MANAGEMENT PROGRAM REGULATIONS

13. The authority citation for part 501 continues to read as follows:

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

14. Section 501.15 is amended by removing paragraph (a)(4).

Note: The following forms and instructions will not appear in the Code of Federal Regulations.

BILLING CODE 6560–50–P

FACILITY NAME AND PERMIT NUMBER:

Form Approved 1/14/99
OMB Number 2040-0086

FORM 2A NPDES

NPDES FORM 2A APPLICATION OVERVIEW

APPLICATION OVERVIEW

Form 2A has been developed in a modular format and consists of a "Basic Application Information" packet and a "Supplemental Application Information" packet. The Basic Application Information packet is divided into two parts. All applicants must complete Parts A and C. Applicants with a design flow greater than or equal to 0.1 mgd must also complete Part B. Some applicants must also complete the Supplemental Application Information packet. The following items explain which parts of Form 2A you must complete.

BASIC APPLICATION INFORMATION:

A. **Basic Application Information for all Applicants.** All applicants must complete questions A.1 through A.8. A treatment works that discharges effluent to surface waters of the United States must also answer questions A.9 through A.12.

B. **Additional Application Information for Applicants with a Design Flow ≥ 0.1 mgd.** All treatment works that have design flows greater than or equal to 0.1 million gallons per day must complete questions B.1 through B.6.

C. **Certification.** All applicants must complete Part C (Certification).

SUPPLEMENTAL APPLICATION INFORMATION:

D. **Expanded Effluent Testing Data.** A treatment works that discharges effluent to surface waters of the United States and meets one or more of the following criteria must complete Part D (Expanded Effluent Testing Data):

1. Has a design flow rate greater than or equal to 1 mgd,
2. Is required to have a pretreatment program (or has one in place), or
3. Is otherwise required by the permitting authority to provide the information.

E. **Toxicity Testing Data.** A treatment works that meets one or more of the following criteria must complete Part E (Toxicity Testing Data):

1. Has a design flow rate greater than or equal to 1 mgd,
2. Is required to have a pretreatment program (or has one in place), or
3. Is otherwise required by the permitting authority to submit results of toxicity testing.

F. **Industrial User Discharges and RCRA/CERCLA Wastes.** A treatment works that accepts process wastewater from any significant industrial users (SIUs) or receives RCRA or CERCLA wastes must complete Part F (Industrial User Discharges and RCRA/CERCLA Wastes). SIUs are defined as:

1. All industrial users subject to Categorical Pretreatment Standards under 40 Code of Federal Regulations (CFR) 403.6 and 40 CFR Chapter I, Subchapter N (see instructions); and
2. Any other industrial user that:
   a. Discharges an average of 25,000 gallons per day or more of process wastewater to the treatment works (with certain exclusions); or
   b. Contributes a process wastestream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
   c. Is designated as an SIU by the control authority.

G. **Combined Sewer Systems.** A treatment works that has a combined sewer system must complete Part G (Combined Sewer Systems).

ALL APPLICANTS MUST COMPLETE PART C (CERTIFICATION)

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BASIC APPLICATION INFORMATION

PART A. BASIC APPLICATION INFORMATION FOR ALL APPLICANTS:

All treatment works must complete questions A.1 through A.8 of this Basic Application Information packet.

A.1. Facility Information.

Facility name _____

Mailing Address _____

_____

Contact person _____

Title _____

Telephone number _____

Facility Address _____
(not P.O. Box) _____

A.2. Applicant Information. If the applicant is different from the above, provide the following:

Applicant name _____

Mailing Address _____

_____

Contact person _____

Title _____

Telephone number _____

Is the applicant the owner or operator (or both) of the treatment works?

_____ owner _____ operator

Indicate whether correspondence regarding this permit should be directed to the facility or the applicant.

_____ facility _____ applicant

A.3. Existing Environmental Permits. Provide the permit number of any existing environmental permits that have been issued to the treatment works (include state-issued permits).

NPDES _____ PSD _____

UIC _____ Other _____

RCRA _____ Other _____

A.4. Collection System Information. Provide information on municipalities and areas served by the facility. Provide the name and population of each entity and, if known, provide information on the type of collection system (combined vs. separate) and its ownership (municipal, private, etc.).

Name	Population Served	Type of Collection System	Ownership

Total population served _____

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A.5. Indian Country.

a. Is the treatment works located in Indian Country?

_____ Yes _____ No

b. Does the treatment works discharge to a receiving water that is either in Indian Country or that is upstream from (and eventually flows through) Indian Country?

_____ Yes _____ No

A.6. Flow. Indicate the design flow rate of the treatment plant (i.e., the wastewater flow rate that the plant was built to handle). Also provide the average daily flow rate and maximum daily flow rate for each of the last three years. Each year's data must be based on a 12-month time period with the 12th month of "this year" occurring no more than three months prior to this application submittal.

a. Design flow rate _____ mgd

	Two Years Ago	Last Year	This Year	
b. Annual average daily flow rate	_____	_____	_____	mgd
c. Maximum daily flow rate	_____	_____	_____	mgd

A.7. Collection System. Indicate the type(s) of collection system(s) used by the treatment plant. Check all that apply. Also estimate the percent contribution (by miles) of each.

_____ Separate sanitary sewer _____ %

_____ Combined storm and sanitary sewer _____ %

A.8. Discharges and Other Disposal Methods.

a. Does the treatment works discharge effluent to waters of the U.S.? _____ Yes _____ No

If yes, list how many of each of the following types of discharge points the treatment works uses:

i. Discharges of treated effluent _____

ii. Discharges of untreated or partially treated effluent _____

iii. Combined sewer overflow points _____

iv. Constructed emergency overflows (prior to the headworks) _____

v. Other _____ _____

b. Does the treatment works discharge effluent to basins, ponds, or other surface impoundments that do not have outlets for discharge to waters of the U.S.? _____ Yes _____ No

If yes, provide the following for each surface impoundment:

Location: _____

Annual average daily volume discharged to surface impoundment(s) _____ mgd

Is discharge _____ continuous or _____ intermittent?

c. Does the treatment works land-apply treated wastewater? _____ Yes _____ No

If yes, provide the following for each land application site:

Location: _____

Number of acres: _____

Annual average daily volume applied to site: _____ Mgd

Is land application _____ continuous or _____ intermittent?

d. Does the treatment works discharge or transport treated or untreated wastewater to another treatment works? _____ Yes _____ No

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If yes, describe the mean(s) by which the wastewater from the treatment works is discharged or transported to the other treatment works (e.g., tank truck, pipe).

_____

If transport is by a party other than the applicant, provide:

Transporter name: _____

Mailing Address: _____

_____

Contact person: _____

Title: _____

Telephone number: _____

For each treatment works that receives this discharge, provide the following:

Name: _____

Mailing Address: _____

_____

Contact person: _____

Title: _____

Telephone number: _____

If known, provide the NPDES permit number of the treatment works that receives this discharge. _____

Provide the average daily flow rate from the treatment works into the receiving facility. _____ mgd

e. Does the treatment works discharge or dispose of its wastewater in a manner not included in A.8.a through A.8.d above (e.g., underground percolation, well injection)? _____ Yes _____ No

If yes, provide the following for each disposal method:

Description of method (including location and size of site(s) if applicable):

_____

Annual daily volume disposed of by this method: _____

Is disposal through this method _____ continuous or _____ intermittent?

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WASTEWATER DISCHARGES:

If you answered "yes" to question A.8.a, complete questions A.9 through A.12 **once for each outfall** (including bypass points) through which effluent is discharged. Do not include information on combined sewer overflows in this section. **If you answered "no" to question A.8.a**, go to Part B, "Additional Application Information for Applicants with a Design Flow Greater than or Equal to 0.1 mgd."

A.9. Description of Outfall.

a. Outfall number _____

b. Location _____
(City or town, if applicable) (Zip Code)
_____
(County) (State)
_____
(Latitude) (Longitude)

c. Distance from shore (if applicable) _____ ft.

d. Depth below surface (if applicable) _____ ft.

e. Average daily flow rate _____ mgd

f. Does this outfall have either an intermittent or a periodic discharge? _____ Yes _____ No (go to A.9.g.)

If yes, provide the following information:

Number of times per year discharge occurs: _____

Average duration of each discharge: _____

Average flow per discharge: _____ mgd

Months in which discharge occurs: _____

g. Is outfall equipped with a diffuser? _____ Yes _____ No

A.10. Description of Receiving Waters.

a. Name of receiving water _____

b. Name of watershed (if known) _____

United States Soil Conservation Service 14-digit watershed code (if known): _____

c. Name of State Management/River Basin (if known): _____

United States Geological Survey 8-digit hydrologic cataloging unit code (if known): _____

d. Critical low flow of receiving stream (if applicable):
acute _____ cfs chronic _____ cfs

e. Total hardness of receiving stream at critical low flow (if applicable): _____ mg/l of $CaCO_3$

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A.11. Description of Treatment.

a. What levels of treatment are provided? Check all that apply.

_____ Primary _____ Secondary

_____ Advanced _____ Other. Describe: _____

b. Indicate the following removal rates (as applicable):

Design BOD_5 removal or Design $CBOD_5$ removal _____ %

Design SS removal _____ %

Design P removal _____ %

Design N removal _____ %

Other _____ _____ %

c. What type of disinfection is used for the effluent from this outfall? If disinfection varies by season, please describe.

_____

If disinfection is by chlorination, is dechlorination used for this outfall? _____ Yes _____ No

d. Does the treatment plant have post aeration? _____ Yes _____ No

A.12. Effluent Testing Information. All Applicants that discharge to waters of the US must provide effluent testing data for the following parameters. Provide the indicated effluent testing required by the permitting authority for each outfall through which effluent is discharged. Do not include information on combined sewer overflows in this section. All information reported must be based on data collected through analysis conducted using 40 CFR Part 136 methods. In addition, this data must comply with QA/QC requirements of 40 CFR Part 136 and other appropriate QA/QC requirements for standard methods for analytes not addressed by 40 CFR Part 136. At a minimum, effluent testing data must be based on at least three samples and must be no more than four and one-half years apart.

Outfall number: _____

PARAMETER	MAXIMUM DAILY VALUE		AVERAGE DAILY VALUE		
	Value	Units	Value	Units	Number of Samples
pH (Minimum)		s.u.			
pH (Maximum)		s.u.			
Flow Rate					
Temperature (Winter)					
Temperature (Summer)					

* For pH please report a minimum and a maximum daily value

POLLUTANT		MAXIMUM DAILY DISCHARGE		AVERAGE DAILY DISCHARGE			ANALYTICAL METHOD	ML / MDL
		Conc.	Units	Conc.	Units	Number of Samples		
CONVENTIONAL AND NONCONVENTIONAL COMPOUNDS.								
BIOCHEMICAL OXYGEN	BOD-5							
DEMAND (Report one)	CBOD-5							
FECAL COLIFORM								
TOTAL SUSPENDED SOLIDS (TSS)								

END OF PART A.
REFER TO THE APPLICATION OVERVIEW TO DETERMINE WHICH OTHER PARTS OF FORM 2A YOU MUST COMPLETE

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BASIC APPLICATION INFORMATION

PART B. ADDITIONAL APPLICATION INFORMATION FOR APPLICANTS WITH A DESIGN FLOW GREATER THAN OR EQUAL TO 0.1 MGD (100,000 gallons per day).

All applicants with a design flow rate ≥ 0.1 mgd must answer questions B.1 through B.6. All others go to Part C (Certification).

B.1. Inflow and Infiltration. Estimate the average number of gallons per day that flow into the treatment works from inflow and/or infiltration.

_____gpd

Briefly explain any steps underway or planned to minimize inflow and infiltration.

_____

_____

B.2. Topographic Map. Attach to this application a topographic map of the area extending at least one mile beyond facility property boundaries. This map must show the outline of the facility and the following information. (You may submit more than one map if one map does not show the entire area.)

a. The area surrounding the treatment plant, including all unit processes.

b. The major pipes or other structures through which wastewater enters the treatment works and the pipes or other structures through which treated wastewater is discharged from the treatment plant. Include outfalls from bypass piping, if applicable.

c. Each well where wastewater from the treatment plant is injected underground.

d. Wells, springs, other surface water bodies, and drinking water wells that are: 1) within 1/4 mile of the property boundaries of the treatment works, and 2) listed in public record or otherwise known to the applicant.

e. Any areas where the sewage sludge produced by the treatment works is stored, treated, or disposed.

f. If the treatment works receives waste that is classified as hazardous under the Resource Conservation and Recovery Act (RCRA) by truck, rail, or special pipe, show on the map where that hazardous waste enters the treatment works and where it is treated, stored, and/or disposed.

B.3. Process Flow Diagram or Schematic. Provide a diagram showing the processes of the treatment plant, including all bypass piping and all backup power sources or redundancy in the system. Also provide a water balance showing all treatment units, including disinfection (e.g, chlorination and dechlorination). The water balance must show daily average flow rates at influent and discharge points and approximate daily flow rates between treatment units. Include a brief narrative description of the diagram.

B.4. Operation/Maintenance Performed by Contractor(s).

Are any operational or maintenance aspects (related to wastewater treatment and effluent quality) of the treatment works the responsibility of a contractor? ____Yes ____No

If yes, list the name, address, telephone number, and status of each contractor and describe the contractor's responsibilities (attach additional pages if necessary).

Name: _____

Mailing Address: _____

_____

Telephone Number: _____

Responsibilities of Contractor: _____

B.5. Scheduled Improvements and Schedules of Implementation. Provide information on any uncompleted implementation schedule or uncompleted plans for improvements that will affect the wastewater treatment, effluent quality, or design capacity of the treatment works. If the treatment works has several different implementation schedules or is planning several improvements, submit separate responses to question B.5 for each. (If none, go to question B.6.)

a. List the outfall number (assigned in question A.9) for each outfall that is covered by this implementation schedule.

_____

b. Indicate whether the planned improvements or implementation schedule are required by local, State, or Federal agencies.

____Yes ____No

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c If the answer to B.5.b is "Yes," briefly describe, including new maximum daily inflow rate (if applicable).

_____

d. Provide dates imposed by any compliance schedule or any actual dates of completion for the implementation steps listed below, as applicable. For improvements planned independently of local, State, or Federal agencies, indicate planned or actual completion dates, as applicable. Indicate dates as accurately as possible.

Implementation Stage	Schedule MM / DD / YYYY	Actual Completion MM / DD / YYYY
– Begin construction	___/ ___/ _____	___/ ___/ _____
– End construction	___/ ___/ _____	___/ ___/ _____
– Begin discharge	___/ ___/ _____	___/ ___/ _____
– Attain operational level	___/ ___/ _____	___/ ___/ _____

e. Have appropriate permits/clearances concerning other Federal/State requirements been obtained? ____Yes ____No

Describe briefly: _____

_____

B.6. EFFLUENT TESTING DATA (GREATER THAN O.1 MGD ONLY).

Applicants that discharge to waters of the US must provide effluent testing data for the following parameters. Provide the indicated effluent testing required by the permitting authority for each outfall through which effluent is discharged. Do not include information on combined sewer overflows in this section. All information reported must be based on data collected through analysis conducted using 40 CFR Part 136 methods. In addition, this data must comply with QA/QC requirements of 40 CFR Part 136 and other appropriate QA/QC requirements for standard methods for analytes not addressed by 40 CFR Part 136. At a minimum, effluent testing data must be based on at least three pollutant scans and must be no more than four and one-half years old.

Outfall Number:_____

POLLUTANT	MAXIMUM DAILY DISCHARGE		AVERAGE DAILY DISCHARGE			ANALYTICAL METHOD	ML / MDL
	Conc.	Units	Conc.	Units	Number of Samples		
CONVENTIONAL AND NONCONVENTIONAL COMPOUNDS.							
AMMONIA (as N)							
CHLORINE (TOTAL RESIDUAL, TRC)							
DISSOLVED OXYGEN							
TOTAL KJELDAHL NITROGEN (TKN)							
NITRATE PLUS NITRITE NITROGEN							
OIL and GREASE							
PHOSPHORUS (Total)							
TOTAL DISSOLVED SOLIDS (TDS)							
OTHER							

END OF PART B.
REFER TO THE APPLICATION OVERVIEW TO DETERMINE WHICH OTHER PARTS OF FORM 2A YOU MUST COMPLETE

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BASIC APPLICATION INFORMATION

PART C. CERTIFICATION

All applicants must complete the Certification Section. Refer to instructions to determine who is an officer for the purposes of this certification. All applicants must complete all applicable sections of Form 2A, as explained in the Application Overview. Indicate below which parts of Form 2A you have completed and are submitting. By signing this certification statement, applicants confirm that they have reviewed Form 2A and have completed all sections that apply to the facility for which this application is submitted.

Indicate which parts of Form 2A you have completed and are submitting:

_____ Basic Application Information packet

Supplemental Application Information packet:

_____ Part D (Expanded Effluent Testing Data)

_____ Part E (Toxicity Testing: Biomonitoring Data)

_____ Part F (Industrial User Discharges and RCRA/CERCLA Wastes)

_____ Part G (Combined Sewer Systems)

ALL APPLICANTS MUST COMPLETE THE FOLLOWING CERTIFICATION.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and official title _____

Signature _____

Telephone number _____

Date signed _____

Upon request of the permitting authority, you must submit any other information necessary to assess wastewater treatment practices at the treatment works or identify appropriate permitting requirements.

SEND COMPLETED FORMS TO:

FACILITY NAME AND PERMIT NUMBER:

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SUPPLEMENTAL APPLICATION INFORMATION

PART D. EXPANDED EFFLUENT TESTING DATA

Refer to the directions on the cover page to determine whether this section applies to the treatment works.

Effluent Testing: 1.0 mgd and Pretreatment Treatment Works. If the treatment works has a design flow greater than or equal to 1.0 mgd or it has (or is required to have) a pretreatment program, or is otherwise required by the permitting authority to provide the data, then provide effluent testing data for the following pollutants. Provide the indicated effluent testing information and any other information required by the permitting authority for each outfall through which effluent is discharged. Do not include information on combined sewer overflows in this section. All information reported must be based on data collected through analyses conducted using 40 CFR Part 136 methods. In addition, these data must comply with QA/QC requirements of 40 CFR Part 136 and other appropriate QA/QC requirements for standard methods for analytes not addressed by 40 CFR Part 136. Indicate in the blank rows provided below any data you may have on pollutants not specifically listed in this form. At a minimum, effluent testing data must be based on at least three pollutant scans and must be no more than four and one-half years old.

Outfall number: _____ (Complete once for each outfall discharging effluent to waters of the United States.)

POLLUTANT	MAXIMUM DAILY DISCHARGE				AVERAGE DAILY DISCHARGE					ANALYTICAL METHOD	ML/ MDL
	Conc.	Units	Mass	Units	Conc.	Units	Mass	Units	Number of Samples		
METALS (TOTAL RECOVERABLE), CYANIDE, PHENOLS, AND HARDNESS.											
ANTIMONY											
ARSENIC											
BERYLLIUM											
CADMIUM											
CHROMIUM											
COPPER											
LEAD											
MERCURY											
NICKEL											
SELENIUM											
SILVER											
THALLIUM											
ZINC											
CYANIDE											
TOTAL PHENOLIC COMPOUNDS											
HARDNESS (AS $CaCO_3$)											
Use this space (or a separate sheet) to provide information on other metals requested by the permit writer.											

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Outfall number: _____ (Complete once for each outfall discharging effluent to waters of the United States.)

POLLUTANT	MAXIMUM DAILY DISCHARGE				AVERAGE DAILY DISCHARGE					ANALYTICAL METHOD	ML/ MDL
	Conc.	Units	Mass	Units	Conc.	Units	Mass	Units	Number of Samples		
VOLATILE ORGANIC COMPOUNDS.											
ACROLEIN											
ACRYLONITRILE											
BENZENE											
BROMOFORM											
CARBON TETRACHLORIDE											
CLOROBENZENE											
CHLORODIBROMO-METHANE											
CHLOROETHANE											
2-CHLORO-ETHYLVINYL ETHER											
CHLOROFORM											
DICHLOROBROMO-METHANE											
1,1-DICHLOROETHANE											
1,2-DICHLOROETHANE											
TRANS-1,2-DICHLORO-ETHYLENE											
1,1-DICHLOROETHYLENE											
1,2-DICHLOROPROPANE											
1,3-DICHLORO-PROPYLENE											
ETHYLBENZENE											
METHYL BROMIDE											
METHYL CHLORIDE											
METHYLENE CHLORIDE											
1,1,2,2-TETRACHLORO-ETHANE											
TETRACHLORO-ETHYLENE											
TOLUENE											

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Outfall number: _____ (Complete once for each outfall discharging effluent to waters of the United States.)

POLLUTANT	MAXIMUM DAILY DISCHARGE				AVERAGE DAILY DISCHARGE					ANALYTICAL METHOD	ML/ MDL
	Conc.	Units	Mass	Units	Conc.	Units	Mass	Units	Number of Samples		
1,1,1-TRICHLOROETHANE											
1,1,2-TRICHLOROETHANE											
TRICHLORETHYLENE											
VINYL CHLORIDE											
Use this space (or a separate sheet) to provide information on other volatile organic compounds requested by the permit writer.											
ACID-EXTRACTABLE COMPOUNDS											
P-CHLORO-M-CRESOL											
2-CHLOROPHENOL											
2,4-DICHLOROPHENOL											
2,4-DIMETHYLPHENOL											
4,6-DINITRO-O-CRESOL											
2,4-DINITROPHENOL											
2-NITROPHENOL											
4-NITROPHENOL											
PENTACHLOROPHENOL											
PHENOL											
2,4,6-TRICHLOROPHENOL											
Use this space (or a separate sheet) to provide information on other acid-extractable compounds requested by the permit writer.											
BASE-NEUTRAL COMPOUNDS.											
ACENAPHTHENE											
ACENAPHTHYLENE											
ANTHRACENE											
BENZIDINE											
BENZO(A)ANTHRACENE											
BENZO(A)PYRENE											

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Outfall number: _____ (Complete once for each outfall discharging effluent to waters of the United States.)

POLLUTANT	MAXIMUM DAILY DISCHARGE				AVERAGE DAILY DISCHARGE					ANALYTICAL METHOD	ML/ MDL
	Conc.	Units	Mass	Units	Conc.	Units	Mass	Units	Number of Samples		
3,4 BENZO-FLUORANTHENE											
BENZO(GHI)PERYLENE											
BENZO(K)FLUORANTHENE											
BIS (2-CHLOROETHOXY) METHANE											
BIS (2-CHLOROETHYL)-ETHER											
BIS (2-CHLOROISO-PROPYL) ETHER											
BIS (2-ETHYLHEXYL) PHTHALATE											
4-BROMOPHENYL PHENYL ETHER											
BUTYL BENZYL PHTHALATE											
2-CHLORONAPHTHALENE											
4-CHLORPHENYL PHENYL ETHER											
CHRYSENE											
DI-N-BUTYL PHTHALATE											
DI-N-OCTYL PHTHALATE											
DIBENZO(A,H) ANTHRACENE											
1,2-DICHLOROBENZENE											
1,3-DICHLOROBENZENE											
1,4-DICHLOROBENZENE											
3,3-DICHLOROBENZIDINE											
DIETHYL PHTHALATE											
DIMETHYL PHTHALATE											
2,4-DINITROTOLUENE											
2,6-DINITROTOLUENE											
1,2-DIPHENYLHYDRAZINE											

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Outfall number: _____ (Complete once for each outfall discharging effluent to waters of the United States.)

POLLUTANT	MAXIMUM DAILY DISCHARGE				AVERAGE DAILY DISCHARGE					ANALYTICAL METHOD	ML/ MDL
	Conc.	Units	Mass	Units	Conc.	Units	Mass	Units	Number of Samples		
FLUORANTHENE											
FLUORENE											
HEXACHLOROBENZENE											
HEXACHLOROBUTADIENE											
HEXACHLOROCYCLO-PENTADIENE											
HEXACHLOROETHANE											
INDENO(1,2,3-CD)PYRENE											
ISOPHORONE											
NAPHTHALENE											
NITROBENZENE											
N-NITROSODI-N-PROPYLAMINE											
N-NITROSODI- METHYLAMINE											
N-NITROSODI-PHENYLAMINE											
PHENANTHRENE											
PYRENE											
1,2,4-TRICHLOROBENZENE											
Use this space (or a separate sheet) to provide information on other base-neutral compounds requested by the permit writer.											
Use this space (or a separate sheet) to provide information on other pollutants (e.g., pesticides) requested by the permit writer.											

END OF PART D.
REFER TO THE APPLICATION OVERVIEW TO DETERMINE WHICH OTHER PARTS OF FORM 2A YOU MUST COMPLETE

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SUPPLEMENTAL APPLICATION INFORMATION

PART E. TOXICITY TESTING DATA

POTWs meeting one or more of the following criteria must provide the results of whole effluent toxicity tests for acute or chronic toxicity for each of the facility's discharge points: 1) POTWs with a design flow rate greater than or equal to 1.0 mgd; 2) POTWs with a pretreatment program (or those that are required to have one under 40 CFR Part 403); or 3) POTWs required by the permitting authority to submit data for these parameters.

- At a minimum, these results must include quarterly testing for a 12-month period within the past 1 year using multiple species (minimum of two species), or the results from four tests performed at least annually in the four and one-half years prior to the application, provided the results show no appreciable toxicity, and testing for acute and/or chronic toxicity, depending on the range of receiving water dilution. Do not include information on combined sewer overflows in this section. All information reported must be based on data collected through analysis conducted using 40 CFR Part 136 methods. In addition, this data must comply with QA/QC requirements of 40 CFR Part 136 and other appropriate QA/QC requirements for standard methods for analytes not addressed by 40 CFR Part 136.
- In addition, submit the results of any other whole effluent toxicity tests from the past four and one-half years. If a whole effluent toxicity test conducted during the past four and one-half years revealed toxicity, provide any information on the cause of the toxicity or any results of a toxicity reduction evaluation, if one was conducted.
- If you have already submitted any of the information requested in Part E, you need not submit it again. Rather, provide the information requested in question E.4 for previously submitted information. If EPA methods were not used, report the reasons for using alternate methods. If test summaries are available that contain all of the information requested below, they may be submitted in place of Part E.

If no biomonitoring data is required, do not complete Part E. Refer to the Application Overview for directions on which other sections of the form to complete.

E.1. Required Tests.

Indicate the number of whole effluent toxicity tests conducted in the past four and one-half years.

____chronic ____acute

E.2. Individual Test Data. Complete the following chart for each whole effluent toxicity test conducted in the last four and one-half years. Allow one column per test (where each species constitutes a test). Copy this page if more than three tests are being reported.

	Test number:_____	Test number:_____	Test number:_____
a. Test information.			
Test species & test method number			
Age at initiation of test			
Outfall number			
Dates sample collected			
Date test started			
Duration			
b. Give toxicity test methods followed.			
Manual title			
Edition number and year of publication			
Page number(s)			
c. Give the sample collection method(s) used. For multiple grab samples, indicate the number of grab samples used.			
24-Hour composite			
Grab			
d. Indicate where the sample was taken in relation to disinfection. (Check all that apply for each)			
Before disinfection			
After disinfection			
After dechlorination			

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	Test number:_____	Test number:_____	Test number:_____
e. Describe the point in the treatment process at which the sample was collected.			
Sample was collected:			
f. For each test, include whether the test was intended to assess chronic toxicity, acute toxicity, or both.			
Chronic toxicity			
Acute toxicity			
g. Provide the type of test performed.			
Static			
Static-renewal			
Flow-through			
h. Source of dilution water. If laboratory water, specify type; if receiving water, specify source.			
Laboratory water			
Receiving water			
i. Type of dilution water. It salt water, specify "natural" or type of artificial sea salts or brine used.			
Fresh water			
Salt water			
j. Give the percentage effluent used for all concentrations in the test series.			
k. Parameters measured during the test. (State whether parameter meets test method specifications)			
pH			
Salinity			
Temperature			
Ammonia			
Dissolved oxygen			
l. Test Results.			
Acute:			
Percent survival in 100% effluent	%	%	%
LC_{50}			
95% C.I.	%	%	%
Control percent survival	%	%	%
Other (describe)			

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Chronic:			
NOEC	%	%	%
IC_{25}	%	%	%
Control percent survival	%	%	%
Other (describe)			
m. Quality Control/Quality Assurance.			
Is reference toxicant data available?			
Was reference toxicant test within acceptable bounds?			
What date was reference toxicant test run (MM/DD/YYYY)?			
Other (describe)			

E.3. Toxicity Reduction Evaluation. Is the treatment works involved in a Toxicity Reduction Evaluation?

____Yes____No If yes, describe: _____

_____

_____

E.4. Summary of Submitted Biomonitoring Test Information. If you have submitted biomonitoring test information, or information regarding the cause of toxicity, within the past four and one-half years, provide the dates the information was submitted to the permitting authority and a summary of the results.

Date submitted: _____ (MM/DD/YYYY)

Summary of results: (see instructions)

_____

_____

END OF PART E.
REFER TO THE APPLICATION OVERVIEW TO DETERMINE WHICH OTHER PARTS OF FORM 2A YOU MUST COMPLETE.

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SUPPLEMENTAL APPLICATION INFORMATION

PART F. INDUSTRIAL USER DISCHARGES AND RCRA/CERCLA WASTES

All treatment works receiving discharges from significant industrial users or which receive RCRA, CERCLA, or other remedial wastes must complete Part F.

GENERAL INFORMATION:

F.1. **Pretreatment Program.** Does the treatment works have, or is it subject to, an approved pretreatment program?

____Yes____No

F.2. **Number of Significant Industrial Users (SIUs) and Categorical Industrial Users (CIUs).** Provide the number of each of the following types of industrial users that discharge to the treatment works.

a. Number of non-categorical SIUs. _____

b. Number of CIUs. _____

SIGNIFICANT INDUSTRIAL USER INFORMATION:

Supply the following information for each SIU. If more than one SIU discharges to the treatment works, copy questions F.3 through F.8 and provide the information requested for each SIU.

F.3. **Significant Industrial User Information.** Provide the name and address of each SIU discharging to the treatment works. Submit additional pages as necessary.

Name: _____

Mailing Address: _____

_____

F.4. **Industrial Processes.** Describe all of the industrial processes that affect or contribute to the SIU's discharge.

_____

F.5. **Principal Product(s) and Raw Material(s).** Describe all of the principal processes and raw materials that affect or contribute to the SIU's discharge.

Principal product(s): _____

Raw material(s): _____

F.6. **Flow Rate.**

a. Process wastewater flow rate. Indicate the average daily volume of process wastewater discharged into the collection system in gallons per day (gpd) and whether the discharge is continuous or intermittent.

_____ gpd (_____continuous or _____intermittent)

b. Non-process wastewater flow rate. Indicate the average daily volume of non-process wastewater flow discharged into the collection system in gallons per day (gpd) and whether the discharge is continuous or intermittent.

_____ gpd (_____continuous or _____intermittent)

F.7. **Pretreatment Standards.** Indicate whether the SIU is subject to the following:

a. Local limits ____Yes ____No

b. Categorical pretreatment standards ____Yes ____No

If subject to categorical pretreatment standards, which category and subcategory?

_____

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F.8. Problems at the Treatment Works Attributed to Waste Discharged by the SIU. Has the SIU caused or contributed to any problems (e.g., upsets, interference) at the treatment works in the past three years?

____Yes____No If yes, describe each episode.

_____

_____

RCRA HAZARDOUS WASTE RECEIVED BY TRUCK, RAIL, OR DEDICATED PIPELINE:

F.9. RCRA Waste. Does the treatment works receive or has it in the past three years received RCRA hazardous waste by truck, rail, or dedicated pipe? ____Yes ___No (go to F.12.)

F.10. Waste Transport. Method by which RCRA waste is received (check all that apply):

_____Truck _____Rail _____Dedicated Pipe

F.11. Waste Description. Give EPA hazardous waste number and amount (volume or mass, specify units).

EPA Hazardous Waste Number	Amount	Units

CERCLA (SUPERFUND) WASTEWATER, RCRA REMEDIATION/CORRECTIVE ACTION WASTEWATER, AND OTHER REMEDIAL ACTIVITY WASTEWATER:

F.12. Remediation Waste. Does the treatment works currently (or has it been notified that it will) receive waste from remedial activities?

____Yes (complete F.13 through F.15.) ____No

Provide a list of sites and the requested information (F.13 - F.15.) for each current and future site.

F.13. Waste Origin. Describe the site and type of facility at which the CERCLA/RCRA/or other remedial waste originates (or is expected to originate in the next five years).

_____

_____

_____

F.14. Pollutants. List the hazardous constituents that are received (or are expected to be received). Include data on volume and concentration, if known. (Attach additional sheets if necessary).

_____

_____

F.15. Waste Treatment.

a. Is this waste treated (or will it be treated) prior to entering the treatment works?

____Yes ____No

If yes, describe the treatment (provide information about the removal efficiency):

_____

_____

b. Is the discharge (or will the discharge be) continuous or intermittent?

____Continuous ____Intermittent If intermittent, describe discharge schedule.

END OF PART F.
REFER TO THE APPLICATION OVERVIEW TO DETERMINE WHICH OTHER PARTS OF FORM 2A YOU MUST COMPLETE

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SUPPLEMENTAL APPLICATION INFORMATION

PART G. COMBINED SEWER SYSTEMS

If the treatment works has a combined sewer system, complete Part G.

G.1. System Map. Provide a map indicating the following: (may be included with Basic Application Information)

a. All CSO discharge points.

b. Sensitive use areas potentially affected by CSOs (e.g., beaches, drinking water supplies, shellfish beds, sensitive aquatic ecosystems, and outstanding natural resource waters).

c. Waters that support threatened and endangered species potentially affected by CSOs.

G.2. System Diagram. Provide a diagram, either in the map provided in G.1. or on a separate drawing, of the combined sewer collection system that includes the following information:

a. Locations of major sewer trunk lines, both combined and separate sanitary.

b. Locations of points where separate sanitary sewers feed into the combined sewer system.

c. Locations of in-line and off-line storage structures.

d. Locations of flow-regulating devices.

e. Locations of pump stations.

CSO OUTFALLS:

Complete questions G.3 through G.6 once for each CSO discharge point.

G.3. Description of Outfall.

a. Outfall number _____

b. Location _____
(City or town, if applicable) (Zip Code)

_____
(County) (State)

_____
(Latitude) (Longitude)

c. Distance from shore (if applicable) _____ft.

d. Depth below surface (if applicable) _____ft.

e. Which of the following were monitored during the last year for this CSO?

____Rainfall ____CSO pollutant concentrations ____CSO frequency

____CSO flow volume ____Receiving water quality

f. How many storm events were monitored during the last year? _____

G.4. CSO Events.

a. Give the number of CSO events in the last year.

_____ events (___ actual or ___ approx.)

b. Give the average duration per CSO event.

_____ hours (____ actual or ____ approx.)

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c. Give the average volume per CSO event.

_____ million gallons (_____ actual or _____ approx.)

d. Give the minimum rainfall that caused a CSO event in the last year.

_____ inches of rainfall

G.5. Description of Receiving Waters.

a. Name of receiving water: _____

b. Name of watershed/river/stream system: _____

United States Soil Conservation Service 14-digit watershed code (if known): _____

c. Name of State Management/River Basin: _____

United States Geological Survey 8-digit hydrologic cataloging unit code (if known): _____

G.6. CSO Operations.

Describe any known water quality impacts on the receiving water caused by this CSO (e.g., permanent or intermittent beach closings, permanent or intermittent shell fish bed closings, fish kills, fish advisories, other recreational loss, or violation of any applicable State water quality standard).

_____

_____

END OF PART G.
REFER TO THE APPLICATION OVERVIEW TO DETERMINE WHICH OTHER PARTS OF FORM 2A YOU MUST COMPLETE.

BILLING CODE: 6560–50–C

Instructions for Completing Form 2A—Application for an NPDES Permit

Paperwork Reduction Act Notice: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 9.6 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments regarding the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OP Regulatory Information Division, U.S. Environmental Protection Agency (2137), 401 M St., S.W., Washington, DC 20460. Include the OMB control number in any correspondence. Do not send the completed Form 2A to this address.

Background Information

Each wastewater treatment works that discharges treated effluent to waters of the United States must apply for a permit for its discharges. This permitting requirement is part of the National Pollutant Discharge Elimination System (NPDES) program, which is implemented by the U.S. Environmental Protection Agency (EPA). You can obtain a permit for your treatment works by filling out and sending in the appropriate form(s) to your permitting authority. If the State in which your treatment works is located operates its own NPDES program, then the State is your permitting authority and you should ask your State for permit application forms. On the other hand, if EPA operates the NPDES program in your State, then EPA is the permitting authority, and you must fill out and send in Form 2A.

These instructions explain how to fill out each question in Form 2A. However, not every applicant will have to fill out every section of Form 2A. You may determine which parts of Form 2A apply the your treatment works by reading the Application Overview section on page 1 of Form 2A before filling out the form.

Commonly Asked Questions

What If I Need More Space for My Answer?

If you need more room for your answer than is provided on the form, attach a separate sheet called ''Additional Information.'' At the top of the separate sheet, put the name of your plant, your plant's NPDES permit number, and the number of the outfall that you are writing about, if applicable. Also, next to your answer, put the question number (from Form 2A). Provide this information on any drawings or other papers that you attach to your application as well.

Will the Public Be Able To See the Information I Submit?

Any information you submit on Form 2A will be available to the public. If you send in more information than is requested on Form 2A that is considered company-privileged information, you may ask EPA to keep that extra information confidential. Note that you cannot ask EPA to keep effluent data confidential. If you want any of the extra information to be kept confidential, inform EPA of this when you submit your application. Otherwise, EPA may make the information public without letting you know in advance. For more information on claims of confidentiality, see EPA's business confidentiality regulations at Title 40, Part 2 of the Code of Federal Regulations (CFR).

How Do I Complete the Forms?

Answer every question on Form 2A that applies to your treatment works. If your answer to a question requires more room than there is on the form, please attach additional sheets as described above. If a particular question does not apply to your treatment works, write ''N/A'' (meaning ''not applicable'') as your answer to that question. If you need additional guidance on filling out these forms, contact your EPA Regional Office or your State office.

Which Parts of the Form Apply?

Form 2A is presented in a modular format, consisting of two packets: the Basic Application Information packet and the Supplemental Application Information packet. The Basic Application Information Packet is divided into three parts. All applicants must complete Part A (Basic Application Information For All Applicants) and Part C (Certification). Applicants with a design flow greater than or equal to 0.1 mgd must also complete Part B (Additional Application Information For Applicants With A Design Flow Greater Than Or Equal To 0.1 MGD). Some applicants must also complete the Supplemental Application Information packet. Refer to the Application Overview on page 1 of Form 2A to determine which parts of the Supplemental Application Information you must complete.

Step-by-Step Instructions

The following section provides clarification and additional information for the questions on Form 2A. Most of the terms used in Form 2A are defined in the NPDES regulations at 40 CFR 122.2.

Basic Application Information

Part A (Basic Application Information for All Applicants)

A.1. Facility Information

Provide your plant's official or legal name. Do not use a nickname or short name. Also provide your plant's mailing address, a contact person at the plant, his/her title, and that person's work telephone number. The contact person should be someone who has a thorough understanding of the operation of the treatment works. The permitting authority may call this person if there are any questions about the application. Also provide the actual facility address (if different than the mailing address). The facility location should be a street address (not a Post Office box number) or other description of the actual location of the facility. Be sure to provide the city or county and state in which the facility is located.

A.2. Applicant Information

If someone other than the facility contact person is actually submitting this application (e.g., a consultant), provide the name and mailing address of that person's organization. Also provide the name of a contact person, his/her title, and his/her work telephone number. The permitting authority may call this person if there are any questions about the application.

A.3. Existing Environmental Permits

Provide the permit number of each currently effective permit issued to the treatment works for NPDES, UIC, RCRA,

PSD, and any other environmental programs. If you have previously filed an application but have not yet received a permit, give the number of the application, if any. If you have more than one currently effective permit under a particular permit program, list each such permit number. List any other relevant environmental permits under ''Other.''

A.4. Collection System Information

Provide the names of all the cities, towns, and unincorporated areas served by your plant and enter the number of people served by your plant at the time you complete this form. Indicate whether each portion of the collection system is separate or combined storm and sanitary, if known, and note the ownership status of each portion of the system (municipal, private, etc.).

A.5. Indian Country

Indian Country means all land within the limits of any Indian reservation under the jurisdiction of the United States Government notwithstanding the issuance of any patent, and including rights-of-way running through the reservation. Indicate whether your plant is located in (i.e., within the limits of) Indian Country and whether the water body into which your plant discharges flows through Indian Country after it receives your plant discharge.

A.6. Flow

a. Provide your plant's current design flow rate. Treatment works with a design flow less than 5 mgd must provide the design influent flow rate to two decimal places. Treatment works that are greater than or equal to 5 mgd must report this to 1 decimal place. This is because fluctuations of 0.01 mgd to 0.09 mgd in smaller treatment works represent a significant percentage of daily flow.

b. Enter the annual average daily flow rate, in million gallons per day, that your plant actually treated this year and each of the past two years for days that your plant actually discharges. Each year's data must be based on a 12-month time period, with the 12th month of ''this year'' occurring no more than three months prior to this application submittal.

c. Enter the maximum daily flow rate, in million gallons per day (mgd), that your plant received this year and each of the past two years. Each year's data must be based on a 12-month time period, with the 12th month of ''this year'' occurring no more than three months prior to this application submittal.

A.7. Collection System

Indicate what type of collection system brings wastewater to your plant. If you check both of the collection systems indicated on the form, you must also provide an estimate of what percentage (in terms of miles of pipe) of your entire collection system each type represents. For example, 80 percent separate sanitary sewers would mean that 80 percent of the actual miles of pipes are separate sanitary sewers (and 20 percent are combined sewers).

A.8. Discharges and Other Disposal Methods

a. Note whether the treatment works discharges effluent to waters of the U.S. If yes, note the number of treated effluent discharge points, untreated or partially treated effluent discharge points, combined sewer overflow points, constructed emergency overflows prior to the headworks, and any other discharge points. Dischargers of effluent to waters of the U.S. with flow rates greater than or equal to 0.1 mgd must also complete questions B.1 through B.6 and, in some cases, Part D (Expanded Effluent Testing Data) of Form 2A. See the Application Overview on page 1 of Form 2A for more information.

b. A surface impoundment with no point source discharge (to waters of the U.S.) is a holding pond or basin that is large enough to contain all wastewaters discharged into it. It has no places where water overflows from it. It is used for evaporation of water and very little water seeps into the ground. Your plant must report the location of each surface impoundment, the annual average volume discharged to each impoundment, and the frequency of discharge into the surface impoundment (i.e., is the discharge continuous or intermittent). If your plant discharges to more than one surface impoundment, use an additional sheet (or sheets) to give this information for each impoundment. Attach the additional sheet(s) to the application form. The information on the location of the surface impoundment(s) may be referenced on the topographic map prepared under question B.2, if applicable.

c. Land application is the spraying or spreading of treated wastewater over an area of land. If your plant applies wastewater to land, you must list the site location, the size of the site (in acres), the annual average daily volume applied to the site, and the frequency of application (i.e., is the application continuous or intermittent). If your plant applies wastewater to more than one site, provide the information for each site on a separate sheet (or sheets). Attach the additional sheet(s) to your application form. The information on the location of the land application site may be referenced on the topographic map prepared under question B.2, if applicable.

d. If your plant discharges treated or untreated wastewater to another treatment works (including a municipal waste transport or collection system), provide the information requested in question A.8.d. If your plant sends wastewater to more than one treatment works, provide this information for each treatment works on an additional sheet (or sheets). Attach the additional sheet(s) to your application form. Describe how the wastewater is transported to the other treatment works. Also provide the name and mailing address of the company that transports your plant's wastewater to this treatment works as well as the name, phone number, and title of the contact person at the transportation company. Also provide the name and mailing address of each treatment works that receives wastewater from your plant as well as the name, phone number, and title of the contact person at the treatment works that receives your plant's wastewater and the NPDES permit number for the treatment works, if known. Indicate the average daily flow, in million gallons per day, that is sent from your plant to the other treatment works.

e. If your plant disposes of its wastewater in some way that was not described by A.8.a through A.8.d above, briefly describe how your plant discharges or disposes of its wastewater. Also give the annual daily volumes disposed of this way and indicate whether the discharge is continuous or intermittent. Other ways to discharge or dispose include underground percolation and well injection.

Wastewater Discharges. If this treatment works does not discharge treated wastewater to waters of the United States, do not complete questions A.9 through A.11. Instead, go to Part C (Certification). Note that you may also be required to complete portions of the Supplemental Application Information packet.

Answer questions A.9 through A.12 once for *each* outfall (including bypass points) through which your treatment works discharges effluent to surface waters of the United States. Do not include information about combined sewer overflow discharge points. Surface water means creeks, streams, rivers, lakes, estuaries, and oceans. If your treatment works has more than one

outfall, copy and complete questions A.9 through A.12 once for each outfall.

A.9. Description of Outfall

a–e. Give the outfall number and its location. For location, provide the city or town (if applicable), zip code, county, state, and latitude and longitude to the nearest second. If this outfall is a subsurface discharge (e.g., into an estuary, lake, or ocean), indicate how far the outfall is from shore and how far below the water's surface it is. Give these distances in feet at the lowest point of low tide. Also provide the average daily flow rate in million gallons per day.

f. Mark whether this outfall is a periodic or intermittent discharge. A ''periodic discharge'' is one that happens regularly (for example, monthly or seasonally), but is not continuous all year. An ''intermittent discharge'' is one that happens sometimes, but not regularly. Discharges from holding ponds, lagoons, etc., may be included as periodic or intermittent. Give the number of times per year a discharge occurs from this outfall. Also tell how long each discharge lasts and how much water is discharged, in million gallons per day. List each month when discharge happens. If you do not have records of exact months in which such discharges occurred, provide an estimate based on the best available information.

g. Indicate whether the outfall is equipped with a diffuser.

A.10. Description of Receiving Waters

a. Give the name of the surface water to which this outfall discharges and the waterbodies to which the discharge will ultimately flow. For example, ''Control Ditch A, then into Stream B, then into River C, and finally into River D in River Basin E.''

b. If known, provide the name of the watershed in which the receiving water (identified in question A.10.a) is located. If known, also provide the 14-digit watershed code assigned to this watershed by the U.S. Soil Conservation Service.

c. If known, provide the name of the State Management/River Basin into which this outfall discharges. If known, also provide the 8-digit hydrologic cataloging unit code assigned by the U.S. Geological Survey.

d. If known and if the water body is a river or stream, provide the acute and chronic critical low flow in cubic feet per second (cfs). If you are unsure of these numbers, the U.S. Geological Survey may be able to give them to you or you may be able to get these numbers from prior studies.

e. Give the total hardness of the receiving stream at critical low flow, in milligrams per liter of $CaCO_3$, if applicable.

A.11. Description of Treatment

a. Indicate the levels of treatment that your plant provides for the discharge from this outfall.

b. Give the design removal rates, in percent, for biochemical oxygen demand (BOD_5) or carbonaceous biochemical oxygen demand ($CBOD_5$), suspended solids (SS), phosphorus (P), nitrogen (N), and any other parameter requested by the permitting authority.

c. Describe the type of disinfection your plant uses (for example, chlorination, ozonation, ultraviolet, etc.) and any seasonal variation in disinfection technique that may occur. If your plant uses chlorination, indicate whether it also dechlorinates.

d. Note whether the facility has post aeration.

A.12. Effluent Testing Information

All applicants that discharge effluent to waters of the United States must provide effluent testing data for each outfall. Refer to the following table to determine which effluent testing information questions you must complete and to determine the number of pollutant scans on which to base your data. See the Application Overview on page 1 of Form 2A for more information.

Treatment works characteristics	Form 2A requirements	Minimum number of scans (see Appendix A)
Design flow rate less than 1 mgd, *and* Not required to have (or does not have) a pretreatment program	Question A.12	3
Design flow rate greater than or equal to 1 mgd, *or* Required to have a pretreatment program (or has one in place), *or* Otherwise required by the permitting authority to provide the data	Question A.12 *and* Part D of Supplemental Application Information Packet	3

Complete question A.12 *once for each outfall* through which effluent is discharged to waters of the United States. Indicate on each page the outfall number (as assigned in question A.9) for which the data are provided. Do not include information about combined sewer overflow discharge points in question A.12. For specific instructions on completing the pollutant tables in question A.12, refer to Appendix A of these instructions.

Part B (Additional Application Information for Applicants With a Design Flow Greater Than Equal to 0.1 MGD)

All applicants with a design flow rate greater than or equal to 0.1 mgd must answer questions B.1 through B.6.

B.1. Inflow and Infiltration

Estimate the average daily flow rate of inflow and infiltration in gallons per day and steps the facility is taking to minimize inflow and infiltration.

B.2. Topographic Map

Provide a topographic map (or other map if a topographic map is unavailable) extending at least one mile beyond property boundaries of the treatment plant, including all unit processes. In addition, the map must show the following:

a. Treatment plant area and unit processes;

b. Major pipes or other structures through which wastewater enters the treatment plant and the pipes or other structures through which treated wastewater is discharged from the treatment plant. Include outfalls from bypass piping, if applicable;

c. Each well where fluids from the treatment plant is injected underground;

d. Wells, springs, and other surface waterbodies listed in public records or otherwise known to the applicant within one-quarter mile of the treatment works' property boundary;

e. Sewage sludge management facilities (including on-site treatment, storage, and disposal sites); and

f. Location at which waste classified as hazardous under RCRA enters the treatment plant by truck, rail, or dedicated pipe.

B.3. Process Flow Diagram or Schematic

Provide a diagram showing the processes of the treatment plant, including all bypass piping and all backup power sources or redundancy in the system. Include a water balance showing all treatment units, including disinfection, and showing daily average flow rates at influent and discharge points, and approximate daily flow rates between treatment units. Include a brief narrative description of the diagram.

B.4. Operation/Maintenance Performed by Contractor(s)

If a contractor carries out any operational or maintenance aspects associated with wastewater treatment or effluent quality at this facility, provide the name, mailing address, and telephone number of each such contractor. Also provide a description of the responsibilities of the contractor. Attach additional pages if necessary.

B.5. Scheduled Improvements and Schedules of Implementation

Provide information on any improvements to your treatment works that you are currently planning. Include only those improvements that will affect the wastewater treatment, effluent quality, or design capacity of your treatment works (such improvements may include regionalization of treatment works). Also list the schedule for when these improvements will be started and finished. If your treatment works has more than one improvement planned, use a separate sheet of paper to provide information for each one.

a. List each outfall number that is covered by the implementation schedule. The outfall numbers you use must be the same as the ones provided under question A.9.

b. Indicate whether the planned improvements or implementation schedules are required by local, State, or Federal agencies.

c. Provide a brief description of the improvements to be made for the outfalls listed in question B.5.a, including new maximum daily inflow rate, if applicable.

d. Provide the information requested for each planned improvement. Supply dates for the following stages of any compliance schedule. For improvements that are planned independently of local, State, or Federal agencies, indicate planned or actual completion dates, as applicable. If a step has already been finished, give the date when that step was completed.

- ''Begin Construction'' means the date you plan to start construction.
- ''End Construction'' means the date you expect to finish construction.
- ''Begin Discharge'' means the date that you expect a discharge will start.
- ''Attain Operational Level'' means the date that you expect the effluent level will meet your plant's implementation schedule conditions.

e. Note whether your treatment works has received appropriate permits or clearances that are required by other Federal or State requirements. If you have received such permits, describe them.

Part C (Certification)

Before completing the Certification statement, review the Application Overview section on the cover page of Form 2A to make sure that you have completed all applicable sections of Form 2A, including any parts of the Supplemental Application Information packet.

All permit applications must be signed and certified. Also indicate in the boxes provided which sections of Form 2A you are submitting with this application.

An application submitted by a *municipality, State, Federal, or other public agency* must be signed by either a principal executive officer or ranking elected official. A principal executive officer of a Federal agency includes: (1) The chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

An application submitted by a *corporation* must be signed by a responsible corporate officer. A responsible corporate officer means: (1) A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions; or (2) the manager of manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

An application submitted by a *partnership or sole proprietorship* must be signed by a general partner or the proprietor, respectively.

Supplemental Application Information Packet

EPA has developed Form 2A in a modular format, consisting of two packets: the Basic Application Information packet and the Supplemental Application Information packet. As directed by the Application Overview section on page 1 of Form 2A, certain applicants will need to complete one or more parts of the Supplemental Application Information packet in addition to some or all of the Basic Application Information packet. Refer to the Application Overview section to determine which part(s) of Form 2A you must complete.

The Supplemental Application Information packet is divided into the following parts:

- Part D Expanded Effluent Testing Data
- Part E Toxicity Testing Data
- Part F Industrial User Discharges and RCRA/CERCLA Wastes
- Part G Combined Sewer Systems

Part D (Expanded Effluent Testing Data)

A treatment works that discharges effluent to surface waters of the United States and meets one or more of the following criteria must complete Part D (Expanded Effluent Testing Data):

- Has a design flow rate greater than or equal to 1 mgd;
- Is required to have a pretreatment program (or has one in place); or
- Is otherwise required by the permitting authority to provide the information

Refer to the following table to determine which effluent testing information questions you must complete and to determine the number of pollutant scans on which to base your data.

Treatment works characteristics	Form 2A requirements	Minimum number of scans (see Appendix A)
Design flow rate less than 1 mgd but greater than 0.1 mgd, *and* Not required to have (or does not have) a pretreatment program	Question B.6	3
Design flow rate greater than or equal to 1 mgd, *or* Required to have a pretreatment program (or has one in place), *or* Otherwise required by the permitting authority to provide the data	Question B.6 *and* Part D of Supplemental Application Information Packet	3

Complete Part D *once for each outfall* through which effluent is discharged to waters of the United States. Indicate on each page the outfall number (as assigned in question A.9 of the Basic Application Information packet) for which the data are provided. Using the blank rows provided on the form, submit any data the facility may have for pollutants not specifically listed in Part D. Note that the permitting authority may require additional testing on a case-by-case basis.

For specific instructions on completing the pollutant tables in Part D, refer to Appendix A of these instructions.

Part E (Toxicity Testing Data)

Treatment works meeting one or more of the following criteria must complete Part E (Toxicity Testing Data):

- Treatment works with a design flow rate greater than or equal to one mgd; *or*
- Treatment works with an approved pretreatment program (as well as those required to have one under 40 CFR Part 403); *or*
- Treatment works otherwise required by the permitting authority to submit the results of whole effluent toxicity testing.

Applicants completing Part E must submit the results from any whole effluent toxicity test conducted during the past four and one-half years that have not been reported or submitted to the permitting authority for each outfall discharging effluent to the waters of the United States. Do not include information on combined sewer overflows in this section. If the applicant conducted a whole effluent toxicity test during the past four and one-half years that revealed toxicity, then provide any information available on the cause of the toxicity or any results of a toxicity reduction evaluation, if one was conducted.

Test results provided in Part E must be based on multiple species being tested quarterly for a minimum of one year. For multiple species, EPA requires a minimum of two species (e.g., vertebrates and invertebrates). The permitting authority may require the applicant to include other species (e.g., plants) as well. Applicants must provide these tests for either acute or chronic toxicity depending on the range of the receiving water dilution. EPA recommends that applicants conduct acute or chronic toxicity testing based on the following dilutions:

- Acute toxicity testing if the dilution of the effluent is greater than 1000:1 at the edge of the mixing zone.
- Acute or chronic toxicity testing if the dilution of the effluent is between 100:1 and 1000:1 at the edge of the mixing zone. Acute testing may be more appropriate at the higher end of this range (1000:1), and chronic testing may be more appropriate at the lower end of this range (100:1).
- Chronic toxicity testing if the dilution of the effluent is less than 100:1 at the edge of the mixing zone.

All data provided in Part E must be based on tests performed within four and one-half years prior to completing this application. The tests must have been conducted since the last NPDES permit issuance or permit modification under 40 CFR 122.62(a). In addition, applicants only need to submit data that have not previously been submitted to the permitting authority. Thus, if test data have already been submitted (within the last four and one-half years) in accordance with an issued NPDES permit, the treatment works may note the dates the tests were submitted and need not fill out the information requested in question E.2 for that test.

Additional copies of Part E may be used in submitting the required information. A permittee having no significant toxicity in the effluent over the past year and who has submitted all toxicity test results through the end of the calendar quarter preceding the time of permit application would need to supply no additional toxicity testing data as part of this application. Instead, the applicant should complete question E.4, which requests a summary of bioassay test information already submitted. (See below for more detailed instructions on completing question E.4)

Where test data are requested to be reported, the treatment works has the option of reporting the requested data on Form 2A or on reports supplied by the laboratories conducting the testing, provided the data requested are complete and presented in a logical fashion. The permitting authority reserves the right to request that the data be reported on Form 2A.

E.1. Required Tests

Provide the total number of chronic and acute whole effluent toxicity tests conducted in the past four and one-half years. A ''chronic'' toxicity test continues for a relatively long period of time, often one-tenth the life span of the organism or more. An ''acute'' toxicity test is one in which the effect is observed in 96 hours or less.

E.2. Individual Test Data

Complete E.2 for each test conducted in the last four and one-half years for which data has not been submitted. Use the columns provided on the form for each test and specify the test number at the top of each column. Use additional copies of question E.2 if more than three tests are being reported. The parameters listed on the form are based on EPA-recommended test methods. Permittees may be required by the permitting authority to submit additional test parameter data for the purposes of quality assurance.

If the treatment works is conducting whole effluent toxicity tests and reporting its results in accordance with a NPDES permit requirement, then the treatment works may note the dates the tests were submitted and need not fill out the information requested in question E.2. for those tests (unless otherwise required by the permitting authority).

a. Provide the information requested on the form for each test reported. Under ''Test species & test method number,'' provide the scientific name of the organism used in the test and the test method number. The ''Outfall number'' reported must correlate to the outfall numbers listed in question A.9 of the Basic Application Information packet.

b. Provide the source of the toxicity test methods followed. In conducting the tests, the treatment works must use methods approved in accordance with 40 CFR Part 136.

Note: Approved methods are currently under development.

c. Indicate whether 24-hour composite or grab samples were used for each test. For multiple grab samples, provide the number of grab samples used. Refer to Appendix A of the instructions for a definition of composite and grab samples.

d. Indicate whether the sample was taken before or after disinfection and/or after dechlorination.

e. Provide a description of the point in the treatment process at which the sample was collected.

f. Indicate whether the test was intended to assess chronic or acute toxicity.

g. Indicate which type of test was performed. A ''static'' test is a test performed with a single constant volume of water. In a ''static-renewal'' test, the volume of water is renewed at discrete intervals. In a ''flow-through'' test, the volume of water is renewed continuously.

h. Indicate whether laboratory water or the receiving water of the tested outfall was used as the source of dilution water. If laboratory water was used, provide the type of water used.

i. Indicate whether fresh or salt water was used as the dilution water. For salt water, specify whether the salt water was natural or artificial (specify the type of artificial water used).

j. For each concentration in the test series, provide the percentage of effluent used.

k. Provide the minimum and maximum parameters measured during the test for pH, salinity, temperature, ammonia, and dissolved oxygen.

l. Provide the results of each test performed. For acute toxicity tests, provide the percent survival of the test species in 100 percent effluent. Also provide the LC_{50} (Lethal Concentration to 50 percent) of the test. ''LC_{50}'' is the effluent (or toxicant) concentration estimated to be lethal to 50 percent of the test organisms during a specific period. Provide the 95% confidence interval, control percent survival, and any other test results requested by the permitting authority in the space provided. For chronic toxicity tests, provide data at the most sensitive endpoint. While this is generally expressed as a ''NOEC'' (No Observed Effect Concentration), it may be expressed as an ''Inhibition Concentration'' (e.g., ''IC_{25}''—Inhibition Concentration to 25 percent). The NOEC is the highest measured concentration of an effluent (or a toxicant) at which no significant adverse effects are observed on the test organisms at a specific time of observation. The IC_{25} is the effluent (or toxicant) concentration estimated to cause a 25 percent reduction in reproduction, fecundity, growth, or other non-quantal biological measurements. Provide the control percent survival. Indicate any other test results in the space provided.

m. Note whether reference toxicant data is available and indicate whether the reference toxicant test was within acceptable bounds. Provide the date on which the reference toxicant test was run. Also provide any other quality control/quality assurance information that may be requested by the permitting authority.

E.3. Toxicity Reduction Evaluation

A Toxicity Reduction Evaluation (TRE) is a site-specific study conducted in a stepwise process designed to identify the causative agents of effluent toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity. If the treatment works is conducting a TRE as part of a NPDES permit requirement or enforcement order, then you only need to provide the date of the last progress report concerning the TRE in the area reserved for details of the TRE.

E.4. Summary of Submitted Biomonitoring Test Information

As stated above, applicants that have already submitted the results of biomonitoring test information over the past four and one-half years do not need to resubmit this data with Form 2A. Instead, indicate in question E.4 the date you submitted each report and provide a summary of the test results for each report. Include in this summary the following information: the outfall number and collection dates of the samples tested, dates of testing, toxicity testing method(s) used, and a summary of the results from the test (e.g, 100% survival in 40% effluent).

Part F (Industrial User Discharges and RCRA/CERCLA Wastes)

All treatment works receiving discharges from significant industrial users (SIUs) or facilities that receive RCRA, CERCLA, or other remedial wastes must complete Part F.

A ''categorical industrial user'' is an industrial user that is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, which are technology-based standards developed by EPA setting industry-specific effluent limits. (A list of Industrial Categories subject to Categorical Pretreatment Standards is included in Appendix B.)

A ''significant industrial user'' is defined in 40 CFR 403.3(t) as an industrial user that:

- Is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the treatment works (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment works; or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the treatment works operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

An ''industrial user'' means any industrial or commercial entity that discharges wastewater that is not domestic wastewater. Domestic wastewater includes wastewater from connections to houses, hotels, non-industrial office buildings, institutions, or sanitary waste from industrial facilities. The number of ''industrial users'' is the total number of industrial and commercial users that discharge to the treatment works.

For the purposes of completing the application form, please provide information on non-categorical SIUs and categorical industrial users separately.

F.1. Pretreatment Program

Indicate whether the treatment works has an approved pretreatment program. An ''approved pretreatment program'' is a program administered by a treatment works that meets the criteria established in 40 CFR 403.8 and 403.9 and that has been approved by a Regional Administer or State Director.

Note that if this treatment works has or is required to have a pretreatment program, you must also complete Parts D and E of the Supplemental Application Information packet.

F.2. Number of Significant Industrial Users (SIUs) and Categorical Industrial Users (CIUs)

Provide the number of SIUs and the number of CIUs that discharge to the treatment works.

Significant Industrial User (SIU) Information. All treatment works that receive discharges from SIUs must complete questions F.3 through F.8. If your treatment works receives wastewater from more than one SIU,

complete questions F.3 through F.8 *once for each SIU.*

F.3. Significant Industrial User Information

Provide the name and mailing address of each SIU. Submit additional pages as necessary.

F.4. Industrial Processes

Describe the actual process(es) (rather than simply listing them) at the SIU that affect or contribute to the SIU's discharge. For example, in describing a metal finishing operation, include such information as how the product is cleaned prior to finishing, what type of plating baths are in operation (e.g., nickel, chromium), how paint is applied, and how the product is polished. Attach additional sheets if necessary.

F.5. Principal Product(s) and Raw Material(s)

List principal products that the SIU generates and the raw materials used to manufacture the products.

F.6. Flow Rate

''Process wastewater'' means any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Indicate the average daily volume, in gallons per day, of process wastewater and non-process wastewater that the SIU discharges into the collection system. Specify whether the discharges are continuous or intermittent.

F.7. Pretreatment Standards

Indicate whether the SIU is subject to local limits and categorical pretreatment standards. ''Local limits'' are enforceable local requirements developed by treatment works to address Federal standards as well as state and local regulations. ''Categorical pretreatment standards'' are national technology-based standards developed by EPA, setting industry-specific effluent limits. These standards are implemented by 40 CFR 403.6. If the treatment works is subject to categorical pretreatment standards, indicate the category and subcategory.

F.8. Problems at the Treatment Works Attributed to Waste Discharged by the SIU

Provide information concerning any problems the treatment works has experienced that are attributable to discharges from the SIUs. Problems may include upsets or interference at the plant, corrosion in the collection system, or other similar events in the past three years.

RCRA Hazardous Waste Received by Truck, Rail or Dedicated Pipeline. As defined in Section 1004(5) of the Resource Conservation and Recovery Act (RCRA), ''Hazardous waste'' means ''a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
- Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.''

Those solid wastes that are considered hazardous are listed under 40 CFR Part 261. Treatment works that accept hazardous wastes by truck, rail, or dedicated pipeline (a pipeline that is used to carry hazardous waste directly to a treatment works without prior mixing with domestic sewage) within the property boundary of the treatment works are considered to be hazardous waste treatment, storage, and disposal facilities (TSDFs) and, as such, are subject to regulations under RCRA. Under RCRA, mixtures of domestic sewage and other wastes that commingle in the treatment works collection system prior to reaching the property boundary, including those wastes that otherwise would be considered hazardous, are excluded from regulation under the domestic sewage exclusion. Hazardous wastes that are delivered directly to the treatment works by truck, rail, or dedicated pipeline do not fall within the exclusion. Hazardous wastes received by these routes may only be accepted by treatment works if the treatment works complies with applicable RCRA requirements for TSDFs.

Applicants completing questions F.9 through F.11 should have indicated all points at which RCRA hazardous waste enters the treatment works by truck, rail, or dedicated pipe in the map provided in question B.2 of the Basic Application Information packet, if applicable.

F.9. RCRA Waste

Indicate whether the treatment works currently receives or has received RCRA waste by truck, rail, or dedicated pipe in the past three years.

F.10. Waste Transport

Indicate the method by which RCRA waste is received at the treatment works.

F.11. Waste Description

Provide the EPA hazardous waste numbers, which are located in 40 CFR Part 261, Subparts C & D, and the amount (in volume or mass) received.

CERCLA (Superfund) Wastewater and RCRA Remediation/ Corrective Action Wastewater. Substances that are regulated under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) are described and listed in 40 CFR Part 302. Questions F.12 through F.15 apply to the type, origin, and treatment of CERCLA wastes currently (or expected to be) discharged to the treatment works.

F.12. CERCLA Waste

Indicate whether this treatment works currently receives waste from a CERCLA (Superfund) site or plans to accept waste from a CERCLA site in the next five years. If it does, provide the information requested in F.13 through F.15 *once for each site.*

F.13. Waste Origin

Provide information about the CERCLA site that is discharging waste to the treatment works. Information must include a description of the type of facility and an EPA identification number if one exists.

F.14. Pollutants

Provide a list of the pollutants that are or will be discharged by the CERCLA site and the volume and concentration of such pollutants.

F.15. Waste Treatment

Provide information concerning the treatment used (if any) by the CERCLA site to treat the waste prior to discharging it to the treatment works. The information should include a description of the treatment technology, information on the frequency of the discharge (continuous or intermittent) and any data concerning removal efficiency.

Part G. (Combined Sewer Systems)

A combined sewer system collects a mixture of both sanitary wastewater and storm water runoff.

G.1. System Map

Indicate on a system map all CSO discharge points. For each such point, indicate any sensitive use areas and any waters supporting threatened or endangered species that are potentially affected by CSOs. Sensitive use areas include beaches, drinking water supplies, shellfish beds, sensitive aquatic ecosystems, and outstanding natural resource waters.

Applicants may provide the information requested in question G.1 on the map submitted in response to question B.2 in the Basic Application Information packet, if applicable.

All maps should be either on paper or other material appropriate for reproduction. If possible, all sheets should be approximately letter size with margins suitable for filing and binding. As few sheets should be used as necessary to show clearly what is involved. All discharge points should be identified by outfall number. Each sheet should be labeled with the applicant's name, NPDES permit number, location (city, county, or town), date of drawing, and designation of the number of sheets of each diagram as ''page ____ of ____.''

G.2. System Diagram

Diagram the location of combined and separate sanitary major sewer trunk lines and indicate any connections where separate sanitary sewers feed into the combined sewer system. Clearly indicate the location of all in-line and off-line storage structures, flow regulating devices, and pump stations.

The drawing should be either on paper or other material appropriate for reproduction. If possible, all sheets should be approximately letter size with margins suitable for filing and binding. As few sheets should be used as necessary to show clearly what is involved. All discharge points should be identified by outfall number. Each sheet should be labeled with the applicant's name, NPDES permit number, location (city, county, or town), date of drawing, and designation of the number of sheets of each diagram as ''page ____ of ____''.

CSO Outfalls. Fill out a copy of questions G.3 through G.6 *once for each CSO discharge point.* Attach additional pages as necessary.

G.3. Description of Outfall

a–f. Provide the outfall number and location (including city or town if applicable, state, county, and latitude and longitude to the nearest second). For subsurface discharges (e.g., discharges to lakes, estuaries, and oceans), provide the distance (in feet) of the discharge point from the shore and the depth (in feet) of the discharge point below the surface of the discharge point. Provide these distances at the lowest point of low tide. Indicate whether rainfall, CSO flow volume, CSO pollutant concentrations, receiving water quality, or CSO frequency were monitored during the past 12 months. In addition, provide the number of storm events monitored during the past 12 months.

G.4. CSO Events

a. Provide the number of CSO events that have occurred in the past 12 months. Indicate whether this is an actual or approximate number.

b. Provide the average duration (in hours) per CSO event. Indicate whether this is an actual or approximate value.

c. Provide the average volume (in million gallons) of discharge per CSO incidents over the past 12 months. Indicate whether this is an actual or approximate number.

d. Provide the minimum amount of rainfall that caused a CSO incident in the past 12 months.

G.5. Description of Receiving Waters

a. List the name(s) of immediate receiving waters starting at the CSO discharge point and moving downstream. For example, ''Control Ditch A, thence to Stream B, thence to River C, and thence to River D in the River Basin E.''

b. Provide the name of the watershed/river/stream system in which the receiving water (identified in question A.10.a) is located. If known, also provide the 14-digit watershed code assigned to this watershed by the U.S. Soil Conservation Service.

c. Provide the name of the State Management/River Basin into which this outfall discharges. If known, also provide the 8-digit hydrologic cataloging unit code assigned by the U.S. Geological Survey.

G.6. CSO Operations

Provide a description of any known water quality impacts on the receiving water caused by CSOs from this discharge point. Water quality impacts include, but are not limited to, permanent or intermittent beach closings, permanent or intermittent shell fish bed closings, fish kills, fish advisories, other recreational loss, or violation of any applicable State water quality standard.

Appendix A—Guidance for Completing the Effluent Testing Information; All Treatment Works

All applicants must provide data for each of the pollutants in question A.12 of the Basic Application Information packet. Some applicants must also provide data for the pollutants in question B.6 of the Basic Application Information packet and Part D of the Supplemental Application Information packet. All applicants submitting effluent testing data must base this data on a minimum of three pollutant scans. All samples analyzed must be representative of the discharge from the sampled outfall.

If you have existing data that fulfills the requirements described below, you may use that data in lieu of conducting additional sampling. If you measure more than the required number of daily values for a pollutant and those values are representative of your wastestream, you must include them in the data you report. In addition, use the blank rows provided on the form to provide any existing sampling data that your facility may have for pollutants not listed in the appropriate sections. All data provided in the application must be based on samples taken within three years prior to the time of this permit application.

Sampling data must be representative of the treatment works' discharge and take into consideration seasonal variations. At least two of the samples used to complete the effluent testing information questions must have been taken no fewer than 4 months and no more than 8 months apart. For example, one sample may be taken in April and another in October to meet this requirement. Applicants unable to meet this time requirement due to periodic, discontinuous, or seasonal discharges can obtain alternative guidance on this requirement from their permitting authority.

The collection of samples for the reported analyses should be supervised by a person experienced in performing wastewater sampling. Specific requirements contained in the applicable analytical methods should be followed for sample containers, sample preservation, holding times, and collection of duplicate samples. Samples should be taken at a time representative of normal operation. To the extent feasible, all processes that contribute to wastewater should be in operation and the treatment system should be operating properly with no system upsets. Samples should be collected from the center of the flow channel (where turbulence is at a maximum), at a location specified in the current NPDES permit, or at any location adequate for the collection of a representative sample.

A minimum of four grab samples must be collected for pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform, *E. coli,* and enterococci (applicants need only provide data on *either* fecal coliform or *E. coli* and enterococci). For all other pollutants, 24-hour composite samples must be collected. However, a minimum of one grab sample, instead of a 24-hour composite, may be taken for effluent from holding ponds or other impoundments that have a retention period greater than 24 hours.

Grab and composite samples are defined as follows:

- Grab sample: an individual sample of at least 100 milliliters collected randomly for a period not exceeding 15 minutes.
- Composite sample: a sample derived from two or more discrete samples collected at equal time intervals or collected proportional to the flow rate over the compositing period. The composite collection method may vary depending on pollutant characteristics or discharge flow characteristics.

The permitting authority may allow or establish appropriate site-specific sampling procedures or requirements, including sampling locations, the season in which sampling takes place, the duration between

sampling events, and protocols for collecting samples under 40 CFR Part 136. Contact EPA or the State permitting authority for detailed guidance on sampling techniques and for answers to specific questions. The following instructions explain how to complete each of the columns in the pollutant tables in the effluent testing information sections of Form 2A.

Maximum Daily Discharge. For composite samples, the daily discharge is the average pollutant concentration and total mass found in a composite sample taken over a 24-hour period. For grab samples, the daily discharge is the arithmetic or flow-weighted total mass or average pollutant concentration found in a series of at least four grab samples taken during the operating hours of the treatment works during a 24-hour period.

To determine the *maximum* daily discharge values, compare the daily discharge values from each of the sample events. Report the highest total mass and highest concentration level from these samples.

- ''Concentration'' is the amount of pollutant that is present in a sample with respect to the size of the sample. The daily discharge concentration is the average concentration of the pollutant throughout the 24-hour period.
- ''Mass'' is calculated as the total mass of the pollutant discharged over the 24-hour period.
- All data must be reported as both concentration and mass (where appropriate). Use the following abbreviations in the columns headed ''Units.''

ppm—parts per million
gpd—gallons per day
mgd—million gallons per day
su—standard units
mg/l—milligrams per liter
ppb—parts per billion
ug/l—micrograms per liter
lbs—pounds
ton—tons (English tons)
mg—milligrams
g—grams
kg—kilograms
T—tonnes (metric tons)

Average Daily Discharge. The average daily discharge is determined by calculating the arithmetic mean daily pollutant concentration and the arithmetic mean daily total mass of the pollutant from each of the sample events within the three years prior to this permit application. Report the concentration, mass, and units used under the Average Daily Discharge column, along with the number of samples on which the average is based. Use the unit abbreviations shown above in ''Maximum Daily Discharge.''

If data requested in Form 2A have been reported on the treatment works' Discharge Monitoring Reports (DMRs), you may compile such data and report it under the maximum daily discharge and the average daily discharge columns of the form.

Analytical Method. All information reported must be based on data collected through analyses conducted using 40 CFR Part 136 methods. Applicants should use methods that enable pollutants to be detected at levels adequate to meet water quality-based standards. Where no approved method can detect a pollutant at the water quality-based standards level, the most sensitive approved method should be used. If the applicant believes that an alternative method should be used (e.g., due to matrix interference), the applicant should obtain prior approval from the permitting authority. If an alternative method is specified in the existing permit, the applicant should use that method unless otherwise directed by the permitting authority. Where no approved analytical method exists, an applicant may use a suitable method but must provide a description of the method. For the purposes of the application, ''suitable method'' means a method that is sufficiently sensitive to measure as close to the water quality-based standard as possible.

Indicate the method used for each pollutant in the ''Analytical Method'' column of the pollutant tables. If a method has not been approved for a pollutant for which you are providing data, you may use a suitable method to measure the concentration of the pollutant in the discharge, and provide a detailed description of the method used or a reference to the published method. The description must include the sample holding time, preservation techniques, and the quality control measures used. In such cases, indicate the method used and attach to the application a narrative description of the method used.

Reporting Levels. The applicant should provide the method detection limit (MDL), minimum level (ML), or other designated method endpoint reflecting the precision of the analytical method used.

All analytical results must be reported using the actual numeric values determined by the analysis. In other words, even where analytical results are below the detection or quantitation level of the method used, the actual data should be reported, rather than reporting ''non-detect'' (''ND'') or ''zero'' (''0''). Because the endpoint of the method has also been reported along with the test results, the permitting authority will be able to determine if the data are in the ''non-detect'' or ''below quantitation'' range.

For any dilutions made and any problems encountered in the analysis, the applicant should attach an explanation and any supporting documentation with the application. For GC/MS, report all results found to be present by spectral confirmation (i.e., quantitation limits or detection limits should not be used as a reporting threshold for GC/MS).

Total Recoverable Metals. Total recoverable metals are measured from unfiltered samples using EPA methods specified in 40 CFR Part 136.3. A digestion procedure is used to solubilize suspended materials and destroy possible organic metal complexes. The method measures dissolved metals plus those metals recovered from suspended particles by the method digestion.

Appendix B—Industrial Categories Subject to National Categorical Pretreatment Standards

Industrial Categories with Pretreatment Standards in Effect

Aluminum Forming
Asbestos Manufacturing
Battery Manufacturing
Builder's Paper and Board Mills
Carbon Black Manufacturing
Coil Coating
Copper Forming
Electrical and Electronic Components
Electroplating
Feedlots
Ferroalloy Manufacturing
Fertilizer Manufacturing
Glass Manufacturing
Grain Mills Manufacturing
Ink Formulating
Inorganic Chemicals
Iron and Steel Manufacturing
Leather Tanning and Finishing
Metal Finishing
Metal Molding and Casting
Nonferrous Metals Forming and Metal Powders
Nonferrous Metals Manufacturing
Organic Chemicals, Plastics and Synthetic Fibers
Paint Formulating
Paving and Roofing
Pesticide Manufacturing
Petroleum Refining
Pharmaceutical Manufacturing
Porcelain Enameling
Pulp, Paper and Paperboard
Rubber Manufacturing
Soap and Detergents Manufacturing
Steam Electric Power Generating
Sugar Processing
Timber Products Manufacturing

Industrial Categories with Effluent Guidelines Currently Under Development

Pulp, Paper, and Paperboard
Pesticide Formulating, Packaging, and Repackaging
Centralized Waste Treatment
Pharmaceutical Manufacturing
Metal Products and Machinery, Phase I
Industrial Laundries
Transportation Equipment Cleaning
Landfills and Incinerators
Metal Products and Machinery, Phase II

BILLING CODE 6560–50–P

FACILITY NAME AND PERMIT NUMBER:

Form Approved 1/14/99
OMB Number 2040-0086

FORM 2S NPDES

NPDES FORM 2S APPLICATION OVERVIEW

PRELIMINARY INFORMATION

This page is designed to indicate whether the applicant is to complete Part 1 or Part 2. Review each category, and then complete Part 1 or Part 2, as indicated. For purposes of this form, the term "you" refers to the applicant. "This facility" and "your facility" refer to the facility for which application information is submitted.

FACILITIES INCLUDED IN ANY OF THE FOLLOWING CATEGORIES MUST COMPLETE PART 2 (PERMIT APPLICATION INFORMATION).

1. Facilities with a currently effective NPDES permit.

2. Facilities which have been directed by the permitting authority to submit a full permit application at this time.

ALL OTHER FACILITIES MUST COMPLETE PART 1 (LIMITED BACKGROUND INFORMATION).

FACILITY NAME AND PERMIT NUMBER:

Form Approved 1/14/99
OMB Number 2040-0086

PART 1: LIMITED BACKGROUND INFORMATION

This part should be completed only by "sludge-only" facilities - that is, facilities that do not currently have, and are not applying for, an NPDES permit for a direct discharge to a surface body of water.

For purposes of this form, the term "you" refers to the applicant. "This facility" and "your facility" refer to the facility for which application information is submitted.

1. **Facility Information.**

   a. Facility name _____

   b. Mailing Address _____

   _____

   c. Contact person _____

   Title _____

   Telephone number _____

   d. Facility Address (not P.O. B ox) _____

   _____

   e. Indicate the type of facility

   _____ Publicly owned treatment works (POTW) _____ Privately owned treatment works

   _____ Federally owned treatment works _____ Blending or treatment operation

   _____ Surface disposal site _____ Sewage sludge incinerator

   _____ Other (describe) _____

2. **Applicant Information.**

   a. Applicant name _____

   b. Mailing Address _____

   _____

   c. Contact person _____

   Title _____

   Telephone number _____

   d. Is the applicant the owner or operator (or both) of this facility?

   _____ owner _____ operator

   e. Should correspondence regarding this permit be directed to the facility or the applicant?

   _____ facility _____ applicant

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3. **Sewage Sludge Amount.** Provide the total dry metric tons per latest 365 day period of sewage sludge handled under the following practices:

a. Amount generated at the facility _____ dry metric tons
b. Amount received from off site _____ dry metric tons
c. Amount treated or blended on site _____ dry metric tons
d. Amount sold or given away in a bag or other container for application to the land _____ dry metric tons
e. Amount of bulk sewage sludge shipped off site for treatment or blending _____ dry metric tons
f. Amount applied to the land in bulk form _____ dry metric tons
g. Amount placed on a surface disposal site _____ dry metric tons
h. Amount fired in a sewage sludge incinerator _____ dry metric tons
i. Amount sent to a municipal solid waste landfill _____ dry metric tons
j. Amount used or disposed by another practice _____ dry metric tons
Describe _____

4. **Pollutant Concentrations.** Using the table below or a separate attachment, provide existing sewage sludge monitoring data for the pollutants for which limits in sewage sludge have been established in 40 CFR part 503 for this facility's expected use or disposal practices. If available, base data on three or more samples taken at least one month apart and no more than four and one-half years old.

POLLUTANT	CONCENTRATION (mg/kg dry weight)	ANALYTICAL METHOD	DETECTION LEVEL FOR ANALYSIS
ARSENIC			
CADMIUM			
CHROMIUM			
COPPER			
LEAD			
MERCURY			
MOLYBDENUM			
NICKEL			
SELENIUM			
ZINC			

5. **Treatment Provided At Your Facility.**

a. Which class of pathogen reduction does the sewage sludge meet at your facility?

_____ Class A _____ Class B _____ Neither or unknown

b. Describe, on this form or another sheet of paper, any treatment processes used at your facility to reduce pathogens in sewage sludge:

_____
_____
_____
_____
_____

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c. Which vector attraction reduction option is met for the sewage sludge at your facility?

_____ Option 1 (Minimum 38 percent reduction in volatile solids)
_____ Option 2 (Anaerobic process, with bench-scale demonstration)
_____ Option 3 (Aerobic process, with bench-scale demonstration)
_____ Option 4 (Specific oxygen uptake rate for aerobically digested sludge)
_____ Option 5 (Aerobic processes plus raised temperature)
_____ Option 6 (Raise pH to 12 and retain at 11.5)
_____ Option 7 (75 percent solids with no unstabilized solids)
_____ Option 8 (90 percent solids with unstabilized solids)
_____ Option 9 (Injection below land surface)
_____ Option 10 (Incorporation into soil within 6 hours)
_____ Option 11 (Covering active sewage sludge unit daily)
_____ None or unknown

d. Describe, on this form or another sheet of paper, any treatment processes used at your facility to reduce vector attraction properties of sewage sludge:

_____

_____

6. **Sewage Sludge Sent to Other Facilities.** Does the sewage sludge from your facility meet the Table 1 ceiling concentrations, the Table 3 pollutant concentrations, Class A pathogen requirements, and one of the vector attraction options 1-8?
_____ Yes _____ No

If yes, go to question 8 (Certification).

If no, is sewage sludge from your facility provided to another facility for treatment, distribution, use, or disposal?
_____ Yes _____ No

If no, go to question 7 (Use and Disposal Sites).

If yes, provide the following information for the facility receiving the sewage sludge:

a. Facility name _____

b. Mailing address _____

_____

c. Contact person _____

Title _____

Telephone number _____

d. Which activities does the receiving facility provide? (Check all that apply)

_____ Treatment or blending _____ Sale or give-away in bag or other container
_____ Land application _____ Surface disposal
_____ Incineration _____ Other (describe):

_____

_____

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7. **Use and Disposal Sites.** Provide the following information for each site on which sewage sludge from this facility is used or disposed:

   a. Site name or number _____

   b. Contact person _____

      Title _____

      Telephone _____

   c. Site location (Complete 1 or 2)

      1. Street or Route # _____

         County _____

         City or Town _____ State _____ Zip _____

      2. Latitude _____ Longitude _____

   d. Site type (Check all that apply)

      ____ Agricultural ____ Lawn or home garden ____ Forest
      ____ Surface disposal ____ Public Contact ____ Incineration
      ____ Reclamation ____ Municipal Solid Waste Landfill ____ Other (describe): _____

8. **Certification.** Sign the certification statement below. (Refer to instructions to determine who is an officer for purposes of this certification.)

   I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with the system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

   Name and official title _____

   Signature _____

   Telephone number _____

   Date signed _____

SEND COMPLETED FORMS TO:

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PART 2: PERMIT APPLICATION INFORMATION

Complete this part if you have an effective NPDES permit or have been directed by the permitting authority to submit a full permit application at this time. In other words, complete this part if your facility has, or is applying for, an NPDES permit.

For purposes of this form, the term "you" refers to the applicant. "This facility" and "your facility" refer to the facility for which application information is submitted.

APPLICATION OVERVIEW — SEWAGE SLUDGE USE OR DISPOSAL INFORMATION

Part 2 is divided into five sections (A-E). Section A pertains to all applicants. The applicability of Sections B, C, D, and E depends on your facility's sewage sludge use or disposal practices. The information provided on this page indicates which sections of Part 2 to fill out.

1. **SECTION A: GENERAL INFORMATION.**

   Section A must be completed by all applicants

2. **SECTION B: GENERATION OF SEWAGE SLUDGE OR PREPARATION OF A MATERIAL DERIVED FROM SEWAGE SLUDGE.**

   Section B must be completed by applicants who either:

   1) Generate sewage sludge, or

   2) Derive a material from sewage sludge.

3. **SECTION C: LAND APPLICATION OF BULK SEWAGE SLUDGE.**

   Section C must be completed by applicants who either:

   1) Apply sewage to the land, or

   2) Generate sewage sludge which is applied to the land by others.

   NOTE: Applicants who meet either or both of the two above criteria are exempted from this requirement if <u>all</u> sewage sludge from their facility falls into one of the following three categories:

   1) The sewage sludge from this facility meets the ceiling and pollutant concentrations, Class A pathogen reduction requirements, and one of vector attraction reduction options 1-8, as identified in the instructions, or
   2) The sewage sludge from this facility is placed in a bag or other container for sale or give-away for application to the land, or
   3) The sewage sludge from this facility is sent to another facility for treatment or blending.

4. **SECTION D: SURFACE DISPOSAL**

   Section D must be completed by applicants who own or operate a surface disposal site.

5. **SECTION E: INCINERATION**

   Section E must be completed by applicants who own or operate a sewage sludge incinerator.

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A. GENERAL INFORMATION

All applicants must complete this section.

A.1. Facility Information.

a. Facility name _____

b. Mailing Address _____

_____

c. Contact person _____

Title _____

Telephone number _____

d. Facility Address (not P.O. Box) _____

_____

e. Is this facility a Class I sludge management facility? _____ Yes _____ No

f. Facility design flow rate: _____ mgd

g. Total population served: _____

h. Indicate the type of facility:

_____ Publicly owned treatment works (POTW) _____ Privately owned treatment works
_____ Federally owned treatment works _____ Blending or treatment operation
_____ Surface disposal site _____ Sewage sludge incinerator
_____ Other (describe) _____

A.2. Applicant Information. If the applicant is different from the above, provide the following:

a. Applicant name _____

b. Mailing Address _____

_____

c. Contact person _____

Title _____

Telephone number _____

d. Is the applicant the owner or operator (or both) of this facility?

_____ owner _____ operator

e. Should correspondence regarding this permit should be directed to the facility or the applicant.

_____ facility _____ applicant

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A.3. Permit Information.

a. Facility's NPDES permit number (if applicable): _____

b. List, on this form or an attachment, all other Federal, State, and local permits or construction approvals received or applied for that regulate this facility's sewage sludge management practices:

Permit Number	Type of Permit
_____	_____
_____	_____
_____	_____

A.4. Indian Country. Does any generation, treatment, storage, application to land, or disposal of sewage sludge from this facility occur in Indian Country?

_____Yes _____No If yes, describe: _____

_____

A.5. Topographic Map. Provide a topographic map or maps (or other appropriate map(s) if a topographic map is unavailable) that show the following information. Map(s) should include the area one mile beyond all property boundaries of the facility:

a. Location of all sewage sludge management facilities, including locations where sewage sludge is stored, treated, or disposed.

b. Location of all wells, springs, and other surface water bodies, listed in public records or otherwise known to the applicant within 1/4 mile of the facility property boundaries.

A.6. Line Drawing. Provide a line drawing and/or a narrative description that identifies all sewage sludge processes that will be employed during the term of the permit, including all processes used for collecting, dewatering, storing, or treating sewage sludge, the destination(s) of all liquids and solids leaving each unit, and all methods used for pathogen reduction and vector attraction reduction.

A.7. Contractor Information.

Are any operational or maintenance aspects of this facility related to sewage sludge generation, treatment, use or disposal the responsibility of a contractor? _____Yes _____No

If yes, provide the following for each contractor (attach additional pages if necessary):

a. Name _____

b. Mailing Address _____

_____

c. Telephone Number _____

d. Responsibilities of contractor _____

_____

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A.8. Pollution Concentrations: Using the table below or a separate attachment, provide sewage sludge monitoring data for the pollutants for which limits in sewage sludge have been established in 40 CFR Part 503 for this facility's expected use or disposal practices. All data must be based on three or more samples taken at least one month apart and must be no more than four and one-half years old.

POLLUTANT	CONCENTRATION (mg/kg dry weight)	ANALYTICAL METHOD	DETECTION LEVEL FOR ANALYSIS
ARSENIC			
CADMIUM			
CHROMIUM			
COPPER			
LEAD			
MERCURY			
MOLYBDENUM			
NICKEL			
SELENIUM			
ZINC			

A.9. Certification. Read and submit the following certification statement with this application. Refer to the instructions to determine who is an officer for purposes of this certification. Indicate which parts of Form 2S you have completed and are submitting:

_____ Part 1 Limited Background Information packet

Part 2 Permit Application Information packet:

_____ Section A (General Information)

_____ Section B (Generation of Sewage Sludge or Preparation of a Material Derived from Sewage Sludge)

_____ Section C (Land Application of Bulk Sewage Sludge)

_____ Section D (Surface Disposal)

_____ Section E (Incineration)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with the system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and official title _____

Signature _____ Date signed _____

Telephone number _____

Upon request of the permitting authority, you must submit any other information necessary to assess sewage sludge use or disposal practices at your facility or identify appropriate permitting requirements.

SEND COMPLETED FORMS TO:

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B. GENERATION OF SEWAGE SLUDGE OR PREPARATION OF A MATERIAL DERIVED FROM SEWAGE SLUDGE

Complete this section if your facility generates sewage sludge or derives a material from sewage sludge.

B.1. Amount Generated On Site.

Total dry metric tons per 365-day period generated at your facility: _____ dry metric tons

B.2. Amount Received from Off Site. If your facility receives sewage sludge from another facility for treatment, use, or disposal, provide the following information for each facility from which sewage sludge is received. If you receive sewage sludge from more than one facility, attach additional pages as necessary.

a. Facility name _____

b. Mailing Address _____

_____

c. Contact person _____

Title _____

Telephone number _____

d. Facility Address (not P.O. Box) _____

_____

e. Total dry metric tons per 365-day period received from this facility: _____ dry metric tons

f. Describe, on this form or on another sheet of paper, any treatment processes known to occur at the off-site facility, including blending activities and treatment to reduce pathogens or vector attraction characteristics.

_____

_____

B.3. Treatment Provided At Your Facility.

a. Which class of pathogen reduction is achieved for the sewage sludge at your facility?

_____ Class A _____ Class B _____ Neither or unknown

b. Describe, on this form or another sheet of paper, any treatment processes used at your facility to reduce pathogens in sewage sludge:

_____

_____

c. Which vector attraction reduction option is met for the sewage sludge at your facility?

_____ Option 1 (Minimum 38 percent reduction in volatile solids)
_____ Option 2 (Anaerobic process, with bench-scale demonstration)
_____ Option 3 (Aerobic process, with bench-scale demonstration)
_____ Option 4 (Specific oxygen uptake rate for aerobically digested sludge)
_____ Option 5 (Aerobic processes plus raised temperature)
_____ Option 6 (Raise pH to 12 and retain at 11.5)
_____ Option 7 (75 percent solids with no unstabilized solids)
_____ Option 8 (90 percent solids with unstabilized solids)
_____ None or unknown

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B.3. Treatment Provided At Your Facility. (con't)

d. Describe, on this form or another sheet of paper, any treatment processes used at your facility to reduce vector attraction properties of sewage sludge:

_____

_____

e. Describe, on this form or another sheet of paper, any other sewage sludge treatment or blending activities not identified in (a) - (d) above:

_____

_____

Complete Section B.4 if sewage sludge from your facility meets the ceiling concentrations in Table 1 of 40 CFR 503.13, the pollutant concentrations in Table 3 of §503.13, the Class A pathogen reduction requirements in §503.32(a), and one of the vector attraction reduction requirements in § 503.33(b)(1)-(8) and is land applied. Skip this section if sewage sludge from your facility does not meet all of these criteria.

B.4. Preparation of Sewage Sludge Meeting Ceiling and Pollutant Concentrations, Class A Pathogen Requirements, and One of Vector Attraction Reduction Options 1-8.

a. Total dry metric tons per 365-day period of sewage sludge subject to this section that is applied to the land: _____ dry metric tons

b. Is sewage sludge subject to this section placed in bags or other containers for sale or give-away for application to the land?

_____Yes _____No

Complete Section B.5. if you place sewage sludge in a bag or other container for sale or give-away for land application. Skip this section if the sewage sludge is covered in Section B.4.

B.5. Sale or Give-Away in a Bag or Other Container for Application to the Land.

a. Total dry metric tons per 365-day period of sewage sludge placed in a bag or other container at your facility for sale or give-away for application to the land: _____ dry metric tons

b. Attach, with this application, a copy of all labels or notices that accompany the sewage sludge being sold or given away in a bag or other container for application to the land.

Complete Section B.6 if sewage sludge from your facility is provided to another facility that provides treatment or blending. This section does not apply to sewage sludge sent directly to a land application or surface disposal site. Skip this section if the sewage sludge is covered in Sections B.4 or B.5. If you provide sewage sludge to more than one facility, attach additional pages as necessary.

B.6. Shipment Off Site for Treatment or Blending.

a. Receiving facility name _____

b. Mailing address _____

_____

c. Contact person _____

Title _____

Telephone number _____

d. Total dry metric tons per 365-day period of sewage sludge provided to receiving facility: _____

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B.6. Shipment Off Site for Treatment or Blending. (con't)

e. Does the receiving facility provide additional treatment to reduce pathogens in sewage sludge from your facility? ____ Yes ____ No

Which class of pathogen reduction is achieved for the sewage sludge at the receiving facility?

_____ Class A _____ Class B _____ Neither or unknown

Describe, on this form or another sheet of paper, any treatment processes used at the receiving facility to reduce pathogens in sewage sludge:

_____

_____

f. Does the receiving facility provide additional treatment to reduce vector attraction characteristics of the sewage sludge?
_____Yes _____No

Which vector attraction reduction option is met for the sewage sludge at the receiving facility?

_____ Option 1 (Minimum 38 percent reduction in volatile solids)
_____ Option 2 (Anaerobic process, with bench-scale demonstration)
_____ Option 3 (Aerobic process, with bench-scale demonstration)
_____ Option 4 (Specific oxygen uptake rate for aerobically digested sludge)
_____ Option 5 (Aerobic processes plus raised temperature)
_____ Option 6 (Raise pH to 12 and retain at 11.5)
_____ Option 7 (75 percent solids with no unstabilized solids)
_____ Option 8 (90 percent solids with unstabilized solids)
_____ None

Describe, on this form or another sheet of paper, any treatment processes used at the receiving facility to reduce vector attraction properties of sewage sludge.

_____

_____

g. Does the receiving facility provide any additional treatment or blending activities not identified in (c) or (d) above? ____ Yes ____ No

If yes, describe, on this form or another sheet of paper, the treatment or blending activities not identified in (c) or (d) above:

_____

_____

h. If you answered yes to (e), (f), or (g), attach a copy of any information you provide the receiving facility to comply with the "notice and necessary information" requirement of 40 CFR 503.12(g).

i. Does the receiving facility place sewage sludge from your facility in a bag or other container for sale or give-away for application to the land? _____ Yes _____ No

If yes, provide a copy of all labels or notices that accompany the product being sold or given away.

Complete Section B.7 if sewage sludge from your facility is applied to the land, unless the sewage sludge is covered in:

- **Section B.4 (it meets Table 1 ceiling concentrations, Table 3 pollutant concentrations, Class A pathogen requirements, and one of vector attraction reduction options 1-8); or**
- **Section B.5 (you place it in a bag or other container for sale or give-away for application to the land); or**
- **Section B.6 (you send it to another facility for treatment or blending).**

B.7. Land Application of Bulk Sewage Sludge.

a. Total dry metric tons per 365-day period of sewage sludge applied to all land application sites: _____ dry metric tons

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B.7. Land Application of Bulk Sewage Sludge. (con't)

b. Do you identify all land application sites in Section C of this application? _____ Yes _____ No

If no, submit a copy of the land application plan with application (see instructions).

c. Are any land application sites located in States other than the State where you generate sewage sludge or derive a material from sewage sludge? _____ Yes _____ No

If yes, describe, on this form or another sheet of paper, how you notify the permitting authority for the States where the land application sites are located. Provide a copy of the notification.

_____

_____

Complete Section B.8 if sewage sludge from your facility is placed on a surface disposal site.

B.8. Surface Disposal.

a. Total dry metric tons of sewage sludge from your facility placed on all surface disposal sites per 365-day period: _____ dry metric tons

b. Do you own or operate all surface disposal sites to which you send sewage sludge for disposal?

_____ Yes _____ No

If no, answer B.8.c through B.8.f for each surface disposal site that you do not own or operate. If you send sewage sludge to more than one such surface disposal site, attach additional pages as necessary.

c. Site name or number _____

d. Contact person _____

Title _____

Telephone number _____

Contact is _____Site owner _____Site operator

e. Mailing address _____

_____

f. Total dry metric tons of sewage sludge from your facility placed on this surface disposal site per 365-day period: _____ dry metric tons

Complete Section B.9 if sewage sludge from your facility is fired in a sewage sludge Incinerator.

B.9. Incineration.

a. Total dry metric tons of sewage sludge from your facility fired in all sewage sludge incinerators per 365-day period: _____ dry metric tons

b. Do you own or operate all sewage sludge incinerators in which sewage sludge from your facility is fired? _____ Yes _____ No

If no, complete B.9.c through B.9.f for each sewage sludge incinerator that you do not own or operate. If you send sewage sludge to more than one such sewage sludge incinerator, attach additional pages as necessary.

c. Incinerator name or number: _____

d. Contact person: _____

Title: _____

Telephone number: _____

Contact is: _____ Incinerator owner _____ Incinerator operator

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B.9. Incineration. (con't)

e. Mailing address: _____

_____

f. Total dry metric tons of sewage sludge from your facility fired in this sewage sludge incinerator per 365-day period: _____ dry metric tons

Complete Section B.10 if sewage sludge from this facility is placed on a municipal solid waste landfill.

B.10. Disposal in a Municipal Solid Waste Landfill. Provide the following information for each municipal solid waste landfill on which sewage sludge from your facility is placed. If sewage sludge is placed on more than one municipal solid waste landfill, attach additional pages as necessary.

a. Name of landfill _____

b. Contact person _____

Title _____

Telephone number _____

Contact is _____ Landfill owner _____ Landfill operator

c. Mailing address _____

_____

d. Location of municipal solid waste landfill:

Street or Route # _____

County _____

City or Town _____ State _____ Zip _____

e. Total dry metric tons of sewage sludge from your facility placed in this municipal solid waste landfill per 365-day period:

_____ dry metric tons

f. List, on this form or an attachment, the numbers of all other Federal, State, and local permits that regulate the operation of this municipal solid waste landfill.

Permit Number	Type of Permit
_____	_____
_____	_____
_____	_____

g. Submit, with this application, information to determine whether the sewage sludge meets applicable requirements for disposal of sewage sludge in a municipal solid waste landfill (e.g., results of paint filter liquids test and TCLP test)

h. Does the municipal solid waste landfill comply with applicable criteria set forth in 40 CFR Part 258?

_____ Yes _____ No

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C. LAND APPLICATION OF BULK SEWAGE SLUDGE

Complete Section C for sewage sludge that is applied to the land, unless any of the following conditions apply:

- **The sewage sludge meets the Table 1 ceiling concentrations, the Table 3 pollutant concentrations, Class A pathogen requirements, and one of vector attraction reduction options 1-8 (fill out B.4 Instead); or**
- **The sewage sludge is sold or given away in a bag or other container for application to the land (fill out B.5 Instead); or**
- **You provide the sewage sludge to another facility for treatment or blending (fill out B.6 instead).**

Complete Section C for every site on which the sewage sludge that you reported in Section B.7 is applied.

C.1. Identification of Land Application Site.

a. Site name or number _____

b. Site location (Complete 1 and 2).

1. Street or Route # _____

County _____

City or Town _____ State _____ Zip _____

2. Latitude _____ Longitude _____

Method of latitude/longitude determination

_____ USGS map _____ Field survey _____ Other

c. Topographic map. Provide a topographic map (or other appropriate map if a topographic map is unavailable) that shows the site location.

C.2. Owner Information.

a. Are you the owner of this land application site? _____ Yes _____ No

b. If no, provide the following information about the owner:

Name _____

Telephone number _____

Mailing Address _____

_____

C.3. Applier Information.

a. Are you the person who applies, or who is responsible for application of, sewage sludge to this land application site?
_____ Yes _____ No

b. If no, provide the following information for the person who applies:

Name _____

Telephone number _____

Mailing Address _____

_____

C.4. Site Type: Identify the type of land application site from among the following.

_____ Agricultural land _____ Forest _____ Public contact site

_____ Reclamation site _____ Other. Describe: _____

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C.5. Crop or Other Vegetation Grown on Site.

a. What type of crop or other vegetation is grown on this site?

_____

b. What is the nitrogen requirement for this crop or vegetation?

_____

C.6. Vector Attraction Reduction.

Are any vector attraction reduction requirements met when sewage sludge is applied to the land application site?
_____ Yes _____ No

If yes, answer C.6.a and C.6.b;

a. Indicate which vector attraction reduction option is met:

_____ Option 9 (Injection below land surface)

_____ Option 10 (Incorporation into soil within 6 hours)

b. Describe, on this form or another sheet of paper, any treatment processes used at the land application site to reduce vector attraction properties of sewage sludge:

_____

_____

Complete Question C.7 only if the sewage sludge applied to this site since July 20, 1993, is subject to the cumulative pollutant loading rates (CPLRs) in 40 CFR 503.13(b)(2).

C.7. Cumulative Loadings and Remaining Allotments.

a. Have you contacted the permitting authority in the State where the bulk sewage sludge subject to CPLRs will be applied, to ascertain whether bulk sewage sludge subject to CPLRs has been applied to this site on or since July 20, 1993? _____ Yes _____ No

If no, sewage sludge subject to CPLRs may not be applied to this site.

If yes, provide the following information:

Permitting authority _____

Contact Person _____

Telephone number _____

b. Based upon this inquiry, has bulk sewage sludge subject to CPLRs been applied to this site since July 20, 1993?
_____ Yes _____ No

If no, skip C.7.c.

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c. Provide the following information for every facility other than yours that is sending, or has sent, bulk sewage sludge to CPLRs to this site since July 20, 1993. If more than one such facility sends sewage sludge to this site, attach additional pages as necessary.

Facility name _____

Mailing Address _____

_____

Contact person _____

Title _____

Telephone number _____

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D. SURFACE DISPOSAL

Complete this section if you own or operate a surface disposal site.

Complete Sections D.1 - D.5 for each active sewage sludge unit.

D.1. Information on Active Sewage Sludge Units.

a. Unit name or number: _____

b. Unit location (Complete 1 and 2).

1. Street or Route # _____

County _____

City or Town _____ State _____ Zip _____

2. Latitude_____ Longitude_____

Method of latitude/longitude determination: _____ USGS map _____ Field survey _____ Other

c. Topographic map. Provide a topographic map (or other appropriate map if a topographic map is unavailable) that shows the site location.

d. Total dry metric tons of sewage sludge placed on the active sewage sludge unit per 365-day period: _____ dry metric tons

e. Total dry metric tons of sewage sludge placed on the active sewage sludge unit over the life of the unit: _____ dry metric tons

f. Does the active sewage sludge unit have a liner with a maximum hydraulic conductivity of 1×10^{-7} cm/sec? _____ Yes _____ No

If yes, describe the liner (or attach a description):

_____

_____

g. Does the active sewage sludge unit have a leachate collection system? _____ Yes _____ No

If yes, describe the leachate collection system (or attach a description). Also describe the method used for leachate disposal and provide the numbers of any Federal, State, or local permit(s) for leachate disposal:

_____

_____

h. If you answered no to either D.1.f. or D.1.g., answer the following question:

Is the boundary of the active sewage sludge unit less than 150 meters from the property line of the surface disposal site?
_____ Yes _____ No

If yes, provide the actual distance in meters: _____

Provide the following information:

Remaining capacity of active sewage sludge unit, in dry metric tons: _____ dry metric tons

Anticipated closure date for active sewage sludge unit, if known: _____ (MM/DD/YYYY)

Provide, with this application, a copy of any closure plan that has been developed for this active sewage sludge unit.

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D.2. Sewage Sludge from Other Facilities. Is sewage sent to this active sewage sludge unit from any facilities other than your facility?

_____ Yes _____ No

If yes, provide the following information for each such facility. If sewage sludge is sent to this active sewage sludge unit from more than one such facility, attach additional pages as necessary.

a. Facility name _____

b. Mailing Address _____

_____

c. Contact person _____

Title _____

Telephone number _____

d. Which class of pathogen reduction is achieved before sewage sludge leaves the other facility?

_____ Class A _____ Class B _____ None or unknown

e. Describe, on this form or another sheet of paper, any treatment processes used at the other facility to reduce pathogens in sewage sludge:

_____

_____

f. Which vector attraction reduction option is met for the sewage sludge at the receiving facility?

_____ Option 1 (Minimum 38 percent reduction in volatile solids)
_____ Option 2 (Anaerobic process, with bench-scale demonstration)
_____ Option 3 (Aerobic process, with bench-scale demonstration)
_____ Option 4 (Specific oxygen uptake rate for aerobically digested sludge)
_____ Option 5 (Aerobic processes plus raised temperature)
_____ Option 6 (Raise pH to 12 and retain at 11.5)
_____ Option 7 (75 percent solids with no unstabilized solids)
_____ Option 8 (90 percent solids with unstabilized solids)
_____ None or unknown

g. Describe, on this form or another sheet of paper, any treatment processes used at the receiving facility to reduce vector attraction properties of sewage sludge

_____

_____

h. Describe, on this form or another sheet of paper, any other sewage sludge treatment activities performed by the other facility that are not identified in (d) - (g) above:

_____

_____

D.3. Vector Attraction Reduction

a. Which vector attraction option, if any, is met when sewage sludge is placed on this active sewage sludge unit?

_____ Option 9 (Injection below and surface)
_____ Option 10 (Incorporation into soil within 6 hours)
_____ Option 11 (Covering active sewage sludge unit daily)

FACILITY NAME AND PERMIT NUMBER:

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D.3. Vector Attraction Reduction. (con't)

b. Describe, on this form or another sheet of paper, any treatment processes used at the active sewage sludge unit to reduce vector attraction properties of sewage sludge:

_____

_____

D.4. Ground-Water Monitoring.

a. Is ground-water monitoring currently conducted at this active sewage sludge unit, or are ground-water monitoring data otherwise available for this active sewage sludge unit?
_____ Yes _____ No

If yes, provide a copy of available ground-water monitoring data. Also, provide a written description of the well locations, the approximate depth to ground-water, and the ground-water monitoring procedures used to obtain these data.

_____

_____

b. Has a ground-water monitoring program been prepared for this active sewage sludge unit? _____ Yes _____ No

If yes, submit a copy of the ground-water monitoring program with this permit application.

c. Have you obtained a certification from a qualified ground-water scientist that the aquifer below the active sewage sludge unit has not been contaminated? _____ Yes _____ No

If yes, submit a copy of the certification with this permit application.

D.5. Site-Specific Limits. Are you seeking site-specific pollutant limits for the sewage sludge placed on the active sewage sludge unit?
_____ Yes _____ No

If yes, submit information to support the request for site-specific pollutant limits with this application.

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E. INCINERATION

Complete this section if you fire sewage sludge in a sewage sludge incinerator.

Complete this section once for each incinerator in which you fire sewage sludge. If you fire sewage sludge in more than one sewage sludge incinerator, attach additional copies of this section s necessary.

E.1. Incinerator Information.

a. Incinerator name or number: _____

b. Incinerator location (Complete 1 and 2).

1. Street or Route # _____

County _____

City or Town _____ State _____ Zip _____

2. Latitude_____ Longitude_____

Method of latitude/longitude determination: _____ USGS map _____ Field survey _____ Other

E.2. Amount Fired. Dry metric tons per 365-day period of sewage sludge fired in the sewage sludge incinerator: _____ dry metric tons

E.3. Beryllium NESHAP.

a. Is the sewage sludge fired in this incinerator "beryllium-containing waste," as defined in 40 CFR Part 61.31? _____ Yes _____ No

Submit, with this application, information, test data, and description of measures taken that demonstrate whether the sewage sludge incinerated is beryllium-containing waste, and will continue to remain as such.

b. If the answer to (a) is yes, **submit with this application** a complete report of the latest beryllium emission rate testing and documentation of ongoing incinerator operating parameters indicating that the NESHAP emission rate limit for beryllium has been and will continue to be met.

E.4. Mercury NESHAP.

a. How is compliance with the mercury NESHAP being demonstrated?

_____ Stack testing (if checked, complete E.4.b)

_____ Sewage sludge sampling (if checked, complete E.4.c)

b. If stack testing is conducted, submit the following information with this application:

A complete report of stack testing and documentation of ongoing incinerator operating parameters indicating that the incinerator has met, and will continue to meet, the mercury NESHAP emission rate limit.

Copies of mercury emission rate tests for the two most recent years in which testing was conducted.

c. If sewage sludge sampling is used to demonstrate compliance, submit a complete report of sewage sludge sampling and documentation of ongoing incinerator operating parameters indicating that the incinerator has met, and will continue to meet the mercury NESHAP emission rate limit.

E.5. Dispersion Factor.

a. Dispersion factor, in micrograms/cubic meter per gram/second: _____

b. Name and type of dispersion model: _____

c. Submit a copy of the modeling results and supporting documentation with this application.

FACILITY NAME AND PERMIT NUMBER:

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E.6. Control Efficiency.

a. Control efficiency, in hundredths, for the following pollutants:

Arsenic: _____ Chromium: _____ Nickel: _____

Cadmium: _____ Lead: _____

b. Submit a copy of the results or performance testing and supporting documentation (including testing dates) with this application.

E.7. Risk Specific Concentration for Chromium.

a. Risk specific concentration (RSC) used for chromium, in micrograms per cubic meter: _____

b. Which basis was used to determine the RSC?

____Table 2 in 40 CFR 503.43

____Equation 6 in 40 CFR 503,43 (site-specific determination)

c. If Table 2 was used, identify the type of incinerator used as the basis:

____Fluidized bed with wet scrubber

____Fluidized bed with wet scrubber and wet electrostatic precipitator

____Other types with wet scrubber

____Other types with wet scrubber and wet electrostatic precipitator

d. If Equation 6 was used, provide the following:

Decimal fraction of hexavalent chromium concentration to total chromium concentration in stack exit gas: _____

Submit results of incinerator stack tests for hexavalent and total chromium concentrations, including date(s) of test, with this application.

E.8. Incinerator Parameters

a. Do you monitor Total Hydrocarbons (THC) in the sewage sludge incinerator's exit gas? _____ Yes _____ No

Do you monitor Carbon Monoxide (CO) in the sewage sludge incinerator's exit gas? _____ Yes _____ No

b. Incinerator type: _____

c. Incinerator stack height, in meters: _____

Indicate whether value submitted is: _____ Actual stack height _____ Creditable stack height

E.9. Performance Test Operating Parameters

a. Maximum Performance Test Combustion Temperature: _____

b. Performance test sewage sludge feed rate, in dry metric tons/day: _____

indicate whether value submitted is:

_____ Average use _____ Maximum design

Submit, with this application, supporting documents describing how the feed rate was calculated.

c. Submit, with this application, information documenting the performance test operating parameters for the air pollution control device(s) used for this sewage sludge incinerator.

FACILITY NAME AND PERMIT NUMBER:

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E.10. **Monitoring Equipment.** List the equipment in place to monitor the following parameters:

a. Total hydrocarbons or carbon monoxide: _____

b. Percent oxygen: _____

c. Moisture content: _____

d. Combustion temperature: _____

e. Other: _____

E.11. **Air Pollution Control Equipment.** Submit, with this application, a list of all air pollution control equipment used with this sewage sludge incinerator.

_____

_____

_____

_____

BILLING CODE 6560–50–C

Instructions for Completing Form 2S—Application for a Sewage Sludge Permit

Paperwork Reduction Act Notice: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 9.4 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Send comments regarding the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OP Regulatory Information Division, U.S. Environmental Protection Agency (2137), 401 M St., S.W., Washington, DC 20460. Include the OMB control number in any correspondence. Do not send the completed Form 2S to this address.

Background Information

You can obtain a permit for your facility by filling out and sending in the appropriate form(s) to your permitting authority. If the State in which your facility is located operates its own authorized sewage sludge program, then the State is your permitting authority and you should ask your State for permit application forms. On the other hand, if EPA operates the sewage sludge program in your State, then EPA is the permitting authority, and you must fill out and send in Form 2S.

Be sure to read the Preliminary Information section of Form 2S before you start filling out the form. It will help you determine whether you must fill out Part 1 or Part 2.

Commonly Asked Questions

What If I Need More Space for My Answer?

If you need more room for your answer than is provided on the form, attach a separate sheet called ''Additional Information.'' At the top of the separate sheet, put the name of your treatment works and your facility's NPDES permit number (if you have one). Also, next to your answer, put the question number from Form 2S. Provide this information on any drawings or other papers that you attach to your application as well.

Will the Public Be Able To See the Information I Submit?

Any information you submit on Form 2S will be available to the public. If you send in more information than is requested on Form 2S that is considered company-privileged information, you may ask EPA to keep that extra information confidential. If you want any of the extra information to be kept confidential, tell EPA this when you submit your application. Otherwise, EPA may make the information public without letting you know in advance. For more information on claims of confidentiality, see EPA's business confidentiality regulations at Title 40, Part 2 of the Code of Federal Regulations (CFR).

How Do I Complete the Forms?

Answer every question on Form 2S that applies to your facility. If your answer to a question requires more room than there is on the form, attach additional sheets (see above). If a particular question does not apply, write ''N/A'' (meaning ''not applicable'') as your answer to that question. If you need advice on how to fill out these forms, write or contact your EPA Regional Office or your State office.

Who Must Submit Application Information?

This application form collects information from all treatment works treating domestic sewage (TWTDS) whose sewage sludge use or disposal method is regulated by 40 CFR Part 503. This includes the following:

- Any person who generates sewage sludge that is ultimately regulated by Part 503 (i.e., it is applied to the land, placed on a surface disposal site, fired in a sewage sludge incinerator, or placed in a municipal solid waste landfill unit);
- Any person who derives material from, or otherwise changes the quality of, sewage sludge (e.g., an intermediate treatment facility such as a composting facility, or a facility that processes sewage sludge for sale or give away in a bag or other container for application to the land), if that sewage sludge is used or disposed in a manner subject to Part 503;
- Any person who owns or operates a sewage sludge surface disposal site; and
- Any person who fires sewage sludge in a sewage sludge incinerator.

In addition, the permitting authority can require other persons to submit permit application information.

Which Parts of the Form Apply?

Form 2S is presented in a modular format, enabling information collection to be tailored to your facility's sewage sludge generation, treatment, use, or disposal practices. The form tells you which parts must be filled out for each type of applicant.

Part 1 requests a limited amount of information from ''sludge-only'' facilities (facilities without a currently effective NPDES permit) that are not directed by the permitting authority to submit a full permit application at this time. This limited screening information must be submitted as expeditiously as possible, but no later than 180 days after publication of an applicable use or disposal standard or 180 days before commencing operation for a new ''sludge-only facility''. It is intended to allow the permitting authority to identify these facilities, track sewage sludge use and disposal, and establish priorities for permitting.

Part 2 of Form 2S is for facilities that are submitting a full permit application at this time. Review items 1–5 of the Part 2 Application Overview on plage 6 of Form 2S to determine which sections of Part 2 cover your facility's sewage sludge use or disposal practices. The table below summarizes which sections cover which activities.

Guidelines for Completing Part 2

Activity(ies) performed	A	B	C	D	E
Generates sewage sludge or derives material from sewage sludge—	✔	✔ (B.1–B.3)			

Guidelines for Completing Part 2—Continued

Activity(ies) performed	A	B	C	D	E
that meets ceiling concentrations in Table 1 of 40 CFR 503.13, pollutant concentrations in Table 3 of § 503.13, Class A pathogen requirements in § 503.32, and one of the eight vector attraction reduction options in § 503.33(b)(1)–(8).	✔	✔ (B.4)			
that is sold or given away in bag or other container for application to the land	✔	✔ (B.5)			
that is shipped off site for treatment or blending	✔	✔ (B.6)			
that is applied to the land in bulk form	✔	✔ (B.7)	✔		
that is placed on a surface disposal site	✔	✔ (B.8)			
that is fired in a sewage sludge incinerator	✔	✔ (B.9)			
that is sent to a municipal solid waste landfill	✔	✔ (B.10)			
Applies bulk sewage sludge to land	✔		✔		
Owns or operates a surface disposal site	✔			✔	
Fires sewage sludge in a sewage sludge incinerator	✔				✔

Additional Information and Instructions

The following section provides clarification and additional information for many of the questions on Form 2S. All applicants must also be in compliance with the Standards for the Use or Disposal of Sewage Sludge, published at 40 CFR Part 503 (58 FR 9248). Most of the terms used in Form 2S are defined in §§ 503.9, 503.11, 503.21, and 503.41. Additional terms are defined in the NPDES regulations at 40 CFR 122.2.

General Information for All Parts of Form 2S

- At the top of each page of Form 2S, put your facilities NPDES permit number (if you have one) in the appropriate space.
- Always report official names rather than colloquial names.
- When a facility address or site location is requested (as opposed to a mailing address) provide the physical location of the facility. If the facility or site lacks a street address or route number, provide the most accurate alternative geographic information (e.g., township and range, section or quarter section number, or nearby highway intersection).
- Options for meeting Class A pathogen reduction are listed at 40 CFR Part 503.32(a). Options for meeting Class B pathogen reduction are listed at § 503.32(b).
- Vector Attraction Reduction Options 1–8 are typically met at the point where sewage sludge is generated or where a material is derived from sewage sludge, and Options 9–11 are typically met at the point of use or disposal.
- If a map is used to obtain latitude and longitude, provide map datum (e.g., NAD 27, NAD 83) and map scale (e.g., 1:24000, 1:100000).
- When asked for population enter the best estimate of the actual population served at the time of application for all areas served by the treatment works (municipalities and unincorporated service areas). If another treatment works discharges into this treatment works, provide on a separate attachment the name of the other treatment works and the actual population it serves (it is not necessary to list the communities served by the other treatment works).
- When asked to submit a topographic map, make sure each map includes the map scale, a meridian arrow showing north, and latitude and longitude at the nearest whole second. Use a 7½-minute series map published by the U.S. Geological Survey (USGS), which may be obtained through the USGS Earth Science Information Center (ESIC) listed below. If a 7½-minute series map has not been published for your facility site, then you may use a 15-minute series map from the U.S. Geological Survey. If neither a 7½-minute nor 15-minute series map has been published for your facility site, use a plat map or other appropriate map, including all the requested information. If you have previously prepared a map that includes the required items, that map may be submitted to fulfill this requirement if it is still accurate.
- Maps may be purchased at local dealers (listed in your local yellow pages) or purchased over the counter at the following USGS Earth Science Information Centers (ESIC):

Anchorage—ESIC, 4230 University Dr., Rm. 101, Anchorage, AK 99508–4664, (907) 786–7011.
Lakewood—ESIC, Box 25046, Bldg. 25, Rm. 1813, Denver Federal Center, MS 504, Denver, CO 80225–0046, (303) 236–5829.
Lakewood Open Files—ESIC, Box 25286, Bldg. 810, Denver Federal Center, Denver, CO.
Menlo Park—ESIC, Bldg. 3, Rm. 3128, MS 532, 345 Middlefield Rd., Menlo Park, CA 94025–3591, (415) 329–4309.
Reston—ESIC, 507 National Center, Reston, VA 22092, (703) 648–6045.
Rolla—ESIC, 1400 Independence Rd., MS 231, Rolla, MO 65401–2602, (314) 341–0851.
Salt Lake City—ESIC, 2222 West 2300 South, Salt Lake City, UT 84119, (801) 975–3742.
Sioux Falls—ESIC, EROS Data Center, Sioux Falls, SD 57198–0001, (605) 594–6151.
Spokane—ESIC, U.S. Post Office Bldg., Rm. 135, 904 W. Riverside Ave., Spokane, WA 99201–1088, (509) 3532524.
Stennis Space Center—ESIC, Bldg. 3101, Stennis Space Center, MS 39529, (601) 688–3541.
Washington, D.C.—ESIC, U.S. Dept. of Interior, 1849 C St., NW, Rm. 2650, Washington, D.C. 20240, (202) 208–4047.

When submitting a map as few sheets as necessary should be used to clearly show what is involved. Each sheet should be labeled with your facility's name, permit number, location (city, county, or town), date of drawing, and designation of the number of sheets of each diagram as ''page ____ of ____.''

- The certification requirements are as follows:

An application submitted by a *municipality, State, Federal, or other public agency* must be signed by either a principal executive officer or ranking elected official. A principal executive officer of a Federal agency includes: (1) The chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

An application submitted by a *corporation* must be signed by a responsible corporate officer. A responsible corporate officer means: (1) A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions; or (2) the

manager of manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

An application submitted by a *partnership or sole proprietorship* must be signed by a general partner or the proprietor, respectively.

Information on Specific Sections of Form 2S

Section B (Generation of Sewage Sludge or Preparation of a Material Derived From Sewage Sludge)

Complete this section if you are a ''person who prepares sewage sludge.'' This section pertains to any POTW or other TWTDS that generates sewage sludge, as well as to any facility that derives a material from sewage sludge (e.g., it composts sewage sludge or blends sewage sludge with another material). Simply distributing sewage sludge or placing it in a bag or other container for sale or give-away for application to the land is not considered ''deriving a material'' from sewage sludge (because it does not change sludge quality), and thus a facility that only distributes or bags a sewage sludge is not required to provide the information in this section.

B.4. Preparation of Sewage Sludge Meeting Ceiling and Pollutant Concentrations, Class A Pathogen Requirements, and One of Vector Attraction Options 1–8

Sewage sludge meeting *all* of these criteria is often referred to as ''exceptional quality (EQ)''. It is exempt from the general requirements of § 503.12 and the management practices of § 503.14, and thus fewer permitting and permit application requirements typically pertain to facilities generating such sludge. For this reason, if you are eligible to complete Section B.4, *you may skip Sections B.5–B.7* unless specifically required to complete any of them by the permitting authority.

B.5. Sale or Give-Away in a Bag or Other Container for Application to the Land

When sewage sludge is placed in a bag or other container for sale or give-away for application to the land, either a label must be affixed to the bag or other container, or an information sheet must be provided to the person receiving the sewage sludge. The information that must be on the label or information sheet is listed at 40 CFR Part 503.14(e).

B.7. Land Application of Bulk Sewage Sludge

If you complete this section (which requests summary information for all bulk sewage sludge that is applied to the land), also complete Section C for each land application site. Current regulations require you to submit a *land application plan* at the time of permit application if you intend to apply sewage sludge that does not meet the EQ requirements to land application sites that have not been identified at the time of permit application. The minimum requirements for this plan are listed in § 122.21(q)(9)(v). The permit writer will work with you to develop additional details of the land application plan on a case-by-case basis. Such details could include site selection criteria (site slope, run-on and run-off control, etc.) and site management guidelines (sludge application rates, access controls, etc.). A land application plan provides for public notice when the land application plan is developed as part of the permit, and it discusses how the public will be notified about new sites. If any land application sites are located in States other than the State where you generate the bulk sewage sludge or derive the material from sewage sludge, the notice to the permitting authority in the States where the land application sites are located must contain the requirements listed at § 503.12(i).

B.8. Surface Disposal

If you own or operate a surface disposal site, also complete Section D.

B.9. Incineration

If you own or operate a sewage sludge incinerator, also complete Section E.

B.10. Disposal on a Municipal Solid Waste Landfill

Sewage sludge placed on a MSWLF must meet requirements in Part 258 concerning the quality of materials placed on a MSWLF unit. Part 258 specifies minimum Federal criteria for MSWLFs, including landfills that accept sewage sludge along with household waste. In contrast to Part 503, Part 258 controls sewage sludge placed on MSWLFs through a facility design and management practice approach. In Part 503, EPA has adopted the Part 258 criteria as the appropriate standard for sewage sludge disposed of with municipal waste. EPA concluded that if sewage sludge is disposed of in a MSWLF complying with Part 258 criteria, public health and the environment are protected. Note that the POTW is legally responsible for knowing whether a MSWLF is in compliance with Part 258 and may be liable if it sends its sludge to an MSWLF that is not in compliance with Part 258.

Section C (Land Application of Bulk Sewage Sludge)

Complete this section if you completed Section B.7 (Land Application of Bulk Sewage Sludge). Unless the permitting authority specifically requires you to complete this section, you may skip this section for sewage sludge that is covered in any of the following sections of this application:

- *Section B.4.* Such sewage sludges are exempt from the general requirements and management practices of Part 503 when they are land applied (unless the permitting authority requires otherwise), and thus the site information in Section C is not required for permitting.
- *Section B.5* Section C does not cover the sale or give-away of sewage sludge in a bag or other container for application to the land because EPA typically will not control the users of such sewage sludge (typically, home gardeners or other small-scale users), or the land on which the sludge is applied, through the generator's permit.
- *Section B.6* Section C does not apply to a generator that sends sewage sludge to another facility for treatment or for blending, because the Part 503 requirements addressed by Section C will largely be the responsibility of the receiving facility.

Provide the information in this section for each land application site that has been identified at the time of permit application. In cases where the sewage sludge is applied to numerous sites with similar characteristics, you may combine the information for several sites under a single response (the name and address of each site must still be provided, however).

C.5. Crop or Other Vegetation Grown on Site

a. If the crop or vegetation to be grown on the site is not yet known, or is likely to change in an unforeseeable manner during the life of the permit, you may so indicate instead of providing the type of crop or other vegetation.

b. Information on the nitrogen content of vegetation grown on the site may be obtained from local agricultural extension services, a local Farm Advisor's Office, or published sources.

C.6. Vector Attraction Reduction

Options 1–8 were covered in Section B.3, which requests information on sewage sludge treatment at the facility generating the sewage sludge. If you met any of options 1–8 (e.g., processes to

reduce volatile solids, reduce specific oxygen uptake rate, raise pH, raise percent solids), you should have identified that option in Question B.3.c and described how the option is met in Question B.3.d.

By contrast, vector attraction reduction options 9 and 10 are typically met at the land application site. Options 9 and 10 are not available for sewage sludge applied to a lawn or home garden.

C.7. Cumulative Loadings and Remaining Allotments

Complete Section C.7. *only* for sewage sludge that is applied to the site subject to cumulative pollutant loading rates (CPLRs). Sewage sludge applied to the site on or before July 20, 1993, is not subject to this section. You may *not* apply bulk sewage sludge subject to CPLRs to the site until you have contacted the permitting authority in that State.

Section D (Surface Disposal)

Complete this section if you own or operate a surface disposal site and are required to submit a full permit application (i.e., Part 2 of Form 2S) at this time. A sewage sludge surface disposal site is, by definition, a treatment works treating domestic sewage, and the owner/operator of the site is required to apply for a permit. You are required to submit Part 2 of this form (including Section D) if:

- The surface disposal site is already covered by an NPDES permit (e.g., a POTW's NPDES permit); or
- You have been required by the permitting authority to submit a full permit application at this time.

If none of these criteria apply, you should submit Part 1 instead of Part 2 (and may therefore skip Section D). Part 1 requests a limited amount of information from so-called ''sludge-only'' facilities (facilities without a currently-effective NPDES permit) that are not requesting site-specific permit limits and are not otherwise required to submit a full permit application at this time. Part 1 is intended to allow the permitting authority to identify these facilities, track sewage sludge use and disposal, and establish priorities for permitting.

D.1. Information on Active Sewage Sludge Units

Most requirements for surface disposal of sewage sludge under Part 503 pertain to individual active sewage sludge units at a surface disposal site. Permit conditions for your facility may be developed on a unit-by-unit basis, or may be developed for the entire surface disposal site if all units are sufficiently similar.

D.4. Ground-Water Monitoring

Placement of sewage sludge on an active sewage sludge unit must not contaminate an aquifer. Compliance must be demonstrated through either: (1) The results of a ground-water monitoring program developed by a qualified ground-water scientist, or (2) certification by a qualified ground-water scientist that contamination has not occurred. This section solicits existing ground-water monitoring data and other documentation to indicate the potential for contamination of an aquifer at the active sewage sludge unit, and the capability of the owner/operator of the surface disposal site to demonstrate that contamination has not occurred.

D.5. Site-Specific Limits

After August 18, 1993, you are allowed to seek site-specific pollutant limits only for good cause, and must do so within 180 days of becoming aware that good cause exists. If you request site-specific pollutant limits with this permit application, you are required to submit information supporting the request, including a demonstration that existing values for site parameters specified by the permitting authority differ from the values for those parameters used to develop the pollutant limits in Table 1 of § 503.23. You must also submit follow-up information at the request of the permitting authority. If the permitting authority determines that site-specific pollutant limits are appropriate, he or she may specify site-specific limits in the permit as long as the existing concentrations of the pollutants in the sewage sludge are not exceeded.

Section E (Incineration)

Complete this section if you own or operate a sewage sludge incinerator. A sewage sludge incinerator is, by definition, a treatment works treating domestic sewage, and the owner/operator of a sewage sludge incinerator is required to submit a full permit application (i.e., Part 2 of Form 2S).

E.3. Beryllium NESHAP

The firing of sewage sludge in a sewage sludge incinerator must not violate the National Emission Standard (NESHAP) for beryllium as established in Subpart C of 40 CFR Part 61. The beryllium NESHAP only applies, however, to sewage sludge incinerators firing ''beryllium-containing waste.'' The beryllium NESHAP is 10 grams of beryllium in the exit gas over a 24-hour period, unless the incinerator owner/operator has been approved to meet a 30-day average ambient concentration limit on beryllium in the vicinity of the sewage sludge incinerator of 0.01 μg/m3. Complete this section to demonstrate compliance with the beryllium NESHAP.

E.4. Mercury NESHAP

The firing of sewage sludge in a sewage sludge incinerator must not violate the NESHAP for mercury as established in Subpart E of 40 CFR Part 61. Complete this section to demonstrate compliance with the mercury NESHAP. Information on stack testing and sewage sludge sampling can be found at 40 CFR Parts 61.53 and 61.54.

[FR Doc. 99–18866 Filed 8–3–99; 8:45 am]

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