

## Today's Speakers

- **David Hair**  
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The NPDES Permit Application Process-2

## Who Must Apply for an NPDES Permit?

- Anyone who discharges pollutants or proposes to discharge pollutants to waters of the United States [§122.21(a)] (*there are exclusions*)
  - Owner vs. operator
- Signatories [§122.22]
  - **Corporation**—responsible corporate officer (president, vice president, secretary, treasurer, some facility managers)
  - **Partnership or sole proprietorship**—general partner or the proprietor
  - **Municipality, state, federal or other public agency**—principal executive officer or ranking elected official



The NPDES Permit Application Process-3

## Exclusions—40 CFR 122.3

The following **do not** require NPDES permits:

- a. Discharge of sewage from vessels and discharges incidental to the normal operation of a vessel
- b. Discharges of dredged or fill material
- c. Indirect discharges to POTWs
- d. Discharges in compliance with instructions of an On-Scene Coordinator pursuant to 40 CFR Part 300 or 33 CFR 153.10(e)
- e. Introduction of pollutants from nonpoint source agricultural and silvicultural activities
- f. Return flows from irrigated agriculture
- g. Discharges into privately-owned treatment works [except as required pursuant to §122.44(m)]
- h. Direct application of pesticides to, over, or near water in compliance with relevant FIFRA requirements



The NPDES Permit Application Process-4

## When to Apply

Type of Permit	Type of Discharge	Schedule*
Individual	New	At least 180 days before date on which the discharge is to commence [§122.21(c)]
	Existing	At least 180 days before expiration of existing permit [§122.21(d)]
	Construction Stormwater	At least 90 days before date on which construction is to commence [§122.21(c)]
General	New	Specified in general permit
	Existing	X number of days following issuance of general permit

\* Authorized states may use more stringent deadlines.



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## How to Apply for a Permit

- **Applicants must use approved EPA or state application form(s)**
  - state's, territory's, or tribe's forms may differ but must contain minimum required information
  - additional forms often used to supplement EPA forms



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## EPA Application Forms for NPDES Individual Permits

Form	Title/Applicability	Regulation Cite 40 CFR
1	General Information	122.21(f)
2A	New and existing POTWs	122.21(j)
2S	Treatment Works Treating Domestic Sewage (TWTDS)	122.21(q)
2B	New and existing concentrated animal feeding operations and concentrated aquatic animal production facilities	122.21(i)
2C	Existing manufacturing, commercial, mining, and silvicultural discharges	122.21(g)
2D	New manufacturing, commercial, mining, and silvicultural discharges	122.21(k)



The NPDES Permit Application Process-7

## EPA Application Forms for NPDES Individual Permits (continued)

Form	Title/Applicability	Regulation Cite 40 CFR
2E	Manufacturing, commercial, mining, and silvicultural facilities that discharge only non-process wastewater	122.21(h)
2F	Stormwater discharges associated with industrial activity and discharges associated with small construction activity	122.26(c)
None	Stormwater discharges from large and medium MS4s	122.26(d)
None	Stormwater discharges from small MS4s	122.33
None	Cooling water intake structures	122.21(r)



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## Form 1 Information

- Name, mailing address, facility contact, and facility location
- Standard industrial classification (SIC) code and a brief description of the nature of the business
- Topographic map showing the location of the existing or proposed intake and discharge structures
- Certification and signature

[http://www.epa.gov/npdes/pubs/form\\_1.pdf](http://www.epa.gov/npdes/pubs/form_1.pdf)



The NPDES Permit Application Process-9

## Form 2A—Basic Requirements

- Facility and applicant information (e.g., name, address, contact information)
- Collection system type, areas served, and total population served
- Discharges and other disposal methods
- Description of outfalls, receiving waters, and treatment
- Effluent testing data (flow, temperature, pH, BOD, TSS, fecal coliform)
- Certification and signature



The NPDES Permit Application Process-10

## Form 2A—Additional Data Requirements

- Additional data requirements based on design flow rate or discharge characteristics
- Additional data requirements could include:
  - Inflow and infiltration estimates
  - Topographic map and process flow diagram
  - Information on contractors performing O&M
  - Scheduled improvements
  - Expanded effluent testing data (e.g., TDS, chlorine, dissolved oxygen, oil and grease, metals, organic compounds)
  - Toxicity testing
  - Information on industrial users
  - Information on combined sewer systems

<http://www.epa.gov/npdes/pubs/final2a.pdf>



The NPDES Permit Application Process-11

## Form 2C—Basic Requirements

- I. Outfall location
- II. Flow, sources of pollution, treatment technologies (including line drawing with water balance)
- III. Production information (if applicable)
- IV. Improvements (if applicable)
- V. Intake and effluent characteristics
- VI. Potential discharges not covered by analysis
- VII. Biological testing data (from previous 3 years)
- VIII. Contract analysis information
- IX. Certification and signature



The NPDES Permit Application Process-12

## Form 2C—Effluent Data Requirements

- **Part A:** Some requirements apply to all facilities (i.e., flow, temperature, pH, BOD, COD, TOC, TSS, ammonia)
- **Part B:** Applicants must provide information or quantitative data on some parameters (e.g., fecal coliform, oil and grease, chlorine, color, nitrogen, phosphorus, radioactivity, some metals) based on their presence in the discharge
- **Part C:** Other data requirements (e.g., additional metals, cyanide, total phenols, dioxin, organic compounds) vary by industry category

<http://www.epa.gov/npdes/pubs/3510-2C.pdf>



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## General Permit Application Requirements

- Each general permit describes the information an applicant must submit
- Most general permits require the applicant to submit a Notice of Intent (NOI)
- Application requirements typically are unique to each general permit



The NPDES Permit Application Process-14

## Additional Requirement for New Sources 40 CFR 122.21(i)

- Where EPA is the permit-issuing authority and finds a permit to be a major federal action affecting the quality of the human environment as defined under the National Environmental Policy Act (NEPA)
  - EPA determines whether an environmental impact statement (EIS) is required pursuant to NEPA
  - EIS includes recommendation to issue or deny the permit
- EPA not required to conduct NEPA review for a state-issued permit, but state environmental policy act might have similar requirements



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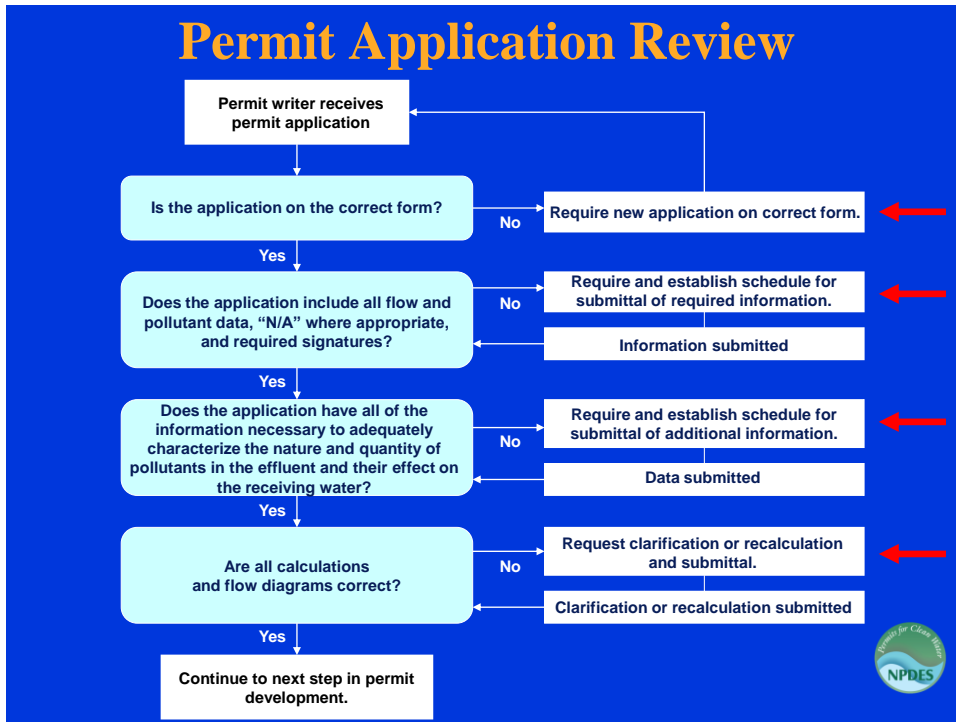
## Responsibility of Permit Writer

- Verify completeness of application
- Verify accuracy of application






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## Obtaining Additional Information

Obtain information needed to complete the application or **additional information** as needed and as authorized by regulations (e.g., 122.21(g)(13) for non-POTWs and 122.21(j)(4)(v) and (j)(5)(ii)(C) for POTWs)

- use **e-mail or a telephone call** to obtain required information (add e-mail or written note to permit file)
- request that applicant submit changes **in writing**
- request that applicant submit a **new application** to address deficiencies

The NPDES Permit Application Process-18

## Additional Sources of Information for Permit Development

- Existing permit, fact sheet, and application
- Discharge Monitoring Reports (DMRs)
  - Integrated Compliance Information System (ICIS)
  - Permit Compliance System (PCS) data
- Inspection reports
- Information on other permits (e.g., RCRA or air permits)
- Storage and Retrieval Database (STORET)
- Effluent guidelines, water quality standards, or other federal or state regulations
- EPA or state policies and guidance (e.g., effluent guidelines development documents, *EPA Treatability Manual*, NPDES implementation policies)



The NPDES Permit Application Process-19

## Feedback and Other Presentations

Questions or comments?

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