

# U.S. Environmental Protection Agency NPDES Permit Writers' Manual



U.S. Environmental Protection Agency  
Office of Wastewater Management, Water Permits Division  
State and Regional Branch

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# United States Environmental Protection Agency

## National Pollutant Discharge Elimination System (NPDES) Permit Writers' Manual

This guidance was developed by staff within the U.S. Environmental Protection Agency's (EPA's) Office of Wastewater Management and addresses development of wastewater discharge permits under the National Pollutant Discharge Elimination System (NPDES). NPDES permit development is governed by existing requirements of the Clean Water Act (CWA) and the EPA NPDES implementing regulations. CWA provisions and regulations contain legally binding requirements. This document does not substitute for those provisions or regulations. Recommendations in this guidance are not binding; the permitting authority may consider other approaches consistent with the CWA and EPA regulations. When EPA makes a permitting decision, it will make each decision on a case-by-case basis and will be guided by the applicable requirements of the CWA and implementing regulations, taking into account comments and information presented at that time by interested persons regarding the appropriateness of applying these recommendations to the situation. This guidance incorporates, and does not modify, existing EPA policy and guidance on developing NPDES permits. EPA may change this guidance in the future.

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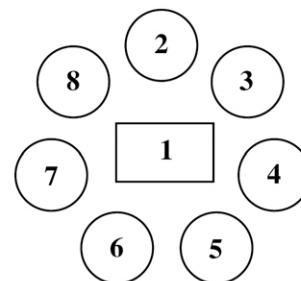
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## Contents

<b>Introduction to the Manual</b> .....	<b>vii</b>
Purpose of this Manual .....	vii
Publications Referenced .....	viii
Legislative and Regulatory Citations .....	viii
Electronic NPDES Information .....	ix
<b>CHAPTER 1. Development of the Clean Water Act and the NPDES Program</b> .....	<b>1-1</b>
1.1 History of Water Pollution Control in the United States .....	1-1
1.2 Evolution of the NPDES Program .....	1-3
1.3 NPDES Statutory Framework .....	1-5
1.3.1 Permit .....	1-5
1.3.2 Pollutant .....	1-6
1.3.3 Waters of the United States .....	1-6
1.3.4 Point Source .....	1-7
<b>CHAPTER 2. Regulatory Framework and Program Areas of the NPDES Program</b> .....	<b>2-1</b>
2.1 Regulatory Framework of the NPDES Program .....	2-1
2.2 Federal and State Responsibilities .....	2-2
2.2.1 State NPDES Program Authority .....	2-2
2.2.2 Roles and Responsibilities of the Federal and State Authorities .....	2-4
2.3 NPDES Program Areas .....	2-5
2.3.1 NPDES Program Areas Applicable to Municipal Sources .....	2-5
2.3.2 NPDES Program Areas Applicable to Non-Municipal Sources .....	2-10
2.4 Major/Minor Facility Designation .....	2-17
2.5 Growth and Change in the NPDES Program .....	2-17
<b>CHAPTER 3. Overview of the NPDES Permitting Process</b> .....	<b>3-1</b>
3.1 Types of Permits .....	3-1
3.1.1 Individual Permits .....	3-1
3.1.2 General Permits .....	3-1
3.2 Major Components of a Permit .....	3-2
3.3 Overview of the Development and Issuance Process for NPDES Individual Permits ....	3-3
3.4 Overview of the Development and Issuance Process for NPDES General Permits .....	3-5
<b>CHAPTER 4. NPDES Permit Application Process</b> .....	<b>4-1</b>
4.1 Who Applies for an NPDES Permit? .....	4-1
4.2 Application Deadlines .....	4-3
4.3 Application Forms and Requirements for Individual Permits .....	4-3
4.3.1 Form 1: General Information .....	4-5
4.3.2 Form 2A: New and Existing POTWs .....	4-5
4.3.3 Form 2S: New and Existing TWTDS .....	4-6
4.3.4 Form 2B: New and Existing Concentrated Animal Feeding Operations (CAFOs) and Concentrated Aquatic Animal Production (CAAP) Facilities .....	4-7
4.3.5 Form 2C: Existing Manufacturing, Commercial, Mining, and Silvicultural Discharges .....	4-8
4.3.6 Form 2D: New Manufacturing, Commercial, Mining, and Silvicultural Discharges of Process Wastewater .....	4-8
4.3.7 Form 2E: Manufacturing, Commercial, Mining, and Silvicultural Facilities that Discharge Only Non-Process Wastewater .....	4-8



4.3.8	Form 2F: Stormwater Discharges Associated with Industrial Activities .....	4-9
4.3.9	Stormwater Discharges Associated with Construction Activity .....	4-9
4.3.10	Stormwater Discharges from Small MS4s .....	4-11
4.3.11	Cooling Water Intake Structures .....	4-11
4.4	Requirements for NPDES General Permits .....	4-12
4.5	Application Review .....	4-13
4.5.1	The Complete Application .....	4-14
4.5.2	Common Omissions in Applications .....	4-14
4.5.3	The Accurate Application .....	4-16
4.6	Facility Information Review .....	4-17
4.6.1	Permit File Review .....	4-17
4.6.2	Facility Site Visits .....	4-19
4.7	Confidential Information .....	4-21
<b>CHAPTER 5.</b>	<b>Technology-Based Effluent Limitations .....</b>	<b>5-1</b>
5.1	Technology-based Effluent Limitations for POTWs .....	5-2
5.1.1	Secondary and Equivalent to Secondary Treatment Standards .....	5-2
5.1.2	Adjustments to Equivalent to Secondary Standards .....	5-4
5.1.3	Applying Secondary Treatment Standards, Equivalent to Secondary Treatment Standards, and Adjusted Standards .....	5-6
5.2	Technology-Based Effluent Limitations for Industrial (Non-POTW) Dischargers .....	5-13
5.2.1	Effluent Guidelines .....	5-14
5.2.2	Applying Effluent Guidelines through NPDES Permits .....	5-23
5.2.3	Case-by-Case TBELs for Industrial Dischargers .....	5-44
<b>CHAPTER 6.</b>	<b>Water Quality-Based Effluent Limitations .....</b>	<b>6-1</b>
6.1	Determine Applicable Water Quality Standards .....	6-2
6.1.1	Components of Water Quality Standards .....	6-3
6.1.2	Water Quality Standards Modifications .....	6-9
6.1.3	Water Quality Standards Implementation .....	6-11
6.2	Characterize the Effluent and the Receiving Water .....	6-12
6.2.1	Step 1: Identify Pollutants of Concern in the Effluent .....	6-13
6.2.2	Step 2: Determine Whether Water Quality Standards Provide for Consideration of a Dilution Allowance or Mixing Zone .....	6-15
6.2.3	Step 3: Select an Approach to Model Effluent and Receiving Water Interactions .....	6-16
6.2.4	Step 4: Identify Effluent and Receiving Water Critical Conditions .....	6-16
6.2.5	Step 5: Establish an Appropriate Dilution Allowance or Mixing Zone .....	6-20
6.3	Determine the Need for WQBELs .....	6-22
6.3.1	Defining Reasonable Potential .....	6-23
6.3.2	Conducting a Reasonable Potential Analysis Using Data .....	6-23
6.3.3	Conducting a Reasonable Potential Analysis without Data .....	6-30
6.4	Calculate Parameter-specific WQBELs .....	6-31
6.4.1	Calculating Parameter-specific WQBELs from Aquatic Life Criteria .....	6-31
6.4.2	Calculating Chemical-specific WQBELs based on Human Health Criteria for Toxic Pollutants .....	6-35
6.5	Calculate Reasonable Potential and WQBELs for WET .....	6-36
6.5.1	Types of WET Tests .....	6-36
6.5.2	Expressing WET Limitations or Test Results .....	6-37
6.5.3	Determining the Need for WET Limitations .....	6-38
6.6	Antidegradation Review .....	6-40
6.6.1	Tier 1 Implementation .....	6-41
6.6.2	Tier 2 Implementation .....	6-41
6.6.3	Tier 3 Implementation .....	6-42

<b>CHAPTER 7. Final Effluent Limitations and Anti-backsliding</b> .....	<b>7-1</b>
7.1 Determining Final Effluent Limitations.....	7-1
7.2 Applying Anti-backsliding Requirements.....	7-2
7.2.1 Anti-backsliding Statutory Provisions.....	7-2
7.2.2 Anti-backsliding Regulatory Provisions.....	7-4
<b>CHAPTER 8. Monitoring and Reporting Conditions</b> .....	<b>8-1</b>
8.1 Establishing Monitoring Conditions.....	8-1
8.1.1 Purposes of Monitoring.....	8-2
8.1.2 Monitoring Location .....	8-2
8.1.3 Monitoring Frequency.....	8-5
8.1.4 Sample Collection.....	8-7
8.2 Additional Monitoring Requirements and WET Testing .....	8-9
8.2.1 Biosolids (Sewage Sludge).....	8-9
8.2.2 Combined Sewer Overflows (CSOs) and Sanitary Sewer Overflows (SSOs)..	8-11
8.2.3 Stormwater Monitoring Considerations.....	8-11
8.2.4 WET Monitoring.....	8-12
8.3 Analytical Methods.....	8-13
8.4 Reporting Monitoring Results.....	8-14
8.5 Recordkeeping Requirements .....	8-14
<b>CHAPTER 9. Special Conditions</b> .....	<b>9-1</b>
9.1 Special Conditions Potentially Applicable to Any Type of Discharger.....	9-1
9.1.1 Additional Monitoring and Special Studies .....	9-2
9.1.2 Best Management Practices (BMPs).....	9-3
9.1.3 Compliance Schedules.....	9-8
9.2 Special Conditions for Municipal Facilities.....	9-9
9.2.1 The National Pretreatment Program.....	9-10
9.2.2 Biosolids (Sewage Sludge).....	9-13
9.2.3 Combined Sewer Overflows (CSOs) .....	9-15
9.2.4 Sanitary Sewer Overflows (SSOs).....	9-20
<b>CHAPTER 10. Standard Conditions of NPDES Permits</b> .....	<b>10-1</b>
10.1 Types of Standard Conditions.....	10-1
10.2 Other Standard Conditions .....	10-3
<b>CHAPTER 11. NPDES Permit Administration</b> .....	<b>11-1</b>
11.1 Other Federal Laws Applicable to NPDES Permits .....	11-1
11.1.1 Endangered Species Act.....	11-1
11.1.2 National Environmental Policy Act.....	11-2
11.1.3 National Historic Preservation Act Amendments .....	11-3
11.1.4 Coastal Zone Management Act .....	11-3
11.1.5 Wild and Scenic Rivers Act.....	11-3
11.1.6 Fish and Wildlife Coordination Act.....	11-4
11.1.7 Essential Fish Habitat Provisions .....	11-4
11.2 Documentation for Development of the Draft Permit .....	11-4
11.2.1 Administrative Record .....	11-8
11.2.2 Fact Sheets and Statements of Basis.....	11-8
11.3 Items to Address before Issuing a Final Permit .....	11-10
11.3.1 Public Notice.....	11-11
11.3.2 Public Comments .....	11-12
11.3.3 Public Hearings .....	11-13
11.3.4 Environmental Justice Considerations.....	11-14
11.3.5 EPA and State/Tribal Roles in Reviewing Draft Permits.....	11-14

11.3.6	Schedule for Final Permit Issuance .....	11-15
11.4	Administrative Actions after Final Permit Issuance .....	11-16
11.4.1	Permit Appeals .....	11-16
11.4.2	Modification or Revocation and Reissuance of Permits.....	11-18
11.4.3	Permit Termination .....	11-20
11.4.4	Permit Transfer.....	11-21
11.5	Permit Compliance and Enforcement .....	11-21
11.5.1	Compliance Monitoring .....	11-22
11.5.2	Quarterly Noncompliance Reports.....	11-23
11.5.3	Enforcement .....	11-25
<b>Appendix A. Acronyms, Abbreviations and Glossary.....</b>		<b>A-1</b>
A.1	Acronyms and Abbreviations .....	A-1
A.2	Glossary.....	A-4
<b>Appendix B. Index to the CWA and NPDES Regulations .....</b>		<b>B-1</b>
B.1	Index to Sections of the CWA .....	B-1
B.2	Index to NPDES Regulations.....	B-3
<b>Appendix C. Priority Pollutants .....</b>		<b>C-1</b>
<b>Appendix D. New Source Dates by Effluent Guideline Category .....</b>		<b>D-1</b>

## Exhibits

Exhibit 1-1	Important milestones of clean water program development.....	1-1
Exhibit 1-2	Common point source discharges of pollutants to waters of the United States.....	1-8
Exhibit 2-1	Regulations related to the NPDES program.....	2-2
Exhibit 2-2	Federal NPDES regulations (40 CFR Part 122) .....	2-3
Exhibit 2-3	Summary of federal and state/territorial/tribal roles in the NPDES permitting program .....	2-5
Exhibit 2-4	NPDES program areas and applicable regulations .....	2-6
Exhibit 3-1	Permit components .....	3-3
Exhibit 3-2	Major steps to develop and issue NPDES individual permits .....	3-4
Exhibit 3-3	Major steps to develop and issue NPDES general permits .....	3-5
Exhibit 4-1	Effect of court decisions on § 122.3 .....	4-2
Exhibit 4-2	When to apply for an NPDES permit.....	4-3
Exhibit 4-3	EPA application requirements for NPDES individual permits .....	4-4
Exhibit 4-4	Permit application review process.....	4-13
Exhibit 4-5	Considerations for an application to be complete.....	4-15
Exhibit 4-6	Example of required testing during application review .....	4-16
Exhibit 4-7	Considerations for an application to be accurate.....	4-18
Exhibit 5-1	Developing effluent limitations.....	5-1
Exhibit 5-2	Secondary treatment standards .....	5-2
Exhibit 5-3	Equivalent to secondary treatment standards .....	5-3
Exhibit 5-4	State-specific adjusted TSS requirements .....	5-5



Exhibit 5-5 Steps to establish technology-based discharge limitations for POTWs.....	5-6
Exhibit 5-6 Effluent limitations calculated from secondary treatment standards.....	5-7
Exhibit 5-7 POTW mass based limitation calculation equation and example calculations .....	5-8
Exhibit 5-8 Summary of CWA technology levels of control .....	5-15
Exhibit 5-9 Visual example of TSS LTA, maximum daily limitation and average monthly limitation.....	5-21
Exhibit 5-10 Steps for applying effluent guidelines to direct discharges.....	5-23
Exhibit 5-11 Table of existing point source categories (June 2010) .....	5-24
Exhibit 5-12 Examples of identifying applicable effluent guidelines using SIC codes.....	5-25
Exhibit 5-13 Examples of identifying the subcategory with the applicable effluent guidelines.....	5-27
Exhibit 5-14 Example of calculating mass-based effluent limitation from production-normalized effluent guidelines .....	5-31
Exhibit 5-15 Example narrative requirement from the Concentrated Aquatic Animal Production effluent guideline—Subpart A [§ 455.11(a)] .....	5-33
Exhibit 5-16 Exclusion of wastewaters in metal finishing effluent guidelines.....	5-34
Exhibit 5-17 Excerpts from preamble to OCPSF effluent guidelines regarding applicability of effluent guidelines .....	5-34
Exhibit 5-18 Building block approach for applying effluent guidelines .....	5-36
Exhibit 5-19 Example of tiered discharge limitations .....	5-38
Exhibit 5-20 Variances from effluent guidelines .....	5-40
Exhibit 5-21 Summary of factors considered when developing case-by-case TBELs .....	5-46
Exhibit 5-22 Tools for developing case-by-case TBELs using BPJ .....	5-48
Exhibit 6-1 Developing effluent limitations.....	6-1
Exhibit 6-2 Standards-to-permits process .....	6-2
Exhibit 6-3 Aquatic life criteria example: Cadmium (dissolved).....	6-5
Exhibit 6-4 Human health criteria example: Dichlorobromomethane.....	6-7
Exhibit 6-5 Steps for characterizing the effluent and receiving water .....	6-13
Exhibit 6-6 Parts of a TMDL .....	6-14
Exhibit 6-7 Example of lognormal distribution of effluent pollutant concentrations and projection of critical concentration ( $C_d$ ).....	6-18
Exhibit 6-8 Regulatory mixing zones for aquatic life criteria .....	6-21
Exhibit 6-9 Examples of maximum mixing zone sizes or dilution allowances under incomplete mixing conditions by waterbody type .....	6-22
Exhibit 6-10 Steps of a reasonable potential analysis with available data.....	6-23
Exhibit 6-11 Simple mass-balance equation .....	6-24
Exhibit 6-12 Example of receiving water concentrations in an incomplete mixing situation determined using an incomplete mixing water quality model.....	6-26
Exhibit 6-13 Mass-balance equation for reasonable potential analysis for conservative pollutant under conditions of rapid and complete mixing.....	6-27
Exhibit 6-14 Example of applying mass-balance equation to conduct reasonable potential analysis for conservative pollutant under conditions of rapid and complete mixing .....	6-28
Exhibit 6-15 Reasonable potential determination in an incomplete mixing situation .....	6-29

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Exhibit 6-16 Calculating parameter-specific WQBELs from aquatic life criteria.....	6-31
Exhibit 6-17 Example of applying mass-balance equation to calculate WLAs for conservative pollutant under conditions of rapid and complete mixing .....	6-33
Exhibit 6-18 Example of lognormal distribution of effluent pollutant concentrations and calculation of WLA .....	6-34
Exhibit 6-19 Example of typical dilution series .....	6-36
Exhibit 6-20 Example of toxic units .....	6-37
Exhibit 6-21 Using the ACR.....	6-38
Exhibit 6-22 Example of mass-balance equation for a WET reasonable potential analysis .....	6-39
Exhibit 7-1 Developing effluent limitations.....	7-1
Exhibit 7-2 Application of anti-backsliding rules .....	7-5
Exhibit 7-3 Backsliding examples.....	7-6
Exhibit 8-1 Examples of specifying monitoring locations in permits .....	8-3
Exhibit 8-2 Visual interpretation of time-proportional composite monitoring .....	8-8
Exhibit 8-3 Visual interpretation of flow-proportional composite monitoring .....	8-8
Exhibit 8-4 Minimum requirements for sewage sludge monitoring, based on method of sludge use or disposal.....	8-10
Exhibit 9-1 Example BMP plan requirement.....	9-6
Exhibit 9-2 Categories of CSO permitting conditions .....	9-17
Exhibit 9-3 Nine minimum CSO controls .....	9-17
Exhibit 9-4 Elements of the long-term CSO control plan .....	9-18
Exhibit 11-1 Other federal laws applicable to NPDES permits .....	11-1
Exhibit 11-2 Reasons for good documentation.....	11-5
Exhibit 11-3 Administrative process for EPA-issued NPDES permits .....	11-6
Exhibit 11-4 Typical administrative process for state-issued NPDES permits .....	11-7
Exhibit 11-5 Elements of the administrative records for a draft permit .....	11-8
Exhibit 11-6 Required elements of a fact sheet.....	11-9
Exhibit 11-7 Actions for which public notice is required.....	11-11
Exhibit 11-8 Contents of the public notice .....	11-12
Exhibit 11-9 Elements of the administrative records for a final permit.....	11-16
Exhibit 11-10 Causes for permit modification .....	11-19
Exhibit A-1 Acronyms and abbreviations.....	A-1
Exhibit A-2 Glossary.....	A-5
Exhibit B-1 Index to sections of the CWA.....	B-1
Exhibit B-2 Index to NPDES regulations .....	B-3
Exhibit C-1 Priority pollutants from 40 CFR Part 423, Appendix A.....	C-1
Exhibit D-1 New source dates by effluent category.....	D-2

## Introduction to the Manual

This manual reviews the statutory and regulatory framework of the National Pollutant Discharge Elimination System (NPDES) program and examines technical considerations for developing NPDES permits for wastewater discharges. The manual is designed, primarily, for new permit writers becoming acquainted with the NPDES program and the process of permit writing, but can also serve as a reference for experienced permit writers or anyone interested in learning about the legal and technical aspects of developing NPDES permits. This manual replaces the *1996 U.S. EPA NPDES Permit Writers' Manual*<sup>1</sup> <[www.epa.gov/npdes/pubs/owm0243.pdf](http://www.epa.gov/npdes/pubs/owm0243.pdf)>, which updated the *1993 Training Manual for NPDES Permit Writers*<sup>2</sup> <[www.epa.gov/npdes/pubs/owm0339.pdf](http://www.epa.gov/npdes/pubs/owm0339.pdf)>.

To assist the reader, acronyms and abbreviations are defined for the first use in each chapter and in Appendix A of the manual. Endnotes are provided at the end of each chapter.

## Purpose of this Manual

The purpose of this *NPDES Permit Writers' Manual* (manual) is to provide a general reference for permitting authorities that outlines and explains the core elements of the NPDES permit program. The core elements form the foundation of the NPDES program on which guidance for specific areas of the program (e.g., stormwater, concentrated animal feeding operations) can be built. While the guidance for these core program areas will be applicable in many cases, the U.S. Environmental Protection Agency (EPA) recognizes that each EPA Regional Office or authorized state, territory, or tribe (hereafter *state*) will tailor specific aspects of its NPDES permitting procedures to address state and local laws and site-specific concerns and conditions.

The specific objectives and functions of this manual are as follows:

- Provide an overview of the scope and the statutory and regulatory framework of the NPDES program.
- Describe the essential components of a permit and provide an overview of the permitting process.
- Describe the different types of effluent limitations and the legal and technical considerations involved in developing effluent limitations.
- Describe the legal and technical considerations involved in developing other permit conditions including
  - Monitoring and reporting requirements.
  - Special conditions.
  - Standard conditions.
- Describe other permitting considerations including
  - Variances.
  - Anti-backsliding.
  - Other applicable statutes.

- Explain the administrative process for issuing, modifying, revoking and terminating NPDES permits.

This manual is not intended to be a standalone reference document. Rather, it establishes the framework for NPDES permit development and should be supplemented, where necessary, by additional EPA and state regulations, policy, and detailed guidance applicable to specific types of dischargers and circumstances. To that end, this manual identifies and references relevant regulations, policy, and other guidance documents throughout the text.

## Publications Referenced

This manual provides links to publications available online that supplement the information in the manual. All documents available electronically were accessed and available as of the date of this manual's publication. Some documents are not available in an electronic format. In those instances, readers should check the following sources to determine the availability of and to obtain printed copies of the documents:

- Office of Water Resource Center (OWRC) <[www.epa.gov/safewater/resource/](http://www.epa.gov/safewater/resource/)>  
OWRC is a contractor-operated facility providing document delivery, information/referral, and reference services to public users and EPA staff interested in Office of Water Program information  
phone: 202-566-1729 or 800-832-7828, fax: 202-566-1736, e-mail: <[center.water-resource@epa.gov](mailto:center.water-resource@epa.gov)>.
- EPA Library Services and Repositories <[www.epa.gov/natlibra/libraries.htm](http://www.epa.gov/natlibra/libraries.htm)>  
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## Legislative and Regulatory Citations

There are a number of different conventions used to cite legislation and regulations. In this manual, the following conventions have been used:

- When citing the *United States Code*, the abbreviation U.S.C. is used. The abbreviation is preceded by the Title of the U.S.C. and then followed by the section number.  
Example: 16 U.S.C. 1531 *et seq.* and 33 U.S.C. §§ 1251-1387.

- When citing the Clean Water Act, the abbreviation CWA is used. The abbreviation is followed by the word *section* and then the section number.  
Example: CWA section 402 and CWA section 402(o).
- When citing the *Code of Federal Regulations* (CFR), the convention depends on the location of the reference. For first references, the abbreviation CFR is preceded by the title number of the CFR and followed either by the word *Part* (if it is a part—a whole number) or the number of the subsection (if it is a subpart/subsection). For subsequent references, the title and CFR are omitted and just the word *Part* or the section symbol (§) is used.  
Example: First citation: 40 CFR Part 136 or 40 CFR 122.44  
Subsequent citations: Part 136 or § 122.44.

Almost all the regulatory citations in this manual are for Title 40 of the CFR (with the exception of the other federal laws referenced in section 11.1 of this manual). Any other Titles are explicitly referenced and in the format for the first regulatory citation (e.g., 50 CFR Part 402).

## Electronic NPDES Information

Websites and electronically stored publications and data are available to help permit writers draft NPDES permits. Tools have been created to assist permit writers with specific aspects of permit development and are discussed in their respective sections. The electronic tools listed below apply to all aspects of permit development and serve as valuable references for the permit writer.

### NPDES Website and Resources

The Water Permits Division (WPD) within the EPA Office of Water (OW), Office of Wastewater Management, has developed a comprehensive NPDES Website <[www.epa.gov/npdes](http://www.epa.gov/npdes)> with technical and regulatory information about the NPDES permit program, information on related programs and initiatives, and documents published by WPD. Where applicable, this manual references the NPDES Website and provides links to relevant documents on that site. This manual also references other EPA and non-EPA websites that contain information that might be helpful to NPDES permit writers. Note, however, that EPA is not responsible for information provided on websites outside the EPA Website <[www.epa.gov](http://www.epa.gov)>.

WPD also has prepared several websites and other resources to help permit writers draft permits. This manual references those websites and resources in the appropriate section of this manual.

### Electronic Permitting Tools

Many EPA Regions and authorized states have developed tools to help them manage the permit issuance process. Electronic permitting tools range from spreadsheets and word processing applications to sophisticated Web-based systems that enable permitting authorities to manage their entire environmental program. For example, some states have built systems that enable dischargers to electronically sign and submit discharge reports; create, track, and store permit documents; and manage enforcement, compliance, and inspections related to permits. As technologies continue to evolve, many permitting authorities are likely to begin using more information technology applications to manage the process of permitting.

## ICIS-NPDES

Together with OW, the Office of Enforcement and Compliance Assurance (OECA) is responsible for oversight of implementation of the NPDES program. OW is responsible for the NPDES implementing regulations and oversight of permit issuance by states and EPA Regions. OECA, along with its regional, state, tribal and local counterparts, is responsible for tracking and maintaining enforcement and compliance activities, monitoring and enforcement and compliance status of the regulated community, and reviewing and evaluating program performance. OECA also maintains national data systems to support program management and oversight of the NPDES program.

The Permit Compliance System (PCS), one of two national NPDES electronic databases, supports the management and oversight of the NPDES program. Since the last modernization of PCS in 1985, the NPDES program has evolved significantly to include additional program requirements, such as the NPDES program for stormwater and implementation of the Combined Sewer Overflow Control Policy. Because of limitations to PCS, OECA is working to phase out this system and move to a more modern data management system described below.

### The Integrated Compliance Information System for NPDES permits (ICIS-NPDES)

<https://icis.epa.gov/icis>, the successor to PCS, provides an updated system that enables national program management and oversight activities such as

- Permit tracking and management.
- Compliance monitoring.
- NPDES program management.
- Enforcement actions.

ICIS-NPDES is a Web-based system with an electronic database capable of handling the large amount of data generated by and about the NPDES program. Section 11.5.1.1 of this manual provides more information on ICIS-NPDES as it relates to NPDES permit compliance.

## Hyperlinks in this Document

Where a website provides supplementary information or is referenced in this manual, the actual site or higher level site address appears in the symbols < > so that readers will have a reference to the address even in a printed version of this document. In the electronic version of the manual, the text in carats is also the hyperlink to the referenced website. Care has been taken to provide the correct Web addresses and hyperlinks; however, these references can change or become outdated after this manual's publication.

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<sup>1</sup> U.S. Environmental Protection Agency. 1996. *U.S. EPA NPDES Permit Writers' Manual*. EPA-833-B-96-003. U.S. Environmental Protection Agency, Office of Water, Washington, DC. [www.epa.gov/npdes/pubs/owm0243.pdf](http://www.epa.gov/npdes/pubs/owm0243.pdf). Separate sections of this document are also available on the NPDES Website by going to [www.epa.gov/npdes](http://www.epa.gov/npdes), clicking on Publications and entering NPDES Permit Writers' Manual in the Search box.

<sup>2</sup> U.S. Environmental Protection Agency. 1993. *Training Manual for NPDES Permit Writers*. EPA-833-B-93-003. U.S. Environmental Protection Agency, Office of Wastewater Management, Washington, DC. [www.epa.gov/npdes/pubs/owm0339.pdf](http://www.epa.gov/npdes/pubs/owm0339.pdf).