

## Scope and Regulatory Framework of the NPDES Program

NPDES Permit Writers' Course  
Online Training Curriculum



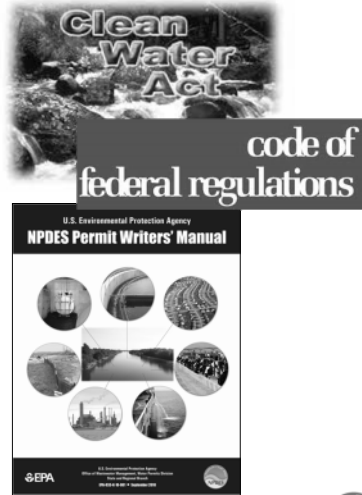
## Presenters

- *David Hair*  
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Environmental Engineer  
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Fairfax, Virginia



## NPDES Program Requirements and Guidance

- Congress
  - through federal statutes (e.g., Clean Water Act)
- EPA
  - through NPDES regulations, policy, and guidance
- States
  - through state statutes, regulations, policy, and guidance



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## NPDES Regulations

### Code of Federal Regulations (CFR)

- where final promulgated regulations are published
- published each year—includes regulations final as of July 1
- Title 40: Protection of Environment
- <http://www.gpo.gov/fdsys/>



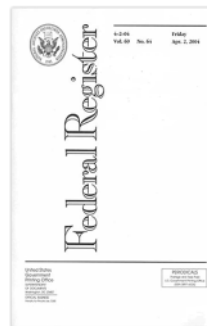
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## NPDES Regulations (continued)

### Federal Register (FR)

- where rules are first proposed and then promulgated
- published daily
- includes background information (e.g., preamble, summary of response to comments)
- <http://www.gpo.gov/fdsys/>



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## Key NPDES Regulations

### 40 CFR Part

### Description

121	State Certification of Activities Requiring a Federal License or Permit
122	EPA Administered Permit Programs: The National Pollutant Discharge Elimination System
123	State Program Requirements
124	Procedures for Decisionmaking
125	Criteria and Standards for the National Pollutant Discharge Elimination System
130	Water Quality Planning and Management
131	Water Quality Standards
132	Water Quality Guidance for the Great Lakes System
133	Secondary Treatment Regulation
136	Guidelines for Establishing Test Procedures for the Analysis of Pollutants
401	General Provisions
403	General Pretreatment Regulations
405-471	Effluent Limitations, Guidelines and Standards

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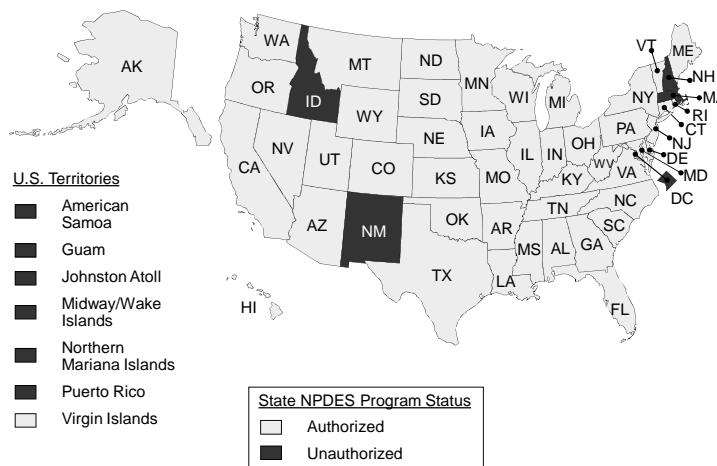
## Either U.S. EPA or a State Agency can Administer the NPDES Program

- U.S. EPA administers the permit program unless a state, territory, or tribal government voluntarily assumes the role
  - state/territory/tribe [hereafter “state”] must submit a detailed request to EPA for approval [40 CFR Part 123]
    - request must include requisite legal authority, resource commitment, and implementation procedures
  - Upon EPA approval of the state program, exclusive authority for permitting transfers to the state

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## NPDES Program Authorizations



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## Permit Categories – POTW and Non-POTW



- EPA groups dischargers into publicly-owned treatment works (POTWs) and non-POTWs
- POTWs are treatment works owned by a state or municipality
  - include devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature
- Non-POTWs include all other facilities and are often called “non-municipal” or “industrial” dischargers

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## Non-POTW Facilities or Activities

- Privately- and Federally-owned treatment works
- Industrial, manufacturing, commercial facilities and activities
  - process wastewater
  - non-process wastewater
  - cooling water intake
- Concentrated animal feeding operations (CAFOs)
- Concentrated aquatic animal production facilities (CAAPs)
- Pesticide application
- Vessel discharges
- Stormwater

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## NPDES Stormwater Program

- Phase I - November 16, 1990  
(effective December 17, 1990)
    - medium and large municipal separate storm sewer systems (MS4s)
    - industrial activity, including large construction activity ( $\geq 5$  acres)
  - Phase II - December 8, 1999  
(effective February 7, 2000)
    - small MS4s
    - small construction activity ( $\geq 1$  acre and  $< 5$  acres)
    - no exposure (industrial activity)
- [www.epa.gov/npdes/stormwater](http://www.epa.gov/npdes/stormwater)



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## Major and “Minor” Distinction

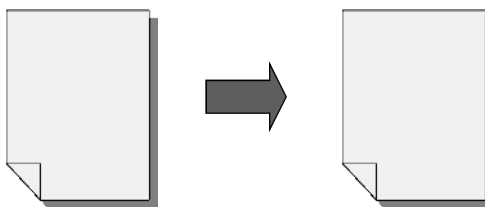
- Major facility defined as a facility or activity classified as such by the Regional Administrator [§ 122.2]
- EPA policy established criteria for defining majors
- Major POTWs
  - Design flow of 1 million gallons per day (MGD) or greater or
  - Other POTWs designated as a major
- Major Non-POTWs
  - Score 80 or more points on the “NPDES Permit Rating Worksheet”
  - Other non-POTWs designated as a major
- Everything else is a non-major (“minor”)

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## Types of NPDES Permits – Individual

- Individual Permit
  - 1 application submitted → 1 permit issued
  - appropriate where facility-specific permit conditions (e.g., effluent limitations, management practices, monitoring and reporting) are needed



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## Current NPDES Universe

(estimates as of 9-30-2013)

Type of Permit	Facility Category	Approximate Number of Facilities
Individual	Major Facilities	6,700
	• POTWs	• 4,200
	• Non-POTWs	• 2,500
Individual	“Minor” Facilities	39,000
	• POTWs	• 10,000
	• Non-POTWs	• 29,000
Individual	Stormwater—Phase I MS4s	1,000

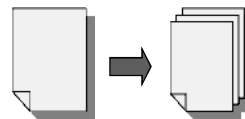
Approximately 46,700 individual NPDES permits

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## Types of NPDES Permits – General

- General Permit [§ 122.28]
  - 1 permit issued → many NOIs submitted
  - Multiple sources covered under a single permit
    - Regulations establish technical criteria and specific administrative procedures unique to General Permits
  - Examples
    - Construction General Permit (CGP)
    - Vessels General Permit (VGP)
    - Multi-Sector General Permit for Industrial Stormwater (MSGP)
    - <http://cfpub.epa.gov/npdes/permitissuance/genpermits.cfm>



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## General Permit Requirements – § 122.28(a)

- Area of coverage
  - permit must identify geographic area (e.g., state, county, city, watershed, planning area, sewer district)
- Sources covered
  - permit must establish eligibility criteria
    - same or substantially similar types of operations, same types of wastes, same effluent limitations, and same or similar monitoring requirements
- Water quality-based effluent limitations (WQBELs)
  - permit must require the same WQBELs for all covered sources subject to WQBELs
- Applicable permit conditions
  - permit must include all applicable permit conditions for covered sources

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## General Permit Requirements – § 122.28(b)

- Contents of the notice of intent (NOI) must be specified in the general permit and include:
  - information necessary for adequate program implementation
  - legal name of the owner/operator
  - facility name and address
  - type of facility or discharges
  - receiving stream
- General permits must specify deadlines for submitting NOIs and dates when discharge is authorized
- Regulations allow permitting authority to waive NOI requirements for less significant categories of discharges (e.g., stormwater from small construction activity)
  - public notice of permit must identify reasons for not requiring NOI

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## Current NPDES Universe

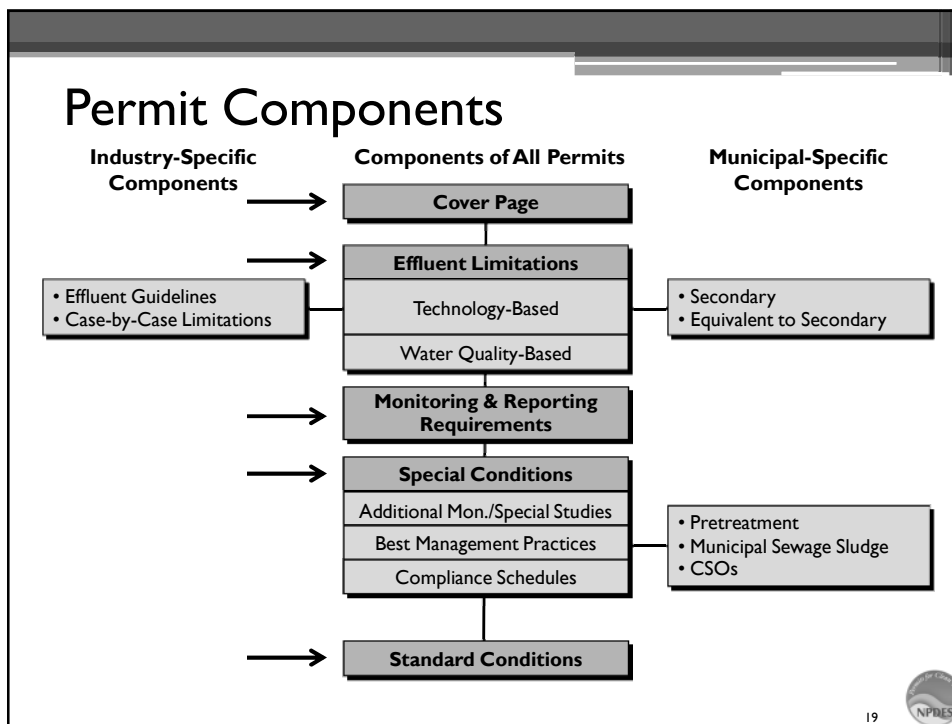
(estimates as of 9-30-2013)

Type of Permit	Facility Category	Approximate Number of Facilities
General	• Vessels	• 69,000
	• Pesticide applications	• 365,000
	• Other non-stormwater	• 70,000
	• Stormwater	• 180,500
	• Phase II MS4s	• 6,000
	• Industrial stormwater	• 90,000
	• Large construction activity	• 36,500 per year
	• Small construction activity	• 48,000 per year

Approximately 684,500 facilities or activities covered by general NPDES permits

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## NPDES Program Updates

- NPDES program scope is dynamic
  - Revisions to existing regulations
  - New categories of point sources (e.g., certain discharges from vessels)
- Visit [www.epa.gov/npdes](http://www.epa.gov/npdes) regularly for program updates

## Feedback and Other Presentations

Questions or comments?

[npdeswebtraining@tetrattech.com](mailto:npdeswebtraining@tetrattech.com)

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NPDES Permitting

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