

Appendix B. Index to the CWA and NPDES Regulations

This appendix provides two tables to help permit writers navigate Clean Water Act (CWA) legislation and National Pollutant Discharge Elimination System (NPDES) regulations. The first table provides key sections of the CWA and the second table provides an index to NPDES regulations.

B.1 Index to Sections of the CWA

Title 33 of the *United States Code* (U.S.C.) includes the statutes and amendments to the CWA. Exhibit B-1 matches key sections of the CWA to the appropriate reference in the U.S.C. This latest version, dated December 20, 2004, was provided by the New England Interstate Water Pollution Control Commission.

Exhibit B-1 Index to sections of the CWA

33 U.S.C. section	Section title	CWA section
Subchapter I Research and Related Programs		
1251	Congressional declaration of goals and policy	101
1252	Comprehensive programs for water pollution control	102
1253	Interstate cooperation and uniform laws	103
1254	Research, investigations, training and information	104
1255	Grants for research and development	105
1256	Grants for pollution control programs	106
1257	Mine water pollution demonstrations	107
1258	Pollution control in the Great Lakes	108
1259	Training grants and contracts	109
1260	Applications for training grants and contracts; allocations	110
1261	Scholarships	111
1262	Definitions and authorization	112
1263	Alaska village demonstration project	113
1265	In-place toxic pollutants	115
1266	Hudson River reclamation demonstration project	116
1267	Chesapeake Bay	117
1268	Great Lakes	118
1269	Long Island Sound	119
1270	Lake Champlain management conference	120
1273	Lake Pontchartrain Basin	121
1274	Wet weather watershed pilot projects	121
Subchapter II Grants for Construction of Treatment Works		
1281	Congressional declaration of purpose	201
1282	Federal share	202
1283	Plans, specifications, estimates, and payments	203
1284	Limitations and conditions	204
1285	Allotment of grant funds	205
1286	Reimbursement and advanced construction	206
1287	Authorization of appropriations	207
1288	Area wide waste treatment management	208
1289	Basin planning	209
1290	Annual survey	210

Exhibit B-1 Index to sections of the CWA

33 U.S.C. section	Section title	CWA section
1291	Sewage collection system	211
1292	Definitions	212
1293	Loan guarantees	213
1294	Wastewater recycling and reuse information and education	214
1295	Requirements for American materials	215
1296	Determination of priority	216
1297	Guidelines for cost-effective analysis	217
1298	Cost effectiveness	218
1299	State certification of projects	219
1300	Pilot program for alternative water source projects	220
1301	Sewer overflow control grants	221
Subchapter III Standards and Enforcement		
1311	Effluent Limitations	301
1312	Water quality-related effluent limitations	302
1313	Water quality standards and implementation plans	303
1314	Information and guidelines	304
1315	Water quality inventory	305
1316	National standards of performance	306
1317	Toxic and pretreatment effluent standards	307
1318	Records and reports, inspections	308
1319	Enforcement	309
1320	International pollution abatement	310
1321	Oil and hazardous substance liability	311
1322	Marine sanitation devices	312
1323	Federal facility pollution control	313
1324	Clean lakes	314
1325	National study commission	315
1326	Thermal discharges	316
1328	Aquaculture	318
1329	Nonpoint source management program	319
1330	National estuary study	320
Subchapter IV Permits and Licenses		
1341	Certification	401
1342	National pollutant discharge elimination system	402
1343	Ocean discharge criteria	403
1344	Permits for dredge and fill materials	404
1345	Disposal or use of sewage sludge	405
1346	Coastal recreation water quality monitoring and notification	406
Subchapter V General Provisions		
1361	Administration	501
1362	Definitions	502
1363	Water pollution control advisory board	503
1364	Emergency powers	504
1365	Citizen suits	505
1366	Appearance	506
1367	Employee protection	507
1368	Federal procurement	508
1369	Administrative procedure and judicial review	509
1370	State authority	510

Exhibit B-1 Index to sections of the CWA

33 U.S.C. section	Section title	CWA section
1371	Authority under other laws and regulations	511
1251 Note	Separability	512
1372	Labor standards	513
1373	Public health agency coordination	514
1374	Effluent standards and water quality information advisory committee	515
1375	Reports to Congress	516
1376	Authorization of appropriations	517
1377	Indian tribes	518
1251 Note	Short Title	519
Subchapter VI State Water Pollution Control Revolving Funds		
1381	Grants to States for establishment of revolving funds	601
1382	Capitalization grant agreements	602
1383	Water pollution control revolving loan funds	603
1384	Allotment of funds	604
1385	Corrective actions	605
1386	Audits, reports, fiscal controls, intended use plan	606
1387	Authorization of appropriations	607

B.2 Index to NPDES Regulations

The index to NPDES regulations table presented in Exhibit B-2 was created by Sylvia Kawabata of EPA Region 10 on February 1, 1986, and is maintained by Doug Corb of EPA Region 1.

Exhibit B-2 Index to NPDES regulations

Subject	40 CFR section number
Selected CWA sections	
CWA section 301(c) – Modification of Timetable	§ 122.21(m)(2) Part 125, Subpart E (reserved)
CWA section 301(g) – Modifications for Certain Nonconventional Pollutants	§ 122.21(m)(2) Part 125, Subpart F (reserved) <i>Technical Guidance Manual for the Regulations Promulgated Pursuant to section 301(g) of the Clean Water Act of 1977 and 40 CFR Part 125 (Subpart F); August 22, 1984.</i> < www.epa.gov/npdes/pubs/owm0008.pdf >
CWA section 301(h) – Secondary Treatment Waiver	§ 122.21(n)(1) Part 125, Subpart G
CWA section 301(n) – Timetable for Achievement of Objectives	See <u>Fundamentally Different Factors</u>
CWA section 316(a) – Thermal Discharges	§ 122.21(m)(6) Part 125, Subpart H § 124.57 § 124.62(a)(2) § 124.66
NPDES permit subjects	
Administrative Procedures Act Permit Continuance	§ 122.6
Administrative Record	§ 124.9 § 124.18

Exhibit B-2 Index to NPDES regulations

Subject	40 CFR section number
Alternate Test Procedures <ul style="list-style-type: none"> • Application • Approval 	<ul style="list-style-type: none"> • § 136.4 • § 136.5
Ambient Monitoring (for Indicator Parameters)	§ 122.44(d)(1)(vi)(C)(3)
Anti-backsliding	See <u>Backsliding</u>
Antidegradation Policy	§ 131.12
Applicability to State NPDES Programs	See <u>General Conditions for All Permits (State Programs)</u>
Application <ul style="list-style-type: none"> • Submittal Deadline (Time to Apply) • Permit May Not Be Issued Without Complete Application • Completeness 	§ 122.21 <ul style="list-style-type: none"> • § 122.21(c) • § 122.21(e) • §§ 124.3(c) – 124.3(g)
Aquaculture	§ 122.25 Part 125, Subpart B
Aquatic Animal Production Facilities <ul style="list-style-type: none"> • Application • Definition 	§ 122.24 <ul style="list-style-type: none"> • § 122.21(i)(2) • § 122.24
Criteria for Determination <ul style="list-style-type: none"> • General Permit 	Part 122, Appendix C • § 122.28
Average Monthly (Definition) <ul style="list-style-type: none"> • Requirements for use in Non-POTWs • Requirements for use in POTWs 	§ 122.2 <ul style="list-style-type: none"> • § 122.45(d)(1) • § 122.45(d)(2)
Average Weekly (Definition) <ul style="list-style-type: none"> • Requirements for use in POTWs 	§ 122.2 <ul style="list-style-type: none"> • § 122.45(d)(2)
Biochemical Oxygen Demand (BOD ₅)	§ 133.101(d)
Backsliding <ul style="list-style-type: none"> • From Water Quality and Technology Based Limits • From Water Quality 	§ 122.44(l) § 122.62(a)(15) § 122.62(a)(17) <ul style="list-style-type: none"> • CWA section 402(o) • CWA section 303(d)(4)
Best Management Practices <ul style="list-style-type: none"> • Definition • In Effluent Limitation Guidelines • Case-by-Case Authority 	<ul style="list-style-type: none"> • § 122.2 • § 122.44(k) • § 130.2(m) • CWA section 304(e) • CWA section 402(a)(1)
Best Professional Judgment (BPJ) <ul style="list-style-type: none"> • Case-by-Case Authority • Appropriate Factors 	<ul style="list-style-type: none"> • §125.3(a)(1) • §§125.3(c) and 125.3(d)
BMP	See <u>Best Management Practices</u>
Boilerplate Permit Conditions	§§ 122.41 - 122.42
BPJ	See <u>Best Professional Judgment</u>
Bypasses	§ 122.41(m)
CAFO	See <u>Concentrated Animal Feeding Operations</u>
Calculating NPDES Permit Conditions	§ 122.45
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	§ 133.101(e)
Case-by-Case Limitations	See also <u>BPJ</u> § 122.44(a) § 125.3

Exhibit B-2 Index to NPDES regulations

Subject	40 CFR section number
Case-by-Case Permits	See also <u>BPJ</u> § 124.52
Clean Water Act (CWA)	(Public Law 92-500), 33 U.S.C. 1251 <i>et seq.</i> , as amended by Public Laws 96-483; 97-117; 95-217, 97-117, 97-440, and 100-04
Coast Guard (Discharges from Transportation Over Water)	§ 122.44(p)
Coastal Zone Management Act	§ 122.49(d)
Combined Sewer Overflow Policy	59 FR 18688, April 19, 1994 < www.epa.gov/npdes/pubs/owm0111.pdf >
Comments Received During Public Notice Period	§ 124.13
Compliance Schedules (in permits)	§ 122.41(l)(5) § 122.47 §§ 122.62(a)(4), (a)(9), (a)(13) • Star-kist Caribe, Inc., NPDES Appeal No. 88-5 < www.epa.gov/npdes/pubs/owm0121.pdf > (EAB, May 25, 1992)
• Allowance by State Water Quality Standards	
Computation of Time	§ 124.20
Concentrated Animal Feeding Operations	§ 122.23
Concentrated Aquatic Animal Production	See <u>Aquatic Animal Production</u>
Conditions Applicable to Specified Categories	§ 122.42
Confidentiality of Information	§ 122.7 Part 2
Consolidation of Permit Processing	§ 124.4
Continuation of Expired Permits	§ 122.6
Continuous Discharge	§ 122.45(d)
Conventional Pollutants	§ 401.16
Cooling Water Intake Structures [CWA section 316(b)]	Part 125, Subparts I, J and N § 122.21(r) § 401.14
DMR	See <u>Discharge Monitoring Report</u>
Daily Average	See <u>Average Monthly</u>
Daily Maximum	See <u>Maximum Daily</u>
Definitions	§ 122.2 § 124.2 § 401.11
Denial of Permit	§ 124.6(b)
• Public Notice of Denial	• § 124.10(a)(1)(i)
Design Flow (POTWs)	§ 122.45(b)(1)
Dilution, Not A Substitute For Treatment	§ 122.45(f)(1)(iii) § 125.3(f)
Discharge Monitoring Report (DMR)	§ 122.41(l)(4)
Discharge of a Pollutant (Definition)	§ 122.2
Disposal into Wells, into POTWs, or by Land Application	§ 122.50 § 122.45(i)
Draft Permit	§ 124.6
Dredged Materials (Discharge to Waters of the United States)	CWA section 404
Duration of Permits	§ 122.46
• Computation of time	• § 124.20
Duty to Comply	§ 122.41(a)
Duty to Mitigate	§ 122.41(d)
Duty to Provide Information	§ 122.41(h)

Exhibit B-2 Index to NPDES regulations

Subject	40 CFR section number
Duty to Reapply	§ 122.41(b)
Effect of a Permit	§ 122.5
Effective Date	§ 124.15
Effluent Limitations Guidelines (Effluent Guidelines or ELG)	Parts 405-471
Endangered Species Act	§ 122.49(c)
Enforcement Authority	§ 123.27
Environmental Impact Statement (EIS) <ul style="list-style-type: none"> • EIS Public Notice of a New Source • Final EIS • New Source • NEPA 	<ul style="list-style-type: none"> • § 124.10(b)(1) • § 124.61 • § 122.29(c) • Part 6
Equivalent To Secondary Treatment (for POTWs)	§ 133.105
Establishing Limitations, Standards	§ 122.44
Establishing Permit Conditions	§ 122.43
Evidentiary Hearing Procedures (Eliminated)	§§ 124.21 (b) - (c)
Exclusions	§ 122.3
Existing Source (Definition)	§ 122.29(a)(3)
Expiration Dates	See <u>Duration of Permits</u>
Extension of Public Notice Comment Period	§ 124.12(c)
FDF	See <u>Fundamentally Different Factors</u>
Fact Sheets	§ 124.8 § 124.56
Feedlots	See <u>Concentrated Animal Feeding Operations</u>
Filter Backwash	§ 125.3(g)
Fish and Wildlife Coordination Act	§ 122.49(e)
Fish Farms	See <u>Aquatic Animal Production Facilities</u>
Flow Augmentation	§ 125.3(f)
Flow Limits (POTW - Design Flow)	§ 122.45(b)
Flow Monitoring Requirement	§ 122.44(i)(1)(ii)
Fundamentally Different Factors (FDF)	§ 122.21(m)(1) § 122.44(d)(8) Part 125, Subpart D
Frequency of Sampling (Not less than once per year)	§ 122.44(i)(2)
General Conditions Applicable to All Permits	§ 122.41
General Conditions for All Permits (State Programs)	§ 123.25
General Permits <ul style="list-style-type: none"> • Public Notice • Individual Permit Required 	§ 122.28 <ul style="list-style-type: none"> • § 124.10(c)(2)(i) • § 122.28(b)(3)
Great Lakes Water Quality Guidance	Part 132
Indian Tribe (Definition)	§ 124.2
Innovative Technology	See <u>CWA section 301(k) – Innovative Technology</u>
Inspection and Entry	§ 122.41(i)
Internal Waste Streams	§ 122.45(h)
Interim Dates for Schedules of Compliance	§ 122.47(a)(3)
Introduction of New Pollutants (POTW)	§ 122.42(b)
Issuance and Effective Date	§ 124.15 § 124.60
Mass Limitations	§ 122.45(f) § 122.44(i)(1)(i)

Exhibit B-2 Index to NPDES regulations

Subject	40 CFR section number
Maximum Daily (Definition)	§ 122.2
• Requirements for Non-POTWs	• § 122.45(d)(1)
Metals (To Be Expressed as Total Recoverable)	§ 122.45(c)
Method Detection Limit	Part 136, Appendix B
Minor Modifications	§ 122.63
Mixing Zones	§ 131.13
Modifications	§ 122.62 § 124.5
Monitoring Results, Requirements for Recording and Reporting	§ 122.48
Monitoring and Records	§ 122.41(j)
• Monitoring Reports	• § 122.41(l)(4)
• Requirements	• § 122.44(h)
• Recordkeeping	• § 122.21(p)
Municipal Separate Storm Sewer Systems (MS4)	
• When Permit Required	• §§ 122.26(a)(3), (4), and (5)
• Definitions	• § 122.26(b)
• Large and Medium MS4s Application Requirements	• § 122.26(d)
• Small MS4 Requirements	• §§ 122.30 and 122.32 - 122.37
• Tribes	• § 122.31
NPDES (Definition)	§ 122.2
National Environmental Policy Act (NEPA)	§ 122.49(g)
National Historic Preservation Act	§ 122.49(b)
Navigable Waters (Definition)	§ 110.1
Navigation	§ 122.44(q)
Need to Halt or Reduce Activity, Not a Defense	§ 122.41(c)
Net/Gross - Intake Credits	§ 122.45(g)
New Discharger (Definition)	§ 122.2
New Source	
• Definition	• § 122.2
• Application Requirements	• § 122.21(k)
• Program Requirements	• § 122.29
• Determination	• § 122.29(b)
• Mitigation Measures	• § 122.44(d)(9)
• Prohibited discharges	• § 122.4(i)
• Public Notice	• § 124.10(a)(1)(vi)
Non-Attainment Waters	§ 130.10(d)
Non-Continuous Discharges	§ 122.45(e)
Noncompliance	
• Anticipated	• § 122.41(l)(2)
• Other	• § 122.41(l)(7)
Notification Levels	
• General	• § 122.62(a)(12)
• For Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers	• § 122.42(a) • § 122.44(f)
Ocean Discharge Criteria	Part 125, Subpart M

Exhibit B-2 Index to NPDES regulations

Subject	40 CFR section number
Offshore Oil and Gas Facilities <ul style="list-style-type: none"> • Requirements Applicable to Cooling Water Intake Structures for New Offshore Oil and Gas Extraction Facilities under CWA section 316(b) • General Permit Requirements & Application 	<ul style="list-style-type: none"> • Part 125, Subpart N • § 122.28(c)
Effluent Guidelines and Standards	Part 435, Subpart A
Stormwater Exemption	§ 122.26(a)(2)
Oil Pollution Prevention	Part 112
On-Site Construction (New Source)	§ 122.29(b)(4)
Operation and Maintenance	§ 122.41(e)
pH Limits with Continuous Monitoring	§ 401.17
Planned Changes	§ 122.41(l)(1)
Pollutant (Definition)	§ 122.2
POTWs, Applications for New and Existing	§ 122.21(j)
Pretreatment	§ 122.44(j) Part 403
Primary Industry Categories	Part 122, Appendix A
Prior Notice of Citizen Suits (Under CWA)	Part 135
Priority Pollutants	Part 423, Appendix A
Privately Owned Treatment Works	§ 122.44(m)
Production-based Limitations	§ 122.45(b)
Prohibitions	§ 122.4
Proper Operation and Maintenance	§ 122.41(e)
Property Rights	§ 122.41(g)
Public Hearing <ul style="list-style-type: none"> • Public Notice for Public Hearings 	§ 124.12 <ul style="list-style-type: none"> • § 124.10(b)(2) • § 124.10(d)(2)
Public Notice <ul style="list-style-type: none"> • Specific Procedures Applicable to NPDES Permits 	§ 124.10 <ul style="list-style-type: none"> • § 124.57
Reapplication	§ 122.21(d)
Recordkeeping and Reporting	§ 122.21(p) § 122.41(j)(2) § 122.48
Reopener Clause <ul style="list-style-type: none"> • Treatment Works Treating Domestic Sewage • Other 	<ul style="list-style-type: none"> • § 122.44(c) • § 122.62(a)(7)
Reopening of Public Comment Period	§ 124.14
Response to Comments	§ 124.17
Reasonable Potential (RP) - Need For A Limit <ul style="list-style-type: none"> • Chemical Specific • Whole Effluent Toxicity (WET) 	§ 122.44(d)(1) <ul style="list-style-type: none"> • § 122.44(d)(1)(vi) • § 122.44(d)(1)(v)
Retention of Records	§ 122.41(j)(2)
Revocation and Reissuance	§ 122.62
Sample Type (Composite/Grab)	§ 122.21(g)(7)(i)
Sample Holding Times, Containers, and Preservation	§ 136.3
Sample, Representative	§ 122.41(j)
Schedule of Compliance (Definition)	See also <u>Compliance Schedule</u> § 124.2

Exhibit B-2 Index to NPDES regulations

Subject	40 CFR section number
Secondary Treatment Regulation (POTW) <ul style="list-style-type: none"> • Definitions • Secondary Treatment • Special Considerations • Treatment Equivalent to Secondary Treatment 	Part 133 <ul style="list-style-type: none"> • § 133.101 • § 133.102 • § 133.103 • § 133.105
Signatory Requirements	§ 122.22
Silviculture	§ 122.27
Sludge (Definition) <ul style="list-style-type: none"> • Sludge Standards • Land Application • Surface Disposal • Pathogens and Vector Attraction Reduction • Incineration 	§ 122.44(o) <ul style="list-style-type: none"> • Part 503 • Part 503, Subpart B • Part 503, Subpart C • Part 503, Subpart D • Part 503, Subpart E
Sludge, Municipal Co-Disposal Landfills	Part 258
Sludge-Only Facilities (Handlers)	§ 122.1(b)(3)
Small Business Exemption	§ 122.21(g)(8)
Solid Waste Facilities, Classification of	Part 257
Spill Prevention, Control, and Countermeasures (SPCC)	§ 112.3
Standard Conditions	§§ 122.41 and 122.42
State Certification <ul style="list-style-type: none"> • Applications for CWA section 301(h) Variances • Effect of State Certification 	§ 124.53 <ul style="list-style-type: none"> • § 124.54 • § 124.55
State Program Requirements	Part 123
Statutory Deadlines <ul style="list-style-type: none"> • For POTWs • For Non-POTWs 	<ul style="list-style-type: none"> • § 125.3(a)(1) • § 125.3(a)(2)
Statutory Variances and Extensions	§ 125.3(b)
Stays of Contested Permit Conditions	§ 124.16
Stormwater <ul style="list-style-type: none"> • Discharge Associated with Industrial Activity 	§ 122.26 <ul style="list-style-type: none"> • § 122.26(b)(14)
Test Methods, EPA Approved	Part 136
Ten-Year Protection Period	See also <u>New Sources and Dischargers</u> § 122.29
Termination of a Permit	§ 122.64
Thermal Discharge Variance	See <u>CWA section 316(a) – Thermal Discharges</u>
Total Maximum Daily Load (TMDL) <ul style="list-style-type: none"> • Definition • Which Waterbodies Need TMDLs 	<ul style="list-style-type: none"> • § 130.2 • § 130.7
Toxics – Application and Testing	§ 122.21(g)(7) § 122.21(g)(9) § 122.21(g)(11)
Toxic Pollutants (Definition) <ul style="list-style-type: none"> • Technology-based Controls 	§ 122.2 <ul style="list-style-type: none"> • § 122.44(e)
Toxic Pollutant List	§ 401.15
Toxicity Based Permit Limits	§ 125.3(c)(4)
Transfer of Permit	§ 122.61
Treatment Works Treating Domestic Sewage Sludge (TWTDS) (Definition)	§ 122.2
Twenty-four Hour Reporting	§ 122.41(l)(6)

Exhibit B-2 Index to NPDES regulations

Subject	40 CFR section number
Upset	§ 122.41(n)
Variances for <ul style="list-style-type: none"> • Non-POTWs • POTWs • Appeals of variances • Decisions on variances • Expedited variance procedures and time extensions • Procedures for variances when EPA is the permitting authority 	<ul style="list-style-type: none"> • § 122.21(m) • § 122.21(n) • § 124.64 • § 124.62 • § 122.21(o) • § 124.63
Vessel (Definition)	§ 112.2
Waste Stabilization Ponds (POTW)	§ 133.103(c)
Water Quality Report – CWA section 305(b)	§ 130.8
Water Quality Standards (WQS) <ul style="list-style-type: none"> • Scope • Purpose • Definitions • State Authority • EPA Authority • Submission, Minimum Requirements • Dispute Resolution • Establishment of Standards • Criteria • Antidegradation Policy • General Policies on Establishing WQS • State Review and Revision of WQS • EPA Review and Approval of WQS • EPA Promulgation of WQS • Federally Promulgated Standards (State-By-State List) 	Part 131 <ul style="list-style-type: none"> • § 131.1 • § 131.2 • § 131.3 • § 131.4 • § 131.5 • § 131.6 • § 131.7 • § 131.10 • § 131.11 • § 131.12 • § 131.13 • § 131.20 • § 131.21 • § 131.22 • Part 131, Subpart D
Waters of the United States (Definition)	§ 122.2
Wetlands	See <u>Waters of the U.S.</u> § 122.2
Whole Effluent Toxicity (WET) Limits	§ 122.44(d)(1)(iv) § 125.3(c)(4)
WET Testing With Permit Application (POTWs)	§ 122.21(j)
Wild and Scenic Rivers Act	§ 122.49(a)
Withdrawal Of State Program	§§ 123.63 - 123.64