



**UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
WATER AND
WATERSHEDS

MEMORANDUM

SUBJECT: NPDES Major/Minor Designation Procedure

FROM: /s/ Mike Lidgard, NPDES Permits Unit Manager

TO: Authorized State NPDES Program Managers

This memorandum provides guidance and instructions for the EPA Region 10 processing of major and minor designation for new and existing NPDES facilities.

In October 2015 the U.S. Environmental Protection Agency (EPA) promulgated the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule to modernize Clean Water Act reporting for municipalities, industries, and other facilities by converting to an electronic data reporting system. This final rule requires regulated entities and state and Federal regulators to use available information technology to electronically report data required by the NPDES permit program instead of filing written paper reports.

In December 2016, the EPA Office of Compliance distributed a memorandum to EPA Regional and Authorized State Water Division Directors.¹ This memorandum provides guidance on how to identify and track changes to a permittee's designation as a "major." Referring to the section of the memo under the heading "Permit Major/Minor Status Indicator Data Element", Region 10 adapted a procedure and form to facilitate assigning and tracking of major/minor facility designations.

Previously, EPA only allowed EPA Headquarters staff to be able to modify the "Permit Major/Minor Status Indicator" data element. The ability for EPA Regional staff and authorized NPDES program staff to modify this data element was requested by authorized NPDES programs during development of the final rule. EPA agreed with this recommendation and adopted this recommendation in the final rule (see Appendix A to 40 CFR part 127). EPA is now allowing both Regions and authorized NPDES programs to directly adjust the "Permit Major/Minor Status Indicator" data element.

As stated in the memo, the final rule did not change how EPA's NPDES regulations define this term. See 40 CFR 122.2 ("Major facility means any NPDES "facility or activity" classified as such by the Regional Administrator, or, in the case of "approved State programs," the Regional Administrator in conjunction with the State Director"). Therefore, authorized

¹ U.S EPA, Memorandum, NPDES Electronic Reporting Implementation Guidance for Tracking Compliance and Major Designations, December 28, 2016 <<https://www.epa.gov/sites/production/files/2017-01/documents/npdesereporting-dataentryguidance.pdf>> (February 1, 2018)

Implementation Date: February 1, 2018

NPDES programs must coordinate with their EPA Region before making any changes to the “Permit Major/Minor Status Indicator” data element in ICIS-NPDES as required by EPA’s NPDES regulations (see 40 CFR 122.2). In particular, the “major” designation is determined by the “Regional Administrator in conjunction with the State Director” (emphasis added).

EPA recommends that this coordination take place during EPA’s review of draft permits from authorized NPDES programs. The authorized NPDES program can provide EPA with the necessary rationale and justifications for any changes to the “Permit Major/Minor Status Indicator” data element in the draft permit fact sheet or other supporting documents. Authorized NPDES programs can also initiate a change in the “Permit Major/Minor Status Indicator” data element during a permit modification.

The memo states, “[e]ach EPA Region will decide how to manage this coordination. EPA will use the “Permit Major/Minor Status Start Date” data element in ICIS-NPDES to track each change in this data element. EPA Regions should document their discussions with their authorized NPDES programs regarding the approved changes to the “Permit Major/Minor Status Indicator” data element in ICIS-NPDES. This documentation will help ensure proper coordination between EPA Regions and their authorized NPDES programs.”

Consistent with the memo, EPA Region 10 NPDES Permits Unit will adopt the below-referenced procedure and form for processing facility Major/Minor Designations.

Please contact me or Karen Burgess, (206) 553-1644, burgess.karen@epa.gov, if you any questions about this memorandum.

References:

U.S EPA Region 10, Memorandum, NPDES Major/Minor Designation Procedure and forms at <https://www.epa.gov/npdes-permits/guidance-majorminor-designation-NPDES-facilities-region-10>)

U.S EPA Region 10, NPDES Permit Program Webpage at <https://www.epa.gov/npdes-permits/about-region-10s-npdes-permit-program>.

U.S. EPA, Memorandum, New NPDES Non-Municipal Permit Rating System, June 27, 1990, <<https://www3.epa.gov/npdes/pubs/owm0116.pdf>> This document includes instructions for completing the NPDES non-municipal permit rating worksheet.

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