

# NPDES Permit Application Process

NPDES Permit Writers' Course  
Online Training Series



## Presenters

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## Who Must Apply for an NPDES Permit?

- Anyone who discharges pollutants or proposes to discharge pollutants to waters of the United States [40 CFR 122.21(a)]
  - exclusions [§ 122.3]
  - owner vs. operator [§ 122.21(b)]
- 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

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## Exclusions – § 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)

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## Exclusions – § 122.3 (continued)

The following do not require NPDES permits:

- 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. [Reserved]
- i. Discharges from a water transfer

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## When to Apply or Submit Notice of Intent

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)]
	Stormwater Construction	At least 90 days before date on which construction is to commence [§ 122.21 (c)]
General	New	Specified in the general permit
	Existing	Specified in the general permit

\* Authorized states may use more stringent deadlines.

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## How to Apply for a Individual Permit

Applicants must use approved EPA or state permit 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
I	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)

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## 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 I 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)

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## Form 2A – Basic Requirements

**NPDES FORM 2A APPLICATION OVERVIEW**

**APPLICATION OVERVIEW**

Form 2A has been developed as a standard format and consists of a "Basic Application Information" section and a "Supplemental Application Information" section. The Basic Application Information section is common to all parts. All applicants must complete Parts A and C. Applicants with a design flow greater than or equal to 0.1 mgd must also complete Part B. Some applicants must also complete the Supplemental Application Information section. The following items explain which parts of Form 2A you must complete.

**BASIC APPLICATION INFORMATION**

A. Basic Application Information for all Applicants. All applicants must complete Sections A.1 through A.5. A treatment works that discharges effluent to surface waters of the United States must also complete Section A.6. B. Additional Application Information for Applicants with a Design Flow  $\geq 0.1$  mgd. All treatment works that have design flow greater than or equal to 0.1 mgd must complete sections B.1 through B.5. C. Certification. All applicants must complete Part C (Certification).

**SUPPLEMENTAL APPLICATION INFORMATION**

D. Effluent Testing Data. A treatment works that discharges effluent to surface waters of the United States and meets one or more of the following conditions must complete Part D (Effluent Testing Data):

1. This is design flow less than or equal to 1 mgd.
2. It is required to have a pretreatment program (or has one in place), or
3. It discharges effluent to surface waters of the United States.

E. Toxicity Testing Data. A treatment works that meets one or more of the following criteria must complete Part E (Toxicity Testing Data):

1. This is design flow less than or equal to 1 mgd.
2. It is required to have a pretreatment program (or has one in place), or
3. It discharges effluent to surface waters of the United States.

F. Industrial User Discharges and POTW/COLA Effluents. A treatment works that accepts or receives effluent from any industrial discharges (IUDs) or POTW/COLA effluents must complete Part F (Industrial User Discharges and POTW/COLA Effluents). See the definition on page 2 of the application instructions.

G. Pretreatment Program. A treatment works that meets one or more of the following conditions must complete Part G (Pretreatment Program):

1. It is required to have a pretreatment program (or has one in place), or
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H. Combined Sewer Systems. A treatment works that has a combined sewer system must complete Part H (Combined Sewer Systems).

**ALL APPLICANTS MUST COMPLETE PART C (CERTIFICATION)**

816 Form 2A (2/12) Rev. 1/06. Replaces 2A Form 2A (2/12) & 2A (2/12). Page 1 of 2

- 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



## Form 2A – Additional Data Requirements

- Facilities with design flow  $\geq 0.1$  mgd
  - inflow and infiltration estimates
  - process and O&M information
  - data for certain conventional and nonconventional pollutants (e.g., TDS, chlorine, DO, oil and grease)
- Facilities with design flow  $\geq 1.0$  mgd or required to have a pretreatment program
  - three priority pollutant scans
  - at least four whole effluent toxicity test results
- For some POTWs
  - information on industrial users
  - information on combined sewer systems

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



## Form 2C Requirements

- I. Outfall location
- II. Line drawing, flow, sources of pollution, treatment technologies, intermittent flows
- III. Production information (if applicable)
- IV. Improvements (if applicable)
- V. Intake and effluent characteristics
- VI. Potential discharges not covered by analysis (used or manufactured toxics)
- VII. Biological testing data
- VIII. Contract analysis information
- IX. Certification and signature

**NOTE:** 122.21(g)(13)—applicant must provide additional information that the Director may reasonably require to assess discharges and determine whether to issue a permit

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

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## Form 2C, Section V – Intake and Effluent Characteristics

- Part A – all applicants provide results of at least one analysis
  - BOD, COD, TOC, TSS, NH<sub>3</sub>, flow, temperature, pH
- Part B – mark believed present or believed absent; at least one analysis if believed present and regulated by applicable effluent guidelines
  - certain conventional and non-conventional pollutants (e.g., oil and grease, radioactivity, color, etc.)

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## Form 2C, Section V – Intake and Effluent Characteristics (continued)

- Part C – testing for priority pollutants with specific requirements for primary industries
  - Testing Required for All Primary Industries
    - metals, total cyanide, and total phenols
  - Testing Required if Limited in Effluent Guidelines Applicable to the Primary Industry
    - 2, 3, 7, 8-TCDD (dioxin)
  - Testing Required based on Specific Primary Industry
    - toxic organic pollutants
      - volatile compounds
      - acid compounds
      - base/neutral compounds
      - pesticides
  - All Other Industries: mark believed present or believed absent

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## General Permit NOI Requirements

- Most general permits require the applicant to submit a Notice of Intent (NOI)
- Requirements typically are unique to each general permit
- § 122.28(b)(2)(ii) requires that each general permit specify the contents of the NOI including, at a minimum
  - legal name and address of the owner or operator
  - facility name and address
  - type of facility or discharges
  - receiving streams
  - signature consistent with § 122.22 requirements
- Complete and timely NOI fulfills requirements for permit applications for purposes of §§ 122.6, 122.21, and 122.26

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## Additional Requirement for New Sources – § 122.21(l)

- Where EPA is the permit-issuing authority and finds a permit to a new source 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

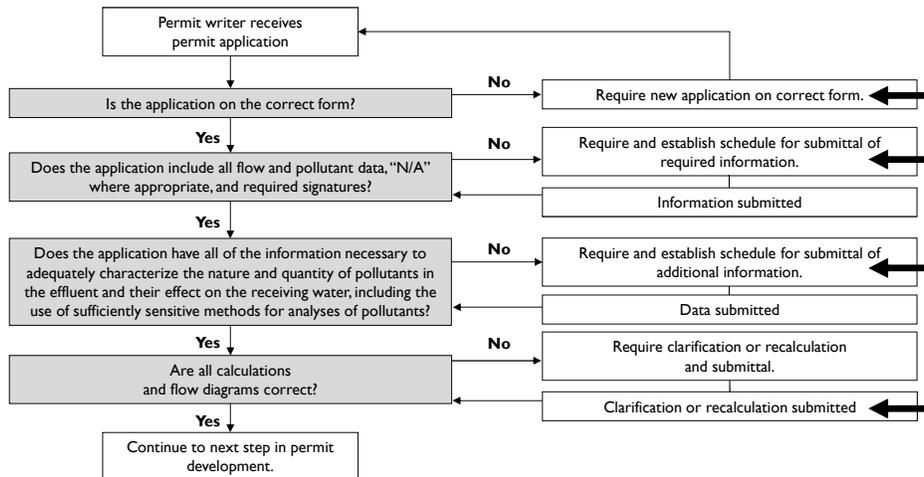


- Verify completeness of application
  - application considered complete when completed to Director's satisfaction, including any supplemental information [§ 122.21(e)]
  - proposed regulations at § 122.21(e) and Part 136 would require analyses using sufficiently sensitive methods for an application to be considered complete (75 FR 35712, June 23, 2010)
- Verify accuracy of application

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## Permit Application Review



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## Obtaining Additional Information



- use **e-mail or a telephone call** to obtain missing or supplemental 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



- obtain additional information under Clean Water Act **section 308 authority** (or equivalent state authority)

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## 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)

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## Feedback and Other Presentations

Questions or comments?

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

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NPDES Permitting

[www.epa.gov/npdes/training](http://www.epa.gov/npdes/training)

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