



**REGION 4**  
ATLANTA, GA 30303

## **APPEALING NPDES PERMITS**

If you wish to contest any of the provisions of the final National Pollutant Discharge Elimination System (NPDES) permit, you must file a petition for review with the U.S. Environmental Protection Agency's (EPA) Environmental Appeals Board (EAB) within thirty (30) days after the Regional Administrator served you with notice of the issuance of the final NPDES permit decision under 40 Code of Federal Regulations (CFR) 124.15. The EAB reviews administrative appeals of NPDES permits and issues decisions on such appeals. Subsequent to issuance of an EAB decision, the Regional Administrator will issue another final permit decision which becomes the final agency action for purposes of further judicial review.

If you received notice of this final permit decision by mail, the 30-day period within which you must file any appeal with the EAB begins on the day the notice was sent by EPA (i.e., the day after the postmark date according to 40 CFR 124.20(a)), and an additional three days are added to the period within which to appeal in order to compensate for mail delay (see 40 CFR 124.20(d)). If the notice is made by email the 30-day period is not expanded by 3 days.

Any person who filed comments on the draft permit or participated in any public hearing that may have been held pertaining to the draft permit may appeal a final permit by filing a Petition for Review with the Clerk of the EAB. The issues raised in the appeal must have been raised during the public comment period so long as they were reasonably ascertainable. Additionally, any person who failed to file comments or failed to participate in any public hearing on the draft permit may file a petition for review of permit conditions, but only to the extent that such permit conditions reflect changes from the draft permit.

Procedures for appealing permits are specified in 40 CFR 124.19.<sup>1</sup> Additional provisions related to appealing permits can be found at 40 CFR 124.16 (stays of permit conditions), 40 CFR 124.20 (computation of time), and 40 CFR 124.60 (issuance and effective date and stays of NPDES permits). All permit appeals must conform to the regulations.

## **ENVIRONMENTAL APPEALS BOARD CONTACT INFORMATION**

EAB's mailing address:	Clerk of the Board U.S. Environmental Protection Agency Environmental Appeals Board 1200 Pennsylvania Avenue NW (Mail Code 1103M) Washington, DC 20460-0001
EAB's telephone number:	(202) 233-0122
EAB's fax number:	(202) 233-0121
EAB's email:	Clerk_EAB@epa.gov
EAB's website:	<a href="http://www.epa.gov/aboutepa/about-environmental-appeals-board-eab">www.epa.gov/aboutepa/about-environmental-appeals-board-eab</a>

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<sup>1</sup> The current version of 40 CFR 124.19 is available at:  
[www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-124/subpart-A/section-124.19](http://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-124/subpart-A/section-124.19)