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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 4 1999

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Reducing the NPDES Permit Backlog

FROM: J. Charles Fox
Assistant Administrator *CREH*

TO: Regional Administrators
Regions I-X

I am writing to ask for your personal attention to reduce the backlog of the National Pollutant Discharge Elimination System (NPDES) permits. The backlog has grown steadily over the last several years in States where the Environmental Protection Agency (EPA) is the permit issuing authority, and in many authorized States as well. Excessive permit backlogs can mean delay in compliance with new water quality standards and effluent guidelines for discharges, even though expired permits remain in effect.

Permit backlogs have increased for a number of reasons. Many major permits have become more complex as more are based on water quality standards or new TMDLs which require significant additional environmental, economic, and engineering analysis. States also have shifted to a watershed approach for permit issuance, which increases backlogs to allow alignment of five-year permit cycles around watershed boundaries. In addition, the number of facilities subject to permitting has increased significantly with the first phase of the NPDES storm water program and a number of State-specific initiatives. In many cases, permit programs have not received sufficient resources to keep pace with these changes, in part because of the need to address other water quality priorities such as nonpoint source pollution control, wetlands protection, or development of court-ordered TMDLs.

The permit backlog is now classified as a material weakness under the Federal Managers Financial Integrity Act (FMFIA). The Inspector General issued a report on the severity of the problem in some States in 1998. The chairs of the Senate Environment and Public Works Committee, and the House Committee on Transportation and Infrastructure recently requested the Agency to take immediate steps to reduce the backlog and report quarterly on our progress.

I ask for your support in meeting a target for reducing the backlog of major permits to 10 percent in all States by the end of 2001, and for all permits to 10 percent by 2004. Our interim target is to reduce the nationwide backlog for all major permits to 20 percent by the end of 1999.

This may require adjustments to existing FY 1999 targets in certain Regions. The attached chart shows the backlog of majors for all States as of March 30, 1999. Note that several States are already at or near the 2001 target; they are to be commended.

The Office of Water is refining its strategy with our State and Regional partners and with members of the stakeholder community for reducing the permit backlog to meet our targets. I expect to issue this comprehensive strategy in June. Our approach features:

- specific steps, including more contract support, to help Regions and States reduce the backlog while assuring permit quality;
- broader use of tools developed in some Regions and States such as general permits, smart information systems, and simplified procedures to expedite coverage;
- cleaning up data in the Permit Compliance System (PCS) since part of the backlog may simply reflect a delay in reporting permit issuance; and,
- developing State-by-State strategies for meeting permit issuance targets where needed.

I have discussed this issue extensively with your water managers over the past eight months. Some Regions have developed strategies in response to these discussions. At this time, I ask that you meet with your water managers and determine how best to meet the above targets. Please make sure you and the States make full use of PCS as it will continue to be the database for managing this challenging problem and reporting our progress to the Congress.

Thank you very much for your cooperation. Please contact me or have your staff call Mike Cook at (202) 260-5850 if you have any questions.

Enclosure

cc: Mike Cook
Regional Water Division Directors

Summary of NPDES Major Permit Expiration Information (PCS Run 3/30/99)

Region	State	Total Permitted Major Facilities*	Total Expired Permits	Expired > 1 yr	Expired > 3 yr	Expired > 5 yrs	Expired > 10 yrs	No Expiration Date*
1	New Hampshire	69	40	27	10	2	0	0
1	Massachusetts	149	89	65	41	17	2	0
1	Connecticut	109	43	28	14	11	0	0
1	Rhode Island	27	15	15	8	1	1	0
1	Vermont	34	6	1	0	0	0	0
1	Maine	96	37	23	2	0	0	0
2	New Jersey	171	53	26	21	15	0	0
2	New York	362	17	17	15	13	0	0
2	Puerto Rico	98	37	30	17	10	1	1
2	Virgin Islands	6	3	1	0	0	0	0
3	Maryland	89	22	13	6	2	0	0
3	Delaware	23	4	4	3	2	0	0
3	District of Columbia	4	2	2	2	1	0	0
3	Virginia	144	6	1	1	1	0	0
3	West Virginia	96	8	7	2	1	0	0
3	Pennsylvania	389	38	12	4	2	0	0
4	Mississippi	87	9	6	0	0	0	0
4	Tennessee	151	30	7	0	0	0	0
4	Alabama	211	35	12	5	3	0	0
4	Kentucky	127	2	1	0	0	0	0
4	North Carolina	219	47	4	0	0	0	0
4	Florida	236	37	22	7	0	0	0
4	South Carolina	191	37	13	1	1	0	0
4	Georgia	175	2	1	0	0	0	0
5	Wisconsin	132	21	5	2	2	0	0
5	Ohio	281	79	35	18	2	0	0
5	Minnesota	79	29	21	5	0	0	0
5	Indiana	177	100	90	81	50	4	0
5	Michigan	183	66	32	14	8	0	0
5	Illinois	269	57	15	6	5	0	0
6	New Mexico	34	19	8	7	3	0	0
6	Louisiana	241	116	90	36	9	1	0
6	Texas	568	235	154	54	14	1	0
6	Arkansas	109	20	20	14	5	0	0
6	Oklahoma	91	30	26	14	4	1	0
7	Nebraska	60	41	27	20	15	0	0
7	Missouri	147	23	15	7	1	0	0
7	Kansas	57	36	28	15	3	0	0
7	Iowa	123	34	17	5	0	0	0
8	South Dakota	31	6	3	0	0	0	0
8	Utah	35	5	1	0	0	0	0
8	Montana	44	10	3	2	2	0	0
8	Wyoming	28	3	1	1	0	0	0
8	North Dakota	26	0	0	0	0	0	0
8	Colorado	105	49	32	7	2	0	0
9	Guam	8	4	4	4	4	0	0
9	American Samoa	4	4	4	2	2	0	0
9	Arizona	39	19	12	3	2	0	0
9	California	237	72	42	23	5	2	0

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Region	State	Total Permitted Major Facilities*	Total Expired Permits	Expired > 1 yr	Expired > 3 yr	Expired > 5 yrs	Expired > 10 yrs	No Expiration Date*
9	Hawaii	27	11	8	3	1	0	0
9	Northern Marianas (	2	2	2	2	2	0	0
9	Midway Island (MW)		NA	NA	NA	NA	NA	0
9	Nevada	10	3	3	0	0	0	0
10	Idaho	66	53	51	40	16	1	1
10	Alaska	43	19	19	13	7	1	5
10	Washington	92	45	38	18	2	1	0
10	Oregon	71	51	29	6	1	0	0
TOTALS		6,684	1,881	1,173	581	251	19	21
	All States							
R1		484	230	159	75	31	3	0
R2		637	110	74	53	38	1	1
R3		745	80	39	18	10	0	3
R4		1,399	199	66	13	4	3	1
R5		1,121	352	198	126	67	4	1
R6		1,043	420	298	125	35	3	7
R7		387	134	87	47	19	0	0
R8		269	73	40	10	5	0	0
R9		327	115	75	37	16	2	2
R10		272	168	137	77	16	3	6
TOTALS		6,684	1,881	1,173	581	251	19	21
	EPA States							
R1		314	166	115	53	1	2	0
R2		98	37	30	17	10	1	1
R3		0	0	0	0	0	0	0
R4		0	0	0	0	0	0	0
R5		0	0	0	0	0	0	0
R6		34	19	8	7	3	0	0
R7		0	0	0	0	0	0	0
R8		0	0	0	0	0	0	0
R9		53	29	22	11	10	0	0
R10		109	72	70	53	23	2	6
TOTALS		608	323	245	141	65	5	7
	Authorized States							
R1		170	64	44	22	12	1	0
R2		539	73	44	36	28	0	0
R3		741	78	37	16	9	0	3
R4		1,399	199	66	13	4	3	1
R5		1,121	352	198	126	67	4	1
R6		1,009	401	290	118	32	3	7
R7		387	134	87	47	19	0	0
R8		269	73	40	10	5	0	0
R9		274	86	53	26	6	2	2
R10		163	96	67	24	3	1	0
TOTALS		6,072	1,556	926	438	185	14	14

DC not include