United States
Environmental Protection
Agency

Office of Water
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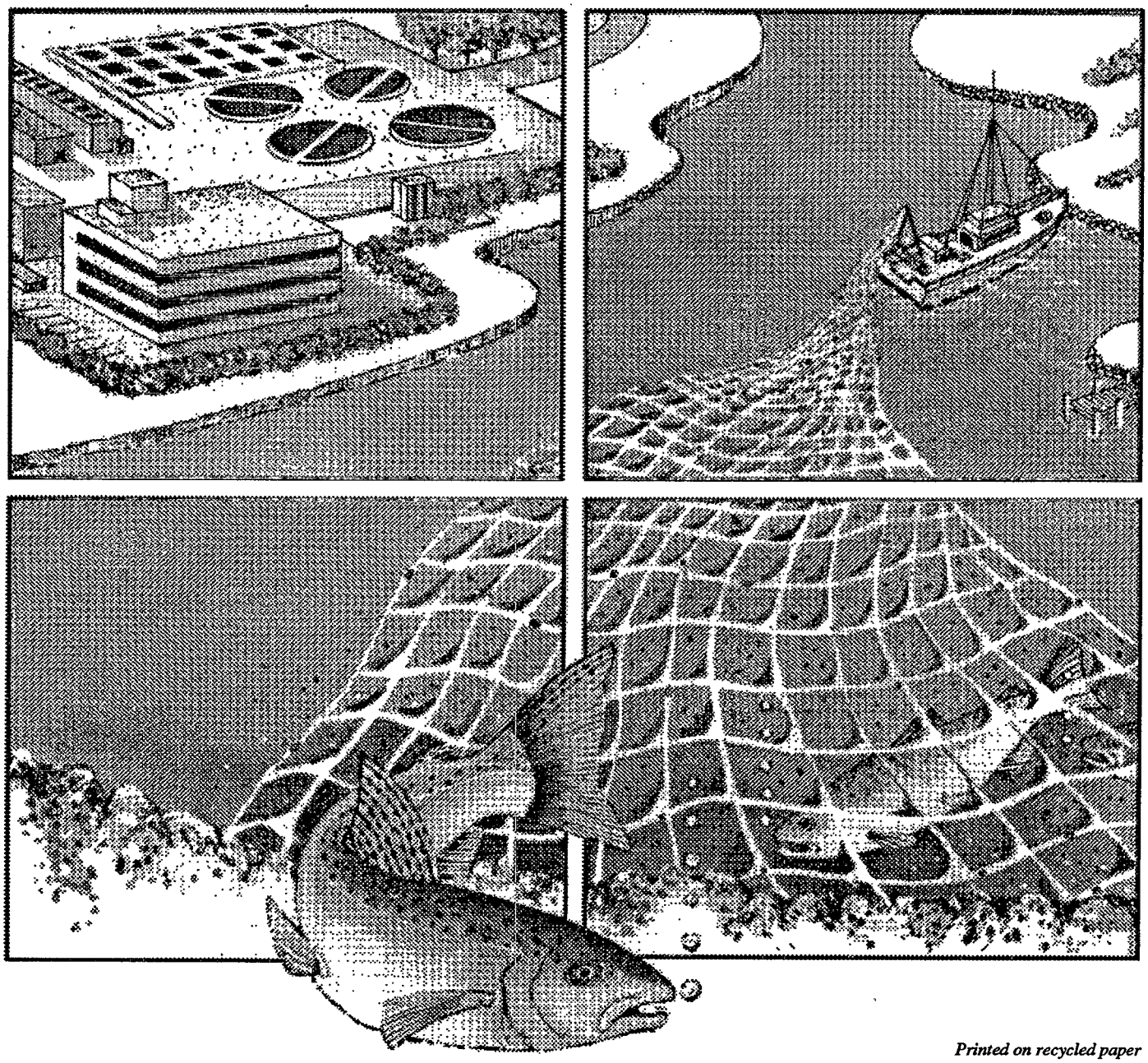
May 1994

EPA

Clean Water Act §403 Compendium



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May 1994

Clean Water Act §403 Compendium

United States Environmental Protection Agency
Office of Water
Office of Wetlands, Oceans and Watersheds
Oceans and Coastal Protection Division
Washington, DC 20460

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Preface

EPA's regulatory program under section 403 of the Clean Water Act (CWA) is an integral part of the National Pollutant Discharge Elimination System (NPDES) permit program for ocean discharges. Section 403 requires that discharges to the territorial seas, contiguous zones, and oceans comply with regulatory requirements above and beyond those specifically required of a typical NPDES permit. Such requirements are intended to ensure that no unreasonable degradation of the marine environment will occur as a result of the discharge.

In the 20 years since the passage of the CWA, an extensive amount of data has been collected on ocean discharges, their effects on marine and human health, and their associated economic costs and benefits. This compendium attempts to bring together all of the recent, pertinent literature related to §403(c) specifically and to marine discharges in general. This collection is organized according to the following categories:

- Guidance
- Regulations/Policy Memos
- Reports to Congress
- Regional Documentation
- Permit-Related Information
- Scientific Products and Models

Within these categories, document citations, sorted alphabetically, include the following attributes:

- Abstract
- EPA Document Number
- Date of Publication
- Publication Contact

The following three appendices are also included:

- Legal Cases
- Bulletins and Fact Sheets
- Courses, Conferences, and Workshops

This document was compiled for use by Regional 403 and NPDES coordinators, regulators, and other authorities involved in the Ocean Discharge Program. It is intended to serve as a reference document, as well as a guide to finding key sources of information without conducting extensive independent searches.

Attempts were made to compile as comprehensive a list of documents as possible. However, to allow the addition of works that were either overlooked or completed after the publication of this compendium, a blank update page is included following this preface.

The compendium was produced by the Oceans and Coastal Protection Division of EPA through a contract with American Management Systems, Inc. (AMS) of Arlington, Virginia. Particular appreciation is extended to the people at West Publishing Company in St. Paul, Minnesota, for permission to use all reprinted material found in Appendix A: Legal Cases.

If you have any comments regarding the compendium, or would like additional information on the 403 program, please contact:

ATTN: The 403 Compendium
U.S. Environmental Protection Agency
Office of Wetlands, Oceans and Watersheds
Oceans and Coastal Protection Division
401 M Street, SW (4504F)
Washington, DC 20460
(202) 260-8448

Compendium Update Page

DOCUMENT TITLE:	
PUBLICATION CONTACT:	Title:
Address:	Phone:
	Fax:
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Address:	Phone:
	Fax:
DESCRIPTION OF CONTENTS:	CATEGORY (PLEASE CHECK ONE) ❑ Guidance ❑ Regional Documentation ❑ Regulations/Policy Memos ❑ Permit-Related Information ❑ Report to Congress ❑ Scientific Product/Model ❑ Other _____
DOCUMENT ID#:	DATE OF PUBLICATION:

Please mail (or fax) updates to the following address:

ATTN: The 403 Compendium
U.S. Environmental Protection Agency
Office of Wetlands, Oceans and Watersheds
Oceans and Coastal Protection Division
401 M Street, SW (4504F)
Washington, DC 20460

Guidance

This section contains descriptions of guidance documents for the Regions, States, and others who may be responsible for implementing various aspects of the 403 Ocean Discharge Program. The functions for which guidance is available may include monitoring, enforcement, reporting and evaluation, computing, and administration, among others.

301(h) Permit Reissuance Guidance Document for Small Dischargers
EPA 503/9-90/008
1988

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Identifies the regulatory requirements applicable to reissuance of 301(h) modified permits held by small dischargers, i.e., publicly-owned treatment works that have contributing populations under 50,000 and average dry weather flows of less than 5.0 million gallons per day. Discusses the assessments and data analyses needed for small dischargers to satisfy applicable regulatory requirements and methods by which regulatory personnel can evaluate compliance with regulatory requirements.

Bioaccumulation Monitoring Guidance: 1) Estimating the Potential for Bioaccumulation of Priority Pollutants and 301(h) Pesticide Discharges into Marine and Estuarine Waters
EPA 503/3-90/001
September 1985

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Provides an overview of important environmental, biological, and chemical processes that affect bioaccumulation of chemical contaminants in marine and estuarine organisms. Describes a method for ranking EPA priority pollutants and 301(h) pesticides for bioaccumulation potential.

Bioaccumulation Monitoring Guidance: 2) Volume I. Selection of Target Species and Review of Available Bioaccumulation Data
EPA 430/9-86/005
1985

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Provides guidance for selecting target species for bioaccumulation monitoring studies to be conducted as part of the 301(h) sewage discharge program. Presents a compilation, evaluation, and summary of recent data on concentrations of priority pollutants in those species.

Bioaccumulation Monitoring Guidance: 2) Volume II. Selection of Target Species and Review of Available Bioaccumulation Data
EPA 430/9-86/006
1985

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Contains appendices that provide details on the compilation, evaluation, and summary of recent data on concentrations of priority pollutants in selected target species monitored for bioaccumulation.

Bioaccumulation Monitoring Guidance: 3) Recommended Analytical Detection Limits
EPA 503/6-90/001
1985

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Reviews the factors that influence target pollutant detection units and recommends minimum detection limits for bioaccumulation studies. Serves as a companion document to the recommended analytical protocols in the *Bioaccumulation Monitoring Guidance* series.

Bioaccumulation Monitoring Guidance: 4) Analytical Methods for U.S. EPA Priority Pollutants and 301(h) Pesticides in Tissues From Estuarine and Marine Organisms
EPA 503/6-90/002
May 1986

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Describes analytical methods that allow for sensitive analyses of the target compounds with a reasonable amount of laboratory effort. Discusses the analysis of extractable organic compounds, metals, and metalloids.

Bioaccumulation Monitoring Guidance: 5) Strategies for Sample Replication and Compositing
EPA 430/9-87/003
June 1987

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Provides guidance for designing monitoring programs that meet the regulatory requirements in 40 CFR 125.62 and allow continuing assessment of the impact of less-than-secondary discharges on the receiving water marine environment.

Biological Criteria—National Program Guidance for Surface Water
EPA 440/5-90/004
April 1990

Publication Contact:
U.S. EPA Water Resource Center
Washington, DC
(202) 260-7886

Conceptually describes the Biological Criteria Program and its application.

Biological Criteria—State Development and Implementation Efforts
EPA 440/5-91/003
May 1991

Publication Contact:
U.S. EPA Water Resource Center
Washington, DC
(202) 260-7886

Describes the status of biological criteria development among the States and includes selected examples of various States' experiences and contacts for further information.

Biological Criteria—Guide to Technical Literature
EPA 440/5-91/004
April 1991

Publication Contact:
U.S. EPA Water Resource Center
Washington, DC
(202) 260-7886

Provides an annotative bibliography addressing biological assessment techniques and criteria for streams, lakes, wetlands, estuaries, and near coastal waters.

Biological Criteria—Research and Regulation, Proceedings of a Symposium
EPA 440/5-91/005
April 1991

Publication Contact:
U.S. EPA Water Resource Center
Washington, DC
(202) 260-7886

Presents a record of the papers and abstracts submitted at EPA's Conference of Biological Criteria Specialists in December 1990.

Biological Criteria—Procedures for Initiating Narrative Biological Criteria
EPA 882/B92/002
April 1990

Publication Contact:
U.S. EPA Water Resource Center
Washington, DC
(202) 260-7886

Provides information on the development and implementation of a narrative form of biological criteria, especially as an initial step as States develop their biological criteria programs.

Final Guidance for Implementation of Requirements Under Section 304(l) of the Clean Water Act as Amended
March 1988

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Provides specific information for States and Regions on interpretation of the statutory requirements of section 304(l) of the Clean Water Act as amended. Places new requirements in the context of the ongoing nationwide program for controlling toxic pollutants and toxicity.

Framework for 301(h) Monitoring Programs
EPA 430/9-88/002
September 1987

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Provides guidance for publicly-owned treatment works on conducting monitoring programs to ensure compliance with 301(h) modified National Pollutant Discharge Elimination System (NPDES) permits. Describes how to design, implement, evaluate, and modify a 301(h) monitoring program.

FY 1990 Guidance for Reporting and Evaluating POTW Noncompliance with Pretreatment Implementation Regulations
September 1989

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Assists Regions and NPDES-authorized States in evaluating which publicly owned treatment works (POTWs) are in noncompliance with pretreatment requirements. Suggests procedures for taking formal enforcement action where violations are significant. Explains criteria that should be used to evaluate principal activities and functions necessary to implement the pretreatment program.

General Permit Program Guidance
February 1988

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Demonstrates the benefits of general permits as an administrative mechanism to assist permitting authorities to meet the goals of the Clean Water Act. Identifies general permits that have been developed by EPA Regions and NPDES-authorized States. Assists permitting authorities in the development and issuance of general permits.

Guidance for Developing Control Authority Enforcement Response Plans
September 1989

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Prepared in response to the requirement that publicly owned treatment works (POTWs) with approved pretreatment programs develop enforcement response plans. EPA expects POTWs to identify all industrial users (IUs) in violation of their permit limits, to respond with appropriate action, and to follow up those violations with escalated levels of enforcement as needed to ensure compliance. Provides municipal pretreatment personnel with recommendations for developing an enforcement response plan, establishing and administering an enforcement response guide, determining appropriate enforcement roles for personnel, and deciding on enforcement responses for specific violations. Includes a model enforcement response guide and a detailed analysis of common enforcement remedies.

Guidelines Establishing Test Procedures for the Analysis of Pollutants under the Clean Water Act: Final Rule and Interim Final Rule and Proposed Rule: Corrections
Federal Register
January 1985

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Corrects the preamble, final interim final regulations, and appendices establishing test procedures for the analysis of pollutants regulated under the Clean Water Act. Includes the final version of rules proposed in the *Federal Register* (49 FR 43234) on October 26, 1984, and contained in the codified version at 40 CFR Part 136.

Interim Guidance on Interpretation and Implementation of Aquatic Life Criteria for Metals
May 1992

Publication Contact:
U.S. EPA Water Resource Center
Washington, DC
(202) 260-7886

Addresses the use of EPA metals criteria in water quality standards intended to protect aquatic life; also addresses the derivation of NPDES permit limits from such criteria.

Introduction to Water Quality Standards
EPA 440/5-88/089
September 1988

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Explains key features of the water quality standards program in question-and-answer format. Provides general information to the public about the program. Divided into sections that correspond to various elements of the water quality standards program. Includes a supplemental reading list with sources of detailed technical information.

Manager's Guide to the Permit Compliance System (PCS)
EPA
June 1986

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Provides guidance in understanding and using the Permit Compliance System (PCS), the computerized data source that tracks permit, compliance, and enforcement activities conducted under the NPDES program. Explains methods to request information on the status of a State or Regional NPDES program.

Monitoring Guidance for the National Estuary Program
EPA 503/8-91/002
1991

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Provides guidance on the development of environmental monitoring programs to assess the effectiveness of Comprehensive Conservation and Management Plans (CCMPs).

NPDES Best Management Practices Guidance Document
EPA 600/9-79/045
December 1979

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Provides NPDES permitting authorities guidance in the evaluation of best management practice programs for industry. Provides examples of best management practices and methods to develop a best management practice plan.

NPDES Compliance Inspection Manual
May 1988

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Provides a discussion of the major compliance inspection functions, with modifications to include recent changes to the regulations, a new emphasis on biomonitoring, and clarification on pretreatment inspections. Emphasizes the technical information the inspector is to gather and reflects the inspector's primary objective—to gather information and report facts.

NPDES Compliance Monitoring Inspector Training, Biomonitoring
June 1990

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Third of five manuals developed by EPA to introduce the NPDES program to new inspectors. Outlines the principles of biomonitoring and the role of biological testing in the inspection program.

NPDES Compliance Monitoring Inspector Training, Laboratory Analysis
April 1990

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

First of five manuals developed by EPA to introduce the NPDES program to new inspectors. Outlines procedures and information necessary to perform an effective evaluation of a permittee's laboratory.

NPDES Compliance Monitoring Inspector Training, Legal Issues
May 1990

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Second of five manuals developed by EPA to introduce the NPDES program to new inspectors. Discusses the legal issues that must be addressed during an inspection and provides legal information to assist inspectors in performing their duties.

NPDES Compliance Monitoring Inspector Training, Overview
August 1990

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Fourth of five manuals developed by EPA to introduce the NPDES program to new inspectors. Presents an overview of the entire NPDES program and briefly summarizes different types of inspections conducted under this program.

NPDES Compliance Monitoring Inspector Training, Sampling
October 1990

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Last of five manuals developed by EPA to introduce the NPDES program to new inspectors. Details procedures to be used when conducting a sampling inspection.

Permits Division Policy and Guidance
September 1989

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Lists policies and guidance issued under the NPDES permits program by the Permits Division of the Office of Wastewater Enforcement and Compliance. Includes an outline by subject matter and a chronological list of titles.

Permit Writer's Guide to Water Quality-Based Permitting for Toxic Pollutants
EPA 440/4-87/005
July 1987

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Provides procedural recommendations to State and Federal NPDES permit writers on setting water quality-based permit limits for toxic pollutants. Augments the *Technical Support Document for Water Quality-Based Toxics Control* (the TSD), which provides a more detailed discussion of this document. Discusses bioaccumulation of specific chemicals and toxic effects on aquatic life and human health. Includes basis for toxics control, components of water quality-based toxics control, permitting procedures, case examples, and toxicity reduction evaluations. Appendices include sample special conditions permit language, a section 308 letter, and an overview of selected available tools.

Pollution Prevention Information Clearinghouse (PPIC)
April 1990

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Provides an overview of the pollution prevention information clearinghouse, including the information contained and instructions for accessing that information.

Pretreatment Compliance Inspection and Audit Manual for Approval Authorities
July 1986

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH

Assists approval authorities in providing effective oversight of approved publicly owned treatment works (POTW) pretreatment programs. The pretreatment compliance inspection (PCI) and audit procedures are consolidated into this manual.

Pretreatment Compliance Monitoring and Enforcement Guidance
September 1986

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Provides implementation guidance for publicly owned treatment works (POTWs) with approved pretreatment programs. Discusses establishing monitoring requirements for industrial users (IUs), and sampling and inspecting IUs. Establishes a definition of significant industrial user (SIU) for use by control authorities in targeting primary implementation activities. Recommends a definition of significant noncompliance (SNC) to be applied in evaluating IU compliance with effluent limitations, reporting requirements, compliance schedules, and other conditions.

Quality Assurance/Quality Control (QA/QC) for 301(h) Monitoring Programs: Guidance on Field and Laboratory Methods
EPA 430/9-86/004
March 1987

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Provides the framework for making informed decisions with respect to the field and laboratory methods used when monitoring the effects of sewage discharge on marine and estuarine ecosystems. Ensures that samples are collected, processed, stored, shipped, and analyzed using acceptable and standardized procedures.

Quality Criteria for Water **[Gold Book]**
GPO 955-002-00000-8
May 1986

Publication Contact:
U.S. Government Printing Office
Washington, DC
(202) 783-3238

Provides those who use EPA's water quality and human health criteria with up-to-date criteria values and associated information. Includes summaries of all the contaminants for which EPA has developed criteria recommendations.

Recommended Biological Indices for 301(h) Monitoring Programs
EPA 430/9-86/002
March 1987

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Recommends indices that should be used in the interpretation of 301(h) biological monitoring data. Indices recommended were judged on biological meaning, ease of interpretation, and sensitivity to community changes caused by pollutant impacts.

Revised Section 301(h) Technical Support Document
EPA 430/9-82/011
November 1982

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Provides technical support for the major changes made in the 301(h) regulations since 1979. Offers technical explanations of the assessments required to obtain a 301(h) modified discharge permit and guidance for completion of the application questionnaires for small and large dischargers. All information is advisory.

Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms
EPA 600/4-87/028
May 1988

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Describes six short-term (1-hour to 9-day) methods for estimating the chronic toxicity of effluents and receiving waters to five species: the sheepshead minnow, inland silverside, mysid, sea urchin, and red macroalga. Includes guidelines on laboratory safety, quality assurance, facilities and equipment, dilution water, effluent sampling and holding, data analysis, report preparation, and organism culturing and handling.

Summary of U.S. EPA-Approved Methods, Standard Methods, and Other Guidance for 301(h) Monitoring Variables
EPA 503/4-90/002

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Provides a discussion of available methods to collect 32 biological, sediment, and water quality variables included in 301(h) monitoring programs to evaluate the impact of modified discharges on marine biota, to demonstrate compliance with applicable water quality standards, and to measure toxic substances in the discharge.

Technical Support Document for Water Quality-Based Toxics Control [the TSD]
EPA 505/2-90/001
March 1991

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Provides States and Regions with guidance on procedures for developing water quality-based limitations for toxic pollutants. Procedures include each step in the water quality-based toxics control process from standards development to compliance monitoring.

Treatment Manual, Volume V - Summary
EPA 600/8-80/042e
July 1980

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Summarizes a five-set library of manuals designed to help develop NPDES permit limitations for facilities that, at the time of permit issuance, are not fully covered by promulgated, industry-specific effluent guidelines. The four other volumes in this series include Volume I-Treatability Data (EPA-600/8-80-042a), Volume II-Industrial Descriptions (EPA-600/8-80-042b), Volume III-Technologies (EPA-600/8-80-042c), and Volume IV-Cost Estimating (EPA-600/8-80-042d).

Water Quality Criteria Summary
May 1, 1991

Publication Contact:
U.S. EPA Water Resource Center
Washington, DC
(202) 260-7886

Wall poster that summarizes all criteria released up to May 1, 1991.

Water Quality Standards Handbook
September 1993

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Contains guidance prepared by EPA to assist States in implementing the revised Water Quality Standards Regulation (48 FR 51400) promulgated November 8, 1982. Provides a general description of the overall standards-setting process and information on general administrative policies and procedures.

Workbook for Determining Economic Achievability for NPDES Permits
August 1982

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Assists permit writers in determining the effect of installing pollution control technologies on the financial condition of firms and plants. Appendices include worksheets, source data, and technical information.

Statutes, Regulations, and Policy Memos

This section contains descriptions of regulatory documents and policy memos generated in the course of implementing the 403 program. The regulatory documents include the *Code of Federal Regulations* and the Clean Water Act legislation, while the policy memos focus on key correspondence circulated by EPA Headquarters among the coastal Regions.

The Clean Water Act
March 1988

Publication Contact:
EPIC Clearinghouse
Cincinnati, Ohio
(513) 569-7562

The Clean Water Act as amended by the Water Quality Act of 1987.

***Code of Federal Regulations, Title 40—Protection of Environment*, Parts 122-136**
Updated annually

Publication Contact:
U.S. Government Printing Office
Washington, DC
(202) 783-3238

Encompasses all NPDES regulations pertinent to 403(c), including—but not limited to—state program requirements, toxic pollutant effluent standards, water quality standards, the secondary treatment regulation, and guidelines establishing test procedures for the analysis of pollutants.

***Code of Federal Regulations, Title 40—Protection of Environment*, Part 125.120-125.124, Subpart M–Ocean Discharge Criteria**
Updated annually

Publication Contact:
U.S. Government Printing Office
Washington, DC
(202) 783-3238

Lists the established guidelines for the issuance of NPDES permits for point-source discharges into the territorial seas, the contiguous zone, and the oceans. Defines key terms, including *irreparable harm, marine environment, mixing zone, no reasonable alternatives*, and *unreasonable degradation of the marine environment*. Outlines key steps and 10 criteria used in determination of unreasonable degradation of the marine environment, summarizes permit requirements, and lists information required from the applicant in order to receive a permit.

Environmental Regulations and Technology: The National Pretreatment Program
EPA 625/10-86/005
July 1986

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Explains the need for the National Pretreatment Program. Describes Federal, State, and local roles in the program's implementation and explores the program's future.

Industrial Technology Division Technical Publications Availability Report
January 1991

Publication Contact:
U.S. EPA
Office of Science and Technology
Engineering and Analysis Division
(202) 260-7100

Provides a list of the technical publications and studies applicable to the national industrial effluent discharge rulemaking activities and currently available for review and distribution.

Reports to Congress

This section contains descriptions of EPA reports produced in response to congressional requests for information about the implementation and implications of various EPA programs. Each document is described with the appropriate date of publication.

Clean Water Act Section 403 Report to Congress: Phase II, Discharges Inside the Baseline
EPA 842/R/001
Publication expected summer 1994

Publication Contact:
U.S. EPA
Office of Wetlands, Oceans and Watersheds
Oceans and Coastal Protection Division
(202) 260-8448

Provides Congress with the information necessary to consider consequences of legislation that would extend the requirements of section 403 to discharges in estuarine waters. Identifies estuarine discharges by State and by waterbody and major and minor discharges, and evaluates industry/pollutant categories and the potential environmental effects of such "categorized discharges" in estuarine waters.

National Pretreatment Program, Report to Congress (21W-4004)
July 1991

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Examines what is known about discharges of toxic pollutants from publicly owned treatment works (POTWs), the extent to which POTWs remove toxic pollutants from wastewaters and the air, and how well the pretreatment program is being carried out. Also examines alternative regulatory strategies for improving the program.

National Water Quality Inventory — 1990 Report to Congress
EPA 503/9-92/006
Updated annually

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Summarizes State-reported water quality data under section 305(b) of the Clean Water Act , as well as supplemental EPA data. Describes the quality of rivers, lakes, estuaries, Great Lakes, coastal waters, wetlands, and ground water. Includes information on special concerns such as fishing restrictions and fish kills. Summarizes point and nonpoint source programs and surface water monitoring programs. Published every 2 years, the document is commonly known as "the 305(b) report."

Report to Congress on the Implementation of Section 301(h)
EPA 430/9-84/007
August 1984

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Summarizes EPA program activities and accomplishments in implementing section 301(h) of the Clean Water Act from 1978 to mid-1984. Discusses the technical findings resulting from a review of the 1979 301(h) applications from the 25 largest dischargers. Also presents recommendations for future 301(h) efforts.

Report to Congress on Implementation of Section 403(c) of the Federal Water Pollution Control Act
EPA 503/6-90/001
June 1990

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Focuses on land-based ocean discharges with individual permits currently subject to section 403 requirements. Identifies 323 "definite" discharges and 217 "potential" discharges subject to section 403 requirements. Also known as the "Phase I Report to Congress," this document targets several improvements to the existing 403(c) implementation program, including changes in the process of reissuing NPDES permits for ocean discharges.

Region-Specific Guidance and Documents

This section contains descriptions of documents produced primarily by the various EPA coastal Regions. Its central aim is to ensure that each Region responsible for implementing the 403 program has knowledge of and access to the key documentation necessary for doing so. The documents included range from Ocean Discharge Criteria Evaluations to monitoring program designs to Regionally-based technical reports.

Assessment of Environmental Fate and Effects of Discharges from Offshore Oil and Gas Operations
EPA 440/4-85/002
1985

Publication Contact:
U.S. EPA, Region 10
Seattle, WA
(206) 553-4973

Assesses the impact of offshore oil and gas operation discharges on the surrounding ecosystem in the coastal waters of Region 10.

Design of Biological Monitoring Programs for New York and New Jersey 403 Dischargers
TC 4115-32
December 1990

Publication Contact:
Tetra Tech, Inc.
Fairfax, VA
(703) 385-6000

Provides guidance for EPA to help local authorities develop discharge programs and assess discharge impacts to the receiving environment in the New York and New Jersey areas.

DRAFT Ocean Discharge Criteria Evaluation for Chukchi Sea, OCS Oil and Gas Lease Sale Offering 126
1990: U.S. EPA Region 10

Publication Contact:
Tetra Tech, Inc.
Redmond, WA
(206) 883-1912

Section 403(c) of the Clean Water Act requires that NPDES permits for ocean discharges be issued in compliance with EPA's Ocean Discharge Criteria for preventing unreasonable degradation of ocean waters. The purpose of this Ocean Discharge Criteria Evaluation (ODCE) report is to identify the effects of oil and gas discharges on marine waters in the Chukchi Sea.

DRAFT Ocean Discharge Criteria Evaluation for Navarin Basin, OCS Oil and Gas Lease Offering 107
1990: U.S. EPA Region 10

Publication Contact:
Tetra Tech, Inc.
Redmond, WA
(206) 883-1912

The purpose of this ODCE report is to identify the effects of oil and gas discharges on marine waters in the Navarin Basin.

DRAFT Ocean Discharge Criteria Evaluation for Norton Basin, Alaska, OCS Lease Sale 100
1986: U.S. EPA Region 10

Publication Contact:
Cooper Consultants, Inc.
Envirosphere Co.
Bellevue, WA
(206) 822-9596

The purpose of this ODCE report is to identify the effects of discharges on marine waters in the Norton Basin.

DRAFT Technical Report: Evaluation of Ocean Discharge for the Shee Atika Log Transfer Facility
1991: U.S. EPA Region 10

Publication Contact:
Tetra Tech, Inc.
Redmond, WA
(206) 883-1912

The purpose of this ODCE report is to identify the effects on marine waters of the Shee Atika Log Transfer Facility.

DRAFT Technical Report: Ocean Discharges from Salmon Net-Pens in Puget Sound
1991: U.S. EPA Region 10

Publication Contact:
Tetra Tech, Inc.
Redmond, WA
(206) 883-1912

EPA is supporting the Washington Department of Ecology's efforts to evaluate the potentially adverse impacts of marine discharges on salmon net-pen facilities. This study identifies the salient information and concerns relative to the Ocean Discharge Criteria.

Final Ocean Discharge Criteria Evaluation for Beaufort Sea, OCS Oil and Gas Lease Offering 97
1988: U.S. EPA Region 10

Publication Contact:
U.S. EPA Region 10
Seattle, WA
(206) 553-4973

The purpose of this ODCE report is to identify the effects of oil and gas discharges on marine waters in the Beaufort Sea.

Final Draft Ocean Discharge Criteria Evaluation for Beaufort Sea, OCS Oil and Gas Lease Offering 124
TC 5316-48
1990: U.S. EPA Region 10

Publication Contact:
Tetra Tech, Inc.
Redmond, WA
(206) 883-1912

The purpose of this ODCE report is to identify the effects of oil and gas discharges on marine waters in the Beaufort Sea.

Final Ocean Discharge Criteria Evaluation for Chukchi Sea, OCS Oil and Gas Lease Offering 109
1988: U.S. EPA Region 10

Publication Contact:
U.S. EPA Region 10
Seattle, WA
(206) 553-4973

The purpose of this ODCE report is to identify the effects of oil and gas discharges on marine waters in the Chukchi Sea.

Final Ocean Discharge Criteria Evaluation, Diapir Field, OCS Lease Sale 71
1983: U.S. EPA Region 10

Publication Contact:
U.S. EPA Region 10
Seattle, WA
(206) 553-4973

The purpose of this ODCE report is to identify the effects of discharges to marine waters on Diapir Field.

Final Ocean Discharge Criteria Evaluation, Diapir Field, OCS Lease Sale 87 and State Lease Sales 39, 43 and 43a
1984: U.S. EPA Region 10

Publication Contact:
U.S. EPA Region 10
Seattle, WA
(206) 553-4973

The purpose of this ODCE report is to identify the effects of discharges to marine waters on Diapir Field.

Final Ocean Discharge Criteria Evaluation for the Endicott Development Project
1986: U.S. EPA Region 10

Publication Contact:
U.S. EPA Region 10
Seattle, WA
(206) 553-4973

The purpose of this ODCE report is to identify the effects of discharges on marine waters as a result of the Endicott Development Project. Includes preliminary ODCE and addendum.

Final Ocean Discharge Criteria Evaluation, Navarin Basin, OCS Lease Sale 83
1984: U.S. EPA Region 10

Publication Contact:
U.S. EPA Region 10
Seattle, WA
(206) 553-4973

The purpose of this ODCE report is to identify the effects of discharge on marine waters in the Navarin Basin.

Objectives and Rationale for the County Sanitation Districts of Orange County 301(h) Monitoring Program
U.S. EPA Region 9 Draft Report
May 1985

Publication Contact:
U.S. EPA Region 9
Water Quality Branch
San Francisco, CA
(415) 744-2001

Under a modified NPDES permit, the County Sanitation Districts of Orange County, California, are required to have a monitoring program that includes the sampling of biological communities, receiving water quality, and treatment plant effluent. This document contains the rationale, objectives, and guidance used in designing this particular monitoring program.

Ocean Discharge Criteria Evaluation for Norton Sound, US DOI Sale 57
U.S. EPA Region 10

Publication Contact:
U.S. EPA Region 10
Seattle, WA
(206) 553-4973

The purpose of this ODCE report is to identify the effects of discharges to marine waters in Norton Sound.

Preliminary DRAFT Ocean Discharge Criteria Evaluation, OCS Lease Sale 89, St. George Basin
1984: U.S. EPA Region 10

Publication Contact:
Jones & Stokes Assoc. and Tetra Tech
Redmond, WA
(206) 883-1912

The purpose of this ODCE report is to identify the effects of discharges to marine waters in the St. George Basin.

Preliminary DRAFT Ocean Discharge Criteria Evaluation: Quartz Hill Mine Tailings Disposal in Boca de Quadra
1984: U.S. EPA Region 10

Publication Contact:
Jones & Stokes Assoc. and Tetra Tech
Redmond, WA
(206) 883-1912

The purpose of this ODCE report is to identify the effects of the discharge of mine tailings into marine waters in Boca de Quadra.

Preliminary ODCE, Cook Inlet-Shelikof Strait, OCS Lease Sale 60
1983: U.S. EPA Region 10

Publication Contact:
U.S. EPA Region 10
Seattle, WA
(206) 553-4973

The purpose of this ODCE report is to identify the effects of discharges to marine waters on Cook Inlet.

Preliminary ODCE, Northeast Gulf of Alaska, OCS Lease Sale 55
1983: U.S. EPA Region 10

Publication Contact:
Jones & Stokes Assoc. and Tetra Tech
Redmond, WA
(206) 883-1912

The purpose of this ODCE report is to identify the effects of discharges to marine waters on the Northeast Gulf of Alaska.

Preliminary Ocean Discharge Criteria Evaluation, OCS Lease Sale 92 for North Aleutian Basin
1984: U.S. EPA Region 10

Publication Contact:
Jones & Stokes Assoc. and Tetra Tech
Redmond, WA
(206) 883-1912

The purpose of this ODCE report is to identify the effects of discharges to marine waters in the North Aleutian Basin.

Preliminary Ocean Discharge Criteria Evaluation for Log Transfer Facilities in Alaska
1983: U.S. EPA, OWEC

Publication Contact:
U.S. EPA
Office of Wasteater Enforcement
and Compliance
Washington, DC
(202) 260-5850

The purpose of this ODCE report is to identify the effects of log transfer facilities on marine waters in Alaska.

Recommended Guidelines for Conducting Laboratory Bioassays on Puget Sound Sediments (DRAFT Report)
1991: U.S. EPA Region 10

Publication Contact:
U.S. EPA Region 10
Seattle, WA
(206) 553-4973

The protocols were developed to encourage scientific investigators to use well-defined and consistent methods for sampling and analyzing environmental data from Puget Sound. The protocols can serve as guidelines for writing proposals or issuing contracts. Commonly known as "the Puget Sound Water Quality Protocols."

Revised Preliminary Ocean Discharge Criteria Evaluation, Gulf of Alaska-Cook Inlet, OCS Lease Sale 88 and State Lease Sales Located in Cook Inlet
1984: U.S. EPA Region 10

Publication Contact:
Jones & Stokes Assoc. and Tetra Tech
Redmond, WA
(206) 883-1912

The purpose of this ODCE report is to identify the effects of discharges to marine waters in Cook Inlet.

STORET: Documentation for Menu-Driven User Interface
February 1992

Publication Contact:
U.S. EPA Region 9
Water Quality Branch
San Francisco, CA
(415) 744-2001

Describes the use of EPA's electronic system for the storage and retrieval of data pertaining to the quality of water within and contiguous to the United States. Provides novice users of STORET in Region 9 with a Region-specific user manual; uses three real-world scenarios to demonstrate the new menu-driven interface of STORET.

U.S. EPA Region III 403(c) Determination of Bethany Beach, DE, and Ocean City, MD, Ocean Outfalls
September 1992

Publication Contact:
U.S. EPA Region 3
Environmental Services Division
Philadelphia, PA
(215) 597-2541

Determines that the 403(c) requirements of the Clean Water Act are being met at two of Region 3's ocean outfalls. Based on Region 3's 5-year Ocean Outfall Study and the findings of the 1992 follow-up study.

Water Quality Protection Program for the Florida Keys National Marine Sanctuary: Phase I Report
U.S. EPA Region 4
July 1992

Publication Contact:
Battelle Ocean Sciences
Duxbury, MA
(617) 934-0571

A compilation of information on the environment within the Florida Keys National Marine Sanctuary. Includes assessments on water quality, the coral community, submerged and emergent aquatic vegetation, nearshore and confined waters, and spills and hazardous materials.

Permit-Related Information

This section contains descriptions of documents associated with the NPDES permitting process, including abstracts of many industrial permits and application forms used by facilities in obtaining NPDES permits.

Abstracts of Industrial NPDES Permits
EPA
October 1989

Publication Contact:
U.S. EPA
Office of Wastewater Enforcement and Compliance
Washington, DC
(202) 260-5850

Summarizes the information contained in more than 500 industrial wastewater discharge permits issued by EPA and State permitting authorities. The abstracts include the effluent limitations and monitoring requirements, as well as the basis for such effluent limitations guidelines, best professional judgment, or water quality standards. This document includes several indexes and an alphabetical listing of companies, manufacturing processes, and treatment technologies.

Application Form 1 - General Information, Consolidated Permits Program
EPA Form 3510-1
October 1980

Publication Contact:
U.S. EPA
Office of Wastewater Enforcement and Compliance
Washington, DC
(202) 260-5850

Form to be completed by all applicants applying for a permit under EPA's permits program except municipalities. Required information includes names, addresses, phone numbers, and other contact information. Also contained are instructions for completing the application.

Application Form 2B - Wastewater Discharge Information, Consolidated Permits Program
EPA Form 3510-2B
1980

Publication Contact:
U.S. EPA
Office of Wastewater Enforcement and Compliance
Washington, DC
(202) 260-5850

Form to be completed in conjunction with EPA Form 3510-1 (Form 1). Form to be completed by all persons applying for an EPA permit to discharge wastewater from new or existing animal feeding operations and aquatic animal production facilities.

Application Form 2C - Wastewater Discharge Information, Consolidated Permits Program
EPA Form 3510-2C
February 1985

Publication Contact:
U.S. EPA
Office of Wastewater Enforcement and Compliance
Washington, DC
(202) 260-5850

Form to be completed in conjunction with EPA Form 3510-1 (Form 1). Required for all persons applying for an EPA permit to discharge wastewater from existing manufacturing, commercial, mining, and silvicultural operations. Contains the form and instructions.

Application Form 2D - Wastewater Discharge Information, Consolidated Permits Program
EPA Form 3510-2D
February 1985

Publication Contact:
U.S. EPA
Office of Wastewater Enforcement and Compliance
Washington, DC
(202) 260-5850

Form to be completed in conjunction with EPA Form 3510-1 (Form 1). Form to be completed by all persons applying for an EPA permit to discharge wastewater from new manufacturing, commercial, mining, and silvicultural operations. Contains the form and instructions.

Application Form 2E - Facilities Which Do Not Discharge Process Wastewater
EPA Form 3510-2E
September 1986

Publication Contact:
U.S. EPA
Office of Wastewater Enforcement and Compliance
Washington, DC
(202) 260-5850

Form to be completed in conjunction with EPA Form 3510-1 (Form 1). This short form may be used only by operators of facilities discharging only nonprocess wastewater not regulated by effluent guidelines limitations or new source performance standards. It may not be used for discharges of stormwater runoff or by educational, medical, or commercial chemical laboratories or by publicly owned treatment works (POTWs).

Application Form 2F - Stormwater Discharges
EPA Form 3510-2F
1990

Publication Contact:
U.S. EPA
Office of Wastewater Enforcement and Compliance
Washington, DC
(202) 260-5850

Form required for stormwater discharges associated with industrial activities. A form is not required for stormwater discharges from municipal separate storm sewers serving a population in excess of 100,000.

Standard Form A - New and Existing Major POTWs
EPA Form 7550-22
July 1973 (currently being revised)

Publication Contact:
U.S. EPA
Office of Wastewater Enforcement and Compliance
Washington, DC
(202) 260-5850

Form to be completed by municipalities applying for an EPA permit to discharge sanitary sewage from a "major" publicly owned sewage treatment plant.

Standard Form A (SHORT) - New and Existing Minor POTWs
EPA Form 7550-23
July 1973

Publication Contact:
U.S. EPA
Office of Wastewater Enforcement and Compliance
Washington, DC
(202) 260-5850

Form to be completed by municipalities applying for an EPA permit to discharge sanitary sewage from a "minor" publicly owned sewage treatment plant. Form contains four parts; instructions are provided in an additional instruction booklet.

U.S. EPA NPDES Basic Permit Writers' Course Workbook
August 1992

Publication Contact:
U.S. EPA
Office of Wastewater Enforcement and Compliance
Washington, DC
(202) 260-5850

Designed for use in a course that examines the process of issuing an NPDES permit, from receipt of application to the development of effluent limitations and the issuance of a permit.

Scientific Products and Models

This section contains descriptions of documents that summarize or assist in the use of scientific data, projects, or models pertaining to the 403 program. Entries listed include research project summaries, data submission manuals, and technical support documents.

Dilution Models for Effluent Discharges
July 1992

Publication Contact:
U.S. EPA
Pacific Ecosystem Branch, ERL-N
Newport, OR
(503) 867-5000

Describes two initial dilution plume models, RSB and UM, and a model interface and manager, PLUMES, for preparing common model input and running the models. Two farfield algorithms are automatically initiated beyond the zone of initial dilution. In addition, PLUMES incorporates the flow classification scheme of the Cornell Mixing Zone Models (CORMIX), with recommendations for model usage, thereby providing a linkage between two existing EPA systems. The PLUMES models are intended for use with plumes discharged to marine and some freshwater bodies. Both buoyant and dense plumes, single sources, and many diffuser outfall configurations can be modeled.

Ecological Impacts of Sewage Discharges on Coral Reef Communities
U.S. EPA
September 1983

Publication Contact:
Tetra Tech, Inc.
Fairfax, VA
(703) 385-6000

Synthesizes current information on the ecological impact of sewage discharges on coral reefs. Addresses issues related to eutrophication, sedimentation of suspended solids, and toxic effects.

Marine Bioassays: Applications and Research Needs—Draft Data Report
U.S. EPA
July 1992

Publication Contact:
Science Applications International Corporation
McLean, VA
(703) 821-4300

Summarizes the current use of bioassays in marine and estuarine systems. Assesses the application of existing bioassay technologies to regulatory programs and identifies the most significant research needs for future bioassay applications.

The National Ocean Pollution Program: Summary of Federal Programs and Projects
September 1991

Publication Contact:
National Oceanic and Atmospheric Administration
Washington, DC

Provides information on Federal ocean pollution programs. Discusses agency missions and mandates and contains individual project information. Explains how to obtain information about current fiscal year ocean pollution research, development, and monitoring projects on digital disk.

Ocean Data Evaluation System (ODES) Data Submission Manual
EPA 503/9-90/006
1988

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Explains the quality assurance/quality control (QA/QC) cycle that must be completed before a data set can be loaded into ODES, and provides detailed instructions for entering individual data sets onto coding forms, magnetic tape, or floppy diskette for submission to ODES.

Ocean Data Evaluation System (ODES): User Guide
EPA 503/8-90/007
1987

Publication Contact:
ODES Hotline
American Management Systems, Inc.
(703) 908-8100

Provides directions for accessing information stored in ODES and for using ODES tools to produce analytical reports. ODES includes an integrated database that combines source input information with marine and estuarine environmental information. ODES also features a wide range of analytical tools for performing scientific and statistical analyses and for reporting the results in a convenient format.

Recommendations for the Development/ Refinement of Predictive Models for 301(h) and 403 (Water and Sediment Quality)
1992

Publication Contact:
Tetra Tech, Inc.
Fairfax, VA
(703) 385-6000

Discusses the role of predictive models in the 403 and 301(h) decision processes. Assesses the value of predictive models used in EPA's marine discharge programs and organizes them into three types (Near Field Models, Intermediate Field Models, and Far Field Models).

Technical Support Document for ODES Statistical Power Analysis
EPA 430/9-87/005
June 1987

Publication Contact:
EPIC Clearinghouse
Cincinnati, OH
(513) 569-7562

Reviews the basic concepts of hypothesis testing and statistical power analysis. Describes the types of power analyses that can be conducted using ODES. Provides several examples demonstrating the Statistical Power Analysis Tool contained in ODES and used in the design of new monitoring programs and in the interpretation of analysis of variance (ANOVA) test results.

Appendix A: Legal Cases

This section contains abstracts of key legal cases in Federal courts that have addressed the issue of section 403 to some degree in the course of reviewing the complaint. Although section 403 was not the central issue in each case, the general descriptions of the cases as they pertain to ocean discharges may still prove useful.

Note: All case abstracts in this appendix have been reprinted with the written permission of West Publishing Company, St. Paul, Minnesota. Sources include the *Federal Reporter*, 2nd Series; the *Supreme Court Reporter*; and the *Federal Supplement*. Appropriate source credit, as defined by West Publishing, is provided in a footnote for each case within the appendix.

CITY OF NORTH MIAMI, FLORIDA
v.
Russell E. TRAIN[1]

No. 74-714-Civ-WM.
United States District Court,
S.D. Florida.
June 28, 1974.

City brought action against the Environmental Protection Agency and various administrators for declaratory judgment, mandamus and injunctive relief to prevent the Agency from approving applications by county for funds to construct regional water treatment facilities. The District Court, Mehrtens, J., held that environmental impact statements prepared by the Agency in connection with water treatment project utilizing ocean disposal of treated wastes were not inadequate on theory that alternatives to ocean disposal, particularly land application, were not explored in sufficient detail; that the Agency was entitled to reject land application disposal method on basis of overriding environmental factors; and that county's acquisition of site for treatment facilities prior to preparation of environmental impact statement did not establish that the Agency was predisposed against the land application method.

Order accordingly.

NATURAL RESOURCES DEFENSE COUNCIL, INC.
v.
Russell TRAIN[2]

Civ. A. No 1629-73.
United States District Court,
District of Columbia.
March 24, 1975.
As Amended June 10, 1975.

An environmental group brought action against the Administrator of the Environmental Protection Agency for declaratory judgment as to the power of the Administrator to exempt from permit requirements certain "point" sources. On motions for summary judgment, the District Court, Flannerey, J., held that the exclusion of "point" sources in the agriculture, separate storm sewer, and silviculture category from the permit requirements of the National Pollutant Discharge Elimination System by the Administrator was not authorized by the Federal Water Pollution Control Act Amendments of 1972.

Orders in accordance with opinion.

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[2]Reprinted with permission from 396 F. Supp. 1393, copyright © 1975 by West Publishing Company.

HOOKER CHEMICALS & PLASTICS CORP.
v.
Russell E. TRAIN[3]

No. 796, Docket 74-1687.
United States Court of Appeals,
Second Circuit.
Argued April 25, 1975.
Decided April 28, 1976.

Chemical companies sought review of regulations establishing effluent limitation guidelines for the phosphate-manufacturing industry issued by the Environmental Protection Agency. The Court of Appeals, Moore, Circuit Judge, held that the Court had jurisdiction to review the regulations; and that the EPA's failure to consider various factors in promulgating the regulations required further proceedings to consider such factors and clarify the regulations.

Vacated and remanded.

PACIFIC LEGAL FOUNDATION
v.
John R. QUARLES, Jr.[4]

Civ. No. 77-521-HP.
United States District Court,
C.D. California.
July 20, 1977.

Legal foundation and others moved for preliminary injunction to stop implementation of water plant's interim sludge disposal project until preparation of environmental impact statements on Environmental Protection Agency grant to fund project and for Environmental Protection Agency's alleged national policy against disposal of sludge into ocean, and also sought declaration that Clean Water Act did not prohibit ocean disposal of sludge and, thus, that any environmental impact statement for project would be required to consider ocean disposal as an alternative.

The District Court, Pregerson, J., held that as long as there existed a practical land disposal method, the Environmental Protection Agency was not required to evaluate alternative of deep ocean dumping when it formulated conditions for a national pollutant discharge elimination system permit or when it authorized a grant of Federal funds to develop a project designed to achieve compliance with the Clean Water Act.

Order entered.

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[4]Reprinted with permission from 440 F. Supp. 316, copyright © 1977 by West Publishing Company.

ENVIRONMENTAL DEFENSE FUND INC.
v.
Douglas M. COSTLE[5]

No. 74-C-1698.
United States District Court,
E.D. New York.
Sept. 16, 1977.

Environmental groups brought action against State and Federal officials seeking declaratory and injunctive relief against funding and construction of Long Island sewage treatment facilities. The District Court, Bartels, J., held that: (1) environmental impact statement had not adequately addressed impact of proposals on shell fishing industry on Long Island; (2) responsibility of the administrator of the Environmental Protection Agency to prepare a comprehensive program for water pollution control could not be abdicated by reference to environmental impact statement or reports or programs of State water pollution control agencies; (3) environmental impact statement was otherwise adequate, and (4) there was compliance with requirements of the Federal Water Pollution Control Act.

Order accordingly.

INLAND STEEL COMPANY
v.
ENVIRONMENTAL PROTECTION AGENCY[6]

No. 77-1648.
United States Court of Appeals,
Seventh Circuit.
Argued Feb. 15, 1978.
Decided March 3, 1978.

On petition for review of an order of the Environmental Protection Agency, the Court of Appeals, Tone, Circuit Judge, held that the Environmental Protection Agency could properly include in permit allowing steel manufacturer to discharge certain pollutants in wastewater from its integrated steel-manufacturing facility a condition that permit would be modified to reflect subsequently adopted toxic pollutant standards that were more stringent than standards contained in permit as issued.

Permit condition upheld.

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PACIFIC LEGAL FOUNDATION
v.
Douglas M. COSTLE

CITY OF LOS ANGELES
v.
Douglas M. COSTLE[7]

Nos. 77-2909, 77-3008.
United States Court of Appeals,
Ninth Circuit.
Aug. 9, 1978.

Rehearing and Rehearing En Banc
Denied Nov. 24, 1978.

Petition was filed to review action of Administrator of Environmental Protection Agency extending terms of National Pollutant Discharge Elimination System permit applicable to Hyperion Wastewater Treatment Plant in Los Angeles. The Court of Appeals, Sneed, Circuit Judge, held that (1) for purpose of judicial review, extension was the equivalent of "issuance"; (2) beyond the territorial seas only the Administrator has authority to issue permits; (3) since one outfall discharge fell within three mile territorial limit while the two primary discharges extended outside such limit, joint Federal-State coordination of permit action was proper, notwithstanding that the State had primary responsibility for administering permit program in California; (4) although no one requested a hearing prior to extension decision, an adjudicatory hearing was required absent showing that material facts supporting the extension decision were not subject to dispute, and (5) an ocean discharge permit issued in compliance with then existing guidelines can be validly issued at a time during which the prior guidelines have been withdrawn for revision.

Remanded.

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COSTLE, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY
v.
PACIFIC LEGAL FOUNDATION[8]

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH COURT

No. 78-1472.
Argued December 5, 1979-
Decided March 18, 1980.

Section 402(a)(1) of the Federal Water Pollution Control Act (FWPCA) authorizes the Administrator of the Environmental Protection Agency (EPA), "after opportunity for public hearing," to issue a permit for the discharge of any pollutant upon condition that such discharge will meet all applicable requirements of the FWPCA or such conditions as the Administrator determines are necessary to carry out the Act's goals and objectives. Implementing regulations provide for public notice of the proposed issuance, denial, or modification of a permit; direct the EPA Regional Administrator to hold a public hearing on the proposed action if he finds a significant degree of public interest; and permit any interested person to request an "adjudicatory hearing" after the EPA's determination to take the proposed action. Such a request will be granted if it "[s]ets forth material issues of fact relevant to the questions of whether a permit should be issued, denied or modified." Respondent city of Los Angeles (city) owns a sewage treatment plant that is operated under permits issued by the EPA pursuant to the National Pollutant Discharge Elimination System (NPDES), established by the FWPCA. The city's current permit, as issued in 1975, conditioned continued discharges from the sewage treatment plant into the Pacific Ocean on the city's compliance with a schedule for achieving full secondary treatment of waste water by October 1, 1979. In April 1977, the EPA advised the city that it proposed to extend the expiration date of the 1975 permit for a second time, to December 17, 1979, with all other terms and conditions of the permit to remain unchanged. Notice of the proposed action was published in the Los Angeles Times, but neither the city nor any other party, including respondent Pacific Legal Foundation, requested a hearing or filed comments on the proposed extension, and the EPA Regional Administrator determined that public interest in the modification proposal was insufficient to warrant a public hearing. After respondent Kilroy's post determination request for an adjudicatory hearing was denied on the ground that it did not set forth material issues of fact relevant to the question whether the permit should be extended, respondents filed petitions with the Court of Appeals seeking review of the Regional Administrator's action. The Court of Appeals held that the EPA had failed to provide the "opportunity for public hearing" required by §402(a)(1) when it extended the Federal permit, and remanded for a "proper hearing." In so holding, the court concluded that the EPA is required to justify every failure to hold a hearing on a permit action by proof that the material facts supporting the action "are not subject to dispute."

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Held:

1. The Court of Appeals erred in concluding that the EPA is required to hold a public hearing on every NPDES permit action it takes unless it can show that the material facts supporting its action "are not subject to dispute." Rather, the implementing regulations in question are fully consistent with the FWPCA's purpose to provide the public with an "opportunity" for a hearing concerning agency actions respecting water pollution control, and are valid. Pp. 213-216.

2. Respondents have failed to demonstrate that the regulations in question were not applied properly in the context of this case. Pp. 216-220.

   (a) Under the circumstances presented here, it was reasonable for the Regional Administrator to extend the permit's expiration date without further public hearing, on the grounds that the public had not exhibited a significant degree of interest in the proposed action, and that information pertinent to such a decision would not have been adduced if a hearing had been held. Pp. 216-218.

   (b) The form of notice by newspaper publication was adequate. The city's argument that the notice was inadequate because its understanding of the compliance schedules was contrary to the EPA's was not pertinent to the agency's decision to extend the permit's expiration date. Pp. 218-219.

   (c) The EPA did not err in failing to hold an adjudicatory hearing on the issues raised in respondent Kilroy's request because that request did not set forth material issues of fact pertinent to the question whether the permit's expiration date should be extended. Pp. 219-220.

586 F. 2d 650, reserved.

BLACKMUN, J., delivered the opinion for a unanimous Court.

William Alsup argued the cause for petitioner. With him on the briefs were *Solicitor General McCree, Assistant Attorney.*

AMERICAN PETROLEUM INSTITUTE
v..
ENVIRONMENTAL PROTECTION AGENCY[9]

No. 84-4573.
United States Court of Appeals,
Fifth Circuit.
April 18, 1986.

Oil industry trade association and four oil companies brought petition for review of Environmental Protection Agency's issuance of two permits controlling discharges of pollutants from offshore drilling rigs to Alaskan Outer Continental Shelf and territorial seas. The Court of Appeals, Edith Hollan Jones, Circuit Judge, held that: (1) Agency's failure to act in accordance with its own regulations in enacting ban on drilling fluid containing diesel oil mandated remand of such limitation to Agency, and (2) effluent limitations concerning barite, toxicity limits and biocides, and prohibiting discharge between island shoreline and two-meter isobath were not arbitrary or capricious.

Approved in part; vacated and remanded in part.

John A. BERSANI
v.
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY[10]

No. 86-CV-772.
United States District Court,
N.D. New York.
October 6, 1987.

Shopping mall developers brought action to challenge final determination of Environmental Protection Agency that denied permission to construct a shopping mall on a swamp. Agency moved for summary judgment. The District Court, McAvoy, J., held that: (1) Agency could consider avoidability of loss in conjunction with its magnitude in determining whether environmental effect was unacceptable and significant; (2) Agency properly concluded that alternative to construction of mall on swamp was feasible and available; and (3) Agency did not act arbitrarily in concluding that significant loss of wildlife resources would result from construction of mall on swamp.

Motion granted.

MARATHON OIL COMPANY
v..
ENVIRONMENTAL PROTECTION AGENCY[11]

No 86-4739.
United States Court of Appeals,
Fifth Circuit.
Nov. 2, 1987.

Oil company brought petition for review challenging decision of Environmental Protection Agency in proposing certain conditions on permit authorizing discharge of pollutants into waters of State of Alaska. The Court of Appeals, Gee, Circuit Judge, held that EPA's decision that oil company's outfalls at two facilities had to be submerged was not arbitrary or capricious.

Petition for review denied.

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Appendix B: Bulletins and Fact Sheets

This section contains an annotated listing of key bulletins and fact sheets pertaining to the 403 program.

Coastlines Bimonthly U.S. EPA OWOW/OCPD (202) 260-1952	Disseminates information about estuaries and near coastal waters. Produced by the Alliance for the Chesapeake Bay.
News-Notes U.S. EPA OWOW/AWPD (202) 260-7040	Explores issues dealing with the condition of the environment and control of nonpoint sources of water pollution. Includes contacts for more information on the subjects covered, a calendar of meetings and events, and calls for papers. Written for state and local water quality managers, other interested public officials, environmental groups, private industry, citizens, and academics.
Volunteer Monitor Biannually U.S. EPA OWOW/AWPD (202) 260-7040	Includes articles for and by citizen volunteer water monitors on volunteer methods, organizational and planning issues, resources for volunteers, current activities, and progress. Supported by EPA and co-edited by volunteer monitoring groups.
The Water Monitor Monthly U.S. EPA OWOW/AWPD (202) 260-7040	Highlights monitoring activities in the states and Regions, summarizes and announces meetings and publications, and provides updates on innovative research and program developments. Allows surface water monitoring staff in the states, EPA Regions, and EPA Headquarters to exchange information on their programs and activities.
Watershed Events Quarterly U.S. EPA OWOW (202) 260-7166	Updates EPA offices and other interested parties on progress in the development and use of watershed protection approaches for improving the environmental quality of aquatic ecosystems.
Water Quality Criteria and Standards Newsletter Quarterly U.S. EPA OST/SASD (202) 260-7301	Highlights current events related to the development and application of water quality standards and criteria. Announces upcoming guidance documents and regulations in these programs, as well as workshops, conferences, and other events.

301(h) Fact Sheet As available U.S. EPA OWOW/OCPD (202) 260-8448	Describes background, requirements, and implications of EPA's 301(h) waiver program. Includes contact and program status information.
403 Fact Sheet Expected summer 1994 U.S. EPA OWOW/OCPD (202) 260-8448	Describes background, requirements, and implications of EPA's 403(c) ocean discharge program. Discusses ecological risk assessment, NPDES permitting, Ocean Discharge Guidelines, and 403(c) decision tree. Includes contact and program status information.

Appendix C: Courses, Conferences, and Workshops

This section contains a listing of key periodic events related to the 403 program, as well as the names of the sponsoring offices for each event. The events may include courses, conferences, or workshops designed for training Regional coordinators, improving monitoring methods, or enhancing and refining management techniques.

Event	Sponsoring Office(s)
403/301(h) Ocean Program Coordinators National Meeting	■ EPA OWOW
Coastal Zone Management Meeting/Regional Workshops	■ EPA OWOW ■ NOAA OCRM
Industrial Pollution Prevention Project (IP3) Focus Group	■ EPA OST
National Environmental Information Conference (NEIC)	■ EPA OIRM ■ EPA Region III
National Estuary Program Directors Meeting	■ EPA OWOW
National Ocean Survey Meeting	■ EPA OWOW
NPDES Permit Writers Training Workshop	■ EPA OWEC
NPDES Training Workshop: TSD for Water Quality Toxics	■ EPA OWEC
Oceans '94	■ NOAA OCRM
OWOW National Meeting	■ EPA OWOW
STORET Modernization Conference	■ EPA Office of Water
The National Coastal Programs Annual Conference	■ EPA OWOW
Water Management Division Directors Meeting	■ EPA OWOW
Water Quality Standards National Meeting	■ EPA OST

Legend of Office Acronyms

EPA – Environmental Protection Agency
- OIRM – Office of Information Resources Management
- OWEC – Office of Wastewater Enforcement and Compliance
- OWOW – Office of Wetlands, Oceans and Watersheds
- OST – Office of Science and Technology

NOAA – National Oceanic and Atmospheric Administration
- OCRM – Office of Ocean and Coastal Resource Management