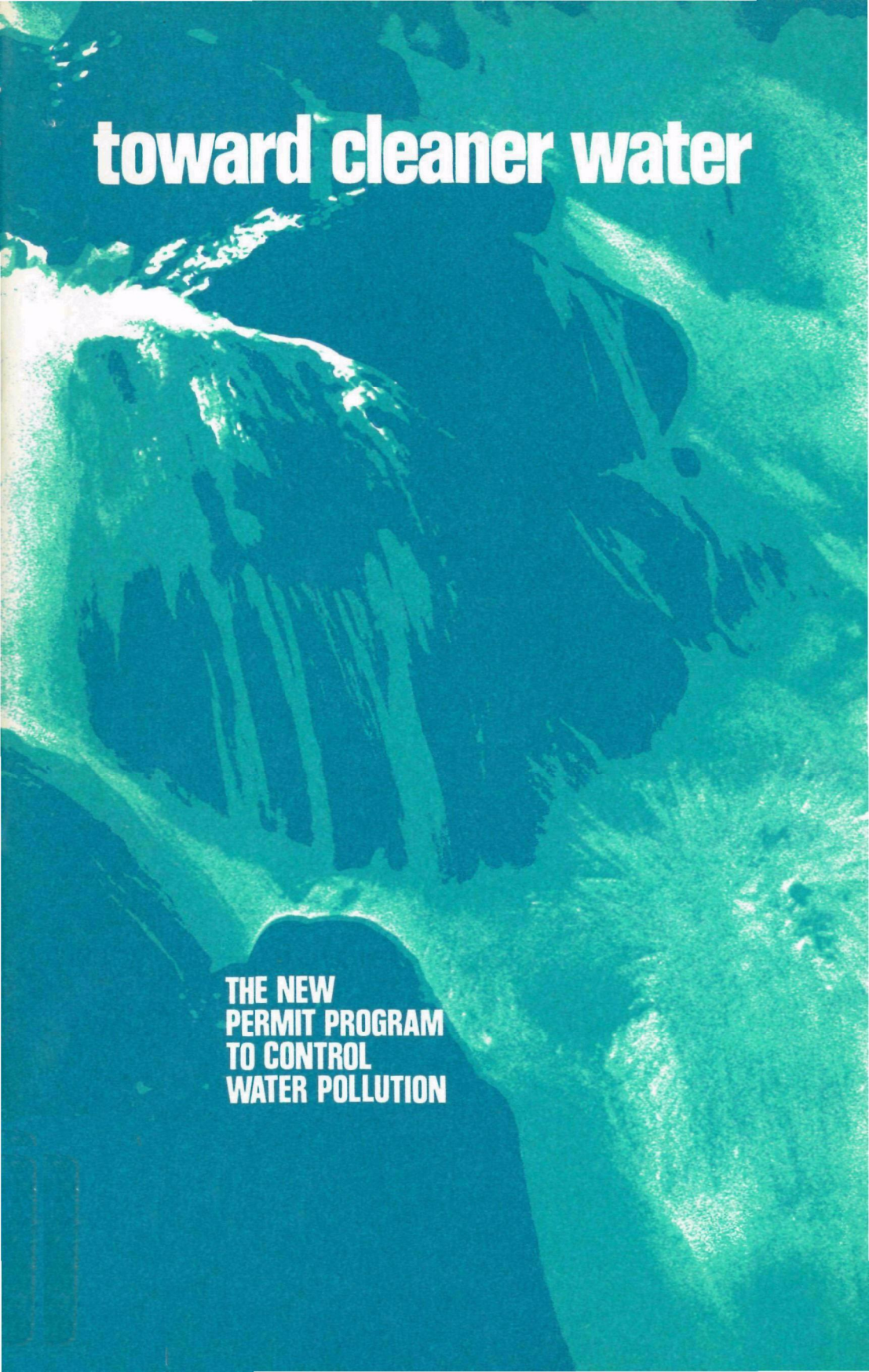
toward cleaner water



THE NEW PERMIT PROGRAM TO CONTROL WATER POLLUTION

toward cleaner water

"Restoring the quality of our Nation's streams and lakes, and our coastal waters as well, is a monumental challenge. But it is absolutely vital to the health and well-being of the American people. The 1972 Federal Water Pollution Control Act is truly a major step forward. It gives the Federal Government the standard-setting and enforcement authority it must have. It preserves the critically important 'front-line' role of the States, and it provides for the active and constructive involvement of citizens, municipalities and industry."

RUSSELL E. TRAIN
EPA ADMINISTRATOR

U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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THE NEW PERMIT PROGRAM TO CONTROL WATER POLLUTION

NPDES. These initials are the key to cleaner water—to protecting public health and welfare, and the environment, from the dangers of water pollution. NPDES stands for the National Pollutant Discharge Elimination System—a new national permit program to control discharge of pollutants into the Nation's waters.

Created by the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), the new permit program replaces and improves upon the old permit system under the 1899 Refuse Act. It is part of the comprehensive effort set in motion by the 1972 law to prevent, reduce, and eliminate water pollution.

While the States retain primary responsibility to combat water pollution, they must now do so within the framework of a Federal law that contains real teeth. And if the States do not or cannot fulfill their responsibilities under this law, the Federal Government, through the U.S. Environmental Protection Agency (EPA), is empowered and directed to take action.

Building upon earlier water pollution control legislation, the 1972 law established a tight regulatory system with precise and detailed abatement requirements, streamlined enforcement procedures, and heavy penalties for violations. At the heart of this system to control water pollution are these requirements:

- EPA is required to establish national effluent limitations and national performance standards for sources of water pollution including factories, power plants, sewage treatment plants, and animal feedlots. An effluent limitation is the maximum amount of a pollutant that anyone may discharge into a water body. Effluent limits may allow some or no discharge at all, depending on the specific pollutant to be controlled.
- The law requires industries to use the "best practicable" technology to control water pollution by July 1, 1977, and the "best available" technology by July 1, 1983.
- The law requires publicly-owned waste treatment plants to provide a minimum of "secondary treatment" by July 1, 1977 and to apply the "best practicable" technology by July 1, 1983.
- For various kinds of new industrial plants, EPA will issue separate national performance standards that will set effluent limits based on the best available demonstrated control technology, including, where practicable, no discharges of pollutants whatsoever.
- If effluent limits based on "secondary treatment" or "best practicable" or "best available" technology will not cut pollution enough to meet water quality standards established by a State or EPA, still more stringent controls

must be imposed on pollution sources so that those standards can be met.

The NPDES permit is the mechanism for insuring that effluent limits are met, that necessary technology is applied, and that all requirements of the 1972 law for controlling discharges and complying with water quality standards are met on schedule. Under the 1972 law, it is illegal to discharge any pollutant into the Nation's waters without an NPDES permit.*

A permit is not a license to pollute. On the contrary, a permit regulates what may be discharged, and how much. It sets specific limits on the effluent from each source. It commits the discharger to comply with all applicable provisions of the 1972 law. If the discharger cannot comply immediately, the permit sets firm targets. The permit commits him to reduce or eliminate his discharges in an orderly fashion, in specified steps at specified times. The commitments are legally enforceable. If a permit contains a compliance schedule, each step can be enforced without waiting for final compliance, and clear limits are put on discharges while the polluter is moving toward compliance.

The permit system also requires dischargers to monitor their wastes and to report the amount and nature of all waste components.

An NPDES permit, in essence, is a contract between a discharger and the government. If a discharger violates the conditions of a permit—or makes illegal discharges without a permit—he may be fined up to $10,000 a day. Willful or negligent violations could bring a fine of up to $25,000 a day and one year in prison for the first offense, and up to $50,000 a day and two years in prison for subsequent violations. EPA can require compliance with permit conditions by issuing administrative orders, that are enforceable in Federal court, or by seeking court action.

The combination of national effluent standards and limitations, applied to specific sources of water pollution by individual permits, with substantial penalties for failure to comply, constitutes the first effective nationwide system of water pollution control.

The ultimate guarantee that a permit is *not* a license to pollute is that the entire permit process must be carried out in the glare of public scrutiny. Under the 1972 law, permit applications and proposed permits are available to the public. There's an opportunity for a public hearing before a permit is issued or denied. The permit itself, with all conditions and requirements, is also a public document. And the monitoring information that permit holders must report is also available to the public.

* Types of "point" sources requiring a permit for discharges into water bodies include municipal waste water treatment facilities, manufacturing plants, agriculture, forestry, mining and fishing operations, and other service, wholesale, retail and commercial establishments.

Significant Terms

The best practicable technology and **best available technology,** which industries are required to use by 1977 and 1983 respectively, take into account such factors as age of equipment, facilities involved, process employed and process changes, engineering aspects of control techniques, and environmental impact apart from water quality, including energy requirements.

In assessing **best practicable technology** for a particular category of industry, a balance is struck between total cost and effluent reduction benefits.

Best available technology is the highest degree of technology proved to be designable for plant-scale operation so that costs for this treatment may be much higher than for treatment by best practicable technology.

Best available demonstrated technology, which will be the basis for establishing effluent limits for new industries, is described as those plant processes and control technologies that have demonstrated at a pilot plant level that technologically and economically they justify making investments in new production facilites.

Secondary treatment is a method of purifying waste water using biological processes. Up to 90 percent of the organic matter in sewage is removed by making use of the bacteria in it. The principal methods are by filter, in which the waste passes through a thick bed of stones, and by the activated sludge process wherein organic matter, pumped into an aeration tank, is broken down by the addition of air and bacteria-laden sludge. The solids are removed to a sedimentation tank and the effluent is chlorinated.

Thus the NPDES permit system enables any concerned citizen to find out what a polluter is discharging into the water, what he must do, and when, to control the discharge, and finally, whether the polluter is indeed meeting the legal requirements imposed by the permit.

The 1972 law proclaimed these goals for the Nation: By July, 1983, wherever possible, water that's clean enough for swimming and other recreational use, and clean enough to protect fish, shellfish, and wildlife. By 1985, no more discharges of pollutants into the Nation's waters. NPDES permits are the instruments of progress toward those goals.

how the system works

The national permit system created by the 1972 law did not begin in a vacuum. Many states already had permit programs. Moreover, the Federal Government, through the U.S. Army Corps of Engineers, had issued some permits for discharges under the 1899 Refuse Act and had on hand approximately 20,000 applications for permits under that law.

With enactment of the 1972 statute, no more Federal permits were issued under the 1899 law. Permits issued earlier remained in force subject to change to meet the requirements of the new law. The pending applications became applications for permits under the new law. And State permit programs became subject to the 1972 Federal law.

The new law required anyone who did not have a permit but who was discharging pollutants into a stream to apply for an NPDES permit by April 16, 1973. This requirement covered dischargers who did not need a permit under the old Refuse Act program, such as municipal waste treatment plants and commercial operators.

The 1972 law required anyone who planned to begin discharging after June 16, 1973 to apply for a permit at least 180 days before starting operations. Anyone who wanted to begin a new discharge before June 16, 1973 was required to give at least 60 days' notice or seek a special waiver from EPA.

Since October 18, 1972, the day the Federal law was enacted, permits for discharging pollutants into the Nation's waters have been issued only by EPA, or by a State if its permit program has been approved by EPA. Permanent permit authority may be delegated to a State only if the State meets the requirements set forth in the law and in regulations published by EPA in the *Federal Register* on December 22, 1972.

In fact, the law *requires* EPA to turn over permit-issuing authority to a State if the State so requests and if its program meets the Federal requirements. That's in keeping with the general philosophy expressed by Congress in the law that the States have "primary responsibilities and rights" to prevent, reduce, and eliminate water pollution.

The assertion of States' "primary responsibilities and rights" is not new; the 1972 law simply reiterates what previous Federal water pollution control legislation stated. What is new, however, is that for the first time the States must carry out their responsibilities within a framework of a meaningful and enforceable nationwide water pollution control program, and that for the first time the Federal Government can take effective enforcement action if the States fail to act.

The permit program requirements were designed to

make sure that discharges of pollutants into the Nation's waters are subject to uniform minimum controls and that the restrictions, terms, and conditions of a permit are substantially the same whether issued by EPA or a State. In brief, water pollution is a national problem, and the permit system is part of a national program to combat that problem.

Moreover, to insure the effectiveness of the national permit program the 1972 law requires a State with permit-issuing authority to send EPA a copy of every permit application it receives. EPA has authority to veto a proposed State permit if the permit does not comply with the law or EPA regulations, or if the waters of another State will be adversely affected by the proposed discharge.

If a discharger operating under an NPDES permit issued by a State fails to comply with the terms of the permit, EPA can step in and take enforcement action if the State does not do so. EPA can also revoke a State's permit authority if the program is not administered in compliance with Federal requirements. EPA must first hold a public hearing and give the State 90 days to take remedial action.

What's a Pollutant?

It's illegal under the 1972 Federal Water Pollution Control Act to discharge pollutants into the Nation's waters except under an NPDES permit.

Pollutants covered by this permit requirement are: Solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural wastes discharged into water.

Excluded from the NPDES permit program are: Discharges of sewage from vessels; pollutants from vessels or other floating craft in coastal or ocean waters; discharges from properly functioning marine engines; water, gas, or other material injected into oil or gas wells, or disposed of in wells during oil or gas production if the State determines that ground or surface water resources will not be degraded; aquaculture projects; separate storm sewer discharges; and dredged or fill material.

Discharges excluded from the NPDES permit system are covered by other pollution control requirements.

getting EPA approval

If a State wants to operate its own permit program, here's the procedure:

The State submits a complete description of its proposed program to EPA, along with evidence that State law gives it adequate authority to carry out the program. All procedures for establishing and administering the proposed permit program must be spelled out in State laws or regulations. If it has legal authority to do so, a State has until January 1, 1974 to issue any regulations needed to implement the program.

EPA then reviews the proposed program to see if it meets all requirements. Some of the major elements that it must contain are:

- The State program must be at least equal in scope and effectiveness to the EPA program.
- The program must be adequately funded and staffed with qualified personnel. (The State must submit proposed costs and describe available funds.)
- State law must make it illegal to discharge pollutants except under an NPDES permit.
- The program must be legally enforceable in State courts. The State must have the power to compel compliance with national and State effluent standards and limitations, and water quality standards. Civil and criminal penalties must be at least equal to those in the 1972 Federal law, or high enough to be a substantial economic deterrent to violations.
- The State must have the power to enter, inspect and monitor sources of pollution, and the authority to require polluters to install monitoring equipment, keep records, and file reports.
- The State must have the power to immediately stop discharges that pose an imminent or substantial danger to public health or welfare. Lacking this authority, the State must have a procedure for immediately notifying EPA by telephone of actual or threatened emergencies.
- The State must have the power to regulate the disposal of pollutants into wells.
- To avoid potential conflicts of interest, anyone who receives, or has received in the two years previous, a significant portion of his income, directly or indirectly, from permit holders or applicants for a permit may not serve on the State board or agency that approves permit applications. ("Significant portion" means 10 percent or more of gross personal income. For someone over 60 years old, it means 50 percent if the income comes from a retire-

ment or pension plan. "Income" includes retirement benefits, consultant fees, and stock dividends. Income from mutual funds or other diversified investments is exempt if the recipient does not know the identity of the primary sources.)

- The State must have an EPA-approved continuing planning process designed to produce water quality management plans for all navigable waters within the State. The plans can include an analysis of effluent reductions needed to meet water quality standards, effluent limits, and schedules of compliance, as well as priorities for building new waste treatment facilities and schedules for issuing permits.

- The State's proposed permit program must provide for public access to all information, except trade secrets, generated in the permit process—permit application, tentative findings, fact sheets, discharge data, the permits themselves, monitoring data, compliance reports, etc.

- And the State's proposed program must provide an opportunity for a public hearing before a permit is issued or denied.

(See Page 15—Permits and the Public—for details of the public participation process.)

Protecting Our Wetlands

Wetlands—freshwater and tidal marshes and swamps—are unique components of the ecosystem. They provide habitat for many species of fish, for waterfowl, and for fur-bearing animals. They aid in the natural purification of water. They recharge ground-water supplies. They moderate extremes in water flow. They serve as nursery areas for fish and wildlife. They produce great quantities of plant life that, in turn, are the source of much of the organic matter consumed by shellfish in estuaries.

Recognizing the biological, esthetic and recreational importance of those water areas, EPA's policy is to safeguard those irreplaceable resources to the greatest degree possible. EPA thus attempts to see that permits are not issued for discharges of pollutants that may adversely affect the Nation's wetlands.

getting a permit

How does the owner or operator of a factory, a city sewage system, an animal feedlot, or any other source of discharges covered by the NPDES permit program go about getting a permit?

The first step is to obtain an application form.

If the State in which the discharge occurs does not have an EPA-approved permit program, an owner or operator gets the form from the appropriate EPA regional office. (See Appendix F for a list of EPA regional offices and the States covered by each region.) If the State has been authorized by EPA to issue permits, forms also are available from the State water pollution control agency. (See Appendix G for a list of State agencies.)

The discharger then returns the completed form to EPA or the State agency, as appropriate, with the necessary fee.

The permit application for a typical industrial operation provides information on the amount and nature of the proposed waste water discharge—how many gallons per day, whether it's bathroom waste water, cooling water, process water, or water containing food wastes. The application shows if the discharges contain anything toxic—to humans or other living things such as lead, mercury, zinc, polychlorinated biphenyls (PCBs) — or disease-causing materials. It shows where the discharges will be made—into a water body, a well, etc. It shows whether any of the discharges have been pretreated.

What happens next is essentially the same whether EPA or a State control agency is processing the permit application, with some differences, however.

the EPA permit process

After receiving the permit application, the EPA regional office evaluates it. EPA may ask the applicant for additional information and may inspect the site of the proposed discharge. If any additional information is sought by EPA but not delivered, EPA may deny the permit and impose sanctions on the discharger.

EPA sends a copy of the permit application to other Federal agencies for comments. The district office of the U.S. Army Corps of Engineers, for example, evaluates the impact of the proposed discharge on navigation. If the Corps notifies EPA that the proposed discharge will substantially impair anchorage and navigation, EPA may not issue the permit. If the Corps finds that certain conditions

are necessary to safeguard navigation, those conditions must be made part of the permit.

The application must also receive certification from the State in which the discharge takes place so that the discharge will not violate national effluent limits and per-

Other Permits

Federal permit programs also regulate the disposal of sludge from publicly-owned sewage treatment plants, ocean dumping, and the disposal of dredged or fill material.

The Federal Water Pollution Control Act prohibits the disposal of sewage treatment plant sludge except under a permit issued by EPA. The permit system for sludge disposal operates just as the permit system described in this pamphlet. A State may administer its own sludge disposal permit system if its program meets EPA requirements.

Discharging and dumping pollutants into coastal and ocean waters is regulated by EPA under two laws—the Federal Water Pollution Control Act of 1972 and the Marine Protection, Research and Sanctuaries Act of 1972. Under the water pollution law, an NPDES permit may be issued for ocean discharges only if the discharges meet EPA regulations for protecting human health and welfare, marine life, wildlife, shorelines, beaches, and esthetic, recreation and economic values.

Under the Marine Protection law, only EPA is authorized to issue permits—after public notice and an opportunity for a public hearing—for the transportation and ocean dumping of materials that do not "unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities." No dumping permit may be issued for materials that will violate water quality standards.

The water pollution law reaffirms the U.S. Army Corps of Engineers' authority to issue permits—after public notice and an opportunity for a public hearing—for putting dredged or fill material in specified water disposal sites. EPA has authority to veto the designation of disposal sites to prevent adverse effects on municipal water supplies, shellfish beds, fishery areas, wildlife, or recreation areas.

formance standards, or that none is applicable. The State certification may include any additional effluent limits, performance standards, and monitoring requirements necessary to insure compliance with Federal and State laws. The State must give public notice of the certification application and may hold a public hearing.

If EPA thinks the discharge may affect water quality in another State, EPA must notify the other State, which, in turn, may object to the proposed discharge and request a public hearing.

Some Prohibitions

The 1972 law specifically prohibits certain discharges. It is illegal, for example, to discharge any radiological, chemical, or biological warfare material, or high-level radioactive wastes. No permit may be issued to discharge any of those dangerous materials. In addition, *a permit may not be issued:*

—If the State where the discharge will take place denies certification.

—If compliance with the water quality requirements of all affected States cannot be insured.

—If the Corps of Engineers finds that the discharge would substantially impair anchorage and navigation.

—If the source of the discharge is in conflict with an approved areawide waste treatment management plan prepared for an area with substantial water pollution problems. (This permit requirement will come into play after EPA approves the areawide plan. Those plans will be submitted by the States within two years after the planning process gets under way.)

—If the discharge will be into coastal or ocean waters and if the discharge does not meet EPA's guidelines for those waters. (The permit may not be issued if there's not enough information available to determine whether the discharge will comply with those guidelines.)

Tentative Decision

After analyzing all information and comments on the proposed discharge, the EPA regional office makes a preliminary decision to issue or deny the permit. The decision is spelled out in "tentative determinations," which include proposed effluent limits on pollutants that will be discharged, a proposed compliance schedule for meeting the effluent limits if full compliance is not immediately possible, and proposed conditions to be included in the permit.

EPA then issues a public notice of the permit application and its intention to issue or deny the permit. The tentative determinations and the permit application are

made public, along with any available fact sheet. EPA also provides an opportunity for a public hearing before issuing or denying the permit.

When this process is completed, and after giving the public 30 days to comment on its preliminary decision or to request a public hearing, the EPA regional administrator issues or denies the permit.

the state permit process

If a State water pollution control agency is handling the permit program, the application is processed much as EPA does it. The State may ask for more information and may inspect the site. It sends a copy of the permit application to involved Federal agencies and to any other States that may be affected by the discharge. The State must abide by the same prohibitions against issuing permits that govern EPA's decision. (The certification procedure described under the EPA permit-issuing process does not apply to a State permit system. And while a State must give other States whose waters may be affected by discharges an opportunity to comment on the proposed permit, the first State is not required to comply with suggestions made by affected States. However, if a State does not accept the recommendations of other affected States, it must explain why, in writing, to the other States—and to EPA, which can veto the permit.)

In addition, the State must send the EPA regional administrator a copy of the permit application. If EPA requests it, the State must require the applicant to submit additional information. The State must also send EPA a copy of any permit it proposes to issue. If EPA objects, the State may not issue the permit. (EPA may waive its right to review certain permit applications submitted to a State by individual dischargers or by categories of dischargers. Sources of discharges thus exempt from EPA review in the permit process are spelled out in regulations issued by EPA when it approves a State permit program.)

After analyzing the application, the State then makes its preliminary decision to issue or deny the permit. If more than 500,000 gallons are to be discharged on any day of the year, the State prepares a fact sheet on the proposed permit.

The State announces its tentative decision publicly, makes the information available to the public, and provides an opportunity for a public hearing, as does EPA. After allowing at least 30 days for comments and requests for a public hearing, the State issues or denies the permit. The State must also send EPA a copy of every permit it issues.

the permit

Any permit issued by EPA or a State must contain several elements.

• The permit must specify which pollutants may be discharged and must set average and maximum daily limits on those discharges as needed to meet effluent standards and limitations, water quality standards, and any other Federal or State requirements. (See Appendix B for sample permit application.)

• If the discharge is not in compliance with all applicable standards and effluent limits, the permit must require the discharger to take specific steps to achieve compliance no later than July 1, 1977.

• If compliance cannot be achieved within nine months, the permit must contain one or more specific interim dates by which specific interim actions will be taken —such as deadlines for ordering pollution control equipment, for beginning installation of the equipment, for completing the installation, for testing the equipment and putting it into operation, and for final compliance. No more than nine months may pass between interim dates.

If a specific compliance step cannot be completed in nine months, a progress report must be submitted within two weeks after each interim deadline and the final compliance date. The permit holder must report in writing whether he has met the deadline or not. The permit may also set effluent limits for each interim step. A State may revise or modify a compliance schedule in a permit it has issued, at the request of the permit holder, only for "good and valid cause"—such as an act of God, a strike, flood, shortage of materials—or for some other event over which the permit holder has little or no control. The revision or modification is subject to EPA veto, however.

• Sources must monitor major discharges, and whether major or not, must monitor any discharges containing a toxic pollutant for which EPA has issued an effluent standard. The source must keep monitoring records and report the monitoring data at least once a year. (EPA or a State may require monitoring and reporting for any discharge, regardless of volume or content.)

• The permit must be for a fixed period of time, but for not more than five years. (A permit holder may apply for reissuance at least 80 days before the expiration date; the permit may be reissued after public notice, and an opportunity for a public hearing.)

In addition, all permits issued must be subject to these conditions:

—That the permit holder must report any new or increased discharges in a new application.

—That any discharge of a new pollutant, or more frequent or excess discharge of a pollutant authorized by the

permit, will constitute a violation of the permit.

—That the permit may be modified, suspended, or revoked if its terms are violated, if it was obtained by misrepresentation or failure to disclose all relevant facts, or if conditions require the authorized discharge to be reduced or stopped, temporarily or permanently.

—That the permit holder will allow EPA or State water pollution control agency officials to enter and inspect the plant, inspect and copy records required to be kept under terms of the permit, inspect monitoring equipment required by the permit, and sample pollution discharges.

—That the permit holder will keep his pollution control systems in good working order and operating as efficiently as possible to comply with the permit.

—That discharges will be consistent with toxic effluent

Federal Discharges

The Federal Water Pollution Control Act requires all U.S. Government agencies to comply with Federal, State, interstate and local water pollution control laws and regulations, just as any non-governmental source of pollution must. As part of that compliance, Federal installations discharging pollutants into water bodies are covered by the NPDES permit system. Permits for discharges from Federal installations are issued only by EPA, however. Thus, even if a U.S. military base, power plant, hospital, munitions plant, etc. is located in a State that has an EPA-approved permit program, EPA, not the State, is the permit authority for that Federal installation.

The law empowers the President to exempt any Federal effluent source from compliance if it's "in the paramount interest" of the Nation to do so. (However, no exemption may be granted from the new source performance standards and effluent standards for toxic pollutants that EPA will issue in 1974, nor from compliance with pretreatment requirements for wastes going directly into a publicly-owned treatment plant.)

The President may not grant an exemption because of the lack of funds to bring a Federal facility into compliance unless he has specifically asked Congress for the funds, and Congress has failed to appropriate the money.

The law also requires the President to report annually to Congress all exemptions granted, with the reason for each exemption.

standards or prohibitions established under the 1972 law.

When a publicly-owned waste treatment plant receives a permit, several other conditions must be met. For instance: If the treatment plant handles discharges from industries, the permit holder must report any new pollutants coming from those sources. Any substantial change in the volume or nature of industrial discharges must also be reported. And the permit holder must require industries using the public plant to pretreat their wastes to get rid of pollutants that cannot be treated by, or would interfere with the operation of the public plant. (Note: Industries discharging directly into a publicly-owned waste treatment system do *not* need a permit for such discharges, but must meet the pretreatment standards set by the public system.)

For Further Information

EPA has published several pamphlets on water pollution control and citizen participation in environmental improvement programs. Items indicated as free are available from EPA, Office of Public Affairs, Washington, D.C. 20460. Cost items are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

HIGHLIGHTS OF THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS of 1972—Free.

HIGHLIGHTS OF THE MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT OF 1972—Free.

ACTION FOR ENVIRONMENTAL QUALITY: Standards and Enforcement for Air and Water Pollution Control—65 cents.

THE METRO STORY: How Citizens Cleaned Up Lake Washington—10 cents.

OREGONIANS RESTORE THE WILLAMETTE—15 cents.

DON'T LEAVE IT ALL TO THE EXPERTS: The Citizen's Role in Environmental Decision Making —55 cents.

CITIZEN ACTION CAN GET RESULTS—20 cents.

GROUPS THAT CAN HELP—Free.

permits and the public

Recognizing the importance of public understanding and involvement in efforts to protect the environment, Congress wrote into the 1972 law a requirement that EPA and the States must provide for, encourage, and assist public participation in carrying out provisions of the Act. Moreover, the 1972 law also requires EPA and the States to make information on the permit system available to the public and to provide an opportunity for a public hearing before issuing or denying a permit.

Those requirements, along with regulations issued by EPA, give the public an unprecedented opportunity to take part in a government regulatory program. The public involvement opportunities give the public full access to all information (except trade secrets) on proposed discharges. They give citizens who care enough to take part a chance to evaluate the information and to make their views known early in the decisionmaking process.

After a permit is issued, it is a public document; concerned citizens can learn exactly what a discharger may put into a water body and what the discharger must do to reduce or eliminate the flow of pollutants. The public also has access to the monitoring and compliance reports that dischargers must file with EPA or the State agency. Citizens can use those reports to measure progress—or lack of it—toward cleaner water. The public also has the right under the 1972 law to challenge in court EPA's decision to issue or deny a permit, to file suit against anyone violating a permit condition, an EPA order, and to file suit against EPA itself if it fails to carry out any action required by the 1972 law. (There are some conditions on this right to sue. See Appendix, A.)

Here's the public participation machinery built into the permit system:

Public Notice

The public will be given notice before a permit is issued or denied. The permit application and tentative determinations must be made available to the public. At least 30 days must be allowed for public comments on the tentative decision to issue or deny the permit, and for requesting a public hearing.

If EPA's or the State's preliminary decision is to issue the permit, the tentative determinations must include the proposed effluent limitations on pollutants to be discharged, the proposed schedule of compliance, and any other terms and conditions to be imposed on the discharger. This, in effect, is a draft permit.

EPA and the State must set up mailing lists and automatically send any individual or organization who asks to be on the list a copy of all public notices on permit applications. Public notice of the permit application must be posted in the post office and other public places nearest the site of the proposed discharge, at the entrance to the applicant's plant and in nearby places, or the public notice must be published in local newspapers, including at least one general-circulation newspaper. (See sample public notice of a permit application, Appendix C.)

Fact Sheet

To make additional information available to the public, EPA and the State must also prepare a fact sheet on every permit application that proposes discharges of more than 500,000 gallons on any day of the year. (EPA or a State *may* prepare a fact sheet on smaller proposed discharges if it wishes.)

The fact sheet must be sent to anyone who requests it after public notice of the permit application. EPA or a State must also set up a mailing list and automatically send any individual or organization who asks to be on that list a copy of every fact sheet.

Among other things, the fact sheet must include the following information:

- A sketch or detailed description of the location of the proposed discharge.
- Average summer and winter temperatures of the discharge.
- Average discharge in pounds per day of any pollutants present in significant quantities or subject to limits under the 1972 law.
- The tentative determinations described earlier.
- The uses for which the water body receiving the discharge has been classified, and the water quality standards and effluent standards and limitations applied to the discharge.
- A more detailed description of how a final decision will be made on the permit application, including procedures for requesting a public hearing, and any other ways in which the public may take part in the final determination. (See sample fact sheet, Appendix D.)

Public Hearings

A State agency must hold a public hearing before acting on a permit if there is "significant public interest" in a hearing. This includes any requests or petitions for a public hearing filed within 30 days of the public notice of the permit application. EPA regulations specify that "instances of doubt should be resolved in favor of holding the hearing."

State public hearing procedures vary, but procedures must be consistent with EPA regulations on the public participation provisions of the 1972 law. These regulations stress that individual citizens and organizations must have a formal opportunity to present their views before a control agency makes its final decision, and that the final decision must reflect consideration of the views presented at the public hearing.

EPA may hold a public hearing if there is a significant degree of public interest in a proposed permit.

If a public hearing is held, the public must be given 30 days' notice of the hearing, and the hearing must be held in the area of the proposed discharge or in another appropriate location.

In addition, EPA regulations provide an opportunity for a formal "adjudicatory hearing" on a permit that EPA proposes to issue, in conformity with the Administrative Procedures Act. An adjudicatory hearing may be requested by a State in which a discharge takes place, by a State that may be affected by a discharge, by the applicant for a permit, or by any foreign country, Federal agency or person whose interests may be affected by a discharge.

post-script

That, in sum, is how the permit system—a key "action" part of the 1972 law—works. As the law declares, its objective is "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." The law provides the Nation with formidable new tools to achieve that objective. But in applying those tools and implementing the permit program—and in carrying out all of its responsibilities to protect public health and the environment—EPA needs and looks forward to the support and cooperation of State and local governments, of industry, and of the public.

The 1972 law gives the public formidable new opportunities to participate in the battle against water pollution. EPA encourages citizens to use those tools, for unless they are used, unless citizens get involved, the national program to restore and maintain the integrity of our rivers, streams, lakes and oceans will be impeded.

Through elected and appointed officials, the public will ultimately determine how clean our waters will be. Public participation in the permit system will help assure vigorous implementation of the Federal Water Pollution Control Act and cleaner, safer water for all to enjoy.

What Can Citizens Do To Help?

Concerned citizens, especially those organized in voluntary citizen organizations to work for a cleaner environment, can contribute greatly to the campaign against water pollution. Among other things, they can work to insure that water pollution control agencies—at the community, State and Federal levels—have adequate funds and staff to implement water pollution control laws and regulations. They can support, encourage, and stimulate control agencies and polluters to move steadily and speedily toward compliance with water pollution control laws and regulations. They can keep the public informed, on a continuing basis, on the success or failure of water pollution control programs, including the permit system.

Citizen groups can play a direct role in the national permit program. They can monitor permit applications and proposed permits. They can obtain and analyze draft permits and fact sheets. They can request and take part in public hearings and the formal adjudicatory hearings when deemed necessary. They can learn the terms and conditions of permits, obtain monitoring and compliance reports, and check to see if compliance schedules are being met on time. They can report supposed violations of permits to control agencies. If all else fails, they can use their right to take court action to compel compliance.

In brief, concerned citizen organizations can serve as public ombudsmen, public watchdogs of the national program "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters" under the Federal Water Pollution Control Act.

APPENDIX A — Guidelines for Citizen Suits

Citizens are given the right to bring a civil suit under the new Act against any person who is alleged to be in violation of an effluent standard or limitation (which includes violation of a permit condition) or of an order issued by the Administrator or a State in regard to such limitation or standard, or against the Administrator where he allegedly fails to perform any nondiscretionary act or duty. Under the Act, "citizen" is defined as "a person or persons having an interest which is or may be adversely affected," and "person" is defined to mean "an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body." According to relevant legal interpretation, a citizen plaintiff must be a person with an interest that is or may be adversely affected in fact; a generalized but not directly affected interest in the environment would not be sufficient to give a citizen standing to sue under the Act.

Persons who can be named as defendants in a citizen suit include the United States and any other governmental agency to the extent permitted by the Eleventh Amendment to the Constitution. The suit shall be brought in the district court without regard to the amount in controversy or the citizenship of the parties. In addition to granting injunctive relief, the courts are authorized to apply any appropriate civil penalties of the Act.

A citizen may sue the Administrator for failure to perform nondiscretionary acts such as meeting a deadline in establishing regulations or standards or in preparing studies or reports. If the Administrator fails to take enforcement action after he finds that a violation of the Act has occurred, he is also subject to a citizen's action.

If a citizen is going to bring an action in any of these circumstances, the citizen must give at least 60 days' notice (except for violation of standards for toxic pollutants or performance standard requirements) prior to commencement of the action (1) to the Administrator, (2) to the State in which the alleged violation occurs, and (3) to the alleged violator. A separate suit may not be brought by a citizen if the Administrator or the State has commenced and is diligently prosecuting a civil or criminal action to require compliance with the violated standard, permit condition, or order.

APPENDIX B — Sample Permit Application

Application No.: AB 123 CDE 4567890
Name of Permittee: American Widget Co.
Effective Date:
Expiration Date:

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM DISCHARGE PERMIT

In reference to the above application for a permit to discharge in compliance with the provisions of the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, October 18, 1972 (33 U.S.C. §1251 *et. seq*) (Hereinafter referred to as "'the Act"),

AMERICAN WIDGET CO.
BABYBUGGY DIVISION
BUMPER OPERATION

is authorized by Region V, U.S. Environmental Protection Agency
Regional Administrator
to discharge from its operation at Anytown, State
to the Local River
in accordance with the following general and special conditions:

GENERAL CONDITIONS

1. All discharges authorized herein shall be consistent with the terms and conditions of this permit; facility expansions, production increases, or process modifications which result in new or increased discharges of pollutants must be reported by submission of a new NPDES application, or if such new or increased discharge does not violate the effluent limitations specified in this permit, by submission to the permit-issuing authority of notice of such new or increased discharges of pollutants in which case the permit may be modified to specify effluent limitations for any pollutants not identified and limited herein); the discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

2. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

a. Violation of any terms or conditions of this permit;

b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

3. Notwithstanding (2) above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the Act for a toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this permit, the permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee shall be so notified.

4. The permittee shall allow the head of the State water pollution control agency, the Regional Administrator, and/or their authorized representatives, upon the presentation of credentials:

a. To enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit;

b. To have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit;

c. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit; or,

d. To sample at reasonable times any discharge of pollutants.

5. The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.

6. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

7. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

8. The specific effluent limitations and other pollution controls applicable to the discharge permitted herein are set forth below in the special conditions. Also set forth below are self-monitoring and reporting requirements. Unless otherwise specified, the permittee shall submit duplicate original copies of all reports to the head of the State water pollution control agency and the Regional Administrator. Except for data determined to be confidential under section 308 of the Act, all such reports shall be available for public inspection at the offices of the head of the State water pollution control agency and the Regional Administrator. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in section 309 of the Act.

SPECIAL CONDITIONS

1. *Initial Effluent Limitations*

During the period beginning on the effective date of this permit and lasting until September 1, 1974, discharges from outfalls #001 shall be limited and monitored by the permittee as specified below:

a. The following shall be limited and monitored by the permittee as specified:

	Discharge Limitation [1] kg/day (lbs./day)		Other Limitations		Monitoring Requirements	
Effluent Characteristic	Daily Average	Daily Maximum	(Specify Units) Average	Maximum	Frequency Measurement	Sample Type
Flow						
Total Susp. Solids	29.0 (63)	43.0 (95)			Monthly	24-hr. Composite
Chromium, Total	.4 (0.9)	.6 (1.4)			Monthly	24-hr. Composite
Copper, Total	.4 (0.8)	.6 (1.2)			Monthly	24-hr. Composite
Iron, Total	1.8 (4.0)	2.7 (6.0)			Monthly	24-hr. Composite
Nickel, Total	.7 (1.6)	1.1 (2.4)			Monthly	24-hr. Composite
Oil & Grease	21.0 (47)	32.0 (71)			Monthly	2 Grabs/24 hrs.

[1] Net additions to intake

In addition to above, Discharges 002, 003, shall be limited and monitored as specified below:

	Monthly Estimate
Flow	
Total Solids	Quarterly 24-hr. Composite
Chromium, Total	Quarterly 24-hr. Composite
Copper, Total	Quarterly 24-hr. Composite
Nickel, Total	Quarterly 24-hr. Composite
Oil & Grease	Quarterly 2 Grabs/24 hrs.

For the purposes of this subsection, the daily average discharge is the total discharge by weight during a calendar month divided by the number of days in the month that the production or commercial facility was operating.

For the purposes of this subsection, the daily maximum discharge means the total discharge by weight during any calendar day.

b. The pH shall not be less than 6.0 or greater than 8.5.

2. *Final Effluent Limitations*

During the period beginning September 1, 1974 and lasting until the date of expiration of this permit, discharges from outfalls #001 shall be limited and monitored by the permittee as specified below:

a. The following shall be limited and monitored by the permittee as specified:

	Discharge Limitation[1] kg/day (lbs/day)		Other Limitations		Monitoring Requirements	
Effluent Characteristic	Daily Average	Daily Maximum	(Specify Units) Average	Maximum	Frequency Measurement	Sample Type
Flow					DAILY ESTIMATE	
Total Susp. Solids	4.4 (9.5)	6.5 (14.3)			Weekly	24-hr. Composite
Chromium, Total	.06 (.14)	.09 (.21)			Weekly	24-hr. Composite
Copper, Total	.06 (.12)	.09 (.18)			Weekly	24-hr. Composite
Iron, Total	.27 (.6)	.41 (.9)			Monthly	24-hr. Composite
Nickel, Total	.11 (.24)	.17 (.36)			Weekly	24-hr. Composite
Oil & Grease	3.2 (7.1)	4.8 (10.7)			Weekly	6 Grabs/24 hrs.
Chloride					Monthly	24-hr. Composite
Sulfate					Monthly	24-hr. Composite
Sulfide					Monthly	24-hr. Composite

[1] Net additions to intake

Additionally, Outfalls 002, 003, shall be monitored as follows:

Flow, Temperature and Total Solids—Once per month, Grab samples

Maximum Discharge Temperatures above upstream receiving waters shall be in accordance with the following: April through November −15°F; December through April −20°F. The temperature shall be monitored once per month on each outfall.

For the purposes of this subsection, the daily average discharge is the total discharge by weight during a calendar month divided by the number of days in the month that the production or commercial facility was operating.

For the purposes of this subsection, the daily maximum discharge means the total discharge by weight during any calendar day.

b. The pH shall not be less than 6.0 or greater than 8.5 for Outfalls 001, 002, 003, The pH shall be as follows: All outfalls—Monthly Grab Samples.

3. *Schedule of Compliance for Effluent Limitations*

a. Permittee shall achieve compliance with the effluent limitations specified above for discharges from outfalls in accordance with the following schedule:

(1) Report of Progress	N/A
(2) Report of Progress	N/A
(3) Completion of final plans by	3 months from date of permit issuance
(4) Award of contract or other commitment of financing by	N/A
(5) Commencement of construction by	5 months from date of permit issuance
(6) Report of construction progress	N/A
(7) Report of construction progress	N/A
(8) Report of construction progress	N/A
(9) Completion of construction by	June 1, 1974
(10) Attainment of operational level by	September 1, 1974

b. The permittee shall submit to the permit-issuing authority the required report of progress or, where a specific action is required in (a) above to be taken by a certain date, a written notice of compliance or noncompliance with each of the above schedule dates, postmarked no later than 14 days following each elapsed date. Each notice of noncompliance shall include the following information:

(1) A short description of the noncompliance;

(2) A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirement without further delay;

(3) A description of any factors which tend to explain or mitigate the noncompliance; and

(4) An estimate of the date permittee will comply with the elapsed schedule requirement and an assessment of the probability that permittee will meet the next scheduled requirement on time.

4. *Compilation of Monitoring Data*

a. Samples and measurements taken to meet the monitoring requirements specified above shall be representative of the volume and nature of the monitored discharge.

b. Following promulgation of guidelines establishing test procedures for the analysis of pollutants, published pursuant to section 304(g) of the Federal Water Pollution Control Act, as amended, all sampling and analytical methods used to meet the monitoring requirements specified above shall conform to such guidelines. If the section 304(g) guidelines do not specify test procedures for any pollutants required to be monitored by this permit and until such guidelines are promulgated, sampling and analytical methods used to meet the monitoring requirements specified in this permit shall, unless otherwise specified by the Regional Administrator, conform to the latest edition of the following references:

(1) *Standard Methods for the Examination of Water and Wastewaters,*

13th Edition, 1971, American Public Health Association, New York, New York 10019.

(2) *A.S.T.M. Standards,* Part 23, Water; Atmospheric Analysis, 1972, American Society for Testing and Materials, Philadelphia, Pennsylvania 19103.

(3) *Methods for Chemical Analysis of Water and Wastes,* April 1971, Environmental Protection Agency Water Quality Office, Analytical Quality Control Laboratory, NERC, Cincinnati, Ohio 45268.

c. Permittee shall take samples and measurements to meet the monitoring requirements specified above at the locations indicated below:

Outfalls 002, 003.

Outfalls 001 at sedimentation basin before mixing with other waters. River intake.

5. *Recording of Monitoring Activities and Results*

a. The permittee shall make and maintain records of all information resulting from the monitoring activities required by this permit.

b. The permittee shall record for each measurement or sample taken pursuant to the requirements of this permit the following information: (1) the date, exact place, and time of sampling; (2) the dates analyses were performed; (3) who performed the analyses; (4) the analytical techniques or methods used; and, (5) the results of all required analyses.

c. If the permittee monitors any pollutant more frequently than is required by this permit, he shall include the results of such monitoring in the calculation and reporting of the values required in the Discharge Monitoring Report Form (EPA Form 3320-1 [10-72]). Such increased frequency shall be indicated on the Discharge Monitoring Report Form.

d. The permittee shall retain for a minimum of 3 years all records of monitoring activities and results including all records of calibration and maintenance of instrumentation and original strip chart recordings from continuous monitoring instrumentation. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Regional Administrator or the State water pollution control agency.

6. *Reporting of Monitoring Results*

a. Monitoring information required by this permit shall be summarized and reported by submitting a Discharge Monitoring Report Form (EPA Form 3320-1 [10-72]), properly filled in and signed, to the Regional Administrator and the State agency at the following addresses:

U. S. Environmental Protection Agency	State Environmental Protection Agency
Region V, Permit Branch	P. O. Box 1049
1 North Wacker Drive	Capital City, State
Chicago, Illinois 60606	

b. Each submitted Discharge Monitoring Report shall be signed as follows:

(1) If submitted by a corporation, by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the Discharge Monitoring Report originates;

(2) If submitted by a partnership, by a general partner;

(3) If submitted by a sole proprietor, by the proprietor;

(4) If submitted by a municipality, State or Federal agency, or other public entity, by a principal executive officer, ranking elected official, commanding officer, or other duly authorized employee.

c. All information submitted on the Discharge Monitoring Form shall be based upon measurements and sampling carried out during the three previous calendar months. The first Discharge Monitoring Report shall be submitted for a period ending 60 days from issuance. Thereafter, reporting periods shall end on the last day of each month.* The permittee shall submit a

* *December, March, June and September*

Discharge Monitoring Report postmarked no later than the 28th day of the month following each completed reporting period.

7. *Limitation of Discharges of Oil and Hazardous Substances in Harmful Quantities*

The permittee shall not discharge oil into or upon navigable waters or adjoining shorelines in quantities defined as harmful in regulations published at 40 CFR 110, including any amendments or revisions to such regulations effected subsequent to the date of this permit. In addition, the permittee shall not discharge hazardous substances into or upon navigable waters or adjoining shorelines in quantities defined as harmful in regulations promulgated by the Administrator pursuant to section 311(b)(4) of the Federal Water Pollution Control Act, as amended. Nothing in this permit shall be deemed to preclude the institution of any legal action nor relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Federal Water Pollution Control Act, as amended, or under any other Federal or State law or regulation.

8. *Limitations of Visible Floating Solids and Foam*

During the period beginning (date of issuance) and lasting until the date of expiration of this permit, the permittee shall not discharge floating solids or visible foam.

9. *Disposal of Collected Solids*

a. *Intake Water Treatment*

Solids, sludges, dirt, sand, silt, or other pollutants separated from or resulting from treatment of intake or supply water prior to use by the permittee shall be disposed of in such manner as to prevent any pollutant from such materials from entering navigable waters. Any live fish, shellfish, or other animals collected or trapped as a result of intake water screening or treatment may be returned to their water body habitat.

b. *Waste Water Treatment*

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of waste waters shall be disposed of in such manner as to prevent any pollutant from such materials from entering navigable waters.

10. *Noncompliance with Effluent Limitations*

a. If for any reason the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the permittee shall immediately notify the permit issuing authority or his designee by telephone at 216/333-7550 and provide the permit issuing authority with the following information in writing within five days of such notification:

(1) Cause of noncompliance;

(2) A description of the noncomplying discharge including its impact upon the receiving waters;

(3) Anticipated time the condition of noncompliance is expected to continue, or if such condition has been corrected, the duration of the period of noncompliance;

(4) Steps taken by the permittee to reduce and eliminate the noncomplying discharge; and

(5) Steps to be taken by the permittee to prevent recurrence of the condition of noncompliance.

b. Permittee shall take all reasonable steps to minimize any adverse impact to navigable waters resulting from noncompliance with any effluent limitation specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

c. Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond his control, such as equipment breakdown, electric power failure, accident, or natural disaster.

11. *Limitation of Batch Discharges*

N/A

12. *Provision for Electric Power Failure*

The permittee shall either

a. no later than June 1, 1974, certify in writing to the permit issuing authority that the permittee has installed or provided for an alternative electric power source sufficient to operate all facilities utilized by permittee to maintain compliance with the terms and conditions of the permit; or

b. no later than 30 days after the effective date of this permit, certify in writing to the permit issuing authority that upon the reduction, loss, or failure of one or more of the primary sources of electric power to any facilities utilized by the permittee to maintain compliance with the terms and conditions of this permit, the permittee shall halt, reduce, or otherwise control production and/or all discharges in order to maintain compliance with the terms and conditions of this permit.

13. *Prohibition of Bypass of Treatment Facilities*

The diversion or bypass of any discharge from facilities utilized by the permittee to maintain compliance with the terms and conditions of this permit is prohibited, except (i) where unavoidable to prevent loss of life or severe property damage, or (ii) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the terms and conditions of this permit. The permittee shall immediately notify the permit issuing authority in writing of each such diversion or bypass in accordance with the procedure specified above for reporting noncompliance.

14. *Spill Prevention and Containment Plan*

Within 90 days of the effective date of this permit, the permittee shall prepare and submit to the permit issuing authority, a Spill Prevention, Containment, and Countermeasure Plan for the facility covered by this permit. Such plan shall include the following information and procedures relating to the prevention of spills and unauthorized discharges of oil and hazardous substances:

a. a description of a reporting system to be used to notify immediately persons responsible for management of the facility and appropriate State and Federal authorities;

b. a description of equipment or facilities (including overall facility plot) for the prevention, containment, or treatment of spills and unauthorized discharges;

c. a list of all oil and hazardous materials used, processed, or stored at the facility including the normal quantity maintained on the premises for each listed material;

d. a brief description of any spills or unauthorized discharges which occurred during the 36-month period preceding the effective date of this permit and subsequent measures taken by permittee to prevent or to reduce the possibility of further spills or unauthorized discharges; and

e. an implementation schedule for additional equipment or facilities which might be required for (b) above, but which are not yet operational.

15. *Interim Effluent Requirements*

N/A

This permit shall become effective on the date of the issuing authority's signature, *provided*, however, that if the issuing authority is the Regional Administrator, the permit shall become effective on the thirtieth day following the date of the Regional Administrator's signature unless a request for an adjudicatory hearing is filed pursuant to the provisions of section 125.34 of NPDES regulations published at 40 CFR 125.

This permit and the authorization to discharge shall expire on midnight (date). Permittee shall not discharge after the above date of expiration. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information, forms, and fees as are required by the agency authorized to issue NPDES permits no later than 180 days prior to the above date of expiration.

By authority of _____

APPENDIX C — Sample Public Notice

JOINT PUBLIC NOTICE

Date: June 20, 1973

STATE ENVIRONMENTAL PROTECTION AGENCY
P. O. BOX
CAPITAL CITY, STATE
(312) 123-4567

U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION V, PERMIT BRANCH
1 NORTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
(312) 353-1346

Joint Public Notice No.: 12A-0001

NPDES Application No.:
AB 123 CDE 4567890

NOTICE: Application for National Pollutant Discharge Elimination System (Public Law 92–500) Permit by AMERICAN WIDGET CO, Anytown, Anystate, to discharge cooling waters, treated process waste waters and boiler feed water into the Local River and for State Certification of said discharge.

AMERICAN WIDGET CO., Babybuggy Division, Bumper Operation, Anytown, Anystate, has applied for a National Pollutant Discharge Elimination System (NPDES) Permit to discharge treated waste waters into the waters of the State. The permit will be issued by either the U.S. Environmental Protection Agency or the State Environmental Protection Agency. AMERICAN WIDGET CO. has also applied for State certification to be issued concurrently with the NPDES Permit in the event the permit is issued by the U.S. Environmental Protection Agency.

The applicant manufactures babybuggy parts and rubber babybuggy bumpers. There are three discharges described in the application:

Discharge 001—Consists of treated process waste waters and cooling waters

Discharge 002—Consists of storm waters, chemical lab drain and overflow from storage tank

Discharge 003—Consists of storm waters and cooling waters

On the basis of preliminary staff review and application of applicable standards and regulations, the Regional Administrator of the U.S. Environmental Protection Agency or the State Environmental Protection Agency proposes to issue a permit for the discharge subject to certain effluent limitations and special conditions. The State Environmental Protection Agency after review of all the comments and objections, also proposes to issue a certification pursuant to Section 401 of the Federal Water Pollution Control Act, as amended. State certification will not be necessary if the NPDES Permit issuing authority is granted to the State prior to issuance.

The proposed determination to issue an NPDES Permit is tentative. Persons wishing to comment upon or object to the proposed determination are invited to submit the same in writing to:

Region V, Permit Branch
U.S. Environmental Protection Agency
1 North Wacker Drive
Chicago, Illinois 60606

The permit application and joint public notice numbers should appear next to the above address on the envelope and on the first page of any submitted comments. All comments received by (date) will be considered in the formulation of the final determination. Copies of all comments and objections received will be transmitted to the Director, State Environmental Protection Agency.

The application, proposed permit including proposed effluent limitations and special conditions, comments received, and other information are on file and may be inspected at the U.S. Environmental Protection Agency, 1 North Wacker Drive, Chicago, Illinois, at any time between 9:30 a.m. and 3:30 p.m.,

Monday through Friday. Copies of the Joint Public Notice and the corresponding Fact Sheet summarizing application information and proposed permit conditions are available at no charge at the State Environmental Protection Agency and the U.S. Environmental Protection Agency. Copies of all other information are available at a cost of $.20 per page at the U.S. Environmental Protection Agency.

Please bring the foregoing to the attention of persons whom you know would be interested in this matter.

APPENDIX D — Sample Fact Sheet

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT PROGRAM

(Section 402, Federal Water Pollution Control Act)

JOINT FACT SHEET

Date: June 20, 1973

STATE ENVIRONMENTAL PROTECTION AGENCY P.O. BOX CAPITAL CITY, STATE (312) 123-4567	U.S. ENVIRONMENTAL PROTECTION AGENCY REGION V, PERMIT BRANCH 1 NORTH WACKER DRIVE CHICAGO, ILLINOIS 60606 (312) 353-1346
Joint Public Notice No. 12A-0001	NPDES Application No.: AB 123 CDE 4567890

FACT SHEET—PROPOSED NPDES PERMIT TO DISCHARGE TO NAVIGABLE WATERS

AMERICAN WIDGET CO., Babybuggy Division, Bumper Operation, Anytown, Anystate, has applied for a National Pollutant Discharge Elimination System (NPDES) Permit to be issued by the U.S. Environmental Protection Agency to discharge pollutants into State waters.

Applicant manufactures babybuggy parts and rubber babybuggy bumpers. There are three discharges to the Local River described in the application: Discharges 001, 002, and 003 consist of cooling waters, storm waters, treated process waste waters and boiler feed water. A more complete description of the discharges and a sketch of their location follow below.

The proposed staff determination to issue an NPDES permit is tentative. Persons wishing to comment upon or object to the proposed determination are invited to submit the same in writing to:

Region V, Permit Branch
U.S. Environmental Protection Agency
1 North Wacker Drive
Chicago, Illinois 60606

All comments or objections received prior to (date) will be considered in the formulation of final determinations regarding the application. The comments and objections should be in sufficient detail to assist the Regional Administrator in his decision to issue or not issue the Permit or to hold

a public hearing. The application and joint public notice numbers should appear next to the above address on the envelope and on the first page of any submitted comments. A public hearing may be held if response to public notice indicates significant public interest.

Information and Copying

Persons wishing further information may write to the above address or call the Permit Branch at (312) 353-1346. Copies of the proposed permit, including proposed effluent limitations and special conditions, comments received, and other documents (other than those which the Regional Administrator maintains as confidential) are available at the Environmental Protection Agency, 1 North Wacker Drive, Chicago, Illinois 60606, at any time between 9:30 a.m. and 3:30 p.m., Monday through Friday, for inspection and may be copied at a cost of $.20 per page.

Register of Interested Persons

Any person interested in a particular application or group of applications may leave his name, address, and phone number as part of the file for an application. Persons so listed will be mailed a copy of any public notice published with regard to the application.

Public Hearings

If submitted comments indicate a significant public interest in the application, or if the Regional Administrator believes useful information may be produced thereby, the Regional Administrator, at his discretion, may hold a public hearing on the application. Any person may request the Regional Administrator to hold a public hearing on the application. The written request should contain specific reasons for the holding of a public hearing and the issues to be considered at the public hearing.

Public notice of a hearing will be circulated at least 30 days in advance of the hearing. An attempt will be made to hold any such meeting or hearing in the vicinity of the discharge. The guidelines require that a timely determination be made after the hearing. Further information regarding the conduct and nature of the public hearings may be obtained by writing or visiting the Permit Branch, Environmental Protection Agency, 1 North Wacker Drive, Chicago, Illinois 60606.

DESCRIPTION OF EXISTING DISCHARGES

Discharge #001	Treated process waste waters and cooling waters	
Average Flow	1,900,000 gallons per day	
Average Temperature	*Intake*	*Discharge*
Summer	72°F	79°F
Winter	50°F	Unknown

Constituents:	*Average* *Milligrams Per Liter*	*Average* *Pounds Per Day*
Total Suspended Solids	4.00	63.0
Total Chromium	0.06	.9
Copper	0.05	.8
Nickel	0.10	1.6
Oil & Grease	3.00	47.0
Chlorides	3.00	47.0
Sulfates	19.00	301.0
Sulfide	3.00	47.0
pH	7.90	

Discharge #002	Storm waters, chemical lab drain and overflow from storage tank	
Average Flow	1,800 gallons per day	
Average Temperature	*Intake*	*Discharge*
Summer	70°F	70°
Winter	Unknown	Unknown

Constituents:	*Average Milligrams Per Liter*	*Average Pounds Per Day*
Total Suspended Solids	10.00	.15
Total Chromium	0.10	.001
Nickel	0.40	.006
Chlorides	2.00	.03
Sulfates	5.00	.07
Sulfide	2.00	.03
pH	7.5	

Discharge #003	Storm waters and cooling waters	
Average Flow	100,000 gallons per day	
Average Temperature	*Intake*	*Discharge*
Summer	70°F	85°F
Winter	50°F	Unknown

Constituents:	*Average Milligrams Per Liter*	*Average Pounds Per Day*
Total Suspended Solids	1.0	.8
Sulfates	5.0	4.3
Sulfide	2.0	1.7
pH	7.6	

Proposed determinations

The U.S. Environmental Protection Agency has examined the above application. On the basis of applicable effluent limitations and water quality standards, the Agency proposes to issue the applicant a permit to discharge for five years, subject to effluent limitations and certain other conditions. The following is a brief description of the proposed effluent limitations and special conditions.

1. *Proposed Effluent Limitations*

   Discharges 001, 002, 003,

   a. *Interim Limitations*

      Until September 1, 1974 (the proposed implementation schedule for attainment of operational conditions), the applicant may discharge to the Local River an effluent the characteristics of which shall not exceed the concentrations specified in the description of the existing discharges.

   b. *Final Limitations*

      Discharges 001

      After September 1, 1974, the applicant is authorized to discharge to the Local River a final effluent whose characteristics shall at no time exceed the following limitations:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATION [1] kg/day (lbs/day) DAILY AVERAGE	DAILY MAXIMUM
Total Susp. Solids	4.4 (9.5)	6.5 (14.3)
Chromium, Total	.06 (.14)	.09 (.21)
Copper, Total	.06 (.12)	.09 (.18)
Iron, Total	.27 (.6)	.41 (.9)
Nickel, Total	.11 (.24)	.17 (.36)
Oil & Grease	3.2 (7.1)	4.8 (10.7)

[1] Net additions to intake

pH (All Outfalls)—6.0-8.5 Standard Units

Maximum discharge temperatures above upstream receiving waters shall be in accordance with the following:

All Outfalls—April through November—15°F
All Outfalls—December through April—20°F

2. *Proposed Schedule for Compliance*

The applicant shall achieve the effluent levels described in subsection (1) in accordance with the following schedule:

Completion of preliminary plan	N/A
Final plans	3 months from date of permit issuance
Contract awarded	N/A
Commencement of construction	5 months from date of permit issuance
Completion of construction	June 1, 1974
Operational level attained	September 1, 1974

3. *Proposed Special Conditions/Monitoring Requirements*

Initially, monthly samples for total suspended solids, metals, oil and grease and pH for Outfall 001; quarterly samples for same parameters for Outfalls 002, 003.

After September 1, 1974, weekly samples for suspended solids, metals (except iron), oil and grease; pH, chloride, sulfate, temperature and sulfide shall be monitored monthly.

Applicable Effluent Limitations and Water Quality Standards

The following are the effluent and water quality standards which were applied to applicant's discharge in the formulation of the above proposed determinations:

Total Suspended Solids	Guidelines
Chromium, Total	Guidelines
Copper, Total	Guidelines
Iron, Total	Guidelines
Nickel, Total	Application
Oil & Grease	Guidelines
pH	State Water Quality Standards
Temperature	Local River Water Quality Standards

The stream water uses for the waters of the East Branch of the Local River and the Local River are as follows:

Primary contact recreation
Public water supply
Well-balanced warm water fishery
Industrial water use
Agricultural use and stock watering

APPENDIX E — Contents of a Notice for a Public Hearing

A notice of a public hearing is similar in many details to the public notice of an application. The regulations governing the National Pollutant Discharge Elimination System (Federal Register, Volume 38, Number 98, May 22, 1973) set forth these minimum contents of a public hearing notice:

- Name, address, and phone number of regional office holding the hearing.
- Name and address of each applicant whose application will be considered at the hearing.
- Name of waterway to which each discharge is made and a short description of the location of each discharge on the waterway.
- A brief reference to the public notice issued for each application, including identification number and date of issuance.
- Information regarding the time and location for the hearing.
- Purpose of the hearing and a brief description of the nature of the hearing including rules and procedures to be followed.
- A concise statement of the issues raised by the persons requesting the hearing.
- A statement, where applicable, that confidential information has been received that may be used in determining some of the conditions for the permit.
- Address and phone number of premises at which interested persons may obtain further information, request a copy of each draft permit or fact sheet prepared, and inspect and copy forms and related documents.

APPENDIX F — EPA Regional Offices

The Public Affairs Director in each Regional Office can provide assistance and materials to individuals and groups who are seeking to work on water pollution control problems.

Regional Offices	States covered
EPA Region I John F. Kennedy Building Boston, Massachusetts 02203 (617)223-7223	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
EPA Region II 26 Federal Plaza New York, New York 10007 (212)264-2515	New Jersey, New York, Puerto Rico, Virgin Islands
EPA Region III 6th & Walnut Streets Philadelphia, Pennsylvania 19106 (215)597-9904	Delaware, Maryland, Pennsylvania, Virginia, West Virginia, D.C.
EPA Region IV 1421 Peachtree Street, N. E. Atlanta, Georgia 30309 (404)526-3004	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
EPA Region V One North Wacker Drive Chicago, Illinois 60606 (312)353-1478	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
EPA Region VI 1600 Patterson Street Dallas, Texas 75201 (214)749-1151	Arkansas, Louisiana, New Mexico, Oklahoma, Texas
EPA Region VII 1735 Baltimore Avenue Kansas City, Missouri 64108 (816)374-5894	Iowa, Kansas, Missouri, Nebraska
EPA Region VIII 1860 Lincoln Street Denver, Colorado 80203 (303)837-4905	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
EPA Region IX 100 California Street San Francisco, California 94111 (415)556-6266	Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of the Pacific, Wake Island
EPA Region X 1200 Sixth Avenue Seattle, Washington 98101 (206)442-1203	Alaska, Idaho, Oregon, Washington

APPENDIX G — State Water Pollution Control Agencies

Department of Environmental Conservation
Division of Air and Water Quality Control
Juneau, Alaska 99801
Phone: 907-586-5371

State Water Improvement Commission
State Office Building
Montgomery, Alabama 36104
Phone: 205-269-7971

Environmental Quality Commission
Government of American Samoa
Office of the Governor
Pago Pago, American Samoa 96920

Environmental Health Service
Division of Water Pollution Control
Hayden Plaza West
4019 North 33rd Avenue
Phoenix, Arizona 85017
Phone: 602-271-4656

Department of Pollution Control and Ecology
8001 National Drive
Little Rock, Arkansas 72209
Phone: 501-371-1701

Water Resources Control Board
1416 Ninth Street
Sacramento, California 95814
Phone 916-445-3085

Department of Public Health
Water Pollution Control Division
4210 East 11th Avenue
Denver, Colorado 80220
Phone: 303-388-6111

Department of Environmental Protection
Water Compliance Unit
State Office Building
Hartford, Connecticut 06115
Phone: 203-566-3245

Department of Natural Resources and Environmental Control
Division of Environmental Control
Dover, Delaware 19901
Phone: 302-678-4765

D.C. Department of Environmental Services
Bureau of Air, Water, and Noise
25 K Street NE
Washington, D.C. 20002
Phone: 202-629-3748

State Department of Pollution Control
2562 Executive Center Circle East
Tallahassee, Florida 32301
Phone: 904-488-4807

Department of Natural Resources
Environmental Protection Division
47 Trinity Avenue S.W.
Atlanta, Georgia 30334
Phone: 404-656-4713

Environmental Protection Agency
Government of Guam
P. O. Box 2999
Agana, Guam 96910
Phone: 749-9903

State Department of Health
Environmental Health Division
P. O. Box 3378
Honolulu, Hawaii 96801
Phone: 808-548-4139

Department of Environmental Protection and Health
Air and Water Programs
Boise, Idaho 83701
Phone: 208-384-2390

Environmental Protection Agency
Land and Water Pollution Division
2200 Churchill Road
Springfield, Illinois 62706
Phone: 217-525-6760

Stream Pollution Control Board
1330 West Michigan Street
Indianapolis, Indiana 46206
Phone: 317-633-4420

Department of Environmental Quality
Water Quality Management
Lucas State Office Building
Des Moines, Iowa 50319
Phone: 515-281-3045

State Department of Health
Division of Environmental Health
Water Quality Section
535 Kansas Avenue
Topeka, Kansas 66603
Phone: 913-296-3821

Department for Natural Resources and Environmental Protection
Division of Water
275 East Main Street
Frankfort, Kentucky 40601
Phone: 502-564-3410

Stream Control Commission
P. O. Drawer FC
University Station
Baton Rouge, Louisana 70803

Department of Environmental Protection
Bureau of Water Pollution Control
State House
Augusta, Maine 04330
Phone: 207-289-2591

Environmental Health Administration
Division of Water and Sewerage
610 North Howard Street
Baltimore, Maryland 21201
Phone: 301-383-2740

Department of Natural Resources
Division of Water Pollution Control
101 Cambridge Street
Boston, Massachusetts 02202
Phone: 617-727-3855

Water Resources Commission
Stevens T. Mason Building
Station A
Lansing, Michigan 48926
Phone: 517-373-3560

Pollution Control Agency
Division of Water Quality
717 Delaware Street, S.E.
Minneapolis, Minnesota 55440
Phone: 612-296-5518

State Air and Water Pollution Control Commission
Division of Water Pollution Control
P. O. Box 827
Jackson, Mississippi 39205
Phone: 601-354-6783

Clean Water Commission
P. O. Box 154
Jefferson City, Missouri 65101
Phone: 314-751-3241

Department of Health and Environmental Science
Water Quality Bureau
Helena, Montana 59601
Phone: 406-449-2407

Department of Environmental Control
Water Pollution Control
1420 P Street
Lincoln, Nebraska 68509
Phone: 402-471-2186

Department of Health, Welfare and Rehabilitation
Bureau of Environmental Health
201 S. Fall Street
Carson City, Nevada 89701
Phone: 702-882-7458

Water Supply and Pollution Control Commission
105 Loudon Street, Prescott Park
Concord, New Hampshire 03301
Phone: 603-271-3502

Department of Environmental Protection
P. O. Box 1390
Trenton, New Jersey 08625
Phone: 609-292-2885

Environmental Improvement Agency
Water Quality Section
Santa Fe, New Mexico 87501
Phone: 505-827-2373

Department of Environmental Conservation
Albany, New York 12201
Phone: 518-457-3446

State Department of Natural and Economic Resources
Office of Water and Air Resources
Division of Water Quality
P. O. Box 27687
Raleigh, North Carolina 27611
Phone: 919-829-4740

State Department of Health
Division of Water Supply and Pollution Control
Bismarck, North Dakota 58501
Phone: 701-224-2386

Environmental Protection Agency
361 East Broad Street—Room 339
Columbus, Ohio 43216
Phone: 614-469-7785

Deputy Commissioner for Environmental Health
Department of Health
3400 North Eastern Avenue
Oklahoma City, Oklahoma 73105
Phone: 405-427-6561

Department of Environmental Quality
Administrator of Water Quality
1400 S.W. Fifth Avenue
Portland, Oregon 97201
Phone: 503-229-5696

Bureau of Water Quality Management
Department of Environmental Resources
Harrisburg, Pennsylvania 17120
Phone: 717-787-2666

Environmental Quality Board
c/o Solid Waste Branch
P. O. Box 11785
Santurce, Puerto Rico 00910

Division of Water Supply and Pollution Control
Environmental Health Services
R. I. Health Building Room 209
Providence, Rhode Island 02908
Phone: 401-277-2234

Water Pollution Control Division
State Pollution Control Authority
2600 Bull Street
Columbia, South Carolina 29201
Phone: 803-758-2915

Department of Environmental Protection
Room 415, Office Building 2,
Pierre, South Dakota 57501
Phone: 605-224-3141

Department of Public Health
Water Quality Control Division
621 Cordell Hull Building
Sixth Avenue, North
Nashville, Tennessee 37219
Phone: 615-741-2275

Water Quality Board
P. O. Box 13246
Capitol Station
Austin, Texas 78711
Phone: 512-475-2651

Department of Health Services
Division of Environmental Health
Trust Territory of the Pacific Islands
Saipan, Mariana Islands 96950

Bureau of Environmental Health
Water Quality Section
44 Medical Drive
Salt Lake City, Utah 84113
Phone: 801-328-6146

Agency of Environmental Conservation
Montpelier, Vermont 05602
Phone: 802-828-3357

State Water Control Board
P. O. Box 11143
Richmond, Virginia 23230
Phone: 804-770-2241

Commissioner of Health
Department of Health
P. O. Box 1442
Charlotte Amalie
St. Thomas, Virgin Islands 00801
Phone: 809-774-1321

Department of Ecology
Olympia, Washington 98501
Phone: 206-753-2800

Division of Water Resources
Department of Natural Resources
1201 Greenbrier Street
Charleston, West Virginia 25311
Phone: 304-345-2107

Department of Natural Resources
Division of Environmental Protection
Madison, Wisconsin 53701
Phone: 608-266-2747

Department of Health and Social Services
Sanitary Engineering Services Department
State Office Building
Cheyenne, Wyoming 82001
Phone: 307-777-7513

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