

June 1979

C-7

A Guide to the Consolidated Application Form



ABOUT THE CONSOLIDATED PERMIT APPLICATION
FORM AND PROPOSED NPDES REGULATIONS

This Guide outlines the major features of EPA's draft consolidated permit application form and proposed National Pollutant Discharge Elimination System (NPDES) regulations which were published in the Federal Register on June 14, 1979 (44 FR 34346). The consolidated application form will be used by permit applicants for the NPDES permit program, the Hazardous Waste Management permit program, the Underground Injection Control permit program, and the Prevention of Significant Deterioration permit program. The proposed NPDES regulations establish the way that the new application form will be used in the NPDES program and establish uniform application requirements among EPA and States authorized to operate NPDES programs.

TO OBTAIN COPIES OF THE REGULATIONS OR GUIDES

Write to:

U.S. Environmental Protection Agency
Public Information Center (PM 215)
401 M Street, S.W.
Washington, D.C. 20460

TABLE OF CONTENTS

I.	OVERVIEW	Page 1
II.	THE CONSOLIDATED APPLICATION FORM AND INSTRUCTIONS	Page 5
III.	PROPOSED NPDES REGULATIONS CONTROLLING THE DISCHARGE OF POLLUTANTS	Page 11
IV.	PUBLIC COMMENTS	Page 17

A Guide to The Consolidated Permit Application

I. OVERVIEW

When a facility needs a permit from the Environmental Protection Agency (EPA), EPA provides an application form which the facility must fill out. The application form is used to collect information EPA needs to write an environmental permit for a facility. EPA is developing a new application form, designed to be as simple as possible to complete, as a part of its effort to streamline the process of obtaining a permit. The new application form will be used when EPA is the permitting authority; States may consolidate their application forms if they wish. EPA has published a draft of the new application form to provide the public an opportunity to submit comments and suggestions on EPA's new approach.

EPA has also proposed new regulations for one permit program, the National Pollutant Discharge Elimination System (NPDES) which controls the discharge of pollutants to surface waters. These proposed regulations, which emphasize the control of toxic pollutants, are closely tied to the new NPDES application form.

The draft of the new consolidated application form and the proposed NPDES regulations appeared in the same issue of the Federal Register on June 14, 1979 (44 FR 34346). Also in that issue, EPA has proposed a set of consolidated permit program regulations (44 FR 34244, June 14, 1979). Table 1 outlines the organization of the June 14 publication of the Federal Register. For details on the consolidated regulations, a Guide to the Proposed Consolidated Permit Regulations (C-3) can be obtained from EPA as described inside the back cover of this Guide.

TABLE 1

ORGANIZATION OF PARTS II AND III OF THE
FEDERAL REGISTER OF JUNE 14, 1979 (44 FR 34244)

Part II		<u>page</u>
Proposed Consolidated Permit	Preamble	34244
Program Regulations	Regulations	34267
Part III		
A: Public Notice of Draft	Preamble	34346
Consolidated Permit	Forms	34351
Application Form	Instructions	34366
R: Proposed NPDES Regulations	Preamble	34393
Controlling the Discharge	Regulations	34414
of Pollutants		

The Permit Application Form

EPA is developing a single consistent set of permit application forms which incorporates both revised forms for the NPDES permit program and new forms for other permit programs.

- o The consolidated form covers four programs:
 - National Pollutant Discharge Elimination System (NPDES) permits issued under the Clean Water Act (CWA);
 - Hazardous Waste Management permits issued under the Resource Conservation and Recovery Act (RCRA);

-Underground Injection Control permits issued under the Safe Drinking Water Act; and

-Prevention of Significant Deterioration permits for new sources issued under the Clean Air Act.

- o The form will be used by any facility applying to EPA for a permit under any of those four programs.
- o Questions common to all permit programs are in one part of the application form (Form 1), so that applicants will not have to report the same information to EPA more than once.
- o Questions relating to each specific permit program are in separate parts (Forms 2-5), so that applicants will not have to report any information which is not relevant to getting the specific permits they need.
- o NPDES permit application forms are being revised and updated by deleting many questions on the existing form which are not necessary to write permits and by adding other questions needed to identify and control discharges of toxic pollutants.

In developing the consolidated permit application form, EPA has tried to do three things:

- o Avoid asking for information more than once.
- o Avoid asking for information EPA does not need to write an appropriate permit.
- o Assure that EPA obtains essential information to write permits and to protect the public

against the introduction of harmful pollutants into the environment.

Proposed NPDES Regulations Controlling Discharges of Pollutants

The primary means of controlling discharges of pollutants into surface waters is by setting numerical limits on specific pollutants in permits issued under the NPDES program. These permit limits reflect the level of treatment which the CWA requires dischargers to achieve, or the level necessary to protect water quality, whichever is more stringent. EPA is now proposing regulations to regulate two new aspects of the program:

1. In addition to pollutants regulated in the past, permits may control the organic toxic pollutants listed under section 307(a) of the CWA.

- o Dischargers will report levels of the 307(a) toxic pollutants so that permitting authorities can determine what limits to place in permits.
- o In some cases, permits will require the necessary level of treatment of toxic pollutants by setting limits on other pollutant parameters, including some which are not themselves toxic. In this situation, these other pollutant parameters are being used as "indicators" for the toxic pollutants. The regulations provide that in these cases, "indicators" can be regulated in permits as if they were toxic pollutants.

2. EPA is now establishing control over pollutants not specifically limited by an NPDES permit.

- o EPA first raised the issue of how to establish this coverage in December 1977. (42 FR 65209, December 30, 1977).

- o EPA proposed a regulation on August 21, 1978 (43 FR 37078) which limited permittees to the levels of any pollutants required to be reported in their NPDES permit application forms, when not directly limited in their permits.
- o This proposal received a large number of comments from people who were concerned about the cost and feasibility of the way the regulation would be implemented. Many commenters felt that they could not adequately review the proposal until EPA made the revised NPDES permit application available.
- o EPA agreed that the proposed regulation should be reviewed along with the new application form; therefore, now that the new NPDES application form has been developed, this regulation has been proposed again in a slightly modified form. EPA proposes to limit permittees to five times the levels they report in their applications, which will account for the variability of waste streams while still prohibiting significant increases in discharges. Multiples other than five may be applied in certain cases.

II. THE CONSOLIDATED PERMIT APPLICATION FORM AND INSTRUCTIONS

A group composed of representatives from all of the EPA program offices concerned with the consolidated application form designed the overall structure of the single set of application forms and wrote the questions included in the general information form (Form 1). Some of the program-specific parts of the consolidated permit application form have not yet been developed, but each part of the application form will be incorporated into the

single set of forms when it is ready. Table 2 shows what all the parts of the application form will be with the date that each part has been or will be published in draft form for public comment.

The major features of the four draft forms published in the June 14, 1979 Federal Register are outlined below.

Form 1 -- General Information

EPA has collected the questions needed by every permit program into this one form, such as the name, location, and major activities of a facility. Form 1 also includes a series of questions to pinpoint the pathways by which the facility introduces pollutants into the environment; these questions serve as a guide to lead applicants to the additional program-specific parts they need to fill out.

Form 2 -- Discharges to Surface Waters under NPDES

Applicants for EPA-issued NPDES permits will be required to use the new NPDES application forms soon after they are published in final form, but States which have been approved to issue NPDES permits may develop their own forms. The forms which States develop must ask for substantially the same information as the new EPA forms under the proposed NPDES regulations, so that the application requirements will be uniform nationally.

Form 2b - Concentrated Animal Feeding Operations and Aquatic Animal Production Facilities.

This form is similar to the existing form, although changes have been made to fit it to the consolidated format and to align it with the new NPDES regulations for these facilities (44 FR 32854, June 7, 1979).

TABLE 2

THE CONSOLIDATED PERMIT APPLICATION FORM

	<u>Date of Publication</u>
Form 1 - General Information	June 1979
Form 2 - Discharges to Surface Water (NPDES permits under the Clean Water Act)	
2a - Publicly Owned Treatment Works	December 1979*
2b - Concentrated Animal Feeding Operations and Aquatic Animal Production Facilities	June 1979
2c - Existing Manufacturing, Commercial, Mining and Silvicultural Operations	June 1979
Form 3 - Hazardous Wastes Information Summary (Section 3005 permits under the Resource Conservation and Recovery Act)	June 1979
Form 4 - Underground Injection of Fluids (Underground injection control permits under the Safe Drinking Water Act)	August 1980*
Form 5 - Proposed Facilities (Permits for Prevention of Significant Deterioration under the Clean Air Act and for NPDES new sources and new dischargers, and for new injection wells)	December 1979*

* Estimated

Form 2c - Existing Manufacturing, Commercial, Mining, and Silvicultural Operations. This form has been changed substantially from the existing form. Some of the significant changes in the new application form are:

- o Less information is required on the general characteristics of the facility and its operations, thus focusing the questions more narrowly on the information needed to write a permit.
- o More analysis may be required of the applicant's discharge.
 - Certain applicants must test certain discharges for the presence and levels of toxic pollutants listed under section 307(a) of the CWA.
 - All applicants must report levels of certain pollutants which have been regulated in the past.
- o Applicants must describe any significant variability they expect in the levels of reported pollutants.
- o At their option, applicants may submit information on discharges of hazardous substances listed under section 311 of the CWA and obtain exemption for those discharges from the requirements and penalties of section 311. Instead, they will be regulated under the NPDES program.

The instructions for Form 2c include a section describing appropriate sampling and analytical methods.

Form 3 - Hazardous Waste Information Summary

1. Within 90 days of the date that final regulations are published under section 3001 of the Resource Conservation and Recovery Act (RCRA), all existing facilities which generate, transport, treat, store, or dispose of hazardous wastes must file a notification form. Existing facilities are facilities in operation or under physical construction before the final §3001 regulations are published. The notification form is not a part of the consolidated application form because it is a brief form which is filed only once and because it is not an application for a permit. Its purpose is to provide EPA with an initial inventory of existing facilities.

2. Within 180 days of the publication of final §3001 regulations, all owners or operators of existing treatment, storage, or disposal facilities must file Forms 1 and 3.

- o This is Part A of the application required to be submitted for a RCRA permit.
- o Form 3 asks for information on the design and location of the hazardous waste facility, the waste handled, and the treatment, storage and disposal processes used.
- o Facilities which submit the notification and Forms 1 and 3 on time will be granted "interim status." Interim status means that the facility:
 - will be treated as having been issued a valid permit.
 - must meet certain minimum requirements which are described in regulations proposed on December 18, 1978 (43 FR 58995).

-may continue to operate until an actual permit is issued or denied.

3. A facility granted "interim status" will be notified by a letter from EPA when to submit certain additional information necessary to issue an actual permit.

- o This is Part B of the process of applying for a RCRA permit.
- o An application form was not developed for Part B, because the proposed regulations require detailed narrative descriptions of the operational plans and characteristics of the facility. These requirements appear in §122.23 of the proposed consolidated permit program regulations (44 FR 34244, June 14, 1979).
- o The reported information will be used to determine whether a permit should be issued or denied, and what conditions to place in the permit.

"Special" RCRA permits will be granted to facilities which qualify as health care or experimental facilities. Applicants who qualify for health care special permits need not answer certain questions in Forms 1 and 3, and also will not have to submit any information required in Part B. Applicants for experimental special permits must submit Forms 1 and 3, but they may be exempted from submitting some of the information required in Part B. These requirements appear in sections 122.23 and 122.25 of the consolidated permit program regulations (44 FR 34244, June 14, 1979).

Facilities which are not existing facilities must submit all of the information required to apply for a permit (Parts A and B) at least 180 days before commencing construction. Physical

construction of the facility cannot begin until a permit is issued.

Instructions to the Forms

The instructions which accompany the consolidated permit application form include:

- o General instructions.
- o Detailed instructions for each individual form.
- o Additional sections reflecting all four of the consolidated permit programs:
 - a consolidated glossary
 - a section detailing the exemptions from the requirements to obtain permits under each program.
- o A summary of analytical methods to be used for the NPDES application form.

III. PROPOSED NPDES REGULATIONS CONTROLLING THE DISCHARGE OF POLLUTANTS

The new NPDES application form and the proposed NPDES regulations which accompany it are central to EPA's program for regulating discharges of pollutants to surface waters, especially toxic pollutants. The application form will gather essential information about the facility and the composition of its effluents, which EPA or approved NPDES States will use to write an appropriate permit.

To make these application requirements uniform nationally, EPA is proposing regulations which require approved NPDES States to ask for essentially the same information as EPA. States may accomplish

this by using EPA's form or by developing their own application form. EPA is also proposing regulations which will establish the way that the discharge of pollutants, especially toxic pollutants, will be controlled. The major features of the proposed regulations are discussed below.

Analytical Testing Requirements

All applicants must report levels of certain pollutants in all of their waste streams. In addition, a major new reporting requirement is that certain applicants must test for the toxic pollutants listed under section 307(a) of the Clean Water Act in certain waste streams.

Data on levels of pollutants in effluents will be used for two purposes:

- o To determine what effluent limits will be placed in the permit, and
- o To establish a baseline reflecting current discharges. This will be used to prohibit future significant increases in discharges.

A major consideration in designing the testing requirements is to minimize the costs incurred by applicants by asking for no more testing information than is necessary. For reporting purposes pollutants are listed in three groups on the permit application form:

- o All applicants must analyze all effluents for a few pollutants commonly regulated in the past, with a minimum of one sample per outfall.
- o Applicants in industrial categories most likely to discharge toxics must analyze for the §307(a) toxic pollutants in process

wastewater discharges. Those industrial categories are the 36 "Group I" industries listed in section III of the preamble to the proposed NPDES regulations (44 FR 34396; June 14, 1979). The minimum requirement is one 72-hour sample per outfall. Where applicants are not required to analyze for all of the toxic pollutants, they must analyze for or estimate levels of any of these pollutants which they believe are present.

- o All applicants must analyze for or estimate levels of certain other pollutants if they believe those pollutants to be present in their effluents.

One point of concern in developing the application form requirements was the availability of test methods for toxic pollutants. EPA does not yet have standard methods of analysis for many of these pollutants, but will propose testing methods (including gas chromatography/mass spectrometry techniques) as EPA standard methods in July 1979.

Permit Limits on Indicator Pollutants

The information reported in a facility's application form allows a permit writer to identify which effluent limitations guidelines and water quality standards are an appropriate basis for the facility's permit. To assist permit writers in determining permit limitations where effluent limitations guidelines do not apply, EPA is developing guidance on the treatability of pollutants, especially toxic pollutants. In addition, EPA is developing a scheme for the use of biological monitoring tests, which measure acute toxicity in the permit issuance process.

In some cases where facilities report levels of toxic pollutants present in their effluents, it

may not be appropriate to set limits on individual toxic pollutants in their permits:

- o Effluent limitations guidelines or water quality standards may not specifically limit the pollutant of concern.
- o Applicants and permit writers may not be familiar with toxic pollutants and may find it hard to come to an agreement on specific levels of removability.
- o Compliance monitoring for toxic pollutants is relatively expensive.

In such situations, limits can be set on pollutants which are not toxic and which have been regulated in the past. These limits on non-toxic pollutants will require permittees to attain the same degree of control over toxic pollutants as specific limits on those toxic pollutant would have required. In this case, the non-toxic pollutants are being used as "indicators" for the toxic pollutants. EPA believes that setting permit limits on indicators will frequently be a good alternative to setting limits on many individual toxic pollutants.

One issue which arises in using non-toxic pollutants as indicators for toxics is that in some cases, different kinds of pollutants are eligible to be regulated in different ways. The CWA established three classes of pollutants: conventional, toxic, and non-conventional. When conventional or non-conventional pollutants are used as indicators for toxic pollutants, according to the proposed regulations, they will be regulated as if they are toxic pollutants. This means that:

- o Permit limitations on conventional pollutants used as indicators will reflect Best Available Technology rather than the potentially less stringent Best Conventional Technology.

- o Permit limitations on nonconventional pollutants used as indicators will not be eligible for water quality or economic modifications under sections 301(c) and 301(g) of the CWA.

The proposed regulations require permit writers to link the control of a conventional or nonconventional pollutant to the control of toxic pollutants before the conventional or nonconventional pollutant can be regulated as an indicator for toxic pollutants. The Agency invites comments on this proposal.

Application-Based Limits

EPA is proposing to extend the NPDES regulations to address discharges of pollutants not directly limited in a permit. Significantly increased discharges of pollutants above the levels reported in a permittee's application form are prohibited by the proposed regulations.

The proposed regulations provide that for all pollutants not directly limited in an NPDES permit, a permittee is limited to:

- o Five times the level reported in the NPDES application form; or
- o Five times the detection limit of the EPA standard method of analysis, if the pollutant is not detected or not reported; or
- o A higher multiple of the reported levels, if the applicant demonstrates through additional testing that a higher multiple appropriately describes the normal variability of the waste stream.

The multiple of five in the proposed regulation

will account for the normal variability of pollutant levels in effluents, while still prohibiting significant increases in discharges of pollutants.

EPA has chosen this approach after considering a number of alternatives. These alternatives are described in the preamble to the proposed regulations (44 FR 34393, June 14, 1979), together with requests for comments and for any additional data which would help to determine whether a multiplier different than five might be more appropriate for the final regulations.

Discharges of Hazardous Substances

Another significant new feature of the NPDES permit application form is that it provides an option for applicants to report discharges of hazardous substances listed under Section 311 of the CWA. Section 311 controls spills of hazardous substances, some of which may also be subject to the NPDES permit program. Last year, Congress passed amendments to the CWA to eliminate this overlap, exempting discharges of hazardous materials from the requirements and liabilities of §311 under certain circumstances. Congress intended that such circumstances include instances where discharges are covered instead by the NPDES program.

Regulations implementing these new amendments were proposed by EPA on February 16, 1979 (FR 10271). These proposed regulations provide that one mechanism for exempting discharges of hazardous substances is reporting these substances in an NPDES application form. The optional question in the new NPDES permit application form reflects these proposed regulations by allowing applicants to identify actual or potential discharges of hazardous substances, and to describe treatment methods for them.

IV. PUBLIC COMMENT

EPA has published the draft consolidated application form and proposed NPDES regulations to request public comments and suggestions on them. This Guide has highlighted some significant issues in the new forms and regulations, which are discussed in greater detail in the preambles in Part III of the June 14, 1979 Federal Register (44 FR 34346). EPA welcomes comments on the general approach taken to consolidating the application forms for the various permit programs, on the specific questions and instructions for any of the forms, on the balance between the cost and the need for information required to be reported, on the innovative provisions in the proposed NPDES regulations, and on any other issues which are of interest to the public. Please address all comments by September 12, 1979 to:

Edward Kramer (A-1)
U.S. EPA
Permits Division (EN-336)
401 M Street, S.W.
Washington, D.C. 20460

The public is also invited to participate in hearings that have been scheduled on the proposed consolidated application form. The hearings will also cover the proposed consolidated regulations. They will be held in Dallas, Chicago, Seattle, and Washington, D.C. For further details, contact Ms. Judy Shaffer at the above office, telephone 202-755-0750. Comments and hearings will play a major role in determining the shape of the final regulations.

ABOUT THIS GUIDE

This Guide is one in a series of pamphlets which describe various EPA permit programs. The full series includes:

- . A Guide to New Regulations for NPDES (C-1)
- . A Guide to the Underground Injection Control Program (C-2)
- . A Guide to Proposed Consolidated Permit Regulations (C-3)
- . A Guide for States on Proposed Consolidated Permit Regulations (C-4)
- . A Guide to the Hazardous Waste Management Program (C-5)
- . A Guide to the Dredge or Fill Permit Program (C-6)
- . A Guide to the Consolidated Application Form (C-7)

TO OBTAIN COPIES OF THE REGULATIONS OR GUIDES

Write to:

U.S. Environmental Protection Agency
Public Information Center (PM-215)
401 M Street, S.W.
Washington, D.C. 20460