

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

MAR 1 1988

OFFICE OF
WATER

MEMORANDUM

SUBJECT: General Permit Program Guidance

FROM: Martha G. Prothro, Director
Permits Division

TO: Water Management Division Directors
NPDES State Directors

I am pleased to issue the attached General Permit Program Guidance, which provides a streamlined approach to the general permit process. This guidance serves two purposes. First, it provides a centralized source of information about the general permit process. This will enable all permitting authorities to benefit from the Agency's experience in this area. It will also promote some consistency in the development and application of general permits among the States and Regions. Second, it simplifies the existing procedures for the development and oversight of general permits. Formal review by EPA Headquarters will be limited to offshore oil and gas general permits and other general permits of national significance. In addition, the guidance describes how other general permits may be used as models to develop new general permits. Finally, the guidance identifies a simple method of compliance monitoring through the use of the Permit Compliance System (PCS) data base.

With the issuance of this guidance and the increased procedural flexibility it offers, I urge States without general permit programs to carefully consider the benefits of obtaining authorization to issue general permits. As many of you know, general permits can be an effective tool for reducing permit backlogs that are a problem for some States. In addition, general permit authority will become increasingly important as we issue general permits to storm water dischargers in order to implement section 405 of the Water Quality Act of 1987.

If you have questions on the guidance, please give me a call or have your staff contact Kevin Smith of this office. He can be reached at (202) 475-7017 or FTS 475-7017.

Attachment

GENERAL PERMIT PROGRAM GUIDANCE

PREFACE

This guidance document is intended to:

- 1) demonstrate the benefits of general permits as an administrative mechanism to assist permitting authorities to meet the goals of the Clean Water Act and to regulate numerous discharges in similar, but not necessarily identical, circumstances;
- 2) assist permitting authorities that currently have general permit authority in the development and issuance of general permits;
- 3) assist those States currently approved to administer the basic NPDES permit program to obtain general permit authority; and
- 4) identify general permits that have been developed by both EPA Regions and approved States.

Organization

This guidance discusses the background and history of the general permit program (Chapter 1), reviews the evolution of the general permit program in terms of its legal framework (Chapter 2), explains the process for developing and issuing a general permit (Chapter 3), examines EPA's and the States' experience in the development and issuance of general permits (Chapter 4), and details the process for assumption by a State of general permit authority (Chapter 5).

Appendices

This guidance also provides several appendices that should prove useful as reference materials. Appendix A details federal Register publication requirements for EPA-issued draft and final NPDES general permits. Appendix B furnishes EPA Headquarters' procedures for the review of draft and final general permits. Appendix C discusses the continuation of EPA-issued general permits. Appendix D lists all the existing general permits that EPA Headquarters has on file for use as model general permits. Appendices E and F provide copies of a supplemental Attorney General's Statement and a modified Memorandum of Agreement as examples of how a State NPDES program may be modified to obtain general permit authority. Appendix G contains the federal NPDES general permit cites. Appendix H lists the Standard Industrial Codes used for general permits.