



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

OFFICE OF
WATER

JUL 11 1983

MEMORANDUM

SUBJECT: EPA's Authority to Issue NPDES General Permits
in Approved NPDES States

FROM: Martha G. Prothro, Director
Permits Division (EN-336) *MGP*

TO: Regional Water Management Division Directors

It has recently come to my attention that there may be a misunderstanding regarding EPA's authority to issue general permits in States which are approved to administer the NPDES program, but have not been specifically approved to issue general permits. Please be advised that EPA has no authority to issue general permits in these NPDES States. The Clean Water Act, section 402(c), requires EPA to suspend issuance of NPDES permits (including issuance of any general permits) upon approval of a State NPDES program.

However, EPA's inability to issue general permits in certain NPDES States does not affect its authority to issue permits, whether individual or general permits, to federal facilities. EPA remains responsible for issuing permits to federal facilities even if a State has been approved to administer the NPDES program, if the State program has not been modified to cover federal facilities. (States seeking full program approval after 1977 have been required to cover federal facilities, but some States approved prior to that time have not yet made the required program modification.) In contrast to the federal facilities program, the general permit program does not expand the scope of discharges covered by the permit program but merely authorizes the State to issue NPDES permits through a different procedure. In addition, State general permits authority is not required by statute, but merely authorized and encouraged by EPA as a procedural reform in the NPDES program.

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Please bring this general permits issue to the attention of your Permits staff. If you have any questions, please call me at FTS 755-2545 or Bill Diamond, Acting Chief, Consolidated Permits Branch, at FTS 426-4793.