



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

MEMORANDUM

TO: Regional Administrators
Region I - X

FROM: Assistant Administrator for Water and Hazardous Materials (WH-556)
Assistant Administrator for Enforcement (EN-329)

SUBJECT: Coordination between the NPDES Permit Program and
Water Quality Planning and Management under Sections
208 and 303

INTRODUCTION

This policy statement describes the relationship between the NPDES permit program and the water quality management (WQM) process under Sections 208 and 303 of the Act during the interim period before completion and approval of WQM plans.

This policy applies to the WQM planning conducted by both the State planning agencies and the designated areawide planning agencies.

BACKGROUND

Each State will be responsible for seeing that a water quality management plan is developed for every part of the State by November 1, 1978. In many metropolitan areas and in other areas with complex water quality problems, designated areawide planning agencies will do the WQM planning. The State planning agency will oversee the development of the areawide plans, and fold them into the Statewide WQM plan. The State planning agency is responsible for developing wasteload allocations for water quality limited segments but may delegate this responsibility to designated areawide planning agencies.

Because of the timing of permit expiration dates and completion of WQM plans, there will be a second round of permits (especially in the case of municipalities) that must be issued prior to approval of any completed outputs from the planning effort.

POLICY

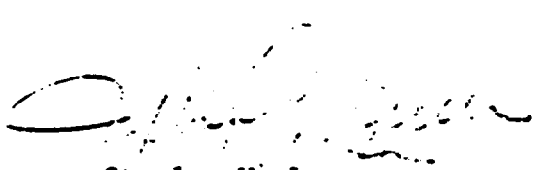
In order to assure coordination between the NPDES permit program and the WQM planning program during the interim period before completion and approval of WQM plans or portions thereof, it is Agency policy that:

1. Permits normally should be issued or reissued with five year expiration terms, without regard to the expected completion dates of 208 or WQM plans.
2. Pursuant to 40 CFR 131.1(d)(2) and (3), the areawide and/or State planning agencies consider existing permit requirements when developing effluent limitations and compliance schedules.
3. Areawide and/or State planning agencies review draft permits and alert the NPDES agency where draft conditions deviate from anticipated planning results. Although existing permits may conflict with WQM plans that have not been approved, every effort should be made to resolve potential conflicts. In those instances where the planning agency indicates anticipated requirements different from those of the draft permit, the NPDES permit agency and the areawide and/or State planning agency should discuss such conflicts. The NPDES agency will make final decisions relative to permit conditions, pending the Regional Administrator's action pursuant to 40 CFR 124.23.
4. The areawide planning agency review wasteload allocations and transmit its findings to the State and EPA.
5. Where WQM plans include wasteload allocations, effluent limits or compliance schedules, the State planning agency give notice to the public and affected dischargers and provide opportunity for appeal of provisions of the WQM plan. No permit shall be deemed to be in conflict with an approved WQM plan or portion thereof unless the State has conducted this WQM plan appeal procedure. (See 40 CFR 130.32(c))

When interim outputs and/or WQM plans are completed and approved, the appropriate requirements of the plan will be incorporated into respective permits such that all permits issued or reissued after such approval will not be in conflict with the plan.



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