



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

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JUL 10 1980

OFFICE OF ENFORCEMENT

MEMORANDUM

SUBJECT: Major Municipal Permitting in FY 81

TO: Regional Administrators
Regions I - X

FROM: Jeffrey G. Miller
Acting Assistant Administrator
for Enforcement (EN-329)

EPA's Operating Year Guidance for FY 81 outlines Agency-wide and program specific priorities that will be addressed during FY 81. For the Office of Water Enforcement the guidance states:

Four aspects of Agency permitting activities are of high priority in FY 81, namely: (a) the issuance of hazardous waste site permits; (b) the control of toxics through issuance of NPDES permits to primary industries, major secondary industries, and major POTW's, especially those requiring pretreatment programs; (c) the expeditious issuance of energy-related permits for all media; and (d) consolidation of permit programs under RCRA, the Safe Drinking Water Act, the Clean Water Act, and the Clean Air Act.

Included in the first level priorities for Headquarters and Regions under the NPDES Permits Issuance section is the statement that "Toxics will be controlled by issuing permits to primary industries, major POTW's, and major secondary industries; by implementing the pretreatment program; and by reviewing State activities." In the Spring of 1979, the Office of Enforcement in preparing the FY 81 budget estimated that virtually all the permitting resources would be assigned to the issuance of "second round" BAT-toxics permits to industrial discharges.

This Strategy was in keeping with the Second Round Permit Policy and short-term permit expiration dates. Under this strategy, BAT permit issuance was to begin in September 1980. However, delays in BAT guideline promulgation have necessitated a change in that policy. The strategy for permitting BAT major/minor primary industries now has shifted toward Fiscal Year 1982, and the current budget planning for FY 82 reflects that shift. June 30, 1981 is a deadline after which all permits written for primary industries

must contain BAT and BCT, whether or not applicable effluent limitations guidelines have been promulgated [40 CFR 122.64(b) 45 FR 33452, May 19, 1980]. Because of this deadline, emphasis on issuing BAT permits for primary industries either using promulgated effluent limitations guidelines or best professional judgement will begin the last quarter in FY 81 and continue through FY 82.

This series of events frees those resources originally available for issuing industrial permits and provides a timely opportunity to put greater emphasis than originally planned on permitting of major municipalities in FY 81. In addition, a redirection now of permitting activities to major municipalities supports FY 81 plans for increased emphasis on municipal enforcement. Accordingly, I am asking that the Regional permitting units assign a high priority to the issuance of permits to major municipalities in FY 81.

As an example of the municipal permitting workload, a July 2, 1980 Permit Compliance System (PCS) printout for major municipal permits issued by EPA listed a backlog of 499 expired permits and 67 which will expire in the remainder of FY 80 and through FY 81. These statistics from PCS indicate an alarming backlog of expired permits which must be issued by the end of FY 81 to meet the July 1, 1983 best practicable waste treatment technology deadline. The BAT/BCT permit issuance to industrial dischargers in FY 82 will be resource intensive, since some permits will be developed without effluent guidelines. For this reason, it is important in FY 82 that permit writing units not divert their limited resources to deal with permits other than the major municipals which expire in FY 82 and the primary industrials.

The Office of Water Enforcement is also emphasizing a stepped-up effort to incorporate pretreatment compliance schedules in municipal permits. The Deputy Assistant Administrator for Water Enforcement in a June 5, 1980 memorandum to you emphasized the need to incorporate compliance schedules into municipal permits this summer in order to allow the municipalities sufficient time to comply with the July 1, 1983 deadline for pretreatment program development. As that memorandum explains, some permits may need to be revoked and reissued or modified in order to incorporate a compliance schedule.

The Office of Water Enforcement is developing the FY 82 budget on the basis that 80% of all major primary industry permits will be issued in FY 82. Therefore, I encourage you to direct permitting activity in your Region to begin the reissuance of major primary permits in the last quarter of FY 81 and to focus throughout the year on the backlog of expired major municipal permits and pretreatment compliance schedules.

cc: Enforcement Division Directors
Region I - X
Brian Molloy
Thomas Gallagher, NEIC - Denver