



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

JUL 7 1976

OFFICE OF ENFORCEMENT

n-76-5

MEMORANDUM

TO: Regional Administrators, Regions I-X

SUBJECT: Coordination Between NPDES Program and Water Quality Management Planning Program

INTRODUCTION

This policy describes the relationship between the NPDES Program and the Water Quality Management (WQM) Planning Program in reviewing and impacting program activities of the States and designated planning agencies. The NPDES Program involvement may include input from all program activities including permits, compliance monitoring and enforcement. This policy memorandum, in conjunction with our April 2, 1976, policy memorandum, establishes procedures for coordination to assure uniformity in establishing water pollution control requirements.

BACKGROUND

The WQM planning effort presently consists of Phases I and II planning. Phase I plans, which are State developed basin plans required by Section 303(e) of the FWPC Act, are due no later than June 30, 1976. Of the 644 basin plans, approximately one third have already been approved. An additional 50% are expected to be submitted by the June 30 deadline.

Phase II plans are the major plans required by Sections 208 and 303 of the Act. The Phase II plans are the WQM plans developed by the designated local planning agencies for the designated urban-industrial areas and by the State for the non-designated areas. In most cases, Phase II plans will include revisions and updates to the Phase I plan. Where appropriate, Phase I plans may be resubmitted as Phase II interim outputs which are due nine months after the initiation of the Phase II planning effort.

Prior to initiation of the Phase II planning effort, the State and designated agencies are required to submit approvable work plans. The State work plan is submitted as part of the continuing planning process revisions required by Section 40 CFR 130.43. These revisions were due April 26, 1976. The requirements for designated agencies' work plans are provided in Section 40 CFR 35.1054-1(f) (now deleted) for agencies receiving designation approval prior to July 1, 1975, and in the current Section 40 CFR 35.220 for those receiving approval after July 1, 1975. There are 149 planning agencies which received designation approval prior to July 1, 1975. As of March 1976, 89 of these agencies' work plans have received approval while the remaining 60 are expected to be approved by June 30, 1976. Although not specifically required, the Regions in some cases are requesting these designated agencies to revise their work plans to comply with the more detailed requirements of Section 40 CFR 35.220.

Because of the potential impact of the WQM planning effort on the NPDES Program, it is important that the NPDES Program be kept apprised of the ongoing activities of the Water Planning Program. The development of the work plans, continuing planning process revisions, Phase I plans, Phase II interim outputs and the final Phase II plans are all ongoing activities that require input from the NPDES Program.

POLICY

It is Agency policy that the water quality management planning effort involve the NPDES Programs to the degree necessary to assure avoidance of unnecessary conflicts and to assure development of an adequate WQM plan. In fulfilling this policy, each Region is to establish the following procedures.

1. The NPDES Program will review work plans and continuing planning process revisions and will provide appropriate comments to the Water Planning Program. Before approval of a work plan, conflicts will be resolved, wherever possible, to the satisfaction of both programs. The Water Planning Program will have final determination on all such matters except where conflicts have a major impact on permit effluent limitations, compliance schedules or enforceability. In such cases the Regional Administrator will make final determinations.

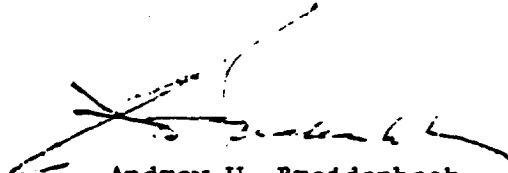
2. Where work plans and continuing planning process revisions have already been approved, the NPDES Program will review these submittals to determine future involvement with each planning agency. Appropriate comments will be provided to the Water Planning Program but it must be recognized that there are some constraints on revising approved work plans where such revisions affect grant funding. Wherever possible, conflicts should be resolved either through revision of the work plan or by some alternative agreeable to the Regional Administrator, the designated planning agency and the State.

3. The NPDES Program will review Phase I plans for potential impact on Permits and Enforcement. Although there is no legal requirements of permit conformity with Phase I plans, potential conflicts should be resolved. Special attention will be given to those Phase I plans that will incorporate into the Phase II plan any effluent limitations, compliance schedules or anything else that directly impacts enforceability of permits. Conflicts will be resolved in the same manner described in number one above.

4. Where Phase I plans have already been approved and revisions are necessary, the changes will be incorporated into the Phase II plans such that the final WQM plan will reflect the agreed to revisions.

5. The NPDES Program will review all interim outputs prior to approval. Conflicts will be resolved as described in number one above.

6. There will be an ongoing program established to assure a cooperative effort in supplying pertinent information from one program office to another. Such exchange of information will include that required in the April 2, 1976 policy guidance memorandum (attached).



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Attachment