

**Interim Framework to Ensure Issuance of  
Timely and High Quality NPDES Permits**

**(Approaches for Reducing the NPDES Permit Backlog)**

**July 28, 1999**

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## **PURPOSE**

This document represents the Agency's ongoing efforts to develop a national strategy for the Reduction of the NPDES Permit Backlog. This framework document was developed in cooperation with our Regional and State partners and members of the stakeholder community. As part of this effort, the EPA NPDES Permit Backlog Reduction Team solicited input from Regional NPDES managers and participated in a national backlog meeting sponsored by the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA). The Agency plans to revise and update this strategy based on continued meetings and discussions with States and Regions, and as additional data and information become available.

## 1.0 INTRODUCTION

Prior to the passage of the Federal Water Pollution Control Act Amendments (FWPCA) of 1972, there was no nationally implemented mechanism to control the discharge of pollutants into waters of the United States. The lack of a systematic tool to control water pollution was evident in the extremely poor water quality of many water bodies including rivers and lakes located in some of the most technologically advanced cities in the world. Control of pollutants into water bodies was so ineffective that the Cuyahoga River burst into flames and the Potomac River, located in our nation's capital, was too polluted for swimming.

By signing into law the FWPCA of 1972, Congress authorized the use of permits to control the discharge of pollutants into waters of the United States. Two of the most powerful principles articulated by Congress in 1972 are:

- No one has a right to pollute the navigable waters of the United States, and
- Permits shall limit the composition of, and the concentration of pollutants in, a point source discharge

These principles are the foundation of the phenomenal success that has been achieved in improving the nation's water quality.

### 1.1 How Has the NPDES Program Evolved?

The permitting system that led to this success in water quality improvements is known as the National Pollutant Discharge Elimination System (NPDES). The NPDES regulations, codified in 40 CFR § 122, establish the regulatory protocol for implementing the NPDES permitting program. NPDES permits contain a variety of quantitative and qualitative conditions developed to ensure that discharges meet all applicable regulations. These conditions include numeric effluent limitations to control the levels of specific pollutants that are, or may be, present in a facility's discharge. These limitations may be based either on treatment technologies demonstrated to reduce pollutant discharges (technology-based effluent limitations) or for protection of ambient water quality (water quality-based effluent limitations).

Early permit issuance efforts (1972-1977) concentrated on regulating the most significant sources of wastewater pollutants. These "major" sources generally have high effluent flow rates and are considered to have a high potential for discharging significant quantities of pollutants. Such sources include the larger publicly owned treatment works (POTWs) and industrial facilities. These permits also focused on the control of "conventional" pollutants (biochemical oxygen demand, total suspended solids, pH, fecal coliform, and oil and grease).

In 1977, the FWPCA was further amended and renamed the Clean Water Act (CWA). The 1977 CWA shifted the focus from controlling conventional pollutants to

controlling toxic discharges. Permits issued during this period (1977-1987) incorporated nationally uniform technology-based standards (effluent limitations guidelines) for primary industry categories and included more “minor” sources. Minor sources typically have lower flow rates than “major” sources and were perceived to have a less significant potential for discharging toxic pollutants.

With enactment of the Water Quality Act (WQA) of 1987, the NPDES Program evolved yet again. The 1987 WQA more clearly described a strategy for controlling pollutants beyond technology-based permit limits by requiring the use of water quality-based effluent limits to achieve water quality standards. Permit limits designed to protect water quality standards address the site-specific needs of the stream in which the discharge occurs and are often more stringent than technology-based effluent limits.

Substantial pollution control gains have been achieved since 1972, but water quality problems persist. This finding has required permitting authorities to recognize that sources previously considered “minor” or episodic may collectively contribute significant pollutant loadings to water bodies. This conclusion has led to the permitting of point sources such as stormwater, concentrated animal feeding operations (CAFOs), combined sewer overflows (CSOs), sanitary sewer overflows (SSOs), mining operations, and forest roads. Water quality agencies also have increased their emphasis on management of non-point sources such as agricultural runoff. Implementation of each of these program elements has increased the universe of permittees and the complexity of permit development.

## **1.2 What Is the NPDES Permit Backlog?**

The CWA specifies that NPDES permits may not be issued for a term longer than five years. Permittees that wish to continue discharging beyond the five year term must submit a complete application for permit renewal at least 180 days prior to the expiration date of their permit. If the permitting authority receives a complete application, but does not reissue the permit prior to the expiration date, the permit may be “administratively continued.” Permits that have been administratively continued beyond their expiration date are considered to be “backlogged.”

In addition to those permits that are not reissued in a timely manner, there are instances where a new facility has submitted an application for its first NPDES permit, but the permitting authority has not yet issued a permit to the facility. Where information is available, facilities awaiting their first NPDES permits are also considered part of the NPDES permit backlog.

As defined, the permit backlog can be tracked only where data are available to describe the universe of facilities requiring coverage under the NPDES program, and where the expiration date for each permit is recorded. A discussion of the available data, and limitations of these data, is provided in Section 2 of this document.

### **1.3 Why is the NPDES Permit Backlog a Problem?**

The NPDES regulations, and most State permitting regulations, provide that a permit may be administratively continued if a complete application has been provided by the permittee at least 180 days prior to the permit expiration date. While the permit is continued, all permit conditions remain in effect, and all violations of the permit's terms and conditions are fully enforceable. Thus, if the continued permit contains all appropriate terms and conditions, no consequence to public health or the environment should occur due to the extension.

However, the conditions upon which the existing permit is based may have changed since the permit was issued. Changed conditions may include expansions or changes to the facility's operation, promulgation of technology-based or water quality-based standards, or development of a basin plan or total maximum daily load (TMDL), each of which may affect the facility's effluent limits. In this case, the administratively continued permit would not contain terms and conditions based on the most recent standards, in effect delaying prospective environmental improvements to the nation's waters and possibly continuing deleterious effects.

The EPA Office of Inspector General (OIG) issued a report on the severity of backlog in some States in 1998. EPA accepted the Inspector General's recommendation that EPA's permit backlog be considered a material weakness under the Federal Managers Financial Integrity Act (FMFIA). The chairs of the Senate Environment and Public Works Committee and the House Committee on Transportation and Infrastructure recently requested that the Agency take immediate steps to reduce the backlog and report quarterly on its progress.

The scope of the backlog and the information available to quantify the severity of the problem are discussed in Section 2 of this strategy. It should be noted, however, that data are not currently available to assess which administratively continued permits are in need of revision and which continued permits contain all of the appropriate conditions. While national data are not available, several State and EPA Regional permitting managers have indicated that resources are frequently directed toward permits that are of the greatest public interest, such as new or expanding facilities, facilities located on impaired water bodies, and facilities with high potential for affecting sensitive ecosystems.

## **2.0 NPDES PROGRAM AND PERMIT BACKLOG STATISTICS**

To address the enormous task of permitting point sources nationwide, EPA has authorized 43 States and the Virgin Islands to issue NPDES permits that comply with the federal minimum standards. Staff at EPA Regional Offices continue to issue permits for those States and territories which have not yet received EPA approval to issue NPDES permits. This section describes the numbers and types of facilities covered by the NPDES program and presents the national data available to quantify the current permit backlog.

### **2.1 What is the Scope of the NPDES Permits Program?**

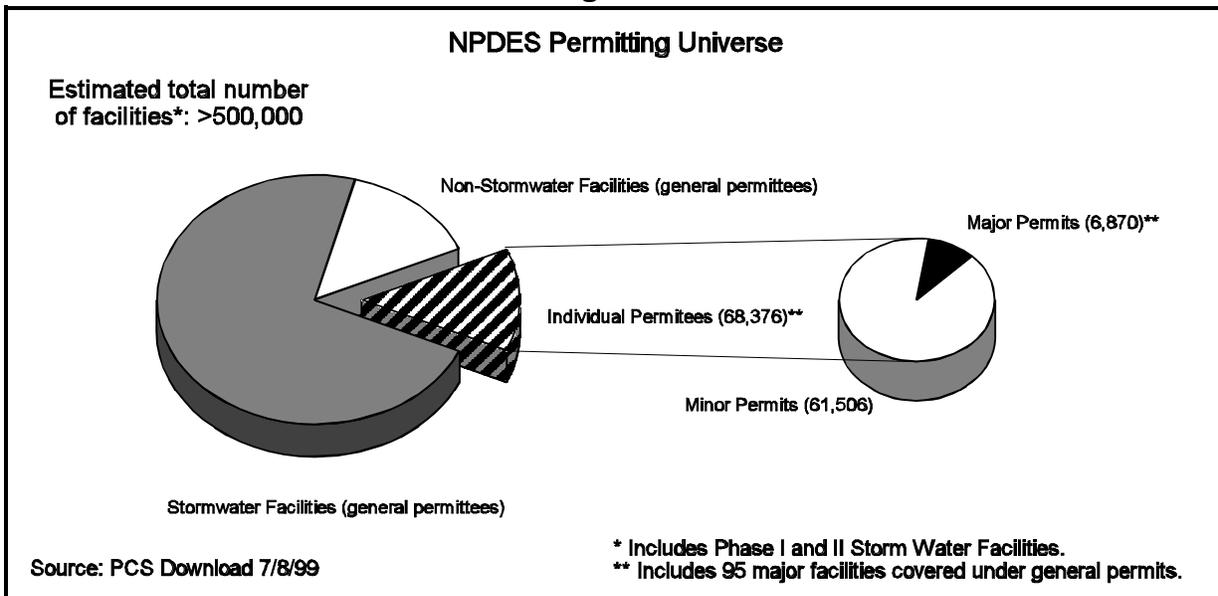
EPA and authorized States issue both “individual” and “general” NPDES permits. Individual NPDES permits are developed for a specific facility and contain effluent limitations, monitoring requirements, and other conditions tailored to the unique characteristics of the facility. Individual permits have traditionally been used to regulate the more significant discharges (“major” discharges and many non-storm water “minor” discharges). General permits are a single control mechanism developed to cover large groups of similar discharges with standardized limitations, monitoring, and reporting requirements. General permit issuance is traditionally restricted to minor discharges, although 95 major facilities (mostly storm water sources) are currently covered by general permits.

EPA maintains the Permit Compliance System (PCS) database to track national NPDES permit information. Staff in EPA Regional Offices or State permitting agencies enter data into PCS. EPA has required that certain minimum data elements be entered in PCS for all major and minor facilities covered by individual NPDES permits. While PCS data generally are complete for major facilities, there are some significant gaps in the data for minor facilities. As the data presented later in this chapter will show, the data gap for minors can dramatically affect the backlog percentages.

Due to large numbers of facilities covered by general NPDES permits, EPA has not required States or EPA Regions to maintain facility-level data in the PCS database. Examples of facilities covered by general permits include non-storm water general permittees (e.g., drilling rigs, sand and gravel quarries, concentrated animal feeding operations) and most storm water permittees (industrial and construction facilities). Although some EPA Regions and States input some general permittee data in PCS, the methodology for including and updating these data are inconsistent and incomplete. In addition, PCS data are incomplete for municipal separate sanitary sewer collection systems and combined sewer overflows.

To provide an estimate of the universe of facilities covered by the NPDES program, EPA used estimates developed for several rulemaking efforts and Information Collection Requests (ICRs). Based on these information sources, EPA estimates that roughly 400,000 facilities will require NPDES permit coverage under Phases I and II of the National Storm Water Program. It is anticipated that nearly all of these sources will

Figure 1



be covered under general permits. In addition, EPA estimates that approximately 50,000 facilities are currently covered by non-storm water general permits. Figure 1 provides an estimate of the size of the NPDES-permitted universe, combining the individual facilities included in PCS with estimates of the number of facilities covered (or required to be covered) by general permits. These estimates indicate that facilities covered by general permits outnumber individual major and minor permittees by a six to one margin.

As the number of facilities covered by general permits expands with the implementation of the Storm Water regulations and other regulatory initiatives, EPA Regions and States will likely rely on general permits as an attractive alternative to issuing individual permits. Maintenance of accurate records for facilities covered by general permits, therefore, will become increasingly important for making informed decisions about NPDES permits and formulating strategies to ensure the long-term sustainability of the NPDES Program.

## 2.2 What Data are Available to Quantify the NPDES Permit Backlog?

Statistics on the permit backlog may be obtained through queries of permit expiration dates from PCS. In general, expiration dates are available for nearly all majors covered by both general and individual NPDES permits; however, data are not as complete for minor dischargers. The PCS database contains expiration dates for most minor facilities covered by individual permits, but little reliable information is available regarding minor facilities covered by general NPDES permits.

Backlog statistics, therefore, are limited to all majors and those minors covered by individual permits. Figure 2 provides a graphical representation of these data. As indicated in this figure, approximately 18 percent of the minor facilities (with individual permits) do not have expiration dates recorded in PCS (shown as "no data").

Preliminary information provided by States and EPA Regions indicates that most of these “no data” facilities represent situations where applications were submitted, but permits were not issued. However, some of these records also represent missing data (i.e., the State or EPA failed to record an expiration date in PCS). Efforts are underway to better define this segment of the backlog.

The convention for counting these “no data” records dramatically affects the backlog calculations for minor permittees. Figure 3 illustrates how the backlog estimate changes depending on what assumptions are made about facilities with missing PCS data. Using existing data, the major backlog estimate is relatively stable at 27 percent, while the minor backlog estimates are expressed as a range; currently between 28 and 46 percent.

In reviewing the backlog data in Figures 2 and 3, it should be noted that several NPDES State permitting authorities have questioned the accuracy of the PCS data used to develop these figures. In particular, States have indicated that data maintained on their unique State databases do not always agree with data in the PCS database, particularly for minor dischargers. EPA acknowledges that discrepancies may exist between State and EPA data, however, EPA intends to manage the national program using PCS information. Where discrepancies exist, States and EPA Regions should ensure that PCS data are adequately updated and maintained.

**Figure 2**

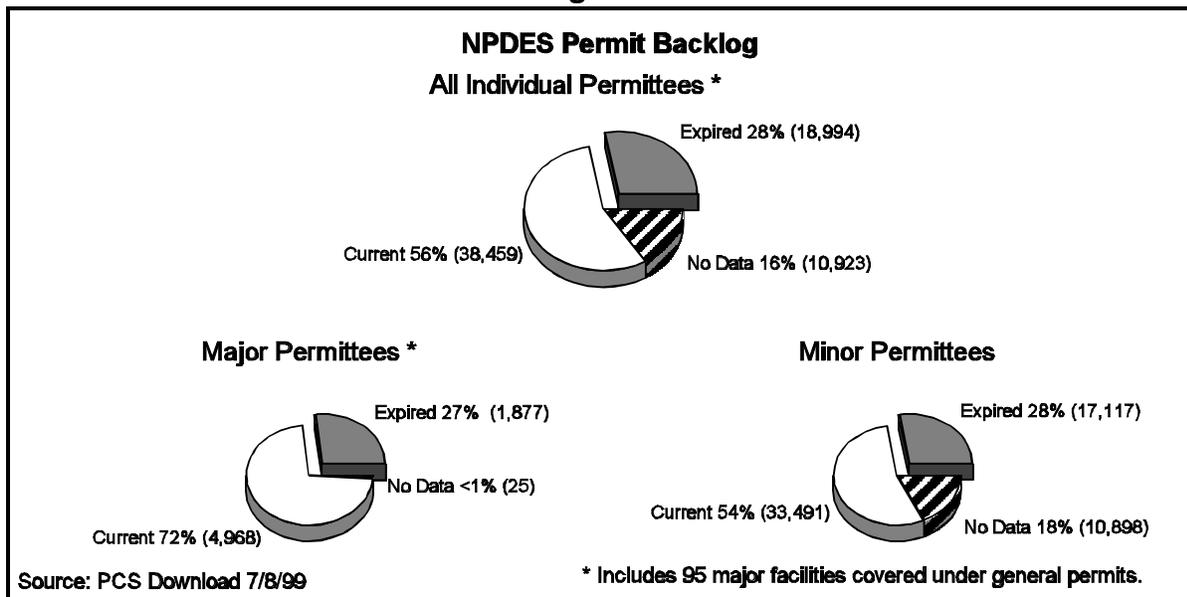
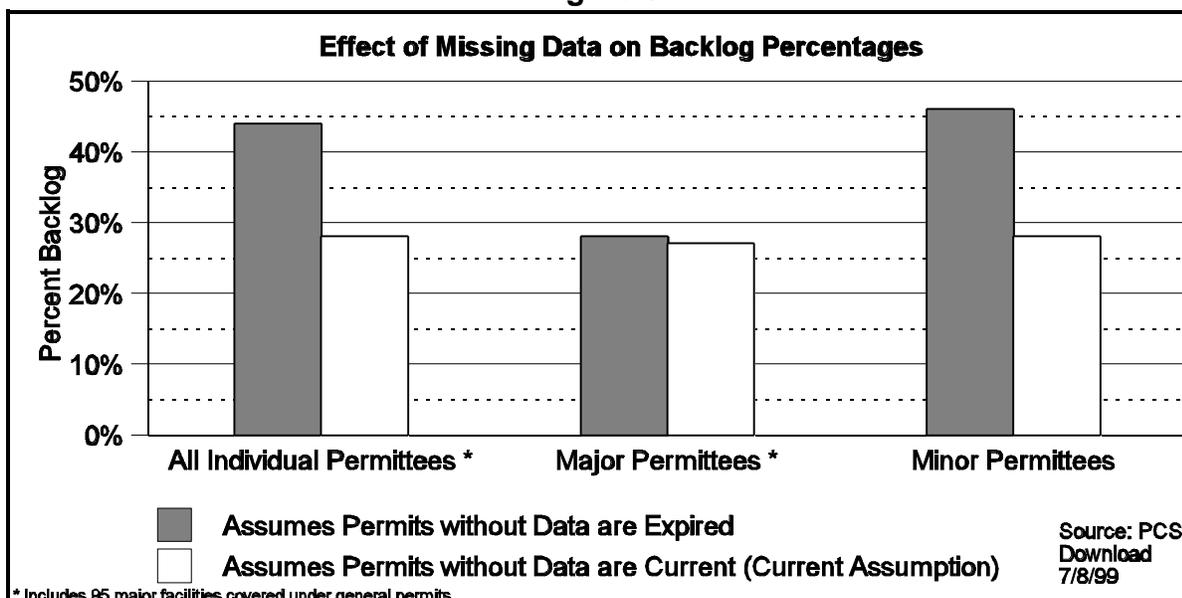


Figure 3



### 2.3 What Resources are Available to Draft and Issue NPDES Permits?

As discussed above, the NPDES program is implemented primarily by State permitting authorities (43 States and one Territory), while EPA is the permitting authority for only seven States (plus Territories). While estimates are available regarding water quality/NPDES staffing levels at the EPA Regions, no such data are available for NPDES States.

While there are limited baseline staffing or funding estimates available, States and EPA Regions have indicated that the current backlog is partially due to resource constraints. More specifically, permitting authorities have indicated that, while the universe of facilities requiring permit coverage has increased (e.g., storm water, CAFO), the resources (staff and funding) dedicated to permit issuance has remained static or decreased. EPA and State permitting authorities currently are conducting a national evaluation of program needs called the "Gap Analysis." This analysis is intended to accurately quantify the resources needed to fully implement all aspects of State and national NPDES programs. Upon completion, the results and workload estimates will be included, as appropriate, in this strategy.

In developing resource estimates for NPDES permit issuance, it should be noted that the hour burden includes more than simply drafting and issuing permits. Conditions included in NPDES permits may require submission of reports such as pollution prevention plans, long term control plans (for combined sewer overflows), mixing zone studies, toxicity reduction evaluations (TRE), and/or other facility-specific special conditions. As permits become more complex and comprehensive, the resources necessary to follow up on these reports and conditions will impact the permitting authority's ability to address backlogged permits.

### **3.0 ASSESSMENT OF THE NPDES PERMIT BACKLOG**

To understand the NPDES permit backlog and to devise a strategy to reduce the number of expired permits, it is important to look at the apparent causes. EPA has discussed the backlog causes with Regional permitting staff and solicited input from the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) and State partners during a meeting held in June 1999. The findings of these discussions are provided in this section.

#### **3.1 What are the Causes of the NPDES Permit Backlog?**

Discussions with States and EPA Regions indicate that the permit backlog has increased for a variety of reasons. These include (in no specific order):

- The universe of facilities requiring NPDES permit coverage (e.g., storm water SSOs/CSOs, CAFOs) is expanding at the same time that previously issued permits are expiring.
- State and Regional resources dedicated to permit issuance have been static or declining in concomitance with the expanding universe of facilities. The effect of an expanding universe of NPDES permittees, coupled with a decrease in permitting resources, has resulted in an increase in the permit backlog.
- State environmental agencies are challenged by implementing other competing regulations (e.g., air, solid waste, drinking water). This has pulled resources from the base NPDES program.
- Focus on new program initiatives has resulted in less oversight of the base NPDES Program, including re-issuance rates. Over time, the decreased oversight has resulted in an increase in the backlog rates.
- NPDES permits have become increasingly complex due to State adoption of numeric water quality standards and TMDL requirements. Effluent guidelines have been promulgated for industrial operations that are increasingly complex.
- In many cases, permit writers today need to be schooled in complex technical and regulatory matters to issue high quality permits. Due to decreasing permit resources and movement of staff to other program areas, it has been difficult for States and Regions to maintain technical experts on their permits staff.
- States have begun shifting to a watershed approach for permit issuance, which may increase backlogs to allow alignment of five-year permit cycles within watershed boundaries.

## 4.0 THE NATIONAL GOAL AND REGIONAL AND NATIONAL PERFORMANCE EXPECTATIONS

Permitting experts generally agree on the need to address the permit backlog within the backdrop of competing priorities. Backlog reduction strategies need to be formulated with consideration of the short-term need to reduce backlog percentages while ensuring long-term sustainability of the NPDES permits program and the development and issuance of high quality permits.

### 4.1 What are the Goals for Permit Issuance and Backlog Reduction?

Based on input from EPA's backlog reduction team, EPA Regional permits staff, and State permitting authorities, the goals identified to date include the following.

- Maintain and enhance existing databases to more accurately characterize backlog rates. EPA's existing database containing an inventory of NPDES permits is known as the Permit Compliance System (PCS). At this time, this database is only useful for characterizing backlog rates for major facilities with reasonable accuracy and minor facilities with relatively less accuracy. While data for facilities covered by general permits also exist in PCS, the data are not reliable and are incomplete. Having an accurate inventory of the universe of NPDES permittees is important when formulating informed strategies and tracking progress. Therefore, one of EPA's primary goals is to provide assistance to States and EPA Regions to improve the accuracy of PCS data.
- Improve permit backlog percentages while assuring high quality, environmentally protective permits. The goal of the NPDES program and the CWA is to restore and maintain the integrity of the nation's waterbodies. Permits help to achieve this goal by clearly and unambiguously establishing enforceable targets that must be met by dischargers. Accordingly, NPDES permits should integrate all applicable technology and water quality standards to address the ultimate goal of the CWA; to optimize water quality protection. The backlog reduction effort, therefore, must ensure permit quality as well as quantity, and must not hinder State and EPA Regional efforts to issue high quality permits.
- Focus on permits that need to be reissued using a prioritization approach. The current system of ranking NPDES permit significance (i.e., the "major/minor" rating system) does not assess the need for permit reissuance. In fact, many of the backlogged permits (both major and minor) already incorporate the most recent technology and water quality standards. Instead of relying on the major/minor distinction, backlogged permits should be prioritized based on reissuance "need" by targeting permits that have not incorporated the latest standards or are located in waterbodies that are currently impaired. Procedures could also be developed to streamline the reissuance process for those permits that do not require significant revisions.

- Advocate programmatic changes to streamline permit issuance. Many permitting authorities and EPA headquarters have gained substantial insight and institutional experience while implementing the NPDES Program over the last two decades. Many program managers and permit writers have identified opportunities to streamline permit issuance by making programmatic changes - with the intent of improving the sustainability of the NPDES Program. For example, a ten year permit cycle for some types of facilities, or a highly streamlined permit re-issuance process, may be appropriate to ensure a sustainable NPDES program.

#### **4.2 What Level of Backlog Is Acceptable?**

Ideally, all NPDES permits would be issued in a timely manner, or reissued prior to their expiration date. There are circumstances, however, that interfere with timely permit issuance that are beyond the control of permitting authorities. Examples of these circumstances include permit appeals and challenges, pending regulatory revisions, and development of TMDLs and watershed plans. Consequently, some level of backlog will continue to exist. The goals set forth in this strategy acknowledge some minimal backlog levels, but strive to keep permit issuance at an acceptable rate.

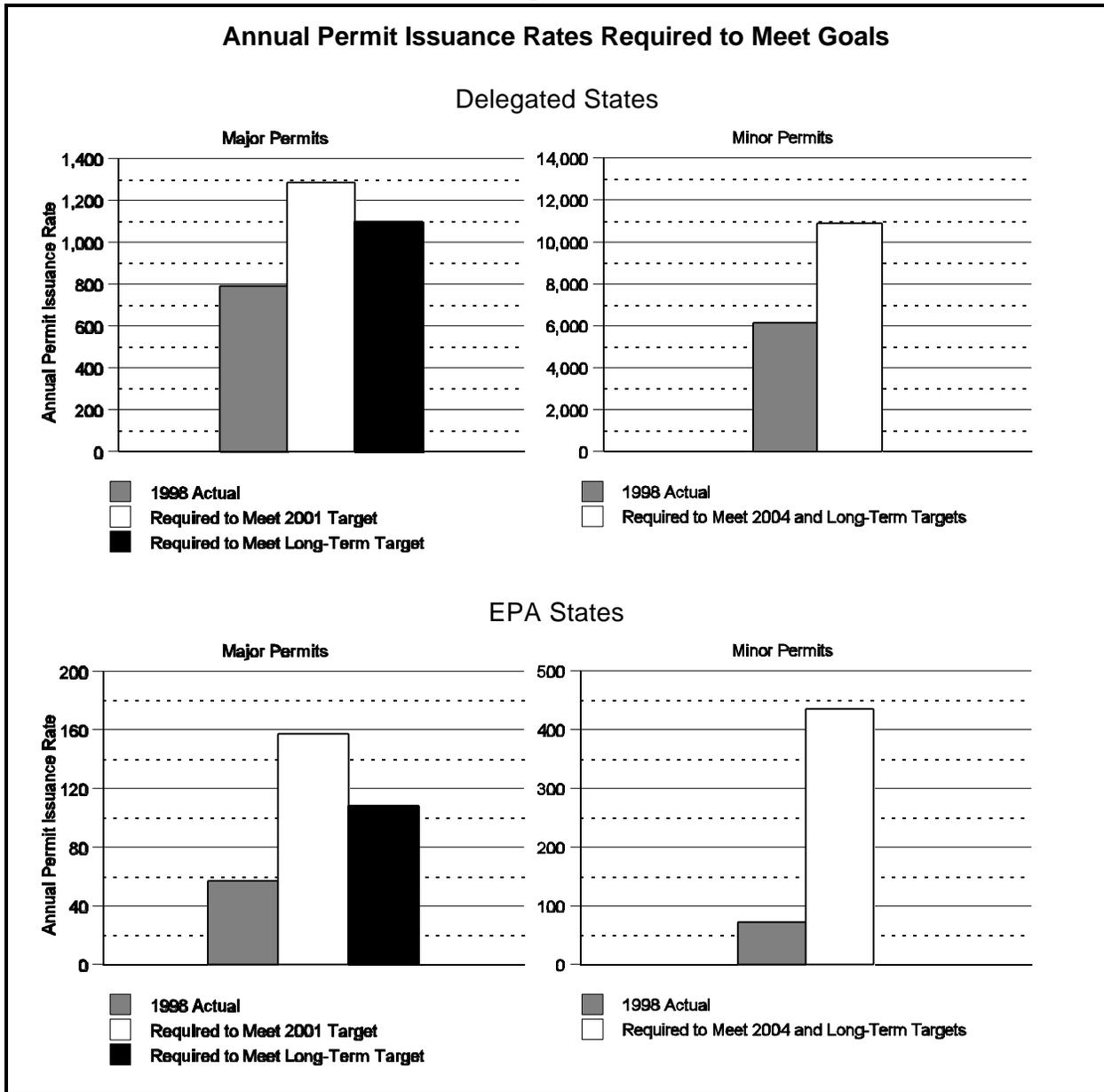
Because backlog reduction, the NPDES program's long-term viability, and protection of human health and the environment are inherently linked, EPA has established the following quantitative targets for reducing the backlog:

- The backlog of major permits will be reduced to 20 percent in all States by the end of calendar year 1999
- The backlog of major permits will be reduced to 10 percent in all States by the end of calendar year 2001
- The backlog for all permits will be reduced to 10 percent by the end of calendar year 2004

As NPDES permits have a maximum term of five years, an average of 20 percent (1/5) of all permits will expire during a calendar year. A backlog of 10 percent, therefore, represents approximately a six month permit backlog.

It should be noted that a factor in reducing current backlog rates are permits that will expire in the near term. Figure 5 shows the permit issuance rates that will be required to meet these goals. Clearly, an integrated and consistent strategy will be necessary to reach these targets and achieve the goals identified above. Initiatives aimed at achieving both quantitative targets and the goals identified above are in various stages of implementation. These are discussed in the next section.

**Figure 4**



**4.3 What Measures of Quality Will be Required for NPDES Permits?**

EPA's national goal is to assure protection of the environment and human health by assuring the long-term sustainability of the NPDES program. While low permit backlog rates are important goals, the quality of issued permits is equally important. High quality permits must incorporate all applicable technology and water quality-based effluent limits, contain appropriate monitoring and reporting requirements, address all appropriate special and standard conditions, and express all requirements in clear and unambiguous language.

To ensure NPDES permit quality, EPA will rely primarily on the Regions to oversee State permitting programs and identify strengths and weaknesses through

annual performance reviews and program assessments. In particular, EPA headquarters will be looking to the Regions to perform comprehensive permit quality reviews as part of their routine annual oversight activities and to provide results of these evaluations to the backlog reduction team. As appropriate, EPA headquarters will provide guidance and training to Regions to perform consistent and thorough assessments of State permitting programs and may participate in evaluations of selected State programs.

The EPA backlog reduction team is also working with its State partners and ASIWPCA to form “peer technical exchange teams” to visit successful States and identify efficiencies and quality assurance tools that may be available. Approaches for issuing high quality permits will be shared among other States and Regions.

## **5.0 STRATEGIC INITIATIVES AND APPROACHES TO REDUCING THE NPDES PERMIT BACKLOG**

EPA has formulated four major strategic initiatives designed to aid permitting authorities in accomplishing the goals outlined in the previous sections. Each initiative outlines short-and long-term goals.

- **Strategic Initiative #1: Understand and Better Define the Backlog**
- **Strategic Initiative #2: Examine Permitting Efficiencies and Facilitate Programmatic and Technical Streamlining Opportunities**
- **Strategic Initiative #3: Provide Funding and Technical Support for Regions and States**
- **Strategic Initiative #4: Encourage Regions and States to Share Technical Expertise and Permitting Tools**

The sections below describe each of these initiatives, ongoing and proposed actions to address them, and the desired outcomes. The actions discussed under each initiative are not intended to be an all inclusive list but provide a starting point of ideas as the Agency engages its Regional and State partners in the development and implementation of a backlog reduction strategy.

### **Strategic Initiative #1: Understand and Better Define the Backlog**

#### Description

At present, EPA's backlog statistics account only for individual permits in PCS. Facilities covered by storm water and non-storm water general permits are missing from this universe, which is estimated to number 400,000 storm water and 50,000 non-storm water dischargers. Existing statistics account for only 68,376 facilities covered under individual permits.

In addition, some of the information regarding individual permittees in PCS (particularly minors) may be inaccurate, not current, or missing. These limitations make it difficult to accurately assess the backlog statistics.

Long-term efforts are underway to translate PCS into a modern, relational database management system; however, shorter-term solutions are necessary while PCS is improved. Part of the solution lies in getting permitting authorities to consistently enter data into the system.

## Desired Outcomes

By addressing this strategic initiative, EPA will have a more complete picture of the NPDES universe and the permit backlog. By maintaining an accurate inventory of various categories of permittees, EPA will be able to develop informed strategies for prioritization of permit issuance, programmatic changes, targeted training, and technical exchanges. Ensuring that the existing PCS data are cleaned up will ensure better characterizations in the short term, and a more accurate transition when the data are translated into a modern database system. Thus, improved information management is expected to result in better decisionmaking capabilities among EPA, Regions, and States.

## Short-Term Actions

- Provide contractor assistance in reviewing PCS data for data quality. This will identify existing data gaps/problems and help the Agency better understand and manage the permit backlog reduction (ongoing).
- Modify the PCS to account for facilities with expired individual permits that have become covered under a general permit. This will ensure that facilities showing as expired, but covered under general permits, are not “double counted” (ongoing).
- Begin collecting information on existing non-storm water general permits and determine counts of facilities covered. This effort will help the Agency better quantify and understand the universe of facilities covered by existing NPDES permits (ongoing).
- Encourage Regions and States to perform quality checks on PCS data and to enter the data in a timely and complete manner. Accurate data in PCS will ensure that the Agency’s backlog statistics are accurate (ongoing).
- Evaluate existing interfaces for entering data into PCS. Determine if an interface can be designed over the short-term to improve data entry and accuracy.
- Facilitate a consistent system among Regions and States for entering general permit data into PCS.

## Long-Term Actions

- Require more comprehensive facility-level data collection for general permits and develop a system to record that data.
- Provide continuing contractor assistance in the modernization of PCS and the long-term sustainability of the system (ongoing).

## **Strategic Initiative #2: Examine Permitting Efficiencies and Facilitate Programmatic and Technical Streamlining Opportunities**

### Description

EPA believes there are a variety of opportunities to streamline the permitting process and improve efficiency to make the best use of the limited resources available. During the June 23, 1999 ASIWPCA meeting, several permitting authorities noted that some of these opportunities exist at the national level but require either regulatory or program management changes, or the development of national tools. Other efficiencies have been recognized by individual States or Regions but have yet to be shared with other States and Regions or require additional support for full implementation.

### Desired Outcomes

By addressing this strategic initiative, EPA and the States will be able to optimize permit issuance rates and will benefit from programmatic changes designed to improve the implementation and sustainability of the NPDES Program.

### Short-Term Actions

- Develop a methodology to rank and prioritize expired (or pending) permits based on need for reissuance. Items that might be considered in determining “need” include whether a facility has expanded or changed operations, whether the discharge is to an impaired water, or whether the standards upon which the permit is based have changed (ongoing).
- Finalize revisions to EPA Municipal and Sludge Application Forms 2A and 2S. This will ensure that permit applicants provide better information up-front in the permitting process and eliminate delays in developing draft permits [Signed by the Administrator 7/15/99].
- Complete several rulemaking efforts that will streamline specific areas within the NPDES program. The Electronic Reporting Rule will allow States to establish procedures to accept NPDES permits and compliance data via electronic data interchange. The Pretreatment Streamlining Rule, proposed on July 22, 1999, will provide additional flexibility and reduce the implementation burden for both indirect dischargers and State pretreatment approval authorities (ongoing).
- Complete guidance for drafting and issuing permits to Concentrated Animal Feeding Operations (CAFO). This guidance will assist State and Regional permitting programs in developing NPDES permits for these types of facilities.
- Finalize the NPDES Round II Streamlining regulation. These revisions eliminate redundant and outdated provisions in the NPDES regulations, and streamline the some of the administrative permit issuance procedures (ongoing).

- Facilitate peer reviews or focus groups to assess overall permitting program effectiveness and to improve permitting program efficiencies in States and Regions (ongoing).
- Link data identifying backlogged dischargers to environmental indicators, such as 303(d) listed waters or revised effluent guidelines. This linkage will help the Agency assess potential environmental impacts of the backlog.

#### Long-Term Actions

- Synchronize the States' evaluations of WQS and development of 303(d) lists to coincide with each other, and with the 5-year NPDES permitting cycle. This will allow States to better utilize limited technical resources.
- Allow ten-year permits for low-impact dischargers. This would reduce the overall permit writing burden; however, it must be applied only where the conditions upon which the permit is based are unlikely to change over the permit term.
- Work with the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) to develop a streamlined consultation system that will be both protective of critical species and will not be unduly burdensome to EPA or FWS/NMFS.
- Revisit the definitions of bypass, facility, and recombination for CSO facilities (CSO Policy requires POTWs to maximize wet weather flow to the POTW, but definition of bypass does not allow POTWs to discharge unless full flows receive secondary treatment).
- Complete and promulgate proposed Electronic Data Reporting rule. This will streamline both the delivery and receipt of compliance data and, therefore, reduce staff data entry time.
- Develop NPDES Round III Streamlining rule in year 2000. This effort will include a broad-based evaluation of the NPDES permit development and issuance process with the goal of streamlining the development and issuance process (ongoing).
- Encourage the development of expert systems as well as other streamlining tools and processes to assist Regions and States with permit issuance.
- Improve permit application forms so they are more complete and easy to understand.
- Investigate the possibility of using online forms with wizards and electronic signatures.

### **Strategic Initiative #3: Provide Funding and Technical Support for Regions and States**

#### Description

Regional and State permitting authorities often cite limited resources as a reason for their increasing backlogs. Regional and State resources have not kept up with new initiatives. Also, the current permit issuance workload on top of the existing backlog coupled with high staff turnover need to be addressed by providing financial and technical assistance.

#### Desired Outcomes

By addressing this strategic initiative, the Agency will, to the extent allowed by available appropriations, increase resources at the Regional and State levels for reduction of NPDES permit backlog. State permitting authorities with high backlogs would use some of their increased 106 grant funds to reduce their backlogs. Regional and State permitting authorities would implement innovative tools (general permits and administrative roll-over procedures) for reissuing permits to low-risk or low-priority facilities.

#### Short-Term Actions

- Provide contractor support from EPA Headquarters to the Regions and States for cleaning up data in the PCS (ongoing).
- Provide contractor support from EPA Headquarters to the Regions and selected States for actual permit issuance, including assistance to Region 9 and the State of Texas (ongoing).
- Facilitate the continuation of technical exchange and actual permit writing assistance between the Regions and States. For example, Region 4 provided Region 1 with permit writer assistance to draft 14 industrial permits in 1998 (ongoing).
- Encourage the development of Regional staff trainers to participate in the NPDES Permit Writers Course. This will expand the Agency's ability to provide comprehensive training to State permit writers and permit applicants. (ongoing).
- Ensure Regional Administrators are aware of resource needs and understand the permit backlog problem and its significance.

#### Long-Term Actions

- Advocate incentives (e.g., upgrading the GS-level for journeyman permit writers) to keep technical experts in its Regional offices.

- Work with outside organizations and several States to demonstrate a process to foster increased involvement in the permit development process by private sector professionals. This process will be attended by permit writers, permit holders, and private consultants interested in participating in the permit development process.
- Provide more permit writers courses in the States and consider making some courses available via teleconference or on CD-ROMs, videotapes, or a Web site.
- Broaden permit writers course to cover more water quality permitting issues.

**Strategic Initiative #4: Encourage Regions and States to Share Technical Expertise and Permitting Tools**

Description

Data indicate that a number of Regions and States have been successful in maintaining high permit issuance rates. Successful States and Regions are in a position to provide leadership and share tools, resources, and ideas among each other. Technical exchange of information is needed to encourage innovative and creative mechanisms, avoid unnecessary duplication (e.g., reinventing the wheel) for reducing the current backlog and maintaining a low backlog in the future.

Desired Outcomes

By addressing this strategic initiative, EPA will encourage diffusion of ideas, experience, methods, and tools to maximize the potential synergies among Regions and States.

Short-Term Actions

- Encourage participation by selected States in a peer review/focus group process to determine ways to improve permitting processes through streamlining and efficiency-enhancing opportunities (ongoing).
- Hold regular Regional conference calls to discuss permitting issues and approaches taken by Regions and States with EPA facilitating the conference call.
- Conduct a national NPDES permitting symposium for Regional and State authorities to share insights, lessons learned, successes, and tools for implementing and managing their permitting programs.
- Encourage Regions and States that maintain consistently low permit backlogs to provide permit writer assistance to other Regions and States (ongoing).
- Expand the basic NPDES training course to include certification of permit writers, permit applicants, and third party permit writers (ongoing).

### Long-Term Actions

- Provide contractor support from EPA Headquarters to selected States to determine ways to improve their permitting program processes in fiscal year 2000.
- Schedule Regional seminars where States in the same Region that have the same issues could get together to share ideas and expertise.
- Develop a website to address permit backlog initiatives. The website will include a newsletter on backlog trends and data, electronic versions of model individual and general permits from various Regions and States, and electronic boilerplate language (which will include standard permit conditions and all relevant language to place in permit).