

Reference: RGL 82-06

Subject: PERMIT REVIEW-NPDES

Title: REVIEW OF NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

Issued: 05/21/82 Expires: 12/31/84

Originator: DAEN-CWO-N

**Description: PROCEDURES FOR REVIEWING STATE OR EPA NPDES
PERMITS IN ACCORDANCE WITH SEC 402(C) OF THE CLEAN WATER
ACT.**

1. Reference:

a. Proposed rules for review of NPDES permit applications, published by the Corps in the Federal Register on 1 October 1974.

b. Procedures (40 CFR 123.7(d)(17) and 124.59(a)) published in the Federal Register by EPA on 19 May 1980 to implement the NPDES program.

c. Section 402(b)(6) of the Clean Water Act.

2. The rules proposed in 1974 were never finalized and there are no plans to do so in the foreseeable future. Therefore, regardless of the statement in the preamble of the proposed rules that they will be used as interim guidance pending final rule making, they are now considered to be withdrawn.

3. The Corps is still required, by reference 1.c. above, to review applications for NPDES permits with respect to impacts on anchorage and navigation and to submit recommendations, if any, to EPA or to the appropriate state where the Section 402 authority has been delegated. The combined regulations published by EPA, reference 1.b. above, provide for the review procedure.

4. Using criteria appropriate for the specific region, administrative mechanisms may be developed by FOA's, through informal agreements with EPA regional offices and through other means, to limit reviews to only those NPDES cases which warrant such review. This approach will facilitate flexible, regional tailoring of the program to efficiently address problem areas while limiting manpower requirements and the generation of unnecessary paperwork and record storage.

5. This guidance expires 31 December 1984 unless sooner revised or rescinded.

FOR THE COMMANDER: