**NPDES APPLICATION COMPLETENESS REVIEWS**

**FOLLOWING THE EFFECTIVE DATE OF THE**

**NPDES APPLICATIONS AND PROGRAM UPDATES RULE**

On February 12, 2019, the EPA finalized revisions to the application requirements at 40 CFR 122.21 in the NPDES Applications and Program Updates Rule. The final rule became effective on June 12, 2019. On and after this date, applicants for EPA-issued permits are required to meet the new application requirements through completion of updated application forms that conform to the final rule.

During the transition to the updated forms, the EPA anticipates that applicants may inadvertently complete and submit applications using the older outdated forms for a period after the June 12, 2019 effective date. If this occurs, applications submitted using the outdated Forms 1 and 2A will not conform to the regulatory requirements for applications at 40 CFR 122.21 and should be deemed incomplete by the EPA Regions. (Note that the final rule did not include regulatory changes pertaining to the form requirements for Forms 2B, 2C[[1]](#footnote-1), 2D, 2E, and 2F; therefore, submission of the outdated forms may be deemed complete at the EPA Regions’ discretion.)

Requiring applicants to transfer information from the outdated forms and resubmit the new updated forms may be time-consuming and costly. In lieu of transferring the information and resubmitting the updated forms, EPA Regions may consider issuing a “Notice of Incomplete Application” to the applicant requesting only the missing information. Any information provided by the applicant in response to the notice must include the certification statement from 40 CFR 122.22(d) and be signed in accordance with 40 CFR 122.22(a).

The EPA Regions have the discretion to determine the period of time for which they will allow applicants to submit the outdated forms along with the missing information to accommodate applicants that may have begun the permit application process prior to the availability of the updated forms; however, it is expected that this practice will only be allowed for a short period of time (perhaps six months), after which the EPA Regions should require that all applications be submitted using the updated forms.

**Permittees to which the aforementioned transition period applies may complete and submit the tables provided on Attachment A to the North Carolina DEQ’s Division of Water Resources as an addendum to their NPDES renewal applications.**

**These addenda only apply to facilities submitting Forms 1 and/or 2A:**

**Applicants submitting a renewal application addendum for Form 1 (Non-POTW, private facilities) should fill out Table 1, found on page 2 of this document & sign and submit document.**

**Applicants submitting a renewal application addendum for Form 2A (Municipal & POTW’s) should fill out Table 2, found on page 3 of this document & sign and submit document.**

Submit completed files to the following address:

**NC DEQ/ Division of Water Resources/Complex NPDES Permitting Unit**

**1617 Mail Service Center**

**Raleigh, North Carolina 27699- 1617**

**Table 1. EPA Application Form 1 Missing Information**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **40 CFR 122.21(f)(2)** | | | | | | |
| 1.1 | Email address of facility contact | | | | | |
| **40 CFR 122.21(f)(3)** | | | | | | |
| 1.2 | **NAICS Code(s)** | | **Description** (optional) | | | |
|  | |  | | | |
|  | |  | | | |
|  | |  | | | |
|  | |  | | | |
| **40 CFR 122.21(f)(4)** | | | | | | |
| 1.3 | Email address of operator | | | | | |
| **40 CFR 122.21(f)(9)** | | | | | | |
| 1.4 | Does your facility use cooling water? | | | | | |
| 🞎 Yes 🞎 No🡺 SKIP to Item 1.6 | | | | | |
| 1.5 | Identify the source of cooling water. (Note that facilities that use a cooling water intake structure as described at 40 CFR 125, Subparts I and J may have additional application requirements at 40 CFR 122.21(r). Consult with your NPDES permitting authority to determine what specific information needs to be submitted and when.) | | | | | |
| **40 CFR 122.21(f)(10)** | | | | | | |
| 1.6 | Do you intend to request or renew one or more of the variances authorized at 40 CFR 122.21(m)? (Check all that apply. Consult with your NPDES permitting authority to determine what information needs to be submitted and when.) | | | | | |
| 🞎 | Fundamentally different factors (CWA Section 301(n)) | | 🞎 | Water quality related effluent limitations (CWA Section 302(b)(2)) | |
| 🞎 | Non-conventional pollutants (CWA Section 301(c) and (g)) | | 🞎 | Thermal discharges (CWA Section 316(a)) | |
| 🞎 | Not applicable | |  |  | |
| **40 CFR 122.22(a) and (d)** | | | | | | |
| 1.7 | **Certification Statement**  *I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.* | | | | | |
| Name (print or type first and last name) | | | | | Official title |
| Signature | | | | | Date signed |

**Table 2. EPA Application Form 2A Missing Information**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 40 CFR 122.21(j)(1) | | | | | |
| 1.1 | Email address of facility contact | | | | |
| 1.2 | Applicant email address | | | | |
| 1.3 | Email address of the organization transporting the discharge for treatment prior to discharge | | | | |
| 1.4 | Email address of the organization receiving the discharge for treatment prior to discharge | | | | |
| 1.5 | Do you intend to request or renew one or more of the variances authorized at 40 CFR 122.21(n)? (Check all that apply. Consult with your NPDES permitting authority to determine what information needs to be submitted and when.) | | | | |
| 🞎 | Discharges into marine waters (CWA Section 301(h)) | | 🞎 | Water quality related effluent limitation (CWA Section 302(b)(2)) |
| 🞎 | Not applicable | |  |  |
| 1.6 | Email address of contractor responsible for operational or maintenance aspects of the treatment works | | | | |
| 40 CFR 122.21(j)(6) | | | | | |
| 1.7 | Indicate the number of SIUs and NSCIUs that discharge to the POTW. | | | | |
| **Number of SIUs** | | **Number of CIUs** | | |
|  | |  | | |
| 40 CFR 122.22(a) and (d) | | | | | |

|  |  |  |
| --- | --- | --- |
| 1.8 | **Certification Statement**  *I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.* | |
| Name (print or type first and last name) | Official title |
| Signature | Date signed |

1. The final rule clarified that existing data may be used, if available, in lieu of sampling done solely for the purpose of the application, provided that sampling was performed, collected, and analyzed no more than 4.5 years prior to submission. [↑](#footnote-ref-1)