



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Memorandum

Subject **INFORMATION**: National Pollutant Discharge Elimination System, Phase II Permit Application Requirements Date **OCT 6 1995**

From Chief, Environmental Analysis Division Reply to Attn of **HEP-42**

To Regional Administrators  
Federal Lands Highway Program Administrator

A final rule was issued August 7 by the EPA on the National Pollutant Discharge Elimination System (NPDES) permit applications. The final rule establishes a two-tiered application process for all small dischargers, which are known as Phase II dischargers. These dischargers include small point-source dischargers such as commercial, retail, light industrial and institutional facilities, construction activities less than 5 acres, and municipal storm sewer systems serving populations of fewer than 100,000.

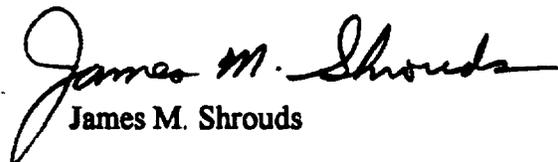
The first-tier facilities must apply for a permit within 180 days of being notified by the permitting authority that they are contributing to a water quality impairment or are a significant contributor of pollutants to waters of the United States. The permitting authority has the flexibility to extend the deadline. The permitting authority could be either the EPA, or a State or Indian tribe with an approved NPDES program. Most dischargers that would be classified as being in the first tier have already been included under Phase I of the permitting program. Phase I dischargers are large dischargers including those associated with industrial activities, and municipal storm water sewers serving populations greater than 100,000. This first tier allows the permitting authority to focus current efforts on those facilities that will produce the greatest environmental benefit.

Second-tier facility requirements will apply to most of the Phase II dischargers and requires them to apply for permits by August 7, 2001, if the Phase II regulatory program in place at that time requires permits. The EPA has initiated a process to include stakeholders in the development of a supplemental Phase II rule under the Federal Advisory Committee Act. This supplemental rule will be finalized by March 1, 1999, and will determine the nature and extent of requirements, if



any, that will apply to the various types of Phase II facilities prior to the end of the 6-year application period defined by this final rule.

Questions concerning this information should be directed to Pat Cazenias of my staff at (202) 366-4085.

  
James M. Shrouds

Attachment  
Amendment to Requirements for  
National Pollutant Discharge Elimination  
System Permits - Final Rule

FHWA:HEP-42:PCazenias:nb:x64085:9/27/95  
Disk:Pat's, File name:phaseii.mem  
cc: HEP-40, HEP-41, HEP-30, HEP-31,  
HEP-32, HEP-42(FBank),  
HEP-42(PCazenias), HEP-42(2Files)