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United States
Environmental Protection Agency

Office of Water
Washington, D.C.

EPA Form 3510-1
Revised March 2019

Water Permits Division

Application Form 1
General Information

NPDES Permitting Program

Note: All applicants to the National Pollutant Discharge Elimination System (NPDES) permits program, with the exception of publicly owned treatment works and other treatment works treating domestic sewage, must complete Form 1. Additionally, all applicants must complete one or more of the following forms: 2B, 2C, 2D, 2E, or 2F. To determine the specific forms you must complete, consult the "General Instructions" for this form.

Paperwork Reduction Act Notice

The U.S. Environmental Protection Agency estimates the average burden to collect information and complete Form 1 to be 2.9 hours for new applicants and 0.9 hours for applicants renewing existing permits. This estimate includes time to review instructions, search existing data sources, gather and maintain the needed data, and complete and review the collection of information. New respondents must also prepare a topographic map. Send comments about the burden estimate or any other aspect of this collection of information to the Chief, Information Policy Branch (PM-223), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

DESCRIPTION OF NPDES PERMIT APPLICATION FORMS	CONTENTS OF FORM 1 PACKAGE
The application forms for individual National Pollutant Discharge Elimination System (NPDES) permits include the following: Form 1—General Information (*included in this package*). Form 2—Forms Based on Facility or Activity Type *(not included in this package)*: 2A. New and Existing Publicly Owned Treatment Works 2B. Concentrated Animal Feeding Operations and Concentrated Aquatic Animal Production Facilities 2C. Existing Manufacturing, Commercial, Mining, and Silvicultural Operations 2D. New Manufacturing, Commercial, Mining, and Silvicultural Operations That Have Not Yet Commenced Discharge of Process Wastewater 2E. Manufacturing, Commercial, Mining, and Silvicultural Facilities Which Discharge Only Nonprocess Wastewater 2F. Stormwater Discharges Associated with Industrial Activity 2S. New and Existing Treatment Works Treating Domestic Sewage	Form 1—General Instructions Form 1—Line-by-Line Instructions Form 1—Activities That Do Not Require Permits Form 1—Glossary Form 1—Application

FORM 1—GENERAL INSTRUCTIONS

Who Must Apply for an NPDES Permit?

With the exceptions described in "Form 1—Activities That Do Not Require Permits," the federal Clean Water Act (33 U.S.C. 1251 *et seq*.) prohibits any person from discharging pollutants into waters of the United States without first having been issued a permit under the NPDES program.

Who Must Complete Form 1?

All applicants, other than publicly owned treatment works (POTWs) and treatment works treating domestic sewage (TWTDS), must submit Form 1. If you operate one of the following facilities, you must submit Form 1: concentrated animal feeding operations and aquatic animal production facilities; manufacturing, commercial, mining, and silvicultural operations; or other industrial facilities.

At the state level, either the U.S. Environmental Protection Agency (EPA) or an approved state agency administers the NPDES permit program. If you are located in a jurisdiction in which an EPA regional office administers the NPDES permit program, you should use Form 1 and all other applicable forms described in these instructions. If you are located in a jurisdiction where a state administers the NPDES permit program, contact the state to determine the forms you should complete. States often develop their own application forms rather than use the federal forms. See http://www.epa.gov/npdes/npdes-state-program-information for a list of states that have approved NPDES permit programs and those that do not.

Exhibit 1–1 (see end of this section) provides contact information for each of EPA's 10 regional offices. Since the exhibit's content is subject to change, consult EPA's website for the latest information: http://www.epa.gov/aboutepa#regional.

Upon your request, and based on information supplied by you, EPA or the authorized NPDES state will determine whether you are required to obtain a permit for a particular facility or activity. Be sure to contact EPA or your state if you have a question.

Form 1 collects general information only. You must also complete a more detailed application based on your proposed discharge activity, as follows:

- If your facility is a **concentrated animal feeding operation** or a **concentrated aquatic animal production facility**, you must also complete Form 2B.
- If your facility is an **existing** manufacturing, commercial, mining, or silvicultural facility that currently discharges process wastewater, you must also complete Form 2C.
- If your facility is a **new** manufacturing, commercial, mining, or silvicultural facility that has yet to commence discharge of process wastewater, you must also complete Form 2D.
- If your facility is a **new or existing facility** (including manufacturing, commercial, mining, and silvicultural facilities) that discharges **only nonprocess wastewater**, you must also complete Form 2E.
- If your facility is a **new** or **existing facility** whose discharge is composed entirely of stormwater associated with industrial activity—excluding discharges from construction activity under 122.26(b)(14)(x) or (b)(15)—you must also complete Form 2F. If the discharge is composed of stormwater *and* non-stormwater, you must complete Form 2F *and* you must also complete Forms 2C, 2D, and/or 2E, as appropriate. See Form 2F's instructions for further details.

Where to File Your Completed Form

- If you are in a jurisdiction with an approved state NPDES permit program, file according to the instructions on the state forms.
- If you are in a jurisdiction where EPA is the NPDES permitting authority (i.e., the state is *not* an NPDES-authorized state), mail the completed application forms to the EPA regional office that covers the state in which your facility is located (see Exhibit 1–1).

When to File Your Completed Form

Because of statutory and regulatory requirements, the deadlines for filing applications vary according to your facility or activity type and the type of permit you need. The various permit application deadlines are listed in Exhibit 1–2 at the end of this section.

Fees

EPA does not require applicants to pay a fee for applying for NPDES permits. However, states that administer the NPDES permit program may charge fees. Consult with state officials for further information.

Public Availability of Submitted Information

EPA will make information from NPDES permit application forms available to the public for inspection and copying upon request. You may not claim any information on Form 1 (or related attachments) as confidential.

You may make a claim of confidentiality for any information that you submit to EPA that goes beyond the information required by Form 1. If you do not assert a claim of confidentiality at the time you submit your information to the NPDES permitting authority, EPA may make the information available to the public without further notice to you. EPA will handle claims of confidentiality in accordance with the Agency's business confidentiality regulations at Part 2 of Title 4 of the *Code of Federal Regulations* (CFR).

Completion of Forms

Print or type in the specified areas only. If you do not have enough space on the form to answer a question, you may continue on additional sheets, as necessary, using a format consistent with the form.

The NPDES permitting authority could consider your application incomplete if you do not provide an answer (or indicate "NA" for "not applicable") for all questions on Form 1 and the applicable Form 2.

Provide your EPA Identification Number from the Facility Registry Service, NPDES permit number, and facility name at the top of each page of Form 1 and any attachments. If your facility is new (i.e., not yet constructed), write or type "New Facility" in the space provided for the EPA Identification Number and NPDES number. If you do not know your EPA Identification Number, contact your NPDES permitting authority. See Exhibit 1–1 for contact information.

Do not leave any response areas blank unless the form directs you to skip them. If the form directs you to respond to an item that does not apply to your facility or activity, enter "NA" for "not applicable" to show that you considered the item and determined a response was not necessary for your facility.

The NPDES permitting authority will consider your application complete when it and any supplementary material are received and completed according to the authority's satisfaction. The NPDES permitting authority will judge the completeness of any application independently of the status of any other permit application or permit for the same facility or activity.

Exhibit 1–1. Addresses of EPA Regional Contacts and Covered States

REGION 1 U.S. Environmental Protection Agency, Region 1 5 Post Office Square, Suite 100, Boston, MA 02109-3912 Phone: (617) 918-1111; toll free: (888) 372-7341 Fax: (617) 918-0101 Website: http://www.epa.gov/aboutepa/epa-region-1-new-england Covered states: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont	**REGION 6** U.S. Environmental Protection Agency, Region 6 1445 Ross Avenue, Suite 1200, Dallas, TX 75202-2733 Phone: (214) 665-2200; toll free: (800) 887-6063 Fax: (214) 665-7113 Website: http://www.epa.gov/aboutepa/epa-region-6-south-central Covered states: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas
REGION 2 U.S. Environmental Protection Agency, Region 2 290 Broadway, New York, NY 10007-1866 Phone: (212) 637-3000; toll free: (877) 251-4575 Fax: (212) 637-3526 Website: http://www.epa.gov/aboutepa/epa-region-2 Covered states: New Jersey, New York, Virgin Islands, and Puerto Rico	**REGION 7** U.S. Environmental Protection Agency, Region 7 11201 Renner Boulevard, Lenexa, KS 66219 Phone: (913) 551-7003; toll free: (800) 223-0425 Website: http://www.epa.gov/aboutepa/epa-region-7-midwest Covered states: Iowa, Kansas, Missouri, and Nebraska
REGION 3 U.S. Environmental Protection Agency, Region 3 1650 Arch Street, Philadelphia, PA 19103-2029 Phone: (215) 814-5000; toll free: (800) 438-2474 Fax: (215) 814-5103 Website: http://www.epa.gov/aboutepa/epa-region-3-mid-atlantic Covered states: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia	**REGION 8** U.S. Environmental Protection Agency, Region 8 1595 Wynkoop Street, Denver, CO 80202-1129 Phone: (303) 312-6312; toll free: (800) 227-8917 Fax: (303) 312-6339 Website: http://www.epa.gov/aboutepa/epa-region-8-mountains-and-plains Covered states: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming
REGION 4 U.S. Environmental Protection Agency, Region 4 Sam Nunn Atlanta Federal Center 61 Forsyth Street, SW, Atlanta, GA 30303-8960 Phone: (404) 562-9900; toll free: (800) 241-1754 Fax: (404) 562-8174 Website: http://www.epa.gov/aboutepa/about-epa-region-4-southeast Covered states: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee	**REGION 9** U.S. Environmental Protection Agency, Region 9 75 Hawthorne Street, San Francisco, CA 94105 Phone: (415) 947-8000; toll free: (866) EPA-WEST Fax: (415) 947-3553 Website: http://www.epa.gov/aboutepa/epa-region-9-pacific-southwest Covered states: Arizona, California, Hawaii, Nevada, Guam, American Samoa, and Trust Territories
REGION 5 U.S. Environmental Protection Agency, Region 5 77 West Jackson Boulevard, Chicago, IL 60604-3507 Phone: (312) 353-2000; toll free: (800) 621-8431 Fax: (312) 353-4135 Website: http://www.epa.gov/aboutepa/epa-region-5 Covered states: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin	**REGION 10** U.S. Environmental Protection Agency, Region 10 1200 Sixth Avenue, Suite 900, Seattle, WA 98101 Phone: (206) 553-1200; toll free: (800) 424-4372 Fax: (206) 553-2955 Website: http://www.epa.gov/aboutepa/epa-region-10-pacific-northwest Covered states: Alaska, Idaho, Oregon, and Washington

Exhibit 1–2. Filing Dates for NPDES Permit Applications

Permit Application	When to File
2A	180 days before your present NPDES permit expires or, if you are a new discharger, 180 days before the date on which the discharge is to commence unless the NPDES permitting authority has granted permission for a later date.
2B	180 days before your present NPDES permit expires or 180 days prior to startup if you are a new facility.
2C	180 days before your present NPDES permit expires.
2D	180 days prior to startup.
2E	180 days before your present NPDES permit expires, or 180 days prior to startup if you are a new facility.
2F	Construction: 90 days prior to date construction is to commence. Nonconstruction: 180 days before your present NPDES permit expires or 180 days prior to startup if you are a new facility.
2S	180 days before your present NPDES permit expires or 180 days prior to startup if you are a new facility.

Section 1. Activities Requiring an NPDES Permit

Item 1.1. Review the questions in Item 1.1 to determine if you are required to submit Form 1. Be sure to check the Form 1—Glossary for the legal definitions of any key terms.

If you answer "Yes" to a question in Item 1.1, then you do *not* need to complete Form 1, but you *must* comply with the application requirements specified.

Item 1.2. Respond to the questions in Items 1.2.1 to 1.2.5. If you answer "Yes" to any question, you must complete Form 1 *and* the Form 2 application specified. See Exhibit 1–2 for filing deadlines.

If you answer "No" to every question in Items 1.1 and 1.2, then you do *not* need an NPDES permit, and you do *not* need to complete and return any of the NPDES application forms.

Section 2. Name, Mailing Address, and Location

Item 2.1. Enter the facility's official or legal name. Do not use a colloquial name.

Item 2.2. Provide your EPA Identification Number from the Facility Registry Service if you have an existing facility. If you do not know your EPA Identification Number, contact your NPDES permitting authority. If your facility is new (i.e., not yet constructed), write or type "New Facility."

Item 2.3. Give the name (first and last), title, work telephone number, and email address of the person who is thoroughly familiar with the operation of the facility and with the facts reported in this application. The NPDES permitting authority will contact the person listed if they have questions on the material submitted.

Item 2.4. Give the complete mailing address of the office to which the NPDES permitting authority should send correspondence. This often is *not* the address used to designate the location of the facility or activity.

Item 2.5. Give the address or location of the facility identified under Item 2.1. If the facility lacks a street name or route number, give the most accurate, alternative geographic information (e.g., section number or quarter section number from county records or "at intersection of Routes 425 and 22"). Also provide the county name, county code (if known), city or town, state, and zip code.

For concentrated aquatic animal production facilities, provide the address or location of the production area (i.e., the location where the animals are contained, grown, or held).

Section 3. SIC and NAICS Codes

Items 3.1 and 3.2. List, in descending order of significance, up to four 4-digit standard industrial classification (SIC) codes and North American Industrial Classification System (NAICS) codes that best describe your facility in terms of the principal products or services it produces or provides. If the SIC or NAICS codes do not adequately describe your facility's products or services, you have the option to provide additional descriptive information.

You can find SIC code numbers and descriptions in the 1987 *Standard Industrial Classification Manual,* prepared by the Executive Office of the President, Office of Management and Budget. This document is available from the Government Printing Office, Washington, D.C. An online version of the manual is also available courtesy of the Occupational Safety and Health Administration at http://www.osha.gov/pls/imis/sic_manual.html.

You can find NAICS code numbers and descriptions in the *North American Industrial Classification System Manual* prepared by the Executive Office of the President, Office of Management and Budget. This document is available from the National Technical Information Service (NTIS) in Alexandria, Virginia. It is also available online at http://www.census.gov/eos/www/naics/.

Use the latest edition of the manuals. If you have any questions about the appropriate SIC or NAICS codes for your facility, contact your NPDES permitting authority.

Section 4. Operator Information

Item 4.1. Give the legal name of the person, firm, public organization, or other entity that operates the facility described in this application. This may or may not be the same as the facility's name. The operator of the facility is the legal entity that controls the facility's operation rather than the plant or site manager. Do not use a colloquial name.

Item 4.2. Indicate whether the entity listed in response to Item 4.1 also owns the facility by marking the appropriate box.

Item 4.3. Indicate the ownership status of the operator of the facility by marking the appropriate box. If the facility is a federal facility (i.e., owned by the U.S. government), check the box for "Public—federal." If the facility is owned by a state government, check the box for "Public—state." If the facility is owned by a county government, municipal (e.g., city or town) government, tribal government, school district, water district, or other local government entity, check the box for "Other public" and specify the type of government entity. If the facility is owned by a corporation or other private entity, check the box for "Private." If the facility has mixed ownership (e.g., public/private) or is not owned by an entity of the types previously listed, check the box for "Other" and specify the type of entity.

Items 4.4 to 4.6. Enter the telephone number, address, and email address of the operator identified in Item 4.1.

Section 5. Indian Land

Item 5.1. Indicate whether the facility is located on Indian Land.

Section 6. Existing Environmental Permits

Item 6.1. Check the appropriate boxes and provide the permit numbers for all relevant federal, state, and local environmental permits or construction approvals received or applied for under any of the programs listed below. If you have more than one currently effective permit under a particular permit program for your facility, list the additional permit numbers on the application form or on a separate sheet of paper.

- Hazardous waste management program under the Resource Conservation and Recovery Act (RCRA).
- Underground Injection Control (UIC) program under the Safe Drinking Water Act (SDWA).
- NPDES program under the Clean Water Act (CWA).
- Prevention of Significant Deterioration (PSD) program under the Clean Air Act (CAA).
- Nonattainment program under the CAA.
- National Emission Standards for Hazardous Pollutants (NESHAPs) preconstruction approval under the CAA.
- Ocean dumping permits under the Marine Protection Research and Sanctuaries Act (MPRSA).
- Dredge or fill permits under Section 404 of the CWA.
- Other federal, state, or local environmental permits.

Section 7. Map

Unless the facility is a concentrated animal feeding operation, provide a topographic map(s) of the area extending at least one mile beyond the property boundaries of the facility that clearly shows the following:

- The legal boundaries of the facility.
- The location and serial number of each of your existing and proposed intake and discharge structures.
- All hazardous waste management, storage, and disposal facilities.
- Each well where you inject fluids underground.
- All wells, springs, surface water bodies, and drinking water wells that are in the public record or otherwise known to you and that are located in the map area.

If the facility has associated water intakes, discharge structures, hazardous waste disposal sites, or injection wells and these items are located more than one mile from the facility, include them on the map if possible. If you cannot, attach additional sheets describing the location of the structures, disposal site(s), or well(s) and identify the U.S. Geological Survey (USGS) or other map corresponding to the location(s).

On each map, include the map scale, a meridian arrow showing north, and latitude and longitude to the nearest second. Latitude and longitude coordinates may be obtained in a variety of ways, including use of hand held devices (e.g., a GPS enabled smartphone), internet mapping tools (e.g., https://mynasadata.larc.nasa.gov/latitudelongitude-finder/), geographic information systems (e.g., ArcView), or paper maps from trusted sources (e.g., USGS).

On all maps of rivers, show the direction of the current. In tidal waters, show the directions of ebb and flow tides.

You may develop your map by going to USGS's National Map website at http://nationalmap.gov/. (For a map from this site, use the traditional 7.5-minute quadrangle format. If none is available, use a USGS 15-minute series map.) You may also use a plat or other appropriate map. Briefly describe land uses in the map area (e.g., residential, commercial). An example of an acceptable location map is shown as Exhibit 1–3 at the end of these instructions. **Note:** Exhibit 1–3 is provided for illustration only; it does not show an actual facility.

If the facility is a concentrated animal feeding operation, you are not required to provide the topographic map required by this section of Form 1. Instead, you are required to provide a topographic map as specified in Section 4 of Form 2B.

Item 7.1. Note that you have completed your topographic map and attached it to the application.

Section 8. Nature of Business

Briefly describe the nature of your business (e.g., products produced or services provided). See Examples 1 and 2.

Example 1
Facilities Subject to 40 CFR 426, Subparts F and G

Industry A is an auto tempered and auto laminated glass manufacturing facility subject to effluent limitation guidelines (ELGs) for the "Automotive Glass Tempering" and "Automotive Glass Laminating" subcategories of the "Glass Manufacturing" point source category at 40 CFR 426, subparts F and G. At the facility, glass is cut and then passed through a series of processes that grind and polish the edges, bend the glass, and then temper the glass to produce side and back windows for automobiles. Tempering involves heating the glass near the melting point, then rapidly cooling it to increase its mechanical and thermal endurance. The facility also produces automobile windshields and undertakes processes that laminate a plastic sheet between two layers of glass and that prepare the glass for lamination (e.g., cutting, bending, and washing).

Example 2
Facility Not Subject to ELGs

Industry B undertakes batch-type resin manufacturing operations. It has aboveground storage tanks for raw materials and finished goods, resin loading operations, and warehouses for 55-gallon drums of finished product. Industry B manufactures alkyd, saturated and unsaturated polyester resins in batches using reactor vessels and mix tanks. Most of the feedstock liquids are pumped from storage tanks to the kettles and mixers via a closed piping system. Additional feedstocks are added manually as solids from bags and sacks via manways, which are located on top of the kettles. The resin is then chemically reacted in the kettles. After the reaction step finishes, the resin is transferred from the kettles to the mix tanks, where solvents are added to thin it. The primary byproduct of the reaction is water vapor containing condensed soluble organics. The byproduct flows to an isolation tank where the vapors are directed to an onsite thermal oxidizer. The finished resin is then pumped through one of three types of filtration systems into finished goods storage tanks, 55-gallon drums, 350-gallon intermediate bulk container totes, or directly into tanker trucks. A typical batch takes about 30 hours to complete.

Section 9. Cooling Water Intake Structures

Item 9.1. Indicate whether the facility uses cooling water. If yes, continue to Item 9.2. If no, skip to Item 10.1.

Item 9.2. Identify the source of the cooling water. For example, indicate whether the cooling water is from a surface water, groundwater well, public water system, or treated effluent that would otherwise be discharged to a water of the U.S.

If the facility uses a cooling water intake structure as described in 40 CFR 125, Subparts I and J, the facility may have additional application requirements under 40 CFR 122.21(r). Note that the information required by 40 CFR 122.21(r) is not requested as part of Form 1. Contact your NPDES permitting authority to determine the specifics of what you should provide and when.

Section 10. Variance Requests

An applicant (other than a POTW) may request a variance from otherwise applicable effluent limitations under certain conditions described at 40 CFR 122.21(m).

Item 10.1. If known at the time of application, check all of the authorized variances that you plan to request or renew. Note that you are not being asked to submit any other information at this time. Contact your NPDES permitting authority to determine the specifics of what you should provide and when. The ability to request a variance is not limited to the time of application, and an applicant may request a variance consistent with statutory and regulatory requirements.

Section 11. Checklist and Certification

Item 11.1. Review the checklist provided. In Column 1, mark the sections of Form 1 that you have completed and are submitting with your application. In Column 2, indicate for each section whether you are submitting attachments.

Item 11.2. The Clean Water Act provides for severe penalties for submitting false information on this application form. CWA Section 309(c)(2) provides that, "Any person who knowingly makes any false statement, representation, or certification in any application, …shall upon conviction, be punished by a fine of no more than $10,000 or by imprisonment for not more than six months, or both."

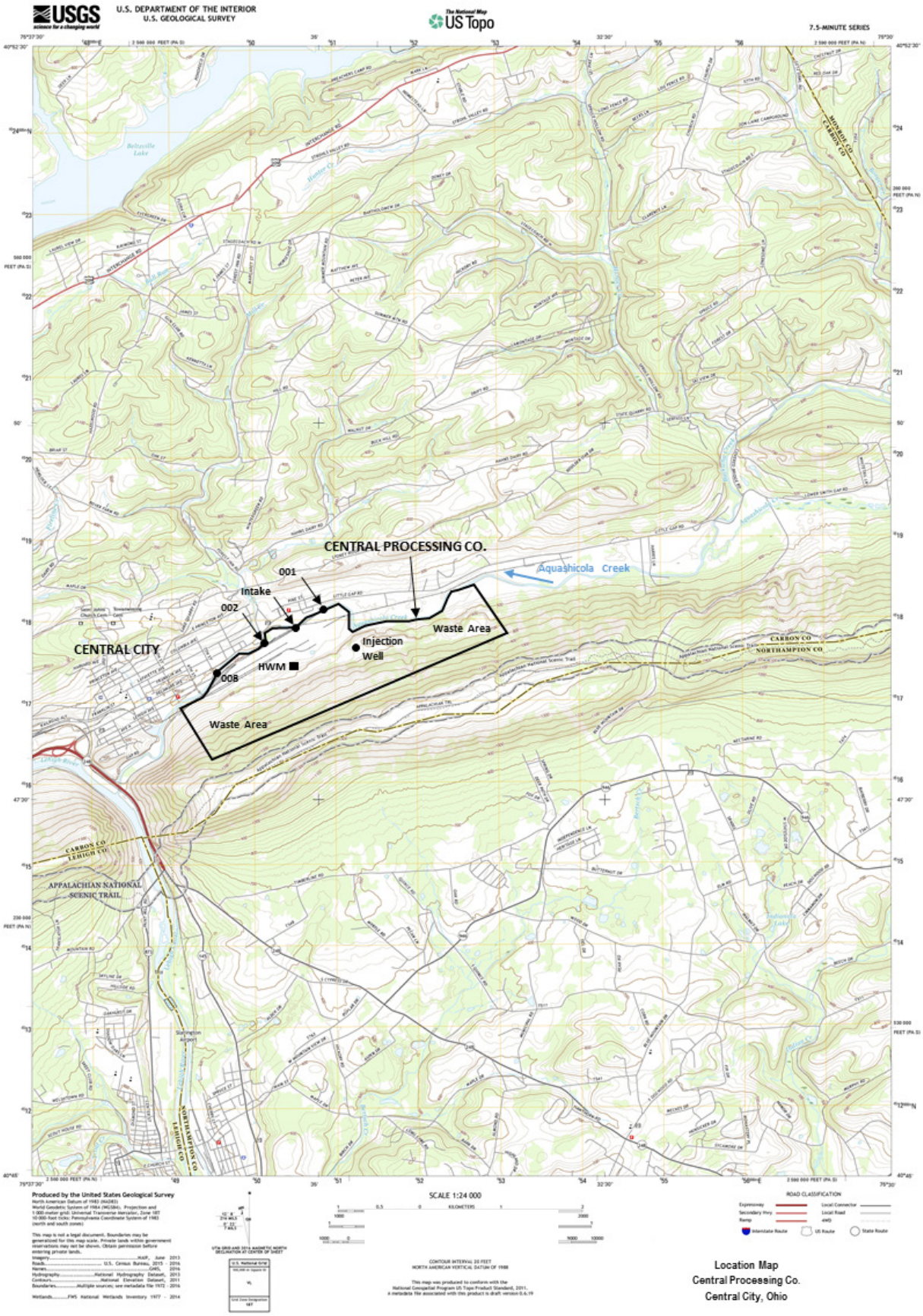
FEDERAL REGULATIONS AT 40 CFR 122.22 REQUIRE THIS APPLICATION TO BE SIGNED AS FOLLOWS:

A. For a corporation, by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (2) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.

C. For a municipality, state, federal, or other public facility, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes: (1) The chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

Exhibit 1–3. Example Topographic Map



FORM 1—ACTIVITIES THAT DO NOT REQUIRE PERMITS

You are not required to obtain an NPDES permit if your discharge is in one of the following categories, as provided by the CWA and NPDES regulations at 40 CFR 122 to 125. (However, under CWA Sections 510 and 312, some discharges exempted from the federal NPDES requirements may still be regulated by a state permitting authority.)

- Any discharge of sewage from vessels and any effluent from properly functioning marine engines, laundry, shower, and galley sink wastes, or any other discharge incidental to the normal operation of a vessel, including vessels of the Armed Forces within the meaning of section 312 of the CWA and recreational vessels within the meaning of section 502(25) of the CWA. None of these exclusions apply to rubbish, trash, garbage, or other such materials discharged overboard; nor to other discharges when the vessel is operating in a capacity other than as a means of transportation such as when used as an energy or mining facility, a storage facility or a seafood processing facility, or when secured to a storage facility or a seafood processing facility, or when secured to the bed of the ocean, contiguous zone or waters of the United States for the purpose of mineral or oil exploration or development.
- Discharges of dredged or fill material into waters of the United States that are regulated under CWA Section 404.
- The introduction of sewage, industrial wastes, or other pollutants into publicly owned treatment works by indirect dischargers. Plans or agreements to switch to this method of disposal in the future do not relieve dischargers of the obligation to have and comply with permits until all discharges of pollutants to waters of the United States are eliminated. (See also 40 CFR 122.47(b).) This exclusion does not apply to the introduction of pollutants to privately owned treatment works or to other discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other party not leading to treatment works.
- Any discharge in compliance with the instructions of an On-Scene Coordinator pursuant to 40 CFR 300 (The National Oil and Hazardous Substances Pollution Contingency Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances).
- Any introduction of pollutants from non point-source agricultural and silvicultural activities, including stormwater runoff from orchards, cultivated crops, pastures, range lands, and forest lands, but not discharges from concentrated animal feeding operations as defined in 40 CFR 122.23, discharges from concentrated aquatic animal production facilities as defined in 40 CFR 122.23, discharges from concentrated aquatic animal production facilities as defined in 40 CFR 122.24, discharges to aquaculture projects as defined in 40 CFR 122.25, and discharges from silvicultural point sources as defined in 40 CFR 122.27. **Note:** Per 40 CFR 122.26(b)(14)(ii), facilities classified within SIC 24, Industry Group 241, that are rock crushing, gravel washing, log sorting, or log storage facilities operated in connection with silvicultural activities defined in 40 CFR 122.27(b)(2)–(3) and Industry Groups 242 through 249; 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, and 373 (not included are all other types of silviculture facilities) are considered stormwater discharges associated with industrial activity, and are required to obtain an NPDES permit.
- Return flows from irrigated agriculture.
- Discharges into a privately owned treatment works, except as the NPDES permitting authority may otherwise require under 40 CFR 122.44(m).
- Discharges from a water transfer. “Water transfer” means an activity that conveys or connects waters of the United States without subjecting the transferred water to intervening industrial, municipal, or commercial use. This exclusion does not apply to pollutants introduced by the water transfer activity itself to the water being transferred.

FORM 1—GLOSSARY

Note: This glossary includes terms used in the various NPDES application forms, including Form 1. The definitions are from the NPDES regulations at 40 CFR 122.2 unless otherwise specified. If you have any questions concerning the meaning of any of these terms, contact your NPDES permitting authority.

ANIMAL FEEDING OPERATION (defined at § 122.23) means a lot or facility (other than an aquatic animal production facility) where the following conditions are met;

- Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
- Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

APPLICATION means the EPA standard national forms for applying for a permit, including any additions, revisions, or modifications to the forms; or forms approved by EPA for use in approved states, including any approved modifications or revisions.

APPROVED PROGRAM or **APPROVED STATE** means a State or interstate program which has been approved or authorized by EPA under part 123.

AQUACULTURE PROJECT (defined at § 122.25) means a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals. **DESIGNATED PROJECT AREA** means the portions of the waters of the United States within which the permittee or permit applicant plans to confine the cultivated species, using a method or plan or operation (including, but not limited to, physical confinement) which, on the basis of reliable scientific evidence, is expected to ensure that specific individual organisms comprising an aquaculture crop will enjoy increased growth attributable to the discharge of pollutants, and be harvested within a defined geographic area.

AVERAGE MONTHLY DISCHARGE LIMITATION means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during that month divided by the number of daily discharges measured during that month.

AVERAGE WEEKLY DISCHARGE LIMITATION means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

BEST MANAGEMENT PRACTICES (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs include treatment requirements, operation procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BIOSOLIDS (*see sewage sludge*).

BYPASS (defined at § 122.41(m)) means the intentional diversion of waste streams from any portion of a treatment facility.

COMBINED SEWER OVERFLOW (CSO) means a discharge from a combined sewer system (CSS) at a point prior to the Publicly Owned Treatment Works (POTW) Treatment Plant (defined at § 403.3(r)).

COMBINED SEWER SYSTEM (CSS) means a wastewater collection system owned by a State or municipality (as defined by section 502(4) of the CWA) which conveys sanitary wastewaters (domestic, commercial and industrial wastewaters) and storm water through a single-pipe system to a Publicly Owned Treatment Works (POTW) Treatment Plant (as defined at § 403.3(r)).

CONCENTRATED ANIMAL FEEDING OPERATION (defined at § 122.23) means an animal feeding operation that is defined as a Large CAFO or as a Medium CAFO by the terms of (A) or (B) below, or that is designated as a CAFO in accordance with 40 CFR 122.23(c). Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes.

A. **LARGE CONCENTRATED ANIMAL FEEDING OPERATION (LARGE CAFO)** means an AFO that stables or confines as many as or more than the numbers of animals specified in any of the following categories:

   1. 700 mature dairy cows, whether milked or dry;
   2. 1,000 veal calves;
   3. 1,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
   4. 2,500 swine each weighing 55 pounds or more;
   5. 10,000 swine each weighing less than 55 pounds;

6. 500 horses;
7. 10,000 sheep or lambs;
8. 55,000 turkeys;
9. 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system;
10. 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;
11. 82,000 laying hens, if the AFO uses other than a liquid manure handling system;
12. 30,000 ducks (if the AFO uses other than a liquid manure handling system); or
13. 5,000 ducks (if the AFO uses a liquid manure handling system).

B. **MEDIUM CONCENTRATED ANIMAL FEEDING OPERATION (MEDIUM CAFO)** means any AFO with the type and number of animals that fall within any of the ranges listed below and which has been defined or designated as a CAFO. An AFO is defined as a Medium CAFO if:

1. The type and number of animals that it stables and confines falls within any of the following ranges:
   a. 200 to 699 mature dairy cows, whether milked or dry;
   b. 300 to 999 veal calves;
   c. 300 to 999 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
   d. 750 to 2,499 swine each weighing 55 pounds or more;
   e. 3,000 to 9,999 swine each weighing less than 55 pounds;
   f. 150 to 499 horses;
   g. 3,000 to 9,999 sheep or lambs;
   h. 16,500 to 54,999 turkeys;
   i. 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system;
   j. 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;
   k. 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system;
   l. 10,000 to 29,999 ducks (if the AFO uses other than a liquid manure handling system); ore
   m. 1,500 to 4,999 ducks (if the AFO uses a liquid manure handling system); and
2. Either one of the following conditions are met:
   a. Pollutants are discharged into waters of the United States through a man-made ditch, flushing system, or other similar man-made device; or
   b. Pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with animals confined in the operation.

CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY (defined at § 122.24) means a hatchery, fish farm, or other facility which contains, grows, or holds aquatic animals in either of the following categories, or which the Director designates as such on a case-by-case basis:

A. Cold water fish species or other cold water aquatic animals including, but not limited to, the *Salmonidae* family of fish (e.g., trout and salmon) in ponds, raceways, or other similar structures which discharge at least 30 days per year but does not include:

1. Facilities which produce less than 9,090 harvest weight kilograms (approximately 20,000 pounds) of aquatic animals per year; and
2. Facilities which feed less than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding.

B. Warm water fish species or other warm water aquatic animals including, but not limited to, the *Ameiuridae, Cetrarchiclae*, and *Cyprinidae* families of fish (e.g., respectively, catfish, sunfish, and minnows) in ponds, raceways, or other similar structures which discharge at least 30 days per year, but does not include;

1. Closed ponds which discharge only during periods of excess runoff; or
2. Facilities which produce less than 45,454 harvest weight kilograms (approximately 100,000 pounds) of aquatic animals per year.

CWA means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92–500, as amended by Public Law 95–217, Public Law 95–576, Public Law 96–483 and Public Law 97–117, 33 U.S.C. 1251 *et seq.*

CWA AND REGULATIONS means the Clean Water Act (CWA) and applicable regulations promulgated thereunder. In the case of an approved State program, it includes State program requirements.

DAILY DISCHARGE means the "discharge of a pollutant" measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

DIRECT DISCHARGE means the "discharge of a pollutant."

DIRECTOR means the Regional Administrator or the State Director, as the context requires, or an authorized representative. When there is no "approved State program," and there is an EPA administered program, "Director" means the Regional Administrator. When there is an approved State program, "Director" normally means the State Director. In some circumstances, however, EPA retains the authority to take certain actions even when there is an approved State program. (For example, when EPA has issued an NPDES permit prior to the approval of a State program, EPA may retain jurisdiction over that permit after program approval, see § 123.1.) In such cases, the term "Director" means the Regional Administrator and not the State Director.

DISCHARGE (OF A POLLUTANT) means:

- Any addition of any pollutant or combination of pollutants to waters of the United States from any point source; or
- Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes discharges into waters of the United States from: surface runoff which is collected or channelled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any "indirect discharger".

DISCHARGE MONITORING REPORT means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by "approved States" as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the state agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

DRAFT PERMIT means a document prepared under § 124.6 indicating the Director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a "permit." A notice of intent to terminate a permit, and a notice of intent to deny a permit, as discussed in § 124.5, are types of "draft permits." A denial of a request for modification, revocation and reissuance, or termination, as discussed in § 124.5, is not a "draft permit." A "proposed permit" is not a "draft permit."

EFFLUENT LIMITATION means any restriction imposed by the Director on quantities, discharge rates, and concentrations of "pollutants" which are "discharged" from "point sources" into "waters of the United States," the waters of the "contiguous zone," or the ocean.

EFFLUENT LIMITATIONS GUIDELINES means a regulation published by the Administrator under section 304(b) of the CWA to adopt or revise "effluent limitations."

ENVIRONMENTAL PROTECTION AGENCY (EPA) means the United States Environmental Protection Agency.

FACILITY or **ACTIVITY** means any NPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

GENERAL PERMIT means an NPDES "permit" issued under § 122.28 authorizing a category of discharges under the CWA within a geographical area.

HAZARDOUS SUBSTANCE means any substance designated under 40 CFR part 116 pursuant to section 311 of the CWA.

INDIAN COUNTRY (or **INDAN LANDS**) means:

- All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
- All dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
- All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

INDIAN TRIBE means any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian reservation.

INDIRECT DISCHARGE means a nondomestic discharger introducing "pollutants" to a "publicly owned treatment works."

LARGE MUNICIPAL SEPARATE STORM SEWER SYSTEM (defined at § 122.26(b)(4)) means all municipal separate storm sewers that are either:

(i) Located in an incorporated place with a population of 250,000 or more as determined by the 1990 Decennial Census by the Bureau of the Census (Appendix F of 40 CFR 122); or

(ii) Located in the counties listed in appendix H of 40 CFR 122, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or

(iii) Owned or operated by a municipality other than those described in paragraphs (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under paragraphs (i) or (ii). In making this determination the Director may consider the following factors:

(A) Physical interconnections between the municipal separate storm sewers;

(B) The location of discharges from the designated municipal separate storm sewer relative to discharges from municipal separate storm sewers described in paragraph (i);

(C) The quantity and nature of pollutants discharged to waters of the United States;

(D) The nature of the receiving waters; and

(E) Other relevant factors; or

(iv) The Director may, upon petition, designate as a large municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in paragraphs (i), (ii), (iii).

LOG SORTING AND LOG STORAGE FACILITIES (defined at § 122.27) means facilities whose discharges result from the holding of unprocessed wood, for example, logs or roundwood with bark or after removal of bark held in self-contained bodies of water (mill ponds or log ponds) or stored on land where water is applied intentionally on the logs (wet decking). (See 40 CFR 429, subpart I, including the effluent limitations guidelines.)

MAJOR FACILITY means any NPDES "facility or activity" classified as such by the Regional Administrator, or, in the case of "approved State programs," the Regional Administrator in conjunction with the State Director.

MAXIMUM DAILY DISCHARGE LIMITATION means the highest allowable "daily discharge."

MEDIUM MUNICIPAL SEPARATE STORM SEWER SYSTEM (defined at § 122.26(b)(7)) means all municipal separate storm sewers that are either:

(i) Located in an incorporated place with a population of 100,000 or more but less than 250,000, as determined by the 1990 Decennial Census by the Bureau of the Census (appendix G of 40 CFR 122); or

(ii) Located in the counties listed in appendix I of 40 CFR 122, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or

(iii) Owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under paragraph (i) or (ii). In making this determination the Director may consider the following factors:

(A) Physical interconnections between the municipal separate storm sewers;

(B) The location of discharges from the designated municipal separate storm sewer relative to discharges from municipal separate storm sewers described in paragraph (i);

(C) The quantity and nature of pollutants discharged to waters of the United States;

(D) The nature of the receiving waters; or

(E) Other relevant factors; or

(iv) The Director may, upon petition, designate as a medium municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in paragraphs (i), (ii), (iii) of this section.

MUNICIPALITY means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA.

MUNICIPAL SEPARATE STORM SEWER (defined at § 122.26(b)(8)) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States.
- Designed or used for collecting or conveying stormwater.
- Which is not a combined sewer; and
- Which is not part of a POTW as defined at 40 CFR 122.2.

MUNICIPAL SLUDGE (*see sewage sludge*)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the CWA. The term includes an "approved program."

NEW DISCHARGER means any building, structure, facility, or installation:

- From which there is or may be a "discharge of pollutants;"
- That did not commence the "discharge of pollutants" at a particular "site" prior to August 13, 1979;
- Which is not a "new source;" and
- Which has never received a finally effective NPDES permit for discharges at that "site."

This definition includes an "indirect discharger" which commences discharging into "waters of the United States" after August 13, 1979. It also means any existing mobile point source (other than an offshore or coastal oil and gas exploratory drilling rig or a coastal oil and gas developmental drilling rig) such as a seafood processing rig, seafood processing vessel, or aggregate plant, that begins discharging at a "site" for which it does not have a permit; and any offshore or coastal mobile oil and gas exploratory drilling rig or coastal mobile oil and gas developmental drilling rig that commences the discharge of pollutants after August 13, 1979, at a "site" under EPA's permitting jurisdiction for which it is not covered by an individual or general permit and which is located in an area determined by the Regional Administrator in the issuance of a final permit to be an area of biological concern. In determining whether an area is an area of biological concern, the Regional Administrator shall consider the factors specified in 40 CFR 125.122(a)(1) through (10).

An offshore or coastal mobile exploratory drilling rig or coastal mobile developmental drilling rig will be considered a "new discharger" only for the duration of its discharge in an area of biological concern.

NEW SOURCE means any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced:

- After promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or
- After proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

OWNER OR OPERATOR means the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

PERMIT means an authorization, license, or equivalent control document issued by EPA or an "approved State" to implement the requirements of this part and parts 123 and 124. "Permit" includes an NPDES "general permit" (§ 122.28). Permit does not include any permit which has not yet been the subject of final agency action, such as a "draft permit" or a "proposed permit."

PESTICIDE DISCHARGES TO WATERS OF THE UNITED STATES FROM PESTICIDE APPLICATION means the application of biological pesticides, and the application of chemical pesticides that leave a residue, from point sources to waters of the United States. In the context of this definition of pesticide discharges to waters of the United States from pesticide application, this does not include

agricultural storm water discharges and return flows from irrigated agriculture, which are excluded by law (33 U.S.C. 1342(l); 33 U.S.C. 1362(14)).

PESTICIDE RESIDUE for the purpose of determining whether a NPDES permit is needed for discharges to waters of the United States from pesticide application, means that portion of a pesticide application that is discharged from a point source to waters of the United States and no longer provides pesticidal benefits. It also includes any degradates of the pesticide.

POINT SOURCE means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff. (See § 122.3).

POLLUTANT means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

- Sewage from vessels; or
- Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources. Note: Radioactive materials covered by the Atomic Energy Act are those encompassed in its definition of source, byproduct, or special nuclear materials. Examples of materials not covered include radium and accelerator-produced isotopes. See *Train* v. *Colorado Public Interest Research Group, Inc.,* 426 U.S. 1 (1976).

PRIMARY INDUSTRY CATEGORY means any industry category listed in the NRDC settlement agreement (*Natural Resources Defense Council et al.* v. *Train,* 8 E.R.C. 2120 (D.D.C. 1976), modified 12 E.R.C. 1833 (D.D.C. 1979)); also listed in appendix A of part 122.

PRIVATELY OWNED TREATMENT WORKS means any device or system which is (1) used to treat wastes from any facility whose operator is not the operator of the treatment works and (2) not a "POTW."

PROCESS WASTEWATER means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

PROPOSED PERMIT means a state NPDES "permit" prepared after the close of the public comment period (and, when applicable, any public hearing and administrative appeals) which is sent to EPA for review before final issuance by the State. A "proposed permit" is not a "draft permit."

PUBLICLY OWNED TREATMENT WORKS or **POTW** (defined at § 403.3) means a treatment works as defined by CWA Section 212, which is owned by a state or municipality (as defined by CWA Section 502(4)). This definition includes any devices or systems used in the storage, treatment, recycling, and reclamation) of municipal sewage or industrial wastes of a liquid nature. This definition also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW. The term also means the municipality as defined in CWA Section 502(4), which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

REGIONAL ADMINISTRATOR means the Regional Administrator of the appropriate Regional Office of the Environmental Protection Agency or the authorized representative of the Regional Administrator.

ROCK CRUSHING AND GRAVEL WASHING FACILITIES (defined at § 122.27) means facilities which process crushed and broken stone, gravel, and riprap (See 40 CFR 436, subpart B, including the effluent limitations guidelines).

SCHEDULE OF COMPLIANCE means a schedule of remedial measures included in a "permit", including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the CWA and regulations.

SECONDARY INDUSTRY CATEGORY means any industry category which is not a primary industry category.

SEWAGE FROM VESSELS means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes that are discharged from vessels and regulated under section 312 of the CWA, except that with respect to commercial vessels on the Great Lakes this term includes graywater. For the purposes of this definition, "graywater" means galley, bath, and shower water.

SEWAGE SLUDGE means any solid, semi-solid, or liquid residue removed during the treatment of municipal waste water or domestic sewage. Sewage sludge includes, but is not limited to, solids removed during primary, secondary, or advanced waste water treatment, scum, septage, portable toilet pumpings, type III marine sanitation device pumpings (33 CFR 159), and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge.

SILVICULTURAL POINT SOURCE (defined at § 122.27) means any discernible, confined, and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States. This term does not include non-point source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff. However, some of these activities (such as stream crossing for roads) may involve point source discharges of dredged or fill material which may require a CWA Section 404 permit (see 33 CFR 209.120 and part 233).

SITE means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

SLUDGE-ONLY FACILITY means any "treatment works treating domestic sewage" whose methods of sewage sludge use or disposal are subject to regulations promulgated pursuant to section 405(d) of the CWA and is required to obtain a permit under § 122.1(b)(2).

STANDARDS FOR SEWAGE SLUDGE USE OR DISPOSAL means the regulations promulgated pursuant to section 405(d) of the CWA which govern minimum requirements for sludge quality, management practices, and monitoring and reporting applicable to sewage sludge or the use or disposal of sewage sludge by any person.

STATE means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or an Indian Tribe as defined in these regulations which meets the requirements of § 123.31 of this chapter.

STATE DIRECTOR means the chief administrative officer of any State or interstate agency operating an "approved program," or the delegated representative of the State Director. If responsibility is divided among two or more State or interstate agencies, "State Director" means the chief administrative officer of the State or interstate agency authorized to perform the particular procedure or function to which reference is made.

STORMWATER (or **STORM WATER**) (defined at § 122.26(b)(13)) means stormwater runoff, snow melt runoff, and surface runoff and drainage.

STORMWATER DISCHARGE ASSOCIATED WITH INDUSTRIAL ACTIVITY (defined at § 122.26(b)(14)) means the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under this part 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities (including industrial facilities that are federally, State, or municipally owned or operated that meet the description of the facilities listed in paragraphs 1 through 14 below) include those facilities designated under the provisions of 40 CFR 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of 40 CFR 122.26(b)(14):

1. Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under paragraph 11 below);
2. Facilities classified as Standard Industrial Classification 24, Industry Group 241 that are rock crushing, gravel washing, log sorting, or log storage facilities operated in connection with silvicultural activities defined in 40 CFR 122.27(b)(2)–(3) and Industry Groups 242 through 249; 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373; (not included are all other types of silvicultural facilities);
3. Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non–coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites

where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

4. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA;
5. Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;
6. Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
7. Steam electric power generating facilities, including coal handling sites;
8. Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221–25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs 1–7 or 9–11 are associated with industrial activity;
9. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA;
10. Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more;
11. Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221–25.

TOXIC POLLUTANT means any pollutant listed as toxic under section 307(a)(1) or, in the case of "sludge use or disposal practices," any pollutant identified in regulations implementing section 405(d) of the CWA.

TREATMENT WORKS TREATING DOMESTIC SEWAGE (TWTDS) means a POTW or any other sewage sludge or waste water treatment devices or systems, regardless of ownership (including federal facilities), used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This definition does not include septic tanks or similar devices. For purposes of this definition, "domestic sewage" includes waste and waste water from humans or household operations that are discharged to or otherwise enter a treatment works. In States where there is no approved State sludge management program under section 405(f) of the CWA, the Regional Administrator may designate any person subject to the standards for sewage sludge use and disposal in 40 CFR 503 as a "treatment works treating domestic sewage," where he or she finds that there is a potential for adverse effects on public health and the environment from poor sludge quality or poor sludge handling, use or disposal practices, or where he or she finds that such designation is necessary to ensure that such person is in compliance with 40 CFR 503.

UPSET (defined at § 122.41(n)) means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

VARIANCE means any mechanism or provision under section 301 or 316 of the CWA or under 40 CFR 125, or in the applicable "effluent limitations guidelines" which allows modification to or waiver of the generally applicable effluent limitation requirements or time deadlines of the CWA. This includes provisions which allow the establishment of alternative limitations based on fundamentally different factors or on sections 301(c), 301(g), 301(h), 301(i), or 316(a) of the CWA.

WATERS OF THE UNITED STATES as defined at § 122.2.

WHOLE EFFLUENT TOXICITY (WET) means the aggregate toxic effect of an effluent measured directly by a toxicity test.

EPA Identification Number	NPDES Permit Number	Facility Name	Form Approved 03/05/19 OMB No. 2040-0004
New Facility	New Facility	Manna Fish Farms Gulf of	

Form 1 NPDES	EPA	U.S. Environmental Protection Agency Application for NPDES Permit to Discharge Wastewater **GENERAL INFORMATION**

SECTION 1. ACTIVITIES REQUIRING AN NPDES PERMIT (40 CFR 122.21(f) and (f)(1))

Activities Requiring an NPDES Permit

1.1	**Applicants *Not Required* to Submit Form 1**			
1.1.1	Is the facility a new or existing **publicly owned treatment works**? If yes, STOP. Do NOT complete Form 1. Complete Form 2A. ☑ No		1.1.2	Is the facility a new or existing **treatment works treating domestic sewage**? If yes, STOP. Do NOT complete Form 1. Complete Form 2S. ☑ No
1.2	**Applicants *Required* to Submit Form 1**			
1.2.1	Is the facility a **concentrated animal feeding operation** or a **concentrated aquatic animal production facility?** ☑ Yes ➔ Complete Form 1 ***and*** Form 2B. ☐ No		1.2.2	Is the facility an **existing** manufacturing, commercial, mining, or silvicultural **facility** that **is currently discharging process wastewater**? ☐ Yes ➔ Complete Form 1 ***and*** Form 2C. ☑ No
1.2.3	Is the facility a **new** manufacturing, commercial, mining, or silvicultural **facility** that has **not yet commenced to discharge**? ☐ Yes ➔ Complete Form 1 ***and*** Form 2D. ☑ No		1.2.4	Is the facility a **new or existing** manufacturing, commercial, mining, or silvicultural **facility** that **discharges only nonprocess wastewater**? ☐ Yes ➔ Complete Form 1 ***and*** Form 2E. ☑ No
1.2.5	Is the facility a **new or existing facility** whose discharge is composed entirely of **stormwater associated with industrial activity** or whose discharge is composed of **both stormwater and non-stormwater**? ☐ Yes ➔ Complete Form 1 ***and*** Form 2F unless exempted by 40 CFR 122.26(b)(14)(x) or (b)(15). ☑ No			

SECTION 2. NAME, MAILING ADDRESS, AND LOCATION (40 CFR 122.21(f)(2))

Name, Mailing Address, and Location

2.1	**Facility Name**		
	Manna Fish Farms, Inc.		
2.2	**EPA Identification Number**		
	New Facility		
2.3	**Facility Contact**		
	Name (first and last) Donna Lanzetta	Title CEO	Phone number (631) 653-9100
	Email address donna@mannafishfarms.com		
2.4	**Facility Mailing Address**		
	Street or P.O. box 22 Inlet Rd West		
	City or town Hampton Bays	State New York	ZIP code 11946

EPA Identification Number	NPDES Permit Number	Facility Name	Form Approved 03/05/19 OMB No. 2040-0004
New Facility	New Facility	Manna Fish Farms Gulf of	

Name, Mailing Address, and Location Continued	2.5	**Facility Location**		
		Street, route number, or other specific identifier Gulf of Mexico: 30.087508° N , -86.993333° W		
		County name NA	County code (if known) NA	
		City or town NA	State NA	ZIP code NA

SECTION 3. SIC AND NAICS CODES (40 CFR 122.21(f)(3))

SIC and NAICS Codes	3.1	**SIC Code(s)**	**Description** (optional)
		0273	Animal Aquaculture: Finfish Farms
	3.2	**NAICS Code(s)**	**Description** (optional)
		112511	Farming Finfish

SECTION 4. OPERATOR INFORMATION (40 CFR 122.21(f)(4))

Operator Information	4.1	**Name of Operator**		
		Manna Fish Farms, Inc.		
	4.2	Is the name you listed in Item 4.1 also the owner? ☑ Yes ☐ No		
	4.3	**Operator Status**		
		☐ Public—federal ☐ Public—state ☐ Other public (specify)_____ ☑ Private ☐ Other (specify) _____		
	4.4	**Phone Number of Operator**		
		(631) 653-9100		
Operator Information Continued	4.5	**Operator Address**		
		Street or P.O. Box 22 Inlet Rd West		
		City or town Hampton Bays	State New York	ZIP code 11946
		Email address of operator donna@mannafishfarms.com		

SECTION 5. INDIAN LAND (40 CFR 122.21(f)(5))

Indian Land	5.1	Is the facility located on Indian Land? ☐ Yes ☑ No

EPA Identification Number	NPDES Permit Number	Facility Name	Form Approved 03/05/19 OMB No. 2040-0004
New Facility	New Facility	Manna Fish Farms Gulf of	

SECTION 6. EXISTING ENVIRONMENTAL PERMITS (40 CFR 122.21(f)(6))

Existing Environmental Permits

6.1 **Existing Environmental Permits** (check all that apply and print or type the corresponding permit number for each)

☐ NPDES (discharges to surface water) NA	☐ RCRA (hazardous wastes) NA	☐ UIC (underground injection of fluids) NA
☐ PSD (air emissions) NA	☐ Nonattainment program (CAA) NA	☐ NESHAPs (CAA) NA
☐ Ocean dumping (MPRSA) NA	☐ Dredge or fill (CWA Section 404) NA	☐ Other (specify) NA

SECTION 7. MAP (40 CFR 122.21(f)(7))

Map

7.1 Have you attached a topographic map containing all required information to this application? (See instructions for specific requirements.)

☑ Yes ☐ No ☐ CAFO—Not Applicable (See requirements in Form 2B.)

SECTION 8. NATURE OF BUSINESS (40 CFR 122.21(f)(8))

Nature of Business

8.1 Describe the nature of your business.

The purpose of this offshore aquaculture facility is to responsibly and transparently grow Red Drum (Sciaenops ocellatus) for consumption at a commercial scale. This farm, located 23 nautical miles southeast of Pensacola, FL, will demonstrate that aquaculture, when done properly, is a sustainable source of seafood that can help mitigate the United States' massive seafood trade deficit. The farm will follow a phased approach, deploying two net pens in the first year and scaling up to a total of 12 net pens by the fifth year of the NPDES permit for a maximum production of approximately 2870 metric tons. The first two net pens will demonstrate proof of concept, with thorough environmental monitoring occurring at all phases. This monitoring will document the industry's historic negligible impact to water quality, benthic community, and the surrounding environment resulting from a combination of proven best management practices and the constant, large-scale movement of water throughout the farm. The farm has been carefully sited using precision marine-spatial planning and multiple baseline environmental surveys of the area. The approximate, proposed corner coordinates of the farm are as follows (NAD83): South corner 30.077153 N

SECTION 9. COOLING WATER INTAKE STRUCTURES (40 CFR 122.21(f)(9))

Cooling Water Intake Structures

9.1 Does your facility use cooling water?

☐ Yes ☑ No ➔ SKIP to Item 10.1.

9.2 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.)

SECTION 10. VARIANCE REQUESTS (40 CFR 122.21(f)(10))

Variance Requests

10.1 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

EPA Identification Number	NPDES Permit Number	Facility Name	Form Approved 03/05/19 OMB No. 2040-0004
New Facility	New Facility	Manna Fish Farms Gulf of Mexico	

SECTION 11. CHECKLIST AND CERTIFICATION STATEMENT (40 CFR 122.22(a) and (d))

Checklist and Certification Statement

11.1 In Column 1 below, mark the sections of Form 1 that you have completed and are submitting with your application. For each section, specify in Column 2 any attachments that you are enclosing to alert the permitting authority. Note that not all applicants are required to provide attachments.

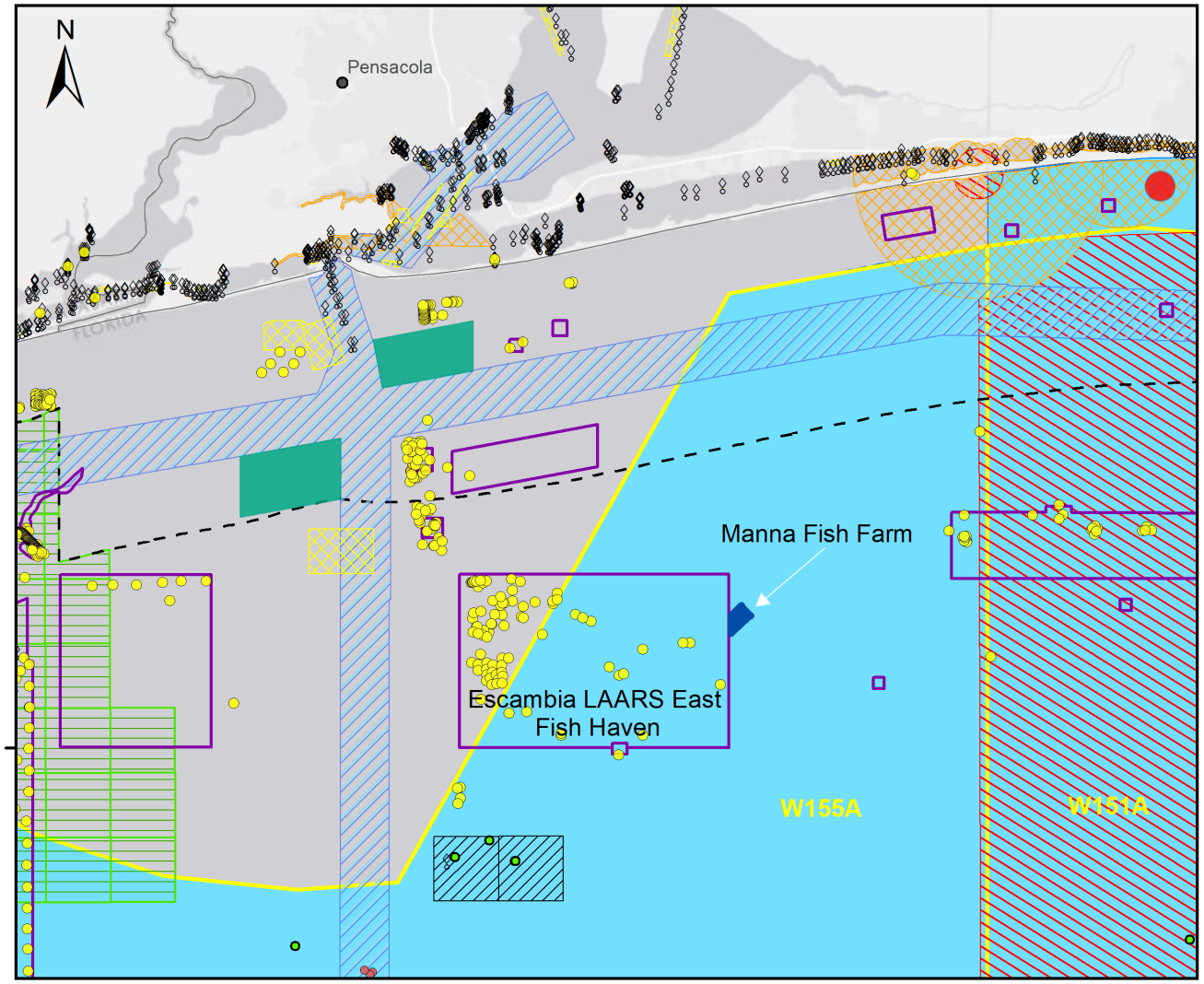
Column 1	Column 2
☑ Section 1: Activities Requiring an NPDES Permit	☐ w/ attachments
☑ Section 2: Name, Mailing Address, and Location	☐ w/ attachments
☑ Section 3: SIC Codes	☐ w/ attachments
☑ Section 4: Operator Information	☐ w/ attachments
☑ Section 5: Indian Land	☐ w/ attachments
☑ Section 6: Existing Environmental Permits	☐ w/ attachments
☑ Section 7: Map	☑ w/ topographic map ☐ w/ additional attachments
☑ Section 8: Nature of Business	☐ w/ attachments
☑ Section 9: Cooling Water Intake Structures	☐ w/ attachments
☑ Section 10: Variance Requests	☐ w/ attachments
☑ Section 11: Checklist and Certification Statement	☐ w/ attachments

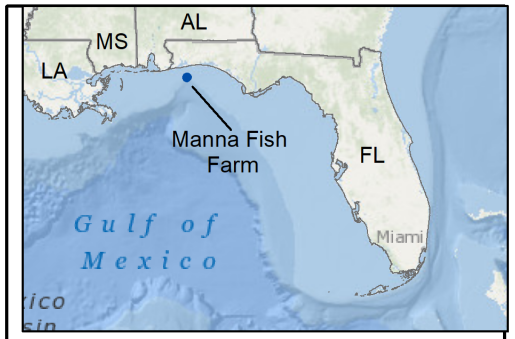
11.2 **Certification Statement**

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
Donna Lanzetta	CEO
Signature	**Date signed**
Donna Lanzetta	04/04/2022

Click to go back to the beginning of Form





Manna Fish Farm Overview

- Manna Fish Farm
- Oil & Gas Boreholes and Wells
- Deep-sea Corals
- Aid to Navigation
- Artificial Reefs
- Unexploded Ordnance Area
- Military SUA Warning Areas
- Panama City Military Operating Area
- BOEM Active Lease Blocks
- Anchorage Area
- Shipping Fairways
- Ocean Disposal Sites
- State/Federal Waters Boundary
- BOEM Sand Resource Blocks
- Fish Havens

Military Danger Zones & Restricted Areas

- Danger Zone
- Restricted Area

Scale: 1:500,000
WGS 1984

0 6.5 13 19.5 km
0 3.5 7 10.5 nm

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Marine Spatial Ecology Division
National Centers for Coastal Ocean Science
National Ocean Service