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Navigating the NPDES Permitting Process for Water Reuse Projects/Strategies to Enable Recycling and Protect Water Quality: March 2022 Report

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A number of water quality organizations in coordination with the United States Environmental Protection Agency (“EPA”) developed a March 2022 report titled:

Navigating the NPDES Permitting Process for Water Reuse Projects/Strategies to Enable Recycling and Protect Water Quality (“Report”)

Representatives from the following water quality organizations assisted in the preparation of the *Report*:

- WaterReuse Association
- National Association of Clean Water Agencies
- Association of Clean Water Administrators
- National Municipal Stormwater Alliance
- Water Environment Federation

EPA and the referenced organizations are stated to have undertaken an analysis to better understand how Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permitting intersects with water reuse. Topics addressed included:

- Exploration of NPDES permitting opportunities and concerns
- Identifying approaches for effective water use permitting
- Developing case studies demonstrating where reuse practitioners have successfully worked with permitting authorities (to expedite the NPDES permitting process)

The *Report* states that it is intended to:

... help permitting authorities and permittees better understand the broad range of NPDES permitting approaches, explain how NPDES permits accommodate and/or incentivize water reuse, and help permitting authorities and permittees to work cooperatively when permitting water reuse projects.

The *Report* emphasizes in the introduction that NPDES permitting is not a “one size fits all” endeavor. It emphasizes that states may have established different Clean Water Act NPDES permitting implementation rules and procedures. As a result, there may be diverse state approaches to NPDES permitting. Therefore, the *Report* provides the following caution:

- (1) Discussion of situations where states incorporate state-based provisions that go beyond minimum NPDES requirements does not imply EPA's or other organizations' endorsement of these approaches;
- (2) the paper does not create new interpretations of permitting requirements; and
- (3) the paper is not intended to establish, replace, or supplement existing permitting rules or guidance developed by EPA, states, or other permitting authorities.
- (4) Additionally, the examples identified throughout the paper are intended to illustrate the range of methods permitting authorities have used to address reuse challenges in the context of NPDES permits, and do not endorse any specific approach.

Overall topics addressed in the *Report* include:

- Municipal and Industrial Wastewater Treatment Facilities: Permitting Strategies
- Stormwater management Facilities: Permitting Strategies
- Water Reuse Facilities: Permitting Strategies
- Generally Applicable and Crosscutting Topics: Permitting Strategies
- Recommendations to Further Address How NPDES Permits Can Facilitate Water Reuse
- Appendix: Case Studies of Water Reuse Permitting

A copy of the *Report* can be downloaded [here](#).