

# NPDES Program Update: U.S. Environmental Protection Agency Federal Register Notice Issuing Final Rule



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The United States Environmental Protection Agency (“EPA”) published a February 12th Federal Register notice finalizing certain revisions to the Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permitting regulations. See 84 Fed. Reg. 3324.

EPA describes the regulatory changes as minor improvements and clarifications of the regulations.

The categories of revisions to the NPDES program that are addressed in the final rule include the following:

- Regulatory definitions
- New discharger
- Two definitions related to the discharge of pesticides from pesticides application
- Permit applications
- Public Notice
- EPA contact information update
- Web addresses for electronic databases
- Deletion of a provision that is no longer applicable relating to best practicable waste treatment technology for POTWs

Congress gave EPA the authority to issue NPDES permits. Nevertheless, it provided the federal agency the ability to delegate this program to the various states and, in fact, encouraged them to do so. Therefore, EPA has delegated the NPDES permitting authority to almost every state (which developed an acceptable program).

Arkansas was delegated the NPDES permitting program many years ago. A substantial portion of the substantive and procedural framework for the Arkansas NPDES permit program is found in Arkansas Pollution Control and Ecology Commission Regulation No. 6. However, the regulation incorporates by reference the majority of the federal EPA NPDES regulatory provisions. Consequently, the Arkansas NPDES regulatory provisions track to a great extent the federal program.

A copy of the Federal Register notice can be found [here](#).