

§ 121.25

§ 121.25 Adoption of new water quality standards.

(a) In any case where:

(1) A license or permit was issued without certification due to the absence of applicable water quality standards; and

(2) Water quality standards applicable to the waters into which the licensed or permitted activity may discharge are subsequently established; and

(3) The Administrator is the certifying agency because:

(i) No State or interstate agency has authority to certify; or

(ii) Such new standards were promulgated by the Administrator pursuant to section 10(c)(2) of the Act; and

(4) The Regional Administrator determines that such uncertified activity is violating water quality standards;

Then the Regional Administrator shall notify the licensee or permittee of such violation, including his recommendations as to actions necessary for compliance. If the licensee or permittee fails within 6 months of the date of such notice to take action which in the opinion of the Regional Administrator will result in compliance with applicable water quality standards, the Regional Administrator shall notify the licensing or permitting agency that the licensee or permittee has failed, after reasonable notice, to comply with such standards and that suspension of the applicable license or permit is required by section 21(b)(9)(B) of the Act.

(b) Where a license or permit is suspended pursuant to paragraph (a) of this section, and where the licensee or permittee subsequently takes action which in the Regional Administrator's opinion will result in compliance with applicable water quality standards, the Regional Administrator shall then notify the licensing or permitting agency that there is reasonable assurance that the licensed or permitted activity will comply with applicable water quality standards.

§ 121.26 Inspection of facility or activity before operation.

Where any facility or activity has received certification pursuant to § 121.24 in connection with the issuance of a license or permit for construction, and

40 CFR Ch. I (7-1-04 Edition)

where such facility or activity is not required to obtain an operating license or permit, the Regional Administrator or his representative, prior to the initial operation of such facility or activity, shall be afforded the opportunity to inspect such facility or activity for the purpose of determining if the manner in which such facility or activity will be operated or conducted will violate applicable water quality standards.

§ 121.27 Notification to licensing or permitting agency.

If the Regional Administrator, after an inspection pursuant to § 121.26, determines that operation of the proposed facility or activity will violate applicable water quality standards, he shall so notify the applicant and the licensing or permitting agency, including his recommendations as to remedial measures necessary to bring the operation of the proposed facility into compliance with such standards.

§ 121.28 Termination of suspension.

Where a licensing or permitting agency, following a public hearing, suspends a license or permit after receiving the Regional Administrator's notice and recommendation pursuant to § 121.27, the applicant may submit evidence to the Regional Administrator that the facility or activity or the operation or conduct thereof has been modified so as not to violate water quality standards. If the Regional Administrator determines that water quality standards will not be violated, he shall so notify the licensing or permitting agency.

Subpart D—Consultations

§ 121.30 Review and advice.

The Regional Administrator may, and upon request shall, provide licensing and permitting agencies with determinations, definitions and interpretations with respect to the meaning and content of water quality standards where they have been federally approved under section 10 of the Act, and findings with respect to the application of all applicable water quality standards in particular cases and in specific circumstances relative to an activity

for which a license or permit is sought. The Regional Administrator may, and upon request shall, also advise licensing and permitting agencies as to the status of compliance by dischargers with the conditions and requirements of applicable water quality standards. In cases where an activity for which a license or permit is sought will affect water quality, but for which there are no applicable water quality standards, the Regional Administrator may advise licensing or permitting agencies with respect to conditions of such license or permit to achieve compliance with the purpose of the Act.

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Subpart A—Definitions and General Program Requirements

Sec.

- 122.1 Purpose and scope.
- 122.2 Definitions.
- 122.3 Exclusions.
- 122.4 Prohibitions (applicable to State NPDES Programs, see §123.25).
- 122.5 Effect of a permit.
- 122.6 Continuation of expiring permits.
- 122.7 Confidentiality of information.

Subpart B—Permit Application and Special NPDES Program Requirements

- 122.21 Application for a permit (applicable to State programs, see §123.25).
- 122.22 Signatories to permit applications and reports (applicable to State programs, see §123.25).
- 122.23 Concentrated animal feeding operations (applicable to State NPDES programs, see §123.25).
- 122.24 Concentrated aquatic animal production facilities (applicable to State NPDES programs, see §123.25).
- 122.25 Aquaculture projects (applicable to State NPDES programs, see §123.25).
- 122.26 Storm water discharges (applicable to State NPDES programs, see §123.25).
- 122.27 Silvicultural activities (applicable to State NPDES programs, see §123.25).
- 122.28 General permits (applicable to State NPDES programs, see §123.25).
- 122.29 New sources and new dischargers.
- 122.30 What are the objectives of the storm water regulations for small MS4s?
- 122.31 As a Tribe, what is my role under the NPDES storm water program?

- 122.32 As an operator of a small MS4, am I regulated under the NPDES storm water program?
- 122.33 If I am an operator of a regulated small MS4, how do I apply for an NPDES permit and when do I have to apply?
- 122.34 As an operator of a regulated small MS4, what will my NPDES MS4 storm water permit require?
- 122.35 As an operator of a regulated small MS4, may I share the responsibility to implement the minimum control measures with other entities?
- 122.36 As an operator of a regulated small MS4, what happens if I don't comply with the application or permit requirements in §§122.33 through 122.35?
- 122.37 Will the small MS4 storm water program regulations at §§122.32 through 122.36 and §123.35 of this chapter change in the future?

Subpart C—Permit Conditions

- 122.41 Conditions applicable to all permits (applicable to State programs, see §123.25).
- 122.42 Additional conditions applicable to specified categories of NPDES permits (applicable to State NPDES programs, see §123.25).
- 122.43 Establishing permit conditions (applicable to State programs, see §123.25).
- 122.44 Establishing limitations, standards and other permit conditions (applicable to State NPDES programs, see §123.25).
- 122.45 Calculating NPDES permit conditions (applicable to State NPDES programs, see §123.25).
- 122.46 Duration of permits (applicable to State programs, see §123.25).
- 122.47 Schedules of compliance.
- 122.48 Requirements for recording and reporting of monitoring results (applicable to State programs, see §123.25).
- 122.49 Considerations under Federal law.
- 122.50 Disposal of pollutants into wells, into publicly owned treatment works or by land application (applicable to State NPDES programs, see §123.25).

Subpart D—Transfer, Modification, Revocation and Reissuance, and Termination of Permits

- 122.61 Transfer of permits (applicable to State programs, see §123.25).
- 122.62 Modification or revocation and reissuance of permits (applicable to State programs, see §123.25).
- 122.63 Minor modifications of permits.
- 122.64 Termination of permits (applicable to State programs, see §123.25).

APPENDIX A TO PART 122—NPDES PRIMARY INDUSTRY CATEGORIES

APPENDIX B TO PART 122 [RESERVED]