



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

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OCT 07 1991

SEP 27 1991

Honorable Ray Mabus
Governor of Mississippi
State Capitol
Jackson, Mississippi 39205

Dear Governor Mabus:

On May 1, 1974 Mississippi received authority to administer the National Pollutant Discharge Elimination System (NPDES) permit program within its borders.

The 1977 Amendments to the Clean Water Act provide that states may be authorized to issue general permits as part of the NPDES program. On July 25, 1991 your Department of Environmental Quality requested that its NPDES program be modified to provide the State of Mississippi with authority to issue general NPDES permits for several classes of dischargers with similar wastewater characteristics.

I am pleased to approve your request for authority to issue general NPDES permits today and to congratulate you and your staff for having acquired this authority. This action is consistent with EPA's national policy that NPDES regulatory authority be administered at the state level. This Program Approval will allow the State to administer all aspects of the NPDES permitting program.

Sincerely yours,

Greer C. Tidwell
for Greer C. Tidwell
Regional Administrator

cc: Mr. J. I. Palmer, Executive Director
Dept. of Environmental Quality

Ad 10/4/91

REVISION OF THE MISSISSIPPI NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PROGRAM TO ISSUE GENERAL
PERMITS.

AGENCY: Environmental Protection Agency.

ACTION: Notice of Approval of the National Pollutant
Discharge Elimination System General Permits Program of the
State of Mississippi.

SUMMARY: On September 27, 1991, the Regional Administrator for
the Environmental Protection Agency (EPA), Region IV,
approved the State of Mississippi National Pollutant
Discharge Elimination System General Permits Program. This
action authorizes the State of Mississippi to issue general
permits in lieu of individual NPDES permits.

FOR FURTHER INFORMATION CONTACT: Jim Patrick, Chief, Permits
Section, Facilities Performance Branch, U.S. EPA, Region IV,
345 Courtland Street, N.E., Atlanta, Georgia 30365,
404/347-2913.

SUPPLEMENTARY INFORMATION:

I. Background

EPA regulations at 40 CFR §122.28 provide for the issuance of
general permits to regulate discharges of wastewater which
result from substantially similar operations, are to the same
type wastewaters, require the same effluent limitations or
operating conditions, require similar monitoring, and are
appropriately controlled under a general permit rather than by
individual permits.

Mississippi was authorized to administer the NPDES Permit program in May 1974. Its program as previously approved, did not include provisions for the issuance of general permits. There are several categories which could appropriately be regulated by general permits. For those reasons the Mississippi Department of Environmental Quality requested a revision of its NPDES program to provide for issuance of general permits. The categories which have been proposed for coverage under the general permits program include: storm water discharges, hydrostatic test water, cooling water, backwash from water treatment plants, small slaughter houses and small domestic discharges.

Each general permit will be subject to EPA review as provided by 40 CFR §123.44. Public notice and opportunity to request a hearing is also provided for each general permit.

II. DISCUSSION

The State of Mississippi submitted, in support of its request, copies of the relevant statutes and regulations and proposed regulations. The State also has submitted a statement by the Attorney General certifying, with appropriate citations to the statutes and regulations, that the State will have adequate legal authority to administer the general permits program consistent with 40 CFR §123.28. Based upon Mississippi's Program Description and its experience in administering an approved NPDES program, EPA has concluded that the State will have the necessary procedures and resources to administer the general permits program.

Under 40 CFR §123.62, NPDES program revisions are either substantial (requiring publication of proposed program approval in the Federal Register for public comment) or non-substantial (where approval may be granted by letter from EPA to the state). EPA has determined that assumption by Mississippi of general permit authority is a non-substantial revision of its NPDES program. EPA has generally viewed approval of such authority as non-substantial because it does not alter the substantive obligations of any discharger under the State program, but merely simplifies the procedures by which permits are issued to a number of point sources.

Moreover, under the approved state program, the State retains authority to issue individual permits where appropriate, and any person may request the state to issue an individual permit to a discharger otherwise eligible for general permit coverage. While not required under 40 CFR §123.62, EPA is publishing notice of this approval action to keep the public informed of the status of its general permits program approvals.

III. FEDERAL REGISTER NOTICE OF APPROVAL OF STATE NPDES
PROGRAM OR MODIFICATIONS

The following table provides the public with an up-to-date list of the status of State NPDES permitting authority throughout the country. Today's Federal Register notice is to announce the approval of Mississippi's authority to issue general permits.

STATE NPDES PROGRAM STATUS

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State Pretreatment program	Approved state general permits program
Alabama	10/19/79	10/19/79	10/19/79	06/26/91
Arkansas	11/01/86	11/01/86	11/01/86	11/01/86
California	05/14/73	05/05/78	09/22/89	09/22/89
Colorado	03/27/75	--	--	03/04/83
Connecticut	09/26/73	01/09/89	06/03/81	--
Delaware	04/01/74	--	--	--
Georgia	06/28/74	12/08/80	03/12/81	01/28/91
Hawaii	11/28/74	06/01/79	08/12/83	
Illinois	10/23/77	09/20/79	--	01/04/84
Indiana	01/01/75	12/09/78	--	04/02/91
Iowa	08/10/78	08/10/78	06/03/81	--
Kansas	06/28/74	08/28/85	--	--
Kentucky	09/30/83	09/30/83	09/30/83	09/30/83
Maryland	09/05/74	11/10/87	09/30/85	--
Michigan	10/17/73	12/09/78	06/07/83	--
Minnesota	06/30/74	12/09/78	07/16/79	12/15/87
Mississippi	05/01/74	01/28/83	05/13/82	09/27/91
Missouri	10/30/74	06/26/79	06/03/81	12/12/85
Montana	06/10/74	06/23/81	--	04/29/83
Nebraska	06/12/74	11/02/79	09/07/84	07/20/89
Nevada	09/19/75	08/31/78	--	--
New Jersey	04/13/82	04/13/82	04/13/82	04/13/82
New York	10/28/75	06/13/80	--	--
North Carolina	10/19/75	09/28/84	06/14/82	09/06/91
North Dakota	06/13/75	01/22/90	--	01/22/90
Ohio	03/11/74	01/28/83	07/27/83	--
Oregon	09/26/73	03/02/79	03/12/81	02/23/82
Pennsylvania	06/30/78	06/30/78	--	--
Rhode Island	09/17/84	09/17/84	09/17/84	09/17/84
South Carolina	06/10/75	09/26/80	04/09/82	--
Tennessee	12/28/77	09/30/86	08/10/83	04/18/91
Utah	07/07/87	07/07/87	07/07/87	07/07/87
Vermont	03/11/74	--	03/16/82	--
Virgin Islands	06/30/76	--	--	--
Virginia	03/31/75	02/09/82	04/14/89	05/20/91
Washington	11/14/73	--	09/30/86	09/26/89
West Virginia	05/10/82	05/10/82	05/10/82	05/10/82
Wisconsin	02/04/74	11/26/79	12/24/80	12/19/86
Wyoming	01/30/75	05/18/81	--	09/24/91
TOTALS	39	34	27	25

IV. Review Under Executive Order 12291 and the Regulatory Flexibility Act

The Office of Management and Budget has exempted this rule from the review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. Pursuant to Section 605(d) of the Regulatory Flexibility Act (5 U.S.C. §601 et seq.), I certify that this State General Permits Program will not have a significant impact on a substantial number of small entities. Approval of the Mississippi NPDES State General Permits Program establishes no new substantive requirements, nor does it alter the regulatory control over any industrial category. Approval of the Mississippi NPDES State General Permits Program merely provides a simplified administrative process.

September 27, 1991

Date



Patrick M. Tobin
Deputy Regional Administrator