

Common Application Deficiencies for Domestic Facilities

Undoubtedly, the most common permitting complaint the Department receives regards the length of time from application receipt to permit issuance. In many cases, review of the permitting process reveals that significant delays are due to incomplete or inaccurate applications.

The Municipal and Private Facilities Branch of the Environmental Permits Division is responsible for the issuance, reissuance, and modification of National Pollutant Discharge Elimination System (NPDES) permits for projects which have domestic wastewater. Domestic waste water includes wastewater from restrooms, sinks, and showers from privately owned facilities such as subdivisions, mobile home parks, apartments, restaurants, churches, day cares, casinos, and from publicly owned facilities such as schools, parks, governmental offices and rest areas. An NPDES permit allows the discharge of treated wastewater into suitable waters of the State. Suitable waters may include a drainage ditch, intermittent stream, or flowing stream.

A Short Form D application for an NPDES permit is required to be submitted to the Department for all proposed domestic facility discharges into waters of the state and for reissuance and modification of existing permits. It is imperative that applications be completed accurately on-time. The most significant and common problem or deficiency is the timeliness of submittal of the application. State regulations require that an application for a new discharge be submitted at least 180 days prior to the time that the discharge is to begin. Existing facilities desiring reissuance of their permit must submit a new application at least 180 days prior to the expiration date of the existing permit.

For a new proposed discharge, time is needed to determine the suitability of the proposed receiving stream and to ensure that siting criteria and possible connection to an existing system requirements have been met. The supplemental information sheet requesting location information and directions, included with the application, should be submitted along with the application so that a site investigation can be scheduled. Also, other required permits, such as storm water and wetlands, must be identified and addressed. In addition, if comments are received during the public notice for the issuance of a permit or a public hearing is requested, the permitting process will be extended. Therefore, it is essential that the person proposing a new project consider the timeframe for obtaining a permit in order to avoid delays in the development of the project.

Timeliness in the submittal of an application for reissuance of an existing permit is also important. Though the Department typically will send reminder of re-application letters to permit holders, it is the responsibility of the permit holder to ensure that his application is submitted timely even if no reminder is received. If the applicant submits a timely and complete application, and the Permit Board, through no fault of the applicant, fails to reissue the permit and/or to act on the application on or before the expiration date of the existing permit, the existing permit shall remain in effect until final action on the permit and/or application is taken by the Permit Board. However, if the facility fails to submit a timely application, and the permit expires then the facility technically is discharging without a permit, a significant violation, and exposes the facility to possible enforcement action or third party litigation.

Assuming that permit requirements will not change at reissuance of an existing permit is a incorrect assumption. In order for the Permit Board to consider reissuance of a permit, they must review a list of factors, including, the compliance history of the facility and whether there are any new issues concerning the receiving stream relating to impairment or Total

Maximum Daily Loads (TMDLs) or regulation changes which would change the previous effluent limitations in the permit.

Other common deficiencies in the completion of the application which may cause delays in the processing of the application are as follows:

- Failure to give the mailing address of the owner and the physical location of the treatment facility.
- Providing an inaccurate design flow: If there are no proposed expansions of the treatment facility, then the design flow should be the same as the flow limit in the existing permit or the flow limit on the Discharge Monitoring Reporting Form. Design flow is not the current flow. This is reported under the column “Sanitary, daily average”.
- Inaccurate receiving stream listed for the discharge This is the immediate discharge point and the first named stream that the discharge reaches. For example, if the facility discharges into a drainage ditch which eventually connects to the Leaf River then the receiving stream on the application should be reported as “drainage ditch thence into Leaf River”.
- Improper Signatory- For most facilities the proper signatory is the owner. If a facility is owned by a corporation, then a principal of the corporation must sign. A major public official would sign for public facilities. The engineer, contractor, or operator for a facility cannot sign the application.
- Failure to transfer permit to new owners - If a permit holder sells his facility to someone, he must request that the permit be transferred to the new owners. Requests for transfer may be made by completing and submitting the transfer form to our office prior to the expiration date. If a facility expires prior to the request for a transfer then no permit exists to transfer.

It is well worth your time to be sure that your application for a permit is submitted accurately and on time. Such an application may reduce the processing time significantly.
