



WATER BUREAU *POLICY AND PROCEDURES*

NUMBER: WD-03-26
SUBJECT: PERMIT STATUS PROCEDURE
EFFECTIVE DATE: APRIL 22, 2005

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ISSUE:

The purpose of this document is to provide guidance to Department of Environmental Quality (DEQ), Water Bureau (WB), staff regarding certain jurisdictional issues relating to Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). It is the goal of the WB that decisions made by staff regarding the use of this document be legally correct and consistent, and complement the requirements of the federal Clean Water Act (CWA).

This guidance is intended to clarify certain provisions of Part 31 of the NREPA and provide information to encourage consistent administration of these provisions by WB staff. It is not intended to modify the provisions of Part 31, and should there be any apparent inconsistency between this guidance and statutory and administrative rule requirements, the language in the statute and rules should obviously guide staff decisions.

This procedure addresses issues and terminology associated with existing National Pollutant Discharge Elimination System (NPDES) (storm water and non-storm water) and groundwater permits. These permits are issued for a maximum time period of five years. At the end of the permit term, the permit expires. The permit may be reissued if timely application has been made by the permittee. Timely application is defined in the permits as 180 days prior to the permit expiration date, but may be extended up until the date of permit expiration, per Rule 323.2189(2)(c), which incorporates Title 40 of the Code of Federal Regulations, Section 122.21(d) (2000), Duty to Reapply, by reference. If timely application has been made, the expired permit continues in effect until the permit is reissued or revoked by the DEQ.

If timely application for reissuance was NOT made by the permit expiration date, the permit expires and is no longer in effect. In this case, the Permits Section will send a letter to the permittee with notification that the permit has expired and that there is no authority to discharge to waters of the state after the expiration date of the permit. The Permits Section will also make sure the status in the NPDES Management System (NMS) is shown correctly as "expired" for these permits. These permittees will be a priority for a follow-up visit by district staff. These permits will be tracked as expired permits in NMS until either a determination is made by the district staff that a discharge authorization is no longer needed or the permit is reissued.

DEFINITIONS:

The following definitions will be used by the WB for NPDES and groundwater permits. These definitions follow the organization in NMS for "Permit Status."

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Permit Status

Expired: A permit that is no longer in effect. This could be because the expiration date has passed without an application being made for reissuance. These permits do not need any action by DEQ for them to expire. An expired permit where the facility has been inspected by district staff and determined to not need a permit will be tracked under this status as a closed facility.

Extended: A permit that has passed the expiration date but is still in effect. This could be because the permittee applied for reissuance of the permit prior to the expiration date of the permit.

In Effect: A permit that is in effect and has not passed the expiration date in the permit.

Issued (not yet in effect): A permit that has been issued but has not yet reached the effective date for the permit.

Pending: A permit that is being developed for issuance.

Retired: A requested permit action that was not completed, as in withdrawn applications or modification requests, or a permit version that has been modified.

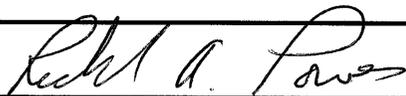
Revoked: The working definition in the WB for Revocations will include only those permit revocation actions when the permittee is not in agreement with the DEQ revoking the permit.

Stayed: A permit that was issued but is not in effect because of an ongoing legal proceeding, which is usually a Contested Case Hearing. The WB will determine which permits are stayed, and the Permits Section will make sure NMS is consistent with the determination.

Superseded: A permit that has been replaced by another issued permit for the facility.

Terminated: This is where the permittee agrees, in writing, to termination of their permit by the DEQ prior to permit expiration.

APPROVED: _____


Richard A. Powers, Chief
Water Bureau

DATE: 4/22/05