

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE**

TABLE OF CONTENTS	
Topic	Sections
<u>Overview: Purpose, Authorities, Terms, and Responsibilities</u>	3.1 What is the purpose of this chapter? 3.2 What is the Service's policy on the Clean Water Act (CWA)? 3.3 What is the scope of this chapter? 3.4 What are the authorities for this chapter? 3.5 Who is responsible for ensuring Service compliance with the CWA? 3.6 What terms do you need to know to understand this chapter?
<u>Implementation of the CWA</u>	3.7 What is the objective of the CWA? 3.8 Who implements the CWA? 3.9 What do Project Leaders/Facility Managers need to know about the National Pollution Discharge Elimination System (NPDES)?
<u>Managing Petroleum Products</u>	3.10 What are the requirements under the CWA for managing petroleum products and spills?
<u>Other Requirements</u>	3.11 What is the dredge and fill permit program? 3.12 What is the marine sanitation device standard? 3.13 What are the standards that apply to vehicle wash racks?

OVERVIEW

3.1 What is the purpose of this chapter? This chapter provides guidance to employees to ensure that the U.S. Fish and Wildlife Service (Service) complies with the Federal Water Pollution Control Act, also known as the Clean Water Act.

3.2 What is the Service's policy on the Clean Water Act (CWA)? It is our policy to:

- A. Protect and restore the chemical, physical, and biological quality of the Nation's water resources;
- B. Promote the conservation of fish and wildlife resources;
- C. Protect the public health, welfare, environment, and productive capacity of the population; and
- D. Comply with all applicable Federal, State, interstate, tribal, and local regulations.

3.3 What is the scope of this chapter?

- A. This chapter applies to all Service-owned or operated facilities, including quarters, vessels, and vehicles.
- B. To further protect our trust resources and minimize our responsibility or liability for discharges to waters of the United States that we did not cause, employees must include the general provisions of this chapter in the terms of special use permits, leases, and concession agreements that could involve a release or discharge to U.S. waters (e.g., concessionaires and special use permit holders who operate regulated petroleum storage tanks must provide us with a copy of their certified Spill Prevention, Control, and Countermeasures (SPCC) plan).

3.4 What are the authorities for this chapter?

- A. Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.* (also known as the CWA)).

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE**

Pollution Control and Environmental Compliance

Part 561 Compliance Requirements

Chapter 3 Clean Water Act

561 FW 3

B. U.S. Environmental Protection Agency (EPA) Regulations, Water Programs:

- (1) Discharge of Oil (40 CFR 110).
- (2) Oil Pollution Prevention (40 CFR 112).
- (3) Designation of Hazardous Substances (40 CFR 116).
- (4) Determination of Reportable Quantities for Hazardous Substances (40 CFR 117).
- (5) The National Pollutant Discharge Elimination System (40 CFR 122).
- (6) Criteria and Standards for the National Pollutant Discharge Elimination System (40 CFR 125).
- (7) Toxic Pollutant Effluent Standards (40 CFR 129).
- (8) Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR 136).
- (9) Marine Sanitation Device Standard (40 CFR 140).
- (10) Underground Injection Control Program (40 CFR 144).
- (11) Final National Pollutant Discharge Elimination System Pesticide General Permit for Point Source Discharges from the Application of Pesticides (76 FR 68750).

3.5 Who is responsible for ensuring Service compliance with the CWA?

Table 3-1: Responsibilities for administering the CWA program	
These officials...	Are responsible for...
A. The Director	Approving policy for the CWA management program.
B. The Assistant Director - Business Management and Operations	Ensuring that the Service appropriately and effectively implements the CWA.
C. Regional Directors	(1) Ensuring that the facilities in their respective Regions fully implement the requirements of the CWA, including Federal, State, tribal, and local regulations and requirements; and (2) Identifying funding requirements necessary for compliance.
D. The Chief, Division of Engineering (DEN)	(1) Developing policy for CWA compliance; (2) Providing guidance and technical assistance to the Regional Engineers/Regional Environmental Compliance Coordinators to ensure they meet the requirements of the CWA regulations; and (3) Anticipating and evaluating the effects of new and proposed regulations on our facilities and the requirements to keep them in compliance.

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE**

Pollution Control and Environmental Compliance

Part 561 Compliance Requirements

Chapter 3 Clean Water Act

561 FW 3

Table 3-1: Responsibilities for administering the CWA program	
These officials...	Are responsible for...
E. Regional Engineers (RENs) and Regional Environmental Compliance Coordinators (RECCs)	<p>(1) Providing technical assistance to Project Leaders and Facility Managers to ensure that CWA requirements are met;</p> <p>(2) Coordinating and assisting in budgeting, design, and construction contracting for compliance with the CWA, as required;</p> <p>(3) Assisting Project Leaders and Facility Managers to prepare discharge permit applications and SPCC plans for their facilities;</p> <p>(4) Notifying the DEN when a facility is in violation or noncompliant with terms of any discharge permit or SPCC plan; and</p> <p>(5) Assisting Project Leaders/Facility Managers to:</p> <p style="padding-left: 40px;">(a) Return facilities to compliance, and</p> <p style="padding-left: 40px;">(b) Find funding to keep facilities in compliance.</p>
F. Project Leaders and Facility Managers	<p>(1) Maintaining contact and coordinating with appropriate regulatory agencies;</p> <p>(2) Ensuring that all required permits are obtained for their facilities;</p> <p>(3) Complying with Federal, State, tribal, and local requirements under the CWA, including those for SPCC plans;</p> <p>(4) Ensuring that the facility is operated and monitored according to permit requirements and that required reports are submitted on time;</p> <p>(5) Notifying the regulating agency and the REN or RECC when permit conditions are not met or the facility is in violation or noncompliant;</p> <p>(6) Ensuring their facility retains records for as long as required by Federal and State regulations, or a minimum of 3 years;</p> <p>(7) Ensuring that system operators, if any, have been properly trained and, if required, are licensed or certified by the appropriate regulatory agency;</p> <p>(8) Ensuring that required SPCC plans are implemented and maintained, and that any changes to the petroleum product equipment are incorporated into the plans; and</p> <p>(9) Notifying the National Response Center, the Regional Spill Coordinator, and the RECC when a petroleum product spill occurs, as required by 560 FW 3, Reporting Discharges of Hazardous Substances, Oil Discharges, and Contaminated Sites.</p>

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE**

Pollution Control and Environmental Compliance

Part 561 Compliance Requirements

Chapter 3 Clean Water Act

561 FW 3

3.6 What terms do you need to know to understand this chapter?

A. Best Available Technology. The best known control and treatment measures that can be achieved.

B. Discharge of a Pollutant.

(1) An addition of a pollutant or combination of pollutants to waters of the:

(a) United States from a point source, and

(b) Contiguous zone or the ocean from a point source other than a floating craft that is used for transportation.

(2) When used in relation to Section 311 of the CWA, includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but **excludes**:

(a) Discharges in compliance with an NPDES permit issued under Section 402 of the CWA, and

(b) Continuous or anticipated intermittent discharges from a point source identified in a permit or permit application under Section 402 of the CWA, that are the result of relevant operating or treatment systems under that permit.

C. Effluent Limitation. A restriction imposed on quantities, rates, and concentrations of pollutants that are discharged from point sources into waters of the United States, the waters of the contiguous zone, or the ocean.

D. Fecal Coliform Bacteria. Those organisms associated with the intestines of warm-blooded animals that are commonly used to indicate the presence of *Escherichia coli* (E coli) and the potential presence of organisms capable of causing human disease.

E. Marine Sanitation Device. Equipment installed onboard a vessel that is designed to receive, retain, treat, or discharge sewage and the process to treat such sewage.

F. National Pollutant Discharge Elimination System (NPDES). The national program that controls water pollution by regulating point sources that discharge pollutants into waters of the United States.

G. Point Source. Any discernible, confined, and discrete conveyance, including, but not limited to a pipe, ditch, channel, tunnel, conduit, well, stock, concentrated animal feeding operation, landfill leachate collection system, and vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

H. Pollutant. Dredged soil, solid waste, incinerator residue, filter backwash, sewage, sewage sludge, garbage, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended), wrecked or discarded equipment, rock, sand, and industrial, municipal, and agricultural waste discharged into water. It **does not** mean:

(1) Sewage from vessels, or

(2) Water, gas, or other material injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well. If the well is used either to facilitate production or for disposal purposes, the State where the well is located has approval authority for the permit. The State determines if an injection or disposal will result in degradation of water sources.

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE**

Pollution Control and Environmental Compliance

Part 561 Compliance Requirements

Chapter 3 Clean Water Act

561 FW 3

I. Publicly Owned Treatment Works (POTW). A device or system a State or municipality owns and uses to treat (including recycling and reclamation) municipal sewage or industrial wastes of a liquid nature. The term includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

J. Reportable Quantity (RQ). The quantity of a hazardous substance (see 560 FW 3) that, when released to the environment, must be reported to EPA. You can find RQs in [40 CFR 302.4, Table 302.4](#).

K. Toxic Pollutant. A pollutant listed as toxic under Section 307(a)(1) of the CWA, or, in the case of sludge used for disposal practices, any pollutant identified in regulations implementing Section 405(d) of the CWA.

L. Vessel. A type of watercraft used, or capable of being used, for transportation on water.

M. Waters of the United States.

(1) These are waters in and surrounding this country that are:

(a) Currently used, used in the past, or that may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;

(b) Interstate waters, including interstate wetlands;

(c) Other waters, such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds;

(d) Impoundments of water otherwise defined as waters of the United States;

(e) Tributaries of waters identified in subsections (a) through (d) above; and

(f) The territorial sea.

(2) Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA, are not waters of the United States.

N. Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Swamps, marshes, bogs, and similar areas are generally included in the definition of wetlands.

IMPLEMENTATION OF THE CWA

3.7 What is the objective of the CWA? The objective of the CWA is to restore and maintain the chemical, physical, and biological integrity of U.S. waters. The CWA regulates discharges into surface waters from all types of sources (municipal and industrial point sources and nonpoint sources). To achieve this objective, the CWA establishes the following national goals:

A. Achievement of a level of water quality that provides for the protection and propagation of fish, shellfish, and wildlife and for recreation in and on the water;

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE**

Pollution Control and Environmental Compliance

Part 561 Compliance Requirements

Chapter 3 Clean Water Act

561 FW 3

- B. Elimination of the discharge of pollutants into navigable waters;
- C. Prohibition of the discharge of toxic pollutants in toxic amounts;
- D. Construction of POTWs with financial assistance;
- E. Establishment of waste treatment management plans within each State;
- F. Establishment of technology to eliminate the discharge of pollutants into the navigable waters, waters of the contiguous zone, and the oceans; and
- G. Development and implementation of programs for the control of nonpoint sources of pollution.

3.8 Who implements the CWA? The CWA is a Federal and State program that prohibits discharges of pollutants except in compliance with the Act's permit requirements, effluent limitations, and other provisions. EPA often delegates the authority to administer NPDES permits for discharges to the State. Many States also have sewage treatment plant operator licensing and certification programs. Local entities may also have enforceable wastewater discharge limitations that regulate discharges to a POTW, such as those from a laboratory or vehicle washing facility.

A. The CWA and State-adopted water quality control laws require the States to establish and maintain water quality standards. A water quality standard is a numerical limit established for parameters, such as dissolved oxygen, pH, and turbidity, which is a suitable value for protecting the use of a particular water segment. A standard consists primarily of a numerical limit and may include a definition of how that limit must be measured.

B. All point sources must meet discharge standards and may require treatment to meet effluent limitations. Water quality standards are translated into effluent limitations through permit conditions for each point source.

3.9 What do Project Leaders/Facility Managers need to know about NPDES? NPDES is a program with requirements for obtaining permits for discharging pollutants to surface waters. Discharge of pollutants without a permit is prohibited. The permit program provides the issuing authority information concerning the discharger's activities and advises the discharger what is permissible. The NPDES permit establishes levels of performance the discharger must maintain, and it requires the discharger to report failures to meet those levels to the appropriate regulatory agency. The effectiveness of the permit program in assuring compliance with applicable effluent limitations, water quality standards, pretreatment standards, and other requirements depends on the effectiveness of monitoring and data maintenance. These requirements are included in Section 308 of the CWA.

A. Permit Standards and Requirements. If a facility (or a concessionaire, etc.) has an NPDES permit to discharge pollutants into waters of the United States, then the Project Leader/Facility Manager must be aware of the following standards and requirements:

- (1) The enforcing authority (EPA or the State) has the right to enter the premises of the discharger at any reasonable time, inspect the records, and take test samples.
- (2) All data obtained under Section 308 of the CWA must be open to the public, except to protect trade secrets.
- (3) The discharger must report the results of monitoring (as governed by the terms of the permit) to the issuing authority.

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE**

Pollution Control and Environmental Compliance

Part 561 Compliance Requirements

Chapter 3 Clean Water Act

561 FW 3

(4) NPDES permits require extensive waste stream analysis, cataloging of chemicals in the waste stream, and imposition of controls on the discharge of these chemicals. Analytical testing must be done in accordance with State- or EPA-approved procedures as required in 40 CFR 136.3.

(5) NPDES permits may be valid for terms up to 5 years. They may be revoked or modified for cause. To renew a permit, the facility must file an application at least 180 days prior to the existing permit's expiration date. We strongly recommend that Project Leaders/Facility Managers give themselves enough time to file earlier than the deadline.

(6) If a Service facility is discharging stormwater associated with an industrial or construction activity that disturbs one or more acres or smaller sites that are part of a larger common plan of development or sale, they must apply for an individual NPDES permit or seek coverage under a Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activities or the Construction General Permit (CGP) for construction activities under 40 CFR 122.26(c), or the State's equivalent.

(7) Project Leaders/Facility Managers must get an NPDES Pesticide General Permit, or State-equivalent permit to apply biological pesticides or chemical pesticides on waters of the United States.

(8) An NPDES permit is required for the following aquatic activities:

(a) Discharges into an aquaculture project (an area used to maintain or produce harvestable freshwater estuarine or marine plants or animals), and

(b) Discharges into a concentrated aquatic animal production facility if the facility meets the following conditions:

(i) Produces more than 9,090 harvest weight kilograms (about 20,000 pounds) of cold water fish (e.g., trout, salmon, etc.), or

(ii) Produces more than 45,454 harvest weight kilograms (about 100,000 pounds) of warm water fish (e.g., catfish, sunfish, minnows, etc.).

(9) An NPDES permit is required for the following activities associated with vessels:

(a) Large (>79ft) non-recreational vessels require a Vessel General Permit (VGP) for discharges into waters of the United States that occur during the normal vessel operation (e.g., bilge water, gray water, ballast water, fish hold effluent, deck washdown, etc.).

(b) Small (<79ft) non-recreational vessels require a Small Vessel General Permit (sVGP) for discharges into waters of the United States incidental to their normal operation.

(10) Any discharge above permit or regulatory limits must be reported to the regulatory agency within 24 hours. The RECC must be notified as soon as possible.

B. Discharge of Toxic Pollutants. The discharge of most toxic pollutants is regulated under the best available technology effluent limitations guidelines, new source performance standards, and pretreatment standards under Section 307(a) of the CWA.

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE**

Pollution Control and Environmental Compliance

Part 561 Compliance Requirements

Chapter 3 Clean Water Act

561 FW 3

MANAGING PETROLEUM PRODUCTS

3.10 What are the requirements under the CWA for managing petroleum products and spills?

A. Spill Prevention. Project Leaders/Facility Managers must maintain and implement an SPCC plan if their facility has the capacity and is likely to store oil products in containers greater than or equal to 55 gallons and with a total aboveground storage capacity greater than 1,320 gallons, or an underground storage capacity of more than 42,000 gallons.

(1) The SPCC plan must be written as required in 40 CFR 112.7. A petroleum professional, such as a Registered Professional Engineer, the REN, the RECC, or other appropriate Service staff must prepare the plan.

(2) The Project Leader/Facility Manager must keep a complete copy of the SPCC plan on site, review it at least once every 5 years, and document in the plan when the review was completed. Whenever a change occurs, the Project Leader/Facility Manager must amend the plan by noting the change in the plan and signing and dating the notation, or by developing a new plan.

(3) All facility personnel involved with managing and handling oil and hazardous substances must take part in annual site-specific training in spill prevention and response.

(4) All aboveground bulk storage tanks must have a secondary means of containment for the entire contents of the largest single tank, plus sufficient free board to allow for precipitation. The containment system must be big enough to contain oil and prevent a discharge until the oil can be cleaned up.

(5) Appropriate containment or diversionary structures and cleanup equipment that will prevent discharged petroleum products from reaching navigable waters must be readily available at the facility.

(6) A locked valve must be in place for diked areas to control drainage of rainwater when the area is not in active use or attended.

B. Spill Notification.

(1) If a discharge of oil or an RQ amount of a hazardous pollutant occurs in or on the navigable waters of the United States or adjoining shorelines, in or on the waters of the contiguous zone, or into areas that may affect natural resources that the Government owns or manages, the Project Leader/Facility Manager must report it to the National Response Center (NRC) at **800-424-8802**.

(2) In addition to notifying the NRC, the Project Leader/Facility Manager must also notify the Regional Spill Coordinator and the RECC as soon as possible (see spill notification details in 560 FW 3, Reporting Releases of Hazardous Substances, Oil Discharges, and Contaminated Sites).

(3) Severe penalties apply to those responsible for the discharge of oil or a hazardous pollutant in quantities in excess of the RQ if they fail to report it and take appropriate cleanup and remedial action.

OTHER REQUIREMENTS

3.11 What is the dredge and fill permit program?

A. Section 404. Section 404 of the CWA controls dredging activity and the disposal of dredged or fill material into navigable waters. The U.S. Army Corps of Engineers (COE) has the authority to designate

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE**

Pollution Control and Environmental Compliance

Part 561 Compliance Requirements

Chapter 3 Clean Water Act

561 FW 3

disposal areas and issue permits to discharge dredged and fill material. Section 404 authority extends to all waters of the United States, including wetlands, and includes placing dredge or fill material when developing land and building structures. Section 404 permits are subject to the National Environmental Policy Act (NEPA).

B. Permit Program. If authorized by EPA, States establish permit programs for dredge and fill activities in non-navigable waters. A copy of each permit application and each proposed permit must be sent to the EPA and the COE for review and comments.

3.12 What is the marine sanitation device standard? This standard applies only to vessels that the United States owns or operates, and on which a marine sanitation device has been installed.

A. Freshwater Sources. In freshwater lakes, freshwater reservoirs, or other freshwater impoundments, marine sanitation devices certified by the U.S. Coast Guard (USCG) must be designed and operated to prevent the overboard discharge of sewage, treated or untreated, or any waste derived from sewage.

B. Other Waters. In all other waters, USCG-certified marine sanitation devices must be designed and operated to retain, dispose of, or discharge sewage. If the device discharges sewage, the effluent must not have a fecal coliform bacterial count of greater than 200 per 100 ml nor suspended solids greater than 150 mg/l. The exception to this requirement is if the vessel was equipped with a certified marine sanitation device before January 30, 1978, which is then subject to the limitations of 1,000 per 100 ml with no visible solids, for the life of the device.

C. State Requirements. A State may completely prohibit the discharge of any sewage from vessels, whether treated or not, into some or all of the waters within the State.

3.13 What are the standards that apply to vehicle wash racks?

A. Vehicle wash racks are subject to applicable Federal, State, and local discharge regulations. In some cases, an NPDES permit may be required. Additionally, vehicle wash racks that discharge to the ground or to a well may be regulated as a [Class V Underground Injection Well](#). Before installing or altering a vehicle wash rack, Project Leaders/Facility Managers must consult with their RECC for guidance and assistance.

B. Wash water discharged to the ground surface either evaporates or infiltrates into the groundwater system. In many States, discharge of vehicle wash water to the ground is prohibited. In States that do allow discharge to the ground, State or local permits (as well as pretreatment measures) may be required. Refer to Appendix 1 in the online [U.S. Postal Service Manual on Vehicle Washing](#) for a list of Federal and State discharge regulations.

C. Prevent wash rack discharges from reaching surface water or intakes for drinking water.

D. If possible, recycle all wash rack discharges using either a closed-loop recycling system or a partial water recycling system. These types of systems must be properly maintained. For more information on vehicle washing and recycling systems, read the online [U.S. Postal Service Manual on Vehicle Washing, Chapter 3](#).

/sgd/ Stephen Guertin
DEPUTY DIRECTOR

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POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE

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