

# INACTIVE - ALL ITEMS SUPERSEDED OR OBSOLETE

Schedule Number: N1-412-08-006

All items in this schedule are inactive. Items are either obsolete or have been superseded by newer NARA approved records schedules.

Description:

This schedule is superseded by DAA-0412-2013-0018.

Date Reported: 08/31/2020

# INACTIVE - ALL ITEMS SUPERSEDED OR OBSOLETE



# EPA Records Schedule 205

**Status:** Final, 12/31/2012

**Title:** Permit Files

**Program:** All Programs, with exceptions

**Applicability:** Agency-wide

**Function:** 204-079 - Permits and Licensing

## **NARA Disposal Authority:**

This schedule authorizes the disposition of the record copy in any media (media neutral), excluding any records already in electronic form. Records designated for permanent retention must be transferred to the National Archives in accordance with NARA standards at the time of transfer.

- N1-412-08-6

## **Description:**

Contains records used in the issuance or denial of a permit issued by EPA offices or authorized states, federal facilities, interstate or local agencies. Includes draft and final permits, major and minor permits, permit modifications, general, special, emergency, research, interim permits, and others. Consists of the notification form, permit applications, background and supporting documentation, public notices, comments and records of public meetings, fact sheets, exception reports, appeals, delistings, correspondence, financial assurance documents, and other related records.

Excludes Resource Conservation and Recovery Act (RCRA) program permits scheduled as EPA 478

## **Disposition Instructions:**

**Item a(1):** UIC, when EPA is the permitting authority and UIC exemptions - Nonelectronic

Includes underground injection control (UIC), when EPA is the permitting authority and UIC exemptions

- **Permanent**
  - Close inactive records when a well has been properly plugged, abandoned and terminated per EPA requirements, or when a permit application has been denied or withdrawn, or when a determination has been made that a permit is not required or if the permit has been issued and not acted upon by the company within one year
  - Transfer to the National Archives 30 years after file closure

**Item a(2):** UIC, when EPA is the permitting authority and UIC exemptions - Electronic

Includes underground injection control (UIC), when EPA is the permitting authority and UIC exemptions

- **Permanent**

- Close inactive records when a well has been properly plugged, abandoned and terminated per EPA requirements, or when a permit application has been denied or withdrawn, or when a determination has been made that a permit is not required or if the permit has been issued and not acted upon by the company within one year
- Transfer to the National Archives 5 years after file closure, with any related documentation and external finding aids, as specified in 36 CFR 1235 44-1235 50 or standards applicable at the time

**Item a(3):** UIC, when EPA is the permitting authority and UIC exemptions - Electronic copy of records transferred to the National Archives

Includes underground injection control (UIC), when EPA is the permitting authority and UIC exemptions

- **Disposable**

- Close file upon transfer to the National Archives
- Delete after electronic record copy is successfully transferred to the National Archives

**Item b:** NPDES minor permits

Includes national pollutant discharge elimination system (NPDES) minor permits

- **Disposable**

- Close inactive records when no longer needed
- Destroy 10 years after file closure

**Item c:** All others, excluding those covered in items a, b and d

Includes UIC (except when EPA is permitting authority and UIC exemptions), NPDES (except minors), pretreatment, sewage treatment, ocean dumping, new source review (NSR) (including prevention of significant deterioration (PSD)), nonattainment NSR, and minor NSR), and Toxic Substances Control Act (TSCA) polychlorinated biphenyls (PCB) disposal

- **Disposable**

- Close inactive records at permit renewal or termination (revocation or expiration) or at end of calendar year
- Destroy 10 years after file closure

**Item d:** Dredging and fill

- **Disposable**
- Close inactive records at permit renewal or termination (revocation or expiration) or at end of calendar year
- Destroy 5 years after file closure

**Guidance:**

This schedule applies to all programs except RCRA and Clean Water Act (CWA) Section 404 RCRA program permits are scheduled as EPA 478 See EPA 514 for CWA Section 404

If authorized states maintain disposable records for retention periods identified above, the program office may decide to review the records in the state offices rather than maintain copies in regional offices and destroy the copies it receives If recordkeeping requirements (e.g., what records to keep and how long to keep them) for authorized states are not covered in EPA's regulations, they should be established in a memorandum of understanding

Draft permits may be destroyed after approval of final permit

Land ban petitions and exemptions in the UIC program and monitoring reports for UIC Class I permits covered in item a are subject to the same retention as the permits

Notification forms that have been withdrawn or canceled prior to issuance of a permit are subject to the same retention as the permits

Program office may retain permit files in the office if a permit is likely to become a compliance or enforcement issue For example, PSD files on sources that have been closed or that have not emitted pollution for a period of 5 years may be retained if the potential for air pollutant emissions has not been eliminated, i.e., process equipment for facilities has not been dismantled or removed from the site

If permit administrative records are maintained separately, they are covered by EPA 210, if they are maintained in the permit files, they are covered by this schedule

EPA 207 covers enforcement actions and EPA 211 covers compliance files See EPA 419 for the Permit Compliance System, and EPA 432 for the UIC Program Summary System. State oversight files are covered in EPA 203.

Specific legal citations include, but are not limited to

- Clean Water Act, as amended, 33 U.S.C. Sections 1251 et seq
- Clean Air Act, as amended, 42 U.S.C. Sections 7401 et seq
- Safe Drinking Water, as amended, 42 U.S.C. Sections 300f et seq
- Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq
- 40 CFR 52.21, 122, 124, 144, 220, 233, 401, 761

Records containing sensitive information must be shredded or otherwise definitely destroyed to protect confidentiality

Previous schedule items combined into this schedule were for the following programs Federal

Activities, Water, Air and Hazardous Waste, Regional Administrator and Staff, and Enforcement  
Specific item numbers are cited below

**Reasons for Disposition:**

Retention for section 404 dredging and fill has been moved to item d and the retention changed from 10 years to 5 years. The U S Corps of Engineers and states are the permitting authorities for the proposed disposal of dredged material. The proposed retention meets EPA's business needs

The following change was made in the 12/31/2012 version

- Revised the title of item d to exclude Section 404 dredging and fill records, which are covered by EPA 203 for permit reviews, jurisdictional determinations and 401 certifications, and EPA 204 for 404(c) actions, policy documents, mitigation bank, and in-lieu fee records

The following changes were made in the 01/31/2008 version

- Divided item a into three subitems, a(1)-(3)
- Revised the titles of disposition items a(1)-(3)
- Revised the disposition instruction for item a(3)

The titles for the disposition items were shortened in the 02/08/2007 version

The disposition instructions have been rewritten as media neutral to allow for maintaining the record copy in EPA's electronic recordkeeping system. Except for item d, section 404 dredging and fill, as stated above, the retention is unchanged

The following items were deleted 08/17/2006:

Item d for copies on optical disk and CD-ROM was deleted as nonrecords

Item e for electronic copies created with word processing and electronic mail applications was deleted pursuant to NARA Bulletin 2006-04

**Custodians:**

Multiple units

**Related Schedules:**

EPA 203, EPA 204, EPA 207, EPA 210, EPA 211, EPA 419, EPA 432, EPA 478, EPA 514

**Previous NARA Disposal Authority:**

NC1-412-76-1/I/15, NC1-412-76-1/IV/1, NC1-412-83-4/32, NC1-412-84-1/7, NC1-412-85-17/22a and b, NC1-412-85-18/28, NC1-412-85-19/11 and 13, NC1-412-85-20/1, N1-412-95-7/1

**Entry:** 02/20/1992

**EPA Approval:** 11/19/2007

**NARA Approval:** 01/14/2010