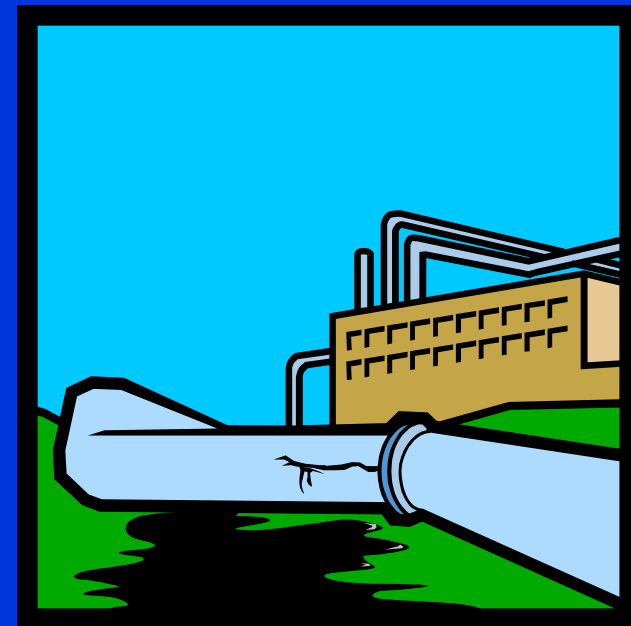
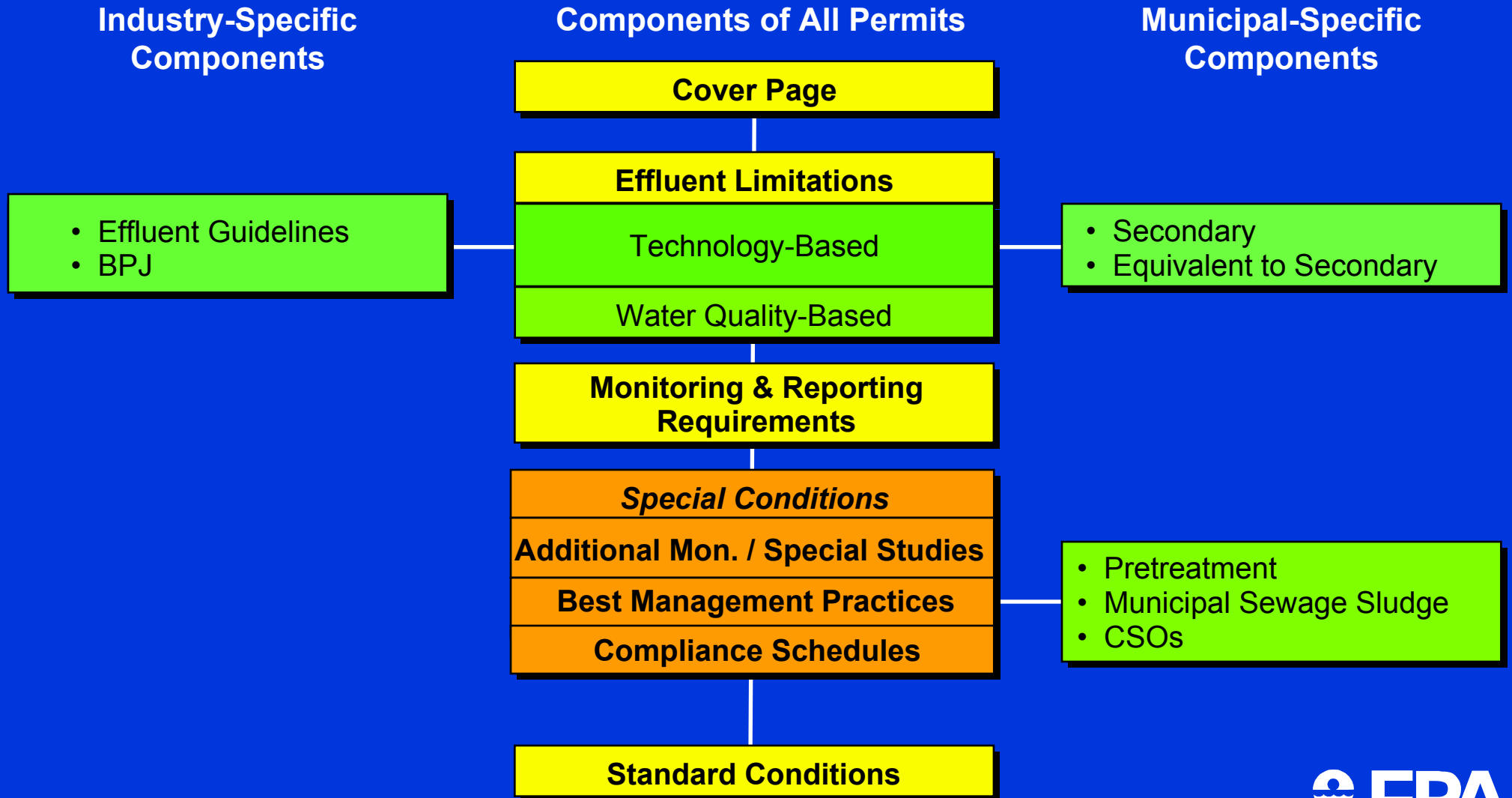


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# Special Conditions



# Permit Components



# Special Conditions are Used in NPDES Permits to...

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- ◆ Address unique situations
- ◆ Incorporate preventive requirements
- ◆ Incorporate compliance schedules
- ◆ Incorporate other NPDES programmatic requirements (e.g., pretreatment, sewage sludge)

# Types of Special Conditions

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- ◆ **Additional monitoring/special studies**
- ◆ **Best management practices (BMPs)/pollution prevention**
- ◆ **Compliance schedules**

# Additional Monitoring/Special Studies

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- ◆ **Used to supplement effluent limitations**
- ◆ **May be used to collect data for future limitation development**
- ◆ **Examples:**
  - **Dilution studies**
  - **Sediment samples**
  - **Bioconcentration studies**
  - **Ambient Monitoring**
  - **Toxicity Reduction Evaluations (TREs)**

# Special Studies Example – Toxicity Reduction Evaluations (TREs)

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- ◆ **What is a TRE?**

**A set of procedures for investigating the causes and identifying corrective actions for effluent toxicity problems**

# Toxicity Reduction Evaluations (Continued)

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## ◆ How are TREs performed?



**Site-specific study designed to:**

- Identify the causative agents of effluent toxicity
- Isolate the sources of the toxicity
- Evaluate the effectiveness of toxicity control options
- Confirm the reduction in effluent toxicity

# Requiring a TRE through Special Conditions

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- ◆ A special condition may require initiation of a TRE when the results of whole effluent toxicity tests exceed either:
  - WET limitations or
  - WET “trigger values”
- ◆ TRE requirements supplement WET limitations or requirements by providing a way to identify the cause of toxicity and achieve compliance with WET limitations and water quality standards
- ◆ TRE implementation may lead to information to support future limit development (i.e., when specific toxicants are identified)



# Other Mechanisms for Requiring Additional Monitoring or Special Studies

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- ◆ **CWA Section 308 letter (or equivalent State requirement)**
- ◆ **CWA Section 309 Administrative Order or a Consent Decree (or equivalent State requirement)**

# Definition of Best Management Practices

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**Best management practices (BMPs) mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the U.S.”. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. [40 CFR §122.2]**



# Authority for Best Management Practices

## 40 CFR §122.44(k)

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- ◆ **CWA Section 304(e)**
  - Effluent limitations guidelines
- ◆ **CWA Section 402(p)**
  - Storm water
- ◆ **Numeric effluent limitations infeasible**
- ◆ **Necessary to achieve effluent limitations and standards or to carry out the purposes of the CWA**



# BMPs in NPDES Permits

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- ◆ **BMP plan**
- ◆ **Site-specific BMPs**
  - Facility-specific
  - Pollutant-specific
- ◆ **BMPs should NOT**
  - Substitute for quantitative controls
  - Tell managers how to run their plants
  - Require costly methods

# Recommended Elements of a BMP Plan

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## ◆ Recommended elements

- Name and location of facility
- Statement of BMP policy and objectives
- Review by plant manager
- BMP committee
- Risk identification and assessment
- Reporting of BMP incidents
- Materials compatibility
- Good housekeeping
- Preventive maintenance
- Inspections and records
- Security
- Employee training

# Specific BMPs Are...

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- ◆ Most effectively used in conjunction with effluent limitations in permits
- ◆ Qualitative -- should generally indicate how or what, not how much

# Compliance Schedules

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## ◆ 40 CFR 122.47

- Allows for establishing schedules of compliance with CWA and regulations
- Compliance schedule length
  - Requires compliance “as soon as possible”
  - Cannot exceed CWA deadlines
  - Interim dates if schedule exceeds one year from permit issuance
    - Time between interim dates cannot exceed one year
    - Reporting 14 days following each interim date



# Compliance Schedule Considerations

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- ◆ **Technology-based limitations**
  - Permit writer many not include schedules because compliance deadlines have passed
  
- ◆ **Water quality-based limitations**
  - **Starkist decision**
    - State Regulations (WQS or NPDES) must specify that compliance schedules are allowed
    - WQS must have been adopted or modified since July 1, 1977