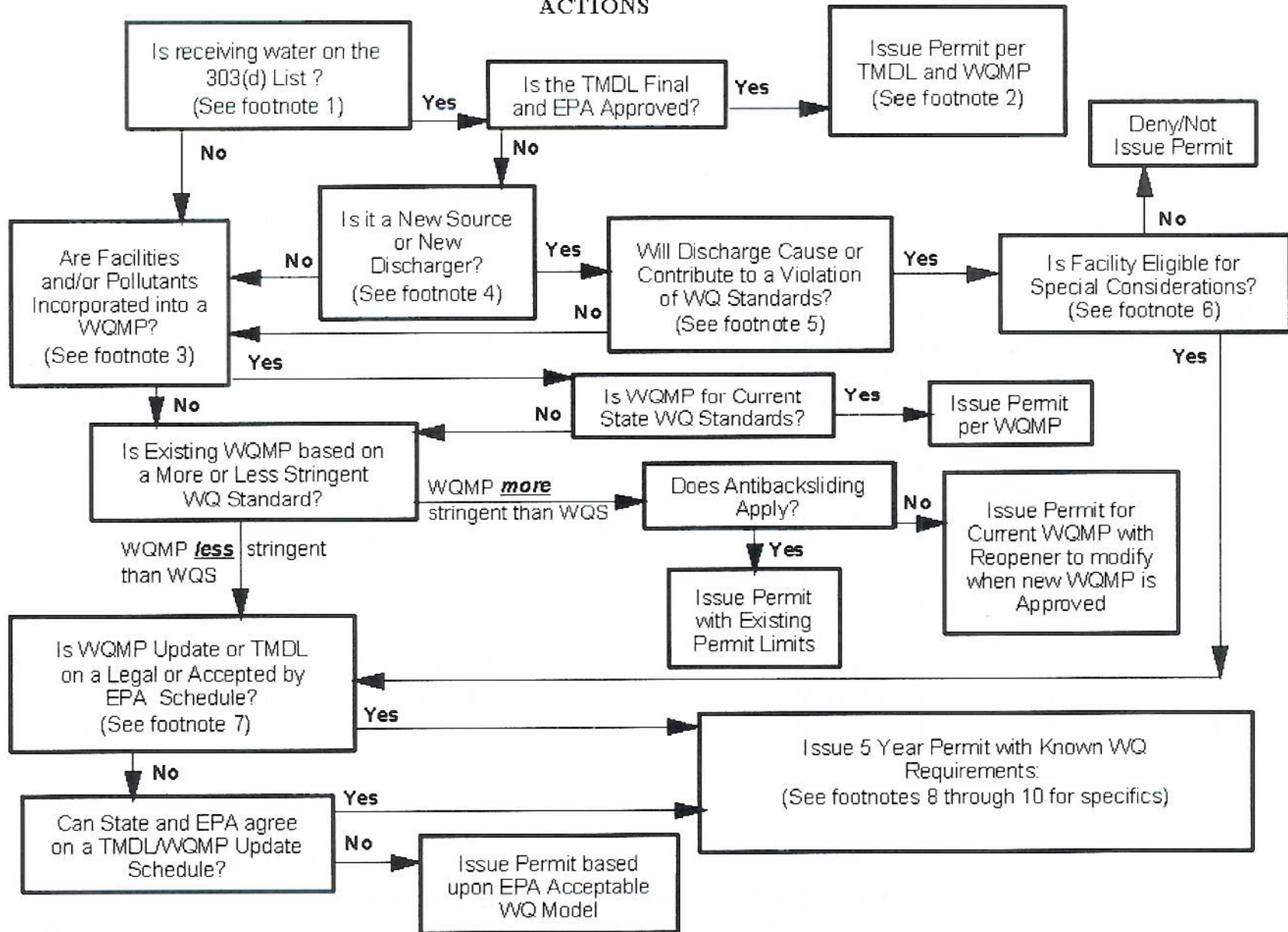


WATER QUALITY ASSESSMENT NPDES PERMIT ISSUANCE ACTIONS

11.8



FLOWCHART FOOTNOTES:

1) Is receiving water on the 303(d) list?

A) The receiving water has been determined by the State to be impaired, but it is not yet listed on the 303(d) list. Until the water is listed, EPA recommends limitations or monitoring, as appropriate. A reopener clause should be included in the permit to allow establishment of limitations for those parameter(s), if warranted, when the receiving water is listed.

B) Where the 303(d) list has a generic listing and does not identify the specific pollutant(s), [e.g., "metals" with no specific metal identified; "nutrients" with no specific indicator(s) identified; "priority organics" with no specific organic chemical(s) identified; "pesticides" with no specific pesticide(s) identified], EPA recommends limits or monitoring and reporting with a reopener clause as a condition of the permit. Where the 303(d) list has a listing for unknown toxicity, EPA recommends Whole Effluent Toxicity (WET) limitations or monitoring, in accordance with the State WQ Implementation Plan. The "generic listing" does not apply to pollutants that may be suites of pollutant mixtures, such as TDS or TSS.

C) When the 303(d) list identifies specific pollutant(s) for an identified receiving water [that part of the body of water or segment that is specified in the 303(d) list], then a limit must be developed in accordance with the WQMP, if the pollutant(s) is/are already incorporated into the WQMP. If the pollutant(s) is/are not incorporated into the WQMP, a limit will be developed in accordance with Footnote 10, unless the facility is a new source or new discharger and they are not eligible for the special considerations listed in Footnote 6.

2) For facilities that discharge the parameter of concern addressed in the final TMDL, the following conditions will apply:

A) Where the TMDL assigns an individual WLA to a specific discharger, permit per the TMDL condition.

B) Where the TMDL does not include a specific WLA for a discharger, the State must revise the WQMP to include the facility.

11.8

WATER QUALITY ASSESSMENT
NPDES PERMIT ISSUANCE ACTIONS (con't)

In General:

- Pollutants with a specific numeric standard can be implemented at the point of discharge (criteria end-of-pipe).
- Narrative/general WQS that cannot be implemented through a point of discharge limit will require additional modeling, etc., as determined acceptable by EPA, to demonstrate compliance with the TMDL.
- Effluent trading, to allow new dischargers or allow expansion of existing discharges, will need to be verifiable and in all affected permits, consistent with EPA policy.
- States may choose to incorporate conditions of the TMDL at reissuance of the permit, or they may reopen the permit to incorporate them. EPA encourages the States to incorporate TMDL's into permits in a timely manner.

3) This could also include State elected TMDLs and WLEs. If the pollutant is not normally included in the WQMP, then issue the permit with an individual WQ screening per WQS Implementation Plan if the discharge is to an unimpaired water, or per Footnotes 9 or 10 if the discharge is to an impaired water.

4) For purposes of this flowchart only, "New Sources" covered under new source performance standards that are not new dischargers may be treated as existing facilities, provided there is no expansion or change in operation (e.g., significant production/discharge increase) from the previously permitted condition.

5) "Cause or contribute" will normally include all discharges of the pollutant of concern, unless the discharge does not exceed the WQS criteria at the point of discharge.

6) "Special considerations" include reallocation of the wasteload, effluent trading, WQS variances, or other options which are demonstrated not to cause or contribute to the violation of WQS.

7) "Legal or accepted by EPA" means court order or other schedule agreed upon by EPA.

8) For facilities (new or existing) not on a 303(d) listed water, conduct an individual WQ screening or waste load evaluation and incorporate the results into a WQMP, as appropriate. This action may be done concurrently with the permit process.

**WATER QUALITY ASSESSMENT
NPDES PERMIT ISSUANCE ACTIONS (con't)**

9) For facilities (new or existing) on a 303(d) listed water that do not discharge the pollutant of concern, conduct an individual WQ screening or wasteload evaluation for other reported parameters on the application, as necessary, and incorporate the results into a WQMP, as appropriate. Industrial facilities (new or existing), whose application for permit issuance/renewal indicates the permittee does not believe their effluent contains the pollutant of concern, may generally be treated the same as facilities with analytical data showing no discharge of the pollutant.

10) For facilities on 303(d) listed waters that discharge the pollutant of concern, Water Quality Based Effluent Limits will be developed, using "known WQ requirements" on identified 303(d) listed parameters, as follows, with a reopener clause in the permit:

- A) For renewing permits, the permit limit must be no less stringent than the WQMP, and must be equal to or less than:
 - The facility's current discharge load or permitted level, or
 - The total assimilative capacity of the receiving water, whichever is more stringent.

- B) Existing facilities that are expanding must have limits equal to or less than:
 - The facility's current discharge load or permitted level, plus WQ criteria at the point of discharge for the expanded flow, or
 - A limit, based on special considerations, such as reallocation of the wasteload, effluent trading, WQS variances, or other options which are demonstrated not to cause or contribute to the violation of WQS.

- C) For new facilities or new sources, the limit must be either:
 - WQ criteria at the point of discharge, or
 - A limit, based on special considerations, such as reallocation of the wasteload, effluent trading, WQS variances, or other options which are demonstrated not to cause or contribute to the violation of WQS.

Note:

For facilities on a 303(d) listed water that is expected to be delisted, and protocols for data collection and EPA approval are demonstrated in the permit Fact Sheet, the permit writer will generally perform a WQ screening or wasteload evaluation, as necessary, and incorporate results into a WQMP.