



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF ENFORCEMENT

MEMORANDUM

SUBJECT: NPDES Permit Issuance for Pulp and Paper Facilities
and the Issuance of Permits with BCT Limitations to
Other Facilities

TO: Regional Enforcement Division Directors
State NPDES Directors

FROM: R. Sarah Compton *Sarah Compton*
Deputy Assistant Administrator
for Water Enforcement and Permits (EN-335)

The primary purpose of this memorandum is to discuss a position we have recently taken on the regulation of the Pulp and Paper Industrial Point Source Category and to examine methods for issuance of permits to facilities in that category. This memorandum also discusses the issuance of permits with Best Conventional Control Technology limitations (BCT) to secondary industry facilities and to facilities in primary industrial categories other than pulp and paper.

A. Pulp and Paper Industry

On February 11, 1981 the American Paper Institute (API) made three requests regarding the proposed regulations implementing effluent limitations guidelines for the Pulp and Paper Industry. One request was for an extension of the comment period on the entire proposal. The second request was for an extension of the comment period on the proposed limitations for conventional pollutants for 60 days after publication of EPA's views on the Council on Wage and Price Stability study of the BCT cost comparison methodology. The final request was for suspension of issuance of NPDES permits with BAT or BCT limitations until promulgation of final guidelines. In its response on March 20, 1981, EPA notified API that it would partially grant each of the requests. A copy of the letter to Michael Farrar of API is attached.

In response to the final request, EPA indicated that until further notice it would refrain from issuing permits containing BCT or BAT limitations based on best professional judgment (BPJ) for the Pulp and Paper Industry, with the exception of facilities for which water quality standards require limitations more stringent than BPT. Permitting would continue for facilities for which the more stringent water quality-based limitations are required.

B. BCT for Secondary Industries and Other Primary Industries

In a recent meeting with the Office of Management and Budget, EPA also expressed its intent to delay issuing BPJ permits with BCT limitations to facilities in secondary industries. The purpose of this suspension of permitting is to allow for resolution of several problems relating to the BCT methodology. Among these problems are a court challenge to the BCT cost test, newly available financial data on the performance of publicly owned treatment works and the Agency response to a critique of the BCT cost methodology by the Council on Wage and Price Stability.

Because the resolution of these problems will affect all BCT permitting, the Office of Water Enforcement and Permits has concluded that the issuance of BPJ permits with BCT limitations to facilities in other primary industries should also be suspended.

C. Recommended Approaches to Permit Issuance

I am therefore requesting that EPA Regional offices not issue any BPJ permits with BCT or BAT limitations to facilities in the Pulp and Paper Industry. I am also requesting that the Regional offices not issue technology-based BPJ permits with BCT limitations to facilities in the secondary industries or in the other primary industrial categories. I am recommending that NPDES States follow a similar approach.

Permitting should continue for all facilities for which more stringent water quality-based limitations for conventional pollutants are required. In addition, BAT permits should continue to be written for those secondary industries for which toxic or nonconventional pollutants are of major concern (e.g., the Fertilizer Industry).

I also recommend that existing permits be extended administratively by the States and Regions for those facilities that do not require stricter water quality-based limitations or BAT limitations for toxic and nonconventional pollutants. For States that do not have authority for administrative extensions, I will issue a memorandum on the June 30, 1981 deadline later this month which will contain proposals for dealing with the problem.

If you have any questions concerning these matters, please telephone me (202/755-0440), Bill Jordan, Chief, NPDES Technical Support Branch, or Tom Lavery of his staff (202/426-7010).

Attachment

cc: Steve Schatzow
Bruce Diamond