


Practical Tips: Preparing For and Negotiating Your Next Permit



MWEA NPDES Permit Compliance Seminar
December 2, 2009

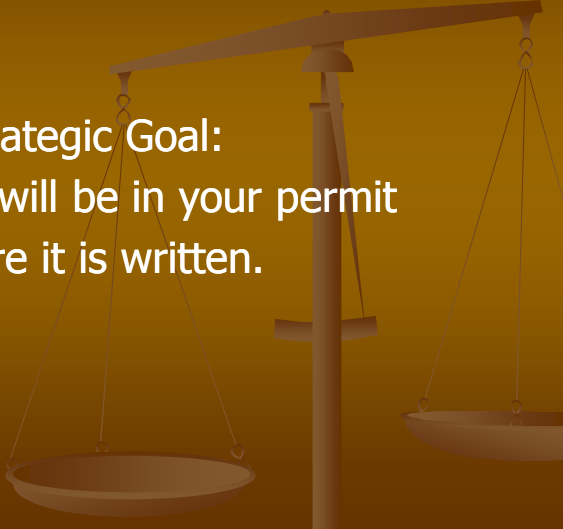
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Permitting Keys

- Planning for the permit application
 - Preparing and submitting the application
 - Negotiating your permit
 - Planning for permit compliance
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Planning For the Permit Application

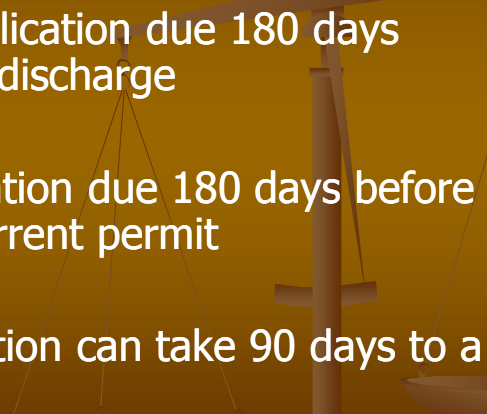
Strategic Goal:
Know what will be in your permit
before it is written.



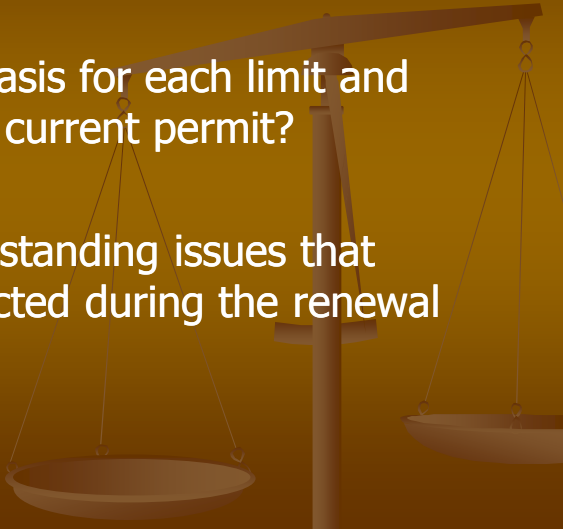
Planning For the Permit Application

- Timing issues
 - Permit forensics
 - Compliance evaluation
 - Changes needed
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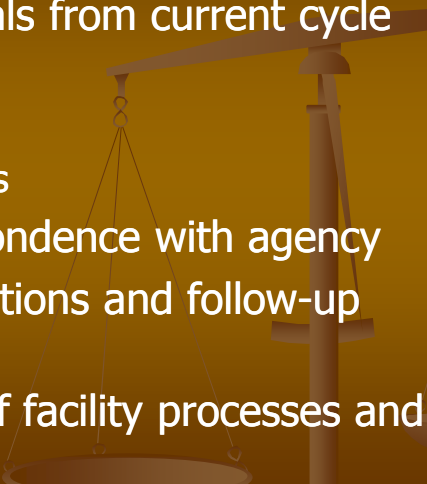
Planning For the Permit Application – Timing Issues

- New permit application due 180 days before planned discharge
 - Renewal application due 180 days before expiration of current permit
 - Permit modification can take 90 days to a year or more
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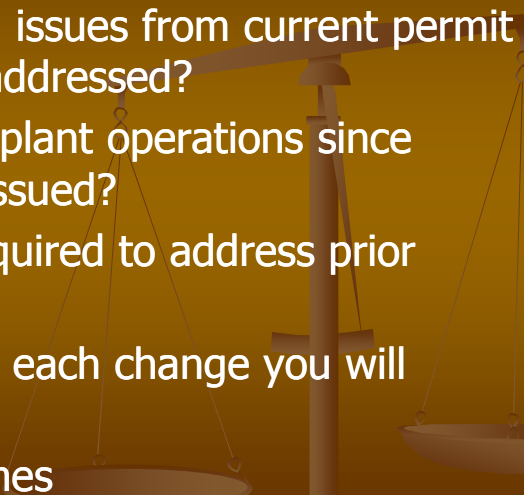
Planning For the Permit Application – Permit Forensics

- What was the basis for each limit and condition in the current permit?
 - Identify any outstanding issues that should be corrected during the renewal process
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Planning For the Permit Application – Compliance Evaluation

- Review submittals from current cycle
 - DMRs
 - Special studies
 - Progress reports
 - Review correspondence with agency
 - Revisit any violations and follow-up requirements
 - Critical review of facility processes and procedures
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Planning For the Permit Application – Changes Needed

- Any outstanding issues from current permit that should be addressed?
 - Any changes to plant operations since current permit issued?
 - Any changes required to address prior violations?
 - Identify goal for each change you will request
 - Prioritize outcomes
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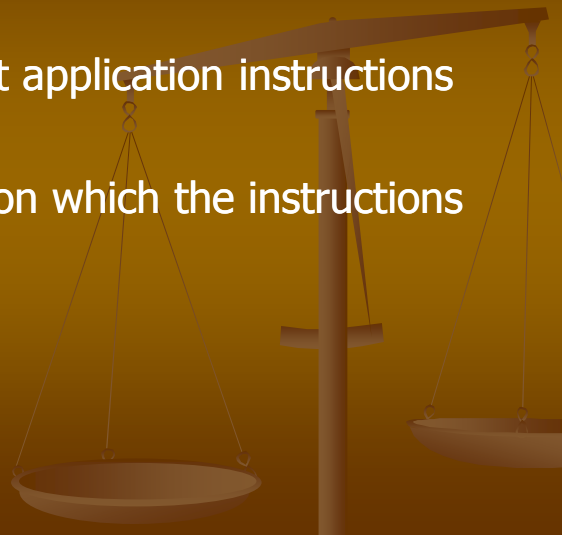
Preparing and Submitting the Application

- Before you write
- Nuts & bolts
- What will your limits be?
- Attachments



Preparing and Submitting the Application – Before You Write

- Read the permit application instructions
- Read the rules on which the instructions are based




Preparing and Submitting the Application – Nuts & Bolts

- Section I – General Information
- Section II – Sanitary Wastewater
 - Facility information
 - WET testing results
 - Effluent characterization
 - Collection system information
 - Nondomestic wastewater and biosolids information
 - Water treatment additives
- Section III – Industrial and Commercial Wastewater
 - Outfall information
 - SIC code(s)
 - Effluent characterization
 - Additives, WET testing, CAFO

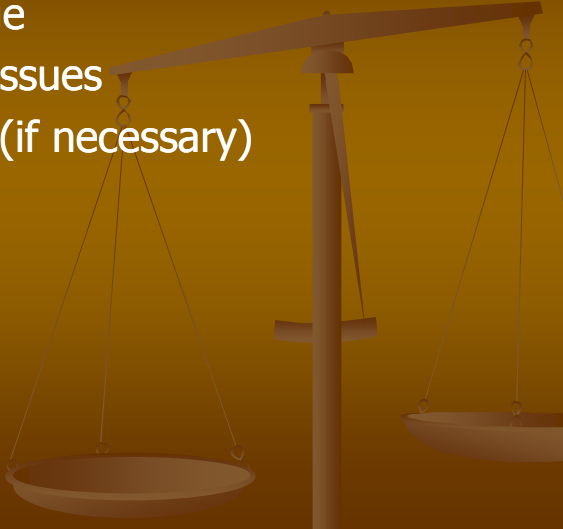
Preparing and Submitting the Application – What Will Your Limits Be?

- Technology-based effluent limits
 - Secondary treatment
 - Best professional judgment?
- Water quality-based effluent limits
 - Water quality standards
 - TMDL?
 - Reasonable potential to exceed

Preparing and Submitting the Application – Attachments

- Antidegradation demonstration (if necessary)
 - Additional information
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Negotiating Your Permit

- Setting the Stage
 - Discussing the Issues
 - Plan for Appeal (if necessary)
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Negotiating Your Permit – Setting the Stage

- Request meeting when application is submitted
 - Follow up to get meeting scheduled
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Negotiating Your Permit – Setting the Stage

- Confirm application technically and administratively complete
 - Make sure the permit writer understands:
 - Permit history
 - Your location and receiving water
 - Your operations—consider a tour
 - Your wastewater management processes
 - Request a pre-public notice draft
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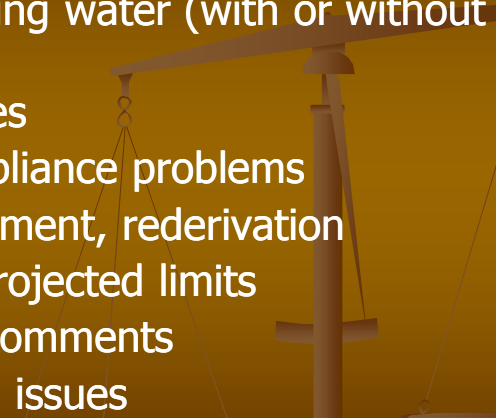
Negotiating Your Permit – Setting the Stage

- Understand the agency's timing issues
 - Priorities
 - New dischargers
 - Modifications
 - Renewals
 - Backlog on renewals?
 - Administrative extensions
 - What if you need a modification?

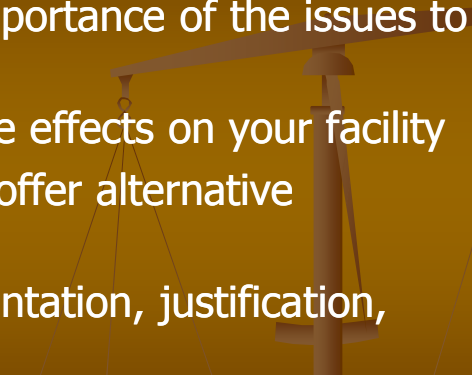
Negotiating Your Permit – Discussing the Issues

- Limits
- Antibacksliding or antidegradation issues
- Monitoring requirements
- Test methods
- Detection and quantification issues
- Reopeners
- Notification requirements
- Bypass
- Upset
- Compliance schedules
- Biomonitoring (WET testing)
- Pretreatment program
- Slug discharge prevention
- Biosolids
- CSOs / SSOs
- Pollutant minimization requirements

Negotiating Your Permit – Discussing the Issues

- Impaired receiving water (with or without TMDL)
 - CSO / SSO issues
 - Significant compliance problems
 - WQBEL development, rederivation
 - Calculation of projected limits
 - Preparation of comments
 - Potential appeal issues
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Negotiating Your Permit – Discussing the Issues

- Demonstrate importance of the issues to your facility
 - Demonstrate the effects on your facility
 - Be prepared to offer alternative approaches
 - Provide documentation, justification, examples
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Negotiating Your Permit – Discussing the Issues

- Try to resolve outstanding issues with agency before public notice draft is issued
- Submit comments during public notice period
- Find out if others are commenting and why
- Attend public hearing
- Consider public education and outreach

Negotiating Your Permit – Plan for Appeal?

- Identify potential appeal issues
 - Errors or misinterpretations of fact
 - Improper application of laws, regulations, or guidance
 - Precedent-setting issues with potential future effects
- Be sure comments address all potential appeal issues

Planning for Permit Compliance

- Understand your permit
- Addressing compliance problems

Planning for Permit Compliance – Understand Your Permit

- Limits
- Compliance schedules
- Monitoring requirements
- Reporting requirements
- Special conditions

Planning for Permit Compliance – Addressing Problems

- Identify problematic limits and conditions
- Consider compliance options
 - Engineering controls
 - Special studies
 - Compliance schedules
 - Variances
 - Use attainability analyses

Questions?

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