

# **PERMITTING AND COMPLIANCE**

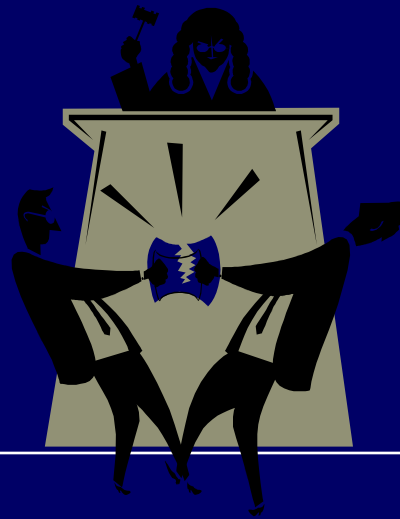
**Wastewater Utility Council  
May 16, 2007**

---

---



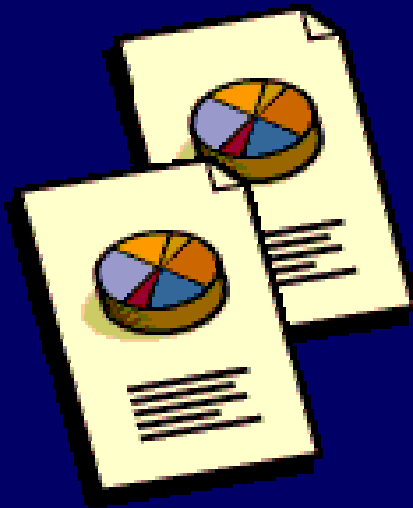
# NEGOTIATING TO COMPLIANCE



---



# INFORMATION TO RATIONALE





## Permitee's Perspective - Permit Cycle

- Know your receiving stream
- Know your treatment facility
- Monitor influent, effluent and stream
- Conduct environ./ engineering studies
- Prepare a permit strategy
- Prepare the application
- Negotiate
- Implement



Do it again,  
until you retire



# Permitee's Perspective - Permit Cycle

Monitor Influent, Effluent, Streams

Conduct Environmental/ Engineering Studies

Develop Permit Strategy

Prepare Application

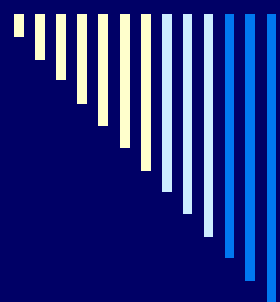
Review stream and plant characteristics

Negotiate

Implement

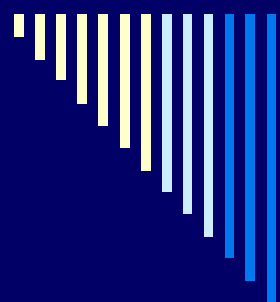
(Years)





# Review Stream Characteristics

- Know in Advance (Ask the State):
  - How is this segment classified?
  - What are the standards for the stream?
  - How are the standards applied to permits?
  - How are the standards used to determine whether a stream segment is impaired?
  - What data do you have from this segment?
  - What flow data do you have?



# Review Stream Characteristics


- Know in Advance (Ask the State)
  - Are there any water quality problems in this watershed that might be controlled through a discharge permit?
  - What kind of data do you think we need?
  - What kind of limits have you been including on other permits discharging to this segment?
  - Where are the monitoring locations?



# Monitor Streams

## □ Uses of stream data

- Flow data can be used to determine dilution.
  - Ammonia, pH and temperature data can be used to determine ammonia limits
  - Nutrients and metals data can be used to determine whether limits are needed for these parameters.
  - All data, including biological data, can be used to evaluate whether a limit or standard should be adjusted.
-



**DO know your stream**

Stream Classifications

Standards

Flow

Chemistry

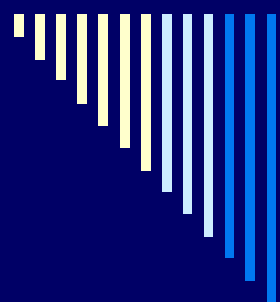
# Do establish a monitoring plan

stream

own site

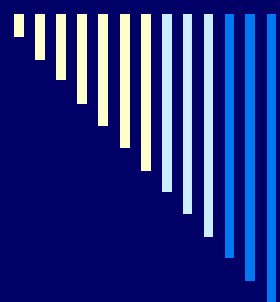
info compliance





# Review Plant Characteristics

- Review plant operations data.
- Will you need to upgrade capacity in the next 5 - 10 years?
- Have you had any compliance problems at the plant?
- Have you had any compliance problems related to the collection system?
- Are you planning to reuse water?



# Review Plant Characteristics

## □ State's Advice

- Clean sampling (especially silver and mercury) may be worth the extra cost
- Carefully evaluate data quality
- Know your industrial connectors and other potential pollutant sources.



---

# Conduct Studies

- Engineering Studies
    - Identify needed plant/capacity upgrades
    - Identify needed I&I controls
    - Negotiate permit and compliance schedule dates.
    - Identify costs.
  
  - Environmental Studies
    - Reaction rates
    - Flow regime
    - Pollutant fate
    - Biological health
-



---

# Develop Permit Strategies

## □ Involve the State

- Request guidance on how reasonable potential will be defined and limits will be calculated.
  - Review potential issues and controversies.
  - Bring the permit writer up-to-date on your commitment to compliance, operational excellence.
  - Bring donuts, sweet rolls and bagels for the permit writer.
-

**Don't be penny wise, pound-foolish**

**Get expert assistance**





**Do consider-**

**Seasonal or monthly limits**

**Tiered or staged limits**

**Compliance schedules**

**Mass based limits**



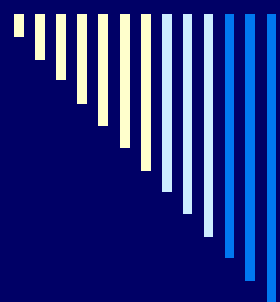
**Don't be cruel**

**Permit writers are human too**

**Do communicate early and often**

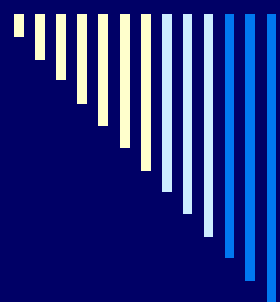
**Do be clear, timely, responsive**

**Do document everything**



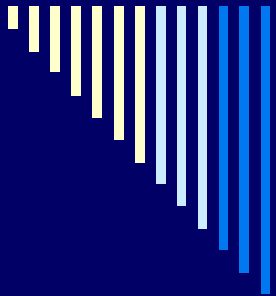
# Tips for Negotiation

- ❑ Question underlying assumptions and their justification
- ❑ Ask about differences among Colorado permits
- ❑ Don't try "shopping around" for the answer you want (especially among states)
- ❑ Ask for data sources
- ❑ Seek regulatory solutions
- ❑ Have your information organized

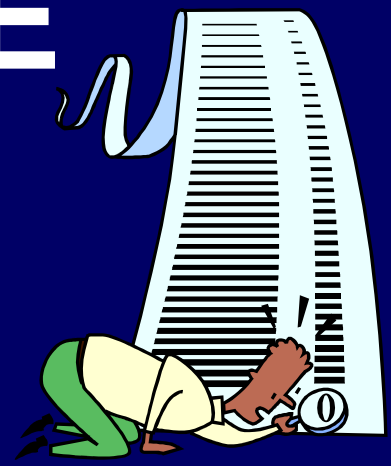


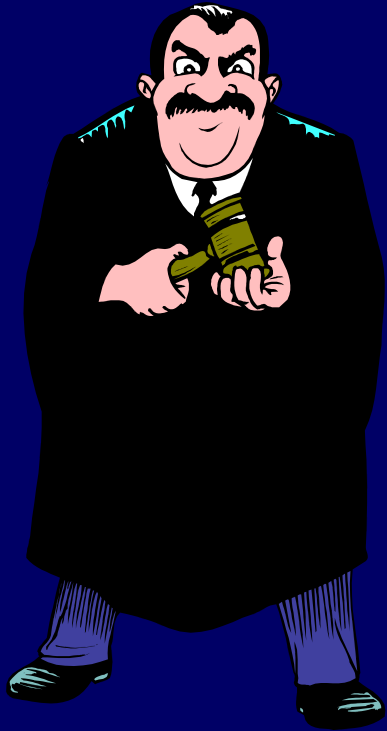
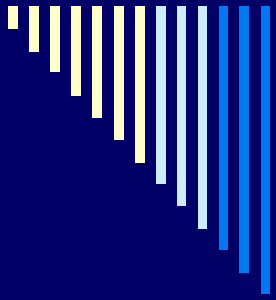
# Keys to Success - Plan Ahead

- No Surprises!
- Start early and often
- Stay late
- Ask questions
- Provide Answers

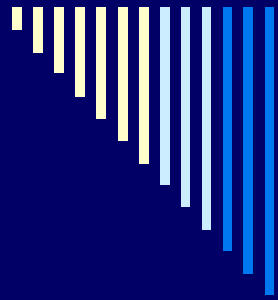


# RATIONALE TO PERMIT





Failure to contest any such effluent limitation, monitoring requirement, or other condition, constitutes consent to the condition by the applicant.



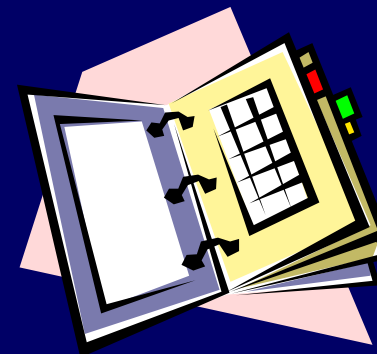
## Part I

- A. Terms and Conditions
- B. Monitoring Requirements
- C. Additional Monitoring Requirements
- D. Reporting

## Part II

- A. Management Requirements and Responsibilities
- B. Additional Conditions

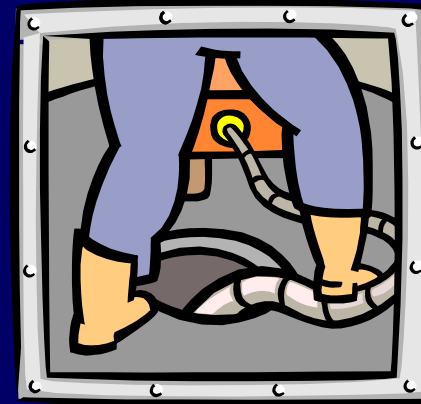
## Part III





# FUNCTIONAL AREAS

- Boiler Plate
- Effluent
- Industrial Pretreatment
- Biosolids
- More Boiler Plate





# READ YOUR PERMIT

1. Read your permit.
2. Read your permit.
3. Read your permit.



Your permit may be different.

Your permit conditions rule.

---



# DMR CERTIFICATION



“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”



---

# PERMIT NON-COMPLIANCE

- ❑ Exceeding Effluent Limitations
  - ❑ Not Meeting Compliance Schedules
  - ❑ Not Reporting
  - ❑ Not Sampling
-



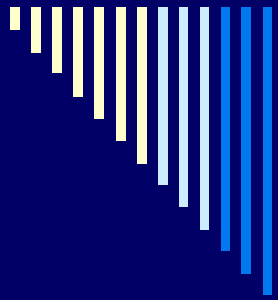
---

# PERMIT NON-COMPLIANCE

- ❑ General Prohibitions
- ❑ No Alternate Discharge Point
- ❑ Permit Violations

Failure to comply with any terms and/or conditions of this permit shall be a violation of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

---



# NOTIFICATIONS

## Exceeding Effluent Limitations

- |   |                |
|---|----------------|
| <input type="checkbox"/> Endanger Human Health      | 24 hrs. verbal |
| <input type="checkbox"/> Endanger Environment       | 24 hrs. verbal |
| <input type="checkbox"/> Bypass, Upset or Spill     | 24 hrs. verbal |
| <input type="checkbox"/> Suspected Toxic Pollutants | 24 hrs. verbal |
| <input type="checkbox"/> Written Report             | 5 days         |
| <input type="checkbox"/> Other                      | with DMR       |



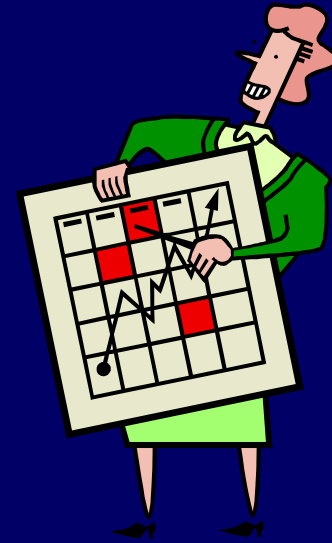
---

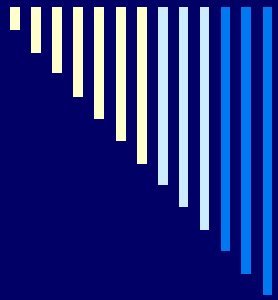
# WRITTEN REPORT

- Description of Discharge
  - Description of Cause
  - Duration
  - Return to Compliance
  - Steps Taken
    - to reduce/eliminate discharge
    - to prevent recurrence
-

# DATA COLLECTION

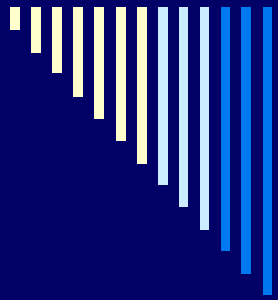
- Stream Data
  - Quality
  - Flow
- Event Specifics
  - Photographs
  - Verification of Discharge
  - Memoranda of Record
- Operating Data
  - Before
  - After
- Know (and record) all you can know





# OTHER NOTIFICATIONS

- ❑ Sludge Treatment : 180 days notice of adding/removing treatment units
- ❑ WET Failure: 21 days from last day of test
- ❑ Capacity: March 31 of the following year when 80% & 95% are exceeded
- ❑ Compliance Schedules: 2 weeks after schedule date
- ❑ Interceptor/lift Station Overflow: 30 days after determining it could happen
- ❑ Planned Bypass: 10 days prior to bypass
- ❑ No further discharge : Prompt notice
- ❑ Deactivation: 30 days



# REPORTS

- Monthly Report w/ DMR 28<sup>th</sup>
- Biosolids Annual Report Feb. 19
- IPT Annual Report March 28
- As required by Division ??????

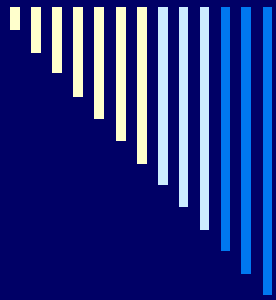


---

# ENFORCEMENT

- Administrative/ civil action
  - Seeks permit compliance
  - You don't want to be here!
- Criminal Action
  - Seeks punitive action
  - You REALLY don't want to be here!
- Third party lawsuit





# ECHO

Enforcement and Compliance History Online

[www.epa.gov/](http://www.epa.gov/)

or

[www.epa.gov](http://www.epa.gov/), site search 'echo'