

Permitting Industrial Users

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The Good Old Days

Upon receipt of permit application fee of \$100 – Your facility is authorized to discharge



EPA Industrial User Permitting Guidance Manual

- 833-R-12-001, September 2012
- Update of the September 1989 manual

Industrial User Permitting Guidance Manual

833R12001
September 2012



United States Environmental Protection Agency
Office of Water



Regulatory Requirements

- POTWs with approved pretreatment programs must control industrial users (IUs) [40 CFR 403.8(f)(1)(iii)]
- Individual permits are required for Significant Industrial Users (SIUs)s [40 CFR 403.8(f)(1)(iii)]
- Permits serve as notification of applicable pretreatment standards and requirements [40 CFR 403.8(f)(2)(iii)]



Control Mechanisms (Permits)



What a control mechanism is:

- Also called a permit
- Single document
- A privilege, not a right

What a control mechanism does:

- Authorizes discharges, with restrictions
- Specifies duties and obligations of the permittee
- Includes all applicable pretreatment standards and requirements
- Establishes legally enforceable terms

Who Receives the Permits?

Required permits:

- Significant Industrial Users (SIUs)
- Categorical Industrial Users (CIUs)
- Other

Optional permits:

- Nonsignificant IUs
- Nonsignificant CIUs
- Waste haulers
- Groundwater remediation sites



Significant Industrial Users (SIUs)

- Defined at 40 CFR 403.3(v)(1)
- Significant Categorical Industrial Users (CIUs)
- IU that:
 - Discharges $\geq 25,000$ gpd of process wastewater
 - Contributes $\geq 5\%$ of the hydraulic or organic loading
 - Has the potential to adversely impact the POTW

Categorical Industrial Users (CIUs)

- Significant CIUs [40 CFR 403.6]
- NSCIUs [40 CFR 403.3(v)(2)]
 - Discharge \leq 100 gpd of total categorical wastewater
 - Consistently compliant with all applicable categorical pretreatment standards and requirements
 - Never discharges any untreated concentrated wastewater to the POTW
- CIUs with special requirements
 - No discharge requirements
 - Alternative limits, monitoring, or certifications

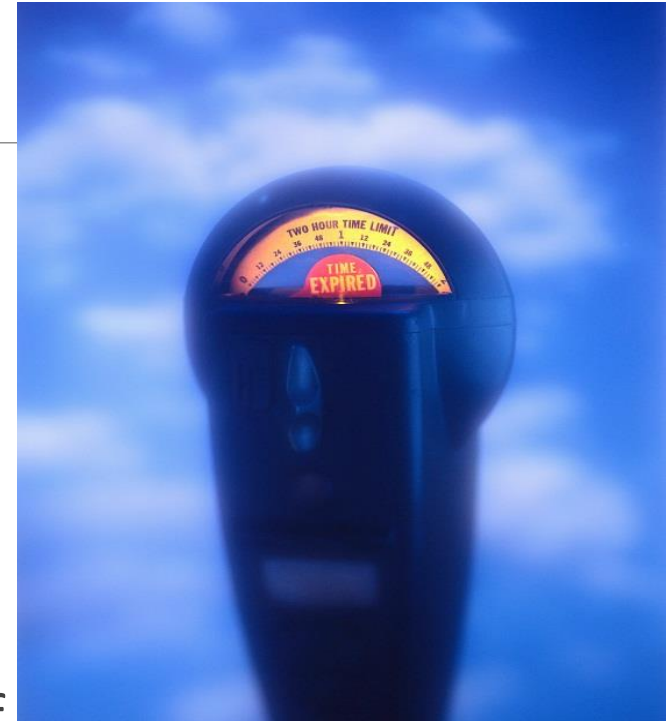
Permit Duration

Requirements

- SIU permit 5-year federal maximum [403.8(f)(1)(iii))(B)(1)]
- Applicable state and local regulations

Recommendations

- Shorter-term permits for new dischargers or in anticipation of significant changes
- Reopener clause

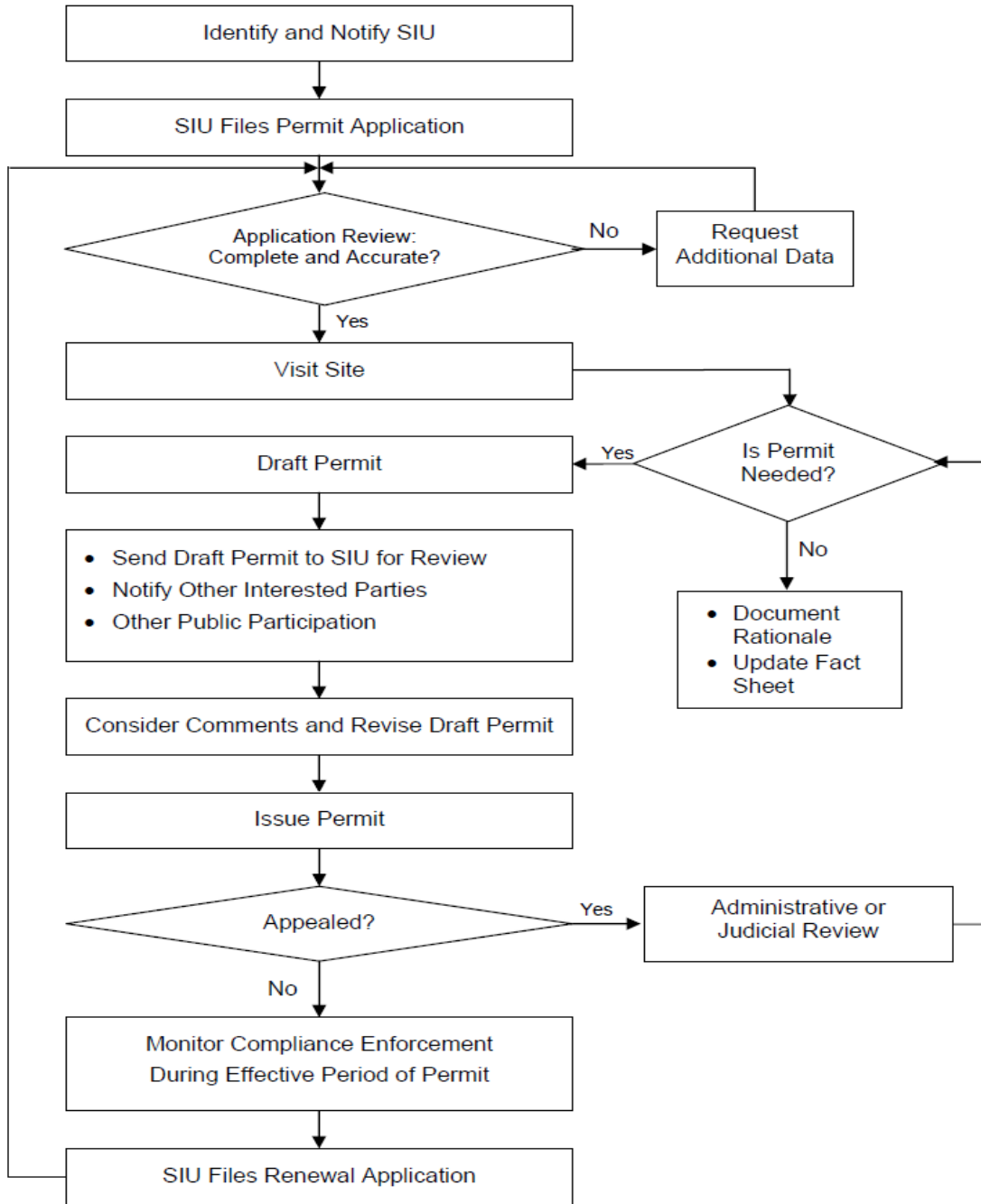


Individual vs. General

- Applied to a single facility
 - Can be used for IUs, SIUs, CIUs
 - Authority included in program approval
 - **Can** include mass-based and other calculated categorical limits
- Applied to multiple (substantially similar) facilities
 - Can be used for IUs, SIUs, CIUs
 - Authority must be incorporated (post 2005)
 - **Cannot** include mass-based and other calculated categorical limits
 - SIUs must request coverage

General Permits

- Must have authority to issue general permits
[40 CFR 403.8(f)(1)(iii)(A)]
- SIU general permits required elements
[40 CFR 403.8(f)(1)(iii)(B)]
- **Not allowed for:**
 - IUs with production-based categorical pretreatment standards or categorical standards expressed as mass/day
 - IUs with other calculated limits (e.g., combined wastestream formula, net/gross calculations)
- May always be used for IUs
 - For example, auto washes, photo processing facilities



Common elements of the permit issuance process

Contents of a Permit

- Cover Page
- Effluent Limits
- Monitoring and Reporting Requirements
- Standard Conditions
- Special Conditions



Effluent Limitations

- Discharge/monitoring point locations
- Description of discharges
- Pollutant parameters
 - Effluent limits (including Best Management Practices [BMPs])
- Specific prohibitions
- Rule of stringency

Final Discharge Limitations

(NOTE: There are significant mistakes in the table)

B: Categorical Regulated Process

In accordance with 40 CFR §467.35 the following limitations and monitoring is required.

Parameter	Max Daily	Max Average Monthly	Measurement Frequency	Sample Type
Chromium	2.45	1.09	Six times per year	Composite
Zinc	****	****	Six times per year	Composite
Cyanide	1.72	0.72	Six times per year	Composite
Oil & Grease	****	****	Six times per year	Grab

Sampled immediately downstream of pretreatment facilities or the regulated process, whichever exist.

**** Higher than local limit so local limit applies

Monitoring Requirements

Specifies:

- location
- parameters
- frequency
- sample type

Requires:

- conformance with 40 CFR Part 136

Discharge Description and Monitoring Location

- Outfall 001

- Pretreated: equipment/facility wash down from the processing areas, potato and corn processing wastewater, and storm water falling on uncovered, outside pretreatment units. Pipe 001 is designated as the entrance of or outfall from the 5" Parshall (Montana) Flume located in the middle of the open air structure on the south by southwest side of the Permittee's property. Note- Sanitary wastewater flows through the Montana flume closest to the structure's outside wall.

Pollutant Not Expected to be Present

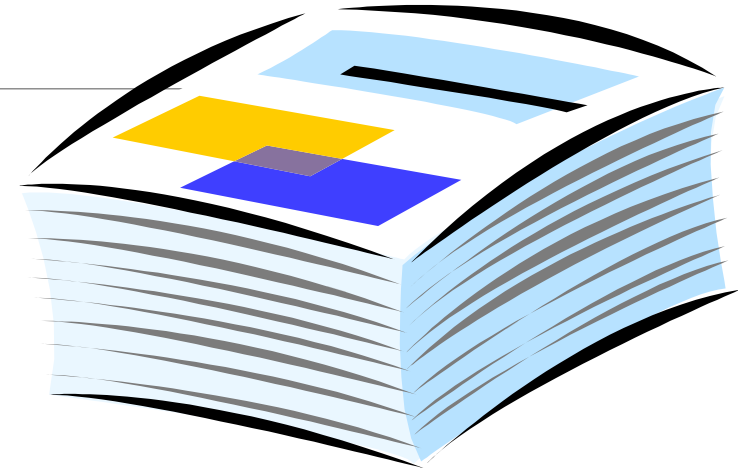
- Forgo monitoring requirements of a regulated pollutant if the pollutant is:
 - Neither present or expected to be present, or
 - Present only at background levels
- Does not supersede required categorical certifications
- Does not supersede pollutant limit

Pollutant Not Expected to be Present (cont.)

- Monitoring waiver valid for the duration of the permit
- User must provide sampling data of process wastestreams prior to treatment
- Waiver requests must be signed in accordance with 40 CFR 403.12(I)
- Conditions of the waiver must be included in the permit
 - Monitoring must resume if conditions change

Reporting Requirements

- Monitoring reports
- Additional monitoring
- Notice of violation and resampling procedures
- Where reports are to be sent



Additional Reporting Considerations

- Accidental discharges
- Facility changes
- Anticipated noncompliance
- Application for permit renewal

Special Conditions

- Compliance schedules
- Special monitoring required
- Compliance reports/plans required
- Reopener clauses

Standard Conditions

- Definitions
- Rights, duties and responsibilities
- Consistency with local regulations

See 40 CFR 122.41 as example

Permit Record

- Permit application form and/or BMR
- Permit and fact sheet
- Correspondence
- Permitting decisions
- Records of any public hearing or meetings
 - Copies of all comments received
 - Copies of all replies or responses to comments received

Key Documentation

- Facility characterization
- Operational history of facility
- Sampling locations
- Effluent limit calculations
- Rationale for best management practices (BMPs)
- Monitoring and reporting requirements
- Rationale for slug discharge control requirements
- Enforcement history

DOCUMENT!
DOCUMENT!
DOCUMENT!

Fact Sheet (recommended)

Rationale for:

- Categorical determination
- Values used for calculations
- Limitations imposed
- Special conditions

Fact Sheet Components

- Brief description of IU
- Type and quantity of the discharge
- Basis for the permit limits
- Detailed discussion of any special conditions in the permit and the rationale for pollutant selection and limits development
- Calculations showing the actual numbers used to derive each limit

Correspondence



Document all verbal interactions

- Parties involved
- Date and time
- Main points covered
 - Decisions
 - Action items
- Phone log



Email is correspondence!

Permit Transmittal Letter

Should:

- detail the certified mail number
- be sent to the Industry official or contact
- specify any comment period and where comments should be sent
- indicate whom at the Control Authority can be contacted regarding questions

Permitting Actions

- Issuance/reissuance
- Modifications
- Termination
- Transferability
- Public participation
- Appeals

Questions?

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