

3.5.7.1 Overview of the Permit/No-Discharge Permits/ Effluent Limits/Interim Effluent Limits

Applicability:

This outlines when interim effluent limits are appropriate in no-discharge permits, common approaches to their development, and the need for accompanying schedules of compliance.

Content:

Interim effluent limits are established in a no-discharge permit when a facility cannot comply with the final no-discharge permit condition because land application equipment and capability are not yet in place. An interim effluent limit may also be used when a permit is being reissued and final effluent limits or permit conditions cannot be specified due to on-going water quality studies or regulatory changes.

The department has a choice of establishing interim limits through an enforcement action or in an operating permit. Whenever and however interim limits are established, they must be accompanied by a schedule that sets forth compliance steps or milestones and dates for their achievement. If appropriate to do so, use of a no-discharge permit to establish interim limits is preferred. In this way, through one administrative activity and document, the interim limits, accompanying compliance schedule, and, if they are known, the final limits or permit conditions and the date by which they must be achieved can be established.

The department can modify an existing permit or renew an expiring permit and insert interim effluent limits and a schedule for achieving compliance with final effluent limits. The future final limits and their effective date can also be in the permit. Modification of an existing permit is allowed under the provisions of 10 CSR 20-6.015(4)(A) and 10 CSR 20-6.010(8)(A)2.

Interim limits placed in a no-discharge permit can be based on the existing technological capability of the treatment facility under current or near-future loading conditions. The interim limits may also be based on the best professional judgment of the permit writer if it is believed that technological or operational factors could positively impact effluent quality during the period until final effluent limits are in effect.

Interim limits need to reflect data and information drawn from monitoring reports, inspections, compliance sampling by the department, and stream surveys if available.

If stream surveys report adverse water quality conditions in the receiving water or monitoring wells, the permit writer could establish requirements such as loading limitations, along with associated monitoring and reporting, during the period the interim limits are in effect.

Similar approaches may be applied to industrial wastewater facilities following changes in water quality standards or effluent limitations. However, guidance should be sought from the Permits and Engineering Section in dealing with an industrial facility that cannot comply with current effluent limits and needs to be upgraded. In this situation, enforcement action, rather than a permit with interim limits, may be necessary.

Interim limits placed in a permit must be accompanied by a schedule of compliance that conforms with the provisions of 10 CSR 20-6.010(7). Paragraph (B) of this section states, "If any permit allows a time for achieving final compliance from the date of permit issuance, the schedule of compliance in the permit shall set forth interim requirements and the dates for their achievement." Other provisions of this section of the regulations require achieving final compliance as soon as

practicable and specify reporting requirements related to the interim requirements and schedule milestones.

Legal References:

Missouri Clean Water Law, Chapter 644

644.026.1(13), (15) and (17)	Powers and duties of commission--rules, procedure.
644.051.3 and 4	Prohibited acts--permits required, when, fee--bond required of permit holders, when--permit application procedures--rulemaking--limitation on use of permit fee moneys.

Code of State Regulations

10 CSR 20-6.010(7)	Construction and Operating Permits - Schedules of Compliance
10 CSR 20-6.010(8)(A)2 and (8)(B)	Construction and Operating Permits - Permit Terms and Conditions - (A)(2) Standard Conditions (B) Effluent Limits, Monitoring and Other Conditions
10 CSR 20-6.015(2)	No-Discharge Permits - General
10 CSR 20-6.015(4)(A) and (C)	No-Discharge Permits (A) Application and Processing Procedures (C) Permit Conditions

Other Links:

[5.3.3 Best Professional Judgment \(BPJ\) Permit Limits](#)

Key Words:

Effluent limits, interim effluent limits

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Revised By: John Hoke and Jim Penfold

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