

5.4.3.3 Effluent Limits/Water Quality Based Effluent Limits/ TMDL and 303(d) Considerations/Permit Limits after TMDL Completion

Applicability:

This topic provides an overview of the permit process and how to obtain the Water Quality Based Effluent Limits (WQBEL) derived for facilities discharging to water bodies that have had a TMDL developed.

Content:

The federal Clean Water Act, Section 303(d)(1)(a), requires that the state identify those waters within its boundaries that are impaired and fail to meet State Water Quality Standards. The Clean Water Act, Section 303(d)(1)(C), requires that the state develop the Total Maximum Daily Load (TMDL), at a level necessary to implement the water quality standards, for each of the contaminants of concern for water bodies identified on the 303(d) list. The TMDL is a mathematical calculation of the amount of a specific contaminant a water body can absorb and still be able to meet the Water Quality Standards.

The Water Protection Program, Water Quality Monitoring and Assessment Section, has the responsibility of developing TMDLs for impaired water bodies of the state. The TMDL will be developed so that the water body will meet all applicable water quality standards.

Submit a Water Quality Review Sheet (WQRS) request to the Water Quality Assessment and Monitoring Section for facilities that discharge to the impaired section, or upstream of the impaired section, and will contribute to the impairment of a water body for which a TMDL has been developed. The Water Quality Assessment and Monitoring Section will derive the appropriate WQBEL needed for the facility. The TMDL-based limits should be placed in the new permit.

For facilities that discharge downstream of the impaired section or will not contribute to the impairment, assign limits in accordance with the regulations.

Implementation of TMDL-based effluent limits:

Limits for Existing Facilities:

- If the permit is for an existing facility, the TMDL-based limits are to be implemented at the earliest opportunity by either invoking the reopener clause in the existing permit, or at the time of the permit renewal.

Limits for New Facilities:

- If the permit is for a new facility, there are two possibilities:
- If the TMDL was written to include additional pollutant loading from anticipated growth, the TMDL-based WQBEL will be applied and the permit may be issued.
- If the TMDL was written without including additional loading from anticipated growth, then the permit writer must enter into conference, conciliation, and persuasion for the facility to consider one of the following options-
 - Land application or other no-discharge systems,

- Pollutant trading where the new facility can assume part or all of the load of an existing facility,
- Connection to an existing facility, or
- Denial of the permit with prejudice

Legal References:

United States Statutes

[Federal Clean Water Act Section 303\(d\)](#)

Other Links:

[Missouri 303\(d\) Streams and Lakes](#)

[Impaired Waters and Total Maximum Daily Loads](#)

[WQRS Request Form](#) (T:\WQRS_Resources\Forms\WQRS Rqst.doc)

Key Words:

WQBEL, Water Quality Based Effluent, TMDL, Total Maximum Daily Load, Clean Water Act, 303(d), impaired, contaminant, Water Quality Standards

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Revised By: John Hoke

Modification Date: 01/30/2003 JFP 12/15/05