

5.4.6 Effluent Limits/Water Quality Based Effluent Limits/ Resolution of Conflicting WQ Based Limits

Applicability:

There are two general types of effluent limits, technology-based and water quality based effluent limits. If technology based limits will not provide adequate protection for the receiving waters, then water quality based effluent limits (WQBEL) must be used.

Content:

Permit writers must consider the impact of the proposed surface water discharge on the quality of the receiving water. By analyzing the effect of the discharge, a permit writer may find that technology-based limits are not sufficient to protect water quality and ensure compliance with water quality standards. In such cases, the federal Clean Water Act and federal regulations require development of more stringent, water quality-based limits.

There is no "conflict" between technology-based limits and WQBEL. If technology-based limits are not adequate to protect water quality, WQBEL are developed and used. The applicable designated uses and water quality criteria from the Water Quality Standards must be reviewed.

The permit writer then determines and applies technology-based limits for the discharge. Through evaluation of ambient water quality conditions, the effects of other discharges on the receiving stream, and characteristics of the discharge under permitting consideration, the permit writer projects whether the discharge may cause a violation of the Water Quality Standards numeric and general criteria. If there is a reasonable potential of this occurring, a WQBEL approach is used for the permit. This evaluation must be done at the time of permit issuance and each re-issuance.

Legal References:

Missouri Clean Water Law

[644.051.3](#)

Prohibited acts--permits required, when, fee--bond required of permit holders, when--perm application procedures--rulemaking--limitation on use of permit fee moneys

Code of State Regulations:

[10 CSR 20-6.010\(8\)\(B\)](#)

Construction and Operating Permits - Permit Terms and Conditions - Effluent Limits, Monitoring and other Conditions

[10 CSR 20-7.031\(3\), \(4\)\(A\), \(4\)\(B\)](#)

Water Quality Standards -
(3) General Criteria
(4)(A) Specific Criteria - Chronic Toxicity
(4)(B) Specific Criteria - Toxic Substances

Code of Federal Regulations

[40 CFR 122.44\(d\)\(1\)](#)

EPA Administered Programs: The NPDES - Establishing limitations, standards, and other permit conditions

United States Statutes

[Section 302](#) - Water Quality Related to Effluent Limitations

Other Links:

[U.S. EPA NPDES Permit Writers' Manual](#), especially Chapter 6

Key Words:

Water Quality-Based Effluent Limits, WQBEL, technology-based limits, effluent limits, effluent limitations

Page ID: 5.4.6 When WQ Based Limits Conflict

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Modification Date: 10/18/2005