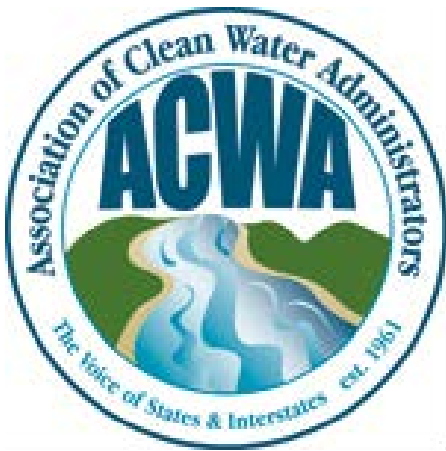


# NPDES Fact Sheet Workshop

NPDES National Managers' Meeting

November 1, 2017



# Fact Sheet Requirements

## *United States Environmental Protection Agency*

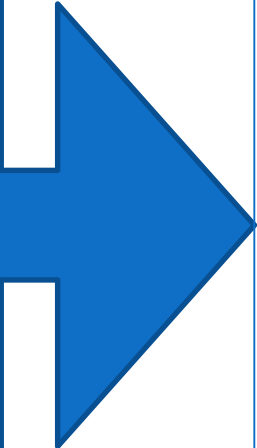
- Sharmin Syed, Office of Wastewater Management

## *Virginia Department of Environmental Quality*

- Allan Brockenbrough, Water Permitting Division

# Fact Sheet Requirements

## Regulations:

- 40 CFR 124.8
    - Principal facts & significant questions considered in preparing draft permit
    - Description of facility
    - Type & quantity of pollutants
    - Summary of basis for conditions, with references
    - Administrative procedures
    - Contact info
  - 40 CFR 124.56
    - Calculations/explanation of derivation of limits and conditions, with citations
    - Explanation of conditions on limits for certain tech based conditions
    - Sketch of location of discharge
- 

## Fact Sheet:

- Basic Information
  - Description of facility
  - Sketch of location of discharge
  - Type and quantity of pollutants
  - Principal facts and significant questions considered in preparing draft permit
  - Contact information
- Summary of basis of conditions, with references
  - Principal facts and significant questions considered in preparing draft permit
  - Calculations/explanation of derivation of limits and conditions, with citations
  - Explanation of conditions on limits for certain tech based conditions
- Administrative procedures

# Fact Sheet Content

## Basic Information

- Description of facility
- Sketch of location of discharge
- Type and quantity of pollutants
- Principal facts and significant questions considered in preparing draft permit
- Contact information

## ➤ Basic Information

- Contact information (124.8)

## ➤ Facility Information

- Description of facility and activity being permitted (124.8)
- Type and quantity of wastes/pollutants being treated/stored/ discharged (124.8)
- Sketch or detailed description of location of discharge and activity in application (124.56(c))

## ➤ Receiving Water

- Principal facts and significant questions considered in preparing draft permit

# Fact Sheet Content

## **Summary of basis of conditions, with references**

- Principal facts and significant questions considered in preparing draft permit
- Calculations/explanation of derivation of limits and conditions, with citations
- Explanation of conditions on limits for certain tech based conditions

- Technology-based limits:
  - Calculations or explanation of derivation of effluent limits and conditions, including citation to applicable regs and reasons why they're applicable or alternative limits were developed. (124.56(a))
  - Summary of basis of permit conditions, with summary of applicable regs and supporting references (124.8)
- Water quality-based limits:
  - Calculations or explanation of derivation of effluent limits and conditions, including citation to applicable regs and reasons why they're applicable or alternative limits were developed. (124.56(a))

# Fact Sheet Content

## **Summary of basis of conditions, with references**

- Principal facts and significant questions considered in preparing draft permit
- Calculations/explanation of derivation of limits and conditions, with citations
- Explanation of conditions on limits for certain tech based conditions

## ➤ Final limits:

- Calculations or explanation of derivation of effluent limits and conditions, including citation to applicable regs and reasons why they're applicable or alternative limits were developed. (124.56(a))

## ➤ Monitoring and Reporting

- Summary of basis of permit conditions, with summary of applicable regs and supporting references (124.8)

# Fact Sheet Content

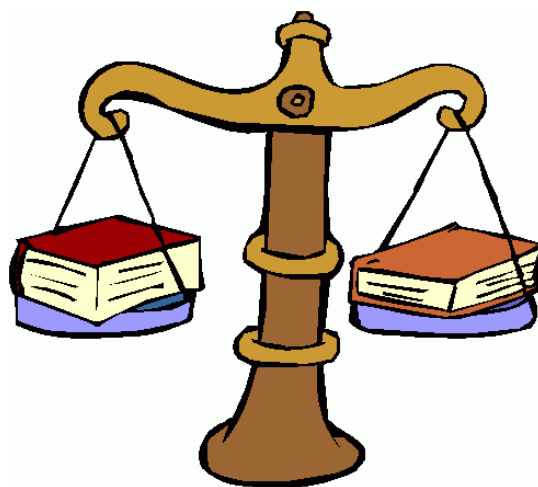
## Administrative Procedures

### ➤ Administrative:

- 401 certification, if applicable. (124.56(d))
- Administrative process description (124.8)  
[notice, comment, hearing, final decision, etc]

# NPDES Fact Sheets in Virginia

Striking the balance  
or  
How much is TMI?



**Allan Brockenbrough**  
**VPDES Permit Manager**  
**Virginia DEQ**

# VA Fact Sheet History

- Originally issued Fact Sheets for major permits only
  - Statements of Basis used for minor permits
- Fact Sheets have been used for all permits for at least the last 20 years
- Fact Sheet Template included in DEQ VPDES Permitting Manual
- Template serves as a starting point only
  - VPDES permits issued in 6 regional offices – some variability

# Reasons for Good Documentation

- Establishes permanent record of the basis for the permit
- Explains legal basis of permit
- Provides sound basis for future modifications and permits
- Requires permit writer to be organized and logical throughout permit development process



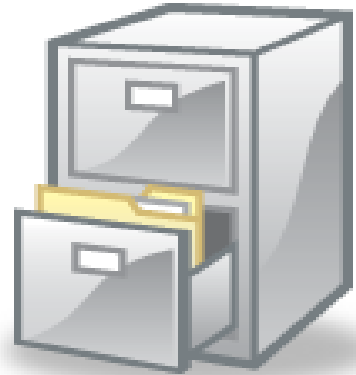
# Fact Sheet vs. Statement of Basis

## Fact Sheet [§§ 124.8, 124.56]

- Required for draft permits:
  - for major facilities
  - for Class I sludge management facilities
  - that incorporate a variance
  - that are NPDES general permits
  - that include a sewage sludge land application plan
  - that are subject to widespread public interest
- Minimum elements of a fact sheet specified in regulations

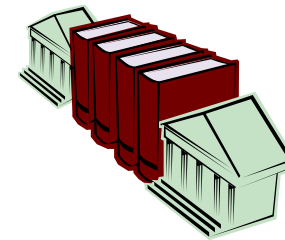
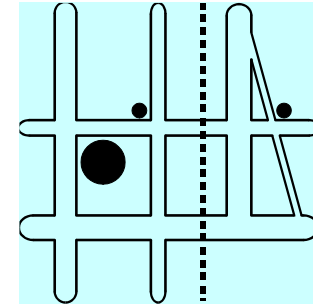
## Statement of Basis [§ 124.7]

- Used when fact sheet not required
- Regulations require that a statement of basis include:
  - description of the conditions of the draft permit
  - reasons for the conditions



# Minimum Elements of a Fact Sheet – §§ 124.8, 124.56

- General facility information
  - description of facility or activity
  - sketch or description of location
  - type and quantity of waste/pollutants discharged
- Summary rationale of permit conditions
  - applicable statutory and regulatory citations
  - references to administrative record



# Minimum Elements of a Fact Sheet – §§ 124.8, 124.56

- Detailed rationale of permit conditions
  - explanation and calculation of effluent limitations and conditions
  - specific explanation of:
    - toxic pollutant limits
    - limits on internal waste streams
    - case-by-case requirements
    - limits on indicator pollutants
    - regulation of users (non-POTWs only)
  - explanation how required sewage sludge land application plan elements addressed
  - inappropriateness of requested variances



# Minimum Elements of a Fact Sheet – §§ 124.8, 124.56 (continued)

## Administrative Requirements

- permit procedures
  - comment period begin and end dates
  - procedures for requesting a hearing
  - public involvement in final decision
- permitting authority contact name and telephone number



# VA Records Retention Policy



## LIBRARY OF VIRGINIA

Archives, Records, and Collections Services  
800 E. Broad St., Richmond VA 23219  
(804) 692-3600

RECORDS RETENTION AND DISPOSITION SCHEDULE  
SPECIFIC SCHEDULE NO. 440-005  
Environmental Quality, Dept. of  
Water, Division of

EFFECTIVE SCHEDULE DATE: 9/13/2016

RECORD SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION PERIOD	DISPOSITION METHOD
<u>Virginia Pollutant Discharge Elimination System -Individual and Gen Permits -Recd/Rpts non-confidtl</u> This series documents the agency's delegated responsibilities pertaining to the Commonwealth's municipal, industrial point source discharge facilities under the authority of the Federal Water Pollution Control Act of 1977, PL 92-500 as amended (the Clean Water Act), the Code of Virginia 62.1 44.2 et seq. as amended, the CFR 40 as amended, the VPDES Permit REgulation (9VAC25-31-10 et seq.) as amended, the Sewage Collection and Treatment Regulations (9VAC25-790 et seq.) as amended, and all developed general permit regulations as amended. This series may include, but is not limited to: site visit reorts, field notes/logs, correspondence, meeting memoranda, TMP data/reports, ground water data/reports, tax exemption requests and certification letters, plans and specifications, conceptual engineering reports, discharge monitoring reports (DMRs), lab sheets, operator bench sheets, inspection reports (technical, lab and sampling) with supporting documentation, DMR Quality Assurance Study results, VPDES audit memoranda, pollution complaints, pollution resonse (PReP) inspection reports, warning letters, notices of violations (NOVs), and enforcement actions. PL 92-500; 62.1 44	006002	12 Years after expiration	Non-confidential Destruction



# Examples