

Fact Sheet Writing; The Fine Art of Leaving Bread Crumbs

September 2019

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Why write a fact sheet (fs)?

- EPA says you have to. (40CFR 124.8 and 124.56)
- A good fs should save EPA and the issuing office time during the review process.
- The fs explains what the permit writer did and why to the facility and to interested members of the public.

Why write a fact sheet (fs)?

- The fs is part of your administrative record in case the permit becomes the subject of a lawsuit.
- The fs preserves a historical record of prior permitting decisions, facility and wastewater details, and facility changes.
- The old fs allows the permit writer to see the reasons behind some permit conditions that might otherwise be unintuitive.

Fact Sheet Contents

Cover Sheet

I. Permitting Background

A. Chronology 40CFR 124.8 (b)(6)

B. Proposed Permitting Action

II. Applicant Activity 40CFR 124.8 (b)(1)

A. Description and Location of Facility 40CFR 124.56 (c)

B. Wastewater Generation and Treatment



III. Discharge Information

A. Discharge Location

B. Discharge Description & Characteristics

- Discharge Monitoring Reports
- Application

IV. Technology-Based Effluent Limitations and Conditions 40CFR 124.56 (b)(1) 40CFR 124.8(b)(4)

A. General

B. Applicable Effluent Limitation Guidelines

C. Best Professional Judgement (BPJ) Based Limitations

D. Variances 40CFR 124.8(b)(5)



V. Water Quality-Based Effluent Limitations & Conditions 40CFR 124.56 (b)(1) 40CFR 124.8(b)(4)

A. General

B. Receiving Stream Designated Uses and Antidegradation Provisions

C. Water Quality Standards Implementation

- Regulatory Flows
- Statistics
- Pollutant Background Concentrations

D. Water Quality-Based Requirements

- DO
- pH
- Oil & Grease
- Toxicity from Halogenated Oxidants
- Ammonia Toxicity
- Whole Effluent Toxicity
- Temperature
- Minerals
- Bacteria

E. Monitoring Requirements

- F. 303(d) list and Total Maximum Daily Load (TMDL)
- G. Antidegradation Requirements
- H. Protection of Endangered and Threatened Species and Critical Habitat
- I. 316(b) Cooling Water Intake Requirements

VI. Non-Discharge Requirements (state requirements)

- A. Surface Impoundments
- B. Land Application



VII. Draft Permit Effluent Limitations

- A. General
- B. Outfall 001
- C. Outfall TX1
- D. Background Monitoring
- E. Compliance Schedule

VIII. Summary of Changes From Previous Permit

IX. Administrative Record

- A. Applications
- B. Clean Water Act Citations
- C. 40 CFR Citations
- D. State Law, Standards, Rules & Regulations
- E. Miscellaneous

X. Review by Other Agencies and Final Determination 40CFR 124.8(b)(6)

Aids to Drafting fs

- Template documents which include various possible scenarios and instructions to the permit writer
- Merge functions (in NMS)
- Pre-built spreadsheets with statistical analysis and RP analysis

Questions?

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