

DEVELOPING HIGH-QUALITY FACT SHEETS

ASSOCIATION OF CLEAN WATER ADMINISTRATORS
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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

Common Action Items from Program and Permit Quality Reviews (PQRs)

- ▶ Fact sheets frequently lack sufficient discussion of:
 - Basic facility information
 - Applicability of ELGs
 - Basis of BPJ determinations
 - RP and WQBEL development
 - Basis of final effluent limitations

Fact Sheet Best Practices Observed in PQRs

- ▶ Develop fact sheet templates
 - Specific fact sheets for different types of facilities
 - Clearly identify template/boilerplate language and sections to be customized by the PW for the facility
 - Table of Contents and Appendices
 - Revise periodically when there are updates to policies, regulations, or standards
- ▶ When reissuing permits, use most recent fact sheet template
 - Using prior fact sheet as a template is more likely to result in same issues carrying over to new fact sheet
 - Each fact sheet should stand alone and limit referring to prior fact sheet for basis of determination
 - Clearly restate basis of determination when carrying conditions over from prior permit