Focus on **Interim Wastewater Permitting: Discharges to Polluted Water Bodies (Federal 303(d) List)**

Water Quality Program

Issue

Washington State has approximately 650 waterways or segments of rivers, streams, or marine waters that are polluted. According to the federal Clean Water Act, water cleanup plans or Total Maximum Daily Loads (TMDLs) need to be completed on the polluted waters to make them healthy again.

Meanwhile, communities and industries continue to discharge treated wastewater into the already polluted streams. In addition, some communities and industries are interested in growing, and new industries are emerging. The Washington Department of Ecology (Ecology) has been working with its advisory committee, the Water Quality Partnership, to determine how to balance the needs of communities and businesses while protecting our state's waterways. We've developed an interim approach to balance those needs.

The question is how to deal with discharges from community and industrial treatment plants ("point sources") and their wastewater permits in the interim period before a water cleanup plan is completed. Ecology has observed that water pollution is often caused mainly by nonpoint sources, such as runoff from forestry, urban activity and agriculture, or multiple sources. Ecology has decided that where a community or industrial treatment plant is one of multiple contributors and a minimal contribution to the water pollution, that source will not have to bear the full burden of the water cleanup in the interim.

Ecology has determined that it does not make sense to require existing point source dischargers to meet the water quality standards in their discharge before a water cleanup plan is completed. The water cleanup plan, when completed, may allow for some dilution and allow the treatment facilities to avoid the expense of extraordinary levels of treatment.

Background

The 303(d) list is a list of water bodies that have been sampled and shown not to meet water quality standards. This listing, if confirmed, requires a Total Maximum Daily Load (TMDL or water cleanup plan) to be completed on the water body.

A water cleanup plan identifies the sources of the pollution and determines how much to reduce pollution from the various sources to ensure that the water quality standard is met and the health of the waterway is restored. For point sources, the water cleanup plan will define the effluent limits.

Ecology's proposed process for existing discharges to a listed water body

Ecology's process contains three essential elements: 1) **confirm** the water quality impairment at the point of discharge; 2) **impose interim effluent limits** where the water quality at the point of discharge is not meeting water quality standards to prevent any increase in loading of the pollutant until the water cleanup plan is completed; and 3) where interim limits are imposed, the facility will be required to develop and **implement a pollutant minimization plan**.

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Confirm the impairment at the point of discharge

The data that Ecology uses for placing a water body on the 303(d) list may be limited in space and time. The data may be from one sampling station at a great distance from a point source discharge. Ecology permit writers will determine whether the listing data indicate actual pollution at the point of discharge, based on the location of the sampling station and the type of pollutant. Where water quality is meeting the standards, Ecology permit writers may develop effluent limits using a mixing zone or area in which pollution limits may be exceeded before dilution naturally occurs.

Interim effluent limits

Where Ecology staff determine that the data are valid and show pollution at the point of discharge, the facility will not be allowed to discharge additional pollutants into the water body for an interim period, generally until a water cleanup plan is completed. In some cases, final limits equal to water quality criteria for a facility's effluent may be achievable in five years. In these cases, the final limits will be placed in the permit with a compliance schedule. Otherwise, the final limits will be placed in the permit documentation (fact sheet).

Pollutant minimization plan

Where Ecology imposes interim limits in a discharge permit, the facility will also be required to complete a pollutant minimization plan. The plan will include an examination of how pollution will be reduced (including treatment) in an appropriate and cost-effective manner.

When a water cleanup plan is in progress at the time of permit development, no water quality-based limitations will be imposed until the water cleanup plan is completed. The waste load allocation will be incorporated into the permit by permit modification or at the time of next permit renewal.

Ecology's proposed process for new discharges to a listed water body

Federal law is very clear regarding new discharges to a polluted water body: no new discharge can be authorized if it causes or contributes to the pollution problem. The options available for new discharges are: 1) seasonal discharge with wastewater reuse during the part of the year when the pollution occurs (this applies only to water bodies where the pollution problem is seasonal); 2) effluent trading; and 3) high levels of treatment to meet the water quality standard in the facility's discharge. Ecology will work with communities and companies that propose new discharges to identify options at the proposed discharge site.

Ecology's proposed process for general permits to a listed water body

Ecology's general permits will contain a clause which prohibits the discharger from causing or contributing to a violation of the water quality standards.

For more information, please contact:

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