

Differences between schedules of compliance and streamlined municipal chloride variances in wastewater permitting

As outlined in the limit notification letter, your facility is receiving a new water quality based effluent limit for chloride. Chloride is a pollutant that can kill and reduce the reproductive capacity of aquatic life, mainly mayflies and scud. These invertebrates are the beginning of the food chain for some fish. Care needs to be taken to control the amount of chloride in the discharge to protect these and other aquatic organisms.

The Minnesota Pollution Control Agency (MPCA) coordinated a Chloride Work Group of municipal operators and administrators to determine the next steps for permitting chloride and other salty parameters in municipal discharges. Secondary and even tertiary treatment of municipal wastewater doesn't remove chloride. It is a dissolved pollutant that once in the water is very costly to remove.

There are many sources of chloride, and the permittee should begin by identifying sources now. By identifying sources and options for reducing those sources, you will be better able to identify solutions and develop a plan. This will help answer the questions in the permitting decision tree developed by the Work Group and included as an attachment to the Notification Letter.

The purpose of this document is to provide additional information on the two permitting tools that were identified and are included in the Chloride Work Group's chloride permitting decision tree – a schedule of compliance and a variance.

Schedule of compliance

A schedule of compliance (SOC) is a permitting tool that provides time for permittees to take specific steps towards final compliance with an effluent limit in order to achieve compliance by a specific final compliance date. Under an SOC, the Permittee should know what actions it will take to achieve the limit in the end, how long you think it will take to get there, and what actions it will complete during the time-period to achieve the limit in the end. Although the exact solution may not be known, the permittee must identify timeframes and actions that will get them to compliance in the end. The timeframes need to be justified by both the permittee and the MPCA as 'as soon as possible' (40 CFR § 122.47). The final date is a hard compliance date in the permit that cannot be extended.

Variance

A variance is a modification of the Water Quality Standards (WQS). It is an appropriate tool when the permittee knows that taking action to comply with the final limit would cause an economic hardship. The variance timeframe is set to give the permittee time to work on making the reductions they can while continuing to evaluate the economic affordability of their ultimate solution. The variance language says that upon expiration of the variance, the underlying WQS becomes effective. The permittee may apply for a renewal of a variance if their situation still fulfills the conditions under which a variance may be granted.

The table below provides additional information on the differences between a SOC and streamlined chloride variance for a municipal WWTP.

Schedule of compliance	Streamlined chloride variance
<p>You should know what actions you need to take to achieve the limit in the end. This includes knowing how long it will take to get there and what actions you need to complete during the period. Although the exact solution may not be known, Permittee must identify the timeframes and actions that will get them to compliance in the end.</p>	<p>You know that taking action to comply with the final limit would cause economic and social hardship. If eligible and approved, variance timeframe is set to give time to work on making the reductions you can while continuing to evaluate the economic affordability of the ultimate solution.</p>
<p>Review is completed by MPCA. The timeline could range from 4-8 months and is dependent on development of the permit with the SOC and the public notice and final issuance timeframes.</p>	<p>Initial review is completed by MPCA. MPCA must receive EPA approval before the permit and variance can be final issued. This may take extra time. The conservative timeline from submittal of chloride variance eligibility tool to final permit and variance issuance is 18 months.</p>
<p>Prior to final limits, the permit will include “interim limits”, which are set to ensure that chloride discharges do not get worse.</p>	<p>Prior to final limits, Permittee must comply with “alternate limits”, which are set to ensure that chloride discharges do not get worse.</p>
<p>Final compliance date is ‘as soon as possible’ (See 40 CFR § 122.47).</p>	<p>MPCA is currently proposing a variance term of 15 years for municipal facilities that meet the streamlined approach. However, the term may be less if the Permittee has already been required to complete chloride investigative and reduction work in a previous permit.</p>
<p>Final date established in the SOC is a final compliance date that cannot be renewed.</p>	<p>A variance expires. It may be renewed if conditions under which the variance was issued remain (Minn. R. 7050.0190, subp. 7)</p>
<p>Status of SOC will be reviewed every 5 years during reissuance, but is not considered a re-evaluation.</p>	<p>Re-evaluation is required by 40 CFR § 131.14 every 5 years and is included in the permit as a requirement.</p>

More information about chloride for both permit holders and the general public can be found online at <https://www.pca.state.mn.us/water/chloride-salts>.