Water Quality Planning Targets: One and a half years in

October 2021


Background: Water WHAT?

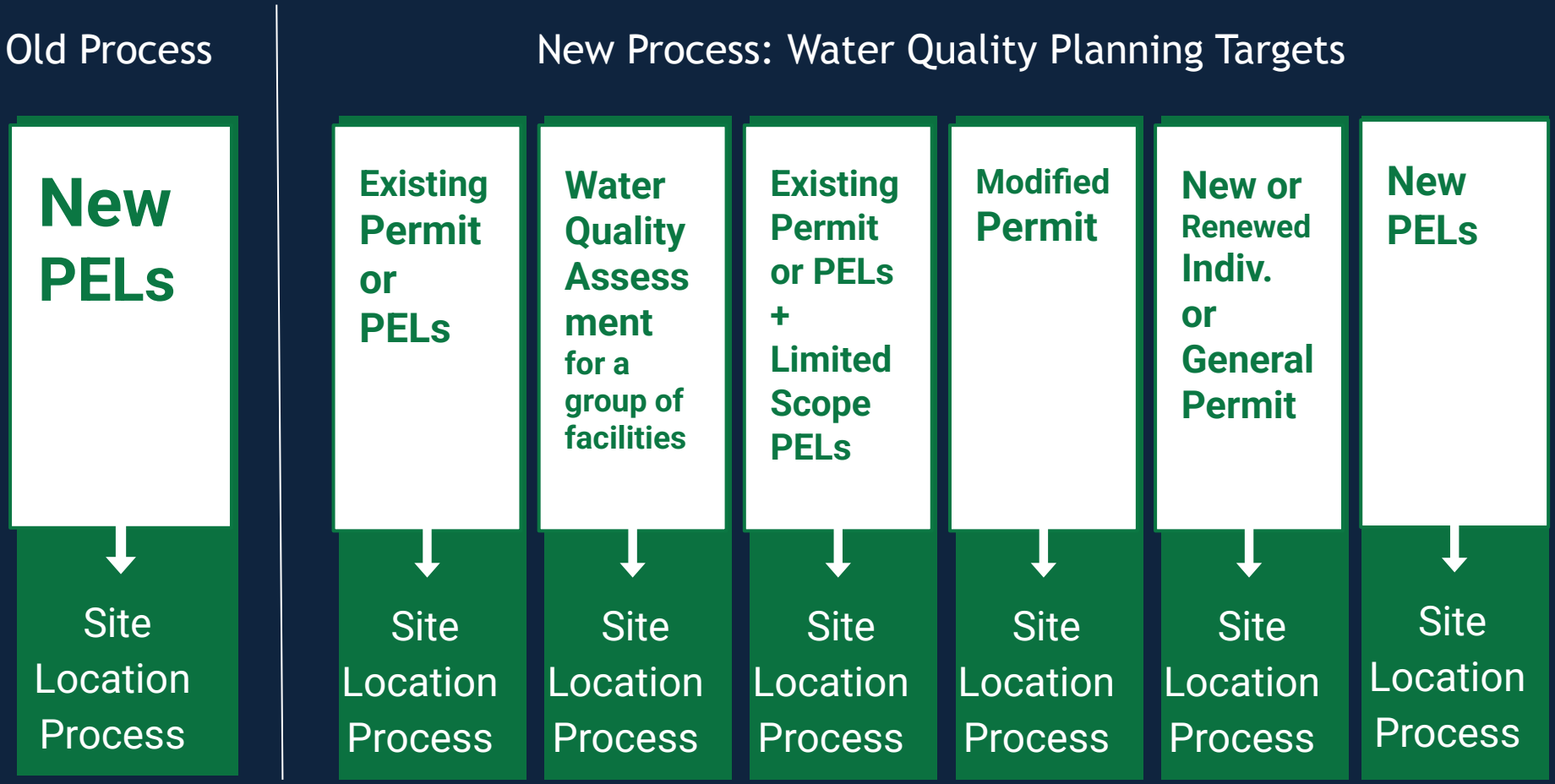
PELs 101

- PELs=Preliminary Effluent Limits
- Required for site location processes under Reg. 22
  - **So only domestic WWTPs and reuse**
- Purpose: To make it less likely that the Division will approve domestic facilities that will then cause exceedances of water quality standards
- PELs are to be set "at a level such that the proposed treatment facility will not cause an exceedance of applicable water quality standards..." Reg. 22.4(24).
- Intended to be both prospective and conservative
- Not a permit - no public comment period, etc.

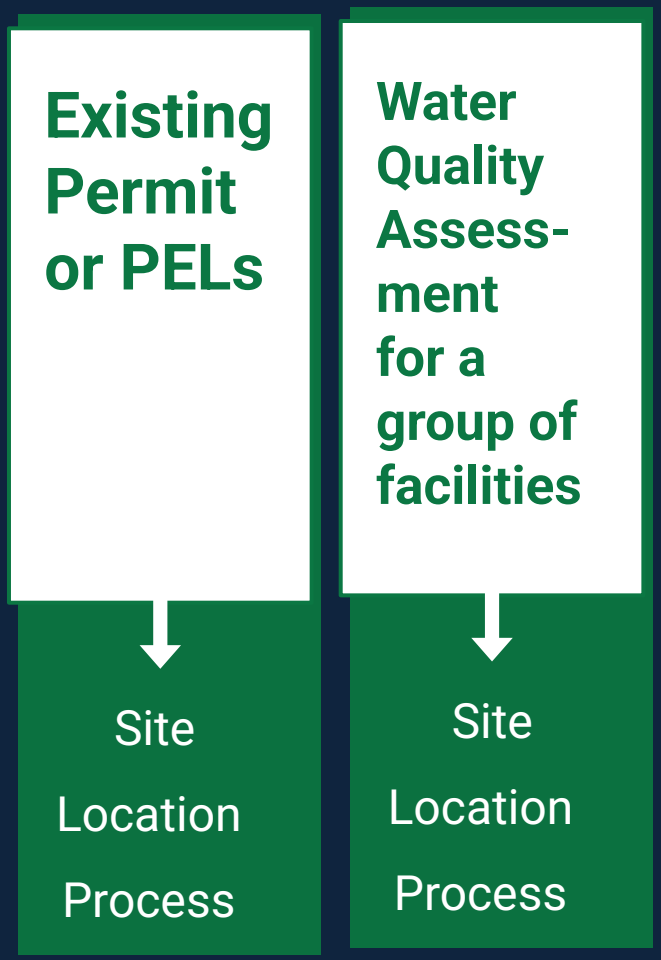
April 2020 Revisions to Regs 22 and 61

- New term: Water Quality Planning Target
  - Required for site approvals
  - Includes PELs but also existing or new permits
  - Allows for limited scope PELs (faster!) plus an existing permit
  - Allows for getting a new permit first (with a delayed effective date) without ever getting a PEL

Plan for Water Quality Planning Targets: More Options for Permittees, Better Prioritization, and Time Goals



Allows Use of Existing Documents



- Examples include:
  - A site plan change solely affecting a tech-based limit
  - PEL is less than 3 years old without a subsequent basin hearing
  - Permit is active and the proposed change, standing alone, is not likely to affect the current permit's limits or the facility's ability to meet those limits

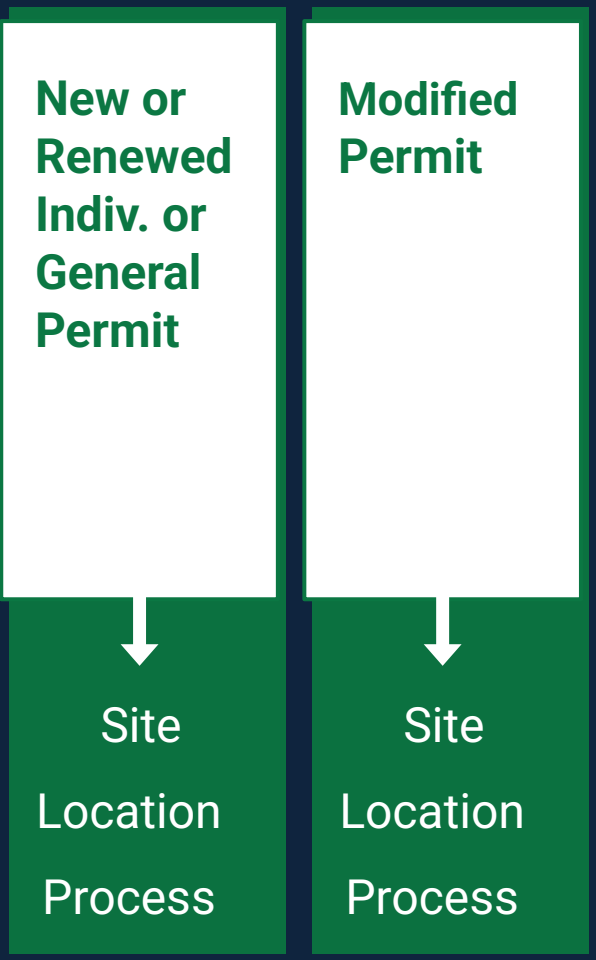
New Option for Quicker "Limited Scope PEL"

Existing Permit or PELs + Limited Scope PELs

Site Location Process

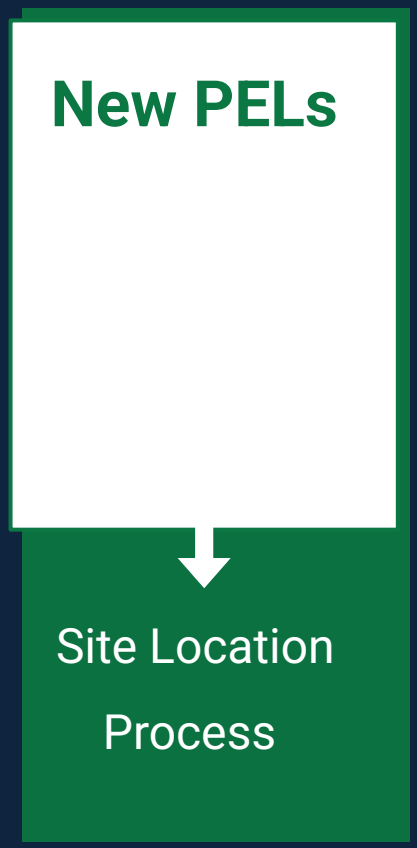
- Solely address future limits for:
  - Nutrients including ammonia
  - Temperature or
  - New/changed chemicals

New “Permits First” Option

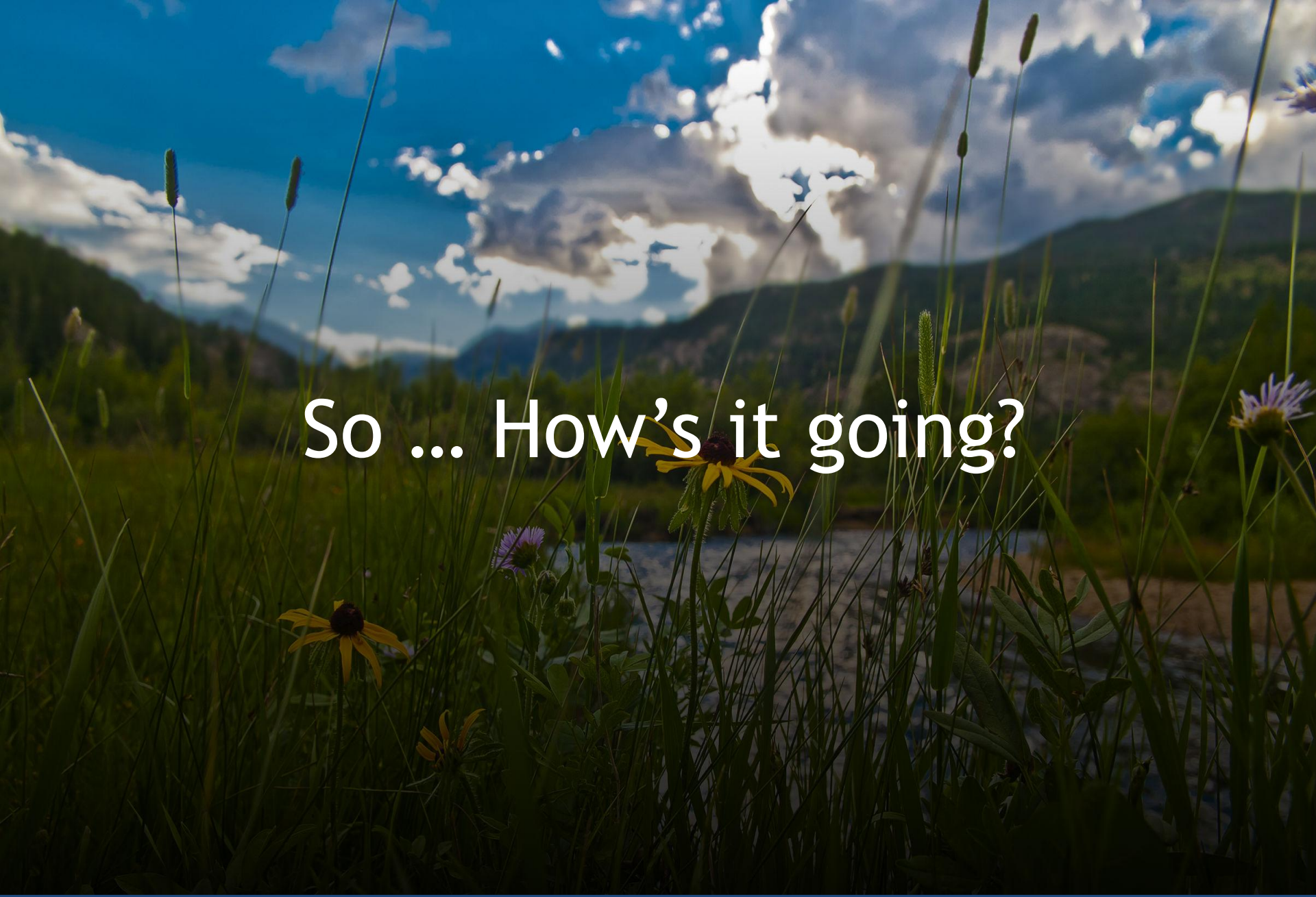


- Will allow permittees to obtain a permitting document first and use it as their Water Quality Planning Target
- Reduces uncertainty between PEL and permit
- Allows individual permittees access to full notice and comment process for Water Quality Planning Targets
- Consistent with most other states’ practice
- 180-day deadlines for new permits and modifications would apply

Time Goals and Potential Applicant-Prepared PELs for Prioritized PELs

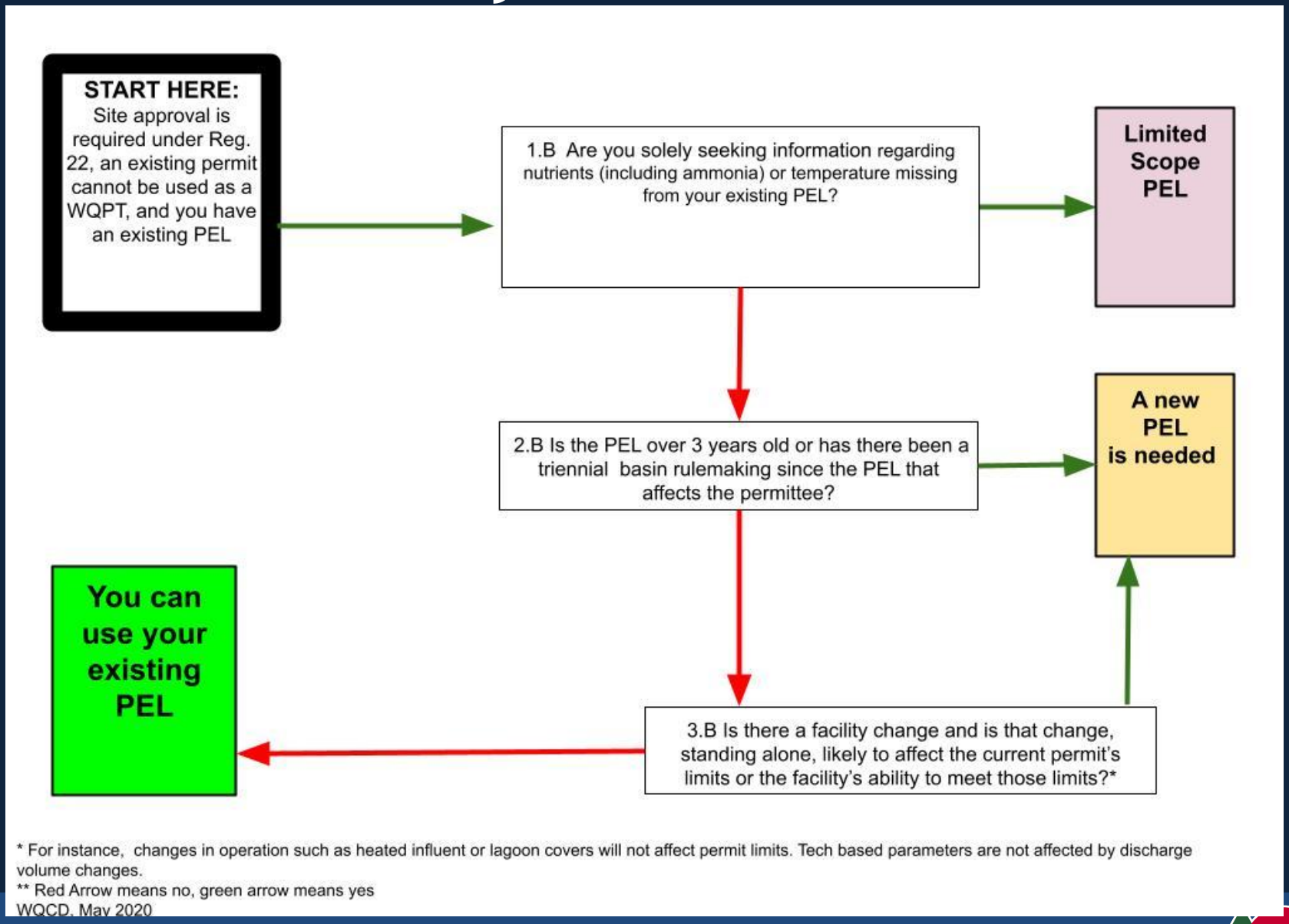


- Internal goal of 180 days from payment for PELs where:
  - the Division has determined that new PELs are needed for submitted site approval request
  - the facility cannot use the “permit-first” or “permit modification-first” approach.
- If Division does not meet the goal, will notify permittee 120 days or earlier, confer and share information with the applicant so that the applicant can prepare PELs for the Division’s review and approval


So … How's it going?

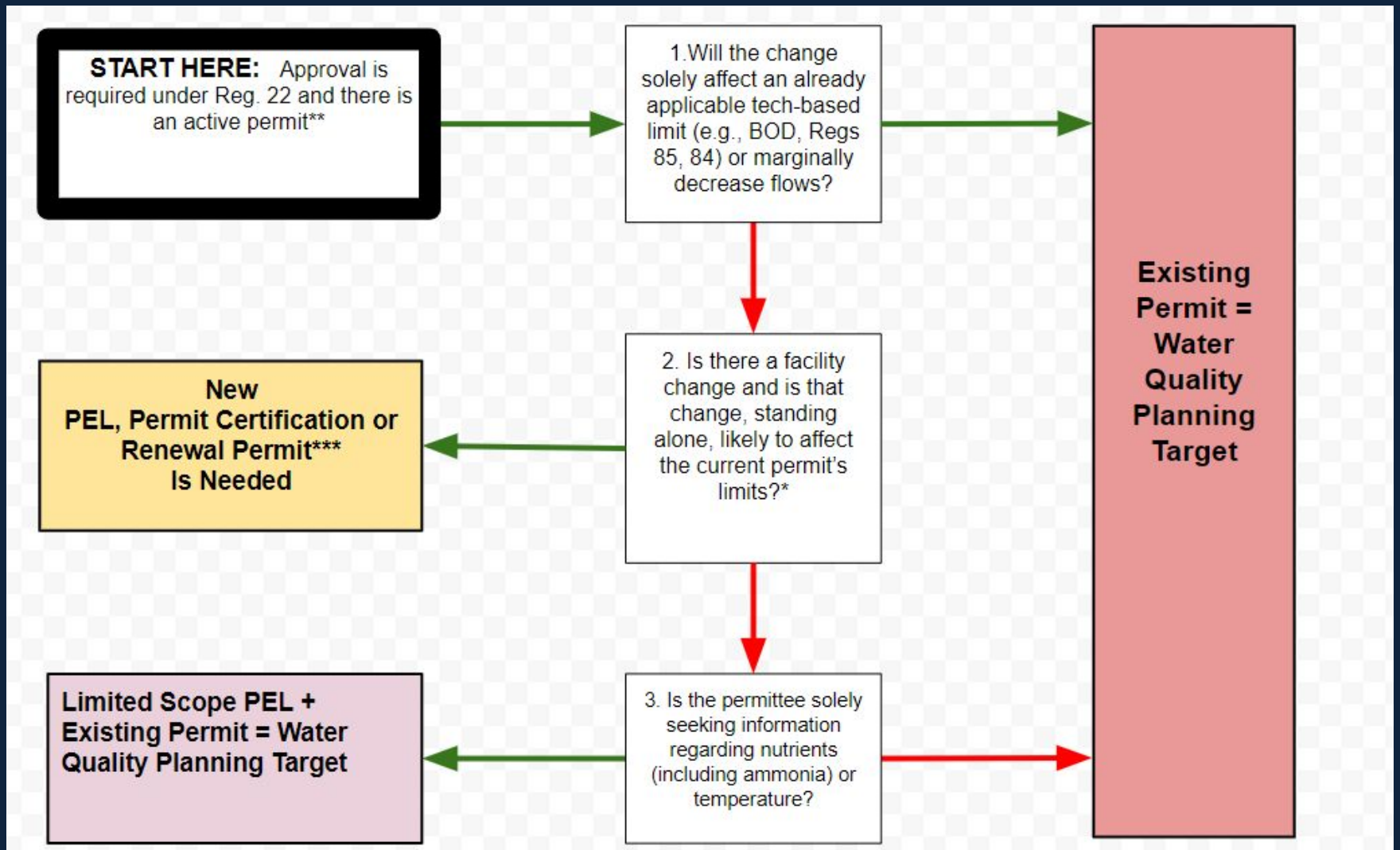
- **New guidance:** Development of Water Quality Planning Targets Guidance
- **New website:** https://cdphe.colorado.gov/WQ_Planning_Targets_and_PELs

When can you use an old PEL?



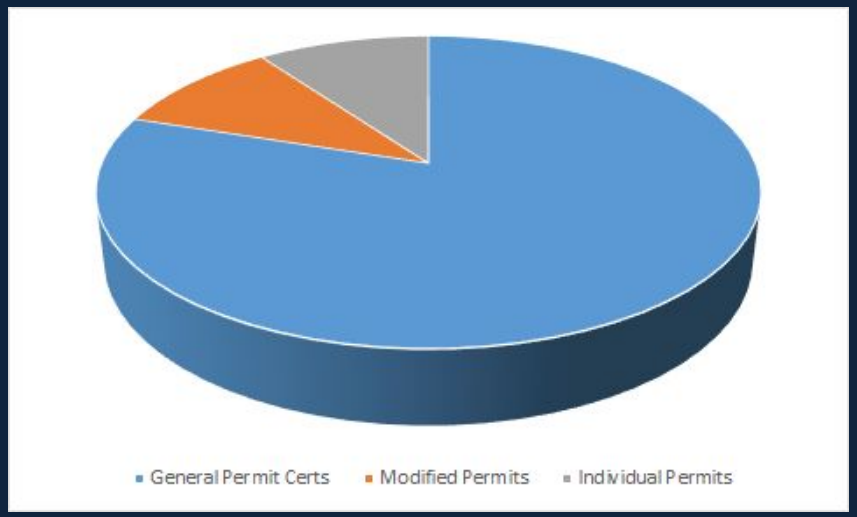
* For instance, changes in operation such as heated influent or lagoon covers will not affect permit limits. Tech based parameters are not affected by discharge volume changes.
** Red Arrow means no, green arrow means yes
WQCD, May 2020

When can you use an existing permit?



* For instance, changes in operation such as heated influent or lagoon covers will not affect permit limits; or changes in discharge rate to 0 low flow receiving water, if no standards changes.
** Red Arrow means no, green arrow means yes
***An individual renewal permit will depend upon the basin schedule and available resources for renewal
Last Revised 7/2020

The permits-first route



- Most common with small facilities under 1 MGD that apply for coverage under a general permit
- You can get your new cert now, use it as your WQPT, but not have it be effective until you've actually built the new facility
- Example - moving from a lagoon to a mechanical plant

By the numbers

- Since June 2020, ~15 WQPTs
  - 6 as PELs
  - Rest as modifications, new facilities with permits first, and/or conversions to general permit with delayed effective dates.

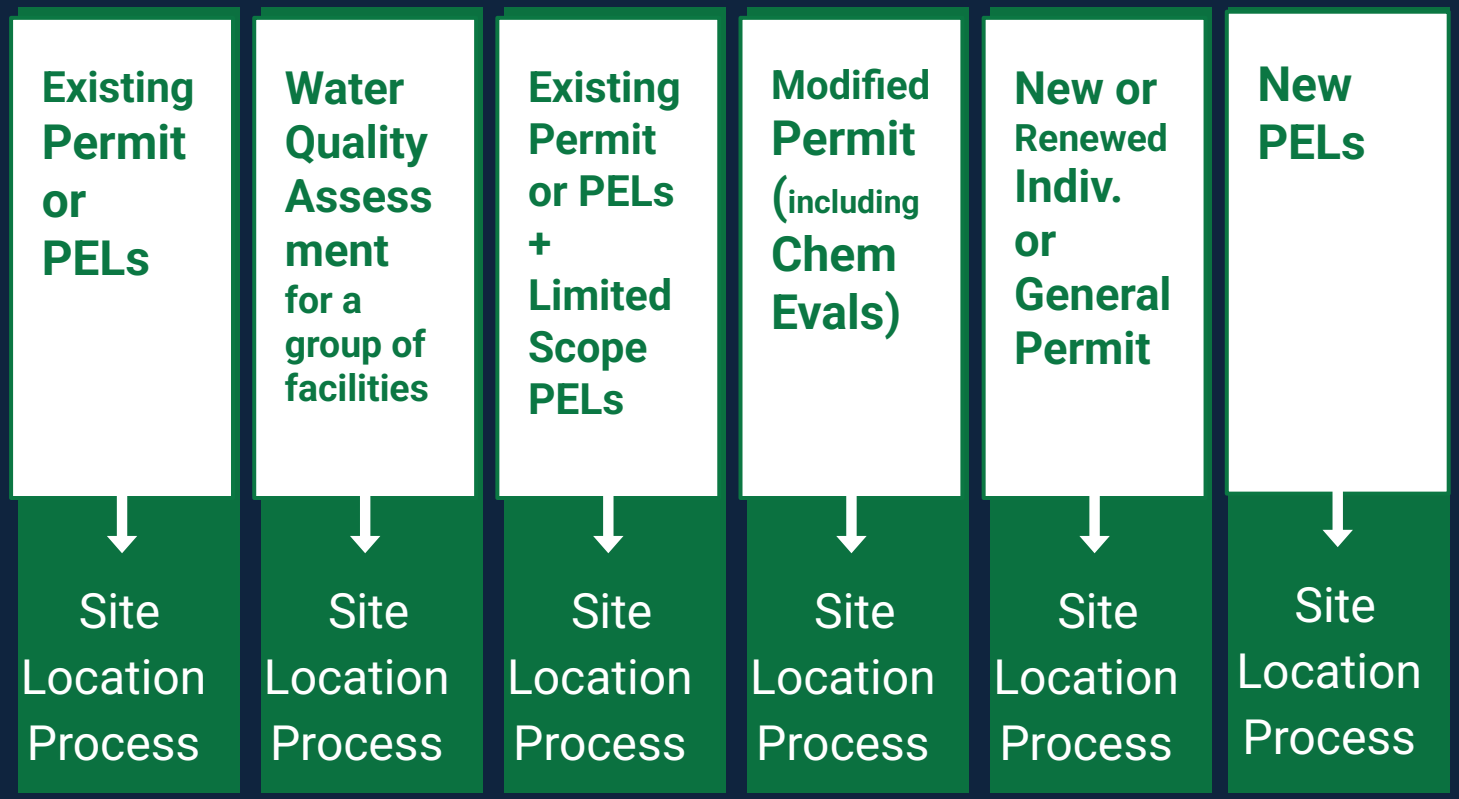

New Questions

Site Location Applications and WQPTs Interaction

- A primary purpose of the Site Location Application 22.3(1)(b):

  Determine that the proposed domestic wastewater treatment works will be managed to minimize the potential adverse impact on water quality and in accordance with the applicable water quality planning targets

Site Location Applications and WQPTs Interaction



Key Questions

- How is a WET WQPT requirement evaluated during the SA process?
- May I use 61.8(5)(h) to move through the SA process?
- Do I need WQPTs for new chemicals prior to submitting a SA? (or in other words) Can a SA be conditionally approved prior to the Permits Section developing a WQPT or limited scope PEL for a new chemical?

Relating 61.8(5)(h) to the SA Process

For 61.8(5)(h) -notify WQCD when new chemicals will **significantly change the nature or increase the quantity of pollutants discharged** or **may result in noncompliance with permit requirements**.

For Regulation 22 - WQPTs are required in most cases; WQPTs are necessary prior to submitting a SA

Do I need WQPTs for chemicals prior to submitting a SA?

YES or MAYBE (EVALUATION Req'd)

YES: WQPTs Req'd PRIOR to SA

- If you need the chemical to meet a WQPT and competing limits exist (e.g., Alum and Phosphorus)
- If the chemical, by itself, has an effluent limit (e.g., ferric)
- A WQPT is required for new chemicals prior to the SA.

Do I need WQPTs for chemicals prior to submitting a SA?

MAYBE: WQPTs MAY be Req'd PRIOR to SA

- Document and substantiate your reasoning and WQCD will evaluate per Reg. 22
- If accepted, SA would be conditioned to require the chemical to be represented in the permit prior to use of the chemical
- This option provides flexibility by not specifying a specific chemical at the SA or design stage

Do I need WQPTs for chemicals prior to submitting a SA?

MAYBE: WQPTs MAY be Req'd PRIOR to SA

- NO WQPTs could result if:
  - Chemical addition isn't required to meet effluent standards but is for optimization only (e.g., polymer for dewatering)
  - Chemical change that doesn't impact the process performance or WQPTs
- ES just started compiling a list of examples when WQPTs are NOT required prior to the SA (not ready for sharing yet)