

7052.0260 COMPLIANCE SCHEDULES.

Subpart 1. **Applicability.** This part applies to the schedules of compliance in permits for new and existing dischargers for the standards and limitations developed in this chapter.

Subp. 2. **New dischargers.** When a permit containing a WQBEL for a GLI pollutant is issued to a new discharger, the permittee must comply with such limitation upon commencement of the discharge. Compliance schedules must be included for new or more stringent WQBELs and for new or improved analytical methods or new lower quantification levels that are contained in any subsequently modified or reissued permit.

Subp. 3. **Existing dischargers.** An existing permit that is reissued or modified, on or after March 9, 1998, to contain a new or more stringent WQBEL, a new or improved analytical method, or a new lower quantification level for a GLI pollutant must have a compliance schedule for the permittee to comply with that limitation. A compliance schedule may go beyond the term of the permit. The compliance schedule must not extend beyond five years from the date of permit issuance or modification.

When the compliance schedule goes beyond the term of the permit, an interim permit limitation effective upon the expiration date must be included in the permit and addressed in the permit's fact sheet or statement of basis. The administrative record for the permit must reflect the final limitation and its compliance date.

Where a schedule of compliance is established that exceeds one year from the permit issuance or modification date, the schedule must provide interim requirements and dates for their achievement. The time between interim dates may not exceed one year. If the time necessary for completion of any interim requirement is more than one year and is not readily divisible into stages for completion, the permit must require specific dates for annual submission of progress reports on the status of any interim requirements.

Subp. 4. **Tier II standard or criterion delayed effectiveness dates.** Whenever a WQBEL for a GLI pollutant is based upon a Tier II standard or criterion and is included in a reissued or modified permit for an existing discharger, and studies are going to be conducted to generate sufficient data to revise the Tier II standard or criterion or develop a Tier I standard or criterion, the permit must provide a period of time, up to two years, in which to provide the additional studies. In such cases, the permit must require compliance with the Tier II limitation no later than five years after permit issuance or modification, and contain a reopener clause.

Subp. 5. **Revision of a WQBEL.** The reopener clause identified in subpart 4 must authorize the agency to make permit modifications if additional data have been provided during the time allowed to provide the studies identified in subpart 4, and the permittee or a third party demonstrates through the studies that a revised WQBEL for a GLI pollutant is necessary due to a modification of a standard or criterion under subpart 4. The revised

WQBEL must be incorporated through a permit modification and a compliance schedule of up to five years must be allowed. If incorporated prior to the compliance date of the original Tier II limitation, any revised WQBEL must not be considered less stringent for purposes of the antibacksliding provisions of section 402(o) of the Clean Water Act, United States Code, title 33, section 1342(o). If the specified studies have been completed and do not demonstrate the need to modify a standard or criterion under subpart 4, and therefore a revised WQBEL is not necessary, the agency must provide an additional time period, not to exceed five years, to achieve compliance with the original WQBEL. Where a permit is modified to include new or more stringent effluent limitations, on a date within five years of the permit expiration date, the compliance schedules may extend beyond the term of a permit consistent with subpart 3.

Subp. 6. **Decreasing stringency of a WQBEL.** If future studies, other than those conducted under subparts 4 and 5, result in a Tier II standard or criterion being changed to a less stringent Tier I or Tier II standard or criterion after the effective date of a Tier II-based WQBEL for that GLI pollutant, the existing Tier II-based WQBEL may be revised to be less stringent if the following provisions are met:

A. the revised WQBEL complies with section 402(o)(2) and (3) of the Clean Water Act, United States Code, title 33, section 1342(o)(2) and (3);

B. the revised WQBEL will ensure compliance with water quality standards and criteria in nonattainment waters; or

C. the revised WQBEL complies with nondegradation standards and implementation procedures in parts 7050.0180, 7050.0185, 7052.0300, 7052.0310, 7052.0320, and 7052.0330, in attained waters.

Statutory Authority: *MS s 115.03; 115.44*

History: *22 SR 1466*

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