

7052.0320 NONDEGRADATION DEMONSTRATION.

Subpart 1. **Applicability.** For surface waters of the state designated as OIRWs under part 7052.0300, subpart 3, and high quality waters under part 7052.0300, subpart 4, the procedures in items A and B must be followed to fulfill the nondegradation requirements of part 7052.0310, subparts 2 and 3.

A. Any discharger, for which there is a control document, proposing a new or expanded discharge of a BCC from a point or nonpoint source to a water designated under part 7052.0300, subpart 3, as a high quality water for that BCC must complete the requirements in subpart 2. If the discharger is proposing a new or expanded point source discharge of a BSIC, the requirements of subpart 3 must also be completed.

B. Any discharger proposing a new or expanded point source discharge of a BSIC to an OIRW must complete the requirements in subparts 2 and 3.

Subp. 2. **Demonstration elements.** The actions in items A to C must be completed by the discharger to provide a complete nondegradation demonstration.

A. Identify any available cost-effective pollution prevention alternatives and techniques that would eliminate or reduce the extent to which the increased loading results in a lowering of water quality.

B. Identify available cost-effective alternative or enhanced treatment techniques, beyond best available technology economically achievable, that would eliminate the lowering of water quality, and their costs relative to the cost of treatment necessary to achieve compliance with effluent limitations.

C. Identify the economic or social development and the benefits to the area in which the waters are located that will not occur if the lowering of water quality is not allowed.

In lieu of items A to C, entities proposing remedial actions pursuant to the CERCLA, as amended, corrective actions pursuant to the Resource Conservation and Recovery Act, as amended, or similar actions pursuant to other federal or state environmental statutes must submit information to the agency that demonstrates that the action utilizes the most cost-effective pollution prevention and treatment techniques available, and minimizes the necessary lowering of water quality.

Subp. 3. **Best technology in process and treatment analysis.** Dischargers proposing new or expanded loadings of BSICs in their discharge to OIRW-designated waters must provide an analysis of best technology in process and treatment (BTPT) to eliminate or reduce the extent of the new or expanded discharge in lieu of the requirements of subpart 2, item B. If the agency determines that the technologies under section 301 of the Clean Water Act, United States Code, title 33, section 1311, meet the provisions of this part, then these technologies are equivalent to BTPT. When evaluating the BTPT analysis, the agency

will encourage innovative BTPT technologies. The BTPT analysis must comply with the requirements in items A to E.

A. The BTPT analysis must evaluate the opportunities and technologies the discharger has to reduce loadings and minimize the generation of BSICs including pollution prevention, minimization and toxics reduction, and state-of-the-art or advanced process technologies. The preferred opportunity or technology choice to reduce the generation and loadings of BSICs is pollution prevention, minimization, and toxics reduction.

B. The BTPT analysis must evaluate the effects of the transfer of pollutants to other media in addition to water as a result of the implementation of a process technology, pollution prevention technique, or treatment technology used to implement BTPT.

C. If a multiple BSIC discharge exists, the BTPT analysis must identify BTPT for each BSIC in the discharge. If the identified BTPT technologies are not compatible and, if implemented together, cannot minimize or treat each BSIC to levels that would be achieved if the individual BTPT technologies was implemented alone, a GLI pollutant minimization program must be implemented according to part 7052.0250, subpart 4.

D. BSICs subject to a BTPT analysis must be assumed to be present in the discharge if there is evidence of their presence at the facility in internal processes or internal waste streams, even if the effluent concentration is below analytical detection levels.

E. The BTPT proposed must be the most advanced technology available, viable in the marketplace, and compatible with existing processes where facility modifications or process technology changes are proposed.

Statutory Authority: *MS s 115.03; 115.44*

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