

NMED/EQA Nutrient TMDL Work Group

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Goal Statement

- Nutrients exist in all waters of the State but that excessive levels lead to impairment of designated uses
- Nutrient TMDLs with threshold concentrations necessary to be protective of designated uses
- Recognizing waste load allocations that are technologically achievable
- Evaluate alternative approaches to the implementation of TMDL waste load allocations for municipal point-source discharges that are scientifically based, environmentally sound, and consider the existing facility design, facility age and local economic factors.

Permit Limits - Application

- Apply only to stream segments that include NPDES permitted discharges where nutrient impairment has been identified and a TMDL will be or has been developed.
- The effluents limits in this section shall be applied to all nutrient TMDLs previously adopted as well as any adopted after this provision.
- When TMDL target nutrient values and permit effluent limits derived from those values are below the technology-based limits the **technology-based limits shall be used for permit limits.**
- If technology-based limits are unachievable for an existing facility and the economic impacts of implementation of additional nutrient removal is demonstrated to be “substantial” then **alternative limits** based on this economic analysis shall be granted.
- Alternative limits will not exceed a period of 20 years from the date of last significant facility construction to ensure continued progress towards achieving water quality goals.

Existing Facilities – Technology-Based Limits

- For all stream segments with nutrient impairment where the current effluent quality exceeds the waste load allocation (WLA), the NPDES permit shall be set to the WLA or technology-based limits, whichever is greater. The following numeric limits shall apply:

PARAMETER	PARAMETER LIMITATIONS	
	Monthly Average ¹	95th Percentile ²
Total Phosphorus	1.5 mg/L	2.0 mg/L
Total Nitrogen ³	10.0mg/L	12 mg/L

Upgraded Facilities – Technology-Based Limits

- For point source discharges in the impaired segment that have undergone upgrades to treatment technology or increases in design capacity since 2013 the following numeric limits shall apply:

	PARAMETER LIMITATIONS	
PARAMETER	Monthly Average ¹	95th Percentile ²
Total Phosphorus	1.0 mg/L	1.5 mg/L
Total Nitrogen ³	8.0 mg/L	12 mg/L

New Facilities – Technology-Based Limits

- For any new point source discharges that require an NPDES permit, the following numeric limits shall apply:

	PARAMETER LIMITATIONS	
PARAMETER	Monthly Average ¹	95th Percentile ²
Total Phosphorus	0.3 mg/L	0.9 mg/L
Total Nitrogen ³	3.0 mg/L	9.0 mg/L

Seasonal Technology-Based Limits

- The following numeric limits shall apply during the non-growing season, based on USDA climate zone for the point of discharge, if seasonal considerations are necessary:

	PARAMETER LIMITATIONS	
PARAMETER	Monthly Average ¹	95th Percentile ²
Total Phosphorus	3.0 mg/L	4.5 mg/L
Total Nitrogen ³	10 mg/L	15 mg/L

Alternative Limits

- Must pass financial capability and contribution tests
- Financial Capability
 - Municipal Screener (referred to in the 1995 Guidance as the “Municipal Preliminary Screener”).
 - Index of ability to pay and means the average total annualized cost per household of pollution control, including an estimate of the cost of meeting the requirements of nutrient effluent limits, divided by the median annual household income:
Municipal Screener = [Average Total Annualized Pollution Control Cost per Household] / [Median Annual Household Income]
- A larger Municipal Screener value indicates a greater financial impact because the community has a lower ability to pay

Alternative Limits

- Relative Contribution
- the percentage of the total incremental nutrient load that is contributed by a given permitted process wastewater point source
- The “incremental load” is the total mass of nutrients generated within a assessment unit including both nonpoint sources and all point sources, independent of the sources upstream from the watershed unit.

Alternative Limits - Scoring

Financial Capability	Relative Contribution
≥ 2	> 50% TN or TP
≥ 1.5	20% - 50% of TN or TP
≥ 1	< 20% of TN or TP

Setting Alternative Limits

- A request for alternative limits shall be accompanied by proposed alternate effluent limits that represent the highest degree of nutrient removal that is consistent with the reasonable relationship test.
- At a maximum the nutrient limits will be set using the existing nutrient concentrations of effluent