

VARIANCE APPLICATION AND REVIEW PROCESS

Background

Variations from Pollution Control Standards for Discharges to the Ohio River (hereafter referred to as “standards”) are allowable and may be granted pursuant to Chapter 1.6 of the Ohio River Valley Water Sanitation Commission’s Pollution Control Standards for Discharges to the Ohio River. Variations are allowable to Chapter 4.F Mixing Zone Designation and Chapter 5 Waste Water Discharge Requirements provided the uses set forth in Chapter 2 are maintained and the water quality criteria set forth in Chapter 3 are met.

The Standards require that applications include specific reasons for the variance, information on alternatives considered including elimination of the discharge, effluent limitations that the applicant believes can be met with the highest level of treatment achievable, demonstration that the uses set forth in Chapter 2 of the standards will be maintained, that the water quality criteria set forth in Chapter 3 are met, and any additional information the Commission deems pertinent to making a decision, including, but not limited to, the NPDES permitting state regulation that would allow the requested variance absent the ORSANCO standard.

The Commission will provide opportunity for public comment in its consideration of any variance request. A variance may be granted for a period not to exceed the life of the applicant’s NPDES permit, however an applicant may apply for a variance renewal prior to the expiration of the permit.

Administration

Formal requests for variations must be submitted clearly in writing to the state and Commission. The amount of time necessary for ORSANCO’s Pollution Control Standards Committee to consider the request, allow for public input, and the Commission to take formal action at one of its regularly scheduled meetings prior to forwarding it to the state permitting authority, might typically require a minimum of 270 days.

The following information with all supporting documentation including cost information will be required to accompany a formal variance request:

- 1) Permit number, outfall number(s)
- 2) Pollutant for which variance is requested.
- 3) Discharge flow (provide most recent 12 months of data).
- 4) Discharge concentration of pollutant for which the variance is being requested (provide most recent 12 months of data).
- 5) Describe and provide all in stream, biological, and other data collected to support determinations of the status of Ohio River designated uses.
- 6) Describe the current treatment system for the discharge.
- 7) Is the current treatment system the best available technology? If yes, explain how this was determined. If no, describe the best available technology, expected resulting effluent quality, and costs.
- 8) Is the current performance of the in-place treatment system optimum? If no, describe what could be done to improve performance (provide cost information).
- 9) What alternative treatment systems have been investigated and why have they not been installed (provide justification and supporting information)?
- 10) How has elimination of the discharge been investigated? Provide justification and information to support why this cannot be achieved.
- 11) What is the best effluent quality (in terms of pollutant concentration) that can be achieved and provide a minimization plan that describes how that will be achieved.

- 12) Provide a plan with schedules and costs that describes how instream criteria will be met and how designated uses will be maintained.

Public Notification

Within 30 days of receipt of a formal request for variance, the Commission shall notify the public that a variance application has been received. The variance application and all supporting materials will be posted to the Commission's web site. After an initial recommendation regarding disposition of a the variance application has been made by the Pollution Control Standards Committee to the Commission, a thirty day public comment period will be held prior to the full Commission making a final determination at one of its regularly scheduled meetings. A public meeting may be held near the applicant's facility should a request be received.

Process

Applicant submits a formal request in writing to the state and ORSANCO with all supporting documentation.

ORSANCO makes public notification within 30 days of receipt of the application and posts the application and all supporting information to the web site.

The Commission's Pollution Control Standards Committee makes an initial determination whether to grant or deny the variance request.

ORSANCO makes public notification with a thirty day comment period announcing its preliminary decision and rationale.

A public meeting near the applicant's discharge may be held.

The full Commission takes action at one of its regularly scheduled meetings. Should the variance be granted, it becomes part of the Commission's Pollution Control Standards and included in an appendix of the standards.

Criteria for Variance Approval

- 1) Demonstration that with existing treatment certain specific requirements of Chapter 4.F Mixing Zone Designation or Chapter 5 Waste Water Discharge Requirements cannot be met.
- 2) Demonstration that there are no reasonable alternative treatment technologies available to meet all requirements of Chapter 4.F and Chapter 5.
- 3) Demonstration that there are no reasonable alternative treatment technologies that would reduce or eliminate the current discharge.
- 4) An adequate pollutant minimization plan has been submitted that describes what will be done and when to evaluate the feasibility of meeting all requirements of Chapter 4.F and Chapter 5 prior to the next permitting cycle and to ensure minimization of the pollutant being discharged.
- 5) Determination of the best effluent quality currently achievable, proposed effluent limitations that can be met on a routine basis, and demonstration that proposed limits will meet all requirements of Chapter 2 Designated Uses and Chapter 3 Water Quality Criteria.