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FW: New Source Dates for Categorical Industries

1 message

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Tue, Sep 5, 2017 at 4:13 PM

FYI

We had some questions at the MWEA Training about the new source definition and where to find a list of new source dates. Please find the EPA memorandum link below. It contains both direct and indirect discharge new source dates in the Appendix B table.

https://www3.epa.gov/npdes/pubs/newsources_dates.pdf

Note that the “source” of a discharge from an industrial operation is the facility generating the discharge, not the system treating it. *Mahelona v. Hawaiian Electric Company, Inc.*, 418 F. Supp 1328 (Aug. 27, 1976), 49 Fed. Reg. 38044 (Sept. 26, 1984). More specifically, the source of the discharge is the production or wastewater generating processes of the operation. The treatment system used to reduce pollutants in the waste stream, on the other hand, is not the source of the discharge. This distinction is significant for making new source determinations, especially for new construction at existing sites.

Applying this approach, EPA has previously determined that a newly constructed facility is a new source even if its discharge is conveyed through an existing waste treatment system. 49 Fed. Reg. 38044 (Sept. 26, 1984). Similarly, in EPA’s view, where an owner or operator makes changes only to its wastewater treatment systems, and no changes occur in the production or wastewater generating processes of the plant, the source should not be reclassified as a new source.

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<https://dnr.mo.gov/env/wpp/cpp/e1-pretreat.htm>



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