

**7049.0380 CONDITIONS FOR AUTHORIZATION TO GIVE REMOVAL CREDITS.**

A. A POTW authority may give removal credits only if:

(1) the POTW authority applies for, and receives, authorization from the agency to give a removal credit according to part 7049.0450;

(2) the POTW authority demonstrates and continues to achieve consistent removal of the pollutant according to parts 7049.0400 and 7049.0410;

(3) the POTW authority has an approved pretreatment program according to parts 7049.0800 to 7049.1020. A POTW authority that does not have an approved pretreatment program may, pending approval of such a program, conditionally give removal credits as provided in part 7049.0430;

(4) the granting of removal credits will not cause the POTW to violate the local, state, and federal sludge requirements that apply to the sludge management method chosen by the POTW. Alternatively, the POTW authority can demonstrate to the agency that even though it is not presently in compliance with applicable sludge requirements, it will be in compliance when the industrial users to whom the removal credit would apply are required to meet their categorical pretreatment standards as modified by the removal credit. Removal credits may be made available for the following pollutants:

(a) for any pollutant listed in Code of Federal Regulations, title 40, part 403, Appendix G, section I, for the use or disposal practice employed by the POTW, when the requirements in Code of Federal Regulations, title 40, part 503, for that practice are met;

(b) for any pollutant listed in Code of Federal Regulations, title 40, part 403, Appendix G, section II, for the use or disposal practice employed by the POTW when the concentration for a pollutant listed in Appendix G, section II, in the sewage sludge that is used or disposed does not exceed the concentration for the pollutant in Appendix G, section II; and

(c) for any pollutant in sewage sludge when the POTW disposes all of its sewage sludge in a municipal solid waste landfill unit that meets the criteria in part 7035.2535; and

(5) the granting of removal credits will not cause a violation of the POTW's national pollutant discharge elimination system or state disposal system permit limitations or conditions. Alternatively, the POTW authority can demonstrate to the agency that even though it is not presently in compliance with applicable limitations and conditions in its national pollutant discharge elimination system permit, it will be in compliance when the industrial users to whom the removal credit would apply are required to meet their categorical pretreatment standards, as modified by the removal credit provision.

B. Removal credits may not be claimed when an uncontrolled overflow exists between the industrial user and the receiving POTW plant.

**Statutory Authority:** *MS s 115.03*

**History:** *33 SR 696*

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