

Ohio EPA Policy	<b>301(c) Variance - Modification of Timetable</b>	
DSW-0700.003  <b>Removed</b>	Statutory references: Rule references:	Ohio EPA, Division of Surface Water Revision 0, April 16, 1990 Revision 1, September 30, 1999 Removed, December 21, 2006
<b>THIS POLICY DOES NOT HAVE THE FORCE OF LAW</b> Pursuant to Section 3745.30 of the Revised Code, this policy was reviewed and removed.		

Ohio EPA is removing this document from the Division of Surface Water Policy Manual because it is out of date.

**For more information contact:**

Ohio EPA, Division of Surface Water  
Permits & Compliance Section  
P.O. Box 1049  
Columbus, OH 43216-1049  
(614) 644-2001

Ohio EPA Policy	<b>301(c) Variance - Modification of Timetable</b>	
DSW-0700.003  <b>Final</b>	Statutory references: 33 U.S.C. 1311(c), ORC 6111.03(J) Rule references: 40 C.F.R. Part 124.62, OAC 3745-33-05(F)	Ohio EPA, Division of Surface Water Revision 0, April 16, 1990 Revision 1, September 30, 1999
THIS POLICY DOES NOT HAVE THE FORCE OF LAW Pursuant to Section 3745.30 of the Revised Code, this policy was reviewed on the last revision date.		

**Purpose**

The purpose of this policy is to assure that the necessary information is submitted to process permittee applications made pursuant to Section 301(c) of the Clean Water.

**Background**

Section 301(c) of the Clean Water Act allows a modification of the timetable to meet BAT requirements for nonconventional pollutants when it can be demonstrated that the proposal:

- represents the maximum use of technology within its economic capability; and,
- results in reasonable further progress toward the elimination of the discharge of pollutants.

**Procedure**

Applicants seeking a variance under Section 301(c) must make a timely application on the form attached to this policy. The Ohio EPA will review all 301(c) variance requests upon receipt of an application filed by the discharger that meets the statutory 270 day application deadline. Review of the discharger will be completed by the Economic Evaluation Unit in conjunction with the Industrial Permit Unit in accordance with procedures outlined in the Economic Evaluation Methodology. Reasonable further progress may be required by the Ohio EPA where applicable, in the form of a Capital Improvements Fund for the eventual attainment of BAT requirements. Dischargers which are judged not to qualify for a 301(c) variance will be reviewed by the Water Resource Management Section Manager and the Assistant Division Chief.

Dischargers recommended for a 301(c) variance will be approved at the following levels:

1. Economic Evaluation Unit, OFA;
2. Water Resource Management Section Manager, DSW ;
3. Assistant Division Chief, DSW ;
4. Division Chief, DSW ; and
5. Director, OEPA.

Following Step 5, the 301(c) variance will be forwarded to U.S. EPA, Region V with a recommendation for approval or denial. After Region V's review is completed, upon recommendation, Region V will forward to U.S. EPA Headquarters for final approval or denial.

**Related Policy or guidance**

Economic Evaluation Methodology, Economic Analysis Unit, Office of Fiscal Administration, Ohio EPA.

Ohio EPA Capital Improvement Fund Policy (DSW-0700.002)

**For more information contact:**

Ohio EPA, Division of Surface Water  
Industrial Permit group leader  
P.O. Box 1049  
Columbus OH 43216-1049  
(614) 644-2001

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### 301(c) Variance Application

Name \_\_\_\_\_ Date: \_\_\_\_\_  
 Address \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Phone Number ( ) \_\_\_\_\_

Contact Person \_\_\_\_\_  
 Title \_\_\_\_\_

NPDES Number \_\_\_\_\_

Brief description of the existing facility and the problems associated with BAT limits: (Attach additional sheets if necessary)

I certify under penalty of law that this document and all attachments were prepared under my direction or law supervision and that the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are substantial penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
 Signed

\_\_\_\_\_  
 Date

#### FOR OHIO EPA USE

Dates tracked		Ohio EPA recommendation (date & initials)		
		level	recommended	not recommended
application received				
review completed		Economist, OFA		
forwarded to Region V		Manager, DSW		
Region V forwards to USEPA - headquarters		Asst. Chief, DSW		
permit & variance issued		Chief, DSW		
permit expires		Director		

## Attachments to 301(c) Variance Application

1. General plan including: brief description of existing wastewater treatment facilities; brief description of lowest cost alternative to meet BAT for toxics, conventionals, and nonconventionals, and for toxics and conventionals; capital cost of both alternatives; total annual operation and maintenance of both alternatives; existing annual operation and maintenance costs of pollution control equipment.
2. Audited financial reports at the corporate and plant level from the most recent five years.
3. Standard Industrial Classification for the facility.