

**Is it reasonably feasible or practicable for the discharge to meet 10 mg/L at first encountered groundwater?**

**Note:** this flowchart of permitting options presumes that appropriate water quality standards (e.g. beneficial uses and related water quality objectives) have been established for the receiving groundwater. If not, a conditional exceedance may be necessary to provide time to revise the applicable standard.

**YES**  
May require compliance schedule.

**NO**

**Is the nitrate concentration in the discharge greater (worse) than the nitrate concentration in the receiving groundwater?**

**Will allowing the discharge cause the average nitrate concentration in the receiving groundwater to exceed 10 mg/L?**

**Is Assimilative Capacity available?**

**YES**

**NO**

**YES**

**NO**

**Would allowing lower water quality be consistent with state Antidegradation Policy?**

**YES**

**NO**

**Should the discharge be prohibited?**

**YES**

**Issue a Time Schedule Order (TSO) and/or a Cease & Desist Order (CDO)**

**NO**

**NO**

**State Antidegradation Policy (Res. 68-16)**

- 1) Allowing the discharge will not result in pollution or nuisance, and...
- 2) Allowing the discharge will assure Best Practicable Treatment or Control consistent with Maximum Benefit to the people of the state, and...
- 3) Allowing the discharge will provide Maximum Benefit to the people of the state.

**Authorize an allocation of Assimilative Capacity?**

**Authorize an Alternative Compliance Program or other offset project?**

**YES**

**YES**

**YES**

May require a compliance schedule

**NO**

**Issue WDRs with appropriate conditions.**

**Authorize a Conditional Exceedance?**

**YES**

**NO**

**This is not a legal option; try again.**

**NO**

Discharge complies with the nitrate objective and does not degrade water quality.

**Regulatory Implementation Options for Evaluating and Permitting Nitrate Discharges to Groundwater**

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(for discussion purposes only)*