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**Conditional Planning Approval for New or Expanded Sewage  
(design flow > 0.002 MGD)**

New loads must be offset from other sources, point or non-point, which could include retirement of existing on-lot systems, retirement of existing treatment facilities, reducing non-point source loads in the developing area, and purchasing credits through the trading program. Recycle and reuse, land treatment and advanced treatment are alternatives available to reduce the nutrient load that must be offset. Any combination of these options may be proposed provided that the result is no net increase in nutrient loadings to the stream. Note that Section 71.61 of the Department's regulations require that official plans and revisions to official plans shall evaluate alternatives available to provide for adequate sewage facilities.

In situations where land treatment and retiring existing facilities would not generate the minimum offsets required to meet a zero net load, purchasing the offsets elsewhere through the nutrient trading program may be the only viable option. As the Department works on developing credits to facilitate initial trades before the program becomes self-sustaining, a measure must be in place to allow applicants who are interested in trading to meet the zero net loads for total nitrogen (TN) and total phosphorus (TP).

If an applicant has selected trading as the option to meet the zero net nutrient load requirements, the Department may temporarily grant a conditional approval of a plan update based on the requirement that the applicant will obtain the nutrient credits identified in their plan and apply for a National Pollutant Discharge Elimination System (NPDES) permit within two years. In these cases, the NPDES permit will be written with zero net cap load limits for TN and TP, and include a condition that the permittee must achieve the net limits by purchasing credits. Note that in these cases, applicants will be proceeding at their own risk. Should credits not be obtained for any reason, the condition shall specify that the treatment facilities are not be authorized to discharge, regardless of whether or not they have been built.

The conditional plan update approvals will be an option for all plan updates submitted by December 31, 2006. After December 31, 2006, applicants must have a contract to show that they intend to trade in order to receive planning approval; therefore, the conditional plan approval will no longer apply. Note that December 31, 2006 is an estimate of when the trading program will be self-sustaining and credits will be available. The Department may either curtail or extend this temporary conditional approval period, based on its determination that the trading program is or is not self-sustaining. The Department will announce publicly any extension or curtailment of the temporary period.

For any planning modules or base plans proposing new or increased point source discharges that have been submitted to the Department but for which a completeness review has not yet been done, the Department will return the plan as incomplete and ask for additional information related to the proposed methods for meeting the zero net nutrient requirements. The incomplete letter will include suggested alternatives to consider including reuse, recycle, land treatment, offsets through retiring on-lot systems

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or treatment facilities, offsets by reducing non-point source loads in the developing area, and purchasing credits. It will also include information on the conditional plan approval if trading is selected. Note that the conditional sewage facilities plan approval also could be an option even if the applicant may not have determined that trading is the only viable option, but would like to compare it to other options before making a selection. In this case, an applicant will have to indicate to the Department in writing that they plan to consider trading as an option for meeting the nutrient requirements. The applicant could not apply for permits for construction and operation until they select a recommended alternative.

For municipal sewage base plans already submitted to the Department that have been deemed complete but have not addressed the nutrient requirements, the Department may grant a 60-day extension for municipal sewage base plans and ask the municipality for additional information on how they plan to meet the nutrient requirements. The notice of extension will include the information on suggested alternatives and the conditional plan approval if trading is selected.

Planning modules for new land development that were already deemed to be complete but do not address the zero net loads for TN and TP, may receive conditional plan approval to pursue trading if the applicant submits an intent to consider trading to the Department in writing. If the applicant does not submit a letter with their intention to consider trading, then the planning module may be denied. Any denial letter will include a notification regarding resubmission as well as the information on suggested alternatives and the conditional plan approval if trading is selected.