

(Office of Water letterhead)

December 30, 1987

MEMORANDUM

SUBJECT: Implementation of the Organic Chemical Pretreatment Standards

FROM: James R. Elder, Director
Office of Water Enforcement and Permits (EN-336)

TO: Regional Water Division Directors

On November 5, 1987, EPA promulgated pretreatment standards for the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) Industry (52 FR 42522). These standards represent a major effort by the Agency to control toxic pollutants by one of the most significant industries discharging to POTWs. To ensure that appropriate and timely implementation and enforcement steps are exercised, the Office of Water Enforcement and Permits is performing certain tasks, and requesting your involvement.

Based on the Industrial Technology Division's data base for the OCPSF regulations, I have attached a listing for your Region identifying the name and address of each Industrial User (IU) subject to OCPSF standards followed by the name and address of the POTW to which it discharges. While there may be a few errors in this listing, it should be a reasonably complete and accurate listing and of benefit to you. With this listing, I expect that Regional Offices will identify the Control Authority for each IU (POTW, State or EPA); send a listing of the IUs to each State (which carries out pretreatment program functions); and oversee State and POTW programs to ensure that the required Baseline Monitoring Reports (BMRs) are submitted by June 20, 1988.

In addition to identifying each of the IUs, OWEP is mailing a notice to each of the OCPSF IUs, informing them of the issuance of the pretreatment standards and their compliance responsibilities (including BMRs). I have attached a copy of the materials that will be forwarded to these IUs. (Note the announcement of a series of meetings on implementing these regulations.)

For the OCPSF industry there are a relatively a small number of IUs (393); they are environmentally significant; and they have been identified. EPA can and should take steps necessary to see that compliance is achieved -- not by waiting until after the compliance date (November 5, 1990), but by properly addressing compliance with BMRs. Early attention to the compliance status of these industrial users can increase the level of compliance and reduce the need to expend more resources addressing noncompliance later.

If you have any questions about this effort, please contact Bill Jordan, Director Enforcement Division at (202) 475-8304 or Richard Kinch at (202) 475-8319.

Dear Plant Manager:

On November 5, 1987, U.S. Environmental Protection Agency published water pollution regulations for the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) Industry, (52 YR 42522). Our information indicates that your facility is subject to the pretreatment standards for this industry, and a copy of the regulation has been enclosed for your reference (Enclosure A). This letter is intended to remind you of your responsibilities under the General Pretreatment Regulations (40 CFR Part 403), and provide you with some basic information on activities you must perform to achieve compliance (Enclosure B).

The first step is to identify your pretreatment Control Authority and discuss with them any specific reporting procedures they may have established. Your Control Authority is one of the following:

- Publicly Owned Treatment Works (POTW) - if they have an approved pretreatment program.
- State - if the POTW does not have an approved pretreatment program and the State has an approved pretreatment program.
- EPA Regional Office - if neither the POTW nor State has an approved pretreatment programs. If you are unsure of the pretreatment program approval status of your local POTW, call the POTW, State or EPA Regional Office. A list of EPA Regional contacts is enclosed (Enclosure C).

The next step is to submit to your Control Authority a Baseline Monitoring Report (BMR). This report must be submitted by June 20, 1988. A description of the required contents of this and other reports is enclosed.

The remaining steps involve:

- Complying with the OCPSF standards by November, 5, 1990
- Submitting a 90-Day Compliance Report by February 3, 1991

- Submitting Periodic Compliance Reports at least twice a year after November 5, 1990.

While compliance with the pollution standards is a three-year process, it is important to note that BMRs are due by June 20, 1988. EPA expects that Control Authorities will take appropriate action if BMRs are late or incomplete, and EPA and approved States will fulfill their oversight responsibilities to ensure that this first step, BMR submissions, is completed.

The enclosed information should be helpful to you in complying with the pretreatment requirements. POTW and State personnel with approved pretreatment programs and EPA's Regional Pretreatment Coordinators can provide assistance in resolving questions you may have regarding these requirements. To further explain the application of national standards for the OCPSF industry, EPA is conducting 5 workshops in various locations across the country (see Enclosure D).

Now that this substantial set of pretreatment regulations has been issued, I urge you to examine the enclosed materials, raise questions to the appropriate authorities, and fulfill your responsibilities to achieve compliance with the OCPSF pretreatment standards, and the reporting requirements of the General Pretreatment Regulations.

Sincerely.

James R. Elder, Director
Office of Water Enforcement and Permits

REQUIREMENTS OF THE GENERAL PRETREATMENT REGULATIONS

1. INTRODUCTION

This section provides a brief overview of the General Pretreatment Regulations and identifies those provisions of the Regulations which have a direct bearing on the application and enforcement of Categorical Pretreatment Standards of the Organic Chemicals, Plastics, and Synthetic Fibers category.

The general Pretreatment Regulations for Existing and New Sources (40 CFR Part 403) establish the framework and responsibilities for implementation of the National Pretreatment Program. The effect of 40 CFR Part 403 is essentially three-fold. First, the General Pretreatment Regulations establish general and specific discharge prohibitions as required by Sections 307(b) and (c) of the Clean Water Act. The general and specific prohibitions are described in Section 403.5 of the Pretreatment Regulations and apply to all non-domestic sources introducing pollutants into a Publicly Owned Treatment Works (POTWs) whether or not the source is subject to Categorical Pretreatment Standards.

Second, the General Pretreatment Regulations establish an administrative mechanism to ensure that National Pretreatment standards (Prohibited Discharge Standards and Categorical Pretreatment Standards) are applied and enforced upon industrial users. Approximately 1,500 POTWs are required to develop a locally run pretreatment program to ensure that non-domestic users comply with applicable pretreatment standards and requirements.

Third, and most importantly for the purpose of this guidance, the General Pretreatment Regulations contain provisions relating directly to the implementation and enforcement of the Categorical Pretreatment Standards. Category determination provisions, and fundamentally different factors variances, and monitoring and reporting requirements are discussed. You should refer to 40 CFR Part 403 for specific language and requirements where appropriate.

2. CATEGORY DETERMINATION REQUEST

An existing industrial user (IU) or its POTW may request written certification from EPA or the delegated State specifying whether or not the industrial user falls within a particular industry category or subcategory and is subject to a categorical pretreatment standard. The deadline for submitting a category determination request by existing industrial users subject to the Organic Chemicals, Plastics, and Synthetic Fibers, categorical pretreatment standards is February 19, 1988. A new industrial user or its POTW may request this certification for a category determination anytime prior to commencing its discharge. The contents of a category determination request and procedure for review are presented in Section 403.6(a) of the General Pretreatment Regulations.

3. FUNDAMENTALLY DIFFERENT FACTORS VARIANCE

An industrial user may request less stringent limits based on being fundamentally different from factors considered during the development of the categorical pretreatment standards. Such industrial users are eligible for fundamentally different factors (FDF) variances from PSES upon a satisfactory showing that the

request satisfies statutory criteria and 403.13 of the General Pretreatment Regulations. One requirement is that an application for an FDF variance be based solely on information and supporting data that was submitted to EPA during the OCPSF rulemaking establishing the standards, or on information and supporting data that the applicant did not have a reasonable opportunity to submit during the rulemaking. A PSES FDF variance request must be submitted by May 3, 1988.

4. MONITORING AND REPORTING REQUIREMENTS OF THE GENERAL PRETREATMENT REGULATIONS

In addition to the requirements contained in the OCPSF Categorical Pretreatment Standards, industrial users subject to these Standards must fulfill the reporting requirements contained in Section 403.12 of the General Pretreatment Regulations. These requirements include the submission of baseline monitoring reports, compliance schedules, compliance reports (initial and periodic), notices of slug loading, and record-keeping requirements. Each of these reporting requirements is briefly summarized below.

4.1 Baseline

All industrial users subject to Categorical Pretreatment Standards must submit a baseline monitoring report (BMR) to the Control Authority to document the industrial user's current compliance status with a Categorical Pretreatment Standard. The Control Authority is defined as the POTW if it has an approved pretreatment program, otherwise the BMR will be submitted to the State (if the State has an approved State Pretreatment Program) or to the EPA Region (if neither the POTW or State has an approved Pretreatment Program). Additional guidance on BMR reporting is available from the EPA Regional Pretreatment Coordinator.

BMR Due Dates

Section 403.12(b) requires that BMRs be submitted to the Control Authority within 180 days after the effective date of a Categorical Pretreatment Standard or 180 days after the final administrative decision made upon a category determination request [403.6(a)(4)], whichever is later. If there is not a category determination request the EMR due date is June 20, 1988.

BMR Content

A BMR must contain the following information as required by Section 403.12(b).

1. Name and address of the facility, including names of operator(s) and owner(s).
2. List of all environmental control permits held by or for the

facility.

3. Brief description of the nature, average production rate and SIC code for each of the operation(s) conducted, including a schematic process diagram which indicates points of discharge from the regulated processes to the POTW.

4. Flow measurement information for regulated process streams discharged to the municipal system. If regulated wastestreams are mixed with unregulated and/or dilution wastestreams, flow measurements of other wastestreams will be necessary to calculate alternative limits (i.e., use of the combined wastestream formula, 403.6(e), where wastestreams mix prior to treatment).

5. Identification of the pretreatment standards applicable to each regulated process and results of measurements of pollutant concentrations and/or mass. All samples must be representative of daily operations and results reported must include values for daily maximum and average concentration (or mass, where required). Where the flow of the regulated stream being sampled is less than or equal to 250,000 gallons per day, the industrial user must take three samples within a two week period. Where the flow of the stream is greater than 250,000 gallons per day, the industrial user must take six samples within a two week period. If samples cannot be taken immediately downstream from the regulated process, the industrial user should measure flows and concentrations of the other wastestreams sufficient to calculate appropriate alternative limits (i.e., use of the combined wastestream formula). On June 12, 1986, EPA proposed to require a minimum of one representative sample, regardless of flow (51 FR 21480). Therefore, Industrial Users should recognize that the monitoring frequency for BMRs maybe amended prior to the BMR due date.

6. Statement of certification concerning compliance or noncompliance with the Pretreatment Standards.

7. If not in compliance, a compliance schedule must be submitted with the BMR that describes the actions the user will take and a timetable for completing those actions to achieve compliance with the standard. This compliance schedule must contain specific increments of progress in the form of dates for the commencement and completion of major events, however, no increment of the schedule shall exceed 9 months. Within 14 days of each completion date in the schedule, the industrial user shall submit a progress report to the Control Authority indicating whether or not it complied with the increment of progress to be met on such date, and, if not the date on which it expects to comply with this increment of progress and the steps being taken to return to the schedule.

4.2 Report on Compliance

Any industrial user subject to the OCPSF Standards for existing sources must submit to the Control Authority a "report on compliance" that states whether or not applicable pretreatment standards are being met on a consistent basis. For existing sources, this report is due by February 5, 1990. For new sources, the report must be submitted within 90 days following commencement of discharge to the POTW. The report must indicate the nature and concentration of all regulated pollutants in the facility's regulated process wastestreams; the average and maximum daily flow of the regulated streams; and a statement of whether compliance is consistently being achieved, and if not, what additional operation and maintenance and/or pretreatment is necessary to achieve compliance. See 40 CFR 403.12(d).

4.3 Periodic Reports on Continued Compliance

Unless required more frequently by the Control Authority, all industrial users subject to the OCPSF Categorical Pretreatment Standards must submit a biannual "periodic compliance report" during the months of June and December (unless other months are selected by the Control Authority). The report shall indicate the precise nature and concentrations of the regulated pollutants in its discharge to the POTW, the average and maximum daily flow rates of the facility, the methods used by the indirect discharger to sample and analyze the data, and a certification that these methods conformed to those methods outlined in the regulations. See 40 CFR 403.12(e).

4.4 Notice of Slug Loading

Section 403.12(f) requires industrial users to notify the POTW immediately of any slug loading of any pollutant, including oxygen demanding pollutants (BOD, etc.) released to the POTW system at a flow rate and/or pollutant concentration which will cause interference with the POTW.

4.5 Monitoring and Analysis to Demonstrate Continued Compliance

Section 403.12(g) states that the frequency of monitoring to demonstrate continued compliance shall be prescribed in the applicable Pretreatment Standards. OCPSF Pretreatment Standard did not establish and monitoring frequency. Therefore, the appropriate Control Authority must establish the monitoring frequency to adequately demonstrate that indirect dischargers subject to these pretreatment standards are in compliance with the applicable standards. Unless otherwise noted in the appropriate paragraph of Section 403.12, the monitoring frequency established by the Control Authority shall be used in the baseline monitoring report (403.12(b)(5)), the report on compliance with categorical pretreatment standard deadline (403.12(d)), and the periodic reports on continued compliance (403.12(e)).

Sampling and analysis shall be in accordance with the procedures

established in 40 CFR Part 136 and any amendments to it or shall be approved by EPA. When Part 136 techniques are not available or are inappropriate for any pollutant, then sampling and analysis shall be conducted in accordance with procedures established by the POTW or using any validated procedure. However, all procedures for sampling and analysis not included in Part 136 must be approved by EPA.

4.6 Signatory Requirements for Industrial User Reports

All reports submitted by industrial users (BMR, Initial Report on Compliance, and Periodic Reports, etc.) must be signed by an authorized representative in accordance with Section 403.12(k).

4.7 Recordkeeping Requirements

Any industrial user subject to the reporting requirements of the General Pretreatment Regulations shall maintain records of all information resulting from any monitoring activities required by 403.12 for a minimum of three years [403.12(n)]. These records shall be available for inspection and copying by the Control Authority.

□