

United States Environmental Protection Agency
Office of Water Enforcement & Permits
Washington, DC 20460
(EN-335)

P R E T R E A T M E N T B U L L E T I N

Date: September 3, 1985 No. 1

Background

OWEP ESTABLISHES A PRETREATMENT BULLETIN

In February 1984, William Ruckelshaus, then EPA Administrator, established the Pretreatment Implementation Review Task Force (PIRT), to provide the Agency with recommendations on the day-to-day problems faced by POTWs, States and industry in implementing the Agency's pretreatment program. PIRT was composed of 17 representatives from POTWs, States, industry, environmental groups and EPA Regions. Among the issues PIRT has addressed are the complexity of certain pretreatment program requirements, needs for guidance and information dissemination, enforcement policies, funding needs, delineation of roles and responsibilities of the various governmental entities involved in the pretreatment program, and certain regulatory changes that would facilitate pretreatment program implementation.

One of PIRT's specific recommendations was for EPA to establish a quarterly (or at least semiannual) pretreatment newsletter. The Office of Water Enforcement and Permits assessed that recommendation and decided to establish a Pretreatment Bulletin, this being the first. These bulletins will be issued on an as-needed basis to transmit policy, guidance, regulations and other specific information needed by POTWs to develop and implement pretreatment programs.

Available Documents

The PIRT Final Report was presented to EPA's Administrator, Lee Thomas on March 18, 1985, and a copy is attached. This report is being used by EPA as the basic agenda for improving administration of the pretreatment program.

GUIDANCE DOCUMENTS

The following guidance documents are in the final stages of development and will be sent directly to you:

- * Production Based Standards and Combined Wastestream Formula Guidance
- * RCRA Information for Publicly Owned Treatment Works
- * Guidance Manual for Implementing Total Toxic Organic Pretreatment Standards

Copies of other available pretreatment guidance documents can be obtained by using the attached Document Request Sheet.

FEDERAL REGISTER REFERENCES

So that POTWs are aware of all major regulatory actions concerning the General Pretreatment Regulations and Categorical Standards, a list of appropriate Federal Register references and a summary of effective/compliance dates for categorical pretreatment standards has been attached.

EPA Response to PIRT

While many of PIRT's recommendations require considerable effort by EPA and are being addressed, several recommendations call for a brief statement by EPA of clarification, policy or acknowledgement. The following represents EPA's response to those recommendations:

LOCAL LIMITS

PIRT recommended that the Agency issue a statement regarding the development of local limits by POTWs. In addition, PIRT acknowledged that the development of local limits might be facilitated by distribution of a computer model.

EPA Response - A guidance memorandum has been issued by EPA. In part, the guidance calls for all POTWs implementing pretreatment programs to assess local limits for cadmium, chromium, copper, lead, nickel, zinc and any other pollutants of concern. For further information please contact your State or Regional Office. A copy of the August 3, 1985 guidance memorandum from Rebecca W. Hanmer, Director, office of water Enforcement and Permits to NPDES State Directors and EPA Regional Water Management Division Directors can be obtained by using the attached Document Request Sheet.

The Agency has recently developed a computer program, PRELIM, which is intended to greatly reduce the time required to calculate local limits. EPA is now scheduling PRELIM training workshops for EPA Regional and NPDES State personnel, who can, in turn, train POTW personnel.

ENFORCEMENT AGAINST INTERFERENCE

PIRT requested that EPA clarify whether Publicly Owned Treatment Works (POTWs) can take enforcement action against an industrial user due to interference when there is no promulgated definition.

EPA Response - EPA Regions, States with pretreatment approval authority and publicly owned wastewater treatment plants (POTWs) with approved pretreatment programs can and should continue to enforce the general prohibitions against interference and pass through.

Until a new definition is promulgated (in accordance with a Federal Court ruling), determinations of interference or pass through should be made case by case, based on the language of the Clean Water Act. For further information please contact your State or Regional Office. A copy of the May 3, 1985 memorandum from Glenn L. Unterberger, Acting Associate Enforcement Counsel for Water Enforcement, and Rebecca W. Hanmer, Director, Office of Water Enforcement and Permits to EPA Regional Counsels and Water Management Division Directors, can be obtained by using the attached Document Request sheet.

On June 19, 1985 the Agency proposed new definitions for interference and pass through (50 FR 25526). EPA, had suspended the previous definitions in response to a court ruling striking down those provisions. As proposed, the definitions are consistent with the court's decision. Both definitions would require a direct causal link between the industrial user's discharge, either alone or in conjunction with the discharge from one or more indirect dischargers, and the interference or pass through problem. Final promulgation of the new definitions is currently planned for early 1986.

REGULATION OF SMALL INDUSTRIAL USERS

PIRT made the following recommendation which EPA acknowledges:

"Initially, there was some concern that small industrial dischargers (do minimus dischargers) should be exempt from applicable categorical standards. However, some small industries discharge highly concentrated toxics and incompatible pollutants which could upset a waste treatment plant more adversely than high flow, moderately concentrated pollutant dischargers - PIRT examined this issue and recommends that all industrial users comply with their appropriate categorical standards. Control Authorities have flexibility to deal with appropriate monitoring for truly insignificant discharges."

EPA Response - While Control Authorities are free to set less frequent monitoring requirements for small industrial Users than for more significant discharges, it should be noted that the General Pretreatment Regulations require all Industrial Users subject to categorical Pretreatment Standards to submit periodic reports on compliance at least twice a year.

APPLICABILITY OF CATEGORICAL STANDARDS TO FEDERAL FACILITIES

PIRT recommended that EPA publish guidance on whether Federal facilities are regulated by categorical pretreatment standards.

EPA Response - Federal facilities which discharge to POTWs are subject to and must comply with all requirements of the pretreatment program, including categorical pretreatment standards and any applicable local program requirements. As with other indirect discharging facilities, the combined wastestream formula is to be utilized to adjust for mixtures of regulated, dilution and unregulated wastestreams.

INTERACTION BETWEEN EPA, STATES AND POTWS

The PIRT report emphasizes that the primary authority for pretreatment program implementation and enforcement lies with the Control Authority. PIRT also stresses the need for a well-defined relationship between POTWS, States and EPA so that the three levels of government can work together most effectively. These concepts will be carefully considered as the Agency develops guidance and implements the pretreatment program.

COMPLIANCE BY INDUSTRIAL USERS AFTER A CHANGE IN OWNERSHIP

PIRT recommended that EPA investigate the extent to which circumvention of pretreatment requirements occurs by changes in ownership.

EPA Response - On October 23, 1984, a memorandum was sent to each EPA Regional office to ascertain the number of such reported incidents. Regional response show that very few cases or attempts at circumvention through change of ownership have occurred. These results indicate that there is no present need for a regulatory amendment or policy development.

Several Regions did respond that if they were to encounter circumvention through change of ownership, they would apply the existing regulation which requires all existing industries to comply with the specified deadline without exemption for change of ownership.

This latter course of action will be encouraged and used in conjunction with the "Pretreatment Compliance Monitoring and Enforcement Guidance for Control Authorities."

TRACKING THE DEVELOPMENT OF STATE WATER QUALITY STANDARDS

PIRT recommended that EPA headquarters develop a tracking system for assessing State progress in developing needed water quality standards for toxics and for sharing information nationwide.

EPA Response - A tracking system for assessing State progress in developing water quality standards has been implemented. (Reference March 20, 1985 Memorandum " Mid-year Summary of Water Quality Standards Actions", Patrick M. Tobin, Director, Criteria and Standards Division, EPA.)

ENFORCEMENT AGAINST POTWs WITHOUT PROGRAM APPLICATIONS

PIRT recommended that EPA initiate enforcement action against POTWs that have failed to submit complete program approval applications.

EPA Response - The Department of Justice and EPA have recently filed 12 cases against POTWs that have failed to submit complete program applications, and are preparing for additional enforcement action against others.

ENFORCEMENT OF PRETREATMENT STANDARDS

PIRT recommended that EPA take enforcement action against noncompliant industrial users where POTWs and States have failed to do so.

EPA Response - POTWs and States have primary responsibility to take the necessary enforcement action to obtain compliance by industrial users. Where this does not occur, the Agency will take enforcement action against the industrial user, and/or the POTW. To date, EPA has referred several industrial users for judicial action.

WORKSHOPS AND SEMINARS

Many EPA Regional offices, usually in cooperation with State pretreatment program offices, are conducting seminars and workshops for POTWs implementing local pretreatment programs.

Topics covered include the application of categorical pretreatment standards (including use of the Combined Wastestream Formula), industrial user permits, local limits, monitoring, inspection procedures and other subjects of interest to industrial waste control personnel and industrial users.

The seminars are designed to provide practical information and usually feature presentations by experienced POTW pretreatment managers who can provide many helpful pointers. Watch for notice of a pretreatment seminar in your area.

Categorical Standards

METAL FINISHING CYANIDE STANDARDS

Most of the categorical industrial users will be subject to Metal Finishing standards, which have a compliance date of February 15, 1986. The Agency has observed misinterpretation of the Metal Finishing Cyanide requirement. To properly implement this standard, POTWs should note §433.12(c): "Self-monitoring for cyanide must be conducted before dilution with other streams. Alternatively, samples may be taken of the final effluent, if the plant limitations are adjusted based on the dilution ratio of the cyanide wastestream flow to the total effluent flow."

Hazardous Wastes

RCRA REQUIREMENTS FOR POTWs

POTWs that receive hazardous wastes by rail, truck, or by a pipe that did not carry sewage are required to comply with RCRA. See 40 CFR §261.4(a)(1). POTWs generally are covered by a RCRA permit-by-rule that defers to the POTW's NPDES permit as satisfying RCRA permitting requirements. See 40 CFR §270.60(c). section 3004(u) of the Hazardous and Solid Waste Amendments of 1984 (amending RCRA) provides that all RCRA permits (including permits-by-rule) issued after November 8, 1984 must require corrective action for all releases of hazardous waste or constituents from any solid waste management unit. RCRA regulations implementing new RCRA statutory requirements were recently promulgated and contain now language on the POTW permit-by-rule provision. See 50 FR. 28702 et, seq., July 15, 1985. Inasmuch as the

permit-by-rule is tied into the NPDES permit, this provision will be implemented through the NPDES permit. Therefore, NPDES permits issued after November 5, 1984, to POTWs receiving hazardous waste (waste not covered by the domestic sewage exemption) must contain the corrective action requirement in order for a facility to be deemed to have a RCRA permit-by-rule.

DOCUMENT REQUEST SHEET

To obtain a copy of any of these reports please return the following information to:

Mr. Chuck Prorok
U.S. Environmental Protection Agency
401 M Street, S.W. (EN-336)
Washington, D.C. 20460

Name:

Address:

Guidance Documents

Documents Requested (check appropriate boxes)

1. Guidance Manual for Electroplating and Metal Finishing Pretreatment Standards.
2. Guidance Manual for Pulp, Paper, and Paperboard and Builder's Paper and Board Mills Pretreatment Standards
3. Overview of the National Pretreatment Program
4. Removal Credit Guidance
5. Local Limits Requirements for POTW Pretreatment Program
6. POTW Pretreatment Program Development Manual
7. Procedures Manual for Reviewing a POTW Pretreatment Program Submission
8. Guidance on Enforcement of Prohibitions Against Interference and Pass through

**INDUSTRIES SUBJECT TO CATEGORICAL PRETREATMENT STANDARDS
FINAL REGULATIONS**

<u>Industry Category</u>	<u>Date Issued</u>		<u>PSES¹</u>
	<u>In Federal Register</u>	<u>Effective Date</u>	<u>Compliance Date</u>
Timber Products	1-26-81	3-30-81	1-26-84
Electroplating ²	1-28-81	3-30-81	4-27-84
			(Nonintegrated)
			6-30-84
			(Integrated)
Iron & Steel	5-27-82	7-10-82	7-10-85
Inorganic Chemicals (Phase 1)	6-29-82	8-12-82	8-12-85
Textile Mills	9-02-82	10-18-82	N/A
Coal Mining ³	10-13-82	11-26-82	N/A
Petroleum Refining	10-18-82	12-01-82	12-01-85
Pulp & Paper Mills	11-18-82	1-03-83	7-01-84
Steam Electric Power Plants	11-19-82	1-02-83	7-01-84
Leather Tanning & Finishing	11-23-82	1-06-83	1 1-25-85
Porcelain Enameling	11-24-82	1-07-83	11-25-85
Coil Coating	12-01-82	1-17-83	12-01-82
Ore Mining ³	12-03-82	1-17-83	N/A
Electrical & Electronic Components (Phase 1)	4-08-83	5-29-83	7-01-84
			11-08-85(As)
Metal Finishing	7-15-83	8-29-83	2-15-86
Copper Forming	8-15-83	9-26-83	*- 1 5-86
Aluminum Forming	10-24-83	12-07-83	10-24-86
Pharmaceuticals	10-27-83	12-12-83	10-27-86
Coil Coating (Canmaking)	11-17-83	1-02-84	11-17-86
Electrical & Electronic Components (Phase II)	12-14-83	1-27-84	7-14-87
Nonferrous Metals (Phase I)	3-08-84	4-23-84	3-09-87
Battery Manufacturing	3-09-84	4-18-84	3-09-87
Inorganic Chems (Phase II)	8-22-84	10-05-85	8-22-87

¹PSES - Pretreatment Standards for Existing Sources.

²Existing job shop electroplaters and independent printed circuit board manufacturers must comply with only the electroplating regulations. All other electroplating subcategories are now covered by both the electroplating and metal finishing standards.

³These two Industries, to EPA'S knowledge, contain only direct dischargers (i.e., they do not discharge to POTWs) and thus no pretreatment standards have been developed).