

EPA Proposes Changes to Pretreatment Program

On July 22, The U.S. Environmental Protection Agency (EPA) proposed a series of modifications to the National Pretreatment Program's regulations. These proposed changes are a direct result of the Metal Finishing Industry's participation in the Common Sense Initiative (CSI). While participating together on the CSI, metal finishers worked closely with the American Metropolitan Sewerage Association (the trade association for Publicly Owned Treatment Works [POTWs]), encouraging EPA to change the pretreatment regulations to be more sensible and flexible.

The proposed changes would give POTWs much more flexibility when administering the program. This flexibility could also benefit facilities that discharge to a POTW by changing the definition of significant industrial users (SIUs) and significant non-compliance criteria (SNC), allowing best management practices to serve as local limits, and waiving sampling requirements for pollutants not present.

The proposed rule would change the following provisions within the General Pretreatment Regulations:

- (a) **Specific Prohibition Regarding pH**—POTWs could accept acidic wastewater (having a pH less than 5) from industrial users that continuously monitor their discharges if the discharges are of short duration and the POTWs can demonstrate that this will not damage their collection system.
- (b) **Equivalent Mass Limits**—Control Authorities could set a mass limit in lieu of a concentration limit for categorical standards for certain regulated pollutants if the industrial facility demonstrates it uses best available technology economically achievable (BAT) or equivalent and practices water conservation.
- (c) **Equivalent Concentration Limits for Flow Based Standards**—For those facilities subject to effluent guidelines that prescribe a mass limit based upon flow, but have highly variable flow, Control Authorities could set a concentration-based limit for the regulated pollutants.
- (d) **Oversight of Significant Industrial Users**—Certain *non-significant* categorical industrial users (CIUs) would be exempted from the definition of significant industrial users (SIUs). *Non-significant* CIUs would be defined as facilities that never discharge concentrated wastes and discharge less than 100 gallons per day of process wastewater, or are subject only to certification requirements after having met baseline monitoring report requirements.
- (e) **Categorical Industrial Users=Monitoring**—A *non-significant* CIU would be exempt from certain inspection and sampling requirements, but would have to annually certify that it was in compliance with discharge limitations and low flow rates.
- (f) **Slug Control Plans**—Control Authorities would have flexibility to set their own schedules for reviewing the need for a slug control plan as part of their oversight and inspection of industrial users rather than being tied to the current mandatory two-year review cycle. Requirements for slug control plans (where necessary) would be included in SIU permits.
- (g) **Sampling for Pollutants Not Present**—Control Authorities could waive sampling for pollutants that have been determined to not be present in concentrations greater than ambient background levels. The industrial user would have to periodically certify that the pollutant(s) are present at or below background levels, only.
- (h) **Use of Grab and Composite Samples**—Control Authorities and industrial users would have additional flexibility to use grab or manually composited samples for certain parameters that are unaffected by the compositing process. Control Authorities would have additional latitude regarding the number of samples required for certain monitoring reports and whether to allow time-proportional sampling in lieu of flow-proportional sampling procedures.
- (i) **Removal Credits**—Industrial users upstream of combined sewer overflow or sanitary sewer overflow points would be ineligible for removal credits unless the discharges are treated because of the possibility of untreated pollutants entering a river or stream during a storm event. The preamble also discusses existing procedures for petitioning the Agency to establish a part 503 sewage sludge standard that must be in place before a removal credit can be requested.
- (j) **Electronic Filing and Storage of Reports**—To reduce the paperwork burden, the Agency is currently evaluating options for electronic reporting and storage of records. The Agency will publish a separate, proposed

rulemaking to allow electronic reporting in the near future.

- (k) **General Permits**—General permits could be used to regulate significant industrial users if these facilities have the same or substantially similar type of industrial processes, discharge the same type of wastes and are covered by the same concentration-based standards or best management practices.
- (l) **Best Management Practices**—Best management practices developed by POTWs could serve as local limits and be enforceable as local permit requirements.
- (m) **Modifications of Significant Non-compliance Criteria (SNC)**—SNC would only be required to apply to significant industrial users. SNC criteria would be changed to address any violations of Pretreatment Standards or requirements rather than just violations of daily maximum or longer-term average limits. The SNC list could be published in any paper of general circulation that provides meaningful public notice. Comments are being sought on other changes recommended by stakeholders and the Office of Management and Budget (OMB).

In addition, certain editorial errors and technical criteria in the existing regulations are proposed to be modified. Other program requirements are proposed to make them consistent with National Pollutant Discharge Elimination System (NPDES) requirements.

Industry Comments Are Encouraged

To send EPA comments supporting this proposal, you can visit AESF's website (<http://www.aesf.org>). By following the links and inputting your information, can e-mail AESF's comments strongly supporting these changes directly to the EPA docket. It's that easy. The more favorable comments EPA receives, the more likely they are to change the pretreatment regulations, which could result in lower costs for your facility. At press time, the comment deadline was September 15, but this date is likely to be extended. AESF encourages all members to submit comments to EPA supporting this rulemaking.

