



## Advice & Counsel

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### A Wish List for Metal Finishers

The Environmental Protection Agency is re-evaluating a number of national programs to determine whether regulatory and administrative changes can be made to reduce manpower and cost burdens. One of the programs that the Agency is attempting to streamline is the National Pretreatment Program. The pretreatment program is a cooperative effort between federal, state and local POTWs to reduce or eliminate toxic or harmful industrial waste before it is discharged into municipal sewers.

Based on input from federal, state and local pretreatment coordinators, the EPA Office of Wastewater Management has developed a number of issues for consideration in a planned rulemaking. Your Government Advisory Committee has provided comments in support of these issues, because they read like a metal finishers' "wish list."

#### Pretreatment Streamlining Issue #1: Discharge of Wastes With pH Less Than 5.0

**EPA's Recommendation**  
All should be required. POTW industrial users that continuously monitor for pH should be allowed to have periodic excursions below 5.0, if the POTW establishes that the excursion will not harm its system, and the authorization is specified in the industrial users' permits. Solicit comment on whether approval authority concurrence should be required.

**Current Regulatory Requirement**  
Section 403.5(b)(2) requires that "Pollutants will not be introduced into a POTW that will cause corrosive

structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges."

#### GAC Comment

We support the concept of allowing each POTW to set its own pH limits in order to adequately protect its sewers and working personnel. The POTW should be allowed to accept discharges with pH values below 5.0 and above 9.0, if its data indicates it is safe to do so.

#### Data Needed

Information on the type of documentation that should be required to establish that the wastes will not harm the POTWs system.

#### Pretreatment Streamlining Issue #2: Converting Concentration-based Standards To Mass Limits

**EPA's Recommendation**  
Allow POTWs to set mass-based effluent limits as an alternative to concentration-based limits where the industrial user (IU) has instituted water conservation practices (*i.e.*, reduced flow into the POTW collection system). Solicit comments on how to:

- (1) Determine appropriate flow volumes.
- (2) What constitutes a demonstration of effective "water conservation practices."

**Current Regulatory Requirement**  
Regulations pertaining to categorical pretreatment standards [40 CFR 403.6 (c)] do not allow concentration-based

standards to be translated to alternate mass limits. Although control authorities may express concentration-based limits as an equivalent mass limit for enforcement purposes, the IU must then comply with both the concentration and mass limits.

#### GAC Comment

We are in strong support of allowing alternate mass-based limits for metal finishers who have practiced water conservation methods, as they typically find themselves in a "catch 22" of lower flows, creating more concentrated wastewater streams that are harder to reduce to regulated concentrations. The appropriate flow volumes can be based upon historical water usage data in the possession of the POTW or regulating authority. Reduction of water flow greater than 50-percent from average historical usage may be an acceptable qualifier.

#### Data Needed

- (1) Information on instances where IUs have had problems complying with concentration limits because of application of water conservation technologies to minimize flow volumes.
- (2) Information on techniques by which POTWs would determine appropriate flow. Evaluation of methodologies to determine accurate flow rates and volumes.

#### Pretreatment Streamlining Issue #3: Annual Inspection and Sampling of Significant Industrial Users

**EPA's Recommendation**  
Revise the current requirement that POTWs inspect and sample all significant industrial users (SIUs) annually to allow the following

facilities to be inspected and sampled a minimum of once every two years:

- (1) Facilities that never discharge concentrated wastes such as solvents, spent plating baths, filter backwash, and sludges, or more than 100 gal/day of other process wastewater.
- (2) Facilities that are able to comply with pretreatment standards without treating or diluting their wastes.
- (3) Facilities subject only to certification requirements after having met Baseline Monitoring Report requirements (e.g., pharmaceutical manufacturers).

Solicit comment on an alternative option of deleting these facilities from the definition of SIUs so that no minimum sampling or inspection by the POTW is required. Solicit comment on oversight, such as the need to identify changes to the status of these facilities in the POTW's annual report. Clarify in the preamble that zero discharge facilities do not need to be sampled.

**Current Regulatory Requirement & History**  
POTWs with approved pretreatment programs currently must regulate all categorical industrial users as SIUs [Note: POTWs already have flexibility regarding whether to regulate non-categorical SIUs]. POTWs must perform specified minimum oversight activities for each SIU, including issuing a permit or equivalent control mechanism, inspecting and sampling each SIU annually, and reviewing the need for a slug plan every two years [40 CFR 403.8(f)(2)(iii) and (v)].

The definition of SIU and related requirements was established in June 1990 by the rule to implement the Domestic Sewage Study ("the DSS Rule"). The proposed DSS Rule would have required POTWs to inspect and sample SIUs once every two years. Based on comments about **annual** inspections and sampling, however, that alternative was selected.

#### GAC Comments

We strongly support the reduced inspection frequency for the identified facilities. We would encourage the EPA to raise the 100 gal/day of

process wastewater to a more realistic value (perhaps 1,000 gal/day). Alternately, the POTW could set the value of what wastewater flow constitutes "*deminimis*" for their inflow.

#### Data Needed

- (1) Identification of specific types of facilities for which minimum oversight is not necessary. Recommendations for *deminimis* cut-off thresholds for such facilities.
- (2) Estimate of the number of entities affected. Are there, e.g., a significant number of SIUs that meet their limits without the need for treatment?
- (3) Information on how often POTW monitoring finds a problem and the IU self-monitoring does not find a problem.
- (4) Information on the appropriateness of the 100 gal/day cut off.

**Pretreatment Streamlining Issue #4: Amend or Eliminate The Requirements For a Slug Control Plan**

**EPA's Recommendation**  
Retain the requirement that the POTW have the authority to require that a Significant Industrial User (SIU) prepare a Slug Control Plan (SCP), but change the regulatory language to require the POTW to only review the SCP upon re-issuance of the permit, or when necessitated by changed conditions. Should subsequent annual inspection and monitoring activities show significantly changed operating conditions at the SIU facility, then the POTW must review the existing SCP for effectiveness and compliance with the permit conditions.

#### Current Regulatory Requirement

The rule 40 CFR 403.8 (f)(2)(v), requires that the POTW develop and implement procedures to ... "**Evaluate**, at least once every two years, whether each such SIU needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge."

#### GAC Comment

We strongly support this proposed change.

#### Data Needed

Statistical information on:

- (1) The number of SIUs evaluated by POTWs during the last two year review cycle that required amendments to SCPs
- (2) Types of action taken by SIUs to bring SCPs into compliance with pretreatment permit conditions

**Pretreatment Streamlining Issue #5: Sampling for Pollutants Not Present**

**EPA's Recommendation**  
Revise the regulation to allow industrial users (IUs) to forego sampling of a pollutant regulated by a categorical standard if there are technical reasons for believing that the pollutant is not present. Solicit comment on details such as whether to require at least one comprehensive annual sample by either the IU or the POTW, whether to specify conditions limiting when reduced sampling is allowed, and whether to require IUs to certify semi-annually or annually that the pollutant is not present and that its processes have not changed.

#### Current Regulatory Requirement

According to 40 CFR 403.12(e)(1), IUs must sample at least twice per year for all pollutants regulated by a national categorical standard, even if there are technical reasons for believing that the pollutant is not present.

#### GAC Comment

We strongly support the concept of allowing certification of the absence of certain regulated pollutants, after an initial sampling and analysis verifies such absence.

#### Data Needed

- (1) Number and types of facilities affected.
- (2) Frequency with which minimum monitoring has detected violations.
- (3) Input on addressing pollutants that are regulated as indicators of other pollutants.

- (4) Appropriateness of applying the reduced sampling policy to organic chemicals given their relative variability in production and as contaminants in raw materials.

Pretreatment Streamlining  
Issue #6: Reduce Sampling & Reporting Requirements for Small Categorical Industrial Users (CIUs)

EPA's Recommendations:  
Solicit comment on two options:

- **Option A:** Consider reduced sampling for small facilities on an industry-by-industry basis, only in the context of national standard development for an industry.
- **Option B:** Allow one annual sample by *deminimis* CIUs and one by the POTW, where the POTW elects to sample annually for a *deminimis* facility. (See issue #3 regarding reduced sampling by POTWs).

Current Regulatory  
Requirement

40 CFR 403.12(e)(1): "Any Industrial User subject to a categorical pretreatment standard . . . shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority, a report indicating the nature and concentration of pollutants in the effluent stream which are limited by such categorical pretreatment standards."

GAC Comments

We strongly support this change.

Data Needed

- (1) Identification of specific types of facilities for which minimum monitoring is not necessary. Recommendation for *deminimis* cut-off thresholds for such facilities.
- (2) Input on how the once per year minimum sampling requirement works in the NPDES program.

Pretreatment Streamlining  
Issue #8: Use of Grab & Composite Samples

EPA's Recommendations

- (1) Change regulation to allow for manual compositing of grab

samples for oil and grease, cyanide, and volatile organics.

- (2) Clarify the use of time-proportional composite sampling where flow-proportional composite sampling is infeasible.
- (3) Allow industrial users to use time-proportional compositing or grab sampling in lieu of flow-proportional compositing for periodic compliance reports in the same manner, as specified for the baseline monitoring report (BMR) and 90-day compliance report.

Current Regulatory  
Requirement

Pursuant to 40 CFR 403.12(b)(5)(iii), applicable to baseline monitoring reports and 90-day compliance reports, "A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control Authority may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged."

GAC Comments

We strongly support this revision.

Data Needed

- (1) Information on what would be considered "infeasible" with respect to time-proportional composite sampling and flow-proportional composite sampling.
- (2) Information on how to demonstrate that the two different sampling techniques are comparable and representative of the discharge.

Pretreatment Streamlining  
Issue #9: Allow removal credits for pollutants that EPA is not considering for a National Sewage Sludge Standard

EPA's Recommendation

Allow removal credits for pollutants that EPA has considered for regulation under Part 503 but has determined will not be considered for further study, because EPA has not considered them harmful. Limit removal credits to POTWs with sludge concentrations of the pollutant below the highest concentrations observed in the National Sewage Sludge Survey (*i.e.*, the highest level studied).

Current Regulatory  
Requirement

Section 403.7 limits the availability of removal credits to pollutants that are listed in Part 403—Appendix G (or for any pollutant disposed in a landfill regulated under Part 503). The pollutants currently listed are either regulated in 40 CFR Part 503, or are those that EPA decided not to regulate, but determined a concentration of the pollutant in sewage sludge that does not present an unreasonable risk. Removal credits currently are not available for some pollutants for a given sludge use or disposal practices because they are not listed, even though EPA's decision not to evaluate them may have been caused by the lack of a perceived risk.

GAC Comments

We strongly support this change.

Data Needed

Identification of pollutants for which POTWs would seek removal credit authority were it available.

Pretreatment Streamlining  
Issue #11: Electronic Filing & Storage of Reports

EPA's Recommendations

Allow POTWs and industrial users to submit pretreatment reports electronically at the option of the entity that receives the report. Allow industrial users (IUs) and POTWs to store existing paper records electronically in lieu of paper versions of the same.

Current Regulatory  
Requirements

- (a) Electronic reporting: 40 CFR 403.12 provides specific pretreatment reporting requirements for POTWs and industrial users.

(Electronic reporting was not anticipated when the regulations were written).

- (b) Records/Report storage: The record-keeping requirements under 40 CFR 403.12(o)(2) & (3) require that IUs and POTWs must retain records and results of their monitoring activities, and that POTWs must retain industrial user reports for a minimum of three years.

EPA developed a Policy on Electronic Reporting (*Federal Register* Notice No. FRL-3815-4, vol. 55, no. 146, Dated: July 30, 1990) designed to give the regulated community the general approach EPA will take to electronic reporting. The policy maintains that electronic reporting should remain an option and that EPA programs must always allow paper submissions as an alternative. The policy points out that programs implementing electronic reporting should conform to established National or International Frameworks for Electronic Data Interchange (*i.e.*, ANSI X12 and/or UN/EDIFACT),

and that specific programs adopting electronic data interchange (EDI) will publish a separate notice in the *Federal Register* announcing its intent to accept filing of that report via EDI.

EPA is currently drafting a supplemental policy that will provide additional guidance under which EPA will accept electronic reports. For example, the draft supplemental policy states that "...EPA will accept electronic reporting of environmental reports only if the reporting party signs a Terms and Conditions Agreement (TCA)."

TCAs will be published in the program-specific notices of intent to accept specific reports via EDI. The draft policy also states that "EPA will require the reporting party to use a personal identification number (PIN) assigned by EPA." The PIN will be used to help assure integrity and authenticity of electronically submitted documents.

GAC Comments

We strongly support the proposal to accept electronic filing and storage of reports.

#### Data Needed

- (1) Information on system requirements (hardware and software) and options.
- (2) Information on POTW and industrial user interest in using electronic reporting.

**Note:** If you or your company can provide any data or input in response to any of the issues discussed here, please submit them to James F. Pendergast, Acting Director, Permits Division, Office of Wastewater Management, U.S. EPA, Washington DC 20460. *P&SF*

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