

How to Maintain an Established
Pretreatment Program
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October 25, 2018

CODE OF FEDERAL REGULATIONS

CFR

Revised as of January 1st

OFF

SUBJECT: The Use of Grab Samples to Detect Violations of Pretreatment Standards
FROM: Michael B. Cook, Director, Office of Wastewater Enforcement & Compliance (WH-546)
Frederick F. Stiehl, Enforcement Counsel for Water (LE-134W)
TO: Water Management Division Directors, Regions I - X
Environmental Services
Division Directors, Regions I - X
Regional Counsels, Regions I - X

The primary purpose of this Memorandum is to provide guidance on the propriety of using single grab samples for periodic compliance monitoring to determine whether a violation of Pretreatment Standards has occurred. More specifically, the Memorandum identifies those circumstances when single grab results may be used by Control Authorities, including EPA, State or publicly owned treatment works (POTW) personnel, to determine or verify an industrial user's compliance with categorical standards and local limits. Please be aware that the concepts set out below are applicable when drafting self-monitoring requirements for industrial user permits.

REGULATORY BACKGROUND

The General Pretreatment Regulations require Control Authorities to sample all significant industrial users (SIUs) at least once per year [see 40 CFR 403.8(f)(2)(v)]. In addition, the Regulations, at 40 CFR 403.12(e), (g) and (h) require, at a minimum, that all SIUs self-monitor and report on their compliance status for each pollutant regulated by a Pretreatment Standard at least twice per year unless the Control Authority chooses to conduct all monitoring in lieu of self-monitoring by the industrial users.

The POTW should conduct more frequent sampling and more frequent self-monitoring by an industrial user necessary to assess the industry's compliance with the monthly or quarterly frequency and

U.S. Environmental Protection Agency
Introduction to the
National Pretreatment Program



1. Keep up-to-date with State and Federal regulations, policy and guidance.

2. Succession Planning – Cross training employees so there is coverage when someone leaves.

Do not get stuck in the “well it has been run this way” mentality; look at ways to make the program more efficient as new technologies and computer programs come out

Write inspection reports so that someone who hasn't been inspecting the facility for the past decade can still understand

Having some SOPs in place to help with succession



What Succession Planning Means to EPA

3. Keep files organized and backed-up (scan to pdf).

The pretreatment program is extremely “Paper-intensive”. Documentation is everything.

- Documentation is your evidence and support for enforcement, as well as your defense to justify your ability to implement your program as required.



Organized files will make the auditing process much less stressful (for you and the auditor).

4. Develop and use complete permit applications and permits.

- Use Fact Sheets to support permit development/re-issuance
- Establish appropriate permit durations
 - Staggered expiration dates
 - Varying permit duration based on IU classification/compliance history

Industrial User Permitting Guidance Manual

833R12001

September 2012



United States Environmental Protection Agency
Office of Water

Example of Documenting the Most Stringent Limits



Parameter	Daily PSES	Monthly PSES	Local daily limit	Daily final limit	Monthly final limit**
Cadmium	0.69	0.26	0.1	0.1	0.26
Chromium (Hex)	--	--	0.1	0.1	--
Chromium (Total)	2.77	1.71	1.0	1.0	1.71
Copper	3.38	2.07	5.0	3.38	2.07
Cyanide	1.20	0.65	2.0	1.20 *	0.65 *
Lead	0.69	0.43	0.1	0.1	0.43
Manganese	--	--	1.0	1.0	--
Mercury	--	--	0.005	0.005	--
Nickel	3.98	2.38	2.0	2.0	2.38
Silver	0.43	0.24	0.1	0.1	0.24
Zinc	2.61	1.48	5.0	2.61	1.48
TTO	2.13	--	1.0	1.0	--

Note: All concentrations are in mg/L unless otherwise noted.

Key:

PSES = Pretreatment Standards for Existing Sources, metal finishing category [40 CFR Part 433.15(a)]

CWF = Alternative metal-finishing standards after use of the combined wastestream formula

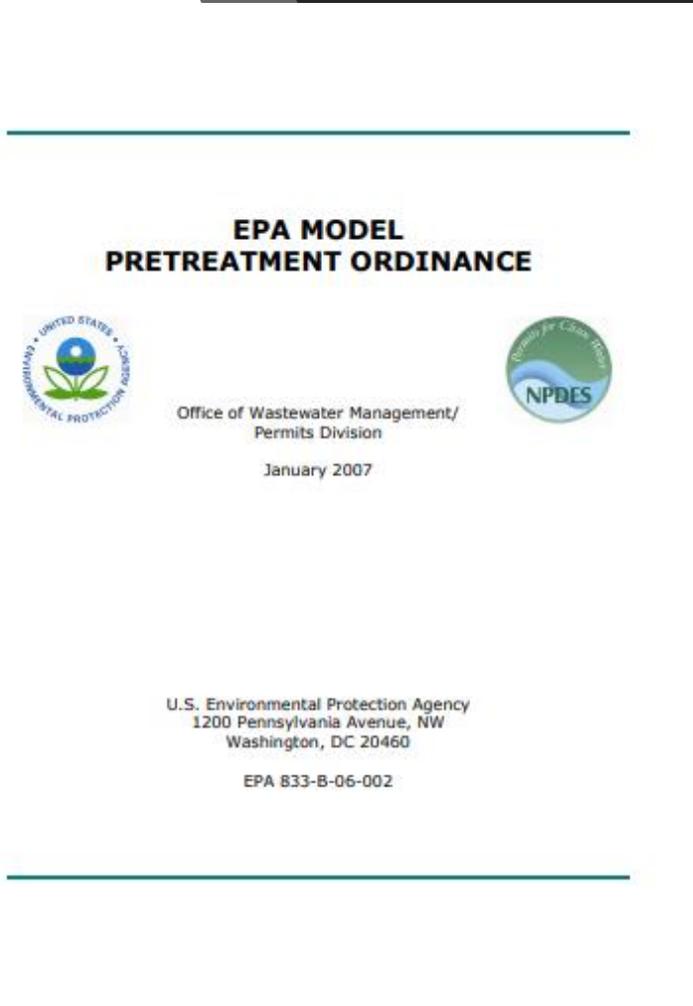
Local Limit = Maximum pollutant concentrations established by the Control Authority

Final Limit = Final limits based on most stringent of local, state, and federal standards

* Cyanide limits must apply to the segregated cyanide wastestream of the cyanide destruct treatment process.

** The discharger is required to comply with both the daily maximum and monthly average limits, if applicable.

5. Ensure the POTW legal authority and related documents up-to-date and complete.



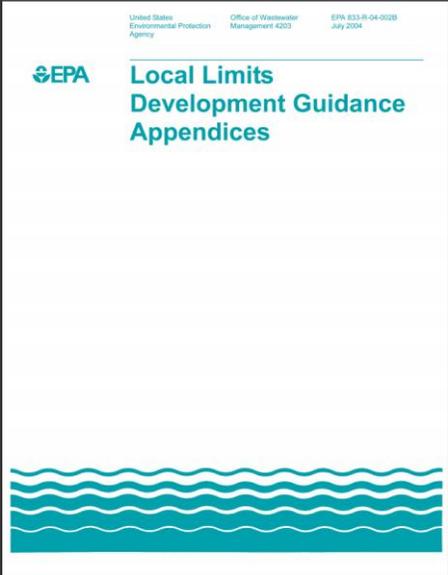
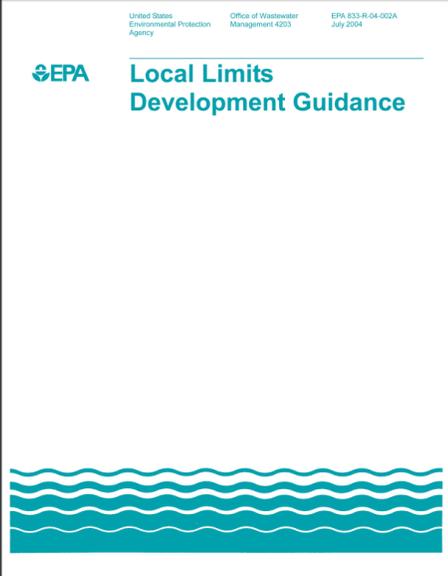
- Ensure SUO and ERP language are in sync
 - Common finding in audits is that POTWs update their SUO without making similar changes to the ERP, and therefore now have conflicting enforcement language.
 - Do not adopt language you are not willing to enforce.
- Take effective enforcement!
 - Follow your adopted ERP.
 - When the situation calls for it, be willing to take enforcement action that will ensure a return to compliance.
 - Show escalation when repeated non-compliance occurs.

6. Track the MAHL and MAILs that were approved with your local limits to make sure limits are still valid and effective.

If you use a contractor for local limit development, require them to summarize assumptions/rationale for identification of POCs, how limits are to be applied, etc...

Maintain development documents

Local Limit Development Resources

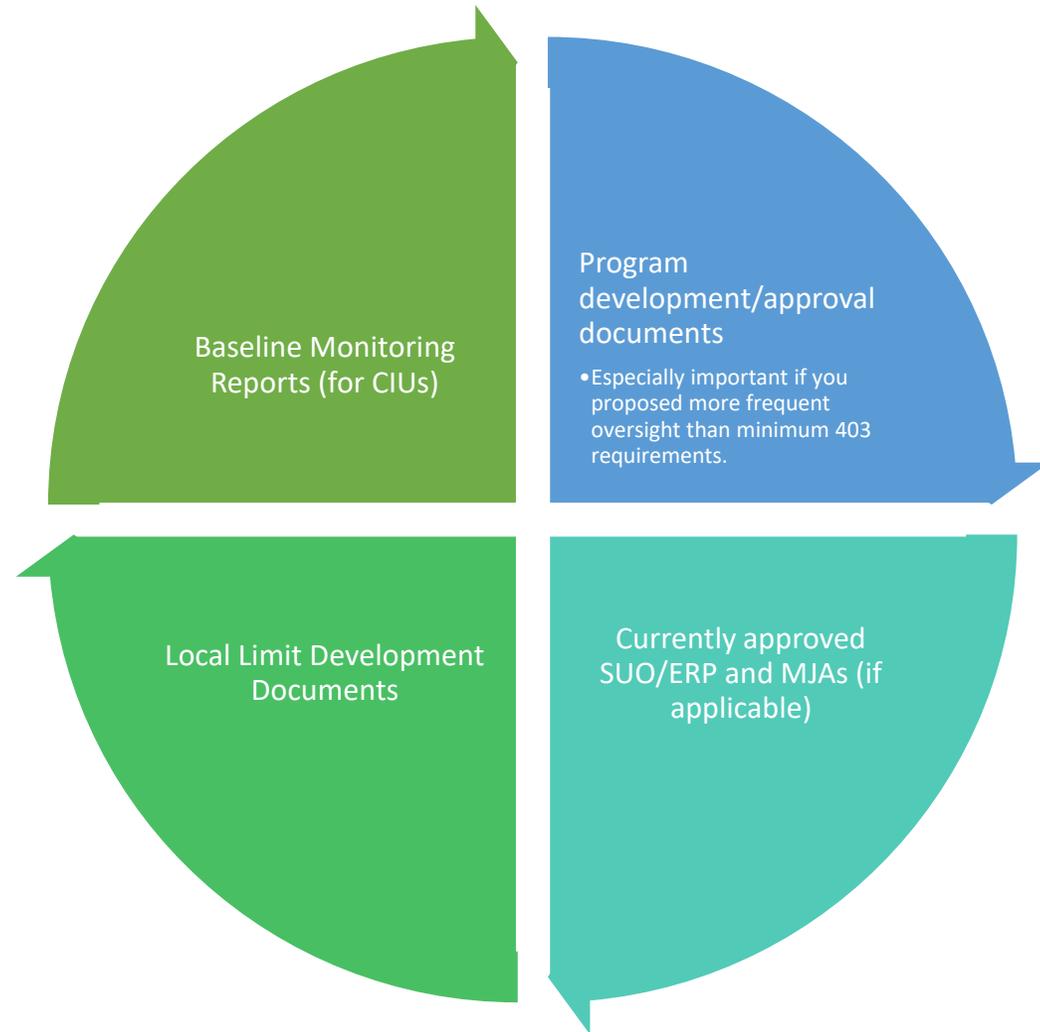




7. Implement
required actions from
the last State/EPA
Inspection reports.

- Be proactive rather than reactive

8. Maintain copies of all approval documents and public notices made by State and EPA (and follow up with EPA/State to make sure all modifications are approved).



9. Keep your management and permitted industrial users informed about program requirements and effectiveness

Effective Communication

Transparency

Public
Outreach/Education

10. Attend workshops and trainings that are available

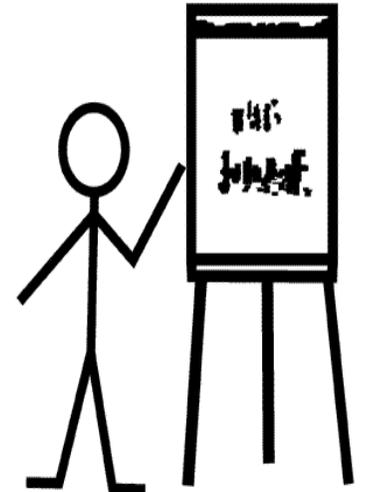
www.POTW.com

www.epa.gov/npdes/national-pretreatment-program-events-training-and-publications

www.nacwa.org

Take advantage of peer listservs

training





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Events

April 10-12, 2018

[Indiana Industrial Operators Association](#) [EXIT](#)

Midwest Regional Wastewater Industrial Technical Training Education Conference (WITtec)

Wyndham Indianapolis West, Indianapolis, Indiana

April 17-18, 2018

11. Be involved in the funding process to fight for resources.

EPA's intent is for pretreatment programs to be self-sufficient. Users should bear the cost, not the taxpayers.

-unfortunately this is sometimes a political decision rather than a regulatory one.

- Industrial User Permit Fees have wide range (*ranges from \$50-\$2,500, or higher*)
- Permit fees may be due annually or just at time of renewal for permit.
- Considerations:
 - Administration costs
 - Complexity of industrial processes
 - Wastewater Flow characteristics (if not already on commercial or industrial wastewater rate)