



# National Pretreatment Program

(40 CFR 403)



## Pretreatment Streamlining Rule Fact Sheet 10: General Control Mechanisms Option

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### Summary

In the Pretreatment Streamlining Rule of October 14, 2005, EPA finalized changes to the General Pretreatment Regulations that allow publicly owned treatment works (POTWs) with approved pretreatment programs to use general control mechanisms, such as general permits, to regulate the activities of groups of significant industrial users (SIUs). Provided that the POTW has the necessary legal authority, it may issue a general control mechanism for a group of SIUs that meet certain minimum criteria for being considered substantially similar. See 40 CFR 403.8(f)(1)(A)(1).

### Who is affected by this provision?

The general control mechanism provision applies to POTWs with approved pretreatment programs (also known as Control Authorities (CAs)) that choose to implement this provision, as well as SIUs regulated by those CAs.

### How does the POTW adopt general control mechanisms?

A POTW must have the necessary legal authority to issue general control mechanisms. Legal authority changes would include the adoption of ordinance language consistent with 40 CFR 403.8(f)(1)(iii) and the development of any policies or procedures that would support the issuance and implementation of a general control mechanism.

In addition, because general control mechanisms must be enforceable to the same extent as an individual control mechanism, the POTW must have the enforcement authority to take action against Industrial Users (IUs) for failure to comply with the general control mechanism requirements.

The adoption of the general control mechanism option does not preclude POTWs from requiring individual control mechanisms for specific SIUs, even if they might otherwise satisfy the conditions for a general control mechanism, where necessary or otherwise determined to be appropriate by the POTW.

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**What types of facilities may be issued a general control mechanism?**

SIUs that are covered by concentration-based standards and best management practices (BMPs) may be subject to general control mechanisms.

However, because the requirement that all facilities covered under the same mechanism “require the same effluent limitations,” facilities regulated by categorical standards expressed as mass limits cannot receive coverage under a general control mechanism. The one exception to this exclusion would be in situations in which the POTW has imposed the *same* mass-based local limit on a number of SIUs, and any categorical standard expressed as concentration limits or BMPs.

Furthermore, general control mechanisms are not available for SIUs whose limits are based on the combined wastestream formula, net/gross calculations, or other calculated categorical Pretreatment Standard equivalents (40 CFR 403.6(e) and 403.15).

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**What are the criteria for coverage?**

All facilities to be covered by a general control mechanism must meet the following criteria [40 CFR 403.8(f)(1)(iii)(A)(1)]:

1. Involve the same or substantially similar types of operations;
2. Discharge the same types of wastes;
3. Have the same effluent limitations;
4. Have the same or similar monitoring requirements; and
5. In the opinion of the POTW or CA, be more appropriately controlled under a general control mechanism than under individual control mechanisms.

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**How would an SIU request coverage under a general control mechanism?**

An SIU must file a written request to be covered by a general control mechanism. This request must include the SIU’s contact information, production processes, types of wastes generated, location for monitoring all wastes covered by the general control mechanism, and any other information the POTW deems appropriate.

In addition, the request for coverage must include any requests in accordance with 40 CFR 403.12(e)(2) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge. (This request is applicable only to those POTWs that have the legal authority to grant such monitoring waivers.)

Note that a monitoring waiver for a pollutant neither present nor expected to be present is not in effect in a general control mechanism until after the POTW has provided written notice to the SIU that such a waiver request has been granted.

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**What are the record-keeping requirements for POTWs implementing general control mechanisms?**

The POTW is required to retain the following for 3 years after the expiration of the general control mechanism: a copy of the general control mechanism, documentation to support the POTW's determination that a specific SIU meets the criteria listed at 40 CFR 403.8(f)(1)(iii)(A)(1-5), and a copy of the SIU's written request for coverage under a general control mechanism.

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**Where can I get more information?**

The regulations covering the general control mechanisms are found in 40 CFR 403.8(f)(1)(iii), which was published in the *Federal Register* on October 14, 2005 (70 FR 60134). A more detailed discussion of the general control mechanism provision is included in pages 60143–60147. You can download a copy of the rule at EPA's Pretreatment Web site:

[http://cfpub.epa.gov/npdes/home.cfm?program\\_id=3](http://cfpub.epa.gov/npdes/home.cfm?program_id=3).

Information is also available from your state environmental agency or from EPA. For lists of these contacts, see EPA's Web site at

[http://cfpub.epa.gov/npdes/contacts.cfm?program\\_id=3&type=ALL](http://cfpub.epa.gov/npdes/contacts.cfm?program_id=3&type=ALL).