

United States Environmental Protection Agency  
Office of Water

Office of Water Enforcement and Permits  
Washington, DC 20460  
(EN-335)

PRETREATMENT BULLETIN

January 1989

Edition No. 5

Pretreatment Implementation Review Task Force (PIRT) Revisions  
and  
the Domestic Sewage Study (DSS) Revisions

Table of Contents

PIRT Overview	Page 1
DSS Overview	Page 1
Software	Page 3
PIRT Revisions	Attachment

- \* The PIRT rule became final on October 17, 1988.
- \* The deadline for comments on the DSS proposed rule has been extended to February 22, 1989.
- \* The Federal Register issue containing the DSS proposed rule or any other rule is available free of charge at libraries or through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402 (Tel. 202-783-3238).
- \* Revised operating commands for the PCME software are included in this issue.

This edition of the "Pretreatment Bulletin" deals with two regulatory revisions to the General Pretreatment Regulations (40 CFR Part 403): the Pretreatment Implementation Review Task Force (PIRT) final revisions and the Domestic Sewage Study (DSS) proposed amendments. Attached to this bulletin is a copy of the PIRT revisions.

### PIRT Revisions

These revisions to 40 CFR Part 403 are the result of a regulatory effort begun in 1982. PIRT was established on February 3, 1984, and the Task Force issued its Final Report to the Administrator on January 30, 1985. EPA proposed revisions that responded to the PIRT recommendations on June 12, 1986, and promulgated the Final Rule on October 17, 1988.

The rulemaking package addresses 26 issues in 5 major areas:

- 1) Pretreatment standards and requirements
- 2) POTW pretreatment program requirements
- 3) POTW and State pretreatment program approval procedures
- 4) Reporting and compliance monitoring
- 5) Miscellaneous provisions.

Although most of the regulatory changes are relatively minor, a few important revisions should be noted.

***Equivalent Concentration or Mass Limitations*** - Prior to these revisions, the pretreatment regulations did not provide for translation of production based categorical standards into equivalent concentration or mass limits. The PIRT final rule allows a Control Authority to calculate equivalent concentration or mass limits from production based limitations and sets forth procedures to be used by the Control Authority to calculate these concentrations and limits (based upon long-term production and flow data). The final rule also states what information industrial users must supply to facilitate the conversion and requires industrial users to notify the Control Authority if either their long-term production or flow rate changes.

***Industrial User Compliance Reports*** - Categorical industrial users must submit compliance reports at least once every six months. The previous regulations did not specify the sampling frequency necessary for these reports. The PIRT final rule clarifies that the categorical industrial user must base each compliance report on data obtained during the period covered by the report and on an amount of sampling appropriate for that particular industrial user. In addition, the final rule requires that the results of any additional monitoring, beyond the required minimum, be included in the report. The revised rule also now requires that industrial users include appropriate production data if they are subject to production based limits. Finally, the rule requires that, if an industrial user's sampling data indicates a violation, the industrial user must repeat the sampling and analysis and submit the results to the Control Authority within 30 days.

***Reporting Requirements Applicable to Noncategorical Industrial Discharges*** - Prior to these revisions, the pretreatment regulations required that Control Authorities have the legal authority to impose reporting requirements for pollutant discharges that are not covered by categorical standards. However, the regulations did not specifically require the exercise of that authority. The PIRT final rule clarifies that Control Authorities must not only have the legal authority, but must also exercise it; they must require appropriate reporting for industrial users that are not subject to categorical pretreatment standards.

***POTW Reports on Pretreatment Program Implementation*** - In accordance with a PIRT recommendation, the final rule adds a requirement that each POTW with an approved pretreatment program submit to the Approval Authority, at least annually, a report describing program implementation activities. This report is required to include, at a minimum, an updated list of the POTW's industrial users, a summary of the status of industrial user compliance, a summary of compliance and enforcement activities conducted by the POTW, and all other relevant information requested by the Approval Authority.

***Remedies*** - Prior to these revisions, the regulations required POTWs seeking approval of local programs to have the authority to obtain remedies for noncompliance or to enter into contracts with industrial users utilizing liquidated damages provisions to assure compliance with pretreatment standards and requirements. The PIRT final rule eliminates the use of liquidated damages in contracts as a substitute for penalty authority. Thus, POTWs are required to have adequate penalty authority to obtain program approval. In addition, the rule sets a minimum penalty amount. Because adequate penalties are necessary to act as both a deterrent to potential violators and to serve as an enforcement mechanism, the final rule requires that all POTWs have the legal authority to seek or assess civil or criminal penalties of at least \$1000 per violation per day against industrial users that violate pretreatment standards and requirements.

#### Domestic Sewage Study Proposed Revisions

As required by Section 3018(a) of the Resource Conservation and Recovery Act (RCRA), EPA prepared the Domestic Sewage Study (DSS), and submitted it to Congress on February 7, 1986. The DSS examined the nature and sources of hazardous wastes discharged to POTWs, measured the effectiveness of current Agency programs in dealing with such discharges, and recommended ways to improve EPA's programs to achieve better control of hazardous wastes which enter POTWs. Many recommendations identified needed improvements to the National Pretreatment Program (including modifications to the General Pretreatment Regulations).

The Agency published an Advance Notice of Proposed Rulemaking (ANPR) on August 22, 1986 (51 FR 30166). In the ANPR, EPA suggested ways to improve the control of hazardous wastes discharged through sewers to POTWs and solicited comments and alternative suggestions from the public. On June 22, 1987, the Agency published another Federal Register notice (52 FR 23477) responding to the over 70 comments on the ANPR and summarizing the activities that EPA has under way in all program offices to carry out DSS recommendations.

The Agency has now prepared proposed amendments to 40 CFR Parts 122 and 403. The proposed amendments address the specific discharge prohibitions, plans to prevent accidental spills to sewer systems, individual control mechanisms and self-monitoring requirements for significant industrial users, toxicity testing by POTWs, and technology based local limits for commercial hazardous waste treaters. These regulatory changes will primarily affect indirect industrial dischargers and owners and operators of POTWs.

The proposed regulatory changes were published on November 23, 1988 (53 FR 47632), and the extended comment period runs to February 22, 1989. Commenters will review several proposed amendments:

***Toxicity Screens for POTWs*** - All existing POTWs (approximately 15,000) would conduct whole effluent biological toxicity screening or testing and report the results in their NPDES permit applications. The EPA Regional Administrator or the NPDES State Director would generally determine the protocols.

***Technology Based Local Limits*** - POTWs with approved programs that receive discharges from commercial aqueous hazardous waste treaters (CWTs) would be required to develop technology based local limits for these facilities.

***Spills and Batch Discharges*** - POTWs with approved programs would be required to evaluate significant industrial users to determine if they should implement plans to prevent and control spills and batch discharges. This proposal also contains minimum elements for such plans.

***Specific Discharge Prohibitions*** - This proposal would forbid discharges that:

- a) Have a closed cup flashpoint of less than 140 degrees F (the RCRA standard for liquid characteristic hazardous wastes).
- b) Result in an exceedance of 10% of the Lower Explosive Limit (LEL) at the POTW.

This proposal would also forbid discharges that result in toxic gases, fumes, or vapors in a quantity capable of causing worker health or safety problems.

***Reevaluation of Local Limits*** - POTWs with approved programs would be required to evaluate the need to revise local limits at least every five years as part of their NPDES permit applications.

***Notification Requirement*** - All industrial users would be required to notify EPA, States, and POTWs of discharges of listed or characteristic hazardous wastes.

***Individual Control Mechanisms for Industrial Users*** POTWs with approved programs would be required to issue permits or equivalent individual control mechanisms to each significant industrial user.

***Enforcement and Program Implementation*** - POTWs would be required to inspect and sample the effluent from all significant industrial users at least every two years.

***Significant Industrial User Sampling*** - All significant industrial users would be required to sample their effluent twice a year and report the results to the POTW.

As with all issues of the Federal Register, the Federal Register issue containing this rule (53FR47632) is available at most local libraries or through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Telephone 202-783-3238).

## PCME SOFTWARE

Due to inability of the PCME system to delete industries and the large number of users who have requested this function, EPA has developed a set of commands that will delete an industry. The limitation to these commands is that the user must have access to the dBASE database software. If the user has dBASE, he/she can follow the steps outlined below to delete an industry. [NOTE: When an industry is deleted using the commands listed below, it is necessary to reindex the system using the reindex command on the main menu screen.]

The steps to delete an industry are as follows:

- 1) Run dBASE and obtain the dBASE dot prompt (refer to the dBASE manual for more information on loading and running dBASE).
- 2) Once at the dot prompt, follow the commands listed below to delete the industry entirely. The user should enter the user code of the industry to be deleted where [user code] appears. Because these commands will delete an industry permanently from PCME, the user should use caution when entering the user code to be deleted.

- SET PATH TO C:\PCME <enter>
- USE CMP <enter>
- DELETE FOR USC = "(user code)" <enter>
- PACK <enter>
- USE C\_SCH <enter>
- DELETE FOR USC = "(user code)" <enter>
- PACK <enter>
- USE EA <enter>
- DELETE FOR USC = "(user code)" <enter>
- PACK <enter>
- USE INDUSTRY <enter>
- DELETE FOR USC = "(user code)" <enter>
- PACK <enter>
- USE INTERIM <enter>
- DELETE FOR USC = "(user code)" <enter>
- PACK <enter>
- USE OTHER <enter>
- DELETE FOR USC = "(user code)" <enter>
- PACK <enter>
- USE PC <enter>
- DELETE FOR USC = "(user code)" <enter>
- PACK <enter>
- USE SAMPLE <enter>
- DELETE FOR USC = "(user code)" <enter>
- PACK <enter>
- USE SIU <enter>
- DELETE FOR USC = "(user code)" <enter>
- PACK <enter>
- QUIT <enter>