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PRETREATMENT BULLETIN

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Hazardous Waste Notification Requirements

On July 24, 1990, the Environmental Protection Agency (EPA) promulgated changes to the general pretreatment regulations (55 FR 30082). The changes affect both POTWs and industrial users (IUs) of POTWs. One of the changes requires IUs to submit a notification of hazardous wastes discharged to sewers. Following is a brief description of this new requirement.

Who Must Notify: All IUs that discharge listed or characteristic RCRA hazardous wastes to POTWs (except as described below). Listed and characteristic wastes under RCRA are described in the Code of Federal Regulations (40 CFR Part 261).

Notification Must be Sent To:

Local Sewerage Authority.

EPA Regional Waste Management Division Director. and
State Hazardous Waste Authority

Waste Covered by the Notification:

- Any discharge to the POTW of > 15 kg per calendar month of a RCRA hazardous waste, or a discharge of any quantity of an acutely hazardous waste identified in 40 CFR 261.30(d) and 261.33(e), must be reported once.
- A discharge to the POTW of :5 15 kg of a RCRA hazardous waste during a calendar month need not be reported. except for the acutely hazardous wastes identified in 40 CFR 261.30(d) and 261.33(e). A subsequent discharge of > 15 kg per calendar month. or of any quantity of an acutely hazardous waste, must be reported once.
- Pollutants already reported under 40 CFR 403.12(b),(d), and (e) (reporting requirements for categorical users) are not subject to this notification requirement.

Notification Must Contain:

1. The notification must contain the following items of information
 - Name of the hazardous waste as set forth in 40 CFR Part 261.
 - EPA hazardous waste number.
 - Type of discharge to the sewer (continuous. batch, or other).
 - A certification that the IU has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
2. If the IU discharges > 100 kg of hazardous waste per calendar month to the POTW, the one time notification must also contain the following items of information, to the extent such information is known and readily available to the IU.
 - * An Identification of the hazardous constituents contained in the hazardous wastes.
 - * An estimation of the mass and concentration of such constituents in the waste stream discharged during the calendar month in which the one-time report is made.
 - * An estimation of the mass of constituents in the wastestream expected to

be discharged during the 12 months following the notification.

How to Count the Volume of Hazardous Waste Discharged: If a hazardous waste is mixed with a non-hazardous process or non-process waste stream and the entire mixture is then discharged to the sewer, the volume of the entire waste stream containing hazardous waste is considered according to the RCRA "mixture rule" in 40 CFR 261.3(a)(2)(iii). The effect of this rule is summarized as follows:

Characteristic wastes: These wastes are classified as hazardous because they exhibit one of the hazardous characteristics identified in 40 CFR 261.20-261.24 (i.e., they are ignitable, corrosive, reactive, or toxic). If these wastes are mixed with non-hazardous materials and the mixture is then discharged to the sewer, the notification must be submitted only if the **entire mixture actually discharged** is > 15 kg per calendar month and if the entire mixture discharged still exhibits the characteristic(s).

Listed wastes: These are wastes that are classified as hazardous pursuant to being listed in 40 CFR 261.30-33. If these listed wastes are mixed with non-hazardous materials and then discharged to the sewer, the entire wastestream is considered hazardous and a notification must be submitted. Thus only if the entire waste stream containing the hazardous waste amounted to ≤ 515 kg per calendar month, would the exemption discussed above apply.

Questionable wastes: If an IU has any doubt about whether a mixture discharged to the sewer is hazardous, or if the user does not wish to perform any calculations which may be necessary under the mixture rule, 40 CFR 261.3(a)(2)(iii), the user should submit the one-time notification.

When the Notification Must be Submitted:

- * The notification must be submitted within 180 days of August 23, 1990 (i.e., no later than February 23, 1991).
- * IUs who commence discharging after August 23, 1990, must submit the notification no later than 180 days after the discharge of a hazardous waste.
- * In the case of regulations under §3001 of RCRA new hazardous wastes, the must be submitted within 90 days of the effective date of such regulations.
- * The notification need be submitted only once for each hazardous waste discharged, except when there will be a substantial change in the volume or character of the hazardous waste discharged (generally because of a planned change to the user's facility or operations). In case of such a change, the user should notify the POTW in advance.

- * The POTW may require such additional reporting of these substances as it deems necessary.

For Further Information: General questions about the requirements should be directed to the pretreatment manager of your local sewerage authority. Questions about whether your waste is hazardous should be directed to the EPA RCRA Hotline: (800) 424-9346.

1990 PRETREATMENT AWARDS

Congratulations go to the 1990 National Pretreatment Awards winners. The awards were presented on October 8, 1990, at the Water Pollution Control Federation (WPCF) Conference in Washington, D.C. The ceremony was introduced by the incoming president of WPCF, Charles Kaiser. LaJuana Wilcher, Assistant Administrator for Water, made the opening remarks. She also presented the awards while Jim Elder, Director of the Office of Water Enforcement and Permits, introduced each winner.

The Pretreatment Awards are separated into first and second place winners in four categories, based on actual POTW wastewater flow. The winners were as follows:

2.00 mgd or less

1st Place: City of Bardstown, KY

2nd Place: Village of Holly, MI

2.01-5.00 mgd

1st Place: Richmond Utilities, Richmond, KY

2nd Place: City of Newberry, SC

5.01 to 20.00 mgd

1st Place: City of Lewisville, TX

2nd Place: Johnson County, KS

over 20.00 mgd

1st Place: Narragansett Bay Commission, Providence, RI

2nd Place: Aurora Sanitary District, Oswego, IL

POTWS CAN CALCULATE IU ECONOMIC BENEFIT (P-BEN)

In October, 1990, OWEP distributed the "Guidance Document for POTWs to calculate the Economic Benefit of IU Noncompliance". This document (alias "P-BEN") is designed to complement both the Pretreatment Compliance Monitoring and Enforcement (PCME) Guidance and the Guidance for Developing POTW Enforcement Response Plans. It provides POTWs with a means for calculating the approximate economic benefit an industry has derived by not complying with pretreatment standards and requirements. The P-BEN document describes in detail how to conduct such calculations manually and provides forms for doing so.

POTWs should be aware of an important limitation of the P-BEN calculation

methodology. In order to make manual calculations feasible, it was necessary to keep the procedure fairly simple. However, any such simplifications had to be made within the context of upholding the basic economic theory upon which the BEN computer program (an EPA computer program which calculates the economic benefit of IU noncompliance) was developed. Therefore, it was necessary to limit the applicability of P-BEN to cases in which noncompliance began in 1987 (when new tax laws became effective) or later. So applied, P-BEN calculations result in economic benefit figures closely approximating those of BEN. The more sophisticated BEN computer program should be used for noncompliance beginning 1986 or earlier. This software should be available to POTWs and States in 1991.

PCI EVALUATION UPDATE

EPA has initiated a study of the effectiveness of the Pretreatment Compliance Inspection (PCI). The study was designed to assess whether the PCI adequately serves its purpose of assessing POTW compliance with the approved pretreatment program. Since the PCI's inception in 1986 the National Pretreatment Program has evolved considerably and an evaluation of its current effectiveness is warranted.

Several means were used to evaluate the PCI. These included, comparison of PCI and Audit reports, analysis of the various PCI checklists as modified by States and EPA Regions, evaluation of the need for and adequacy of continued PCI inspector training, and solicitation of the views of State and EPA Regional pretreatment coordinators, inspectors and enforcement personnel.

Most commenters indicated that the most important component of the PCI is the industrial user file review. Conducting a comprehensive, in-depth review of IU files at a POTW is the most effective way of determining whether the POTW is running an adequate program. The next most useful way of assessing POTW oversight is through IU inspections. Such inspections enable the Approval Authority to determine whether pretreatment equipment and procedures are properly used. Information provided by the POTW about implementation of its program is a third important component of the PCI.

The results of the PCI study suggest two primary findings. First, that the current PCI checklist requires updating to reflect recent regulatory changes (i.e., PIRT, DSS) and upgrading to more appropriately focus on the reportable noncompliance (RNC) criteria used to evaluate POTW performance. Second, the study suggests that EPA and States may be well served in their oversight capacity by development and use of a supplemental inspection designed to assess the completeness of the IU survey and comprehensive IU compliances.

WORKSHOP NEWS

Local Limits IU Permitting. Industrial User Inspections, Spill Prevention Training and other topics, for new pretreatment coordinators, can be available through the routine pretreatment workshops/seminars that are conducted by EPA and States. Let your State or EPA Region

know of important training issues and needs.

City Attorneys

This one-day workshop is designed to acquaint POTW attorneys with the National Pretreatment Program, with an emphasis on local enforcement. EPA plans to conduct approximately six workshops during the next year. When the dates and places are firm they will be announced. Check with your State of Regional Coordinator for more information.

Enforcement Response Plans

This one-day workshop is designed to acquaint POTW personnel with the scope, content and development of an ERP. At least five workshops are planned with dates to be announced. Check with your State of Regional coordinator for more details.

BULLETIN IDEAS

Are there any articles you would like to see written? Any articles you would like to write? Please contact Linda Suttora at the address below or at (202) 475-9530.

ADDRESS CHANGES

Any address changes or additions? In order to be on the mailing list you must be a POTW or State employee.

Linda Suttora
U.S. EPA
Permits Division (EN-336)
401 M Street. S.W.
Washington, D.C. 20460

NPDES STORM WATER REGULATIONS

Pollutants in storm water discharges from many sources are largely uncontrolled. The "National Water Quality Inventory, 1988 Report to Congress" (EPA, 1988), concluded that the States cite diffuse sources of water pollution as the leading cause of water quality impairment. In developing the National Water Quality Inventory, the States identified a number of major classes of diffuse sources of pollution, including: separate storm sewers, urban runoff, construction, waste disposal, and resource extraction, which correlate well with categories of discharges covered by the NPDES storm water program. Although many studies characterize these sources as a diffuse or nonpoint source of pollution, the majority of urban runoff and construction site runoff is discharged via separate storm sewers and, therefore, under the Clean Water Act (CWA), are discharges from point sources.

In response to concerns regarding storm water impacts, Congress amended the CWA in 1987 to require EPA to develop a phased approach to regulating storm water discharges under the NPDES program. On November 16, 1990, (55 FR47990). EPA initiated its response to the 1987 CWA amendments by publishing final NPDES permit application regulations for

storm water discharges associated with industrial activity and discharges from municipal separate storm sewer systems serving populations of 100,000 or more.

The November 16, 1990, regulations define facilities and municipalities which are subject to the initial storm water permitting efforts as well as establish permit application requirements. including application deadlines.

The regulations address municipal separate storm sewer systems located in one of the 173 cities with a population of 100,000 or more, and located in one of the 47 counties identified by EPA as having large populations in unincorporated, urbanized areas. Additional municipalities maybe designated as needing a permit on a case-by-case basis. Permits for these discharges are expected to require municipalities to develop and implement comprehensive storm water management programs. Comprehensive municipal storm water management programs are typically expected to include: structural and source control measures that are to be implemented to reduce pollutants in runoff from commercial and residential areas, programs to detect and remove illicit discharges and improper dumping, programs to monitor and control pollutants from priority industrial facilities, and programs to control pollutants in construction site runoff.

EPA estimates that over 100,000 facilities will be required to obtain NPDES permit coverage for storm water discharges associated with industrial activity. The regulations address storm water from a broad range of industrial activities including runoff from treatment works treating domestic sewage, or any other sewage sludge or wastewater treatment

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This is a sample form which some of you may Find convenient to send to your industrial users for hazardous waste notification requirements under 403.12(p). The form is a sample only - its use is not required by EPA. POTWs may specify the use of other forms or they may allow industrial users to notify by letter.

HAZARDOUS WASTE NOTIFICATION
Sample

Company Name

City

State

Zip Code

Contact Person

Title

Phone ()

Name of Publicly Owned Treatment Works

NPDES Permit #

Address

City

State

Zip Code

HAZARDOUS WASTE INFORMATION (use additional sheets if necessary)

Name of Waste:

EPA Hazardous Waste Number:

TYPE OF DISCHARGE:

 Continuous Batch Other _____

IF MORE THAN 100 KILOGRAMS OF ANY HAZARDOUS WASTE PER CALENDAR MONTH IS DISCHARGED TO THE SEWER, PLEASE INCLUDE THE FOLLOWING ITEMS OF INFORMATION FOR EACH HAZARDOUS WASTE, TO THE EXTENT SUCH INFORMATION IS KNOWN AND READILY AVAILABLE.

Hazardous Constituent Information:

Name of Constituent	Mass in Wastestream (this month)	Concentration in Wastestream (this month)	Mass in Wastestream (next 12 months)
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I certify that I have a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree I have determined to be economically practical.

Signature of Company Representative

Date

§519 PRETREATMENT REPORT TO CONGRESS

As required by Section 519 of the 1987 Water Quality Act, EPA is developing a Report to Congress on the National Pretreatment Program. Section 519 requires EPA to study the following aspects of the pretreatment program:

- The adequacy of data on environmental impacts of toxic industrial pollutants discharged from POTWS;
- The extent to which secondary treatment at POTWs removes toxic pollutants;
- The capability of POTWs to revise pretreatment requirements for their industrial users; and
- Alternative regulatory strategies for protecting POTWs from industrial discharges, the adequacy of resources to carry out those strategies, and the effect of those strategies on sewage sludge quality.

EPA is required to submit the report, along with recommendations for improving the effectiveness of pretreatment requirements, to the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works by February 4, 1991.

To address this mandate, EPA is examining what is known about discharges of toxic pollutants to POTWs, how well POTWs remove toxic pollutants from wastewaters, and the environmental effects of toxic pollutants released from POTWs to receiving waters, sewage sludge and air. The Agency is also investigating how well the National Pretreatment Program is being carried out, and recommending improvements to the program that would allow POTWs to better control toxic pollutant discharges and meet the goals of the Clean Water Act.

The Report to Congress is currently undergoing internal Agency review and is expected to be available in February. More information on the content and availability of the report will appear in future issues of the Bulletin.

Storm Water Regs, Cont'd
(from page 6)

device or system used in the storage, treatment, recycling, and reclamation of sewage (including land used for the disposal of sludge located within the confines of the facility) with a design flow of 1.0 mgd or more. The Agency intends to notice draft general permits for the majority of storm water discharges associated with industrial activity located in States without authorized NPDES programs in early 1991. By November 18, 1991, facilities with storm water discharges associated with industrial activity will be required to either: submit individual permit applications, participate in a group application, or comply with a notice of intent requirement in applicable general permits.

ENFORCEMENT DOCUMENTS

Pretreatment Compliance Monitoring and Enforcement Guidance, July, 1986. This document is intended to be a comprehensive guide to pretreatment implementation, particularly on-going compliance monitoring and enforcement activities. This guidance provides a detailed discussion of: establishing monitoring requirements for industrial users (IU); sampling and inspecting IUs; reviewing IU reports; determining IU compliance status; setting priorities for enforcement actions; and reporting progress to Approval Authorities. It establishes a definition of Significant IU for targeting primary implementation activities and recommends a definition of Significant Noncompliance to be applied in evaluating IU performance in complying with effluent and reporting requirements as well as compliance schedules. These definitions were adopted as regulations in the DSS rule discussed in Pretreatment Bulletin #8. **NTIS Accession No.: PB90 185075/ AS**

Cost: Paper copy = \$23.00; Microfiche = \$8.00

Guidance For Developing Control Authority Enforcement Response Plans, September, 1989, This guidance is intended to provide municipal pretreatment personnel with recommendations for satisfying the minimum program requirement to develop and implement an enforcement response plan. The guidance includes methods for assessing enforcement authorities, determining appropriate enforcement roles for personnel and deciding upon enforcement remedies for specific violations. The manual includes a model enforcement response guide and a detailed analysis of each of the common enforcement remedies **NTIS Accession No.: PB90 185083/ AS**

Cost: **Paper copy = \$23.00**; Microfiche = \$8.00

Pretreatment Compliance Monitoring and Enforcement Software. User's Guide, Version 2.0. September, 1989. This software is designed to assist POTWs and other Control Authorities in tracking an IU's compliance with applicable pretreatment standards. The menu-driven PCME System provides an automated means for doing this and the guide provides step-by-step procedures to assist anyone in operating the system. PCME System does not require any special hardware other than an IBM or IBM compatible personal computer and DOS. This system tracks Significant noncompliers and generates a Pretreatment Performance Summary report. [Software inquiries should continue to be made to the U.S. EPA, Enforcement Division, (EN-338), 401 M Street, SW, Washington, DC 204601 **NTIS Accession No.: PB90 184557/ AS**

Cost: Paper copy = \$17.00; Microfiche = \$8.00

Thee NTIS toll-free telephone number is (800) 336-4700 or (800) 553-6847, or you can write:
U.S. Department of Commerce National Technical Information Service. 5285 Port Royal Road Springfield, VA 22161.

POTWs and States can contact the Enforcement Division of the Office of Water Enforcement and Permits for a free copy of these publications.

COMING IN FUTURE ISSUES OF THE PRETREATMENT BULLETIN

- Index of past issues' articles.
- Permits Documents
- Dates for Workshops
- More about §519 Pretreatment Report to Congress.
- Ideas from you.

OCPSF COMPLIANCE DEADLINE REMINDER

As you know, the compliance deadline for the Pretreatment Standards for existing Organic Chemicals, Plastics and Synthetic Fibers (OCPSF) facilities was November 5, 1990. The 90 day final compliance report due date, February 4, 1990, is rapidly approaching. The OCPSF rule regulates 34 pollutants and affects at least an estimated 333 significant industrial users in 37 States. Approved POTWs should be determining the compliance status of each of their OCPSF users with these standards and initiating appropriate enforcement action under the POTWs enforcement response plan.

LATE BREAKING GUIDANCE NEWS

The July 24, 1990 amendment to the general pretreatment regulations (included in Pretreatment Bulletin #8) contained a requirement that pretreatment POTWs must evaluate whether each significant industrial user needs a plan to control slug discharges, at least once every two years. If the POTW decides that such a plan is needed, the regulations contain a list of minimal elements that the plans must contain. The Agency has developed guidance for POTWs on evaluating industrial users and developing appropriate slug control plans "Guidance Manual for Control of Slug Loadings to POTWs" (September, 1998). The guidance has now been printed and will be distributed to EPA Regions. If you would like a copy, please contact your EPA Regional pretreatment coordinator in February.