United States Environmental Protection Agency
Office of Wastewater Enforcement and Compliance

# PRETREATMENT BULLETIN

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HIGHLIGHTS



On June 16, 1992, EPA released a report on a study of Significant Industrial User Noncompliance.

EPA undertook this study to independently determine, with known statistical confidence, the level of significant noncompliance by significant industrial users (SIUs) of Publicly Owned Treatment Works (POTWs). The study evaluated noncompliance at 640 industrial facilities discharging into 60 POTWs across the country.

The central purpose of the study was to establish baseline data using a definition of significant noncompliance (SNC) which the Agency adopted in July of 1990 (55 FR 30128). The study results will be used to measure future trends in industrial compliance.

The most significant result described in this report is that 54% of the 30,000 significant industrial users nationwide (16,200) would have been in significant noncompliance with either pretreatment limits or reporting requirements, or both, using the new Federal definition. Among the study's specific findings, 35 percent of industries nationwide had significant violations of applicable pretreatment limits; and 36 percent experienced significant violations of reporting requirements.

Significant noncompliance was the focus of this study because it is an area of

implementation for which the EPA has little verifiable data. There are, of course, other programmatic measures of POTW implementation, including: percent of permits issued, number of inspections or sampling events performed, number of enforcement actions taken, interference or pass through of the treatment plant and improvements in sludge quality. All of these elements must be examined in concert to determine the overall health of the Pretreatment Program.

The study looked at industrial performance from October 1989 to December 1990. The percentages indicate the number of industries which would have been identified as being in SNC for the 1990 calendar year. The study does not attempt to identify whether or when industries returned to compliance during the year, either voluntarily or through enforcement actions.

In addition to a continued emphasis on effective enforcement, EPA will expand its current outreach activities, including training and guidance, to ensure that industrial facilities and POTWs are aware of all applicable Federal requirements. Moreover, the Agency plans to increase its level of scrutiny over POTW activities and review EPA's existing oversight activities to ensure that appropriate emphasis is placed on industrial compliance in the future.

Finally, EPA intends to conduct a broader study of industrial compliance next fiscal year. This EPA study may also be repeated from time to time to ensure that our conventional data on industrial compliance is accurate.

For more information on the study, please contact Greg Marshall, Office of Wastewater Enforcement and Compliance, Enforcement Division (EN-338), U.S. EPA, 401 M Street, SW, Washington, DC 20460, (202) 260-7745.

## WELCOME TO THE PRETREATMENT BULLETIN

The Pretreatment Bulletin is published by the U.S. Environmental Protection Agency's Office of Wastewater Enforcement and Compliance. It is primarily intended for the professionals who administer the National Pretreatment Program. Pretreatment refers to the alteration, reduction or elimination of pollutants prior to or in lieu of their being discharged to municipal wastewater treatment plants ("publicly owned treatment works" or "POTWs"). The National Pretreatment Program is a joint regulatory effort by EPA, States and nearly 1500 municipalities to ensure that industrial and commercial discharges of pollutants to POTWs do not interfere with POTW operations, impair worker health and safety, pass through to receiving waters, or contaminate sewage sludge.

## PRETREATMENT AWARDS

In 1989, EPA established the Pretreatment Excellence Awards. These awards recognize POTWs with exemplary pretreatment programs that reduce the risk of pass through of toxic pollutants or interference with the operations of the treatment facility which may be caused by toxic discharges. Through their work with local industry, these POTWs also achieve additional benefits, such as improved sludge quality and reduced risks to worker health and safety.

The Pretreatment Excellence Awards are designed to recognize POTWs for outstanding efforts in the control of non-domestic discharges and to heighten overall public awareness of and support for these local wastewater treatment-related programs. The selection of POTWs for Pretreatment Program Excellence Awards begins when EPA Headquarters solicits nominations from the 10 EPA Regions, as well as from States with approved pretreatment programs. Nominated POTWs are asked to complete an awards application. An awards review committee, made up of pretreatment experts from EPA Headquarters, EPA Regions, delegated States, and Water Environment Federation (WEF) then review these applications to judge the local pretreatment programs and choose National Pretreatment Program Excellence Award Winners. Members of the committee evaluate all aspects of the implementation of the nominees' pretreatment programs, as well as the environmental benefits of the programs. The judges also seek to recognize innovations that are transferable to other cities' programs.

POTWs are judged on their performance in the following areas:

- Legal Authority
- Industrial User Permitting
- Local Limits
- Industrial User Monitoring
- Enforcement
- Environmental Achievements
- Public Outreach
- Innovations in Program Implementation

Awards are given based on the actual daily flow of the POTW. For 1992, the categories are: 5.00 million gallons per day (mgd) or less; 5.01 to 20.00 mgd; and greater than 20.00 mgd.

This year, a total of forty-nine nominations were received from all ten EPA regions and delegated States in February. The winners of the 1992 National Pretreatment Program Excellence Awards will be honored at the WEF Annual Conference in New Orleans, LA, on September 21, 1992.

## NATIONAL PRETREATMENT COORDINATORS' MEETING

The 1992 National Pretreatment Coordinators' Meeting was held in Dallas, TX, during June 23-25. It provided an opportunity for participants, primarily EPA and State personnel, to hear a wide variety of perspectives on the status and direction of the National Pretreatment Program, exchange ideas, and discuss issues critical to program implementation and enforcement. This was realized through a combination of general, discussion, and teaching sessions with a broad range of speakers and moderators that included EPA, State, POTW, industry, and environmental group representatives. During the sessions, many important issues and a number of recurrent themes were identified, including the following:

- Communication - The frequency of communication among Federal, State, and local

agencies is not sufficient to provide information on the implementation of program policy and guidance. Communication among all levels must occur more consistently and frequently.

- Training and Guidance - All levels of training continue to be needed for all pretreatment program personnel. The scope of additional training must still be identified.

- Enforcement - Various approaches to regulation and enforcement of program requirements were discussed. Meeting participants highlighted the importance of continuing to build a strong partnership and achieve environmental goals, along with effective enforcement.

- Benchmarks - The pretreatment program cannot be evaluated adequately without benchmarks to assess environmental effectiveness. Measures of program success must be identified and established.

- Resources - States are continually expected to do more with less. To meet this expectation, they will need to increase efficiency, prioritize responsibilities, and deemphasize nonessential tasks. State representatives asked for additional flexibility in program implementation so that Regions, States, and POTWs can realize their objectives with fixed or reduced resources.

The meeting began with a general session designed to identify major issues affecting the pretreatment program and review the activities of the past year from a National, Regional, and State perspective. The general session also provided a forum to present industry, environmental group, and POTW views. The meeting continued with a series of concurrent discussions, dedicated to considering such issues as pretreatment oversight and inspection strategies, training, improving the POTW program modification process, changes to the General Pretreatment Regulations, POTW RNC/SNC criteria, and local limits. These sessions offered an opportunity to raise issues particular to the groups represented and identify solutions to problems of concern. A variety of teaching sessions were also held, which presented two case studies of POTW pretreatment program initiatives and allowed participants to contribute to EPA's metal finishing study. In closing, the meeting returned to a general session to provide summaries of each concurrent discussion, and of the ideas expressed and issues identified during the preceding three days.

## CONGRESS STILL CONSIDERING CHANGES TO PRETREATMENT LAWS

The last issue of the Pretreatment Bulletin included a summary of the Senate's proposal to amend the Clean Water Act (CWA) (Senate Bill S.1081, introduced May 15, 1991). There have only been a few developments in the CWA Reauthorization process since that time. Senate staff has circulated a proposed Amendment to the Clean Water Act that would allow POTWs that treat mostly industrial wastes to be regulated under a provision applicable to "Captive Treatment Works." Qualified POTWs could elect to be treated as Captive Treatment Works; compliance with categorical pretreatment standards would then be determined at the

point of the POTW's discharge to receiving waters rather than at the point of industry's discharge to the POTW. The industry would, in effect, receive credit for treatment performed by the POTW.

We will keep you apprised of further developments in future issues of the Pretreatment Bulletin.

## EFFLUENT GUIDELINES LITIGATION - SECTION 304(m)

EPA has agreed to develop 12 new or revised industrial water pollution control regulations ("effluent guidelines") over a period of 11 years. The agreement is part of a Consent Decree that EPA entered into in January with the Plaintiffs in Natural Resources Defense Council et al v. Reilly on implementation of Section 304(m) of the Clean Water Act. The 12 new or revised guidelines (four specified right now and eight at a later date) are in addition to nine ongoing rulemaking projects. Eleven other industries will be studied by the Agency for possible future regulation. All of the guidelines will likely include pretreatment standards for new and existing sources, with the exception of the guideline for oil and gas extraction.

The industrial categories were selected because they target the industries posing the greatest threat to the nation's surface waters. The agreement allows EPA to select the remaining eight rules, using a comparative risk approach, based on the findings of the studies it will conduct in the next several years. The industry selections will be done with the advice of a special task force and public comments. EPA published a notice announcing these actions in the Federal Register on May 7, 1992 (57 FR 19748). A final notice will be published this summer.

EPA has established the Effluent Guidelines Task Force, consisting of persons from EPA, state and local governments, industry, citizen groups, and the scientific community. The task force will provide recommendations to EPA on:

- streamlining the guidelines development process
- which additional industry categories should be regulated
- a process for reviewing existing effluent guidelines
- new water pollution control technologies
- components of effluent guidelines to ensure adequate scope and coverage
- improved methods for data gathering
- a process for regulating that minimizes cross-media transfer of pollution

The Task Force will hold approximately four public meetings each year. The first meeting is planned for Fall 1992, and will be announced in the Federal Register.

The Consent Decree settled a lawsuit filed under Section 304(m) of the Clean Water Act, which was added by the Water Quality Act of 1987. Section 304(m) requires EPA to publish a biennial plan to identify dischargers of toxic and nonconventional pollutants and establish schedules for promulgating effluent guidelines. EPA published its first plan on January 2, 1990 (55 FR 80), which was subsequently subject to litigation that led to the consent decree.

Industry Categories Covered by the Consent Decree
(Parentheses contain agreed upon date of final rule or study)

7 Ongoing Rulemaking Projects*
Organic Chemicals, Plastics and Synthetic Fibers - Remand (1993)
Pesticides Manufacturing (1993)
Waste Treatment, Phase 1 (1996)
Pesticides Formulating and Packaging (1995)
Pharmaceutical Manufacturing (1996)
Metal Products and Machinery, Phase 1 (1996)
Coastal Oil and Gas Extraction (1996)

12 New Regulations
Waste Treatment, Phase 2 (1997)
Industrial Laundries (1998)
Transportation Equipment Cleaning (1998)
Metal Products and Machinery, Phase 2 (1999)
Eight additional categories to be determined

11 Industries to be studied
Petroleum Refining (1993)
Metal Finishing (1993)
Iron and Steel Manufacturing (1994)
Inorganic Chemicals (1994)
Leather Tanning (1995)
Coal Mining (1995)
Onshore/Stripper Oil and Gas Extraction (1996)
Textile Mills (1996)
Three additional categories to be determined

*There are two other ongoing rulemaking projects not covered by the Section 304(m) Consent Decree. These rulemakings are the subject of other litigation:

Offshore Oil and Gas Extraction (1993)
Pulp, Paper and Paperboard (1995)

To assist in the development of these effluent guidelines, EPA would appreciate receiving information on the impacts of indirect discharges experienced at your POTW. Has your POTW experienced interference of POTW operations, problems of pass through (i.e. effects on the receiving stream) or problems of worker safety? EPA will use this information in the development of impact analyses for various guideline regulations. To offer information on impacts, please contact Richard Healy, (202) 260-7812, U.S. EPA, Standards and Applied Science Division (WH-585), 401 M Street, SW, Washington, DC 20460.

For further information regarding the 304(m) Consent Decree or the development of effluent guidelines, please contact: Eric Strassler, (202) 260-7150, U.S. EPA, Engineering and

Analysis Division (WH-552), 401 M Street, SW, Washington, DC 20460.

## §519 REPORT TO CONGRESS FOLLOW-UP

In July 1991, the Environmental Protection Agency submitted a Report to Congress, in response to Section 519 of Water Quality Act of 1987, which presented the results of an EPA study on the discharge of toxic pollutants to and from publicly owned treatment works and provided an update on the status of the National Pretreatment Program. The purpose of the study was to determine, after the Pretreatment Program had been underway for over a decade, how the program could more effectively achieve the goals of the Clean Water Act and minimize the adverse environmental impacts of toxics that may be discharged from POTWs.

The 519 Report's major findings led to the development of three recommended approaches to reduce the environmental impacts associated with toxic discharges to and from POTWs. First, EPA recommended continuing the promulgation of national categorical pretreatment standards and stressing the adoption of cost-effective pollution prevention and domestic wastewater controls wherever feasible. Second, EPA emphasized the need to improve local pretreatment standards to further reduce toxic loadings and to ensure the integrity of POTW collection systems and treatment plants. The third and last recommendation was the improvement of the scientific basis of pretreatment controls, and the provision of better benchmarks for pretreatment program performance, by establishing comprehensive standards and
criteria for all media affected by POTW discharges. Since the Report was issued, its recommendations have helped to define the direction of the Pretreatment Program.

To enhance the National Categorical Pretreatment Standards, EPA has proposed a timetable for the development of 12 new or revised effluent guidelines over the next 11 years. Given the importance of pollution prevention to the successful implementation of categorical standards, EPA is actively seeking to develop guidance and training for applying pollution prevention as part of the pretreatment program. For example, a guidebook and pilot workshop are being developed in coordination with the Center for Environmental Research Information (CERI), in Cincinnati, Ohio. The Office of Wastewater Enforcement and Compliance is also working with the Office of Pollution Prevention to update the Pollution Prevention Clearinghouse
database on case studies for industries that are interested in incorporating pollution prevention into their wastewater activities. EPA Regional Offices are actively involved in these and other efforts pertaining to pollution prevention. In a related area of concern, EPA has been developing a Combined Sewer Overflow (CSO) Permitting Policy as part of an overall Expedited
CSO Program. One key component of the development of technology-based requirements for CSOs involves going back and taking a look at opportunities to revise pretreatment programs to minimize CSO impacts from industrial sources.

In the interest of improving local pretreatment program implementation generally, EPA has finalized several guidance documents which include a revised audit checklist, the revised

Model Pretreatment Ordinance, and worker health and safety guidance. The revised audit checklist, distributed in May of this year, continues to look at all major POTW components, but with significant changes that reflect changes to the pretreatment regulations, better focused and targeted evaluations, and a significantly increased emphasis on environmental effectiveness and pollution prevention. The revised model pretreatment ordinance, like the revised audit checklist, incorporates changes to the pretreatment regulations brought by revisions to the General Pretreatment Regulations and allows for flexibility by providing options where appropriate, and guides the user with numerous annotations. The Guidance to Protect POTW Workers From Toxic and Reactive Vapors and Gases, otherwise known as the "worker health and safety guidance," provides tools to help POTWs and their workers identify, prevent, and mitigate hazards associated with toxic gases, vapors, and chemically-reactive substances encountered in the POTW's collection system and treatment plant, as well as at industrial facilities during POTW inspections.

EPA has taken a number of measures to improve the scientific basis of pretreatment controls, emphasizing the need for water quality-based permitting and the development of sludge quality standards and permit limits. The revised Technical Support Document for Water Quality-based Toxics Control, describing the methodology to be used in the water quality permitting standards to permits process, was issued in March 1991. In November 1991, EPA proposed a rule to promulgate chemical specific numeric criteria for priority pollutants necessary to bring into compliance States not otherwise in compliance with the requirements of section 303(c)(2)(B) of the Clean Water Act, which has led several States to make progress in promulgating approvable water quality criteria. EPA's Part 503 sludge regulations, once in place, will enable permit writers to reflect sludge standards in NPDES permit limits and sludge permits. These standards will be met through effective pretreatment program implementation.

Data gathering is key to knowing whether the National Pretreatment Program is accomplishing its underlying goals. The draft revised municipal application form, Form 2A, and its corollary for sludge, Form 2S, are nearing completion. These forms will help to gather a good deal more information than can be gathered using current municipal application forms. Additional information is collected, at present, through audits, Permit Compliance Inspections, and POTW annual reports. In order to improve the methods used in gathering this information and to address oversight in a more general fashion, EPA has prepared a draft oversight strategy.

In addition to all of the above efforts, EPA is improving the foundations for pretreatment controls through effective training. Over the past ten years, the number of pretreatment workshops has grown from less than ten to more than fifty each year, and the number of attendees has grown to over three thousand per year. In the interest of keeping its training agenda current and responsive to the needs of POTW pretreatment coordinators, EPA is looking at ways to improve these workshops.

## EPA's UPCOMING SLUDGE REGULATIONS

EPA is putting the finishing touches on its final technical standards for the use and disposal of sewage sludge. The final rule, to be published at 40 CFR Part 503, is expected to

regulate the land application (including distribution and marketing), surface disposal, and incineration of sewage sludge through a combination of numeric pollutant limits, pathogen and vector controls, management practices, and monitoring, recordkeeping, and reporting requirements. The Part 503 rule is expected to affect POTWs that use one of the three regulated uses or disposal methods (and which produce about half the sludge generated nationwide). It will also apply to other parties involved in sludge treatment, use, or disposal.

EPA proposed the sludge rule February 6, 1989 (54 FR 5746) in response to section 405(d) of the Clean Water Act. The final rule, scheduled for promulgation this fall, is likely to differ in several fundamental respects from the proposal as a result of public comment (EPA received over 5,500 pages of comments from 656 commenters), extensive peer review, and the findings of the National Sewage Sludge Survey, which improved the Agency's knowledge of sludge quality and use/disposal practices nationwide. In general, EPA expects that the changes will make the rule easier to implement while providing an equivalent level of protection for human health and the environment. The rule is expected to contain incentives for treatment works to generate "market quality" sludges.

Compliance with the Part 503 regulations will in most cases be required one year after the rule is published in the Federal Register. The regulations are intended to be self-implementing and directly enforceable for most parties that generate, treat, use, or dispose of sewage sludge. Ultimately, however, NPDES or equivalent permits will be the primary mechanism for implementing Part 503. Under the Clean Water Act and EPA's 1989 sewage sludge permit program regulations, POTWs and other "treatment works treating domestic sewage" (i.e., any party that generates, treats, or disposes of sewage sludge) must apply for a permit containing sludge conditions. On May 27, 1992, EPA proposed a revision to the implementation regulations to require submittal of sludge applications in phases: applicants required to have (or requesting) site-specific pollutant limits would apply within 180 days after publication of Part 503, other NPDES permittees would apply with their next NPDES permit renewals, and non-NPDES ("sludge only") facilities would submit certain screening information within one year after promulgation of Part 503 (57 FR 22197).

## 1990 TOXICS RELEASE INVENTORY DATA.

EPA recently announced that industrial releases of toxic chemicals into the nation's environment declined by 600 million pounds, or 11 percent, from 1989 to 1990. The decline is reported in the initial results of the 1990 Toxics Release Inventory (TRI), which reveals that 23,648 industrial facilities released a total of 4.8 billion pounds of toxic chemicals into the nation's environment in 1990.

A summary of 1990 TRI data released in May shows that in 1990, 2.2 billion pounds of toxic chemicals were released into the air, a decrease of 14 percent from the 1989 total of 2.5 billion pounds. Releases to land dropped three percent from 454 million pounds in 1989 to 440 million pounds in 1990. Releases into the nation's rivers, lakes streams and other bodies of water increased by 2 percent or 4 million pounds in 1990. Releases to POTWs declined from 557 million pounds in 1989 to 447 million pounds in 1990, a difference of 110 million or 20

percent.

The TRI is required by law under the 1986 Emergency Planning and Community Right-to-Know Act. Certain industries that employ 10 or more persons full-time must provide annual emissions estimates for over 300 toxic chemicals and 20 chemical categories which are manufactured, processed, or used in excess of certain threshold amounts. Over 83,000 reports were received for 1990.

The TRI data serve two purposes which are reflected in the organization of the data presented. First, TRI is a source of information on the amount, location and type of releases to the environment in communities. Second, TRI is increasingly a vehicle for determining pollution prevention opportunities. In this year's printed data release report the state rankings have been made on the basis of total facility releases, rather than the combined release and off-site transfer data used in the past. This approach clearly serves the purpose of communicating where significant releases to the environment are occurring. In future years, when the TRI data base includes full reporting on all off-site transfers and on-site management activities, the Agency will also present rankings related to pollution prevention potential.

In addition to the TRI data in the printed data release report, all TRI data for 1990 and prior years are now available to the public through the National Library of Medicine Toxnet national computer database and on computer datatapes through NTIS. This summer diskettes will also be available through NTIS. Interested individuals can obtain more information from state TRI contacts or by calling the Emergency Planning and Community Right-to-Know Hotline at 1-800-535-0202.

## CALL FOR POLLUTION PREVENTION CASE STUDIES

The Office of Wastewater Enforcement and Compliance (OWEC) is calling for case study information on municipalities that have incorporated, are in the process of implementing, or are planning to incorporate pollution prevention activities into their pretreatment programs. Pollution prevention activities may be intended to reduce pollutant discharges and to facilitate industrial user compliance with program requirements. Information is needed on inspection techniques used to identify pollution prevention opportunities, educational programs developed for industries, technical assistance programs, and regulatory programs. Information on successes, as well as any obstacles faced in implementing new programs, is needed. This information may be used in a one-day "Pollution Prevention in Pretreatment" training course and pollution prevention guidance manual that OWEC and the Center for Environmental Research Information are currently developing.

There are three means available for furnishing the information to EPA. First, you may contact Sharie Centilla of EPA Headquarters at (202) 260-6052. Second, you may send the information directly to: Pollution Prevention Information Clearinghouse (PPIC), 7600-A Leesburg Pike, Falls Church, VA 22043. Finally, you may wish to access the Pollution Prevention Information Exchange System (PIES), a computerized information dissemination/exchange service. PIES contains both technical and policy information, and is

accessible without fee, except for the cost of the telephone call. The system includes a message center, a directory of experts, news and announcements, a calendar of events, case studies, program summaries, and an electronic bibliography of documents in PPIC. PIES is accessible to anyone with a PC and a modem. If you are not familiar with PIES, contact the PPIC Technical Assistance Line (703) 821-4800 for guidance on the use of the system. Keep in mind that PIES can be a useful tool for communicating with POTWs across the country. For example, you could benefit from the experience of other POTWs that are doing something unique in pollution prevention, or have overcome an obstacle in implementing pollution prevention initiatives.

Which ever way you decide to respond, please submit your information for inclusion during the pilot training session no later than October 2, 1992. Additional information on ongoing efforts and progress to incorporate pollution prevention into pretreatment programs will continue to be welcomed after the above date.

## ENFORCEMENT NEWS

### REGION III PRETREATMENT ENFORCEMENT INITIATIVE

On March 13, 1992, EPA Region III sent out nine administrative penalty complaints with proposed penalties totalling over $572,000. These complaints were a direct result of the Region III Pretreatment Enforcement Initiative begun in October of 1991.

An effective pretreatment program has been shown necessary to prevent "pass through" of toxic pollutants to rivers and streams, and insure that industrial wastes do not interfere with treatment plant operations or harm personnel. By inspecting, sampling and permitting their industrial users (IUs), and enforcing against any non-compliance, treatment plants are assured a quality influent and the environment, a safe effluent.

In an effort to "crack down" in the nondelegated states where EPA is the pretreatment authority, Region III identified the twenty most egregious POTWs and sent each an information request letter regarding their pretreatment program status. After the letters were sent, eleven of the twenty POTWs came back into compliance. The nine remaining plants were then targeted for administrative penalties, with violations ranging from: failure to take enforcement action against IUs in significant noncompliance and failure to inspect, sample, or permit IUs; to failing to submit an approvable pretreatment program according to schedule. By treating all as one related group and issuing all the complaints on one day, Region III was able to attract more interest from the press. We believe this publicity will have a large deterrent effect for facilities that were not included in the initiative, sending the message that Region III is willing, ready, and able to take significant enforcement action in response to pretreatment violations.

The major violations cited, along with the targeted POTWs and their proposed penalties are:

- Failure to enforce against IUs in SNC -

Chambersburg ($52,590), Doylestown ($33,000), Greater Hazelton ($30,525), New Kensington ($40,875)

- Failure to permit IUs and failure to enforce IUs in SNC - Milton ($54,750), Upper Merion ($81,240)

- Failure to enforce against pass through- Hamburg ($83,970)

- Failure to inspect and failure to enforce IUs in SNC St. Marys ($70,500)

- Failure to submit approvable pretreatment program Southwest Delaware County ($125,000)

In addition to the proposed penalties listed, settlements with the violating plants will include comprehensive compliance schedules to insure the treatment plants address their pretreatment problems.

To explain the Initiative and promote greater awareness, Region III conducted a teleconference on March 18 with newspaper reporters from around the State of Pennsylvania (where all nine POTWs are located). For the plants that were not targeted, it is hoped that the Initiative will provide an incentive to take a second look at the operation of their pretreatment programs and make the necessary improvements. Pretreatment coordinators are encouraged to seek EPA's assistance in identifying potential problem areas before federal enforcement becomes necessary. For more information on the Region III Pretreatment Enforcement Initiative, please contact Carol Amend, U.S. EPA - Region 3 (3WM51), 841 Chestnut Building, Philadelphia, PA 19107, (215) 597-6510.

U.S. v. CITY OF BEAUMONT

On February 20, 1992, the District Court in the Eastern District of Texas issued a memorandum opinion awarding the United States a $400,000 civil penalty against the City of Beaumont, Texas, for failure to implement an industrial pretreatment program. This was one of the first cases tried against a municipality for failure to adequately implement its approved pretreatment program that did not also include effluent violation claims. The result shows that the judiciary is willing to award strict penalties for pretreatment violations. It is also a reaffirmation that Section 309(d) of the Clean Water Act mandates a civil penalty once liability for violations of the Clean Water Act is established. The case was for penalties only because the city was in compliance by the time of the trial in December 1990.

The City of Beaumont, Texas, was issued an NPDES permit in May of 1980, which required the City, among other things, to develop and submit an approvable pretreatment program. The City did so, and this program was approved on December 23, 1983. On that

date, Region VI reissued the City's NPDES permit to incorporate this approved pretreatment program, and to require implementation of the program.

The approved pretreatment program required the City to perform a number of activities to ensure adequate regulation of industrial wastewater into the City's POTW. Among other things, the program required the City to:

- complete an analysis of the wastewater discharged by "major" industrial users (IUs) and determine if these IUs discharge effluent with the potential to interfere with the POTW,
- identify significant industrial users (SIUs),
- issue permits to SIUs,
- require all SIUs to submit self monitoring data,
- enforce local limits, and
- publish an annual list of IUs in significant noncompliance.

The Court found that the City of Beaumont, Texas, failed to implement its approved pretreatment program. Specifically, the Court found that the City did not complete the comprehensive sampling and analysis program until 1987, did not identify SIUs until 1987, did not issue permits to SIUs until 1988, did not require self monitoring reports until 1988, did not take any enforcement actions until 1987, and did not publish a list of IUs in significant noncompliance until 1988. Of particular note for efforts to ensure data integrity, the Court found that Beaumont's failure to sample and monitor industrial users meant that information on harmful pollutants "is forever lost to environmental planners and policy makers and those who might undertake to remedy the effects of any pollution." Further the Court made the specific finding that these program activities were important aspects of the pretreatment program and not "unessential bureaucratic functions" as the defendant had argued.

The Court concluded: 1) that the City's NPDES permit required the City to fully implement its program by December 24, 1984, 2) that Section 402 of the Clean Water Act authorized the Agency to require implementation of a pretreatment program as a condition of the permit, 3) that the defendant was precluded from challenging the validity of this permit condition since it did not challenge this provision within 120 days of issuance, and 4) that Section 309(d) of the Clean Water Act mandates that civil penalties be imposed for violations of conditions of NPDES permits. For more information, please contact Nadine Cohen, U.S. EPA (LE-134W), 401 M Street, SW, Washington, DC 20460, (202)260-8186.

## POLLUTION PREVENTION ACTIVITIES IN REGION V

Pollution prevention (P2) is being incorporated into local pretreatment programs in a

variety of ways throughout Region V. The following case studies are provided to highlight some of the approaches being taken.

## Greater Milwaukee Toxics Minimization Task Force

Since 1990, the Milwaukee Metropolitan Sewerage District (MMSD) has sponsored the Task Force, which is made up of representatives from environmental organizations, industry, business, local government and academia. Although originally formed to evaluate the need for a centralized waste treatment facility in Milwaukee, the group's focus shifted early on to the identification of sources and loadings of toxics to the POTW. At the same time, it looked at actions which could be taken to minimize these loadings without transferring them to other media. The Sewerage Commission is in the process of evaluating the Task Force's recommendations, and has adopted a resolution in support of pollution prevention efforts. The recommendations are set forth in "Toxics Reduction Strategy for the Greater Milwaukee Area." (MMSD contact: Steve Skavroneck, (414) 225-2174).

## Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) Project

The MWRDGC, Region V, the Illinois Environmental Protection Agency (IEPA), and the Illinois Hazardous Waste Research and Information Center (HWRIC) have jointly initiated a pollution prevention program for the Greater Chicago area. Five program elements are currently under development: Education and outreach; technical assistance; incorporation of a P2 element into the Enforcement Response Policy; incorporation of P2 plan requirements in the SIU control mechanism; and cross media impacts reduction. The first two elements are the furthest along. The first workshop for local industrial managers, to be held in June, will be hosted by the Chicagoland Chamber of Commerce. All of the cooperating agencies will participate. The group is also targeting, using TRI facilities as its primary audience, Southeast Chicago industries for technical assistance. Part of this effort will focus on increasing commitments to the 33/50 program, and IEPA's voluntary "Partners in Prevention Program." (MWRDGC contact: Dick Lanyon, (312) 751-3040).

## Lake Superior Partnership

This cooperative regulatory and assistance effort by the Minnesota Pollution Control Agency (MPCA), the Western Lake Superior Sanitary District (WLSSD), and other interested parties in the Duluth, Minnesota area was established in July of 1991 for the purpose of reducing or eliminating the discharge of toxics to Lake Superior and its immediate environment. The primary vehicle of the Partnership is the advisory Group, made up of representatives of the various organizations and stakeholders, including the facilities that will be the subject of multimedia Compliance Assistance Program (CAP) inspections. The group will provide feedback on the CAP inspections, and will serve as a vehicle for information transfer.

The major focus of the Partnership is the CAP program, which is an effort to integrate

compliance inspections regarding the various regulated media at a facility by state and Sanitary District staff. In addition to evaluating a facility's compliance status, the inspectors will evaluate P2 opportunities. Where enforcement actions are called for, P2 strategies will be incorporated to the greatest extent possible. Future elements of the project will most likely include incorporation of energy consultations by the local electric utility as part of the CAP inspections, and the arrangement of internships by University of Minnesota engineering students at industrial facilities to look at waste reduction strategies. (MPCA contact: Eric Kilberg, (612) 296-8643).

POTW leadership has been and will continue to be critical for these projects to advance pollution prevention goals and environmental objectives. Other projects will be similarly dependent on POTW involvement for their success. EPA and the states can facilitate these efforts by providing information, training and other support.

Other Pretreatment-Related Pollution Prevention Activities in Region V

● The region worked with Wisconsin, Illinois and Indiana to provide P2 training to POTW personnel as part of the general pretreatment workshops in FY '91. The State P2 lead offices developed and provided the training. This was in keeping with Region V's view that it is vital to bring the state P2 actors and local pretreatment program personnel together in order to move from abstractions to concrete activities.

● A set of "P2 at POTW" documents has been distributed to state Pretreatment Coordinators as guidance.

● The Lake Michigan Federation has been awarded a grant to work with Lake Michigan POTWs on P2.

● MMSD and AMSA are developing a survey of P2 activities at POTWs, which will be distributed to POTWs in the eight Great Lakes states and AMSA members.

● The Metropolitan Waste Control Commission in Minneapolis/St. Paul is among five POTWs which were recently awarded $100,000 to implement P2 programs.

For further information regarding any of these activities, contact Cathy Allen, U.S. EPA Region V, at (312) 886-0136.

## TRAINING WORKSHOPS

### PRETREATMENT FACILITY INSPECTION TRAINING PROGRAM REVISED

The Second Edition of the Pretreatment Facility Inspection training program and manual is now available. The training program was originally prepared in 1988 by California State University, Sacramento, for the U.S. EPA. Since 1988 many changes have been made in the pretreatment program. The new edition includes the changes and recommendations resulting from the DSS (Domestic Sewage Study) and PIRT (Pretreatment Implementation Review Task

Force). Many new photographs are provided illustrating proper inspection procedures, and the appendices at the ends of the chapters contain new forms to facilitate pretreatment facility inspection. Also included is new information on how inspectors can assist and encourage industry with waste minimization programs.

Pretreatment Facility Inspection stresses the duties and responsibilities of a pretreatment inspector and describes the development and application of regulations. Administrative topics include how to plan and fund an industrial waste pretreatment program, develop a data base management program and implement an industrial waste monitoring program. The importance of an effective public relations program and the importance of ethics for a successful program are emphasized. Procedures on how to safely inspect many different types of industries are included with checklists for preparation before entry and lists of pertinent questions that should be answered when inspecting various types of industries. Information is provided on how to monitor wastewater flows and collect and transport representative samples. The generation and sources of industrial wastewaters are outlined along with detailed source control processes and procedures. Waste minimization procedures are described to help inspectors assist industries implement programs. Procedures are provided for responding to emergencies, limiting the impact of an incident and taking enforcement action.

The training manual sells for $30.00 (+ $2.18 sales tax for Californians). If a person wishes to enroll in the home-study correspondence course, the enrollment fee is an additional $30.00. Successful completion earns a person 9 continuing education units or 6 semester units. As of March 1992, 814 people have successfully completed the training program. An additional 178 people are currently enrolled in the program. Over 5,000 training manuals have been distributed.

For additional information on the Pretreatment Facility Inspection manual and course and other similar materials and courses, contact: Ken Kerri, Office of Water Programs, California State University, Sacramento, 6000 J Street, Sacramento, CA 95819-6025. Phone (916) 278-6142.

## POLLUTION PREVENTION WORKSHOP

The U.S. Environmental Protection Agency's Office of Wastewater Enforcement and Compliance sponsors a one-day workshop entitled "Pollution Prevention for NPDES Permit Writers." The Workshop is designed for new and experienced EPA and State NPDES permit writers. The workshop explores the roles of NPDES permit writers and opportunities for promoting pollution prevention in EPA/State NPDES permits. Current techniques for enhancing pollution prevention are examined, and new ways of thinking and dealing with pollution prevention in NPDES permits are introduced. This workshop is offered on a request basis. The point of contact at EPA is Deborah Nagle, (202) 260-2656.

## MISCELLANEOUS

## GAO REPORT RELEASED

The United States General Accounting Office (GAO) has released a report entitled "Water Pollution: Nonindustrial Wastewater Pollution Can Be Better Managed," December 1991. The report was prepared in response to a request by the Chairman of the Senate Committee on Environment and Public Works. The Chairman expressed concern about the environmental impacts of nonindustrial pollutants entering sewage treatment plants and the perceived lack of progress so far in controlling them. GAO was asked to examine:

- the range, sources and seriousness of pollutants found in nonindustrial wastewater;
- local and State programs designed to control nonindustrial wastewater; and
- federal options to better manage and control nonindustrial pollution.

GAO's principal finding is that while industrial facilities continue to be the most significant source of toxic pollutants discharged to sewer systems, nonindustrial (household and commercial) sources can be major contributors of toxics. Options for better management of nonindustrial wastewater, ranging from voluntary, relatively low-cost programs to mandatory and more costly approaches are discussed.

GAO concludes that the appropriate level of federal involvement depends largely on the seriousness of nonindustrial wastewater problems. GAO specifically recommends that: 1) EPA require major wastewater treatment plants to identify the most serious nonindustrial pollutants entering their facilities, the sources of these pollutants, and their efforts to control them; 2) EPA use this information to determine what, if any, further analyses are needed by these or other plants; 3) EPA should make this information available to other treatment plant officials so they can benefit from others' experiences; and 4) based on this information, EPA should determine whether further regulatory actions are needed to reduce nonindustrial wastewater pollution including consideration of options such as mandatory source control programs and product labeling/product bans under authority of the Toxic Substances Control Act.

The GAO report can be obtained by writing to GAO at the following address or calling the number shown:

U.S. General Accounting Office
P.O Box 6015
Gaithersburg, MD 20877(202) 275-6241

Reference should be made to the document title and number: "Water Pollution: Nonindustrial Wastewater Can Be Better Managed," GAO/RCED-92-40, December 1991.

## WEF TO INTRODUCE PRETREATMENT OF INDUSTRIAL WASTE MANUAL OF PRACTICE

The Water Environment Federation is preparing a new Manual of Practice (MOP) entitled "Pretreatment of Industrial Wastes." The MOP will be presented at the preconference seminar program (September 19-20, 1992), immediately preceding WEF's 1992 Annual Conference in New Orleans (September 20-24, 1992). The upcoming manual of practice and seminar will cover regulations, management strategies and design fundamentals for the pretreatment of industrial waste. The manual of practice will address: pollution prevention; equalization; solids separation; oil and grease removal; neutralization; heavy metals removal; and technologies for removal of organics, nutrients and incompatible pollutants.

Information about the manual of practice and preconference seminar will be given in upcoming WEF publications or can be obtained from:

Water Environment Federation Technical and Educational Services Department
601 Wythe Street
Alexandria, VA 22314
Phone: (703) 684-2460, Fax: (703) 684-2492.

## REVISED AUDIT CHECKLIST

EPA has completed preparation of a revised audit checklist to be used by States and EPA Regions. The pretreatment audit is a comprehensive evaluation of a POTW's pretreatment program.

The checklist has been revised to address many of the weaknesses in the pretreatment program pointed out by EPA's recent Report to Congress and to reflect recent changes to the General Pretreatment Regulations (PIRT and DSS).

POTW inquiries about the audit checklist should be directed to the Approval Authority (EPA Region or approved pretreatment state). The audit checklist and instructions are contained in a guidance manual entitled "Control Authority Pretreatment Audit Checklist and Instructions, May 1992."

## MODEL PRETREATMENT ORDINANCE

EPA's Office of Wastewater Enforcement and Compliance recently completed a Model Sewer Pretreatment Ordinance for use by POTWs in developing or improving their authorities to implement a pretreatment program. The model provides an example of an ordinance that contains all of the pretreatment program elements required by 40 CFR 403.8, as well as provisions typically found in municipalities with effective programs. The Model Ordinance cannot be adopted verbatim; it must be adapted to meet each municipality's circumstances.

The Model Pretreatment Ordinance is available both in print and on diskette in Word Perfect 5.1 format. It may be obtained by writing to: Pretreatment Ordinance Coordinator, Permits Division (EN-336), U.S. EPA, 401 M Street, SW, Washington, DC 20460.

## ELECTRONIC BULLETIN BOARD

EPA's Office of Wastewater Enforcement and Compliance is considering the development of an electronic bulletin board system to facilitate communication and the dissemination of information between EPA, States, POTWs, Industry, and others involved in water pollution issues. We invite your comments and suggestions in our effort to determine the merits and possible drawbacks of such a system. You may contact William Hall, U.S. EPA (EN-336), 401 M Street, SW, Washington, DC 20460, (202) 260-1458, e-mail: INTERNET: hall.william@epamail.epa.gov, to offer your input.

## Frequency Distribution of SIUs in Pretreatment Programs Across All EPA Regions *

In April 1992, the Pretreatment Permits Enforcement Tracking System in PCS was used to generate a listing of the number of Significant Industrial Users (SIUs) per pretreatment program operated by Publicly Owned Treatment Works (POTWs). These data were used to generate frequency graphs showing the distribution of SIUs across the 1,441 approved POTW pretreatment programs.

## EPA REGIONAL PRETREATMENT PERSONNEL

The following is a list of EPA Regional Pretreatment Coordinators. POTWs or other interested parties should first contact their State pretreatment coordinators. If POTWs need further assistance with program development or implementation questions or problems, please contact the EPA regional office responsible for your State.

## US EPA REGIONAL PRETREATMENT COORDINATORS

REGION 1: (CT, ME, MA, NH, RI, & VT)
JACK STOECKER
U.S. EPA, REGION 1
J.F.K. FEDERAL BUILDING
(WCM-510)
BOSTON, MA 02203
(617)565-3554

REGION 2 (NJ, NY, PR, & VI)
VIRGINIA WONG
U.S. EPA, REGION 2
JACOB K. JAVITZ FEDERAL BUILDING
26 FEDERAL PLAZA
ROOM 845
NEW YORK, NY 10278
(212) 264-1262

REGION 3: (DE, DC, MD, PA, VA, & WV)
JOHN LOVELL
U.S. EPA REGION 3
841 CHESTNUT BUILDING
(3WM55)
PHILADELPHIA, PA 19107
(215) 597-6279

REGION 4: (AL, FL, GA, KY, MS, NC, SC, & TN)
ART GURLEY
U.S. EPA, REGION 4
345 COURTLAND STREET, NE
(FPB-3)
ATLANTA, GA 30365
(404) 347-3973

REGION 5: (IL, IN, MI, MN, OH, & WI)
MATT GLUCKMAN
U.S. EPA REGION 5
77 WEST JACKSON STREET
(WQP-6J)
CHICAGO, IL 60604
(312) 886-6089

REGION 6: (AR, LA, NM, OK, & TX)
LEE BOHME
U.S. EPA, REGION 6
(6W-PT)
1445 ROSS AVENUE
DALLAS, TX 75202
(214) 655-7175

REGION 7: (IA, KS, MO, & NE)
PAUL MARSHALL
U.S. EPA, REGION 7
726 MINNESOTA AVENUE
KANSAS CITY, KS 66101
(913) 551-7419

REGION 8: (CO, MT, ND, SD, UT, & WY)
CURT McCORMICK
U.S. EPA, REGION 8
ONE DENVER PLACE (8WM-C)
999 18TH STREET, SUITE 500
DENVER, CO 80202-2405
(303) 293-1592

REGION 9: (AZ, CA, HI, NV, Am. Samoa, & Guam)
KEITH SILVA
U.S. EPA, REGION 9
75 HAWTHORNE ST.
(W-5-2)
SAN FRANCISCO, CA 94105
(415) 744-1910

REGION 10: (AK, ID, OR, & WA)
ROBERT ROBICHAUD
U.S. EPA, REGION 10
PERMITS BRANCH (M/S 521)
1200 SIXTH AVENUE
SEATTLE, WA 98101
(206) 442-1448

The winners of the 1992 National Pretreatment Program Excellence Awards will be honored at the WEF Annual Conference in New Orleans, LA, on September 21, 1992. These awards recognize POTWs with exemplary local pretreatment programs that reduce the risk of pass through of toxic pollutants and interference with the operations of treatment facilities that may be caused by toxic pollutants. Through their work with local industry, these POTWs also benefit from improved sludge quality and reduced risks to the health and safety of treatment plant workers. Forty-nine nominations were received from all ten EPA regions in February. An awards review committee consisting of representatives from State offices and EPA Regional and Headquarters staff evaluated the applications. The first and second place winners in three size categories based upon millions of gallons per day (MGD) of flow are:

First Place
0-5 MGD:
Rogers Pollution Control Facility
Rogers, AR

5.01-20 MGD:
City of Zanesville, OH

> 20 MGD:
Anne Arundel County Department of Utilities
Annapolis, MD

Second Place
Warwick Sewer Authority
Warwick, RI

City of Rome WPCP
Rome, GA

Palo Alto Regional Water Quality Control Plant

Palo Alto, CA

All of the winners are to be congratulated for their outstanding pretreatment programs.

Any address changes or additions? In order to be on the mailing list you must be a POTW, State or EPA employee. WILLIAM HALL, U.S. EPA Permits Division (EN-336), 401 M Street, S.W., Washington, D.C. 20460

Bulletin Ideas

Are there any articles you would like to see written or would like to contribute? Please contact William Hall at the address on page 2 or at (202) 260-1458.