



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
WATER

AUG 19 1983

MEMORANDUM

SUBJECT: Electroplating and Metal Finishing PSES:
Baseline Monitoring Reports and Compliance Dates

TO: Regional Pretreatment Coordinators

FROM: James D. Gallup, Chief *JDG*
NPDES Programs Branch (EN-536)

On July 15, 1983, EPA promulgated the Metal Finishing effluent limitations, including categorical pretreatment standards for existing sources (PSES). There have been questions on the Baseline Monitoring Report sampling requirements for Total Toxic Organics (TTO) and on the compliance dates in the Electroplating and Metal Finishing regulations.

I. Baseline Monitoring Reports (BMR)

Baseline Monitoring Reports (BMR) under this regulation are due on February 25, 1984. BMR sampling requirements clearly apply to all regulated metals. However, because frequent monitoring for toxic organics could be expensive, BMR sampling and analysis for TTO is only required for those toxic organics which are reasonably expected to be present in the industrial user's (IU) effluent.¹ It is not always necessary for the IU to sample and analyze its effluent for all 129 toxic pollutants. An industrial user should determine which toxic pollutants are reasonably expected to be present and then sample and analyze for those toxics even if the industrial user plans to use the certification procedure to comply with the TTO limitation.

¹Section 413.03(c) provides that "if monitoring is necessary to measure compliance with the TTO standard the industrial user need analyze only for those pollutants which would reasonably be expected to be present."

II. Electroplating and Metal Finishing Compliance Dates

An IU subject to both regulations must first comply with Electroplating PSES by the applicable date specified in 40 CFR Part 412. The specified compliance date for non-integrated electroplaters is April 27, 1984. June 30, 1984 is the compliance date for integrated facilities. The TTO limit recently promulgated has a compliance date of July 15, 1986 for all facilities. The IU must continue to comply with the Electroplating PSES until it must comply with the Metal Finishing PSES. The applicable Metal Finishing compliance dates are as follows:

1. June 1984 for facilities subject to PSES for TTO (BM only), except those also subject to 40 CFR Part 420 (Iron & Steel Manufacturing). Iron & Steel facilities must comply by July 10, 1985.
2. February 15, 1986 for facilities subject to PSES for metals, cyanide, and TTO (BMP followed by precipitation/clarification).

After the applicable Metal Finishing PSES compliance date, an IU subject to both regulations will no longer be required to comply with the Electroplating PSES. He must only comply with the Metal Finishing PSES.

I have attached a copy of Table 4, Compliance Dates from the preamble of the July 15, 1983 Federal Register. This table lists the applicable compliance dates for Electroplating and Metal Finishing PSES.

If you have any questions, please contact me (FTS: 755-0750) or Tim Dwyer (FTS: 426-4793).

Attachment

The compliance dates for the two categories are presented in Table 4. BPT, BAT, PSNS, and NSPS compliance dates are specified by the Clean Water Act.

The compliance dates for electroplating PSES were set in the Federal Register on September 28, 1982. See 47 FR 42698. Today's regulation allows facilities 3 years to comply with the Electroplating PSES for toxic organics consistent with the Settlement Agreement with NAMF. For metal finishing, the Agency is allowing 31 months for compliance with all parameters. In addition an interim TTO limit has been established for compliance by June 30, 1984; except for metal finishing wastewaters from plants which are also subject to Part 420 (iron and steel), which must comply by July 10, 1985. This last exception is pursuant to a settlement agreement with the steel industry in which EPA agreed that pretreatment requirements would apply to steel discharges in July 1985. It is possible that control of TTO in metal finishing waste streams could, in some cases, lead steel facilities to install treatment technology on the discharge from their steel processes. Therefore, EPA has decided to allow plants covered by Part 420 until June, 1985 to comply with the TTO limit.

TABLE 4.—COMPLIANCE DATES

Regulation	Compliance date
Electroplating PSES for _____	April 27, 1984 (for nonintegrated plants).
Metals and Cyanide (Part 413).	June 30, 1984 (for integrated plants).
Electroplating PSES (Part 413) for TTO ¹ .	July 15, 1986
Metal Finishing BPT (Part 433).	As soon as possible
Metal Finishing BAT _____	July 1, 1984.
Metal Finishing PSES for TTO.	June 30, 1984 (except for plants covered by Part 420); July 10, 1985 (for plants covered by Part 420).
Metal Finishing PSES for Metals, Cyanide and TTO ¹ .	February 15, 1986
Metal Finishing NSPS and PSNS	From commencement of discharge

¹ For these facilities the first TTO limit is based on management practices only.

² This TTO limit is based on management practices followed by percolation/canonical.

D. Enforcement

A final topic of concern is the operation of EPA's enforcement

program. This was an important consideration in developing this regulation. EPA deliberately sought to avoid standards which would be exceeded by routine fluctuations of well-designed and operated treatment systems. These standards were developed so as to represent limits which such a plant would meet approximately 99% of the time.

The Clean Water Act is a strict liability statute. EPA emphasizes, however, that it can exercise discretion in deciding to initiate enforcement proceedings (*Sierra Club v. Train*, 557 F. 2d 485, 5th Cir., 1977). EPA has exercised, and intends to exercise, that discretion in a manner that recognizes and promotes good-faith compliance.

XIX. Summary of Public Participation

At the time of publication of the proposed metal finishing regulation (August 31, 1982), EPA solicited comments on the proposed rules and, in particular, on six specific issues. Ninety-one commenters responded to these and other issues relating to the electroplating and metal finishing standards. The following parties submitted comments:

Air Transport/Association of America
Alpha Industries Inc.
The Aluminum Association Incorporated
American Airlines
American Foundrymen's Society
American Hot Dip Galvanizers
American Metal Stamping Association
Anerock Corporation
Anaconda Aluminum Company
Ansil Fire Protection
Apollo Metals, Inc.
American Telephone and Telegraph Company
Atwood
Babcock and Wilcox
Bausch and Lomb
California Metal Enameling Co.
Caterpillar Tractor Company
Charles A. Frawley
Chrysler Corp.
Control Data Corporation
County Sanitation Districts of Los Angeles County
Cumberland Corporation
D.A.B. Industries, Inc.
Deere and Company
Delta Airlines, Inc.
Department of the Air Force
Eaton Corporation
E. I. DuPont de Nemours and Co.
Eltech Systems Corp.
EMP Laboratories, Incorporated

EPA Region V
ERC-Lancy
Federal-Mogul Corporation
Ferro Corporation
Ford Motor Co.
General Electric Company
General Motors Corporation
Goodyear Aerospace Corporation
Goodyear Tire and Rubber Co.
Gould Electronics and Electrical Products
GTE Services Corporation
GWS Technology, Inc.
Harris Corporation
Harvey Hubbell Incorporated
Hofmann Industries Incorporated
Honeywell
Halogenated Solvent Industry Alliance
Huntington Alloys
Imperial Cleveite, Inc.
Institute for Interconnecting and Packaging Electronic Circuits
ITT Telecommunications Corporation
Jenn-Air Corporation
Jayco Corporation
Kaiser Aluminum and Chemical Corporation
Masco Corporation
Manufacturing Association of Central New York
Maytag
Metal Finishing Association of Southern California
Metro Municipality of Metropolitan Seattle
Midland Ross Corporation
Milwaukee Metropolitan Sewerage District
3M Company
Mobay Chemical Corporation
Modine Manufacturing Company
National Association of Metal Finishers
National Electrical Manufacturers' Association
New York State Department of Environmental Conservation
Northern Telecom
Ozark Airlines
PCK Technology Division
PEC Industries
Pioneer Metal Finishing, Inc.
Porcelain Enamel Institute
Porcelain Metals Corporation
Praegitzer Industries Inc.
Raytheon Company
Republic Airlines
Rexnord
Reynolds Aluminum
Rockford Area Chambers of Commerce
R.R. Donnelley and Sons
Sanders Associates Inc.
Sanitary District of Rockford
Sperry Corporation
Square D Company
State of Connecticut Department of Environmental Protection
State of Vermont Agency of Environmental Conservation
State of Wisconsin Department of Natural Resources
United Airlines