



Pretreatment Streamlining Rule

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Region 8 Pretreatment Workshop

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The changes in the pretreatment streamlining regulations may be treated as non-substantial modifications IF the local legal authority directly reflects the Federal requirements.

General Pretreatment Regulations

40 CFR, Subpart 403

- ▶ Promulgated June 26, 1978
- ▶ Domestic Sewage Study – last major revision (July 24, 1990)
- ▶ July 1999 – EPA proposes PT Streamlining Rule
- ▶ Oct 14, 2005 – Final Rule Published : (Volume 70, Number 198, pp. 60133-60198]



Summary of the Pretreatment Streamlining Rule

Summary of Final Rule Changes

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Issue	Rule Change
Pollutants not present	CAs can grant sampling waivers where CIU demonstrates that a regulated pollutant is neither present nor expected to be present
General control mechanisms	CAs may issue general control mechanisms to groups of SIUs that are substantially similar
BMPs as local limits	BMPs may be used with or in lieu of numeric local limits
Slug control plans	<ol style="list-style-type: none">1) POTWs may determine how often they evaluate SIUs for the need for slug control plans or other requirements2) Any requirements must be reflected in control mech.
Equivalent Conc. Limits	CAs can use existing concentration-based standards instead of converting to flow-based mass limits for CIUs in OCPSF, Petroleum Refining, Pesticide Chemicals
Grab and Composite Sampling	Clarifies and updates application of sampling requirements; Provides flexibility to CA in certain sampling protocols
SNC – Publication	POTW can publish SNC violations in any paper of general circulation



Summary of Final Rule Changes (cont'd)

Issue	Rule Change
SNC – Applicability	SNC criteria apply only to SIUs and to those IUs that have adversely affected pretreatment program
SNC – Daily Max. or Avge. Limits	Broadens scope of violations covered by chronic, TRC, and other violations
SNC – Late Reports	SNC violation occurs when reports submitted more than 45 days after deadline
SNC – TRC, Rolling Quarters, pH	No changes made to current rules
Removal Credits - Overflows	Retains and updates current formula to adjust removal credits by number of hours of sewer overflows per year
Removal Credits – Sewage Sludge	ANPRM asks for comment on adding pollutants to list of chemicals eligible for removal credits, and on potential ways to streamline consistent removal requirements
Miscellaneous Changes	Updates or corrects provisions re: to signatory requirements, net/gross calculations, requirement to report all monitoring data, and notification of changes

Summary of Final Rule Changes (cont'd)

Issue	Rule Change
Equivalent Mass Limits	CIUs can request, and Control Authorities have discretion to approve, the conversion of concentration-based categorical standards to equivalent mass limits
CIU Oversight	<ol style="list-style-type: none"><li data-bbox="568 511 1889 925">1) Establishes Non-Significant CIU (NSCIU) category (discharges < 100 gpd)<ul style="list-style-type: none"><li data-bbox="568 634 1889 729">• CIU reporting can be reduced to yearly compliance certification<li data-bbox="568 753 1889 849">• CA oversight can be reduced to annual evaluation of the CIU's certification<li data-bbox="568 935 1889 1382">2) Establishes "Middle Tier" CIU category (discharges don't exceed (a) the smaller of 5,000 gpd or 0.01 % of POTW design dry weather hydraulic capacity; (b) 0.01 % of POTW design organic treatment capacity; and (c) 0.01 % of the MAHL)<ul style="list-style-type: none"><li data-bbox="568 1215 1889 1262">• CIU reporting can be reduced to once annually<li data-bbox="568 1282 1889 1382">• CA oversight can be reduced to one inspection and sampling event every other year

What Changes are Optional vs. Required for POTWs?

Issue	Required/Optional	
Pollutants not present	Optional	403.8(f)(2)(v) 403.12(e)(2)
General control mechanisms	Optional	403.8(f)(1)(iii)
BMPs as local limits	Optional	403.5 403.8(f) 403.12(b),(e),(h)
Slug control plans	Required: Incorporate into the SIU's control mechanism.	403.8(f)(1)(iii)(B)(6) 403.8(f)(2)(vi)
Equivalent Conc. Limits	Optional	403.6(c)(6)

What Changes are Optional vs. Required for POTWs?

Issue	Required/Optional	
Grab and Composite Sampling	Required: Extends sampling requirements to compliance reports.	403.12(b),(d),(e),(g),(h)
SNC – Publication	Optional	403.8(f)(2)(viii)
SNC – Applicability	Optional	403.8(f)(2)(viii)
SNC – Daily Max. or Avg. Limits	Required: Definition is expanded	403.8(f)(2)(viii)(A),(B),(C)
SNC – Late Reports	Optional	403.8(f)(2)(viii)(F)
Removal Credits - Overflows	Optional	403.7(h)

What Changes are Needed to POTW Pretreatment Programs?

Misc. Issue	Required/Optional	
Responsible Corporate Official	Required (if the POTW has adopted the specific Federal criteria)	403.12(l)
POTW duly authorized signatory expanded	Required if the POTW has defined this, generally in the definitions section.	403.12(m)
Net/Gross (error correction)	Required if the POTW adopted the direct Federal language.	403.15
Report all Monitoring Data	Required if the POTW limited reporting all monitoring data to CIUs only. Expands to include all SIUs.	403.12(g)(6).
Notification of Changed Discharge	This is targeted at SIUs in non-approved programs. States may need to update their regs.	403.12(j)

What Changes are Needed to POTW Pretreatment Programs?

Issue	Required/Optional	
Equivalent Mass Limits	Optional	403.6(c)(5)
CIU Oversight – Non-significant CIU	Optional	403.3(v)(2) 403.8(f)(2)(v), (6) 403.12(e)(1), (g), (i), (q)
CIU Tiering	Optional	403.8(f)(2)(v)(C) 403.12(e)(3), (i)

SIU Definition

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Non-domestic users can now be divided into the following categories:

1. SIUs
2. Non-Significant CIUs (NSCIUs) - NEW
3. Middle Tier CIUs - NEW
4. All other non-domestic users

Non-Significant CIU

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Current Rules

- ▶ SIUs include all IUs subject to categorical pretreatment standards. No flexibility to exclude categorical IUs from SIU status

Non-Significant CIU

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Summary

POTWs may reclassify CIUs with discharge volumes of no more than 100 gpd maximum as non-significant CIUs (NSCIU) eliminating the need for certain oversight requirements.

Required to be Adopted by POTW: Optional

CFR citation: 403.3(v)(2)

403.8(f)(2)(v), (6)

403.12(e)(3), (i)

NSCIU – Final Rule

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SIU Eligibility/Responsibilities

The CIU discharges up to 100 gpd daily maximum total categorical wastewater flow. Averaging not allowed.

~~The NSCIU never discharges untreated concentrated wastes.~~

The CIU must have consistently complied with Pretreatment Standards and Requirements.

NSCIU – Final Rule

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SIU Eligibility/Responsibilities (cont)

The CIU must annually submit certification statement indicating that it continues to meet the NSCIU definitional criteria and that it complied w/ applicable standards and requirements

The annual certification statement must be signed in accordance with 403.12(q) requirements

NSCIU – Final Rule

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POTW Responsibilities

CA required to annually list out which CIUs are considered NSCIUs

CA required to annually evaluate whether each NSCIU has submitted its certification statement and continues to meet the applicability criteria.

Middle Tier CIU

Previous Rule

None

Middle Tier CIU – Final Rule

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Summary

POTWs have the option of creating a category of CIUs that may qualify for reduced oversight.

Required to be Adopted by POTW:

Optional

CFR citation: 403.3(v)(2)

403.8(f)(2)(v), (6)

403.12(e)(3), (i)

Middle Tier CIU – Final Rule

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Creates a 3-tier system for CIUs

- ▶ 1st tier – categorical CIUs
- ▶ 2nd tier – “Middle Tier” CIUs
- ▶ 3rd tier – NSCIUs

If designated “Middle Tier”:

- ▶ CIU can reduce reporting to one time per year
- ▶ POTW can reduce inspections/samplings to one time every other year

Middle-Tier CIUs must comply with all applicable Pretreatment Standards.

Middle Tier CIU – Final Rule

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SIU Eligibility/Responsibilities

- “Middle Tier” CIUs discharge no greater than:
- ▶ 0.01% of POTW’s design dry weather hydraulic capacity, or 5,000 gpd, whichever is smaller (measured by continuous effluent flow monitor unless CIU is batch discharger) AND
 - ▶ 0.01% of POTW’s design dry weather treatment capacity; AND
 - ▶ 0.01% of MAHL for any local limit developed by the POTW and approved by the Approval Authority

Middle Tier CIU – Final Rule

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Additional eligibility criteria:

- ▶ CIU has not been in SNC for any time in past 2 years
- ▶ CIU does not have daily flow rates, production levels, or pollutant levels that vary significantly that reduced reporting would be non-representative of operating conditions
- ▶ Flow records for the past two years should be reviewed (flow measurement using continuous flow monitoring). Batch dischargers would be required to provide flow (volume) data for past dischargers.

Middle Tier CIU – Final Rule

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SIU Eligibility/Responsibilities (cont)

Middle Tier CIU must immediately notify the CA of any changes that cause it to no longer meet eligibility conditions and must immediately be complying with minimum reporting requirements for categorical SIUs

Middle Tier CIU – Final Rule

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POTW Responsibilities

CA must retain documentation to support CA's determination that specific CIU qualifies as a Middle Tier CIU for 3 years after expiration of control mechanism

CA should document its decision in the permit fact sheet and include the eligibility criteria in the permit.

POTW changes that may result in changes to the Middle-Tier criteria (requiring the POTW to reassess eligibility):

- MAHL changes.

- POTW upgrades

Non-Significant CIU and Middle-Tier CIU

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	Requires Control Mechanism?	Min CIU Reporting Requirements	Min POTW Inspection/ Sampling Requirements
NSCIUs	No (as long as it meets criteria)	Certification. Once per year	Not required (POTW will have to verify the CIU continues to meet applicability criteria).
Middle Tier CIUs	Yes	Once per year.	Once per two years
CIUs	Yes	Once per six months	Once per year