



National Pretreatment Program

(40 CFR 403)



Pretreatment Streamlining Rule

Fact Sheet 5.0: New Classifications for Categorical Industrial Users

Summary

EPA finalized several revisions to the General Pretreatment Regulations as part of the Streamlining Rule. One provision allows Control Authorities to reduce certain oversight responsibilities, including permitting, sampling, and inspection requirements for a newly established class of indirect dischargers, the "non-significant categorical Industrial User" (NSCIU). The Rule also allows Control Authorities to reduce the reporting requirements for another new class of indirect dischargers, the "Middle Tier" Categorical Industrial User (CIU). Both provisions are optional (See Fact Sheet 2.0), so neither the state nor the Control Authority is required to incorporate these changes into its pretreatment program.

Who might be affected by these provisions?

These provisions may affect local pretreatment programs that accept wastes from indirect dischargers eligible for the NSCIU and/or the Middle Tier CIU categories. Local programs that choose not to implement these provisions would not be affected.

These provisions also potentially affect qualifying CIUs as well as states that plan to amend state law to allow local pretreatment programs discretion to authorize this type of CIU oversight. CIUs that are located in States or in publicly owned treatment works (POTW) service areas that choose not to implement these provisions will not be affected.

What is a CIU and what are its requirements?

CIUs are Industrial Users that are subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N. If an Industrial User qualifies as a CIU, it is then, under the General Pretreatment Regulations, a Significant

Industrial User (SIU). Each CIU, because it is an SIU, must file a baseline monitoring report, must report to the Control Authority sampling data a minimum of two times a year, must be issued a permit or similar control mechanism, and must be inspected and sampled annually by the Control Authority. These requirements may be modified if a CIU is reclassified by the Control Authority as an NSCIU or Middle Tier CIU.

What is an NSCIU?

An NSCIU is a CIU designated by the Control Authority as "non-significant." To qualify as an NSCIU, the CIU must never discharge more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling, and boiler blowdown wastewater, unless specifically included in the categorical Pretreatment Standard). The CIU must also:

- ◆ Have consistently complied with all applicable Pretreatment Standards;
- ◆ Annually submit a certification statement (40 CFR 403.12(q)); and
- ◆ Never discharge any untreated concentrated wastewater.

What is a Middle Tier CIU?

A CIU may be designated by the Control Authority as a Middle Tier CIU if its discharge of categorical wastewater does not exceed the following:

- ◆ 0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gpd, whichever is smaller;
- ◆ 0.01 percent of the design dry weather organic treatment capacity of the POTW; and
- ◆ 0.01 percent of the maximum allowable headworks loading for any pollutant for which approved local limits were developed by a POTW.

In order to classify a CIU as a Middle Tier CIU, the Control Authority must also demonstrate that the CIU has not been in significant noncompliance for any time in the past 2 years and that the reduced reporting requirements would still result in data that is representative of conditions occurring at the facility and in the discharge during the reporting period.

Are control mechanisms required for NSCIUs and “Middle Tier” CIUs?

An indirect discharger that has been designated a NSCIU by its Control Authority is no longer an SIU, so there is no requirement to control it through a permit or other control mechanism. But, if the Control Authority determines that an existing NSCIU no longer meets a required criterion for being categorized as non-significant (see section above), the User becomes an SIU and must be issued a control mechanism. Of course, the Control Authority always has the option of issuing a control mechanism to a non-SIU.

A Middle Tier CIU is still an SIU. Control Authorities must issue control mechanisms to CIUs in the Middle Tier category.

What are the reporting, inspection, and sampling requirements for NSCIUs and Middle Tier CIUs?

NSCIUs

- ◆ The Control Authority may reduce sampling and reporting requirements for an NSCIU as it deems appropriate, but the facility must annually report and certify that it still meets the definition of an NSCIU, including that it complied with the applicable categorical Pretreatment Standards during the reporting period.
- ◆ The Control Authority must evaluate, at least once per year, whether each NSCIU still meets the non-significant criteria in 40 CFR 403.312(i).
- ◆ NSCIUs are still categorical dischargers and, as such, are still required to comply with applicable categorical Pretreatment Standards.

Middle Tier CIUs

- ◆ The Control Authority may reduce the submission frequency of the required periodic monitoring report for Middle Tier CIUs from a minimum of twice per year to a minimum of once per year.
- ◆ Reports submitted at this reduced frequency must still be based upon data that are representative of the conditions occurring during the entire reporting period, consistent with 40 CFR 403.12(g)(3).
- ◆ The Control Authority may also reduce its own obligation to inspect and sample Middle Tier CIUs from once per year to once every two years.

What does the Control Authority need to do to implement these provisions?

The Control Authority is not required to adopt these provisions. If the Control Authority chooses not to implement these new CIU categories, it does not need to do anything. However, if the Control Authority wants to implement these provisions, it must submit a program modification to the Approval Authority before it can implement the new classifications for CIUs.

Where can I get more information?

The regulations covering CIU oversight are found in 40 CFR 403.3(v)(2), 403.8(f)(2)(v), 403.12(e), (g), (i), and (q), which was published in the Federal Register on October 15, 2005 (70 FR 60134). You can get a copy of the rule at EPA's Pretreatment web site, http://cfpub.epa.gov/npdes/home.cfm?program_id=3 Information is also available from your state environmental agency or from EPA. See EPA's web site at, http://cfpub.epa.gov/npdes/contacts.cfm?program_id=3&type=ALL.