

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

AUG 5 1985

OFFICE OF  
WATER

MEMORANDUM

SUBJECT: Deletions of Local Pretreatment Program Development Requirements

FROM: Rebecca W. Hanmer, Director  
Office of Water Enforcement and Permits (EN-335)

TO: Water Management Division Directors  
Region I - X

Background

Over the past several months, the base number of local pretreatment programs required nationwide has declined by over 200. In the first quarter of FY 1985 alone, this base number was reduced from 1530 to 1455. We recognize that as Regions and approved States acquire new information on industrial water usage, influent quality, POTW operating characteristics, sludge disposal options, and other criteria, the need to require a POTW to develop a pretreatment program may change. When POTWs do not meet the regulatory criteria set forth in §403.8(a) for the development of a pretreatment program, deletion of such programs is appropriate.

My concern is that the credibility of our program development requirements depends in part on adequate documentation and tracking. My April 1, 1985 memorandum to you outlined a procedure to assure proper documentation and tracking. After discussing these procedures with Regional personnel, I agreed that some aspects of the April 1 memorandum should be modified. This memorandum supersedes the April 1, 1985 memorandum. In addition, this memorandum summarizes the regulatory criteria for requiring establishment of a local pretreatment program and the circumstances in which such a requirement may be dropped.

Regulatory Criteria

In all cases where a Region or State has deleted the requirement to develop a local pretreatment program, the reasons for such a change must be documented. The nature of the justification for deletion of a program requirement may vary depending on whether the POTW's total design flow is greater or less than 5 mgd.

For POTWs with flows greater than 5 mgd, Section 403.8(a) of the General Pretreatment Regulations states:

"Any POTW (or combination of POTW's operated by the same authority) with a total design flow greater than 5 million gallons per day (mgd) and receiving from Industrial Users pollutants which Pass Through or Interfere with the operation of the POTW or are otherwise subject to Pretreatment Standards will be required to establish a POTW Pretreatment Program unless the NPDES State exercises its option to assume local responsibilities as provided for in §403.10(e)."

The Approval Authority (Region or State) must obtain an Industrial survey from all such POTWs. In order to delete the pretreatment program requirement, the Approval Authority must determine that 1) the POTW is not having problems with Pass Through or Interference and 2) there are no Industrial Users subject to Pretreatment Standards, including both categorical standards and local limits developed pursuant to §403.5(a) and (b). Both of these determinations should be documented. Regions should obtain copies of State determinations so that EPA has a complete record of changes to program development requirements. (Of course, this requirement is not applicable where the NPDES State has assumed responsibility for running the local program in lieu of the POTW.)

For POTWs with flows less than 5 mgd, Section 403.8(a) of General Pretreatment Regulations states:

"The Regional Administrator or Director may require that a POTW with a design flow of 5 mgd or less develop a POTW Pretreatment Program if he or she finds that the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant in order to prevent Interference with the POTW or Pass Through."

Where the POTW's design flow is 5 mgd or less and the Approval Authority deletes the local program development requirement, there must be a record of the Approval Authority's determination that the POTW is not experiencing treatment process upsets, violations of POTW effluent limitations, or contamination of municipal sludge due to industrial users. Information on the POTW's total design flow, and the nature and amount of industrial wastes received should also be documented.

### Conclusion

At the request of the Region, OWEP will modify its list of required local programs, and adjust the end of year SPMS report to reflect program deletions.

With regard to deletions already made, we ask that you personally assure that an explanation which addresses the 403.8(a) regulatory criteria is or has been put into the files, and that the same is done for future deletions. I wish to call

to your attention that some Regions have already deleted from our list some POTWs with design flow greater than 5 mgd. We ask that you review your justification for these deletions very carefully and request that you send us a summary of your findings to determine if we need to revise the list again. I am asking for this because we have reason to believe that some POTWs with design flows of greater than 5 mgd have been deleted based upon a misinterpretation of the General Pretreatment Regulations. (Some Regional staff were apparently unaware that "Pretreatment Standards" include local limits.)

Please refer any questions concerning this memorandum to Martha Prothro, (202) 755-2545, or Chuck Prorok (202) 426-4793.

cc: Regional Pretreatment Coordinators