



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

JUN 5 1980

OFFICE OF ENFORCEMENT  
n-80-5

MEMORANDUM

SUBJECT: Incorporation of Pretreatment Program Compliance  
Schedules Into POTW NPDES Permits

FROM: R. Sarah Compton *R. Sarah Compton*  
Deputy Assistant Administrator  
for Water Enforcement (EN-335)

TO: Regional Administrators

As you know, the General Pretreatment Regulation (40 CFR Part 403) requires certain qualifying publicly owned treatment works (POTWs) to develop local programs to ensure compliance with pretreatment standards by nondomestic sources discharging into POTWs. The success of the National Pretreatment Program depends on the timely development of these local programs, which form the heart of the national pretreatment effort. However, development of local programs is not likely to proceed expeditiously without first including compliance schedules for program development in municipal NPDES permits. The purpose of this memorandum is to re-emphasize the extreme importance of including these schedules in all qualifying POTW permits.

Current Status and Policy

POTWs should begin program development by the summer of 1980 in order to meet the July 1, 1983 deadline for program approval. Inclusion of a compliance schedule in the POTW's permit is the major impetus for program development. A recent survey of the Regional Offices indicates that only 17.5% of qualifying State and EPA-issued permits contain the requisite schedule. We need to step up our efforts to include compliance schedules in permits this summer if the 1983 deadline is to be met.

A number of permits have recently been reissued without compliance schedules. We would like these permits to be revoked and reissued or modified to insert a schedule. The Regional Offices should ensure that all appropriate POTW permits expiring this summer and fall are reissued with the required compliance schedule. The Region should use its discretion in determining

whether permits with expiration dates beyond Fall should be revoked and reissued or modified to include a compliance schedule. In making this determination, it is obviously relevant to consider the amount of time a particular POTW is expected to need to develop a pretreatment program as well as the Region's available resources and existing backlog.

Many of the POTWs of concern are located in NPDES States. The vast majority of these States have existing authority to reissue or modify POTW permits to incorporate pretreatment requirements. These States should be encouraged to exercise that authority and include compliance schedules in expiring or modified permits rather than merely incorporating modification clauses requiring permit reissuance or modification following State pretreatment program approval. It is crucial that all schedules issued by both NPDES States and the Regional Offices provide the shortest reasonable time for compliance. Where initial work on developing a pretreatment program has been completed prior to issuance of a schedule it is not necessary for the schedule to provide a full 2-1/2 years for program development.

A few Regions have questioned the effect of section 301(h) of the Clean Water Act on local pretreatment program development. A municipality receiving a 301(h) modification must have an approved pretreatment program within 18 months after receiving the modification. If any 301(h) deadline proves to be in conflict with the July 1, 1983 deadline of the General Pretreatment Regulation, the earlier of the two deadlines will apply. In all cases, the July 1, 1983 deadline will be the latest date by which local pretreatment programs must be approved.

#### Need For Resource Redirection

The goal of incorporating pretreatment compliance schedules into all municipal NPDES permits that require them should be given high priority in all Regions. As noted in the FY 81 workload model, a trade-off has been made between pretreatment and certain BAT permitting activities, resulting in a reprogramming of positions from the direct discharge program to the pretreatment program. Where possible, we suggest that Regional Offices anticipate this shift and begin redirecting personnel this summer. The increased burden on EPA's resources now will yield a far smaller burden in the future when local programs become fully operative and the scheme of the National Pretreatment Program is finally realized.

If you have any questions please feel free to contact Nancy  
Hutzel or Bill Diamond in Headquarters Permits Division (8-755-0750).

cc: Enforcement Division Directors, Regions I-X  
Permits Branch Chiefs, Regions I-X  
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