United States Environmental Protection Agency
Office Of Water Enforcement and Permits
Bulletin #8 September 1990

# PRETREATMENT BULLETIN

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*FINAL REGULATIONS TO ADDRESS THE RECOMMENDATIONS OF THE DOMESTIC SEWAGE STUDY*

EPA has issued new regulations to amend the General Pretreatment Regulations (40 CFR Part 403) and NPDES Regulations (40 CFR Part 122) which strengthen control of hazardous and toxic pollutants discharged by industry to POTWs. The regulations were published in the Federal Register on July 24, 1990 (55 FR 30082) and took effect on August 23,1990. Administrator Reilly characterized the rules as an "aggressive action to curb the discharge of toxic pollutants and an essential part of the Agency's efforts to protect America's waterways. " EPA believes. that the regulations will give POTWs considerably greater control over the industrial wastes they receive and will go far towards helping prevent pass through and interference.

The Agency has prepared a checklist to help POTWs determine action items which may be needed to implement the DSS and PIRT regulations. POTWs are encouraged to discuss program modifications with the appropriate Approval Authority (EPA Region-or State with an approved pretreatment program).

## BACKGROUND

The origin of the DSS regulations lies in the Domestic Sewage Exclusion (DSE) of the Resource Conservation and Recovery Act (RCRA). RCRA is EPA's main authority for re g hazardous waste management and disposal. Under that statute, hazardous wastes are exempt from certain RCRA requirements if they are discharged to a sewer, mixed with domestic sewage and then flow to a POTW. This exemption from certain RCRA requirements is known as the DSE. The DSE was established by Congress because discharges to POTWs are regulated under the Clean Water Act and the pretreatment program.

To ensure that the DSE did not become a loophole encouraging less than adequate treatment of hazardous wastes, Congress in 1984 required EPA to evaluate the DSE and submit a report to Congress on its findings. This amendment to RCRA also required the Agency to issue any new rules that were needed to ensure that hazardous wastes discharged to sewers were adequately controlled. The report, known as the Domestic Sewage Study (DSS), was submitted to Congress in 1986. The DSS concluded that the Clean Water Act and the pretreatment program were the best ways to regulate hazardous wastes discharged to sewers, and that the DSE should be retained. The DSS also recommended several revisions to the existing pretreatment regulations to better identify and control the discharge of hazardous wastes to POTWS. This final rule is EPA's response to the DSS.

## SUMMARY OF REQUIREMENTS

On pages 11 -13 of this bulletin is a brief description of the changes made to the pretreatment and NPDES programs by the DSS regulations. The actual regulations are found on pp. 30128-30131 of the Federal Register notice. The of the notice comprises background and responses to public comments. The regulations should be read in conjunction with existing 40 CFR Part 403 and 40 CFR Part 122.

With respect to helping POTWs implement these requirements, the Agency has already published guidance in the areas of slug control, industrial user permitting, and development of enforcement response plans. EPA is currently completing development of guidance on implementing the worker health and safety specific prohibition. Guidance in other areas may also be prepared if the need becomes apparent.

-Marilyn Goode

*ENFORCEMENT NEWS*

*CRIMINAL ENFORCEMENT NEWS*

**Wells Metal Finishing Inc.**- On June 1, 1989, Wells Metal Finishing and John Wells, President, were charged, by a 19 count indictment, with knowingly introducing wastewater to a POTW in violation of the National Pretreatment Standards for the Metal Finishing Category. Wells Metal Finishing, located in Lowell, MA, plated various metals onto computer components, and discharged about 14,000 gallons per day to the Lowell POTW. The facility was a "new source" under the metal finishing regulation.

On December 14, 1989, a jury convicted Wells and his company on all 19 charges. On March 21, 1990, John Wells was sentenced to serve 15 months in prison, a one-year term of supervised release following imprisonment, and pay $60,000 to the City of Lowell as restitution. Wells' sentence was the longest prison term ever handed down in a Massachusetts environmental case. As of August, he has begun serving his sentence while his appeal is pending. Because the company is bankrupt and out of business, it received no sentence.

**Finishing Corporation of America, Inc.** - Finishing Corporation of America, Inc. a facility in Campbell, OH, which anodized aluminum and discharged more than 10,000 gallons per day; John Rutana, one-third owner of the business; John Barnes, plant manager, and Richard Fiorini, secretary-treasurer of the corporation (as well as Health commissioner for the City of Campbell) were charged by a 40-count indictment with the following crimes: knowing discharges to a POTW in violation of National Pretreatment Standards for acidity (pH) (18 counts against Finishing Corp., Rutana and Barnes); knowingly placing workers at the POTW in danger of death or with serious injury by violating the pretreatment standard for pH (2 counts against Finishing Corp., Rutana and Barnes); negligent discharges to a POTW in violation of the pretreatment standard for pH (18 counts against Fiorini); willfully and knowingly making false statements in a matter within the jurisdiction of the U.S., in violation of 18 U.S.C. section 1001 (2 counts against Rutana).

On September 28, 1989, per plea agreement, Fiorini pled guilty to all charges against him (18 counts for negligent discharges to a POTW). Barnes also pled guilty to charges (17 counts for negligent discharges to a POTW in violation of pretreatment standards for acidity). On October 2, 1989, per plea agreement, Rutana and Finishing Corp. each pled guilty to all 18 counts for knowing discharges to a POTW in violation of pretreatment standards for pH.

On March 2, 1990, defendants were sentenced to pay fines as follows: the corporation:

$108,000; Fiorini: $54,000; Barnes: $42,000; Rutana: $90,000. Rutana was also sentenced to 5 years probation, plus 1,000 hours community service, which must be served "in pollution control." As of August 1990, Rutana is appealing his sentence.

**Borjohn Optical Technology, Inc.** - On October 2, 1989, John Borowski, president, and Borjohn Optical (located in Burlington, MA) were charged with the following: knowing discharges of pollutants to a POTW in violation of National Pretreatment Standards for the Metal Finishing Category (64 counts); knowing discharges of pollutants to a POTW in violation of pretreatment standards for pH (1 count); knowing endangerment of named Borjohn employees by violations of pretreatment standards for acidity (pH)(4 counts).

Borjohn manufactured, tested, and performed quality control of optical products, including plating, grinding, and polishing of metal work-

*1988 TOXIC RELEASE INVENTORY DATA*

EPA's Office of Pesticides and Toxic Substances has recently released the Toxic Release Inventory (TRI) data for 1988, and a formal national report is under development. The data, gathered under the authority of the Emergency Planning and Community Right to Know Act (EPCRA), include amounts of pollutants released to each media by specific industries, including releases to sewage treatment plants.

Based on a comparison of facilities reporting in both 1987 and 198 8, it appears that the amount of TRI chemicals transferred to sewage treatment plants decreased (by upwards to 570 million pounds for these facilities). Also of note, in 1988, the percentage of both organics (topped by n-butyl alcohol and ethylene glycol) and halo-organics (topped by dichloromethane) increased as a percentage of total releases to sewage treatment plants. Releases of acids, bases and salts dropped 15 % and releases of nonmetallic organics dropped 30%.

Not surprisingly, the chemical industry reported by far the largest amount of TRI transfers to public sewage treatment plants (61% of transfers in 1988). The chemical industry was followed, but not closely, by the paper products industry with 7% of 1988 transfers.

Each State and EPA Regional office should already have access to TRI dam. TRI data can be accessed through EPA's TRIS system, or by the public through the National Library of Medicine's TOXNET system. In addition, the database can be purchased in a variety of forms from NTIS and GPO. If you need additional information on TRI please call the Information Management Division in the Office of Toxic Substances (202) 382-3938.

Carol Hudson Jones

***POTW AIR TOXICS CONFERENCE***

The Water Pollution Control Federation and U.S. EPA jointly hosted a conference

entitled "Air Toxic Emissions and POTWs" in Alexandria, Virginia, on July 10-11, 1989. Sponsors of the meeting hope to develop a better understanding of the magnitude and effects of toxic air emissions from municipal wastewater treatment facilities. The summary report on the conference is in the final stages of preparation.

Experts on the subject from Federal and State government and POTWs discussed air toxics issues as they pertained to air toxics measurement, education and data needs, and treatment works design. Participants presented the pretreatment program as one possible avenue for control of these toxics. Industrial pretreatment, material substitution/waste minimization, and control of consumer products were control methods proposed.

Many actions are necessary prior to the implementation of these proposals. Toxic pollutants of concern must be identified. Sources of these pollutants must be identified, and present control technologies must be evaluated.

Throughout the meeting, discussions and presentations indicated that source control methods may be more cost effective than technology retrofitting in controlling air toxics emitted from POTWs, but significant research is necessary before proposing any major changes in our wastewater treatment programs and facilities.

## *WORKSHOPS AND ENFORCEMENT*

### *WORKSHOP TRAINING FOR CITY ATTORNEYS*

EPA has developed an intensive, one-day training course for city attorneys responsible for bringing civil judicial actions against industrial. users in violation of pretreatment requirements. The workshop is designed to accomplish the following objectives: educate the city attorney in the objectives and procedures of the pretreatment program; facilitate coordination between the city attorney and the POTW personnel; and train city attorneys in bringing administrative and civil pretreatment enforcement cases.

The substantive content of the course is taught through a series of interactive exercises with the attending audience and through discussions led by the faculty members outlining issues of importance and interest to city attorneys regarding their crucial role in pretreatment enforcement. The course is designed to expose the city attorney to the wide range of enforcement options available to the city in enforcing their pretreatment program and to convey the importance of effectively implementing and enforcing their pretreatment program.

Since April 1990, city attorney workshops have been conducted in Annapolis, MD; Mahwah, NJ; Madison, WI; Salem, MA; Boulder, CO; and Park City, UT. It is anticipated that similar workshops will be conducted at various sites into 1991.

### *ENFORCEMENT RESPONSE PLANS*

EPA has long emphasized the importance of pretreatment compliance enforcement by

Control Authorities. The July 24, 1990, Domestic Sewage Study amendments to the General Pretreatment Regulations include a requirement that POTWs develop enforcement response plans. To assist POTWs in meeting their enforcement responsibilities, EPA's Office of Water Enforcement and Permits has developed and distributed a guidance document entitled, Guidance for Developing Control Authority Enforcement Response Plans.

To support this document, workshops have been conducted to inform federal, state and local pretreatment personnel on ways to develop and execute successful enforcement strategies using enforcement tools commonly available to Control Authorities. The workshops provide Control Authorities with detailed assistance on how to achieve these goals and help to ensure timely and effective implementation of pretreatment standards and requirements.

Since April 1990, these enforcement-response plan workshops have been conducted in Portland, ME; Nashville, TN; Philadelphia, PA; Parsippany, NJ; Columbus, OH; Milpitas, CA; and Salt Lake City, UT.

## *PRETREATMENT ENFORCEMENT INITIATIVES AGAINST MUNICIPALITIES FOR FAILURE TO IMPLEMENT*

On October 4, 1989, the EPA and the Department of Justice announced that 61 enforcement actions had been taken in 1989 against municipalities which had failed to implement their approved pretreatment programs.

As of August 1990, 10 of the 19 federal or state civil judicial actions included in the initiative have been concluded to date; 38 of the 42 federal or state administrative penalty orders have been issued in final form. (continued on p. 9)

## *POLLUTION PREVENTION NEWS*

### *Pollution Prevention Publications*

In Pretreatment Bulletin #7, an article explained what pollution prevention means to pretreatment and listed sources where POTW staff could get more information on pollution prevention. A few of these sources were the Pollution Prevention Clearinghouse, the Electronic Information Exchange system, and some State governments.

In addition to these sources of information, other documents are available to assist in developing pollution prevention programs for POTWs.

EPA prepared the Waste Minimization Opportunity Assessment Manual (EPA/625/78 8/003, July 1988) to assist staff who are responsible for waste minimization at the plant or corporate level. The manual motivates "people to search, screen, and put into practice measures involving administrative, material, or technology changes that result in decreased waste generation," according to the authors' introduction. It is also a source of ideas for

developing and implementing a waste minimization program. The manual should be helpful to POTWs encouraging waste minimization by their industrial users, by demonstrating economic, regulatory, liability, public image, and environmental reasons for waste minimization.

The Pollution Prevention Clearinghouse has produced waste minimization manuals for specific industries such as metal parts cleaning (EPA/530-SW-89-049, August 1989) and case studies on electroplating (November 1989) and metal finishing (November 1989).

To receive any of these documents, contact the Pollution Prevention Hotline at (703) 821-4800.

*Pollution Prevention Technology*

FROM "EUREKA! CMU GRAD'S FORMULA TURNS SLUDGE TO CHROMIUM," BY KAREN POPP, PITTSBURGH BUSINESS TIMES JOURNAL, OCT. 16, 1989

A Pennsylvania engineer has applied for a patent on a chromium recovery and sludge reduction process. Tom Lewis III invented the recovery process which involves absorption followed by electrolytic recovery. Lewis is testing his new process in chrome plating and steel mills. He believes the process has potential for profitable use in the automotive, aerospace, and specialty steel industries. He also stated that the process could be adapted to other metals such as tin, zinc, and lead.

Lewis' process targets specific processing locations rather than end-of-process waste streams. This resource recovery process and others like it have great potential to contribute to EPA's goal of pollution prevention. POTWs can encourage this sort of waste minimization through their work with industrial users in their pretreatment programs.

FROM "ELIMINATING THOSE REGULATORY HEADACHES," BY THOMAS UVA, EPA JOURNAL, VOL. 15, NO. 6, NOVEMBER/DECEMBER 1989

The Industrial Pretreatment Program of the Narragansett Bay Commission began in 1984. Tee first step taken by the administrators of the program was rigorous enforcement of existing federal and local discharge regulations. This enforcement affected 130 electroplating and metal-finishing firms, including Fernando Originals, Ltd.

Following an initial inspection and wastewater sampling at Fernando Originals, Ltd., the Commission found that the company would have to make significant changes to their existing equipment in order to remain in compliance with existing EPA standards. The company made the changes by designing "a system for their electroplating process lines to return rinsing solutions known as "drag-out" back into their plating tanks, thus reducing the need for an end-of-line pretreatment system." The system worked in achieving full compliance with EPA's metal-finishing standards.

When Narragansett Bay developed its more stringent local standards in 1987, Fernando Originals, Ltd.'s headaches began again. After many modifications to the production system, the owners of the company invested in a system which recycles the process rinse water. Tanks with their own ion-exchange systems were developed to avoid cross-contamination problems. The process also now entirely recycles cooling water.

Installing the "zero discharge" system has paid off in many ways for Fernando Originals: Water and sewer savings of 16,500 gallons per day from reducing flow, a discharge permit fee savings of $853 per year, and analytical fee savings of approximately $1,500 per year. There are no more monthly reports to submit, productivity has increased, and plating efficiency has improved. Fernando Originals, Ltd. received the 1989 EPA Environmental Merit Award for Region I.

*PRETREATMENT EXCELLENCE AWARDS*

The process to select the 1990 Pretreatment Excellence Award winners is well underway. U.S. EPA Regions and States submitted nominations for the awards, and the nominated POTWs have completed their award applications. The awards review committee is reviewing these applications now. Winners will be announced at the 1990 WPCF conference in Washington, DC, on October 8, 1990. The four categories in which first and second places will be awarded are: $\leq$2.00 mgd, 2.01 - 5.00 mgd, 5.01 - 20.00 mgd, n $>$20.00 mgd.

Criminal Enforcement News
(continued from p. 3)
pieces. The metal finishing operation involved the plating of various metals (including nickel) onto mirrors used in weapons systems, and dipping the mirrors into baths of nitric acid to strip and clean them. The untreated wastewater (flow not specified) was introduced into the Massachusetts Water Resources Authority's POTW on Deer Island, which discharges into Boston Harbor.

As of August 1990, both defendants were found guilty on all counts and sentencing is pending. This is the first conviction under the CWA "knowing endangerment" provision.

**Aerolite Corp.** - On February 6, 1990, Aerolite and Arthur Thomas, primary stockholder, were charged with knowingly discharging into the Reno sewerage system wastewater containing impermissible acidity (pH) levels in violation of the National Pretreatment Standards (10 counts) and knowingly discharging wastewater containing illegal levels of acidity as well as quantities of cyanide, lead, chromium, nickel, copper, zinc, and cadmium, in violation of National Pretreatment Standards and of the City of Reno's approved program requirements (1 count).

Aerolite was an electroplating and metal finishing business located in Reno, NV; it discontinued operations in February 1988. As of August 1990, charges were pending.

## *REGULATORY UPDATE*

### *304(m) NOTICE, EFFLUENT GUIDELINES PLAN*

On January 2, 1990 (55 FR 80) the Agency published a final notice announcing EPA's plan for revising existing effluent guidelines and categorical pretreatment standards and promulgating new guidelines and standards pursuant to Section 304(m) of the Clean Water Act.

EPA intends to promulgate new effluent limitations guidelines and categorical pretreatment standards for five categories of dischargers: pesticide chemicals; offshore oil and gas extraction; hazardous waste treatment, phase I; machinery manufacturing and rebuilding; coastal oil and gas extraction. EPA will revise existing guidelines and standards for three categories: organic chemicals, plastics, and synthetic fibers; pharmaceutical manufacturing; pulp, paper, and paperboard.

EPA will review existing guidelines and standards for three categories to determine whether they should be revised: petroleum refining; timber products processing; textile mills. Finally, EPA will also study eight categories to further determine if rulemaking should be initiated to establish guidelines and standards covering them: drum reconditioners; hospitals; industrial laundries; paint formulation; solvent recycling; stripper oil and gas extraction; transportation equipment cleaning; used oil reclamation and refining.

For further information on this notice, contact Eric Strassler of EPA at (202) 382-7120.

### *TCLP RULE CHANGES SCOPE OF HAZARDOUS WASTE REGULATIONS*

On March 29, 1990 (55 11798), EPA promulgated regulations that revise the way certain wastes are classified under the Resource Conservation and Recovery Act (RCRA). The new rule requires use of the Toxicity Characteristic Leaching Procedure (TCLP) to determine whether a waste exhibits the hazardous characteristic of " toxicity". The TCLP replaces the Extraction Procedure (EP) test, and is considered a more reliable indicator of whether toxic constituents may leach from land-disposed waste.

The rule adds 25 organic chemicals to the 14 metals and organics currently covered by the EP test, and it establishes regulatory levels for these organic chemicals. Compliance with the new rule will be required by September 25, 1990 for hazardous waste generators of 1000 kg. per month or more, and March 29,1991 for small quantity generators of between 100 and 1000 kg. per month. Any wastes currently covered by the EP test must, as of these compliance dates, be analyzed using the TCLP instead.

If the TCLP indicates that a waste exhibits the toxicity characteristic (TC), then the waste is a hazardous waste subject to RCRA, and the generator of the waste (as well as any facilities receiving the waste for treatment or disposal) must comply with RCRA requirements for the management of hazardous wastes. Because the new rule expands the number of waste constituents covered by the TC, some wastes and wastewaters that formerly didn't "fail" the RCRA test and therefore were non-hazardous will now be newly designated as hazardous wastes if they exceed the limits in the TC test.

Presently, a hazardous waste discharged to a sanitary sewer and mixed with domestic sewage falls under the Domestic Sewage Exclusion (DSE) and is no longer considered a hazardous waste. The exception is when a hazardous waste is introduced by truck, rail, or dedicated pipe, whereby the POTW will become a RCRA permit-by-rule facility. In any case, however, the waste must comply with all pretreatment requirements (categorical pretreatment standards and local limits). (For more detail, see EPA's Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program and Guidance Manual for the Identification of Hazardous Wastes Delivered to Publicly Owned Treatment Works by Truck, Rail, and Dedicated Pipe).

The TCLP may result in wastes being considered hazardous that were previously tested as non-hazardous by the EP toxicity test. However, the implications of this rule for POTWs and industrial users-appear to be slight. Wastewater discharged by an industrial user continues to be covered by the DSE. The only direct consequence for the industrial user would be the requirement to submit a one-time notification of the discharge of the hazardous waste pursuant to 40 CFR 403.12(p) (see the discussion of the DSS requirements in today's Bulletin).

If the wastewater discharged from a POTW pursuant to its NPDES permit exhibited the TC, such wastewater would still be excluded from RCRA regulation (see 40 CFR Part 261.4(a)(2)). Although sludge produced by a POTW is not exempt from RCRA requirements, EPA has tested 18 POTW sludge samples using the TCLP. None of the samples tested exhibited the TC at the proposed regulatory levels. Because the final regulatory levels are less stringent than the proposed levels, the Agency believes that few, if any, POTW sludges will exhibit the TC, and will therefore not be classified as hazardous wastes under RCRA. In the unlikely event that a particular POTW sludge does exhibit the TC, the POTW should use its pretreatment program to reduce or eliminate the pollutants that are causing the problem.

If you need further information on this rulemaking, call EPA's RCRA/Superfund Hotline toll-free at (800)424-9346.

- Marilyn Goode

Failure to Implement

(continued from p.5)

Thus far, over $3,201,646 have been obtained through these enforcement actions. Penalties in excess of $1,000,000 have been obtained to date through the following enforcement actions related to pretreatment (in addition, some cases addressed NPDES violations):

- Federal consent decree with El Paso, TX, for $395,000
- Federal consent decree with San Antonio, TX, for $225,000
- State APO with Chino Basin, CA, for $200,000

- Andy Hudock

*BULLETIN ADDRESS CHANGES REQUESTED*

The Pretreatment Bulletin is intended to provide news and updated information for professionals who administer the pretreatment program. In order to maintain a manageable mailing list, we send the Pretreatment Bulletin only to government pretreatment coordinators. Did this copy of the Pretreatment Bulletin reach the proper person? We periodically make corrections to our mailing list, but we can do it only with your help. If you feel that you, and not the addressee, are the person to whom the Pretreatment Bulletin should be sent or if them is some other correction to be made, please feel free to let us know. Send address changes to:
Linda Suttora
U.S. EPA (EN-336)
401 M St. SW
Washington, DC 20460

*REMAND OF 13 OCPSF POLLUTANTS*

In 1987 EPA promulgated regulations establishing effluent limitations guidelines and standards for the organic chemicals, plastics, and synthetic fibers (OCPSF) manufacturing point source category. These regulations included pretreatment standards for 47 pollutants for existing (PSES) and new (PSNS) dischargers to POTWs. In response to these standards, 31 separate lawsuits were filed by trade associations, industries and one environmental group contesting the limitations. On October 10, 1989, the U.S. Court of Appeals for the Fifth Circuit remanded a part of the regulations to EPA for further rulemaking proceedings. As a result of the remand, the Agency revoked PSES and PSNS standards for the following 13 pollutants: Acenaphthene,2,4-Dimethylphenol,Fluoranthene, Naphthalene, Phenol, Bis(2-ethylhexyl)phthalate, Di-N-butyl phthalate, Diethyl phthalate, Dimethyl phthalate, Anthracene, Fluorene, Phenanthrene, and Pyrene.

Revocation of the standards for the 13 pollutants was effective on the date of the court's remand, October 10, 1989 (see 55 FR 26691). PSES and PSNS pretreatment standards for the remaining 34 toxic pollutants remain in effect. The PSES compliance date for these 34 pollutants remains November 5, 1990. The compliance date for PSNS remains the date on which the new source begins operation.

List of 13 Remanded PSES
and PSNS Pollutants

| Name | Pollutant Number |
|---|---|
| Acenaphthene | 1 |
| 2,4-Dimethylphenol | 34 |
| Fluoranthene | 39 |
| Naphthalene | 55 |
| Phenol | 65 |
| Bis(2-ethylhexyl)phthalate | 66 |
| Di-N-butyl phthalate | 68 |
| Diethyl phthalate | 70 |
| Dimethyl phthalate | 71 |
| Anthracene | 78 |
| Fluorene | 80 |
| Phenanthrene | 81 |
| Pyrene | 84 |

Effect of Remand on OCPSF Facilities

Three-hundred and ninety-three (393) industrial facilities are currently subject to the OCPSF effluent limitations. The number of facilities projected to discharge each of these chemicals ranges from 12% to 58% of the total number of OCPSF facilities. Fifty-eight percent of all OCPSF facilities discharge Phenol, 47% Naphthalene and 26% Phthalate (see graph below). Some 12% to 16% of all OCPSF facilities discharge each of the remaining 10 remanded pollutants.

The agency has initiated studies to respond to the issues raised by the court's remands. Reproposal is scheduled for November 1991 with promulgation in May 1993.

-Greg Marshall

**DSS Regulations, cont'd**
(continued from p. 2)

**DSS Regulation Outline**

**Limitations on Industrial User (IU) Discharges**

**Existing:** Ignitability: All IUs are prohibited from discharging pollutants which create a fire or explosion hazard in the POTW.

**New:** All industrial users are prohibited from discharging pollutants with a closed cup flashpoint of less than 140 degrees Fahrenheit (the RCRA ignitability standard for liquid

characteristic waste).

**Existing:** Reactivity: General prohibition against pass through and interference.

**New:** All IUs are prohibited from discharging pollutants to the POTW that result in toxic gases, vapors, and fumes in a quantity that may cause acute worker health and safety problems. EPA will issue guidance on management practices and on developing appropriate limits.

**Existing:** Oil and Grease: General prohibition against pass through and interference.

**New:** All IUs are prohibited from discharging petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that cause pass through or interference.

**Existing:** Trucked and Hauled Waste: General prohibition against pass through and interference.

**New:** All IUs are prohibited from discharging trucked or hauled pollutants to POTWs except at discharge points designated by the POTW.

Definition of Significant
Industrial User (SIU)

**New:** Guidance only: We have promulgated a definition of SIU to be consistent with guidance which has been out for several years. An SIU is:

a) Any IU subject to categorical standards;

b) Any noncategorical IU that discharges 25,000 gallons per day or more of process wastewater, or that contributes a process wastestream which makes up five percent or more of the dry weather hydraulic or organic capacity of the POTW treatment plant, or any IU that has a reasonable potential, in the opinion of the Control Authority, for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

DSS Regulation Outline, cont'd

Slug Control (Spills and
Batch Discharges)

**Existing:** All IUs must notify their POTW of discharges that could cause problems at the POTW.

**New:** All POTWs with approved pretreatment programs are required to evaluate SIUs every two years to determine whether they need a plan to control slug discharges. If the POTW decides such a plan is needed for an SIU, the plan must contain certain minimal elements.

Notification of Hazardous
Waste Discharges

**Existing:** None.

**New:** IUs must notify POTWs, EPA, and States of any discharge of a listed or characteristic RCRA hazardous waste. This is a one-time notification requirement. The contents of the notification vary somewhat. according to the quantity of waste discharged.

Permits or Equivalent Individual
Control Mechanisms for SIUs

**Existing:** All POTWs with approved pretreatment programs must control the contribution to the POTW by each industrial user to ensure compliance with pretreatment standards and requirements.

**New:** All POTWs with approved pretreatment programs must issue permits or equivalent individual control mechanisms to SIUs. Control mechanisms must contain certain minimal elements.

Toxicity Testing by POTWs

**Existing:** Permit limits on whole effluent toxicity are required when a discharge causes, has the reasonable potential to cause, or contributes to an instream excursion above a narrative or numeric toxicity criterion within a State water quality standard.

**New:** All POTWs with approved pretreatment programs or with more than one million gallons per day design influent flow must conduct toxicity testing and report results once every five years in their NPDES permit applications. The regulation also provides guidance on other categories of POTWs that the Director may require to conduct the testing, based on potential for adverse water quality impact.

Revisions to Local Limits

**Existing:** POTWs must develop local limits to obtain approval of their pretreatment programs.

**New:** POTWs with approved pretreatment programs must provide a formal written evaluation of the need to update their local limits once every five years as part of their NPDES permit applications.

Inspections and Samplings by POTWs

**Existing:** POTWs with approved pretreatment programs must be able to randomly sample and analyze the effluent from their industrial users and conduct inspections to identify noncompliance with pretreatment requirements.

**New:** POTWs with approved pretreatment programs must inspect and sample all S [Us at least once a year.

Enforcement Response Plans for POTWs

**Existing:** POTWs with approved pretreatment program must be able to enforce violations of pretreatment standards and requirements; POTWs must have authority to seek or assess minimum penalties of $1000 per day.

**New:** POTWs with approved pretreatment programs must develop an enforcement response plan describing how the POTW will investigate and respond to instances of industrial user noncompliance.

Definition of Significant Noncompliance

**Existing:** POTWs with approved pretreatment programs must publish a list of industrial users in significant noncompliance during the previous twelve months.

**New:** Rule provides criteria for what constitutes significant noncompliance, consistent with the noncompliance reports required of direct dischargers.

Reporting Requirements for SIUs

**Existing:** All industrial users subject to categorical pretreatment standards must sample their effluent at least twice a year and report results to the POTW.

**New:** All SIUs must sample their effluent at least twice a year and report results to the POTW.