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Common Local Pretreatment Program Deficiencies in U.S. EPA, Region 9

- Control mechanisms are not reissued in a timely manner as required in 40 CFR 403.8(f)(1)(iii). For example, there were instances of permits that were last issued more than 10 years ago.
- The 30-day resample requirement after becoming aware of a violation is not being implemented by POTWs that have assumed the responsibility of conducting all monitoring.
- There is difficulty distinguishing between spill prevention plans and slug discharge control plans. Often local program staff are unaware of the requirement to evaluate significant industrial users (SIUs) every 2 years for the need for a slug discharge control plan in accordance with 40 CFR 403.8(f)(2)(v).
- Categorical effluent limitations are often applied incorrectly. The two most common errors are: 1) inappropriate application of the effluent limitation guidelines for direct dischargers rather than categorical pretreatment standards for indirect dischargers; and 2) incorrectly applying only one set of limits when the categorical pretreatment standards contain both daily maximum and monthly average limitations.
- There is misunderstanding on how to properly apply discharge limitations in control mechanisms. Several issues were specifically observed:
 - The combined waste stream formula (CWF) is not properly used and applied in control mechanisms. This has been particularly an issue as it relates to comparison of local limits to categorical standards to determine the more stringent limit when applicable. When the comparison is made, it is typically a direct comparison without taking into consideration the CWF.
 - Inappropriate comparisons of local limits to categorical pretreatment standards are often made. In most cases local limits are expressed as instantaneous maximum values, as compared to categorical pretreatment standards that are typically expressed as daily maximum or monthly average values.
- There are disconnects between discharge limitations and monitoring conditions in the control mechanisms. For example, composite samples being required to determine compliance with instantaneous maximum local limits.

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- Monitoring requirements in control mechanisms and monitoring reports inappropriately reference analytical methods. 40 CFR 403.12(g)(4) requires that all analyses be performed in accordance with the analytical methods listed in 40 CFR Part 136.
- It is also noted that local programs are at times not paying attention to chain-of-custody by dischargers for self-monitoring sampling and analysis.
- In many instances, POTWs are not ensuring that reports submitted by SIUs are certified and signed by an authorized representative.