Pretreatment Program Regulations Overview

[40 CFR Part 403]
Overview of the Section

- Regulations specific to the local program
- Requirements affecting Industrial Users (IUs) independent of local regulations/requirements
- Reporting requirements affecting IUs and POTWs
- Exceptions to the regulations specific to IUs.
- Stuff that does not fit any of the above categories (miscellaneous)
- Procedures and legal authority to support the procedures
- Prohibitions, limits, etc.
- Enforcement
- Jurisdictional issues
Local Pretreatment Programs

§ 403.8  ▶ Requirements of a POTW developed pretreatment program

§ 403.9  ▶ Contents/legal authority of a POTW pretreatment program

§ 403.11 ▶ POTW pretreatment program approval procedures

§ 403.18 ▶ Modifications of POTW Pretreatment Programs
Program Requirements Affecting IUs

§ 403.5  
- General & specific prohibitions

§ 403.6  
- Categorical standards

§ 403.7  
- Removal credits

§ 403.13  
- Variances for fundamentally different factors

§ 403.15  
- Net/Gross calculation
POTW and IU Requirements

§ 403.12 ▶ POTW & IU reporting requirements
Specific IU Rights

§ 403.16  ▶  Upset provisions

§ 403.17  ▶  Bypass provisions
Miscellaneous Requirements

§ 403.2  Objectives of regulations
§ 403.3  Definitions
§ 403.4  State or local law
§ 403.14  Confidentiality
What Minimum Procedures Make Up a Pretreatment Program?

[40 CFR § 403.8(f)(2)]

- **Industrial Users**
  - Identify, locate, and notify
  - Receive, sample, and analyze
  - Survey, investigate, and enforce

- **Public**
  - Allow participation
  - Notify of violators
Minimum Pretreatment Program
Procedures, continued
[40 CFR § 403.8(f)(2)]

- Additional procedures:
  - Funding
  - Local limits
  - Enforcement Response Plan
  - SIU list
Legal Authority, a Must

- State law
- Local regulations
  - Sewer Use Ordinance (“SUO”)
  - or
  - Rules and Regulations
POTW Legal Authority
[40 CFR § 403.8(f)(1)]

- Deny or condition discharges
- Require compliance
- Control through permit or similar means
- Require compliance schedules to comply
- Inspect, survey, and monitor
- Enforce
- Comply with confidentiality requirements
Local Regulations

- Sewer Use Ordinance
- Rules and Regulations
Prohibitions and Limitations

- General/Specific
- Categorical Standards
- Local Limits
Control Discharges

- Deny/condition new or increased contributions
- Issue control mechanisms/compliance schedules
- Require development of slug/spill control plans
- Require pretreatment facilities
Reports & Notices

- BMRs/90 day compliance reports
- Compliance schedule progress reports
- Periodic compliance reports
- Notice of potential problems
- Notice of limit violations and resampling
- Notice of changed conditions/discharge
- Notice of hazardous waste discharged
Compliance Monitoring

- Right of entry
- Right to inspect
- Right to sample
- Right to require installation of monitoring/flow measuring equipment
- Right to inspect and copy record
Remedies for Noncompliance (Enforcement)

- Non-emergency response injunctive relief
civil/criminal penalties
- Emergency response
Other Requirements

- Test procedures
- Signatory
- Record keeping
- Confidentiality
- Annual publishing of IUs in SNC
- Public participation/access to information
Local Regulations- Approval Process

- Submission to Approval Authority
- Public notice
- Approval Authority decision
- Public access to information
Ancillary Issues

- Chamber of Commerce
- Big Business
- Politics
- Attorney familiarity with subject
- Special interest groups
Interjurisdictional Issues

Accept discharges from IUs located outside the Control Authority’s legal jurisdiction (program is in town A and industry is in town B).
Interjurisdictional Control

- Direct authority
- Multijurisdictional agreements
- Industrial user contracts
- Coordination/cooperation