

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**

