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EPA

Pretreatment Implementation Review Task Force

Final Report to the Administrator

United States
Environmental Protection Agency

January 30, 1985

PRETREATMENT IMPLEMENTATION REVIEW TASK FORCE

FINAL REPORT TO THE ADMINISTRATOR

ADMINISTRATOR'S ACKNOWLEDGMENT

On February 3, 1984, Mr. William Ruckelshaus, then EPA Administrator, established the Pretreatment Implementation Review Task Force (PIRT), to provide the Agency with recommendations on the day-to-day problems faced by POTWs, States and industry in implementing the Agency's pretreatment program. PIRT was composed of 17 representatives of POTWs, States, industry, environmental groups and EPA Regions. The challenge before them was great. There were a wide range of issues that needed to be addressed, difficulties in resolving differences and reaching consensus among such a diverse group, and a short (11 month) schedule. The result of a very dedicated and extensive effort by these Task Force members is PIRT's Final Report. It is an impressive and timely achievement. The Agency greatly appreciates the efforts of Task Force members, and believes that their recommendations will result in a significant improvement in the implementation of the pretreatment program.

Lee M. Thomas

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

ADVISORY COMMITTEE CHARTER

ORGANIZATION AND FUNCTIONS - COMMITTEES, BOARDS, PANELS, AND COUNCILS

PRETREATMENT IMPLEMENTATION REVIEW TASK FORCE

1. PURPOSE. This Charter is issued to establish the Pretreatment Implementation Review Task Force for an eleven month period in accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. (App. I) 9(c).

2. AUTHORITY. The Pretreatment Implementation Review Task Force is being established by the Administrator, U.S. Environmental Protection Agency pursuant to the authority vested in the Administrator by sections 104 and 307(a)(7) of the Federal Water Pollution Control Act (FWPCA), as amended. It is determined that this Task Force, which will assist the Agency in performance of its duties as outlined by section 307 of the FWPCA, is in the public interest.

3. OBJECTIVE AND SCOPE OF ACTIVITY. The Pretreatment Implementation Review Task Force is essential to the continued progress of the Agency's industrial waste pretreatment and control mission in Title III of the Federal Water Pollution Control Act, as amended (Clean Water Act). The common implementation problems experienced by industry, States and municipalities will be examined and options for program improvement developed and debated. The need for guidance, training programs, technical assistance, and policy for interpretation will be the focus of activity. Where it becomes necessary, regulatory amendments will also be discussed.

4. FUNCTIONS. The Pretreatment Implementation Review Task Force will provide advice and divergent views to the Administrator in the implementation of the national pretreatment program. The day-to-day problems experienced by municipalities, States and industries implementing the part 403 General Pretreatment regulations and the Categorical Pretreatment Standard regulations will be reviewed. Advice and comments to the Administrator will include technical, legal and policy changes which can improve implementation of the program nationwide while addressing concerns expressed by industry, States, municipalities and environmental interest groups. The Task Force provides a forum for discussion among the affected groups which may avert the use of litigation, as has occurred in the past. Issue papers will be developed to examine the problems, suggest options and recommend action. The issue papers will be the basis of Task Force discussions and any recommendations to the Administrator. The Task Force expects to produce an interim report in May, 1984. This report will identify important problems

in the area of pretreatment implementation and include a preliminary analysis of ways of achieving rapid and effective implementation through such assistance methods as guidance, training programs, workshops, technical assistance and policy interpretation. In December 1984 the Task Force will prepare a detailed analysis and final report of implementation problems that require changes to the general pretreatment regulations and will recommend specific regulatory changes.

5. COMPOSITION AND MEETINGS. The Pretreatment Implementation Review Task Force will consist of eighteen members, including the Chairperson, appointed by the Deputy Administrator. Membership will consist of individuals with special experience or interest in the pretreatment area or environmental protection in general. Specifically, the membership will consist of: four industry representatives, three State representatives, three Federal employees, four municipal representatives and three environmental interest group members. Meetings of the Task Force will be held four times during the calendar year or at the request of the Chairperson. The Task Force is authorized to form subcommittees which will be comprised solely from members of the Pretreatment Implementation Review Task Force. Meetings will be called, announced, and held in accordance with the EPA Manual on Committee Management. The manual provides for open meetings of advisory committees; requires that interested persons be permitted to file written statements before or after meetings; and provides for oral statements by interested persons to the extent that time permits. A full-time salaried officer or employee of the Agency who will be designated as Chairperson or Executive Secretary, will be present at all meetings and is authorized to adjourn any such meeting whenever it is determined to be in the public interest. The annual operating cost of the Task Force will total approximately $90,000 which includes 2.6 work-years for Agency Task Force members, staff and clerical support. This cost includes travel expense reimbursement for Task Force members (excluding the industrial representatives) and the Agency support staff.

6. DURATION. The Pretreatment Implementation Review Task Force will terminate eleven months after the Congressional filing date.

Agency Approval Date

Administrator

January 25, 1984
GSA Review Date

Date Filed with Congress

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PRETREATMENT IMPLEMENTATION REVIEW TASK FORCE
FINAL REPORT

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PRETREATMENT IMPLEMENTATION REVIEW TASK FORCE
FINAL REPORT

The Pretreatment Implementation Review Task Force (PIRT) was charged with reviewing pretreatment program development, approval, and implementation. We identified five sets of issues affecting the functioning of the program.

First, pretreatment program requirements are viewed by many as being complex and not well understood. EPA has the ability to simplify and clarify the program and should do so where appropriate.

Second, enforcement of program requirements is critical for protecting the environment. This approach will also promote consistent implementation of the program requirements nationwide.

Third, the success of the program depends on adequate resources. At present, EPA has not budgeted enough resources to implement the program. Publicly Owned Treatment Works (POTWs) and States are likewise pressed for the necessary funds and people.

Fourth, the success of the program also depends on a working partnership between three different levels of government: the

2. Determining Interference

Many POTW representatives do not understand how to determine if an industrial user(s) is causing interference with the operation of the POTW. EPA should develop guidance to POTWs to assist in the determination of an interference and in the tracking of bonafide interferences back to the source(s). The document should consider the following:

a. definition of different types of interference (at the treatment plant and in the sewer line);

b. steps for determination of bonafide interference (e.g., deterioration and corrosion of sewer mains, explosions in sewers, etc., are interferences generally caused from industrial sources). Interference at the treatment plant needs detailed analysis to assure it is caused from industrial sources and not a result of poor operation and maintenance at the plant or non-industrial sources;

c. discussion of equipment (e.g., sensing devices) useful in alerting POTW staff to potential problems;

d. discussion of techniques available to segregate or divert influent wastewaters capable of causing interference or upsets at the treatment plant;

e. discussion of analytical techniques to quickly analyze pollutants potentially causing the interference;

f. development of an action plan to track the source of a bonafide interference (review of industrial survey to determine potential industries, preparing a grid chart of potential users, sampling critical interceptors, sampling potential users at their site and/or downstream in the sewer line);

g. discussion of level of effort required to accomplish (b) & (f) by a small, medium, and large size POTWs; and

h. discussion of level of effort required where immediate endangerment of life or operation of the treatment plant is evident or imminent.

i. listing of specific problems which constitute interference.

3. Local Limits

Defensible local limits are the cornerstone of an effective POTW Pretreatment Program. Yet, some POTW representatives do not understand the relationship between categorical pretreatment standards and local limits, or even how to develop local limits.

Development of local limits as described in §403.5(c) of the General Pretreatment Regulations is not well understood and is not consistently being applied by EPA Regional Offices, States, and POTWs. The two main points that are not well understood deal with whether local standards are required, and if so, whether they are required to be developed as part of program development. PIRT strongly recommends that EPA expeditiously issue a policy

statement regarding development of local limits by POTWs, with examples of where such limits are needed. The policy statement should specify that local limits, where currently needed, should be established during program development and implemented upon formal approval of the Pretreatment Program by the Approval Authority.

In addition the Agency should provide guidance on how to compare local limits with categorical pretreatment standards, and should emphasize through a policy statement that a local limit takes precedence over a categorical standard, if the local limit is more stringent. Development of local limits might be facilitated by distribution of a computer model. The computer model being developed by EPA should be submitted for public comment; appropriate charges made to produce an effective proven computer model; and then widely distributed.

4. State Water Quality Standards

State water quality standards establish the need to develop local limits and form a technical and legal foundation for developing these limits. Unfortunately, few States have numerical water quality standards for toxics other than heavy metals. Although all States have the narrative "free from" standards that the waters be free from toxic substances in toxic amounts, this standard does not readily support the development of local limits. For example, according to EPA staff, less than one percent of all POTW NPDES permits contain numerical limits for the discharge of toxics (including heavy metals).

Recently, EPA in issuing the new water quality standards regulations, 48 F.R. 51400 et. seq. (Nov. 8, 1983) has emphasized the importance of reviewing and revising State water quality standards to address more specifically toxic pollutants. PIRT generally supports EPA's effort to encourage the upgrading of State water quality standards including those for toxics as outlined in these regulations. In particular, PIRT supports EPA's commitment to promulgating water quality standards for States unable or unwilling to develop standards. However, it is unclear when EPA will take such action. EPA should issue policy guidance to the Regions and States specifically describing when EPA will promulgate water quality standards for States unwilling or unable to develop standards which address toxic substances.

Another deficiency in the water quality standards revision process is the absence of any EPA tracking system to evaluate nationwide progress in revising State water quality standards for toxics. PIRT recommends that EPA headquarters develop a tracking system for assessing State progress in developing needed toxics standards and for sharing information nationwide.

5. Local Limits Based on Effluent Toxicity Criteria

EPA's "effluent toxicity" approach to generating water quality-based effluent limitations ("Policy on Water Quality-Based Controls for Toxic Pollutants Under the Clean Water Act") for complex POTW effluents may provide POTWs with increased legal support for developing local limits; it will not, without further

guidance, assist POTWs in the technical intricacies of developing these limits. EPA should develop a scientifically supportable methodology for evaluating effluent toxicity and applying the "toxicity reduction evaluation" process to POTW effluents. It should then issue guidance when available and after opportunity for public comment. In addition, this technical guidance should demonstrate by use of case studies how this evaluation process can be used to develop appropriate requirements for POTW users.

6. Sludge Disposal Criteria

To date, EPA has promulgated only skeletal criteria governing the management and disposal of POTW sludge. There are land application regulations for cadmium and PCBs, Clean Air Act incineration requirements, and ocean dumping controls. However, EPA is reconsidering all of these controls in the context of a comprehensive initiative to regulate municipal sludge management and disposal. Without sludge criteria POTWs can have a difficult time developing local limits to protect sludge quality. EPA should expeditiously develop sludge management and disposal requirements. It is critical that EPA state its basic approach for developing these requirements and publish available information on municipal sludge disposal as soon as possible.

7. Notification of Solid Waste Disposal Obligations

Section 403.8(f)(2)(iii) requires POTWs to notify industrial users subject to the POTW pretreatment program of any applicable requirements under §§204(b) and 405 of the Act and Subtitles C and D of the Resource Conservation and Recovery Act (RCRA). Many Control Authorities are not sufficiently knowledgeable of RCRA regulations to fulfill this requirement. EPA should develop a handbook for POTWs so that POTWs, charged by §403.8(f)(2)(iii) with notifying industrial users of their RCRA obligations, will be able to discharge this responsibility.

8. Categorical Standards

EPA has issued categorical pretreatment standards that are: (1) concentration based, (2) production based and (3) both. To confirm compliance with a concentration based standard, the Control Authority must take a wastewater sample and measure the concentration of pollutants; this result can then be compared to the standard. To confirm compliance with a production based standard the Control Authority must (1) take a wastewater sample and measure the concentration of pollutants: (2) measure the flow; (3) measure production, which either requires the Control Authority to accept reports by the industrial user or enter the facility and take measurements of square meters, mass or other production factors through the process(es); and (4) multiply the concentration times the flow, divide by the production rate and compare to the standard. The most difficult step in determining compliance with production based standards is confirming production.

a. Converting Production Based Standards

For a direct discharger the permit authority will simplify implementation of production based limits by using a permit system. A plant production level is specified and multiplied by the production based limit to establish a mass of pollutants per day allowance in the permit. Direct dischargers are required to comply with this mass per day allowance specified in the permit. This procedure allows the permit issuing authority to monitor compliance by measuring the concentration of pollutants and the flow, multiplying the results and comparing it to the mass discharge allowance. The following are not clear to POTWs: (1) if this same procedure is appropriate for indirect dischargers, which are not required to be permitted by the federal pretreatment regulations; (2) how it could be implemented; and (3) if equivalent concentration limits for a plant could be used by establishing a production rate and flow in a permit or other legally enforceable mechanism, and multiplying the plant production by the production based standard and then dividing by the plant flow. The Agency should issue, as soon as possible, a statement informing Control Authorities of the ways in which permits, contracts or other enforceable mechanisms may be used legally to convert production based standards to equivalent mass or concentration limits.

b. Implementation of Categorical Standards

The Agency needs to develop and distribute as soon as possible a guidance document on the implementation of categorical standards that contains at least the following:

1) Examples of how production based standards are applied in an indirect discharger permit or other legally enforceable mechanism (for setting the production level in the permit and establishing a mass per day standard, or setting both the flow and production level in the permit to establish an equivalent concentration requirement for ease of compliance monitoring by the Control Authority.)

2) A discussion of how to interpret production and flow information from industrial facilities to be able to establish reasonable effluent limitations at the industrial facility.

[Separate statement - G. Kurz, J. Olson, D. Menno, C. Strehl: POTW Control Authorities feel that the need for a legally enforceable "equivalent" system for issuing local permits with concentration standards is critically important. If the Agency informs Control Authorities that this is not possible in its statement (requested above by PIRT), then we feel that the Agency should also develop changes to its regulations that would allow such a conversion system.]

c. Existing Production Based Standards

There is an additional burden for POTWs in implementing production based categorical standards. Because many POTWs recognize the burden, but do not foresee the benefit of

production based standards, they are resisting implementing them. The Agency should publish in the Federal Register for each category with only production based standards, the daily pounds of pollutants removed from raw waste that results from the production based regulation and the amount that a concentration based standard would remove. This information should be presented on a total industry and average plant basis. Knowing the difference in removal would result in less resistance by POTWs towards implementing production-based standards.

d. Future Categorical Standards

Where there is not a significant difference in the amounts removed, the Agency should consider providing in future categorical standards an alternative concentration based standard in addition to the production based standard.

9. Categorical Standard Updating

Promulgated categorical standards and those under development do not address all wastewater sources or all toxic pollutants discharged by categorical industrial users. For example, there are no standards for small facilities in chrome pigment manufacturing, porcelain enameling and leather tanning; pharmaceutical plants are not regulated for volatile toxic organics; landfill leachate is unregulated; and job shop electroplaters discharging less than 10,000 gpd are regulated only for cyanide, cadmium and lead. The Agency should first evaluate the significance of discharges of toxic pollutants from industrial users not subject

to categorical standards, including research and development facilities and Federal facilities, and what types of facilities are involved. The Agency should then evaluate its two primary control options: development of categorical standards and the use of local limits, and determine which is appropriate in each case.

Where control of unregulated industrial subcategories or pollutants can be accomplished more quickly and efficiently by increased emphasis by Approval Authorities on the requirement for POTWs to develop and enforce local limits, EPA should increase its emphasis on development of water quality standards, sludge quality and disposal standards, and air emission standards. However, where national standards are warranted, they should be developed. The Agency should continue to consider all data which it has available in developing national standards.

10. Regulation of Small Industrial Users

Initially, there was some concern that small industrial dischargers (de minimus dischargers) should be exempt from applicable categorical standards. However, some small industries discharge highly concentrated toxics and incompatible pollutants which could upset a waste treatment plant more adversely than high flow, moderately concentrated pollutant dischargers. PIRT examined this issue and recommends that all industrial users must comply with their appropriate categorical standards. Control Authorities have flexibility to deal with appropriate monitoring for truly insignificant discharges.

11. Research and Development Facilities and Federal Facilities

Research and Development facilities and federal facilities are capable of discharging toxic wastes into a POTW. At a minimum, these facilities would be covered by national Prohibitive Standards, local prohibitive standards and local limits. It is not always clear to Control Authorities (EPA, States, POTWs), if these facilities are covered by standards promulgated pursuant to Section 307(b) & (c) of the CWA.

PIRT recommends that EPA expeditiously publish guidance that federal facilities are regulated by categorical pretreatment standards and that some categorical pretreatment standards are applicable to Research and Development facilities. Such guidance should be circulated to EPA Regional Offices, States, and POTWs to insure consistent application by Control Authorities. In addition, PIRT recommends the EPA publish in the Federal Register a list of categorical standards that specifically regulate R&D facilities and federal facilities.

12. Combined Wastestream Formula

The combined wastestream formula is the method by which industrial dischargers must calculate their limits when they mix wastestreams covered by different standards, combine regulated and unregulated wastestreams, or mix process wastestreams with noncontact cooling or sanitary wastewaters. For POTWs and the industrial users, application of this formula is something new.

Guidance documentation is needed very quickly for affected industrial users and POTWs in applying the Combined Wastestream Formula to real life situations. Such guidance should include, but need not be limited to, the following issues:

a. Clarification of definitions of terms ("regulated", "unregulated", and "dilution") used in the combined waste stream formula. For example, the regulation does not explain that a wastestream subject to a categorical standard is considered an unregulated wastestream when calculating limits for pollutants not specified in the standard.

b. Immediate publication of corrections to Appendix D of the 1981 General Pretreatment Regulations. The current version, which was incorrect when published in 1981, incorrectly labels certain wastestreams as dilution streams. This results in confusion, or erroneous, overly stringent requirements if used in the combined wastestream formula.

c. Example of methods for combining mass based and concentration based categorical standards. Currently the regulations specify how to combine concentration based regulations, or production based regulations but not how to combine both. EPA should specify how the production rate is to be determined for combination.

d. Examples of methods for implementing the combined wastestream formula for total toxic organic (TTO) standards from different categories. For various categories, TTO is comprised of different lists of toxic organics. It is not clearly understood how these limits are to be considered in using the combined wastestream formula.

e. Information for Control Authorities and industrial users on how to apply the combined wastestream formula; including specific emphasis on how to determine appropriate inputs for flow and production when these parameters are variable or difficult to measure.

f. Examples of how to utilize the combined wastestream formula to compare local limits to mass based standards.

g. Evaluation of the utility of applying the "building block" approach (49 FR 8121, 3/5/84) as an alternative to the combined wastestream formula when flow measurements are not available. The alternative calculation should be documented in permits, contracts, or other enforceable documents which should be issued to the user.

[Separate statement - F. Dubrowski, T. Coxe: 1. We stress that guidance is needed because the formula is new and poorly understood, not because it is unclear. 2. We do not agree that EPA should waste resources or disrupt compliance efforts by exploring alternatives like the "building block."]

13. Centralized Waste Treatment Facilities

Centralized Waste Treatment (CWT) Facilities are sometimes used to treat and dispose of regulated categorical wastestreams and other hazardous or toxic waste streams. There is no specific mention of these type of facilities within the General or Categorical Pretreatment Standards. CWTs are generally of two types: those which consistently receive wastewaters from the same industries and those that receive wastewaters from sources which vary from day-to-day. PIRT has been informed by the Office of General Counsel and existing correspondence (Hunt Chemical) that the Combined Waste Stream Formula (CWSF) is applicable to CWTs. There may be more efficient and/or thorough methods of regulating the latter type of CWTs due to the variable waste loads accepted at these plants and the potential toxic discharges from these facilities.

a. PIRT recommends that EPA develop a list of the CWTs in the country and the type of waste loads accepted. The list may be developed by reviewing existing RCRA Part A applications or by canvassing the Regions. The data should be used to determine if alternative regulatory methods are warranted.

b. PIRT recommends that EPA guidance on the CWSF include examples of its application to CWT facilities and distinguish between the two general types of CWTs. It may be difficult to apply the CWSF to CWTs which accept a variety of wastestreams at different times. Guidance on how to apply the formula would be helpful.

14. POTW Implementation Guidance

The Office of Water Enforcement and Permits has begun developing pretreatment implementation guidance for POTWs addressing such areas as: compliance inspection and monitoring activities, industrial reporting, and enforcement activities.

The Agency should:

a. Develop a comprehensive list of items that should be part of such guidance and distribute it to PIRT members for comments and recommendations on priorities.

b. Issue priority implementation guidance in final form by mid FY 1985.

c. Allow PIRT members to review the draft guidance.

d. Send the final guidance to Regions, States and POTWs from Headquarters.

15. Industrial Monitoring Frequency

By regulation, all industrial users subject to a categorical standard must submit a compliance report to the Control Authority during the months of June and December, unless required more frequently by the Control Authority. However, the general and categorical regulations are silent on how frequently industrial users should be monitoring their wastewater discharges. The

Control Authority is left with the responsibility of determining monitoring and/or self-monitoring frequencies that provide a representative analysis of the industrial discharge.

The Task Force recommends that the Agency provide guidance to municipalities on the selection of monitoring frequencies that are representative, cost effective and provide adequate detection of violations for appropriate enforcement.

[Separate statement - T. Coxe, F. Dubrowski: EPA should set minimum monitoring frequencies by rule.]

16. Industrial Wastewater Inspection Training

As pretreatment programs are approved by the Approval Authorities, there is an increased need for training POTW personnel in inspecting industrial users. PIRT is aware that proposals have been made to the Agency with regard to this issue.

PIRT recommends that the Agency see that an Industrial Wastewater Compliance and Monitoring Training Program be developed and made available for POTWs as expeditiously as possible.

17. Monitoring for Toxic Organics

Many industrial users regulated by total toxic organic categorical limits are unaware of the requirement in the General Pretreatment Regulations (§403.12(b)) that baseline monitoring reports must contain toxic organic monitoring data. PIRT recommends that the Agency clarify the reporting requirements for these users.

There may be a need to sample for organics beyond the capabilities normally found in POTWs. Sampling for only those toxics covered by categorical standards does not ensure complete protection of the POTW or the environment. Other complex toxics need to be identified, but without proper equipment, technicians, and experience, few POTW's can do so.

Many contract laboratories provide an uncertain resource in complex toxic identification. The EPA's quality assurance program provides an available program of laboratory certification. Expansion of this program could assist POTWs in identifying complex toxics. Certified laboratories would be able to analyze reliably complex toxics.

PIRT recommends that the EPA expand the quality assurance program to include certification of private laboratories.

18. Toxicant Controls

PIRT considered the general issue of toxicant controls and believes that such controls require implementation through several mechanisms:

a. local limits developed by POTWs as part of their pretreatment program;

b. Specific effluent limitations included in POTW NPDES permits:

c. A program for biomonitoring POTW effluents to identify instances of toxicity and for developing enforceable limits; and

d. Implementation of categorical standards, sludge standards, and national prohibitive discharge standards.

Indirect regulation of industrial users may be established by incorporating effluent limits in the POTW's NPDES permit so as to require the POTW to limit industrial discharges.

PIRT recognized that the institution of local limits, national standards or permit controls will not fully address the toxicant issue absent the further requirement that POTWs biomonitor their effluents for toxic effects. PIRT believes that the various methodologies and techniques known as biomonitoring can be useful in identifying potential toxicant problems. PIRT recognizes that these techniques are difficult to interpret, require specialized equipment and personnel, and raise questions about funding, monitoring frequencies and EPA assistance. However, PIRT supports the development of various biomonitoring regimes by POTWs, States and/or EPA, where appropriate.

19. Pretreatment Newsletter

A pretreatment newsletter should be published and sent to the Control Authorities. The newsletter could be based on the Guide to Guidelines (an Effluent Guidelines Division newsletter which was published twice) format and be published once per quarter or at least semiannually. The newsletter

should focus on the latest activities in guidelines, seminars and workshops, and other publications pertaining to pretreatment and regulatory issues.

20. Removal Credits

PIRT recommends that EPA provide guidance and work with POTWs, States, and others, where removal credit authority is desired by the POTW, to place in operation removal credit systems which meet the mandates of the Clean Water Act. PIRT appreciated the opportunity afforded by EPA to review the early draft of the "Guidance Manual for Preparation and Review of Removal Credit Applications". We submit for EPA's consideration, the following observations and recommendations which we believe will improve the usefulness of the manual. These do not include all the points raised by members of PIRT. Individual PIRT members have submitted comments separately for Agency consideration.

[Separate statement - F. Dubrowski, T. Coxe: The 1984 removal credit rules are entirely too lax because, among other things, they do not require POTWs to attain (or maintain) the same consistent removal as direct dischargers subject to BAT limits, do not contain adequate safeguards against sludge contamination, inappropriately allow POTWs to rely on treatability studies, ignore combined sewer overflows, and do not contain adequate reporting and enforcement provisions. NRDC has therefore challenged the rules in court.]

a. PIRT recommends that the introduction section be revised to set the general tone for the manual. It should address at least the following points:

1) The objective of this guidance is to clarify, simplify, and guide an applicant in preparing a removal credit application. The manual should also provide examples, although not totally inclusive, of the various demonstrations which need to be included in the application. The tone should be to give constructive suggestions on techniques, while still providing cautions, for consideration by the applicant during the application preparation. In general, the introduction should set the overall tone that for those applicants who wish to file an application the manual is intended to aid in its preparation.

2) Industrial users of a POTW must play an important role in assisting the POTW in preparing the application. The introduction should point out that references to these industrial roles will be flagged throughout the manual where they apply. Also, the manual should note that it is to the mutual benefit of industrial users and the POTW to form a cooperative/assistance relationship both during application preparation and after the removal credits are granted. Relationships of this type will help ensure that the environmental and financial needs are met in a responsible manner.

3) The experience to date with removal credits is with metals which are "conserved" in the treatment system. EPA should examine the manual to ensure that any statement referring to pollutants applies to both metals and organics and make any appropriate changes to allow for pollutants which are not conserved in the system.

b. Following are miscellaneous observations and/or recommendations which should be considered in revising the manual:

1) EPA should eliminate inaccurate references to "increases" or "decreases" in pollutant loadings resulting from the application of removal credits.

2) The regulations require that POTWs, once granted removal credits, must sample monthly to demonstrate consistent removal. This should be made clear in the guidance document and it should encourage POTWs to report their sampling and removal rates data to the Approval Authority more frequently than on an annual basis. The manual should inform POTWs of their responsibility to continuously evaluate their data to determine if there is any significant variation in removal rate and, if so, to take appropriate action to institute any necessary changes.

3) The regulation requires that the POTW's NPDES permit be modified to include the removal credit provisions. The guidance manual should strongly encourage POTWs to request that the Approval Authority simultaneously issue for public notice the draft modified or reissued permit and the removal credit approval notice. This will ensure that the permit is revised in a timely manner and that the conditions under which the removal credits are granted are appropriately documented and enforced.

4) The manual should be expanded to cite examples of cases where a pollutant is not detected in the POTW influent, but is present in one or more of the industrial sources discharging into the POTW's sewer system. It may be generally possible to detect metals in the POTW influent due to the wide variety of sources that discharge them into the POTWs system. This may not be true for organics since there are probably considerably fewer sources. Therefore, guidance on and examples of the use of treatability studies, transfer of data from similar operations, etc., should be provided. In addition, suggestions on continued demonstration of consistent removal after removal credits are granted should also be included.

5) The following two items may not be clearly understood by POTWs and industrial users. Both should be clarified in the guidance document.

a) The adjusted categorical limits are still end-of-process limits, and the combined wastestream formula may need to be applied if the facility is integrated or its process flows are co-mingled with dilution flows.

b) In certain cases, the POTW's local limit may be more stringent than the adjusted categorical limit. If so, the more restrictive local limit applies.

6) Although the removal credits regulation states that a POTW applying for a credit must file a certification of acceptable sludge management practices, it is silent on other details required for sludge disposal. The Guidance Manual should explain that the Approval Authority may request additional information on the sludge disposal technique as part of the application (i.e., data on concentrations of pollutants, records on where sludge is disposed, etc.). In addition, sludge monitoring information may be obtained through annual reporting or permit requirements. The manual should also reference the data compiled by the Sludge Management Task Force.

7) In January 1977, EPA published a three-volume set of Federal Guidelines (MCD-43) in accordance with Section 304(g) of the Clean Water Act. POTWs and Approval Authorities believe these guidelines have been valuable in developing local programs. Since these guidelines (most importantly, the list

of threshold inhibitory pollutant considerations) were updated in 1981, PIRT recommends that the most current form of this guidance be published and disseminated to local agencies, State and federal Approval Authorities.

8) PIRT recommends that the removal credit guidance document be revised to provide that in reviewing a removal credits application the Approval Authority evaluate, based on the available data, whether the granting of removal credits would have an adverse impact on water quality.

[Separate statement - T. Coxe: To grant removal credits based on available data is insufficient in light of the fact that there is a lack of "available" ambient water quality data, based on actual testing, for toxics. A regulatory change which requires a minimum of 2 ambient water quality tests for toxics obtained over a period of a year should be seriously considered.]

9) PIRT recommends that the removal credits guidance document be revised to provide that as part of its application for authorization to grant removal credits, a POTW should demonstrate that its local limits remain adequate.

21. Uniform and Simplified Program Data Handling

Since many delegated State and approved POTW programs are still in the early stages of development and implementation, it would be valuable for EPA to provide guidance and tools to expedite effective data handling in these programs.

PIRT recommends that EPA prepare and provide to delegated States, POTW's and EPA Regional Offices guidance on data handling. This should include software, programs, and "how to do it" hand tools so that data handling approaches could be used on a wide variety of computers or done manually if a computer was not available. This guidance and the approaches presented should be coordinated with any ongoing review of EPA data handling systems.

22. Uniform and Simplified Program Data Reporting

Since many delegated States and approved POTW programs are still in the early stages of their development and implementation, EPA should develop a uniform and simplified approach for reporting State and local program data. This could provide a wealth of uniform and consistent data that could be used for various reports and summaries which are needed for program management on the local, statewide, and national level.

PIRT recommends that EPA develop a uniform data reporting format for the annual POTW report, to be used by the delegated States, POTWs, EPA Regional Offices, and EPA Headquarters. This uniform reporting format should allow for development of lists of significant users and their compliance status. It should also allow for comments on such concerns as legal authority and local limits. This uniform reporting format will allow EPA to compile and summarize data necessary for program management and assessment.

23. Industrial Users - Enforceable Limits

PIRT has identified a number of technical issues in the application of the pretreatment regulations which require clarification and guidance. Specifically, industrial users and POTWs have identified the following difficulties in applying enforceable limits:

Complex process systems and sewer networks in existing facilities often make accurate measurement of flow and pollutant concentration a difficult task.

A lack of understanding of definitions and guidance in the use of the combined wastestream formula could result in incorrect use of the formula.

Therefore, PIRT recommends that:

a. EPA issue guidance to industrial users and POTWs to assure that flow estimates for the combined wastestream formula, production rates and other factors used in applying categorical standards are properly addressed.

b. EPA issue guidance recommending that POTW industrial user control systems including permits, contracts, orders or similar means be used to document all assumptions (e.g., flow estimates and production rates) relied upon in applying categorical standards to specific industrial users.

B. ENFORCEMENT

Implementation of the pretreatment program is well behind the required regulatory schedules. By July 1, 1983, 1530 POTWs were required to implement programs. As of October 1, 1984, 764 POTWs did not have approved programs. Deadlines for baseline reports and compliance with categorical standards for certain industries have either passed or are imminent. For example, electroplaters were to submit baseline reports and then come into compliance during the months of April and June of 1984. Large numbers have not submitted the required reports or will be in violation of the standards. To get the program implemented the Agency needs to take firm enforcement action.

1. Enforcement Policy Statement

The Administrator should immediately issue a strong statement to support enforcement of the National Pretreatment Program and take enforcement actions to demonstrate the Agency's resolve.

2. Enforcement against POTWs without Program Applications

The General Pretreatment Regulations require certain POTWs to obtain approved programs by July 1, 1983. There are a total of 1530 POTWs which are required to develop a program. As of October 1, 1984 only 766 had obtained approval. Action is needed to correct this situation.

a. EPA should publish quarterly a list of all POTWs which are required to submit local pretreatment programs and have not submitted complete program applications as outlined in §403.9.

b. By August 1, 1984, the Approval Authority (EPA or delegated State) should have:

1) Determined what type of enforcement action is appropriate for all POTWs which have not submitted complete program approval applications as outlined in §403.9;

2) Initiated that enforcement action.

c. To insure that compliance is achieved as soon as possible, the Agency should seek to both identify and provide technical guidance to those POTWs which have failed to submit a complete program application.

3. Guidance

EPA should make final and distribute to Regions, States and POTWs, as expeditiously as possible, pretreatment program guidance to POTWs for implementation and enforcement of industrial categorical standards. The Task Force recommends that EPA review its draft guidance to incorporate enforcement recommendations contained in this report.

4. Guidance on Enforcement

PIRT recommends that EPA publish enforcement guidance on assessing penalties or damages when a facility causes interference or pass through. This guidance should address whether

the facility was in violation of specific local limits or categorical standards, or should have been aware of the potential for violation of the prohibition against interference or pass through.

PIRT also recommends that deadlines for local limits be dealt with in the enforcement guidance.

5. Development and Submission of NPDES State Pretreatment Program

Under the current §403.10(b) any NPDES State with a permit program approved prior to December 27, 1977 is required to submit a State Pretreatment Program for approval by March 27, 1979. If the State must amend or enact a law, the State Pretreatment Program must be submitted by March 27, 1980.

In addition, the current §403.10(c) states, "Failure of a State to seek approval of a State Pretreatment Program as provided for in paragraph (b) and failure of an approved State to administer its State Pretreatment Program in accordance with the requirements of this section constitutes grounds for withdrawal of NPDES program approval under section 402(c)(3) of the Act."

Prevailing legal opinion indicates that these two specific regulatory requirements are necessary to comply with Section 402 of the Clean Water Act and any deletions or significant modifications would be inconsistent with the Act unless there were

appropriate legislative changes. In addition, the pretreatment program and the NPDES direct discharge program are closely related and intertwined, therefore, a State should be able to operate both programs more efficiently and effectively than one by the State and one by EPA. It appears that both of these requirements must be retained in the Section 403.10 regulations from a legal and practical standpoint. If EPA enforced this requirement, approximately half of the 36 jurisdictions, that have approved NPDES permit programs, may be subject to NPDES program revocation proceedings. In the past EPA has not taken any action to enforce this requirement.

The EPA Administrator should develop approaches that would encourage additional States to apply for and receive authorization to implement pretreatment program responsibilities. Additional grant funds, detailed technical assistance, and guidance and encouragement by EPA may help in the development and approval of additional State pretreatment programs.

a. PIRT recommends that EPA write to all the NPDES approved States that have not been approved for the pretreatment program and remind them of the due dates specified in §403.10(b). The EPA letter should also include an offer of technical, legal and programmatic assistance for the development and implementation of a State pretreatment program. This may encourage or stimulate these States to advise EPA as to their plans for the assumption of the pretreatment program delegation.

b. PIRT recommends that within FY 1985 EPA institute revocation proceedings against NPDES States that have failed to make reasonable progress towards an approvable pretreatment program.

6. Submission of Baseline Reports

Out of approximately 14,000 facilities subject to categorical pretreatment standards, 10,200 are covered by the Electroplating regulations. Approximately half of these facilities were required to submit a baseline report by September 12, 1981, the others by June 25, 1983. The importance of these reports is that they provide pollutant data needed to determine whether the facility is already in compliance; if the industrial user is not in compliance it must submit a schedule for compliance with its BMR.

Control Authorities should take enforcement action against industrial users who fail to submit baseline monitoring reports or progress reports. In addition, EPA should determine how many industrial users will not meet compliance deadlines for the categorical standards. EPA should utilize this information in its budget process to ensure adequate resources for pretreatment enforcement.

7. Compliance Reports

Similarly, the compliance reports indicate whether the facility is in compliance with the categorical standards. Compliance reports are due 90 days after the compliance deadline. The Agency should pursue submittal of compliance reports from industrial users affected by categorical standards.

8. Enforcement of Program Requirements

PIRT recommends that EPA take enforcement action against both noncompliant industrial users and POTWs which have not enforced the program requirements. The enforcement process for violations of categorical standards against industrial users should begin immediately. The Agency should advise delegated pretreatment States to take similar enforcement action.

9. Change of Ownership

PIRT believes that EPA should investigate the extent to which circumvention of pretreatment requirements by changes in ownership occurs. PIRT has identified instances where non-complying "existing sources" are transferred to new "owners" who then seek further delays in complying with pretreatment standards. PIRT recommends that changes in ownership should trigger immediate upgrading of the treatment systems of these facilities to comply with existing source requirements. Compliance should be achieved before continuing or restarting a discharge.

10. Submittal of Testing Data for Periodic Compliance Reports

Section 403.12(e) requires that industrial users subject to categorical standards submit periodic compliance reports to the Control Authority. This regulation specifies that the reports shall include a record of measured or estimated average

and maximum daily flows for the reporting period for the discharge, but there is disagreement over whether the regulations specifically state that the regulated pollutants must be measured during each reporting period.

[Separate statement - M. Van Putten, F. Dubrowski: The regulatory requirement of periodic compliance reporting by industrial users subject to categorical standards necessarily implies that regulated pollutants be measured during each reporting period.]

PIRT recommends that EPA clarify in a policy statement that each periodic compliance report shall at a minimum contain pollutant testing for the pollutants regulated by categorical standards which are reasonably expected to be present during the reporting period, except Total Toxic Organics covered under an approved toxic organics management plan. Recommended guidance for sampling frequencies should be provided in the Pretreatment Compliance Monitoring for Control Authorities Document prepared by the U.S. EPA.

C. RESOURCES

As of October 1, 1984, there were 1530 POTWs and approximately 14,000 industrial users subject to categorical pretreatment standards. Considering the magnitude of the affected population, this program is roughly equivalent to the NPDES direct discharge program, except that while pretreatment needs resources to organize as well as function, pretreatment resources are significantly less at the national and State level.

1. EPA Regional Offices

EPA Regional Offices are responsible for numerous activities related to implementing the pretreatment program, including:

a. Assessing POTW and State program applications

b. Reviewing removal credit applications

c. Making categorical determinations

d. Acting as the Control Authority for industrial users where neither State or POTW programs have been approved

e. Overseeing State and POTW programs.

Currently, the resources for the Regional Offices average approximately three persons per Region dedicated to pretreatment implementation.

EPA should either obtain additional appropriations or reallocate resources to dedicate at the Regional Offices an additional 150 person years of effort to the pretreatment program. This item is critical for fiscal years 1985 and

1986. PIRT has developed this estimate of need after its review of work remaining to be done for program approval and oversight.

Resources for pretreatment should be clearly integrated into the EPA budget and allocated according to the different work loads identified in each Region.

2. Processing Removal Credit Applications

As of October 1, 1984, approximately twenty-nine removal credit applications had been submitted. However, most POTWs do not have approved programs, have not been actively pursuing implementation of the program, or may have been waiting for the Agency's amendment to the removal credit regulations. As pretreatment requirements are implemented, many more POTWs could apply for credits.

EPA should dedicate adequate resources to ensure that removal credit applications are processed effectively and promptly.

3. State Programs

Out of 56 jurisdictions eligible for delegation of pretreatment program authority, 37 have approved National Pollution Discharge Elimination System (NPDES) authority. These NPDES approved States were required to obtain approved State pretreatment programs by either March 27, 1979 or 1980. To date, only 21 states have obtained approval.

The cost of State pretreatment programs range from $50,000 to $800,000 per year, depending on the extent of industrialization, the capabilities and responsiveness of the POTWs, and the State program approach. EPA should substantially increase the funding available to States for pretreatment using §§106, 205(g), and 205(j) monies, which currently provide negligible funding for State pretreatment programs. The States should be encouraged to use a portion of their §205(g) funding to cover the costs of implementing an approved pretreatment program, provided the State has Construction Grants Program delegation and NPDES permit program delegation. This should serve as an incentive to State program development and implementation, especially during the critical years FY 1985 and FY 1986.

EPA should require States receiving funds for pretreatment to make specific commitments on the use of the funds, and should hold States accountable for those commitments.

PIRT also recommends that EPA develop an oversight workplan which provides for routine oversight of State pretreatment (and NPDES) programs and which estimates the resource required to fulfill this responsibility.

4. POTW Programs

a. In the Interim Report, PIRT recommended that EPA make available federal funds for a one-time 50-50 matching grant of up to $2,500 per mgd of discharge to POTWs for necessary capital investments for pretreatment implementation. PIRT

has reviewed the Agency's assessment of this issue and has determined that continuation of this recommendation would prove fruitless. Consequently, PIRT recognizes the following problems with funding local pretreatment programs:

1) Funds for pretreatment programs are available only if a facility is in a Step III Grant that can be amended.

2) In addition, seldom is a grant solely for Pretreatment Implementation equipment within the fundable portion of a State's project priority list.

3) Some States, one for sure, have stated that a grant for pretreatment implementation equipment must stand alone as a separate grant and will not allow an amendment to an ongoing Step III.

4) The Agency response of June 11, 1984 to PIRT's Interim Report under C4(d) states that using a "set-aside" provision is of concern. They also state that another set-aside may cause problems in wastewater treatment works funding.

b. PIRT has also found that the Agency published a "Municipal Pretreatment Program Guidance Package" on September 26, 1980 which is presently not being utilized.

PIRT recognizes the problems associated with the proposed 50/50 matching grant issue and wishes to change its recommendation. PIRT also feels that since local municipalities are

required to enforce Federal or State pretreatment program regulations, a greater number of POTWs would implement the program with financial assistance.

Based on the above PIRT recommends that:

1) The Agency update the September 23, 1980 "Municipal Pretreatment Program Guidance Package" (MPPGP) with the assistance of PIRT, and;

2) The Agency review the Construction Grant Regulations and make appropriate changes to include Pretreatment Implementation Equipment funding in such a way that funds would be made available to all "Approved Pretreatment Programs";

3) The Agency include in the "set-aside" provision for State allotments in FY 86 and 87 amounts that would fund applicable equipment identified in an updated MPPGP; and

4) The Agency investigate other potential sources of financial assistance for POTW's to implement pretreatment programs.

5. EPA Headquarters

EPA should budget for sufficient personnel to perform its pretreatment oversight functions effectively, and to provide adequate guidance and policy statements on pretreatment implementation.

EPA should commit additional resources in order to accelerate the promulgation of sludge management regulations as soon as possible.

D. ROLES AND RELATIONSHIPS

EPA should spell out the roles of the respective government units responsible for pretreatment program implementation as follows:

Primary authority for program implementation and enforcement shall be the responsibility of the local agency. The EPA and/or the delegated State shall retain overview responsibility for ensuring proper program implementation and enforcement. In the event of improper program operation or noncompliance with pretreatment requirements, EPA and/or the delegated State shall ensure compliance.

1. EPA Oversight of State and POTW Pretreatment Programs

The Clean Water Act provides that EPA can delegate the basic responsibilities for the national pretreatment program to State and local governments (POTW's) meeting specified requirements and with programs that have been approved by EPA. To make this delegated program approach work effectively, there must be a true partnership with mutual trust and understanding. Past experiences have shown that the partnership relationship is enhanced by clearly spelling out in advance EPA's oversight activities.

EPA has a legal responsibility to directly evaluate and oversee national pretreatment program implementation by delegated State programs and, indirectly, by POTW's where the program has been delegated to the States. By the same token,

the delegated States have a responsibility to evaluate and oversee pretreatment program implementation by the POTWs. Where the program has not been delegated to the State, EPA has the responsibility of approving the POTW's pretreatment program and providing the necessary program evaluation and oversight. A defined and consistent oversight approach is needed to assure the achievement of the national program goals and objectives, ensure adherence to Federal and State requirements, and to maintain national consistency.

One essential element of an oversight policy is a clear definition and understanding of what is to be done, when, and by whom. In some cases with the NPDES permit program, a negotiated oversight agreement between the EPA Regional Office and a delegated State program has been used very effectively. This approach could be used in the pretreatment program provided the agreement specifies when and how EPA will conduct program evaluation activities such as: audit of the delegated State or POTW files, reports, inspection data, enforcement actions and other items essential to the review and evaluation. EPA should encourage the delegated State programs to develop clearly stated procedures and requirements that will be used for oversight of the POTWs.

a. The EPA direct oversight activities and those to be recommended by EPA to delegated States should include the following three basic elements:

1) overall Program Management (budget, manpower, data handling, permits issued, compliance schedules, etc.)

2) compliance monitoring (frequency, details reviewed, data, follow up, etc.).

3) enforcement (procedures, legal requirements, results, follow up).

b. One specific item that must be included in the oversight agreement is the use of direct Federal and/or State enforcement actions in areas of POTW responsibilities. Although the Clean Water Act and many State laws provide authority for direct Federal and/or State enforcement actions, such authority must be used with discretion. Direct Federal and/or State enforcement should be used in those cases where the POTW or the delegated State has not resolved instances of noncompliance or where the POTW and/or the delegated State requests that EPA participate in a joint enforcement action. The development and implementation of a partnership with mutual trust and understanding should be enhanced by negotiated oversight agreements which include criteria and procedures consistent with EPA's statutory responsibilities for how and when direct EPA and/or delegated State enforcement actions will be taken in the POTW's area of responsibility.

PIRT recommends the following:

1) EPA should develop clearly stated procedures and requirements that will be used for oversight of delegated State programs and POTWs where the program has not been delegated to the State program, including criteria for direct Federal enforcement.

2) EPA should encourage the delegated State programs to develop clearly stated procedures and requirements that will be used for oversight of the POTWs, including criteria for direct State enforcement.

3) The Regions and their delegated pretreatment States should be required, on an annual basis, to develop negotiated agreements which describe their respective pretreatment commitments. The State-EPA agreement process, the §106 planning process, or the §205(g) grant agreements are suitable tools for this purpose.

2. Levels of Authority

a. EPA

The primary roles of the EPA are:

1) in delegated States, to provide oversight of the State program and enforcement where State action is not timely or effective;

2) in nondelegated States, to exercise all enforcement and approval responsibilities, in coordination with State and local authorities;

3) in all States, to ensure that federal guidance includes specific requirements for enforcement and programmatic actions (including specific output commitments), and to maintain accountability for achieving those commitments; and

4) to provide the best possible technical guidance to States, POTWs, and industrial users in order to ensure high quality programs and effective pollution control.

[Separate statement - G. Kurz, D. Menno: Some PIRT members have documented instances of action or interpretations of program requirements that vary widely between EPA Regions and States with Approval Authority. These actions diverge widely from the mainstream thrust of the program and may have significant costs, no regulatory basis, or may be vulnerable to political intrusion. Examples are respectively: the requirement on some POTWs to evaluate the need for and to develop pretreatment standards beyond EPA's Priority Pollutants; one state's use of the 50 plant study to develop pass-through criteria: and the selection or delisting by Regional Administrators of which cities are required to have Pretreatment Programs. We recommend that coordination among Regions and States and between EPA offices (like Permits and Enforcement) take place on the policy level. We recognize that policy statements require more coordination and take longer to issue, but we feel that the need to achieve a more uniform national approach outweighs those hinderances compared to the easier route of issuing guidance.]

b. Approval Authority (Delegated States or EPA)

1) The three primary roles of the Approval Authorities shall be as follows:

a) ensure the development and implementation of approvable local pretreatment programs;

b) review and, if appropriate, approve removal credit applications;

c) assure compliance with the law.

i. The Approval Authority shall determine whether the local program meets all requirements of the law, including §403.9(b), and whether the proposed method of implementing pre-treatment responsibilities is feasible in light of any State law or Federal law limitations on the particular POTW's authority.

ii. The Approval Authority shall take whatever measures are necessary to assure that each user subject to categorical standards is meeting the standards.

2) The Approval Authority should expedite compliance through a joint effort with the community serviced by the POTW so long as such efforts are consistent with Clean Water Act requirements and deadlines and with EPA or State enforcement actions.

3) For all pollutants, the approved POTW shall have primary responsibility for determining how the general pretreatment requirements of §403.5(a) and (b) are met as long as the POTW meets its permit. The Approval Authority shall retain review responsibility.

[Separate statement - M. Van Putten, F. Dubrowski, and T. Coxe: The Approval Authority has the responsibility for determining whether a POTW must develop local limits to avoid potential adverse impacts on water quality. This determination includes an inquiry into such impacts and cannot merely rely upon compliance with NPDES permit limitations.]

4) For conventional pollutants, where the POTW fails to meet its permit because of either inadequate capacity or improper operation, the Approval Authority should generally not require POTWs to discriminate against any category of existing user which is in compliance with the general and categorical pretreatment requirements and local limits which meet the requirements of the §403.5 General Pretreatment Standards.

c. <u>POTW</u>

1) The POTW (or the State that is responsible for the local Pretreatment Program) shall have the following primary roles:

a) meeting the NPDES permit limits (applicable only to POTWs);

b) Developing and implementing a pretreatment program; and

c) Assuring compliance by all industrial dischargers with all pretreatment requirements.

2) In cases of permit noncompliance, the POTW should expedite compliance through a joint effort with the community serviced by the POTW so long as such efforts are consistent with Clean Water Act requirements and deadlines and EPA or State enforcement actions.

d. EPA Coordinator/Pretreatment Division

The Assistant Administrator for Water needs to pull together applicable Divisions of the Agency (e.g., Effluent Guidelines, Enforcement, Permits, etc.) in order to develop a consistent program. Because of its size and complexity there is a need for the Pretreatment Program to have its own high level coordinator reporting directly to the Assistant Administrator for Water, its own identity, and its own funding; otherwise it may continue to falter without adequate direction.

The Agency's assessment of the above recommendation (which was contained in the Interim Report to the Administrator), stated that the OWEP Director is currently the "manager" of the program and has requested

an FY 85 position to appoint a pretreatment coordinator to serve on her staff, and will act immediately upon approval of the position. The position description and duties of the coordinator were discussed with PIRT.

PIRT has examined this issue carefully and finds a need for further improvement. PIRT agrees that the OWEP Director is and should continue to "manage" the Pretreatment Program, and as a short term measure, should appoint a Pretreatment Coordinator to provide review and advice on all activities pertaining to the Pretreatment Program. This would include development of regulations, budget, legislation, guidance, policy, enforcement actions, studies, and other implementation activities.

The following examples illustrate the disparate EPA activities with respect to pretreatment:

Office of Water -	General Pretreatment Regulations
	Categorical Standards
	Water Quality Standards
	Construction Grants
Office of Solid Waste -	Sludge Disposal Requirements
	Hazardous Waste Requirements
Office of Air & Radiation -	POTW Air Emission Studies
Office of Research & Development -	Analytical Test Methods

Office of Enforcement and Compliance Monitoring -	Enforcement Actions (POTW) (Industrial Users)
EPA Regional Offices -	Pretreatment Implementation

However, in view of the pretreatment program's rough equivalence to the NPDES direct discharge program, and while an individual would represent a significant aid to pretreatment coordination, the Task Force recommends that the Office of Water Enforcement and Permits (OWEP) provide some reorganization to more fully address the issue. Within OWEP there is an Enforcement Division and a Permits Division. This is the same structure that existed before pretreatment became a major program. There should be a functional unit whose sole responsibility is pretreatment. This could be accomplished by reorganizing the two divisions to produce a Permits Division and a Pretreatment Division with the respective enforcement activities included. Implicit in the recommendation is the assumption that EPA will provide sufficient staff for a full pretreatment division.

PIRT believes this issue is most critical and recommends that the Agency institute the above changes or an equivalent alternative as soon as possible.

3. Delegation Issues

PIRT noted during its deliberations that, even though EPA can delegate primary responsibility for pretreatment program administration to States or POTWs, it was not entirely clear to all the members how these delegations affect the following determinations provided for in the general pretreatment regulations:

"categorical determinations" (40 CFR 403.6);

"net-gross" decisions with regard to specific discharge limitations (40 CFR 403.15); and

"sulfide waivers" (40 CFR 425.04).

Consequently, the PIRT reviewed these provisions and formulated the following recommendations.

a. Categorical Determinations

PIRT recommends that the provision for categorical determinations set forth in 40 CFR 403.6 should remain unchanged. PIRT bases this recommendation on the following:

1) Initial industrial categorical determinations are made by the POTW in conducting its user survey in preparation of its application for the pretreatment program approval (the POTW may revise and/or correct this classification if the original classification is erroneous or no longer applicable);

2) Requests for changes in categorical determinations can be made to State program directors who can make determinations [40 CFR 403.6(a)(1)];

3) While State determinations are to be submitted to EPA for a "final determination", EPA can waive receipt of these State determinations thus effectively authorizing States to make final determinations [40 CFR 403.6(f)(ii)]; and

4) As categorical determinations by EPA or States actually represent an appeal of the POTW's classification (or reclassification) of a facility, it would be inappropriate to delegate authority under this provision below State level.

PIRT believes that the authority to make categorical determinations is delegable to the States through operation of the regulations and by EPA's willingness to exercise waivers, in whole or in part, of State determinations. PIRT recommends that EPA should consider exercising the waiver as part of the pretreatment delegation process for each State. PIRT recommends that all final categorical determinations should be made within 60 days of the industrial user's submittal of a complete application to the State or EPA.

b. Net/Gross Determinations

PIRT believes that "net-gross" determinations can and should be made by the Control Authority, whether EPA, State or POTW. PIRT bases this recommendation on the following:

1) Net/gross determinations for direct dischargers are routinely made by the NPDES permit issuing authority which is the functional equivalent of the pretreatment Control Authority;

2) Net/gross determinations for indirect discharges is an activity that can be delegated to POTWs and States implementing the pretreatment program, provided that the EPA develop suitable guidance on making such determinations; and

3) The regulations appear to require that net/gross determinations be made only by the EPA "Enforcement Division Director", a position that no longer exists at the Regional level.

PIRT recommends that the present regulations be revised to allow pretreatment Control Authorities to make "net/gross" determinations, and that such determinations should be made within 60 days of request for such determination.

c. Sulfide Waiver Determinations

PIRT noted a difference in interpretation with regard to sulfide waivers. One interpretation sponsored by the Tanning industry is that 40 CFR 425.04 delegates full authority to POTWs to grant sulfide waivers. This interpretation limits EPA's authority solely to the act of providing Federal Register notice that a waiver was granted by a POTW. No role is provided for States. An alternative interpretation is that EPA and States (if this authority is delegable) can review the substance of a POTW decision to grant the waiver. The basis for this interpretation is that 40 CFR 425.04 requires POTWs to:

1) certify to EPA that the waiver meets the requirements of regulations; and

2) explain how it meets these requirements.

The requirement for an explanation strongly implies that EPA should review the POTW's decision; otherwise, requiring either an explanation or a justification for the waiver is useless. This interpretation is supported by the underlying development document.

Based upon these considerations, PIRT recommends that EPA reaffirm that EPA can and will review a POTW's proposal to grant a sulfide waiver for its substantive conformity with the regulations. The role of the State (whether approved or not) needs to be clarified and the State's views considered.

E. REGULATORY CHANGES

1. §403.3(i) Definition of Interference

In its decision of September 20, 1983, the U.S. Court of Appeals for the Third Circuit held that the definition of "interference" in §403.3(a) failed to require the showing of causation mandated by Congress in the Clean Water Act. The court remanded the entire definition of interference to the Administrator. The recommended definition below has been written to clearly establish the required causation. In addition, the three criteria illustrating "significant contribution" to a POTW permit violation have been dropped. PIRT felt that these criteria are neither inclusive of all possibilities nor necessarily accurate. The function of a listing of "significant contributing causes" is one of guidance. It can best be fulfilled if it is included instead in a separate guidance document, as previously recommended.

PIRT believes that EPA needs to issue a new definition of "interference" as soon as possible. It would be useful in the development of local limits. PIRT recommends that EPA propose and promulgate as soon as possible, through rule-making, the following definition of the term "interference":

> The term "interference" means an inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal which is a cause in whole or in part of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, and the Toxic Substances Control Act.

2. §403.3(n) Definition of Pass-Through

The Third Circuit held the §403.3(n) definition of "pass-through" to be invalid since it "was promulgated without the notice and comment required by the Administrative Procedures Act." The definition of "pass through" was remanded to the Administrator. Although the Court did not rule on the substance of the definition, "pass through" does require causation as does "interference". PIRT feels strongly that having a current valid definition of "pass through" is extremely important for the development of local limits. It is recommended that EPA propose and promulgate, through rulemaking, the following definition of the term "pass through":

The term "pass through" means the discharge of pollutants through the POTW into navigable waters in quantities or concentrations which are a cause in whole or in part of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

[Separate statement - M. Van Putten, T. Coxe: "Interference" and "Pass Through" should be defined differently for purposes of determining the need for local limits and for enforcing these general prohibitions against industrial users of POTWs. In the latter instance, it is appropriate to define these terms with respect to the POTW's NPDES permit effluent limitations. For determining the need for local limits, these terms should be defined more broadly to encompass an evaluatiom of potential adverse water quality impacts (e.g. use of EPA water quality criteria documents).]

3. §403.5 pH Variability

Most direct dischargers have permit limits on pH restricting the range from 6 to 9. EPA developed excursion language for direct dischargers in §401.17 based on an EPA technical study. The EPA study was predicated on looking at the reliability of control systems designed to meet standards for direct dischargers. Therefore, a direct application of the study findings may not be valid for a broader pH range. (§403.5(b)(2)(7) allows a lower limit of 5 and most ordinances allow a higher limit than 9.) However, PIRT recommends that the concept of §401.17 be used for indirect dischargers.

a. EPA should conduct a study to determine if there is a need to develop national standards for control of high pH discharges as it has for low pH. The study should consider the effect of pH on the sewers and the POTW's performance, not

just the limits of pH control systems. The study should take advantage of the wealth of information already available from POTWs.

b. PIRT recognizes that industrial users have pH excursions due to variations in their manufacturing process and/or pH control facilities, and that the deleterious effect of pH can be related to the duration of discharge. Because pH is one of the few parameters that can be measured on a continuous and instantaneous basis, PIRT recommends that the low pH requirement and, if appropriate, high pH requirement, consider the instantaneous variability as done in the development of 401.17.

c. The same kind of monitoring controls required in 401.17 should be considered for indirect dischargers.

The above study on pH requirements and monitoring should apply to all indirect dischargers.

4. Use of Spent Pickle Liquors for Phosphorus Removal at Publicly Owned Treatment Works

Spent pickle liquors (containing iron chlorides or iron sulfates) from steel finishing operations are used by many POTWs in the Great Lakes Region and other areas of the U.S. for phosphorus removal to meet phosphorus limits contained in a POTW NPDES permit. Analyses of pickle liquors used by the cities of Oshkosh, Racine, and the Milwaukee Metropolitan Sewerage District, Wisconsin, indicate that pickle liquors from these iron and steel operations contain high concentrations

of iron with substantially smaller amounts of other metals, the exception being pickle liquor from a galvanizing operation which contained extremely high levels of zinc and significant amounts of cadmium. Spent pickle liquors from other sources may vary significantly.

Typically, pickle liquors are added at the rate of one gallon to 10,000 gallons or more of wastewater at the POTW prior to final solids removal. The iron combines with phosphorous to form precipitates, which become part of the POTW sludge. In most cases, POTWs are given waste pickle liquor by industrial users, but in some cases the POTW purchases pickle liquor from industry. Pickle liquors appear to be subject to categorical standards, even if used by POTWs for phophorous removal Treating pickle liquor to meet categorical pretreatment standards would eliminate its beneficial use for phosphorous removal. At the Jones Island Treatment Plant (95 MGD) of the Milwaukee Metropolitan Sewerage District, a total of 2,900,000 gallons of pickle liquor was used in 1983. Value of product if replaced by ferric chloride (at $6.10 per hundred weight) would have been $385,000 in 1983.

EPA has already exempted spent pickle liquor reused by POTWs holding NPDES permits from the hazardous waste management regulations (40 CFR Part 261/Vol. 46, No. 173/August 8, 1981, p. 44973). In making this exemption EPA discussed the beneficial use of pickle liquor and estimated that 50 million gallons annually, or roughly 5 percent of the total amount generated nationally, was being reused in wastewater treatment.

PIRT recommends that POTWs continue to have the option to use spent pickle liquor as an inexpensive alternative to the purchase of commercial phosphorus removal chemicals (alum, ferric chloride, ferric sulfate, etc.) where appropriate. To exercise this option, the POTW should be required to keep records of the amounts of pickle liquor used, the supplier, and have test results indicating the pH and the amounts of iron and other metals and other chemicals which may be present. The test results would be used by the POTW to determine proper amounts to be added for optimum phosphorus removal and to assess the impacts, if any, of the use of pickle liquor on sludge disposal, treatment processes or pass through. If the use of pickle liquor is found to be interfering with sludge disposal, POTW processes or if it could cause water quality problems in the receiving water, then the POTW must be required to use

alternative phosphorus removal chemicals. Conditions regulating the POTW's use of pickle liquor, including testing and reporting requirements to assure quality control and proper protection of POTW processes, sludge quality and pass through, should be included as conditions in the POTW's NPDES permit.

PIRT recommends that EPA issue a rule setting procedures for allowing the beneficial use of waste pickle liquors by POTWs for phosphorus removal, where the POTW can demonstrate that such use will not result in interference, pass through or adversely affect sludge disposal.

5. §403.6 Criteria for New Source Determinations

Included in the NPDES regulations, but absent from pretreatment, are specific criteria for distinguishing between construction of a new source and modification of an existing source.

As with a direct discharger, proper classification of an indirect discharger is important because an existing source is subject to standards based on Best Available Technology level treatment, while a new source can be subject to more stringent standards. This distinction is based on the concept that a new facility has the opportunity to install the best and most efficient production processes and wastewater treatment technologies. The new source criteria are intended to ensure that all sources are properly classified.

To clarify the pretreatment regulations and to provide more consistency between the two regulations, this recommendation would incorporate most of the proposed NPDES new source criteria into pretreatment's "new source" definition. EPA should examine the problem of replacement facilities. Section 403.6 should be amended by adding a new paragraph (c), and redesignating the existing paragraph (c) as (d), existing paragraph (d) as (e), and existing paragraph (e) as (f):

Criteria for New Source Determination.

1) Except as otherwise provided in an applicable pretreatment standard for new sources, a source is a "new source" if it meets the definition of "new source" in §403.3(k), and

a) It is constructed at a site at which no other source is located; or

b) It totally replaces the process of production equipment that causes the discharge of pollutants at an existing source; or

c) Its processes are substantially independent of an existing source at the same site. In determining whether these processes are substantially

independent, the Control Authority shall consider such factors as the extent to which the production processes of the new facility are or normally would be independent of the existing plant; and the extent to which the new facility is engaged in the same general type of activity as the existing source.

2) A source meeting the requirements of paragraph c)(1)(a), (b), or (c) of this section is a new source only if a pretreatment standard for new sources under §403.3(k) is independently applicable to it. If there is no such independently applicable standard, the source is covered by applicable pretreatment standards for existing dischargers.

3) Construction of a new source as defined under §403.3(k) has commenced if the owner or operator has:

a) begun, or caused to begin, as part of a continuous on-site construction program:

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) Significant site preparation work including clearing, excavation or removal of existing building, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b) Entered a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractural obligation under this paragraph.

6. §413 Electroplating Categorical Standards

Currently, the electroplating categorical standards do not set limits on the discharge of chromium, copper, nickel, or zinc from existing plants discharging under 10,000 gpd. Some of these plants, namely captives and all new sources, will be regulated for these metals by the subsequent Metal Finishing Standards. However, for these four pollutants, existing job shops discharging less than 10,000 gpd will remain unregulated, except through local limits. The limited controls on these facilities resulted from the potential heavy economic impact of the regulations. Even though these plants discharge relatively low flows, PIRT feels that the potential magnitude of the environmental problem caused by them is great enough to require a change.

PIRT recommends that EPA examine its decision in developing the categorical standards which exempted certain small industrial users from all categorical requirements, to determine:

a. The effectiveness of control programs established by local limits; and

b. The need for removing these exemptions once local program impacts have been assessed.

7. State Rule Making

Under §403.10(g)(1)(iii), EPA has allowed certain States to assume pretreatment program responsibilities without first promulgating necessary implementing regulations. This has resulted in ineffective program implementation; therefore, PIRT recommends the following:

a. Delete §403.10(g)(1)(iii). This would require through §403.10(g)(1)(i) that applicable State regulations shall be effective at the time of approval of all future State Pretreatment Programs.

b. Until §403.10(g)(1)(iii) can be deleted, EPA should issue policy guidance to the Regional Offices to interpret this section very strictly.

c. In those cases where EPA has already given conditional approval to a State pretreatment program that did not have the required regulations in effect, the EPA Regional Offices should give high priority to requiring that the State promulgate the necessary State regulations.

8. §403.9 POTW Pretreatment Programs and/or Authorization to Revise Pretreatment Standards; Submission for Approval

A workable national pretreatment program requires that all parties have strict, yet workable, time limit requirements to complete their specific obligations. At present, there is no time limit for the Approval Authority's determination of the completeness of pretreatment program and removal credit applications. This has led to time delays which have been detrimental to the program as a whole. PIRT proposes to eliminate this gap through a change in the regulations.

Under subsection §403.9(e), there is no time limit to trigger the Approval Authority's duty of notification and public notice. The Approval Authority should have 60 days from the date of a POTW pretreatment program or removal credit application to determine whether the submission meets the requirements of paragraph (b) and, if appropriate, (d) of this section. To expedite this change in the interim, PIRT requests that the Administrator give the Regional Administrator a 60 day limit to determine the completeness of the submission for approval.

By providing a 60 day limit for review of completeness, the total time from submission to approval must be within approximately 175 days. Considering that the Agency is allowed only 90 days from submission to approval for State NPDES program approval (for direct dischargers), this time limit for pretreatment is definitely reasonable.

9. §403.11 Approval Procedures for POTW Pretreatment Programs and POTW Revision of Categorical Pretreatment Standards

The requirement in subsection (b) that a public notice be issued within 5 days after making a determination that a submission meets applicable requirements should be changed to 20 work days. In many cases, the Approval Authority's procedures do not allow the expeditious processing necessary to comply with the 5 day limit. A 20 work day limit can be met more easily and still will provide public notification soon after the determination has been made.

10. §403.12 Approved Sampling Techniques

Section 403.12(g) requires that sampling shall be performed in accordance with sampling techniques approved by the Administrator. EPA should provide guidance on approved sampling techniques. Additionally, §403.12(b)(5)(iii) specifies that "where feasible samples must be obtained through the flow-proportional composite sampling techniques specified in the applicable categorical Pretreatment Standard. Where composite sampling is not feasible,

a grab sample is acceptable." This requirement is misleading in that categorical Pretreatment Standards do not specify required sampling techniques. PIRT recommends that §403.12(b)(5)(iii) be expanded to allow time-proportional sampling where flow-proportional automatic sampling is not feasible. A time-proportioned sample is simply a collection of grab samples. Time-proportional samples, while not as accurate as flow-proportioned samples, are more representative of the daily discharge than the single grab sampling allowed in the existing language.

11. §403.12 Self-Monitoring vs. POTW Monitoring

Some POTWs have indicated that reports submitted by some industrial users are not reliable, and in fact some users would prefer that the POTW conduct the monitoring procedures (with appropriate user charges, as needed). Current Part 403 regulations are not clear on the issue of allowing POTWs to use their own surveillance monitoring data in lieu of Baseline Monitoring Reports [§403.12(b)] or self monitoring reports [§403.12(e)]. The Office of the General Counsel agrees that the regulations are not clear on this point. PIRT recommends changes in the language of §403.12 to clearly allow for POTW monitoring in lieu of self-monitoring.

12. Annual POTW Reports

An annual POTW report is needed as an essential element in allowing either the EPA or the approved State to oversee the POTW pretreatment program.

Although an annual POTW report is not called for in current Part 403 regulations, different formats have been circulated around the country and many Regions and States are already requiring a report through NPDES permits.

PIRT recommends that a standardized form for an Annual POTW report to the Approval Authority be prepared and EPA propose the outline as an amendment to Part 403. This would provide some basic uniformity among reports so that EPA can compile a national profile of the program.

13. §403.15 Net/Gross

A net/gross credit allows the subtraction of the initial concentration level of pollutants in the intake water to the industrial user from the concentration level in the effluent of the industrial user. The current regulation requires that an application for net/gross be made within 60 days of the effective date of the applicable categorical Pretreatment Standard. Among the reasons for abolishing this deadline are:

a. Influent water quality can change. Therefore an industrial user previously not requiring a net/gross modification, might subsequently need it.

b. An industrial user might have to obtain its influent water supply from a new source at some point in time after the 60 day limit had passed.

c. A plant might change certain of its processes, so that it needs net/gross credits, where it formerly had no need thereof.

d. Net/gross determinations involve additional sampling which is burdensome for industrial users to have to do based solely on the possibility that sometime in the future they might need the credit.

e. Treatment technology may need to be installed before a user could satisfy the demonstrations needed to receive a credit.

Therefore PIRT recommends that the deadline for application for intake pollutant credits be removed and replaced with a general requirement for "timely submittal." The Agency apparently already agreed to withdraw the time limit; the preamble to the General Pretreatment Regulations (40 CFR 403, January 28, 1981) provides:"... several commenters objected to the 60-day deadline for requesting a net/gross credit, noting that the consolidated permit regulations do not impose a similar constraint. These commenters pointed out that in many cases treatment technology would need to be installed before a user could satisfy the demonstrations needed to receive a credit. EPA agrees with this comment and accordingly has deleted the time limitation on applying for a net/gross credit." However, the pretreatment

regulations still have the 60-day limitation. PIRT recommends that the Agency replace the 60-day time limitation with a general requirement for a "timely submittal".

14. §403.15 Net/Gross Determinations

PIRT recommends that the present regulation be revised to allow pretreatment Control Authorities to make "net/gross" determinations. Further discussion of this issue was presented in D 3 on p. 55.

15. §403 Appendices B, C and D Must Be Updated

Appendices B (List of Toxic Pollutants), C (List of Industrial Categories Subject to Pretreatment Standards) and D (List of Selected Industrial Categories Exempted from Regulation) are out of date and should be amended.

Appendix B - List of Toxic Pollutants

The Agency has deleted the following three pollutants from the toxic pollutant list: Dichlorofluoromethane [50] and trichlorofluoromethane [49], 46 FR 79692 (January 8, 1981); and bis [chloromethyl] ether [17], 46 FR 10723 (February 4, 1981). The list of toxic organics in Appendix B should reflect these changes.

Appendix C - List of Industrial Categories Subject to Pretreatment Standards

The Agency should review the following comments and publish an accurate list in the Federal Register.

a. The names of certain categories have changed:

1) "Foundries" is now "Metal Molding and Casting"

2) "Mechanical Products" was combined with "Electroplating to become "Metal Finishing"

3) "Organic Chemicals Manufacturing" and "Plastics and Synthetic Materials Manufacturing have been combined to become "Organic Chemicals and Plastics and Synthetic Fibers Manufacturing"

4) "Paint and Ink Formulating" were promulgated as two categories "Paint Formulating" and "Ink Formulating"

5) "Plastics Processing" is now "Plastics Molding and Forming"

b. Additional categories with specific new source requirements for pretreatment are not listed:

Fertilizer

Ferroalloy

Glass

Asbestos

Paving and Roofing

Carbon Black

c. It appears that some of the following categories do not have pretreatment standards and therefore should be deleted from the list:

Adhesives and Sealants

Auto and Other Laundries

Explosives Manufacturing

Gum and Wood Chemicals

Photographic Equipment and Supplies

Printing and Publishing

Soap and Detergent Manufacturing

d. The following category is not listed but is scheduled for the development of pretreatment standards:

Nonferrous Metals Forming

Appendix D

Certain of the subcategories listed here have not been exempted under Paragraph 8 of the NRDC v. Costle Consent Decree. For example, the following listing under Electroplating should be totally deleted:

Alkaline Cleaning

Bright Dipping

Chemical Machining

Galvanizing

Immersion Plating

Iridite Dipping

Pickling

These operations are wastestreams which are regulated for toxic pollutants.

Minority Statement

The undersigned municipal and State members of the Task Force urge the Administrator of EPA to investigate legislative changes to the Clean Water Act in addition to administrative changes to enhance implementation of the pretreatment program.

In particular, we feel that an engineered approach local option should be made available in the Act as an alternative to dependence on National Categorical Pretreatment Standards. We wholeheartedly support the national thrust of the pretreatment program to protect water quality, protect plant operations, and to prevent sludge contamination. Therefore, such an option should only be available to those POTW systems that demonstrate the competence and the will to accomplish all the other program requirements as described in 40 CFR Part 403. This means that alternative programs will be approvable if they contain local limits based on sludge contamination, water quality protection, and prevention of interference. Our actual experience with successful programs that have achieved the above mentioned goals of the Act, prior to issuance of the categorical pretreatment standards, has convinced us that the engineered approach local option (based on locally developed standards) is more economical for POTWs and much less of an administrative burden. This position statement in no way is meant to detract from the consensus PIPT Final Report and we urge the Administrator to implement the report recommendations as soon as possible. (J. Olson, C. Strehl, G. Kurz, K. Goldstein)

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