



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 18 2007

OFFICE OF  
WATER

**MEMORANDUM**

**To:** Regional Division Directors

**From:** Linda Boornazian *Jendi Boornazian*  
Director, Water Permits Division

**Subject:** Oversight of SIUs Discharging to POTWs without Approved Pretreatment Programs

States and Regions report that, nationwide, more than 1,300 known categorical industrial users (CIUs) discharge to publicly owned treatment works (POTWs) without approved Pretreatment Programs.<sup>1</sup> In addition, States and Regions report the existence of at least 60 non-categorical significant industrial users (SIUs)<sup>2</sup> discharging to POTWs without approved programs. In the absence of an approved POTW Pretreatment Program, approved States or EPA Regions serve as the Control Authority for these CIUs and non-categorical SIUs.

In September 2004, EPA's Office of the Inspector General (OIG) evaluated the oversight of SIUs that discharge to POTWs without approved Pretreatment Programs. The OIG recommended that the Water Permits Division define standards for the oversight of these SIUs by State and Regional Control Authorities. This memorandum identifies these requirements (e.g., regulatory frequency of inspections and sampling, and other activities) and describes the oversight options for State and Regional Control Authorities.

**Regulatory Background**

The General Pretreatment Regulations at 40 CFR 403.10(f) define the required program elements for an approved State Pretreatment Program. When the EPA Region serves as both the

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<sup>1</sup> The figure excludes CIUs that discharge to POTWs in one of the five "403.10(e)" States, which have chosen to assume responsibility for implementing POTW Pretreatment Program requirements in lieu of requiring POTWs to establish local Pretreatment Programs.

<sup>2</sup> *Non-categorical* SIUs include SIUs that discharge an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling water, and boiler blow-down wastewater); contributes a process wastestream which makes up 5 percent of the hydraulic or organic capacity of the POTW treatment plan; or is designated as a SIU by the Control Authority. However, the Control Authority can determine that non-categorical industrial users that meet this definition are not SIUs if they have no reasonable potential to adversely affect the POTW's operation or to violate a pretreatment standard or requirement.

Pretreatment Approval Authority and as the Control Authority with respect to SIUs that discharge to POTWs without approved local Pretreatment Programs, EPA is obligated to carry out the same level of oversight that our regulations require of the States. The regulations (40 CFR 403.10(f)(2)(i)) specify that in the absence of a POTW Pretreatment Program, States with approved state Pretreatment Programs must have the procedures to carry out Control Authority oversight duties, which are listed in 40 CFR 403.8(f)(2):

- Identifying and characterizing all IUs in the jurisdiction;
- Notifying IUs of their obligations under the Pretreatment Program;
- Receiving and reviewing periodic and other reports from IUs;
- Randomly sampling and analyzing IUs, conducting surveillance activities (inspections), and evaluating the need for a slug control plan, inspecting, and sampling each SIU at least annually;
- Investigating and assessing compliance with applicable standards and requirements and taking enforcement action as necessary to remedy IU noncompliance;
- Complying with public participation requirements in the enforcement of national pretreatment standards, including annual public notification of IUs which were in Significant Noncompliance with applicable Pretreatment requirements during the previous 12 months.

### **IU Responsibilities**

The General Pretreatment Regulations establish general and specific prohibitions that apply to all nondomestic users (or IUs), including SIUs, that introduce pollutants into a POTW. The regulations also include reporting and other requirements necessary to implement Categorical Pretreatment Standards, which apply to IUs in certain industrial categories (i.e., CIUs). General Pretreatment Regulations addressing CIUs apply regardless of whether the receiving POTW implements an approved local Pretreatment Program (see 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N). In addition, CIUs are required, under 40 CFR 403.12, to submit the following to the Control Authority:

- A Baseline Monitoring Report (BMR) following the promulgation of a categorical standard (40 CFR 403.12(b))
- A Compliance Report (commonly called a “90-Day Compliance Report”) after the final compliance date specified in the categorical regulation<sup>3</sup> (40 CFR 403.12(b)).
- Periodic reports on compliance containing results of wastewater sampling and certifications for compliance with best management practices and other provisions.

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<sup>3</sup>Under 403.12(d), New Sources are required to submit 90-day compliance reports within 90 days from commencement of discharge.

These must be submitted at least twice per year (unless reduced to once per year by the Control Authority) (40 CFR 403.12(e)).

- Notices of potential problems, including slug loadings (40 CFR 403.12(f)), of changed discharge (40 CFR 403.12(j), and of discharges which, if disposed of otherwise, would be considered hazardous waste (40 CFR 403.12(p)).
- Notices regarding an “upset” (40 CFR 403.16).
- Notices regarding anticipated and unanticipated bypasses (40 CFR 403.17).

CIUs are also required to comply with recordkeeping requirements (40 CFR 403.12(o)). Regardless of whether they operate under a permit (or other control mechanism) and of specific notification by the EPA or State permitting authority, all IUs must comply with these pretreatment obligations which are intrinsic to their discharging activities.

### **Oversight Roles and Strategies, Resources, and Opportunities for Program Efficiencies**

The Control Authority has ultimate responsibility for implementing the oversight requirements for IUs; however, the actual role in carrying out these obligations might vary depending on partnerships established between the POTW and the State or Regional Control Authority.

National Pollutant Discharge Elimination System (NPDES) Permit Regulations facilitate both the identification and characterizing of IUs, by requiring a POTW to report existing IUs through the NPDES application process for its NPDES Permit (40 CFR 122.21(j)(6)(ii)) and to report new IUs through NPDES Permit special conditions (40 CFR 122.42(b)). Although the NPDES Permit Regulations at 40 CFR 122.3(c) specifically exclude EPA from issuing NPDES permits to IUs, States often have reserved this authority.

Appendix A summarizes potential approaches for oversight of SIUs when the POTW, State, and EPA Region serve as Control Authority. Appendix B outlines strategies that State and Regional Control Authorities can use to carry out these oversight roles. Appendix C identifies opportunities for improving pretreatment program efficiency as promulgated under the October 2005 Pretreatment Streamlining rule revisions. For both State and EPA Regional Control Authorities, the General Pretreatment Regulations include provisions that might make SIU oversight less burdensome. Appendix D estimates the number of IUs, by State and EPA Region, as recently reported by Regions for Government Performance and Results Act (GPRA) purposes.

### **Conclusion and Action Items**

Consistent with OIG’s recommendation that EPA address the oversight of these SIUs by State and EPA Regional Control Authorities, I am asking that each Region commit to the implementation strategies referenced in this memorandum. In addition, we are asking you to work with States in your Regions to assess current oversight efforts, to commit to the minimum oversight activities described in this memorandum, and to ensure that the appropriate NPDES and Pretreatment Program staffs collaborate to ensure that the appropriate permit requirements are addressed accordingly. For each approved Pretreatment Program state in your region, please

review the procedures in the state approved program to ensure that they meet the terms of the regulations and assess the state's progress in completing the oversight activities.

If you have any questions, please feel free to contact me or Jan Pickrel of my staff at (202) 564-7904.

cc: EPA NPDES Program Managers  
EPA Regional Pretreatment Coordinators

**Appendix A  
Local, State, and Federal Roles**

Activity	Role		
	POTW Pretreatment Program*  40 CFR 403.8(f) 40 CFR 403.10(e)	Approved State as the Control Authority**  40 CFR 403.10(f)(2)(i)	EPA Region as the Control Authority**
Identify IUs subject to Pretreatment Program  403.8(f)(2)(i) 403.12(b) & (e)	POTW	Approved State -- information from POTW NPDES application and BMR (403.12(b))	Regional CA --information from POTW NPDES application and BMR (403.12(b))
Characterize IUs subject to Pretreatment Program  403.8(f)(2)(ii)	POTW	Approved State (information from POTW NPDES application and inspections)	Regional CA (information from POTW NPDES application and inspections)
Notify IUs of obligations  403.8(f)(2)(iii)	POTW (thru control mechanism)	Approved State (usually thru control mechanism)	Regional CA (e.g., thru notification letter)
Receive and review IU reports  403.8(f)(2)(iv) 403.12(e)	POTW	Approved State -- may share responsibility through partnership with POTW	Regional CA State -- may share responsibility with POTW
Sample & inspect  403.8(f)(2)(v)	POTW	Approved State (either directly or through internal monitoring points required in POTW NPDES permit)	Regional CA (either directly or through internal monitoring points required in POTW NPDES permit)
Evaluate SIUs for control of Slug Discharges  403.8(f)(2)(vi)	POTW	Approved State -- may share responsibility through partnership with POTW	Regional CA -- may share responsibility through partnership with POTW, state
Assess compliance & take enforcement steps to remedy noncompliance  403.8(f)(2)(vii)	POTW, State, or EPA, depending on compliance issue	Approved State or EPA, depending on compliance issue	EPA -- depending on compliance issue, may be coordinated with POTW, state
Comply with public participation requirements  403.8(f)(2)(viii)	POTW	Approved State	Regional CA

\* POTW Pretreatment Programs are not discussed in this memorandum. This column is provided for comparison.

\*\* In some cases, State or Regional Control Authorities can delegate some of these responsibilities to the POTW through NPDES permit requirements. However, the State or Regional Control Authority retains ultimate oversight responsibility.

## Appendix B

### Notification Strategies for State and Regional Control Authority Oversight Roles

#### *I. Notification Strategies for State Control Authorities*

*A. States that choose to act as the Control Authority in lieu of requiring POTW Pretreatment Programs must issue permits (or other control mechanisms) to all SIUs in their State. This responsibility is provided in 40 CFR 403.10(e), which states, “Notwithstanding the provision §403.8(a),<sup>4</sup> a State with an approved Pretreatment Program may assume responsibility for implementing the POTW Pretreatment Program requirements set forth in §403.8(f) in lieu of requiring the POTW to develop a Pretreatment Program.” Five States are recognized as implementing the Pretreatment Program through direct oversight of industrial users (Connecticut, Vermont, Alabama, Mississippi, and Nebraska). As noted above, this memorandum does not address implementation of the Pretreatment Program in these five “403.10(e)” States because SIUs in these States were not the focus of the OIG report.*

#### *B. An approved State acting as the control authority*

*An approved State acting as the control authority may issue SIU permits (or other control mechanisms). EPA’s Office of General Council has held that 40 CFR 403.10(f)(1) requires any approved State to have procedures for notifying and taking enforcement action on industrial users that discharge to POTWs without approved Pretreatment Programs, not specifying the means by which the “control” is accomplished. Several States issue State permits to SIUs that discharge to POTWs without approved Pretreatment Programs. Where State-issued permits (or similar control mechanisms) are an option, their issuance would be an effective means of notifying SIUs of their obligations and of requiring the SIU to take other measures to prevent pass through or interference at the POTW.*

*In lieu of issuing permits, approved State Pretreatment Programs could notify SIUs of their obligations using information packets or letters issued to SIUs. However, these methods may not allow Control Authorities to impose Pretreatment requirements that are not specified in the Categorical guideline or in 40 CFR Part 403, or be fully enforceable. Another downside of using this approach is that information provided in the packet may appear to be a voluntary program (even though CIUs are required to comply with regardless of whether they are covered by a permit).*

State Control Authorities must also identify SIUs (e.g., through NPDES permit applications or reporting requirements), receive and review reports, conduct inspections and sampling, review

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<sup>4</sup> Section 403.8(a) of the General Pretreatment Regulations indicates States that any POTW (or combination of treatment plants operated by the same authority) with a total design flow greater than 5 million gallons per day (MGD) and with SIUs must establish a local Pretreatment Program, *unless the NPDES State exercises its option to assume local responsibilities as provided for in 40 CFR 403.10(e).*

compliance and conduct enforcement activities as needed, and meet public education requirements.

## ***II. Notification Strategies for EPA as Regional Control Authorities***

*The Clean Water Act does not authorize EPA to issue permits to industrial users.* In addition, the NPDES Permit Regulations at 40 CFR 122.3(c) specifically exclude EPA from requiring NPDES permits for IUs. As noted above, however, SIUs are required to comply with general and specific prohibitions, applicable categorical standards, and applicable reporting requirements in 40 CFR 403.12 regardless of whether they have permits or other control mechanisms.

*SIU obligations can be summarized in an “information packet” or other similar letter from the EPA Regional Control Authority.* (This fulfills the Control Authority’s responsibility to notify the SIU of its obligations). The information packet or letter should identify applicable Categorical Pretreatment Standards and describe the SIUs’ obligations to comply with these Categorical Standards; submit BMRs, “90-Day Compliance Reports,” and periodic reports; and provide required notifications. (SIU responsibilities are summarized on Page 3 of this memorandum.)

Because information packets do not allow Control Authorities to impose pretreatment requirements not required in the categorical guideline, this oversight strategy may be a less effective means of controlling *non-categorical* SIUs (e.g., the Regional Control Authority cannot establish and enforce local discharge limits through an information package). If an EPA Regional Control Authority feels that local limits or other requirements are necessary to prevent the SIU from adversely affecting the POTW’s operation or violating a pretreatment standard or requirement, the EPA Region should consider working with the POTW to establish a Pretreatment Program under 40 CFR Part 403. (In some cases, local authorities may also authority to control discharges from SIUs outside the national Pretreatment Program.)

*EPA Regional Control Authorities should coordinate with the NPDES Permitting Authority to identify SIUs.* POTWs must include on their NPDES permit applications the name and address of each SIU, a description of the industrial processes and principal products and raw materials that affect or contribute to the SIU’s discharge, and the average daily volume of process and non-process wastewater discharged. POTWs must also identify whether each SIU is subject to local limits or Categorical Pretreatment Standards (and, if so, under which category) and whether the SIU has contributed to problems at the POTW in the past four and one-half years (40 CFR 122.21(j)(6)(ii)). In addition, a POTW’s NPDES permit must require the POTW to notify the NPDES permitting authority of any new discharge to the POTW that would be subject to Pretreatment Standards and any substantial changes in pollutant volume or character being introduced to the POTW (40 CFR 122.42(b)).

When the State, Tribe, or Territory lacks NPDES Program authority, EPA Regional Control Authority staff should coordinate with the Regional permitting staff to ensure that the Pretreatment Program staff is receiving information from POTW NPDES permit applications, that the POTW NPDES permits are properly conditioned, and that information reported by

POTWs for such NPDES permit conditions is provided to Pretreatment Program staff on a timely basis. When EPA Regions serve as Control Authority for SIUs in NPDES States, EPA Regions need to coordinate with the State permitting authorities to ensure timely receipt of this Pretreatment Program information and to ensure that NPDES permits are properly conditioned.

*EPA Regional Control Authorities can use their authority under Section 308 of the Clean Water Act to request information to assess “whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance.”* Such requests, often called “Section 308 letters,” are useful tools to help EPA Regional staff collect information from SIUs or compel SIUs to submit to inspections. Section 308 letters are most appropriate as reactive enforcement tools, not oversight or proactive compliance tools. However, Section 308 letters may be useful in conjunction with information packets.

EPA will share a sample information packet to facilitate Regional implementation of this approach.



## Appendix C

### Opportunities for Program Efficiencies via Pretreatment Program Streamlining Rule Provisions

For both State and EPA Regional Control Authorities, the General Pretreatment Regulations include provisions that might make SIU oversight less burdensome. Many of these flexibilities were introduced in the Pretreatment Streamlining Rule (70 FR 60134, October 14, 2005).

***Designating CIUs as NSCIUs.*** The Pretreatment Streamlining Rule authorizes a Control Authority to reduce certain of its oversight responsibilities and sampling and inspection requirements “non-significant Categorical Industrial User” (40 CFR 403.3(v)(2)). The Control Authority may determine that a CIU is “non significant” if the IU never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard). In addition, the IU, prior to Control Authority’s finding, must have consistently complied with all applicable Categorical Pretreatment Standards and requirements, and it must never discharge untreated concentrated wastewater. NSCIUs must submit an annual certification. Control authorities must review this certification, but other oversight obligations are significantly reduced. (A NSCIU designation does not in any way relieve the affected CIU of the duty to comply with the applicable Categorical Pretreatment Standards and other pretreatment requirements.)

***Designating CIUs as “Middle-Tier” CIUs.*** An Industrial User may be considered a “Middle Tier” CIU if its discharge of categorical wastewater does not exceed the following:

- 0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gpd, whichever is smaller.
- 0.01 percent of the design dry weather organic treatment capacity of the POTW.
- 0.01 percent of the maximum allowable headworks loading for any pollutant for which approved local limits were developed by a POTW.

The Control Authority may reduce the required periodic monitoring report for Middle Tier CIUs from a minimum of twice per year to a minimum of once per year (if the one sample is representative of discharge conditions during reporting period) (40 CFR 403.12(e)(3)). In addition, the Control Authority may reduce inspections to once per year (40 CFR 403.8(f)(2)(v)(C)).

***Designating non-categorical SIUs as not significant.*** If a State or EPA Regional Control Authority determines that a non-categorical SIU has no reasonable potential to adversely affect the POTW’s operation or to violate a pretreatment standard or requirement, the Control Authority can deem the user as not significant (see 40 CFR 403.3(v)(3)). This provision applies to IUs that are not subject to Categorical Pretreatment Standards, but that meet the definition of a

SIU because they discharge an average of 25,000 gallons per day or more of process wastewater to the POTW or contribute a process wastestream that makes up 5 percent of the hydraulic or organic capacity of the POTW treatment plan.

***General permits (applies to State Control Authorities, but not EPA Regional Control Authorities).*** Many approved NPDES States already issue “general [NPDES] permits” to some of their direct dischargers. General permits are typically issued to multiple facilities within the same category or geographic area that have common elements, such as the same effluent limits or standards and the same monitoring requirements. Issuing a general permit for multiple facilities ensures consistency of permit conditions for similar facilities without expending the time and effort necessary to issue an individual permit to each of these facilities.

The Streamlining Rule clarifies that POTWs (or an approved State operating as the Control Authority in lieu of an approved POTW) may use general control mechanisms, such as general permits, to regulate the activities of groups of SIUs (40 CFR 403.8(f)(1)(iii)(A)). SIUs that wish to seek coverage under a general permit must submit a request for coverage (similar to the Notices of Intent (NOIs) required by the NPDES General Permit Program). The regulations identify the conditions under which facilities can be covered by a general permit. In short, SIUs that are subject to the same concentration-based standards and best management practices may be included in a general permit. Facilities that are regulated by categorical standards expressed as production-based limits cannot receive coverage under a general permit. States can therefore write general permit(s) to cover SIUs that discharge to POTWs that do not have approved Pretreatment Programs.

General permits could be less burdensome for a State that has a large number of SIUs subject to the same effluent guideline, for which the State would otherwise have to write individual permits. General permits ensure the direct notification of applicable categorical standards to the identified SIUs. However, if the State or EPA Region lacks necessary information on POTW treatment challenges, any need to address site-specific considerations (e.g. local limits, slug control plans) may go unheeded. State Pretreatment regulations may need to be revised to include provisions for general permits. This process may be more burdensome than issuing individual permits to a small number of SIUs.

The workload savings (compared with issuing individual control mechanisms) depends on the number of SIUs. Exact savings are difficult to estimate because there is no historical data for Pretreatment general permit-workload. Initial assumptions, based on other programs’ general permit experience, are that the burden for general permits is approximately equal to the burden for developing individual control mechanisms and that the cost of reviewing SIUs’ requests for coverage (“NOIs”) would be approximately one-half hour per user. Given these assumptions, the difference in burden is shown on Exhibit 1.

**Exhibit 1. Possible Savings Resulting from the Issuance of General Permits**

<b>Number of SIUs</b>	<b>Annual Permit Issuance Burden, Assuming Individual Control Mechanisms</b>	<b>Annual Issuance Burden, Assuming General Control Mechanisms</b>	<b>Annual Savings</b>
5	20 (20 hrs per permit times 5 permits over 5 years)	4.5 (20 hrs. per gen. permit over 5 years + .5 hrs for each of 5 NOIs over 5 yrs)	15.5 hrs. per year (or 3.1 hours per SIU)
10	40 (20 hrs per permit times 10 permits over 5 years)	5 (20 hrs. per gen. permit over 5 years + .5 hrs for each of 10 NOIs over 5 yrs)	35 hrs. per year (or 3.5 hours per SIU)
20	80 (20 hrs per permit times 10 permits over 5 years)	6 (20 hrs. per gen. permit over 5 years + .5 hrs for each of 10 NOIs over 5 yrs)	74 hrs. per year (or 3.7 hours per SIU)

Source: Based on permit develop estimates in *Revision to the Information Collection Request for the National Pretreatment Program*, September 2005 (OMB No. 2040-0009, EPA ICR No. 0002.12).

**POTW “Mini-Programs.”** In this memorandum, the term “pretreatment mini-program” is used to refer to any mechanism that delegates traditional Pretreatment Program responsibilities to a POTW that does not have an approved Pretreatment Program under 40 CFR 403.10. In all cases, it is assumed that NPDES permit writers will incorporate mini-program responsibilities into POTWs’ NPDES permits. (Permit requirements or other legally binding agreements are necessary to ensure that the approved State or EPA Region, acting as the official “Control Authority,” has established procedures to carry out the duties to oversee the SIUs.) In addition to NPDES permit requirements, local jurisdictions might issue local ordinances that authorize the city to implement some or all Pretreatment Program responsibilities.

“Mini-programs” delegate most SIU oversight responsibilities to the POTW. For example, in some circumstances NPDES permit authorities can set limits on internal wastestreams in POTWs’ permits and establish “internal monitoring points” (see 40 CFR 122.44(i)(1)(iii) and 122.45(i)).<sup>5</sup> The NPDES permit language could require the POTW to perform monitoring at various points in its collection system, including points at which SIUs contribute to the collection system.

Mini-programs have an advantage over State- or EPA-run SIU oversight programs in that the mini-programs give an active role to the POTW, which likely has a better knowledge of the SIU and an understanding of the treatment challenges facing the POTW. However, the approved State or EPA Region is the ultimate Control Authority and must take careful steps to clarify POTW vs. Control Authority responsibilities as well as SIU compliance responsibilities.

<sup>5</sup> Section 122.45(i) on internal wastestreams states that: “When permit effluent limitations or standards imposed at the point of discharge are impractical or infeasible, effluent limitations or standards for discharges of pollutants may be imposed on internal waste streams before mixing with other waste streams or cooling water streams.” In those instances, the monitoring required by §12.48 shall also be applied to the internal waste streams.

## Appendix D

### SIUs Discharging to POTWs without Approved Pretreatment Programs

State	Pretreatment Program Authority?	SIUs in Non-PT POTWs		
		Categorical SIUs (CIUs) <sup>(1)</sup>	Non-Categorical SIUs <sup>(2)</sup>	Total
<b>REGION 1</b>				
CT <sup>(3)</sup>	Yes (403.10(e))			
MA	Yes	13	8	21
ME	No	8	13	21
NH	No	22	6	28
RI	Yes	1	0	1
VT <sup>(3)</sup>	Yes (403.10(e))			
<b>Subtotal PT States in R1</b>		<b>14</b>	<b>8</b>	<b>22</b>
<b>Subtotal R1 for Non-PT States</b>		<b>30</b>	<b>19</b>	<b>49</b>
<b>REGION 2</b>				
NJ	Yes	30	0	30
NY	No	41	0	41
PR	No	0	0	0
VI	No	0	0	0
<b>Subtotal PT States in R2</b>		<b>30</b>	<b>0</b>	<b>30</b>
<b>Subtotal R2 for Non-PT States</b>		<b>41</b>	<b>0</b>	<b>41</b>
<b>REGION 3</b>				
DC	No	0	0	0
DE	No	2	0	2
MD	Yes	4	0	4
PA	No	43	0	43
VA	Yes	10	0	10
WV	Yes	11	36	47
<b>Subtotal PT States in R3</b>		<b>25</b>	<b>36</b>	<b>61</b>
<b>Subtotal R3 for Non-PT States</b>		<b>45</b>	<b>0</b>	<b>45</b>
<b>REGION 4 <sup>(4)</sup></b>				
AL <sup>(3)</sup>	Yes (403.10(e))			
FL	Yes	0	0	0
GA	Yes	26	0	26
KY	Yes	0	0	0
MS <sup>(3)</sup>	Yes (403.10(e))			
NC	Yes	1	0	1
SC	Yes	0	0	0
TN	Yes	0	0	0
<b>Subtotal PT States in R4</b>		<b>27</b>	<b>0</b>	<b>27</b>
<b>Subtotal R4 for Non-PT States</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>REGION 5</b>				
IL	No	78	0	78
IN	No	180	0	180
MI	Yes	100	0	100
MN	Yes	64	0	64
OH	Yes	174	0	174
WI	Yes	165	0	165
<b>Subtotal PT States in R5</b>		<b>503</b>	<b>0</b>	<b>503</b>
<b>Subtotal R5 for Non-PT States</b>		<b>258</b>	<b>0</b>	<b>258</b>

State	Pretreatment Program Authority?	SIUs in Non-PT POTWs		
		Categorical SIUs (CIUs) <sup>(1)</sup>	Non-Categorical SIUs <sup>(2)</sup>	Total
<b>REGION 6</b>				
AR	Yes	29	0	29
LA	Yes	10	0	10
NM	No	8	0	8
OK	Yes	27	0	27
TX	Yes	34	0	34
<b>Subtotal PT States in R6</b>		<b>100</b>	<b>0</b>	<b>100</b>
<b>Subtotal R6 for Non-PT States</b>		<b>8</b>	<b>0</b>	<b>8</b>
<b>REGION 7</b>				
IA	Yes	57	0	57
KS	No	48	0	48
MO	Yes	42	0	42
NE <sup>(5)</sup>	Yes (403.10(e))			
<b>Subtotal PT States in R7</b>		<b>99</b>	<b>0</b>	<b>99</b>
<b>Subtotal R7 for Non-PT States</b>		<b>48</b>	<b>0</b>	<b>48</b>
<b>REGION 8</b>				
CO	No	10	0	10
MT	No	1	0	1
ND	No	9	0	9
SD	Yes	20	0	20
UT	Yes	0	0	0
WY	No	2	0	2
<b>Subtotal PT States in R8</b>		<b>20</b>	<b>0</b>	<b>20</b>
<b>Subtotal R8 for Non-PT States</b>		<b>22</b>	<b>0</b>	<b>22</b>
<b>REGION 9</b>				
AS	No	0	0	0
AZ	Yes	1	0	1
CA	Yes	5	0	5
GU	No	0	0	0
HI	Yes	0	0	0
NV	No	0	0	0
<b>Subtotal PT States in R9</b>		<b>6</b>	<b>0</b>	<b>6</b>
<b>Subtotal R9 for Non-PT States</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>REGION 10 <sup>(5)</sup></b>				
AK	No	1	0	1
ID	No	3	0	3
OR	Yes		0	0
WA	Yes	35	0	35
<b>Subtotal PT States in R10</b>		<b>35</b>	<b>0</b>	<b>35</b>
<b>Subtotal R10 for Non-PT States</b>		<b>4</b>	<b>0</b>	<b>4</b>
<b>Subtotal, State CAs</b>		<b>859</b>	<b>44</b>	<b>903</b>
<b>Subtotal, EPA Regional CAs</b>		<b>456</b>	<b>19</b>	<b>475</b>
<b>GRAND TOTAL</b>		<b>1,315</b>	<b>63</b>	<b>1,378</b>

## **Appendix D (continued)**

Notes:

1. CIU data are the GPRA June 2006 data (PAM 63b), unless otherwise noted.
2. Non-categorical SIU data are from PCS (February 2003) as adjusted per EPA Regional comments in the Spring of 2003. They were collected for the Pretreatment Program ICR. The number of non-categorical SIUs are assumed to equal the total number of SIUs minus the number CIUs (as reported in 2003).
3. SIUs in 403.10(e) states are not included in this analysis because SIUs in these States were not the focus of the OIG report.
4. CIU data for Region 4 are from the GPRA January 2006 data (PAM 63b). State-by-state estimates for Region 4 are not available in the June 2006 GPRA data.
5. For Region 10, CIU data for Alaska and Idaho are from the GPRA January 2006 data (PAM 63b). The estimate for Washington reflects the total number of CIUs reported in the June 2006 GRPA data (39) minus the January 2006 estimates for Idaho and Alaska.