



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

OFFICE OF  
WATER

**MEMORANDUM**

SUBJECT: Baseline Monitoring Report Requirements for Pesticide Formulating, Packaging and Repackaging Facilities

FROM: Shejla Frace, Acting Director *Shejla E. Frace*  
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TO: Water Management Division Directors (Region 1-10)

**Background**

The Pesticide Formulating, Packaging and Repackaging (PFPR) final effluent guidelines and pretreatment standards were published in the Federal Register on November 6, 1996 (61 FR 57518) and became effective on January 6, 1997. The pretreatment regulations at 40 CFR 403.12(b) require PFPR facilities discharging to Publicly Owned Treatment Works (POTWs) to submit a Baseline Monitoring Report (BMR) within 180 days of the effective date of the rule (July 7, 1997). One of the requirements of the BMR is for the facility to "submit the results of sampling and analysis identifying the nature and concentration ... of regulated pollutants in the Discharge from each regulated process."

The final PFPR regulation provides PFPR facilities a choice between zero discharge and a pollution prevention (P2) compliance alternative (referred to as the "P2 Alternative"). The P2 Alternative measures compliance against a set of pollution prevention, recycle and reuse practices as well as the demonstration of "well operated and maintained" treatment system. The P2 Alternative does not include numerical standards for pesticide active ingredients (PAIs) that are within the scope of the regulation; and therefore, does not specifically include monitoring requirements.

**Issues**

The PFPR rule is the first rule of its kind to include a P2 compliance alternative. For this reason the BMR requirements in 40 CFR 403.12 do not directly address a situation where compliance is measured through a P2 Alternative rather than a numerical standard and corresponding monitoring.

Recently, industry representatives, state coordinators, and POTW pretreatment personnel have requested guidance on how to comply with the BMR requirements for those facilities choosing the P2 Alternative.

We recognize that in order to address this situation, ultimately, the regulation requiring submittal of the BMR (403.12(b)) will need to be modified. We plan to make these modifications as part of the larger streamlining initiative that is currently underway. However, such modifications will not be finalized prior to the BMR submittal date of July 7, 1997.

We have developed the following guidance in order to assist these facilities prior to the modification of the Pretreatment Regulations.

### **Guidance**

In order to comply with the requirements of 40 CFR 403.12(b)(5), an Industrial User (IU) subject to the PFPR pretreatment standards (40 CFR 455), should submit a BMR containing the following: (1) information on the sampling and analysis of priority pollutants (see 40 CFR 423, Appendix A); (2) identification of PAI(s) which the IU expects to have in the discharge in the next 12 months; and (3) a list of the P2 practices, if any, the IU currently engages in which affect the discharge of PAIs and priority pollutants. Note that the IU must still comply with the other sections of 403.12(b).

For additional information, contact Shari Zuskin at (202) 260-7130 or Patrick Bradley at (202) 260-6963.

cc: Regional Pretreatment Coordinators (Region 1-10)  
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