

WEF/AMSA PRETREATMENT STREAMLINING WORKSHOP *FINAL REPORT*

EXECUTIVE SUMMARY

This report presents the results of the Water Environment Federation (WEF) and the Association of Metropolitan Sewerage Agencies (AMSA) Pretreatment Streamlining Workshop, which was held August 10-14, 1996 at the Xerox Document University in Leesburg, Virginia. The goal of the workshop was to discuss and provide pretreatment streamlining and reinvention recommendations for the National Pretreatment Program. EPA first promulgated the pretreatment regulations in 1978, with amendments in 1981, 1988 and 1990. In concert with the National Categorical Pretreatment Standards, the National Pretreatment Program has been very successful in achieving significant reductions in pollutant loadings to Publicly Owned Treatment Works (POTWs) and to the environment. The focus of the pretreatment regulations was on procedural aspects of regulating industrial sources rather than environmental results, largely because of the lack of a direct link to environmental endpoints, such as water quality-based effluent limits, technically-based industrial discharge limits (local limits), and biosolids standards.

Practitioners have gained a wealth of experience in implementing pretreatment programs under the existing regulations and, despite its successes, some believe it is time to modify the program from its historical approach to one that:

- ☐ Provides greater focus on the collection, evaluation and application of environmental data to assess and attain environmental results;
- ☐ Provides flexibility and stimulates innovation; and
- ☐ Targets scarce resources to address environmental problems and solutions.

These same themes form the basis for a variety of ongoing federal initiatives to streamline or reinvent existing regulatory programs. The goals of these initiatives are to provide greater flexibility, reduce burdens and achieve greater environmental results at less cost.

The Pretreatment Streamlining Workshop was held to explore pretreatment program streamlining and reinvention opportunities, and to develop short-term recommendations that could be accomplished by making changes to the General Pretreatment Regulations within the existing statutory framework of the Clean Water Act. The workshop participants also explored broad-based reinvention options.

The workshop was unique in that organizations external to EPA created a consensus-based, collaborative decision-making process that was organized and executed in a three-month time frame. Participation was by invitation only for a small group of pretreatment experts representing a broad range of stakeholder interests, including environmental organizations, industry, large and small POTWs, states, EPA and consultants. These discussions were

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conducted in the context of other ongoing pretreatment streamlining efforts including EPA's National Water Program Agenda for the Future: 1996-1997, EPA's June 1996 Report on Environmental Indicators of Water Quality in the United States, EPA's May 1996 Pretreatment Streamlining Issue Papers, EPA's July 1996 Pretreatment Program Modification Proposal, and AMSA's Pretreatment Performance Measures Study (in progress).

Pretreatment Streamlining Recommendations

One series of recommendations dealt with streamlining administrative and technical aspects of the pretreatment program, and focused on requirements that are most in need of change because they neither measure nor promote the goals of the pretreatment program. These recommendations emphasize the need to return control and discretion on how to run programs to POTWs (e.g., local control authorities) by providing greater flexibility for procedures and requirements. The recommendations also reduce technical and administrative burdens for all stakeholders without jeopardizing the intent of the National Pretreatment Program; namely, to achieve and maintain water and biosolids quality, and to protect the public and worker health and safety. Specific recommendations are provided for such issues as:

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| ☐ Industrial user compliance | ☐ Sampling |
| ☐ Significant industrial user | ☐ Application of limits |
| ☐ Significant noncompliance | ☐ Control mechanisms |
| ☐ Program modifications | |

Pretreatment Reinvention Recommendations

Another series of recommendations describe a fundamentally new and different approach for achieving environmental objectives. This new approach allows for local pretreatment programs to be reinvented to optimize resources by providing flexibility and allowing for greater local control, while still providing for direct accountability. The envisioned program would consist of three tiers that build on the administrative and technical streamlining changes proposed in the previously described recommendations, and would provide options for POTWs that want to pursue more innovative and results-oriented approaches to pretreatment and environmental protection. The three tiers consist of: (1) a streamlined-traditional pretreatment program approach; (2) a performance approach that provides a POTW with some relief for programmatic pretreatment requirements and evaluates the accomplishments of the program based on a series of designated performance-based measures; and (3) a watershed performance approach that allows a POTW to create its own pretreatment program that is integrated into a comprehensive environmental monitoring and performance measures program that has been agreed upon by all stakeholders. The key components of the reinvention recommendations move toward:

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| ☐ Comprehensive environmental monitoring | ☐ Watershed management |
| ☐ Environmental targets/endpoints | ☐ Integration with other regulatory programs |
| ☐ Stakeholder involvement | |

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More work is needed to identify specific ways to implement this recommended approach from a concept to a pilot or project plan. For example, these program reinvention concepts can be incorporated into the findings of AMSA's Pretreatment Performance Measures Study. It will also be necessary to determine how environmental assessment methods and decisions will fit into these approaches and what the best implementation mechanisms might be. As might be expected, the reinvention recommendations would require regulatory and possibly statutory changes to effectuate.

Comparison of Workshop Recommendations With EPA Pretreatment Streamlining Actions

Finally, many of the recommendations directly relate to EPA's May 1996 Pretreatment Streamlining Issue Papers and the July 1996 Pretreatment Program Modification Proposal. A comparison of the workshop recommendations and EPA's streamlining initiatives is presented in the following summary table.

Table 1 - Comparison of Workshop Recommendations and EPA Streamlining Actions		
Topic	Workshop Recommendations	EPA Recommended Action
POTW's Responsibility to Notify Industrial Users (IUs) of RCRA Requirements	1. Limit the notification only to SIUs. 2. Eliminate the requirement from the 40 CFR 403 regulations.	1. Not currently addressed. 2. Not currently addressed.
Significant Industrial User (SIU) Definition and Oversight of SIUs	1. Revise to allow Control Authorities to exempt both categorical and noncategorical from the SIU definition based on a finding that there is no reasonable potential to adversely affect the POTW or violate requirements. 2. Allow Control Authorities to inspect SIUs on an annual basis and conduct compliance sampling at the discretion of the Control Authority, if certain criteria are met.	1. Not currently addressed. 2. Issue #4 - Bi-annual SIU inspections for facilities that never discharge concentrated wastes, are able to comply with standards without dilution, or are only subject to certification requirements.
Permitting Industrial	1. Clarify that best management	1. Not currently addressed.

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Table 1 - Comparison of Workshop Recommendations and EPA Streamlining Actions		
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Users	practices qualify as permit standards under the pretreatment program. 2. Allow general permits in the pretreatment program.	2. Not currently addressed.
Definition of De Minimis Categorical Industrial User (CIU)	Create a new definition for "de minimis CIU" through consideration of existing and future effluent guidelines and amendments where appropriate.	Not currently addressed.
Pretreatment Program Implementation and Modification	Allow for direct implementation of 40 CFR 403 through incorporation by reference in the NPDES permit and eliminate program modification process.	July 1996 Proposed Amendments - limit substantial modifications to the POTW's legal authority and local limits that relax requirements; substantial modifications would be implemented after only one public notice provided that no substantive comments are received.
Significant Noncompliance (SNC)	1. Control Authority should have flexibility to determine if reporting violations should be classified as SNC. 2. EPA should seek public comment and consider revisions to technical review criteria. 3. SNC determinations should be based on 6 months of data and not on "rolling quarters." 4. SNC determinations should only be applicable to SIUs.	1. Not currently addressed. 2. Not currently addressed. 3. Not currently addressed. 4. Not currently addressed.
Electronic Data Storage	Allow transmission and storage of records electronically. Revise	Issue #11 - Allow transmission and storage of

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and Submittal	the definition of "signature."	data; working on the definition of "signature."
Integration with Other Source Control Programs	Encourage integration as an opportunity, but do not require it.	Not currently addressed.
Combined Wastestream Formula and the Definition of Dilute Wastestream	Eliminate the specific list of dilution wastestreams and develop criteria that can be applied to all wastestreams to determine whether it is dilute or not.	Issue #9 - Add groundwater, air conditioner condensate and reverse osmosis backwash to the definition of dilute wastestreams.
Dilution Prohibition	Expand the definition of dilution and add specific considerations when evaluating dilution for industrial operations.	Not currently addressed.
Sampling for Pollutants not Present	Sampling for pollutants not reasonably expected to be present can be waived under four specific conditions.	Issue #6 - Allow IU to forego sampling of a pollutant regulated by a categorical standard if there are technical reasons for believing the pollutant is not present.
Sampling Methods	Define "representative sample" for all reporting purposes in the regulations and use the term consistently.	Issue #8 - Allow IU to use time-proportional compositing or grab sampling in lieu of flow-proportional compositing for periodic compliance reports in the same manner as baseline monitoring reports and 90-day compliance reports.
Local Limits	Local limits may include, but need not be limited to: uniform concentration-based limits, variable concentration-based limits according to flow, mass-based pollutants and limits that encourage water conservation	Not currently addressed.

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Topic	Workshop Recommendations	EPA Recommended Action
	and pollution prevention.	
pH	Retain the national pH standard with an excursion policy to allow the POTW to set appropriate limits or requirements which will be specified in the IU permit.	Issue #1 - Allow IU that continuously monitors for pH to have periodic excursions below 5.0 if the POTW establishes that the excursion will not harm its system and authorization is specified in the IU permit.
Slug Control Plans	Eliminate slug control plan requirements. Require IUs to take appropriate measures with inspection of all SIUs to verify compliance.	Issue #5 - Retain the requirement, but require that POTWs only review the plan upon permit reissuance or when necessitated by changed conditions.
Mass-based Limits	POTWs should be allowed to set mass-based effluent limits as an alternative to concentration-based limits. In the absence of flow monitoring data reasonable estimates can be used.	Issue #2 - Allow the POTW to set mass-based limits as an alternative to concentration-based limits where the IU has instituted water conservation practices.
Set Alternative Concentration Limits for IUs in Categories with Flow-based Mass Limits	Allow control authorities to set alternative concentration limits in cases where pretreatment standards currently require the limits to be expressed in terms of mass, based on the facility's flow.	Issue #3 - Allow control authorities to set alternative concentration limits in cases where pretreatment standards currently require the limits to be expressed in terms of mass, based on the facility's flow.
Removal Credits	This topic was not determined to be a priority for streamlining.	Issue #10 - Allow removal credits for pollutants considered for regulation under 40 CFR 503, but will not be considered for further study because EPA has not considered them harmful. Limit removal credits to POTWs with sludge concentrations below the

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		highest levels observed in the National Sewage Sludge Survey.
IU Discharges to Sanitary Sewer Overflows (SSOs) and Combined Sewer Overflows (CSOs)	Investigate to determine the extent of problem and whether it in fact represents a serious problem that warrants the attention of the National Pretreatment Program.	Not currently addressed.
Reinvention	Create a three-tiered program that provides POTWs with implementation options and encourages programs that want to pursue more innovative and results-oriented approaches to pretreatment and environmental protection. The three tiers create a traditional program approach, a performance approach, and a watershed performance approach. .	Not currently addressed.

Conclusions

Although there was not unanimous agreement on every recommendation or issue, there was unanimity on the need for changes to the existing National Pretreatment Program. The American public is demanding more efficiency from government at all levels, while at the same time supporting continued progress in the protection of water quality. Workshop participants agreed that the pretreatment program could be changed in a way that would reduce the administrative burden on both the regulated community and regulators, and at the same time result in equal or greater environmental benefit.

The workshop sponsors and participants have pledged to assist in any way to complete this streamlining process, as well as to work with EPA and other stakeholders to further refine and implement the broader reinvention recommendations. Implementation of these recommendations will require a significant educational and training effort, and consideration of such issues as resource allocation, development of environmentally-oriented performance indicators, and coordination and integration with other water quality programs.

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*For a full copy of the **Pretreatment Streamlining Report**, fax a request to Fran Campbell, WEF Government Affairs, fax 703/684-2492, or email your request to **fcampbell@wef.org***
