The Sunshine State

Pretreatment Communicator

Volume 3 Issue 3/4 January/April 1998

THE COMMUNICATOR...

"The Communicator" is a quarterly publication of the Pretreatment Program for the Florida Department of Environmental Protection. The Communicator encourages participation from its readership and any other individuals interested in pretreatment in the State of Florida. Individuals wishing to contribute letters, information, or articles should submit them to:

The Communicator
Domestic Wastewater Section
FDEP, MS 3540
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

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Domestic Wastewater Section
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Pretreatment Engineer

Technical Assistance Part III

by Gary Millington

Well, another quarter has slipped by rather quickly - as they usually do when we are busy. In this issue I want to mention a couple of Internet sites that can be useful to pretreatment workers. I have mentioned these sites before but

(Please see **Assistance, page 2**)

Useful Tools for a Fraction of the Cost!

by Lisa Meday
City of Hollywood

Hollywood's Industrial Pretreatment Program recently identified the need for composite sampler manhole support brackets as well as a sampling pole which could be used when collecting grab samples. Our pretreatment program inspectors took the initiative, and with valuable advice from other pretreatment program staff in the area, was able to create these items at substantial cost savings.

MANHOLE BRACKETS & SUSPENSION SYSTEMS FOR $20.00-NOT $495.00

The pretreatment program formally had one such bracket. In order to obtain a new bracket, quotes were received from the equipment supply company. Unfortunately, the total cost for one bracket and suspension harness was $495.00. The bracket is a steel cross-bar system which Pretreatment Compliance Technician Christopher Cassidy thought could possibly be produced by the Maintenance Division's Welding Shop.

The city's Compliance Technicians discussed limitations of the existing sampler support bracket with the

(Please see **Useful Tools, page 5**)

Regulatory Updates:

- On December 17, 1997 (62 FR 66181), EPA issued the proposed categorical regulations for the industrial laundries point source category (40 CFR 441). Those wishing to submit comments to EPA may do so until March 19, 1998.
- On February 6, 1998 (63 FR 6425), EPA issued the proposed categorical regulations for the landfills point source category (40 CFR 445). As anticipated, municipal landfill leachate is not categorical for the purposes of pretreatment. On this same date (63 FR 6391), EPA also proposed regulations for the industrial waste combustor subcategory of the waste combustors point source category (40 CFR 444). These proposed regulations contain pretreatment standards for industial waste combustors; however, municipal refuse combustors are not covered by the proposed rule. Those wishing to submit comments to EPA on either proposal may do so until May 7, 1998.
- EPA has initiated a new source of information on issues that are important to pretreatment coordinators! ***Pretreatment Bytes*** is an electronically distributed bulletin containing EPA policy and regulation updates as well as training opportunities, announcements for publications, and a calendar of events. Currently we plan to include EPA's quarterly publication as a link to our pretreatment program web site. Please see the previous issue of the **Pretreatment Communicator** for the web address!

Assistance

(Continued from page 1)

believe they are useful enough to mention them again.

The Water Environment Federation (WEF) has a site (http://www.wef.org) that has an extensive technical discussion group. This site is frequently used by people around the country that work in pretreatment and industrial areas. Many questions and problems are raised on such topics as metals removal, organics treatment, food industry wastes, laundries, oil/grease removal, and medical wastes, just to name a few. It appears that knowledge and experience are freely shared on this site.

For example, you may know that removing molybdenum can be quite difficult. Did you know that the form of the molybdenum (cationic or anionic) makes the difference. The anionic form (molybdate) is not easily removed by conventional wastewater treatment.

The WEF also publishes a journal, Industrial Wastewater, that usually contains informative articles that can help you with technical problems. Dr. Larry Moore, in the January/February 1998 issue, explains that zinc has a double solubility curve. That means that the pH range for removing zinc is more critical than some other metals. If too much base is added, zinc reacts with hydroxide to form soluble complexes which may return to solution and go down the drain.

These are just a couple examples of ways that information provided by the WEF can be of use. I have used the WEF as only one example of the kinds of technical assistance that is available.

Another good site is the National Metal Finishing Resource Center (NMFRC), located at http://www.nmfrc.org. This is one of the compliance assistance centers (CAC) I discussed briefly in the last Communicator. The NMFRC has a large technical database of articles and other information. You can become a member for free, or be a subscriber for around $120/year. This gives you access to their technical discussion groups and technical documents. Some documents require payment from members before downloading. All are free to subscribers.

The NMFRC also has a calculator to help determine proper rinse flows and tank evaporation estimates. These will only help you if you work closely with a metal finisher to obtain all the parameter inputs for the calculator equations.

I also noted that the Central Florida Manufacturing Technology Center (CFMTC) will be hosting several short seminars in May on safety/environmental management in their field offices in central Florida. You can check it out at http://www.fmtc.org/CFMTC or call (407) 599-4100, extension 10.

I suggest that you check out these Internet sites and see if there is something there for you. Let us know if there is anything we can do to help you locate technical and compliance assistance for your industrial users. ☻

Special Note:

- As of March 9 I will be leaving the pretreatment program to begin a new assignment with the Department as the administrator for the Wastewater Program Management Section. I have thoroughly enjoyed working with the people in our pretreatment programs and wish each of you the best for the future!

Sincerely,

John Coates

Effective Program Implementation - Enforcement Activities

by John Coates, P.E.

Approved pretreatment programs across the state may have noticed that our inspection comments often indicate whether a pretreatment program is effectively implementing its pretreatment program. Surprisingly, many individuals

have not recognized that this concept of "effective program implementation" is one that relates to rule requirements. As part of those rule requirements, it is particularly important to review a pretreatment program's effectiveness in terms of how the control authority responds to violations by its industrial users.

Rule 62-625.500(2), F.A.C., states that the legal authority and procedures of an approved pretreatment program "shall at all times be fully and effectively exercised and implemented." Agreeably, that rule language seems somewhat broad and encompassing; however, please remember that the language existed at 40 CFR 403.8(f) prior to delegation of pretreatment approval authority to Florida. As a consequence, standard pretreatment program implementation conditions in EPA's NPDES permits and the Department's wastewater permits reflect the requirement that pretreatment program legal authority and procedures be fully and effectively implemented.

The main requirements and procedures to implement an approved pretreatment program are fairly straight forward. Essentially, a pretreatment program must have the authority and procedures to:

- control industrial user discharges and issue discharge permits or other individual control mechanisms to significant industrial users,
- conduct independent inspection, surveillance, and effluent monitoring activities to verify industrial user compliance,
- require compliance and obtain remedies for noncompliance, including the issuance of compliance schedules or other orders by the control authority.

Based on these main program requirements, one can see that simply issuing permits, conducting inspections, and sampling all of your significant industrial users at least once per year may not mean that you are effectively implementing your program. Effective implementation includes responding to industrial user noncompliance in such a manner that results in a remedy for noncompliance.

EPA's Guidance for Developing Control Authority Enforcement Response Plans (September 1989) provides some insight into what approach is expected in response to industrial user noncompliance. EPA recommends that no more than 30 days be allowed between the detection of a violation and the initiation of an enforcement

(Please see **Effective...**, page 6)

Technical Tips:

Example Framework for Enforcement Responses

Enforcement response plans must meet the requirements of Rule 62-625.500(2)(d), F.A.C.; however, here is an example basic enforcement framework with concepts that should be considered for effective program implementation:

- Quarterly evaluation for significant noncompliance to prioritize industrial users which require additional attention by meeting the criteria specified in Rule 62-625.500(2)(b)8, F.A.C. For example, an SNC evaluation at the end of March of this year should at least prioritize users based on information for the preceding six month period (July through December) of the previous year.;
- Respond to initial violations by at least documenting telephone conversations, meetings, etc., unless an escalated initial response is warranted.:
- Issue formal enforcement mechanisms or orders (e.g., enforceable compliance schedules) for any industrial user in significant noncompliance for pretreatment standard or discharge violations, where such noncompliance continues beyond 90 days from initial identification of SNC.
- Seek or assess monetary penalties in response to continuing noncompliance with pretreatment standards that are not addressed in a formal enforcement mechanism or where a formal enforcement mechanism fails to bring the industrial user into compliance with applicable pretreatment standards.;
- Seek or assess administrative fines in response to continuing noncompliance with reporting requirements, where informal or formal enforcement mechanisms have not resulted in continued compliance with all applicable reporting requirements for a period of at least twelve months from any previous reporting noncompliance.;
- Administrative fines should be assessed in accordance with the provisions of Part I, Chapter 162, F.S., or an alternate administrative enforcement system that is explicitly included in the pretreatment program's legal authority, as provided by § 162.03(2), F.S.;
- Civil penalties should be assessed in accordance with the requirements of Rule 62-625.500(2)(a)5a., F.A.C., and the provisions of Part II, Chapter 162, F.S., and § 125.69, F.S.;
- Halt or prevent the discharge of nondomestic wastewater, through injunctive relief, termination, or severance of service, for any user that fails to actively implement the requirements of a formal enforcement mechanism, fails to comply with a final compliance order, or that is otherwise unresponsive and fails to comply with a pretreatment program's enforcement actions.

While the above framework is conceptual, development and implementation of routine administrative response procedures (e.g., compliance schedules, fines, etc.) followed by implementation of escalated civil actions or termination of service will foster a pretreatment program where users are generally in compliance, are working steadfastly toward a resolution to noncompliance, or are no longer industrial users of the pretreatment program. If you would like to discuss the range and appropriateness of enforcement responses greater detail, please contact one of the pretreatment staff at (850) 488-4524.

The Coordinator's Desk:

Rule Making Again?

by Robert Heilman, P.E.

It appears that EPA is making progress toward streamlining the pretreatment program. Draft regulations are supposed to be out next month. I hope that by this time next year, EPA has final regulations on the books.

It is important to understand that even though EPA may make changes to 40 CFR 403 or similar regulations, that does not mean that the State of Florida automatically implements those changes, unless those regulations are adopted by reference in the Florida Administrative Code (F.A.C.). In other words, changes to 40 CFR 403 (federal pretreatment regulations) are not implementable in Florida, unless the state rule is modified to reflect those changes. The reason for this is because, even though Chapter 62-625, F. A. C. mirrors 40 CFR 403, it was developed as a new state rule upon delegation of the NPDES program. Florida did not simply adopt 40 CFR 403.

A good example of how the above process works are the recent changes that were made to 40 CFR 403.18, effective August 18, 1997. The changes to that regulation affected the definition and procedures for handling pretreatment program modifications. The changes were primarily made to reduce the administrative burden on the regulated public (see the July, 1997 issue of the Pretreatment Communicator for details). However, these changes to the federal pretreatment regulation have not been implemented in Florida, and can not be, until Chapter 62-625, F.A.C., is similarly amended to reflect those federal regulation revisions.

Conversely, any changes to the categorical pretreatment standards in parts of 40 CFR Chapter I, Subchapter N will automatically be implemented in Florida by the approved control authority. This is because most sewer use or pretreatment ordinances refer to or adopt those categorical pretreatment standards. Therefore, any changes to the federal categorical pretreatment standards are automatically implemented in accordance with the approved local ordinance.

So, what does all this mean for you as a control authority pretreatment coordinator? It means that any new or modified categorical pretreatment standards will have to be implemented by you in your CIU permits, but changes to the general pretreatment regulations would not affect you until the state rule is amended accordingly. For instance, you will be required to get your industrial laundries, that meet the permit criteria, under permit within the specified timeframe contained in the final regulations when they are promulgated (40 CFR 441). However, once the pretreatment streamlining regulations are promulgated in 40 CFR 403, they will not be effective in Florida until we revise Chapter 62-625, F.A.C. to include those procedures.

I have discussed these issues both with our management and our program attorney to see if there is a way to bypass the rulemaking process to implement the streamlining procedures. I am told that we must revise the rule if we want to implement the federal changes. Unfortunately, the rulemaking process can be somewhat complicated and time consuming, which means any federal regulation changes can be delayed from being implemented by the State of Florida.

At this time we are planning to open Chapter 62-625, F.A.C., for revision in late 1998 or early 1999. Hopefully, the streamlining measures proposed for 40 CFR 403 will be finalized by then and we can include those revisions, as well as the previous revisions, in the state rule. This way we only have to open the rule once to include the federal regulation revisions. While we have the rule open for revisions, we would also like to correct any areas that you feel need changing.

As we get closer to opening the rule, I will be soliciting comments on rule revisions from the approved programs. Please begin marking those areas of the rule you feel need to be revised or updated. If we work together, we can improve the state's pretreatment program without causing any undo burden on either of us. Thank you in advance for taking the time to do this. I look forward to implementing the proposed federal streamlining procedures. ☻

Hi Joey...
I have heard how busy you are
juggling your WORK!

Useful Tools

(Continued from page 1)

welder and a modification was made for the new design. The existing sampler support bracket worked well with slab-type manhole covers. However, beveled, or angled manhole covers (necessary for support in high traffic areas) do not lay flush on the existing sampler bracket. The welder indicated he could design the new bracket to work with angled manhole covers as well.

Materials were ordered to create four sampler brackets at a total cost of $80.97. The city's welder was able to create all four brackets in 8 hours. The brackets were field tested and were found to work very well. The new design allows for its use with angled manhole covers which increases safety for both the Compliance Technicians and motorists.

As a result of the cooperation of the city's Maintenance Division, the pretreatment program saved approximately $1,900.00 for sampling equipment and produced a product better suited to our needs. A picture of the manhole bracket is included in the inset for this article.

SAMPLING POLES FOR $50.00-NOT $600.00

The City of Hollywood's Industrial Pretreatment Program is finalizing the development of its own Standard Operating Procedures (SOP) manual for sampling. The SOP includes special restrictions on sampling in accordance with DEP's SOP (DEP-QA-001/92). One such restriction relates to the prohibition of intermediate collection vessels for certain parameters. Specifically, Oil and Grease and Total Recoverable Petroleum Hydrocarbons must be collected in the actual sample bottle as an intermediate collection vessel may retain a portion of the parameter after the sample is poured in the sample bottle.

To address this requirement in the past, sample bottles were taped to a pole, and lowered into the sample location. However, this system presented many challenges and decreased the Compliance Technicians' sampling efficiency. A particular challenge of taping the bottle caused its position to be fixed on the pole. The fixed position of the bottle affected sampling in the following ways:

- Taping the bottle vertically to the pole made retrieving samples from low-flow locations very difficult.
- Taping the bottle horizontally to the pole made retrieving the bottle without losing much of the sample difficult.
- Taping the bottle horizontally to the pole made sampling from many clean-outs virtually impossible because the bottle size would not fit in the opening.

A company which sells sampling equipment was contacted and information was provided for different types of samplers which could meet the pretreatment program's needs. The information indicated that the cost of commercially available equipment may exceed $600.00 per unit, and was limited in only fitting two bottle sizes (500 ml and 1,000 ml).

Upon reviewing the specifications of the equipment, Hollywood's Compliance Technician Michael Saccoman took the initiative to design a sampling pole which could also be constructed "in-house".

The sampling pole produced by Hollywood's Compliance Technician is extendible to 12', is durable, has an articulating head system which will securely hold all bottle sizes from a 40 ml glass vial, to a 1,000 ml plastic jar. The articulating head has the swing feature necessary to eliminate the problems associated with a fixed bottle. Additionally, the head utilizes a spring-clamp which makes connecting bottles very easy. All parts and materials for this piece of equipment were available locally and cost approximately $50. The pole has become an essential component of our sampling equipment. Please see the inset for pictures of the sampling pole.

THE BENEFITS OF SAVING MONEY WHEN YOU CAN

Hollywood's Compliance Technicians have received written commendations from Public Utilities Director Whit Van Cott, and Hollywood's Mayor Mara Giulianti for their useful and cost-effective innovations. As a result of their cost-effectiveness and economy, the pretreatment program was able to utilize the savings in the purchase additional equipment and supplies.

Hollywood's Industrial Pretreatment Program recently spent approximately $4,800 outfitting two vans for sampling activities. Included in the total cost were cranes with booms to raise and lower composite samplers into place, bulkheads with lexan windows separating the passenger and cargo areas, spool racks to hold bagged rolls of Tygon tubing, racks to hold hard hats, fire extinguishers, first aid kits, water coolers, and traffic control devices, and cabinetry systems.

The outfitting of the vans help keep the pretreatment program efficient and effective by providing dedicated storage spaces for all necessary equipment. The dedicated storage systems also aid in preventing cross contamination of sampling equipment.

After Hollywood's Pretreatment Program received approval for these expenditures, Compliance Technician Ricardo Newman designed storage spaces for the Pretreatment equipment. This design was taken to several truck equipment companies and catalogues were reviewed to identify the required components.

Quotes for the parts and labor were received from three companies.

The equipment was installed in both utility vans and has been very effective in keeping the sampling equipment and supplies organized. A picture of the van storage system is included in the inset.

Hollywood is currently designing and constructing an in-van fresh water pumping system for use in the field. It is expected that this system will provide a 15 gallon supply of fresh water to rinse equipment in the field prior to transport back to our office.

Hollywood's Industrial Pretreatment Program would be happy to share our experience or any of the instructions or diagrams for these items. If you are interested, please call us at (954) 921-3414. ☻

Effective...

(Continued from page 3)

response. At least initially, EPA's guidance allows for a wide range of responses and recommends that the response be based on such relevant factors as the effect and magnitude of the violation, as well as the compliance history and good faith of the user. Accordingly, many pretreatment programs have effectively responded to noncompliance through the use of telephone conversations, meetings, and other less formal responses.

One of the requirements for approved pretreatment programs is that industrial users be evaluated and published at least once annually, if the industrial user's violations meet one of the criteria for significant noncompliance (SNC) specified in Rule 62-625.500(2)(b)8, F.A.C. For example, an industrial user must be placed in SNC if 66% or more of the effluent monitoring data, in a six month period, indicate exceedance of an applicable pretreatment standard. Essentially, the criteria used to evaluate SNC are a regulatory means of prioritizing industrial users that appear to warrant additional scrutiny.

Recognizing SNC as a prioritization tool, EPA's ERP guidance includes model language that would require control authorities to respond to all SNC violations with an enforceable order within 30 days of the identification of SNC. In fact, many approved pretreatment programs in Florida have incorporated such language in their approved procedures and ERPs. As one might anticipate, approved pretreatment programs are expected to follow the procedures specified in their respective approved pretreatment programs.

EPA has issued additional guidance for states, such as Florida, which have been delegated responsibility for implementing and approving local pretreatment programs. The guidance is incorporated in the criteria which states must rely on when preparing and submitting each Quarterly Noncompliance Report (QNCR) to EPA in accordance with 40 CFR 123.45. In its guidance, EPA clearly specifies instances which require a delegated state to report an approved pretreatment program on a QNCR. For example, failure of an approved pretreatment program to inspect 80% of its significant industrial users must be reported to EPA on the QNCR. Similarly to the use of SNC criteria by local pretreatment programs, EPA's QNCR is a method for prioritizing approved pretreatment program noncompliance and identifying programs which require additional attention or an escalated response by the Department.

There are a number of times that the Department, as the delegated approval authority, must evaluate whether approved pretreatment programs are effectively enforcing pretreatment requirements. For example, according to EPA's QNCR guidance, pretreatment program effectiveness should at least be reviewed based on program inspections and annual report reviews, and through review of the wastewater facility's Discharge Monitoring Reports (DMRs).

According to QNCR guidance, all approved pretreatment programs that fail to respond adequately and ensure industrial user compliance with pretreatment standards should be placed on the QNCR. Additionally, approved pretreatment programs with 15% or more of their industrial users in SNC should be reviewed to determine whether their legal authority or procedures are adequate. Where such procedures are inadequate or the program has failed to implement its approved program procedures, the Department must place the approved pretreatment program on EPA's QNCR and require appropriate corrective actions.

Often an approved pretreatment program will have a number of facilities that experience periodic, but infrequent, noncompliance. Generally, such infrequent noncompliance is not perceived as a problem, as long as the violations are corrected in a timely fashion and do not cause any harmful impacts.

Of the industrial users whose violations meet the criteria for

Reminders:

- The next Florida Pretreatment Coordinator Certification Level B and Level C courses are set for March 30 through April 3, 1998 in Ft. Pierce. Please contact Rosemary Tilley at (407) 267-5452 for more information.
- The EPA Region IV Pretreatment Conference is scheduled for April 14 & 15. The EPA and State coordinators meeting will begin one day earlier on April 13. Please contact Robert Heilman at (850) 488-4524 for more information.

significant noncompliance, often a large portion of these facilities will return to compliance on their own initiative or will increase their efforts following initial enforcement responses (e.g., meetings, telephone conversations, etc.) Inevitably, each pretreatment program may encounter industrial users who are recalcitrant in their efforts to initiate appropriate corrective actions. The recalcitrance may be related, in part, to a lack of understanding about the importance of pretreatment requirements, a lack of resources on the part of the user, or, in some cases, a simple unwillingness to comply with the necessary requirements. In any event, a close and friendly working relationship between the industrial user and pretreatment program will foster a better understanding of any impediments, which might exist, to obtaining the industry's compliance.

In the simplest sense, there exists a continuum of situations or scenarios that may result when working with noncompliant industrial users. However, most of the possible scenarios, related to discharge or reporting violations, and appropriate responses to these can be illustrated with a few examples.

DISCHARGE VIOLATIONS

Example 1

The industrial user adequately initiates short-term corrective actions that the industry and control authority agree are appropriate. The corrective actions should result in a return to compliance within 90 days of the identification of SNC. For example, a series of pH violations has resulted in SNC and the facility is currently completing installation of new pH monitoring and neutralization equipment.

Response for Example 1

The control authority should document the meetings and/or telephone conversations and their observance that the corrective work is in progress. In such cases where both parties believe that the corrective action is appropriate and will result in a return to full compliance within 90 days, it should not be necessary to develop a formal order or enforceable schedule. In fact, doing so will likely result in less time for other necessary program activities.

Example 2

The industrial user has a plan and may begin corrective actions at any time. Again, there is general agreement by all parties that corrective actions are appropriate and should correct the violations. Unfortunately, the corrective actions may take some time to implement and, consequently, compliance may not be achieved within 90 days from the determination of SNC. For example, it is not known how long it will take to receive the new pH control system that the industry has specified in its plans.

Response for Example 2

Again, the control authority should document its meetings and/or telephone conversations related to this matter. If there is time before the 90-day period elapses, then the control authority may wish to wait and closely follow the industry's progress. However, once it appears that the SNC violation will continue beyond 90 days, the control authority should pursue an enforceable schedule.

In cases where the pretreatment program has several industries in noncompliance, it is advisable that the control authority not wait and instead proceed with a consent agreement, or other enforceable schedule, that includes the agreed upon corrective actions. Including the agreed upon corrective actions in a compliance schedule offers a better level of understanding of what is expected by both parties. Additionally, the existence of an enforceable schedule clearly demonstrates the willingness and efforts of both the industrial user and the approved pretreatment program to work together to obtain a remedy for noncompliance, as required by Rule 62-625.500(2)(a)5, F.A.C.

By carefully fostering a cooperative atmosphere, whenever possible, both the industry and pretreatment program benefit because the enforceable schedules can be developed more easily and are more likely to successfully address the cause(s) of the violations. In the event that SNC continues beyond 90 days, the approved pretreatment program will also benefit because it should have experienced less difficulty in obtaining an enforceable schedule and will have the executed order or schedule available for Department review.

Example 3

The industrial user has a plan and may begin corrective actions at any time. However, their is some uncertainty as to whether the actions will fully address the violations or can be satisfactorily completed in order to return to compliance within 90 days of the identification of SNC. For example, the user proposes minor repairs or upgrades to its neutralization system and a new training program for its employees.

Response for Example 3

In this case, the control authority should should work closely with the industrial user to reach agreement on corrective actions that are felt to be more appropriate and likely to result in full compliance. Where the pretreatment program remains uncertain of the expected success of the proposed corrective actions, the schedule might be developed based on the proposed actions, but, also include requirements that the industry implement an alternative plan in the event that the initial corrective actions are unsuccessful.

In any event, the control authority should ensure that progress toward issuing an enforceable schedule continues in a timely fashion. In the event that violations continue, and the facility is unwilling to cooperatively enter into an enforceable schedule, the the control authority should

unilaterally issue an enforceable order requiring corrective actions and compliance with applicable pretreatment standards and requirements. Failure on the part of the industrial user to comply with such a final order should result in the approved pretreatment program's seeking injunctive relief or exercise of its authority to halt the industrial user's discharge in accordance with Rule 62-625.500(2)(a)5, F.A.C. Often, the clear understanding that the approved pretreatment program is required to escalate its enforcement responses, including implementation of its authority to halt discharges, may be sufficient to generate a renewed cooperative atmosphere in which a remedy can be obtained.

Example 4
The industrial user does not demonstrate good faith in identifying corrective actions, continually fails to meet compliance schedule milestones, or otherwise fails to work toward or achieve compliance with applicable pretreatment standards or requirements.

Response for Example 4
In such cases, the control authority is left with few enforcement alternatives and should issue an enforceable order requiring that all violations be ceased, or that the user's nondomestic discharge be halted. Where the control authority issues an administrative order that is ignored by the industrial user, the control authority should either proceed with actions to disconnect the user or seek injunctive relief through a court order requiring compliance with the control authority's regulations and orders. In the extreme case, failure on the part of an industrial user to comply with a court order may subject the industrial user's representatives to police arrest.

REPORTING VIOLATIONS
While just as important as discharge violations, perhaps it is conceptually easier to respond to violations of reporting requirements. Generally, these do not involve technical issues such as those related to installation or modification of treatment systems. In the case of reports that are late by less than 30 days, it is usually only necessary for the pretreatment program to contact the industrial user and ensure that they are aware of their reporting violation and verify that the user is taking steps to correct the reporting deficiency within 30 days of the report due date.

Example 5
The industrial user is more than 30 days late with a required report, but, upon becoming aware of the violation, promptly submits the necessary information within the time period specified by the pretreatment program.

Response for Example 5
As always, the control authority should document its response to the violation. After verifying that the reporting requirements are met, the control authority must still publish the user for meeting the criteria for SNC; however, the control authority may wish to indicate the user's current compliance status at the time of publication.

Example 6
The industrial user is more than 30 days late with a required report and exhibits a pattern of ongoing reporting deficiencies.

Response for Example 6
The control authority should take steps to work with the industrial user to understand the causes for the reporting violations. Whenever the ongoing reporting violations are within the control of the industrial user, the control authority should escalate enforcement to obtain compliance with the reporting requirements. Often, pretreatment programs with administrative penalty authority may effectively raise the awareness of an industrial user by issuing administrative fines in otherwise negligible amounts. For example, provision for an administrative fine (e.g., $50) could be incorporated into a pretreatment program's legal authority as a mandatory response to a second reporting violation occurring within a twelve month period. Such a negligible dollar amount is more likely to effectively raise the awareness of an industrial user, or its management, while not causing any significant adverse economic impact. Several approved pretreatment programs have indicated that such a system allows for the occasional mistake, but, can be very effective. Of course, a 30-day late report violation requires publication in accordance with Rule 62-625.500(2)(b)8, F.A.C.

Example 7
The industrial user continues to violate reporting requirements and is unresponsive to the control authority.

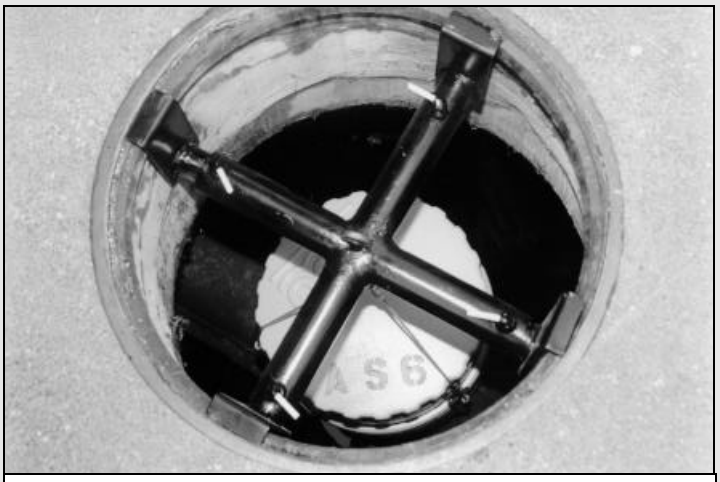
Response for Example 7
The control authority should implement its authority to issue an order requiring the user to comply or halt its nondomestic discharge. As before, failure on the part of the user to comply with a final order should be followed up with escalated responses such as seeking a court order to provide injunctive relief or the severance of service.

EFFECTIVE ENFORCEMENT RESPONSES FOR APPROVED PRETREATMENT PROGRAMS
As discussed above, approved pretreatment programs are expected to respond appropriately to all violations of applicable pretreatment standards or requirements. In many cases, the appropriate and effective response will be no more than a documented meeting or telephone conversation. In cases where violations are ongoing in nature, the approved program must routinely evaluate all of its industrial users to identify those users which meet the criteria of SNC. The list of facilities in SNC, in addition to the associated requirement for publication, should be relied upon as a tool to prioritize those users requiring additional attention or enforcement responses.

Approved pretreatment programs

(Please see **Responses, page 10**)

The City of Hollywood's Useful Tools!



Picture 1. The composite sampler support bracket in use.

Picture 2. City of Hollywood Pretreatment Compliance Inspectors demonstrate the use of their home-made sampling pole.

Picture 3. A close-up of the sampling pole with articulating head.

Picture 4. The fixed crane makes it easier for one or two of the City of Hollywood Pretreatment Compliance Inspectors to safely raise and lower their composite samplers.

Picture 5. The interior of one of the pretreatment sampling vans.

Responses

(Continued from page 8)

are required to escalate enforcement in a manner consistent with their approved enforcement response plans. However, there are a number of enforcement frameworks that are consistent with Chapter 62-625, F.A.C., and EPA's example ERP and Model Pretreatment Program Ordinance (EPA 833/B-92-003). Consistent adherence to any such framework should allow a pretreatment program to effectively obtain remedies for noncompliance or eliminate the problem in a reasonably timely manner.

In addition to the actual responses that are incorporated in an ERP (e.g., issuance of a notice of violation), it is important to note that each of the enforcement responses, whether administrative or civil, must be clearly authorized in the pretreatment program's regulations or code. Additionally, the pretreatment program's legal authority must be consistent with provisions in Florida Statutes. The ***Technical Tips*** inset provides one example of a conceptual framework that should result in an effective enforcement approach that is consistent with Department rules and Florida Statutes.

It is hoped that this discussion creates a better understanding of what is expected of approved pretreatment programs in responding to industrial user noncompliance. In most cases, approved pretreatment programs have been successful in working cooperatively with industrial users to obtain remedies for noncompliance. Even in cases where industrial users are reluctant to initiate corrective actions, we believe it remains most effective to work in a cooperative manner in order to identify corrective actions that are reasonable and likely to result in compliance. Throughout the process, the control authority must be able to demonstrate that it has, or is, fully exercising and implementing the range of available enforcement options in order to resolve industrial user noncompliance. Ultimately, all violations of an ongoing nature, either by approved pretreatment programs or their industrial users, are subject to oversight and enforcement actions by the Department or EPA. As indicated by Rule 62-625.500(2)(d)4, F.A.C., the approved local pretreatment programs are primarily responsible for enforcing pretreatment requirements and standards. In any event, it is clear that approved local pretreatment programs have the most to gain by working cooperatively with their industrial users in their efforts to obtain timely and effective remedies for noncompliance. ☻

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