

PRETREATMENT PROGRAM HISTORY

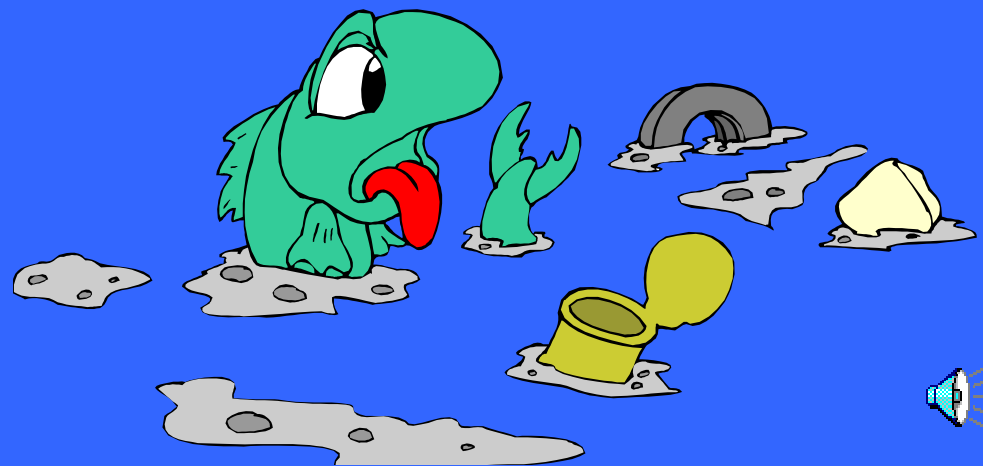
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Div of Water Pollution

The Time Before Pretreatment

- The industrial boom of the 1950s and 60s brought scenes on the evening news of
 - Dying fish
 - Burning rivers
 - Thick black smog engulfing major metropolitan areas



LEGISLATION
REGULATION and
JUDICIAL EVENTS

AFFECTING
PRETREATMENT

Pre 1972 Laws

- 1899 **REFUSE ACT** restricted discharges from ships and shore installations into navigable waters
- Required permits for refuse matter of any kind flowing from streets and sewers into navigable waters

Federal Water Pollution Control Act 1948

- First direct consideration by legislature to control water pollution
- Policy of Congress to recognize, preserve, and protect the primary responsibilities of states in controlling water pollution
- Local pollution problems addressed with grant monies



- In December 1970, the President created the U.S. EPA



United States
Environmental Protection
Agency

INITIAL PRETREATMENT REGULATIONS

Federal Rule 40 CFR Part 128

November-1973

- Contained general prohibitions against things that cause interference with treatment plant operation and pass through of pollutants
- Established some categorical pretreatment standards
- Also established effluent guidelines for conventional pollutants
- Regulated some toxics

1975 Toxics Consent Decree

- National Resources Defense Council and Environmental Defense Fund filed lawsuit against EPA Challenging:
 - EPA's criteria of identifying toxics
 - EPA's failure to promulgate pretreatment standards both under the Act (FWPCA)

Toxic Consent Decree

- Shifted EPA's focus from conventional pollutants to toxics through technology based effluent guidelines and standards

Consent Decree Settlement

- Identified 129 chemicals as priority pollutants
- 21 industrial categories identified by SIC
- Adoption of Best Available Technology effluent limitations
- NPDES permits after 1976 to be modified to reflect new effluent standards
- Modified in 1979 to achieve BAT compliance by June 30 1984, identified 34 IU categories (now 54)

1977 Amendments to FWPCA and the Birth of the Clean Water Act

- Incorporated much of the NRDC Consent Decree by:
- adopting the list of priority pollutants
- establishing the BAT effluent limitations and compliance dates
- allowing EPA to add to or delete from the list of toxic pollutants 1-3 years after promulgation

1977 Clean Water Act

- Congress decided that POTW's would enforce pretreatment standards and the development of local pretreatment programs
- EPA would take civil action against an indirect discharger and against a POTW if it does not take enforcement action
- required NPDES conditions for identification of sources introducing pollutants

Clean Water Act

- States required NPDES permits to identify sources introducing pollutants
- Implement a program to ensure compliance with pretreatment standards
- The Act allowed for new construction grants

REVISED PRETREATMENT REGULATIONS

Establishment of 40 CFR Part 403

- EPA published proposed General Pretreatment Regulations prior of 1977 CWA amendments
- June 26, 1978 EPA promulgated regulations for new and existing sources
- These regulations complied with CWA
- Replaced the 40 CFR Part 128

Chemical Manufacturers vs. EPA

Pacific League Foundation

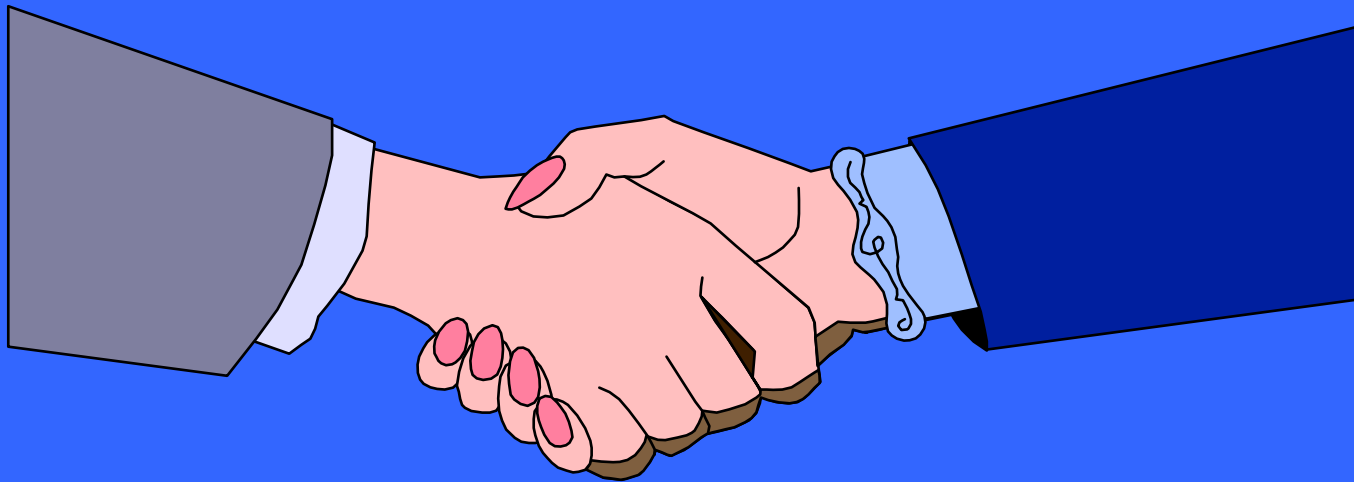


NRDC vs. EPA

**U.S. Brewers
Association vs. EPA**



EPA and Industry Groups Settle



January 28, 1981 EPA Promulgated Amendments



President's Regulation Freeze

January 29, 1981

- More litigation and regulatory action delayed the effective date to March 30, 1981
- The litigated amendments allowed a POTW to grant removal credits altering the categorical discharge limits.

Further Litigation

- National Association of Metal Finishers vs. EPA
- Third Circuit Court ruled on 4 pretreatment provisions; definitions of new sources, CWF, removal credits, and fundamentally different factors.
- Supreme Court overturned Circuit Court decision on FDF variances.

Pretreatment Implementation Task Force

- PIRT established by EPA administrator
- Task force to evaluate problems experienced by state and local governments and industries during implementation of CFR 403 requirements.
- “New Source” and “interference” and “pass-through” definitions changed

Recent Revisions to Pretreatment Regulations

- 1988 Revision included changes on local limits, enforcement remedies, control authority and state approved program, monitoring and reporting requirement
- “Domestic Sewage Study” on RCRA discharges of wastes through the sewer systems are excluded from hazardous waste
- Fundamentally different factors modified 1993

Recent Revisions to Pretreatment Regulations cont.

- Streamlining changes promulgated in October 2005
- The State of Florida in Tallahassee is considering adopting most of the proposed changes. The changes will require Chapter 62.625 F.A.C to be revised.
- Tallahassee is currently drafting changes to the State Rule. Until federal regulations are formally adopted those federal provisions are not in effect.

The Future

- Clean Water Act undergoing revisions
- Wetlands among issues delaying reauthorization
- 40% of nations waterways are still unfishable
- Pretreatment performance measures?

National Pretreatment Standards

- General Prohibitions
 - A discharge of any pollutant which causes pass through or interference
- Specific Prohibitions
- Categorical Standards

Specific Prohibitions

- The following shall not be discharged:
 - Pollutants which create fire or explosion hazard
 - $\text{pH} < 5.0$
 - Pollutants which cause flow obstruction
 - Pollutants which will cause interference (upset)

Specific Prohibition Discharge

- **Louisville ,Kentucky February 13, 1981**

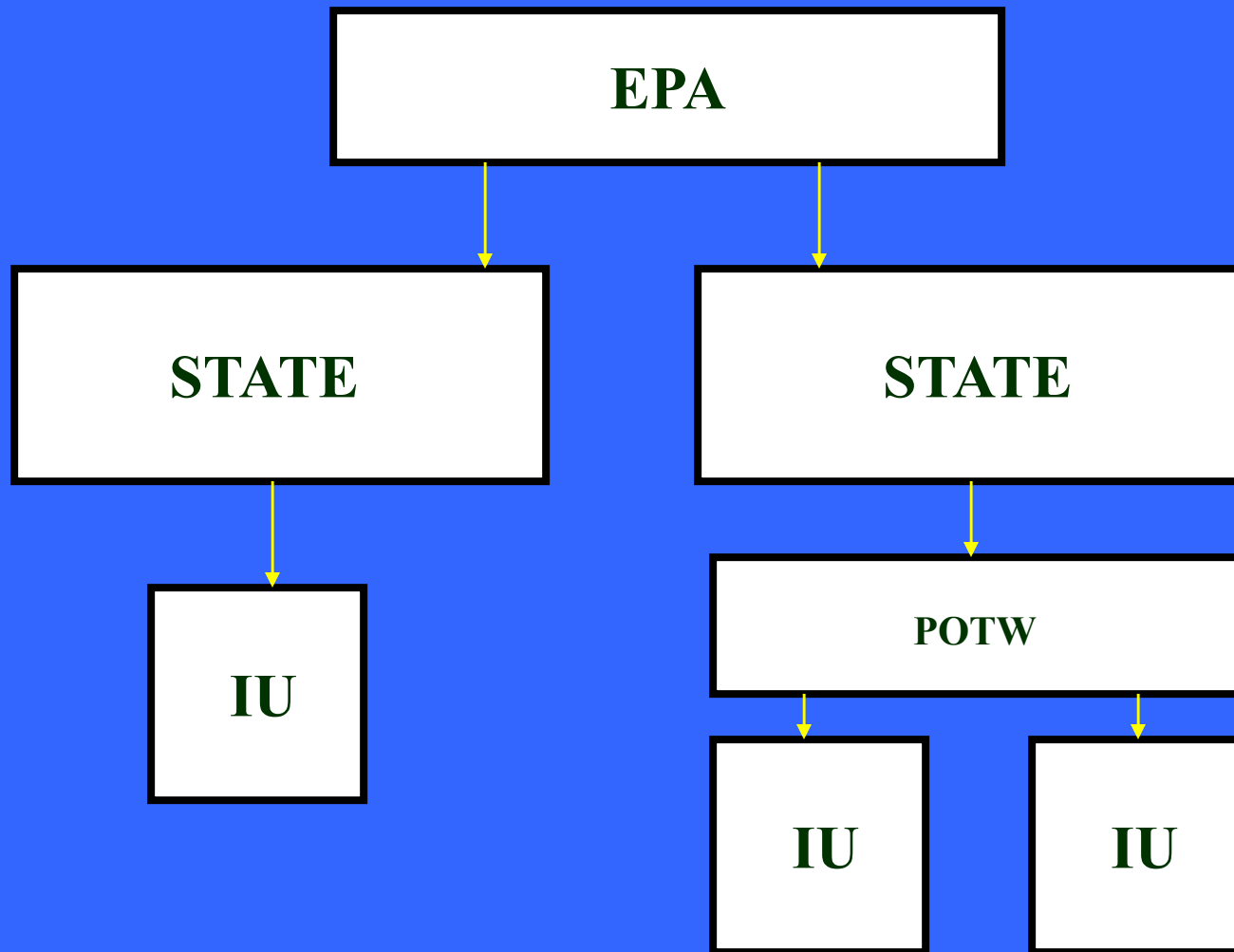




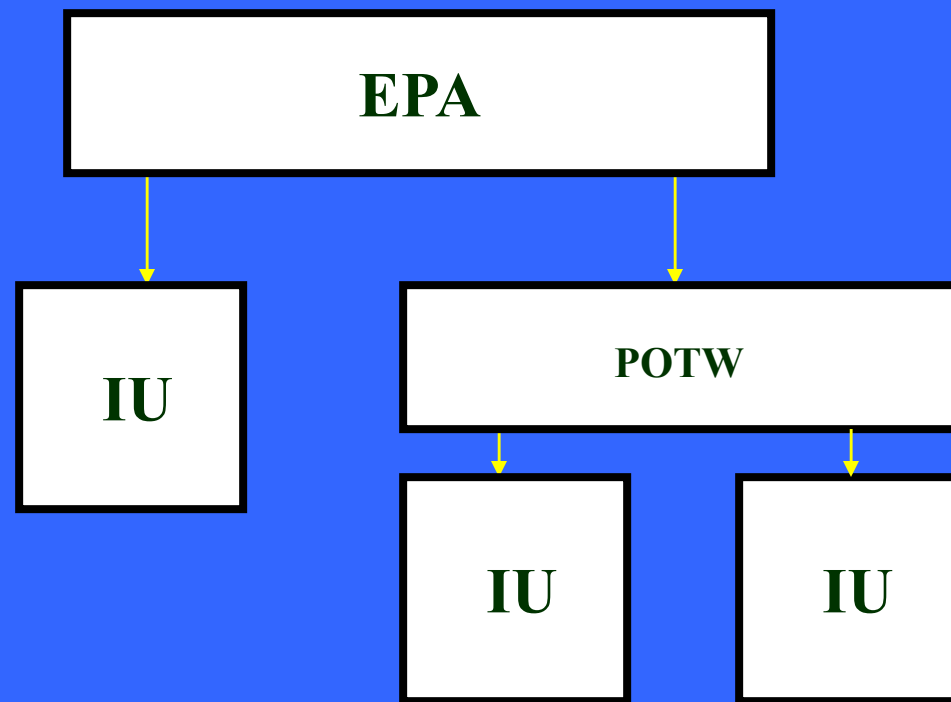
Approval Authority

Control Authority

Delegated States



Non Delegated States



Organization of Pretreatment and Summary of Responsibilities

- EPA Headquarters
- EPA Regions
- Approval Authorities With Pretreatment delegations
- Control Authorities
- Industrial Users

EPA HEADQUARTERS

- Oversight at all levels
- Develop and modify regulations
- Develop policies that define the program
- Develop technical guidance for program implementation
- Initiate enforcement as appropriate

EPA REGIONS 1-10

- Fulfill approval authority without delegation
- Oversee state program implementation
- Initiate enforcement actions
- Florida is in Region IV. Other States in Region IV include:
- Alabama, Georgia, Tennessee, Kentucky, Mississippi, North Carolina, South Carolina and 6 Indian Tribes in the region.

APPROVAL AUTHORITIES

- Notify POTW's of their responsibilities
- Review and approval POTW programs
- Review modifications to categorical pretreatment standards
- Oversee POTW program implementation
- Regulate industries in non-pretreatment cities
- Initiate enforcement action

CONTROL AUTHORITIES

- Develop and maintain an approved program
- Evaluate compliance of regulated IUs
- Initiate enforcement against IUs
- Submit reports to approval authority
- Develop local limits
- Develop and implement ERP

INDUSTRIAL USERS

- Comply with applicable pretreatment standards: Federal State and Local
- Comply with federal and POTW reporting requirements

Florida Department of Environmental Protection (FDEP)

- Received delegation in 1995
- 64 Approved programs

Pretreatment Chronology
Summary of General
Pretreatment Regulations
Abbreviations and Definitions

All included at the end of
chapter one

403 Highlights

- 403.3 – Definitions, including SIU
 - Categorical
 - 25,000 gpd
 - 5% hydraulic/organic load
 - Potential to cause plant harm
- 403.5 – Prohibited Discharges
- 403.6 – Categorical Standards
 - Prohibition of dilution as treatment
 - Combined wastestream formula

403 Highlights (cont.)

- 403.8 – Development of CA pretreatment program
 - Requirements for developing a pretreatment program
 - Defines SNC – Chronic, TRC, cause interference or pass through, caused imminent endangerment, failure to meet compliance milestone by 90 days, failure to provide required reports within 30 days, failure to accurately report noncompliance, and
 - Requires CA to provide sufficient resources to implement program

403 Highlights (cont.)

- 403.9 – CA Pretreatment Program submissions and approval process
- 403.12 – Reporting requirements for CAs and IUs
- 403.14 – Confidentiality
 - Effluent data is available to the public without restriction

403 Highlights (cont.)

- 403.15 – Net/Gross Calculations
 - Allows for adjustment of categorical standards to reflect presence of pollutants in IUs intake water
- 403.18 – Modification of CA program
 - Specific procedures for substantial and minor modifications