

Deindustrialization / Changing Industries: How Programs

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Pretreatment Program Requirements - Development

- ▶ 40 CFR 403.8(a) - POTWs required to develop a pretreatment program:
- ▶ Any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than 5 million gallons per day (mgd) *and*
- ▶ Receiving from Industrial Users pollutants which:
 - ▶ Pass Through or Interfere with the operation of the POTW or
 - ▶ are otherwise subject to Pretreatment Standards
- ▶ The Approval Authority may require that a POTW with a design flow of 5 mgd or less develop a Pretreatment Program if the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant it in order to prevent Interference or Pass Through.

Pretreatment Program Requirements - Development

- ▶ 40 CFR 403.8(b)
- ▶ The POTW Pretreatment Program shall meet the criteria set forth in paragraph 403.8(f) [pretreatment program requirements] and
- ▶ shall be administered by the POTW to ensure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

Pretreatment Program Requirements - Implementation

- ▶ 40 CFR 403.8(c) - Incorporation of approved programs in NPDES permits:
- ▶ The POTW's NPDES permit will be reissued or modified by the Approval Authority to incorporate the approved Program as enforceable conditions of the Permit.

Approved Pretreatment Program – Implementation and Enforcement

- ▶ POTW implements approved pretreatment program as required by NPDES permit:
 - ▶ Industrial Waste Survey
 - ▶ Issues permits to SIUs
 - ▶ Inspects and samples SIUs
 - ▶ Receives and reviews reports from SIUs
 - ▶ Samples influent and effluent of WWTPs, as applicable
 - ▶ Submits annual pretreatment status report to Approval Authority
- ▶ POTW enforces approved pretreatment program as required by NPDES permit
 - ▶ Issues enforcement actions to IUs for noncompliance

Deindustrialization – Now what?

- ▶ Over the years, the Control Authority experiences a complete loss or reduction of its SIU universe
 - ▶ Universe down to just one or two SIUs
 - ▶ Universe down to zero SIUs
- ▶ Several years have passed and the SIU universe has not increased (no new SIUs)

Deindustrialization – Now what?


- ▶ Control Authority and Approval Authority are spending resources to maintain an approved pretreatment program
- ▶ Control Authority
 - ▶ Conducts Industrial Waste Survey
 - ▶ Samples influent and effluent of WWTPs, as applicable
 - ▶ Submits annual pretreatment status report to Approval Authority
- ▶ Approval Authority
 - ▶ Conducts Audits
 - ▶ Conducts Inspections

Deindustrialization – Now what?

- ▶ The POTW no longer meets the criteria in 40 CFR 403.8(a)
- ▶ Once approved is a pretreatment program always approved?

How to React?

- ▶ Should approved pretreatment program be de-delegated, deactivated, or terminated?
 - ▶ Completely remove all requirements to implement and enforce an approved pretreatment program
 - ▶ Maintain certain requirements, such as conduct Industrial Waste Surveys
- ▶ Conditions in NPDES permits – special language or standard conditions for POTWs without an approved pretreatment program?
- ▶ How to reflect in ICIS?



What Utah did when the industry no longer impacted the POTW

JENNIFER ROBINSON

Hyrum

- ▶ Butter Facility
- ▶ NOV/SA 2000
 - ▶ Penalty
 - ▶ Develop Program
- ▶ Program PN 2002
- ▶ City request removal of Program Oct 2013
- ▶ Program De-delegated Upon Renewal

Richmond

- ▶ Meat Packing Plant
- ▶ NOV/SA
 - ▶ Penalty
 - ▶ Develop Program
- ▶ Program PN 2005
- ▶ City Request removal 2008
- ▶ Program De-delegate Upon Renewal

What Utah did when the IU came to Town

- ▶ Brigham City
 - ▶ Paper Products
- ▶ Corinne
 - ▶ Metal Finisher
- ▶ Slater house looking for a new home

What Utah did when the CIU connected to the Total Containment Lagoon

- ▶ Ash Creek
 - ▶ Metal Finisher
 - ▶ Salad Dressing Facility

Applicability of Categorical Pretreatment Standards to IUs of Non-Discharging POTWs

- ▶ https://www.epa.gov/sites/production/files/2015-10/applicability_of_categorical_pretreatment_standards_to_industrial_users_of_non-discharging_potws.txt
- ▶ CIU must meet categorical pretreatment standards
- ▶ POTW may agree to pretreatment program
- ▶ EPA's recourse is only against the IU



Approved Pretreatment Program: Pros and Cons

- ▶ Pros
- ▶ Cons