

PRETREATMENT PROGRAM HISTORY

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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



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

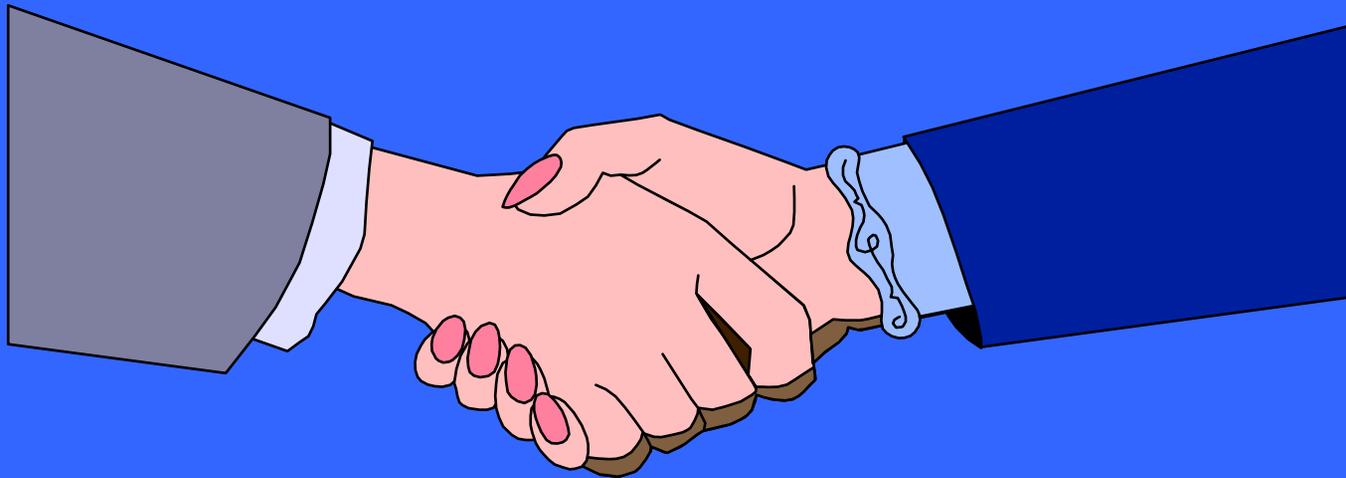


NRDC vs. EPA

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
 - pH < 5.0
 - Pollutants which cause flow obstruction
 - Pollutants which will cause interference (upset)

Specific Prohibition Discharge

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

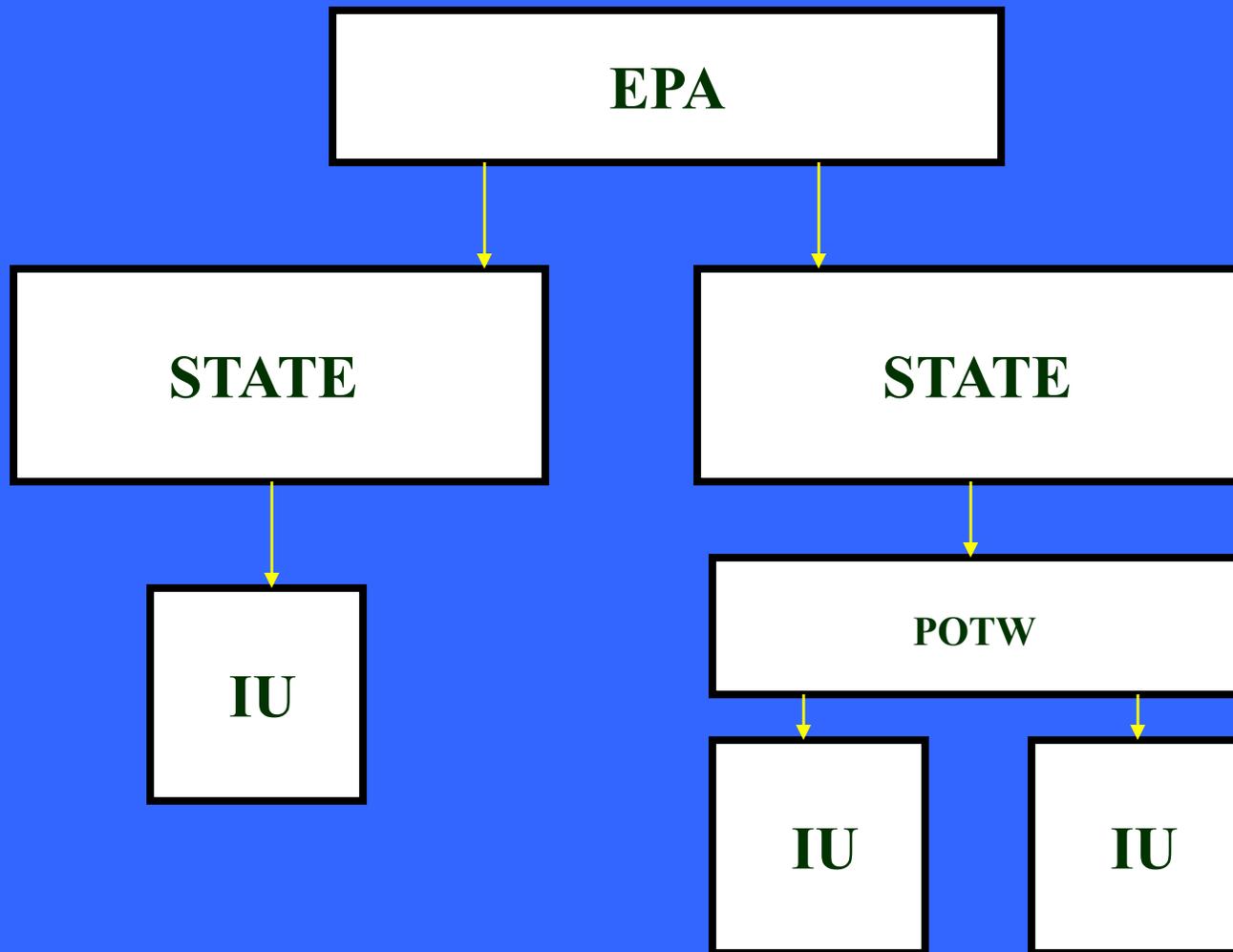




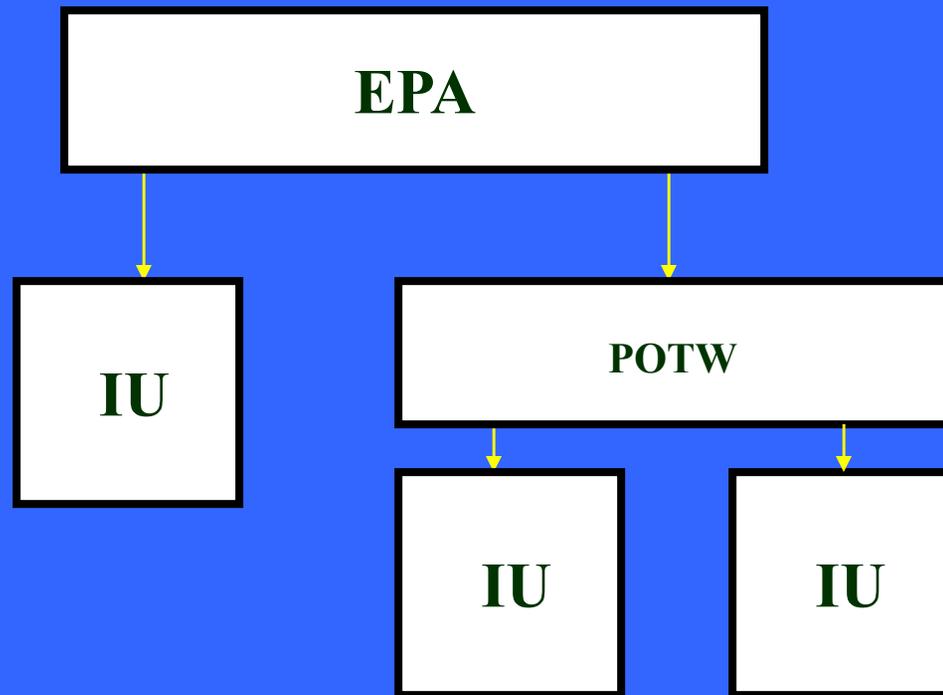
Approval Authority

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