

ACTION CHECKLIST FOR POTWS:
ASSESSING THE NEED TO MODIFY PRETREATMENT PROGRAMS
IN RESPONSE TO DSS AND PIRT

Attached is a checklist for POTWS to use in determining action items which may be needed to implement the DSS regulations, issued on July 24, 1990 (55 FR 30082). The checklist also includes items to implement the PIRT regulations (promulgated on January 17, 1988) so that POTWS which have not yet modified their programs in accordance with those regulations may do so in conjunction with modifications to implement DSS. The items involve changes to approved pretreatment programs and to POTW's NPDES application requirements. Also attached is a brief description of procedures to be followed in amending approved pretreatment programs. It should be remembered that the regulations themselves are relatively brief, and are contained on pp. 30128-30131 of the Federal Register notice. The remainder of the notice comprises background and responses to public comments. Pretreatment Bulletin Issue No. 8 also describes guidance and other technical assistance available to POTWS to implement pretreatment program requirements.

We anticipate that most pretreatment POTWS will already have the legal authority to carry out most of the items on the checklist. However, some POTWS may not have the authority to issue permits or equivalent individual control mechanisms to their significant industrial users (SIUs) as required by the DSS rule, or they may not have the penalty authority required by the PIRT regulations. In those cases, the POTW must obtain such authority before these requirements can be effectively implemented. Other provisions of the DSS rule may require ordinance changes for some POTWS (i.e., the changes to the specific discharge prohibitions). As a reminder, the DSS and PIRT regulations contain only the minimum federal requirements; POTWS may, pursuant to local authorities, establish more stringent requirements than any of the provisions contained in the general pretreatment regulations.

Many of the provisions of the DSS rule pertain to "significant industrial users". The criteria for classification have been but in guidance for several years and are now codified in the general pretreatment regulations. They are:

- o Any industrial user (IU) subject to categorical standards;
- o Any noncategorical industrial IU that discharges 25,000 gallons per day or more of process wastewater to the POTW or any IU that contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
- o Any IU designated as significant by the Control Authority on the basis that the IU has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

ACTION CHECKLIST FOR POTWS

ACTION ITEMS	40 CFR Citation	YES	NO	PARTIAL
NPDES Application Requirements (DSS)				
Toxicity testing results. For protocols, consult the permitting authority.	122.21(j)(1-3)			
Written technical evaluation of the need to revise local limits	122.21(j)(4)			
Local Limits (PIRT)				
Technically based local limits or demonstration that they are not necessary	403.8(f)(4)			
Specific Prohibitions (Ordinance)(DSS)				
Wastestreams with a closed cup flashpoint of less than 140°F	403.5(b)(1)			
Pollutants causing toxic gases, vapors, and fumes (worker health and safety)	403.5(b)(7)			
Oil (petroleum-based, biodegradable cutting oil, products of mineral oil origin) in amounts causing pass through or interference	403.5(b)(6)			
Trucked and hauled waste (designation of discharge points)	403.5(b)(8)			
Application of Pretreatment Standards (PIRT)				
Dilution is prohibited to achieve compliance with all applicable pretreatment standards and requirements	403.6(d)			
The combined wastestream formula is properly applied	403.6(e)			
Procedures for net/gross determination	403.15			
Slug Control (DSS)				
Evaluate SIUs every two years to determine need for slug control plans	403.8(f)(2)(v)			
Do plans contain the following elements?	403.8(f)(2)(v)			
Description of discharge practices and stored chemicals	403.8(f)(2)(v)(A)-(B)			
Notify the POTW of slug discharges and for followup written notification within 5 days	403.8(f)(2)(v)(C)			
If necessary, procedures to prevent adverse impact from accidental spills	403.8(f)(2)(v)(D)			
Slug Control (PIRT)				
Require IU notification for loadings that potentially would violate the prohibited discharge standards	403.12(f)			
Individual Control Mechanisms (DSS)				
Issued to all SIUs	403.8(f)(1)(iii)			
Do they contain the following elements?				
Statements of duration and non-transferability	403.8(f)(1)(iii)(A)-(B)			
Effluent limits	403.8(f)(1)(iii)(C)			
Self-monitoring, sampling, reporting, notification, and recordkeeping requirements	403.8(f)(1)(iii)(D)			
Statement of civil and criminal penalties and any compliance schedules	403.8(f)(1)(iii)(E)			

ACTION ITEMS	40 CFR Citation	YES	NO	PARTIAL
IU Hazardous Waste Notification (DSS)				
Review of submitted notifications to determine which IUs to contact for more information	403.12			
SIU Self-Monitoring (PIRT)				
Sampling techniques for categoricals revised	403.12(b)(5)			
Sampling for all SIUs for periodic reports must be performed during the period covered by the report	403.12(g)(3)&(h)			
Extra sampling data from categorical SIUs must be included in periodic reports	403.12(g)(5)			
Categorical SIUs must report all violations within 24 hours and resample within 30 days	403.12(g)(2)			
90-day report requirements same as for BMR	403.12(d)			
Revised signatory requirements for categorical SIUs	430.12(l)			
SIU Self-Monitoring (DSS)				
Procedures for reviewing twice-yearly non-categorical SIU reports	403.12(h)			
Changed Discharge (PIRT and DSS)				
All users must notify POTW of changed discharge, including change in hazardous waste discharges	403.12(j)			
New Sources (PIRT)				
Revised new source definition	403.3(k)			
Require new source compliance within 90 days	403.6(b)			
BMRs submitted 90 days prior to discharge	403.12(b)			
POTW Compliance Monitoring and Enforcement (DSS)				
POTW inspection and sampling of all SIUs once a year	403.8(f)(2)(v)			
Does the POTW have an enforcement response plan that contains the following procedures	403.8(f)(5)			
Description of investigation of IU noncompliance	403.8(f)(5)(i)			
Description of escalation enforcement responses and time periods for these responses	403.8(f)(5)(ii)			
Identification of officials responsible for each type of response	403.8(f)(5)(iii)			
Reflection of POTW's primary responsibility for enforcement of pretreatment requirements	403.8(f)(5)(iv)			
Remedies (PIRT)				
Authority to assess civil or criminal penalties of at least \$1,000 per day per violation	403.8(f)(1)(vi)(A)			
Annual Report (PIRT)				
Do annual reports to the Approval Authority contain the following elements?	403.12(d)			
Updated list of IUs				
Summary of IU compliance status				
Summary of POTW compliance and enforcement activities				
Other relevant information requested by the Control Authority				

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PROGRAM MODIFICATIONS

The PIRT rule contained requirements for approval of POTW program modifications, which are found in 40 CFR 403.18. Most POTWs will have to modify their approved programs to conform to the changes required by the PIRT and DSS regulations. There are two types of program modifications: substantial and non-substantial. Both trigger the minor NPDES permit modification requirements of 40 CFR 122.63. POTWs are encouraged to discuss all program modifications with their Approval Authority.

Substantial Program Modifications

Substantial program modifications include all those identified in 40 CFR 403.18(c)(1)-(3). These are:

- o Changes to the POTW's legal authorities, control mechanisms, or confidentiality procedures;
- o Less stringent local limits;
- o Changes in the POTW's method of implementing categorical standards;
- o Decrease in the frequency of self-monitoring or reporting required of industrial users;
- o Decrease in the frequency of industrial user inspections or samplings by the POTW;
- o Significant reductions in pretreatment program resources;
- o Changes to sludge disposal and management practices;
- o Any other program modification that causes a substantial impact on program operations, an increase in pollutant loadings at the POTW, or less stringent requirements for industrial users.

For substantial modifications, the POTW must submit to the Approval Authority a statement of the basis for the desired modification, a modified program description, or such other documents the Approval Authority requires. The Approval Authority will follow the program approval procedures, including public notice of the submitted modification(s), of 40 CFR 403.11. Substantial modifications become effective upon approval. Notice of approval must also be published in the same newspaper as the notice of request for approval.

Non-substantial Program Modifications

The POTW must notify the Approval Authority of non-substantial modifications at least 30 days before they are to be implemented by the POTW. The POTW must submit a statement similar to that required for substantial modifications. Non-substantial program modifications are deemed to be approved by the Approval Authority unless the Approval Authority determines that the submitted modification is in fact a substantial modification within 90 days of the submission. If the Approval Authority determines that the modification is a substantial modification, the POTW must resubmit the modification as a substantial modification.