

EPA Pretreatment Updates

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BACWA Pretreatment Committee Meeting
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EPA Updates



- Electronic Reporting
- Guidance Manual Updates
- RCRA Rule for Hazardous Waste Pharmaceuticals
- CWA Methods Update Rule
- Effluent Limitation Guidelines Planning
 - Including: Dental Amalgam



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NPDES Electronic Reporting Rule

- Final rule effective December 21, 2015 (5-year phase-in for pretreatment reporting)
- Replaces much paper-based NPDES reporting with electronic reporting. Does not add additional reporting requirements on permittees.



EPA Region 9 Annual Pretreatment Reports (2009)



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NPDES Electronic Reporting Rule

- Pretreatment reporting
 - Covers submittals of:
 - Annual Pretreatment Reports (POTW to Approval Authority)
 - Semi-annual Industrial User Compliance Reports discharging to POTWs without approved pretreatment programs (IU to Approval Authority)
 - Must begin submitting these reports electronically starting December 21, 2020* (*EPA plans to propose to extend to December 21, 2023)



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NPDES Electronic Reporting Rule



Lead for this technical workgroup is

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- EPA-State Pretreatment E-Reporting Technical Workgroup kicked off April 2017
- [Implementation Technical Paper, 27 July 2018](#)
 - Define the reference values, business rules, and other data standards
 - Discuss options for data access so that they are useful for program management.
 - Make recommendations for future IT development
- Next steps
 - Computer Programming (as necessary)
 - Beta Testing of Forms
 - Implementation



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Receiving Electronic Reports from IUs

- EPA published an **updated** guidance document in May 2018 on POTW Pretreatment Programs and Electronic Reporting
- Lays out two-step process for (1) seeking CROMERR approval and then (2) modifying your approved pretreatment program to accept IU reports electronically in place of paper copies

https://www.epa.gov/sites/production/files/2018-05/documents/cromerr_potw_1.pdf



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Guidance Manual Updates

- IU Inspection and Sampling Manual for POTWs – published January 2017

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- Procedures Manual for Reviewing a POTW Pretreatment Program Submission
 - Guidance Manual for POTW Pretreatment Program Development
 - Guidance for Developing Control Authority Enforcement Response Plans
 - Completion of Appendices to IU Permitting Manual
 - Guidance Manual for Control of Wastes Hauled to POTWs



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RCRA Rule: Management Standards for Hazardous Waste Pharmaceuticals

- Final Rule signed December 11, 2018
- Prohibits healthcare facilities from sewerage hazardous waste pharmaceuticals
- FAQs available on website

<https://www.epa.gov/hwgenerators/final-rule-management-standards-hazardous-waste-pharmaceuticals-and-amendment-p075>



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Clean Water Act Methods Update Rule

- Methods Update Rule proposed October 22, 2019
- Proposed changes include:
 - Revised EPA methods
 - New or revised methods published by voluntary consensus bodies, such as ASTM International and the *Standard Methods* Committee
 - New or updated methods developed by USGS
 - Methods reviewed under the Alternate Test Procedures program
 - Minor changes to quality assurance and quality control within individual methods

<https://www.epa.gov/cwa-methods/methods-update-rule-2019>



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Effluent Limitations Guidelines (ELG) Planning



<https://www.epa.gov/eg/effluent-guidelines-plan>

- “Preliminary Plan 14” published October 2019
 - Initiating studies for:
 - Multi-Industry PFAS analysis
 - Industrial nutrient discharges
 - Continuing industrial category studies for:
 - Oil & Gas Extraction Wastewater Management
 - Electrical and Electronic
 - Continuing to populate Industrial Wastewater Treatment Technology Database (IWTT): <https://www.epa.gov/iwtt>
 - Components Manufacturing
 - Petroleum Refining
 - Developing:
 - New technology review process for ELG Planning
 - New economic screening analysis for ELG Planning prioritization
 - ELG Database



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Dental ELGs



- Final Rule published in Federal Register on June 14, 2017, effective July 14, 2017
- Existing dental facilities subject to the rule must comply by July 14, 2020
- Requires dental offices to comply with requirements based on practices recommended by the American Dental Association, including the use of amalgam separators

<https://www.epa.gov/eg/dental-effluent-guidelines>



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Dental ELGs



- Minimizes dental office reporting requirements and the administrative burden to federal, state, and local regulatory authorities responsible for oversight of the new requirements
- Requires dental facilities to:
 - Install, operate, and maintain an amalgam separator
 - Not use oxidizing or acidic line cleaners
 - Submit a one-time compliance report to Control Authority
 - Due NLT October 12, 2020 for existing sources; within 90 days following introduction of wastewater to POTW for new sources



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Dental ELGs



Frequently Asked Questions for Control Authorities on the Dental Rule (40 CFR Part 403)

- 1. Does the dental office category rule apply to dental facilities that discharge to publicly owned treatment works (POTW) [e.g., municipal sewage system] that have a dental amalgam reduction program?**

Yes. The federal rule applies to dental dischargers irrespective of any state or local dental amalgam reduction program.
- 2. Is a dental discharger considered an "industrial user"?**

Yes. An "industrial user" is a nondomestic source of indirect discharge into a POTW. Dental dischargers are therefore considered industrial users under the general pretreatment regulations in 40 CFR part 403, see: <https://www.federalregister.gov/2017/12/13/2017-23190>. This rule does not alter that status. However, this rule established that dental dischargers are not significant industrial users (SIUs) or categorical industrial users (CIUs) as defined in 40 CFR part 403 unless designated as such by the control authority.
- 3. Are control authorities required to identify all dental dischargers?**

Because dental dischargers are industrial users as explained in question two, the requirements in 40 CFR §403.1 and §403.2, which pertain to control authority identification and oversight of all industrial users, continue to apply. Because dental dischargers are generally neither SIUs nor CIUs per 40 CFR §403.10(b), they are not required, under 40 CFR §403.2, to be individually identified in the POTW's annual report or National Pollutant Discharge Elimination System (NPDES) permit application, unless otherwise required under state or local authorities.
- 4. As a control authority, what are my oversight and enforcement responsibilities regarding dental dischargers?**

As noted in section **V.D.4 of the Regulations** to this rule, "Control Authorities have discretion under the final rule to determine the appropriate manner of oversight, compliance assistance, and enforcement." (§2 FR 27164). However, while dental dischargers are not CIUs or SIUs, they continue to be industrial users (IU) – defined broadly at 40 CFR §403.3 as a "source of indirect discharge." 40 CFR §403.8(f) directs POTWs to establish procedures and standards to identify all IUs, including dental dischargers, to ensure compliance with the general and specific prohibitions in order to protect against pass through and interference. Control authorities, however, have discretion and flexibility on what those requirements should be for dental dischargers. As a POTW's procedures are tailored to the capacity and capability of each POTW, as well as the NPDES permit requirements for the individual receiving water body, they will be different for each control authority. Refer to your program's procedures and NPDES permit conditions to understand your requirements as they relate to industrial users. If necessary, control authorities have the option to modify their program to adapt their otherwise applicable procedures to dental dischargers. In some circumstances, this may be considered a substantial modification, which has special requirements described in 40 CFR §403.15. Control

Supporting documents on our website:

- Final rule
- Fact Sheet
- Technical Development Document & Economic Analysis
- Sample One-Time Compliance Report Form
- FAQs
 - For Dentists (Nov 2017)
 - For Control Authorities (May 2018):

https://www.epa.gov/sites/production/files/2018-05/documents/final_faqs_for_control_authorities_dental_category_final_rule_may_2018.pdf

