

Pretreatment Committee – Report to BACWA Board

Pretreatment Committee Meeting: 12/14/2020
Executive Board Meeting: 01/15/2021
Committee Chairs: Tim Potter, Michael Dunning

Committee Request for Board Action: None

12/14/2020 Meeting – 40 attendees representing 23 agencies (remote participation only)

- 1. Industrial User Permit Development.** The group shared best practices for several aspects of Industrial User (IU) permit development and enforcement, including:
 - Categorization of Research & Development (R&D) facilities. Certain R&D facilities are exempt from being classified as Categorical IUs (e.g., 40 CFR § [414.11\(b\)](#)). Members discussed that product testing for goods that are eventually sold should not be classified as R&D.
 - Some IUs have the potential to discharge toxic or hazardous constituents that do not have local limits or objectives in the NPDES permit. In these cases, agencies can (1) mandate Best Management Practices (BMPs) in the IU permit, (2) add the constituent of concern to groups of contaminants like Total Toxic Organics that already have a local limit, or (3) develop an IU-specific limit based on headworks loading analysis or collection system protection. The guiding principle should be treatability/compatibility with plant operations.
 - Drains under gas station canopies should not be permitted unless treatment is installed. Ideally these drains should go to a dead sump. Some agencies require these drains to go to a storm drain and to be outfitted with treatment (oil/water and trash separation).
 - For recalcitrant violators, action is necessary when there is significant agency liability (e.g., fines not being paid if an IU goes bankrupt; risk of plant upset). To build support for enforcement, agency management should stress that poor enforcement is (1) unfair to IUs that *do* comply, and (2) damaging to public perception of pretreatment programs as “having teeth,” which could encourage others to violate. Agency staff should work with the internal legal staff and the County DA in charge of environmental crimes to prepare for enforcement. Violators should be aware of the risk of jail time.
- 2. COVID Impacts**
 - Any IU monitoring that was missed due to COVID should be listed in the Pretreatment Program Annual Report, but should not be labelled a “violation.”
 - Several agencies have suspended in-person monitoring of grease traps, but are keeping in touch with food service establishments (FSEs) by (1) requesting grease trap pumping logs and/or receipts, and/or (2) reminding FSEs of their obligation to maintain grease traps.
 - COVID has complicated compliance with the Dental Amalgam Rule. One-time certification reports are due now for existing dentists, but some agencies haven’t been able to get in touch with all dental facilities due to COVID restrictions and temporary closures. So far, only one agency is pursuing a strategy of issuing citations for this reporting violation.
- 3. Engagement with RWQCB, SWRCB, and EPA**
 - PG Environmental is continuing to participate in pretreatment audits, but Regional Water Board staff are now responsible for preparing written reports. Video conferencing is being used for portions of the audit.
 - Recent requests for EPA support have been met with the response that EPA no longer provides pretreatment program support/approval. Support is limited to offering opinions, not approval.
 - Evolution of RWQCB, SWRCB, and EPA responsibilities will be included on the agenda the next time staff are present at a BACWA Pretreatment Committee meeting (target: Q1 2021).
- 4. Next meeting: TBD, first quarter of 2021**