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## ATTACHMENT A

### Procedures to Identify POTWs Which Will be Required to Develop POTW Pretreatment Programs

The permit-issuance authority (Regional office or NPDES State) must have the ability to determine which of its municipal permittees will be required to develop a POTW pretreatment program. As section 403.8(a) of the pretreatment regulation explains, POTWs required to develop a program will include those POTWs with a design flow over 5 mgd receiving from industrial users wastes which:

- o pass through the POTW untreated
- o interfere with the operation of the treatment works
- o are subject to pretreatment standards developed under the authority of section 307(b) or (c) of the CWA.

In determining which POTWs are above 5 mgd, the permit-issuance authority should look at average design flow. In addition, if one permittee controls several treatment works, the cumulative flow of the treatment works should be considered in calculating average design flow. For example, one Regional Authority controlling 3 treatment works with average design flows of 3, 2 and 1.5 mgd respectively would be viewed, for the purposes of the pretreatment regulation, as a single operation with an average design flow greater than 5 mgd.

A recommended first step in determining which POTWs over 5 mgd fall within the 3 categories listed above would be to determine which POTWs receive wastes from one or more industries within the 21 industrial categories listed in the NRDC Consent Decree (for reprinting of Consent Decree see The Environmental Reporter-Cases, 8 ERC 2120). EPA anticipates that categorical pretreatment standards under section 307(b) and (c) will be developed for almost all industrial subcategories within the 21 industrial categories listed in the NRDC Consent Decree. A possible approach to detecting these sources would be to examine industrial inventories such as the Dun and Bradstreet Market Identifiers, the Directory of Chemical Producers, published by the Stanford Research Institute, and the State industrial directories to determine which of the listed sources are within the State or Region and discharging into POTWs.

A second step in identifying POTWs required to develop a POTW pretreatment program might be to look at those POTWs which are not meeting their NPDES permit conditions. Such permittees would be likely candidates for a pretreatment program aimed at controlling pollutants which interfere with the operation of or pass-through the POTW.

Section 403.8(a) of the pretreatment regulation also gives the permit-issuance authority the ability to require the development of a pretreatment program by POTWs with average design flows of 5 mgd or less. It is recommended that the permit-issuance authority require the development of a program wherever the POTW meets one of the 3 criteria outlined earlier. The permit-issuance authority is strongly urged to exercise its option to extend the requirement to develop a pretreatment program as broadly as possible.

The burden of proof for demonstrating that a program is not needed should rest on the POTW. Where there is some doubt that a certain POTW has industrial influent subject to pretreatment requirements, the POTW can be allowed to show that it need not develop a program. In such cases, a clause should be inserted in the municipal permit along with the compliance schedule for the development of a pretreatment program. This clause would state that if the industrial waste inventory required by the compliance schedule demonstrates that the POTW has no contribution of industrial wastes which would be subject to pretreatment requirements, the POTW would not be required to continue development of the program.