



Inside Pretreatment Newsletter

January 27, 2010 (Number 32)

In this Issue (time sensitive information is included, so I could not wait until the normal February date for sending this out. Sorry for any typos):

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Michigan Amalgam Separator Law Review – Update

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Tests find antibiotic, other contaminants in Tampa's drinking water

Please forward this Newsletter to Other POTWs. Subscribe at www.CWACS.com
920 subscribers and climbing.

Question of the Day for EPA

Here is a question one of the readers could submit to EPA and do a little research:

If someone is on the “No Fly List” does that mean a POTW/Water Treatment tour would be off-limits due to Homeland Security concerns?

If you do email this to your EPA contact, please let me know the answer (for the next newsletter). I am NOT on the “No Fly List”!

Up-to-Date News Items

Go to www.CWACS.com and click on the “News and Meetings” tab at the top of the page.

I have listed a couple of pretreatment **job openings** that were provided. City of Pocatello, Idaho and the Texas Commission on Environmental Quality. Other news/job openings will be posted as it comes up.

Colorado POTWs: A House Bill to regulate the collection, storage, transport, processing or disposal of Grease. HB10-1125. You better review the House Bill that is being drafted and is available for viewing at: <http://www.leg.state.co.us/> and click on Bills under House – Current Regular Session and select the Bill Range that includes 1125.

I believe that when this bill was drafted, the authors were unfamiliar with pretreatment programs and existing EPA approved grease programs. It looks like a paperwork program (that makes EPA look good) and is obviously going to be used to generate funding through fees. There is a lot to dislike about the current bill. Should POTWs with EPA approved grease programs be exempt? Is the manifest they require better than the one EPA has provided? Colorado POTWs:

Hopefully CIPCA or someone else will take the lead on this for all Colorado POTWs (this will potentially impact smaller POTWs). CWACS will be providing comments in support of POTW pretreatment programs (approved and non-approved).

Upcoming Training

Local Limits, Inspecting Industrial Users and Enforcement

Scottsdale, Arizona, February 23-24, 2010: Local Limits and Inspecting Industrial Users
Fort Smith, Arkansas, April 6-7, 2010: Local Limits and Inspecting Industrial Users
Grand Junction, Colorado, May 24, 2010: Enforcement and Enforceability of Local Limits
Minneapolis, Minnesota, June 22-23, 2010: Local Limits (2 day course)

All training is specifically provided for municipalities with approved and non-approved pretreatment programs and limited to smaller groups (generally 30 or less) to facilitate discussion. For more information and registering, please go to: www.CWACS.com .

Also note that I have tried to list upcoming conferences and workshops that are happening on my website. If you know of other meetings hosted by non-profits or government agencies, let me know.

Do You Need to Update Your Legal Authority

A Checklist for POTWs: Does your legal authority need updating?

I get many POTWs asking me if I can review their legal authority (ordinance or rules) and let them know if it needs updating. To do a review, I usually have to allocate 10-12 hours to do the review and produce a report. That is very useful, but the review does cost. So, the question always comes up “Is there a way to just skim the legal authority and see whether or not a more thorough review and update is needed?”

My answer is: *Yes*. Whenever I do a project for a municipality, I always look at their legal authority. Maybe for local limits, maybe for permit writing, maybe for enforcement language. As the same time, I skim the rest of the legal authority for “red flags”.

You, the POTW, can use the same screening I do if you want to quickly evaluate your legal authority (there is some judgment that may be required to determine if something is really bad). I use about 10 screening criteria, but the “big six” criteria are:

1. Has the municipality already included the required Streamlining changes adopted in 40 CFR Part 403?
2. Are the definitions out-of-date, conflicting, missing, incorrect, or weird?
3. Are there “extra” specific prohibitions do the extra ones have numeric limits associated with them? Are some that are needed missing? Do you enforce (or really want to

- enforce) all of the extra ones against all non-domestic users?
4. Is the local limits language incorrect (e.g. the POTW developed local limits for SIUs using SIU flow and the ordinance refers to IUs).
 5. Does the legal authority include administrative penalty authority (remember the ERP).
 6. The municipality needs to add BMPs or the authority to do BMPs (e.g. grease, silver, mercury, sand/oil, hauled waste, etc).

I could have easily asked “Has it been revised in the last 10 years?” The truth is, there is a range of “It must be changed” to “It should be changed” to “Unless you have a problem then it can wait”. I am not sure how many of the criteria will make you want to spend more quality time with your legal authority, but at least you can spend 15 minutes skimming it.

When doing a review of a legal authority, I often make a decision as to the extent of the revision based upon the question: Are the pretreatment sections are split between many different sections of the sewer use ordinance/rules resulting in confusing and perhaps conflicting definitions or requirements? This is a regulatory program. Your legal authority would be easier for the user to understand, easier for staff to work with, and much easier to revise in the future if the pretreatment program requirements are all contained in one section or part or chapter. Every client I have worked with has told me they really like pretreatment in one place, even if it is only by making it easier to include as an attachment to each IU permit.

Michigan Amalgam Separator Law - Update

This law sets a precedent for dismantling local pretreatment program authority and is in direct conflict with EPA regulatory requirements. If you remember the November 2009 Newsletter, the management at EPA Region 5 assured us that they would have an update/resolution by the end of the year or shortly thereafter. I decided to wait until just a few days ago to ask for an update. There is no update available from Region 5 management (that is the response I got).

Wasn't this a line item on some attorney or manager's performance agreement? When I started asking questions, I think I had like 500 subscribers in June 2008. Now there are over 900 subscribers. See the newsletter April 9, 2009, for a more extensive discussion for those of you that have subsequently subscribed to the newsletter.

Here are the addresses you can cut and paste to your email and ask for an update (again). Please let EPA know you are interested in this. Ask to be on an email list to be updated without having to request it over and over. Ask EPA to resolve this matter and provide that information to local pretreatment programs. I can assure you that EPA would expect due diligence from your program!

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States Looking to Establish Trigger Levels for Specific Pollutants

States are becoming more creative in looking for ways to control pollutants, especially toxic and persistent pollutants. If you have read these newsletters for any period of time, you will remember the discussion around Methylmercury and EPA's anticipated approach to controlling that pollutant. The latest state to look at this approach is

Oregon <http://www.deq.state.or.us/WQ/SB737/>. The use of Trigger Levels to require POTWs to take actions (develop, adopt and implement BMPs/local limits) and the financial impact is clearly stated in the Oregon fact sheet. The pretreatment programs at the municipalities will be required to develop toxics reduction plans (BMPs) when effluent monitoring shows that a trigger level is exceeded. These BMPs and local limits can be complicated and expensive. Excerpt from the Oregon Fact Sheet (comments due by February 1, 2010):

“The rule will establish numeric effluent concentration values or trigger levels for each of the 118 priority persistent pollutants for which a maximum contaminant level has not been adopted by EPA under the federal Safe Drinking Water Act but that the Oregon Environmental Quality Commission determines by rule should be included in a permitted facility's toxic pollutant reduction plan. Municipal wastewater treatment facilities meeting the criteria specified by the legislation will compare the results of wastewater effluent monitoring against these trigger levels. Where effluent concentrations of a pollutant on the list exceed the trigger level, the facility will be required to develop a toxics reduction plan aimed at reducing levels of that pollutant in their discharge. The trigger levels will provide a basis for the municipalities to know when toxics reduction plans are required.”

“Municipal wastewater facilities with a dry-weather design flow capacity of one million gallons per day or more could encounter direct and indirect financial impacts if they exceed specific trigger levels for one or more pollutants on the priority persistent pollutant list. Pollutant concentrations in effluent greater than the trigger level will require wastewater treatment facilities to develop and implement a toxics reduction plan. Businesses, in turn, could incur cost increases if toxics reduction actions are indirectly mandated by an affected municipality that serves their wastewater treatment needs. In addition, residential rate payers associated with any of the qualified facilities could experience rate increases if the cost of developing or implementing a toxics reduction plan is passed on to ratepayers.”

CWACS is not taking any position as to whether or not this approach is good or bad. BMPs for controlling outdated or waste pharmaceuticals would seem worthwhile (but not addressed). Are all of the 118 pollutants of concern identified by the State pollutants that have been detected in the effluent of the 52 POTW effluents that will be regulated under this rule (pollutants of concern)? Some of these compounds are expensive to sample and analyze.

If your state is proposing something similar, let me know. I would like to keep a list of all of these.

EPA/state Variances and Exemptions – Help Find These

If you have any of these, forward them to me. If you would prefer, I can block out your municipality's name. Maybe you want to use one that another POTW has provided!

If you have these, provide a copy of the letter granting the variance/exemption or interpretation. I can include these in the Latest Pretreatment News webpage. If I granted any in Region 8, send me those. I will post them!

Enforcement Case Study: The State Pretreatment Audit Report

To be continued in next Newsletter.

Local Limits Software Available

Want to view this software being used? You can check out the software at the CWACS website and see [videos](#) of it being used. The software allows POTWs maximum flexibility to develop local limits for sectors of industrial users that the POTW chooses (e.g. Significant Industrial Users (SIUs) only, SIUs and Permitted Non-SIUs, etc). This spreadsheet provides the POTW with the tools to organize and evaluate input data. [Download a brochure here.](#)

Tests find antibiotic, other contaminants in Tampa's drinking water

<http://www2.tbo.com/content/2010/jan/05/050530/tests-find-antibiotic-other-contaminants-tampas-dr/>

Summarized from Christian Wade's article in The Tampa Tribune Published: January 5, 2010

TAMPA - The tap water that Tampa residents consume is contaminated with low levels of antibiotics, nicotine byproducts and a chemical used to produce firefighting foams.

City and state officials say the levels of the contaminants – found in recent tests of the city's drinking water system – are miniscule and that the city's water is safe to drink.

But the presence of the contaminants raises questions about what is coming out of the faucets in tens of thousands of households served by the city's water system. State and federal environmental regulators say they know little about possible health risks from the cocktail of contaminants that in recent years have been found in water supplies across the country.

[CWACS Comments: Interesting article. The position taken by the City and State that the pollutant concentrations are “miniscule and that the city's water is safe to drink” highlights the desire to assure the public even where scientific data is not available to draw any conclusion on safety or threat. This really highlights the difference in approach between people that want an

approach to exposure based upon the “Precautionary Principle” and those that desire an approach based upon “Regulate as Data Dictates”.

CWACS offers a full range of pretreatment program support activities. Please ask us for a bid on your next project and include us on your list for future Request for Proposals (RFPs). CWACS offers support on an hourly and project basis. Visit our website or download a [brochure here](#).

Newsletters reflect the opinions of CWACS. They are not intended to change what a specific POTW, state or EPA may require.

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