



Inside Pretreatment Newsletter

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Revising Local Limits

Local limits, if calculated and adopted correctly, will be technically and legally defensible. The calculations can be complex and time consuming. The assumptions have to be reasonable and be documented completely. If you do not have experience at doing the calculations or identifying reasonable assumptions, find someone who does. The intent is to have a set of local limits that will last for at least five years. POTWs should revise local limits when one or more of the following occurs:

- ✓ Changes at the POTW (e.g. revised NPDES permit conditions, revisions to water quality standards, new construction, significant new discharges to the POTW, changes in the loading, etc.).
- ✓ Annual re-evaluation as part of the annual report indicates a need.
- ✓ When applying for a NPDES permit (or re-applying for a permit (40 CFR §122.21(j)(4)).
- ✓ Violation of a NPDES permit effluent limit or water quality standard.
- ✓ Failure of a WET test due to a specific pollutant contributed by non-domestic user(s).

POTWs are not required to submit local limits to the Approval Authority when the existing, approved Maximum Allowable Industrial Loading (MAIL) is being reallocated or the limit for pH is changed that results in less stringent limits (40 CFR §403.18). However, it is strongly advised that when a POTW makes any changes to local limits, the POTW submit and request approval from EPA or the state. The POTW must follow all internal administrative processes for adopting and incorporating changes to their legal authority. Failure to do so may result in modified limits to be non-enforceable. Approval authorities may designate any change that is not a substantial modification be submitted as a non-substantial modification. A substantial modification requires the Approval Authority to public notice the changes for comment prior to approval.

It is important to remember that the Approval Authority is not only public noticing your numeric local limits (or BMPs), but also your assumptions, MAIL, MAHL, your calculations, your decisions on who the limits apply to (based upon flows used), and what pollutants you are committing to implementing and enforcing.

A note on doing local limits: Yes, I realize that most POTWs do not revise local limits or work with local limit revisions all the time. I also recognize that making the “decisions” I refer to is not easy when you have not worked with a large number of

local limits revisions. However, you have to take the first step in understanding what you really want to do. I hated reading EPA's local limits guidance document because it is theory. The Local Limits Strategy I wrote for Region 8 programs was a stepwise guide, but still relied on a lot of decisions for which little guidance was really provided.

The first step is to recognize that you have a lot of questions to answer. Figuring out what the questions are is the hard part. I hope these help:

Questions to Answer When Revising Limits

1. Do I have enough data for influent, effluent, domestic, commercial, hauled waste, biosolids, SIUs, upstream receiving water, etc?
2. What type of local limits do I want to adopt (e.g. instantaneous, daily max, monthly)?
3. Do I want concentration-based limits, mass-based limits or both?
4. Do I want limits for SIUs only or local limits for SIUs and non-SIUs?
5. I have several treatment works. Do I want one set of local limits for all POTW or adopt POTW specific limits?
6. Do I know the assumptions that I need to make before performing the local limits evaluation (e.g. safety factor, expansion factor, protect existing sludge quality, etc).
7. Do I have the time and expertise to do the work in-house?
8. Do I know the required due process requirements (public participation, city/district administrative processes)?
9. Do I know which pollutants of concern I want to adopt local limits for?
10. Do I have a good method for calculating the limits (spreadsheet, manual, etc)?
11. Do I have time to respond to comments from the Approval Authority or interested parties?
12. Do I know how I want to handle below detection limit data?
13. What does the Approval Authority really need (or want) in a local limits package?
14. What do I do about POTW default inhibition data?
15. What limits should I adopt that are based upon treatment technology rather than one of the environmental criteria?
16. How do I evaluate whether or not my estimates of commercial and domestic flows are accurate?
17. Significant figures?
18. When should I use clean sampling methodologies? (Answer: always for toxics!)
19. Which SIUs, if any, will need a compliance schedule?

The answers to each of the questions listed above are POTW specific (except #18). When I wrote the Region 8 Local Limits Strategy it was impossible to predict

the answers to these questions in a general way. I reviewed many local limits submittals where some of the decisions that were being made would not be classified as scientifically or technically reasonable. One overall concept is important: *Keep it as simple as possible*. I recently revised the EPA Region 8 Local Limits Spreadsheet to provide some clients with significantly more data analysis so they can understand the impact of decisions on their local limits. The data analysis and some experience allow reasonable judgments to be made when adopting local limits. Remember, you may have to testify about how you developed your local limits in court (not everyone wants or can afford a consultant to fill this niche).

The questions I have listed are the most important part of the local limits development process. If you know the questions to ask, you will have a better chance of actually developing great local limits. These are the questions I ask and try to help clients answer. Practical application of theory in this activity requires a significant amount of time to think about what you are doing. Remember that local limits are our direct link to environmental protection.

I have taken to heart your observations about the last couple of newsletters being very long and detailed. Maybe a little too detailed for enjoyable reading. I also agree that calling them a “newsletter” is not the best application of the English language. As you may sense, I love the pretreatment program and its complexity and tend to get carried away when I am writing. However, I will endeavor to provide shorter “newsletters”.

Welcome to Al Garcia, the new EPA Region 8 Pretreatment Coordinator!

Coming in future Newsletters: Part 3: Penalties and Supplemental Environmental Projects for Pretreatment (*Sorry, this will be delayed. I am working with a POTW to present this at the Region 8 Conference*). Instantaneous Local Limits, Smaller POTWs – Developing a Pretreatment Program, Identifying Potential Criminal Activity, Classifying Significant Industrial Users, usable Enforcement Response Plans, etc.

Newsletters reflect the opinions of CWACS. They are not intended to change what a specific Approval Authority may require.

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