



# Inside Pretreatment Newsletter

August 29, 2009

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Hi everyone,

Summer flew by..... it has already gotten in the low to mid-30's up here! It looks like I will have to be thinking about working further south in January and February (if you are in a warm location and need some contract support, be sure to let me know!). We have had a cool summer and a lot of rain. If that moisture continues and turns to snow this winter, I may be writing completely different newsletters on global warming/cooling/climate change/El Nino/La Nina, etc.

## **EPA and the Michigan Bill to Limit Local Pretreatment Program Authority**

The previous couple of newsletters discussed the Michigan dental amalgam law that would limit a POTW's ability to implement and enforce its pretreatment program for mercury. What EPA does here (or does not do) will determine if this approach will be incorporated through-out the country to limit the reach of your pretreatment program (and perhaps to other pollutants/industrial sectors).

**Today's Update:** On June 25, 2009, I sent EPA Region 5 and EPA-HQ contacts an email and posed several questions. EPA Region 5 has given an update but EPA-HQ continues to refuse to acknowledge there is any concern out there.

Region 5 (8-25-09) provided the following status update (only on the Region 5 questions): "To date a legal review of the Michigan Law has not been finalized pending discussions amongst Michigan attorneys and attorneys from Region 5 ORC. We hopefully anticipate a tentative or final resolution of the matter would occur by the end of this fiscal year (September 30, 2009)."

### Mercury BMPs

I was asked to pull together Mercury BMPs that could be used as a basis for BMP-based categorical standards, as well as, directly adopted by POTWs. These, I believe, were handed out at the EPA Region 6 Pretreatment Workshop.

My thought process was to provide BMPs that are readily enforceable and their implementation is understood with a history of success. The BMPs I came up with are:

(a) Applicable Pretreatment Standards for Regulated Dental Facilities

Pretreatment Standards (Best Management Practice Required)
Install an ISO Certified Amalgam Separator
Properly Operate and Maintain the Amalgam Separator per Manufacturers Specifications
Use Line Cleaners designed to Minimize Dissolution of Amalgam
Properly Disposal of Amalgam Waste

Note: Recycling is always preferable, but there may be other options that are “proper”.

(b) Recommended Practices: The user should implement all best management practices that are recommended by the American Dental Association ([www.ada.org](http://www.ada.org)) for the management and minimization of amalgam and mercury containing waste to a publicly owned treatment works.

(c) Certification: The user shall certify compliance with the Pretreatment Standards in paragraph (a) at least once per year. Written certification shall be made to the publicly owned treatment works to which the discharge is made and to the [City/District]. Certifications shall be made no later than January 28<sup>th</sup> and certification shall be for the previous calendar year. Users shall include the following signed statement with each certification:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standards and Requirements as established in [Local Legal Authority Cite], I certify that, to the best of my knowledge and belief, the Pretreatment Standards were fully implemented. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(d) Noncompliance: Noncompliance with paragraphs (a) and (c) shall subject the user to enforcement by the [City/District]. Failure by the user to comply with the Pretreatment Standards and requirements specified in paragraph (a) and (c) shall result in the following actions:

- (1) The user shall monitor once per month for Mercury in its effluent for three months

- and report these results to the [City/District].
- (2) Immediately comply with local limits established by the [City/District].
  - (3) Halt any discharges that are shown or reasonably believed to be in noncompliance with the Pretreatment Standards specified in paragraph (a) or local limits established by the [City/District].
  - (4) Report all noncompliance to the [City/District] by the 28<sup>th</sup> of each month for any noncompliance occurring the previous calendar month, including violations of all applicable Federal, state or local Pretreatment Standards and Requirements. This report shall be required until such times as the user is notified otherwise.

### **Some Entertainment and Good Information**

If you want to see an entertaining webcast (previously recorded), check out this link:

[http://cfpub2.epa.gov/npdes/courseinfo.cfm?program\\_id=0&outreach\\_id=463&schedule\\_id=1061](http://cfpub2.epa.gov/npdes/courseinfo.cfm?program_id=0&outreach_id=463&schedule_id=1061)

The title of the webcast is POTW s and Dental Mercury. Those seem like the last topics a couple of the EPA presenters wanted to speak about. The EPA Regional Coordinator from Region 1 did well. Note the data he provided.

Thank you to the people that were posing questions. I wish the camera would have been on the EPA HQ people when the questions were asked. I think it was pretty clear that the HQ people were not anxious to discuss the EPA-ADA-NACWA MOU or Michigan amalgam separator law in any detail.

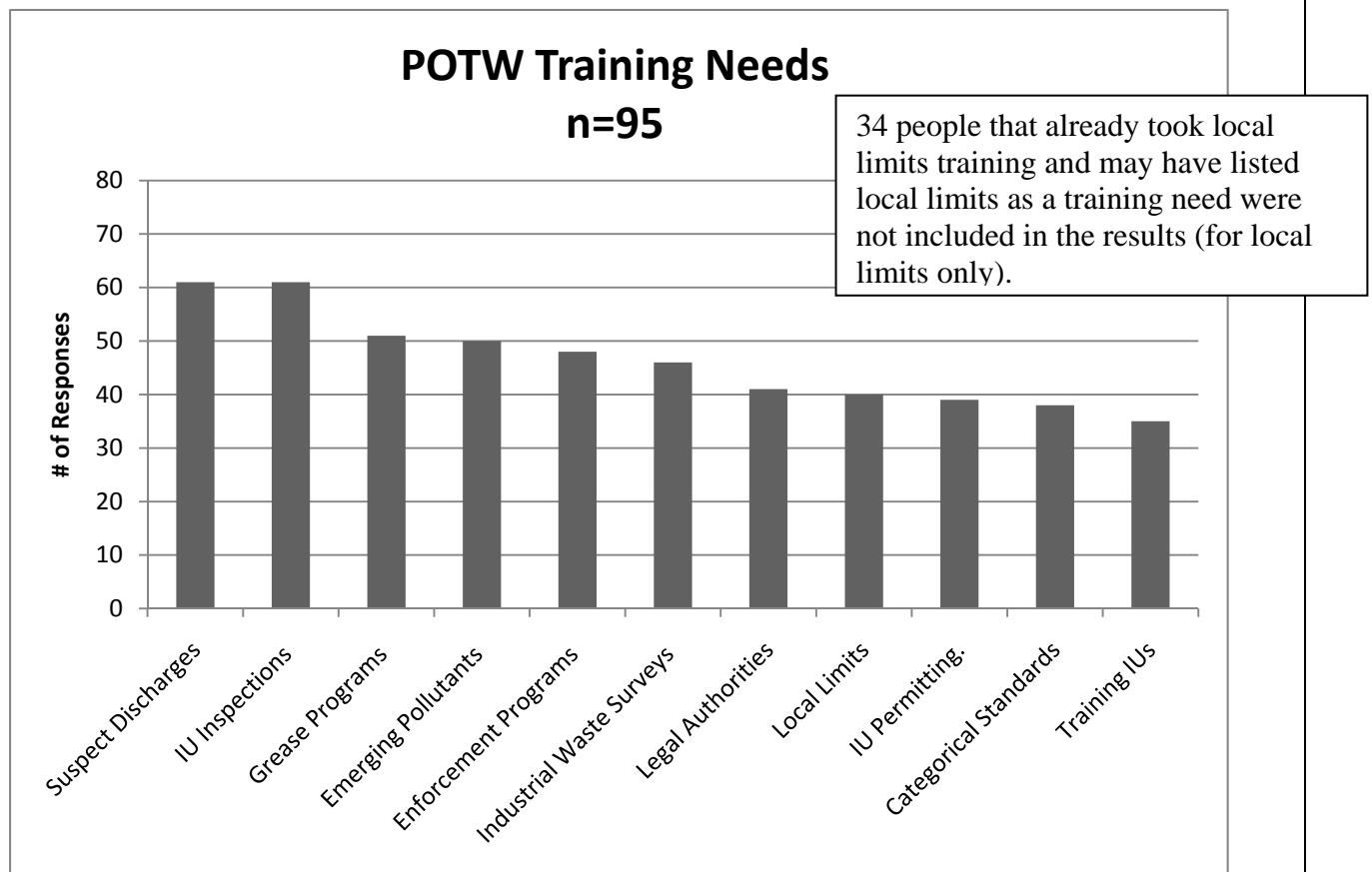
### **Local Limits Tip #6**

The most common question I get from clients and in my local limits training has to do with domestic and commercial data. There is no EPA or state regulation that requires sampling these sectors. However, I would recommend that you integrate sampling domestic-only and commercial sampling into your routine POTW monitoring. If you re-evaluate local limits every five years (required by the NPDES permit application regulations), then you would want this data available. I would suggest a *minimum* sampling frequency of one sample per 6 months at each site (one domestic and one commercial). This will give you 10 samples at the end of 5 years. Analyze for BOD, TSS and the metals. If you have local limits for other pollutants, it is best to include those pollutants. It is critical that sample contamination is minimized, especially on domestic-only samples. Use clean sampling techniques. Flow data is a separate Local Limits Tip.

## POTW Training Needs

I appreciated the people that took the time to provide feedback on training needs. One of the things I committed to doing when I left EPA was to put on training for POTWs. Restrictions on out-of-state travel and budget concerns have made it difficult for many POTWs to attend training for professional development. However, I intend to continue efforts to provide the kind of training that is not readily available. To date, I have had about 150 people attend various training courses in six locations around the country. Not a money maker, but I love doing it.

Below is a summary of the responses. I did not list the “Other” topics that were provided, but have kept those so many can be worked into related training.



- ✓ How many days should the training length be limited to? Most (64) respondents indicated the subject matter should drive the length. The others responses were split between 1 and 2 days.
- ✓ Respondents were equally split on the issue of being able to do out-of-state travel.
- ✓ 85% of respondents indicated that \$100-\$125 per day of training was not a problem.

I did have one state and one EPA person attend the local limits training (they hosted it) in the past.

To date, I have received really great reviews and very good feedback on this course. I am looking to set up other locations for a 2-day local limits course and a two day facility inspector course. I am always looking for locations (POTW/states offices) to hold these. Feel free to contact me.

EPA/state folks, if allowed to attend by the POTWs, have to take an oath to forget what they hear when POTWs speak (really....). In some locations POTWs did not want state or federal regulators in the room.

The advantage to having Approval Authorities take the training is that everyone has a common understanding. And, I did get, one of the regulators to commit to processing local limits modifications in a specified timeframe where the POTW gives them at least a 3 month heads-up it is coming for review.

### Links

[FRL-8933-6; Docket ID No. EPA-HQ-ORD-2009-0495] Nanomaterial Case Studies: Nanoscale Titanium Dioxide in Water Treatment and Topical Sunscreen <http://edocket.access.gpo.gov/2009/pdf/E9-18386.pdf>

EPA Fugitives List: <http://www.epa.gov/fugitives/>

Federal Register: <http://www.gpoaccess.gov/fr/browse.html>

The Project on Emerging Nanotechnologies: <http://www.nanotechproject.org/>

**EPA Proposes Airport Deicing Effluent Guidelines** ([Federal Register: August 28, 2009 (Volume 74, Number 166)] [Proposed Rules] [Page 44675-44718].

**No categorical standards are being proposed.** Note: I just found this in the Federal Register, so I want to see how many airports discharge to POTWs vs. a direct discharge. EPA did not find problems with the discharge of deicing fluids to POTWs. Let me see..... if there are few airports currently discharging to POTWs, what happens when this rule goes into effect? MAYbe many more airports will divert deicing fluids to airports? Should EPA develop categorical standards just in case the rule creates a problem? Why not apply BAT standards for discharges to POTWs. I am looking forward to reading this proposed rule.

### **EPA Fugitive Caught – From the Miami Herald – 7-6-09**

KEY WEST -- The owner of a Utah truck-wash company who told acquaintances he would rather "go down in a blaze of glory" than face federal charges of illegally disposing of hazardous chemicals

pleaded guilty to seven felony counts Monday.

In a routine Environmental Protection Agency case that turned violent, law enforcement officers shot Larkin Baggett when they attempted to arrest him in Marathon in March. The 54-year-old had been on the run from authorities since April 2008 and had been listed as a fugitive on the EPA's website.

When officers tried to arrest him, Baggett pointed a semi-automatic rifle with an extra clip of ammo duct-taped to it at one of the agents. He never got off a shot. Officers shot him in the face and buttocks and riddled his travel trailer with bullets. He was hospitalized in critical condition. In his trailer and truck, police found 3,000 rounds of ammunition to go with his eight weapons.

"He was more than just a guy with some guns," said Fred Burnside, the EPA's director of the Office of Criminal Enforcement, Forensics and Training. "He made it clear he wanted to go down in a blaze of glory. His mental attitude was he's going to resist."

It was the EPA's first officer-involved shooting case since the federal agency instituted a criminal enforcement division in 1982.

Baggett owned Chemical Consultants, a company that mixed 55-gallon drums of truck-wash acid and chemicals for removing lime and rust. When it was pumped out, some of the mixture remained in the drum, according to court records. Baggett instructed his employees to dump the remaining toxic chemicals onto pavement to evaporate or into a nearby sewer drain.

In September 2007, a federal judge dismissed a prosecutor's claim at an arraignment hearing that Baggett was dangerous and "wanted to take out everyone at EPA." Baggett was allowed to go free but ordered to give up his guns, according to court documents.

"We took his threats very seriously, but the court in Utah didn't think the threats were credible and released him," Burnside said.

Baggett fled Utah before his June trial. He was put on the EPA's first "fugitive list" in November.

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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