



20<sup>th</sup> Annual  
EPA/NERPCA  
New England Industrial  
Pretreatment  
Coordinator's  
Conference



# EPA Update

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# NPDES Applications and Program Updates Rule

Proposal: Federal Register on May 18, 2016

<https://federalregister.gov/a/2016-11265>

Changes to: 40 CFR 122, 123, 124, 125

Comment period: Closed August 2, 2016

Final Rulemaking: Anticipated November ~~2017~~ 2018

Docket EPA-HQ-OW-2016-0145

Contact: Erin Flannery Keith [Flannery-keith.erin@epa.gov](mailto:Flannery-keith.erin@epa.gov)

<https://www.epa.gov/npdes/npdes-application-and-program-updates>



# Guidance Manual Updates/ Revisions

<b>Documents Under Revision</b>	<b>Original Date of Issuance</b>
Guidance Manual for POTW Pretreatment Program Development	1983
Procedures Manual for Reviewing a POTW Pretreatment Program Submission	1983
Completion of Appendices to IU Permit Writing Manual: Appendix I – Production Based Standards Appendix J – Combined Wastestream Formula	1985
Guidance for Developing Control Authority Enforcement Response Plans	1989
Guidance Manual for Control of Wastes Hauled to POTWs	1999

<https://www.epa.gov/npdes/national-pretreatment-program-events-training-and-publications>



# National Enforcement Initiatives FY2017-2019

## 1. Keeping Industrial Pollutants Out of the Nation's Waters (new initiative)

1. Chemical Manufacturing

2. Metal Manufacturing

3. Mining

4. Food Processing

Focus resources on:

- **national environmental problems** where there is ...
- **significant non-compliance with laws**, and ...
- where **federal enforcement efforts can make a difference**.

Focus on employing Next Generation Compliance strategies to enhance enforcement cases and build compliance.

- Next Generation Compliance is EPA's strategy to address today's pollution challenges through a modern approach to increase compliance, utilizing new tools while strengthening vigorous enforcement of environmental laws.

<https://www.epa.gov/enforcement/national-enforcement-initiatives>





## Food Processing Initiative

- POTW Classic Case Study Regarding a Dairy  
POTW experiencing O&M problems which include problems with the primary clarifiers, sludge processing, phosphorus removal and an increased cost in sludge removal and ferric chloride. At this time, the POTW has not violated its NPDES permit so what would you do?
- Focus of upcoming Permit Quality Reviews
  - Connecticut to be performed November 2018



# Resurrecting the Regional Enforcement Program

- Springfield Trainings focusing in on food processors



# Effluent Guidelines and Standards Planning

- Final 2016 ELG Plan published on May 2, 2018
  - See: <https://www.epa.gov/eg/effluent-guidelines-plan>
- The Plan discusses:
  - New Rulemaking to potentially revise certain requirements in the 2015 Steam Electric ELGs
  - Results of 3 preliminary category reviews
  - 3 Continuing and New Detailed Studies
    - Petroleum Refining
    - Electronics and Electrical Components (E&EC)
    - CWT/Holistic Oil and Gas Study
- Other updates and announcements of new initiatives
- Preliminary ELG Plan #14 to be proposed.... *soon*





## New Rulemaking: Steam Electric (40 CFR Part 423)

- EPA promulgated revisions to the Steam Electric ELGs in November, 2015; compliance with new, more stringent PSES required by November, 2018
- EPA received petitions for reconsideration that raised wide-ranging and sweeping objections to the rule
- In August, 2017, the Administrator announced his decision to conduct a rulemaking to potentially revise the new, more stringent BAT effluent limitations and pretreatment standards for existing sources that apply to bottom ash transport water and flue gas desulfurization (FGD) wastewater
- In September, 2017, EPA finalized a rule postponing the compliance dates for the new PSES for bottom ash transport water and FGD wastewater in the 2015 Rule to November 1, 2020
- EPA projects a proposed rule by 12/18 and a final rule by 12/19





## 3 Preliminary Category Reviews

### Battery Manufacturing (40 CFR Part 461)

- We did not identify any uncontrolled pollutants that represent a category-wide issue
- The industry is trending to zero discharge
- Few discharges are not subject to current ELGs
- We are not continuing to review this category



### Miscellaneous Food and Beverage Manufacturing

- We conducted a preliminary review of the miscellaneous food and beverage sectors not currently regulated by existing ELGs, e.g. distilleries, breweries, soft drink manufacturers
- Majority of pollutants are nutrients and conventional pollutants, e.g. BOD, TSS, and O&G
- Distilleries and soft drink manufacturers account for one third of pollutant discharges – most of which is to POTWs
- Further review is not warranted at this time



# 3 Preliminary Category Reviews (Continued)

## 40 CFR Part 433 (Metal Finishing)

- Our preliminary review indicates that:
  - Processes that generate wastewater in metal finishing operations have not changed substantially since EPA first promulgated the Metal Finishing ELGs
  - Most metal finishing facilities continue to use conventional chemical precipitation and clarification wastewater treatment technologies (the technology basis for the existing ELGs)
  - EPA does not have, nor have stakeholders provided, any data to demonstrate that pollutants in metal finishing discharges are leading to environmental problems or causing issues for POTWs.
- We are not continuing the review of this category
- We are aware that because these ELGs are specific to "operations" there continue to be questions regarding the applicability of the rule and we will continue to respond to those questions and engage with stakeholders





## Study – Petroleum Refining (40 CFR Part 419)

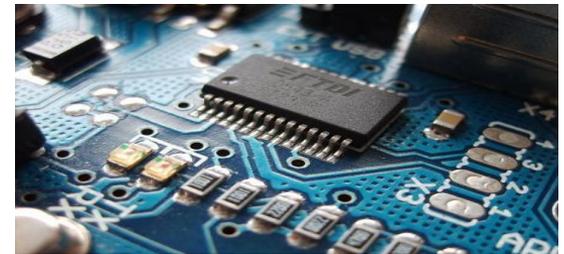
- Detailed study of this category is ongoing
- Interested in effects of wet air pollution control and changing crude slates on wastewater characteristics
- Completed a questionnaire effort: responses from 22 refineries, visited 9
- Working with industry representatives to develop a limited sampling campaign to better understand presence/ absence of pollutants in refinery discharges
- There are new technologies that treat nitrate, selenium, mercury and some toxic organics





## Study- Electronic and Electrical Components (40 CFR Part 469)

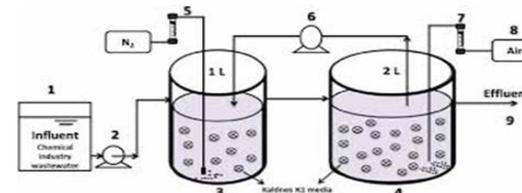
- Preliminary category review of this industry completed, initiating a detailed study for this category
- Information collected to date indicates that there are changes in E&EC processes since promulgation of the ELGs, particularly for semiconductor manufacturing, and that the wastewater likely contains new pollutants that may not be controlled by the existing ELGs
- Preliminary information indicates the industry may now use toxic and bioaccumulative compounds such as PFOS
- NACWA members expressed concerns about ammonia, sulfate, fluoride, and copper
- Data need: wastewater characterization resulting from industry changes and associated treatment technology information, and population of facilities





## Study – Centralized Waste Treatment (40 CFR Part 437)

- Completed a report that summarizes information collected to date specific to facilities managing oil and gas extraction wastewater
  - See: [https://www.epa.gov/sites/production/files/2018-05/documents/cwt-study\\_may-2018.pdf](https://www.epa.gov/sites/production/files/2018-05/documents/cwt-study_may-2018.pdf)
- Conducted site visits to a range of facilities (zero discharge, direct discharge, indirect discharge)
- Reviewed permit limits and discharge data
- Conducted sampling at two facilities
- Reviewed available treatment technology information
- Found ~10 existing facilities discharging; many do not include adequate technology to manage pollutants found in the wastewater
- We will continue to study these facilities as part of the Holistic Oil and Gas Study





# Study – New Holistic Oil and Gas Study

- We are conducting a holistic study of the management of produced water
- Not specific to an ELG
- Historical approach of managing produced water via underground injection may be changing
  - emerging constraints on underground injection of oil and gas wastewater
  - new thinking on reuse, recycling, and renewable water, particularly in areas of water scarcity
- The focus of the Agency's study will be to engage with stakeholders to consider available approaches to manage wastewater from both conventional and unconventional oil and gas extraction at onshore facilities.
- Review to include assessment of technologies for facilities that treat and discharge oil and gas extraction wastewater
- Following this study, EPA will determine if future Agency actions are appropriate to further address oil and gas extraction wastewater





# Dental Pretreatment Standards – 40 CFR Part 441

- Rule overview: Effective July 14, 2017
  - Dental offices that place or remove amalgam must operate and maintain an amalgam separator (or equivalent device) and must not discharge scrap amalgam or use certain kinds of line cleaners
    - Also one-time compliance report and recordkeeping requirements
  - The rule is self-implementing and minimizes the administrative burden to federal, state, and local regulatory authorities responsible for oversight of the new requirements
  - Requirements for new and existing sources are the same except for timing of compliance
- The American Dental Association (ADA) is working with EPA to help publicize this rule and to help dentists understand any applicable requirements
- EPA developed 2 FAQs to help Dentists and Control Authorities
  - Frequently Asked Questions for Control Authorities on the Dental Rule (40 CFR Part 441)
  - [Frequently Asked Questions on the Dental Office Category Rule](#)



# Per- and Polyfluoroalkyl Substances (PFAS)

## National Leadership Summit and PFAS Management Plan

- [National Leadership Summit](#) (May 22 - 23, 2018) and 4 Community Engagements (June-August, 2018)
- Develop a PFAS Management Plan (Fall 2018)

## PFAS Exposure and Occurrence

- [Drinking Water Health Advisories for PFOS/PFOA](#)
- Developed Drinking Water [laboratory method](#) for measuring PFOS, PFOA and 12 other PFAS in drinking water (EPA Method 537)
- Conducted monitoring for PFAS in drinking water under the third [Unregulated Contaminant Monitoring Rule](#)

## Human Health Impacts of PFAS

- Provided provisional Peer Reviewed Toxicity Values for PFBS for use in site decision making
- Identified the universe of PFAS currently being manufactured and used
- Collected scientific literature on toxicity
- Developing human health toxicity values for GenX and PFBS (Summer 2018)
- Providing states with access to test data obtained under TSCA authority for GenX chemicals (acid and salt)



# Per- and Polyfluoroalkyl Substances (PFAS)

## Reducing PFAS Exposures

- Created a [PFOA Stewardship Program](#) with industry to phase out manufacturing of PFOA
- Outlined drinking water treatment processes for [PFOA/PFOS](#) in drinking water
- Continuing site-specific technical assistance to identify and reduce PFAS exposures
- Updating EPA [Drinking Water Treatability Database](#) for multiple PFAS **(July 2018)**
- Will provide a description of federal authorities applicable to PFAS contamination **(Ongoing)**
- Develop groundwater cleanup recommendations for PFOA/PFOS **(Sept 2018)**

## Stakeholder Support

- Ongoing public engagement effort with states, tribes, local communities, utilities, industry and the public
- Created an EPA regional coordination network to help EPA to support states and tribes in addressing PFAS
- Support PFAS outreach, including development of a PFAS webinar series and risk communication materials **(Ongoing)**

<https://www.epa.gov/pfas>



# CROMERR v. NPDES Electronic Reporting Rule



- **CROMERR = CROss Media Electronic Reporting [Receipt] Rule [CROMERR]** **NEWS!**
  - 40 CFR Part 3
  - Requirements on the **Receiver** of the Data
  - [https://www.epa.gov/sites/production/files/2018-05/documents/cromerr\\_potw\\_1.pdf](https://www.epa.gov/sites/production/files/2018-05/documents/cromerr_potw_1.pdf)
- **NPDES Electronic Reporting Rule**
  - 40 CFR Part 127
  - Requirements **to submit** Certain Data Elements and Certain reports
  - <https://www.epa.gov/compliance/npdes-ereporting>



## **CROMERR = CROss Media Electronic Reporting**

40 CFR Part 3 – published October 13, 2005

- Performance-based, technology-neutral system standards to ensure the enforceability of regulatory information collected electronically.
- The CROMERR standards focus primarily on the following processes:
  - Criteria for establishing a copy of record;
  - Integrity of the electronic document;
  - Validity of the electronic signature;
  - Determination of the identity of the individual uniquely entitled to use a signature device; and
  - Opportunity to review and repudiate the copy of record.
- Over 90 percent of EPA-authorized programs opt to achieve CROMERR compliance either through
  - OEI's Central Data Exchange (CDX) Shared CROMERR Services (SCS) – or
  - Commercial off-the-shelf (COTS) solutions



# CROMERR = CROss Media Electronic Reporting

Guidance issued **May 2018**

[https://www.epa.gov/sites/production/files/2018-05/documents/cromerr\\_potw\\_1.pdf](https://www.epa.gov/sites/production/files/2018-05/documents/cromerr_potw_1.pdf)

## “Roles and Responsibilities: POTW Pretreatment Program”

- Verify Legal Validity of Electronic Signatures
- Prepare CROMERR System Documentation, If Needed
- Review and Update Pretreatment Program Requirements

The screenshot shows the EPA website page for 'Publicly-Owned Pretreatment Works (POTW) Programs and Electronic Reporting'. It includes the EPA logo, a table of contents, and detailed information about the CROMERR program. The table of contents lists sections such as 'Is My Electronic Reporting Subject to CROMERR?', 'Background: CROMERR Application and Approval', and 'Overview: CROMERR Electronic Reporting Standards and Pretreatment Program Requirements'. The main text explains that CROMERR provides a legal framework for electronic reporting under EPA's regulatory programs and sets performance-based, technology-neutral system standards. It also notes that EPA developed a chart to help states, tribes, and local governments determine if CROMERR applies to their electronic reporting system.

**EPA**

### Publicly-Owned Pretreatment Works (POTW) Programs and Electronic Reporting

**EPA Pretreatment Program**  
Under the authority of the Clean Water Act (CWA), the Pretreatment Program regulates pollutants from industrial and commercial sources that discharge into locally managed sewer systems.

**For General Information:**  
[www.epa.gov/npdes/pretreatment](http://www.epa.gov/npdes/pretreatment)

**For e-Reporting Inquiries:**  
[CromerrPOTWrequest@epa.gov](mailto:CromerrPOTWrequest@epa.gov)

**EPA Cross-Media Electronic Reporting Rule (CROMERR)**  
CROMERR provides the legal framework for electronic reporting under EPA's regulatory programs. The Rule sets performance-based, technology-neutral system standards to ensure the enforceability of regulatory information collected electronically.

**For General Information:**  
[www.epa.gov/cromerr](http://www.epa.gov/cromerr)

**For e-Reporting Inquiries:**  
[cromerr@epa.gov](mailto:cromerr@epa.gov)

This document outlines the process that Pretreatment Authorities<sup>1</sup> should follow when seeking to ensure their electronic reporting plans are compliant with Cross-Media Electronic Reporting Rule (CROMERR) standards as well as applicable Pretreatment Program requirements.

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- [Roles and Responsibilities: EPA or Approved State Pretreatment Program Approval Authority](#)
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#### Is My Electronic Reporting Subject to CROMERR?

CROMERR applies to:

- you receive submissions electronically from regulated facilities,
- those submissions are requirements of an EPA-authorized program, and
- electronic submissions are accepted in lieu of paper submissions.

EPA developed a [chart to help states, tribes, and local governments determine if CROMERR applies to their electronic reporting system](#).

It is also important to note that attaching reports to email is not considered to be CROMERR-compliant because it fails to meet numerous CROMERR requirements. This is true regardless of how the document is signed. However, CROMERR does not prevent programs from receiving non-CROMERR compliant regulatory data submissions by email as a "courtesy" copy, so long as paper-based records of this data are separately retained as the legal copy of record.

<sup>1</sup> EPA, Approved State Pretreatment Programs, and Approved Publicly Owned Treatment Works (POTW) Pretreatment Programs

May 2018 1 OFFICE OF WATER OFFICE OF ENVIRONMENTAL INFORMATION



## CROMERR & POTW Pretreatment Program Responsibilities

- **40 CFR 403.8(f)(2)(iv) : “Receive[s] and analyze[s] self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12”**
  - Identify which (some or all) reports that may be received electronically in lieu of paper submission.
  - Identify changes to reviewing and analyzing IU reports - to ensure POTW staff is notified on a timely basis of any noncompliance so that appropriate investigation steps may be taken in accordance with the POTW Pretreatment Program’s approved Enforcement Response Plan per 40 CFR 403.8(f)(5).
- **40 CFR 403.8(f)(5) and 403.9(b) - Identify POTW organizational duties:**
  - Input necessary IU permit components and IU facility level data;
  - Review data for compliance/enforcement actions
  - Help Desk
- **40 CFR 403.8(f)(3) and 403.9(b): Ensure that the POTW has sufficient resources (funding) and qualified personnel**
- Provide communication plans/ Instructional materials for:
  - Electronic reporters (IUs) - how to submit reports, make corrections, ensure transmission was completed; What to do if system outage?
  - Electronic users of the data - POTW staff, state, EPA, public), including periodic standardized reports for frequent users, as necessary to maintain public accessibility of the information per 40 CFR 403.14, including determination of recordkeeping formats for required retention times per 40 CFR 403.12(o).
  - POTW staff to submit **annual report per 40 CFR 403.12(i)**



# Pending CROMERR Approval in Massachusetts

**Massachusetts Water Resource Authority**

**Marlborough**



## NPDES Electronic Reporting Rule: 40 CFR 127

**DMRs** reporting began Dec. 21, 2016

**Biosolids** reporting began Feb. 19, 2017

**Pretreatment Annual Reports** to begin reporting electronically Dec. 21, 2020

NPDES programs submit NPDES program data to EPA (data they collect and generate, such as inspections and enforcement actions).



Pretreatment Program Annual Reports in one EPA Region (Region 9, 2009)



# National Pretreatment Program Events, Training, and Publications and additional STUFF

<https://www.epa.gov/npdes/national-pretreatment-program-events-training-and-publications#training>

- Events & Trainings
- Existing Guidance Updates
- New Guidance Efforts
  - Follow-up to OIG investigations
    - Hazardous waste (issued 2014) – Best Practices Guide & More
    - Biosolids – report anticipated Fall 2018
  - National Enforcement/Compliance Initiative



# National Pretreatment Program Events, Training, and Publications



<b>POTW Pretreatment Training</b>	
<b>Dates</b>	<b>Locations</b>
June & July 2018	Gatlinburg, TN Albany, NY Indianapolis, IN
December 2018	EPA/State Inspector Workshop
2019	Content & Locations TBD!

<https://www.epa.gov/npdes/national-pretreatment-program-events-training-and-publications#training>



## NEWEA Events





# Regional Meetings (MA, NH, ME and RI)



# 12 EPA Audits Completed in FY2018

## Massachusetts

- Ayer Charles River Pollution Facility
- Gloucester Lowell
- Adams Chicopee
- Massachusetts Water Resource Authority (Deer Island)
- Massachusetts Water Resource Authority (Clinton)
- Greater Lawrence Sanitary District
- Middleborough

## New Hampshire

- Nashua

## State of Vermont Program



# 12 EPA Audits To Be Completed in FY19

## **Massachusetts**

- Marlborough
- Billerica
- Brockton
- Leominster
- Holyoke
- Pittsfield
- Taunton
- Westfield
- Hoosac Water Quality District
- Southbridge

## **New Hampshire**

- Concord
- Jaffrey



# Questions?





# Vendor Introduction



# Regional Awards