

August 25, 1998

~1 (Pretreatment Contact)

~2 (Title and Address)

Re: Industrial Pretreatment Program  
DEQ Guidance for Oversight of NDCIUs

Dear ~1:

On March 18, 1998, the Department issued to pretreatment delegated publicly owned treatment works (POTWs) draft policy for providing oversight of non-discharging categorical industrial users. The Department requested comments on the draft policy. Many POTWs and participants of the Oregon Association of Clean Water Agencies (OACWA) Pretreatment Committee responded with comments, debate and suggestions. Based on their responses the Department modified and redrafted the proposal. The new draft proposal was in guidance format and was presented for review by stakeholders at the OACWA Pretreatment Committee meeting June 25, 1998. Comments received following the June 25, 1998, OACWA Pretreatment Committee meeting were reviewed and incorporated as appropriate into the final guidance provisions. The following final guidance has been reviewed and approved by Jan Renfro, Policy and Program Development Section Manager, Department of Environmental Quality, and incorporated into the Department's Pretreatment Program Policy and Procedures Implementation Manual.

### **DEFINITION**

Potential to discharge may be defined by the POTW to be consistent with its approved program. The definition should be no less stringent than nor less all encompassing than the following definition:

**Potential to discharge** means: hard plumbing connected to the POTW's sanitary sewer or combined sanitary and storm sewer system exists in the proximity of the industry's processing area and/or in areas where hazardous chemicals or hazardous wastes are stored. This includes plumbing with shut-off valves and plumbing that has been plugged with temporary or removable plugs. Plumbing that has been permanently disconnected or cemented shut would not constitute a potential to discharge. Examples that constitute potential to discharge include floor drains, clean-up sinks and industrial process discharge lines connected to the sewer.

### **GUIDANCE**

1. Non-discharging industries that have industrial processes that would otherwise be subject to national categorical pretreatment standards and requirements (non-discharging categorical industrial users or NDCIUs) including NDCIUs with zero-discharge categorical limits, that have a potential to discharge, must be issued no-discharge control mechanisms.

2. Only NDCIUs subject to zero-discharge categorical standard limits that have a potential to discharge must be reported in Pretreatment Annual Reports as significant industrial users (SIUs). All other NDCIUs will not be considered SIUs for purposes of determining the pretreatment portion of NPDES permit annual compliance determination fees.
3. Industrial users that would otherwise be considered SIUs, as defined at 40 CFR 403.3(t), but do not have a potential to discharge, are not considered SIUs for purposes of implementing pretreatment program requirements.
4. NDCIUs should be reported as a separate group of industrial users in Form 6 in Annual Pretreatment Reports. Exceptions are NDCIUs subject to zero-discharge limits; these must be reported as SIUs.
5. The POTW must provide adequate oversight of NDCIUs to insure compliance with the conditions of the control mechanisms issued to such users.

This could include, for example, periodic inspection, such as annually, to verify that the zero-discharge status and/or the potential to discharge status of such industries has not changed.

Control Mechanisms issued to NDCIUs that have a potential to discharge may also include requirements for the industry to certify periodically, such as semiannually, that no discharge has occurred.

6. The POTW may use its existing industrial wastewater discharge permit format or develop an alternate control mechanism format for NDCIUs. Pretreatment program modification is not required to implement this guidance, unless specifically required by 40 CFR 403.18.
7. Control Mechanisms issued to NDCIUs that have the potential to discharge should contain at least the following conditions:
  - Prohibition against discharge of industrial process wastewater;
  - Notice that discharge of prohibited wastes to the POTW would be in violation of the POTW's ordinance provisions;
  - Requirements to notify the POTW of discharges of industrial wastes to the POTW;
  - Requirements to notify the POTW of any changes in operations resulting in a potential to discharge or resulting in a change in status of potential to discharge;
  - Requirements to comply with Resource Conservation and Recovery Act (RCRA) reporting requirements set out at 40 CFR 403.12(p). The Department recommends that this provision include an explanation that these pretreatment reporting requirements are

to ensure that industries are aware of the RCRA compliance requirements set out at 40 CFR Parts 260 through 272 and State of Oregon hazardous waste regulations regarding the proper disposal of hazardous waste in accordance with Oregon Administrative Rules (OAR) Chapter 340, Divisions 100 through 120. Hazardous waste as defined at 40 CFR 261.3 and OAR Chapter 340, Division 101 must be disposed of in accordance with these regulations; and

- Notice that the POTW may inspect the facility as necessary to assess and assure compliance with the “no discharge” requirement and/or the status of the industry’s potential to discharge.

If you have any questions regarding this guidance, please call me in Portland at (503) 229-6528.

Sincerely,

Chuck Hopkins  
Pretreatment Program Coordinator  
Water Quality Division

c: Regional Water Quality Manager, DEQ

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