Permitting

The Pretreatment Regulations [subparagraph 62-625.500(2)(a)2., F.A.C., 40 CFR 403.8(f)(1)(iii)] require Control Authorities with approved pretreatment programs to control IUs through a permit or similar means to ensure compliance with pretreatment standards and requirements. The regulations also specify that individual or general control mechanisms must be issued to significant industrial users (SIUs).

Control mechanisms, or permits, are the most effective means for controlling wastewater discharges and have been used successfully nationally through the NPDES program and in many pretreatment programs. Keeping in mind that the purpose of issuing permits is for the Control Authority to notify Industrial Users of the specific standards and requirements that they must meet, the Control Authority could choose to develop and issue different types of permits for different reasons. The choice might result in improved communication of requirements to the permittee or could result in a resource savings for the Control Authority.

Permits are successful in that permit conditions can be site-specific and tailored to the individual users. Furthermore, the ability to revoke or modify a permit enables the Control Authority to accommodate changes in State, Federal, and local requirements as well as changes in the user's own discharge. Moreover, permits are easily enforced (i.e., the Control Authority must only show that a violation occurred). To be successful, permits require a dedication of both manpower and resources. Permits must be well documented and establish clear and explicit requirements on the IU to be defensible and enforceable. When drafting permit requirements, permit writers must use commands such as "shall", "will" and "must" rather than "recommend" or "may." Also, the procedures for permit development and issuance must be easily understood by both the applicant and the permit writer to be truly effective. To this end, written permitting procedures are recommended to avoid an appearance of arbitrary or capricious behavior on the part of the Control Authority.

A control mechanism should describe, in a single document, all the duties and obligations of the permittee including all applicable Pretreatment Standards and Requirements. Both individual control mechanisms and general control mechanisms issued to SIUs must be enforceable and contain the minimal contents specified in sub-subparagraphs 62-625.500(2)(a)2.a.-g., F.A.C. [40 CFR 403.8(f)(iii)(B)(1-6)] including:

- A statement of duration (in no case more than 5 years),
- A statement of non-transferability without prior notification to the control authority and without providing a copy of the existing control mechanism to the new owner or operator,
- Effluent limits, including best management practices, based on applicable general pretreatment standards in this chapter, categorical pretreatment standards, local limits, and State and local law;
- Self-monitoring, sampling, reporting, notification and record keeping requirements, including identification of the pollutants to be monitored, sampling location, sampling frequency and sample type based on the applicable general pretreatment standards in this chapter, categorical pretreatment standards, local limits, and State and local laws, and
- The process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with paragraph 62-625.600(4)(b), F.A.C., or a specific waived pollutant in the case of an individual control mechanism;

- A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules shall not extend the compliance date beyond applicable State or Federal deadlines;
- Requirements to control slug discharges, if determined by the control authority to be necessary.

Individual Control Mechanisms

The most traditional type of control mechanism is the individual, facility-specific permit. Although this permit might contain general and specific prohibitions, categorical standards, and local limits that are very similar or the same as those issued to other facilities in the Control Authority service area, the bases of the standards and requirements are individually considered and determined. These types of permits are appropriate when the Control Authority might have special circumstances that are unique to a single facility. For example, individual control mechanisms (and not general control mechanisms) will be necessary when issuing permits for discharges where the Categorical Pretreatment Standards are production-based and where Categorical Pretreatment Standards are expressed as mass of pollutant discharged per day because Categorical Pretreatment Standards are not expressed as a single number but must be calculated for the specific user. Similarly, an individual control mechanism will be necessary in other circumstances requiring adjustments or calculation to determine the allowable discharge under the pretreatment standard, e.g., where wastestreams subject to categorical standards are combined with other wastestreams before a sampling point or where net/gross allowance is granted.

Additionally, an individual control mechanism may used for categorical industrial user reduced monitoring and reporting requirements. For programs that have been modified to incorporate the reduced monitoring provisions (in accordance with 40 CFR Part 403), the Control Authority also has the option to reduce a CIU's monitoring and reporting requirements to once per year under certain conditions (e.g., middle-tier CIU). To qualify for the reduced monitoring and reporting, the discharger must meet all the following conditions:

- The discharger's total categorical wastewater flow does not exceed 0.01 percent of the design dry-weather hydraulic capacity of the POTW, or 5,000 gpd (whichever is smaller, as measured by a continuous effluent flow monitoring device unless the user discharges in batches); 0.01 percent of the design dry-weather organic treatment capacity of the POTW; and 0.01 percent of the MAHL for any pollutant regulated by the applicable categorical Pretreatment Standards for which approved local limits were developed by the POTW.
- The discharger has not been in significant noncompliance, as defined at 40 CFR 403.8(f)(2)(viii), for any time in the past 2 years.
- The discharger does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this discharger would result in data that is not representative of conditions occurring during the reporting period.
- The discharger must notify the Control Authority immediately of any changes at its facility causing it to no longer meet the conditions of 40 CFR 403.12(e)(3)(i) or (ii). Upon notification, the discharger must immediately begin complying with the minimum reporting requirements of 40 CFR 403.12(e)(1).

For programs that have adopted the provisions found in (Add State Reference), an individual control mechanism may be issued to a non-significant categorical industrial user (NSCIU), at the control authority's descretion. An NSCIU is a CIU designated by the Control Authority as "non-significant." To qualify as an NSCIU, the CIU must never discharge more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling, and boiler blowdown wastewater, unless specifically included in the categorical Pretreatment Standard). The CIU must also:

- Have consistently complied with all applicable Pretreatment Standards;
- Annually submit a certification statement (40 CFR 403.12(q)); and
- Never discharge any untreated concentrated wastewater

General Control Mechanisms

In addition to individual Industrial User permits, the Control Authority may have the option to issue general control mechanisms to its Industrial Users. Provided that the approved POTW's pretreatment program includes the general control mechanism provisions in accordance with 40 CFR Part 403 and the state regulations allow for this provision, the Control Authority may use a general control mechanism for facilities that meet the following minimum criteria for being considered substantially similar:

- Involve the same or substantially similar types of operations
- Discharge the same types of wastes
- Be subject to the same effluent limitations
- Be subject to the same or similar monitoring
- In the opinion of the POTW, be more appropriately controlled under a general control mechanism than under individual control mechanisms

To be covered by the general control mechanism, the significant industrial user must file a written request for coverage that provides:

- The industrial user's contact information;
- The industrial user's production processes;
- The industrial user's types of wastes generated;
- The industrial user's locations for monitoring all wastes covered by the general control mechanism;
- Requests for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge in accordance with paragraph 62-625.600(4)(b), F.A.C.; and
- Any other industrial user information the control authority deems appropriate.

Zero-discharge Control Mechanisms

The Control Authority, at its discretion, may prohibit the discharge of certain wastewaters (e.g., storm water, chlorinated swimming pool waters) into the wastewater treatment facility, in addition to the general federal prohibitions. Furthermore, some categorical pretreatment standards require a facility to not discharge certain process wastewaters. For those facilities, the permit writer should evaluate whether there is a potential for the facility to actually discharge the prohibited process

wastewater into the wastewater treatment facility. At a minimum the zero-discharge permit should contain the following conditions:

- A statement indicating that no discharge of process wastewater is permitted.
- Requirements to notify the wastewater treatment facility of any changes resulting in a potential for discharge.
- Requirements to certify periodically that no discharge has occurred.
- Notice that the wastewater treatment facility may inspect the facility as necessary to assess and assure compliance with the no-discharge requirement.
- Requirement to comply with Resource Conversation and Recovery Act (RCRA) and state hazardous waste regulations regarding the proper disposal of hazardous waste.

The permit writer should keep in mind there are federally regulated industries that must not discharge any process wastewater pollutants because of the industries' categorical classification. The permit should clearly identify the process wastewater, pollutants, or both that are prohibited from being discharged. A Control Authority may choose to regulate zero-discharging NSCIUs with a zero-discharge permit. Before issuing a zero-discharge permit, the Control Authority should determine the facility's potential for discharge.

DEP personnel and EPA's *Industrial User Permitting Guidance Manual* (833-R-12-001A, Sep. 2012) may be consulted for additional information. The manual discusses in detail the permit writing process including permit applications, fact sheets, permit components, special situations such as waste hauler permits, and example language for permits, applications, etc. In addition, the legal authority issues pertinent to the permitting process are presented in the manual. For convenience, an example SIU permit template for Florida is provided as Appendix 6-A.

As part of permit development, the Control Authority should document all rationale for determining standards and specific requirements imposed through its IU permits. EPA recommends that this information be contained in a fact sheet that becomes part of the permit. An example template Fact Sheet is provided as Appendix 6-B. At a minimum, fact sheets should explicitly detail the following:

For all SIUs:

- Basis for limits imposed for non-categorical parameters
- Rationale for compliance schedules, special plans required, special conditions, etc.
- Basis for monitoring and reporting frequencies.

For SIUs subject to categorical pretreatment standards (i.e. CIUs):

- The basis for the categorical determination(s) [i.e., what processes and wastestreams are present and are subject to categorical regulation(s)]
- The identity and flow volume of all wastestreams generated and discharged to the POTW, and classified accordingly (i.e., regulated process, unregulated process, or dilution)
- Data used and/or justification for estimates or adjustments used to determine categorical limitations
- Basis for limits imposed for categorical parameters (i.e., limited by categorical standards or local limits).

For permitting of waste haulers, local regulations must first be evaluated and then modified if necessary, to ensure a Control Authority has the legal authority to permit such discharges. At a minimum, local regulations should contain the following:

- requirements that hauled discharges must comply with all applicable Federal, State and local standards and requirements;
- requirement for waste haulers to obtain a permit;
- requirement for hauled waste to be discharged only at specified locations;
- authority for the Control Authority to collect samples from each load of hauled waste;
- the prohibition of a discharge without prior consent of the Control Authority;
- authority to require analysis of a hauled waste load prior to discharge; and
- Requirements for waste haulers to utilize a manifest system.

The permitting system developed for waste haulers will depend upon the location and number of discharge points (i.e., located throughout the collection system or at the WWF treatment plant(s)), and manpower available for surveillance activities. However, at a minimum, it is recommended that the permits issued contain the following conditions:

- The right to refuse any load of hauled waste (a.k.a. Right of Refusal);
- prohibition of the discharge of all nondomestic waste loads, unless the Control Authority identifies the types of nondomestic wastes a WWF treatment plant can treat and the hauler maintains a list of customers which includes the type and volume of waste hauled from each customer;
- the requirement to comply with all prohibited discharge standards and established local limits;
- the requirement for a hauler to provide the nature, origin, and volume of waste hauled; and
- Specifying where (and when) hauled waste shall be discharged.

The Control Authority may also choose to forbid the discharge of RCRA hauled waste, or to accept it and require compliance with the "permit-by-rule" regulations [40 CFR 270.60(c)]. It is recommended that EPA's *Guidance for Implementing RCRA Permit-by-Rule Requirements at POTWs* be reviewed for further information on this topic. An example of a very basic hauler permit is provided as Appendix 6-C.

Application of Categorical Pretreatment Standards

Categorical pretreatment standards are developed for "existing sources" and "new sources," identified as Pretreatment Standards for Existing Sources (PSES) and Pretreatment Standards for New

Sources (PSNS), respectively. Facilities are classified as either existing or new sources based on the definition of "new source"

New Source is defined as

(a) Any building, structure, facility or installation from which there is or may be a discharge, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the CWA which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that
   1. The building, structure, facility or installation is constructed at a site at which no other source is located,
   2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or
   3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered;

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of (a)2. or (a)3. above but otherwise alters, replaces, or adds to existing process or production equipment; or

(c) Construction of a new source, as defined in this chapter, has commenced if the owner or operator has
   1. Begun, or caused to begin as part of a continuous on-site construction program
      a. Any placement, assembly, or installation of facilities or equipment, or
      b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment, or
   2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this rule.

Exhibit 6-1, Definition of New Source

Set out in subsection 62-625.200(13), F.A.C. [40 CFR 403.3(m) of the General Pretreatment Regulations, see Exhibit 6-1]. Dischargers subject to PSES are required to comply with those standards by a specified date, typically no more than three years after the effective date of the specific categorical pretreatment standard. Users subject to PSNS, however, are required to achieve compliance within the shortest feasible time, not to exceed 90 days from commencement of discharge. PSNS are often more stringent than PSES based on the opportunity for new sources to install the best available demonstrated technology and operate the most efficient production processes.

Categorical pretreatment standards may be concentration-based, production-based, or contain best management practices. Concentration-based standards are expressed as milligrams of pollutant allowed per liter (mg/l) of wastewater discharged and are issued where production rates for the particular industrial category do not necessarily correlate with pollutant discharges. Production-based standards are generally expressed on a mass per unit basis (e.g., milligrams of pollutant per kilogram of product produced, pounds of pollutant per million cubic feet of air scrubbed, etc.) and are issued where water

conservation is an important component in the limitation development process. Mass limits or concentration equivalents may be imposed (see Exhibits 6-2 and 6-3). For a few categories where reducing a facility's flow volume does not provide a significant difference in the pollutant load discharged, EPA has established both production- and concentration-based standards. Typically, both a daily maximum limitation and a long-term average limitation (e.g., average daily values in a calendar month) are established for every regulated pollutant.

Daily Maximum.....	0.004 kg Cu/ton of product
Maximum Monthly Average.....	0.002 kg Cu/ton of product
Conditions	
Average Production(1996).....	500 tons of product/day
Average Flow(1996).....	200,000 GPD(0.2 MGD)
Equivalent Mass Limits Calculations	

Categorical pretreatment standards apply to regulated wastewaters, i.e. wastewater from an industrial process that is regulated for a particular pollutant by a categorical pretreatment standard. Therefore, demonstrating compliance with categorical pretreatment standards is intended to be based on measurements of wastestreams containing <u>only</u> the regulated process wastewater. However, recognizing isolation of regulated wastestreams from nonregulated wastestreams is not always practicable nor desirable, EPA developed the combined wastestream formula (CWF) and flow weighted average (FWA) approach for determining compliance with combined wastestreams (i.e., end-of-pipe).

Pursuant to subsection 62-625.410(6), F.A.C. [40 CFR 403.6(e)], the CWF is applicable where a regulated wastestream combines with one or more unregulated or dilute wastestreams (Exhibit 6-4) prior to treatment. Where nonregulated wastestreams combine with process streams after pretreatment, the more stringent approach (whether CWF or FWA) is used to adjust the limits[1](Exhibit 6-5).

Standards				
Daily Maximum...	0.004 kg Cu/ton of product			
Maximum Monthly Average...	0.002 kg Cu/ton of product			
Conditions				
Average Production (1997)...	500 tons of product/day			
Average Flow (1997)...	200,000 GPD(0.2 MGD)			
Equivalent Concentration Limits Calculations				
Daily Maximum:	$\frac{0.004 \text{ kg Cu/ton} \times 500 \text{ tons/day}}{0.2 \text{ MGD}}$	X 0.264*	=	2.6 mg/l
Maximum Monthly Average:	$\frac{0.002 \text{ kg Cu/ton} \times 500 \text{ tons/day}}{0.2 \text{ MGD}}$	X 0.264*	=	1.3 mg/l
* Factor converting kg/MG to mg/l.				

Exhibit 6-3, Simple Example of Production Based, Equivalent Concentration Limit

[1] Where commingled wastestreams combine with nonregulated wastestreams after treatment, the CWF adjusted limitations are further adjusted by use of the CWF or FWA to address the untreated, nonregulated wastestreams (Exhibit 6-6).

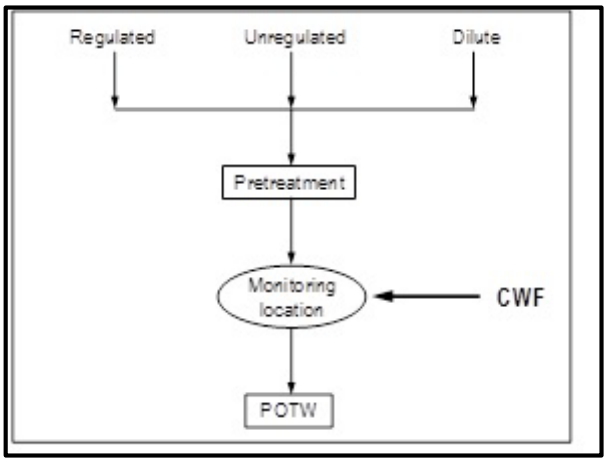

Exhibit 6-4, Combined Wastestream Formula

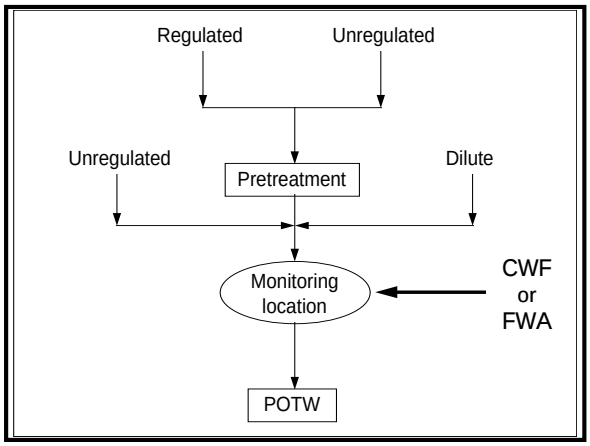

Exhibit 6-5, CWF vs. FWA

The CWF and FWA approaches differ primarily in their allowances for nonregulated wastestreams. While the CWF provides a "full credit" (i.e., same pollutant levels as regulated wastestreams) for unregulated wastestreams, yet no credit for dilute wastestreams, the FWA requires sampling and analysis of the untreated, nonregulated wastestreams to determine the credit to be granted.

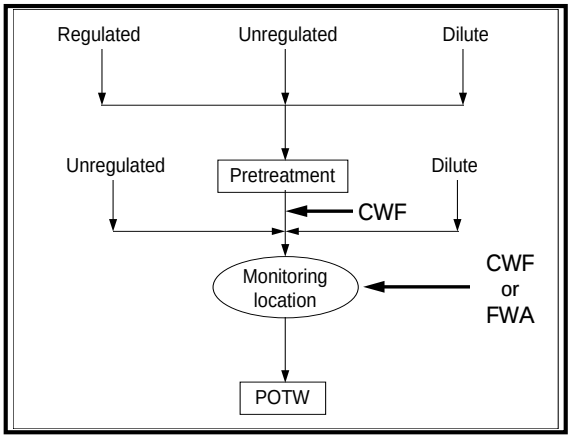

Exhibit 6-6, Multiple Use of the CWF and FWA

Application of the CWF and FWA requires proper identification, classification, and quantification of the three types of wastestreams (Exhibits 6-7 and 6-8). Note: in circumstances where boiler blowdown, noncontact cooling water, stormwater, or demineralized wastestreams contain a significant amount of a regulated pollutant, and the treatment of the wastewater with the regulated wastestream results in substantial reduction of the regulated pollutant, the Control Authority can classify the wastestream as unregulated rather than as a dilute wastestream. Clarification on category-specific wastestream classifications may be provided by consulting the applicable regulation(s) and associated development documents, since wastestream types are addressed in the effluent guideline and categorical standard development process.

Regulated	**Nonregulated**	
	Unregulated	**Dilute**
Wastewater from an industrial process that is regulated for a particular pollutant by a categorical pretreatment standard	Wastestreams from an industrial process that are not regulated for a particular pollutant by a categorical pretreatment standard and are not defined as a dilute wastestream, e.g.: • a process wastestream for which categorical standards have been promulgated but for which the deadline for compliance has not yet been reached • a process wastestream that currently is not subject to categorical pretreatment standards a process wastestream that is not regulated for the pollutant in question but is regulated for other pollutants.	Wastestreams which have no more than trace non-detectable amounts of the regulated pollutant. Defined in 62-625.410(7)(a),F.A.C. [40 CFR § 403.6(e)(1)] to include sanitary wastestreams, demineralized backwash streams, boiler blowdown, noncontact cooling water, storm water, and process wastestreams from certain standards based on the findings that these wastewaters contained none of the regulated pollutant or only trace amounts of it

Exhibit 6-7, Wastestream Type

When in doubt, the Control Authority can always require the CIU to monitor the wastestream(s) in question to quantify the presence (or lack thereof) of categorically regulated pollutants. Reasonably accurate flow data must also be obtained for each wastestream type flowing through the monitoring point to ensure categorical pretreatment standards are adjusted accordingly. Proper application of the CWF or FWA will result in:

- alternative limits being established for <u>each</u> regulated pollutant in each of the regulated processes;
- both daily maximum and long-term average (i.e., 4-day, 30-day, or monthly) alternative limits being calculated for each regulated pollutant;
- 4-day average limits being adjusted to equivalent monthly average limits when two or more categorical pretreatment standards apply to the facility and one of the applicable standards is 40 CFR Part 413; and
- Calculated alternative limits remaining above the analytical detection limit for that pollutant. **NOTE**: If adjusted limit(s) are below the detection limit, the Control Authority shall instruct the IU to either separate the dilute wastestreams from the regulated wastestreams prior to the combined treatment facility, or segregate all wastestreams entirely.

Category	Wastestream Type	Average Flow (MGD)	Daily Max. ZN limit (mg/l)	Max. Monthly Avg. Zn Limit (mg/l)
Metal Finishing	Regulated	0.020	2.61	1.48
Noncontact Cooling water	Dilution	0.003	N/A	N/A

CWF limit calculations

Daily Max. Zn_{cwf} $= \dfrac{2.61 \text{ mg/l} \times 0.02 \text{ MGD}}{(0.02 + 0.003) \text{ MGD}} = \underline{2.27 \text{ mg/l}}$

Max. Monthly Average Zn_{cwf} $= \dfrac{1.48 \text{ mg/l} \times 0.02 \text{ MGD}}{(0.02 + 0.003) \text{ MGD}} = \underline{1.29 \text{ mg/l}}$

Exhibit 6-8, Example CWF Calculation

EPA's *Guidance Manual for the Use of Production Based Pretreatment Standards and the Combined Wastestream Formula* should be consulted for more information on the proper application and adjustment of categorical pretreatment standards.

Although categorical pretreatment standards are established based on a particular industrial category, EPA provides several options for unique circumstances that justify adjustment of categorical pretreatment standards for an individual facility:

- Removal Credits:
  Rule 62-625.420, F.A.C. [40 CFR 403.7] details the conditions by which a Control Authority may demonstrate consistent removal of pollutants regulated by categorical standards at their WWF, and in so doing, may extend removal credits to industries on a pollutant-specific basis to prevent redundant treatment. Removal credits are only available for a pollutant if the pollutant is regulated by the sewage sludge use or disposal option employed by the Control Authority making the application request, and if the pollutant is listed in subsection 62-625.880(2), F.A.C. [40 CFR Part 403, Appendix G]. Steps for developing such a request are detailed in EPA's *Guidance Manual for the Preparation and Review of Removal Credit Applications*.

- Fundamentally Different Factors Variance:
  Section 301(n) of the CWA authorizes adjustments of categorical pretreatment standards for existing sources who demonstrate they have factors that are fundamentally different from the factors EPA considered during standards development [Rule 62-625.700, F.A.C., 40 CFR 403.13]. Variance requests must be based solely on information and data submitted during the development of the categorical standards (Exhibit 6-9) and the adjusted effluent limitations must neither be more nor less stringent than justified by the fundamental difference nor result in a non-water quality environmental impact markedly more adverse than the impact considered by EPA when developing the categorical standard.

Successful requests must detail factors well outside the range considered by EPA in establishing the standard and not merely factors deviating from the average. Further, differences must not be similar to a significant number of other facilities in the category. Facilities must raise these fundamental differences during the development of categorical standards. If an affected facility believes EPA did not sufficiently consider the issue, the appropriate action is to seek review of the standard in the U.S. Court of Appeals under Section 509 of the Act as well as to apply for a fundamentally different factors variance.

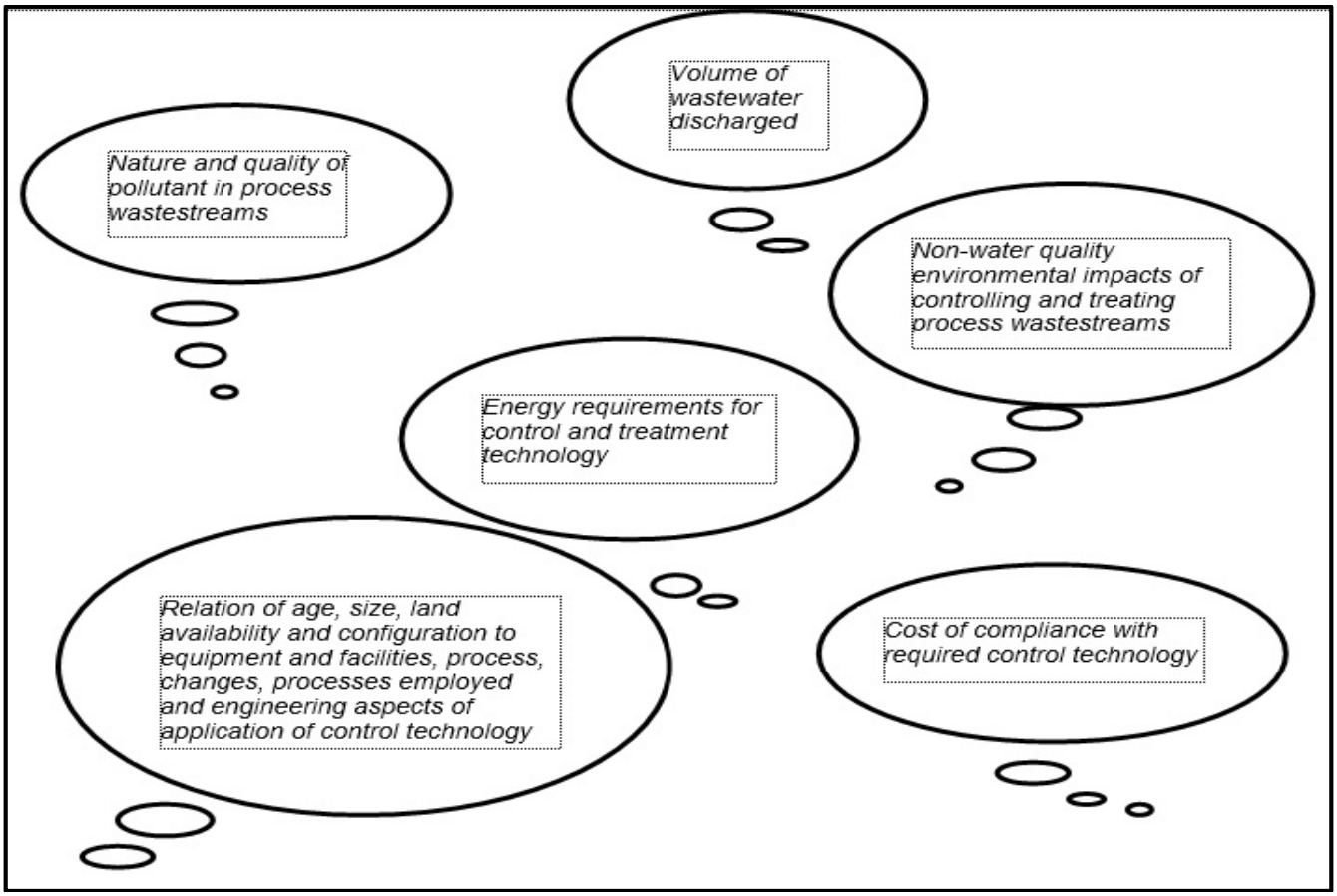

Exhibit 6-9, Factors to Consider for an FDF Variance Request

- <u>Net/Gross Adjustment:</u>
  Categorical pretreatment standards can also be adjusted to reflect the presence of pollutants in a CIU's intake water [Rule 62-625.820, F.A.C., 40 CFR 403.15]. To obtain a net/gross credit, the CIU must submit a formal written request to the Control Authority that demonstrates:

  ◊ its intake water is drawn from the same body of water that the WWF discharges into (this can be waived if the Control Authority finds no environmental degradation will result);

  ◊ the pollutants present in the intake water will not be entirely removed by the treatment system operated by the CIU; and

  ◊ the pollutants in the intake water do not vary chemically or biologically from the pollutants limited by the applicable standard.

Inherent in this provision is the requirement that the CIU employ a treatment technology capable of meeting the categorical pretreatment standard(s). Net/gross adjustments should not be granted to CIUs that have no treatment. Further, credits are only granted to the extent necessary to meet the applicable standard(s), up to a maximum value equal to the influent value.

- Innovative Technology:
  In accordance with section 307(e) of the CWA, existing CIUs choosing to install an innovative treatment system may receive a grant from the Control Authority allowing up to a two year extension to their applicable categorical pretreatment standards compliance deadline, provided:

  ◊ the innovative treatment has a reasonable potential to result in significantly greater pollutant removal or equivalent removal at a substantially lower cost than the technologies considered by EPA when developing the categorical standard;

  ◊ the innovative technique has the potential for industry-wide application; and

  ◊ the proposed compliance extension will not cause or contribute to the violation of the WWF's wastewater discharge permit.

While generally addressed as part of IWS/IU classification activities, occasionally, a Control Authority may merely need assistance in the proper classification of a CIU and/or determining exactly what categorical limitations apply. Provisions in the General Pretreatment Regulations allow Control Authorities and IUs to request an EPA category determination for a specific IU within 60 days after the effective date of the standard in question [40 CFR 403.6(a)]. In addition, various memoranda and guidance issued by EPA have addressed questions commonly posed by Control Authorities:

- Research and Development (R&D) Facilities:
  Unless specifically addressed in the categorical regulation or associated development document, R&D facilities where there is no commercial sale of products at the facility are not subject to categorical standards.[2] Should an R&D facility need pollution controls to comply with prohibited discharge standards and/or local limits, the development documents may serve as guidance on the performance of pollution control technologies.

- Certification Statements:
  In lieu of conducting self-monitoring, some standards allow CIUs to certify that they do not use, generate or discharge a regulated pollutant [e.g. Pulp, Paper and Paperboard facilities can certify that chlorophenolic compounds are not used (40 CFR Part 430) and Pharmaceutical Manufacturing facilities can certify that cyanide is not used or generated (40 CFR Part 439)]. Facilities providing such certifications are still considered CIUs, and therefore are subject to other pretreatment standards and requirements.S

[2] June 26, 1987 letter from Ms. Rebecca W. Hanmer, Deputy Assistant Administrator for Water.

- Lack of specific categorical effluent limitations:
  IUs subject to PSES or PSNS that merely require compliance with 40 CFR Part 403 are not considered CIUs. However, these users may still be classified as SIUs and are still subject to the general and specific prohibitions and any local limits.

- Total Toxic Organics (TTO):
  Seven categorical regulations currently limit the discharge of TTO:

  ◊ 40 CFR Part 413 - Electroplating
  ◊ 40 CFR Part 433 - Metal Finishing
  ◊ 40 CFR Part 464 - Metal Molding and Casting
  ◊ 40 CFR Part 465 - Coil Coating
  ◊ 40 CFR Part 467 - Aluminum Forming
  ◊ 40 CFR Part 468 - Copper Forming
  ◊ 40 CFR Part 469 - Electrical and Electronic Components (Phase I and II)

  For each of these standards, TTO refers to the sum of the masses or concentrations of certain toxic organic pollutants found in the regulated discharge at a concentration greater than 0.01 milligrams per liter (mg/l). However, the toxic organic pollutants regulated by the TTO limit are specific to each industrial category. Further, industrial categories may provide some flexibility with regard to monitoring and/or reporting requirements as follows:

  ◊ 40 CFR Parts 413 and 433 allow development and implementation of a Toxic Organic Management Plan (TOMP) in lieu of routine monitoring while 40 CFR Part 469 allows development and implementation of a Solvent Management Plan. The purpose of the plans is to identify all potential sources from which toxic organic materials could enter the wastewater treatment system and to propose control measures for each source that would eliminate the possibility of toxic organics entering the wastestream. Thus, in lieu of monitoring for TTO, the CIU may install control technology and implement appropriate procedures that will reasonably ensure that toxic organics will not enter the wastewater treatment system. Upon approval of these plans by the Control Authority, the CIU can demonstrate compliance with TTO requirements by certifying that the facility is adhering to its Plan to prevent organics from being discharged to the WWF. A specific certification statement must be signed and provided to the Control Authority on a regular basis, at least twice per year.

    The TOMP certification option cannot be used to fulfill the monitoring requirements of the Baseline Monitoring Report (BMR) or the final compliance report for the electroplating, metal finishing, and electrical and electronic components categories. To fulfill the reporting requirements of the electrical and electronic components category, analyses must be performed for all the toxic organics specified in the definition of TTO for those standards. The BMR and 90-day reporting requirements for the electroplating and metal finishing categories may be met by analyzing all organics that could reasonably be expected to be present in the effluent. Only after completion of these reports can the certification and TOMP option be exercised.

  ◊ 40 CFR Parts 464, 465, 467, and 468 allow an option to demonstrate compliance with an Oil and Grease limit in lieu of demonstrating compliance with a TTO limit. The

option chosen by the CIU must be utilized for all reports required (i.e., BMR, 90-day compliance report, and periodic compliance reports).

EPA's *Guidance Manual for Implementing Total Toxic Organics (TTO) Pretreatment Standards* should be consulted for more information on TTO.