

# NC-DWQ Pretreatment Rules Summary of Changes

NC-PC

February 2011

# Reduction in Requirements

- **15 NCACA 02H .0908 -Delete Waste Reduction Activity report on an annual basis.**
  - Only required during permit renewal.
- **15 NCAC 02H .0903-Incorporate remaining 2005 Streamlining Revisions**
  - SNC Definition- Reporting
    - 45 days late before SNC (was 30 days)

# Reduction in Requirements

- **Incorporate remaining 2005 Streamlining Revisions (con't)**
  - Non-Significant Categorical Industrial Users
    - <100 gpd max, history of compliance, no concentrated wastes.
  - Middle Tier SIUs
    - Discharge less than 0.1% of the WWTP flow and pollutant treatment capacity.
      - Reduces required sampling and inspection by the POTWs by half of that required for full SIUs

# Reduction in Requirements

- **15 A NCAC 02H .0903 - 5% MAHL Criteria of SIU Definition**
  - Contributes process wastewater which makes up 5% or more of the permitted flow limit or organic capacity (BOD, TSS, and Ammonia) of the treatment plant.
  - Previous definition if exceeds 5% MAHL of ANY pollutant, then SIU.

# Reduction in Requirements

- **15 NCAC 02H .0917-Submittal of IUPs and Subsequent Division Review**
  - No change in Rules; however, NC-PC is working with NCWQA and DWQ to devise a plan to alleviate submittal requirements.
- **15A NCAC 02H .0908 - Once per six months POTW sampling of IUP limited parameters**
  - The second required sampling event may be waived by the Division for Good Cause Shown by the CA. (excludes the once per year sampling for organic compounds)

# Expansion in Requirements

- **15 A NCAC 02H .0906-Submission for Program Approval (*Inter-jurisdictional Agreements*)**
  - If CA accepts wastewater from one or more Satellite POTWs and is the CA within the Satellite POTW's service area, ILAs and SUO sections which references the establishment of authority and legally enforceable written procedures should be submitted.

# Expansion in Requirements

- **15 NCAC 02H .0903- Revise definition of SNC required by EPA Region IV.**
  - SNC Criteria A [Chronic] and B [ TRC] must be **applied separately** to Daily Maximum Limits (DMLs) and Monthly Average Limits (MALs) for a given parameter.
    - Implementation Guidance for POTWs will be given.

## Definition of SNC for Limits (cont.)

- Chronic Violations (those that exceed limit by any quantity)

Chronic SNC is when 66% or more are  $>$  limit in a six month period.

- Technical Review Criteria (TRC) Violations those that equal or exceed an adjusted limit by any quantity
  - Limit \* 1.4 for BOD, TSS, fats, oils, and grease
  - Limit \* 1.2 for all other parameters, except pH

TRC SNC is when 33% or more are  $>$  or  $=$  limit in a six month period.

# Current Compliance Judgment

## ■ Calculated For Each Parameter, Not Each Limit

- For Example:

An Industry has both a daily maximum concentration limit as well as a monthly average concentration limit for BOD. At the end of the six month period, when calculating SNC for the parameter of BOD, you only judge SNC for BOD as a whole. You do not determine SNC for BOD daily max and BOD monthly average separately. (Note: This is specific to North Carolina ONLY)

# Limits Compliance Judgment Examples



# Current Compliance Judgment Example

- Chicken Pluckers, Inc.
  - BOD Daily Max limit of 500 mg/L
  - BOD Monthly Average limit of 300 mg/L
- 1<sup>st</sup> Semi-Annual Period

# January to June Data

Type	Date	Daily conc. (mg/L)	Avg. conc. (mg/L)	CJP Count	Regular Violation	TRC Violation
Industry	1/7/10	517		1	1	0
Industry	1/15/10	373		1	0	0
POTW	1/29/10	496		1	0	0
<b>Average</b>	January		462	1	1	1
POTW	3/11/10	297		1	0	0
POTW	3/12/10	413		1	0	0
Industry	03/26/10	411		1	0	0
<b>Average</b>	March		374	1	1	0
Industry	05/29/10	429		1	0	0
<b>Average</b>	May		429	1	1	1
			<b>TOTALS</b>	10	4	2

# Chicken Pluckers Compliance Judgment

- Number of Compliance Judgment Points = 10  
*(monthly and daily samples)*
- Number of Regular Violations = 4

**Is Chicken Pluckers in SNC as a chronic violator? (>66%)**

$$4 / 10 = 40\%$$

**NO!**

# Chicken Pluckers Compliance Judgment

- Number of Compliance Judgment Points = 10  
*(monthly and daily samples)*
- Number of TRC violations = 2

**Is Chicken Pluckers in SNC for TRC violations? ( $\geq 33\%$ )**

$$2 / 10 = 20\%$$

**NO!**

# New Compliance Judgment Example

- Chicken Pluckers, Inc.
  - BOD Daily Max limit of 500 mg/L
  - BOD Monthly Average limit of 300 mg/L
- 1<sup>st</sup> Semi-Annual Period
  - Using same data from previous example

# January to June Data

## DAILY MAX ONLY

Type	Date	Daily conc. (mg/L)	CJP Count	Regular Violation	TRC Violation
Industry	1/7/10	517	1	1	0
Industry	1/15/10	373	1	0	0
POTW	1/29/10	496	1	0	0
POTW	3/11/10	297	1	0	0
POTW	3/12/10	413	1	0	0
Industry	03/26/10	411	1	0	0
Industry	05/29/10	429	1	0	0
		<b>TOTAL</b>	7	1	0

# Chicken Pluckers Compliance Judgment – Daily Max (Regular)

- Number of Compliance Judgment Point = 7  
*(daily samples only)*
- Number of Regular Violations = 1

**Is Chicken Pluckers in SNC as a chronic violator? (>66%)**

$$1 / 7 = 14\%$$

**NO!**

# Chicken Pluckers Compliance Judgment – Daily Max (TRC)

- Number of Compliance Judgment Point = 7  
*(daily samples only)*
- Number of TRC Violations = 0

**Is Chicken Pluckers in SNC for TRC violations? ( $\geq 33\%$ )**

$$0/7 = 0\%$$

**NO!**

# January to June Data

## MONTHLY AVERAGE ONLY

Type	Date	Daily conc. (mg/L)	Avg. conc. (mg/L)	CJP Count	Regular Violation	TRC Violation
<b>Average</b>	January		462	1	1	1
<b>Average</b>	March		374	1	1	0
<b>Average</b>	May		429	1	1	1
			<b>TOTALS</b>	3	3	2

# Chicken Pluckers Compliance Judgment – Monthly Average (Regular)

- Number of Compliance Judgment Point = 3  
*(monthly samples only)*
- Number of Regular Violations = 3

**Is Chicken Pluckers in SNC as a chronic violator? (>66%)**

$$3 / 3 = 100\%$$

**YES!!**

# Chicken Pluckers Compliance Judgment – Monthly Average (TRC)

- Number of Compliance Judgment Point = 3  
*(monthly samples only)*
- Number of TRC Violations = 2

**Is Chicken Pluckers in SNC for TRC violations? ( $\geq 33\%$ )**

$$2 / 3 = 66\%$$

**YES!!**

# Compliance Judgment Using Same Data

## Current

- Chicken Pluckers would have experienced violations; *however*, would **not be listed** as Significant Non-Compliant with EPA for BOD.

## Future

- Chicken Pluckers would have experienced violations AND **would be listed** as Significant Non-Compliant with EPA for BOD.

# Options

- **Option 1**

- **Keep both limits in permits.**

- Will need to perform SNC calculations treating daily and monthly limits separately. May need to revise current computer programs.
- May cause more SIU violations and SNCs than previously had.
- Would not need to change Allocation Table.

# Options

- Option 2
  - Remove Monthly Average Limits from permits and reduce Daily Max Limit what Monthly Limit was.
    - Most stringent limit is only one that applies with **categorical IUs**; therefore cannot remove the numeric limit.
    - No change to Allocation Table.
    - Compliance Judgment is simplified.
    - May cause more violations; however, may be able to “sample out” of SNC.

# Options

- Option 3

- Remove Monthly Average Limit and keep (original) Daily Max Limit.
  - Will need to change Allocation Table- will reduce reserve, so be careful.
  - Will simplify compliance judgment
  - Should not create more violations or SNCs, in fact, may have less.
  - Not an option for categorical limits.

# Industrial Permits

- Industry has the right to adjudicate their modified permit to have BOTH the daily Maximum Limits as well as a Monthly Average Limit for their permit and not to exercise the Daily Maximum Limit only option.
  - Strongly urge all Industries to review their data before refusing to accept the Daily Max Limit only.
- Compliance Judgment for both Limits will be required in 2011 beginning in the July – December SA reporting period.

# Changes WE need to make

- Sewer Use Ordinances will need to be modified to incorporate both the required and optional changes to the rules ( SNC definitions, SIU applicability, etc.)
- Enforcement Response Plans may need to change to reflect the 45-day reporting SNC definition.
- Modify current database if it only judges compliance as a whole, not separately.

# Questions?

