



North Carolina Pretreatment Consortium, Inc.

Ms. Deborah Gore
PERCS Unit Supervisor
NCDENR/DWQ/PERCS Unit
1617 Mail Service Center
Raleigh, NC 27699-1617

August 2, 2010
ELECTRONIC MAIL SUBMITTAL

Dear Ms. Gore:

Please find enclosed comments on the proposed amendments to the 15A NCAC 02H .0900 Pretreatment Rules from the North Carolina Pretreatment Consortium (NC-PC). The NC-PC is a non-profit organization representing over 140 Pretreatment Professionals from 88 pretreatment programs throughout the State of North Carolina.

The NC-PC was invited as a stakeholder by the North Carolina Department of Environment and Natural Resources (NC DENR), Division of Water Quality (DWQ) - Pretreatment, Emergency Response, Collection System (PERCS) Unit during the drafting and development of the proposed 0.900 Pretreatment Rules. The NC-PC appreciates the opportunity to communicate with the PERCS Unit during the early stages of the proposed rule development. The NC-PC feels that the opportunity to communicate early, helped to answer some of the initial questions and concerns regarding early DWQ proposals for amendments to the rules.

The NC-PC appreciates the opportunity to provide comment on the proposed rules, please note that proposed language additions are underlined.

Sincerely,

Donald Smith
2010 NC-PC Chairman

cc: NC-PC Executive Committee
NC-PC Members



North Carolina Pretreatment Consortium
Comments - Proposed 15A NCAC 02H .0900 Local Pretreatment Program

15A NCAC 02H .0903 (10)

Definition of Headworks Analysis

The proposed term "permit limits" should be revised to NPDES permit limits or the term "permit limits" should be stricken from the definition of headworks analysis as they are incorporated in the definition of Pass Through and Interference.

15A NCAC 02H .0903 (14)

Definition of Interference

The term "collection system" should be added to the Interference definition. The definition in part should read:

““Interference” refers to inhibition or disruption of the POTW collection system; treatment processes; operations; or...”

Please see the definition of .0903 (26) POTW comment that supports the use of the term "collection system" in the definition of Interference.

15A NCAC 02H .0903 (25)

Definition of Pollutants of Concern

Flow should not be included in the definition of pollutant of concern as flow is not defined or considered a pollutant.

15A NCAC 02H .0903 (26)

Definition of POTW

Although the .0903 (26) definition for POTW includes "...sewers, pipes, and other conveyances". For clarification on the term "collection system" used in the .0903 (28) Pretreatment definition, the following should be added to the .0903 (26) POTW definition.

“...sewers, pipes, and other conveyances; also referred to as collection system, only if they convey...”

15A NCAC 02H .0903 (33)(B)
Definition of Significant Industrial User

The definition of Significant Industrial User .0903.33(B) should be modified to include the following in order to more closely align with the federal pretreatment regulation 40 CFR 403.3 definition of a Significant Industrial User (SIU):

Contributes process wastewater of more than five percent of the design flow of the POTW treatment plant or more than five percent of the maximum allowable headworks loading of the POTW treatment plant organic capacity.

The NC-PC believes there is a distinct difference between a “potential” pollutant of concern and an “identified” pollutant of concern. It should be the Control Authority who determines under the SIU definition .0903 (33)(D) whether or not “potential” pollutants of concern and industrial user process wastewater discharges are reason for the Control Authority to define an industrial user as a SIU. A Control Authority identified pollutant of concern are those pollutants that have a specific NPDES permit limitation; pollutants that have caused violations or operational problems; pollutants expected to lead to pass through, interference, sludge contamination, collection system problems; or that may jeopardize worker health and safety.

Industrial users who discharge a “potential” pollutant of concern should not necessarily be bound to the five percent maximum allowable headworks loading threshold as an industrial user who discharges an identified pollutant of concern. If there is no reasonable potential for a pollutant to cause a problem and the treatment plant is compliant with NPDES permit limitations for that pollutant, then permitting industrial users as SIUs for “potential” pollutants of concern would result in unnecessary permitting and regulatory oversight under the .0900 pretreatment rules.

15A NCAC 02H .0903 (33)(D)
Definition of Significant Industrial User

The definition of Significant Industrial User .0903 (33)(D) should be modified to include language specific to NPDES permit limits and conditions. Proposed language should include:

“is designated as such by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW’s operation; violating any Pretreatment Standard or requirement; NPDES permit limits; or limit the POTW’s sludge disposal options. The term “or the POTW’s receiving stream standard” should be removed.

15A NCAC 02H .0908 (h)
Reporting/Record Keeping Requirements for POTWs/Industrial Users

Where there is reference in the rules to a satellite POTW, the rules should be clear on which entity (POTW and/or Control Authority with an approved pretreatment program) has what authorities and who will carry out the pretreatment program or portions thereof. Rules should require legal mechanisms to be in place where a Control Authority or satellite POTW; if desired, can relinquish pretreatment program duties and authority to the receiving POTW treatment plant.

15A NCAC 02H .0917 (a) & (b)
Pretreatment Permit Submission and Review

The NC-PC feels that submission of all permits is unnecessary, specifically modified and re-issued Significant Industrial User (SIU) Permits. The NC-PC feels that NC Pretreatment Programs have the aptitude and responsibility to issue SIU permits within the Pretreatment Permits Rule .0916. All pretreatment programs have the ability to submit permits to the Division if there is question, concern, or request for comment about issuance of a SIU Permit. The Division always has the right to request permit information at any time and review permits during program inspections and provide comment. The NC-PC feels that annual Division program inspections and periodic audits provide ample opportunity for Division review and comment on modified and re-issued permits. Control Authorities would also notify the Division of any permit modifications or re-issuance with required annual reporting to the Division. The NC-PC understands the need for the Division to review new and first time SIU permits when issued or where a Control Authority is found in noncompliance with Rule .0916.

With the above said, permit renewals and modifications should be removed from .0917 (b) and thus there would be no cause for .0917 (c).

15A NCAC 02H .0917 (g)(2)
Pretreatment Permit Submission and Review

In an effort to assure permits are reviewed and commented on in a timely manner the following language change is requested:

“may, if more information is needed to determine whether the permit is adequate, request the Control Authority to make available to the Division staff the complete record of permit proceedings, or any portions of the record that the Division Director determines are necessary for review. Requests shall be a single comprehensive request for information and made within 30 days of the Division’s receipt of the permit under Rule .0916 of this Section, and shall suspend the 30 day review period in Paragraph (d) of this Rule. When the Division staff has obtained the requested records or portions of the record, the Division staff shall have an additional 30 days for review of the additional information; and”