

MISSOURI WASTE COALITION CONFERENCE

NATIONAL PRETREATMENT PROGRAM

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National Pretreatment Program

- ❑ The act of treating wastewater before discharge to a publicly owned treatment work (POTW) is commonly referred to as pretreatment.
- ❑ A treatment works that is owned by a state or municipality is defined as a POTW.

Landfill Effluent Guidelines

- ❑ EPA promulgated the Landfill Effluent Guidelines and Standards in 2000.

National Pretreatment Program

- ❑ There are more than 16,000 sewage treatment plants in the US.

National Pretreatment Program

- ❑ There are approximately 1,600 POTWs that have approved pretreatment programs.

FEDERAL WATER POLLUTION CONTROL ACT

- ❑ What are the requirements with respect to industrial dischargers and publicly owned treatment works (POTWs) under the Clean Water Act and its implementing regulations?
- ❑ Direct dischargers of pollutants to waters of the United States must obtain an NPDES permit.
- ❑ Indirect discharges from industries to publicly owned treatment works are regulated under the National Pretreatment Program, a component of the NPDES Permit Program.

National Pretreatment Program

- ❑ POTWs are designed to treat typical household waste, biodegradable commercial waste, and biodegradable industrial waste.
- ❑ Five conventional pollutants include the specific pollutants that are expected to be present in domestic discharges to POTWs.
- ❑ Commercial and industrial facilities may; however, discharge toxic (*e.g.*, heavy metals, organic compounds) or non-conventional (*e.g.*, chlorine, ammonia, phosphorous, *etc.*) pollutants that the treatment plant is neither designed for nor able to remove.

National Pretreatment Program

- ❑ POTWs are not designed to treat most toxic or non-conventional pollutants that are present in industrial waste.

National Pretreatment Program

- ❑ The National Pretreatment Program is charged with controlling toxic, conventional, and nonconventional pollutants from non-domestic sources that discharge into sewer systems, as described in CWA section 307(a).
- ❑ The regulations, which have been revised numerous times since originally published in 1978, consist of 20 sections and seven appendices.

Summary of categorical pretreatment standards

No.	Category	40 CFR Part	Subparts	Type of standard	Overview of pretreatment standards
1	Aluminum Forming	467	A–F	PSES PSNS	Limits are production-based daily maximums and monthly averages. Subpart C prohibits discharges from certain operations.
2	Battery Manufacturing	461	A–G	PSES PSNS	Limits are production-based daily maximums and monthly averages. No discharge is allowed from any process not specifically identified in the regulations.
3	Carbon Black Manufacturing	458	A–D	PSNS	Limits are for oil and grease only (no duration specified).
4	Centralized Waste Treatment	437	A–D	PSES PSNS	Limits are concentration-based daily maximums and monthly averages.
5	Coil Coating	465	A–D	PSES PSNS	Limits are production-based daily maximums and monthly averages.
6	Concentrated Animal Feeding Operations (CAFO)	412	B	PSNS	Discharge of process wastewater is prohibited, except when there is an overflow resulting from a chronic or catastrophic rainfall event.
7	Copper Forming	468	A	PSES PSNS	Limits are production-based daily maximums and monthly averages.
8	Electrical and Electronic Components	469	A–D	PSES PSNS	Limits are concentration-based daily maximums and 30-day averages or monthly averages (varies per subpart and pollutant parameter). Certification is allowed in lieu of monitoring for certain pollutants when a management plan is approved and implemented.
9	Electroplating	413	A,B,D–H	PSES	Limits are concentration-based (or alternative mass-based equivalents) daily maximums and four-consecutive-monitoring-days averages. Two sets of limits exist, depending on whether facility is discharging more or less than 10,000 gpd of process wastewater. Certification is allowed in lieu of monitoring for certain pollutants when a management plan is approved and implemented.

National Pretreatment Program

- ❑ The General Pretreatment Regulations require that all IUs discharging to a POTW with an approved pretreatment program be controlled through a permit, order, or similar means to ensure compliance with applicable pretreatment standards and requirements.

National Pretreatment Program

- ❑ Enforcement of pretreatment requirements is a critical element of the National Pretreatment Program.

National Pretreatment Program

- ❑ On August 27, 2015, the Eighth Circuit issued a decision in *United States v. STABL, Inc.*
- ❑ STABL owned and operated a rendering plant that discharged wastewater to the Lexington, Nebraska, wastewater treatment plant.

National Pretreatment Program

- ❑ The court held that STABL's own discharge monitoring reports were admissible evidence of the company's violations.

National Pretreatment Program

- ❑ The district court did not abuse its discretion in allowing a government expert to update her expert report to incorporate previously unknown information about the economic benefit STABL received from its violations.

National Pretreatment Program

- ❑ The Clean Water Act makes it unlawful to operate a polluting source facility in violation of pretreatment standards or a permit's pretreatment requirements. See 33 U.S.C. §§ 1311(a), 1317(d); 40 C.F.R. § 122.41(a).

National Pretreatment Program

- ❑ “Thus, without more, to violate a[n] NPDES permit is to violate the Act.” *Chesapeake Bay Found. v. Bethlehem Steel Corp.*, 608 F.Supp. 440, 451 (D.Md.1985) (citing *EPA v. State Water Res. Control Bd.*, 426 U.S. 200, 205, 96 S.Ct. 2022, 48 L.Ed.2d 578 (1976)).

National Pretreatment Program

- ❑ June 2011 - Swift Beef Company pays \$1.3 million penalty for pretreatment program violations

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