



DIVISION OF SURFACE WATER PRETREATMENT PROGRAM MODIFICATION GUIDANCE

The October 17, 1988, and October 13-14, 2005 revisions to the federal General Pretreatment Regulations established procedures for addressing modifications to approved pretreatment programs. These procedures, established under 40 C.F.R. 403.18, ensure that approved programs remain fully enforceable and that modifications do not undermine program effectiveness. Ohio EPA has developed procedures for implementing this regulation. These procedures are summarized below.

TYPES OF MODIFICATIONS

Program modifications will be classified as either substantial or non-substantial. The following types of modifications are considered substantial: 1) Modifications that relax POTW legal authorities; 2) Modifications that relax local limits, except for modifications to local limits for pH and reallocations of the Maximum Allowable Industrial Loading of a pollutant that do not increase the total industrial loadings for the pollutant; 3) Changes to the legal authority required in 40 CFR 403.8(f)(iii) in the POTW's control mechanism; 4) A decrease in the frequency of self-monitoring or reporting required for a class of industrial users; 5) A decrease in the frequency of industrial user inspections or sampling by the POTW for a class of industrial users; 6) Changes to the POTW's confidentiality procedures; or 7) Other modifications designated as substantial modifications by the Ohio EPA on the basis that the modification could have a significant impact on the operation of the POTW's Pretreatment Program; could result in an increase in pollutant loadings at the POTW; or could result in less stringent requirements being imposed on Industrial Users of the POTW. Reclassifying an industrial user is not a program modification.

APPLICATION PROCEDURES

All requests for pretreatment program modifications are to be made on Ohio EPA Form 4115 and submitted in duplicate to the Ohio EPA, Division of Surface Water, Central Office Pretreatment Unit at the address listed on the form. In addition to this form, a program modification request must include 1) a statement explaining why the program modification is being sought; 2) a modified program submittal that includes the language in existing portions of the program and the proposed changes; and 3) any appropriate supporting technical documents.

A request for program modification must be received by Ohio EPA at least 45 days prior to implementation. If Ohio EPA determines the modification to be substantial, approval from Ohio EPA must be obtained before the proposed modification is implemented. Non-substantial modifications will become effective at the end of the 45 day period unless the POTW is notified otherwise.

Review Procedure

Upon receipt of a program modification request, Ohio EPA Division of Surface Water, Central Office will review the application and make a determination whether the modification is substantial or non-substantial. The POTW will be notified in writing by Ohio EPA if the proposed modification is considered substantial.

Ohio EPA will contact the POTW where additional information is needed or where the request does not conform to the requirements of 40 C.F.R. 403. When a substantial modification request is approvable, Ohio EPA will proceed with processing the action, including issuance of a public notice and final action by the Director.

Modifications to the sewer use ordinance (SUO), including local limit technical evaluations, should be submitted to Ohio EPA for review and concurrence prior to the POTW changing the SUO. After the Ohio EPA determines that the proposed changes are acceptable, the POTW can proceed with legal adoption of the changes by its sewer authority. After adoption, the POTW should then submit the revised SUO to Ohio EPA for the Director's final approval.

The POTW should provide a copy of the approved ordinance in an acceptable electronic format to Ohio EPA once the ordinance revisions are adopted.

For non-substantial modifications, the Ohio EPA will notify the POTW in writing of Ohio EPA concurrence with the proposed modification within 45 days.