

Ohio EPA Policy	Pretreatment; Approved Program Modification	
DSW-0500.002 Removed	Statutory reference: Rule reference:	Ohio EPA, Division of Surface Water Revision 0, February 22, 1989 Removed, April 30, 2003
THIS POLICY DOES NOT HAVE THE FORCE OF LAW Pursuant to Section 3745.30 of the Revised Code, this policy was reviewed and removed.		

This policy does not meet the definition of policy contained in Section 3745.30 of the Ohio Revised Code. Ohio EPA is removing this document from the Division of Surface Water Policy Manual and is considering addressing this topic in a future revision to the Division of Surface Water Guidance Manual.

For more information contact:

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Permits & Compliance Section
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Pretreatment; Approved Program Modification

APPLICABLE

REGULATIONS: 40 CFR 403.18

PURPOSE: To identify the responsibilities of the POTW and establish procedures to be used by the POTW for requesting and obtaining approval for modification of approved pretreatment programs, and to establish procedures to be used by Ohio EPA for reviewing and processing program modification requests.

BACKGROUND: When Ohio EPA approves a POTW pretreatment program, conditions requiring implementation of the program are incorporated into the POTW's NPDES permit. The POTW is then required to operate the program in compliance with applicable regulations, the approved program submittal and any other conditions incorporated into the NPDES permit. However, changing conditions at the POTW may warrant changes in the operation of the pretreatment program. These changes in operation may result in a program that differs from that described in the approved program and required to be implemented by the NPDES permit conditions. It is necessary that these changing conditions be fully considered by Ohio EPA, just as existing conditions were fully considered prior to initial program approval, to ensure that the program revisions are enforceable and that the changes do not undermine the effectiveness of the approved pretreatment program.

POLICY: Program modifications will be classified as either substantial or non-substantial. A modification is considered substantial if the proposed change would: 1) have a significant impact on the operation of the POTW's pretreatment program, or 2) result in an increase in pollutant loadings to the POTW, or 3) result in less stringent requirements being imposed on industrial users. Examples of substantial modifications include, but are not limited to:

- changes to the local sewer use ordinance (must be approved by the appropriate jurisdiction prior to OEPA action on the modification)
- changes to local limits
- changes to the POTW's industrial user control mechanism
- a significant reduction in pretreatment program resources
- changes in a POTW's confidentially procedures
- changes in a POTW's sludge disposal and management practices
- a decrease in the frequency of industrial user self-monitoring or reporting requirements, or a decrease in the frequency of industrial user inspections or sampling

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by the POTW. (Exception - if the approved program includes industrial user classifications with associated monitoring, reporting and inspection requirements, any movement of users among classifications consistent with classification definitions are not deemed to be substantial modifications.)

PROCEDURE: APPLICATION

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, prior approval must be obtained before implementation; otherwise, the modification is considered effective at the end of the 45 day period. 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 existing portions of the program and the proposed changes, and 3) any appropriate supporting technical documents. The request is to be made on forms available from Ohio EPA (attachment 1) and submitted to Ohio EPA Central Office in duplicate at the address on the form.

PROCESSING

Upon receipt of a program modification request, Ohio EPA Central Office will review the application and make a determination whether the modification is substantial or non-substantial. Internal processing procedures are based on this determination.

Substantial Modification Processing

A letter will be sent to the POTW from Central Office acknowledging receipt of the modification and the determination that the modification request is substantial. Substantial modification requests will be forwarded to the appropriate district office for review. The district office should contact the POTW directly where additional information is needed or where the request does not conform to the requirements of 40 CFR 403. Once a request is approvable, public notice paperwork should be completed and forwarded to Central Office along with the recommendations and a final copy of the modification, if revised, incorporating any changes subsequent to the original request. Central Office will then proceed with processing the action.

Substantial modifications will be public noticed pursuant to the procedures in 40 CFR 403.11 and approved or denied as an action of the Director.

Non-substantial Modification Processing

Non-substantial modification requests will be forwarded to the appropriate district office for review. A non-substantial modification does not need to be public noticed; consequently, the district office should directly notify the POTW in writing of our concurrence (copy to central office).