

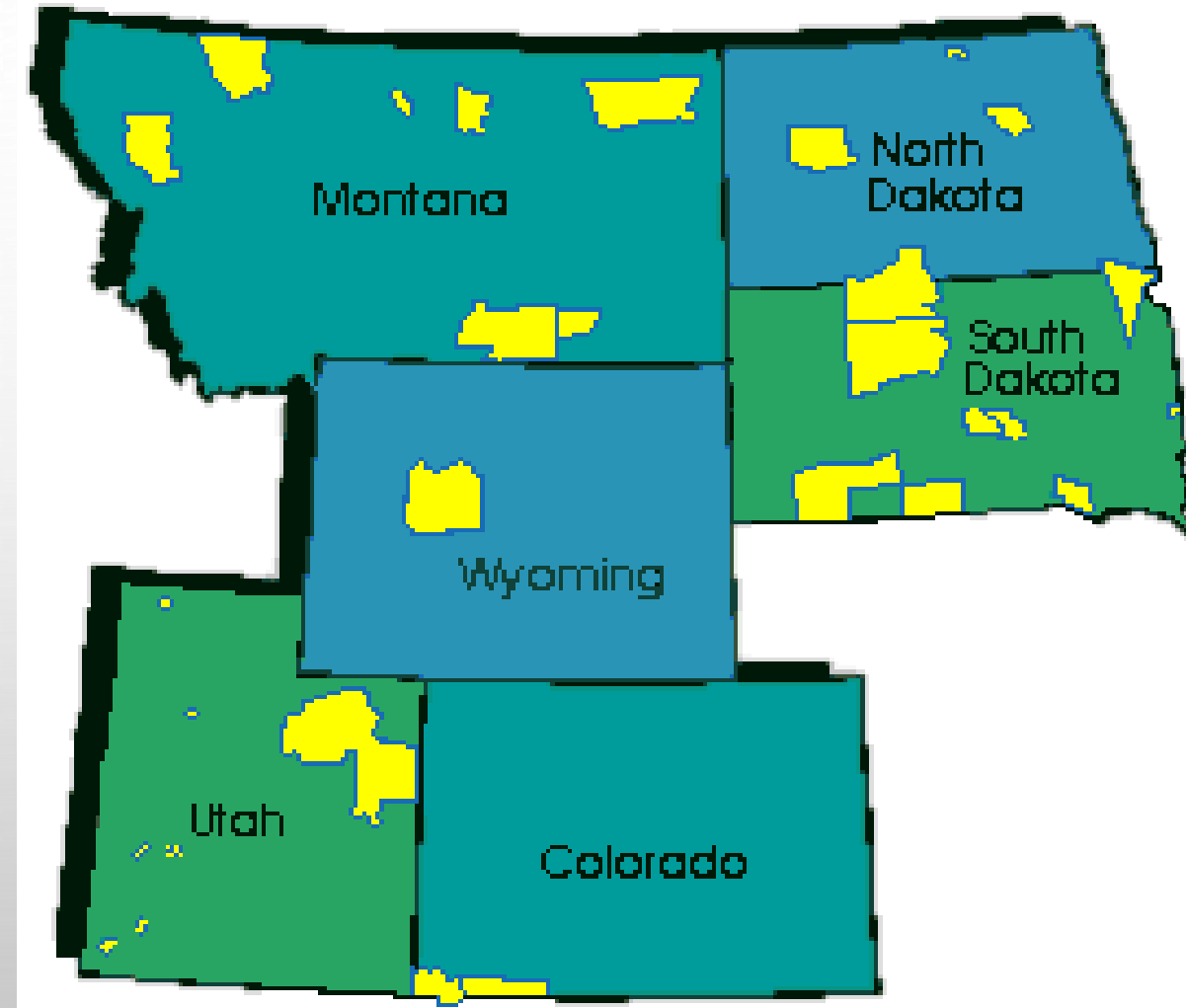
The background of the slide features a silhouette of a person riding a bicycle on a path, set against a soft, hazy sunset sky. Scattered across the image are numerous realistic water droplets of various sizes, some in sharp focus and others blurred, creating a fresh and natural aesthetic.

EPA Update

North Carolina Pretreatment Consortium
September 19, 2023

EPA Region 8

- Rocky Mtn States - CO, MT, ND, SD, UT, WY
- 3 States for direct implementation - CO, MT, WY
- Oversight - UT, SD, ND



Perspective

- Collaborate to Protect Local Communities
 - Compliance Assistance/Outreach
 - Evaluation
 - Follow up/Accountability
 - Municipalities with non-approved programs

Perspectives

EPA



Local Programs



Consider Other Perspectives, based on their views!

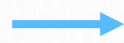
- Actively Listen to Understand Local Program's concerns

The background of the slide is a light gray gradient with several realistic water droplets of various sizes scattered across it. Some droplets are in the top left, some in the bottom right, and others are smaller and more numerous in the center and bottom. The droplets have highlights and shadows, giving them a three-dimensional appearance.

Regulatory Environment - How are Rules Made??

Six Types of Law

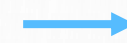
Constitution



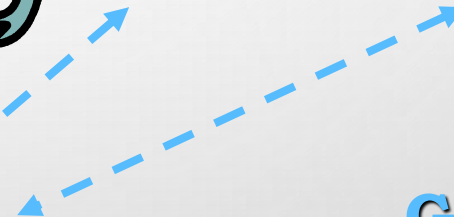
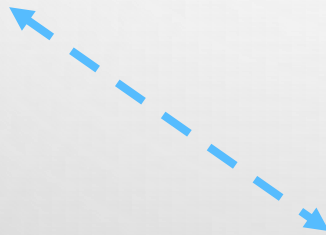
Statutes



Rules



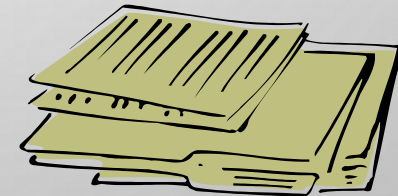
Permits



Case Law



Guidance



U.S. Constitution

- Supreme law of the land
- Provides fundamental rights as human beings and Americans
- Establishes the relationships between the judiciary, the legislature and the executive branch
- 27 Amendments
- Bill of Rights (Amendments 1-10)

Bill of Rights

1. Freedom of religion, speech, of the press, freedom of assembly, and freedom of petition.
2. A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.
3. Protection from quartering of troops
4. **Protection from unreasonable search and seizure**
5. **Rights of the accused; due process, double jeopardy, self-incrimination, eminent domain**
6. Rights of the accused; Trial by jury , Confrontation Clause, speedy trial, public trial, right to counsel
7. Civil trial by jury
8. Prohibition of excessive bail, cruel/unusual punishment
9. Protection of rights not specifically enumerated in the Constitution
10. **Powers of States and people**

Six Types of Law

Constitution



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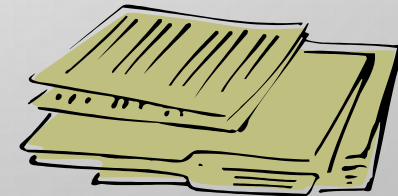
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Guidance



How are Laws Made?

- The Bill begins as an idea
- Proposal and Sponsorship
- Introduction on the floor
- Committee
- The Bill is reported and debated on the floor
- Voting on the floor
- The Bill is referred to the Senate
 - Same process as the House of Representatives

Bi-Partisan Committee hearings

- Transportation and Infrastructure
 - Nutrients – June 2011
- Environment and Public Works
 - Examining Legislation to Address Risks Associated with PFAS – May 2019
- Oversight and Government Reform
 - Regulatory Affairs, Stimulus Oversight and Government Spending – Hg dental – May 2010

How are Laws Made?

- The Bill is sent to the President
 - The Bill is signed and passed into law
 - The Bill is vetoed
 - Pocket veto (do nothing) and becomes law after 10 days, if Congress is in session
 - House and Senate can override with a 2/3 vote
- The Bill is a Law
 - enforced by the government

Statutes/Environmental Laws

- Clean Water Act
- Clean Air Act
- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- Resources Conservation and Recovery Act (RCRA)
- Safe Drinking Water Act

Statutes/Environmental Laws

Library of Congress

<http://thomas.loc.gov/>

US House of Representatives

<http://www.house.gov/>

US Senate

<http://www.senate.gov>

Video

Six Types of Law

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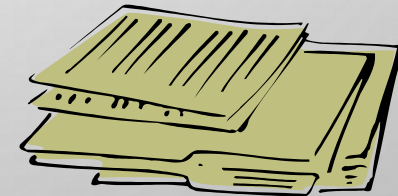
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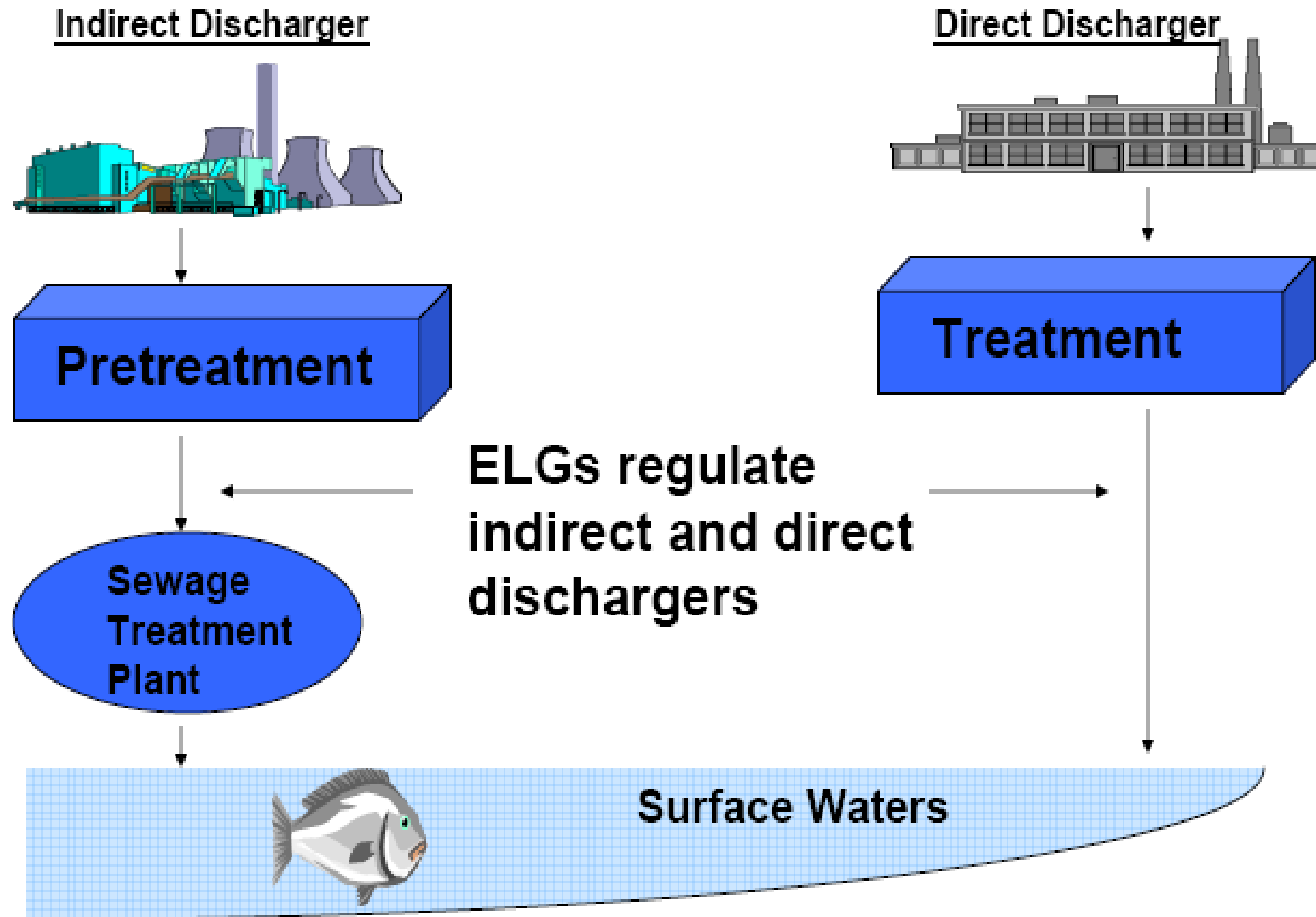
Laws vs. Regulations

- *Laws* are passed by the legislative branch, Congress, and signed into law by the President.
- All the laws that Congress pass and the President signs become slip laws initially and are published in the Federal Register.
- All the laws that are passed eventually end up in the United States Code (USC).

Laws vs. Regulations

- *Regulations* are the executive branch's interpretation and implementation of federal laws.
- Regulations are written by the various federal government agencies like the EPA.
- Regulations when first written are found in the Federal Register. Eventually, all regulations make their way into the Code of Federal Regulations (CFR)

What are Effluent Guidelines?



Effluent Guidelines & Pretreatment Standards

START → Solicit Stakeholder Recommendations ★



Effluent Guidelines Plan 15

- Preliminary Plan published Sept 14, 2021
- Final Plan – January 2023
 - Steam Electric Power Plant
 - Meat and Poultry Products
 - Organic Chemicals Plastics and Synthetic Fibers - PFAS
 - Metal Finishing - PFAS

ELG Rulemaking workgroups

- PFAS Manufacturers (feedstock) and Formulators (products from feedstock)
 - PFAS Analytical Method will be finalized.
- PFAS Metal Finishers
- Meat and Poultry
- Steam Electric/316b

PFAS Manufacturers and Formulators/Processors Rule

Proposal in Summer 2024

- Organic Chemicals, Plastics and Synthetic Fibers (OCPSF)
Rule – 40 CFR 414
- Manufacturing – raw material feedstock
 - Chemours, 3M and Daikin
- Formulators – processing raw PFAS feedstock into intermediate or commercial product
- Will also finalize the Draft PFAS 1633 method

PFAS Metal Finishing Rule

- Metal Finishing Rule – 40 CFR 433
 - 6 core and 40 ancillary process operations
- Chromium electroplating and anodizing operations
 - PFAS used for mist fume suppression to control air emissions
- Proposal – Summer 2025

Steam Electric Rule - 40 CFR Part 423

- EPA promulgated revisions to the Steam Electric ELGs in November 2015; compliance with new, more stringent PSES required by November 2018
- EPA proposed revisions to the 2015 rulemaking on November 22, 2019
- August 31, 2020, finalized a rule revising the regulations for the Steam Electric Power Generating category . The rule revises requirements for two specific waste streams produced by steam electric power plants: flue gas desulfurization (FGD) wastewater and bottom ash (BA) transport water.
- **2021 – Revising the “Reconsideration of the Steam Electric Rule”**

Meat and Poultry Products

- 40 CFR 432
- Final Agency Review with the EPA Administrator this month. Proposed Rule should be published this Fall.

Multi-Industry PFAS Study

- OCPSF – 40 CFR 414
- Metal Finishing – 40 CFR 433
- Electroplating – 40 CFR 413
- Landfills – 40 CFR 445
- Pulp Paper and Paperboard – 40 CFR 430
- Leather Tanning and Finishing – 40 CFR 425
- Plastics Molding and Forming – 40 CFR 463
- Textile Mills– 40 CFR 410
- Paint Formulating – 40 CFR 446
- Commercial Airports – 40 CFR 449

Rules/Regulations

EPA Effluent Limitations Guidelines

<https://www.epa.gov/eg/industrial-effluent-guidelines>

e-CFR

<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-N>

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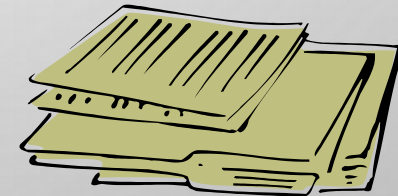
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Guidance



Pretreatment Guidance

- EPA Pretreatment website:

<https://www.epa.gov/npdes/national-pretreatment-program>

- State of NC Pretreatment Training – see Octavio
- Peer to Peer/Pretreatment Consortium
- Pretreatment@groups.io
- EPA Region 8 Pretreatment
 - Permit Template Checklist
 - ERP Checklist
 - Facility Inspection Form

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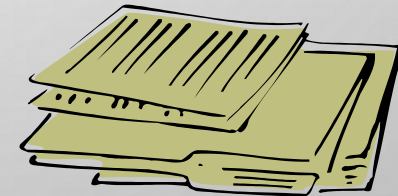
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Guidance



NPDES Permits

- Issued by the North Carolina DEQ
- Permit limits based on Water Quality Standards
- Reporting, monitoring, notification requirements
- Pretreatment Requirements

Local Legal Authority/Local Limits

- Establish Pretreatment Regulations and Standards at the local level
 - Local Limits - Technical basis/justification and public participation
- Local Approval
- EPA or Approval Authority Approval

Pretreatment Permits

- Implement Pretreatment Standards and Conditions to protect the WWTP and collection system
 - EPA Categorical Standards
 - Prohibitions
 - Local Limits
- Permit Conditions

Video

Electronic Reporting

- Federal Register – October 22, 2015
- Effective Date – December 21, 2015
- Reduces burden of existing paper-based reporting from regulated facilities and reduces third-party data entry errors by instead requiring electronic data submissions

Electronic Reporting

- Phase 1 – DMR Submissions & Biosolids Reports (21 Dec 2016)
- Phase 2 – General Permit and Program Reports (21 Dec 2020)
- EPA proposes to change deadline of phase 2 to December 21, 2023...and again to December 2025
- Will provide EPA and States more time to develop Phase 2 e-reporting tools and systems.

Pretreatment Annual Reports

- Pilot Project
- Region 8 input – EPA/States/Local Programs
- History and Current Annual Report Process
- Use of Annual Reports

Recommendations

- Understand your ordinance – strengths, weaknesses, compliance with PT Regs including streamlining
- Implement the authority in your ordinance
 - do not create new authorities outside of your legal authority – (e.g., permit template, ERP)
- Embrace mistakes/failures – lessons learned
- Peer-to-Peer communication and collaboration
- Non-approved or smaller programs

You wouldn't like me
when I'm angry...

Because I always back up
my rage with facts and
documented sources.

-The Credible Hulk

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