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Reporting Requirements for Categorical Industrial Users (CIUs)

Discharging Wastewater
to Publically Owned Treatment Works (POTWs)
without Approved Texas Pollutant Discharge Elimination
System (TPDES) Pretreatment Programs

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Discharge Elimination System (TPDES) Pretreatment
Programs

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Overview

After an industry finishes using water in its processes, the wastewater can be disposed of in several ways. One method is to discharge the wastewater directly to the collection system of a “Publically Owned Treatment Works” (POTW), also known as a wastewater treatment plant. If the industry discharges wastewater to a POTW, it is referred to as a source of indirect discharge or an industrial user.

Some industrial users sending their process wastewater to a POTW must pretreat the wastewater to meet certain national standards (called categorical pretreatment standards), which vary by industry. These industrial users are called categorical industrial users (CIUs) and they must

- monitor the quality of the wastewater they discharge;
- apply whatever treatments are necessary to meet the pretreatment standards for their industrial category; and
- file a series of reports with the Texas Commission on Environmental Quality, the state agency responsible for overseeing compliance with these requirements.

This regulatory guidance document (1) provides an overview of the required reports (and refers the reader to the *Code of Federal Regulations* [CFR] for full details); and (2) gives a general explanation of sampling procedures that industries must follow (and, again, refers the reader to the CFR for full details).

This guidance document is not a substitute for federal and state regulations; in all cases, CIUs should be familiar with the full details in the CFR.

Background

Effective September 14, 1998, the Texas Commission on Environmental Quality (TCEQ) received authorization from the U.S. Environmental Protection Agency (EPA) to implement the Texas Pollutant Discharge Elimination System (TPDES) program for regulating wastewater discharges. Under the terms of the Memorandum of Agreement (MOA) between the TCEQ and the EPA concerning the National Pollutant Discharge Elimination System (NPDES), the TCEQ adopted Title 40, *Code of Federal Regulations* (40 CFR) Part 403: “General Pretreatment Regulations for the Existing and New Sources of Pollution” by reference under 30 Texas Administrative Code (TAC) Chapter 315.

All industrial users (IUs) are subject to the general and specific prohibitions identified in 40 CFR Section 403.6 that prohibit the discharge of any pollutant(s) to a Publically Owned Treatment Works (POTW) that may impair worker health and safety, pass through to receiving waters, cause interference with the operation or conveyances of the POTW, or contaminate sewage sludge. Additional requirements apply to all Categorical Industrial Users (CIUs). For a definition of Categorical Industrial User see the section below. According to 40 CFR Section 403.10(e) and (f)(ii), CIUs must report to the TCEQ if they discharge to POTWs that do not have an approved TPDES pretreatment program.

Purpose

The purpose of this regulatory guidance document is to provide information about the monitoring and reporting requirements for CIUs that discharge process wastewater to the collection systems of

- POTWs that *do not have* approved TPDES pretreatment programs.

If your facility discharges process wastewater to the collection system of

- a POTW that *does have* an approved TPDES pretreatment program, you should contact the POTW for information about the monitoring and reporting requirements that may apply to your operation.

What Is a Categorical Industrial User?

A Categorical Industrial User (CIU) is an industry that uses water in its processes and is required to meet nationwide standards for pretreating its process wastewater before discharging it to a POTW's collection system. The standards vary by industrial category (which accounts for the word "categorical" in the term.) A metal finisher, for example, would have different standards for pretreating its wastewater than, let's say, a pharmaceutical facility. Pretreatment standards for CIUs are defined in CFR Parts 405 through 471.

What Are Categorical Pretreatment Standards?

The categorical pretreatment standards are found in 40 CFR Section 403.6 and 40 CFR Sections 405-471. They include limitations on pollutant discharges to POTWs that apply to specific process wastewater discharges from particular CIUs. The standards may be concentration-based, production-based, or mass-based. Generally, both a daily maximum limitation and an average limitation are established for every regulated pollutant.

What Reports Must be Submitted to the TCEQ?

CIUs are required to self-monitor and submit reports to demonstrate compliance with the pretreatment standards. A summary of the reporting requirements is found in Table 1, CIU Reporting Requirements, located at the end of the discussion of the various reports and notifications. A detailed discussion of the various reports follows in this section and in the section headed "What Other Notifications Must Be Submitted to the TCEQ?"

Baseline Monitoring Report

New sources must submit a Baseline Monitoring Report (BMR) to the TCEQ 90 days *before* discharging wastewater to the POTW. Existing CIUs must submit a BMR within 180 days after the pretreatment standard becomes effective or after a category determination is made. (The TCEQ makes a determination of what category an industry falls under.) A BMR must be submitted to the TCEQ if you failed to submit one to the EPA under the NPDES program or if you are a new CIU and have not yet begun discharging. If a BMR was submitted to EPA under the NPDES program before September 14, 1998, another BMR does not need to

be submitted to the TCEQ. The following information should be included in the report.

- **Identifying Information:** Name and address (including physical address and mailing address) of the facility and the names of the operator(s) and the owner(s).
- **Permits:** Any environmental control permits held by the facility.
- **Description of Operations:** A brief description of the industrial processes and other wastewater sources in the facility (including categorical citation and all applicable subparts), the average or estimated rate of production, Standard Industrial Classification Code(s) applicable to the facility, schematic process diagrams, and points of discharge to the POTW from the regulated processes.
- **Flow Measurements:** Average daily and maximum daily flow measurements or estimated flow in gallons per day for the regulated process waste streams. Include flow measurements for nonregulated waste streams when necessary, that is, if you are using the combined waste stream formula.
- **Measurements of Pollutants:**
 - A list of the pretreatment standards applicable to each process.
 - Results of sampling and analysis of regulated pollutants discharged from each regulated process. Both the daily maximum and average concentration and/or mass (if required) must be reported.
 - Documentation of the time, date, specific point of sampling, and analytical methods used. Sample collection and analysis must be conducted using procedures in 40 CFR Part 136 or any other test procedures approved by the EPA Administrator.
- **Compliance Schedule:** If additional operation and maintenance (O&M) or pretreatment facilities are determined to be needed in order to meet applicable pretreatment standards, the shortest schedule by which the CIU can achieve compliance with those standards must be submitted. Additional information about the requirements for compliance schedules is provided in the section headed “Compliance Schedule Report.”
- **Certification:** The report must be certified by a representative of the CIU. The certification must indicate whether the pretreatment standards are being consistently met. If the pretreatment standards are not being met, a description of additional O&M or pretreatment facilities needed to comply with applicable pretreatment standards must be provided. The certification must also indicate that the sampling and analysis are representative of normal work cycles and expected pollutant discharges.
- **Signature and Certification:** The BMR must be signed and certified as indicated in 40 CFR Section 403.6(a)(2)(ii) and 40 CFR Section 403.12(l). Specific requirements are provided in the section headed “What Are the Signatory and Certification Requirements for the Reports?”

Legal Authority: 40 CFR Section 403.12(b)

Compliance Schedule Report

If you indicated in the BMR that you are not able to meet the applicable pretreatment standards, you must submit a schedule describing the actions that will be taken to attain compliance. The compliance schedule must include progressive dates for beginning and completing the major events leading to construction and operation of a pretreatment system and/or process modifications needed to meet applicable pretreatment standards. No longer than nine months are allowed for completing each major event.

Progress reports must also be submitted to the TCEQ within 14 days of completing each major event included in the schedule. The progress reports must state whether or not the schedule is being met. If the schedule is not being met, the report must include the reason for delay and the steps being taken to get back on schedule.

Legal Authority: 40 CFR Section 403.12(c)

Ninety-Day Compliance Report

Existing CIUs must submit this compliance report to the TCEQ within 90 days following the final compliance date specified in a categorical regulation. All new sources must file a compliance report within 90 days after commencing discharge to the POTW. The report must contain the following:

- **Flow Measurements:** Average daily and maximum daily flow measurements in gallons per day for the regulated process waste streams. If you are using the combined waste stream formula, also provide flow measurements for nonregulated waste streams.
- **Measurements of Pollutants:**
 - A list of the pretreatment standards applicable to each process.
 - Results of sampling and analysis of regulated pollutants discharged from each regulated process. Both the daily maximum and average concentration and/or mass (if required) must be reported.
 - Documentation of the time, date, specific point of sampling, and analytical methods used. Sample collection and analysis must be conducted using procedures in 40 CFR Part 136 or any other test procedures approved by the EPA Administrator.
- **Compliance with (Applicable) Pretreatment Standards:** You must demonstrate compliance with the pretreatment standards based on the measurements of waste streams containing the regulated process wastewater. If the isolation of the regulated waste streams from the nonregulated waste streams is not practicable, you must use the combined waste stream formula (CWF) and flow-weighted average (FWA) approach for determining compliance with combined wastewaters. Dilution of waste streams as a substitute for adequate treatment is prohibited, that is, you cannot increase the use of production water to dilute a discharge in order to achieve compliance

with a pretreatment standard. For more information, please refer to the *Guidance Manual for the Use of Production-Based Pretreatment Standards and the Combined Wastestream Formula* which is available electronically at the EPA's Web site: epa.gov/npdes, under "Pretreatment" then "Publications."

- ***Certification:*** The report must be certified by a representative of the CIU. The certification must indicate whether the pretreatment standards are being consistently met. If the pretreatment standards are not being met, a description of additional O&M or pretreatment facilities needed to comply with applicable pretreatment standards must be provided. The certification must also indicate that the sampling and analysis are representative of normal work cycles and expected pollutant discharges.
- ***Signature and Certification:*** The 90-Day Compliance Report must be signed and certified as indicated in 40 CFR Section 403.6(a)(2)(ii) and 40 CFR Section 403.12(l). Specific requirements are provided in the section headed "What Are the Signatory and Certification Requirements for the Reports?"

Legal Authority: 40 CFR Section 403.12(d)

Periodic Compliance Reports

CIUs must submit periodic reports to the TCEQ in June and December. Existing CIUs must begin submitting these reports to the TCEQ after the final compliance date, that is, after the deadline for meeting the categorical pretreatment standards. All new sources must begin submitting these reports after they begin discharging to the POTW. The reports must include the following:

- ***Measurements of Pollutants:***
 - A list of the pretreatment standards applicable to each process.
 - Results of sampling and analysis of regulated pollutants discharged from each regulated process. Both the daily maximum and average concentration and/or mass (if required) must be reported.
 - Documentation of the time, date, specific point of sampling, and analytical methods used. Sample collection and analysis must be conducted using procedures in 40 CFR Part 136 or any other test procedures approved by the EPA Administrator.
- ***Production Rates during the Reporting Period***
- ***Compliance with (Applicable) Pretreatment Standards:*** You must demonstrate compliance with the pretreatment standards based on the measurements of waste streams containing the regulated process wastewater. If the isolation of the regulated waste streams from the nonregulated waste streams is not practicable, you must use the combined waste stream formula (CWF) and flow-weighted average (FWA) approach for determining compliance with combined wastewaters. Dilution of waste streams as a substitute for adequate treatment is prohibited, that is, you cannot increase the use of production water to dilute a discharge in order to achieve compliance with a pretreatment standard. For more information, please refer to the

Guidance Manual for the Use of Production-Based Pretreatment Standards and the Combined Wastestream Formula, which is available electronically at the EPA's Web site: epa.gov/npdes, under "Pretreatment" then "Publications."

- **Certification:** The report must be certified by a representative of the CIU. The certification must indicate whether the pretreatment standards are being consistently met. If not, you must provide a description of additional O&M or pretreatment facilities needed to comply with applicable pretreatment standards.
- **Signature and certification:** The periodic compliance report must be signed and certified as indicated in 40 CFR Section 403.6(a)(2)(ii) and 40 CFR Section 403.12(l). Specific requirements are provided in the section headed "What Are the Signatory and Certification Requirements for the Reports?"

Certain categories of industrial users may be allowed by the TCEQ to implement a specific type of management plan, such as a Toxic Organic Management Plan (TOMP) or a Pollution Management Plan (PMP). These categories of industrial users may also be allowed by the TCEQ to implement alternative limits in place of periodic monitoring for specific pollutants. For information about preparing and implementing a management plan or alternative limits, please refer to the specific categorical regulations (40 CFR Part 405-471) applicable to your industry. Additional information or guidance is also available at the EPA's Web site: epa.gov/npdes.

Legal Authority: 40 CFR Section 403.12(e)

What Signatures and Certifications Are Required for the Reports?

The BMRs, the 90-day compliance reports, periodic compliance reports, and other required correspondence must be signed by an authorized representative of the facility as defined in 40 CFR Section 403.12(1). The reports must also contain a certification statement attesting to the integrity of the information reported. The reports should be signed by one of the following:

- A responsible corporate officer if the CIU is a corporation.
- A general partner or proprietor if the CIU is a partnership or sole proprietorship.
- A duly authorized representative of the above persons. This authorization must be submitted in writing to the TCEQ and must specify a person or position having overall responsibility for the facility where the discharge originates or overall responsibility for environmental matters for the facility.

The following certification statement found in 40 CFR Section 403.6(a)(2)(ii) must be included on the report:

"I certify under penalty of law that this document and all attachments were

prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Where Do I Submit the Reports?

The BMRs, 90-day compliance reports, periodic compliance reports and TOMPs should be submitted to the TCEQ, Water Quality Division, Pretreatment Team (MC 148), P. O. Box 13087, Austin, Texas 78711-3087.

What Other Notifications Must Be Submitted to the TCEQ?

Other notifications and reports, as described in the subheadings listed below, must be submitted to the TCEQ only if certain events occur. In some instances you are required to notify either the TCEQ Region 4 Office in Dallas-Fort Worth or the Region 12 Office in Houston rather than the regional office in the service area where your facility is located. If your facility is located in the Region 1 through 5 service areas, those reports and notices should be submitted to the Region 4 Office. If your facility is located in the Region 6 through 16 service areas, those reports and notices should be submitted to the Region 12 Office. If you are not sure which service area your facility is located in, refer to the TCEQ regional map provided at the close of this document.

Bypass

A bypass is an intentional diversion of waste streams from any portion of the facility. If a bypass results in noncompliance, you must notify the appropriate TCEQ Region 4 or 12 office by phone within 24 hours of becoming aware of the bypass. You must provide a description of the bypass, the cause, the duration of the bypass, and the steps being taken and/or planned to reduce, eliminate, and prevent its recurrence. A written report must be submitted within five days to the regional office. You should also notify the POTW about the bypass.

Legal Authority: 40 CFR Section 403.17

Notification of Potential Problems

If a discharge may cause potential problems, you must notify the POTW immediately. These problems would include spills, slug load, or any other discharge that may cause a problem to the POTW.

Legal Authority: 40 CFR Section 403.12(f)

Notification of Accidental Discharges and Spills

Whenever an accidental discharge or spill occurs at or from any activity that causes or may cause pollution or potential problems, you must notify the TCEQ Region 4 or 12 office by phone within 24 hours of becoming aware of the violation. This notification would be required for spills, slug load, or any other discharge that may cause a problem to the POTW. You should also notify the POTW about any accidental discharge or spill.

Legal Authority: Texas Water Code, Chapter 26.039

Noncompliance Notification

If sampling indicates a noncompliance, you must notify the TCEQ Region 4 or 12 office within 24 hours of becoming aware of a violation. You must also repeat sampling and analysis and report the results of the resampling to the regional office within 30 days. You should also notify the POTW about the noncompliance.

Legal Authority: 40 CFR Section 403.12(g)(2)

Notification of Changed Discharge

You are required to notify the POTW in advance if there will be any substantial changes in the volume or character of pollutants in the discharge. This notice should also be submitted in writing to the Pretreatment Team in the Water Quality Division (MC 148).

Legal Authority: 40 CFR Section 403.12(j)

Notification of Discharge of Hazardous Wastes

You must provide a one-time written notification to the TCEQ if you

- discharge more than ***15 kilograms*** of waste per month that would be classified as ***hazardous waste*** under 40 CFR Part 261 requirements; or if you
- discharge ***any amount*** of waste that would be classified as ***acutely hazardous waste*** under 40 CFR Part 261 requirements.

In the report, you must include your EPA hazardous waste number and the type of discharge, that is, whether the discharge is continuous or batch.

In addition, if you

- discharge more than ***100 kilograms*** per month of the ***hazardous waste***, you must also include the following information in the written notification:
 - identification of the hazardous constituent(s),
 - estimate of the mass and concentration of the hazardous constituent(s) discharged during that month, and
 - estimate of the annual mass and concentration of the hazardous constituent(s).

You must also certify that a waste reduction program is in place to reduce the volume and toxicity of hazardous wastes as much as economically practical. This certification must be included with your notification.

Additionally, if EPA lists any additional hazardous wastes pursuant to the Resource Conservation and Recovery Act (RCRA), you must notify the TCEQ within 90 days of the effective date of the listing if you discharge any of these wastes.

For additional information on notification requirements you can contact the TCEQ Registration and Reporting Section (MC129) in the Registration, Review and Reporting Division.

Legal Authority: 40 CFR Section 403.12(p)

Slug Control Plan

If the TCEQ determines that a slug control plan is needed to ensure that discharges from your facility comply with pretreatment standards, you will be asked to submit a plan that must include, at a minimum, the following information:

- A description of discharge practices, including nonroutine and batch discharges.
- A description of stored chemicals.
- Procedures for immediately notifying the POTW of slug discharges, including procedures for follow-up written notification within five days.
- If necessary, procedures for preventing adverse impacts from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operation, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Once the plan is developed, you will be required to comply with each element of the plan.

Legal Authority: 40 CFR Section 403.8(f)(2)(v)(A-D)

Table 1. Categorical Industrial User Reporting Requirements

Required Report	Report Due Date
Baseline Monitoring Report	New Sources—at least 90 days before discharging to the POTW. Existing Sources—within 180 days after the standard becomes effective or after a category determination has been made.

Compliance Schedule Progress Reports	Within 14 days of completing each major event on a compliance schedule.
90-Day Compliance Report	New Sources—within 90 days after discharging to POTW. Existing Sources—within 90 days after the final compliance date specified in the regulation.
Periodic Compliance Report	Every June and December
Notice of Potential Problems	Notify the POTW immediately after the occurrence.
Noncompliance Notification	Notify TCEQ Region 4 or 12 office by phone within 24 hours of becoming aware of the violation. Resample and submit report to the TCEQ regional office within 30 days. Also notify the POTW.
Notification of Changed Discharge	Notify the POTW in advance. Written notice to TCEQ in advance.
Notification of Hazardous Waste Discharge	One-time written notification to TCEQ.
Bypass	Notify TCEQ Region 4 or 12 office by phone within 24 hours of becoming aware of the violation, followed by written notice within five days. Also notify the POTW.
Notification of Accidental Discharges and Spills	Notify TCEQ Region 4 or 12 Office by phone within 24 hours of becoming aware of the violation. Also notify the POTW.

What Sampling and Collection Procedures Must I Follow?

Sample collection and analysis must be conducted using procedures in 40 CFR Part 136 or any other test procedures approved by the EPA Administrator. Additionally, 40 CFR Section 403.12(g)(3) states that all data submitted in all of the reports must have been obtained through appropriate sampling and analysis performed during the period covered by the report and must be representative of conditions occurring during the reporting period.

What Types of Samples Must Be Collected?

For BMRs and 90-day compliance reports, a minimum of four grab samples must be collected for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics if these pollutants are regulated by the specific categorical standard. All other pollutants being monitored must be obtained as 24-hour flow-proportional composite samples. If flow-proportional composite sampling is not feasible, the TCEQ may allow samples to be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples. You would, however, need to demonstrate that the four grab samples were representative of

the effluent being discharged to a POTW.

Where Should the Samples Be Collected?

Effluent samples must be collected immediately downstream of any existing pretreatment facilities. If there are no pretreatment facilities, samples must be collected immediately downstream from the regulated process. If other wastewater streams are mixed with process wastewater before pretreatment, then you must measure flows and concentrations from the contributing waste stream to allow use of the combined waste stream formula for determination of compliance with applicable pretreatment standards.

How Frequently Do I Have to Take Samples?

At a minimum, you must monitor for all categorically regulated pollutants at least once every six months. The TCEQ may, however, require more frequent monitoring. If you sample more frequently than required using approved methods, those results should be included in the reports.

How Long Do I Have to Keep Records of Monitoring Activity?

Records of monitoring activity must be maintained on site for at least three years. The records must be available to the TCEQ upon request. These records should contain, at a minimum, the following information:

- sampling methods, dates, and times
- identity of the person collecting the samples
- sampling locations
- dates the analyses were performed and the methods used
- identity of the person performing the analyses
- results of the analyses

Where Can I Get Assistance?

If you need assistance regarding any of the pretreatment requirements, you can contact the Pretreatment Team staff in Austin at 512/239-4433, the pretreatment staff in the TCEQ DFW Office at 817/588-5800, or the pretreatment staff in the Houston Office at 713/767-3500. You can also obtain copies of applicable federal regulations at the EPA Web site, www.epa.gov, or from the following offices:

U.S. Government Printing Office
Texas Crude Building
801 Travis Street
Houston, Texas 77002
713/228-1187 (phone)

U.S. Government Printing Office
Room IC-50
Federal Building
1100 Commerce Street
Dallas, Texas 765242
214/767-0076 (phone)

Commonly Used Abbreviations

BMR—Baseline Monitoring Report
CA—Control Authority
CIU—Categorical Industrial User
IU—Industrial User
PMP - Pollution Management Plan
POTW—Publically Owned Treatment Works
SIU—Signification Industrial User
TOMP—Toxic Organics Management Plan

TCEQ Service Regions

[Map of TCEQ regions and address and phone numbers for regional offices (GI-002) will be inserted here.]