



October 15, 2019

State Pretreatment Program Update



The Numbers



- 113 Active PT programs
 - 80 Full
 - 33 Modified
- 604 Active SIUs
 - 24% Metals
 - 12% textile
 - 11% food processors
 - 6% pharmaceuticals
 - 10% laundries
 - 3% OCPSF



PERCS Accomplishments

- Two - Pretreatment Annual Report (PAR Workshops)
- Two - Headworks Analysis (HWA) Workshops
- One - Permit Writing (IUP) Workshop
- Pretreatment 101 Workshop



PERCS Accomplishments

- 10/1/18 – 9/30/19
 - Assisted with 22 audits/PCIs
 - 263 IUP reviews
 - 5 ERPs
 - 28 HWAs
 - 35 IWSs
 - 43 Monitoring Plans
 - 3 SUOs
 - 21 NPDES request for PT information



Enforcement

- QNCR = Quarterly Noncompliance Report
- Level 1
 - Failure to take effective enforcement for pass through or interference
 - Failure to submit reports (over 30 days late)
 - Failure to meet compliance schedule milestone (over 90 days late)
- Level 2
 - Failure to issue IUPs for at least 90%
 - Failure to sample or inspect at least 80%
 - Failure to enforce standards or reporting requirements
 - Any other violation that State or EPA considers to be of substantial concern



Enforcement

- 3 Programs on QNCR (FY18-19)
 - Failure to submit required documents
 - Failure to enforce self-monitoring requirements



Rules

- Approved by EMC at the March 14, 2019 meeting
- 32 pages of technical review comments from RRC
- Approved by the RRC at the June 20, 2019 meeting
 - Effective July 1, 2019
- 15A NCAC 02H .0916 Pretreatment Permits
 - Retained waste reduction requirements
 - (c)(6) - Clarified Modification and Revocation of Permits
- 15A NCAC 02H .0917 Pretreatment Permit Submission and Review
 - (a) - Requires IUP be submitted 30 days in advance of the effective date



Dental Amalgam (40 CFR 441)

- Rule passed on June 14, 2017
 - Effective date July 14, 2017
- Dental offices that place or remove amalgam
 - Install ISO certified amalgam separator
 - Implement BMPs
 - No discharge of waste amalgam
 - No oxidizing cleaners
 - Operate and maintain separator and associated documentation
 - Submit one-time compliance report
- New sources – within 90 days of commencing discharge
- Existing sources – install by 7/14/2020; submit by 10/12/2020



Dental Amalgam

- Implementation Options
 - Outreach
 - None – 40 CFR 441 is self-implementing
 - General – bill stuffer, website, new sources as they move in
 - Individual – use list to track and record receipt of OTCR, email, letters
 - Industrial Waste Survey
 - Eliminate dental dischargers (DDs)
 - Develop list of DDs, but do not submit with IWS
 - Develop list of DDs and submit with IWS
 - One-Time Compliance Report (OTCR) Activities
 - Three Rs – receive, review and retain
 - Three Rs plus Escalated Oversight and Compliance Assistance



Dental Amalgam

- Enforcement Response Plan
 - Option 1 (3 Rs) add discretionary statement
 - Option 2 (escalated oversight)
 - Add a new section for DDs
 - Stand alone ERP to address DDs
 - Apply current ERP to DDs
- Significant Non-Compliance
 - DDs are considered industrial users so (C), (D) and (H) of SNC definition applies



Dental Amalgam



7. Chart: Responses Applicable to Dental Dischargers Subject to 40 CFR 441

Enforcement actions taken in response to the requirements of 40 CFR Part 441 not listed below will be taken/decided on a case-by-case basis.

Type of Violation	POTW Action	Timeframe	Responsible Official	Expected Action from User	Escalated Action if Needed
Failure to submit one-time compliance report	Reminder via phone, email or letter	Within 60 days of deadline (10/12/2020)	PT Coordinator	Submit report within 45 days	NOV; require report within 30 days
Continued failure to submit one-time compliance report	2 nd NOV with Notice of Intent (to issue penalty) (Recommend certified mail)	Within 30 days of most recent due date	PT Coordinator	Submit report within 10 days	Issue penalty up to an amount equal to the cost of installing an amalgam separator
Continued failure to submit report or pay penalty	Turn over to POTW attorney for collection				

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E-Reporting

- The deadline for E reporting was postponed to December 21, 2023.
- CRM database in development

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Silver

- Implementing dissolved water quality standards
 - EPA does not accept action levels
 - Majority of states using the acute criteria (chronic = 0.06 ug/l; acute = 0.3 ug/l)
 - EPA never formally adopted the chronic criteria
 - Not backsliding because never implemented
 - Can't measure – don't know if it is achievable
 - Appears to be protective
 - Silver in limbo for now. As long as effluent is <1 ug/l the POTW is compliant.
- Detection Levels
 - Dirty samples
 - Different DLs can be used for different sample matrix

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PERCS Organization

Christyn Fertenbaugh, Engineer
Sewer extension permitting
Fast track permitting program oversight
Delegated permitting program oversight
Variance, flow reductions

Monti Hassan, Engineer
Pretreatment program oversight
Sewer extension permitting
Engineering certificaitions

Melissa Abbott, Environmental Specialist I
Document Management
Assist with collection system permitting, oversight
System-wide collection system permitting & enforcement

Vivien Zhong, Engineer
Pretreatment program oversight



Re-Organization

- PERCS no more
 - NPDES Branch Chief
 - Compliance & Expediated Permitting
 - Industrial Permitting
 - Municipal Permitting
 - NPDES Municipal Permitting
 - Pretreatment
 - Collection Systems (WQCS and WQ permitting)
- Animal program moving to Water Quality Permitting Section

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Assignments & Contact Info.

- Monti Hassan 919-707-3626
 - Chowan, Hiwassee, Little Tennessee, Neuse, Roanoke, Yadkin
- Vivien Zhong 919-707-3627
 - Broad, Cape Fear, Catawba, French Broad, Lumber, New, Tar-Pam

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