

# Reading the 40 CFR

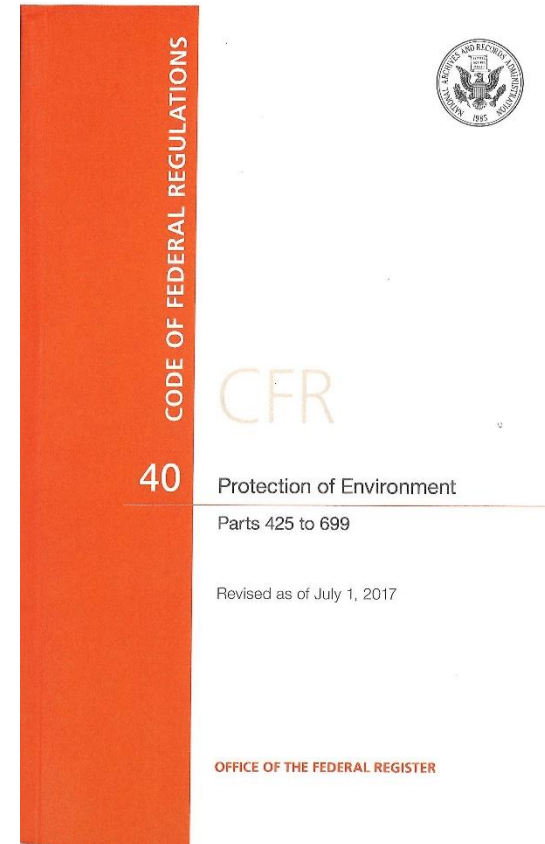
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CLEARING SOME OF THE MUDDY WATER



# Code of Federal Regulations

- 50 titles
- Covers broad subjects
  - National Defense
    - Title 32
  - Public Health
    - Title 42
  - Transportation
    - Title 49
  - Labor
    - Title 29
  - Protection of Environment
    - Title 40
      - Part 401 –Part 471
        - Effluent Guidelines and Standards



# Title 40 Protection of Environment

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- What does it cover?
  - Air Programs/Pollution Controls
  - Pesticide Programs
  - Radiation Protection Programs
  - Solid Waste
  - Water Programs
  - Hazardous Waste
  - Superfund (CERCLA & SARA)
  - Toxic Substance Control Act (TSCA)
  - Effluent Guidelines (CWA)



# Citing the CFRs

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- Numbering System
  - The numbering system is uniform throughout all 50 volumes
  - Consisting of 200 individual books



- Title = The numeric value to the left of “CFR”
  - 40 CFR
- Part = The numeric value to right of the “CFR”
  - 40 CFR 403
- Section = The numeric value to the right of the (“.”)
  - 40 CFR 403.6
- Paragraph = A letter of the alphabet (a-z)
  - 40 CFR 403.6(a)

# Paragraph Levels

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<b>Paragraph</b>	<b>Designations</b>	<b>Cite Paragraph as</b>
Level 1	(a), (b), (c), etc.	§ 403.6(a)
Level 2	(1), (2), (3), etc.	§ 403.6(a)(1)
Level 3	(i), (ii), (iii), etc.	§ 403.6(a)(1)(i)
Level 4	(A), (B), (C), etc.	§ 403.6(a)(1)(i)(A)
Level 5	(1), (2), (3), etc.	§ 403.6(a)(1)(i)(A)(1)
Level 6	(i), (ii), (iii), etc.	§ 403.6(a)(1)(i)(A)(1)(i)

# Book Example

criteria to evaluate contractor safety performance and criteria to enhance contractor safety performance).

10. "Recommended Guidelines for Contractor Safety and Health," Texas Chemical Council; Texas Chemical Council, 1402 Nueces Street, Austin, TX 78701-1534.

11. "Loss Prevention in the Process Industries," Volumes I and II; Frank P. Lees, Butterworth; London 1983.

12. "Safety and Health Program Management Guidelines," 1989; U.S. Department of Labor, Occupational Safety and Health Administration.

13. "Safety and Health Guide for the Chemical Industry," 1986, (OSHA 3091); U.S. Department of Labor, Occupational Safety and Health Administration; 200 Constitution Avenue, N.W., Washington, D.C. 20210.

14. "Review of Emergency Systems," June 1988; U.S. Environmental Protection Agency (EPA), Office of Solid Waste and Emergency Response, Washington, DC 20460.

15. "Technical Guidance for Hazards Analysis, Emergency Planning for Extremely Hazardous Substances," December 1987; U.S. Environmental Protection Agency (EPA), Federal Emergency Management Administration (FEMA) and U.S. Department of Transportation (DOT), Washington, DC 20460.

16. "Accident Investigation \* \* \* A New Approach," 1983, National Safety Council; 44 North Michigan Avenue, Chicago, IL 60611-3991.

17. "Fire & Explosion Index Hazard Classification Guide," 6th Edition, May 1987, Dow Chemical Company; Midland, Michigan 48674.

18. "Chemical Exposure Index," May 1988, Dow Chemical Company; Midland, Michigan 48674.

[57 FR 6403, Feb. 24, 1992; 57 FR 7847, Mar. 4, 1992, as amended at 61 FR 9238, Mar. 7, 1996]

## § 1910.120 Hazardous waste operations and emergency response.

(a) *Scope, application, and definitions—*

(1) *Scope.* This section covers the following operations, unless the employer can demonstrate that the operation does not involve employee exposure or the reasonable possibility for employee exposure to safety or health hazards:

(i) Clean-up operations required by a governmental body, whether Federal, state, local or other involving hazardous substances that are conducted at uncontrolled hazardous waste sites (including, but not limited to, the EPA's National Priority Site List (NPL), state priority site lists, sites recommended for the EPA NPL, and initial investigations of government identified sites which are conducted before the presence or absence of haz-

ardous substances has been ascertained);

(ii) Corrective actions involving clean-up operations at sites covered by the Resource Conservation and Recovery Act of 1976 (RCRA) as amended (42 U.S.C. 6901 *et seq.*);

(iii) Voluntary clean-up operations at sites recognized by Federal, state, local or other governmental bodies as uncontrolled hazardous waste sites;

(iv) Operations involving hazardous wastes that are conducted at treatment, storage, and disposal (TSD) facilities regulated by 40 CFR parts 264 and 265 pursuant to RCRA; or by agencies under agreement with U.S.E.P.A. to implement RCRA regulations; and

(v) Emergency response operations for releases of, or substantial threats of releases of, hazardous substances without regard to the location of the hazard.

(2) *Application.* (i) All requirements of part 1910 and part 1926 of title 29 of the Code of Federal Regulations apply pursuant to their terms to hazardous waste and emergency response operations whether covered by this section or not. If there is a conflict or overlap, the provision more protective of employee safety and health shall apply without regard to 29 CFR 1910.5(c)(1).

(ii) Hazardous substance clean-up operations within the scope of paragraphs (a)(1)(i) through (a)(1)(iii) of this section must comply with all paragraphs of this section except paragraphs (p) and (q).

(iii) Operations within the scope of paragraph (a)(1)(iv) of this section must comply only with the requirements of paragraph (p) of this section.

*Notes and Exceptions:* (A) All provisions of paragraph (p) of this section cover any treatment, storage or disposal (TSD) operation regulated by 40 CFR parts 264 and 265 or by state law authorized under RCRA, and required to have a permit or interim status from EPA pursuant to 40 CFR 270.1 or from a state agency pursuant to RCRA.

(B) Employers who are not required to have a permit or interim status because they are conditionally exempt small quantity generators under 40 CFR 261.5 or are generators who qualify under 40 CFR 262.34 for exemptions from regulation under 40 CFR parts 264, 265 and 270 ("excepted employers") are not covered by paragraphs (p)(1) through (p)(7) of this section. Excepted employers who are required by the EPA or state agency

If you find a group of numerical values and letters together in parenthesis, it is to designate another citable paragraph level.

# Online Example

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 31224, Aug. 3, 1984; 51 FR 20429, 20430, June 4, 1986; 51 FR 23759, July 1, 1986; 53 FR 40612, Oct. 17, 1988; 55 FR 30129, July 24, 1990; 58 FR 18017, Apr. 7, 1993; 60 FR 33932, June 29, 1995; 62 FR 38414, July 17, 1997; 70 FR 59889, Oct. 13, 2005; 70 FR 60193, Oct. 14, 2005]

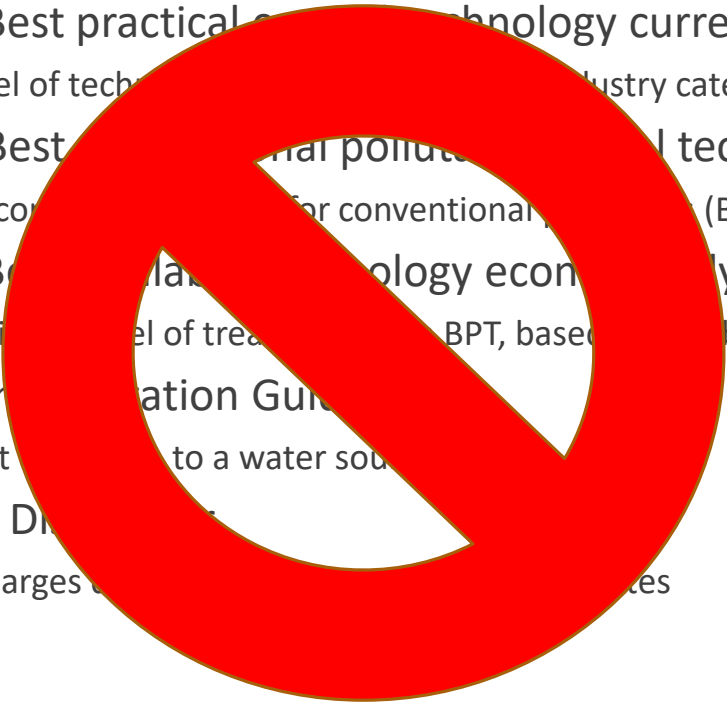
**§ 403.9 POTW pretreatment programs and/or authorization to revise pretreatment standards: Submission for approval.**

- (a) *Who approves Program.* A POTW requesting approval of a POTW Pretreatment Program shall develop a program description which includes the information set forth in paragraphs (b)(1) through (4) of this section. This description shall be submitted to the Approval Authority which will make a determination on the request for program approval in accordance with the procedures described in § 403.11.
- (b) *Contents of POTW program submission.* The program description must contain the following information:
- (1) A statement from the City Solicitor or a city official acting in a comparable capacity (or the attorney for those POTWs which have independent legal counsel) that the POTW has authority adequate to carry out the programs described in § 403.8. This statement shall:
    - (i) Identify the provision of the legal authority under § 403.8(f)(1) which provides the basis for each procedure under § 403.8(f)(2);
    - (ii) Identify the manner in which the POTW will implement the program requirements set forth in § 403.8, including the means by which Pretreatment Standards will be applied to individual Industrial Users (e.g., by order, permit, ordinance, etc.); and,
    - (iii) Identify how the POTW intends to ensure compliance with Pretreatment Standards and Requirements, and to enforce them in the event of noncompliance by Industrial Users;
  - (2) A copy of any statutes, ordinances, regulations, agreements, or other authorities relied upon by the POTW for its administration of the Program. This Submission shall include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising and/or funding the POTW Pretreatment Program if approved;
  - (3) A brief description (including organization charts) of the POTW organization which will administer the Pretreatment Program. If more than one agency is responsible for administration of the Program the responsible agencies should be identified, their respective responsibilities delineated, and their procedures for coordination set forth; and
  - (4) A description of the funding levels and full- and part-time manpower available to implement the Program;
- (c) *Conditional POTW program approval.* The POTW may request conditional approval of the Pretreatment Program pending the acquisition of funding and personnel for certain elements of the Program. The request for conditional approval must meet the requirements set forth in paragraph (b) of this section except that the requirements of paragraph (b) of this section, may be relaxed if the Submission demonstrates that:
- (1) A limited aspect of the Program does not need to be implemented immediately;
  - (2) The POTW had adequate legal authority and procedures to carry out those aspects of the Program which will not be implemented immediately; and
  - (3) Funding and personnel for the Program aspects to be implemented at a later date will be available when needed. The POTW will describe in the Submission the mechanism by which this funding will be acquired. Upon receipt of a request for conditional approval, the Approval Authority will establish a fixed date for the acquisition of the needed funding and personnel. If funding is not acquired by this date, the conditional approval of the POTW Pretreatment Program and any removal allowances granted to the POTW, may be modified or withdrawn.
- (d) *Content of removal allowance submission.* The request for authority to revise categorical Pretreatment Standards must contain the information required in § 403.7(d).
- (e) *Approval authority action.* Any POTW requesting POTW Pretreatment Program approval shall submit to the Approval Authority three copies of the Submission described in paragraph (b), and if appropriate, (d) of this section. Within 60 days after receiving the Submission, the Approval Authority shall make a preliminary determination of whether the Submission meets the requirements of paragraph (b) and, if appropriate, (d) of this section. If the Approval Authority makes the preliminary determination that the Submission meets these requirements, the Approval Authority shall:
- (1) Notify the POTW that the Submission has been received and is under review; and
  - (2) Commence the public notice and evaluation activities set forth in § 403.11.
- (f) *Notification where submission is defective.* If, after review of the Submission as provided for in paragraph (e) of this section, the Approval Authority determines that the Submission does not comply with the requirements of

# Effluent Standard Terms

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- BPT- Best practical conventional technology currently available
  - A level of technology that is representative of the industry category in general
- BCT- Best conventional technology
  - Best conventional technology for conventional pollutants (BOD, TSS, O&G, etc.)
- BAT- Best available technology economically achievable
  - Is a higher level of treatment than BPT, based on the best state of the art treatment processes that are economically achievable
- Effluent Limitation Guidelines
  - Direct discharges to a water source
- Direct Discharges
  - Discharges to navigable waters





# Pretreatment Terms

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- ~~NSPS- New source performance standards~~
  - This is for new facilities that are direct dischargers to Waters of the United States
- PSES- Pretreatment standards for existing sources
  - These are the pretreatment standards for businesses that existed prior to the rule being in effect
    - Need to know what year the standard was last updated
- PSNS- Pretreatment Standards for new sources
  - These are the pretreatment standards for businesses that came into being after the rule was enacted

# Pretreatment Terms

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- [Reserved]
  - Place holder for EPA, reserves a spot for a later date
    - You can use this term as a place holder in your permits
- Do.
  - Do or Ditto
    - Enforce your local limits/program
- Indirect Discharger
  - Discharges to a POTW



Environmental Protection Agency

Subpart G—Sausage and Luncheon Meats Processors

§ 432.70 Applicability.

This part applies to discharges of process wastewater resulting from the production of fresh meat cuts, sausage, bologna and other luncheon meats by a sausage and luncheon meat processor.

§ 432.71 Special definitions.

For the purpose of this subpart:

(a) *Finished product* means the final product as fresh meat cuts, which includes steaks, roasts, chops or boneless meat, bacon or other smoked meats (except hams) such as sausage, bologna or other luncheon meats, or related products (except canned meats).

(b) *Sausage and luncheon meat processor* means an operation which cuts fresh meats, grinds, mixes, seasons, smokes or otherwise produces finished products such as sausage, bologna and luncheon meats at rates greater than 6000 lbs (2730 kg) per day.

§ 432.72 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BPT:

(a) Facilities that generate no more than 50 million pounds per year of finished products must achieve the following effluent limitations:

EFFLUENT LIMITATIONS (BPT)

Regulated parameter	Maximum daily <sup>1</sup>	Maximum monthly avg. <sup>1</sup>
BOD <sub>5</sub> .....	0.58	0.28
Fecal Coliform .....	(?)	(?)
O&G <sup>4</sup> .....	0.20	0.10
TSS .....	0.68	0.34

<sup>1</sup> Pounds per 1000 lbs (or g/kg) of finished product.  
<sup>2</sup> Maximum of 400 MPN or CFU per 100 mL at any time.  
<sup>3</sup> No maximum monthly average limitation.  
<sup>4</sup> May be measured as hexane extractable material (HEM).

(b) Facilities that generate more than 50 million pounds per year of finished products must achieve the limitations for BOD<sub>5</sub>, fecal coliform, O&G,

§ 432.75

and TSS specified in paragraph (a) of this section.

§ 432.73 Effluent limitations attainable by the application of the best available technology economically achievable (BAT)

Except as provided by 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BAT:

(a) Facilities that generate no more than 50 million pounds per year of finished products must achieve the following effluent limitations:

EFFLUENT LIMITATIONS (BAT)

Regulated parameter	Maximum daily <sup>1</sup>	Maximum monthly avg. <sup>1</sup>
Ammonia (as N) .....	8.0	4.0

<sup>1</sup> mg/L (ppm).

(b) Facilities that generate more than 50 million pounds per year of finished products must achieve the following effluent limitations:

EFFLUENT LIMITATIONS (BAT)

Regulated parameter	Maximum daily <sup>1</sup>	Maximum monthly avg. <sup>1</sup>
Ammonia (as N) .....	8.0	4.0
Total Nitrogen .....	194	134

<sup>1</sup> mg/L (ppm).

§ 432.74 Pretreatment standards for existing sources (PSES) [Reserved]

§ 432.75 New source performance standards (NSPS)

Except as provided in paragraph (c) of this section, any source that is a new source subject to this subpart must achieve the following performance standards:

(a) Facilities that generate no more than 50 million pounds per year of finished products must achieve the standards for BOD<sub>5</sub>, fecal coliform, O&G, and TSS specified in § 432.72(a).

(b) Facilities that generate more than 50 million pounds per year of finished products must achieve the limitations for BOD<sub>5</sub>, fecal coliform, O&G, and TSS specified in § 432.72(b) and the

Regulated parameter	Effluent limitation <sup>1</sup>	
	Maximum daily discharge	Average monthly discharge must not exceed
Cyanide (T) .....	33.5	9.4

<sup>1</sup> Mg/L (ppm).

(c) When monitoring for cyanide at the end-of-pipe is impractical because of dilution by other process wastewaters, compliance with the cyanide pretreatment standards in paragraph (b) of this section must be demonstrated at in-plant monitoring points pursuant to 40 CFR 403.6(e) (2) and (4). Under the same provisions, the permitting authority may impose monitoring requirements on internal wastestreams for any other parameter(s) regulated by this section.

(d) Compliance with the standard in paragraph (b) or (c) of this section may be achieved by certifying to the permit issuing authority that a facility's manufacturing processes neither use nor generate cyanide.

[63 FR 50434, Sept. 21, 1998; 64 FR 10393, Mar. 4, 1999; 64 FR 48104, Sept. 2, 1999, as amended at 68 FR 34832, June 11, 2003]

#### Subpart D—Mixing/Compounding and Formulation

##### § 439.40 Applicability.

This subpart applies to discharges of process wastewater resulting from the manufacture of pharmaceutical products by mixing, compounding and formulating operations.

[63 FR 50435, Sept. 21, 1998]

##### § 439.41 Special definitions.

For the purpose of this subpart:

(a) *Mixing, compounding, and formulating operations* means processes that put pharmaceutical products in dosage forms.

(b) *Product* means any pharmaceutical product manufactured by blending, mixing, compounding, and formulating pharmaceutical ingredients. The term includes pharmaceutical preparations for both human and veterinary use such as ampules, tablets, capsules, vials, ointments, me-

dicinal powders, solutions, and suspensions.

[68 FR 12274, Mar. 13, 2003]

##### § 439.42 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BPT:

(a) The limitation for BOD<sub>5</sub> is the same as specified in § 439.12(a). No facility shall be required to attain a monthly average limitation for BOD<sub>5</sub> that is less than the equivalent of 45 mg/L.

(b) The limitation for TSS is the same as specified in § 439.12(b).

(c) The limitations for COD are the same as specified in § 439.22(c) and (d).

[63 FR 50435, Sept. 21, 1998, as amended at 68 FR 12274, Mar. 13, 2003]

##### § 439.43 Effluent limitations attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BCT: Limitations for BOD<sub>5</sub>, TSS and pH are the same as the corresponding limitations in § 439.42.

[63 FR 50436, Sept. 21, 1998]

##### § 439.44 Effluent limitations attainable by the application of best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BAT: The limitations for COD are the same as specified in § 439.22(c) and (d).

[68 FR 12274, Mar. 13, 2003]

##### § 439.45 New source performance standards (NSPS).

(a) Any new source subject to this subpart must achieve the same standards as specified in § 439.25(a).

Subpart E—Research

§ 439.50 Applicability.

This subpart applies to discharges of process wastewater resulting from pharmaceutical research.

[63 FR 50436, Sept. 21, 1998]

§ 439.51 Special definitions.

For the purpose of this subpart, *product* means products or services resulting from research and product development activities.

[68 FR 12274, Mar. 13, 2003]

§ 439.52 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BPT:

(a) The limitation for BOD<sub>5</sub> is the same as specified in § 439.12(a). No facility shall be required to attain a monthly average limitation for BOD<sub>5</sub> that is less than the equivalent of 45 mg/L.

(b) The limitation for TSS is the same as specified in § 439.12(b).

(c) The maximum monthly average limitation for COD, expressed as mass loading (lbs, kg) per day, must reflect not less than 74 percent reduction in the long-term average daily COD load of the raw (untreated) process wastewater, multiplied by a variability factor of 2.2. No facility shall be required to attain a limitation for COD that is less than the equivalent of 220 mg/L.

(d) The long-term average daily BOD<sub>5</sub> or COD mass loading of the raw process wastewater (*i.e.*, the base number to which the percent reduction is applied) is defined as the average daily BOD<sub>5</sub> or COD load during any calendar month, over 12 consecutive months within the most recent 36 months.

(1) To assure equity in the determination of NPDES permit limitations regulating discharges subject to this subpart, calculation of the long-term average daily BOD<sub>5</sub> or COD load in the influent to the wastewater treatment system must exclude any portion of the load associated with solvents, except

§ 439.46

(b) Any new source subject to the provisions of this section that commenced discharging after November 21, 1988, and prior to November 20, 1998, must continue to achieve the standards specified for this section in the 1988 edition of 40 CFR part 439, until the expiration of the applicable time period specified in 40 CFR 122.29(d)(1), after which the source must achieve the standards specified in § 439.43 and § 439.44.

[68 FR 12274, Mar. 13, 2003]

§ 439.46 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart must achieve the following standards by September 21, 2001:

PRETREATMENT STANDARDS (PSES)		
Regulated parameter	Maximum daily <sup>1</sup>	Maximum monthly average <sup>1</sup>
Acetone .....	20.7	8.2
n-Amyl acetate .....	20.7	8.2
Ethyl acetate .....	20.7	8.2
Isopropyl acetate .....	20.7	8.2
Methylene chloride .....	3.0	0.7

<sup>1</sup> mg/L (ppm).

[68 FR 12274, Mar. 13, 2003]

§ 439.47 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR 403.7, any new source subject to this subpart must achieve the following pretreatment standards:

Regulated parameter	Pretreatment standards <sup>1</sup>	
	Maximum daily discharge	Average monthly discharge must not exceed
1 Acetone .....	20.7	8.2
2 n-Amyl acetate .....	20.7	8.2
3 Ethyl acetate .....	20.7	8.2
4 Isopropyl acetate .....	20.7	8.2
5 Methylene chloride .....	3.0	0.7

<sup>1</sup> Mg/L (ppm).

[63 FR 50436, Sept. 21, 1998; 64 FR 48104, Sept. 2, 1999]

# Metal Finishing Point Source Category

## PSES

Pollutant or pollutant property	Maximum for any 1 day	Monthly average shall not exceed
	Milligrams per liter (mg/l)	
Cadmium (T)	0.69	0.26
Chromium (T)	2.77	1.71
Copper (T)	3.38	2.07
Lead (T)	0.69	0.43
Nickel (T)	3.98	2.38
Silver (T)	0.43	0.24
Zinc (T)	2.61	1.48
Cyanide (T)	1.20	0.65
TTO	2.13	

## NSPS

Pollutant or pollutant property	Maximum for any 1 day	Monthly average shall not exceed
	Milligrams per liter (mg/l)	
Cadmium (T)	0.11	0.07
Chromium (T)	2.77	1.71
Copper (T)	3.38	2.07
Lead (T)	0.69	0.43
Nickel (T)	3.98	2.38
Silver (T)	0.43	0.24
Zinc (T)	2.61	1.48
Cyanide (T)	1.20	0.65
TTO	2.13	
Oil and Grease	52	26
TSS	60	31
pH	6.0	9.0

# Metal Finishing Point Source Category

## PSES

Pollutant or pollutant property	Maximum for any 1 day	Monthly average shall not exceed
	Milligrams per liter (mg/l)	
Cadmium (T)	0.69	0.26
Chromium (T)	2.77	1.71
Copper (T)	3.38	2.07
Lead (T)	0.69	0.43
Nickel (T)	3.98	2.38
Silver (T)	0.43	0.24
Zinc (T)	2.61	1.48
Cyanide (T)	1.20	0.65
TTO	2.13	

## PSNS

Pollutant or pollutant property	Maximum for any 1 day	Monthly average shall not exceed
	Milligrams per liter (mg/l)	
Cadmium (T)	0.11	0.07
Chromium (T)	2.77	1.71
Copper (T)	3.38	2.07
Lead (T)	0.69	0.43
Nickel (T)	3.98	2.38
Silver (T)	0.43	0.24
Zinc (T)	2.61	1.48
Cyanide (T)	1.20	0.65
TTO	2.13	
Oil and Grease	52	26
TSS	60	31
pH	6.0	9.0

# Part 405 Dairy Products Processing Subpart A

## §405.14 PRETREATMENT STANDARDS FOR EXISTING SOURCES.

Pollutant or pollutant property  
Pretreatment standard

pH No limitation.

BOD5 Do.

TSS Do.

[40 FR 6434, Feb. 11, 1975, as amended at 60 FR 33933, June 29, 1995]

## §405.15 STANDARDS OF PERFORMANCE FOR NEW SOURCES.



Effluent character	1 day	30 day	30 day
	average	average	average
	maximum	maximum	maximum
	limit	limit	limit
	(kilograms per 1,000	(kilograms per 1,000	(kilograms per 1,000
	liters of effluent)	liters of effluent)	liters of effluent)
BOD5	0.100	0.100	0.050
TSS	0.063	0.063	0.063
pH			( <sup>+</sup> )
	English units (pounds per 1,000	English units (pounds per 1,000	English units (pounds per 1,000
	gallons of effluent)	gallons of effluent)	gallons of effluent)
BOD5	0.005	0.005	0.005
TSS	0.006	0.006	0.006
pH			( <sup>+</sup> )



# Part 405 Dairy Product Processing

## Subpart A

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### 405.16 Pretreatment Standards for New Sources

Any new source subject to this subpart that introduces process wastewater pollutants into a publically owned treatment works must comply with 40 CFR Part 403.

[60 FR 33933, June 29, 1995]

# QUESTION-

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- In 2018, you found a small electroless plater in your area that your predecessor never found. Does this electroless plater fall under PSES or PSNS?
  - § 413.01 Applicability and compliance dates.
    - (a) This part shall apply to electroplating operations in which metal is electroplated on any basis material and to related metal finishing operations as set forth in the various subparts, whether such operations are conducted in conjunction with electroplating, independently, or as part of some other operation. The compliance deadline for metals and cyanide at integrated facilities shall be **June 30, 1984**. The compliance date for metals and cyanide at non-integrated facilities shall be **April 27, 1984**. Compliance with TTO for all facilities shall be **July 15, 1986**. These part 413 standards shall not apply to a facility which must comply with all the pollutant limitations listed in § 433.15 (metal finishing PSES).

# QUESTION-

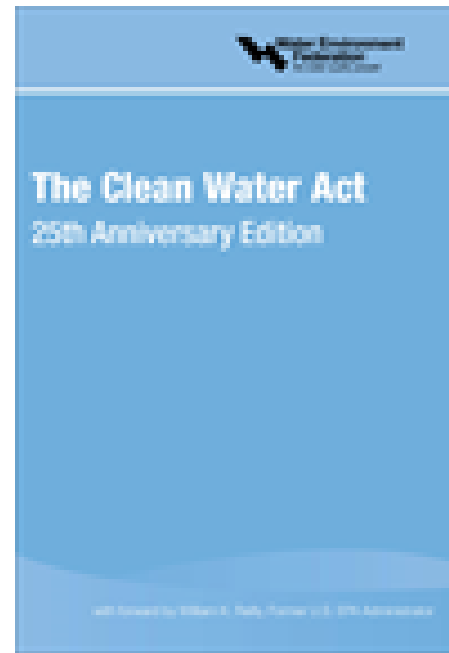
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- A pharmaceutical manufacturer adds a product line in 2006 does it fall under PSES or PSNS?
  - § 439.46 Pretreatment standards for existing sources (PSES)
    - Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart must achieve the following standards by **September 21, 2001**.
  - § 439.47 Pretreatment standards for new sources (PSNS)
    - Except as provided in 40 CFR 403.7, any new source subject to this subpart must achieve the following pretreatment standards.

**Depending on what type of SIU it is the PSES and PSNS standards may be different. So beware!**

# The Clean Water Act

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# Utah Data Center

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# Citing the Clean Water Act

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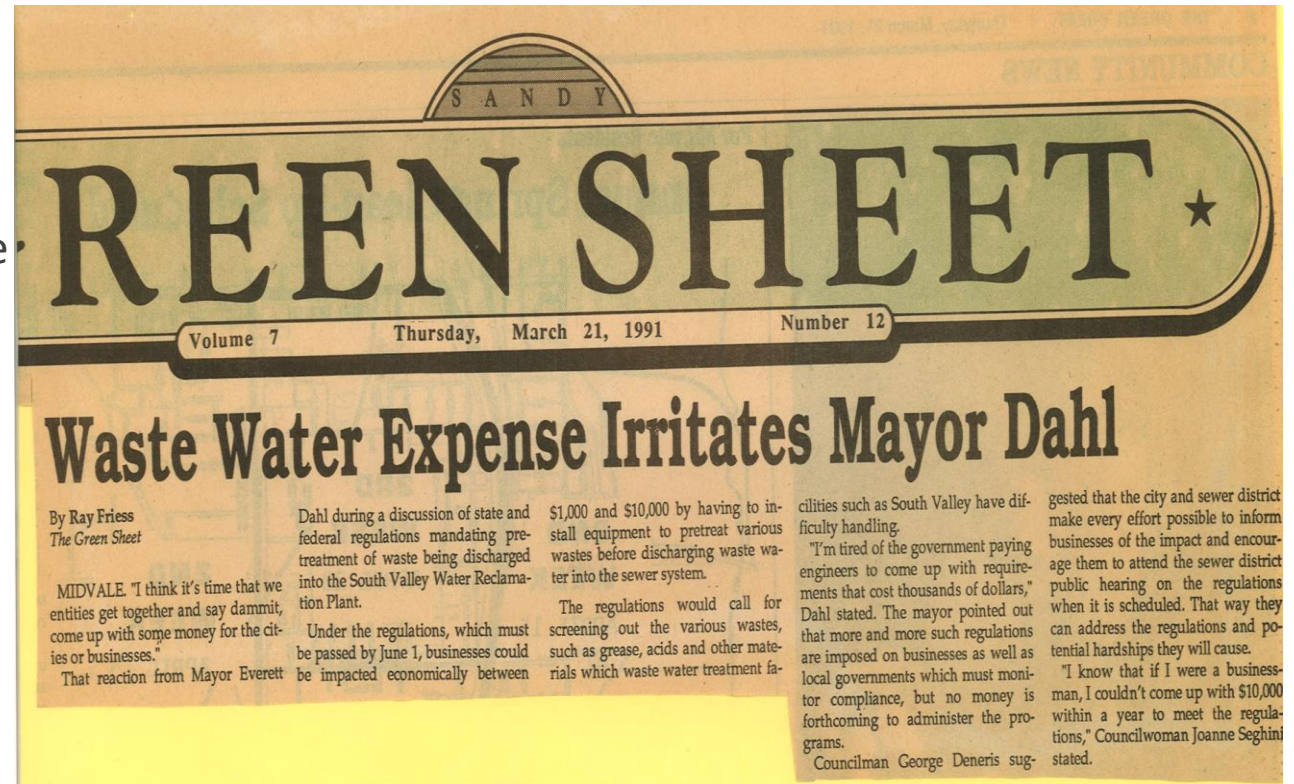
The Clean Water Act (33 U.S.C. §1323) Federal Facilities Pollution control states:

“SEC. 313(a) Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants, and each officer, agent, or employee thereof in the performance of his official duties, shall be subject to and comply with, all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution in the same manner, and to the same extent as any nongovernmental entity including the payment of reasonable service charges. The preceding sentence shall apply (A) to any requirement whether substantive or procedural (including any recordkeeping or reporting requirement, whatsoever),

# Conclusions

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- Know your terminology
- You have the authority to enforce compliance
  - Per your local authority
- Cite your authority properly
- If in doubt, reach out!



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# Questions?

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