



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 29 1983 AUG -8 83

THE ADMINISTRATOR

Honorable Richard F. Celeste
Governor of Ohio
Ohio State Capitol
Columbus, Ohio 43215

Dear Governor:

It is with great pleasure that I am today approving the State of Ohio NPDES Pretreatment Program.

Your State is the sixteenth to request and receive approval for administration of this important program. I congratulate you and your staff for moving so promptly. The transfer of programs such as this to State management is, as you know, a major thrust of President Reagan's domestic policy.

We look forward to working with you and the Environmental Protection Agency in continued efforts toward the prevention and control of water pollution in the State of Ohio.

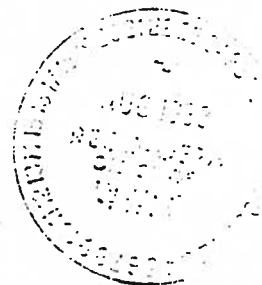
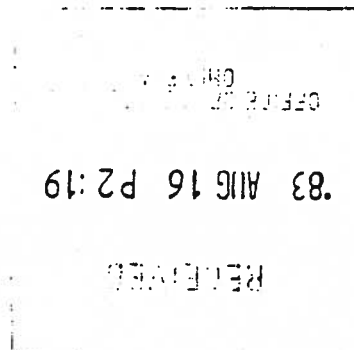
Sincerely yours,

William D. Ruckelshaus

Enclosure

cc: Robert H. Maynard, Director
Ohio Environmental
Protection Agency

Valdas V. Adamkas
Regional Administrator
Region V



ADDENDUM
TO THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
MEMORANDUM OF AGREEMENT
BETWEEN
OHIO ENVIRONMENTAL PROTECTION AGENCY
AND THE
UNITES STATES ENVIRONMENTAL PROTECTION AGENCY, REGION V

The Memorandum of Agreement between the Administrator of the United States Environmental Protection Agency (hereinafter U.S. EPA) Region V and the Ohio Environmental Protection Agency (hereinafter the Ohio EPA), and approved on March 11, 1974, is hereby modified to include Ohio EPA and U.S. EPA responsibilities for the establishment, development, implementation and enforcement of the National Pretreatment Program pursuant to Section 307 of the Clean Water Act (hereinafter the Act) as follows.

The Ohio EPA has primary responsibility for: (1) enforcing against discharges prohibited by 40 C.F.R. Section 403.5; (b) applying and enforcing with Section 307 (b) and (c) of the Act; (c) reviewing, approving, and overseeing Publicly Owned Treatment Works (POTW) Pretreatment Programs to enforce National Pretreatment Standards in accordance with the procedures discussed in 40 C.F.R. Section 403.11; (d) requiring a POTW Pretreatment Program in NPDES Permits issued to POTWs as required in 40 C.F.R. Section 403.8 and as provided in Section 402(b)(8) of the Act; (e) reviewing and approving modification of categorical Pretreatment Standards to reflect removal of pollutants by a POTW and enforcing related conditions in the municipal NPDES Permit. U.S. EPA will overview and approve State pretreatment program operations consistent with 40 C.F.R. 403 regulations and this Memorandum of Agreement.

The Ohio EPA shall perform inspection, surveillance and monitoring procedures which will determine, independent of information supplied by the POTW, compliance or noncompliance by the POTW with pretreatment requirements incorporated into the POTW permit, and carry out inspection, surveillance and monitoring procedures which will determine, independent of information supplied by the Industrial User, whether the Industrial User is in compliance with Pretreatment Standards. The number of inspections to determine compliance shall be agreed upon as part of the annual wastewater (sections 106 and 205g) program plan process.

The Regional Administrator will be provided the same period of time to review and comment upon or make recommendations with respect to proposed NPDES permit or modifications and/or Director's Findings and Orders containing pretreatment conditions as outlined in this agreement (Section II, Section V, Section X and Section XIII) for reviewing similar actions or other NPDES permit conditions.

The Regional Administrator shall notify the Ohio EPA in writing within the allowed period that the U.S. EPA objects to certain conditions setting forth the reasons for objection and proposing alternate suggestions for inclusion in the permit.

Section 403.6 National Pretreatment Standards: Categorical Standards

The Ohio EPA shall review requests from industrial users for industrial subcategories, make a written determination whether the Industrial User does or does not fall within a particular categorical pretreatment standard and state the reasons for this determination. The Ohio EPA shall forward its findings together with a copy of the request and necessary supporting information to the U.S. EPA Regional Water Division Director for concurrence. If the Water Division Director does not modify the Ohio EPA decision within 60 days after receipt thereof, the Ohio EPA finding is final. Where the request is submitted to the U.S. EPA Water Division Director such request will be forwarded to Ohio EPA for determination then sent back to U.S. EPA for concurrence. ~~Where the Water Division Director elects to modify the~~ Director's decision, the water division director's determination will be forwarded to Ohio EPA for concurrence. Where the final determination is made by the Water Division Director, he shall send a copy of this determination to the requestor and to the Ohio EPA.

Section 403.7 Categorical Pretreatment Standards Removal Allowances and Section 403.9 POTW Pretreatment Program Approvals

The Ohio EPA shall review POTW applications to revise discharge limits for users who are or may in the future be subject to categorical pretreatment standards and requests for approval of POTW Pretreatment Programs. It shall submit its findings together with the application and supporting information to the U.S. EPA Regional Water Division Director for review. No POTW Pretreatment Program or request for revised discharge limits shall be approved by the Ohio EPA if during the 30 day (or extended) evaluation period provided for in paragraph 40 C.F.R. Section 403.11 (b)(1)(ii) and (d), the U.S. EPA objects in writing to the approval of such submission.

Section 403.13 Variances From Categorical Pretreatment Standards for Fundamentally Different Factors

The Ohio EPA shall make an initial finding on all categorical Pretreatment Standards fundamentally different factors requests from industrial users. Where the Director finds that fundamentally different factors do not exist, he may deny the request and notify the requester and the POTW of the same. Where the Director finds that fundamentally different factors do exist, he shall forward the request, and a recommendation that the request be approved, to the Water Division Director.

Miscellaneous

The State submits a list of municipalities, several times each year, which are required to fully develop their own pretreatment program or are under investigation for the possible need of a local pretreatment program. Based on the results of an investigation, the Director will determine whether or not the POTW will be required to fully develop a pretreatment program. This list may be changed from time to time without modification of the MOA, however, municipalities may not be deleted from this list without the approval of the U.S. EPA Regional Administrator.

Other Provisions

Nothing in this agreement is intended to affect any pretreatment requirement including any standards or prohibitions, established by state or local law as long as the state or local requirements are not less stringent than any set forth in the National Pretreatment Program, or other requirements or prohibitions established under the Act or this regulation.

Nothing in this Modification shall be construed to limit the authority of U.S. EPA to take action pursuant to Sections 204, 208, 301, 304, 306, 307, 308, 309, 311, 402, 404, 405, 501, or other Sections of the Clean Water Act of 1977 (33 USC § 1251 et seq).

This Modification will become effective upon approval of the Administrator.

STATE AGENCY

U.S. ENVIRONMENTAL PROTECTION AGENCY

By

Walter J. Perabolski

By

William N. Chace

Date:

DEC 20 1982

Date:

MAR 14 1983

Approved:

Walter J. Perabolski

Administrator

United States Environmental Protection Agency

Date:

JUL 27 1983