



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

THE ADMINISTRATOR

Honorable Victor Atiyeh
Governor, State of Oregon
Statehouse
Salem, Oregon 97310

Dear Governor Atiyeh:

It is with great pleasure that today I am approving the State of Oregon NPDES Pretreatment Program in accordance with 40 CFR Part 403 of the General Pretreatment Regulations for Existing and New Sources of Pollution. I am approving the program with a condition that rule making procedures be implemented as soon as possible to incorporate the attached additions to the Oregon Administrative Rules with regard to pretreatment program requirements and procedures which have been proposed by Mr. William H. Young, Director, Department of Environmental Quality.

Section 403.10 of the General Pretreatment Regulations covers State pretreatment responsibilities under the Clean Water Act of 1977. The Pretreatment Program conducted by your State must satisfy the requirements of this regulation.

I congratulate you and your staff for your early action in assuming administration of this important environmental program. It is our understanding that the Department of Environmental Quality has long recognized the problems associated with industrial waste discharges into municipal wastewater treatment plants throughout your State. We are glad that you and your staff recognize the role of pretreatment in the control of industrial water pollution. We look forward to the administration of this pretreatment program in the State of Oregon and to working with you and your Department of Environmental Quality staff in continued efforts toward the prevention and control of water pollution in the State of Oregon.

Sincerely,

Douglas M. Costle

Enclosure

cc: Mr. William H. Young, Director
State of Oregon
Department of Environmental Quality

ADDITIONS TO OREGON ADMINISTRATIVE RULES

Industrial Waste Pretreatment

340-45-063 (1) All owners of sewerage systems which receive industrial waste subject to federal or state pretreatment standards shall develop and implement a pretreatment program for controlling those industrial contributors. The program shall be submitted to the Director for approval. Prior to approval, the Director shall provide opportunity for public comment by issuing a public notice of the receipt of a pretreatment program. Opportunity shall also be provided for a public hearing. Any person or group of persons may request or petition for a public hearing. A public hearing will be held if the owner of the affected sewerage system so requests. Also, if the Director determines that useful information may be produced thereby, or if there is significant public interest, a hearing will be held.

(2) The Director will review requests for revisions of categorical pretreatment standards to reflect removals achieved by the sewerage system. No removal credit is allowed unless approved by the Director.

(3) Both the owners of sewerage systems receiving industrial wastes and the industrial contributors shall comply with applicable pretreatment provisions of the Federal Clean Water Act and the rules of the Department.

(4) Where a question exists as to whether or not an industrial contributor falls within a particular industrial subcategory, the Director shall make a written finding and shall submit it to the EPA Regional Enforcement Division Director for a final determination, unless the Enforcement Division Director waives the receipt of the Director's determination as provided in the federal regulations. In that case the Director's determination shall be final.

(5) The owner of a sewerage system receiving industrial waste is responsible to assure that the industrial contributor meets the prohibited discharge or categorical pretreatment standards established by the United States Environmental Protection Agency or the Department, whichever is most limiting. The owner of the sewerage system may impose more stringent pretreatment standards if deemed necessary by the owner for the proper operation and maintenance of the sewerage system or disposability of the sewage sludge.

(6) The Director will review requests for Fundamentally Different Factors variances and shall either deny them or concur with them and submit the concurrence to the United States Environmental Protection Agency for approval, as provided in federal regulations.