

314 CMR: DIVISION OF WATER POLLUTION CONTROL

314 CMR 12.00: OPERATION AND MAINTENANCE AND PRETREATMENT STANDARDS FOR WASTEWATER TREATMENT WORKS AND INDIRECT DISCHARGERS

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12.01: Purpose

The Department acting under the authority of M.G.L. c. 21, §§ 27(9), 27(12) and 34 hereby adopts and establishes 314 CMR 12.00 to insure proper operation and maintenance of wastewater treatment facilities and sewer systems within the Commonwealth.

12.02: Definitions

When used in 314 CMR 12.00 the following words and phrases shall have the following meanings:

Bypass - the intentional diversion of wastes from any portion of a treatment works.

Categorical Pretreatment Standard or Pretreatment Standard - any regulation containing pollutant discharge limits promulgated by the EPA in accordance with PL 92-500, § 307(b) and (c), which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant 314 CMR 12.08(1) and (2).

Combined Sewer Overflows or CSO - any intermittent overflow, bypass or other discharge from a municipal combined sewer system which results from a flow in excess of the dry weather carrying capacity of the system.

Combined Sewer System - a sewer system which by design conveys both wastewaters and storm water runoff.

Department - the Massachusetts Department of Environmental Protection

Discharge or Discharge of Pollutants - any addition of any pollutant or combination of pollutants to waters of the Commonwealth from any source, including but not limited to, discharges from surface runoff which is collected or channelled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a POTW and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

Effluent - a discharge of pollutants into the environment, whether or not treated.

Effluent Limitation or Effluent Limit - any requirement, restriction, or standard imposed by the Department on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the Commonwealth or to publicly owned treatment works.

Environmental Protection Agency or EPA - the United States Environmental Protection Agency.

Federal Act - the Clean Water Act, P.L. 92-500, as amended by P.L. 95-217 and P.L. 95-576, 33 U.S.C. 1251 *et seq.*

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Hazardous Waste - a hazardous waste as defined in the Massachusetts Hazardous Waste Regulations, 310 CMR 30.000.

Indirect Discharge - the introduction of pollutants into a POTW from any non-domestic source regulated under PL 92-500, § 307(b), (c) or (d).

Industrial User or User - a source of indirect discharge.

Industrial Waste - any liquid, gaseous, or solid waste substance or a combination thereof resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources.

Interference - an inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirement of the POTW's permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the POTW in accordance with applicable Federal, State or local statutes and regulations or permits issued thereunder. An industrial user significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with applicable requirements whenever such user:

- (a) discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by Federal, State or local law;
- (b) discharges wastewater which substantially differs in nature or constituents from the user's average discharge; or
- (c) knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the applicable requirements as they apply to the POTW's selected method of sludge management.

Massachusetts Water Quality Standards - the Massachusetts Surface Water Quality Standards (314 CMR 4.00) and the Massachusetts Ground Water Quality Standards (314 CMR 6.00).

New Source - any building, structure, facility, or installation from which there is or may be a discharge, the construction of which commenced:

- (a) After promulgation of pretreatment standards under the Clean Water Act, P.L. 92-500, 307(c) as amended by P.L. 95-217 and P.L. 95-576, 33 U.S.C. 1251 *et seq.*, which are applicable to such source; or
- (b) After proposal of pretreatment standards in accordance with PL 92-500, § 307(c) which are applicable to such source, but only if the standards are promulgated in accordance with PL 92-500, § 307(c) within 120 days of their proposal.

Pass Through - the discharge of pollutants through the POTW into waters of the Commonwealth in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's permit (including an increase in the magnitude or duration of a violation). An industrial user significantly contributes to such permit violation where it:

- (a) Discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by Federal, State or local law;
- (b) Discharges wastewater which substantially differs in nature and constituents from the user's average discharge;
- (c) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources would result in a permit violation; or
- (d) Knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its permit and that such industrial user discharge either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW violations.

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Permit - an authorization issued pursuant to M.G.L. c. 21, § 43 and 314 CMR 2.00 and 3.00, 5.00, or 7.00, to implement the requirements of the Massachusetts Clean Waters Act, as amended, M.G.L. c. 21, §§ 26 through 53 and the Clean Water Act, P.L. 92-500, as amended by P.L. 95-217 and P.L. 95-576, 33 U.S.C. 1251 *et seq* and regulations adopted thereunder.

Person - any agency or political subdivision of the Commonwealth, the federal government, any public or private corporation or authority, individual, partnership or association, or other entity, including any officer of a public or private agency or organization, upon whom a duty may be imposed by or pursuant to any provisions of M.G.L. c. 21, §§ 26 through 53.

Pollutant - any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, in whatever form and whether originating at a point or major non-point source, which is or may be discharged, drained or otherwise introduced into any sewerage system, treatment works or waters of the Commonwealth.

Pollution - the presence in the environment of conditions or contaminants in quantities or characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property throughout such areas as may be affected thereby.

Pretreatment - the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

Public Entity - any city, town, special district, the Metropolitan District Commission or other existing governmental unit eligible to receive a grant for the construction of treatment works from the United States Environmental Protection Agency pursuant to Title II of the PL 92-500, as amended.

Publicly Owned Treatment Works or POTW - any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a public entity. A POTW includes any sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

RCRA - the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (P.L. 94-580, as amended by P.L. 95-609, 42 U.S.C. Section 6901 *et seq.*)

RCRA Facility - a hazardous waste management facility as defined in 314 CMR 8.03.

Sewage - the water-carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present.

Sewer System - pipelines or conduits, pumping stations, force mains, and all other structures, devices, appurtenances, and facilities used for collecting and conveying wastes to a site or works for treatment or disposal.

Sewer Connection - the sewer pipes and appurtenant works necessary to connect a building or estate to a sewer system.

Sewer Extension - the addition to a sewer system of a sewer pipe, together with appurtenant works, which when connected to the sewer system becomes the property of, and is operated and maintained by, the person owning the sewer system.

Septage - the liquid and solid wastes, primarily of sewage origin, that are removed from a cesspool, septic tank or similar receptacle.

State Act - the Massachusetts Clean Waters Act, as amended, M.G.L. c. 21, §§ 26 through 53.

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Toxic Pollutants - those pollutants identified in 314 CMR 3.16, or any other combination of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly through food chains, may, on the basis of information available to the Department, cause death, disease, behavioral abnormalities, cancer, mutations, physiological malfunctions, biochemical abnormalities, including malfunctions in reproduction, or physical deformations, in such organisms or their offspring.

Treatment Works - any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage or disposal, or industrial wastewater holding tanks regulated under 314 CMR 18.00.

Wastewater - sewage, industrial waste, other wastes or any combination of the three.

Wastewater Treatment Facility or Wastewater Treatment Plant - any and all devices, processes and properties, real or personal, used in the storage, treatment, disposal, recycling, reclamation or reuse of waterborne pollutants, but not including any sewer system.

Waters of the Commonwealth - all waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and ground waters.

12.03: Operations of Treatment Works

(1) No person shall make major physical modifications to existing wastewater treatment facility or such modifications as will significantly affect treatment efficiency without the prior written approval of the Department.

(2) No person shall increase the volume or strength or change the characteristics of any discharge in excess of that specified under any existing approval by the Department.

(3) Any person operating a wastewater treatment facility shall comply with the "Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities" (257 CMR 2.00). Said operating personnel must demonstrate that they are trained and competent to provide services consistent with the equipment's specification, with the operation and maintenance requirements specified by the vendor and the designer, and with any specified by the Department. As appropriate, the operator will receive training from the technology vendor with certification that they are capable of operating the specific technology.

(4) No person shall construct, install, operate, or maintain a wastewater treatment facility, a sewer system or any extension thereof or connection thereto without the approval of the Department pursuant to applicable provisions of 314 CMR 3.00, 5.00, 7.00 and 8.00.

(5) Any person operating a system of sewers shall adopt, keep current and enforce a set of 314 CMR 12.00 for sewer use to provide for the protection of these works, the wastewater treatment plant and the receiving waters. 314 CMR 12.00 shall be subject to the approval of the Department. At a minimum 314 CMR 12.00 shall contain the specific limits necessary to comply with the provisions of 314 CMR 12.09(1).

(6) Any person operating a system of sewers shall prohibit the discharge of wastes into such sewers that will violate the provisions of 314 CMR 12.08. Such person shall take all reasonable measures to safeguard against the discharge of such wastes.

(7) All wastes shall receive appropriate treatment as required by 314 CMR 3.00 and 5.00.

12.03: continued

(8) No person responsible for the operation of treatment works shall permit wastes to bypass the facility or any portion, unit or part thereof, except as may be necessary under existing design limitations as approved by the Department, unless in accordance with the provisions of a discharge permit. If bypassing due to an emergency condition occurs, the Department shall be notified immediately. Such notification or its acknowledgement shall not be construed as permission by the Department to discharge wastes in contravention of the Massachusetts water quality standards.

(9) The Department may require that all valved waste bypass lines or outfalls which discharge to the waters of the Commonwealth have a seal installed at the valve such that the seal would be broken whenever the valve is opened. Such seals shall not be replaced without the approval of the Department or its authorized representatives. A schedule for periodic testing of valves must be approved by the appropriate Regional Environmental Engineer of the Department.

(10) All flow regulators and other like devices in a sewer system shall be so maintained that no discharge occurs at less than the designed overflow rate and in no instance less than the dry weather flow conditions if the designed overflow rate is not known.

(11) Any person operating a sewer system or wastewater treatment facility constructed after January 1, 1940 shall maintain permanent and adequate sets of plans for such facilities. Any person operating such facilities constructed on or before January 1, 1940 shall maintain permanent and adequate sets of plans which were available at the time of adoption 314 CMR 12.00. Sewer system plans shall indicate location, size, slope and type of material of the pipe and any appurtenances.

(12) All records referred to in 314 CMR 12.07 and all plans and descriptions of wastewater treatment facilities and related appurtenances required by 314 CMR 12.03(11) shall be made available to the Department upon request.

12.04: Maintenance of Treatment Works

(1) Any person operating wastewater treatment facilities shall prepare, adopt and keep current an operation and maintenance manual. The operation and maintenance manual shall contain information necessary for the operator of the treatment works to properly operate and maintain said treatment works in accordance with the requirements of 314 CMR 12.00 and shall include at a minimum the following items:

- (a) Introduction
- (b) Permits and Standards
- (c) Description, Operation and Control of Wastewater Treatment Facilities
- (d) Description, Operation and Control of Sludge Handling Facilities
- (e) Description, Operation, Control and Testing of the Chemical Addition and Monitoring System
- (f) Personnel
- (g) Sampling and Laboratory Analysis
- (h) Records and Reporting
- (i) Maintenance
- (j) Emergency Operating and Response Program
- (k) Safety
- (l) Utilities

(2) All wastewater treatment facilities shall be provided with adequate operating personnel to ensure proper operation and the required degree of treatment at all times.

(3) In order to assure proper operation and maintenance, the Department may determine and require a minimum number of shifts and personnel per shift for any wastewater treatment facility taking into consideration the size, complexity and safety requirements of the particular facility. Any person operating wastewater treatment facilities shall prepare and submit to the Department a staffing plan. Said staffing plan shall contain a description of the number and qualifications of personnel necessary to ensure proper and continuous operation of the facilities and shall address the following items:

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- (a) Number of operational days per week;
- (b) Number of operational hours per week;
- (c) Number of shifts per day;
- (d) Required personnel per shift;
- (e) Saturday, Sunday and Holiday staff coverage; and
- (f) Emergency operating personnel.

The staffing plan shall be updated every two years.

If the owner of the wastewater treatment facility intends to contract for operation of the facility, such contract shall be submitted to the Department for review and approval prior to execution of the contract and commencement of work.

The proposed contract operator must present a list of all other facilities, including personnel specific to each facility, for which the operator is responsible.

(4) Any person operating a sewer system shall cause the daily inspection of all pumping, ejector or lift stations on intercepting, trunk or main sewers. Said person shall maintain records of daily inspections and shall submit annually to the Department a report summarizing inspection activities for the previous year.

(5) All pumping, ejector or lift stations shall be provided with an adequate and operational alarm system that will transmit a warning of a malfunction at the facility to a manned facility. Operational alarm systems shall be tested at least twice annually.

(6) All pumping, ejector or lift stations shall be provided with an independent engine/generator-type source of electric power or a completely separate alternate source of power other than from the electric utility for emergency operations. This source shall be automatically activated by failure of any phase of the power supply or upon any fluctuation in voltage, the amount or duration of which would cause damage to the motors. As an alternative for small pumping ejector or lift stations which are not located adjacent to drinking water supplies, storage (including system storage) equal to the maximum amount of wastewater (including infiltration and inflow) which can be expected may be provided, or a portable standby generator may be used or a portable engine-driven pump may be supplied which can be readily connected to the force main. Electric generators and engine driven pumps shall be tested at least twice annually.

(7) Any person operating a treatment works shall control the discharge of septage so that its entry into the wastewater treatment facility will not interfere with the proper operation and maintenance of the facility, degrade the effluent or violate the current Massachusetts water quality standards.

(8) Any person operating treatment works shall maintain the facilities in a manner that will ensure proper operation of the facilities or any part thereof.

(9) Any person operating treatment works shall establish and implement a preventive maintenance program to assure the efficient operation of all facilities and equipment.

(10) Any person operating a treatment works shall provide sufficient and adequate tools, equipment, spare parts and supplies to maintain and operate all appurtenances of the facility on a continuing basis.

(11) A reserve supply of all parts and supplies having a high replacement rate shall be on hand at all times.

(12) All standby and other equipment shall be maintained in an operable condition.

(13) All tidegates and flap valves shall be maintained in an operable condition.

12.05: Safety Program

(1) All equipment and tools utilized by personnel working on treatment works shall be maintained by all persons in a safe and useable condition.

12.05: continued

- (2) Any person at facilities maintaining chlorine equipment shall be provided with self-contained compressed air breathing apparatus and be instructed in its use. It is strongly suggested that an emergency tank repair kit be provided at facilities utilizing gaseous chlorine and that personnel be instructed in the use of such repair kit.
- (3) Self-contained compressed air masks, air tanks and all connections thereto shall be inspected and tested at least once every six months for general condition or operating functions. The tank shall be inspected for safety and structural integrity once every five years.
- (4) At least one spare fully charged cylinder shall be kept on hand when self-contained compressed air masks are provided as required under 314 CMR 12.05(2).
- (5) Any person operating a sewer system or a wastewater treatment facility shall submit a report to the Department concerning any death or major injuries occurring at said facility. The report shall include as a minimum:
  - (a) the duties of the individual or individuals involved;
  - (b) what occurred;
  - (c) the cause (if known) of the accident;
  - (d) the extent of injuries; and
  - (e) the steps taken to minimize and prevent future accidents of like type.(A copy of the insurance or municipal accident report will be accepted if the above items are included.)
- (6) Personnel involved in the maintenance and operation of sewer systems and wastewater treatment facilities shall be provided access to properly operating devices to determine the degree of flammability of an atmosphere, the amount of oxygen in an atmosphere, safety harness, rope, and any other safety devices required according to the duties involved.
- (7) Any person operating a sewer system or wastewater treatment facility shall provide adequate means for the practice of good personal hygiene by working personnel.
- (8) At least one person on each shift should have an up-to-date certificate of training in basic or, preferably, advanced first aid obtainable through the American Red Cross.
- (9) All wastewater treatment facilities personnel shall have immediate access to an approved first aid kit which shall be kept provided with adequate supplies at all times.
- (10) Any person operating a treatment works receiving sewage shall provide personnel, working at such works, with tetanus toxoid inoculations and with inoculation of typhoid vaccine. Required inoculations shall be kept current according to the most recent Department of Public Health requirements.
- (11) Water-proofed gloves shall be provided as a minimum for working personnel who are likely to come into contact with sewage. It is strongly suggested that a complete change of work clothes be provided during working hours.
- (12) Any and all alarm systems provided by wastewater treatment facility operators and sewer system operators shall be maintained in an operable condition and so certified by them twice annually as to testing of said devices and the results submitted to the Department.
- (13) Any and all chemical storage, metering systems, monitoring and associated alarms provided at a wastewater treatment facility for chemical addition shall be maintained in an operable condition and test monthly at a minimum. Operators shall certify annually as to the testing and calibration of the devices and the results submitted to the Department.

12.06: Sampling and Analysis

- (1) Any person operating a wastewater treatment facility shall provide laboratory facilities as required by the Department.

12.06: continued

- (2) All sampling and analysis required under 314 CMR 12.00 shall be in accordance with 40 CFR Part 136 or other methods approved by the Department.
- (3) Any person operating a wastewater treatment facility shall provide adequate laboratory equipment and supplies. No reagents shall be used that are contaminated or beyond the age recommendations of the latest edition of "Standard Methods for the Examination of Water and Wastewater".
- (4) The type and frequency of laboratory determinations and other data required to be submitted to the Department by each waste treatment facility shall be determined by the Department for each particular facility.

12.07: Record Keeping and Reporting

(1) Monthly operating records shall be maintained in accordance with the most recent edition of the Department's publication titled "Directions for Completing Monthly Report Form for Wastewater Treatment Plants" which shall be available from the Department on request.

All daily inspection logs consistent with the O & M Manual requirements shall be kept at the facility for a period of three years.

(2) Records of operation of wastewater treatment facilities or disposal systems required by the Department shall be submitted on forms supplied by the Department or on other forms approved by the Department for such use. Monthly reports shall be certified by the wastewater treatment plant operator in charge and submitted by the 10<sup>th</sup> calendar day of the following month, unless otherwise specified in the permit. The Department may change the date of submittal upon receiving a written request from the person explaining the reason that 314 CMR 12.00 imposes an unreasonable hardship.

(3) Records shall be maintained of pumping, ejector or lift station failures which shall provide as a minimum the reason for failure, length of time out of service, and total volume bypassed or overflowed. These records shall be submitted to the Department within five days of such failure. Any resulting overflow or bypass shall be reported to the Department in accordance with the provisions of 314 CMR 3.19(20)(e) and 5.19(20)(e).

(4) Records shall be maintained of septage discharged to the treatment works. They shall contain as a minimum, the date, time, source, volume discharged and whether or not the load contained industrial wastes. Septage discharged at a wastewater treatment facility shall be tested for pH. These records shall be made available to the Department or the appropriate Regional Environmental Engineer of the Department upon request.

(5) Data contained in the monthly operating records or other such records submitted to the Department shall be factual and accurate to the best knowledge of the person operating the wastewater treatment facility.

(6) Records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by 314 CMR 12.00 shall be retained, for a period of at least three years from the date of the sample, measurement, or report. This period may be extended by request of the Department at any time.

Records of monitoring information shall include:

- (a) The date, exact place, and time of sampling or measurements;
- (b) The name of the individual(s) who performed the sampling or measurement;
- (c) The date(s) analyses were performed;
- (d) The name of the individual(s) who performed the analyses;
- (e) The analytical techniques or methods used; and
- (f) The results of such analyses.

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(7) Every person owning a sewer system shall maintain records on all sanitary and industrial sewer connections authorized for the discharge to the owner's sewer system. By January 31<sup>st</sup> of each year, the owner of the sewer system shall submit a copy of the records for the preceding calendar year to the owner of the wastewater treatment facility receiving flow from the sewer system and, upon request shall submit a copy of the records, or make them available, to the Department.

12.08: Prohibitions and Standards for Discharge to POTWs

(1) General Prohibitions. No person shall discharge or cause to be discharged to a POTW any substances, materials, or wastewaters that can harm the sewers, wastewater treatment process, or equipment; have an adverse effect on the receiving waters or can otherwise endanger life, limb, public property, or constitute a nuisance. In determining the acceptability of these wastewaters, consideration shall be given to such factors as the quantities of such wastewaters in relation to flows and velocities in the sewers, materials or construction of sewers, nature of the wastewater treatment process, capacity of the wastewater treatment process, degree of treatability of such wastewaters in the wastewater treatment plant, and other pertinent factors. Pollutants introduced into POTW's by a non-domestic source shall not pass through the POTW or interfere with the operation or performance of the works. These general prohibitions and the specific prohibitions in 314 CMR 12.08(2) apply to all non-domestic sources introducing pollutants into a POTW whether or not the source is subject to other pretreatment standards or any other Federal, State, or local pretreatment requirements.

(2) Specific Prohibitions. In addition, the following pollutants shall not be introduced into a POTW:

- (a) Pollutants which create a fire or explosion hazard in the POTW;
- (b) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.5, unless the works is specifically designed to accommodate such discharges;
- (c) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
- (d) Any pollutant, including oxygen demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
- (e) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40°C (104°F) unless the Department, upon request of the POTW, approves alternate temperature limits.

(3) Local Limits. Any indirect discharger shall comply with the local sewer use rules and regulations established pursuant to 314 CMR 12.03(5).

(4) Categorical Pretreatment Standards. In addition to the general and specific prohibitions and local limits established in 314 CMR 12.08(1), (2), and (3), industrial users shall comply with applicable categorical pretreatment standards established in 40 CFR Chapter I, Subchapter N.

- (a) Deadline for Compliance. Compliance by existing sources with categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in applicable Federal law or regulations. Compliance with categorical pretreatment standards by new sources will be required upon promulgation.
- (b) Dilution Prohibited. Except where expressly authorized to do so by an applicable categorical pretreatment standard, no industrial user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a categorical pretreatment standard.
- (c) Combined Wastestreams. Where process effluent regulated by a categorical pretreatment standard is mixed with other wastewaters prior to treatment, fixed alternative discharge limits may be established in accordance with 40 CFR 403.6(e).
- (d) POTW Removal Credits. Any POTW receiving wastes from an industrial user subject to categorical pretreatment standards may request revision of discharge limits for a specific pollutant based on the POTW's consistent removal of that pollutant. Any such request shall be made and determined in accordance with 40 CFR 403.7, 403.9 and 403.11.

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(e) Fundamentally Different Factors. Where factors relating to an industrial user are fundamentally different from the factors considered by EPA during the development of a categorical pretreatment standard, and the existence of those factors justifies a different discharge limit from that specified in the standard, any person may request a fundamentally different factors variance from the applicable categorical pretreatment standard. Requests for such variances shall be submitted and determined in accordance with 40 CFR 403.13.

(f) Category Determination Requests. A request for a determination as to whether an industrial user is included in a particular industrial category shall be submitted to and processed by the Department in accordance with the provisions of 40 CFR 403.6(a).

(g) Reporting Requirements. Any industrial user subject to categorical pretreatment standards shall prepare and submit the reports required by, and in accordance with 40 CFR 403.12.

(5) State-imposed Standards. Where necessary to enforce the prohibitions in 314 CMR 12.08(1) and (2), the Department may establish on a case-by-case basis, specific limits on the discharge of wastewater from any user. Such limits may be established as a condition of an individual sewer connection permit issued pursuant to 314 CMR 7.00 or an administrative order issued to the discharger pursuant to M.G.L. c. 21, § 44.

(6) Where more than one standard established under 314 CMR 12.08(1), (2), (3), (4), or (5) is applicable to an indirect discharge to a POTW the most stringent standard shall be applied.

(7) Any pretreatment facility which treats hazardous waste must also comply with the requirements of 310 CMR 30.000.

12.09: POTW Pretreatment Programs(1) POTW-imposed Limits.

(a) POTW's developing POTW Pretreatment Programs pursuant to 314 CMR 12.09(2) shall develop and enforce specific limits to implement the prohibitions listed 314 CMR 12.08(1) and (2).

(b) All other POTW's shall, in cases where pollutants contributed by industrial user(s) result in interference or pass through, and such violation is likely to recur, develop and enforce specific effluent limits for industrial users, and all other users, as appropriate, which, together with appropriate changes in the POTW treatment plant or its operation, are necessary to ensure renewed and continued compliance with the POTW's permit or sludge use or disposal practices.

(c) Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

(d) Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with 314 CMR 12.08(3)(a) and (b), such limits shall be deemed pretreatment standards for the purposes of PL 92-500, § 307(d).

(2) POTW Pretreatment Programs.

(a) POTWs Required to Develop a Pretreatment Program. Any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than 5,000,000 gallons per day (mgd) and receiving from industrial users pollutants which pass through or interfere with the operation of the POTW or are otherwise subject to pretreatment standards are required to establish a POTW Pretreatment Program. The Department may require that a POTW with a design flow of five mgd or less establish a POTW Pretreatment Program if the Department finds that the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant in order to prevent interference with the POTW or pass through. In addition, any POTW desiring to modify categorical pretreatment standards for pollutants removed by the POTW [as approved for by 314 CMR 12.08 (d)] must have an approved POTW Pretreatment Program prior to obtaining final approval of a removal allowance.

Requirements to develop a POTW pretreatment program, including a schedule for adoption of the program, shall be incorporated in the POTW discharge permit issued pursuant to 314 CMR 3.00 or 5.00, and may be a cause for modification of such permit.

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(b) Pretreatment Program Approval. A POTW which meets the criteria of 314 CMR 12.09(2)(a) shall receive approval of its pretreatment program in accordance with the applicable deadline established under the Clean Water Act, P.L. 92-500, as amended by P.L. 95-217 and P.L. 95-576, 33 U.S.C. 1251 *et seq.*

An approved POTW pretreatment program shall be incorporated as a condition of the POTW's discharge permit issued pursuant to 314 CMR 3.00 or 5.00, and incorporation of the approved program may be cause for modification of such permit.

A POTW pretreatment program shall meet the requirements of 40 CFR 403.8(f) and be approved in accordance with the requirements of 40 CFR 403.9 and 403.11.

(3) POTW Reporting. A POTW which has received authorization to modify categorical pretreatment standards for pollutants removed by the POTW in accordance with the requirements of 314 CMR 12.08(4)(d) shall submit the reports required by, and in accordance with the provisions of 40 CFR 403.12(i), (j) and (n).

12.10: Exemptions

(1) Except for 314 CMR 12.03(3), 12.04(2), 12.08(1) and (2), dry cleaners subject to 310 CMR 72.00 need not comply with any other provisions of 314 CMR 12.00.

(2) Photo processors subject to 310 CMR 71.00 need not comply with any provisions of 314 CMR 12.00.

(3) Printers subject to 310 CMR 71.00 need not comply with any provisions of 314 CMR 12.00.

(4) Industrial Users subject to 314 CMR 7.05(2)(g) need not comply with the provisions of 314 CMR 12.00, provided that such Industrial Users are in compliance with 314 CMR 7.00, as determined by the Department. The Department may also require an Industrial User to obtain a permit pursuant to the Department's authority under 314 CMR 7.03 or a plan approval pursuant to the Department's authority under 314 CMR 12.03(4) on a case-by-case basis.

(5) Dental facilities subject to 310 CMR 73.00 need not comply with any provisions of 314 CMR 12.00.

REGULATORY AUTHORITY

314 CMR 12.00: M.G.L. c. 21, §§ 27(12) and 34.

NON-TEXT PAGE