

# Vermont Department of Environmental Conservation

## Watershed Management Division

### Wastewater Management - Pretreatment Program



The Vermont Department of Environmental Conservation (DEC) has conducted a comprehensive evaluation of its Pretreatment Program (Program) to determine the best strategy to bring the Program into full compliance with the federal pretreatment regulations at 40 C.F.R. Part 403, while effectively and efficiently providing protection to Vermont's Publicly Owned Treatment Works (POTWs), POTW staff, and receiving waters.

The compliance strategy incorporates feedback received by stakeholders during a September 13, 2019 meeting with DEC and follow-up survey. One takeaway message from stakeholders was that most municipalities do not feel well-positioned to accept full delegation of the pretreatment program (e.g. inspection, sampling, permitting, enforcement), but some program activities might be most efficiently and effectively accomplished at the local level. DEC has used this feedback to craft a strategy which improves the program in accordance with the findings of a recent EPA audit, while carrying out the Program's goals and responsibilities.

**[DEC's strategy is available here for your review.](#)**

*DEC seeks your input on its proposed changes to the Pretreatment Program.*

DEC wants your constructive feedback on its compliance strategy. As you provide feedback, please note that many details associated with implementation of the strategy will not be determined until implementation begins and a rule is proposed. Stakeholders will have additional opportunity to provide feedback throughout rule development. In addition, please note that DEC recognizes that POTW involvement is not a one-size fits all approach. Given the varying size, capacity, and industrial user base of POTWs throughout the state, the extent of pretreatment support provided by POTWs may vary significantly between municipalities.

**[Please use this form to submit constructive feedback on DEC's strategy by Friday, May 29<sup>th</sup>, 2020.](#)**

#### *Background:*

Pretreatment is an important component of Vermont's Wastewater Management Program. The purpose of the Pretreatment Program is to protect municipal wastewater treatment facilities (WWTFs), sewage collection systems, receiving waters, and municipal workers from adverse impacts caused by discharges of industrial wastewater that is high-strength, contains incompatible materials, and/or contains dangerous substances. These objectives are achieved through a combination of permitting, inspections, sampling, and assistance to industries.

The Pretreatment Program is mandated under the federal [Pretreatment Regulations \(40 C.F.R. Part 403\)](#). Vermont is 1 of only 5 states to fully implement the Program for municipalities at the state level; in most other states the Program is implemented directly by the municipality.

A recent audit by the EPA identified several significant deficiencies in how DEC is currently administering the Pretreatment Program. These deficiencies include inadequate sampling and inspection of permitted industrial facilities, excessive backlog of expired (administratively continued) Pretreatment Permits, failing to include technically-based local limits within Pretreatment Permits, and failing to identify and permit all Significant Industrial Users throughout the State. The audit also identified a lack of staff resources and capacity for the Program to carry-out these responsibilities in accordance with the federal requirements.

DEC is operating under the following schedule to respond to the audit:

- Fall 2019: Develop draft strategy to address audit deficiencies.
- Spring 2020: Obtain stakeholder and EPA feedback input on strategy.
- Spring/Summer 2020: Submit finalized strategy to EPA and begin implementation.

For more information please refer to the following documents:

- [September 13, 2019 presentation on Vermont's Pretreatment Program.](#)
- [Results from stakeholder survey.](#)

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