EPA Update

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CIPCA Conference

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EPA Update

- 2014 ELG Plan
- e-Reporting Rule
- Pharmaceutical Disposal in Colo
- Dental Amalgam Rule
- EPA Region 8 – Non-approved Programs
- EPA Pretreatment Guidance

Final 2012 and Preliminary 2014 Effluent Limitation Guidelines Plan

Published for Public Comment

Sept 16, 2014

http://www.gpo.gov/fdsys/pkg/FR-2014-09-16/pdf/2014-22062.pdf

Final 2014 ELG Plan

- Request Public Comments:
  - Data and Source Methodologies
  - Preliminary 2014 ELG Plan
    - Centralized Waste Treatment
    - Petroleum Refineries
    - Metal Finishing
    - Nanomaterials Manufacturing and Formulating

2014 ELG – Centralized Waste Treatment

- Study of CWTs that accept Oil and Gas wastewater
  - which CWT facilities accept such wastewater,
  - available treatment technologies (and their associated costs),
  - discharge characteristics,
  - financial characteristics of CWT facilities, and
  - environmental impacts of discharges from CWT facilities.

2014 ELG – Petroleum Refineries

- Requesting data and information on the discharge of metals and dioxin from petroleum refineries
- Current Treatment Technologies

2014 ELG – Metal Finishing

- Preliminary Category Review
- Discharge and treatment of metals,
  - chromium, nickel, zinc, cadmium, copper, lead, silver to POTWs

2014 ELG – Nanomaterials

- Potential industrial wastewater discharge hazards associated with nanomaterials manufacturing and formulating.

Final 2014 ELG Plan

- *Innovation and Technologies*:
  - New pollution control technologies that can be used by the existing 57 ELG categories?
  - Innovative manufacturing approaches to reduce or prevent their wastewater discharges?
  - How can the ELG program catalyze technology transfer for current and future innovation to solve industrial wastewater problems?
  - Consideration of innovation in the ELG process.

Shale Gas Extraction

- Workgroup Meetings
- Data Needed from Local Programs
  - Scope of development
  - Impacts from wastewater management
  - CWTs
  - Requests to discharge at POTW

Electronic Reporting Rule

- Signed by EPA Administrator – Sept 24, 2015 for publication in the Federal Register
- Obtains required information directly from the source where data is generated;
- Reduces burden of existing paper-based reporting from regulated facilities and reduces third-party data entry errors by instead requiring electronic data submissions;

Electronic Reporting Rule

Key Concepts

- NPDES permittees electronically submit most of the required NPDES data (e.g., DMRs, NOIs, program reports) directly to states or EPA.
  - Data submissions would meet EPA's current signatory and chain of custody requirements in Parts 3 (CROMERR) and 122 (NPDES Regs)
- Permittee electronic submissions will be supplemented by authorized state electronic submission:
  - Basic facility and permit data; and
  - Data originating from the states (e.g., inspections, violation determinations, enforcement actions).

Electronic Reporting Rule

NPDES Discharge Monitoring Reports

- These reports comprise the largest source of NPDES program data shared between permittees, states, and EPA.

- Under the proposed rule EPA would require all DMRs (major and non-majors) to be electronically submitted to states or EPA by permittees one year after the effective date of the rule (Phase 1).

Electronic Reporting Rule

Pretreatment Annual Reports

- Under the proposed rule EPA would require all pretreatment annual program reports to be electronically submitted to states or EPA two years after the effective date of the rule (Phase 2).

Electronic Reporting Rule

CIUs in Non-Approved Programs

- In the absence of approved local pretreatment programs, EPA or the state functions as the Control Authority to oversee SIUs and categorical industrial users (CIUs).

- SIU/CIUs in municipalities without approved pretreatment programs would electronically submit required biannual reports to states or EPA, 2 years after effective date of the Rule (phase 2).

Pharmaceutical Disposal

Controlled Substances Act - DEA

- Defines controlled substances
- Establishes authority to control
- Registration of Manufacturers, Distributors, and Dispensers
- Ultimate Users

Drug Enforcement Administration

Controlled Substances Act

- No legal provisions for patients to rid themselves of unwanted pharmaceutical controlled substances except to give them to law enforcement
- Banned pharmacies, doctors' offices, and hospitals from accepting them.

Secure and Responsible Drug Disposal Act - 2010

- Amended the Controlled Substances Act
- Allows DEA to promulgate Regulations that will allow ultimate users to dispose unused pharmaceutical controlled substances
- Prevent diversion

BMPs for Unused Pharmaceuticals at Health Care Facilities

Guidance drafted by EPA – September 8, 2010

- Pharmaceutical Inventory
- Purchasing practices and inventory control
- Management of unused pharmaceuticals
  - Reuse
  - Hazardous waste requirements
  - Non-hazardous waste practices
  - Controlled Substances
- Recommendations on starting a waste mgmt

DEA National Take Back Programs

- Began in 2010
- Prescription Drug take back locations manned by law enforcement
- 4.1 million pounds
- Next National Take Back – Sept 26, 2015

Final Rule – 2010 Drug Disposal Act

Effective October 8, 2014

- Authorizes DEA registrants to modify their registration with the DEA to become authorized collectors.
- Operation of a collection receptacle at their registered location
- mail-back programs
- Retail pharmacies and hospitals/clinics with an on-site pharmacy may operate collection receptacles at long-term care facilities.
- Ultimate User – includes household member

Proposed Rule: Management Standards for Hazardous Waste Pharmaceuticals

- Administrator signed the proposed rule August 31, 2015
- Publication of proposed rule in Federal Register
  - Sept 25, 2015—FR Vol 80, No. 186, pp 58014 – 58092
- 60-day public comment period
  - Public comment period ends Tuesday, November 24, 2015
  - EPA has received multiple requests for extension

Proposed Rule: Management Standards for Hazardous Waste Pharmaceuticals

- 40 CFR Part 266, Subpart P
  - hazardous waste pharmaceuticals by healthcare facilities (incl. pharmacies) and reverse distributors.
- Prohibit facilities from disposing of hazardous waste pharmaceuticals down the toilet or drain.
  - Not applicable to Household Hazardous Waste
- Management Standards for HW pharmaceutical residues remaining in containers.

Proposed Rule: Management Standards for Hazardous Waste Pharmaceuticals

- Not proposing to expand the number of hazardous waste pharmaceuticals
  - Listed and characteristic pharmaceuticals
  - Listed – warfarin (P001), nicotine (P075), Lindane (U129), Mitomycin C (U010)
  - Characteristic – Ignitable: (D001) preparations with >24% alcohol, Toxicity (D004-D043): if present above TCLP concentrations: chromium multi-vitamins, Ag (burn creams)

HWpharms.wikispaces.com

Colorado – Drug Disposal

- Colorado Consortium for Prescription Drug Abuse Prevention

  http://www.corxconsortium.org/safe-disposal-work-group/

  - Expand take-back programs in law enforcement agencies (including developing permanent drop-off sites with law enforcement);
  - Expand take-back programs to pharmacies (pending DEA approval); and
  - Establish Colorado guidelines on flushing.

CDPHE

- Medical and pharmaceutical waste - households

  https://www.colorado.gov/pacific/cdphe/medical-and-pharmaceutical-waste-households

  - Medical take-back program collection boxes
  - Law enforcement agency drop boxes
  - Sharps collection
  - Mail back programs – Hg, lighting, dental, electronic waste
  - Household medical waste management Guidance

Dental Amalgam

- Signed by the EPA administrator on September 23, 2014
- Proposed rule in Federal Register – Oct 2014
- 60 day comment period
- 40 CFR Part 441

Dental Amalgam Rule

- Require Dentists to control Hg discharges to POTWs
  - Installing amalgam separators
  - Institute mandatory BMPs
- Amend 40 CFR Part 403 to streamline permitting and oversight requirements for the dental sector

DIU BMP Requirements

- Installation of an adequately sized amalgam separator
- Removal efficiency of 99.0%
- Receives all process amalgam wastewater
- Inspected 1/month
- Operated and maintained according to manufacturer's specifications
- Regularly maintained
- Recordkeeping
  - Reports

Amendments to 40 CFR Part 403

- 403.3(v)(4) DIU – Dental Industrial User
  - Not subject to Control Authority oversight requirements
    - Permitting,
    - Inspection
    - Sampling
- 403.3(f)(2)(v)(D) – POTW must evaluate if the facility meets criteria of a DIU
  - Update ordinances
- Must meet monitoring/reporting requirements in 40 CFR part 441.60

Rules/Regulations

EPA Effluent Limitations Guidelines

www.epa.gov/waterscience/guide/industry.html

Electronic CFR

www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/index.tpl

Non-Approved Programs

- Evaluation of non-compliance with NDPES permit conditions and limitations
- Site Visits
- Evaluation of Legal Authority
  - Example Ordinance
- Program Implementation
- Follow Up

Pretreatment Guidance

cfpub.epa.gov/npdes/docs.cfm?view=allprog&program_id=3&sort=date_published

- Controlling OG from Food Service Establishments Fact Sheet – Sept 2012
- IU Permitting Guidance Manual – Sept 2012
- Introduction to the Pretreatment Program – June 2011

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