

**7049.0430 CONDITIONAL REMOVAL CREDITS PRIOR TO AGENCY APPROVAL OF POTW PRETREATMENT PROGRAM.**

A. A POTW authority required to develop a local pretreatment program under part 7049.0800 may conditionally give removal credits pending approval of such a program according to the following terms and conditions:

(1) all industrial users who are currently subject to a categorical pretreatment standard and who want conditionally to receive a removal credit shall submit to the POTW baseline monitoring report information, as provided in parts 7049.0500 to 7049.0550, pertaining to the categorical pretreatment standard as modified by the removal credit. The industrial users shall indicate what additional technology, if any, will be needed to comply with the categorical pretreatment standards as modified by the removal credit;

(2) the POTW authority shall submit to the agency a timely application for pretreatment program approval meeting the requirements of parts 7049.0800 to 7049.1020. An application is timely if it does not exceed the time limitation in a compliance schedule for development of a pretreatment program included in the POTW's national pollutant discharge elimination system permit. If a POTW that has not previously been required to develop a pretreatment program under parts 7049.0800 to 7049.1020 requests authority to grant removal credits, the POTW's permit shall be modified to require the development of a delegated pretreatment program under parts 7049.0800 to 7049.1020;

(3) the POTW shall compile and submit data demonstrating its consistent removal according to parts 7049.0400 and 7049.0410;

(4) the POTW shall comply with part 7049.0380; and

(5) the POTW shall submit a complete application for removal credit authority according to part 7049.0450.

B. If a POTW receives authority to grant conditional removal credits and the agency subsequently makes a final determination after appropriate notice that the POTW failed to comply with item A, the authority to grant conditional removal credits shall be terminated by the agency and all industrial users to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical pretreatment standard within a reasonable time, not to exceed the period of time prescribed in the applicable categorical pretreatment standard, as may be specified by the agency.

**Statutory Authority:** *MS s 115.03*

**History:** *33 SR 696*

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