

7049.0640 AGENCY DIRECT REGULATORY ACTION.

A. The agency has a regulatory interest in required pretreatment standards and may take direct regulatory action, as provided in item B, to control an industrial user that the receiving POTW is responsible to control if the receiving POTW fails to implement or enforce required pretreatment standards that it is responsible to enforce according to part 7049.0650.

B. If the agency determines that a POTW authority has failed to properly implement pretreatment controls as provided in item A, the agency shall notify the POTW authority and industrial user of the determination, specifying the failures and providing 30 days for the POTW authority to commence appropriate action to correct the failures. If the POTW authority fails to adequately correct the failures cited, the agency may, as appropriate, take enforcement action against the industrial user or impose limitations and requirements in an individual control mechanism issued directly to the industrial user. If the agency issues a determination and takes action under this part, failure to take appropriate action against the industrial user constitutes a violation by the POTW authority.

C. At any time, the agency may perform any of the activities provided in part 7049.0163, subparts 2 and 3.

D. Nothing in this part precludes the agency from taking enforcement action against a POTW for failure to implement pretreatment controls.

Statutory Authority: *MS s 115.03*

History: *33 SR 696*

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