



CROMERR Compliance for the POTW Pretreatment Program

This memorandum is to remind Pretreatment Authorities¹ who are Cross-Media Electronic Reporting Rule (CROMERR) applicants of their obligations to follow both National Pretreatment Program requirements and CROMERR procedures when applying for, approving and incorporating CROMERR practices into an approved POTW pretreatment program.

EPA's Pretreatment Program

Congress established the Clean Water Act (CWA) in 1972, declaring its national goal to be the restoration and maintenance of the chemical, physical, and biological integrity of the nation's water.

Whereas the National Pollutant Discharge Elimination System (NPDES) Permit Program under the CWA controls the discharge of pollutants from point sources, the Pretreatment Program controls pollutants from nondomestic sources that discharge into sewer systems, as described in CWA section 307(a).

To implement pretreatment standards and requirements, the General Pretreatment Regulations establish responsibilities among federal, state, and local government; industry; and the public to implement pretreatment standards to control pollutants that pass through or interfere with POTW treatment processes or that can contaminate sewage sludge.

Pretreatment Approval Authorities and Pretreatment Control Authorities

Pretreatment Program "Approval Authority"

The Director in an NPDES State with an approved State pretreatment program and the appropriate Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program. In 2015, 36 states implement approved State pretreatment programs. EPA is the Approval Authority for the remaining States, Tribes, and Territories that have not been approved.

"Approved POTW Pretreatment Program or POTW Pretreatment Program"

A program administered by a POTW that meets the criteria established in 40 CFR 403.8 and 403.9 and which has been approved by a Regional Administrator or State Director in accordance with 40 CFR 403.11. The Approved POTW Pretreatment Program is also called a "Control Authority." Where the POTW is not the Control Authority, the Approval Authority is the Control Authority, i.e., EPA or approved State pretreatment program.

"Publicly Owned Treatment Works or POTW"

A treatment works as defined in section 212 of the Clean Water Act (CWA), which is owned by a State or municipality. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant (that portion of the POTW, which is designed to provide treatment, including recycling and reclamation of municipal sewage and industrial waste).

¹ EPA, Approved State Pretreatment Programs, and Approved Publicly Owned Treatment Works (POTW) Pretreatment Programs



The term also means the municipality as defined in section 502(4) of the CWA, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. An approved POTW pretreatment program is usually required to implement its approved program in accordance with requirements contained in a National Pollutant Discharge Elimination System (NPDES) permit.

EPA's Cross-Media Electronic Reporting Rule

The Cross-Media Electronic Reporting Rule, promulgated on October 13, 2005, establishes technology-neutral performance standards for EPA authorized systems to accept reports required under Title 40 of the Code of Federal Regulations electronically. The objective of these standards is to ensure that electronic reports are as enforceable as their paper counterparts.

States, tribes and local governments may seek EPA approval to accept electronic documents to satisfy reporting requirements under environmental programs that EPA has authorized or approved them to administer.

Program Modification Process for States, Tribes and Local Governments Seeking CROMERR Compliance

Under CROMERR, a state, tribe or local government must revise or modify its EPA approved program(s) to obtain approval for receiving electronic documents in lieu of paper documents. The regulation provided two options for applicants seeking program modification approval under CROMERR:

- 1) The applicable program-specific procedures; and
- 2) A single, EPA-wide process that approved programs can use to seek EPA approval for electronic reporting.

Steps for Approved POTW Pretreatment Programs to Receive Reports Electronically

As an alternative option to the traditional modification approval process, CROMERR established a single, EPA-wide process for review and approval of approved programs. EPA designed the alternative process to accommodate a wide range of programs under the statutes EPA implements, and as such, the process may not specifically address all components of a specific program potentially affected by CROMERR approval.

In addition, where EPA has authorized states to approve POTW pretreatment programs and any modifications to such programs, EPA is not the appropriate authority to approve or modify these POTW pretreatment programs. Regardless of whether modifications to a POTW pretreatment program are subject to EPA or state approval, there are additional steps that approved POTW pretreatment programs should take before commencing with receiving reports electronically to ensure that all affected parties (i.e., POTW, industrial users, state and EPA) are aware of the local program changes.

EPA's Office of Water and Office of Environmental Information have collaborated to develop a hybrid approach for reviewing and approving requests to modify approved POTW pretreatment programs to allow for electronic reporting.



Under this approach, EPA will provide technical assistance to ensure that local POTW pretreatment programs are consistent with CROMERR:

- First, the approved POTW Pretreatment Program should notify the Approval Authority (the Regional EPA Office or approved pretreatment state) that it wants to receive reports electronically from its Industrial Users (IUs) and provide whatever documentation the Approval Authority requires. Under this process,
 - The POTW Pretreatment Program should send a CROMERR application to EPA (electronic copy submitted to both CromerrPOTWrequest@epa.gov and cromerr@epa.gov).²
 - The POTW Pretreatment Program also notifies its Pretreatment Approval Authority (state or EPA) of the intent to modify its program legal authority and procedures in order to receive reports from its Industrial Users electronically.
- The POTW Pretreatment Program representative should be available to EPA to discuss issues with the CROMERR application to expedite the review process.
- The POTW Pretreatment Program should work simultaneously with its Approval Authority to modify related program implementation procedures and other programmatic elements as needed (e.g., description of how the POTW analyzes self-monitoring reports and other notices submitted by IUs).

EPA CROMERR Program's Roles and Responsibilities

An EPA CROMERR workgroup will review the CROMERR application to determine if the system meets the rule's requirements.

During the review process, EPA may contact the POTW Pretreatment Program if the application lacks critical detail, language describing the system is unclear, and/or the system as designed raises compliance issues. Where there is a good dialog between EPA and the Pretreatment Program representatives, this process has an excellent track record of resolving issues through the email exchange of drafts and conference calls.

If the system meets the requirements, EPA will send a letter to both the POTW Pretreatment Program and to the respective EPA or State Approval Authority stating that EPA has determined that the POTW's CROMERR application is complete and that EPA recommends a POTW pretreatment program modification to incorporate electronic report receipt procedures may be initiated.

POTW Pretreatment Program's Roles and Responsibilities

While EPA is reviewing the CROMERR application, the POTW Pretreatment Program should review and update the associated pretreatment program components that the CROMERR implementation would affect.

² Note: EPA plans to provide online forms for certain widely marketed e-reporting software designed for pretreatment programs. For further information, POTW Pretreatment Programs should check the EPA CROMERR website (<http://www2.epa.gov/cromerr>).



Potential program requirements that may be affected by this modification include:

- Maintain legal authorities (e.g., the ordinance, applicable multijurisdictional agreements) to ensure necessary parameters for implementing the electronic reporting system.
- Develop and implement procedures required per 40 CFR 403.8(f)(2) to describe how the approved pretreatment program receives, analyzes, and retains reports and other notices submitted by Industrial Users which, for example, may need to be updated to:
 - Identify which (some or all) reports that may be received electronically in lieu of paper submission.
 - Identify changes to reviewing and analyzing IU reports per 40 CFR 403.8(f)(2)(iv) and identify any changes to procedures necessary to ensure that POTW staff is notified on a timely basis of any noncompliance so that appropriate investigation steps may be taken in accordance with the POTW Pretreatment Program's approved Enforcement Response Plan per 40 CFR 403.8(f)(5).
 - Provide communication plans and instructional materials for electronic reporters (IUs) on how to submit reports, make corrections, ensure transmission was completed, etc., including contingency plans for instances if electronic systems are temporarily inaccessible by the IUs and/or POTW;
 - Provide communication plans and instructional materials for electronic users of the data (POTW staff, state, EPA, public), including periodic standardized reports for frequent users, as necessary to maintain public accessibility of the information per 40 CFR 403.14, including determination of recordkeeping formats for required retention times per 40 CFR 403.12(o).
- Identify POTW organizational duties description for administering the Pretreatment Program. As described in 40 CFR 403.8(f)(5) and 403.9(b), staff should be identified who are responsible to implement the electronic reporting system. Such activities may include:
 - Input any necessary IU permit components and IU facility identifiers into the data system to enable the IU to log into the system to report their periodic data;
 - Ensure that the new Pretreatment data receipt program can produce information necessary so that the POTW adequately submits required annual reporting.
 - Assistance to IUs who need to submit reports to the electronic system.
- Ensure that the POTW has sufficient resources (funding) and qualified personnel to carry out the electronic report receipt procedures, per 403.8(f)(3), supporting the purchase or ongoing rental fee for the software or system, and developing contingency plans in case resource support for the electronic system decreases or ceases.
- Submit the POTW pretreatment program modification to the Approval Authority (EPA or Approved State Pretreatment Program) in accordance with 40 CFR 403.18.

EPA or Approved State Pretreatment Program Approval Authority Roles and Responsibilities

EPA and Approved State Pretreatment Programs acting as Pretreatment Program Approval Authorities provide technical and legal assistance to POTWs in developing and implementing pretreatment programs.

EPA expects that obtaining the authority and required technology needed to receive electronic reports from Industrial Users will require most approved POTW pretreatment programs to change the current implementation of their pretreatment programs. Consequently, EPA expects that POTWs will need to review and modify their existing programs to reflect these changes.



Specifically, upon initial notification from the POTW Pretreatment Program that the POTW wants to begin receiving reports electronically from its Industrial Users, the EPA Regional Pretreatment staff or Approved State Pretreatment Program staff will:

- Work with the Approved POTW Pretreatment Program to assist in identification of programmatic authorities and procedures that the POTW should modify in order to implement electronic reporting for its Industrial Users.
- Receive the recommendation from the CROMERR workgroup that the CROMERR application has been reviewed and is considered approvable, ready for adoption and incorporation to the approved POTW Pretreatment Program.
- Ensure that the approved POTW Pretreatment Program is aware of needed modifications to its programmatic and procedural requirements to implement a CROMERR-compliant POTW pretreatment program
- Receive and process the POTW Pretreatment Program modification in accordance with procedures in 40 CFR 403.18.

For More Information

CROMERR Program

More details regarding CROMERR, including an on-line training, are available on EPA's website. Staff working with electronic reporting systems are encouraged to take the on-line training.

- Visit the CROMERR website: <http://www2.epa.gov/cromerr>
- Inquiries can be directed to the CROMERR Program (cromerr@epa.gov) in the Office of Environmental Information

National Pretreatment Program

- Visit the National Pretreatment Program website: <http://www.epa.gov/npdes/pretreatment>
- Inquiries can be directed to the National Pretreatment Program (CromerrPOTWrequest@epa.gov) in the Office of Water