



Memorandum

To: Rebecca Bodnar, Water Quality Permitting Division, Manager

From: Nicole Morris, Water Quality Permitting Division, Pretreatment

Date: August 30, 2024

Subject: Pretreatment Permit Issuance for Businesses with Multiple Facilities

Control Authorities per 40 CFR 403.8(f)(1)(iii) have the duty to control through permit, order, or similar means, the contribution to the POTW. The following memo is provided as a resource that Control Authorities can use to ensure consistency in permitting decisions and can further Control Authorities in meeting State and EPA expectations. This memo only pertains to facilities permitted under the National Pretreatment Program.

The National Pretreatment Program, as implemented under the Clean Water Act (CWA) and General Pretreatment Regulations [40 CFR Part 403], is designed to control the discharge of non-domestic wastes to Publicly Owned Treatment Works (POTWs). The objectives of the program are to prevent pass through and interference, to protect the receiving waters, and to improve opportunities for the reuse of municipal wastewaters and sludge. OAR 340-045-0063 requires that all owners of sewerage systems which receive industrial waste subject to federal or state pretreatment standards will develop and implement a pretreatment program for controlling those industrial contributors.

The answers to the following two hypothetical scenarios as well as the general statement below can assist Control Authorities when determining how to best permit one or more industrial users with multiple facilities.

Scenario 1: Company A operates out of multiple buildings that are all neighbor to one another, each building on a separate tax lot, with independent address and separate sewer lateral. Only one of these buildings has a core categorical process. All the other buildings have ancillary processes. Collective discharge from all locations is < 5000 gallons per day.

Answer: Since the buildings are all Company A (all the same company) and the same parts which undergo a categorical process in one building are moved across to the other processes in the other buildings, the Control Authority should permit this as one facility. There are many times that buildings have different addresses but are part of the same operation. Issue one permit and cover the buildings that are adjacent to each other. The Control Authority should also require one authorized representative to be designated. If each building has different, independent operations, the Control Authority should consider issuing individual permits to each building.



Scenario 2: Company B, a metal finisher, has a building with a categorical process discharging to sewer; across the street, there is another building with similar process with a different discharge point.

As a hypothetical scenario, suppose the following:

- Company B operates out of multiple buildings that all neighbor one another or are across the street from one another
- Each building is on a separate tax lot
- Each building has an independent address and separate sewer lateral.
- In one of these buildings chemical etching is the only process performed (making this a categorical facility)
- At all the other buildings ancillary processes such as welding, painting, tumbling, etc. are performed, but no core metal finishing processes.
- Collective discharge from all locations is < 5000 gallons per day

Answer: If industrial processes are part of the same operation, the Control Authority should issue one permit with the categorical limits applied to discharges from all buildings with core or ancillary processes. In this case the one permit should cover processes from all buildings regardless of the address.

In general, permitting decisions for individual permits are based upon the “facility”. Buildings and operations that are integrated and where the building is immediately adjacent, the Control Authority should use one permit. If the buildings are physically separated by one or more unrelated businesses or the operations are not related, the Control Authority should consider issuing a permit to each facility.

The Control Authority must meet all applicable state and federal pretreatment requirements. Nothing in this document shall exempt the Control Authority from its duty of compliance and may not be relied upon to create an enforceable right or benefit, substantive or procedural, enforceable at law or in equity, by any person.

If there are any questions regarding this document or its contents, contact the DEQ’s Pretreatment Program at Industrial.Pretreatment@DEQ.oregon.gov.

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