**Agenda Item: 10-50** **Request Consideration of the Hearing Officer's Recommendation on Revisions of Wastewater Pretreatment Rules**

**Explanation:** At its November 2009 meeting, the EMC approved the proposed amendments and new Rule of the State Pretreatment Regulations in 15A NCAC 02H .0900 to proceed to a public hearing. A public hearing was held on June 16, 2010 in Raleigh, NC, and the comment period closed on August 2, 2010. A total of 9 people attended the public hearing. Public comments received in response to the proposed Rules are documented in the attached Hearing Officer report (1 comment at the public hearing; 17 written comments received during the comment period).

The Hearing Officers have reviewed all the comments received and recommend the adoption of the Rules with modifications to address many of the comments. These include the addition of the collection system permit to the list of permits for which causing or contributing to violations constitutes interference and pass through, changes to more properly characterize the ways in which flow is of concern to the Pretreatment Program, and additions to the Pretreatment Program requirements for intermunicipal situations. Other minor revision made in response to comments include replacement of the phrase "Division approved forms or formats" with "forms or formats acceptable to the Division, clarification of records retention requirements, revision of time limits for inspections associated with Significant Industrial User (SIU) permits, and clarification of adjudicatory process steps and which steps are mandatory in order to seek judicial review. Finally, revisions are proposed to establish time limits of Division review of changes to the list of SIUs.

**Recommendation:** It is the recommendation of the Hearing Officers that the proposed Pretreatment Rules as presented in the attached Hearing Officers Report be adopted by the EMC.