

Preparing for an EPA Inspection

Do's and Don'ts and How to Survive

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Special thanks to www.POTW.com



Piece of Cake

Background - When do they occur?

- EPA HQ national audit goal is once every five years or 20% of regional/state program annually
- EPA HQ national PCI goal is twice every five years or 40% of regional/state program over five years
- Maine and Rhode Island are delegated programs = State oversight
- Massachusetts and New Hampshire are non-delegated = EPA Oversight
- Vermont and Connecticut = No POTW Audits
- Connecticut State Program Audit (November 2015)
- Vermont State Program Audit (FY 2017)

Pre-Audit Procedures

- 30 – 60 Days advance notice is given (via phone call)
- Notify program of “what to expect” and what documents will be reviewed on site:
 - SIU File: permits, inspection reports, SIU and POTW monitoring, correspondence, NOVs, etc.
 - SUO and ERP
 - Industrial waste surveys and BMP programs (if applicable)
 - SIU inspections to be conducted (unannounced)
 - Audit can last anywhere from 2-5+ days depending on size of program
- Send audit checklist (February 2010) to be completed by POTW
 - Section II (Data Review)
 - Attachment A – Program Status

http://www.epa.gov/npdes/pubs/final_pca_checklist_and_instructions_%20feb2010.pdf

EPA/State Pre-Audit Review

- Review NPDES permit for pretreatment requirements
- Review latest annual report
- Review latest audit/PCI reports
- Any other pertinent information that exists
- Notify State

POTW preparation – What you can do?

- Have your files in order

aka - Get your **STUFF**
together!!!!

Remember!

- General Rule of Thumb: Organized files = Good audit results
- Documentation is a key component of the program
- Attention to detail....
- Need to keep accurate and clear notes
 - Cannot be stressed enough....

How to survive once EPA/State on-site



On-Site Procedures

- Opening conference
 - Include all personnel related to program
- Review checklists and any other information previously requested
- Review SIU files – Standard checklist is used
- Review any other information as necessary
- Tour of POTW (time permitting)
- SIU Inspections (EPA/State or POTW lead)
- Close-out conference

Follow-Up

- Report write-up
 - Requires POTW to respond to findings within 30-45 days
- Determine Reportable Noncompliance (RNC) or Significant Noncompliance (SNC)
- Refer to enforcement (if necessary)

EPA will evaluate: RNC/SNC

- Failure to enforce against Pass Through or Interference
- Failure to submit reports within 30 days
- Failure to meet compliance schedule dates within 90 days
- Failure to issue/reissue permits to 90% of SIUs
- Failure to inspect or sample 80% of SIUs within past 12 months
- Failure to enforce Pretreatment Standards or reporting (more than 15% of SIUs in SNC)
- Other: Other items of concern to the Approval Authority

- These are Significant Non-Compliance or Reportable Non-Compliance triggers that result in EPA enforcement

Common Findings

- Failure to annually inspect SIUs
- Failure to properly categorize a CIU
 - Electroplating (413) vs. Metal Finishing (433)
 - Phosphating is Metal Finishing
- Failure to take timely and appropriate enforcement action
- Local limits vs. surcharge limits for conventional pollutants (BOD, TSS) in permits
- Local limits vs. categorical standards in permit (need to apply more stringent in permit)
- Approved local limits not adopted into legal authority
- Toxic Organic Management Plan (TOMP) not on file
- SIU inspections could be more thorough
 - Develop a checklist

Common Findings (cont'd)

- Failure to update regulations to comply with 2005 Pretreatment Streamlining Rule and/or out of date Legal Authority
- Interjurisdictional agreements poor quality or non-existent
- Other jurisdictions have not been required to develop legal authority equivalent to approved POTWs where appropriate
- Permits are missing required elements and permit fact sheets are not documenting decisions (flow vs. time composite, CWF, etc.)
- Enforcement authority in permits inconsistent with legal authority
- Permit applications of poor quality and completed permit applications have blanks (not filled in)
- POTW has failed to maintain records for last local limits evaluation
- POTW failed to follow its Enforcement Response Plan (ERP)
 - POTW failure to escalate enforcement when necessary

Common Findings (cont'd)

- Inspections are declining in quality. Inspectors using last inspection and updating rather than a fresh form. No rotation of inspectors.
- Inspections done same time each year
- The POTW needs checklist for reviewing SIU self-monitoring reports (data reviews are inconsistent)
- Staff training is inadequate resulting in stagnant program and missed industrial processes
- Zero discharge status not verified (and permits have incorrect language for zero discharge facilities)
- Enforcement followup: All violations need to have a timely and appropriate response. SNC violations have to have a formal response

Common Findings (cont'd)

- Files need to have a formal filing plan and archiving schedule
- All confidential information must be kept in a separate, locked file cabinet
- All reports that are received should be stamped to marked with a “Date Received” date

Common Findings (cont'd)

- Laboratory reports not signed by IU representative
- Incorrect analytical methods
 - SW 846 is not approved for wastewater
 - PH and temp must be analyzed immediately
- Chain of custody forms incomplete or inaccurate
 - Time, date, relinquished by
 - Grabs vs. composites

Questions ?