

The Implementation: Evaluating Compliance & Responding to Violations

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AGENDA

1. Self-Monitoring Reports
 - ✓ Requirements
 - ✓ What needs to be reviewed
2. Enforcement Response Plan
 - ✓ Contents
 - ✓ Implementation
3. Violations
 - ✓ Data Violations
 - ✓ Reporting Violations
 - ✓ IU Requirements & NOV Responses



INDUSTRY SELF-MONITORING REPORTS (SMR)

PURPOSE & OBJECTIVES

- Collection of industry operation information and data
- Verify accuracy & representativeness of sampling & data
- Determine compliance with IU permit

Control Authority must receive and analyze SMRs 40 CFR 403.8(f)(2)(iv)



SMR SAMPLING REQUIREMENTS

FREQUENCY

- Semi-Annually
 - At minimum per 40 CFR 403.12(e) & (h)
- Control Authority can increase to:
 - Daily
 - Weekly
 - Monthly
 - Quarterly



BY WHOM?

- Industry 
- Control Authority

SMR SAMPLING REQUIREMENTS

REPRESENTATIVE SAMPLE

- Sample taken during normal production/operation
- Correct type of sample – Composite or Grab
- Composite samples
 - 40 CFR 403 regulation defaults to flow paced samples
 - If time paced composite samples allowed → document in IU permit
 - If no composite sampler → manual composite sampling
- Batch discharges
 - Sample during batch discharge only

SAMPLING & ANALYSIS

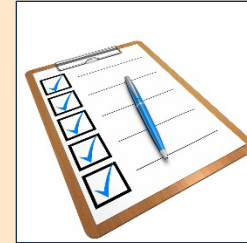
- At designated sample location in IU Permit
- Sample for all required pollutants in IU Permit
- Use approved 40 CFR 136 methods



SMR CONTENTS

REQUIRED

- Certification Statement signed by Authorized or Duly Authorized Representative
- Lab reports – contract and internal
- Chain-of-custody forms



BASED ON INDUSTRY

- TTO or TOMP – 40 CFR 433 Metal Finishers
- Hauled Waste Manifests – Zero Dischargers
- Production and/or Water Records – Mass Based Limits
- Internal QA/QC data – non 40 CFR 136 methods
- Non-Significant CIU – annual certification
- BMP Documentation

MAY REQUIRE

- Pollutant Summary Table



All SMR submittal requirements need to be outlined in IU Permit

SMR SUBMITTAL

Was SMR Submitted On Time?

- ✓ If late → issue Reporting NOV (see ERP)

Log in SMR

- ✓ Document date received

Received original copy with wet signature?

- ✓ Hard copy required unless CROMERR approved

Signed by Authorized or Duly Authorized Representative (DAR)?

- ✓ DAR needs to meet AR definition in Ordinance
- ✓ Document DAR

REVIEW RECOMMENDATION

Use SMR Review Checklist → help review process and verifies all required items were reviewed



UNDERSTANDING THE COC

WHAT TO CHECK:

- Sample Location
 - Does it match permitted location?
 - Use Permit Sample ID
- Sample Date
- Sample Time
 - Sample times recorded to the nearest minute
 - Used to verify analysis hold time
 - Composite sample - Provide both start and stop time
 - Typically only one time is provided
 - Verifies time period of sample (continuous vs. batch)
 - Grab samples
 - Collection time needed for each individual grab sample



UNDERSTANDING THE COC

WHAT TO CHECK:

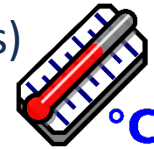
- Pollutants Sampled
 - Were all pollutants in IU permit sampled?
- Collection Type
 - Grab vs. Composite
- Sample Container Used
 - e.g. Oil & Grease requires glass container
- Preservation Used
 - Verify correct preservation
 - e.g. Hexavalent Chromium preservation and pH titration increases hold time at time of collection



UNDERSTANDING THE COC

WHAT TO CHECK:

- Sample Temperature
 - Cooled to 6° C or less (some pollutants require this)
- Signature/Relinquishment of COC
 - Does COC have correct signatures



Check 40 CFR 136 for Sample Requirements

SOME LABS ALSO PROVIDE:

- Lab Check In Sheet
- Field Lab Notes

pH SAMPLING

pH sample hold time is 15 minutes

- Needs to be done in the field

pH sampling and result needs to be documented either on COC or field log sheet. Must include:

- Date
- Time (collection & analysis)
- Result
- Sampling Method



Required to verify done in conformance with 40 CFR 136



Industry is usually collecting the pH sample so they need to provide this information.

SAMPLING – REVIEW OF LAB REPORTS

- ❖ Need to verify the lab performed the correct pollutant analyses.
 - Check method
 - Check hold times
- ❖ **All sampling to be in conformance with 40 CFR 136**
 - Table 1B has all approved inorganic methods
 - Table 1C has all approved organic methods
 - Table II has container, preservation & holding time requirements
 - Remember to check for updates ★



Make a cheat sheet for quick reference

Pollutant	Test Methods	Sample Type	Holding Time	Sample Container	Preservation
Copper	200.7 / 200.8	Composite	6 months	P, FP, G	HNO ₃
Cyanide	335.2 / 335.3 / 335.4 / 4500 CN	Grab	14 days	P, FP, G	NaOH
Fluoride	300.0 / 340.2	Composite	28 days	P	---
FOG	1664A or B	Grab	28 days	G	NaOH, H ₂ SO ₄

40 CFR 433 METAL FINISHERS

Toxic Organic Management Plan (TOMP)

- CIU can prepare TOMP in lieu of TTO monitoring
- Needs to be reviewed & approved by Control Authority
 - Document TOMP in CIU Permit

TTO Certification

- Signed by Authorized or Duly Authorized Representative
- Should also include a check box certifying no changes in chemicals at site during last 6 months
 - This will document TOMP is still accurate – implemented!
 - If change in chemicals (add or delete a TTO chemical), then TOMP to be updated

No TOMP → TTO Sampling required



NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER (NSCIU)

What is a NSCIU?

- Never discharge more than 100 gallons of categorical process wastewater per day
- See 40 CFR 403.3(v)(2)
- Optional Streamlining Provision
- Definition must be in Pretreatment Ordinance in order to use

Annual Certification Required

- Verify they still meet NSCIU criteria
- Signed Certification Statement



DATA REVIEW

DATA REVIEW

- Check all data results against permitted limits
 - Check daily **and** monthly limits
- Only 1 sample taken, then
 - Result is both daily max and monthly average

If result is less than or equal to permitted limit = No Violation

Any result greater than permitted limit = VIOLATION



**Count SNC after each calendar quarter
for previous 6 months**

ENFORCEMENT RESPONSE PLAN (ERP)

Control Authorities are required to investigate all instances of non-compliance & respond to the violations with appropriate corrective and enforcement actions.

PURPOSE

- How to investigate non-compliance
- Procedures to identify violations
- How to document and implement enforcement actions
- How to escalate enforcement

Procedures to identify, document & respond to IU violations in an objective, consistent and equitable manner.

See 40 CFR 403.8(f)(5)



ENFORCEMENT RESPONSE PLAN (ERP)

ERP COMPONENTS

1. Verbal/Email Notification
2. IU Meeting Requirements
 - Brings both parties together
 - Opens up communication on how violation will be resolved
3. Notice of Violation (NOV)
 - Can include templates
4. How and When to Escalate
 - Administrative Order
 - Fines/Penalties
 - Termination/Cease & Desist
5. Who is responsible for each enforcement type



ENFORCEMENT RESPONSE PLAN (ERP)

Do not copy your neighboring community's ERP!

Each ERP will be different, your ERP needs to be in conformance with:

- ✓ Your enforcement policy & procedures
- ✓ Your Sewer Use & Pretreatment Ordinance

If ERP does not match current procedures → Update ERP

- Considered a substantial change to Pretreatment Program therefore submittal to the Approval Authority is required



VIOLATIONS

If there is a violation → Notice of Violation is **REQUIRED** to be issued!

- Any result above the limit requires a NOV to be issued
 - There is no buffer zone above a permitted limit
- Excuses heard why not to issue NOV:
 - Result was barely over limit
 - Industry is going to respond with “I don’t know” as for reason of violation
 - There were no impacts to WWTP
 - Elected officials don’t like violations to be issued



Failure to issue NOV → run risk of being flagged for
“Failure to Implement IPP”



REPORTING VIOLATIONS



Potential types of Reporting Violations

- ❖ Missed Sampling Requirement
 - Missed one or more pollutants or entire sampling event
 - Even if sampling is 1 day outside of sampling time period (there is no grace period)
- ❖ Late Report Submittal
- ❖ Incomplete or Missing Lab Report/Chain-of Custody
- ❖ Failure to
 - Submit Report
 - Notify Control Authority of Violation (24 hr notice)
 - Resample Due to Violation (30 day)
 - Submit NOV Response
 - Report Authorized Representative Change
 - Notify of Pretreatment Operating Upset
 - Notify Spill or Slug Discharge
 - Substantial Change



Continued reporting issues → Provide training to IU

NOV RESPONSES

IU NOV RESPONSE REQUIREMENTS

- Investigate source of violation
- Provide narrative response
 - Document source/reason of violation
 - May not find source but needs to document investigations actions taken
 - What will be done to prevent future violations
- Submit by due date
 - If late → Reporting NOV



“We don’t know” is not an acceptable NOV Response.



Communicate NOV Response expectations with IUs

Contact Information



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