2014 NPDES Compliance Monitoring Strategy (CMS)

Goal: to establish presence in the regulated community and deter noncompliance

- Establishes national recommended
  - Frequencies
  - Types of compliance monitoring activities
  - Flexibilities (Alternative vs Traditional)
Pretreatment Audits and Inspections

• One audit every five years = 20% of active approved programs
• Two PCIs every five years = 40% CMS recommendation
  – A pretreatment audit/inspection includes oversight inspections of at least two Industrial Users (IU) discharging to the POTW
SIU Inspections

• 40 CFR part 403 include a requirement for approved publicly owned treatment works (POTWs) and states to “inspect and sample the effluent from each significant industrial user at least once a year.” 40 CFR 403.8(f)(2)

= 100% inspection requirement
In accordance with the 2014 NPDES Compliance Monitoring Strategy (CMS), NPMG sets deadlines for submission of:

- Alternative CMS Plans – Aug 15th
- Traditional CMS plans and End of Year Reports – Dec 31st
CMS Implementation Basics

• Annual CMS plans should include:
  – Each CMS metric that is applicable to that state
  – Universe and total number of facilities to be inspected that year
  – Explanation of any flexibilities applied in setting the CMS commitments

• End-of-year reports should include information to allow EPA to quickly compare the number of inspections conducted to each of the state’s annual commitments
Alternative Plans

• A proposed “alternative plan” should include:
  – Description of overall approach, including affected universe(s) and rationale for deviations/trade-offs
  – Explanation of how state determined the alternative approach will not have negative public health/environmental impact

• Four conditions apply to including “focused inspections” or “off-site desk audits” in alternative plan:
  – Activity will be conducted for purpose of making compliance determination
  – Activity will be conducted by appropriate personnel
  – State will document evaluation of facility-specific questions that support alternative
  – State commits to enter into ICIS-NPDES all completed alternative activities
Lessons Learned: Alternative Approaches

Common Issues Across Proposed Alternative Plans

- Justifications need to communicate to us how the alternative approach is as or more environmentally protective as the national CMS goals
- Resource constraints is not an adequate justification
- Plans need to articulate the combination of activities that make up the state/regional approach to compliance monitoring (i.e., if they aren’t doing inspections because they do something else, we need a description of what they are doing)
- Annual report reviews are not “off-site desk audits”
Implementation Snapshot of CMS

- Some plans do not include numeric commitments
- Some plans do not provide the universe for every metric and commitment
- Many states do not provide a sufficient explanation of flexibilities utilized in a traditional plan
- Only a handful of state plans clearly demonstrate the state is meeting the reg requirement for 100% coverage of SIUs
- Some plans provide facility-specific inspection plans without summarizing categorical commitments
Implementation Tools

• CMS Plan Review Checklist*
• Template for CMS Plans and EOY Reports*

• Industrial NEI Pretreatment Targeting Map
• ECHO Tools
Industrial User Inspection and Sampling Manual for POTWs

• This guidance manual is designed to lead the POTW inspector through the inspection and sampling process step-by-step.

• IU Inspection Checklist

https://www.epa.gov/compliance/industrial-user-inspection-and-sampling-manual-publicly-owned-treatment-works
Questions?

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