



NPDES Compliance Monitoring Strategy

Raquel Taveras
OECA – Office of Compliance
April 17, 2018



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)

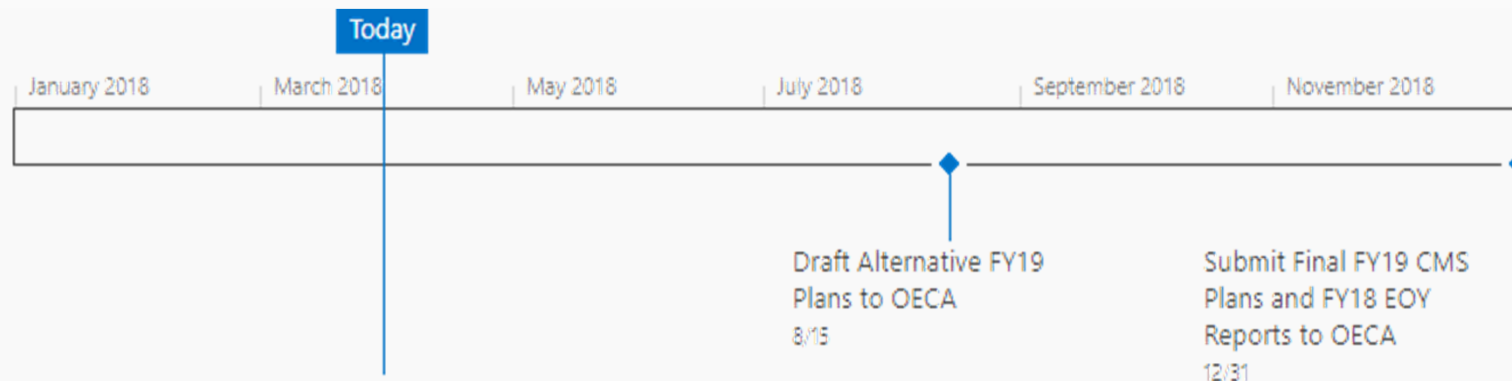
= 100% inspection requirement



National Program Manager's Guidance ACS Measure CWA07

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>

U.S. Environmental Protection Agency

Industrial User Inspection and Sampling Manual For POTWs





Questions?

Raquel Taveras

Office of Compliance, OECA

Tel.: 202.564.9651

Email: taveras.raquel@epa.gov