



Audits vs Inspections: NPDES Compliance Monitoring Strategy Commitments

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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



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
- Reclassification as non-significant may be reduced sampling commitment to once every two years for SIUs designated with a reduction in monitoring and inspection frequency in accordance with provisions under 40 CFR 403.12(e)(3) and 40 CFR 403.8(f)(v)(c).9.



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



Off-Site Compliance Monitoring Activities

- 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 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

CMS Plans FY19



R	S	Approved PT Prog.	FY19 CMS Commitments	Actual	SIUs Universe	FY19 CMS Commitments	Actual
1	MA	48	8PCA/5PCI+24ODA	2PCA/1PCI	11	5	6
	NH	13	1PCA/1PCI +5ODA	2PCA/2PCI	21	2	9
2	NY	57	8PCA/5PCI	2PCA/1PCI	40	7	3
3	DE PA						
5	IL	48	2PCI+4ODA		273	6	9
	IN	47	*IDEM		129	1*	1
6	NM	6			?		
7	KS	17	4PCA/0PCI		58	7	
8	CO WY MT	38	7PCA/14PCI*		7	7	
9	NV						



FY20 CMS Commitments

- Covid-19 considerations
- Inspections
- Off-Site Compliance Monitoring

Significance of Wastewater Pollution from Drinking Water Treatment Systems



National Compliance Initiative: Reducing Significant Non-Compliance with National Pollutant Discharge Elimination System (NPDES) Permits

“The objective of this initiative is to improve surface water quality and reduce potential impacts on drinking water by assuring that all NPDES permittees are complying with their permits, not just industrial contributors. This NCI aims to reduce by half the national SNC baseline rate of 29.4 percent by the end of FY 2022, while assuring that the worst SNC violators are timely and appropriately addressed.”

Sources:

National Compliance Initiative: Reducing Significant Non-Compliance with National Pollutant Discharge Elimination System (NPDES) Permits
<https://www.epa.gov/enforcement/national-compliance-initiative-reducing-significant-non-compliance-national-pollutant>



Implementation Tools

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

*Both are available on the NPDES CMS SharePoint site.

- Industrial NEI Pretreatment Targeting Map

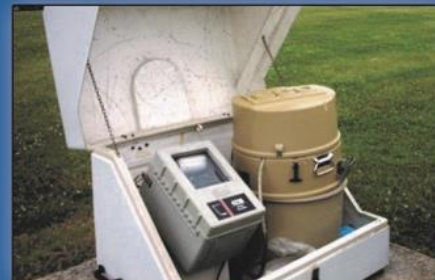


Industrial User Inspection and Sampling Manual for POTWs

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

U.S. Environmental Protection Agency

Industrial User Inspection and Sampling Manual For POTWs



A large, faint watermark of the Environmental Protection Agency (EPA) logo is centered on the page. The logo consists of a circular border containing the text "UNITED STATES" at the top and "ENVIRONMENTAL PROTECTION AGENCY" at the bottom. In the center of the circle is a stylized flower with a round head and three leaves.

Questions?