



OECA Update: Taking Action to Maintain Strong Pretreatment Programs

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Taking Action to Maintain Strong Pretreatment Programs

- Improving access to EPA on-line inspector training for states and locals
- Updating guidance
- With States - compliance monitoring of IUs and PT programs
- Industrial Compliance Assistance Resources
- Status of NPDES Electronic Reporting Rule



Improving Access to Training

- EPA inspector training courses can be taken at the National Enforcement Training Institute eLearning Center site:
<http://www.epa.gov/compliance/training/neti/index.html>
 - Basic Inspector Training
 - NPDES Inspector Training
 - Pretreatment Compliance Inspection Training
 - CSO, SSO, Biosolids



Revising Guidance Documents

- Currently updating 1994 Guidance *Industrial User Inspection and Sampling Manual for POTWs*
 - Seek NACWA review of draft revised guidance in early 2015
- Possible future guidance updates, as EPA resources allow, include:
 - 1989 *Guidance for Developing Control Authority Enforcement Response Plans*
 - 1991 *Guidance for Conducting a Pretreatment Compliance Inspection*



Inspections and Audits

- Negotiating rigorous compliance monitoring agreements with States that include inspections of SIUs discharging into POTWs without approved pretreatment programs and inspections and audits of POTWs with PT programs
- EPA sees opportunities to improve pretreatment program compliance - review of some recent cases



Sampling of 2013-14 Pretreatment Civil Enforcement Cases

Location	Violation (impact)	Pollutants (sector)	Penalty / Injunctive Relief
Montana	IU- Pretreatment standards City - >30 sanitary sewer overflows, failed to implement adequate program	precursors to H2S (food processing)	IU - paid \$525,000 fine and agreed to meet in-sewer limits City – install H2S monitoring (paid by defendant), worker safety, re-line manholes, CMOM, supplemental project
California	Illegal discharge	copper, zinc (metal finishing)	IU- \$43,000 fine, \$23,350 recycling and evaporation equipment for zero discharge
Idaho	Illegal discharge	pH, temperature (food processing - dairy)	\$170,000 fine
New York	Failure to implement	N/A	City - Final implementation plan due
Nebraska	Discharging over PT limits (caused City to violate NDPES permit limits)	Oil and grease (rendering)	IU- \$2.3 million fine



Sampling of 2013-14 Pretreatment Criminal Enforcement Cases

Location	Violation (impact)	Pollutants (sector)	Penalty / Injunctive Relief
Illinois	Illegal Discharge	pH, spent cleaners, spent acid solutions (metal finishing)	\$1.5 Million (knowing violations on >300days)
Kansas	Discharge over metals limits (contaminated sludge. Disposal will cost \$500,000)	Zinc (metal finishing)	Undecided
N. Carolina	Illegal pretreatment by-pass and discharging over capacity of the pretreatment system	BOD, oil and grease, (food processing)	2 yr probation \$150,000 fine, required to build new treatment system
Utah	Illegal discharge, (ruined lift station twice and required replacement of 300' of sewer line)	oil and grease (bio- diesel refining)	Unconfirmed – at least \$15,000 for pipe replacement
California	Illegal disposal of hazardous wastes discarded damaged product into trash and sewer	(retail)	Company - \$40 million fine, \$20 million to fund various community service projects, 2 yrs. probation, national compliance program
Indiana	Illegal discharge of trucked pollutants	(Centralized Waste Treatment)	Company – \$70,000 fine, \$100,000 restitution, 4 yrs probation Individual – \$30,000 fine, 4 yrs probation, community service



Compliance Assistance

- www.assistancecenters.net

Compliance Assistance Centers

- Auto salvage, healthcare, retail, metal finishing, transportation, food processing, chemical...
- EPA Sector Notebooks - Profiles of Industry Sectors



EPA Proposed NPDES Electronic Reporting Rule - July 2013

- EPA to Publish Supplemental Notice August 2014
 - Summarize key issues
 - Clarifications
 - Possible modifications
 - Opportunity for public comment
- email news updates:
<http://www2.epa.gov/compliance/proposed-npdes-electronic-reporting-rule>



What Does the Rule Do?

- Replaces much of the currently-required paper-based NPDES reporting with electronic reporting. Does not add additional reporting requirements on permittees.
- Obtains required information directly from the source where data is generated.
- Reduces burden of existing paper-based reporting from regulated facilities and reduces data entry errors by instead requiring electronic data submissions.
- Provides significant cost savings for states, primarily due to streamlining the processing of DMR data.
- Proposes to eliminate several existing state reporting requirements to EPA.



More Efficient Existing Data Submissions

Existing NPDES Program Reporting		40 CFR
Data from NPDES Permittees	Discharge Monitoring Reports (DMRs)	Part 122.41(l)(4)(i)
	General Permit Reports (NOI, NOT, NECs, LEWs)	Part 122
	Biosolids Annual Program Reports	Part 503
	CAFO Annual Program Reports	Part 122.42(e)(4)
	MS4 Program Reports	Part 122.34(g)(3), 122.42(c)
	Pretreatment Program Annual Reports	Part 403.12(i)
	Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs – When EPA or State is Control Authority	Part 403.12(e) & (h)
	Sewer Overflow Event Reports (CSOs, SSOs, Bypass events)	Part 122.41(l)(6), (7), & (m)
Data from States	Require electronic reporting by NPDES-authorized states, territories, tribes, and Regions of <u>program implementation information</u> (permits, inspections, violations, and enforcement actions)	Part 123.41 & 123.43
	Eliminate requirements for the annual state biosolids annual report, semi-annual statistical summary report, phase out state burden for ANCR and QNCR submissions, and rename and modify terms defining Category I and Category II noncompliance to reflect the new data sources	Part 123.45



Discharge Monitoring Reports (DMRs)

- These reports comprise the largest source of NPDES program data shared between permittees, states, and EPA.
- Under the proposed rule EPA would require all DMRs (major and non-majors) to be electronically submitted to states or EPA by permittees one year after the effective date of the rule (Phase 1).
- Electronic submissions by NPDES permittees must be in accordance with 40 CFR 122.41(l)(4), which will reference the need for these submissions to be compliant with 40 CFR Parts 3 (CROMERR) and 127 (NPDES Electronic Reporting Rule).



Sewer Overflow Event Reports [CSO, SSO, Bypass Events]

- EPA estimates that the annual CSO and SSO discharge volumes of untreated wastewater at 850 billion and three to ten billion gallons per year, respectively.
- POTWs must report sewer overflow events as part of the “standard conditions” applicable to all NPDES permits (see 40 CFR 122.41(l)(6) and (7), and (m)(3)) or the CSO Control Policy.
- Under the proposed rule EPA would require all sewer overflow event reports to be electronically submitted by NPDES permittees to states or EPA two years after the effective date of the rule (Phase 2).



Pretreatment Annual Program Reports

- EPA has authorized 36 states to enforce the NPDES pretreatment program, who can further authorize pretreatment program authority to local governments (currently 1,600 local pretreatment programs overseeing ~20,000 significant industrial users (SIUs)).
- EPA regulations at 40 CFR 403.12(i) require approved pretreatment programs to submit an annual report to their Approval Authority
- Under the proposed rule EPA would require all pretreatment annual program reports to be electronically submitted to states or EPA two years after the effective date of the rule (Phase 2).



Biosolids Annual Program Reports

- EPA has established a protective regulatory framework to manage the use and disposal of biosolids at 40 CFR Part 503. These are minimum requirements for the safe management of biosolids.
- EPA biosolids regulations require annual reports from POTWs with a design flow rate equal to or greater than one million gallons per day, POTWs that serve 10,000 people, and Class I sewage sludge management facilities.
- Under the proposed rule EPA would require all biosolids annual program reports to be electronically submitted to states or EPA two years after the effective date of the rule (Phase 2).



Next Steps

- EPA is currently working on a supplemental Federal Register notice and plans to submit this notice to the Federal Office of Management and Budget (OMB) by early August.
- Publication will kick-off a new 30-day public comment period.
- EPA is working with state and other stakeholders to discuss issues related to electronic reporting. Please contact EPA if you would like to hold a meeting or discuss electronic reporting.
- EPA will then move towards final options selection after the close of the second comment period.



Useful Proposed Rule Links

- Federal Register Link
 - <https://www.federalregister.gov/articles/2013/07/30/2013-17551/npdes-electronic-reporting-rule>
- EPA Website Link
 - <http://www2.epa.gov/compliance/proposed-npdes-electronic-reporting-rule>
- Press Release Link
 - <http://yosemite.epa.gov/opa/admpress.nsf/0/A38B17B5643E001D85257BB9005882DA>
- Email sign up for future outreach activities
 - <https://public.govdelivery.com/accounts/USAEPAOECA/subscribe/new?>