

Pretreatment Annual Report [PAR], Compliance Judgement & Enforcement

2021 NC-PC PRETREATMENT
CERTIFICATION TRAINING

Pretreatment Annual Report

The PAR requirements may be constantly updated and adapted to supply information that is needed for evaluating program efficiencies

The following will give you a general overview of the report requirements and some general information for completing the PAR based on the PAR requirements

Pretreatment Annual Report

The Comprehensive Guide for North Carolina Pretreatment Programs is an invaluable tool in completing the PAR

For complete information about completing this report you should reference Chapter 9 – Pretreatment Annual Report Guidance and attend one of the annual classes conducted by the PERCS section



Submittal of the PAR

The Pretreatment Annual Report (PAR) must be submitted once a year

All reports must be submitted/postmarked no later than March 1st for the report of the previous calendar year activities

Electronic reporting effective 12/21/23

PAR Requirements

1. Narrative and Pretreatment Program Summary
2. Pretreatment Program Info Database
 - a. SIUs in SNC, Historical Reports
3. Pretreatment Program Summary (PPS)
4. Significant Non-Compliance Report (SNCR)
5. Significant Industrial Users (SIUs)



PAR Requirements (cont.)

- 6. Industrial Data Summary Form (IDSF)
- 7. Allocation Table
- 8. Significant Industrial Users (SIUs)
Compliance Schedule
- 9. Public Notices
- 10. Other Information

1. Narrative and Pretreatment Program Summary

General
Program
Information

General
Permit
Information

SIU
Information

Orders or
Schedule
Information

Authorization
to Construct
Information

SIUs with
missing data

2. Pretreatment Program Info Database Sheet

The Pretreatment Program Info Database Sheet is from the PERCS database.

- This information is usually supplied to the Control Authority at the Annual Pretreatment Conference, PCIs/Audits, PAR workshops or by mail (End of Year mailing).
- The Control Authority may request this form at any time from PERCS.

2. Pretreatment Program Info Database Sheet

SIUs in SNC Historical Report

Enclose a copy with your PAR

- Verify information and make corrections if needed
- You should have a General Program Information Sheet for each POTW
- If you do not have this information when you are putting together the PAR, contact the PERCS unit and request it.

printed on: 12/22/2020

DWR Regional Contact **Robbie Bullock**

historical SNC REPORT

Greenville Utilities Commission (GUC)

		2013		2014		2015		2016		2017		2018		2019	
		1st half	2nd half	1st half	2nd half	1st half	2nd half	1st half	2nd half	1st half	2nd half	1st half	2nd half	1st half	2nd half
Hyster-Yale Group, Inc.															
IUP # NA01	Pipe # 01 & 02														
IUP_Status: Active															
		PreviousNames: NACCO Materials Handling Group, Inc.													
		SIU Word Description: metals													
Zinc								x							
DSM Protective Materials LLC															
IUP # DY02	Pipe # 001, 002														
IUP_Status: Active															
		PreviousNames: DSM Dyneema LLC													
		SIU Word Description:													
Methylene Chloride						x									

3. Pretreatment Program Summary [PPS]

This form is in a required format, and is a summary of the Pretreatment Programs actions during the reporting year



Chapter 9, PAR Guidance

Pretreatment Performance Summary (PPS)

1.	Pretreatment Town Name:	<u>Greenville Utilities</u>
2.	"Primary" NPDES Number	<u>NC00 23931</u>
	or Non_Discharge Permit # if applicable =>	<u></u>
3.	PAR begin Date, please enter 01/01/yy	3. => <u>1/1/2020</u>
4.	PAR end Date, please enter 12/31/yy	4. => <u>12/31/2020</u>
5.	Total number of SIUs, includes CIUs	5. => <u>6</u>
6.	Number of CIUs	6. => <u>5</u>
7.	Number of SIUs with no IUP, or with an expired IUP	7. => <u>0</u>
8.	Number of SIUs not inspected by POTW	8. => <u>0</u>
9.	Number of SIUs not sampled by POTW	9. => <u>0</u>
10.	Number of SIUs in SNC due to IUP Limit violations	10. => <u>0</u>
11.	Number of SIUs in SNC due to Reporting violations	11. => <u>1</u>
12.	Number of SIUs in SNC due to violation of a compliance schedule, CO, AO or similar	12. => <u>0</u>
13.	Number of CIUs in SNC	13. => <u>1</u>
14.	Number of SIUs included in public notice	14. => <u>1</u>
15.	Total number of SIUs on a compliance schedule, CO, AO or similar	15. => <u>0</u>
16.	Number of NOV, NNCs or similar assessed to SIUs	16. => <u>3</u>
17.	Number of Civil Penalties assessed to SIUs	17. => <u>0</u>
18.	Number of Criminal Penalties assessed to SIUs	18. => <u>0</u>
19.	Total Amount of Civil Penalties Collected	19. => \$ <u>0</u>
20.	Number of IUs from which penalties collected	20. => <u>0</u>

Foot Notes:	AO	Administrative Order	IUP	Industrial User Pretreatment Permit	POTW	Publicly Owned Treatment Works
	CIU	Categorical Industrial User	NNC	Notice of Non-Compliance	SIU	Significant Industrial User
	CO	Consent Order	NOV	Notice of Violation	SNC	Significant Non-Compliance
	IU	Industrial User	PAR	Pretreatment Annual Report		

4. Significant Non-Compliance Report [SNCR]

This report summarizes the information – in a basic table – about SIUs that are in Significant Non-Compliance in the previous year

If you have no SIUs in SNC, write “*None*” in the table.

**Pretreatment Annual Report (PAR)
Significant Non-Compliance Report (SNCR)**

WWTP = Wastewater Treatment Plant, use separate form for each WWTP.

SIU = Significant Industrial User

SNC = Significant Non-Compliance

PAR covers this calendar year => 2018

Control Authority=Program=Town Name => Greenville

WWTP Name => Greenville

NPDES # => NC 0023

A SNCR Form must be submitted with every PAR, please write "None" if you had No SIUs in SNC during calendar year

IUP #	Pipe #	Industry Name	Parameter or "Reporting"	SNC ? (Yes / No) for each 6-month period.	
				Jan. - June	July - Dec.
				NONE	NONE

Attach a copy of the Division's "SIUs in SNC Historical Report" for your POTW's SIUs behind this page .

Is the database correct ? Notify the Division of any errors ! Database indicates SNC history for previous years.

EVERY SNC MUST be explained in the Narrative, How was, is, or will it be resolved?

REPEAT SNCs are serious matters that MUST be explained in the Narrative.

5. Significant Industrial Users List [40 CFR Part 403.12]

Significant Industrial User List

- Names and Addresses
- Which Categorical Standards apply to each facility
- Any local limits that are more stringent than Categorical Standard
- Which facilities are subject only to local requirements
- SIU Inspection Dates
- List of Non-Significant Categorical Users

6. Industrial Data Summary Form (IDSF)

The IDSF summarizes the analytical data for **EACH** SIU for the previous year (SIU data and POTW data)

This report must be submitted for each regulated discharge **PIPE** at each SIU and if you have more than one POTW – the reports should be sorted by the POTW

Pretreatment Annual Report (PAR)
Industrial Data Summary Form (IDSF)
 Use separate forms for each industry/pipe
 Enter BDL values as < (value)

Control Authority,

Town Name => _____

WWTP Name => _____

NPDES # => _____

1st 6 months, dates => _____ to _____

2nd 6 months, dates => _____ to _____

Industry

Name _____

IUP # _____

Pipe # _____

Total # of samples => _____

Maximum (mg/l) => _____

or Maximum (lb/d) => _____

or _____ Average (mg/l) => _____

or Average Loading (lb/d) => _____

% violations, (chronic SNC is >= 66%) => _____

% TRC violations, (SNC is >= 33 %) => _____

Total # of samples => _____

Maximum (mg/l) => _____

or Maximum (lb/d) => _____

or _____ Average (mg/l) => _____

or Average Loading (lb/d) => _____

% violations, (chronic SNC is >= 66%) => _____

% TRC violations, (SNC is >= 33 %) => _____

Total # of samples => _____

Maximum (mg/l) => _____

or Maximum (lb/d) => _____

or _____ Average (mg/l) => _____

or Average Loading (lb/d) => _____

% violations, (chronic SNC is >= 66%) => _____

% TRC violations, (SNC is >= 33 %) => _____

Flow, mgd		BOD		TSS		Ammonia	
1st 6 months	2nd 6 months	1st 6 months	2nd 6 months	1st 6 months	2nd 6 months	1st 6 months	2nd 6 months

Arsenic		Cadmium		Chromium		COD	
1st 6 months	2nd 6 months	1st 6 months	2nd 6 months	1st 6 months	2nd 6 months	1st 6 months	2nd 6 months

Copper		Cyanide		Lead		Mercury	
1st 6 months	2nd 6 months	1st 6 months	2nd 6 months	1st 6 months	2nd 6 months	1st 6 months	2nd 6 months

BDL => Below Detection Limit

IUP => Industrial User Permit

SNC => Significant Non-Compliance

TRC => Technical Review Criteria

mg/l => milligrams per liter

lb/d => pounds per day

mgd => million gallons per day

WWTP => wastewater treatment plant

* POTW must enter at least one of these

four rows. Please indicate how averages were calculated

Avg period could be month, Qtr, or 6-month & if BDL, 1/2BDL, or zero values used.

Chapter: PAR Guidance

File: PAR_IDSF.xls

Re: August 1, 1994

Comprehensive Guide, Chapter 9, section B
 Blank IDSF Form, Copy and
 Number each set for each IUP pipe - Page

12, 13, 14
 your PAR
 of _____

7. Allocation Table

The allocation table should be printed current as of the end of the calendar year for the PAR

The PAR covers only a calendar year January 1 through December 31

Allocation Table				Spreadsheet Instructions: 1) Applicable Values should be entered in the Heavy Bordered cells. Rest of worksheet is protected, password is "2". 2) Formulas are discussed in the Comprehensive Guidance, Chapter 6, Section C. 3) HWA and AT worksheets in this workbook are linked. Pollutant Names, MAHLs, Basis, and Uncontrollable load in this AT worksheet are automatically entered from the HWA spreadsheet. This includes pollutant names in columns AT through BK.													
Headworks last approved:		02/12/18															
Allocation Table updated:		09/16/19															
Permits last modified:		09/19/19															
POTW=>	Greenville Utilities																
NPDES#=>	NC0023931																
		Industry		Type	Renewal	Modification	Date	FLOW		CBOD		TSS		Ammonia		Arsen	
		Permit		of	Effective	Effective	Date	Permit Limits		Permit Limits		Permit Limits		Permit Limits		Permit L	
IUP	INDUSTRY NAMES	Pipe		Industry	Date	Date	Expires	MGD	gal/day	Conc.	Load	Conc.	Load	Conc.	Load	Conc.	
Count	(please list alphabetically)	number	number							mg/l	lbs/day	mg/l	lbs/day	mg/l	lbs/day	mg/l	
1	DSM Dyneema LLC	DY02	3	414	4/1/2019		1/1/2024	0.3000	300,000								
2	DSM Dyneema LLC	DY02	4	414	4/1/2019		1/1/2024	0.3000	300,000								
3	FUJI Silysia Chemical, USA, LTI	FS01	1		8/1/2019		7/31/2024	0.3000	300,000								
4	Hatteras Hammocks, Inc.	HH01	1	433	4/1/2016	7/1/2017	3/31/2021	0.0400	40,000								
5	Hyster-Yale	NA01	1	433	4/1/2016		3/31/2021	0.0050	5,000								
6	Mayne Pharma	MI01	1	439	4/1/2016	9/1/2017	3/31/2021	0.0600	60,000								
7	Mayne Pharma	MI02	2	439	9/1/2017		3/31/2021	0.0300	30,000								
9	Patheon Mfg. Service	CA01	1	439	7/1/2017	9/19/2019	6/30/2022	1.0000	1,000,000								
10	Patheon Mfg. Service	CA01	2	439	7/1/2017	9/19/2019	6/30/2022										
Column Totals =>								2.0350	2,035,000		0		0		0		
Basis=>								NPDES		Design		Design		Design		A	
MAHL from HWA (lbs/day) =>								NPDES Permitted Flow=>		36560		39407		2349.80		in	
Uncontrollable Loading (lbs/day) =>								6.2250		8930		6593		1313.49			
Total Allowable for Industry (MAIL) (lbs/day) =>								11.2750		27631		32813		1036.31			
Total Permitted to Industry (lbs/day) =>								2.0350		0		0		0.00			
MAIL left (lbs/day) =>								9.2400		27631		32813		1036.31			
Percent Allow. Ind. (MAIL) still available (%) =>								82.0 %		100.0 %		100.0 %		100.0 %			
Percent MAHL still available (%) =>								52.8 %		75.6 %		83.3 %		44.1 %			
5 Percent MAHL (lbs/day) =>								0.8750		1828		1970		117.49			

8. Significant Industrial User Compliance Schedules

A copy of any current Significant Industrial User Compliance Schedule must be included in the PAR

A summary of activities completed, actions taken, etc. must also be included

- *Milestones completed, enforcement actions taken, penalties issued, etc.*



9. Public Notice

A copy of the public notice and date of publication

- from the actual newspaper *OR*
- a copy of the ad as submitted to the newspaper with a statement from that newspaper authenticating the publication

The public notice includes a list of all the facilities in SNC in the calendar year for limits, reporting or other SNC issues, including non-SIUs listed in SNC



Cooke

COMMUNICATIONS

PAID

NORTH CAROLINA LLC
The Daily Reflector - The Daily Advance - The Rocky Mount Telegram
Bertie Ledger - Chowan Herald - Duplin Times - Farmville Enterprise - Perquimans Weekly - Standard Laconic
Tarboro Weekly - Times Leader - Williamston Enterprise
PO Box 1987
Greenville NC 27835

Check # 523278
Date Paid 10/31/16
A/R Rep ESP

GREENVILLE UTILITIES
PO BOX 1847
GREENVILLE NC 27835

Copy Line: Noncompliance Notice
Lines: 22
Total Price: \$62.90

Account: 104229

Ticket: 130292

PUBLISHER'S AFFIDAVIT

NORTH CAROLINA
Pitt County

Susan Steel affirms that he/she is clerk of Daily Reflector, a newspaper published daily at Greenville, North Carolina, and that the advertisement, a true copy of which is hereto attached, entitled Noncompliance Notice was published in said Daily Reflector on the following dates:

Sunday, August 7, 2016

and that the said newspaper in which such notice, paper, document or legal advertisement was published, was at the time of each and every publication, a newspaper meeting all of the requirements and qualifications of Chapter 1, Section 597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Chapter 1, Section 597 of the General Statutes of North Carolina.

Susan Steel

Affirmed and subscribed before me this 30th day of December 2016

Elizabeth H. Poole
(Notary Public Signature)

Elizabeth H. Poole
(Notary Public Printed Name)

My commission expires 1-17-2021

Legal Notice

Pursuant to Federal Pretreatment Requirements 40 CFR 403.8 (f) 2 (vii) and North Carolina Administrative Code 15 N.C.A.C. 2H .0905, Greenville Utilities Commission is required to provide annual public notification of industrial users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment requirements. This notice constitutes public notification that Hyster-Yale Handling Group was found to be significantly noncompliant for the discharge of Zinc for the January - June 2016 reporting period. Currently, this industrial user has made appropriate corrective measures to achieve and maintain compliance with their wastewater discharge permit.

8/7/16



10.

Other Information

This is additional information about your program that you or DWR thinks should be included to determine compliance.

As of 2007, documentation required that the person signing the PAR is authorized to sign the document



IDSF Compliance Judgment

Identifying & Classifying Non-compliance

Three categories of non-compliance

1. Reporting
2. Permit Condition
- 3. Permit Limit**



Any excursion from the activities allowed or required by the permit

- Regular violation
- Significant Noncompliance (SNC)

Identifying & Classifying Non-compliance

Regular violation upgraded to **SNC** when violation:

- 1. Chronic violation**
- 2. Technical Review Criteria violation**
3. Caused interference or pass-thru
4. Caused imminent endangerment
5. Failure to meet milestone within 90 days
6. Report >45 days late
7. Failure to report noncompliance
8. Any other that the CA determines is SNC

Identifying & Classifying Non-compliance

North Carolina Reporting Periods (Semi-Annual)

- January 1 – June 30
- July 1 – December 31



Public Notice if SNC

Permit modification or escalated enforcement for consecutive SNC

Data Management

Having a data management tracking system can simplify compliance judgment for:

- Record keeping violations
- Reporting violations
- Permit condition violations
- Permit limit violations



Permit Limit Violations

POTW must use all valid data appropriately when judging compliance

- Comply with permit and 40 CFR 136
- POTW data
- SIU data
- Routine samples
- Resamples
- Split samples
- Extra samples



Permit Limit Violations

Compliance Judgment Point (CJP)

- Each sample result becomes CJP or part of CJP
- Individually derived for each permit limit type

Daily Maximum Limit: 1 CJP = 1 sampling result

Average Limit: 1 CJP = *average of all sample results* collected during the indicated timeframe

Permit Limit Violations

Derived for the compliance period in which the samples were collected

- Daily max or weekly, monthly average

Derived for the reporting period in which the samples were collected

- January 1-June 30
- July 1- December 31

Permit Limit Violations

Composite sample: Not complete until last aliquot is pulled, so most use the complete date as the sample collection date

Split sample: one composite sample collected with the same sampler, probe and tubing, or one grab sample collected as a single “dip and take”

Separate sample on same date: samples collected on same date with different sampler, probes and tubing, or grab samples collected as multiple “dip and take”

Permit Limit Violations

- Split sample results are averaged and counted as one measurement, or CJP, = potential for 1 violation
Cannot average pH, they are separate CJPs
- Sample results taken from separate samplers are not considered splits. Each separate result must be counted as one measurement, or CJP, per result even if they were collected on the same day
 - *potential for multiple violations*

Permit Limit Violations

Samples from multiple pipes must be evaluated separately (Pipe 1, Pipe 2, etc.)

Samples collected at SIU with New Name/Owner are evaluated together with previous owner's samples if collected under same permit number

Regular Permit Limit Violations

Daily Maximum Limits

- Organize all monitoring data for each parameter at each pipe separately
- Calculate averages for any split samples
- Each measurement (or avg. for splits) = 1 CJP
- $\text{CJP} > \text{limit}$ is a regular violation
- $\text{CJP} \leq \text{limit}$ is compliant

Regular Permit Limit Violations

Average Limits

- Organize all monitoring data for each parameter at each pipe separately
- Calculate averages of data collected during the indicated compliance period (4-day avg is only time period that doesn't follow "calendar" rule)
- Each average = 1 CJP
- $\text{CJP} > \text{limit}$ is a regular violation
- $\text{CJP} \leq \text{limit}$ is compliant

Regular Permit Limit Violations

Special Considerations...

- BDL data:
 - Can use if $DL < \text{limit}$; if not, it is at least a regular reporting violation
 - Must be usable for compliance
 - Use 0, $\frac{1}{2}$ DL or DL when calculating average
- TTO limits: TTO is defined as sum of the masses or concentrations of specific organics in CIU discharge at 0.01ppm or higher. If $\text{sum} > \text{permit limit}$ it is at least a regular violation

Exercise #1

Daily Maximum Limit for Nickel = 0.075 mg/l

Monthly Average Limit for Nickel = 0.050 mg/l

Sample date	Collected by	Nickel (mg/l)
4/2	POTW	0.096
4/16	POTW	0.062
4/24	Industry	0.059
4/25	Industry	0.078
4/30	Industry	0.073

1. Calculate the monthly average
2. How many CJPs for daily max limit?
3. How many CJPs for average limit?
4. How many permit limit violations have occurred?...which limit(s)

Exercise #1 answer

Daily Maximum Limit for Nickel = 0.075 mg/l

Monthly Average Limit for Nickel = 0.050 mg/l

Sample date	Sample or CJP type	Nickel (mg/l)	DM CJP	Regular DM violation	MA CJP	Regular MA Violation
	POTW	0.096	1	x		
4/16	POTW	0.062	2			
4/24	Industry	0.059	3			
4/25	Industry	0.078	4	x		
4/30	Industry	0.073	5			
<i>April</i>	<i>MA</i>	<i>0.074</i>			<i>1</i>	<i>x</i>

Exercise #2

Daily Maximum Limit for Cadmium = 1.2 mg/l

Monthly Average Limit for Cadmium = 0.7 mg/l

Collected by	Sample Date	Cadmium (mg/l)
Industry	4/1	0.52
Industry	4/2	1.44
POTW	4/3	0.82
Industry	4/10	1.20
<i>Monthly avg.</i>		

1. Calculate the monthly average
2. How many CJPs for daily max limit?
3. How many CJPs for average limit?
4. How many permit limit violations have occurred?...which limit(s)

Exercise #2 answer

Daily Maximum Limit for Cadmium = 1.2 mg/l

Monthly Average Limit for Cadmium = 0.7 mg/l

Sample or CJP type	Sample date	Cd (mg/l)	DM CJP	Regular DM violation	MA CJP	Regular MA violation
Industry	4/1	0.52	1			
Industry	4/2	1.44	2	x		
POTW	4/3	0.82	3			
Industry	4/10	1.20	4			
<i>MA</i>	<i>April</i>	<i>1.00</i>			<i>1</i>	<i>x</i>

1. Calculate the monthly average
2. How many CJPs for daily max limit?
3. How many CJPs for average limit?
4. How many permit limit violations have occurred?...which limit(s)

Significant Non-Compliance (SNC)

No limit violation for a pollutant? Or No limit? Then no SNC evaluation

- *Aside: Flow is not considered a pollutant*

All **regular** violations from the same 6-month reporting period are evaluated for SNC

The frequency and/or magnitude of the violations are calculated to determine whether the non-compliance is significant enough for increased enforcement.

CHRONIC VIOLATIONS

Sixty-six percent (66%) or more of all the measurements [CJPs] taken for the same pollutant parameter (*not including flow*) during a six-month period exceed (*by any magnitude*) a numeric pretreatment standard or requirement including instantaneous limits

Chronic Violations- > 66%

To Calculate:

$$\% \text{ Violations} = \frac{\text{Number of Violations}}{\text{Number of CJP's}} * 100\%$$



Exercise #3

Daily Maximum Limit for Nickel = 0.075 mg/l

Monthly Average Limit for Nickel = 0.050 mg/l

Sample date	Collected by	Nickel (mg/l)
4/2	POTW	0.096
4/16	POTW	0.062
4/24	Industry	0.059
4/25	Industry	0.078
4/30	Industry	0.073

1. Calculate the monthly average
2. How many CJP's for each limit?
3. How many permit limit violations have occurred?...which limit(s)
4. Is the SIU in SNC for "chronic" violation of either limit?

Exercise #3 answer

Daily Maximum Limit for Nickel = 0.075 mg/l

Monthly Average Limit for Nickel = 0.050 mg/l

Sample date	Sample or CJP type	Nickel (mg/l)	DM CJP	Regular DM violation	MA CJP	Regular MA violation
4/2	POTW	0.096	1	x		
4/16	POTW	0.062	2			
4/24	Industry	0.059	3			
4/25	Industry	0.078	4	x		
4/30	Industry	0.073	5			
April	MA	0.074			1	x

% **DM** Violations = $\frac{2 \text{ violations}}{5 \text{ CJPs}} \times 100 = 40\%$

40% < 66% so not SNC

% **MA** Violations = $\frac{1 \text{ violation}}{1 \text{ CJP}} \times 100 = 100\%$

100% ≥ 66% so SNC

Exercise #4

Daily Maximum Limit BOD = 500 mg/l

Monthly Average Limit for BOD = 400 mg/l

Sample Date	BOD mg/l
1/7	453
1/17	378
2/4	477
2/6	680
3/16	320
3/24	732

Is this SIU in SNC for Chronic violations?

Exercise #4 answer

Daily Maximum Limit BOD = 500 mg/l

Monthly Average Limit for BOD = 400 mg/l

Sam ple Date	BOD mg/l	Avg mg/l	DM CJP	Regular DM Violations	MA CJP	Regular MA Violations
1/7	453		1			
1/17	378		2			
Avg		416			1	x
2/4	477		3			
2/6	680		4	x		
Avg		579			2	x
3/16	320		5			
3/24	732		6	x		
Avg		526			3	x

Exercise #4 answer

% DAILY VIOLATIONS

$$\frac{2}{6} \times 100 = 33\%$$

% AVERAGE VIOLATIONS

$$\frac{3}{3} \times 100 = 100\%$$

Is this facility in Chronic SNC? **YES!**

Parameter	DM TRC Limit	MA TRC Limit	DM % Regular Violations	DM % TRC Violations	MA % Regular Violations	MA % TRC Violations	SNC? (Y/N)
BOD	-	-	33	-	100	-	Y

Technical Review Criteria (TRC) Violations

Thirty-three percent (33%) or more of all the measurements [CJPs] for the same pollutant parameter during a six-month period **equal or exceed** the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable TRC

(TRC = 1.4 for BOD, TSS, FOG)

(TRC = 1.2 for all other pollutants except pH).

TRC Violations

To Calculate:

$$\% \text{ Violations} = \frac{\text{Number of TRC Violations}}{\text{Number of CJP's}} * 100\%$$



Exercise #5

Daily Maximum Limit for Copper= 0.750 mg/l

Sample Date	Copper mg/l
1/7	0.252
2/1	4.670
2/4	2.087
3/6	0.081
3/22	0.357
4/24	0.118

1. How many CJPs for the daily max limit?
2. How many daily maximum limit violations?
3. Calculate TRC limit for Cu daily max limit?
4. How many TRC daily max limit violations?
5. Is the SIU in SNC for “TRC” violations of the daily maximum limit?

Exercise #5 answer

Daily Maximum Limit for Copper= 0.750 mg/l

TRC limit: $0.750 * 1.2 = 0.90$ mg/l

Sample Date	Copper mg/l	DM CJP	Regular DM Violation	TRC DM Violation
1/7	0.252	1		
2/1	4.670	2	x	x
2/4	2.087	3	x	x
3/6	0.081	4		
3/22	0.357	5		
4/24	0.118	6		

% DM Violations = $\frac{2 \text{ violations}}{6 \text{ CJPs}} \times 100 = 33\%$

**$33\% \geq 33\%$ so SNC
for TRC violations**

Exercise #6

Daily Maximum Limit for Cadmium= 0.070 mg/l

Sample Date	Cadmium mg/l
7/17	0.042
7/24	0.086
8/7	0.084
8/23	0.063
9/3	0.067
10/9	0.089
10/21	0.076
11/1	0.091
11/6	0.069
12/11	0.057

Is this SIU in SNC for Chronic and/or TRC violations?

Exercise #6 answer

Daily Maximum Limit for Copper= 0.070 mg/l

TRC limit: $0.070 \times 1.2 = 0.084$ mg/l

Sample Date	Cadmium mg/l	Count	Regular	TRC
7/17	0.042	1		
7/24	0.086	2	X	X
8/7	0.084	3	X	X
8/23	0.063	4		
9/3	0.067	5		
10/9	0.089	6	X	X
10/21	0.076	7	X	
11/1	0.091	8	X	X
11/6	0.069	9		
12/11	0.057	10		

Exercise #6 answer cont'd

$$\begin{array}{l} \text{Percent} \\ \text{Daily} \\ \text{Violations} \end{array} = \frac{4}{10} \times 100\% = 40\%$$

Is this facility in SNC for
TRC violations? **YES!**

Parameter	DM TRC Limit	MA TRC Limit	DM % Regular Violations	DM % TRC Violations	MA % Regular Violations	MA % TRC Violations	SNC? (Y/N)
Cd	0.084	-	50	40	-	-	Y



Helpful Tips

It is helpful to judge compliance quarterly vs. at the end of a semi-annual period.

IU can sample out of SNC but needs to have the time to do so.

If IU is experiencing excessive violations for the same pollutant, it may be necessary to halt sampling until IU has investigated cause and taken steps to prevent future violations.

TW Action	Timeframe	Responsible Official	Expected Action from User
Notice of non-compliance Notice of Violation \$0 to \$25,000 Penalty	Within 30 days of receiving data	Pretreatment Coordinator	Conduct Additional Monitoring and Return to Compliance
Notice of Violation with \$25,000 Penalty	Within 30 days of receiving data	Pretreatment Coordinator	Conduct additional monitoring and return to compliance
Notice of Violation with \$25,000 Penalty	Within 30 days of Receiving all Data	Pretreatment Coordinator	Report cause Non-compliance steps taken to prevent violations
Order to Cease processing Violation Notice of Violation with assessed minimum \$1,000 and up to \$5,000/ day per violation Penalty	Order to Cease Immediately Notice of Violation Within 7 days of Discovering Violation	Director	Report cause Non-compliance steps taken to prevent violations
Suspend Service Notice of Violation with recommended minimum \$1,000 and up to \$5,000 per day per violation Penalty	Suspend Service Immediately Notice of Violation within 7 days	Director	File for Reissuance of Permit

ENFORCEMENT ACTIONS



Types of Enforcement Actions

Enforcement actions are a completely local decision

- The State nor EPA specify that a certain violation requires a certain enforcement action

A wide range of enforcement actions should be available to CA

Enforcement philosophy is progressive:

- Problems are addressed at the lowest level & with least formality possible
- Progress with escalated enforcement consistent with public interest & system protection
- HOWEVER, formal enforcement action is NOT contingent upon completion of any informal procedure

Promoting Timely Enforcement

Initial Actions may include:

- NOV
- Automatic increase in IU self-monitoring
- Notice of Compliance Review Meeting
- Unannounced inspection/CA sampling for parameter violated
- Notice of Show Cause Hearing
- Initiate Consent Order/Compliance Agreement



Promoting Timely Enforcement-

Determining Time Frames and Follow- Up

Effective = Timely

- Recommend ≤ 30 days between the detection of the violation and the initiation of an enforcement response

Delivery:

- Certified Mail, return receipt requested
- Hand delivery (have IU sign “Hand Delivery Form”)
- If IU refuses to sign Hand Delivery Form, note “IU refuses to sign” in appropriate space on form; file a copy & leave a copy with IU

Promoting Timely Enforcement



Follow-up actions may include:

- Confirmation letter
- Notice of Compliance Review Meeting
- Notice to Show Cause
- Initiate Consent Order or Administrative Order

Promoting Timely Enforcement

Follow-up actions may include:

- Contact CA's legal department
- Contact PERCS for assistance
- Contact NC State Attorney's Office or EPA CID for assistance
- Initiate termination of service
- Initiate revocation of permit



Applying the ERP

Factors to consider when selecting a response from among the options available:

- Good faith of the IU
- Compliance history of the IU
- Previous success of enforcement actions taken against the IU
- Violation's effect on the receiving waters
- Violation's effect on the POTW

Effectiveness of ERP



Periodically re-assess effectiveness considering primary objectives for developing ERP:

1. To ensure violators return to compliance ASAP
2. To penalize non-compliant IUs for PT violations
3. To deter future noncompliance
4. To recover additional expenses incurred by the CA due to noncompliance

Informal Actions



- Warning Notice
- Notice of Non-Compliance (NNC), Notice of Deficiency (NOD), and/or Notice to Correct (NTC)
- Increase in IU monitoring (either by CA or IU)
- Demand Compliance Inspection and/or Compliance Status Meeting

Formal Actions

Notice of Violation (NOV)

Compliance Review Meeting

Orders

Civil Penalties

Emergency Suspension/Termination of
Permit

Civil Litigation

Criminal Action

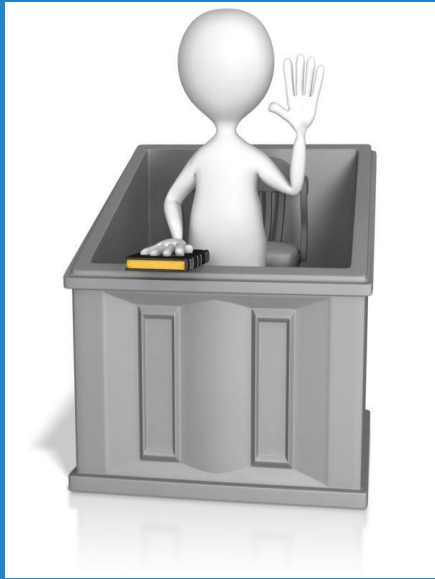
Formal Actions- Consent Order/Compliance Agreement

Combines the force of an Order with the flexibility of a negotiated settlement

It is an agreement between the CA and the IU and normally contains 3 elements:

- Compliance schedules
- Stipulated penalties or remedial actions
- Signatures of CA and IU representatives

Appropriate when the IU assumes responsibility for its non-compliance and is willing (in good faith) to correct its cause(s)



Formal Actions –

Show Cause Hearing

Directs the IU to appear before the CA, explain its noncompliance and show cause why more severe enforcement actions against the IU should not go forward

Can be informal or formal, and may be open or closed to the public

Usually issued after informal contacts or NOVs have failed to resolve the noncompliance

A hearing officer or review board is typically present and is responsible for determining whether further action is warranted and, if so, its nature and extent

Formal Actions – Administrative Order

- Directs the IU to achieve or restore compliance by a date specified in the order
- Issued unilaterally and its terms need not be discussed with the IU in advance
- Usually issued when noncompliance cannot be resolved without construction, repair or process changes.

Formal Actions – Cease & Desist Orders



- Directs a non-compliant IU to cease illegal or unauthorized discharges immediately or to terminate its discharge altogether
- Used in situations where the discharge could cause interference or pass through or otherwise create an emergency.
- May be issued immediately upon discovery of the problem or following a hearing

Formal Actions- *Civil Penalties*

Penalties assessed by the CA for violations of pretreatment standards and requirements

Recommended as an escalated enforcement response, particularly when NOV's or AO's requirements have not prompted a return to compliance

Formal Actions- *Civil Penalties*

- Most effective response
 - CA's discretion
 - Individual basis
- Punitive in nature
 - Recaptures economic benefit
 - Deters future violations



Formal Actions- *Civil Penalties*

- CA must establish clear legal authority to assess penalties
- Federal and State PT Regulations require the CA to have legal authority to seek or assess civil penalties in at least the amount of \$1000 a day for each violation of pretreatment standards and/or requirements.
 - *North Carolina requires legal authority to assess up to \$25,000 per day per violation.*
- Neither Federal nor State prohibits CA from seeking/assessing penalties of <\$1000 if appropriate

Formal Actions-

Civil Penalties

Two primary methods that are used to determine penalty amounts:

- *Case-by-Case*
- *Civil Penalty Schedule or Matrix*

Either method should take into consideration the amount of money the IU saved by non-compliance

While each method has advantages, it is strongly suggested that the CA adopt one of the two approaches rather than attempting to combine elements of each

Formal Actions



Emergency Suspension/Termination of Permit

- Emergency Suspension of service would generally be considered a temporary enforcement action while Termination of Permit might be a permanent action
- Suspension/termination may be accomplished by physical severance of the IU's connection, by issuance of an AO, which compels the IU to terminate its discharge, or by a court ruling

All methods of suspension/ termination require notice to the IU that should be specified in the SUO – legal due process

Formal Actions

Civil Litigation

- Formal process of filing lawsuits against IUs to secure court ordered action to correct violations and to secure penalties for violations including the recovery of costs to the POTW of the non-compliance
- Legal Authority
- When to Pursue Litigation
 - Injunctions
 - Consent Decrees
 - Civil Penalties & Cost Recovery



Formal Actions

Criminal Action

- Criminal prosecution is the formal process of charging individuals and/or organizations with violations of SUO provisions that are punishable, upon conviction, by penalties and/or imprisonment
- Two elements to a crime:
 - *An act in violation of the law; and*
 - *Criminal intent*
- Legal Authority



Formal Action

Factors to Consider When Determining When to Refer Criminal Prosecution

- Willfulness of the violation
- Knowledge of the violation
- Nature & Seriousness of the violation/offense
- Need for deterrence
- Compliance history of violator
- Adequacy of other remedies available through civil/administrative enforcement actions

In Closing...

The Pretreatment Annual Report [PAR] is a summary of all IU Pretreatment activities taken within the previous calendar year and includes Semi-Annual Compliance Judgement [January – June] and [July – December] as well as any type of enforcement action taken against an IU who has experienced violations.

Failure to follow your ERP may result in a NOV from the State.

Enforcement MUST be taken in accordance with your State-Approved Enforcement Response Plan [ERP]



QUESTIONS?
