



Compliance and Significant Non-Compliance (SNC)

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What is Compliance?

- According to Webster:
 - a: the act or process of complying to a desire, demand, proposal, or regimen or to coercion
 - b: conformity in fulfilling official requirements



What is Non-Compliance?

- According to Webster:

failure to comply; refusal to yield, agree, etc.





What is Significant?

According to Webster:

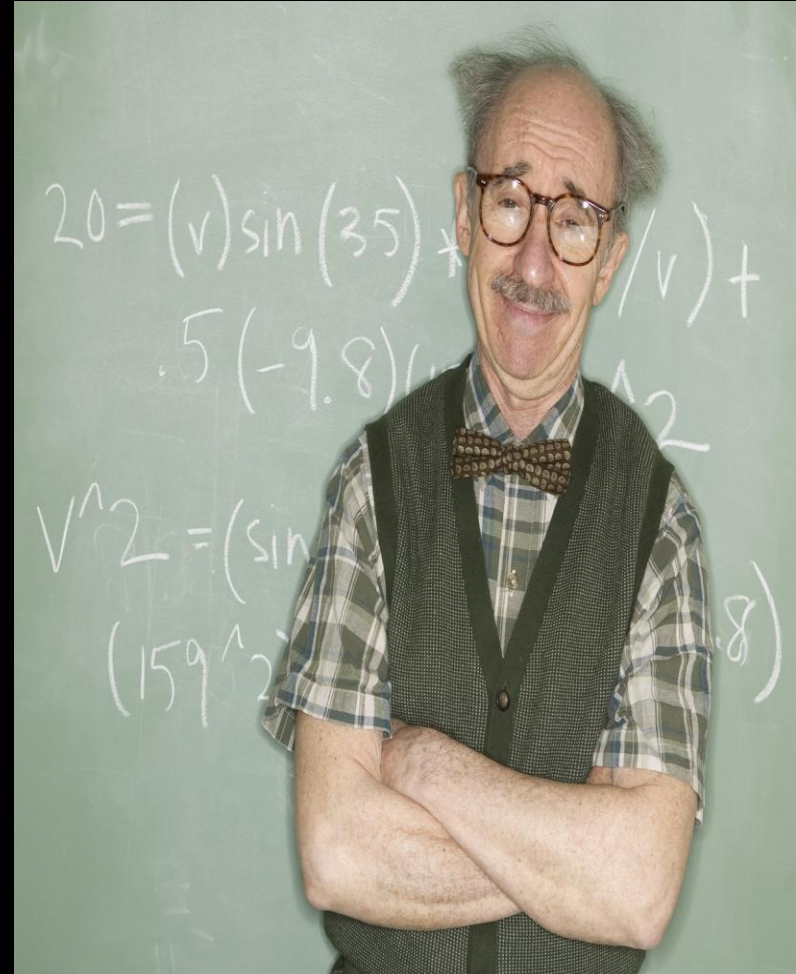
1. having meaning

2. a. having or likely to have influence or effect

2. b. probably caused by something other than mere chance

What is Significant Noncompliance (SNC)?

1. Noncompliance which has meaning, has or is likely to have influence or effect.
2. Noncompliance which is probably caused by something other than mere chance.





What is Significant Noncompliance (SNC)?

According to EPA Significant Noncompliance means any one or more of these 8 things:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of all the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);



What is Significant Noncompliance (SNC)?

According to EPA Significant Noncompliance means:

- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average), that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass-through, (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the POTW's exercise of its emergency authority under paragraph (f) (1)(vi)(B) of this section to halt or prevent such a discharge;



What is Significant Noncompliance (SNC)?

According to EPA Significant Noncompliance means:

- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within forty-five (45) days after the due date, required reports, such as baseline monitoring reports, ninety (90) day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules;



What is Significant Noncompliance (SNC)?

According to EPA Significant Noncompliance means:

- (7) Failure to accurately report noncompliance; or
- (8) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

EPA Items (1) Chronic Violations and (2) Technical Review Criteria (TRC) Violations Explained.





Judging Compliance with a Daily Maximum Limit

Things You will need:

- Effluent Data from your lab or the POTW
- Your Permit

What do you do?

- Compare the Result Received to the Daily Maximum Permit Limit
- If the Reported Result is given as Equal to or Less than ($\leq$) a number and that number is less than your permit limit, Compliance with the Daily Maximum Limit has been Achieved.



Judging Compliance with an Average Limit

Things You will need:

- Effluent Data from your lab or the POTW
- Your Permit

What do you do?

- Determine what type of Average Limit you have
- Calculate the Average
- Compare the Calculated Result to the Average Permit Limit
- If the Calculated Result is Less than your permit limit, Compliance with the Average Permit Limit has been Achieved.



Judging Compliance with an Average Limit

Things to be aware of:

- Monthly Average means a Calendar Month
– Not a 30-day period
- EPA says ONE SAMPLE CAN BE A MONTHLY AVERAGE
- Most Average Limits are Monthly. However, you can have a 4-Day Average Permit Limit, a Quarterly Average Permit Limit or a Six-Month Average Permit Limit.

Example #1

Calculate the monthly average for Nickel

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	City	0.096
4/16	City	0.062
4/24	Industry	0.059
4/25	Industry	0.078
4/30	Industry	0.073

Monthly Average = 0.074

Example #2

Calculate the quarterly average for TSS.

Sample Date	TSS mg/l	Average mg/l
1/12	40	
1/17	33	
1/20	30	
2/12	12	
2/14	10	
3/18	42	
Quarterly Average		27.8



Example #2, Quarterly Average continued:

- The correct quarterly average = 27.8 mg/l
- Each sample in the quarter has equal weight
- Do not average each month and then average the three averages as you get a different result (29.1 mg/l)

Example #3

Calculate the 6-month average limit for BOD.

Sample Date	BOD mg/l	Average mg/l
1/7	453	
1/17	378	
2/4	477	
2/6	680	
4/16	320	
4/24	732	
6 Month Average		507

Determining Violations:

Daily Max & Monthly Avg Limits

Daily Maximum Limit for Cadmium = 1.2 mg/l [Compare daily results to daily maximum limit]

Monthly Average Limit for Cadmium = 0.7 mg/l [Calculate monthly average and compare to Monthly Average limit]

Sample Date	Cadmium mg/l	DM	MA
4/1	0.52	C	
4/2	1.44	V	
4/3	0.82	C	
4/10	1.20	C	
<i>Monthly Average</i>	<i>0.995</i>		V

C = Compliant

V = Violation



If everything is compliant and you never have a Permit Limit Violation that's it, with regard to calculations.

If you had violations, more work is needed.

What Are Compliance Judgment Points (CJPs)?

Every data point (both those received from the lab and the calculated averages) that corresponds to a limit is a CJP. If this industry has a daily max AND monthly average limit, how many CJP's are there?

Sample Date	Cadmium mg/l	CJPs
4/1	0.52	1
4/2	1.44	1
4/3	0.82	1
4/10	1.2	1
Monthly Average	0.995	1

Note: 4 Samples were collected but there are 5 Compliance Judgment Points



CJP

- Each valid data point from the lab as well as the calculated average result is a CJP.

SNC for Average CJP's must now be calculated and judged independently from Daily Max CJP's.

Example #4

Calculate the number of CJP's for BOD with a daily maximum limit and a 6-month average limit.

Sample Date	BOD mg/l	CJP's
1/7	453	✓
1/17	378	✓
2/4	477	✓
2/6	680	✓
4/16	320	✓
4/24	732	✓
TOTAL CJP's		6
6 Month Average	507	✓
TOTAL CJP's		1

Example #5

Calculate the number of CJP's for a quarterly average TSS limit of 35 mg/l.

Sample Date	TSS mg/l	Average mg/l	CJP's
1/12	40		
1/17	33		
1/20	30		
2/12	12		
2/14	10		
3/18	42		
Quarterly Average		27.8	1



Why does any of this matter to me or my company?

- This information is used to determine whether or not you are in SNC with regard to your permit limits.
- In North Carolina SNC for Chronic and Technical Review Criteria (TRC) Permit Limits Violations is always judged for the period of January 1st through June 30th and July 1st through December 31st.
- You do not need to determine SNC for permit limits if there are no permit limit violations or no permit limits for a given pollutant.



What is Chronic?

According to Webster:

1 a: marked by long duration or frequent recurrence : not acute <*chronic* indigestion> <*chronic* experiments> b: suffering from a chronic disease <the special needs of *chronic* patients>

2 a: always present or encountered ; *especially* : constantly vexing, weakening, or troubling <*chronic* petty warfare> b: being such habitually <a *chronic* grumbler>



What is the meaning of Violation?

According to Webster:

l a: the act of violating : the state of being violated: as a: infringement , transgression ;
specifically : an infringement of the rules in sports that is less serious than a foul and usually involves technicalities of play

b: an act of irreverence or desecration

What are Chronic Violations?



According to EPA:

Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;



How many violations have I had this reporting period and am I in SNC for Chronic Violations?

$$\% \text{ Violations} = \frac{\text{Number of Violations}}{\text{Number of CJP}} \times 100$$

This calculation must be done for each parameter with a violation during the 6 month reporting period. It is not done collectively for all parameters with violations.

Example #6 (Chronic Violations)

This facility has a daily maximum BOD limit of 500 mg/l and a monthly average limit of 400 mg/l. Is this industry in CHRONIC SNC for BOD?

Sample Date	BOD mg/l	C or V?	CJP
1/7	453	C	1
1/17	378	C	2
Average	416	V	1
2/4	477	C	3
2/6	680	V	4
Average	579	V	2
4/16	320	C	5
4/24	732	V	6
Average	526	V	3

Daily Max

$$\text{Percent Violations} = \frac{2 * 100}{6}$$

$$= 33.3\%$$

Is this facility in Chronic
SNC for BOD Daily Max
Limits this reporting
period?

NO

Monthly Avg

$$\text{Percent Violations} = \frac{3 * 100}{3}$$

$$= 100\%$$

Is this facility in Chronic
SNC for BOD Monthly Avg
Limits this reporting
period?

YES

Example #7 (Chronic Violations)

Daily Max Cd Limit = 0.07 mg/l Monthly Average Cd Limit = 0.05 mg/l

Sample Date	Cadmium mg/l	Average mg/l	C or V?	CJP's
1/7	0.059	0.059	C V	1/1
2/1	0.070		C	2
2/4	0.062	0.066	C V	3/2
3/6	0.096		V	4
3/22	0.102	0.099	V V	5/3
4/2	0.083		V	6
4/17	0.082	0.083	V V	7/4
5/1	0.078	0.078	V V	8/5
6/3	0.064		C	9
6/18	0.080		V	10
6/30	0.076	0.073	V V	11/6

Daily Max

$$\text{Percent Violations} = \frac{7 * 100}{11} \\ = 63.63\%$$

Is this facility in
Chronic SNC for Daily
Max Cd Limits?

No

Monthly Avg

$$\text{Percent Violations} = \frac{6 * 100}{6} \\ = 100\%$$

Is this facility in Chronic
SNC for Monthly Avg Cd
Limits?

Yes

Definition of Technical Review Criteria (TRC) Violations

According to Webster: They never heard of it.

According to EPA:

Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of all the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);

Definition of Technical Review Criteria (TRC) Violations

A TRC violation is also a violation of the Daily Max limit. Example below:

Permitted Cu Daily Max Limit = 0.750 mg/l

TRC Limit for Cu = Permit Limit X 1.2

$$0.750 \text{ mg/l} \times 1.2 = 0.9 \text{ mg/l}$$

Cu analytical result = 1.0 mg/l

1.0 mg/l > 0.750 mg/l = Daily Max Violation

1.0 mg/l > 0.9 mg/l = TRC Violation



How many TRC violations have I had this reporting period and am I in SNC for TRC Violations?

$$\% \text{ Violations} = \frac{\text{Number of Violations} \times 100}{\text{Number of CJPs}}$$

This calculation must be done for each parameter with a TRC violation during the 6 month reporting period. It is not done collectively for all parameters with TRC violations.

Example #8 (TRC Violations)

Is this facility in SNC for TRC copper violations of a daily maximum limit of 0.750 mg/l?

What is the TRC limit for Cu ? $0.750 * 1.2 = 0.9 \text{ mg/l}$

Sample Date	Copper mg/l	C or V?	TRC?	CJP's
1/7	0.252	C		1
2/1	4.670	V	V	2
2/4	2.087	V	V	3
3/6	0.081	C		4
3/22	0.357	C		5
4/24	0.118	C		6

Daily Max

$$\text{Percent Violations} = \frac{2 * 100}{6} = 33.3\%$$

Is this facility in SNC
for Daily Max TRC
violations of Cu? **YES**

Example #9

How many CJP's does this facility have? Is this facility in SNC for TRC violations of Cadmium daily maximum limit of 0.070 mg/l?

What is the TRC limit? $0.070 * 1.2 = 0.084\text{mg/l}$

Sample Date	Cadmium mg/l	CJP's	C or V?	TRC?
7/17	0.042	1	C	
7/24	0.086	2	V	V
8/7	0.084	3	V	V
8/23	0.063	4	C	
9/3	0.067	5	C	
10/9	0.089	6	V	V
10/21	0.076	7	V	
11/1	0.091	8	V	V
11/6	0.069	9	C	
12/11	0.057	10	C	

TRC

$$\text{Percent Violations} = \frac{4 * 100}{10} = 40\%$$

Is this facility in SNC
for TRC violations of
Cd?

YES

Example #10

Is this facility in SNC for Chrome(CR) Permit Limits?

Cr limit: Daily Max = 0.200 mg/l; Monthly Avg = 0.100 mg/l

Cr TRC limit: TRC Daily = 0.240 mg/l; TRC Monthly Avg = 0.120 mg/l

Date	Type	Chrome mg/l	Violation? DM/TRC	Avg. mg/l	Violation? MA/TRC
1/2	City	0.034	C/C		
1/3	City	1.925	V/V		
1/4	City	3.644	V/V		
1/5	City	1.583	V/V		
1/16	Self	0.110	C/C		
1/23	Self	0.023	C/C		
1/30	Self	0.015	C/C	1.048	V/V

Example #10 cont'd

Cr Limit: Daily Max = 0.200 mg/l; Monthly Avg = 0.100 mg/l

Cr TRC Limit: TRC Daily = 0.240 mg/l; TRC Monthly Avg = 0.120 mg/l

Date	Type	Chrome mg/l	Violation? DM/TRC	AVG. mg/l	Violation? MA/TRC
2/6	Self	0.021	C/C		
2/20	Self	0.091	C/C		
2/27	Self	0.021	C/C	0.044	C/C

Example #10 cont'd

Cr Limit: Daily Max = 0.200 mg/l; Monthly Avg = 0.100 mg/l

Cr TRC Limit: TRC Daily = 0.240 mg/l; TRC Monthly Avg = 0.120 mg/l

Date	Type	Chrome mg/l	Violation? DM/TRC	AVG.	Violation? M/MTRC
3/6	Self	0.014	C/C		
3/6	City	0.012	C/C		
3/7	City	0.015	C/C		
3/8	City	0.014	C/C		
3/9	City	0.044	C/C		
3/27	Self	0.015	C/C	0.019	C/C

In this example, samples that have the same date are NOT split samples

Example #10 cont'd

Cr Limit: Daily Max = 0.200 mg/l; Monthly Avg = 0.100 mg/l

Cr TRC Limit: TRC Daily = 0.240 mg/l; TRC Monthly = 0.120 mg/l

Date	Type	Chrome mg/l	Violation? DM/TRC	AVG.	Violation? M/MTRC
4/3	Self	0.067	C/C		
4/10	Self	0.050	C/C		
4/24	Self	0.160	C/C		
4/24	City	0.015	C/C		
4/25	City	0.092	C/C		
4/26	City	0.202	V/C		
4/27	City	0.602	V/V	0.170	V/V

In this example, samples that have the same date are NOT split samples

Example #10 cont'd

Cr Limit: Daily Max = 0.200 mg/l; Monthly Avg = 0.100 mg/l

Cr TRC Limit: TRC Daily = 0.240 mg/l; TRC Monthly = 0.120 mg/l

Date	Type	Chrome mg/l	Violation? DM/TRC	AVG.	Violation? M/MTRC
5/8	Self	0.019	C/C		
5/15	Self	0.043	C/C		
5/22	Self	0.130	C/C	0.064	C/C

Example #10 cont'd

Cr Limit: Daily Max = 0.200 mg/l; Monthly Avg = 0.100 mg/l

Cr TRC Limit: TRC Daily = 0.240 mg/l; TRC Monthly = 0.120 mg/l

Date	Type	Chrome mg/l	Violation? DM/TRC	AVG.	Violations? M/MTRC
6/5	Self	0.067	C/C		
6/6	Self	0.240	V/V		
6/7	Self	0.065	C/C		
6/8	Self	0.171	C/C	0.136	V/V

Example #10 Summary

Month	# of Samples	CJP's Daily Max	Cr V	Cr TRC V	Cr Monthly CJP's	Cr Monthly V	Cr Monthly TRC V
Jan	7	7	3	3	1	1	1
Feb	3	3	0	0	1	0	0
Mar	6	6	0	0	1	0	0
Apr	7	7	3	2	1	1	1
May	3	3	0	0	1	0	0
Jun	4	4	2	2	1	1	1
Total	30	30	9	8	6	3	3

Example #10 Final Answer

Daily Max Chromium Compliance

Chronic Violations = $(9 \times 100) / 30$ = 30% **NO**

TRC Violations = $(8 \times 100) / 30$ = 27% **NO**

Monthly Avg Chromium Compliance

Chronic Violations = $(3 \times 100) / 6$ = 50% **NO**

TRC Violations = $(3 \times 100) / 6$ = 50% **YES**

Sampling Yourself Out of Significant Noncompliance....

- Now that you know how to calculate SNC for permit limits violations and you know it is based on percentages, you realize that the more “compliant” samples you take, the more the percentage of chronic and TRC values decreases...



Sampling Yourself Out of Chronic SNC [66%]:

- You have a daily max limit and only collected 4 samples
 - 1 Violation/4 CJP = 25% [No SNC!]
 - 2 Violations/4 CJP = 50.0% [No SNC]
 - 3 Violations/4 CJP = 75% [SNC]
 - If you take one more compliant sample you will have 1 more CJP.
Now you've got 3 Violations/5 CJP = 60% = **No Chronic SNC**
 - 4 Violations/4 CJP = 100% [SNC]
 - If you take 3 more compliant samples will have 3 more CJP.
Now you've got 4 violations/7 CJP = 57.1% = **No Chronic SNC**

Sampling Yourself Out of Chronic SNC [66%] continued:

- You Have A Monthly Avg Limit and have exceeded your monthly average limit for January
 - 1 Violation/1 CJP = 100% (SNC)
 - Samples in February are compliant with MA limit, you will have 1 more CJP. Now you've got 1 Violation/2 CJPs = 50% = No Chronic SNC

Sampling Yourself Out of TRC SNC [33%]:

- You have a daily max limit and collected 4 samples.
 - 1 TRC Violation/4 CJP's = 25% [No SNC!]
 - 2 TRC Violations/4 CJP's = 50.0% [SNC]
 - If you take 3 more compliant samples you will have 3 more CJP's .
Now you've got 2 TRC/7 CJP's = 28.6% = **No SNC**
 - 3 TRC Violations/4 CJP's = 75% [SNC]
 - If you take 6 more compliant samples you will have 6 more CJP's .
Now you've got 3 TRC Violations/10 CJP's = 30% = **No SNC**
 - 4 TRC Violations/4 CJP's = 100% [SNC]
 - If you take 9 more compliant samples you will have 9 more CJP's.
Now you've got 4 TRC violations/13 CJP's = 30.8% = **No SNC**

Sampling Yourself Out of TRC SNC [33%]

- You Have A Monthly Avg Limit and have exceeded your monthly average TRC limit for January and February
 - $2 \text{ TRC Violations} / 2 \text{ CJP's} = 100\% \text{ (SNC)}$
 - The remainder of your monthly averages are compliant for the 6-month reporting period = +4 CJP's
 - $2 \text{ TRC Violations} / 6 \text{ measurements} = 33.3\% = \text{SNC}$ and you get no more chances this reporting period!



Things to Consider When Judging Compliance



Split Samples?

- Defined as one composite sample collected with the same sampler, probe, and tubing
- Two analytical results must be averaged assuming both were obtained using valid procedures
- An averaged value will have only ONE CJP



Two Separate Samples?

- Defined as two composite samplers, two probes, and two sampling tubes set up on the same day
- Do not average
- Compliance Judgement Points = 2
- May have 2 violations



Two Separate Samples (one of which is split) on the Same Day

- Apply the Normal Procedure for a Split Sample by Averaging Results = 1 CJP (from the average of the two halves of the split)
- Separate Samples must be judged for compliance individually, = 1 more CJP (from the second sample collected which was not split)
- 2 Total CJPs & 2 Potential Violations



Below Detection Levels (<)

- BDL stands for Below the Detection Level
- If the BDL is $<$ Permit Limit - Compliance has been achieved
- If the BDL is $>$ Permit Limit - Compliance has NOT been demonstrated --- This is a Sampling/Reporting Violation



Averaging Below Detection (<) Limit Results?

- Can use Zero, 1/2 Detection Level or, Detection Level (talk to your Pretreatment Coordinator and find out how they do it)
- Recommend that you use Zero (not all Control Authorities will use zero)
- State NPDES Compliance Group uses Zero when determining compliance with monthly and weekly average limits in NPDES permits



Other than limits violations, is there any other way to get into in SNC ?

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average), that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass-through, (including endangering the health of POTW personnel or the general public);

Examples:

A) Slug discharges

B) Discharge which causes a Sanitary Sewer Overflow (SSO)



Other than limits violations is there any other way to get into in SNC ?

(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the POTW's exercise of its emergency authority under paragraph (f) (1)(vi)(B) of this section to halt or prevent such a discharge;

Examples:

A) Discharging gasoline or other flammables

B) Discharging glue which solidifies in the sewer causing a SSO



Other than limits violations is there any other way to get into in SNC ?

(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

Examples:

A) A company begins installing a PT System but then stops and fails to finish the system as required by a Compliance Schedule in their Permit



Other than limits violations is there any other way to get into in SNC ?

(6) Failure to provide, within thirty (30) or (45) days after the due date, required reports, such as baseline monitoring reports, ninety (90) day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules;

Examples:

A) Up to 30 or 45 days late is not SNC

B) This may change if a large percentage of your reports are late by any amount, it could reach the level of SNC.



Other than limits violations is there any other way to get into in SNC ?

(7) Failure to accurately report noncompliance; or

Examples:

- A) Failure to give notice within 24 hours of learning of a violation
- B) Failure to report a spill or slug discharge
- C) Failure to report a violation on the Periodic Self Monitoring Report (PSMR) Certification Form



Other than limits violations is there any other way to get into in SNC ?

(8) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

Examples:

- A) Refusal to allow sampling techs on your property
- B) Tampering with sampling equipment
- C) Changing your discharge when sampling is being done
- D) Failure to report all effluent data



What is Good Record Keeping?

- “POTWs and Industrial Users shall retain for a minimum of three years, records of monitoring activities and results along with support information including annual pretreatment reports, general records, water quality records, and records of industrial impact on the POTW. Support information for pretreatment permits shall be retained for five years.”
- Organization is important
- Familiarize all site contacts listed by your company with your Permit and its Record Keeping Requirements
- Review the parameters to be monitored, permit limits, monitoring frequency, type of sample required, etc.



When are Reports considered Submitted?

1) When the written report or document is placed into the US Mail, postage prepaid, such that it is postmarked on the date it is required

A) How do you know it's postmarked correctly? Can you prove this?

B) Certified mail, receipt

2) When it is Delivered to the POTW.

A) Hand delivered

B) Receipts

Permit Violation Reporting

- When the SIU samples in accordance with the permit and a violation has occurred it must notify the POTW within 24 hours of becoming aware of the violation and must resample and submit the data within 30 days UNLESS...





Reports Continued

- The POTW performs sampling at least once per month
- The POTW samples the SIU between the time of the violation and when the SIU received the results.
- If the SIU is required to sample monthly, no resample would be required due to the next scheduled event



Who Must Sign Reports?

- Signatories must be of sufficient stature (e.g. corporate officer) to enable the POTW to hold the SIU legally responsible for the representations made in the compliance reports
- EPA has definition of Signatory Official

Who Must Sign Reports?

- EPA has defined Signatory Official for us:

- (1) By a responsible corporate officer, if the Industrial User submitting the reports required by paragraphs (b), (d) and (e) of this section is a corporation. For the purpose of this paragraph, a responsible corporate officer means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) By a general partner or proprietor if the Industrial User submitting the reports required by paragraphs (b), (d) and (e) of this section is a partnership or sole proprietorship respectively.



Who Must Sign Reports?

- (3) By a duly authorized representative of the individual designated in paragraph (l)(1) or (l)(2) of this section if: (i) The authorization is made in writing by the individual described in paragraph (l)(1) or (l)(2); (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and (iii) the written authorization is submitted to the Control Authority.
- (4) If an authorization under paragraph (l)(3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (l)(3) of this section must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.



Monitoring Requirements

- POTW samples shall be collected and analyzed independent of the industrial user
- Federal Regulations require that the POTW must inspect and sample the effluent for each SIU at least once a year



Monitoring Requirements Continued

- State regulations require the POTW to sample a minimum of once every year for all parameters with a permit limit
- Organics Sampling is required at least once per year
- The POTW is not required to monitor for pollutants which are limited by a categorical standard where certification or alternative procedures are allowed



Significant Industrial User (SIU) Monitoring

- If a categorical industrial user monitors any pollutant more frequently than required by the permit and uses approved procedures, the results must be reported to the POTW
- Non-categorical permits may specify “any regulated or limited pollutant”



Total Toxic Organic (TTO) Monitoring

- A metal finisher must either submit a Toxic Organic Management Plan (TOMP), which is accepted by the Control Authority, and provide a TTO certification statement with each Self-Monitoring event or they must analyze for organics once per six months and the POTW must analyze annually



TTO Monitoring Continued

- If the SIU submits a Plan & Certification and elects to run a TTO analysis to determine if the plan is working, the POTW would NOT be required to analyze for organics



How to Judge Compliance with TTO standards?

- The term “TTO” shall mean total toxic organics, which is the summation of all quantifiable values greater than .01 milligrams per liter for the following toxic organics:
- If the sum is greater than the limit, an individual compliance determination is necessary



TTO Continued

- Seven industrial categories have a pretreatment standard for TTO
- Wide difference among the categories
- Each categorical industry has a specific grocery list of pollutants that are regulated
- An individual pollutant comparison under each regulation should be performed to determine compliance



Volatile Compounds

- A grab sample is required for Volatile Compounds
- Base/Neutral and Acid Compounds can be Collected on either a Grab or a Composite



Data Management

- Much of the compliance of your program is based on your data management and tracking system



Documents

- Violations from Self-Monitoring Reports
- Notification of a Change in Discharge
- Notification of Hazardous Waste Discharge
- Compliance Schedules and Progress Reports
- Baseline Monitoring Report



Documents Continued

- 90-Day Compliance Report
- Total Toxic Organics (TTO) Reports
- Spill/Slug Control Plans
- Industrial User Reporting Upset
- Industrial User Reporting Bypass
- Signatory and Certification Requirements



Tips for Maintaining Compliance and Avoiding SNC:

- Read and Understand your Permit
- Keep up with Permit Requirements
- Review all data from your contract lab before certifying its accuracy and sending it in to the POTW
- Track your data
- Keep well organized up to date files
- ESTABLISH AND MAINTAIN GOOD COMMUNICATION WITH YOUR PRETREATMENT COORDINATOR

Feel free to contact
me with any
questions or
comments.

