

Audits and Violations

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Texas Commission on Environmental Quality
(TCEQ)**

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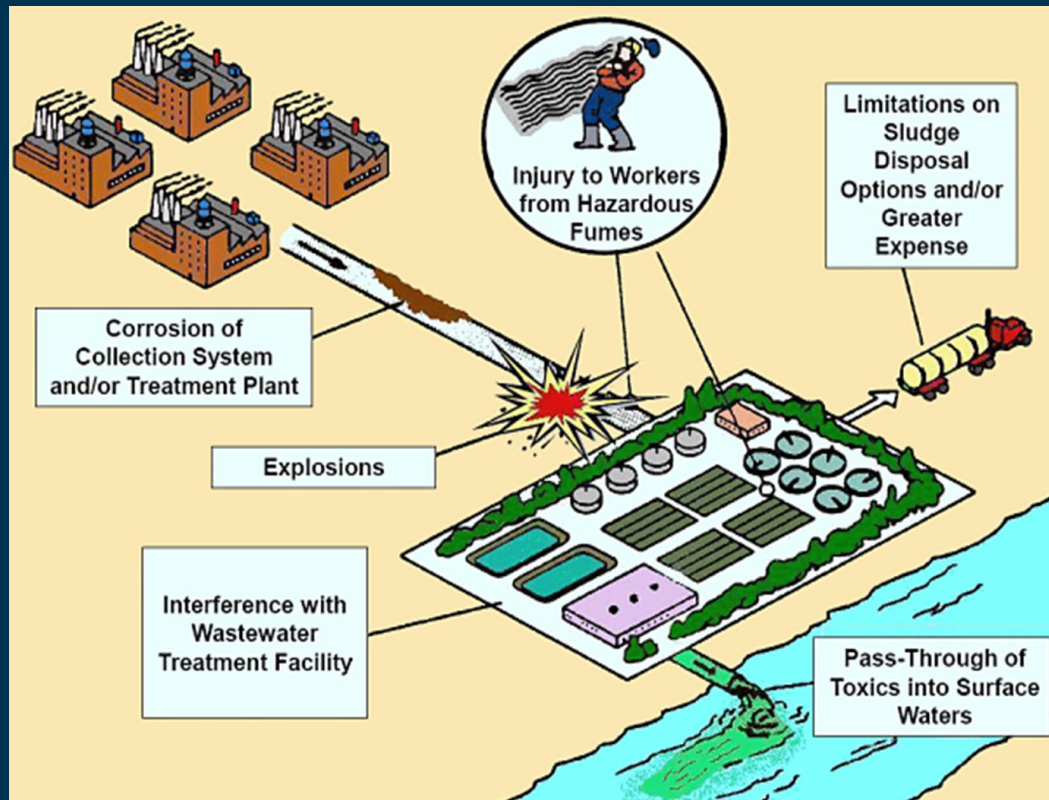
**Texas Pollutant Discharge
Elimination System
(TPDES) Pretreatment
Program Audits & PCIs**

Pretreatment Program Audit and Municipal Pollution Prevention Assessment (PPA/MPPA)

Background of the PPA/MPPA

- ▶ The U.S. Environmental Protection Agency (EPA) developed the audit process, including the audit report and checklist for evaluating implementation of the approved pretreatment programs
- ▶ The EPA Region 6 added aspects of municipal pollution prevention (P2) to raise the awareness of the relationship of P2 activities to the pretreatment program
- ▶ On September 14, 1998, the Texas Commission on Environmental Quality (TCEQ) received authorization to implement the TPDES pretreatment program
- ▶ Audits have been historically performed approximately once every five years

TPDES Pretreatment Program Priorities



Implementing an Excellent Pretreatment Program

- Protection of the POTW from interference and pass through
- Protection of the health and safety of the POTW workers
- Promotion of the beneficial reuse of wastewater and sludge
- Promotion of P2 activities

TPDES PPA/MPPA Process

Pre Audit Preparation

- ▶ The process begins several weeks ahead with review of:
 - Approved pretreatment program components (Ordinance, SOPs, ERG/ERP)
 - Wastewater treatment plant (WWTP) influent & effluent monitoring data
 - Potential industrial contributions in the POTW service area
 - TPDES permit requirements, including sludge disposal
 - Previous inspections and audits
 - Annual reports
 - Enforcement actions
 - Conditions in the watershed

TPDES PPA/MPPA Process

Components of the Audit Process

- ▶ Once in the field, the PPA/MPPA main evaluation tools are:
 - Initial Interview checklist
 - Industrial user (IU) file review checklists
 - IU site visit checklist
 - 40 CFR Part 122, 136, and 403 regulations
 - Approved program components

PRETREATMENT AUDIT CHECKLIST (MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

Section I: General Information.....Pages 1-7
Section II: Pretreatment Program Analysis.....Pages 8-20

SECTION I: GENERAL INFORMATION

A. GENERAL INFORMATION

Control Authority (CA) Name:	TPDES #: WQ00
	EPA ID#: TX00

Mailing Address:	
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Permit Signatory:	Title:
Telephone:	Fax Number:

<input type="checkbox"/> Pretreatment Contact:	Title:
Address:	Telephone:
	Fax Number:

Pretreatment Year Date:
Month Annual Pretreatment Report Due:

Date of Audit:

Approval Authority Auditor(s):

NAME	TITLE / AFFILIATION	TELEPHONE NUMBER

Control Authority Representative(s):

NAME	TITLE	TELEPHONE NUMBER

TPDES PPA/MPPA Process

Components of the Audit Process

- ❖ During the field portion of the audit, the auditors are looking for:
 - Knowledge of the approved pretreatment program and the regulations
 - Adequate control over IU discharges through permits or similar means
 - Timely and appropriate enforcement activities
 - Inventory of IUs discharging to the WWTP
 - Adequate data management and quality assurance/quality control (QA/QC)
 - Correct categorical industrial user (CIU) determinations
 - Multijurisdictional partner responsibilities
 - Adequate qualified personnel to implement the approved pretreatment program
 - Communication and familiarity with the IUs
 - Any aspects of the pretreatment program where the control authority (CA) is voluntarily going “above and beyond” to improve the program
 - Readily available IU files that are complete and accurate

TPDES PPA/MPPA Process

Components of the Audit Process

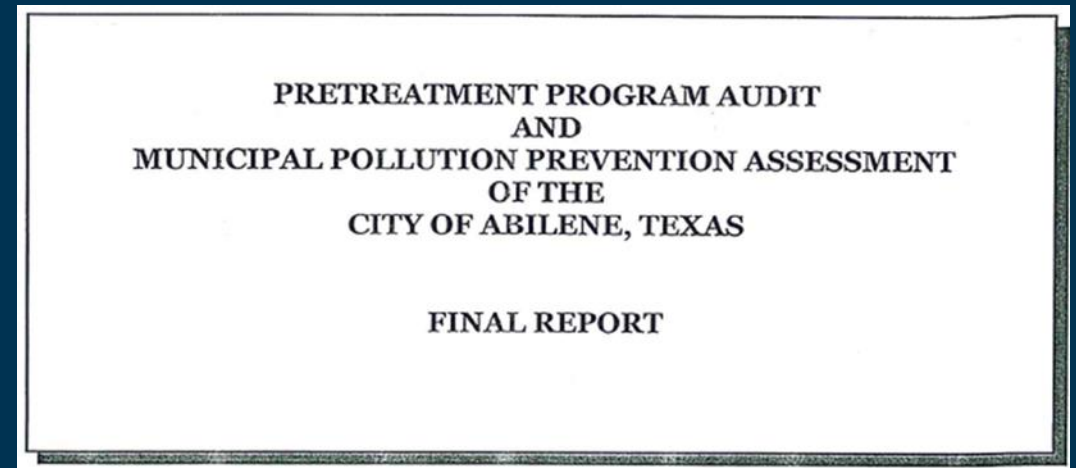
- ▶ The auditors encourage the CA to incorporate P2 aspects into their:
 - ▶ Legal authority
 - ▶ Permit applications
 - ▶ Inspection reports
 - ▶ Significant industrial user (SIU) permits
 - ▶ Industrial waste surveys (IWS)
 - ▶ Alternative enforcement actions



TPDES PPA/MPPA Process

Post Audit – Audit Report

- ▶ Upon return, the auditors begin compiling the audit report to include:
 - Cover letter - with response due dates
 - Audit Report
 - Background Information
 - Strengths
 - Summary of SIU Site Visits
 - Summary of SIU File Reviews
 - Findings & Recommended Corrective Actions
 - Recommendations
 - Required Modifications



TPDES PPA/MPPA Process

Post Audit – Audit Report

- ▶ Once the PPA/MPPA report is issued:
 - Copies are sent to the CA, multijurisdictional partners, TCEQ regional offices, and EPA
 - Responses to outstanding violations and required modifications are due within 60 days
 - Some requirements may trigger a non substantial modification
 - If requirements are not addressed, the TCEQ staff may:
 - Include the remaining requirements in the next TPDES permit
 - Issue a notice of violation (NOV)

TPDES Pretreatment Compliance Investigations (PCI)

Components of the Pretreatment Compliance Inspection (PCI) Process

- ▶ In Texas, performed by Regional investigators
- ▶ Similar to the audit process, typically smaller scope
 - IU File Review
 - IU Site Visit
 - Approved program document review
- ▶ Follow-up to the previous audit requirements and findings
- ▶ Length of PCI is one to two days
- ▶ Performed at a greater frequency than the audits (every one to two years)



TPDES PPA/MPPA Top 10 Violations

Most Common Violations

- 1) The POTW will annually publish in the largest daily newspaper in the municipality where the POTW is located IUs which at any time in the previous 12 months were in significant noncompliance (SNC)
 - ▶ The CA has not:
 - Evaluated all SIUs for SNC
 - Evaluated SIUs for all criteria listed at 40 CFR §403.8(f)(2)(viii) (A) – (H) on a quarterly basis
 - Determined which IUs are in SNC
 - Published those IUs which were in SNC during the previous 12 months for discharge and/or reporting violations

TPDES PPA/MPPA Top 10 Violations

Most Common Violations

- 2) The POTW will develop and implement an enforcement response plan
 - ▶ The CA has not:
 - Escalated enforcement when an IU violates the same pretreatment standard or requirement month after month
 - Issued notices of violation for discharge or reporting violations

TPDES PPA/MPPA Top 10 Violations

Most Common Violations

3) The CA has failed to conduct WWTP influent and effluent monitoring as required by the TPDES permit

- ▶ The CA has not:
 - Conducted monitoring for all pollutants listed in 40 CFR Part 122 Appendix D, Table II, III, and IV; 30 TAC Chapter 307
 - Analyzed samples down to the appropriate minimum analytical levels (MALs)

TPDES PPA/MPPA Top 10 Violations

Most Common Violations

- 4) Sample taking and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings and judicial actions
 - ▶ The CA has not:
 - Reviewed and responded to chain-of-custody deficiencies, such as unapproved sampling methods, improper preservation, exceeding holding times, missing signatures and/or dates

TPDES PPA/MPPA Top 10 Violations

Most Common Violations

- 5) Implement procedures to randomly sample and analyze the effluent from IUs and conduct surveillance activities to identify, independent of information supplied by IUs, occasional and continuing noncompliance with pretreatment standards
- ▶ The CA has not:
 - ▶ Inspected and/or sampled the effluent from each SIU at least once per year

TPDES PPA/MPPA Top 10 Violations

Most Common Violations

- 6) Where specific prohibitions of limits on pollutants are developed by a POTW...such limits shall be deemed pretreatment standards, and the legal authority needs to require compliance with applicable pretreatment standards
- ▶ The CA has not:
 - ▶ Included all adopted local limits in the SIU permit
 - ▶ Determined compliance with the categorical pretreatment standards (end-of-process) and/or local limits (end-of-pipe)

TPDES PPA/MPPA Top 10 Violations

Most Common Violations

7) If sampling performed by an IU indicates a violation, the user shall notify the CA within 24 hours of becoming aware of the violation and resampled within 30 days of the violation...

- ▶ The CA has not:
 - Documented or required the SIU to report a violation within 24 hours
 - Documented if 24 hour notification was received
 - Issued an enforcement response for an SIU's failure to notify within 24 hours of becoming aware
 - Ensured that resampling is performed

TPDES PPA/MPPA Top 10 Violations

Most Common Violations

- 8) Failure to submit program modifications to the Approval Authority (TCEQ) as required by **40 CFR §403.18(c)**
 - ▶ The CA has not:
 - Submitted program modifications for approval, including non – substantial
 - CA has begun implementing modification prior to approval from the Approval Authority (TCEQ)

TPDES PPA/MPPA Top 10 Violations

Most Common Violations

- 9) The POTW shall identify and locate all possible IUs which might be subject to the pretreatment program and any inventory shall be made available to the Director upon request
- ▶ The CA has not:
 - Kept their IWS current or conducted a formal survey as required by their approved program
 - Provided an inventory to the Approval Authority (TCEQ) upon request

TPDES PPA/MPPA Top 10 Violations

Most Common Violations

10) The CIU reports shall include the certification statement as set forth in 40 CFR §403.6 (a)(2)(ii) and shall be signed [by the authorized representative]

- ▶ The CA has not:
 - Ensured that the certification statement is included in the self-monitoring reports
 - Ensured that the person signing the report is the authorized representative

TPDES Pretreatment Program Contacts

Austin Headquarters

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Thank You!!!