CONTROL AUTHORITY PRETREATMENT AUDIT CHECKLIST AND INSTRUCTIONS

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CONTENTS

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CHAPTER 1. INTRODUCTION

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INTRODUCTION

OVERVIEW

Pretreatment Standards are derived from a number of sources. First, the Clean Water Act (CWA) (title 33 of the United States Code [U.S.C.] section 1251 et seq.) requires the U.S. Environmental Protection Agency (EPA) to promulgate Pretreatment Standards and Requirements. EPA has responded by establishing general and specific prohibited discharge standards [Title 40 of the *Code of Federal Regulations* (CFR) 403.5] applicable to all nondomestic users and by promulgating categorical Pretreatment Standards applicable to specific industrial categories [40 CFR Parts 405–471]. In addition, the General Pretreatment Regulations [40 CFR Part 403] require Publicly Owned Treatment Works (POTWs) to develop local limits where necessary to implement the prohibited discharge standards. Finally, states and POTWs always have the option of establishing more stringent requirements if they so choose. Therefore, the pretreatment program is a mixture of federal, state, and local standards and requirements.

The General Pretreatment Regulations require all POTWs with design flows greater than 5 million gallons per day (mgd) and receiving industrial discharges that pass through or interfere with the operation of the POTW, or are otherwise subject to Pretreatment Standards, to develop local pretreatment programs (unless the state government has elected to administer the local program). EPA or a state authorized to implement a state pretreatment program may require other POTWs to implement pretreatment programs. It is assumed for the purposes of this manual that the POTW issuing significant industrial user (SIU) permits has an approved pretreatment program and is, thus, the Control Authority (CA) responsible for administering and enforcing the pretreatment program. The program implementation and enforcement responsibilities are contained in the POTW's National Pollutant Discharge Elimination System (NPDES) permit, and failure to adequately fulfill those activities constitutes an NPDES violation and could subject the POTW to penalties.

States with approved pretreatment programs are responsible for overseeing and coordinating the development and approval of local pretreatment programs. Before state approval, EPA is the Approval Authority (AA) for local pretreatment programs. (NPDES states must receive EPA approval before they can function as Approval Authorities for pretreatment purposes. Before this approval, EPA serves as the pretreatment AA, even where the state issues NPDES permits.) However, states can participate in pretreatment activities even before their state program is approved.

The pretreatment program represents a unique partnership between federal, state, and local regulatory agencies. The AA (EPA or an authorized state) is responsible for ensuring that local program implementation is consistent with all applicable federal requirements and is effective in achieving the National Pretreatment Program's goals. To carry out that responsibility, the AA must ensure compliance with pretreatment program requirements and take responsive actions (e.g., changes to a POTWs' NPDES permit, enforcement) where needed to bring about compliance. The AA has three tools for doing this: (1) the program audit, (2) the Pretreatment Compliance Inspection (PCI), and (3) the CA's annual pretreatment program performance report.

A comprehensive audit is the most effective of the three mechanisms and provides an opportunity to evaluate all aspects of the CA's program. In EPA's view, the CA should audit all approved active POTW pretreatment programs at least once in each 5-year permit term, generally corresponding to an annual audit rate of 20 percent. The audit also provides the opportunity to help the CA build its local program implementation capability. The purpose of an audit is to assess the program's compliance with the regulatory requirements as they were expressed in the NPDES permit. The audit also identifies areas of the CA's program that need to be modified to bring the program into compliance with the regulations. The audit serves several important functions, such as identifying needed changes to the NPDES permit and identifying circumstances that might warrant enforcement actions against the CA. The checklist includes sections for evaluating environmental indicators and investigating the CA's use of pollution-prevention techniques. The auditor could develop recommendations for improving the performance of a CA's program that might be useful in enhancing a CA's program. Thus, the new checklist could help the AA identify program areas where recommendations could be made to increase the effectiveness of the CA's program.

The intent of the sample audit form (included in this document) is to provide an example of the information that should be reviewed during an audit. Some of the data are required by EPA's pretreatment regulations. In such cases, the sample audit form provides the corresponding legal citation. In October 2005, EPA amended its General Pretreatment Regulations (70 *Federal Register* [FR] 60134-60198; October 14, 2005). Those changes referred to as the *Streamlining Rule*, clarified existing requirements under the regulations and revised others to provide additional flexibility to POTWs and its industrial users, among other things, to reduce regulatory burden and simplify compliance. The sample audit form specifically highlights those provisions of the regulations that were part of the Streamlining Rule. The sample audit form also provides examples of other optional pretreatment program information that the

auditor might want to review and highlight during the audit to reflect the varied activities that pretreatment programs implement to achieve their environmental objectives.

The PCI is a tool for the AA to determine the CA's compliance with and enforcement of its approved pretreatment program during the intervening years between audits. The CA submits its annual pretreatment program performance report to the AA. Review of the annual report is also another tool for evaluating the pretreatment program. It supplies basic information on the CA's industrial user (IU) compliance with Pretreatment Standards and local limits and POTW compliance monitoring and enforcement activities during the year. The purpose of the annual report is to provide a relatively brief self-assessment of the POTW's performance in implementing its approved pretreatment program.

Both the pretreatment program itself and the requirements for tracking program implementation compliance have undergone major changes. The October 2005 revisions to the General Pretreatment Regulations (70 FR 60134-60198; October 14, 2005) resulted in additions to local program requirements. That necessitated a revision of the audit checklist. The attached audit checklist replaces the checklist developed in May 1992. The checklist covers all the evaluation components of the previous checklist, but it also looks at other areas including a program's environmental effectiveness and its use of pollution-prevention measures.

PURPOSE

The principal reason for conducting an audit is to assess the CA's program as a whole by reviewing all components and determining the program's overall compliance with regulatory requirements. This is done by examining the discrete portions of the entire program (e.g., legal authority, IU control mechanisms, compliance monitoring, and enforcement) and making an assessment on the basis of how the discrete portions interact to form the whole. The specific objectives to be accomplished by conducting an audit are determining the CA's compliance status with requirements of its NPDES permit, approved program, and federal regulations. Additional information might also be useful in evaluating the adequacy and effectiveness of the program in achieving compliance with those requirements and environmental goals of the program. The audit might also prove helpful in determining whether any modifications have been made to the program and verifying important elements of the CA's program performance reports.

EXPERIENCE NECESSARY TO CONDUCT AN AUDIT

Because the new audit checklist looks at the entire program in extensive detail and examines areas that were previously looked at only on a case-by-case basis, the checklist assumes a high level of pretreatment

program expertise on the part of the auditor. The auditor, consequently, should be familiar with the goals of the pretreatment program, the General Pretreatment Regulations (40 CFR Part 403), categorical standards, and EPA/state policy and guidance. Auditors should also have participated in audits conducted by a senior lead auditor.

It is EPA's policy to ensure that those who lead environmental compliance audits, inspections, or field investigations are properly trained to perform those functions in a legally and technically sound manner. As such, EPA Order 3500.1 establishes an agency-wide training and development program for personnel leading environmental compliance audit, inspections, or field investigations. This order applies to all EPA personnel who lead or oversee the conduct of compliance inspections or field investigation. Furthermore, the order is advisory to state and local agencies. The training program under this order consists of three parts—Occupational Health and Safety curricula, Basic Inspection curriculum, and Program-specific curricula. In addition EPA expects its inspectors to have completed training to develop a good working knowledge of the subject-related problems, regulations, control technologies, and best management practices (BMPs). For further guidance regarding the standard procedures of inspection, see EPA's *NPDES Compliance Inspection Manual* (EPA 305-X-03-004). The manual is at http://www.epa.gov/compliance/resources/publications/monitoring/cwa/inspections/npdesinspect/npdesinspectnoapps.pdf.

The auditor should be familiar enough with all aspects of a local pretreatment program to conduct an audit that will collect the data necessary to make a meaningful evaluation of the CA's effectiveness in complying with its program requirements. The absence of an adequate understanding of the program and its requirements undercuts the reliability of the audit. At a minimum, the auditor should be able to do the following:

- Identify the category to which an industry belongs and to develop appropriate permit limits on the basis of the process wastewater discharged. To do this, the auditor should be knowledgeable of the national categorical Pretreatment Standards and local limits.
- Evaluate the adequacy of the control mechanisms issued by the CA to its SIUs. As a result, the auditor should be able to determine whether the control mechanism meets the minimum regulatory requirements and whether they are effective in controlling the discharge of the SIU.
- Evaluate the CA's legal authority for its compliance with regulatory requirements and the ability of the CA to enforce its program throughout its service area. This means that the

auditor should have an understanding of the authorities provided to the CA by its Sewer Use Ordinance (SUO) and state law, including available remedies and procedures for taking action for IU noncompliance. Auditors should also be familiar with issues related to implementing and enforcing a local program across jurisdictional boundaries and approaches to resolving such issues.

- Understand compliance monitoring requirements. Thus, the auditor's knowledge should include appropriate sampling techniques, EPA-approved methods, and proper quality assurance/quality control (QA/QC) and chain-of-custody procedures so that data can be admissible as evidence in enforcement proceedings.
- Conduct a comprehensive pretreatment inspection at IU facilities and be familiar with hazardous waste requirements and spill prevention and control.
- Evaluate the CA's enforcement responses. To do so, the auditor should be knowledgeable of the various types of possible enforcement actions that are available to the POTW, as well as EPA/state policies and guidance on enforcement.
- Assist the CA to determine what pollution-prevention techniques might enhance the local program. The auditor should be knowledgeable of current efforts and policies regarding pollution prevention.
- Evaluate the environmental effectiveness of the program by examining data collected over the years by the CA concerning pollutant loadings, discharges, and other indicators.

PROCEDURES FOR CONDUCTING AN AUDIT

The audit requires extensive preparation, detailed data collection when on-site, and timely follow-up. EPA recommends, in brief, that an auditor include the following major steps, discussed in greater detail below, in conducting an audit:

- Office preparation before going on-site
  - Review the NPDES permit file, enforcement file, pretreatment program file (if available), the latest annual pretreatment report, and the previous PCI findings
  - Review such documents as manufacturers' guides, Resource Conservation and Recovery Act (RCRA) permit list for the municipalities involved, Toxic Release Inventory System (TRIS) data, and so forth, to be familiar with all industries that might contribute to the POTW

  - Notify the CA of the upcoming visit (if appropriate)
  - Update the CA's Pretreatment Program Status sheets (Attachment A of the Audit Checklist)
  - Request that the CA complete Pretreatment Program Profile sheets (Attachment B of the Audit Checklist)
  - Request that the CA complete an evaluation of its legal authority (Attachment C of the Audit Checklist)
  - Request that the CA have copies of relevant standard operation procedures for pretreatment program implementation (i.e., Enforcement Response Plan [ERP], Industrial Waste Survey [IWS] procedures, BMP programs, and such) available during the audit

- On-site visit
  - Entry (present credentials)
  - Interview program staff
  - Review SIU files
  - Inspect selected SIUs
  - Review POTW records and files
  - A walk through of the wastewater treatment plant (WWTP), if time allows
  - Conduct closing conference
- Follow-up
  - Prepare and distribute report
  - Enter Water Enforcement National Data Base (WENDB) data elements or Required ICIS Data Elements (RIDE) or both
  - Determine Reportable Noncompliance (RNC)/Significant Noncompliance (SNC) and enter data
  - Modify NPDES permit (if appropriate)
  - Refer for enforcement (if appropriate).

Preparation

The following describes how EPA recommends that the auditor prepare for the audit. The amount of data to be collected and evaluated during an audit is considerable, and time is limited. Thus, preparing the audit is crucial to the well-focused collection of meaningful data. Preparing the Pretreatment Program Profile data sheets and Status Update sheets that are attached to the audit checklist will help the auditor compile very general program information before he or she goes on-site. EPA recommends that the auditor complete a Pretreatment Program Status Update such as that provided at Attachment A of the Audit Checklist before conducting the audit. The historical program information requested on the Status Update sheets, including the most recent pretreatment program compliance assessment, will help the auditor prepare for the upcoming audit. In addition, the auditor should spend time obtaining information about the industrial contribution to the POTW by reviewing the CA's IWS. The auditor should also review TRIS and RCRA permitting data. After becoming familiar with the industrial picture, the auditor might want to review applicable documents used in developing the National Categorical Pretreatment Standards to familiarize him or herself with the primary industries discharging to the POTW. The auditor should also become familiar with issues affecting the POTW, such as whether the POTWs' discharges are subject to total maximum daily loads (TMDLs), whether the POTW is being involved in a Technical Review Evaluation (TRE), or whether the POTW is subject to enforcement actions (e.g., noncompliance with its NPDES permit requirements).

Interview

During the interview portion, the auditor should talk with as many CA personnel as necessary to obtain an accurate picture of how the local program is implemented. Although the pretreatment coordinator might be familiar with proper monitoring procedures, the coordinator might not be completely familiar with how the program's monitoring is *actually* being conducted, particularly in large programs. The auditor should obtain information on what is happening in the field from field personnel. Also, in multijurisdictional situations, the auditor might need to speak with representatives of the contributing jurisdictions to learn how the program is *actually* being implemented in those service areas. The auditor should take detailed notes to document each interview. Also, whenever possible, the auditor should collect supporting documentation to corroborate answers given by the interviewees. For instance, if a CA staff person states that a total of 26 inspections were conducted in the last calendar year, the auditor should request a copy of the CA's log or its equivalent to verify the information.

File Review

Once on-site, the auditor should go through standard NPDES inspection entry procedures and explain to CA personnel what the audit will entail. When the initial entry procedures are complete, the auditor should select IU files and conduct the file review. Files can be chosen in many ways; however, use of the scheme shown in Figure 1 is strongly recommended as best providing a reasonable representation of SIUs regulated under a local program. The auditor should bear in mind that the recommendations are for reviewing SIU files, although non-SIU files can be reviewed for the part of the audit. The auditor will need to exercise his or her best professional judgment to determine the number of both SIU and non-SIU files to review, as well as the time needed to conduct such reviews.

The auditor should select files that demonstrate a representative cross section of the CA's IUs and evaluate both categorical and significant noncategorical IUs and give particular attention to files of SIUs newly added to the program and those with compliance issues (e.g., in SNC, having received escalated enforcement action). In addition, the auditor should evaluate the thoroughness and adequacy of any SIU general control mechanisms, if used, to ensure compliance with the 2005 revisions to the General Pretreatment Regulations (70 FR 60134-60198: October 14, 2005). Furthermore, the auditor should ensure that if the CA has implemented any of the optional provisions promulgated as part of the 2005 revisions to the General Pretreatment Regulations that require special documentation (e.g., documentation of the CA's rationale for granting monitoring waivers and any information submitted by the SIU in its request for a waiver), that the required documentation is maintained in the SIU's file. Special attention should also be given to categorical industrial users (CIUs) without pretreatment but reported to be in compliance with categorical standards. In particular, the auditor should ensure that dilution is not being used in lieu of treating wastewater to comply with Pretreatment Standards. The auditor should also review files for those CIUs whose Pretreatment Standards depend on a number of elements and require more complex calculations (e.g., the Pretreatment Standard is production-based or requires use of the Combined Wastestream Formula [CWF] or Flow-Weighted Averaging [FWA]). Finally, he or she should review some files that were not reviewed during previous audits or inspections.

IU Site Visits

EPA recommends that the auditor conduct at least two IU site visits, but the auditor should use his or her best professional judgment to determine the minimum number of IU site visits necessary for each POTW. IU site visits are often essential to verify information found in the files. They are also helpful in making the IUs aware of the importance EPA places on the local programs. The auditors should also seek input

from the CA to determine which IUs to visit. The auditors should consider visiting IUs with outstanding pollutant prevention programs, innovative processes, or advanced pretreatment systems. Again, the number and types of IUs to be visited should be representative of the program's industrial make-up and based on the time needed for each visit. Furthermore, IU site inspections should help the auditor determine whether the CA is conducting adequate compliance inspections, issuing proper permits to reflect the physical and operational conditions of the IU's facility, and evaluating compliance including correct sampling.

Wastewater Treatment Plant Walk Through

If time allows, the auditor should conduct a walk through of the WWTP. The walk through is helpful in observing if the plant is experiencing any foaming, sludge buildup, unusual odors, unusual color, and any other abnormal events. These could be indicators of noncompatible wastes being discharged from a nondomestic discharger.

Closing Conference

After the file review, IU site visits, interviews, and other evaluations are complete, the auditor should compile all the data obtained to prepare for the closing conference. At the closing conference, the auditor should verbally present his or her initial concerns or observations to the CA. The auditor should make it clear that the concerns or observations are preliminary and subject to change once the data collected have been more thoroughly reviewed. It is important that the auditors clearly articulate that their preliminary concerns or observations are based solely on the information presently available and are subject to change on the basis of new information or upon further review. Furthermore, EPA cautions that the auditors should avoid using the term *findings* because it could lead to confusion. Some enforcement programs routinely use the term finding in *Finding of Violations* letters and in administrative complaints to characterize violations.

Follow-up

Audit follow-up will center on preparing the report and identifying the action necessary to ensure that appropriate changes to the POTW's program occur. The audit might dictate follow-up actions that include revisions by the AA to the NPDES permit, formal enforcement action, or other action. The auditor should analyze the data as quickly as possible and draft the report so that it can be transmitted to the CA in a timely manner. The auditor should also enter any WENDB, RIDE, and RNC data, as appropriate, in the database. In addition, the auditor should complete the appropriate NPDES Compliance Inspection Report

Forms and update the Status Update and Program Profiles. The auditor should handle NPDES permit modifications (e.g., local limits review) and enforcement activities in accordance with EPA Regional/state policy. The auditor should ensure that the observations and concerns from the audit are forwarded to the appropriate NPDES personnel for any modifications to the POTW's NPDES permit.

As mentioned earlier, the audit requires balancing many different data-gathering techniques. By balancing the techniques properly, the auditor will obtain a comprehensive look at the CA's program. The file review and IU site visits are areas that pose the greatest resource burden to the AA. EPA recommends looking at as many files and visiting as many IUs as possible with balance in mind. For example, reviewing 25 files and visiting 2 IUs does not provide the balance that would be achieved by reviewing 15 files and visiting 10 IUs at a medium-sized POTW with 100 SIUs. Although this latter effort requires a greater resource commitment, it provides much more meaningful data.

CHECKLIST STRUCTURE

EPA's recommended audit checklist is divided into the three sections listed below. Regulatory citations are provided for all required program items. Items on the checklist that do not have a corresponding regulatory citation are not required but are recommended because they are useful for evaluating and improving the effectiveness of the program. Comment space is also provided on each item to enable adequate documentation of the findings. An electronic copy of the audit checklist is available on the EPA Web site at www.epa.gov.

Section I: Interview is intended to evaluate the portions of program implementation that could not be evaluated adequately by looking at the IU files. This section also complements the information gained during the file review and IU site visits. The interview is suggested to be conducted first because it enables the auditor to gain some background information of the program, and the auditor can review IU records to verify information collected during the interview.

Section II: File Review evaluates the CA's performance by reviewing the IU records that the CA maintains. Unlike information obtained in interviews, a review of the CA's files provides proof that the CA is either implementing or not implementing its program. If relevant information is not found in the files, the auditor should note this problem as one of the audit findings. The file review also provides a basis on which to select IUs for site visits.

Section III: Observations and Concerns enables the auditor to organize required actions and applicable recommendations that will need to be addressed in the subsequent report. This section is organized to correspond to the subsections in Sections I and II. The areas of concern to consider are listed with corresponding regulatory and checklist question citations. This was done to help the auditor compile all observations and concerns for each area of concern.

Four attachments are appended to the checklist: the Pretreatment Program Status Update, Pretreatment Program Profile, the Legal Authority Review Checklist, and various worksheets that include the IU Site Visit Data Sheet to be used at the auditor's option when conducting IU site visits during the audit; the WENDB Data Entry and RIDE Worksheet; and the RNC Worksheet to be completed as part of the audit follow-up to provide input into the Permit Compliance System (PCS) or Integrated Compliance Information System (ICIS) database. The auditor should complete the Pretreatment Program Status Update before the audit and update it after the audit. Furthermore, the auditor should request that the CA complete the Pretreatment Program Profile and the Legal Authority Review Checklist before the audit. During the audit, the auditor should receive the completed Pretreatment Program Profile and the Legal Review Checklist from the CA along with a copy of all documents used to complete the checklist. The Legal Review Checklist should be completed at least once every 5 years to ensure that the POTW complies with the legal authority requirements of 40 CFR Part 403. Furthermore, a legal review should be conducted whenever there are regulation revisions or if the POTW is experiencing difficulties implementing its SUO (i.e., denied entry for inspections, denied entry for sampling). The auditor should note that by having the CA complete these checklists, it could invoke EPA's self-auditing policy. For more details, see FR Volume 65, No. 70, 19618–19627 (April 11, 2000).

The various worksheets contain both PCS and ICIS worksheets, but the auditors are required to complete only one set of worksheets. Depending on the state's implementation status of ICIS, the auditor should pick the appropriate worksheets to complete. When thoroughly completed, the body of the checklist and its attachments will provide the auditor with the documentation needed to draft the audit report, initiate any corrective and enforcement actions needed, and enter any WENDB, RIDE, and RNC data into the database, as appropriate.

RESOURCES FOR CONDUCTING AUDITS

The resources necessary to conduct audits will vary greatly from program to program. Some variables contributing to different resource needs include size of the POTW; number and size of SIUs; and number

of jurisdictions involved. Those variables will affect preparation time, time on-site, report preparation, and follow-up.

CHAPTER 2. CONTROL AUTHORITY PRETREATMENT AUDIT CHECKLIST

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CONTROL AUTHORITY PRETREATMENT AUDIT CHECKLIST

AUDIT CHECKLIST CONTENTS

Control Authority (CA) name and address	Date(s) of audit

Treatment Plant Name	NPDES Permit Number	Effective Date	Expiration Date	Permit Reviewed?

AUDITOR(S)

Name	Title/Affiliation	Telephone Number	Email Address

CA REPRESENTATIVE(S)

Name	Title/Affiliation	Telephone Number	Email Address
	*		

*Identified program contact

ACRONYM AND ABBREVIATION LIST

Acronym/Abbreviation	Term
AO	Administrative Order
BMP	Best management practices
BMR	Baseline Monitoring Report
CA	Control Authority
CERCLA	Comprehensive Environmental Remediation, Compensation and Liability Act
CFR	*Code of Federal Regulations*
CIU	Categorical Industrial User
CSO	Combined sewer overflow
CWA	Clean Water Act
CWF	Combined Wastestream Formula
DMR	Discharge Monitoring Report
DSS	Domestic Sewage Study
EP	Extraction Procedure
EPA	U.S. Environmental Protection Agency
ERP	Enforcement Response Plan
FDF	Fundamentally different factors
FTE	Full-time equivalent
FWA	Flow-Weighted Average
gpd	Gallons per day
ICIS	Integrated Compliance Information System
IU	Industrial User
IWS	Industrial Waste Survey
mgd	Million gallons per day
MSW	Municipal solid waste
N/A	Not applicable
ND	Not determined
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
NSCIU	Nonsignificant Categorical Industrial User
O&G	Oil and grease
PCA	Pretreatment Compliance Audit
PCI	Pretreatment Compliance Inspection
PCS	Permit Compliance System

ACRONYM AND ABBREVIATION LIST (CONTINUED)

Acronym/Abbreviation	Term
PIRT	Pretreatment Implementation Review Task Force
POTW	Publicly owned treatment works
QA/QC	Quality assurance/quality control
RCRA	Resource Conservation and Recovery Act
RIDE	Required ICIS Data Element
RNC	Reportable Noncompliance
SIU	Significant Industrial User
SNC	Significant Noncompliance
SUO	Sewer Use Ordinance
TCLP	Toxicity Characteristic Leachate Procedure
TMDL	Total maximum daily load
TOMP	Toxic Organic Management Plan
TRC	Technical Review Criteria
TRE	Technical Review Evaluation
TRIS	Toxics Release Inventory System
TSDF	Treatment, Storage, and Disposal Facility
TTO	Total toxic organics
UST	Underground Storage Tank
WENDB	Water Enforcement National Data Base
Y/N	Yes or no

GENERAL INSTRUCTIONS

1. As noted in the Introduction, the auditor should review a representative number of SIU files. Section II of this checklist provides space to document five IU files. This should not be construed to mean that five is an adequate representation of files to review. The auditor should make as many copies of Section I as needed to document a representative number of files according to the discussion in the Introduction.

2. The auditor should ensure that during the audit, he or she follows up on any and all violations noted in the previous inspection, annual report, or during the course of the audit.

3. Throughout the course of the evaluation, the auditor should look for areas in which the CA should improve the effectiveness and quality of its program.

4. Audit findings should clearly distinguish between violations, deficiencies, and effectiveness issues.

SECTION I: DATA REVIEW

INSTRUCTIONS: Complete this section on the basis of CA activities to implement its pretreatment program. Answers to these questions could be obtained from a combination of sources including discussions with CA personnel, review of general and specific IU files, IU site visits, review of POTW treatment plants, among others. Attach documentation where appropriate. Specific data might be required in some cases.

- Write ND (Not Determined) beside the questions or items that were not evaluated during the audit.
- Use N/A (Not Applicable) where appropriate.

A. CA PRETREATMENT PROGRAM MODIFICATION [403.18]

1. a. Has the CA made any substantial changes to the pretreatment program that were not reported to the Approval Authority (e.g., legal authority, less stringent limits, multijurisdictional situation)?

Yes	No

If yes, discuss.

b. Is the CA in the process of making any substantial modifications to any pretreatment program component (including legal authority, less stringent local limits, and required pretreatment provisions from the 2005 revisions to the General Pretreatment Regulations, multijurisdictional situation, and others)?

Yes	No

If yes, describe.

c. Has the CA made any nonsubstantial changes to the pretreatment program (i.e., pH limit modification, reallocation of the maximum allowable headworks loading, and such)?

Yes	No

If yes, describe.

SECTION I: DATA REVIEW (CONTINUED)

A. CA PRETREATMENT PROGRAM MODIFICATION (continued) [403.18]

1. d. Has the CA amended its pretreatment program to include the following components required under the 2005 amendments to the General Pretreatment Regulations:

	Yes	No
• Slug control requirements in control mechanisms. [40 CFR 403.8(f)(1)(iii)(B)(6)]		
• Notification requirements to include changes that might affect the potential for a slug discharge. [40 CFR 403.8(f)(2)(vi)]		
• Revised SNC definition. [40 CFR 403.8(f)(2)(viii)]		
• Clarification that SIU reports must include any applicable BMP compliance information. [40 CFR 40.12(b), (e), (h)]		
• SIU control mechanisms must contain any BMPs required by a Pretreatment Standard, local limits, state, or local law. [40 CFR 403.8(f)(1)(iii)(B)(3)]		
• Record-keeping requirements for BMPs. [40 CFR 403.12(o)]		
• Clarification that CAs that perform sampling for SIUs must perform any required repeat sampling and analysis within 30 days of becoming aware of a violation. [40 CFR 403.12(g)(2)]		
• Modifications to the sampling requirements. [40 CFR 403.12(g)]		
• Requirement to report all monitoring results. [40 CFR 403.12(g)]		

If not, when?

e. Has the CA adopted or does the CA plan to adopt any of the optional measures provided by the 2005 amendments to the General Pretreatment Regulations?	Yes	No

If yes, check which ones.

	Issuance of monitoring waivers for pollutants that are not present [40 CFR 403.8(f)(2)(v) and 403.12(e)(2)]
	Issuance of general control mechanisms to regulate multiple industrial dischargers with similar wastes [40 CFR 403.8(f)(1)(iii)(A)]
	Using BMPs as an alternative to numeric local limits [40 CFR 403.3(e), 403.5(c)(4), 403.8(f), 403.12(b), (e), and (h)]
	Authority to implement alternative sampling, reporting, and inspection frequencies for NSCIUs [40 CFR 403.3(v)(2), 403.8(f)(2)(v)(B), 403.8(f)(6), 403.12(e)(1), 403.12(g), (i), and (q)]
	Authority to implement alternative sampling, reporting, and inspection frequencies for middle-tier CIUs [40 CFR 403.8(f)(2)(v)(C), 403.12(e)(3), and 403.12(i)]
	Authority to implement equivalent concentration limits for flow-based standards [40 CFR 403.6(c)(6)]
	Authority to implement equivalent mass limits for concentration-based standards [40 CFR 403.6(c)(5)]

SECTION I: DATA REVIEW (CONTINUED)

A. CA PRETREATMENT PROGRAM MODIFICATION (continued) [403.18]

2. a. Are there any planned changes to the POTW's treatment plant(s)?	Yes	No

If yes, describe.

b. Are these changes to the treatment plant(s) due to pretreatment issues?	Yes	No

If yes, what were the issues?

B. LEGAL AUTHORITY [403.8(f)(1)]

1. a. Are there any contributing jurisdictions discharging wastewater to the POTW?	Yes	No

If yes, complete questions b–e.

b. List the contributing jurisdictions.

c. Does the CA have an agreement in place that addresses pretreatment program responsibilities?	Yes	No

d. Is the CA or the contributing jurisdiction responsible for the following:

	CA Responsibility	Contributing Jurisdiction Responsibility
Updating the IWS		
Notifying IUs of requirements		
Issuance of control mechanisms		
Receiving and reviewing IU reports		
Conducting inspections		
Conducting compliance monitoring		
Enforcement of Pretreatment Standards and Requirements		

SECTION I: DATA REVIEW (CONTINUED)

B. LEGAL AUTHORITY (continued) [403.8(f)(1)] (continued)

	Yes	No
e. Has the CA had any problems with implementation of its pretreatment program within the contributing jurisdictions?		

If yes, explain.

	Yes	No
2. a. Has the CA updated its legal authority to reflect the 2005 General Pretreatment Regulation changes?		
b. Did all contributing jurisdictions update their SUOs to be as stringent as the receiving POTW?		
c. Did the CA update its procedures and ERP to implement the changes in its SUO?		

Explain

	Yes	No
3. Does the CA experience difficulty in implementing its legal authority [i.e., SUO, interjurisdictional agreement (e.g., permit challenged, entry refused, penalty appealed)]?		

If yes, explain.

SECTION I: DATA REVIEW (CONTINUED)

C. IU CHARACTERIZATION [403.8(f)(2)(i)&(ii)]

1. a. How does the CA define SIU? (Is it the same in contributing jurisdictions? Is it different from the federal definition at 40 CFR 403.3(v)?)

b. If the CA has implemented the middle-tier CIU provisions, how does the CA define *middle-tier CIU?*

c. If the CA has implemented the NSCIU provisions, how does the CA define *NSCIU*?

2. How are SIUs identified and categorized (including those in contributing jurisdictions)?

Discuss any problems.

3. a. How and when does the CA update its IWS to identify new IUs (including those in contributing jurisdictions)?

b. How and when does the CA identify changes in wastewater discharges at existing IUs (including those in contributing jurisdictions)?

SECTION I: DATA REVIEW (CONTINUED)

C. IU CHARACTERIZATION [403.8(f)(2)(i)&(ii)] (continued)

4. How many IUs are identified by the CA in each of the following groups?

a.		SIUs (as defined by the CA) [WENDB – SIUS, RIDE – SIUs]
		CIUs, excluding middle-tier CIUs and NSCIUs [WENDB – CIUS, RIDE - CIUs]
		Middle-tier CIUs** (specify below)
		Noncategorical SIUs
b.		Other regulated nonsignificant IUs (specify)
		Noncategorical nonsignificant IUs
		NSCIUs**, excluding zero-discharging CIUs [as defined by 40 CFR 403.3(v)(2)] (specify below)
		Zero-discharging CIUs** (specify below)
c.		TOTAL

**** The following section is to be completed only if the POTW has adopted middle-tier permitting [40 CFR 403.3(v), 403.8(f)(2)(v)(C), 403.12(e)(3)], general control mechanisms [40 CFR 403.8(f)(1)(iii)(A)], or NSCIUs [40 CFR 403.3(v)(2), 403.8(f)(2)(v)]. In addition the POTW's program must be revised and approved for these classifications before they can be used.**

List of NSCIUs and zero-discharging CIUs:

List of Middle-Tier CIUs:

If middle-tier CIU classification is used, what is 0.01% of the POTW's dry-weather capacity? _____

List of SIUs with general control mechanisms:

SECTION I: DATA REVIEW (CONTINUED)

D. CONTROL MECHANISM EVALUATION [403.8(f)(1)(iii)]

1. a. How many and what percent of the total SIUs are not covered by an existing unexpired permit, or other individual control mechanism? [WENDB – NOCM, RIDE – SIUs without Control Mechanisms] [RNC – II]

	%

b. Has the CA implemented any general control mechanisms?

c. If yes, how many SIUs (as defined by the CA) are covered by a general control mechanism?

List the types of SIUs covered under a general control mechanism:

d. How many control mechanisms were not issued within 180 days of the expiration date of the previous control mechanism or extended beyond 5 years? [RNC – II]

If any, explain.

2. a. Do any UST), CERCLA, RCRA corrective action sites and/or other contaminated groundwater sites discharge wastewater to the CA?

b. How are control mechanisms (specifically limits) developed for these facilities?

Discuss

	Yes	No
3. a. Does the CA accept any waste by truck, rail, or dedicated pipe (including septage)?		
b. Is any of the waste hazardous as defined by RCRA?		
c. Does any waste accepted via truck, rail, or dedicated pipe meet the CA's SIU definition?		

d. Describe the CA's program to control hauled wastes including a designated discharge point (e.g., number of points, control/security procedures). [403.5(b)(8)]

SECTION I: DATA REVIEW (CONTINUED)

E. APPLICATION OF PRETREATMENT STANDARDS AND REQUIREMENTS

1. What limits (categorical, local, other) does the CA apply to wastes that are hauled to the POTW (directly to the treatment plant or within the collection system, including contributing jurisdictions)? [403.1(b)(1)]

2. How does the CA keep abreast of current regulations to ensure proper implementation of standards? [403.8(f)(2)(iii)]

3. Local limits evaluation: [403.8(f)(4); 122.21(j)(2)(ii)]

   a. For what pollutants have local limits been set?

   b. How were these pollutants selected?

   c. What was the most prevalent/most stringent criteria (e.g., NPDES permit requirements, plant inhibition, and/or sludge disposal requirements) for the limits?

   d. Which allocation method(s) were used?

   e. What was the limit basis (i.e., instantaneous maximums, daily maximums, or other) for the local limits?

   f. When was the CA's last local limits evaluation? What was the approval date?

	Yes	No
g. Has the CA identified any pollutants of concern beyond those in its local limits? If yes, how has this been addressed?		

SECTION I: DATA REVIEW (CONTINUED)

E. APPLICATION OF PRETREATMENT STANDARDS AND REQUIREMENTS (continued)

4. What challenges, if any, were encountered during local limits development and/or implementation?

F. COMPLIANCE MONITORING

1. a. How does the CA determine adequate IU monitoring (sampling, inspecting, and reporting) frequencies?

b. Is the frequency established above more, less, or the same as required?
Explain any difference.

c. Does the CA perform IU monitoring in lieu of requiring IUs to conduct self-monitoring? If yes, list IUs.

2. In the past 12 months, how many, and what percentage of, SIUs were: [403.8(f)(2)(v)] [RNC - II]
(Define the 12-month period _____ to _____.)

a. Not sampled or not inspected at least once [WENDB – NOIN]		%
b. Not sampled at least once [RIDE – SIUs Not Sampled]		%
c. Not inspected at least once (all parameters)? [RIDE – SIUs Not Inspected]		%

If any, explain. Indicate how the percentage was determined (e.g., actual, estimated).

SECTION I: DATA REVIEW (CONTINUED)

F. COMPLIANCE MONITORING (continued)

3. a. Indicate the number and percent of SIUs that were identified as being in SNC* with the following requirements as listed in the CA's last pretreatment program report: [WENDB, RIDE] [RNC – II]

			SNC Evaluation Period	
	%	Applicable Pretreatment Standards and reporting requirements	*SNC defined by:	
	%	Self-monitoring requirements	**POTW**	
	%	Pretreatment compliance schedule(s)	**EPA**	

b. Are any of the SIUs that were listed as being in SNC in the most recent pretreatment report still in SNC status? If yes, list SIUs.

c. Indicate the number of SIUs that have been in 100% compliance with all Pretreatment Standards and Requirements.

Evaluation Period: _____

Number of SIUs: _____

Names of SIUs:

4. What does the CA's basic inspection include? (process areas, pretreatment facilities, chemical and hazardous waste storage areas, chemical spill prevention areas, hazardous-waste handling procedures, sampling procedures, laboratory procedures, and monitoring records) [403.8(f)(2)(v)&(vii)]

Request a copy of the CA's inspection form, if applicable.

5. Who performs the CA's compliance monitoring analysis?

	Performed by: CA/Contract Laboratory Name
• Metals	
• Cyanide	
• Organics	
• Other (specify)	

SECTION I: DATA REVIEW (CONTINUED)

F. COMPLIANCE MONITORING (continued)

6. What QA/QC techniques does the CA use for sampling and analysis (e.g., splits, blanks, spikes), including verification of contract laboratory procedures and appropriate analytical methods? [403.8(f)(2)(vii)]

Check all that are applicable.

QA/QC for Sampling	✓	QA/QC for Analysis	✓
Gloves		Sample Splits	
Chain-of-custody forms		Sample Blanks	
New Sampling Tubes		Sample Spikes	
Field Blanks		Other:	
Other:			

7. Discuss any problems encountered in identification of sample location, collection, and analysis.

8. a. Did any IUs notify the CA of a hazardous waste discharge since the last PCI or PCA? [403.12(j)&(p)]

Yes	No

If yes, summarize.

b. How does the CA notify its users of the hazardous-waste reporting requirement? When was the last time the CA notified its IUs?

9. a. How and when does the CA evaluate/reevaluate SIUs for the need for a slug discharge control plan? [403.8(f)(2)(vi)]

List SIUs required to have a slug discharge control plan:

b. For all existing SIUs identified as significant before November 14, 2005, or within a year of becoming an SIU (whichever is later), has the POTW performed the evaluation to determine whether each SIU needs a plan or action to control slug discharges?

Yes	No

If not, which SIUs have not been evaluated?

SECTION I: DATA REVIEW (CONTINUED)

G. ENFORCEMENT

1. What is the CA's definition of SNC? [403.8(f)(2)(viii)]

2. ERP implementation: [403.8(f)(5)]

   a. Has the ERP been adopted by the POTW?

   b. Has the ERP been approved by the Approval Authority?

   c. Does the ERP describe how the CA will investigate instances of noncompliance?

   d. Does the ERP describe types of escalating enforcement responses and the time frames for each response?

   e. Does the ERP identify the title of official(s) responsible for implementing each type of enforcement response?

   f. Does the ERP reflect the CA's responsibility to enforce all applicable Pretreatment Standards and Requirements?

   g. Is the ERP effective, and does it lead to timely compliance? Provide examples if any are available.

	Yes	No
3. a. Does the CA use compliance schedules? [403.8(f)(1)(iv)(A)]		
b. If yes, are they appropriate? Provide a list of SIUs on compliance schedules.		

SECTION I: DATA REVIEW (CONTINUED)

G. ENFORCEMENT (continued)

	Yes	No
4. Did the CA publish a list of all SIUs in SNC in a daily newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW in the previous year? [403.8(f)(2)(viii)] If yes, attach a copy. If no, explain.		

5. a. How many SIUs are in SNC with self-monitoring requirements and were not inspected (in the four most recent full quarters)?	
b. How many SIUs are in SNC with self-monitoring requirements and were not sampled (in the four most recent full quarters)?	

6. a. Did the CA experience any of the following caused by industrial discharges?

	Yes	No	Unknown	Explain
• Interference				
• Pass through				
• Fire or explosions (flashpoint, and such)				
• Corrosive structural damage				
• Flow obstruction				
• Excessive flow rates				
• Excessive pollutant concentrations				
• Heat problems • Interference due to oil and grease (O&G)				
• Toxic fumes				
• Illicit dumping of hauled wastes				
• Worker health and safety				
• Other (specify)				

SECTION I: DATA REVIEW (CONTINUED)

G. ENFORCEMENT (continued)

	Yes	No
b. If yes, did the CA take enforcement action against the IUs causing or contributing to pass through or interference? [RNC - I]		

	Yes	No
7. a. Did the POTW have any sanitary sewer overflows since the last PCI or PCA?		

b. If yes, how many were due to nondomestic waste issues (O&G blockages)?

H. DATA MANAGEMENT/PUBLIC PARTICIPATION

1. How is confidential information handled by the CA? [403.14]

2. How are requests by the public to review files handled?

SECTION I: DATA REVIEW (CONTINUED)

H. DATA MANAGEMENT/PUBLIC PARTICIPATION (continued)
3. Does the CA accept electronic reporting? If no, does it plan to do so?
4. Describe whether the CA's data management system is effective in supporting pretreatment implementation and enforcement activities.
5. How does the CA ensure public participation during revisions to the SUO and/or local limits? [403.5(c)(3)]
6. Explain any public or community issues affecting the CA's pretreatment program.
7. How long are records maintained? [403.12(o)]

SECTION I: DATA REVIEW (CONTINUED)

I. RESOURCES [403.8(f)(3)]

1. Estimate the number of personnel (in FTEs) available for implementing the program.

Activity	FTEs	Activity	FTEs
Legal Assistance		Sample Analysis	
Permitting		Data Analysis: Review and Response	
Inspections		Enforcement	
Sample Collection		Administration	
		Total Number of FTEs	

	Yes	No
2. Does the CA have adequate access to monitoring equipment? (Consider: sampling, flow measurement, safety, transportation, and analytical equipment.)		

If not, explain.

3. a. Estimate the annual operating budget for the CA's program. $

b. Is funding expected to stay the same, increase, decrease (note time frame; e.g., following year, next 3 years)?

Discuss any changes in funding.

4. Discuss any problems in program implementation that appear to be related to inadequate resources.

SECTION I: DATA REVIEW (CONTINUED)

I. RESOURCES (continued) [403.8(f)(3)] (continued)

5. a. How does the CA ensure that personnel are qualified and up-to-date with current program requirements?

	Yes	No
b. Does the CA have adequate reference material to implement its program?		

J. ENVIRONMENTAL EFFECTIVENESS/POLLUTION PREVENTION

1. a. How many times was the POTW monitored in the past year?

	Influent	Effluent	Sludge	Ambient (Receiving Water)
• Metals				
• Priority pollutants				
• Biomonitoring				
• Toxicity Characteristic Leachate Procedure (TCLP)				
• Extraction Procedure (EP) toxicity				
• Other (specify)				

	Less	Equal	More
b. Is this frequency less than, equal to, or more than that required by the NPDES permit?			

Explain any differences.

SECTION I: DATA REVIEW (CONTINUED)

J. ENVIRONMENTAL EFFECTIVENESS/POLLUTION PREVENTION (continued)

	Yes	No
c. Is the CA reporting these results to the Approval Authority?		

If yes, at what frequency?

2. a. Has the CA evaluated historical and current data to determine the effectiveness of pretreatment controls on the following:

	Yes	No
• Improvements in POTW operations		
• Loadings to and from the POTW		
• NPDES permit compliance		
• Sludge quality?		
• Sludge disposal options?		
b. Has the CA documented these findings?		

Explain. (Attach a copy of the documentation, if appropriate.)

3. If the CA has historical data concerning influent, effluent, and sludge sampling for the POTW, what trends have been seen? (Increases in pollutant loadings over the years? Decreases? No change?)

Discuss on a pollutant-by-pollutant basis.

SECTION I: DATA REVIEW (CONTINUED)

J. ENVIRONMENTAL EFFECTIVENESS/POLLUTION PREVENTION (continued)

4. Has the CA investigated the sources contributing to current pollutant loadings to the POTW (i.e., the relative contributions of toxics from industrial, commercial, and domestic sources)?	Yes	No

If yes, what was found?

	Yes	No
5. a. Has the CA implemented any kind of public education program?		
b. Are there any plans to initiate such a program to educate users about pollution prevention?		

Explain.

6. What efforts have been taken to incorporate pollution prevention into the CA's pretreatment program (e.g., waste minimization at IUs, household hazardous waste programs)?

7. Does the CA have any documentation concerning successful pollution-prevention programs being implemented by IUs (e.g., case studies, sampling data demonstrating pollutant reductions)?	Yes	No

Explain.

SECTION I: DATA REVIEW (CONTINUED)

K. ADDITIONAL EVALUATIONS/INFORMATION	
SECTION I COMPLETED BY: TITLE:	DATE: TELEPHONE:

SECTION II: IU FILE EVALUATION

INSTRUCTIONS: Select a representative number of SIU files to review. Provide relevant details on each file reviewed. Comment on all problems identified and any other areas of interest. Where possible, all CIUs (and SIUs) added since the last PCI or PCA should be evaluated. Make copies of this section to review additional files as necessary.

IU IDENTIFICATION

FILE _____ Industry name and address	Type of industry SIC Code: NAICS Code:	
[ ] CIU 40 CFR _____, _____, _____ Category(ies) _____	Average total flow (gpd)	Average process flow
[ ] Other SIU [ ] Non-SIU [ ] NSCIU	Industry visited during audit Yes [ ] No [ ]	
Comments		
FILE _____ Industry name and address	Type of industry SIC Code: NAICS Code:	
[ ] CIU 40 CFR _____, _____, _____ Category(ies) _____	Average total flow (gpd)	Average process flow
[ ] Other SIU [ ] Non-SIU [ ] NSCIU	Industry visited during audit Yes [ ] No [ ]	
Comments		

SECTION II: IU FILE EVALUATION (CONTINUED)

IU IDENTIFICATION (continued)		
FILE _____ Industry name and address	Type of industry SIC Code: NAICS Code:	
[ ] CIU 40 CFR _____, _____, _____ Category(ies) _____ [ ] Other SIU [ ] Non-SIU [ ] NSCIU	Average total flow (gpd)	Average process flow
	Industry visited during audit Yes [ ] No [ ]	
Comments		
FILE _____ Industry name and address	Type of industry SIC Code: NAICS Code:	
[ ] CIU 40 CFR _____, _____, _____ Category(ies) _____ [ ] Other SIU [ ] Non-SIU [ ] NSCIU	Average total flow (gpd)	Average process flow
	Industry visited during audit Yes [ ] No [ ]	
Comments		

SECTION II: IU FILE EVALUATION (CONTINUED)

<table>
<tr><td colspan="3">IU IDENTIFICATION (continued)</td></tr>
<tr><td>FILE _____ Industry name and address</td><td colspan="2">Type of industry

SIC Code:
NAICS Code:</td></tr>
<tr><td rowspan="2">[ ] CIU 40 CFR _____, _____, _____

Category(ies) _____

[ ] Other SIU [ ] Non-SIU [ ] NSCIU</td><td>Average total flow (gpd)</td><td>Average process flow</td></tr>
<tr><td colspan="2">Industry visited during audit Yes [ ] No [ ]</td></tr>
<tr><td colspan="3">Comments</td></tr>
<tr><td colspan="3">General Comments</td></tr>
</table>

SECTION II: IU EVALUATION (CONTINUED)

Industry Name						
					INSTRUCTIONS: Evaluate the contents of selected IU files; place an emphasis on SIU files. Use N/A (Not Applicable) where necessary. Use ND (Not Determined) where there is insufficient information to evaluate/determine implementation status. Provide comments in the comment area at the bottom of the page for all violations, deficiencies, and/or other problems as well as for any areas of concern or interest noted. Enter a comment number in box and in the comment area at the bottom of the page, followed by the comment. Comments should delineate the extent of the violation, deficiency, and/or problem. Attach relevant copies of IU file information for documentation. Where no comment is needed, or if the item was found to be satisfactory, enter ✓ (check) to indicate area was reviewed. The evaluation should emphasize any areas where improvements in quality and effectiveness can be made.	
File ___	File ___	File ___	File ___	File ___	**IU FILE REVIEW**	**Reg. Cite**
					A. ISSUANCE OF IU CONTROL MECHANISM	
					1. Control mechanism application form	
					2. Fact sheet	
					3. Issuance or reissuance of control mechanism	403.8(f)(1)(iii)
					a. Individual control mechanism	
					b. General control mechanism	403.8(f)(1)(iii)(A)
					4. Control mechanism contents	403.8(f)(1)(iii)(B)
					a. Statement of duration (≤ 5 years)	403.8(f)(1)(iii)(B)(1)
					b. Statement of nontransferability w/o prior notification/approval	403.8(f)(1)(iii)(B)(2)
					c. Applicable effluent limits (local limits, categorical standards, BMPs	403.8(f)(1)(iii)(B)(3)
Comments						

SECTION II: IU EVALUATION (CONTINUED)

File ___	File ___	File ___	File ___	File ___	IU FILE REVIEW	Reg. Cite
					A. ISSUANCE OF IU CONTROL MECHANISM (continued)	
					d. Self-monitoring requirements	403.8(f)(1)(iii)(B)(4)
					• Identification of pollutants to be monitored	
					• Process for seeking a waiver for pollutant not present or expected to be present (CIUs only)	
					• Is the monitoring waiver certification language included in the control mechanism? (Y/N)	403.12(e)(2)(v)
					• Are conditions for reinstating monitoring requirements if pollutants not present are detected in the future included in the permit? (Y/N)	403.12(e)(2)(vi)
					• Sampling frequency	
					- Has the POTW reduced the IU's monitoring requirements for pollutants not present or expected to not to be present? (Y/N)	
					• Sampling locations/discharge points	
					• Sample types (grab or composite)	
					• Reporting requirements (including all monitoring results)	
					• Record-keeping requirements	

Comments

SECTION II: IU EVALUATION (CONTINUED)

File ___	File ___	File ___	File ___	File ___	IU FILE REVIEW	Reg. Cite
					A. ISSUANCE OF IU CONTROL MECHANISM (continued)	
					e. Statement of applicable civil and criminal penalties	403.8(f)(1)(iii)(B)(5)
					f. Compliance schedules/progress reports (if applicable)	403.8(f)(1)(iv)
					g. Notice of slug loadings	403.12(f)
					h. Notification of spills, bypasses, upsets, etc.	403.16, 403.17
					i. Notification of significant change in discharge	403.12(j)
					j. Notification of change affecting the potential for a slug discharge	403.8(f)(2)(vi)
					k. 24-hour notification of violation/resample requirement	403.12(g)(2)
					l. Slug discharge control plan conditions, if determined by the POTW to be necessary	403.8(f)(1)(iii)(B)(6), 403.8(f)(2)(vi)

Comments

SECTION II: IU EVALUATION (CONTINUED)

File ___	File ___	File ___	File ___	File ___	IU FILE REVIEW	Reg. Cite
					A. ISSUANCE OF IU CONTROL MECHANISM (continued)	
					5. Issuance of General Control Mechanisms	403.8(f)(1)(iii)(A)
					a. Involve the same or similar operations	
					b. Discharge the same types of wastes	
					c. Require the same effluent limitations	
					d. Written request by the IU for coverage by a general control mechanism including:	
					• Contact information	
					• Production processes	
					• Types of waste generated	
					• Location for monitoring all wastes covered by the general permit	
					• Any requests for a monitoring waiver for a pollutant neither present nor expected to be present	
					e. Documentation to support the POTW's determination	

Comments

SECTION II: IU EVALUATION (CONTINUED)

File ___	File ___	File ___	File ___	File ___	IU FILE REVIEW	Reg. Cite
					B. CA APPLICATION OF IU PRETREATMENT STANDARDS	
					1. IU categorization	403.8(f)(1)(ii)
					2. Calculation and application of categorical standards	403.8(f)(1)(ii)
					a. Classification by category/subcategory	
					b. Classification as new/existing source	
					c. Application of limits for all regulated pollutants	
					d. Classification as an NSCIU	403.3(v)(2)
					e. Documentation for the qualification to be classified as NSCIU	
					f. Documentation of reasons for supporting sampling wavier for pollutant not present	403.12(2)(iv)
					3. Application of local limits	403.5(c)&(d)& 403.8(f)(1)(ii)
					4. Application of BMPs	403.8(f)(1)(iii)(B)(3)
					5. Calculation and application of production-based standards	403.6(c)

Comments

SECTION II: IU EVALUATION (CONTINUED)

File ___	File ___	File ___	File ___	File ___	IU FILE REVIEW	Reg. Cite
					B. CA APPLICATION OF IU PRETREATMENT STANDARDS (continued)	
					6. Calculation of equivalent mass limits for concentration limits	403.6(c)(5)
					a. IU has demonstrated or will demonstrate substantially reduced water usage	403.6(c)(5)(i)(A)
					b. IU uses control and technologies adequate to achieve compliance	403.6(c)(5)(i)(B)
					c. IU has provided information regarding actual average daily flow	403.6(c)(5)(i)(C)
					d. IU does not have variable flow rates, production levels, or pollutant levels	403.6(c)(5)(i)(D)
					e. IU has consistently complied with applicable categorical requirements	403.6(c)(5)(i)(E)
					f. Did the CA use appropriate flow rates when developing limits? (Y/N)	406.3(c)(5)(iii)(A)
					g. Did the CA use the correct concentration-based limits for the applicable categorical standards? (Y/N)	403.6(c)(5)(iii)(B)
					h. Upon notification of revised production rate, did the CA reassess the mass limits? (Y/N)	
					7. Calculation of equivalent concentration limits for flow-based standards	403.6(c)(6)
					a. Is the IU subject to 40 CFR Part 414, 419, or 455? (Y/N)	
					b. Documentation that dilution is not being used as treatment? (Y/N)	
					8. Calculation and application of CWF or FWA	403.6(d)&(e)
					9. Application of most stringent limit	403.8(f)(1)(ii)

Comments

SECTION II: IU EVALUATION (CONTINUED)

File ___	File ___	File ___	File ___	File ___	IU FILE REVIEW	Reg. Cite
					C. CA COMPLIANCE MONITORING	
					1. Inspection (at least once a year, except as otherwise specified)	403.8(f)(2)(v)
					a. If the CA has determined a discharger to be an NSCIU	403.8(f)(2)(v)(B)
					• Evaluation of discharger with the definition of NSCIU once per year	
					b. If the CA has reduced an IU's reporting requirements	403.8(f)(2)(v)(C)
					• Inspect at least once every 2 years	
					2. Inspection at frequency specified in approved program	403.8(c)
					3. Documentation of inspection activities	403.8(f)(2)(v)
					4. Evaluation of need for slug discharge control plan (reevaluation of existing plan)	403.8(f)(2)(vi)
					5. Sampling (at least once a year, except as otherwise specified)	403.8(f)(2)(v)
					a. If the CA has waived monitoring for a CIU	403.8(f)(2)(v)(A)
					• Sample waived pollutant(s) at least once during the term of the control mechanism	
					b. If the CA has reduced an IU's reporting requirements	403.8(f)(2)(v)(C)
					• Sample and analyze IU discharge at least once every 2 years	
					6. Sampling at the frequency specified in approved program	403.8(c)
					7. Documentation of sampling activities (chain-of-custody; QA/QC)	403.8(f)(2)(vii)
					8. Analysis for all regulated parameters	403.12(g)(1)
					9. Appropriate analytical methods (40 CFR Part 136)	403.8(f)(2)(vii)

Comments

SECTION II: IU EVALUATION (CONTINUED)

File ___	File ___	File ___	File ___	File ___	IU FILE REVIEW	Reg. Cite
					D. CA ENFORCEMENT ACTIVITIES	
					1. Identification of violations	403.8(f)(2)(vii)
					a. Discharge violations	
					• IU self-monitoring	
					• CA compliance monitoring	
					b. Monitoring/reporting violations	
					• IU self-monitoring	
					– Reporting (e.g., frequency, content)	
					– Sampling (e.g., frequency, pollutants)	
					– Record-keeping	
					• Notification (e.g., slug, spill, changed discharge, 24-hour notice of violation)	
					• Slug discharge control plan	
					• Compliance schedule/reports	
					c. Compliance schedule violations	
					• Start-up/final compliance	
					• Interim dates	

Comments

SECTION II: IU EVALUATION (CONTINUED)

File ___	File ___	File ___	File ___	File ___	IU FILE REVIEW	Reg. Cite
					D. CA ENFORCEMENT ACTIVITIES (continued)	
					2. Determination of SNC (on the basis of rolling quarters)	403.8(f)(2)(viii)
					a. Chronic	
					b. TRC (Technical Review Criteria)	
					c. Pass through/interference	
					d. Spill/slug reporting load	
					e. Reporting	
					f. Compliance schedule	
					g. Other violations (e.g., BMPs requirements)	
					3. Response to violation	
					4. Adherence to approved ERP	403.8(f)(5)
					5. Return to compliance	
					a. Within 90 days	
					b. Within time specified	
					c. Through compliance schedule	
					6. Escalation of enforcement	403.8(f)(5)(ii)
					7. Publication for SNC	403.8(f)(2)(viii)

Comments

SECTION II: IU EVALUATION (CONTINUED)

File ___	File ___	File ___	File ___	File ___	IU FILE REVIEW	Reg. Cite
					E. IU COMPLIANCE STATUS	
					1. Self-monitoring and reporting	
					a. Sampling at frequency specified in control mechanism/regulation	403.12(e)&(h)
					b. Analysis of all required pollutants	403.12(g)(1)&(h)
					c. Appropriate analytical methods (40 CFR Part 136)	
					d. Appropriate sample collection methods	
					e. Compliance with sample collection holding times	
					f. Submission of BMR/90-day report	403.12(b) &(d)
					g. Periodic self monitoring reports	403.12(e)&(h)
					h. Reporting all required pollutants	403.12(g)(1)&(h)
					i. Signatory/certification of reports	403.12(l)
					j. Annual certification by NSCIUs	403.12(q)
					k. Submission of compliance schedule reports by required dates	403.12(c)
					l. Notification within 24 hours of becoming aware of violations	403.12(g)(2)
					• Discharge violation	
					• Slug load	
					• Accidental spill	
					m. Resampling/reporting within 30 days of knowledge of violation	403.12(g)(2)
					n. Notification of hazardous waste discharge	403.12(j)&(p)
					o. Submission/implementation of slug discharge control plan	403.8(f)(2)(vii)
					p. Notification of significant changes	403.12(j)

Comments

SECTION II: IU EVALUATION (CONTINUED)

File ___	File ___	File ___	File ___	File ___	IU FILE REVIEW	Reg. Cite
					E. IU COMPLIANCE STATUS (continued)	
					2. Compliance with all general control mechanism requirements	
					3. If the CA has classified the discharger as a middle-tier CIU	403.12(e)(3)
					• Categorical flow does not exceed 0.01% of the design dry-weather hydraulic capacity or 5,000 gpd (whichever is smaller)	
					• Categorical flow does not exceed 0.01% of the design dry weather organic treatment capacity of the POTW	
					• Categorical flow does not exceed 0.01% of the maximum allowable headworks loading for any regulated categorical pollutant	
					4. If the CA has granted the discharger a monitoring waiver	403.12(e)(2)
					• Certification statements with each compliance report	
					5. Compliance with BMR requirements, if applicable (Y/N)	
					6. If the CA has classified the discharger as an NSCIU	403.3(v)(2)
					• IU discharges less than 100 gpd of total categorical wastewater	
					• Annual certification statements from the IU	

Comments

SECTION II: IU EVALUATION (CONTINUED)

File ___	File ___	File ___	File ___	File ___	IU FILE REVIEW	Reg. Cite
					E. IU COMPLIANCE STATUS (continued)	
					7. If the CA has established equivalent mass limits for a CIU	403.6(c)(5)(ii)
					• IU is effectively operating treatment technologies to achieve compliance	
					• IU is recording the facility's flow rates	
					• IU is recording the facility's production rates	
					• IU has notified the CA whenever production rates vary	
					• IU continues to employ water conservation methods/technologies	

Comments

SECTION II: IU EVALUATION (CONTINUED)

File ___	File ___	File ___	File ___	File ___	IU FILE REVIEW	Reg. Cite
					F. OTHER	

Comments

SECTION II COMPLETED BY:	DATE:
TITLE:	TELEPHONE:

SECTION III: OBSERVATIONS AND CONCERNS

INSTRUCTIONS: On the basis of the information and data evaluated, summarize the observations and concerns of the audit for each program element shown below. Identify all problems or deficiencies from the evaluation of program components. Clearly distinguish between deficiencies, violations, and effectiveness issues. This is to ensure that the final report will clearly identify required actions versus recommended actions and program modifications.

Description	Regulatory Citation	Checklist Question(s)
A. CA PRETREATMENT PROGRAM MODIFICATION		
• Status of program modifications	403.18	I.A.1
• Modification to the program to accommodate the 2005 General Pretreatment Regulation changes	403.8(f)(1)(iii)(B)(6), 403.8(f)(2)(vi), 403.12(g)	I.A.1
B. LEGAL AUTHORITY		
• Minimum legal authority requirements	403.8(f)(1)	I.B.2&3
• Adequate multijurisdictional agreements	403.8(f)(1)	I.B.1&3

SECTION III: OBSERVATIONS AND CONCERNS (CONTINUED)

Description	Regulatory Citation	Checklist Question(s)
C. IU CHARACTERIZATION		
• Application of *significant industrial user* definition	403.3(v)(1)	I.C.1; Attach B.E.2
• Application of *middle-tier CIU* definition		
• Application of *NSCIU* definition		
• Identify and categorize IUs	403.8(f)(2)(i)&(ii)	I.C.2&3; II.B
D. CONTROL MECHANISM		
• Issuance of individual or general control mechanisms to all SIUs	403.8(f)(1)(iii)	I.D.1
• Adequate control mechanisms	403.8(f)(1)(iii)(B)	II.A.4
• Adequate control of trucked, railed, and dedicated pipe wastes	403.5(b)(8)	I.D.2&3, E.1

SECTION III: OBSERVATIONS AND CONCERNS (CONTINUED)

Description	Regulatory Citation	Checklist Question(s)
E. APPLICATION OF PRETREATMENT STANDARDS AND REQUIREMENTS		
• Appropriately categorize, notify, and apply all applicable pretreatment standards	403.8(f)(1)(ii)&(iii) 403.5	II.B
• Basis and adequacy of local limits	403.8(f)(4); 122.21	I.E.3&4
F. COMPLIANCE MONITORING		
• Adequate sampling and inspection frequency	Approved program 403.8(f)(2)(ii)&(v)	I.F.1&2; II.C
• Adequate inspections	403.8(f)(2)(v)&(vi)	I.F.2&4; II.C.1-3
• Adequate sampling protocols and analysis	403.8(f)(2)(vii)	I.F. 5&6; II.C.5-9

SECTION III: OBSERVATIONS AND CONCERNS (CONTINUED)

Description	Regulatory Citation	Checklist Question(s)
F. COMPLIANCE MONITORING (continued)		
• Adequate IU self-monitoring	403.8(f)(2)(iv)	I.F.6,G.5; II.E
• Notification of changed and hazardous waste discharges	403.12(j)&(p)	I.F.8; II.D.1.b
• Evaluate the need for SIUs to develop slug discharge control plans	403.8(f)(2)(vi)	I.F.9; II.C.4
• Monitor to demonstrate continued compliance and resampling after violation(s)	403.12(g)(1)&(2) 403.8(f)(2)(vi)	II.A.4.j & II.C.5
G. ENFORCEMENT		
• Appropriate application of *significant noncompliance* definition	403.8(f)(2)(viii)	I.G.1; II.D.2; Attach B.I.1
• Develop and implement an ERP	403.8(f)(5)	I.G.2; II.D.3
• Annually publish a list of IUs in SNC	403.8(f)(2)(viii)	I.G.4; II.D.7

SECTION III: OBSERVATIONS AND CONCERNS (CONTINUED)

Description	Regulatory Citation	Checklist Question(s)
G. ENFORCEMENT (continued)		
• Effective enforcement	403.8(f)(5)	I.G.2.c, 5&6; II.D.1.c, 4&5
H. DATA MANAGEMENT/PUBLIC PARTICIPATION		
• Effective data management/public participation	403.5(c)(3); 403.12(o); 403.14	I.H
I. RESOURCES		
• Adequate resources	403.8(f)(3)	I.I

SECTION III: OBSERVATIONS AND CONCERNS (CONTINUED)

Description	Regulatory Citation	Checklist Question(s)
J. ENVIRONMENTAL EFFECTIVENESS/POLLUTION PREVENTION		
• Understanding of pollutants from all sources		I.J.1&3
• Documentation of environmental improvements/effectiveness		I.J.2
• Integration of pollution prevention		I.J.6
K. ADDITIONAL EVALUATIONS/INFORMATION		

SECTION II COMPLETED BY:	DATE:
TITLE:	TELEPHONE:

ATTACHMENT A: PRETREATMENT PROGRAM STATUS UPDATE

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PRETREATMENT PROGRAM STATUS UPDATE

INSTRUCTIONS: This attachment is intended to serve as an update of program status. Either the auditor or CA should updated this form before each audit on the basis of information obtained from the most recent PCI and/or audit and the last pretreatment program performance report.

A. CA INFORMATION

1. CA name

2. a. Pretreatment contact	b. Mailing address
c. Title	d. Telephone number

3. Date of last CA report to Approval Authority

4. Is the CA operating under any pretreatment-related consent decree, Administrative Order, compliance schedule, or other enforcement action?	Yes	No

5. Effluent and sludge quality

a. List the NPDES effluent and sludge limits violated and the suspected cause(s)

Parameters Violated	Cause(s)

b. Has the treatment plant sludge violated these tests?	Yes	No
• EP toxicity		
• TCLP		

6. Does the treatment plant discharge to a 303(d) impaired waterbody? If yes, list the pollutants of concern.	Yes	No

7. Does the treatment plant discharge to a waterbody that has a TMDL that has been developed or is being developed? If yes, include the information on the TMDL (i.e., pollutants of concern, limits, effective date).	Yes	No

PRETREATMENT PROGRAM STATUS UPDATE

B. PRETREATMENT PROGRAM STATUS

1. Indicate components that were identified as deficient.

	Last PCI Date:	Last Audit Date:	Program Report Date:
a. Program modification			
b. Legal authority			
c. Local limits			
d. IU characterization			
e. Control mechanism			
f. Application of Pretreatment Standards			
g. Compliance monitoring			
h. Enforcement program			
I. Data management			
j. Program resources			
k. Other (specify)			

2. Is the CA presently in RNC for any of these violations?	Data Source	Yes	No
a. Failure to enforce against pass through and/or interference [RNC - I] [SNC]			
b. Failure to submit required reports within 30 days [RNC - I] [SNC]			
c. Failure to meet compliance schedule milestones within 90 days [RNC - I] [SNC]			
d. Failure to issue/reissue control mechanisms to 90% of SIUs within 6 months [RNC - II]			
e. Failure to inspect or sample 80% of SIUs within the past 12 months [RNC - II]			
f. Failure to enforce standards and reporting requirements [RNC - II]			
g. Other (specify) [RNC - II]			

3. List SIUs in SNC identified in the last pretreatment program performance report, PCI, or audit, (whichever is most recent)

Name of SIU in SNC	Compliance Status	Source

4. Indicate the number and percent of SIUs that were identified as being in SNC* with the following requirements from the CA's last pretreatment program report. If the CA's report does not provide this information, obtain the information for the most recent four full quarters during the audit.

SNC Evaluation Period

	%	Applicable Pretreatment Standards and reporting requirements	***SNC defined by:**
	%	Self-monitoring requirements	**POTW**
	%	Pretreatment compliance schedules	**EPA**

PRETREATMENT PROGRAM STATUS UPDATE

B. PRETREATMENT PROGRAM STATUS (continued)
5. Describe any problems the CA has experienced in implementing or enforcing its pretreatment program.

ATTACHMENT A COMPLETED BY:	DATE:
TITLE:	TELEPHONE:

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ATTACHMENT B: PRETREATMENT PROGRAM PROFILE

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PRETREATMENT PROGRAM PROFILE

INSTRUCTIONS: This attachment is intended to serve as a summary of program information. The auditor or CA should obtain the needed information from the original, approved pretreatment program submission and modifications and the NPDES permit. The auditor or CA should update this from, as appropriate, in response to approved modifications and revised NPDES permit requirements.

A. CA INFORMATION

1. CA name

2. Original pretreatment program submission date

3. Required frequency of reporting to Approval Authority

4. Specify the following CA information

Treatment Plant Name	NPDES Permit Number	Effective Date	Expiration Date

5. Does the CA hold a sludge permit or has the NPDES permit been modified to include sludge use and disposal requirements?
If yes, provide the following information.

Yes	No

POTW Name	Issuing Authority	Issuance Date	Expiration Date	Regulated Pollutants

B. PRETREATMENT PROGRAM MODIFICATIONS

1. When was the CA's NPDES permit first modified to require pretreatment implementation?

2. Identify any substantial modifications the CA made in its pretreatment program since the approved pretreatment program submission. [403.18]

Date Approved	Name of Modification	Date Incorporated in NPDES Permit

PRETREATMENT PROGRAM PROFILE (Continued)

C. TREATMENT PLANT INFORMATION

INSTRUCTIONS: Complete this section for each treatment plant operated under an NPDES permit issued to the CA.

1. Treatment plant name	2. Location address

3. a. NPDES permit number	b. Expiration date	4. Treatment plant wastewater flows
		Design _____ mgd Actual _____ mgd

5. Sewer System	a. Separate %	b. Combined %	c. Number of CSOs

6. a. Industrial contribution (mgd)	b. Number of SIUs discharging to plant	c. Percent industrial flow to plant

7. Level of treatment		Type of Process(es)
a. Primary		
b. Secondary		
c. Tertiary		

8. Indicate methods of sludge disposal.

	Quantity of sludge			Quantity of sludge	
a. Land application		dry tons/year	e. Public distribution		dry tons/year
b. Incineration		dry tons/year	f. Lagoon storage		dry tons/year
c. Monofill		dry tons/year	g. Other (specify)		dry tons/year
d. MSW landfill		dry tons/year			

D. APPLICATION OF STANDARDS

If there is more than one treatment plant, were local limits established specifically for each plant?	N/A	Yes	No

PRETREATMENT PROGRAM PROFILE (Continued)

E. ADDITIONAL INFORMATION

ATTACHMENT B COMPLETED BY:	DATE:
TITLE:	TELEPHONE:

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ATTACHMENT C: LEGAL REVIEW CHECKLIST

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CHECKLIST – PRETREATMENT PROGRAM LEGAL AUTHORITY REVIEWS

NAME OF POTW: _____

DATE OF REVIEW: _____

Note: Several changes to the National Pretreatment Regulations made as a result of the 2005 revisions to the General Pretreatment Regulations (streamlining rule, 70 FR 60134-60198: October 14, 2005) are more stringent than the previous federal requirements and therefore are considered required modifications for the POTW. Therefore, to the extent that existing POTW legal authorities are inconsistent with those required changes, they must be revised. Where local authorities are already consistent with the required provisions, further changes are not necessary.

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments/Notes
			NONE	REQ	REC		
A. Definitions [403.3 & 403.8(f)(2)]							
1. Act, Clean Water Act	403.3(b)	§ 1.4 A					
2. Authorized or Duly Authorized Representative of the User	403.12(l)	§ 1.4 C					
3. Best Management Practices or BMPs	403.3(e)	§ 1.4 E					
4. Categorical Pretreatment Standard or Categorical Standard	403.6	§ 1.4 F					
5. Indirect Discharge or Discharge	403.3(i)	§ 1.4 M					
6. Industrial User (or equivalent)	403.3(j)	§ 1.4 LL					
7. Interference	403.3(k)	§ 1.4 O					
8. National Pretreatment Standard, Pretreatment Standard, or Standard	403.3(l)	§ 1.4 BB					
9. New Source	403.3(m)	§ 1.4 T					
10. Pass Through	403.3(p)	§ 1.4 V					
11. Pretreatment Requirement	403.3(t)	§ 1.4 AA					
12. Publicly Owned Treatment Works or POTW	403.3(q)	§ 1.4 DD					
13. Significant Industrial User ***[NOTE: §1.4 GG(3) is an optional streamlining provision for Nonsignificant Categorical Industrial User classification.]***	403.3(v)	§ 1.4 GG					
14. Significant Noncompliance	403.8(f)(2)(vii)	§ 9 (A-H)					

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments/Notes
			NONE	REQ	REC		
15. Slug Load or Slug Discharge	403.8(f)(2)(vi)	§ 1.4 HH					
16. Other definitions based on terms used in the POTW Ordinance							
B. National Pretreatment Standards – Prohibited Discharges							
1. General Prohibitions							
a. Interference	403.5(a)	§ 2.1A					
b. Pass Through	403.5(a)	§ 2.1A					
2. Specific Prohibitions [403.5(b)]							
a. Fire/Explosion Hazard (60 °C or 140 °F flashpoint)	403.5(b)(1)	§ 2.1B(1)					
b. pH/Corrosion	403.5(b)(2)	§ 2.1B(2)					
c. Solid or Viscous/Obstruction	403.5(b)(3)	§ 2.1B(3)					
d. Flow Rate/Concentration (BOD, etc.)	403.5(b)(4)	§ 2.1B(4)					
e. Heat; exceeds 40 °C (104 °F)	403.5(b)(5)	§ 2.1B(5)					
f. Petroleum/Nonbiodegradable Cutting/Mineral Oils	403.5(b)(6)	§ 2.1B(6)					
g. Toxic Gases/Vapor/Fumes	403.5(b)(7)	§ 2.1B(7)					
h. Trucked/Hauled Waste	403.5(b)(8)	§ 2.1B(8)					

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments/Notes
			NONE	REQ	REC		
3. National Categorical Standards	403.8(f)(1)(ii)	§ 2.2					
4. Local Limits Development ***[NOTE: POTWs may develop Best Management Practices (BMPs) to implement the prohibitions listed in 40 CFR 403.5(a)(1). Such BMPs shall be considered local limits and Pretreatment Standards.]***	403.5(c) & (d)	§ 2.4					
5. Prohibition Against Dilution as Treatment	403.6(d)	§ 2.6					
6. Best Management Practices Development ***[NOTE: Optional streamlining provision.]***	403.5(c)(4)	§ 2.4C					
C. Control Discharges to POTW System							
1. Deny/Condition New or Increased Contributions	403.8(f)(1)(i)	§§ 4.8 & 5.2					
2. Individual Control Mechanism (e.g., permit) to ensure compliance - *Permit Content*	403.8(f)(1)(iii)	§ 4.2					
a. Statement of Duration	403.8(f)(1)(B)(1)	§§ 5.1 & 5.2A(1)					
b. Statement of Nontransferability	403.8(f)(1)(B)(2)	§5.2A(2)					
c. Effluent Limits	403.8(f)(1)(B)(3)	§ 5.2A(3)					

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments/Notes
			NONE	REQ	REC		
d. Best Management Practices ***[Note: This is a required streamlining provision for a CIU with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, this provision would be optional and is required only if the POTW has incorporated the use of BMPs (§ 2.4 C).]***	403.8(f)(1)(B)(3)	§ 5.2A(3)					
e. Self-Monitoring Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)					
f. Reporting & Notification Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)					
g. Record-Keeping Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)					
h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present ***[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B of the Model SUO.]***	403.8(f)(1)(B)(4) & 403.12(e)(2)	§ 5.2A(5)					
i. Statement of Applicable Civil and Criminal Penalties	403.8(f)(1)(B)(5)	§ 5.2A(6)					
j. Slug Discharge Requirements (if necessary) ***[NOTE: Required streamlining change. Where the POTW has determined that slug controls are necessary, the ordinance must provide authority for the POTW to include such requirements in IU permits.]***	403.8(f)(1)(B)(6)	§ 5.2A(7)					

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments/Notes
			NONE	REQ	REC		
k. Specific Waived Pollutant ***[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B of the Model SUO.]***	403.8(f)(1)(B)(4)	§ 5.2A(8)					
l. Permit Application/Reapplication Requirements ***[Note: Optional permit provision]***		§§ 5.3 & 5.7					
m. Permit Modification ***[Note: Optional permit provision]***		§ 5.4					
n. Permit Revocation/Termination ***[Note: Optional permit provision]***		§§ 5.6 & 10.8					
o. Proper Operation and Maintenance ***[Note: Optional permit provision]***		§ 3.1					
p. Duty of Halt/Reduce ***[Note: Optional permit provision]***		§ 10.7					
q. Requirement to Submit Chain-of-Custody Forms with Monitoring Data ***[Note: Optional permit provision]***							
3. General Control Mechanism to Ensure Compliance ***[NOTE: Optional streamlining provision. Required only if the POTW has incorporated the use of General Permits (§ 4.6 of the Model SUO).]*** - *Permit Content*	403.8(f)(1)(iii)(A)	§ 4.2 & 4.6					
a. Statement of Duration	403.8(f)(1)(B)(1)	§§ 5.1 & 5.2A(1)					
b. Statement of Nontransferability	403.8(f)(1)(B)(2)	§ 5.2A(2)					

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments/Notes
			NONE	REQ	REC		
c. Effluent Limits	403.8(f)(1)(B)(3)	§ 5.2A(3)					
d. Best Management Practices ***[Note: This is a required streamlining provision for a CIU with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, this provision would be optional and is required only if the POTW has incorporated the use of BMPs (§ 2.4C).]***	403.8(f)(1)(B)(3)	§ 5.2A(3)					
e. Self-Monitoring Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)					
f. Reporting & Notification Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)					
g. Record-Keeping Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)					
h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present ***[Note: Required only if POTW has incorporated the use of Pollutants Not Present and § 6.4 of the Model SUO.]***	403.8(f)(1)(B)(4) & 403.12(e)(2)	§ 5.2A(5)					
i. Statement of Applicable Civil and Criminal Penalties	403.8(f)(1)(B)(5)	§ 5.2A(6)					

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments/Notes
			NONE	REQ	REC		
j. Slug Discharge Requirements (if necessary) ***[NOTE: Required streamlining change. The ordinance should indicate that a user is required to develop a slug discharge control plan if determined by the POTW to be necessary.]***	403.8(f)(1)(B)(6)	§ 5.2A(7)					
k. Permit Application/Reapplication Requirements ***[Note: Optional permit provision]***		§§ 5.3 & 5.7					
l. Permit Modification ***[Note: Optional permit provision]***		§ 5.4					
m. Permit Revocation/Termination ***[Note: Optional permit provision]***		§§ 5.6 & 10.8					
n. Proper Operation and Maintenance ***[Note: Optional permit provision]***		§ 3.1					
o. Duty of Halt/Reduce ***[Note: Optional permit provision]***		§ 10.7					
p. Requirement to Submit Chain-of-Custody Forms with Monitoring Data ***[Note: Optional permit provision]***							
D. Required Reports							
1. Develop Compliance Schedule for Installation of Technology	403.8(f)(1)(iv)	§§ 5.2b(2) & 10.4					

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments/Notes
			NONE	REQ	REC		
2. Reporting Requirements [403.12] *Types of Reports*							
a. Baseline Monitoring Report	403.12(b)	§ 6.1					
(i) Identifying Information	403.12(b)(1)	§ 6.1B(1) & § 4.5A(1)a					
(ii) Other Environmental Permits Held	403.12(b)(2)	§§ 6.1B(1) & 4.5A(2)					
(iii) Description of Operations	403.12(b)(3)	§§ 6.1B(1) & 4.5A(3)a					
(iv) Flow Measurements	403.12(b)(4)	§§ 6.1(b)(2) & 4.5A(6)					
(v) Measurement of Pollutants	403.12(b)(5)	§ 6.1B(2)					
(vi) Certification	403.12(b)(6)	§ 6.1B(3)					
(vii) Compliance Schedule	403.12(b)(7)	§ 6.1B(4)					
b. Compliance Schedule Progress Report	403.12(c)	§ 6.2					
c. Report on Compliance with Categorical Pretreatment Standard Deadline	403.12(d)	§ 6.3					
d. Periodic Reports on Continued Compliance							
- From categorical users	403.12(e)	§ 6.4A					
- From significant noncategorical users	403.12(h)	§ 6.4A					
e. Notice of Potential Problems to be Reported Immediately (Including Slug Loads)	403.12(f)	§ 6.6					

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments/Notes
			NONE	REQ	REC		
f. Notification of Changes Affecting Potential for a Slug Discharge ***[NOTE: Required streamlining revision]***	403.8(f)(2)(vi)	§ § 6.5 & 6.6					
g. Notice of Violation/Sampling Requirement ***[NOTE: Required streamlining revision.]***	403.12(g)(2)	§ 6.8					
h. Requirement to Conduct Representative Sampling	403.12(g)(3)	§ 6.4E					
i. Notification of Changed Discharge	403.12(j)	§ 6.5					
j. Notification of Discharge of Hazardous Waste	403.12(p)	§ 6.9					
Other Reporting Requirements							
k. Data Accuracy Certification & Authorized Signatory	403.6(a)(2)(ii) & 403.12(l)	§§ 6.4D & 6.14					
l. Record-Keeping Requirement (3 years or longer)	403.12(o)	§ 6.13					
- Including documentation associated with Best Management Practices ***[NOTE: Required streamlining provision.]***	403.12(o)	§ 6.13					
m. Submission of All Monitoring Data ***[NOTE: Required streamlining revision]***	403.12(g)(6)	§ 6.4F					
n. Annual Certification by Nonsignificant Categorical Industrial Users ***[Note: Optional provision, required only if the POTW has incorporated §1.4GG(3) of the Model SUO.]***	403.3(v)(2)	§§ 4.7C & 6.14B					

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments/Notes
			NONE	REQ	REC		
o. Certification of Pollutant Not Present *[NOTE: Optional provision, required only if the POTW has incorporated § 6.4 B of the Model SUO]*	403.12(e)(2)(v)	§ 6.14C					
E. Test Procedures [40 CFR Part 136 & 403.12(g)]							
1. Analytical Procedures (40 CFR Part 136) *[NOTE: Required streamlining provisions]*	403.12(g)	§ 6.10					
2. Sample Collection Procedures *[NOTE: Required streamlining provisions]*	403.12(g)(3) & (4)	§ 6.11					
F. Inspection and Monitoring Procedures [403.8(f)]							
1. Right to Enter All Parts of the Facility at Reasonable Times	403.8(f)(1)(v)	§ 7.1					
2. Right to Inspect Generally for Compliance	403.8(f)(1)(v)	§ 7.1					
3. Right to Take Independent Samples	403.8(f)(1)(v), 403.8(f)(2)(v) & 403.8(f)(2)(vii)	§ 7.1					
4. Right to Require Installation of Monitoring Equipment	403.8(f)(1)(iv)	§ 7.1					
5. Right to inspect and copy records	403.12(o)(2)	§ 7.1					
G. Remedies for Noncompliance (Enforcement) [403.8(f)(1)(vi)]							
1. Non-Emergency Response							
a. Injunctive Relief	403.8(f)(1)(vi)	§ 11.1					
b. Civil/criminal Penalties	403.8(f)(1)(vi)	§§ 11.2 & 11.3					

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments/Notes
			NONE	REQ	REC		
2. Emergency Response							
a. Immediately Halt Actual/Threatened Discharged	403.8(f)(1)(vi)(B)	§ 10.7					
3. Legal Authority to Enforce Enforcement Response Plan	403.8(f)(1)(vi)	§ 11.4					
H. Public Participation							
1. Publish List of Industrial Users in Significant Noncompliance ***[NOTE: Required streamlining revision]***	403.8(f)(2)(viii)	§ 9					
2. Access to Data [403.8(f)(1)(vii) & 403.14]							
a. Government	403.14(a) & (c)	§ 8					
b. Public	403.14(b)	§ 8					
I. Optional Provisions							
1. Net/Gross Adjustments ***[streamlining provision]***	403.15	§ 2.2 D					
2. Equivalent Mass Limits for Concentration Limits ***[streamlining provision]***	403.6(c)	§ 2.2 E					
3. Equivalent Concentration Limits for Mass Limits ***[streamlining provision]***	403.6(c)	§ 2.2 F					
4. Upset Notification	403.16	§ 13.1					
5. Waive Monitoring for Pollutant Not Present or Expected to be Present ***[streamlining provision]***	403.12(e)(2)	§ 6.4B					
6. Reduce Periodic Compliance Reporting ***[streamlining provision]***	403.12(e)(3)	§ 6.4C					
7. Other Special Agreement or Waivers (Excluding Wavier of National Categorical Pretreatment Standards and Requirements)							

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments/Notes
			NONE	REQ	REC		
8. Hauled Waste Reporting/Requirements		§ 3.4					
9. Grease Interceptor Reporting/Requirements		§ 3.2 C					
10. Authority to Issue Notice of Violations (NOVs)		§ 10.1					
11. Authority to Issue Administrative Orders (AOs)							
12. Authority to Issue Administrative Penalties		§ 10.6					
13. Authority to Enforce Against Falsification or Tampering							
14. Any Other Supplemental Enforcement Actions as Noted in the POTW's Enforcement Response Plan							
15. Permit Appeals Procedures							
16. Penalty or Enforcement Appeals Procedures							
17. Bypass Notification	403.17	§ 13.3					

Document(s) submitted for review:

_____

_____

_____

_____

_____

Name of Reviewers

_____

_____

_____

_____

_____

ATTACHMENT D: SITE VISIT DATA SHEET, WENDB DATA ENTRY WORKSHEET, PCA REQUIRED ICIS DATA ELEMENTS WORKSHEET, RNC WORKSHEET

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SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.							
Name of industry:							
Address of industry:							
Date of visit:			Time of visit:				
Name of inspector(s):							
Provide the name(s) and title(s) of industry representative(s)							
Name		**Title**			**Phone/E-mail**		
IU Permit Number:		Exp Date:			IU Classification:		
Inspection Type/Purpose		Scheduled		Unscheduled		PCA	
		PCI		New Company		Complaint	
Please provide the following documentation:							
1. Nature of operation:							
2. Number of employees		Number of shifts:		Hours of operation:			
3. Water source:							
4. Wastestream flow(s) discharged to the POTW:							
Sanitary:	(gpd)	Process:	(gpd)	Combined:	(gpd)		
5. Describe any significant changes in process or flow:							
6. Type of pretreatment system (Describe):							
	Continuous flow		Batch		Combined		
7. Condition/operation of pretreatment system (Describe):							
Any unusual conditions or problems with the pretreatment system:							

SITE VISIT DATA SHEET (Continued)

8. Process area description (identify raw materials and processes used):			
9. Condition/operation of process area (Describe):			
Any unusual conditions or problems with the process area:			
10. General housekeeping in process area (Describe):			
Any unusual conditions or problems with general housekeeping in process area:			
11. Chemical storage area (identify the chemicals that are maintained on-site and how they are stored):			
Any floor drains?		Any spill control measures?	
General housekeeping of chemical storage area (Describe):			
12. Are hazardous wastes drummed and labeled?			
13. Does the IU have hazardous waste manifests?			
Any problems associated with hazardous waste:			

SITE VISIT DATA SHEET (Continued)

14. Solid waste production:						
Solid waste disposal method(s):						
15. Description of sample location:						
Sampling method/technique:						
16. Evaluation of self-monitoring data:		Yes		No		N/A
If yes, was self-monitoring adequate:						
17. Who performs the self-monitoring analysis?						
Notes:						

WENDB DATA ENTRY WORKSHEET

WENDB DATA ENTRY WORKSHEET			
INSTRUCTIONS: Enter the data provided by the specific checklist questions that are referenced.			
CA name			
NPDES number			
Date of inspection	Date entered into PCS		
	PCS Code	**Checklist Reference**	**Data**
• Number of SIUs*	SIUS	I.B.2.a	
- Number of SIUs without control mechanism	NOCM	I.C.1.b	
- Number of SIUs not inspected or sampled	NOIN	I.E.2	
- Number of SIUs in SNC** with standards or reporting	PSNC	I.F.3.a	
- Number of SIUs in SNC with self-monitoring	MSNC	I.F.3.a	
- Number of SIUs in SNC with self-monitoring and not inspected or sampled	SNIN	I.G.5	
• Number of CIUs	CIUS	I.B.2.a	
*The number of SIUs entered into PCS is based on the CA's definition of *Significant Industrial User*. **As defined in EPA's 1986 *Pretreatment Compliance Monitoring and Enforcement Guidance*.			

WENDB DATA ENTRY WORKSHEET		DATE:	
COMPLETED BY:			
TITLE:		TELEPHONE:	

PCA REQUIRED ICIS DATA ELEMENTS WORKSHEET

► TYPE OF COMPLIANCE MONITORING: **PCA**	
► NAME OF PRETREATMENT PROGRAM:	
► CONTROLLING AUTHORITY NPDES ID:	
START DATE OF INSPECTION	► END DATE OF INSPECTION .....
LEAD INSPECTOR (Name, Company, Phone, E-mail [if available]):	
ACCOMPANYING INSPECTOR(s) (Name, Company, Phone, E-mail [if available]):	

SIGNIFICANT INDUSTRIAL USERS (SIUs)	PCI CHECKLIST REFERENCE	PCA CHECKLIST REFERENCE	DATA
► SIUs*:	II.B.2.a	I.C.4.a	
► SIUs Without Control Mechanism:	II.C.1.c	I.D.1 and II.A	
► SIUs Not Inspected:	II.E.2.c	I.F.2.c	
► SIUs Not Sampled:	II.E.2.b	I.F.2.b	
► SIUs in SNC with Pretreatment Standards** :	II.F.3.a	I.F.3.a	
► SIUs in SNC with Reporting Requirements:	II.F.3.a	I.F.3.a	
SIUs in SNC with Pretreatment Schedule:		I.F.3.a	
SIUs in SNC Published in Newspaper:		I.G.4; II.D.7	
Criminal Suits Filed Against SIUs:	II.F.1		
CATEGORICAL INDUSTRIAL USERS (CIUs)			
► CIUs:		I.C.4.a	
OTHER INFORMATION			
Pass-Through/Interference Indicator *(none, Yes, or No)*		I.G.6	
DEFICIENCIES			
Control Mechanism Deficiencies *(No or Yes)*		I.D.1;II.A.4	
Inadequacy of Sampling and Inspections *(No or Yes)*		II.C and Site Visit Sheets	
Adequacy of Pretreatment Resources *(Yes or No)*		I.I	

FOOTNOTES:

► denotes required information

* The number of SIUs entered into PCS is based on the CA's definition of "Significant Industrial User."

** AS DEFINED IN EPA's 1986 Pretreatment Compliance Monitoring and Enforcement Guidance.

DATA ENTRY WORKSHEET COMPLETED BY:	DATE:
TITLE:	TELEPHONE NO.:

RNC WORKSHEET

RNC WORKSHEET

INSTRUCTIONS: Place a check in the appropriate box to the left, if the CA is found to be in RNC or SNC.

CA name

NPDES number

Date of audit

		Level	Checklist Reference
	Failure to enforce against pass through and/or interference	I	I.G.6
	Failure to submit required reports within 30 days	I	Attach A.B.2.b
	Failure to meet compliance schedule milestone date within 90 days	I	Attach A.B.2.c
	Failure to issue/reissue control mechanisms to 90% of SIUs within 6 months	II	I.D.1.c
	Failure to inspect or sample 80% of SIUs within the past 12 months	II	I.F.2.a
	Failure to enforce Pretreatment Standards and reporting requirements (more than 15% of SIUs in SNC)	II	II.D.1; I.G.2
	Other (specify)	II	

SNC

	CA in SNC for violation of any Level I criterion
	CA in SNC for violation of two or more Level II criterion

For more information on RNC, see EPA's 1990 *Guidance for Reporting and Evaluating POTW Noncompliance with Pretreatment Implementation Requirements*

RNC WORKSHEET COMPLETED BY:	DATE:
TITLE:	TELEPHONE:

CHAPTER 3. AUDIT CHECKLIST INSTRUCTIONS

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SECTION I: DATA REVIEW

Each of the questions in Section I of the checklist is listed below along with an explanation of the purpose or intent of the question. Brief guidance is provided on how the auditor can evaluate the CA's efforts. This section is primarily designed to be interactive between the auditor and the CA personnel. However, the information collected should not be solely from the answers provided by the CA personnel. Where possible, all answers provided by the CA should be supported by other data (e.g., monitoring reports, correspondence). The auditor should use this section to complement the data gathered through the file review and to further evaluate the effectiveness of the CA's implementation of the pretreatment program.

To facilitate completion of this section, elements of each program area are listed for consideration. The regulatory citations are provided where there are specific *requirements* for that element. The auditor should be aware that not all questions on the checklist reflect regulatory requirements. Some of the questions are included to allow the auditor to better evaluate program effectiveness. The auditor should take this fact into consideration when developing required versus recommended actions to be taken by the CA.

A. CA Pretreatment Program Modification [403.18]

Note: The auditor should attempt to determine if any modifications have taken place without approval by the AA. In addition, the auditor should determine if any modifications are planned in the near future or are currently being worked on.

A.1.a. Has the CA made any substantial changes to the pretreatment program that were not reported to the Approval Authority (e.g., legal authority, less stringent local limits, multijurisdictional situation)? If yes, discuss.

A.1.b. Is the CA in the process of making any substantial modifications to any pretreatment program component (including legal authority, less stringent local limits, and required pretreatment provisions from the 2005 revisions to the General Pretreatment Regulations, multijurisdictional situation, and others)? If yes, describe:

A.1.c. Has the CA made any nonsubstantial changes to the pretreatment program (i.e., pH limit modifications, reallocation of the maximum allowable headworks loading, and such)? If yes, describe.

A.1.d. Has the CA amended its pretreatment program to include the following components required under the 2005 amendments to the General Pretreatment Regulations: slug control requirements in control mechanisms [40 CFR 403.8(f)(1)(iii)(B)(6)]; notification requirements to include changes that might affect the potential for a slug discharge [40 CFR 403.8(f)(2)(vi)]; revised SNC definition [40 CFR 403.8(f)(2)(viii)]; clarification that SIU reports must include any applicable BMP compliance information [40 CFR 40.12(b); (e), (h)]; SIU control mechanisms must contain any BMPs required by a Pretreatment Standard, local limits, state, or local law [40 CFR 403.8(f)(1)(iii)(B)(3)]; record-keeping requirements for BMPs [40 CFR 403.12(o)]; clarification that CAs that perform sampling for SIUs must perform any required repeat sampling and analysis within 30 days of becoming aware of a violation [40 CFR 403.12(g)(2)]; modifications to the sampling requirements [40 CFR 403.12(g)]; and requirement to report all monitoring results [40 CFR 403.12(g)]. If not, when?

A.1.e. Has the CA adopted or does the CA plan to adopt any of the optional measures provided by the 2005 amendments to the General Pretreatment Regulations? If yes, check which ones. (Issuance of monitoring waivers for pollutants that are not present [40 CFR 403.8(f)(2)(v) and 403.12(e)(2)]; issuance of general control mechanisms to regulate multiple industrial dischargers with similar wastes [40 CFR 403.8(f)(1)(iii)]; using BMPs as an alternative to numeric limits; authority to implement alternative sampling [40 CFR 403.3(e), 403.5(c)(4), 403.12(b), (e), and (h)], reporting, and inspections frequencies for NSCIUs [40 CFR 403.3(v)(2), 403.8(f)(2)(v)(B), 403.8(f)(6), 403.12(e)(i), 403.12(g), (i), and (q)]; authority to implement alternative sampling, reporting, inspections frequencies for middle-tier CIUs [40 CFR 403.8(f)(2)(v)(C), 403.12(e)(3), and 403.12(i)]; authority to implement equivalent concentration limits for flow-based standards [40 CFR 403.6(c)(6)]; and authority to implement equivalent mass limits for concentration-based standards [40 CFR 403.6(c)(5)].)

A.2.a. Are there any planned changes to the POTW's treatment plant(s)? If yes, describe.

A.2.b. Are these changes to the treatment plant(s) due to pretreatment issues? If yes, what were the issues?

PURPOSE: The CA is required to notify the AA of any substantial modifications it intends to make in its pretreatment program. Substantial modifications should not be made without approval by the AA. Note, however, that the changes to the pretreatment program due to the 2005 revisions

to the General Pretreatment Regulations (70 FR 60134-60198: October 14, 2005) are not considered substantial as long as the changes mirror EPA language and intent.

FACTORS TO CONSIDER:

- In some authorized states, the CA cannot adopt less stringent or less restrictive program elements until the state has modified its state rules and regulations to authorize the less stringent provisions.
- When investigating this area, the auditor should keep in mind that program modifications are likely to be made in any of the following areas:
  - Contributing jurisdictions added
  - Legal authority—SUO and interjurisdictional agreements
  - Local limits—reevaluation and modification, addition or deletion of parameters
  - Definition of SIU and/or changes in criteria for IUs to be included in the pretreatment program
  - Control mechanisms—type (order vs. permit, etc.), content, format, or standard conditions
  - Inspection and sampling (including self-monitoring) frequencies and/or priorities
  - Resources committed to the program—equipment, personnel, funding

B. Legal Authority [403.8(f)(1)]

Note: This section is designed to investigate whether the CA has adequate legal authority to implement its program. The auditor should review the CA's legal authority/ordinance to make sure it is current with the new regulations and to determine that the CA has adequate authority to cover any extrajurisdictional situation that might exist. The auditor should note any problems and explain them in the spaces provided on the checklist. Furthermore, if the CA has adopted any of the optional provisions from the 2005 revisions of the General Pretreatment Regulations (70 FR 60134-60198: October 14, 2005) into its legal authority, the auditor should ensure that the optional provision is allowed by state law.

B.1.a. Are there any contributing jurisdictions discharging wastewater to the POTW? If yes, complete questions b–e.

B.1.b. List the contributing jurisdictions.

B.1.c. Does the CA have an agreement in place that addresses pretreatment program responsibilities?

B.1.d. Is the CA or the contributing jurisdictions responsible for the following: updating the IWS, notifying IUs of requirements, issuance of control mechanisms, receiving and reviewing IU reports, conducting inspections, conducting compliance monitoring, enforcement of Pretreatment Standards and Requirements?

B.1.e. Has the CA had any problems with implementation of its pretreatment program within the contributing jurisdictions? If yes, explain.

PURPOSE: The CA is responsible for implementing and enforcing its pretreatment program for all IUs (i.e., existing and future IUs) throughout its service area, regardless of jurisdictional boundaries. The CA should have a mechanism(s) to ensure implementation and enforcement in its contributing jurisdictions.

FACTORS TO CONSIDER:

- The CA could be relying on its SUO to regulate IUs in contributing municipalities, but it might not have adequate authority to do so under state law.
- The CA might be relying on existing interjurisdictional agreements that were entered into for the purpose of guaranteeing treatment capacity and providing for payment thereof. Such agreements seldom address the needs of pretreatment program implementation. **At a minimum, the agreement should require the contributing municipality to adopt and maintain a SUO that is at least as stringent and inclusive (including local limits) as the CA's SUO.** Ideally, the agreement (or a supplement to the agreement) should provide for every program implementation activity. For additional information regarding interjurisdictional agreements, see EPA's *Multijurisdictional Pretreatment Programs Guidance Manual* (EPA-833-B-94-005).
- The CA might have no means of obtaining an adequate agreement with a contributing municipality (i.e., the CA might be required to continue providing service to the municipality) and might not have entered into a contract with extrajurisdictional IUs.

- The CA might not have entered into an agreement (or might have an inadequate agreement) with contributing municipalities that do not currently have IUs within their boundaries. Even if zoning in such cases allows for commercial and/or residential premises, because zoning laws are subject to change, the CA should have an agreement that requires notification to and approval by the CA if any IU request is made to connect to the system.

B.2.a. Has the CA updated its legal authority to reflect the 2005 General Pretreatment Regulation changes?

B.2.b. Did all contributing jurisdictions update their SUOs to be as stringent as the receiving POTW?

B.2.c. Did the CA update its procedures and ERP to implement the changes in its SUO? Explain.

PURPOSE: The CA is required to amend its legal authority, as necessary, to be consistent with all revisions of the General Pretreatment Regulations. The amendment would be a substantial program modification and must be approved by the AA. The auditor should verify the status of the CA's legal authority.

FACTORS TO CONSIDER:

- The CA might have modified its SUO without submitting proposed changes to the AA or might have enacted modifications without approval. If so, that should be noted along with the date modifications were enacted and citations of the modified provisions.
- The CA might have submitted proposed changes but has not yet received approval. The date of the submission should be noted.
- The General Pretreatment Regulations were revised on October 14, 2005 (70 FR 60134-60198: October 14, 2005). The required provisions from this revision must be adopted by the CA in accordance with the requirements of the CA's NPDES permit, enforcement order, or state law. In addition, before the CA's adoption of many of the optional provisions promulgated in the 2005 revision to the General Pretreatment Regulations, those provisions must be adopted into the state regulations. For further guidance regarding changes to the SUO in regards to the provisions, see *EPA Model Pretreatment Ordinance* (EPA 833-B-06-002) and *Checklist – Pretreatment Program Legal Authority Reviews* (EPA 833-B-07-001).

B.3. Does the CA experience difficulty in implementing its legal authority [i.e., SUO, interjurisdictional agreement (e.g., permit challenged, entry refused, penalty appealed?)] If yes, explain.

PURPOSE: The CA should be able to ensure the successful implementation of its SUO provisions throughout its service area.

FACTORS TO CONSIDER:

- The CA's SUO authorities might have been challenged as being inconsistent with state statutes or as being unconstitutional. State statutes might not provide adequate authority for the CA to take effective enforcement action. The SUO could contain language that is open to interpretation.
- In general, the CA's SUO applies only to IUs within its jurisdictional boundaries. However, a few states provide authority to public utilities to regulate all users throughout their service area. In such cases, the SUO could apply to all users of the POTW.
- The CA might not have an agreement with all contributing municipalities, or it might have an inadequate existing agreement that cannot be modified without the mutual consent of both parties.
- Interjurisdictional agreements might not be specific enough to ensure that the contributing municipality takes adequate enforcement when required.
- Interjurisdictional agreements might not provide the CA with authority to take direct action against a violating IU where the contributing jurisdiction has failed to do so. Where this is the case, it could be that state law does not allow for such authority. Further, this authority generally does not exist in interstate situations unless special legislation has been enacted.

C. <u>IU Characterization [403.8(f)(2)(i)&(ii)]</u>

Note: This section is to be used to evaluate how the CA identifies and characterizes its IUs. The auditor should determine whether the CA has any problems identifying IUs, differentiating between SIUs and non-SIUs, and further, differentiating between CIUs and significant non-CIUs. Any problems should be recorded.

C.1.a. How does the CA define SIU? (Is it the same in contributing jurisdictions? Is it different from the federal definition at 40 CFR 403.3(v)?)

C.1.b. If the CA has implemented the middle-tier CIU provisions, how does the CA define *middle-tier CIU*?

C.1.c. If the CA has implemented the NSCIU provisions, how does the CA define *NSCIU*?

PURPOSE: In accordance with 40 CFR 403.8(f)(l)(iii), the CA is required to issue individual control mechanisms to all its SIUs as defined under 40 CFR 403.3(v). The CA must apply equivalent or more encompassing criteria to determine which IUs must obtain individual control mechanisms. The auditor should determine what definition the CA is applying to its SIUs and whether the definition is equivalent or more stringent than the federal definition.

FACTORS TO CONSIDER:

- EPA adopted its definition of SIU on July 24, 1990. Furthermore, on October 14, 2005 (70 FR 60134-60198: October 14, 2005), EPA amended the definition of SIU by the addition the NSCIU definition. An NSCIU is still considered a categorical user but is not considered significant.
- Before implementing an NSCIU provision, the CA must ensure that it has submitted to the AA its program for the NSCIU in accordance with 40 CFR Part 403 and has the legal authority to do so (i.e., this option has been adopted in state and local regulations).
- Frequently, the CA's definition of SIU includes any IU that has in its discharge toxic pollutants as defined under CWA section 307. That provision is not a substitute for specifying all IUs subject to national categorical Pretreatment Standards because not all categorical standards regulate toxic pollutants. For example, the categorical Pretreatment Standards for dischargers subject to 40 CFR Part 415 subpart AC does not specifically regulate toxic pollutants.
- The CA's definition of SIU must include any IU whose discharge constitutes 5 percent or more of the average dry-weather hydraulic *or* organic capacity of the POTW treatment plant. Auditors should review the POTW's legal authority to ensure that both criteria are included.
- EPA's definition includes any IU that the CA determines has a reasonable potential to adversely affect the POTW or cause a violation of applicable standards or requirements. If the

CA's definition contains only criteria that include any IU that the Director has found to have an effect on the POTW, such criteria are not as inclusive as the federal definition.

- EPA's definition of a middle-tiered CIU is a categorical user that discharges less than 0.01 percent of the design dry-weather hydraulic capacity of the POTW or 5,000 gallons per day (gpd) (whichever is smaller); less than 0.01 percent of the design dry-weather organic treatment capacity of the POTW; and less than 0.01 percent of the maximum allowable headworks loading of any pollutant for which approved local limits were developed by the POTW.
- EPA's definition of an NSCIU is a CIU that never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard), the user has consistently complied with all applicable categorical Pretreatment Standards and Requirements, and the user never discharges any untreated concentrated wastewater.

C.2 How are SIUs identified and categorized (including those in contributing jurisdictions)? Discuss any problems.

PURPOSE: Proper identification and categorization of SIUs is essential to applying appropriate Pretreatment Standards and Requirements. The CA should have procedures for determining which IUs are significant, which of those are subject to categorical standards, and the appropriate category/subcategory to apply to each CIU.

FACTORS TO CONSIDER:

- Because of EPA's adoption of the definition of NSCIU on October 14, 2005, NSCIUs are not considered to be SIUs even though they are still considered CIUs (70 FR 60134-60198: October 14, 2005).
- The CA should have procedures to determine which SIUs are subject to categorical Pretreatment Standards and the applicable category(ies) for those that are. The procedures should include permit application/Baseline Monitoring Report (BMR) review, on-site inspection, and comparison to categorical Pretreatment Standard regulations, guidance documents, and/or development documents.

C.3.a. How and when does the CA update its IWS to identify new IUs (including those in contributing jurisdictions)?

PURPOSE: The CA needs to be able to identify new IUs that move into the CA's service area. The CA is also required to update its IWS at least annually [40 CFR 403.12(i)]. Generally, a system for continuous update is the most effective.

FACTORS TO CONSIDER:

- The CA should be relying on numerous sources to identify new users. Reliance on one municipal department (e.g., building permits) to identify these users is likely to result in the CA overlooking some new IUs such as those in existing facilities. At a minimum, EPA recommends that the CA verify its IWS by comparing it to another source such as water billing records at least annually.
- CAs also frequently experience difficulty in identifying new users in contributing municipalities. If the CA relies on that municipality to notify it of new IUs, the CA should have procedures to verify this information at least monthly.

C.3.b. How and when does the CA identify changes in wastewater discharges at existing IUs (including contributing jurisdictions)?

PURPOSE: Identifying changed discharges from existing IUs is part of the CA's IWS update and must be done at least annually. Again, continuous updating procedures are the most effective.

FACTORS TO CONSIDER:

- Existing IUs are required to notify the CA of any changes in their facilities or processes that might result in the discharge of new or substantially increased pollutants. The CA should ensure that all IUs (including those in contributing jurisdictions) are aware of the requirement.
- The CA should have procedures to review existing IUs not currently included in the program. The CA should verify current conditions at those facilities having the greatest potential for changes that could result in a change of status. Water billing records provide data for IUs that suddenly change volume of water used, which is a strong indicator of a change in processes being performed.

- The CA might only update its IWS for IUs in its program when their control mechanisms are due for reissuance. If this is the case, update for existing IUs might not be occurring annually and/or might be reliant upon permit application data rather than on-site inspection data.
- If contributing municipalities are conducting their own inspections, the CA should have oversight procedures to ensure that those inspections are adequate to identify any facility changes that might result in the discharge of new or increased pollutants.

C.4. How many IUs are identified by the CA in each of the following groups?

C.4.a. SIUs (as defined by the CA): CIUs, excluding middle-tier CIUs and NSCIUs; Middle-tier CIUs; Noncategorical SIUs

PURPOSE: The CA is required to use control mechanisms such as the issuance of permits for all SIUs and middle-tier CIUs in its service area. It is also required to identify those IUs that are subject to categorical Pretreatment Standards and their applicable category/subcategory.

FACTORS TO CONSIDER:

- The CA generally should have the numbers of CIUs and noncategorical SIUs readily available. However, in the case of a very large program, the CA might need to obtain data from its computer system to provide these numbers. Enough time should be allowed to ensure that the auditor obtains these data during the course of the audit.
- If the CA issues contro1 mechanisms to non-SIUs, it should still be able to identify which IUs are SIUs to ensure that all applicable Pretreatment Standards and Requirements are being applied.
- The approved pretreatment program for an individual CA might not have the legal authority necessary to implement NSCIU or middle-tier reduced reporting provisions. If the CA is implementing those provisions, the auditor should verify that the CA has the authority to do so.
- If allowed by state law and if the CA's legal authority has been revised and approved accordingly, a CA may designate certain CIUs to be middle-tier CIUs. A middle-tiered CIU is a categorical user that discharges less than 0.01 percent of the design dry-weather hydraulic capacity of the POTW or 5,000 gpd (whichever is smaller); less than 0.01 percent of the design dry-weather organic treatment capacity of the POTW; and less than 0.01 percent of the maximum allowable headworks loading of any pollutant for which approved local limits were developed by the POTW.

- An IU must obtain approval from the CA before reducing its reporting frequency. The auditor should keep in mind that the CA must have this provision incorporated into its legal authority before granting reduced reporting frequencies.

C.4.b. Other regulated noncategorical nonsignificant IUs (specify): Noncategorical nonsignificant IUs; NSCIUs, excluding zero-discharging CIUs [as defined by 40 CFR 403.3(v)(2)] (specify); Zero-discharging CIUs (specify)

PURPOSE: The CA is not required to issue control mechanisms to non-SIUs; however, many choose to issue control mechanisms to some of or all the IUs. Furthermore, the CA might choose to adopt the optional regulations as promulgated in the 2005 revision to the General Pretreatment Regulations that allow reduced monitoring and reporting requirements for NSCIUs (70 FR 60134-60198: October 14, 2005).

FACTORS TO CONSIDER:

- Often, the CA regulates non-SIUs strictly for revenue purposes. If that is the case, the auditor should determine what pollutants are monitored and/or what other requirements are applied to such users.
- Some CAs regulate specific categories of non-SIUs such as photo finishers, dry cleaners, and transportation centers. In such cases, the auditor should ask why and how the CA decided to regulate those IUs.
- Some CAs might regulate non-SIUs through BMPs or Pollution Reduction Plans.
- If allowed by state law and if the CA's legal authority has been revised and approved accordingly, a CA may designate certain CIUs to be *NSCIUs*. An NSCIU is a discharger that never discharges more than 100 gpd of categorical wastewater to the POTW, has consistently complied with all applicable categorical standards and requirements, and never discharges any untreated concentrated wastes.
- An NSCIU is not considered an SIU, and therefore 40 CFR Part 403 has no requirement to control the discharger through a permit or other control mechanism. The CA, however, is required to provide a list of all NSCIU facilities in the annual pretreatment report and to ensure that the annual certification report is submitted.
- An NSCIU is still, however, a categorical discharger and therefore is still required to comply with applicable categorical Pretreatment Standards and related reporting and notice

requirements. EPA recommends that the CA issue some form of control mechanism for those dischargers to ensure compliance with the federal requirements.

C.4.c. Total

PURPOSE: Although the CA is required to issue only individual control mechanisms to its SIUs, many also issue control mechanisms to non-SIUs. Non-SIU control mechanisms are not required to contain the elements specified under 40 CFR 403.8(f)(l)(iii)(B); however, EPA recommends that they do so.

FACTOR TO CONSIDER:

The CA can issue control mechanisms to specific categories of industries/commercial facilities because of problems experienced from such facilities (e.g., shipping depots—O&G). Although those control mechanisms are not required to be as comprehensive as those for SIUs, they should contain standards and/or requirements that make sense (e.g., clean traps biweekly). Furthermore, the CA is allowed to issue control mechanisms to categorical industries that do not discharge regulated process wastestreams. EPA recommends that if a control mechanism is issued, it contain the following conditions: No discharge of process wastewater is permitted; a requirement to notify the POTW of any changes in operation resulting in a potential for discharge; a requirement to certify at least annually that no discharge has occurred; and a requirement to comply with RCRA and state hazardous waste regulations regarding the proper disposal of hazardous waste

Note: This question is designed to help the auditor determine which facilities the CA has classified as either NCSIU, zero-discharging CIU, or middle-tier CIU. In addition, this question will help the auditor identify which industry sectors the CA has developed general control mechanisms for. The auditor should determine whether the CA's implementation of the optional classification categories and general control mechanisms are adequate and in compliance with federal regulations.

D. <u>Control Mechanism Evaluation [403.8(f)(l)(iii)]</u>

Note: This section is designed to help the auditor evaluate the CA's issuance and reissuance of control mechanisms. The auditor should determine whether the control mechanisms used are issued or reissued in a timely manner, whether the CA is controlling all sources, and whether the control mechanisms are adequate and effective. Any problems should be recorded.

D.1.a. How many and what percent of the total SIUs are <u>not</u> covered by an existing, unexpired permit or other individual control mechanism?

PURPOSE: The regulations at 40 CFR 403.8(f)(l)(iii), require the CA to issue individual or general control mechanisms to all SIUs.

FACTORS TO CONSIDER:

- The auditor should consider how many SIUs the CA reported in question C.4 and whether the number of control mechanisms reported here matches. If it does not, the auditor should determine why the discrepancy exists.
- If the CA reports any expired and not reissued or reissued late control mechanisms, the auditor should determine the reason.

D.1.b. Has the CA implemented any general control mechanisms?

D.1.c. If yes, how many SIUs (as defined by the CA) are covered by a general control mechanism? List the types of SIUs covered under a general control mechanism.

PURPOSE: Under 40 CFR 403.8(f)(1)(iii)(A), at the CA's discretion, the CA may issue general control mechanisms to SIUs.

FACTORS TO CONSIDER:

- If allowed by state law and if the CA's legal authority has been revised and approved accordingly, a CA might be able to issue general control mechanisms to SIUs, at the CA's discretion.
- The facilities covered by general control mechanisms must [40 CFR 403.8(f)(1)(iii)(A)(1)]
  - Involve the same or substantially similar types of operations
  - Discharge the same types of wastes
  - Require the same effluent limitations
  - Require the same or similar monitoring
  - In the opinion of the CA, be more appropriately controlled under a general control mechanism than under individual control mechanisms

- Facilities regulated by categorical standards expressed as mass limits cannot receive coverage under a general control mechanism. The one exception to this exclusion would be situations where the CA has imposed the same mass-based limit on a number of facilities.
- General control mechanisms are not available for IUs whose limits are based on the CWF or net/gross calculations.
- General control mechanisms are not available for CIUs subject to production-based limits.

D.1.d. How many control mechanisms were not issued within 180 days of the expiration date of the previous control mechanism or extended beyond 5 years? [RNC – II] If any, explain.

PURPOSE: A CA is considered to be in RNC if it fails to issue, reissue, or ratify control mechanisms for at least 90 percent of its SIUs within 180 days of the expiration date of the previous control mechanism. If the CA failed to issue or reissue all control mechanisms in the appropriate time frames, the auditor should record and explain why.

FACTORS TO CONSIDER:

- The CA should have procedures that ensure timely reissuance of all control mechanisms. Control mechanisms should be issued or reissued on time; if any were not, the auditor should record this and determine the reason they were not issued or reissued on time.
- The CA may grant an administrative extension of the current control mechanism. However, only those extensions provided for due cause (e.g., awaiting the approval of revised local limits) are adequate to exempt the CA from being considered in RNC. In addition, in no case may extensions cause the term of the permit to exceed 5 years. A lack of adequate CA staff and resources or simply failure to issue or reissue permits in a timely manner are not acceptable reasons for granting an extension.

D.2.a. Do any UST, CERCLA, RCRA corrective action sites and/or other contaminated groundwater sites discharge wastewater to the CA?

D.2.b. How are control mechanisms (specifically limits) developed for these facilities? Discuss.

PURPOSE: Any UST, CERCLA, or RCRA corrective action site that requests to discharge to the CA, even though the discharge might be of short duration, should be considered an SIU. As such, each facility must be issued a control mechanism containing all required elements.

FACTORS TO CONSIDER:

- The CA's local limits should cover the pollutants of concern to be discharged by these facilities. The CA should have prepared an IU-specific permit to address such pollutants. Unfortunately, in the case of CERCLA and RCRA facilities, there might not be much literature data available regarding secondary treatment inhibition from the applicable pollutants. The CA will have to rely upon whatever data is available and best professional judgment. Where there is doubt that the sources will ensure protection of the POTW, the CA should consider requiring/conducting a bench-scale study to obtain better data.
- The CA should be aware that receipt of hazardous wastes through a dedicated pipe or via truck into the headworks of the POTW will cause the CA to be considered a Treatment Storage and Disposal Facility (TSDF) under the RCRA permit-by-rule. The CA is then subject to applicable liabilities.

D.3.a. Does the CA accept any waste by truck, rail, or dedicated pipe (including septage)?

D.3.b. Is any of the waste hazardous as defined by RCRA?

D.3.c. Does any waste accepted via truck, rail, or dedicated pipe meet the CA's SIU definition?

D.3.d. Describe the CA's program to control hauled wastes including a designated discharge point (e.g., number of points, control/security procedures). [403.5(b)(8)]

PURPOSE: According to 40 CFR 403.1(b)(l), the General Pretreatment Regulations apply to pollutants from all nondomestic sources subject to Pretreatment Standards (including prohibited discharge standards, local limits, and categorical Pretreatment Standards) that are indirectly discharged into or transported by truck or rail or otherwise introduced into a POTW or could contaminate sewage sludge.

Under 40 CFR 403.5(b)(8), the CA is required to prohibit the discharge of trucked or hauled pollutants except at a point that the CA designates. The auditor should determine what kind of program the CA has in place for handling hauled waste and whether any of the hauled waste qualifies as hazardous waste under RCRA. The auditor should determine if there is some kind of permitting system in place, and if so, how it is implemented.

FACTORS TO CONSIDER:

- The CA should be aware that any hazardous wastes received by the POTW from such sources are not covered by the domestic sewage exclusion provision of RCRA. Therefore, a POTW receiving such waste may be considered a TSDF and subject to *permit by rule*.
- Where the CA states that it accepts only sanitary or sanitary and grease trap wastes, it should be able to demonstrate that it prohibits the discharge by the sources of any other wastes. Unless it has established (in its SUO or elsewhere in its code) that it is illegal for the sources to discharge industrial waste, the CA probably will not be able to enforce against such discharges. In these instances, however, the municipality should contact the appropriate state personnel to discuss illegal hauled waste dischargers when they occur because there might be state septage or industrial waste law violations. Even where the CA has prohibited the discharge of industrial wastes by these sources, it should have sufficient oversight procedures (e.g., manifest verification, manned discharge points, random sampling) to ensure compliance.

E. Application of Pretreatment Standards and Requirements

Note: This section is set up to complement the file reviewer's investigation of the CA's application of Pretreatment Standards. The auditor should collect information on the CA's use and understanding of Pretreatment Standards. He or she should try to determine whether the CA understands all issues relevant to the application of the standards. The auditor should also determine how the CA developed local limits. Any problems encountered by the CA in applying Pretreatment Standards or developing local limits should be recorded.

E.1. What limits (categorical, local, other) does the CA apply to wastes that are hauled to the POTW (directly to the treatment plant or within the collection system, including contributing jurisdictions)? [403.1(b)(1)]

PURPOSE: According to 40 CFR 403.1(b)(l), the General Pretreatment Regulations apply to pollutants from all nondomestic sources subject to Pretreatment Standards (including prohibited discharge standards, local limits, and categorical Pretreatment Standards) that are indirectly discharged into or transported by truck or rail or otherwise introduced into a POTW. The auditor should determine whether the appropriate limits are being applied to hauled waste.

FACTORS TO CONSIDER:

- Any nondomestic wastes from these sources must, at minimum, be subject to the CA's prohibited discharge standards and local limits.
- If the discharge contains, or is likely to contain, pollutants that could interfere with or pass through the POTW but are not currently regulated by the CA (e.g., discharges from groundwater cleanup sites), EPA recommends that the CA determine the allowable concentrations/loadings from such pollutants and apply them in a control mechanism issued for that discharge.

E.2. How does the CA keep abreast of current regulations to ensure proper implementation of standards? [403.8(f)(2)(iii)]

PURPOSE: It is the CA's responsibility to keep up-to-date with all applicable regulations.

FACTORS TO CONSIDER:

- EPA recommends that the CA have procedures to review the *Federal Register* or some other publications or source that provides routine updates of the *Federal Register*.
- CAs frequently rely on information provided by EPA or the approved state to keep up-to-date with pretreatment and applicable RCRA revisions. This might not be adequate because such updates usually occur quarterly or less frequently.

E.3. Local limits evaluation: [403.8(f)(4); 122.21(j)(2)(ii)]

Note: The auditor should determine what methods were used to establish the CA's local limits, how the limits are being allocated, and whether there is any indication that the limits should be reevaluated (e.g., more pollutants covered).

E.3.a. For what pollutants have local limits been set?

PURPOSE: The CA is required to evaluate the need for new or revised local limits. This must be a technical evaluation to determine the maximum allowable POTW headworks loading for each pollutant that will ensure protection of the treatment plant unit processes from inhibition or upset; compliance with the POTWs' NPDES permit, conditions (including water quality-based effluent limitations); protection of the receiving stream from violation of any water quality standards; compliance with any effluent or sludge use and disposal requirements in the NPDES permit; and protection of worker health and safety.

FACTORS TO CONSIDER:

- Frequently, the local limits contained in the approved program submission were developed by a consultant, and the CA might not know the methods used for their development. The CA might be able to call the consultant to obtain the appropriate documentation. Time should be allowed, where possible, for this documentation to be provided.
- A technical evaluation might have been conducted but might have been reliant mainly on literature values because of a lack of real data. In such a case, the validity of the limits might be questionable, except where data obtained is below the quantifiable levels of the test method.

E.3.b. How were these pollutants selected?

PURPOSE: The CA should evaluate the need for local limits for any pollutant that might reasonably be expected to be discharged to the POTW in sufficient amounts to cause pass through or interference, cause problems in its collection system, or jeopardize its workers. Pollutants that are contributing to or known to cause operational problems should also be considered even if the pollutants are not currently causing NPDES permit violations.

FACTORS TO CONSIDER:

- EPA generally recommends that limits be evaluated for 10 parameters that frequently occur in POTWs receiving industrial discharges. The parameters include arsenic, cadmium, chromium, copper, cyanide, lead, mercury, nickel, silver, zinc, molybdenum, selenium, 5-day biochemical oxygen demand, total suspended solids, and ammonia (for WWTPs that accept nondomestic sources of ammonia). For additional information regarding the development of local limits, the auditor should review EPA's *Local Limits Development Guidance* (EPA 833-R-04-002A).
- The CA should also evaluate other pollutants reasonably expected to occur in the POTW. The CA might identify those pollutants in several ways, including running a priority pollutant scan on the POTW influent and identifying pollutants common to the types of industries in its service area. The CA should be able to explain the rationale for selecting the pollutants for which local limits exist.
- The CA should consider limits for volatile pollutants likely to be found in the collection system that might not be detectable in the POTW but are necessary to protect worker health and safety.

E.3.c. What was the most prevalent/most stringent criteria (e.g., NPDES permit requirements, plant inhibition, and/or sludge disposal requirements) for the limits?

PURPOSE: According to 40 CFR 122.21(j)(2)(ii), the CA must reevaluate its local limits. Under 40 CFR 403.5(c)(l), the CA developing a pretreatment program must develop and enforce local limits to prevent interference and pass through. The CA must also continue to develop those limits as necessary.

FACTORS TO CONSIDER:

- The CA must develop local limits as part of its pretreatment program submission, reevaluate local limits following the reissuance of the POTW's NPDES permit, and when any substantial change in loadings occur at the plant (for instance when new IUs hook into the system).
- The CA should develop local limits for any pollutant that is known to have caused interference, pass through, or worker health and safety problems, or that has a reasonable potential to cause those problems.

E.3.d. Which allocation method(s) were used?

PURPOSE: Federal regulations require local limits to be developed on a technical basis to prevent interference and pass through. The regulations do not specify the manner in which the CA must allocate those loadings.

FACTORS TO CONSIDER:

- The regulations require that the CA have the legal authority to establish local limits. They do not require local limits to be contained in the SUO. If the CA chooses to allocate its maximum allowable headworks loadings to all IUs on a uniform concentration basis, EPA recommends that the end-of-pipe discharge limits be specified in the SUO.
- The CA may choose to allocate the loadings for specific pollutants among those IUs with the potential for those pollutants in their discharge. In such a case, the limits are best placed in the IU control mechanisms.
- IU-specific limits are not required to be uniform for all IUs to which they apply. However, the CA should have a defensible rationale for its allocations. Where IU-specific limits are applied, the SUO should specify the maximum allowable headworks loadings and must prohibit the discharge of those pollutants at a rate that, alone or in conjunction with other discharges, cause an exceedance of those loadings.

E.3.e. What was the limit basis (i.e., instantaneous maximums, daily maximums, or other) for the local limits?

PURPOSE: Frequently, the CA does not specify the limit basis for its local limits.

FACTORS TO CONSIDER:

- Without proper identification of limit basis, the auditor cannot determine whether the CA and SIUs are complying with the local limits.
- An instantaneous maximum limit is a value never to be exceeded for any period of time and requires grab samples to evaluate compliance.
- Compliance with a daily maximum limit is evaluated by the average measurement of a pollutant during a calendar day.
- Compliance with a monthly average limit is evaluated by the average measurement of a pollutant during a calendar month.

E.3.f. When was the CA's last local limit evaluation? What was the approval date?

E.3.g. Has the CA identified any pollutants of concern beyond those in its local limits? If yes, how has this been addressed?

PURPOSE: The CA is required to continue to develop local limits, as necessary.

FACTORS TO CONSIDER:

- If the CA has experienced a pass through or interference event caused by a pollutant not included in its list of local limits, the auditor should determine what follow-up has been done to regulate that pollutant in the future.
- Where a new SIU, particularly a groundwater cleanup site has come online and has the potential to discharge pollutants that could affect the POTW but for which the CA does not have a local limit, the auditor should determine the CA's approaches to regulating that pollutant.
- Pollutants that are not likely to be discharged by more than one or two IUs might be more appropriately regulated on an IU-specific basis. The CA should still have a technical rationale for those limits. The CA must possess the legal authority to establish and enforce such limits.

E.4. What challenges, if any, were encountered during local limits development and/or implementation?

PURPOSE: Frequently, the CA encounters difficulties in evaluating its local limits.

FACTOR TO CONSIDER:

The state might not have developed water quality standards for the receiving stream. Data might not be available for a unit process used at the POTW. There might not be a point at which the CA can monitor to get a good profile of domestic contributions.

F. Compliance Monitoring

Note: This section evaluates the CA's compliance monitoring of its IUs. The monitoring should be conducted at a frequency that will produce data that is indicative of the IU's discharge and with care (proper sampling, analysis, and record keeping) to produce data that are supportive of enforcement actions. The auditor should record any problems that are found.

F.1.a. How does the CA determine adequate IU monitoring (sampling, inspecting, and reporting) frequency? [403.8(f)(2)(iv)&(v)]

PURPOSE: Under 40 CFR 403.8(f)(2)(v), the CA is required to inspect and sample all SIUs at least once a year except for CIUs for which the CA has reduced reporting requirements under 40 CFR 403.12(e)(3). The CA must inspect and sample those dischargers (also known as *middle-tier CIUs*) at least once every 2 years. Furthermore, the CA is not required to inspect or sample any dischargers classified as nonsignificant CIU (NSCIUs). According to 40 CFR 403.12(e), CIUs are required to submit reports twice per year, and 40 CFR 403.12(h) requires the same reporting from noncategorical SIUs. Further, the CA's approved program or NPDES permit may specify required sampling, inspection, self-monitoring or reporting requirements. The auditor should determine that the CA knows how to establish proper monitoring frequencies and that it is aware of their minimum requirements.

FACTORS TO CONSIDER:

- At minimum, the CA's monitoring frequencies should be consistent with the regulatory requirements.
- The CA should also consider each IU's potential for affecting the POTW and determine monitoring frequencies accordingly.

F.1.b. Is the frequency established above more, less, or the same as required? Explain any difference.

PURPOSE: The CA should have a rationale for its monitoring frequency. The auditor should investigate any discrepancies between required and actual monitoring frequencies.

FACTOR TO CONSIDER:

Where monitoring frequencies are not consistent with required frequencies, the CA's rationale for its monitoring frequencies should demonstrate that the monitoring is adequate to determine ongoing compliance by all regulated IUs.

F.1.c. Does the CA perform IU monitoring in lieu of requiring IUs to conduct self-monitoring? If yes, list IUs.

F.2. In the past 12 months, how many, and what percentage of, SIUs were [403.8(f)(2)(v)] (Define the 12-month period):

F.2.a. Not sampled or not inspected at least once

F.2.b. Not sampled at least once

F.2.c. Not inspected at least once (all parameters)

If any, explain. Indicate how the percentage was determined (e.g., actual, estimated).

PURPOSE: Under 40 CFR 403.8(f)(2)(v), the CA is required to inspect and sample all SIUs at least once a year with the exception of middle-tier CIUs and NSCIUs. For middle-tier CIUs, the CA is required to inspect and sample at least once every 2 years, and for NSCIUs, the CA is not required to conduct any inspections or monitoring. According to 40 CFR 403.12(e), CIUs are required to submit reports twice per year, and 40 CFR 403.12(h) requires the same reporting from noncategorical SIUs. In addition, middle-tier CIUs are required to submit an annual report only as long as the sample results are representative of the discharge conditions for the reporting period, and NSCIUs are required only to submit a certification statement.

FACTORS TO CONSIDER:

- If the CA fails to inspect or sample at least 80 percent of its SIUs at least once during the past 12 months, the CA is considered to be in RNC.

- If the CA is performing the sampling and analysis in lieu of the IU and determines that a violation has occurred, the CA must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis.

Note: The auditor should be aware that CAs often establish their monitoring schedules around their reporting to the AA. Therefore, they might not have completed all the required monitoring in the *past* 12 months, but they will complete it before they are required to submit their annual performance report to the AA.

F.3.a. Indicate the number and percent of SIUs that were identified as being in SNC (as defined by the POTW or EPA) with the following requirements as listed in the CA's last pretreatment program performance report [WENDB, RIDE] [RNC – II] (SNC Evaluation Period): Applicable Pretreatment Standards and reporting requirements, Self-monitoring requirements, Pretreatment compliance schedule(s)

PURPOSE: The auditor must determine the number and percent of SIUs in SNC for noncompliance with applicable Pretreatment Standards and reporting requirements, self-monitoring requirements, and pretreatment compliance schedules for input into PCS or ICIS, and to determine RNC.

F.3.b. Are any of the SIU that were listed as being in SNC in the most recent pretreatment report still in SNC status? If yes, list SIUs.

F.3.c. Indicate the number of SIUs that have been in 100% compliance with all Pretreatment Standards and Requirements. (Evaluation Period, Number of SIUs, Names of SIUs)

PURPOSE: To collect data for *Strategy for Pretreatment Program Results-Based [Environmental] Measures*.

FACTOR TO CONSIDER:

The auditor should look for upward trends in SIUs in 100 percent compliance with all Pretreatment Standards and reporting requirements.

F.4. What does the CA's basic inspection include? (process areas, pretreatment facilities, chemical and hazardous waste storage areas, chemical spill-prevention areas, hazardous-waste handling procedures, sampling procedures, laboratory procedures, and monitoring records) [403.8(f)(2)(v)&(vi)] Request a copy of the CA's inspection form, if applicable.

PURPOSE: The CA is required to inspect its IUs to determine compliance with all applicable standards and requirements. The auditor should determine whether the CA is aware of all areas that need to be investigated during an inspection.

FACTORS TO CONSIDER:

- The regulations do not specify required components of an IU inspection. However, to adequately determine compliance with all applicable standards and requirements, the CA should inspect all areas indicated above.
- If the CA inspects facilities more frequently than once a year, only one inspection might need to be comprehensive. Other inspections might be limited to areas of specific concern.

F.5. Who performs the CA's compliance monitoring analysis? (Metals, cyanide, organics, other (specify))

PURPOSE: The CA is required to conduct its compliance monitoring and analysis in a manner that will provide admissible evidence in enforcement proceedings [40 CFR 403.8(f)(2)(vii)]. Furthermore, all analyses must be performed in accordance with procedures established by EPA. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in questions, or where EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses must be performed using validated analytical methods or any other sampling and analytical procedures approved by EPA [40 CFR 403.12(g)(5)]. The auditor should verify whether the analyses are performed properly by reviewing reports and through discussions with the CA.

FACTOR TO CONSIDER:

If the CA performs all its own analyses or if it is performed by a contract lab, the CA should have documented that adequate procedures, equipment, and qualified personnel were used to analyze for all pollutants required to be monitored under its program.

F.6. What QA/QC techniques does the CA use for sampling and analysis (e.g., splits, blanks, spikes), including verification of contract laboratory procedures and appropriate analytical

methods? [403.8(f)(2)(vi)] Check all that are applicable. (Sampling: gloves, chain-of-custody forms, new sampling tubes, field blanks, other; Analysis: sample splits, sample blanks, sample spikes, other)

PURPOSE: The CA is required to conduct its compliance monitoring and analysis in a manner that will provide admissible evidence in enforcement proceedings [40 CFR 403.8(f)(2)(vii)]. Furthermore, all analyses must be performed in accordance with procedures established by EPA. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses must be performed using validated analytical methods or any other sampling and analytical procedures approved by EPA [40 CFR 403.12(g)(5)]. The auditor should review the QA/QC and chain-of-custody procedures used by the CA to determine if they are adequate.

FACTOR TO CONSIDER:

The analytical results for spikes, splits, and blanks should be included with the analytical data. The CA's in-house lab should have written QA/QC protocols. QA/QC protocols should be provided by the contract lab.

F.7. Discuss any problems encountered in identification of sample location, collection, and analysis.

PURPOSE: The CA must sample its IUs to determine compliance independent of data submitted by the IU. The auditor should investigate any problems the CA has determining the compliance status of its IUs.

FACTORS TO CONSIDER:

- Frequently, the CA requires CIUs to self-monitor after pretreatment but conducts its own monitoring at end-of-pipe to avoid having to enter the facility. All sampling should be conducted at the same sampling point.
- Both the IU and the CA must follow 40 CFR Part 136 procedures.
- Appropriate types of samples should be taken (i.e., composite vs. grab).

F.8.a. Did any IUs notify the CA of hazardous waste discharge since the last PCI or PCA? (403.12(j) & (p)] If yes, summarize.

F.8.b. How does the CA notify its users of the hazardous-waste reporting requirements? When was the last time the CA notified its IUs?

PURPOSE: The CA is required to notify all its IUs of the requirement to notify the CA, EPA, and the state of any hazardous waste in their discharges that are subject to the requirement, as specified at 40 CFR 403.12(p). The auditor should verify that the CA notified its IUs of this requirement and determine whether any IUs contacted the CA.

FACTOR TO CONSIDER:

Many CAs have notified their permitted IUs of this requirement but are unaware that it applies to *all* IUs. Unless the CA permits *all* IUs, it is likely that many non-SIUs have not been notified. The IUs are still required to contact the POTW, state, and EPA even if the CA did not contact the IUs.

F.9.a. How and when does the CA evaluate/reevaluate the need for a slug discharge control plan? [403.8(f)(2)(v)] List SIUs required to have a slug discharge control plan.

PURPOSE: The CA is required to evaluate all IUs at least once to determine the need to develop or revise a slug discharge control plan. The auditor should determine if the CA evaluated its SIUs for the need to develop a slug control plan.

FACTORS TO CONSIDER:

- Many CAs require through their SUO that all IUs submit an accidental spill prevention plan. Although this might be adequate for non-SIUs, it is not adequate for any SIU with the potential to discharge an intentional slug load (e.g., nonroutine batch discharge).
- The CA must include in its IU permits the conditions requiring implementation of a slug discharge control plan, if determined to be required for an IU, for discharges other than accidental spills. The IU must also notify the CA of changes that affect the plan or the need for one.

F.9.b. For all existing SIUs identified as significant before November 14, 2005, or within a year of becoming an SIU (whichever is later), has the POTW performed the evaluation to

determine whether each SIU needs a plan or action to control slug discharges? If not, which SIUs have not been evaluated?

PURPOSE: To determine compliance with the regulations regarding slug discharge control evaluations. The CA is required to evaluate each SIU for the need to develop a slug discharge control plan at least once.

G. Enforcement

Note: This section is designed to evaluate the CA's enforcement program. The auditor should evaluate the adequacy and effectiveness of the CA's enforcement actions by examining its definition of SNC, implementation of the SNC definition, implementation of its approved ERP, problems with the POTW, and use of compliance schedules. The auditor should record any problems found.

G.1. What is the CA's definition of SNC? [403.8(f)(2)(viii)]

PURPOSE: EPA has defined the term *significant noncompliance* in 40 CFR 403.8(f)(2)(viii) and requires the CA to publish all SIUs in SNC at least once per year. The auditor should determine what the CA's definition for SNC is and whether it matches the federal definition and subsequent guidance.

FACTOR TO CONSIDER:

The 2005 revisions to the General Pretreatment Regulations have changed the definition of SNC (70 FR 60134-60198: October 14, 2005).

G.2. ERP implementation: [403.8(f)(5)]

G.2.a. Has the ERP been adopted by the POTW?

G.2.b. Has the ERP been approved by the Approval Authority?

G.2.c. Does the ERP describe how the CA will investigate instances of noncompliance?

G.2.d. Does the ERP describe types of escalating enforcement responses and the time frames for each response?

G.2.e. Does the ERP identify the title of official(s) responsible for implementing each type of enforcement response?

G.2.f. Does the ERP reflect the CA's responsibility to enforce all applicable Pretreatment Standards and Requirements?

G.2.g. Is the ERP effective, and does it lead to timely compliance? Provide examples if any are available.

PURPOSE: The CA is required to develop an ERP. Once approved by the AA, the ERP must be incorporated into the approved POTW pretreatment program. As such, the CA is obligated to conduct its enforcement activities consistently with the procedures established in the ERP. The auditor should determine whether the CA is following its approved ERP.

Note: If the CA does not have an approved ERP, the auditor should use this section to evaluate and discuss the enforcement actions the CA is taking.

FACTORS TO CONSIDER:

- If the ERP has not been approved, the CA has no obligation to conduct its enforcement activities in accordance with the ERP procedures.
- In some cases, the ERP might not work or might be in conflict with the CA's legal authority. This does not exempt the CA from implementing its ERP. However, where such problems are identified, the CA should be required to submit a request for modification of its ERP to correct the problem.
- Even when the CA successfully implements its ERP as approved, it might run into problems. For instance, although repetitive enforcement (i.e., enforcement actions without escalation) might not be apparent in the ERP, certain scenarios could result in such a situation. In any such instances, the ERP should be modified.
- The ERP should result in a return to compliance by the IU within 90 days or within the time specified in a compliance schedule or order.
- If the POTW has more than 15 percent of its SIUs in SNC over a 6-month period without formal POTW actions or penalties where appropriate, there is a reasonable assumption that the CA is not effectively enforcing its program. To overcome the presumption of ineffective enforcement, the POTW should be able to demonstrate maximum use of its enforcement authorities in a time frame consistent with its enforcement procedures (*FY 1990 Guidance for Reporting and Evaluating POTW Noncompliance with Pretreatment Implementation Requirements*).

- The auditor should review the nature and timeliness of the enforcement actions taken by the POTW to obtain compliance from individual SIUs. As a general rule, EPA recommends that a POTW respond initially to all violations with either formal or informal enforcement action within 30 days from the date the violation is reported or identified by the POTW (*FY 1990 Guidance for Reporting and Evaluating POTW Noncompliance with Pretreatment Implementation Requirements*).

G.3.a. Does the CA use compliance schedules? [403.8(f)(1)(iv)(A)]

G.3.b. If yes, are they appropriate? Provide a list of SIUs on compliance schedules.

PURPOSE: The CA should establish compliance schedules for SIUs in accordance with its approved ERP. The auditor should determine if the CA uses compliance schedules; if so, the auditor should determine if they are effective.

FACTORS TO CONSIDER:

- Compliance schedules should identify specific actions the SIUs are to take and establish specific dates by which those actions are to be completed.
- Where a CIU is on a compliance schedule for achieving compliance with a categorical deadline that has already passed or will pass before the schedule's final compliance deadline, the compliance schedule/enforcement order should clearly state that the CIU is subject to enforcement for failure to comply with a federal deadline even though the user is in compliance with the terms of the schedule.

G.4. Did the CA publish a list of all SIUs in SNC in a daily newspaper of general circulation that provides meaningful public notice within the jurisdiction in the previous year? [403.8(f)(2)(viii)] If yes, attach a copy. If no, explain.

PURPOSE: The CA is required to publish (annually) a list of all SIUs that had been in SNC during the reporting year. The auditor should verify that the CA did publish the list of those IUs that were in SNC during the reporting year.

FACTOR TO CONSIDER:

The definition of SNC and the requirements for publication were revised as part of the 2005 regulatory revisions. Publication of IUs in SNC must be based on EPA's definition of SNC or on more stringent criteria. Publication is required to appear in a daily newspaper of general

circulation that provides meaningful public notice with the jurisdiction (70 FR 60134-60198: October 14, 2005).

G.5.a. How many SIUs are in SNC with self-monitoring requirements and were not inspected (in the four most recent full quarters)?

G.5.b. How many SIUs are in SNC with self-monitoring requirements and were not sampled (in the four most recent full quarters)?

PURPOSE: Failure by the CA to inspect and/or sample any SIU that is in SNC with self-monitoring requirements should be reported in PCS or ICIS. The auditor should determine the number of SIUs in SNC with self-monitoring that were not inspected and/or sampled and recorded in PCS or ICIS.

FACTOR TO CONSIDER:

SIUs that are not complying with self-monitoring requirements have the potential to have serious discharge violations. Therefore, failure by the CA to inspect or sample such IUs could result in allowing serious violations to continue without enforcement.

G.6.a. Did the CA experience any of the following caused by industrial discharges? (interference, pass through, fire or explosion (flashpoint, and such), corrosive structural damage, flow obstruction, excessive flow rates, excessive pollutant concentrations, heat problems, interference due to O&G, toxic fumes, illicit dumping of hauled wastes, worker health and safety, and other (specify))

G.6.b. If yes, did the CA take enforcement action against the IUs causing or contributing to pass through or interference? [RNC - I]

PURPOSE: The CA must investigate and take enforcement actions against IUs causing or contributing to pass through or interference. The auditor should be aware of any effluent violations at the POTW on the basis of Discharge Monitoring Report (DMR) data that might be due to discharges from IUs. The auditor should investigate the CA's response to any problems caused by IU discharges.

FACTOR TO CONSIDER:

Any indications of pass through or interference should result in immediate response by the CA to determine the source(s) of the violation and take appropriate enforcement actions. Where the

source(s) of the violation could not be determined, the CA should have detailed documentation of the event and the reasons why the source could not be determined.

G.7.a. Did the POTW have any sanitary sewer overflows since the last PCI or PCA?

G.7.b. If yes, how many were due to nondomestic waste issues (O&G blockages)?

H. Data Management/Public Participation

Note: This section is designed to evaluate the adequacy and effectiveness of the CA's data management and public participation procedures. The auditor should examine the CA's procedures for dealing with confidential information, public inquiry, public notice, and confidentiality issues affecting the program. The auditor should record any problems identified.

H.1. How is confidential information handled by the CA? [403.14]

PURPOSE: Where the CA allows for confidentiality for information determined to be proprietary, it should have procedures to guarantee that confidentiality while ensuring that IU effluent data remain available to the public and that all IU data obtained through the course of program implementation remain available to EPA and the approved state. The auditor should determine if the CA has procedures to handle confidential information; if so, the auditor should evaluate whether they are adequate.

FACTOR TO CONSIDER:

EPA recommends that the CA maintain confidential information in a locked file to which only one or a few people have access. All personnel with access to confidential information should be fully conversant in the CA's confidentiality procedures.

H.2. How are requests by the public to review files handled?

PURPOSE: All IU effluent data must be made available to the public. The auditor should determine the level of interest in the program and whether the CA has a mechanism in place to handle public inquiry.

FACTOR TO CONSIDER:

Effluent data should be maintained separately, or procedures should be established to ensure that the public has ready access to these data. Furthermore, production data used to calculate effluent limits cannot be considered confidential.

H.3. Does the CA accept electronic reporting? If no, does it plan to do so?

PURPOSE: A POTW that chooses to receive electronic documents must satisfy the requirements of 40 CFR Part 3. The final Cross-Media Electronic Reporting Rule (CROMERR) is effective as of January 11, 2006.

H.4. Describe whether the CA's data management system is effective in supporting pretreatment implementation and enforcement activities.

PURPOSE: A well-organized data management system is essential to maintaining the IWS, issuance of control mechanisms, efficient compliance tracking, and timely and effective enforcement. The auditor should evaluate the CA's data management system.

FACTORS TO CONSIDER:

- An effective data management system can range from a well-organized filing system to a sophisticated computer data system.
- All data on each IU should be readily accessible in the IU's file.
- For each IU, the data should be organized in a reasonable manner. That is, all control mechanism components should be kept together as should all CA sampling data, and so forth. EPA recommends organizing files by subject matter and then chronologically within the subject.
- All inspections, meetings, and telephone calls should be clearly and comprehensively documented so as to provide evidence in enforcement actions.
- All chain-of-custody and QA/QC data should be complete.

H.5. How does the CA ensure public participation during revisions to the SUO and/or local limits? [403.5(c)(3)]

PURPOSE: The auditor should determine what mechanism the CA has for ensuring adequate public comment during revisions to the program.

FACTOR TO CONSIDER:

The CA should have procedures for public notice that include the opportunity for public comment. Frequently, the procedures are specified in the municipality's code or state code.

H.6. Explain any public or community issues affecting the CA's pretreatment program.

PURPOSE: Frequently, public/community issues affect the implementation of the CA's pretreatment program. Such issues that impede effective implementation and enforcement of the local program should be discussed.

FACTORS TO CONSIDER:

- Enforcement could be difficult where a violating IU is one of the community's major sources of revenues and employment.
- CAs practicing public outreach often find that it facilitates program implementation.

H.7. How long are records maintained? [403.12(o)]

PURPOSE: SIUs are required to maintain and retain data obtained in response to program requirements for a period of at least 3 years and/or throughout the course of any ongoing litigation related to the IU. The auditor should determine that SIUs maintain files for the appropriate length of time.

FACTOR TO CONSIDER:

The CA should review SIU records during the course of its annual comprehensive inspection. Any problems with IU record maintenance should be noted in the inspection report and should result in an enforcement response.

I. <u>Resources 403.8(f)(3)</u>

Note: This section is designed to determine whether the CA has dedicated enough resources (i.e., personnel, equipment, and funding) to implement each program activity effectively. The auditor should bear in mind that while resources for present activities might be adequate, if the CA's activities themselves are not adequate (e.g., not regulating all SIUs), the resources might be inadequate to cover the additional work necessary to correctly implement the program. The auditor should identify any existing resource problems as well as any anticipated problems.

I.1. Estimate the number of personnel (in FTEs) available for implementing the program. (legal assistance, permitting, inspections, sample collection, sample analysis, data analysis (review and response), enforcement, and administration).

PURPOSE: The CA is obligated to have at least the number of full-time equivalents (FTEs) specified in the approved program available for program implementation activities. It should have increased personnel if required to adequately implement the program. The auditor should determine the number of FTEs devoted to the program and whether a lack of resources contributes to ineffective implementation.

FACTORS TO CONSIDER:

- Frequently, the CA uses the same personnel for collection system maintenance, POTW sampling, and pretreatment sampling. With this, and with all program areas, the FTEs should reflect the number of employees that are actually and consistently available to the program.
- If the CA uses a contract lab for sampling or analysis or both, the CA should provide documentation outlining adequate funding to implement compliance sampling. The contract budget should be converted to the approximate number of FTEs.
- Consider the following: legal assistance, permitting, IU inspections, sample collection, sample analysis, data analysis, review and response, enforcement, and administration (including record keeping and data management).

I.2. Does the CA have adequate access to monitoring equipment? (Consider sampling, flow measurement, safety, transportation, and analytical equipment.) If not, explain.

PURPOSE: The CA must have at least the equipment specified in the approved program available for program implementation activities. It should have additional equipment if required to adequately implement the program. The auditor should inquire about whether the CA has certain basic equipment necessary to run its program.

FACTORS TO CONSIDER:

- Although not specifically required by the program, the CA should have adequate safety equipment, including equipment for safely entering a manhole, where necessary.
- If the CA uses a contract lab, the contract budget should provide for an adequate number of analyses, including additional analyses for demand sampling that the CA is expected to require.

I.3.a. Estimate the annual operating budget for the CA's program.

I.3.b. Is funding expected to stay the same, increase, decrease (note time frame; e.g., following year, next 3 years)? Discuss any changes in funding.

PURPOSE: The CA must have at least the funding specified in the approved program available for program implementation activities. It should have increased funding if required to adequately implement the program. The auditor should inquire about the annual operating budget necessary to run the program.

FACTOR TO CONSIDER:

Frequently, funding for the pretreatment program comes from the municipality's or department of public works' general fund. A review of the CA's program funding over the past several years might be necessary to determine funding adequacy. The auditor should also inquire into any anticipated funding problems. In addition, if the audit has found that the scope of any program activity is inadequate, funding will most likely need to be increased to bring the program into compliance.

I.4. Discuss any problems in program implementation that appear to be related to inadequate resources.

PURPOSE: The CA must have at least the funding specified in the approved program available for program implementation activities. It should have increased funding if required to adequately implement the program. The auditor should investigate whether the funding devoted to the program seems adequate, and if there are any problems related to funding, the auditor should note it in the report.

FACTOR TO CONSIDER:

See question I.3.b. above.

I.5.a. How does the CA ensure that personnel are qualified and up-to-date with current program requirements?

PURPOSE: To adequately implement the pretreatment program, all program staff need to be qualified for the positions they hold and trained to perform their jobs consistently with pretreatment program requirements. The auditor should determine whether staff seem adequately trained and note any problems in the report.

FACTOR TO CONSIDER:

Although the CA's pretreatment coordinator might be qualified and up-to-date with program requirements, it is not uncommon to find that field and lab personnel are not so qualified and up-to-date.

I.5.b. Does the CA have adequate reference material to implement its program?

PURPOSE: To determine correct categorization of SIUs, the CA should have ready access to the General Pretreatment Regulations, categorical Pretreatment Standard Regulations, and EPA's categorical pretreatment standards guidance documents. The auditor should determine whether the CA seems to have adequate access to resource material or whether resource material has an effect on the implementation of the program. The auditor should review the CA's reference materials to determine whether any additional materials might be needed. The auditor should plan to provide any missing materials.

FACTORS TO CONSIDER:

- The region or state might know that particular documents have been provided to the CA. However, some mailings never quite make it to the pretreatment staff but end up in the public works department, and so on. Also, when staff members leave for another position, the documents sometimes leave with them.
- It is not uncommon that documents were received and shelved but that the pretreatment staff (including inspectors) might not have reviewed them. All pretreatment personnel should be familiar with guidance material.
- For additional information, the CA should access EPA's Web site at www.epa.gov.

J. Environmental Effectiveness/Pollution Prevention

Note: This section is designed to help the auditor determine whether the CA has evaluated and documented any environmental benefits to date as a result of the implementing program. Although there are no regulatory requirements directly related to achieving environmental benefits, it is EPA's stated goal for all environmental regulatory programs. The auditor should make every effort to determine if sufficient data are being collected, analyzed, and summarized to demonstrate trends (whether positive or negative) in the years since the CA's pretreatment program implementation, particularly in the years since the last audit. All findings should be documented as thoroughly as possible.

J.1.a. How many times was the POTW monitored during the past year? (metals, priority pollutants, biomonitoring, TCLP, EP toxicity, other)

J.1.b. Is this frequency less than, equal to, or more than that required by the NPDES permit? Explain any differences.

PURPOSE: The primary goal of the pretreatment program is to improve environmental quality. Environmental monitoring is essential to determine the program's effectiveness and the accomplishment of this goal. The auditor should determine whether the CA has a monitoring program in place that will help the CA track any progress or lack of progress the CA is making in enhancing environmental effectiveness.

FACTOR TO CONSIDER:

It is recommended that the CA perform monitoring of its treatment plant(s) to track the environmental effectiveness of the program's implementation. The frequency should be such that enough data are collected to recognize trends of increasing or decreasing loadings in the influent, effluent, and sludge.

J.1.c. Is the CA reporting these results to the Approval Authority? If so, at what frequency?

FACTOR TO CONSIDER:

If the POTW monitors any pollutant more frequently than required by its NPDES permit using approved test procedures, the CA must include the results of the monitoring (including data calculations) in the POTW's DMR or sludge reporting form specified by the AA [40 CFR 122.41(l)(4)(ii)].

J.2.a. Has the CA evaluated historical and current data to determine the effectiveness of the pretreatment controls on the following: improvements in POTW operations, loadings to and from the POTW, NPDES permit compliance, sludge quality, and sludge disposal options?

J.2.b. Has the CA documented these findings? Explain. (Attach a copy of the documentation, if appropriate.)

PURPOSE: A successful pretreatment program is expected to result in improved POTW operations and NPDES compliance, as well as in reduced pollutant loadings. Some POTWs have historical influent data that could indicate a downward trend of pollutant loadings. In addition,

some POTWs have implemented pollution prevention programs have actual data from before and after the implementation of the programs. These data sets can be used to showcase how pollution prevention is an effective way to control pollution. The auditor should review any data the CA has available on environmental effectiveness and record any findings. If the CA has no data, the auditor should recommend that the CA start collecting data. In addition, this information would help with EPA's *Strategy for Pretreatment Program Results-Based Measures*.

FACTORS TO CONSIDER:

- Environmental monitoring should demonstrate a trend of decreasing concentrations of pollutants coming to the POTW and ending up in the receiving stream and sludge.
- The cost of operating and maintaining the POTW (minus cost of living increases and any more stringent effluent limits) should decrease because of fewer system upsets and inhibitions.
- As sludge quality improves, less expensive disposal operations could become available.
- NPDES permit compliance should improve.

J.3. If the CA has historical data compiled concerning influent, effluent, and sludge sampling for the POTW, what trends have been seen? (Increases in pollutant loadings over the years? Decreases? No change?) Discuss on a pollutant-by-pollutant basis.

PURPOSE: It is generally anticipated that a successfully implemented local pretreatment program will result in a decrease of pollutant loadings to the POTW and a resulting decrease in loadings to the receiving waters.

FACTORS TO CONSIDER:

- If all IUs were in compliance with applicable Pretreatment Standards before the CA obtained POTW monitoring data, it is likely that no change will be seen.
- If the CA's service area has recently experienced industrial growth or a change in the character of its industries, the data might show an increase in pollutant loadings even though effective program implementation is taking place.

J.4. Has the CA investigated the sources contributing to current pollutant loadings to the POTW (i.e., the relative contributions of toxics from industrial, commercial, and domestic sources)? If yes, what was found?

PURPOSE: To effectively control toxics discharged to the POTW, the CA needs to determine the types and amount of toxics received from the above sources. The auditor should determine what the CA is doing to evaluate and keep track of pollutant loadings to the treatment plant, specifically what kind of monitoring program the CA has in place for tracking contributions to the collection system. If no system exists, the auditor should recommend that the CA start one.

FACTOR TO CONSIDER:

Along with sampling plant influent, effluent, and sludge, EPA recommends that the CA monitor points within the collection system to better characterize the contributions of toxics. This will help determine program effectiveness and help the CA develop more appropriate local limits.

J.5.a. Has the CA implemented any kind of public education program?

J.5.b. Are there any plans to initiate such a program to educate users about pollution prevention? Explain.

PURPOSE: Practicing pollution prevention by changing the types of products used can be a painless way for the public to make a contribution to the environment. Industries often realize significant cost savings when they adopt pollution-prevention measures. Adopting pollution-prevention practices on all fronts will almost certainly result in a reduced need for enforcement as well as a decreased loading of pollutants at the POTW. The CA is in an ideal position to foster pollution prevention and improve its image with both its IUs and the general public. Where the CA has no pollution-prevention awareness program in place, the auditor might want to recommend that the CA adopt one.

FACTORS TO CONSIDER:

- CAs often consider pollution-prevention awareness as yet another task they are being asked to take on in an already too-full workload. Sometimes, they are unaware of the benefits to be reaped for both the POTW and their pretreatment program, including an eventual reduction in their workload.

- Making their IUs aware of pollution prevention need not really affect the CA's workload. They might consider bringing state pollution-prevention literature out with them on IU inspections. State personnel can then handle specific questions.

J.6 What efforts have been taken to incorporate pollution prevention into the CA's pretreatment program (e.g., waste minimization at IUs, household hazardous waste programs)?

PURPOSE: Pollution prevention is of great importance in implementing a comprehensive pretreatment program. To further the CA's attainment of program goals, the auditor should discuss pollution prevention initiatives and ideas with CA personnel.

FACTOR TO CONSIDER:

EPA hopes that, at a minimum, the CA will be talking to its IUs about pollution prevention and the benefits of pollution prevention/waste minimization to the IU.

J.7. Does the CA have any documentation concerning successful pollution-prevention programs being implemented by IUs (e.g., case studies, sampling data demonstrating pollutant reductions)? Explain.

PURPOSE: The more documentation EPA can provide to other CAs regarding successful IU pollution-prevention programs, the more willing CAs will be to bring the pollution-prevention message to their own IUs. The auditor should obtain all available documentation. He or she should also consider contacting the IU to ask whether the IU would be willing to be named in case studies or to respond to questions from interested parties.

FACTOR TO CONSIDER:

Sometimes IUs have made recent modifications to incorporate pollution-prevention measures of which the CA is unaware. In the course of the IU site visit, the auditor should ask the IU whether this has been done or is being considered.

K. <u>Additional Evaluations/Information</u>

FACTOR TO CONSIDER:

The auditor should record any activities that the CA, EPA, the state, environmental organizations, or the public at large are taking that have, or might in the future have, *any* bearing on the CA's

pretreatment program. Included in such considerations should be any new initiatives (e.g., regulatory, hospital waste, river, bay, geographic targeted, result-oriented initiatives).

SECTION II: IU FILE EVALUATION

Each of the major program components in Section II of the checklist is listed below, along with an explanation (generally an explanation of the regulatory requirement). Guidance is provided on how the auditor can evaluate the CA's (or IU's) compliance with the program requirement and on what constitutes a deficiency. Much of the information needed to do necessary evaluations will probably be in the CA's files on the individual IUs. The auditor should begin by finding out how the CA organizes its files. Some CAs have individual files for each IU and all information pertaining to that IU is in the file. Other CAs might have files segregated by subject so that all permits are in one file, while all monitoring data are in another file, and all correspondence in another, and so on. It is important to stress that all data related to the program be provided including any slug control, pollution prevention, and toxic organic management plans. Once the auditor has determined the file organization, he or she can move on to doing the evaluation.

Section II would require the auditor to review certain components of the CA's IU files. After reviewing each component, the auditor should determine if what he or she found was adequate or appropriate. Once this determination has been made, the auditor should decide if the information learned is worthy of comment or explanation. If comment or explanation is necessary, the auditor should put a number in the square corresponding to the component being evaluated and the same number in the comment area followed by the explanation of what was found.

To help the auditor complete this section, elements of each program area are listed for consideration. The regulatory citations are provided where there are specific *requirements* for that element. The auditor should be aware that not all questions on the checklist reflect regulatory requirements. Some of the questions are included to allow the auditor to better evaluate program effectiveness. The auditor should take this fact into consideration when developing required versus recommended CA actions.

IU Identification

PURPOSE: This section is designed to provide a brief profile of the IU. The information should summarize industrial categorization, discharge characterization, and comment on compliance history or other issues of note. The auditor should briefly look through the file and fill out the information requested. Some information will be filled out at the start of the file review (e.g., name, address). This information can usually be found in an IU's control mechanism application or permit fact sheets. Some

information (e.g., category, flow, compliance status) will be obtained as the review proceeds. The auditor should enter additional information about the industry obtained from the interview with CA staff or the site visit to the IU.

IU File Review

The auditor should review each point covered in the file review to determine if there is anything worth noting to question the CA about during the closing interview. For instance, something the CA is doing that is out of the ordinary, either positive or negative.

A. Issuance of IU Control Mechanism

Note: This section takes a *comprehensive* look at the CA's control mechanism. The auditor should evaluate the adequacy and effectiveness of the control mechanism used. Comments should reflect an evaluation of the control mechanism for both presence and the adequacy of all control mechanism components. For each area examined in this section of the file review, the auditor should determine whether the CA meets the regulatory requirement and if the CA is effective in controlling its IUs. If the auditor determines there is a problem or deficiency (e.g., control mechanisms are not issued/revised in a timely manner, do not contain all the elements required by the regulation, and contain incorrect limits), he or she should comment on it in the area provided and explain it in the report to be attached.

A.1 Control mechanism application form

PURPOSE: The CA should require certain baseline data from the IU to write an appropriate control mechanism. Although there are several ways these data can be obtained, it is EPA strongly recommends that the CA use an application form (there is no regulatory requirement for this). For CIUs, the BMR (Baseline Monitoring Report) can serve as an application and can then be updated for permit reissuance purposes. For each point covered or issue addressed in the file review, the auditor should also review each point to determine if there is anything worth noting to question the CA about during the closing interview. For instance, it could be something the CA is doing that is out of the ordinary, either positive or negative.

FACTORS TO CONSIDER:

- If the application is being used as a BMR, it must contain all the 40 CFR 403.12(b)-required elements.

- To be useful, the application should at least include IU identification, address, phone, responsible officer, a clear description of processes, the flow from each, as well as a description of any pretreatment system in place or proposed.
- Where applications are incomplete, there should be evidence that the CA followed up by requiring the applicant to submit missing data or, at least, that the CA obtained the missing data on its own.
- The application (when used) should be updated before issuing the permit.
- Where there is evidence that the data in the application are inaccurate, there should be evidence that the CA has either requested that the application be corrected or has received a revised application form from the IU.

A.2 Fact sheet

PURPOSE: Individual control mechanisms issued to SIUs must contain specific conditions applicable to the IU. A fact sheet is recommended to provide data concerning decisions made in developing the control mechanism. There are no regulatory requirements for a fact sheet just as there is no requirement for documentation when the CA is granting certain waivers. A fact sheet, however, serves as a useful way to document the basis for permitting decisions.

FACTORS TO CONSIDER:

The fact sheet should explain the basis of every IU-specific standard or requirement contained in the control mechanism, including

- The basis for determining that the IU is subject to a particular category and subcategory, if applicable.
- The basis for the permit limits applied (i.e., local limits versus categorical standards, production-based limits, CWF/FWA, and mass- versus concentration-based limits).
- The rationale behind the pollutants specified for self-monitoring.
- Documentation for the need for any slug discharge control plan, BMPs, and compliance schedule requirements. It should include the circumstances identified that necessitated the requirements.

A.3 Issuance or reissuance of control mechanism

A.3.a-b. Individual and general control mechanism

PURPOSE: The CA is required to control IU discharges to the POTW. At 40 CFR 403.8(f)(1)(iii), all SIU discharges are required to be controlled under either an individual or general control mechanism (i.e., permit, order, or similar means)

FACTORS TO CONSIDER:

- If the auditor cannot locate a control mechanism or if the control mechanism is not current or valid, the auditor should note a deficiency. If the control mechanism has to be signed by the CA and if it is not signed, it might not be valid.
- The effective date must be after the issuance date.
- The auditor should check an expired control mechanism to see if it has been or will be reissued within 180 days from the expiration of the last control mechanism. Extensions could be granted, but the term of the permit cannot exceed 5 years.
- The POTW should issue control mechanisms to 90 percent of the SIUs within 6 months after the POTW's program approval or within 6 months following the promulgation of a federal requirement. POTWs that failed to reissue permits within that time frame should be reported on the Quarterly Noncompliance Report (*FY 1990 Guidance for Reporting and Evaluating POTW Noncompliance with Pretreatment Implementation Requirements*).
- The POTW should reissue control mechanisms to 90 percent of the SIUs within 6 months of the expiration of the previous permit. POTWs that failed to reissue permits within that time frame should be reported on the Quarterly Noncompliance Report (*FY 1990 Guidance for Reporting and Evaluating POTW Noncompliance with Pretreatment Implementation Requirements*).

A.4 Control mechanism contents

PURPOSE: Individual and general control mechanisms issued to SIUs must contain the minimum conditions listed at 40 CFR 403.8(f)(l)(iii)(B). The required elements to consider are elaborated upon below in A.4.a-l.

FACTOR TO CONSIDER:

Each condition in the control mechanism must also be evaluated for appropriateness and accuracy. For instance, if production-based categorical standards are applied, the auditor must determine whether the IU was correctly categorized and whether the discharge limit in the control mechanism was correctly calculated. An explanation of each control mechanism condition is presented below.

A.4.a. Statement of duration (≤ 5 years)

PURPOSE: The auditor should review the control mechanism to determine that the duration is no longer than 5 years.

FACTORS TO CONSIDER:

- Beware of permit durations of 5 years and 1 day. If the permit issuance date is November 1, 2006, and the expiration date is November 1, 2011, that permit duration actually exceeds the maximum 5-year period.
- Keep in mind the CA's answer to question D.1 of the Interview portion of the audit regarding expired permits.

A.4.b. Statement of nontransferability w/o prior notification/approval

PURPOSE: The control mechanism is not allowed to be transferred without, at a minimum, prior notification to the CA and provision of a copy of the existing control mechanism to the new owner or operator.

FACTOR TO CONSIDER:

This statement must be included in the permit. Inclusion of this statement in the control mechanism by referencing the CA's legal authority (i.e., SUO) is not considered adequate.

A.4.c. Applicable effluent limits (local limits, categorical limits, BMPs)

PURPOSE: The control mechanism must contain effluent limits based on applicable general Pretreatment Standards at 40 CFR 403.5, categorical Pretreatment Standards, local limits, and state and local law. The auditor should determine that the limits in the control mechanism are correct.

FACTORS TO CONSIDER:

- Application of applicable categorical standards includes the following:
  - Classification by category/subcategory
  - Classification as new/existing source
  - Application of limits for all categorical pollutants
  - Application of Total Toxic Organics (TTO) or Toxic Organic Management Plan (TOMP) alternative
  - Calculation and application of production-based standards
  - Calculation and application of CWF or FWA
  - Application of variance to categorical standards, including Fundamentally Different Factors (FDF) variances and net/gross adjustments.
- Application of applicable local limits
- Application of the most stringent limit
- Application of BMPs (if applicable)

A.4.d. Self-monitoring requirements

PURPOSE: All SIUs (except for middle-tier CIUs whose semiannual reporting requirement have been reduced by the CA to once a year) are required to submit a report at least semiannually. For all CIUs (except nonsignificant categorical users and middle-tier CIUs), the semiannual report must include results of monitoring for all pollutants regulated under the applicable categorical standard limits unless a waiver of pollutants not present is granted and any additional applicable local limits. Such requirements can be modified if the CA assumes responsibility for the sampling. The auditor should review the self-monitoring requirements contained in the control mechanism to determine whether they will be effective in identifying noncompliance considering the type and size of the facility, variability in sampling results, the IU's compliance history, and so forth.

- The CA may reduce a CIU's semiannual requirement to submit periodic compliance reports to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the CA or the AA, if the IU meets all the conditions listed at 40 CFR 403.12(e)(3). If the CA has reduced a CIU's reporting and monitoring requirement, the

auditor should ensure that this provision is allowed by state law and that the CA's legal authority has been revised and approved accordingly.

FACTORS TO CONSIDER:

- Identification of pollutants to be monitored—All pollutants regulated under an applicable categorical standard must be sampled and analyzed at least semiannually unless the CA has authorized the CIU to forego sampling of a pollutant regulated by a categorical standard or the CA has reduced this compliance monitoring requirement to once a year.
  - The CA could authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged, provided that the sanitary wastewater is not regulated by an applicable categorical standard and is typical of domestic background in the community.
  - The monitoring waiver is valid only for the duration of the effective period of the control mechanism, but in no case longer than 5 years.
  - In making a demonstration that a pollutant is not present, the IU must provide data from at least one sampling of the facility's process wastewater that is representative of all wastewater from all processes before any treatment present at the facility.
  - Nondetectable sample results could be used only as a demonstration that a pollutant is not present if the EPA-approved method from 40 CFR Part 136 with the lowest minimum detection level for the pollutant was used in the analysis.
- Process for seeking a waiver for pollutant not present or not expected to be present (CIUs only)
  - In seeking a waiver for a pollutant not present nor expected to be present, the discharger must provide data from at least one sampling of the facility's process wastewater before any treatment present.
  - The request for the waiver must be signed in accordance with 40 CFR 403.12(l) and include the certification statement at 40 CFR 403.6(a)(2)(ii).
- Is the monitoring waiver certification language included in the control mechanism? (Y/N)
  - Any grant of the monitoring waiver by the CA must be included as a condition in the discharger's control mechanism. The CA must maintain reasons supporting the waiver

for at least 3 years after the expiration of the waiver (i.e., typically 3 years after the permit expiration).

- Are conditions for reinstating monitoring requirements if pollutants not present are detected in the future included in the permit? (Y/N)
  - In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the CIU's operation, the CIU must immediately: (1) comply with the monitoring requirements of 40 CFR 403.12(e)(1) or other more frequent monitoring requirements imposed by the CA, and (2) notify the CA of this in discharge condition.
- Sampling frequency—Although all SIUs (except those CIUs that have been authorized to forego or to reduce sampling) are required to self-monitor for all regulated pollutants at least semiannually, those two monitoring events might not be sufficient to provide the CA with a true picture of ongoing compliance, but it is the minimum frequency.
- Sampling location/discharge points—The sampling location(s) should be clearly identified. This can be achieved by a narrative description of the sampling location(s), a facility map clearly indicating where the sampling location(s) are located, and/or digital pictures of the sampling location along with global positioning system (GPS) mapping.
- Sample types (grab or composite):
  - Types of samples (e.g., 24-hour composite, grab)—This must be noted for each parameter. The auditor should be aware that all pretreatment compliance monitoring must be done in accordance with the procedures specified at 40 CFR Part 136. Further, 24-hour composite samples (or their equivalent) must be used to determine compliance with categorical Pretreatment Standards except for the following parameters that require the use of grab samples: pH, heat, O&G, volatile organics, and phenols.
  - Grab samples must be used to determine compliance with instantaneous maximum limits.
- Reporting requirements (including all monitoring results)—SIUs are required to submit periodic compliance reports, resampling reports, and any additional monitoring results of any regulated pollutant monitored at the appropriate sampling location using 40 CFR Part 136-approved methods more frequently than required by the CA.

- Record-keeping requirements—All SIUs are required to retain effluent self-monitoring data and other related documentation for a period of at least 3 years, throughout the course of any ongoing litigation related to the IU, and for the period of time specified by the CA.

A.4.e. Statement of applicable civil and criminal penalties

PURPOSE: All control mechanisms are required to specify the penalties applicable for violation of control mechanism conditions. The penalties must include civil and/or criminal penalties in an amount of at least $1,000 per day per violation [40 CFR 403.8(f)(1)(vi)(A)].

FACTORS TO CONSIDER:

- The CA should also apply administrative penalties for control mechanism violations, and EPA encourages the CA to do so. However, administrative penalties do not satisfy this regulatory requirement.
- This statement of penalties must be included in the control mechanism. Incorporating the statement by referencing a specific ordinance provision is not acceptable.
- The auditor should be aware of more stringent state or local requirements.

A.4.f. Compliance schedules/progress reports (if applicable)

PURPOSE: The CA must require compliance schedules where a CIU is not in compliance with a newly promulgated categorical standard. The schedule must have a final compliance date that is no later than the compliance deadline specified by the standard. The schedule must also include milestone dates and a requirement for progress reports to be submitted for each milestone (see the requirement at 40 CFR 403.12(b)(7) and (c)).

FACTORS TO CONSIDER:

- Compliance schedules for compliance with a categorical standard deadline that has already passed should not be contained in the control mechanism but in an enforcement order.
- EPA also strongly recommends compliance schedules for use where any IU is out of compliance with any Pretreatment Standard or requirement. The schedules are also best placed in an enforcement order.
- Compliance schedules used for attaining compliance with a revised local limit by the limit's effective date should be treated similarly to those prepared for compliance with a categorical

compliance date, however, the final compliance date with the revised local limits should be achieved as soon as possible.

A.4.g. Notice of slug loadings

PURPOSE: All IUs are required to notify the CA of any slug loadings (e.g., spills, pretreatment system malfunctions).

A.4.h. Notification of spills, bypasses, upsets, etc.

PURPOSE: If an IU knows in advance of the need for a bypass (the intentional diversion of wastestreams from any portion of an IU's treatment facility), the IU must notify the CA at least 10 days before the date of the bypass.

FACTORS TO CONSIDER:

- Notification requirements of a bypass must be included the control mechanism. If an unanticipated bypass occurs, the IU is required to notify the CA within 24 hours of becoming aware of the bypass. Within 5 days of the bypass event, the IU is required to submit a written notification containing a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent the reoccurrence of the bypass.
- An IU is required to report an upset (an exceptional incident in which there is unintentional and temporary noncompliance with categorical standards because of factors beyond the reasonable control of the IU), if the discharger would like to constitute an affirmative defense to an action brought for noncompliance with categorical standards.

A.4.i. Notification of significant change in discharge

PURPOSE: All IUs are required to promptly notify the CA in advance of any substantial change in volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the IU has submitted initial notification under 40 CFR 403.12(p). This notification requirement is required to be in the control mechanism.

A.4.j. Notification of change affecting the potential for a slug discharge

PURPOSE: SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge.

A.4.k. 24-hour notification of violation/resample requirement

PURPOSE: SIUs subject to self-monitoring requirements are required to notify the CA within 24 hours of noticing an effluent violation. In addition, SIUs are required to conduct resampling and analysis of the pollutant in violation and submit the resampling results to the CA within 30 days of becoming aware of the violation. This requirement must be included in the control mechanism.

A.4.l. Slug discharge control plan requirement, if determined by the POTW to be necessary.

PURPOSE: Where IU slug discharge control plans are required to prevent slug loadings to the POTW, such plans must contain the elements specified at 40 CFR 403.8(f)(2)(vi): (1) A description of discharge practices, including nonroutine batch discharges; (2) a description of stored chemicals; (3) procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition at 40 CFR 403.5(b), with procedures for follow-up written notification within 5 days; and (4) if necessary, procedures to prevent adverse effect from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment necessary for emergency response.

FACTORS TO CONSIDER:

- SIU control mechanisms must contain the requirement to immediately notify the CA of any slug discharge.
- Any plan that is less inclusive or less stringent than that required under 40 CFR 403.8(f)(2)(vi) should be recorded as a deficiency.
- The CA must revise its legal authority to clarify that slug control requirements must be referenced in the control mechanism because the 2005 revisions to the General Pretreatment Regulations specify new minimum requirements for all control mechanisms. Furthermore, the control mechanism must require the SIU to notify the CA of any changes that could affect the IU's slug discharge or spill potential (70 FR 60134-60198: October 14, 2005).
- If the CA has determined that an IU is required to develop and implement a slug discharge control plan, the IU's control mechanism must specify that the IU is required to control slug discharges.

- The auditor should keep in mind the CA's answer to F.9 of the Interview portion of the audit.

A.5 Issuance of General Control Mechanisms

PURPOSE: The 2005 revisions to the General Pretreatment Regulations authorize CAs to use general control mechanisms to regulate SIUs in certain circumstances in lieu of issuing individual control mechanisms (70 FR 60134-60198: October 14, 2005). Before implementing the optional provision, the CA and state must have the appropriate structure in place to implement general control mechanisms.

FACTOR TO CONSIDER:

The CA and state must have the legal authority to issue general control mechanisms before the CA may issue general control mechanisms.

A.5.a. Involve the same or similar operations

PURPOSE: All the dischargers to be covered by a general control mechanism must employ the same or substantially similar types of industrial processes [40 CFR 403.8(f)(1)(iii)(A)(1)(i)].

FACTOR TO CONSIDER:

The CA must determine that the SIU is more appropriately controlled under a general control mechanism than under individual control mechanisms.

A.5.b. Discharge the same types of wastes

PURPOSE: All the dischargers to be covered by a general control mechanism must discharge the same types of wastes [40 CFR 403.8(f)(1)(iii)(A)(1)(ii)].

A.5.c. Require the same effluent limitations

PURPOSE: All the dischargers to be covered by a general control mechanism must have the same effluent limitation requirements [40 CFR 403.8(f)(1)(iii)(A)(1)(iii)].

FACTORS TO CONSIDER:

- Facilities regulated by categorical standards expressed as mass-based limits cannot receive coverage under a general control mechanism. The one exception to this exclusion would be a situation in which the CA has imposed the same mass-based limit on a number of facilities.

- General control mechanisms are not available for IUs whose limits are based on the CWF or net/gross calculations.
- General control mechanisms are not available for CIUs subject to production-based limits.

A.5.d. Written request by the IU for coverage by a general control mechanism (including contact information, production processes, types of waste generated, location for monitoring all wastes covered by the general permit, and any requests for a monitoring waiver for a pollutant neither present nor expected to be present)

PURPOSE: To be covered by a general control mechanism, an SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general control mechanism, and any requests for a monitoring waiver for a pollutant neither present nor expected to be present.

A.5.e. Documentation to support the POTW's determination

PURPOSE: The CA is required to retain a copy of the general control mechanism; documentation to support the POTW's determination that a specific SIU meets the criteria of 40 CFR 403.8(f)(1)(iii)(A)(1)(i-v); and a copy of the IU's written request for coverage for 3 years after the expiration of the general control mechanism.

B. CA Application of IU Pretreatment Standards

B.1 IU Categorization

PURPOSE: The CA must correctly apply Pretreatment Standards and Requirement to all SIUs. The auditor should verify that the CA has correctly classified the discharger as an SIU or a CIU.

B.2 Calculation and application of categorical standards

PURPOSE: The CA is required to ensure that SIUs are in compliance with applicable Pretreatment Standards and Requirements.

B.2.a. Classification by category/subcategory

FACTORS TO CONSIDER:

- The IU's permit must contain the correct category and/or subcategory.
- If the CIU is subject to several categories or subcategories, the permit should clearly identify them.

B.2.b. Classification as new/existing source

FACTOR TO CONSIDER:

The category and subcategory classification refers to Pretreatment Standards for Existing Sources (PSES) or Pretreatment Standards for New Sources (PSNS) and not to direct discharge requirements.

B.2.c. Application of limits for all regulated pollutants

FACTORS TO CONSIDER:

- Compliance with categorical limits is determined at the end-of-process, before mixing with any sanitary wastewaters.
- Typically, compliance with local limits is determined at the end-of-pipe, after all process wastewater, sanitary wastewater, and any other nondomestic wastewaters are commingled.

B.2.d. Classification as an NSCIU

FACTORS TO CONSIDER:

- State law must provide for distinguishing between SIUs and NSCIUs before the CA may adopt it into its legal authority.
- The CA must have legal authority to adopt the NSCIU provision before implementation.
- The CIU never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, noncontact cooling, and boiler blowdown wastewater).
- The CIU has consistently complied with all applicable categorical standards and requirements.
- The CIU never discharges any untreated, concentrated wastewater.
- The CIU submits an annual certification statement.

B.2.e. Documentation for the qualification to be classified as NSCIU

FACTORS TO CONSIDER:

- The CA is required to include a list of users considered to be NSCIUs in its annual report to the AA [40 CFR 403.12(i)].

- The federal regulations require the CA to evaluate, at least once per year, whether an IU previously determined to be NSCIU still meets the *nonsignificant criteria* in 40 CFR 403.3(v)(2) [40 CFR 403.8(f)(2)(v)].

B.3 Application of local limits

FACTORS TO CONSIDER:

- Local limits are developed by POTWs to enforce the specific and general prohibitions, as well as any state and local regulations. The prohibitions and categorical standards are designed to provide a minimum acceptable level of control over IU discharges. They do not, however, take into account site-specific factors at POTWs that might necessitate additional controls.
- Local limits are intended to prevent site-specific POTW and environmental problems due to nondomestic discharges.
- The CA can impose local limits on an IU that are more stringent, or cover more pollutants, than an applicable categorical standard.

B.4 Application of BMPs

FACTORS TO CONSIDER:

- BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions lists at 40 CFR 403.5(a)(1). BMPs may be used in lieu of Pretreatment Standards when the CA has established BMPs as local limits to implement the general and specific prohibitions.
- BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- BMPs may be used in lieu of Pretreatment Standards when the BMPs are categorical pretreatment standards established by EPA.
- If allowed by state law and if the CA's legal authority has been revised accordingly, the CA can use BMPs in lieu of local limits.
- Enforceable BMPs should have the following:
  - Specific notice to IUs of requirements and enforceability

- Installation of treatment
- Requirements for or prohibitions on certain practices, activities, or discharges
- Requirements for operation and maintenance (O&M) of treatment units
- Time frames associated with key activities
- Compliance certification, reporting, and records retention
- Provisions for reopening or revoking the BMP conditions
- Other requirements as determined by the CA.

B.5 Calculation and application of production-based standards

FACTORS TO CONSIDER

- Production-based standards are expressed in terms of allowable pollutant mass discharge rate per unit of production such as pollutant per 1,000 pounds of product produced.
- Production-based standards are administratively more difficult for the CA to implement than concentration-based standards. To ensure compliance with production-based standards, the CA must measure the flow of the regulated wastestream and determine the corresponding production rate. When determining representative production levels, the CA should evaluate historical production data and the corresponding wastewater flowrates.
- Rather than measure the production rate each time that compliance monitoring is performed, the CA may use equivalent mass or concentration limits as a tool for routine monitoring and enforcement purposes [40 CFR 403.6(c)]. Equivalent mass or concentration limits use an IU's long-term average daily production and flow rates to derive a limit that is essentially equivalent to the production-based standard but is expresses as mass per day or concentration.
- The CA should require an IU subject to production-based standards to submit periodic production data. The CA should compare the periodic data with the values used to calculate the permit limits to ensure continued use of representative production values and corresponding limits.
- If multiple production lines are acknowledged in the calculated production-based limit, the production rate should be based on the production of the process lines operating simultaneously.

B.6 Calculation of equivalent mass limits for concentration limits

FACTORS TO CONSIDER:

- If the CA has implemented equivalent mass limits for concentration limits, the auditor should determine if it is allowed by state law and if the CA has revised its legal authority to reflect the authority to include this provision.
- The CA should provide documentation of its calculation of equivalent mass limits.

B.6.a. IU has demonstrated or will demonstrate substantially reduced water usage

FACTORS TO CONSIDER:

- The IU must demonstrate that it will employ water-conservation methods and technologies that will substantially reduce water use during the term of its control mechanism.
- The IU is required to employ water conservation to remain eligible for equivalent mass limits.
- EPA considers a 20 percent change in flow rate to be a significant change in flow rate (EPA's *Guidance Manual for the Use of Production Based Pretreatment Standards and the Combined Wastestream Formula*, September 1985).
- The National Metal Finishing Strategic Goals Program promotes a 50 percent water reduction from each participating industry's baseline 1992 water usage (http://www.strategicgoals.org/coregoals.cfm).

B.6.b. IU uses control and technologies adequate to achieve compliance

FACTORS TO CONSIDER:

- The IU's use of technologies adequate to achieve compliance with applicable Standards provides the CA with a level of assurance that qualifying IUs have not been meeting their concentration-based limits through dilution.
- Although waste conservation typically increases the concentration of pollutants in the process wastewater before treatment, facilities with on-site treatment typically show a reduction of pollutant loadings in their final effluent before its discharge to the POTW even where the facility has instituted water conservation methods and technologies.

B.6.c. IU has provided information regarding actual average daily flow

FACTORS TO CONSIDER:

- Accurate flow monitoring is required to determine compliance with an equivalent mass limit on the basis of a concentration sample result received from the laboratory. Relying on water consumption records when determining compliance with mass-based limits is not an acceptable practice (EPA's *Industrial User Inspection and Sampling Manual for POTWs,* April 1994).
- The use of the long-term average daily and monthly flow is the only way to ensure that mass-based limits are truly equivalent.

B.6.d. IU does not have variable flow rates, production levels, or pollutant levels

FACTOR TO CONSIDER

- In order to be eligible for equivalent mass limits, the IU must not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge.

B.6.e. IU has consistently complied with applicable categorical requirements

FACTOR TO CONSIDER:

The IU should be consistently compliant with applicable categorical requirements for at least 2 years before its request for equivalent mass-limits.

B.6.f. Did the CA use appropriate flow rates when developing limits? (Y/N)

FACTOR TO CONSIDER

A CA which chooses to establish equivalent mass limits must calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the IU by the concentration-based daily maximum and monthly average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor. The CA should also review historical wastewater flow rates to determine if there any seasonal or production fluctuations.

B.6.g. Did the CA use the correct concentration-based limits for the applicable categorical standards? (Y/N)

FACTORS TO CONSIDER:

- The formula for converting daily maximum concentration standards to equivalent daily maximum mass limits is the product of the facility's actual average daily flow rate, the applicable concentration-based categorical daily maximum standard, and the appropriate unit conversion factor. The unit conversion factor is 8.34 when multiplying a concentration limit (expressed as milligrams per liter) by flow (expressed as millions of gallons per day).
- The formula for converting monthly average concentration standards to equivalent monthly average mass limits is the product of the facility's actual average daily flow rate, the applicable concentration-based categorical monthly average standard, and the appropriate unit conversion factor.
- It is important to note that the same flow value, the CIU's long-term average daily flow rate, is used in the calculation of both the daily maximum and monthly average equivalent mass limits.

B.6.h. Upon notification of revised production rate, did the CA reassess the mass limits? (Y/N)

FACTOR TO CONSIDER

If an IU subject to equivalent mass limits notifies the CA of a revised production rate, the CA must reassess the equivalent mass limit and recalculate the limit as necessary to reflect the changed conditions at the facility.

B.7 Calculation of equivalent concentration limits for flow-based standards

FACTOR TO CONSIDER:

If the CA has implemented equivalent concentration limits for flow-based standards, the auditor should determine if it is allowed by state law and if the CA has revised its legal authority to reflect the authority to include the provision.

B.7.a. Is the IU subject to 40 CFR Part 414, 419, or 455? (Y/N)

FACTOR TO CONSIDER:

The federal regulations at 40 CFR 403.6(c)(6) allow the CA to use concentration-based limits instead of flow-based mass limits for new and existing indirect dischargers in the Organic Chemicals, Plastics, and Synthetic Fibers category; new indirect dischargers in the Petroleum Refining category; and new and existing indirect dischargers in the Pesticide Chemicals category.

B.7.b. Documentation that dilution is not being used as treatment? (Y/N)

FACTOR TO CONSIDER

If the CA is converting mass limits for the categorical Pretreatment Standards at 40 CFR Parts 414, 419, or 455 to concentration limits, the CA must document that dilution is not being substituted for treatment as prohibited by 40 CFR 403.6(d).

B.8 Calculation and application of CWF or FWA

FACTORS TO CONSIDER:

- The CA should provide documentation of its calculation and application of CWF or FWA.
- The CA should use the correct classification of regulated, nonregulated, and dilute wastestreams.

B.9 Application of most stringent limit

FACTORS TO CONSIDER:

- The CA should ensure that compliance with categorical limits is evaluated at end-of-process.
- The CA should ensure that compliance with local limits is typically evaluated at end-of-pipe.
- The CA should ensure that instantaneous maximum, daily maximum, 4-day average, and monthly average limits are not the same, and therefore are not comparable.

C. <u>CA Compliance Monitoring</u>

Note: The CA is required to do sampling and inspecting of IUs to verify compliance independent of information supplied by the IU. If the CA has not undertaken any surveillance activity or no documentation exists, if documentation is insufficient, or if the CA has not sampled for all regulated parameters, the auditor should note such problems.

C.1 Inspection (at least once a year, except as otherwise specified)

PURPOSE: The CA is required to inspect all IUs to determine compliance with Pretreatment Standards and Requirements independent of data submitted by the IU.

FACTORS TO CONSIDER:

- Inspection is required at least once a year (except for middle-tier CIUs and NSCIUs) or as specified in the approved program.
- Although the CA is required to inspect the SIU once a year (except for middle-tier CIUs), or more frequently if required by the approved program, the auditor should assess the adequacy of this frequency on the basis of the IU's compliance history, IU-specific requirements, process changes, and so forth.
- For middle-tier CIUs, the CA is required to conduct inspections once every 2 years. If the CA has implemented middle-tier CIU classification, the auditor should determine if it is allowed by state law and if the CA has revised its legal authority to reflect the authority to include this provision.
- Documentation of inspection activities should be clear and cover every aspect of the inspection. Some CAs might use activity logs to demonstrate an inspection took place; however, the log alone will not fulfill the requirement for sufficient care to produce evidence admissible in enforcement cases [40 CFR 403.8(f)(2)(vii)].

C.1.a. If the CA has determined a discharger to be an NSCIU

FACTORS TO CONSIDER:

- Evaluation of discharger with the definition of NSCIU once per year—The CA is required to evaluate whether an IU previously determined to be an NSCIU still meets the *nonsignificant* criteria listed at 40 CFR 403.3(v)(2). This evaluation should primarily involve the CA's verification that the NSCIU has submitted certification forms documenting continued eligibility for NSCIU status and compliance with applicable Pretreatment Standards and Requirements.
- The state must adopt the NCSIU provision into its state law before the CA may adopt it into is legal authority.
- The CA must adopt the NSCIU provision into its legal authority before implementation.

C.1.b. If the CA has reduced an IU's reporting requirements

FACTOR TO CONSIDER:

Inspect at least once every 2 years—If the IU no longer meets the conditions for reduced reporting listed at 40 CFR 403.12(e)(3), the CA must immediately begin inspecting the IU at least once a year.

C.2 Inspection at frequency specified in approved program

C.3 Documentation of inspection activities

C.4 Evaluation of need for slug discharge control plan (reevaluation of existing plan)

FACTORS TO CONSIDER:

- Evaluation of need for slug discharge control plan (reevaluation of existing plan)—the CA is required to evaluate each IU's need for a slug discharge control plan or other action to control slug discharges.
- For IUs identified as significant before November 14, 2005, this evaluation must be completed at least once by October 14, 2006. Additional SIUs must be evaluated within one year of being designated as significant.
- The slug discharge control plan could also be called an accidental spill prevention plan. However, to fulfill the regulatory requirement, the plan must also address any potential, nonaccidental, slug discharges.

C.5 Sampling (at least once a year, except as otherwise specified)

PURPOSE: The CA is required to sample each SIU discharge point to verify compliance independent of self-monitoring data supplied by the IU. The auditor should determine that the CA has sampled the IU by reviewing sampling records, lab reports, chain-of-custody forms, and so forth. The auditor should examine all CA compliance sampling data in the IU's file.

FACTORS TO CONSIDER:

- Sampling frequency—At least once a year (except for middle-tier CIUs and NSCIUs) or at the frequency specified in the approved program.
  - For middle-tier CIUs, the CA is required to conduct compliance sampling once every 2 years.

  - For NSCIUs, the CA is not required to conduct any compliance sampling, but this does not relieve the NSCIU of its duty to comply with applicable categorical Pretreatment Standards.

- Documentation of sampling activities should include QA/QC analytical results and chain-of-custody forms (sample date and time; location; flow, where applicable; sampling method/type; sampler's name; sample preservation techniques; sample characteristics; dates of analyses; name of analyst; analytical technique/method [40 CFR Part 136]; and analytical results).
- Sampling results should include analyses for all regulated parameters.

C.5.a. If a POTW has waived monitoring for a CIU

FACTORS TO CONSIDER:

- If allowed by state law and if the CA's legal authority has been revised and approved accordingly, the CA may waive monitoring requirements for pollutant(s) not expected to be present.
- The CA must sample waived pollutant(s) at least once during the term of the control mechanism.
- If the CA subsequently determines that the waived pollutant(s) is present or is expected to be present in the IU's wastewater, the CA must immediately begin at least annual monitoring of the IU's discharge, and the SIU must resume monitoring at least once every 6 months.

C.5.b. If a POTW has reduced an IU's reporting requirements

FACTORS TO CONSIDER:

- If allowed by state law and if the CA's legal authority has been revised and approved accordingly, the CA can reduce a CIU's reporting frequency.
- If the CA has reduced an IU's reporting requirements, the CA must sample and analyze the IU's discharge at least once every 2 years. If the IU no longer meets the conditions for reduced reporting listed at 40 CFR 403.12(e)(3), the CA must immediately begin sampling at least once a year.

C.6 Sampling at the frequency specified in approved program

C.7 Documentation of sampling activities (chain-of-custody; QA/QC)

C.8 Analysis for all regulated parameters

C.9 Appropriate analytical methods (40 CFR Part 136)

FACTORS TO CONSIDER:

- The SIU is required to use the methods defined under 40 CFR Part 136 when collecting and analyzing all samples obtained to determine compliance with Pretreatment Standards.
- Because the CA's compliance monitoring serves to verify compliance with the same standards and to check the validity of self-monitoring data, the CA's monitoring must also be conducted in accordance with 40 CFR Part 136. While specific test procedures included in *Standard Methods for the Examination of Water and Wastewater* are approved at 40 CFR Part 136 for many parameters, not all the test procedures in that document are approved. If multiple methods are approved for the same parameter at 40 CFR Part 136, the analytical method used should have an appropriate detection method to determine compliance with the effluent limit.

D. CA Enforcement Activities

Note: This section serves several purposes. The auditor will determine the compliance status of the selected IUs and the corresponding response of the CA. If the IU is in noncompliance and the CA fails to identify the noncompliance, the auditor should note that on the checklist and explain the situation in the comment section. The auditor should also determine if the IU is in SNC and whether the enforcement taken by the CA was effective and followed the approved ERP. If the auditor finds any problems, he or she should note them and explain the situation in the report.

PURPOSE: The CA is required to identify and investigate all instances of noncompliance with Pretreatment Standards and Requirements. The auditor should verify that the CA has identified all violations.

FACTORS TO CONSIDER:

- The CA must identify any and all instances of IU noncompliance. EPA recommends that the CA use a tracking system to

  - Obtain and compare sampling data with applicable limits and identify and investigate any violations. The investigation should include requiring the IU to explain the violation.
  - Receive IU reports and determine their timeliness, completeness, and accuracy.
  - Determine appropriate progress with compliance schedules.

- The CA must obtain enough IU discharge data to determine compliance on an ongoing basis. If the IU has a history of noncompliance and/or variability in discharge constituents and characteristics, the CA will need more frequent sampling data to determine the pattern and causes of noncompliance.
- If the IU has a history of noncompliance, has not submitted any required self-monitoring reports, or discharges pollutants for which the POTW has NPDES violations, the CA should note such facts.
- The auditor should attempt to determine whether the monitoring frequency and the reports for the IU are sufficient to provide a true picture of compliance.
- IU self-monitoring—As discussed above, all SIUs are required to report at least twice a year (except for middle-tier CIUs), and more frequently if required by the CA.
- A middle-tier CIU's self-monitoring requirement could be reduced to once a year. This self-monitoring data must be representative of conditions occurring during the reporting period.
- Where CA compliance monitoring data show instances of noncompliance, the auditor should find Notices of Violation (NOVs) provided to the IU for each instance, as well as other records of appropriate follow-up.
- Violations of monitoring and reporting requirements must be addressed by the CA's enforcement program. IU reporting includes all notices required to be submitted by the IU (i.e., notice of a slug discharge [including accidental spills], prior notice of a changed discharge, and 24-hour notice of violation identified in self-monitoring data).
- The CA should respond to any failure by the IU to comply with a compliance schedule requirement.

D.1 Identification of violations

D.1.a. Discharge violations

D.1.b. Monitoring/reporting violations

D.1.c. Compliance schedule violations

D.2 Determination of SNC (on the basis of rolling quarters)

PURPOSE: The CA is required to determine SNC to verify which industries it will publish at least annually in daily newspaper of general circulation that provides meaningful public notice within the jurisdiction. The CA must also report a summary of IU compliance status in its pretreatment program performance reports to the state or EPA. The auditor should evaluate the file to verify if the CA correctly determined SNC. This can be done by reviewing violations and performing SNC calculations. (***Note:*** If the auditor is unfamiliar with the definition of SNC, he or she should refer to the definition in the General Pretreatment Regulations and EPA policy.)

FACTORS TO CONSIDER:

- CAs should be evaluating SNC on the basis of procedures set forth in the regulations and EPA's September 9, 1991, memorandum on the *Application and Use of the Regulatory Definition of Significant Noncompliance for Industrial Users*.
- The auditor should find and evaluate evidence of SNC evaluation. This information might be in the CA's enforcement file, the pretreatment program performance report submitted to EPA or the state, as well as in the CA and IU sampling reports or included in the data management system. The auditor should look for any SNC violations as described below and determine whether the CA has correctly determined SNC.

D.2.a. Chronic

D.2.b. TRC (Technical Review Criteria)

D.2.c. Pass through/interference

D.2.d. Spill/slug load

D.2.e. Reporting

D.2.f. Compliance schedule

D.2.g. Other violations (e.g., BMPs requirements)

D.3 Response to violation

PURPOSE: The CA is expected to respond to every violation in an appropriate manner consistent with its approved ERP.

FACTORS TO CONSIDER:

- If the CA has an approved ERP, did the CA respond to each violation as specified in the ERP?
- Effective enforcement requires a timely response by the CA to all violations. The auditor should investigate the cause of any instances where a response did not occur in a timely manner.

D.4 Adherence to approved ERP

PURPOSE: Where the CA has an approved ERP, it is required to implement that plan in all its enforcement proceedings.

FACTORS TO CONSIDER:

- Implementation of the approved ERP involves timely and appropriate enforcement and escalation of enforcement actions where violations persist. The CA should have noted and responded to any instance of noncompliance with local limits and/or categorical Pretreatment Standards. At a minimum, for minor violations, the CA should have notified the IU of the violation through a phone call, meeting, or NOV. Instances of noncompliance with any pretreatment requirement should also have resulted in a response by the CA.
- In cases where the CA's actions conformed to the ERP but were not effective (i.e., they did not result in a final resolution within a reasonable length of time), the auditor should document the situation and consider whether the ERP requires modification.

D.5 Return to compliance

PURPOSE: There are a number of criteria by which to determine effective enforcement. A return to compliance within 90 days of the initial violation is the primary goal, but even effective enforcement might take longer.

FACTORS TO CONSIDER:

- One criterion for successful enforcement is the IU's return to compliance within 90 days.

- Enforcement actions taken in response to discharges that resulted in pass through and/or interference that failed to eliminate the violation within 90 days of identifying the responsible industry or failed to place the responsible industry on an enforceable schedule within 90 days of identification are not considered to be effective enforcement, unless otherwise defined in an approved ERP. The auditor should consider this as a Level I criteria POTW violation (*FY 1990 Guidance for Reporting and Evaluating POTW Noncompliance with Pretreatment Implementation Requirements*).
- Enforcement actions taken in response to incidents of SNC that failed to return the SIU to compliance (or in compliance with an enforceable compliance schedule) within 90 days of the receipt of information establishing SNC are not considered effective enforcement, unless otherwise defined in an approved program ERP. The auditor should consider this as a Level II criteria POTW violation *(FY 1990 Guidance for Reporting and Evaluating POTW Noncompliance with Pretreatment Implementation Requirements*).
- The IU should be returned to compliance within the time specified by the CA. If the IU must come into compliance with a categorical Pretreatment Standard deadline or a deadline for compliance with a modified local limit, the CA should take appropriate actions (usually by issuing a compliance schedule) to ensure that the IU will meet that deadline.
- Violation of a compliance schedule deadline could indicate lack of effective enforcement. If the deadline has built-in milestone dates, the CA has the opportunity to take actions whenever the IU falls behind in its progress toward compliance. Effective action should result in achievement of compliance by the schedule's deadline.

D.5.a. Within 90 days

D.5.b. Within time specified

D.5.c. Through compliance schedule

D.6 Escalation of enforcement

PURPOSE: The CA is expected to escalate enforcement for persistent violations.

FACTORS TO CONSIDER:

- The CA is expected to bring noncompliant users back into compliance by timely and appropriate enforcement. This requires escalation of enforcement activity for persistent

violations per the CA's ERP. The auditor should look for patterns of increasingly severe enforcement actions (e.g., NOVs followed by Administrative Orders [AOs]) where the past enforcement actions have not resulted in the IU achieving consistent compliance. The auditor should evaluate dates of the enforcement actions and IU responses (provide examples).

- Where self-monitoring data show instances of noncompliance, the auditor should look for and note follow-up by the CA to any violations and determine the appropriateness of actions taken.
- As a general rule, escalation of enforcement should occur within 90 days of the initial enforcement action, if compliance has not been achieved. Where an SIU continues to violate, so that the pattern of violations meets the criteria for SNC, the violation should be resolved within 90 days of the receipt of information that established the SIU to be in SNC, or the POTW should issue an enforceable schedule for resolution of the noncompliance within 90 days (*FY 1990 Guidance for Reporting and Evaluating POTW Noncompliance with Pretreatment Implementation Requirements*).

D.7. Publication for SNC

PURPOSE: The CA is required to annually publish, in a daily newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of IUs found to be in SNC. The auditor should verify that IUs in SNC, if any, were properly published.

FACTORS TO CONSIDER:

- The IU file or a central enforcement file should contain a copy or clipping of the latest notice placed in the local newspaper. The CA could keep this public notice in a separate file.
- If an IU has been in SNC at any time during the year to which the publication pertains, the IU must be included in the published list. Even those IUs that returned to compliance and are in compliance at the time of publication must be included in the published list. IUs that are on compliance schedules (but have had or continue to have SNC violations of standards or requirements) must also be published.
- The auditor should randomly check IUs in SNC against the published list and determine whether the CA published and reported on all these IUs.

- Publication could take the form of a legal notice; however, it might be more effective in the form of an article or advertisement.

E. IU Compliance Status

PURPOSE: The auditor should use this section to evaluate whether the discharger is in compliance with its self-monitoring and reporting requirements. If the auditor finds that a discharger is not in compliance with these requirements, the auditor should verify whether the CA took appropriate enforcement actions.

FACTOR TO CONSIDER:

The auditor should evaluate whether the CA's compliance monitoring procedures and analytical methods are in compliance with 40 CFR Part 136.

E.1 Self-monitoring and reporting

E.1.a. Sampling at frequency specified in control mechanism/regulation

E.1.b. Analysis of all required pollutants

E.1.c. Appropriate analytical methods (40 CFR Part 136)

E.1.d. Appropriate sample collection method

E.1.e. Compliance with sample collection holding times

E.1.f. Submission of BMR/90-day report

E.1.g. Periodic self-monitoring reports

E.1.h. Reporting all required pollutants

E.1.i. Signatory/certification of reports

E.1.j. Annual certification by NSCIUs

E.1.k. Submission of compliance schedule reports by required dates

E.1.l Notification within 24-hours of becoming aware of violations

FACTORS TO CONSIDER:

- Discharge violation

- Slug load
- Accidental spill

E.1.m. Resampling/reporting within 30 days of knowledge of violation

E.1.n. Notification of hazardous waste discharge

E.1.o. Submission/implementation of slug discharge control plan

E.1.p. Notification of significant changes

E.2 Compliance with all general control mechanism requirements

E.3 If the CA has classified the discharger as a middle-tier CIU

FACTORS TO CONSIDER:

- Categorical flow does not exceed 0.01% of the design dry-weather hydraulic capacity or 5,000 gpd (whichever is smaller)
- Categorical flow does not exceed 0.01% of the design dry-weather organic treatment capacity of the POTW
- Categorical flow does not exceed 0.01% of the maximum allowable headworks loading for any regulated categorical pollutant

E.4 If the CA has granted the discharger a monitoring waiver

FACTOR TO CONSIDER:

Certification statements with each compliance report

E.5 Compliance with BMP requirements, if applicable (Y/N)

E.6 If the CA has classified the discharger as an NSCIU

FACTORS TO CONSIDER:

- Discharges less than 100 gpd of total categorical wastewater
- Annual certification statements

E.7 If the CA has established equivalent mass limits for a CIU

FACTORS TO CONSIDER:

- An IU subject to equivalent mass limits must maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits.
- The IU must continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device.
- The IU must continue to record the facility's production rates and notify the CA whenever the production rates are expected to vary by more than 20 percent from its baseline production rates as determined by the regulations at 40 CFR 403.6(c)(5)(i)(C).
- The IU must employ the same or comparable water conservation methods and technologies as those implemented pursuant to 40 CFR 403.6(c)(5)(i)(A) so long as it discharges under an equivalent mass limit.

F. Other

PURPOSE: The auditor should use this section to document any initiatives, unusual situations, or other issues of note or concern identified in the file review and not covered under the sections above.

SECTION III: OBSERVATIONS AND CONCERNS

Section III is intended to provide a brief summary of the concerns and deficiencies identified (observations and concerns) throughout the audit in each program area. It also provides the opportunity to identify inconsistencies in information collected. For instance, information obtained through the interview process is sometimes in disagreement with information obtained during the file review. For this reason, EPA strongly recommends that the auditor(s) complete Section III before the audit's closing conference to raise, and hopefully resolve, such issues at that time.

To help the auditor complete this section, elements of each program area are listed for consideration. Citations to all pertinent checklist questions are provided for each element. The regulatory citations are also provided where there are specific *requirements* for that element. The auditor should be aware that not all questions on the checklist reflect regulatory requirements. Some of the questions are included to allow the auditor to better evaluate program effectiveness. The auditor should take this fact into consideration when developing the subsequent report, which specifies the required versus recommended actions the CA should take.

When documenting the observations and concerns, the auditor should take care to clearly distinguish between findings of deficiencies, violations, and program effectiveness issues. The auditor should also specify whether follow-up actions are required or recommended or whether program modification is needed. Thoroughness in completing Section III of the checklist will facilitate preparation of a clear and accurate final report. In addition, the auditor should document positive aspects of the CA's pretreatment program. For example, recognize positive steps the CA is taking in its program that go beyond the minimum federal requirements or any corrective actions taken to address previous deficiencies.

Section III should provide the framework for the report to which the checklist could be attached. Because the checklist constitutes the auditor's field documentation of findings, it should contain only the audit's factual findings.

Appendix of Documents Referenced in the Manual

Title 40 of the *Code of Federal Regulations* [CFR] Part 403

40 CFR Part 136

Checklist – Pretreatment Program Legal Authority Reviews (EPA 833-B-07-001)

NPDES Compliance Inspection Manual (EPA 305-X-03-004, July 2004)

EPA Model Pretreatment Ordinance (EPA 833-B-06-002)

EPA's self-audit policy. *Federal Register* Volume 65, No. 70, 19618–19627 (April 11, 2000)

FY 1990 Guidance for Reporting and Evaluating POTW Noncompliance with Pretreatment Implementation Requirements

Guidance Manual for the Use of Production Based Pretreatment Standards and the Combined Wastestream Formula (September 1985)

Industrial User Inspection and Sampling Manual for POTW's (April 1994)

Local Limits Development Guidance (EPA 833-R-04-002A)

Multijurisdictional Pretreatment Programs Guidance Manual (EPA-833-B-94-005)

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