

PRETREATMENT PROGRAM AUDITS - A TCEQ PERSPECTIVE



Texas Commission on Environmental Quality (TCEQ)
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AGENDA

Background

Audit Process

Final Audit Report

Common Audit Violations

Q & A

BACKGROUND



TPDES PRETREATMENT PROGRAM

- The **National Pretreatment Program** is a component of the NPDES program.
- **40 CFR Part 403** establishes responsibilities to achieve the National Pretreatment Program objectives.
- The Approval Authority is responsible for ensuring that local program implementation is consistent with all applicable federal requirements.
- **Comprehensive audits of local pretreatment programs is the most effective way to ensure compliance.**



PRETREATMENT PROGRAM AUDITS

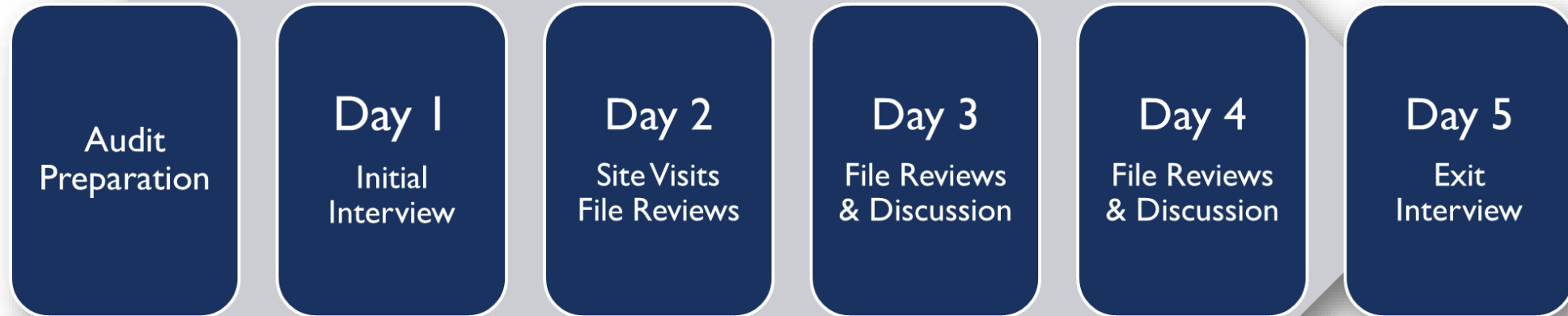
Purpose:

- Conduct a comprehensive review of all elements of the approved pretreatment program.
- Determine the CA's compliance status with the requirements of its TPDES permit, approved program, and federal regulations.
- Identify areas of the CA's program that need to be modified to bring the program into compliance with the regulations.
- Identify circumstances that might warrant enforcement actions against the CA.
- Develop recommendations for improving the performance and increasing the effectiveness of a CA's program.

AUDIT PROCESS



AUDIT SCHEDULE



PRE-AUDIT PREPARATION

TCEQ Preparation:

- Audit Announcement call to Control Authority.
- Review of the following:
 - Approved pretreatment program components
 - TPDES permit requirements
 - Industrial User File Reviews (files requested shortly after audit is announced)
 - Wastewater treatment plant (WWTP) influent and effluent monitoring data
 - Previous inspections and audits
 - Pretreatment program annual reports
 - Enforcement Actions
 - Conditions in the POTW's receiving watershed
 - Texas Manufacturers' Directory



PRE-AUDIT PREPARATION

Control Authority Preparation:

- Complete initial interview checklist and provide to TCEQ prior to audit.
- Scan and send electronic copies of IU files as requested by auditors (via email or FTPS site).
- Have files in order for audit week.
- Reach out to auditor with any questions.



INITIAL INTERVIEW

- Initial Interview checklist completed by the CA prior to the audit.
- Interview occurs Day 1 of audit.
- Purpose is to obtain details of the pretreatment program and clarify any checklist answers.
- Additional documentation may be requested during the initial interview.

Instructions for Completing the Initial Interview Checklist:

- Respond as detailed and accurately as possible for all items in the initial interview checklist.
- For "Yes" or "No" options, please place a "X" or other symbol in the correct column to indicate your answer.
- Do not leave any items blank. Use "N/A" or "none" if necessary.

SECTION I: GENERAL INFORMATION

A. GENERAL INFORMATION

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

Permit Signatory: _____ Title: _____
Telephone: _____ Fax Number: _____
Email Address: _____

Pretreatment Contact: _____ Title: _____
Address: _____ Email: _____
Telephone: _____ Fax Number: _____

Pretreatment Year Date: _____
Month Annual Pretreatment Report Due: _____

Date of Audit: _____

Approval Authority Auditor(s):

NAME	TITLE / AFFILIATION	TELEPHONE NUMBER
_____	_____	_____
_____	_____	_____

Control Authority Representative(s):

NAME	TITLE / AFFILIATION	TELEPHONE NUMBER
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

INITIAL INTERVIEW

Auditors looking for:

- Knowledge of the approved program and pretreatment regulations.
- Inventory of IUs discharging to POTW.
- Consistency across program documents.
- Aspects where the CA is going above and beyond.

INDUSTRIAL USER FILE REVIEW

- TCEQ selects files for review that demonstrate a representative cross section of the CA's industrial user universe.
- File review checklists are completed by TCEQ prior to the audit.
- Discussions and requests for additional documentation occurs throughout the audit week.



INDUSTRIAL USER FILE REVIEWS

Items reviewed:

- Permit (Control Mechanism)
- Inspection reports
- CA compliance monitoring
- IU monitoring and reports
- Enforcement and SNC Evaluation

SECTION III: INDUSTRIAL USER FILE EVALUATION

A. Industrial User Characterization

1. Is the IU considered "significant" by the Control Authority? [§403.3(v)] _____
2. Is the IU subject to categorical pretreatment standards? [§403.3(v)(i)] _____
 - a. New source or existing source (NS or ES)? [§403.3(m)] _____
 - b. Is the IU implementing pollution prevention (P2) practices? _____

B. Control Mechanism

1. Does the file contain an application for a control mechanism? [§403.8(f)(2)] _____

If yes, what is the application date? _____

Does it ask for P2 information? _____
2. Does the file contain a Permit? [§403.8(f)(1)(iii)] _____

Permit expiration date? _____

Is a fact sheet included? _____
3. Has the SIU been issued a control mechanism containing: [§403.8(f)(1)(iii)(B)(1-6)]
 - a. Legal authority cite? [§403.8(f)(1)] _____
 - b. Expiration date? _____
 - c. Statement of ~~non~~transferability? _____
 - d. Appropriate discharge limitations? _____
 - e. Appropriate self-monitoring requirements? _____

INDUSTRIAL USER FILE REVIEWS

Auditors looking for:

- Consistency of files with program requirements and pretreatment regulations.
- Enforcement actions being issued in accordance with approved program.
- Pollution Prevention (P2).

INDUSTRIAL USER SITE VISITS

- The number and types of IUs to be visited should be **representative of the program's industrial make-up.**
- A Site Visit consists of a brief sit-down interview with facility personnel before a facility walk through.
- Site visits are not inspections.



INDUSTRIAL USER SITE VISITS

Auditors looking for:

- Information to help determine whether the CA is conducting adequate inspections.
- Confirmation that the physical and operational conditions of the facility are reflected properly in IU's permit.
- IU compliance including representative sampling.

EXIT MEETING

At the closing conference, TCEQ will present the:

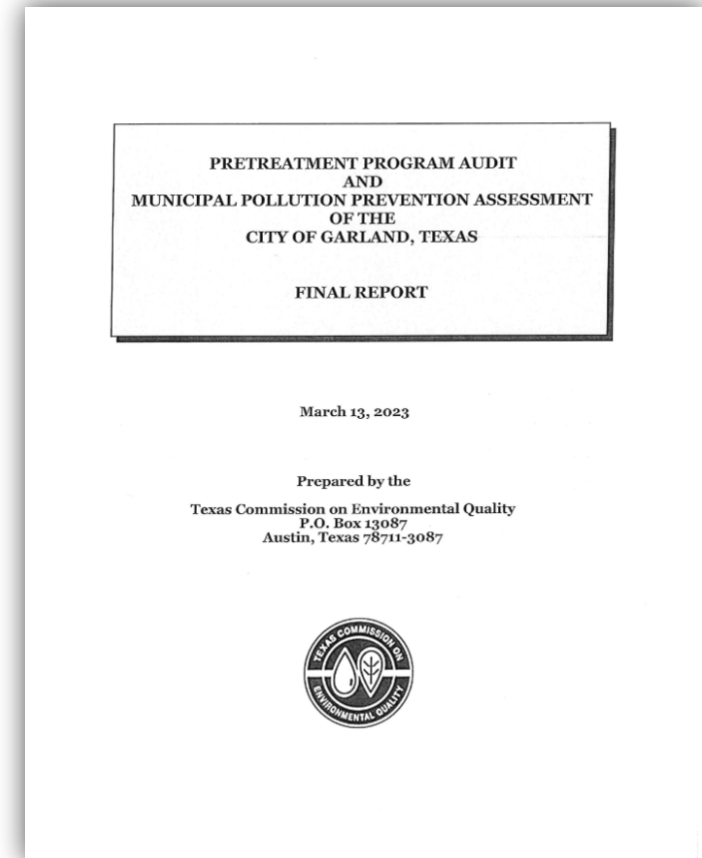
- Strengths of the program
- Preliminary findings
- Required program modifications
- Recommendations to the CA

FINAL AUDIT REPORT



COMPONENTS OF THE AUDIT REPORT

- Category of each alleged violation determined using TCEQ's Enforcement Initiation Criteria.
- The final report includes:
 - **Cover Letter** with response due dates
 - **Official Report** with findings, required corrective actions, recommendations and required modifications to the program



FINAL AUDIT REPORT

- Final copies of the audit report are sent to the CA and EPA.
- **Responses to findings and required modifications are due within 60 days of audit report.**
- TCEQ staff review the responses for adequacy.
- If requirements are not addressed by response due date, the TCEQ staff may:
 - Include any remaining required modifications in the next TPDES permit
 - Issue a notice of violation (NOV)

COMMON AUDIT VIOLATIONS



COMMON AUDIT VIOLATIONS IDENTIFIED

1) Randomly sample and analyze the effluent from IUs and conduct surveillance activities to identify, independent of information supplied by IUs, occasional and continuing noncompliance with pretreatment standards [40 CFR 403.8(f)(2)(v)].

■ **Potential violation if the CA:**

- Fails to inspect and/or sample the effluent from each SIU at least once per year
- Fails to use 40 CFR Part 136 approved methods for sample analysis

2) Require compliance with applicable pretreatment standards [40 CFR 403.5(d)].

■ **Potential violation if the CA:**

- Fails to include all adopted local limits in the SIU permit and/or categorical standards in CIU permit
- Fails to determine compliance with the categorical pretreatment standards (end-of-process) and local limits (end-of-pipe)

COMMON VIOLATIONS IDENTIFIED

- 3) If sampling performed by an Industrial User indicates a violation, the User shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation [40 CFR 403.12(g)(2)].
- **Potential violation if the CA:**
 - Fails to document or require the SIU to report a violation within 24 hours
 - Fails to ensure that resampling is performed
- 4) Ensure all reports submitted by IUs contain the required certification statements and signatures from authorized representatives as set forth in 40 CFR §403.12 (I).
- **Potential violation if the CA:**
 - Fails to ensure that the certification statement is included in the self-monitoring reports
 - Fails to ensure that the person signing the report is the authorized representative

COMMON VIOLATIONS IDENTIFIED

- 5) The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance [40 CFR 403.8(f)(5)].
- **Potential violation if the CA:**
 - Fails to issue notices of violation for effluent exceedances or reporting violations consistent with program's ERP/ERG
 - Fails to escalate enforcement when an IU violates the same pretreatment standard or requirement repeatedly
- 6) Evaluate SNC for all SIUs as required by 40 CFR §403.8(f)(2)(viii) (A) – (H).
- **Potential violation if the CA:**
 - Fails to document and determine which IUs are in SNC
 - Fails to publish those IUs which were in SNC during the previous 12 months for discharge and/or reporting violations

COMMON VIOLATIONS IDENTIFIED

- 7) The permittee must comply with all conditions of the NPDES [e.g. TPDES] permits. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action [40 CFR 122.41(a)].
- **Potential violation if the CA:**
 - Fails to sample its influent and effluent for all parameters during the pretreatment year as required by their TPDES permit.
 - Fails to sample its influent and effluent at the frequency required by their TPDES permit.
- 1) POTWs with approved Pretreatment Programs shall provide the Approval Authority with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program [40 CFR 403.12(i)].
- **Potential violation if the CA:**
 - The CA failed to submit a complete pretreatment program annual status report to the TCEQ for the pretreatment year.
 - Fails to submit required annual report with the appropriate signature from either the principal executive officer, ranking elected official, or a duly authorized employee.

TCEQ PRETREATMENT PROGRAM CONTACTS

Central Austin Office:

- Colleen Cook, Pretreatment Team Leader
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- Erin Darling, PhD.
- Amy Golden-Leddy
- Jo Hunsberger
- Bridget Malone
- Devon Thomas
- Steven Van Landingham

Contact Us:

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Q & A



THANK YOU FOR YOUR ATTENDANCE