

Clean Water Act Common Compliance Violations

- Three Primary CWA Programs Evaluated at Federal Facilities
 - National Pollutant Discharge Elimination System (NPDES) Permit Program
 - General Stormwater Permit Program
 - Pretreatment Program
- Format
 - Description of Program
 - Common Compliance Violations
 - Pictures Related to Violations



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- EPA Contract Inspector with Over 30 Years Experience
- Conducted Over 260 Compliance Inspections of Federal Facilities in Every EPA Region
- My Experience with Inspections of Federal Facilities Has Shown a High CWA Noncompliance Rate
- Majority of Noncompliance can be Easily Avoided by Being Familiar with the Regulations and Permits

NPDES Permit Program

- All discharges of pollutants to navigable waters of the United States must be regulated by a NPDES Permit
- Permits can be individual or general permits
- Includes general stormwater permits which will be discussed later
- Discuss common violations for individual NPDES Permits

NPDES Permit Common Violations

Monitoring and Reporting Violations

- Failure to submit monitoring reports or submitting them late
- Submitting incomplete monitoring reports
- Inadequate monitoring records kept
- Failure to calibrate pH meters properly

NPDES Permit Common Violations

Exceed permit effluent limits

- Inadequate O&M
- Failure to control upstream users/tenants
- Inadequate operator staffing or training
- Inadequate treatment for new pollutants or reduced limits

NPDES Permit Common Violations

Specific permit conditions not complied with

- Special studies and monitoring required
- Special plans required
- Secondary containment required

Failure to notify regulatory authority of violations or changes to the facility







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General Stormwater Permits

- Three major types of general stormwater permits applicable to federal facilities
 - Industrial stormwater - Multi-Sector General Permit (MSGP)
 - Municipal Separate Storm Sewer (MS4) Permit
 - Construction stormwater permit
- Permit requirements vary depending on the state or if EPA is the regulatory authority
- Discuss common violations for each type of permit

Industrial Stormwater Permit

Common Violations

- Failure to apply for coverage under permit
- Failure to develop and implement a SWPP Plan
- Inadequate SWPP Plan
 - Not updated
 - Not site-specific
 - Inadequate BMPs
- Failure to conduct regular inspections and prepare annual compliance reports
- Failure to monitor stormwater outfalls
- Failure to conduct SWPP training





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MS4 Permit Common Violations

- Stormwater Management Plan (SWMP) is inadequate or not updated
- Annual reports are not submitted or are late
- Failure to implement all aspects of SWMP
 - Perform illicit connection survey and eliminate illicit connections
 - Conduct oversight of construction activities
 - Conduct training, education, and outreach

Construction Stormwater Permit Common Violations

- Failure to apply for coverage under permit
- Failure to post Notice of Intent (NOI), Permit Notice, etc. or have SWPP Plan and Permit present (depends on permit requirements)
- Inadequate SWPP Plan
 - Not site-specific
 - Maps do not show all items required by permit
 - Erosion and sediment (E&S) controls changed but SWPPP not changed



Construction Stormwater Permit Common Violations (Continued)

- Failure to implement E&S controls in SWPP Plan or required by permit
- Failure to maintain E&S controls
- Stormwater inspector not qualified
- Stormwater inspections not conducted or documented



Construction Stormwater Permit Common Violations (Continued)

Also see prior construction stormwater webinar presentations given on 6/23/09 on FedCenter.gov (http://www.fedcenter.gov/training/eparg9_stormwater_webinar)

Note compliance with Energy Independence and Security Act Section 438 requirements is now required for federal construction projects >5,000 square feet









Pretreatment Program

- Regulation of discharges to Publicly Owned Treatment Works (POTWs)
- Federal regulations in 40 CFR Part 403
- Each POTW develops a regulatory program including permitting of industrial users
- EPA or the state may be the regulatory/control authority in certain cases
- Typically POTWs inspect federal facilities for Pretreatment compliance, but EPA may as well.

Pretreatment Common Violations

- Exceed effluent limits in permits or federal, state, or POTW regulations
- Slug discharges (e.g., spills, upsets, etc.)
- Failure to prepare required plans
- Interference with POTW
- Failure to conduct required self-monitoring and submit related reports





Some Potential Solutions

- Read your Permit! Identify all requirements and comply with them.
- Prepare required plans according to permit requirements and applicable guidance.
- Implement all aspects of required plans.
- Train personnel regularly, reinforcing key aspects of compliance.
- Conduct regular oversight inspections of your facility or construction site.

EPA and State Guidance

- FedCenter.gov
- EPA Office of Wastewater Management websites
 - NPDES
(http://cfpub.epa.gov/npdes/home.cfm?program_id=45)
 - Stormwater
(http://cfpub.epa.gov/npdes/home.cfm?program_id=6)
 - Pretreatment
(http://cfpub.epa.gov/npdes/home.cfm?program_id=3)
- State regulatory authority websites for permits and guidance