Pretreatment Compliance Inspections and Program Audits

This chapter describes the methodology used by DEP when conducting Pretreatment Compliance Inspections and Pretreatment Program Audits. Industrial Pretreatment Program control authorities are required to comply with state and federal regulations regarding industrial pretreatment. DEP assures that control authorities remain in compliance by performing annual inspections and audits. To carry out this responsibility, DEP determines local program compliance and effectiveness, and takes corrective actions where needed. DEP currently uses three oversight mechanisms to make these determinations:

1) the annual pretreatment program report (see Chapter 10);

2) the Pretreatment Compliance Inspection (PCI) - an abbreviated audit focusing on permit, compliance monitoring, and enforcement activities undertaken by the Control Authority. They typically last about one day and do not include site visits to IUs; and

3) the Pretreatment Program Audit (PPA) - the most comprehensive of the three mechanisms, usually conducted at each local program once every five years. Serves to accomplish a number of objectives including:

   - provides DEP and EPA a means to assess a local pretreatment program's compliance with the regulatory requirements as detailed in the Control Authority's discharge permit(s);

   - identifies local pretreatment program areas that need modification to bring the program into compliance with applicable regulations;

   - identifies needed changes to the Control Authority's discharge permit(s);

   - provides a means for initiating enforcement action against Control Authority noncompliance;

   - allows DEP and EPA to examine the effectiveness of the program by evaluating environmental indicators and investigating the Control Authority's use of pollution prevention techniques to enhance the impact of the program; and

Step 1: Preparation
- Review discharge permit file, enforcement file, and pretreatment program file
- Review documents to become familiar with all IUs that may contribute to the POTW, e.g. local manufacturers' guides, RCRA permit lists, multijurisdictional agreements, TRI system data, etc.
- Notify the Control Authority of the upcoming visit.

Step 2: Onsite visit
- Entry (present credentials)
- Inspect selected SIUs
- Interview program staff
- Review program records and files
- Review SIU files
- Conduct closing conference.

Step 3: Follow-up
- Prepare and distribute report
- Enter ICIS (Integrated Compliance Information System) data elements
- Determine Reportable Noncompliance and Significant Noncompliance and enter data
- Modify discharge permit (if appropriate)
- Refer for enforcement (if appropriate).

Exhibit 11-1, Steps for Conducting a PPA

- identifies program areas where recommendations may be made to increase the effectiveness of the Control Authority's program.

To achieve audit objectives, DEP examines discrete portions of the whole program (e.g., legal authority, control mechanisms, compliance monitoring, and enforcement) and makes an assessment based upon how the discrete portions interact to form the whole. The audit requires extensive preparation, detailed data collection when onsite, and timely follow-up. The three phases to conducting an audit are detailed in Exhibit 11-1.

The amount of data to be collected and evaluated during an audit is considerable and time is limited. Thus, preparation for the audit is crucial to the well-focused collection of meaningful data. The auditor will compile general program information before going onsite. Information may also be gathered regarding industrial contributions to the POTW by review of applicable area manufacturers' guides or EPA's vast collection of data systems on its Internet site (www.epa.gov).

Once onsite, the auditor explains to Control Authority personnel what the PPA or PCI will entail, conduct an interview using the Pretreatment Compliance Inspection (PCI) / Pretreatment Program Audit (PPA) Form (Appendix 11-A). The interview portion involves auditors speaking with the Control Authority personnel directly responsible for the activities undertaken (e.g., interviewing sampling personnel regarding sampling protocols and sample handling). Contributing jurisdiction Control Authority personnel may also be questioned to learn how the pretreatment program is actually being implemented in their service area. Where possible, supporting documentation is collected by auditors to corroborate answers provided by interviewees. Upon completion of the interview, a file review will be conducted.

The number of files reviewed will depend on the number of SIUs and the number of other permitted entities; approximately 1-2 hours should be allocated for each file reviewed. Selected files should be representative of the Control Authority's IUs and include both categorical and noncategorical SIUs. Emphasis should be placed on SIUs newly added to the program, SIUs with compliance issues, CIUs reporting as achieving compliance with categorical pretreatment standards without use of pretreatment, CIUs subject to more than one categorical pretreatment standard and/or with adjusted limitations, and files not reviewed during previous inspections or audits. Results of the file reviews (see Appendix 11-B, File Review Form) and the interview will be summarized after the completion of the file review portion of the PCI or PPA.

Upon completion of the file review, IU site visits may be performed to verify information collected from the files. 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. The auditor will require the Control Authority to conduct an inspection during all site visits (see Appendix 11-C, Site Visit Data Sheet). The results of the all site visits will be summarized prior to leaving the last IU inspected.

PCI and PPA follow-up centers on preparing a pretreatment inspection/audit letter that will identify actions necessary to ensure that appropriate changes to the program (if any) are documented. Other follow-up actions may include administrative orders, revisions to the discharge permit, formal enforcement action, or other actions. Data will be analyzed and the inspection/audit letter will be transmitted to the Control Authority in a timely manner (typically within 45 days).