UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF WATER

MEMORANDUM

SUBJECT: Determining Industrial User Significant Noncompliance - One Page Summary

FROM: Mark D. Charles, Chief Mark D. Charles
RCRA and Pretreatment Enforcement Section

TO: Regional Pretreatment Coordinators, Regions I-X

During a recent Pretreatment Coordinator's conference call with Headquarters pretreatment staff, a suggestion was made to prepare a one page visual summary of how to determine Significant Noncompliance (SNC) for Industrial Users (IUs). This request was made in response to the Agency's policy memorandum explaining the correct procedure for applying the SNC definition to IUs. As a result of that request, we have prepared such a visual summary and are now making it available for distribution to your Approved States and POTWs.

The summary presents a chronological example of the steps which a Control Authority should follow when evaluating the compliance status of an industrial user vis-a-vis the SNC definition. The example assumes a "Pretreatment Year" (or "Year") equal to the calendar year and brackets the "Year" with heavy black lines to separate it from the previous and subsequent "Years."

The example illustrates the rolling quarters concept by presenting the six month evaluation periods for SNC determination as coupled quarters. For the purpose of the attached example, the end of each relevant quarter (i.e., the date on which the SNC determination should be made) is March 30th, June 30th, September 30th, and December 31st. As outlined in the policy memorandum, the POTW must publish all IUs which were identified in SNC during the "Year," unless the IU was previously published for violations which occurred solely in the last quarter of the previous "Year."

If you have any questions regarding this summary or the application of the definition in general, please feel free to call Lee Okster of my staff at (FTS) 260-8329.

cc: Jeff Lape

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Determination of Industrial User (IU) Significant Noncompliance (SNC)

1. The POTW (in conjunction with the Approval Authority) must establish its "Pretreatment Year."

2. At the end of each quarter, POTWs and States should evaluate their IU's compliance status for the two criteria which are evaluated on a six month time frame (i.e., the "A" and "B" criteria - 403.8(f)(2)(vii)(A) and (B)) as illustrated below. The example below assumes a " Pretreatment Year" equal to the calendar year.

FIRST EVALAUTION PERIOD

End of previous "Pretreatment Year" | Beginning of the current "Pretreatment Year."

Oct.	Nov.	Dec.	Jan.	Feb.	Mar.

SECOND EVALUATION PERIOD

Jan.	Feb.	Mar.	Apr.	May	Jun

THIRD EVALUATION PERIOD

Apr.	May	Jun.	Jul.	Aug.	Sep

FOURTH EVALUATION PERIOD

Jul.	Aug.	Sep.	Oct.	Nov.	Dec

3. At the end of the first quarter (March 30th in our example), the POTW must evaluate the data from an industrial user for the previous six months (e.g., beginning with October 1 of the previous "Pretreatment Year" as in our example). Likewise, the POTW must evaluate six months of data at the end of each subsequent quarter (e.g., June 30th, September 30th, and December 31st).

4. At the end of the "Pretreatment Year," the POTW must summarize the compliance status of its industrial users over the reporting period and report on this compliance status to the Approval Authority. The POTW must publish all industrial users which were identified in SNC during the "Pretreatment Year," unless the IU was previously published for violations which occurred solely in the last quarter of the previous "Year."