

# NPDES Compliance Inspection Manual

## *Chapter 1*



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# CHAPTER 1 – INTRODUCTION

## Contents

<b>A. Purpose and Objectives.....</b>	<b>3</b>
<b>B. Inspection Types .....</b>	<b>3</b>
Compliance Evaluation Inspection (CEI).....	4
Compliance Sampling Inspection (CSI).....	4
Performance Audit Inspection (PAI).....	4
Off-Site Desk Audit .....	4
Compliance Biomonitoring Inspection .....	5
Toxics Sampling Inspection .....	5
Diagnostic Inspection .....	5
Reconnaissance Inspection (RI).....	5
Pretreatment Compliance Inspection (PCI).....	6
Focused Compliance Inspection (FCI).....	6
Follow-up Inspection (FUI) .....	7
Sewage Sludge/Biosolids Inspection .....	7
Significant Industrial User (SIU) Inspection .....	7
Combined Sewer Overflow (CSO) Inspection.....	7
Sanitary Sewer Overflow (SSO) Inspection.....	8
Stormwater Inspection.....	8
Municipal Separate Storm Sewer System (MS4) Audit .....	9
Municipal Separate storm Sewer System (MS4) Inspection .....	9
Concentrated Animal Feeding Operation (CAFO) Inspection.....	9
Summary .....	9
<b>C. Legal Authority for NPDES Inspections.....</b>	<b>10</b>
Inspection Authority.....	10
State Program Authority .....	10
<b>D. Responsibilities of the EPA NPDES Inspector .....</b>	<b>11</b>
Indian Country Inspections.....	11
Legal Responsibilities.....	12
Procedural Responsibilities .....	12
Inspection Procedures.....	12
Training and Credentialing Responsibilities .....	14
Safety Responsibilities .....	15
Professional Responsibilities .....	15
Professional Attitude .....	16
Gifts, Favors, Luncheons.....	16
Requests for Information .....	16
Quality Assurance Responsibilities.....	17
Next Generation Compliance .....	17
<b>E. References.....</b>	<b>23</b>

## List of Tables

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Table 1-1. NPDES-Related Statutes and Regulations .....	11
Table 1-2. Inspector's Responsibilities.....	13

## List of Exhibits

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Exhibit 1-1. Next Generation Compliance Components .....	17
Exhibit 1-2. Example ITM Query .....	20
Exhibit 1-3. Results from Example ITM Query in Exhibit 1-2 .....	20
Exhibit 1-4. Effluent Limit Exceedances Search Form.....	21
Exhibit 1-5. Effluent Limit Exceedances Search Sorting Table .....	22
Exhibit 1-6. Effluent Limit Exceedances Search – Facility View .....	22

## Associated Appendices

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- A.     EPA Order 3500.1, Training and Development for Individuals who lead Compliance Inspections/Field Investigations.
- B.     EPA Order 3510, EPA Federal Credentials for Inspections and Enforcement of Environmental Statutes.
- C.     EPA Order 1440.2, Health and Safety Requirements for Employees Engaged in Field Activities.

## A. PURPOSE AND OBJECTIVES

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Compliance monitoring is a cornerstone of the Environmental Protection Agency's (EPA's) program to achieve clean water. The primary goal of EPA compliance monitoring efforts, such as on-site inspections, is to ensure and document whether entities regulated under the National Pollutant Discharge Elimination System (NPDES) and pretreatment programs are complying with their Clean Water Act (CWA) obligations. EPA's NPDES inspection program identifies and documents noncompliance, supports authorized state NPDES programs, supports the enforcement process, monitors compliance with enforcement orders and decrees, establishes presence in the regulated community, deters noncompliance, supports the permitting process, and furthers the broad watershed protection and restoration goals of the NPDES program. The purpose of this guidance is to provide inspectors with an in-depth knowledge of the NPDES inspection process.

EPA inspects NPDES facilities where we directly implementation the program (e.g., in states without NPDES program authorization and in Indian country). In addition, EPA sometimes conducts inspections in states with NPDES program authorization at the request of states to complement the state's own inspection efforts and to respond to tips or complaints. EPA regions and states communicate closely throughout the year on inspection planning and targeting to maintain a strong NPDES compliance monitoring program.

Throughout this Manual, EPA has made every effort to avoid references to or identification of particular facilities. Any specific examples of noncompliance found in the Manual are offered as facts with the goal of helping inspectors be well-prepared to conduct thorough inspections that support the enforcement process. Such examples are not a statement about any one facility's compliance status or the adequacy of the authorized state's compliance monitoring program.

Routine EPA NPDES compliance inspections should be performed in a manner designed to:

- Determine compliance status with regulations, permit conditions, and other program requirements.
- Verify the accuracy of information submitted by permittees.
- Verify the adequacy of sampling and monitoring conducted by the permittee.

Other purposes of compliance inspections include:

- Gathering evidence to support enforcement actions
- Obtaining information that supports the permitting process
- Assessing compliance with orders or consent decrees

## B. INSPECTION TYPES

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This manual provides guidance applicable to each type of inspection an NPDES inspector may be required to conduct at an NPDES permitted facility or an unpermitted facility with discharges. Specifically, this manual provides information and references on the components

necessary to complete the various types of NPDES inspections. Many of the chapters also include checklists. An inspector should not rely solely on the checklist, but use it as one of the tools when conducting an inspection and evaluating compliance. The different types of inspections are described below.

### **COMPLIANCE EVALUATION INSPECTION (CEI)**

The CEI is a non-sampling inspection designed to verify permittee compliance with applicable permit self-monitoring requirements, effluent limits, effluent toxicity, and compliance schedules. Inspectors should review records, make visual observations, and evaluate treatment facilities, laboratories, effluents, and receiving waters. During the CEI, the inspector must examine both chemical and biological self-monitoring, which form the basis for all other inspection types except the Reconnaissance Inspection.

### **COMPLIANCE SAMPLING INSPECTION (CSI)**

The CSI is a sampling inspection designed with the same objectives as a CEI. The inspector conducts the same tasks for a CSI as for a CEI, with the additional task of taking and analyzing representative samples. Inspectors can then verify the accuracy of the permittee's self-monitoring program and reports through chemical and/or bacteriological analysis, determine compliance with discharge limitations and Whole Effluent Toxicity (WET) permit requirements, determine the quantity and quality of effluents, and provide evidence for enforcement proceedings where appropriate.

### **PERFORMANCE AUDIT INSPECTION (PAI)**

The inspector conducts a PAI to evaluate the permittee's self-monitoring program. As with a CEI, the PAI verifies the permittee's reported data and compliance through a records check. However, the PAI provides a more resource-intensive review of the permittee's self-monitoring program and evaluates the permittee's procedures for sample collection, flow measurement, chain-of-custody, laboratory analyses, data compilation, reporting, and other areas related to the self-monitoring program. In a CEI, the inspector makes a cursory visual observation of the treatment facility, laboratory, effluents, and receiving waters. In a PAI, the inspector observes the permittee performing the self-monitoring process from sample collection and flow measurement through laboratory analyses, data workup, and reporting. The PAI does not include the collection of samples by the inspector. However, the inspector may require the permittee to analyze performance samples for laboratory evaluation purposes.

### **OFF-SITE DESK AUDIT**

An Off-site Desk Audit is a comprehensive off-site compliance evaluation of information, data, records, and facility reports to make a facility-level or program-level (for pretreatment and Municipal Separate Storm Sewer Systems) compliance determination. Routine off-site compliance monitoring activities, such as reviewing self-monitoring reports or records of phone calls with the facility, are not enough to be considered an off-site desk audit. An Off-site Desk Audit may include review of agency-gathered testing, sampling and ambient monitoring data, responses to CWA section 308 requests, compliance deliverables submitted pursuant to permits or enforcement orders, remote sensing, aerial or satellite images, Discharge Monitoring

Reports (DMRs), annual reports, conversations with facilities, and tips and complaints. In conducting an Off-site Desk Audit, regions and states may utilize video conferencing with facility personnel to gather additional information as they conduct their evaluation. For example, video conferencing could enable the auditor to join facility personnel on a virtual walking tour of all or part of the facility. The Off-site Desk Audit must be performed by an authorized inspector (consistent with appropriate federal, state, or tribal authority) or other credible regulator (i.e., an individual designated by the EPA or state/local/tribal agency with sufficient knowledge, training, or experience to assess compliance). This individual should select the candidate for the Off-site Desk Audit based on personal knowledge of the facility, in conjunction with information from DMRs, other reports, and prior on-site inspections, and have adequate information about the facility's activities to make a compliance determination.

### **COMPLIANCE BIOMONITORING INSPECTION**

This inspection includes the same objectives and tasks as a CSI. A Compliance Biomonitoring Inspection reviews a permittee's toxicity bioassay techniques and records maintenance to evaluate compliance with the biomonitoring terms of the NPDES permit and to determine whether the permittee's effluent is toxic. The Compliance Biomonitoring Inspection also includes the collection of effluent samples by the inspector to conduct acute and chronic toxicity testing to evaluate the biological effect of a permittee's effluent discharge(s) on test organisms. Each state should be able to conduct biomonitoring inspections, have a designated contractor to conduct inspections, or have an equivalent program to independently verify a discharger's compliance with Whole Effluent Toxicity permit requirements.

### **TOXICS SAMPLING INSPECTION**

A Toxics Sampling Inspection has the same objectives as a conventional CSI. However, it emphasizes toxic substances regulated by the NPDES permit. The Toxics Sampling Inspection covers priority pollutants other than heavy metals, phenols, and cyanide, which are typically included in a CSI (if regulated by the NPDES permit). A Toxics Sampling Inspection uses more resources than a CSI because sophisticated techniques are required to sample and analyze toxic pollutants. A Toxics Sampling Inspection may also evaluate raw materials, process operations, and treatment facilities to identify toxic substances requiring controls.

### **DIAGNOSTIC INSPECTION**

The Diagnostic Inspection primarily focuses on Publicly Owned Treatment Works (POTWs) that have not achieved permit compliance. POTWs that are having difficulty diagnosing their problems are targeted. The purposes of the Diagnostic Inspection are to identify the causes of noncompliance, suggest immediate remedies that will help the POTW achieve compliance, and support current or future enforcement action.

### **RECONNAISSANCE INSPECTION (RI)**

The RI is an on-site inspection that can be conducted with or without sampling and is used to obtain a preliminary overview of a permittee's compliance program. The inspector performs a brief visual inspection of the permittee's treatment facility, effluents, and receiving waters. The RI uses the inspector's experience and judgment to quickly summarize any potential compliance

problems. The objective of the RI is to expand inspection coverage without increasing inspection resources. The RI is the briefest and least resource intensive of all NPDES inspections.

### PRETREATMENT COMPLIANCE INSPECTION (PCI)

The PCI evaluates the POTW's implementation of its approved pretreatment program. It includes a review of the POTW's records on monitoring, inspections, and enforcement activities for its industrial users (IUs). The PCI may be supplemented with IU inspections. An IU inspection is an inspection of any IU that discharges to the POTW.

While conducting a PCI, the region or state should ensure that the POTW is following its Enforcement Response Plan when the POTW identifies IU noncompliance. The PCI should include an appropriate number of IU inspections or site visits to evaluate the control authority oversight procedures and to assess accurate application of categorical pretreatment standards. The PCI can include IU sampling, depending on the reason for the inspection. For example, samples may be collected and analyzed to verify the industrial user's self-monitoring program. Inspectors may prefer to conduct the PCI concurrently with an NPDES inspection of the POTW. For additional information on the steps involved in conducting a PCI, see EPA's *Guidance for Conducting a Pretreatment Compliance Inspection* (EPA, 1991), available at <http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=50000629.txt>.

Noted that a related type of review procedure, the pretreatment audit, is also performed by Approval Authorities. The pretreatment audit is not covered in depth in this manual because it is a program management tool, not an NPDES compliance inspection. The Pretreatment Audit is defined and discussed in the *Control Authority Pretreatment Audit Checklist and Instructions* (EPA, 2010), available at [https://www3.epa.gov/npdes/pubs/final\\_pca\\_checklist\\_and\\_instructions\\_%20feb2010.pdf](https://www3.epa.gov/npdes/pubs/final_pca_checklist_and_instructions_%20feb2010.pdf).

### FOCUSED COMPLIANCE INSPECTION (FCI)

The FCI is an on-site inspection that evaluates compliance for one or more specific portions of a facility (e.g., specific operation or process stream), permit or program (e.g., a pretreatment control authority's oversight of industrial users) to make a compliance determination. A fact-driven analysis determines whether a comprehensive inspection or an FCI is appropriate for the particular facility. Some industries that typically require full process-based inspections may not qualify for an FCI. The scope of an FCI should be informed by the facility's compliance history, information about recent changes in the facility's operation, and other data that indicates a portion of the program or facility that is more likely to have associated compliance issues.

An FCI is more detailed than an RI, but not as comprehensive as a CEI, CSI, DI, or PCI. Although the scope of an FCI is narrower than a CEI, the level of detail required for the portion of the facility, permit or program aspect reviewed should be comparable to the level of detail required for a CEI. An RI, which only requires a preliminary overview of a permittee's compliance program and brief inspection of the facility, does not qualify as an FCI.

## FOLLOW-UP INSPECTION (FUI)

The FUI is a resource intensive inspection conducted when a routine inspection or complaint identifies a compliance problem. For an FUI, the appropriate resources are assembled to deal effectively with a specific enforcement problem. A Legal Support Inspection (LSI) is a type of follow-up inspection that is appropriate when an enforcement problem has been identified during a routine inspection or in response to a complaint. An LSI focuses on collecting information that may be used in an enforcement action. Information gathered during the inspection may be used to determine the appropriate enforcement action.

## SEWAGE SLUDGE/BIOSOLIDS INSPECTION

The objective of a Sewage Sludge/Biosolids Inspection is to assess facilities engaged in a regulated sludge or biosolids activity (see 40 CFR Part 503) to evaluate compliance with applicable regulatory provisions, including sludge monitoring, recordkeeping and reporting, treatment operations, sampling and laboratory quality assurance, and use or disposal practices. Sewage Sludge/Biosolids Inspection are on-site activities that may be conducted in conjunction with compliance inspections at major and non-major POTWs. The PCI, CEI, and PAI are the most likely vehicles for evaluating compliance with sludge requirements.

## SIGNIFICANT INDUSTRIAL USER (SIU) INSPECTION

The SIU Inspection of an indirect discharger is performed where agencies are acting as the pretreatment control authority pursuant to 40 CFR 403.10 in the absence of a local POTW with an approved pretreatment program, or where EPA or the state is otherwise performing oversight. The SIU Inspection is an on-site activity that includes a close review of the indirect discharge permit and the SIU's compliance, recordkeeping, and reporting since the last inspection. The pretreatment regulations provide that state and local control authorities must conduct sampling inspections of all SIUs at least annually to evaluate compliance with applicable pretreatment standards independent of the IU's self-monitoring reports (see 40 CFR 403.8(f)).

## COMBINED SEWER OVERFLOW (CSO) INSPECTION

During a CSO inspection, the inspector conducts an on-site inspection in response to information received regarding a known or suspected overflow event. A CSO inspection evaluates compliance with the CWA and CSO Policy requirements as written in the NPDES permit, an enforcement order, a consent decree, or another enforceable document. The inspector should verify whether the permittee is preventing CSOs during dry weather, implementing the nine minimum controls, adhering to a schedule for development, submission, and implementation of a long-term CSO control plan, eliminating or relocating overflows to sensitive areas, adhering to effluent limitations, implementing a post-construction compliance monitoring program, and complying with the terms of any consent decrees or enforcement orders.

## SANITARY SEWER OVERFLOW (SSO) INSPECTION

During an SSO Inspection, the inspector conducts an on-site inspection in response to information received regarding a known or suspected overflow event. An SSO Inspection evaluates compliance with NPDES permit terms and conditions for system design, operation and maintenance, permit reporting requirements, an enforcement order, a consent decree, or another enforceable document. The inspector collects information to verify that the permittee is complying with the NPDES standard permit conditions (duty to mitigate and proper operation and maintenance) and the required notification procedures. The inspector also determines whether there have been any additional unpermitted discharges, or discharges from a location other than the discharge point specified in the permit, to waters of the United States. When preparing for an SSO Inspection, the inspector should consider Office of Enforcement and Compliance Assurance's *Guide for Evaluating Capacity, Management, Operation, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems* (EPA, 2005), available at [http://www.epa.gov/npdes/pubs/cmom\\_guide\\_for\\_collection\\_systems.pdf](http://www.epa.gov/npdes/pubs/cmom_guide_for_collection_systems.pdf).

## STORMWATER INSPECTION

Stormwater inspections at industrial facilities and construction sites are designed to evaluate compliance with NPDES permits for stormwater discharge. A stormwater inspection may also evaluate whether an industrial facility or construction site has obtained NPDES permit coverage if required. Most NPDES permits for construction sites and industrial facilities require the development of a site-specific Stormwater Pollution Prevention Plan (SWPPP) to document how the facility intends to comply with the terms and conditions of the permit, including effluent limits. During the on-site inspection, the inspector reviews the permit and the measures described in the SWPPP to evaluate whether the facility is following its plan for complying with the permit. The inspector also reviews records, such as self-inspection reports, to verify that the facility is complying with its permit and following the SWPPP, and walks the site to verify that the SWPPP is accurate and Best Management Practices (BMPs) are in place and functioning properly.

### ***Construction Stormwater Inspection***

Construction site stormwater inspections ensure that regulated facilities have an NPDES permit for stormwater discharge and all relevant controls are implemented and actions are taken at construction sites to prevent pollutants and sediment in stormwater from impacting water quality. The required controls and actions are listed in the permit and typically include required BMPs, documented self-inspections, BMP maintenance, and prohibitions on specific discharges. An inspector must also determine the adequacy of stormwater quality control measures.

### ***Industrial Stormwater Inspection***

Industrial facility stormwater inspections ensure that the facility has appropriate NPDES stormwater permit coverage, and that adequate best management practices are utilized at regulated industrial facilities to minimize the discharge of pollutants in stormwater. In general, the inspection will focus on areas related to manufacturing, processing, or raw material storage at an industrial plant. Examples include, but are not limited to, industrial plant yards, material handling sites, refuse sites, shipping and receiving areas, and manufacturing buildings. These

inspections also include evaluation of other permit requirements, such as documented self-inspections, visual monitoring, and sampling.

### MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) AUDIT

An MS4 Audit is used to evaluate overall MS4 stormwater management program implementation, and identify problems the local government may have in implementing the program. MS4 Audits involve an on-site visit and comprehensive review of the MS4 owner/operators stormwater management program including the legal authority, procedures, implementation of procedures, and adequate resources, where applicable, for the following program elements: (1) structural and source control measures; (2) detection and removal of illicit discharges and improper disposal into storm sewers; (3) monitoring and controlling pollutants in stormwater discharges; (4) implementing and maintaining structural and nonstructural best management practices (BMPs); (5) implementation schedules and assignment of appropriate individuals; (6) the inspection and enforcement program for covered industrial facilities and construction sites; and (7) the dry weather screening program. The auditor should decide whether controls are in place and in good working order, and whether facilities have schedules for construction of structural control measures.

### MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) INSPECTION

An MS4 Inspection is an on-site inspection that involves reviewing some, but not all, elements of the MS4 stormwater management program to evaluate whether the MS4 is implementing an adequate program in the selected program elements. The program elements would be selected by the region or a state after review of the MS4 permit and other relevant information. See the MS4 Audit description for program elements.

### CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) INSPECTION

The objective of this inspection is to evaluate compliance with applicable regulations and permit requirements. To evaluate compliance with requirements and regulations, a CAFO inspection involves review of facility documents and records, such as the facility's permit, nutrient management plan, animal inventory, and all associated records. The on-site inspection also includes assessing the structural integrity, maintenance condition, and storage availability of the facility. For CAFOs that land-apply manure, litter, or process wastewater, the CAFO inspection will include review of in-field and edge-of-field conservation practices, land application protocols and all other factors relevant to determining whether the CAFO has non-agricultural stormwater discharges from land application areas. Where appropriate, CAFO inspections may include sampling of manure, litter, wastewater, and/or soil. A CAFO inspection may also require collection of information necessary to establish whether the receiving water of any CAFO discharge is a water of the United States.

### SUMMARY

Compliance personnel should choose the type of inspection to be conducted based on the compliance status of the facility, the information needed from the facility, the type of facility involved, data about the quality of the receiving water, etc. The type of inspection selected will inform what activities will be conducted on-site, such as what additional information the

inspector will gather or verify during the inspection. Where feasible, compliance personnel should perform background and records reviews prior to going on-site to streamline on-site activities and to utilize resources more efficiently. Note that some types of NPDES inspections may encompass several elements from multiple inspection types (e.g., a stormwater inspection may encompass elements from both a CSI and a PAI).

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## C. LEGAL AUTHORITY FOR NPDES INSPECTIONS

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The Federal Water Pollution Control Act of 1956, as amended by the Clean Water Act (CWA) of 1972 and the Water Quality Act of 1987, gives EPA the authority to regulate the discharge of pollutants to waters of the United States. The CWA provides broadly defined authority to establish the NPDES Permit Program, define pollution control technologies, establish effluent limitations, obtain information through reporting and compliance inspections, and take enforcement actions (both civil and criminal) when violations of the CWA occur. Table 1-1 lists applicable NPDES statutes and regulations.

### INSPECTION AUTHORITY

Section 301 of the CWA prohibits the discharge of pollutants, unless the discharge complies with, among others, section 402 of the CWA. Under section 402 of the CWA, point source dischargers of pollutants (e.g., municipal wastewater treatment plants, industries, animal feedlots, aquatic animal production facilities, and mining operations) must apply for and receive a permit that sets specific limits and operating conditions to be met by the permittee. To determine whether a person is complying with the prohibition in section 301 of the CWA, section 308 authorizes inspections, monitoring, and information gathering. Relevant to this manual, section 308 of the CWA provides for two types of monitoring:

- Self-monitoring and reporting
- Monitoring by EPA or the state

Accordingly, EPA or authorized states may conduct an inspection, including stormwater, biosolids, combined sewer overflows, sanitary sewer overflows, concentrated animal feeding operations, or pretreatment inspections, to verify compliance with an existing NPDES permit or to determine if discharges are occurring without authorization.

### STATE PROGRAM AUTHORITY

Section 402 of the CWA allows EPA to authorize states to administer the NPDES program, including permit issuance, compliance monitoring, and enforcement. EPA retains its enforcement authority, even in authorized states. Federal regulations require EPA and authorized states to enter formal cooperative agreements to ensure timely, accurate monitoring of compliance with permit conditions, among other things. States may implement requirements and regulations that are more stringent or broader in scope than those under the CWA.

**Table 1-1. NPDES-Related Statutes and Regulations**

Topic	Reference	
	CWA <sup>a</sup> Section	40 CFR <sup>b</sup> Section
Federal NPDES Permit Program	402	122
State Program	510	123
Inspections, Records, and Reports	308	122,123
Technology Standards	304, 306	125
Electronic Reporting of NPDES Information From NPDES-Regulated Facilities	304	127
Toxic Pollutant Effluent Standards	307	129
Water Quality Planning and Management	303, 305	130
Water Quality Standards	303	131
Secondary Treatment Regulations	402	133
Sludge Management	405	257, 501, 503
Pretreatment Standards	307, 402	403
Effluent Guidelines	301, 302	405–471

<sup>a</sup> Clean Water Act.

<sup>b</sup> Code of Federal Regulations, revised as of July 1, 2012.

## D. RESPONSIBILITIES OF THE EPA NPDES INSPECTOR

The primary role of an NPDES inspector is to gather information that can be used to determine the reliability of the permittee's self-monitoring data and evaluate compliance with permit conditions, applicable regulations, and other requirements. The NPDES inspector also plays an important role in case development and support. To fulfill these roles, inspectors are required to know and use policies and procedures for effective inspection and evidence collection, accepted safety practices, and quality assurance standards.

### INDIAN COUNTRY INSPECTIONS

Each regional inspector should understand and apply the *EPA Policy for the Administration of Environmental Programs on Indian Reservations* (Indian Policy—EPA, 1984a) and their region's policies and procedures when conducting inspections in Indian country. EPA's Indian Policy is available at <https://www.epa.gov/tribal/epa-policy-administration-environmental-programs-indian-reservations-1984-indian-policy>. States and tribal governments that conduct inspections should follow the requirements outlined in EPA's guidance memorandum entitled *Guidance for Issuing Federal EPA Inspector Credentials to Authorize State/Tribal Governments to Conduct Inspections on Behalf of EPA* (EPA, 2004) available at <https://www.epa.gov/compliance/guidance-issuing-federal-epa-inspector-credentials-authorize-employees-statetribal>.

Inspectors should research applicable policy and procedures when performing inspections in Indian country. If a facility is owned or managed by a tribal government or owned and managed by a private party, EPA generally will notify tribal governments in advance of visiting a reservation and will inform the tribal government of the results of each inspection. If advance notice is not possible due to circumstances beyond the control of the EPA inspector or if the visit involves an unannounced inspection, the tribal government should be contacted as soon as possible. EPA should address out-of-compliance facilities that are in Indian country (and/or owned or managed by a tribal government) in a manner consistent with the Indian Policy and EPA's *Guidance on the Enforcement Principles Outlined in the 1984 Indian Policy*, (EPA, 2001). Enforcement guidance is located at <https://www.epa.gov/enforcement/transmittal-final-guidance-enforcement-principles-outlined-1984-indian-policy-january-17>.

Regions should also be familiar with the American Indian Environmental Office's website [www.epa.gov/tribal](http://www.epa.gov/tribal). EPA Indian program contacts can help identify facilities in Indian country. Their contact information is located at <https://www.epa.gov/tribal/forms/contact-us-about-environmental-protection-indian-country>. Please be aware that while it is often very difficult to identify these facilities, EPA should still follow the applicable guidance concerning working with tribes.

## LEGAL RESPONSIBILITIES

Inspectors must conduct all inspection activities within the legal framework established by the CWA, including:

- Presenting proper credentials
- Properly handling confidential business information (CBI)

Inspectors also must be familiar with the conditions of the specific permit, CWA, and regulations.

## PROCEDURAL RESPONSIBILITIES

Inspectors must be familiar with general inspection procedures and evidence collection techniques to ensure adequate inspections and to avoid endangering potential legal proceedings on procedural grounds.

## INSPECTION PROCEDURES

Inspectors should observe standard procedures for conducting each inspection element. The elements of the inspection process listed in Table 1-2 are common to most NPDES compliance inspections. They are grouped by the major inspection activities:

- Pre-inspection preparation
- Entry
- Opening conference
- Facility inspection
- Closing conference

- Inspection report

**Table 1-2. Inspector's Responsibilities**

<b>Pre-inspection preparation—Establish purpose and scope of inspection.</b>
<ul style="list-style-type: none"> <li>• Review background information and EPA/state records, including permit and permittee compliance file.</li> <li>• Develop plan for inspection.</li> <li>• Prepare documents and equipment, including appropriate safety equipment.</li> <li>• Coordinate schedule with laboratory if samples are to be collected.</li> <li>• Coordinate schedule with other appropriate regulatory authorities.</li> <li>• Contact party responsible for sample transportation for packing/shipping requirements.</li> <li>• Ensure state/tribe is notified of pending inspection.</li> </ul>
<b>Entry—Establish legal entry to facility.</b>
<ul style="list-style-type: none"> <li>• Identify self and present official credentials to the responsible official.</li> <li>• If denied entry, call your supervisor/Office of Regional Counsel.</li> </ul>
<b>Opening conference—Orient facility officials to inspection plan.</b>
<ul style="list-style-type: none"> <li>• Discuss inspection objectives and scope.</li> <li>• Establish working relationship with facility officials.</li> </ul>
<b>Facility inspection—Document compliance/noncompliance with permit conditions; collect evidence including photographs and copies of records.</b>
<ul style="list-style-type: none"> <li>• Conduct visual inspection of facility.</li> <li>• Review facility records.</li> <li>• Inspect monitoring location, equipment, and operations.</li> <li>• Collect samples, if appropriate.</li> <li>• Review laboratory records for QA/QC and use of approved methods.</li> <li>• For on-site analysis, review laboratory procedures to verify analytical methodology and use of approved methods.</li> <li>• Document inspection activities.</li> </ul>
<b>Closing conference—Conclude inspection.</b>
<ul style="list-style-type: none"> <li>• Collect additional or missing information.</li> <li>• Clarify questions with facility officials.</li> <li>• Prepare necessary receipts.</li> <li>• Review inspection findings and inform officials of follow-up procedures.</li> <li>• Issue deficiency notice, if appropriate.</li> </ul>
<b>Inspection report—Organize inspection findings in a report with field notes, copies of records, photographs, and other relevant information.</b>
<ul style="list-style-type: none"> <li>• Prepare narrative report, checklists, and documentary information as appropriate.</li> <li>• Enter appropriate data into ICIS, including inspection type data that may be collected on the 3560 Report Form.</li> <li>• Sign and date the report.</li> </ul>

### **Evidence Collection**

Inspectors must be familiar with general evidence gathering techniques. Because the government's case in a civil, criminal, or administrative enforcement action depends on the evidence gathered, inspectors must keep detailed records of each inspection. These notes and

documentation will be used for preparing the inspection report, determining the appropriate enforcement response, and giving testimony in an enforcement case.

Inspectors must know how to:

- Substantiate facts with items of evidence, including samples, photographs, document copies, statements from witnesses, and personal observations.
- Evaluate what evidence should be collected (routine inspections).
- Follow chain-of-custody procedures.
- Collect and preserve evidence consistent with Chapter 5, “Sampling.”
- Write clear, objective, and informative inspection reports.

Inspection procedures are discussed in detail in Chapter 2 of this manual.

## TRAINING AND CREDENTIALING RESPONSIBILITIES

Training and credential requirements for inspectors are provided in EPA Order 3500.1, *Training Requirements for EPA Personnel Who Are Authorized to Conduct Civil Compliance Inspections/Field Investigations* (Appendix A) and EPA Order 3510, *EPA Federal Credentials for Inspections and Enforcement of Environmental Statutes* (Appendix B). To obtain and maintain inspector credentials, inspectors and their first-line supervisors must certify that the inspector has completed all required training and maintain copies of all required training documentation.

### ***Training***

EPA Order 3500.1 establishes consistent EPA-wide training and development programs for employees to conduct environmental compliance inspections/field investigations to ensure that they have working knowledge of regulatory requirements, inspection methodology, and health and safety measures. Those who conduct environmental compliance inspections/field investigations must be properly trained to perform these functions in a legally and technically sound manner. Training required by the Order consists of two parts: Basic Inspector Curriculum and Program-Specific Curriculum (Appendix A). In addition, annual refresher training is required. Inspectors must also complete the required Occupational Health and Safety Curriculum per EPA Order 1440.2 (Appendix C).

Inspector training courses will also be available to federal, state, local, and tribal environmental enforcement personnel, including contractor employees and Senior Environmental Employee enrollees.

### ***Credentialing***

EPA Order 3510 addresses roles and responsibilities to issue and manage inspector credentials and letters of authorization, which are provided to employees of EPA, states, tribes, territories, contractors, grantees (e.g., Senior Environmental Employment Program Enrollees (SEE)), and employees of other federal agencies who are authorized by EPA to conduct inspections or investigations and take samples on EPA’s behalf. The order states that credentials are issued to qualified individuals who have met the minimum inspector training requirements outlined in EPA Order 3500.1, health and safety requirements outlined in EPA Order 1440.2, and any

subsequent Orders or Guidelines addressing health and safety requirements. Employee credential holders are responsible for:

- Complying with internal policies for training and background investigation.
- Using credentials only for authorized, official duties.
- Safeguarding their credentials.
- Returning credentials to the Program or Regional Office when they expire or when no longer responsible for conducting EPA inspections.
- Adhering to applicable EPA CBI regulations and program-specific CBI requirements.
- Completing annual refresher training, keeping records of training completion dates, and providing the information to first-line supervisors as required.

## SAFETY RESPONSIBILITIES

The inspection of wastewater and other environmental pollution control facilities always poses a certain degree of health and safety risk. To avoid unnecessary risks, the inspector should be familiar with all safety obligations and practices. The safety equipment and procedures required for an inspector will be based on either standard safety procedures or the site-specific information from the facility. Inspectors should do the following:

- Use safety equipment in accordance with available guidance and labeling instructions.
- Maintain safety equipment in good condition and proper working order.
- Dress appropriately for the activity and wear appropriate protective clothing. For example, appropriate protective gloves should be worn during sample collection to protect the inspector and to prevent the potential for sample contamination. Disposable gloves are preferred to assure that no cross contamination occurs between sampling points.
- Use any safety equipment customary in the establishment being inspected (e.g., hard hat or safety glasses).
- Never enter confined spaces unless properly trained, equipped, and permitted (if applicable).

For any safety-related questions not covered in this manual, the inspector should comply with the facility's current approved safety requirements for greater detail if one is available. An inspector should look at Appendix C to locate EPA's Order 1440.2, *Health and Safety Requirements for Employees Engaged in Field Activities*.

## PROFESSIONAL RESPONSIBILITIES

Inspectors are expected to perform their duties with the highest degree of professionalism. Procedures and requirements ensuring ethical actions have been established through many years of government inspection experience. The procedures and standards of conduct listed below have evolved for the protection of the individual and EPA, as well as industry.

- All inspections are to be conducted within the framework of the U.S. Constitution and with due regard for individual rights regardless of race, sex, religion, or national origin.
- EPA inspectors are to conduct themselves at all times in accordance with the regulations prescribing employee responsibilities and conduct.
- The facts of an inspection must be noted and reported completely, accurately, and objectively.
- During an inspection, any act or failure to act motivated by private gain is illegal. Actions that could be construed as such should be scrupulously avoided.
- A continuing effort should be made to improve professional knowledge and technical skill in the inspection field.

## PROFESSIONAL ATTITUDE

The inspector is a representative of EPA and is often the initial or only contact between EPA and the permittees. In dealing with facility representatives and employees, inspectors must be professional, tactful, courteous, and diplomatic. A firm but responsive attitude will encourage cooperation and initiate good working relations. Inspectors should always speak respectfully of any product, manufacturer, or person.

## GIFTS, FAVORS, LUNCHEONS

Inspectors may not accept favors, benefits, or job offers under circumstances that might be construed as influencing the performance of governmental duties. It is prudent to avoid even the appearance of compromising federal ethics statutes and regulations. If offered a bribe, the inspector must not accept money or goods. Since this act may violate federal laws, regulations and may also violate criminal statute, report the incident in detail as soon as possible to a supervisor and the Deputy Ethics Officials. If it appears that a federal criminal statute was violated, report this right away to the EPA's Office of the Inspector General (OIG information is at <https://www.epa.gov/office-inspector-general/forms/contact-office-inspector-general>).

The EPA website on ethics contains extensive information on conflicts of interest, gifts, and luncheons. It is recommended that each inspector go to the Resource Library section and review information in the Conflict of Interest, Gifts, and Travel sections.

Note also that it is prudent for EPA inspectors to decline business luncheons while on EPA business. The inspector must pay his/her own fees for meals. When in doubt about a possible issue, contact a Deputy Ethics Official to clarify what can and cannot be accepted and report any possible infraction of the ethics statutes and rules. See page 20, *U.S. EPA Guidance on Ethics and Conflict of Interest* (EPA, 1984b) and 5 CFR Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch, January 1, 2013.

## REQUESTS FOR INFORMATION

EPA seeks to make information concerning EPA and its work freely and equally available to all interested individuals, groups, and organizations. In fact, EPA employees have both a legal and traditional responsibility for making useful educational and safety information available to the

public. This policy, however, does not extend to information about a suspected violation, evidence of possible misconduct, confidential business information, or other information protected from release under the Freedom of Information Act. The disclosure of information is discussed further in Chapter 2, under the “Confidential Information” section.

## QUALITY ASSURANCE RESPONSIBILITIES

The inspector must assume primary responsibility for ensuring the quality and accuracy of the compliance inspection and the integrity of samples collected. While other organizational elements play an important role in quality assurance, it is the inspector who must ensure that all data introduced into an inspection file are complete, accurate, and representative of existing conditions. To help the inspector meet this responsibility, Regional Offices have established quality assurance plans that identify individual responsibilities and document detailed procedures, to be used during sampling inspections.

The objective of a quality assurance plan is to establish standards that will guarantee that inspection and analytical data meet the requirements of all users. Many elements of quality assurance plans are incorporated directly into the basic inspection procedures and may not be specifically identified as quality assurance techniques.

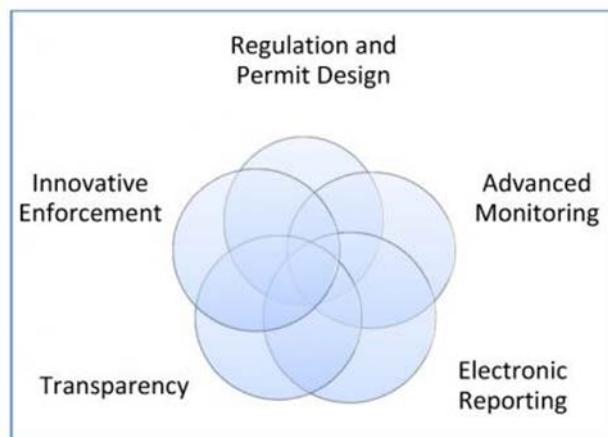
The inspector must be aware that following established inspection procedures is critical to the inspection program. These procedures have been developed to reflect the following quality assurance elements:

- Valid data collection
- Approved standard methods
- Control of service, equipment, and supplies
- Standard data handling and reporting

## NEXT GENERATION COMPLIANCE

Today’s pollution challenges require a modern approach to compliance, taking advantage of new tools and approaches while strengthening vigorous enforcement of environmental laws. Next Generation Compliance is EPA’s integrated strategy to do that, designed to bring together the best thinking from inside and outside EPA.

Next Generation Compliance consists of five interconnected components (see Exhibit 1-1), each designed to improve the effectiveness of the compliance program:



**Exhibit 1-1. Next Generation Compliance Components**

- Design regulations and permits that are easier to implement, with a goal of improved compliance and environmental outcomes.
- Use and promote advanced emissions/pollutant detection technology so that regulated entities, the government, and the public can more easily see pollutant discharges, environmental conditions, and noncompliance.
- Shift toward electronic reporting to help make environmental reporting more accurate, complete, and efficient while helping EPA and co-regulators better manage information, improve effectiveness and transparency.
- Expand transparency by making information more accessible to the public.
- Develop and use innovative enforcement approaches (e.g., data analytics and targeting) to achieve more widespread compliance.

### ***Electronic Reporting***

EPA promulgated the NPDES Electronic Reporting Rule (“final rule”) to modernize CWA reporting for municipalities, industries, and other facilities by converting to an electronic data reporting system (see 80 FR 64064). The final rule requires regulated entities and state and Federal regulators to use existing, available information technology to electronically report data required by the NPDES permit program instead of filing written paper reports. The use of electronic reporting will save time and resources for permittees, states, tribes, territories, and the U.S. Government while increasing data accuracy, improving compliance, and supporting EPA’s goal of better protecting the nation’s waters. This regulation helps provide greater clarity on who is and who is not in compliance, and enhances transparency by providing a timelier, more complete, more accurate, and nationally-consistent set of data about the NPDES program.

Several commenters during the rulemaking questioned how the Electronic Reporting Rule will affect current records retention requirements. Commenters focused on the durational retention requirements, and sought clarification on electronic reporting requirements in the event of system failure. The final rule requires that the electronic reporting tool used to receive electronic submissions comply with the federal Cross-Media Electronic Reporting Regulation (CROMERR) at 40 CFR Part 3. Information that is reported electronically via a CROMERR-approved reporting tool takes the place of the paper record submission. The final rule changes the form of the record from paper-based to electronic. Therefore, records retained pursuant to record retention requirements—regulation-based or permit-based—can be kept in an electronic format so long as they are compliant with the CROMERR requirements. This rule does not change how long records need to be retained under existing regulations or as specified in permits. NPDES inspectors should identify all available electronic records in EPA’s NPDES data system (ICIS-NPDES) such as DMRs or program reports. Inspectors should not assume that the facility has paper copies of records that were previously submitted to their authorized NPDES program (e.g., DMRs or program reports).

### ***Inspection Targeting***

Inspectors will now be able to use a more complete and accurate set of NPDES program data to better target facilities. EPA's data access tool, Enforcement and Compliance History Online (ECHO), has a number of tools that inspectors can use to refine their inspection lists and focus on the most important environmental problems.

The ECHO website provides a single place to find up-to-date regulatory compliance and enforcement data. With integrated compliance and enforcement information for more than hundreds of thousands of EPA-regulated facilities nationwide, ECHO's features range from simple to advanced - catering to concerned citizens seeking information about community facilities to those who perform detailed analyses and complex searches.

The site offers a set of search and visualization interfaces, models, management support tools, and reference materials assisting public and government users in accessing and analyzing information related to compliance and enforcement of environmental laws. A password-protected government-only area, ECHO Gov, grants select users access to non-public inspection targeting tools and enforcement-sensitive case information. The next two sections contain examples that NPDES inspectors might find useful for developing inspection lists or for preparation for an inspection. For suggestions for improving ECHO or ECHO Gov, please contact EPA at: <https://echo.epa.gov/resources/general-info/contact-us>.

### ***Inspection Targeting Model Using ECHO Gov***

EPA developed the Inspection Targeting Model (ITM) with the goals of sharpening the focus of inspections and making the inspection planning process more efficient and data driven. The purpose of this model is to distinguish between facilities that have strong records of compliance and those who have records indicating historical compliance problems, with additional data providing context regarding water quality. Inspectors will need to log into ECHO Gov to access the ITM (i.e., the ITM is not available to the public).

The ITM scores facilities based on: inspection frequency; violations/SNC status; compliance schedule; enforcement history; water quality; and facility characteristics. Facility-level scores and the underlying data are made available via a simpler user interface on ECHO Gov. The ITM pulls relevant inspection, violation, enforcement, and water quality data, and then applies weightings to each data point to produce a single-number ranked score. The weighting algorithm is designed to indicate which facilities appear to be in most need of an inspection. Exhibit 1-2 shows a screenshot of an example ITM query and Exhibit 1-3 shows a screenshot of the results of this example query.

**CWA Inspection Targeting Model Query**

---

**State:** 
**Designation:**  Major  Minor

**Output:**
 ITM Summary Scores Only
  ITM Detailed Scores and ITM Summary Scores
  Values, ITM Detailed Scores, and ITM Summary Scores
  Values Only (Sorting Tool)

Remove permittees without sufficient compliance data.

### Exhibit 1-2. Example ITM Query

#### Clean Water Act Inspection Targeting Model Results

[View current](#)
[Edit current](#)
[Revisions](#)

188 Records Returned - Search Controls: State = "AL"; Designation = "Major"; Output Mode = "Scores"; Sufficient Compliance Data Only = "No"

[Download a comma delimited text file](#)
[Help](#)

Facility Identification Information										Total Score	Inspection Frequency (I)		
Facility Identification	SIC Code	NPDES ID Third Character	Permits Issue Agency	Region Code Within State	Compliance Tracking On?	Complete/Incomplete	Lower Priority?	All Sections	Date since last inspection (CMS) (Ia)				
									Score				
CULLMAN WWTP 1437 WELTI ROAD CULLMAN, AL 35056 <a href="#">AL0050423</a>	4952	NPD		04	On	Complete	N	32	0	0	0	0	
HELENA WWTP 590 OLD TOWNE PLACE HELENA, AL 35080 <a href="#">AL0023116</a>	4952	NPD		04	On	Complete	N	25	0	0	0	0	
WRIGHT SMITH JR. WWTP 1872 CONCEPTION STREET ROAD MOBILE, AL 36652 <a href="#">AL0023094</a>	4952	NPD		04	On	Complete	N	24	0	0	0	0	

### Exhibit 1-3. Results from Example ITM Query in Exhibit 1-2

#### ***Effluent Limit Exceedances Search Using ECHO***

The ECHO “Effluent Limit Exceedances Search” provides EPA, states, and the public with an efficient method of identifying and ranking NPDES permittees with violations of their effluent limits (see Exhibit 1-4). The search will identify instances where self-monitoring discharge data (discharge monitoring report (DMR) data) in ICIS-NPDES indicates an exceedance of the NPDES permit effluent limit. Users can search on one or more criteria and then sort the results (see Exhibit 1-5).

Users can also ‘drilldown’ to a facility and see all the effluent exceedances in one report. This facility level report can be printed out onto 8.5” x 11” paper (see Exhibit 1-6). One potential benefit for this new search is to provide users with the ability to quickly and easily create a

report of effluent violations that could be attached as an appendix or supporting material to a letter or enforcement action.

The new search is meant to be easy to use and includes the following features:

- Intuitive searching.
- Searches can be broad (nationwide) or specific (e.g., watershed-based).
- Searches using facility name (useful for investigations of large companies with multiple facilities).
- Searches from NPDES, Facility Registry (FRS), and the Toxic Release Inventory (TRI) will accept multiple IDs in each text box.

Select Year Range (up to 5 years): Start Year: 2010 ▾ End Year: 2014 ▾

**① Location or Watershed**

Nationwide

Search by Location

Zip Code:

EPA Region:  [View EPA regional map](#)

OR

State:

City:

County:

Search by Watershed

Zip Code:

Watershed ID (2-Digit to 12-Digit HUC):

[Find 12-digit HUC on a map](#)

Major U.S. Watersheds:

**Only include facilities that discharge:**

to impaired waterbodies

pollutants contributing to a waterbody impairment

to counties or watersheds with ESA-listed aquatic species

**② Pollutant**

All Pollutants

Specify Pollutant

Pollutant Name(s) (or partial name(s)):

Separate pollutants with a semicolon (,)

Chemical Abstract Service Number (CAS) (without dashes):

**Pollutant Categories**

With calculated loadings:

Nitrogen

Phosphorus

Organic Enrichment

Solids

Metals

Clean Water Act Priority Pollutants

CERCLA Hazardous Substances

TRI Chemicals

Radionuclides

Without calculated loadings:

Pathogen Indicators

Temperature

Wastewater Flow

General Radioactivity

Color

Whole Effluent Toxicity

**Only include facilities with:**

Any exceedance  Only SNC exceedances

Minimum number of exceedances:

Across entire facility

Any single facility outfall

**Only include facilities with specific limit exceedances:**

Enter a value for ONE of the options below:

Percent over limit (%) >=

Pounds over limit (lbs) >=

Toxic pounds over limit (TWPE) >=

**Limit results based on data quality flags**

**③ Industry**

All Point Sources

Publicly Owned Treatment Works (POTWs) Only

**Industrial Point Sources (non-POTW)**

Point Source Category:

Industrial Sector ID (2-Digit SIC Code):  OR

Enter a Industrial Sector ID (4-digit SIC Code):

SIC Code lookup

2-digit NAICS code:

**④ Facility**

Facility Name:

Separate multiple facility IDs with a comma or carriage return. LIMIT: 400

NPDES Permit ID:

FRS ID:

TRI ID:

Major/Minor indicator:

Compare DMR to TRI feature is only available on data through 2013.

Only include facilities that link to TRI ID(s)

Limit to facilities that:

Report TRI releases to surface waters

DO NOT report TRI releases to surface waters

Only include facilities that DO NOT link to TRI ID(s)

Clear selection

**Exhibit 1-4. Effluent Limit Exceedances Search Form**

## Effluent Limit Exceedances Search Results

**Instructions.** The table below presents facility-level (and if selected, pollutant-level) information about the facilities that match the selected search criteria. Note that if a pollutant or pollutant category is selected in the search criteria, the E90 exceedance counts and pollutant loadings will not reflect total facility exceedances.

Columns in the results table are organized into four themes. The Facility Identifiers theme always remains visible, but the other themes may be toggled on and off. Click on a NPDES ID to access a facility's Effluent Limit Exceedance Exceedances Report. For more information, see [Effluent Limit Exceedances Search Results Help](#).

### Search criteria:

Reporting Years 2010 to 2014 and EPA Region: 01 and Pollutant category: Clean Water Act Priority Pollutants and Non-POTWs and All SIC codes and All point source categories

*Loads for the current year are not based on a full reporting year because data are not complete.*

Displaying: 1 through 42 of 42 facilities.

Show/Hide Columns: Facility Characteristics  | Enforcement and Compliance  | Pollutant Loadings

Enforcement and Compliance										Pollutant Load				
Most Recent Formal Enforcement Action	E90 Facility Total	E90 Max Outfall	E90 Trend	E90 2010	E90 2011	E90 2012	E90 2013	E90 2014	Total Pounds	Total TWPE (lb-eq)	Total Load Over Limit (lbs)	Total TWPE Over Limit (lb-eq)	2010 Load Over Limit (lbs)	
02/22/2012	40	40		1	17	4	14	4	1,710 	1,264 	75.3	0.75	2.81	
11/10/2014	39	39		4	6	13	12	4	379	99.2	0.58	0.36	0.55	

### **Exhibit 1-5. Effluent Limit Exceedances Search Sorting Table**

Effluent Limit Exceedances Report Print																
For detailed information on the contents of this report, see <a href="#">Effluent Limit Exceedances Report Help</a> .																
SANTANA TECHNOLOGIES, ATTLEBORO, MA 02703																
<b>Facility Information</b>					<b>Permit Information</b>											
NPDES ID:	MA0001791	Permit Status:	Permit Issued - EPA Region 01		Original Issue Date:	03/14/1977	Last Issue Date:	10/25/2010	Permit Effective Date:							
Plant Name:	ATTLEBORO PLANT	Permit Number:	MA0001791-01		Permit Expiration Date:	12/31/2011	DEQ/DOE:		Approved Treatment Program?: N/A							
Other NPDES IDs associated with this FRS ID:	None	Combined Sewer Overflow (CSO) Outfall:	N/A													
The ECR (Effluent Compliance Report) is available on the facility's detail page.																
Major/Minor Indicator:	Major	Enforcement Information														
Report Type:	Annual	Last Environmental Infraction:	03/22/2012													
Latitude:	41.94721	Civil Enforcement Case Number:	01-2012-2008													
Longitude:	-71.28507	DEQ/Court Decidat Number:														
A single facility may have multiple outfalls - ROLL, DRAIN, EXTRU & NONFERROUS																
6 - OSHA Violations																
<b>Receiving Water Information</b>																
Waterbody Name (from CAGIS): SPEEDWAY TENNILLE COOPER RD - BROOK		Enforcement Action Taken:														
Waterbody ID (from CAGIS): 12-Eggt HNC		Waterbody ID:														
Waterbody Address:		Waterbody Name:														
Installed for Improvement?: No		Type Description:	CWA 404 AD For Compliance													
Improvement Class: Not provided		Days in Violation:														
Adjust Date Range:	Start Date: 03/01/2010	End Date: 02/28/2014	<a href="#">Update Report</a>													
<b>Total Violation Counts</b>																
Number of Violations			Days in Violation			Months in Violation										
\$1			\$1			28										
0			0													
0.5			0.5													
1			1													
1.5			1.5													
2			2													
2.5			2.5													
3			3													
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4			4													
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93			93													

## Basic Facility, Permit, Receiving Waterbody, and Enforcement Information

## Effluent Exceedances Over Time

## Effluent Exceedances by Parameter

Detailed View of Every  
Effluent Exceedance (can  
span many pages)

## **Exhibit 1-6. Effluent Limit Exceedances Search – Facility View**

Thus, inspectors can use the results of the Effluent Limit Exceedances Search in ECHO to narrow down facilities that are potential targets for inspection.

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## E. REFERENCES

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The following is a list of resources providing additional information.

U.S. Environmental Protection Agency. (1984a). *EPA Policy for the Administration of Environmental Programs on Indian Reservations*.

U.S. Environmental Protection Agency. (1984b). *U.S. Environmental Protection Agency Guidance on Ethics and Conflict of Interest*.

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