

Bill Palmer,  
Central Office Manager  
Division of Surface Water

**OTCO's 4<sup>th</sup> Annual Compliance  
Workshop**

# US EPA Initiative

- Reduce national rate of NPDES Significant Non-Compliance (SNC) by **50% by FFY 2022 (from 24% to 12%)**
- US EPA developed an Agency Priority Goal to Reduce the SNC rate to 21% from a baseline of 24% by September 30, 2019

# US EPA Initiative

- US EPA selected the NPDES program as the focus for the Agency Priority Goal because states now have fairly complete compliance data for permitted facilities.

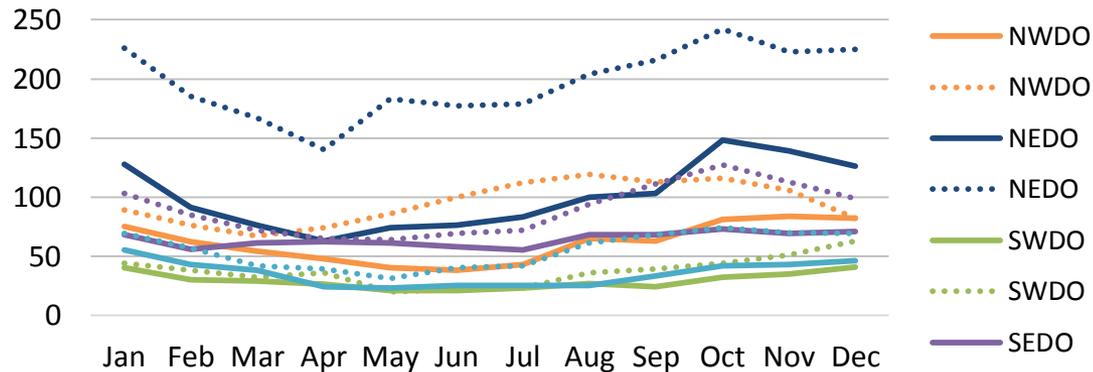
# Significant Non Compliance

- Permit effluent limit violations
  - 40% exceedance for conventional pollutants
  - 20% exceedance for metals(for 2 or more months in a 6 month period)
- Failure to submit a discharge monitoring report
- Compliance schedule violations
- Violations of formal enforcement actions
- Violations for failure to implement a pretreatment program

## NPDES Permit Stations\* in SNC

	Location	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Avg
2017	NWDO	75	62	54	48	40	38	43	65	63	81	84	82	61.3
2014	NWDO	89	76	67	74	86	100	112	119	113	116	106	82	95.0
2017	NEDO	128	91	76	63	74	76	83	100	103	148	139	126	100.6
2014	NEDO	226	185	167	140	183	177	179	204	216	242	223	225	197.3
2017	SWDO	40	30	29	26	21	21	23	27	24	32	35	41	29.1
2014	SWDO	44	38	32	36	20	22	23	36	39	44	51	63	37.3
2017	SEDO	68	56	61	62	61	58	55	68	68	73	69	71	64.2
2014	SEDO	103	85	72	65	64	69	72	94	111	127	113	99	89.5
2017	CDO	55	43	38	24	23	25	25	25	33	42	43	46	35.2
2014	CDO	69	57	42	39	31	40	42	61	68	74	70	69	55.2

### 2014 vs 2017



2014 Dashed Lines - - - -  
2017 Solid Lines \_\_\_\_\_

\*An SNC Station is a single discharge point which has effluent violations that reach the level of SNC for a single parameter. If an entity has effluent violations at multiple locations or for multiple parameters they would represent additional stations in the above graph.

# Common NPDES Violations

- Failure to submit monthly discharge monitoring reports (DMRS) or provide periodic sample results – ***Due by 20<sup>th</sup> of the month!***
- Exceeding Permit Limits
- Failure to operate/maintain/calibrate wastewater treatment equipment

# Common NPDES Violations

- Failure to maintain a log book
- Failure to renew NPDES permit in a timely fashion – ***No later than 180 days prior to expiration!***
- No Storm Water Pollution Prevention Plan (SWPPP) on site / incomplete SWPPP

# NOTICE OF VIOLATION (NOV) PROCESS

- OEPA Inspector conducts an inspection and finds violation(s)
- Inspector will communicate those violations during the inspection and inform you that an NOV will be issued
- You will (most likely) receive TWO documents:
  - **Notice Of Violation (NOV) Letter**
  - **Inspection Summary Letter (with attached inspection form)**
- Up to 30 days to respond to the violation(s). Analyze the problem...provide a well thought out response!



John R. Kasich, Governor  
 Mary Taylor, Lt. Governor  
 Craig W. Butler, Director

Click here to enter a date.

Name of Recipient  
 Name of Recipient  
 Street Address  
 City, State Zip Code

Re: Facility  
 Notice of Violation (NOV)  
 NOV  
 NPDES  
 County  
 NPDES #

**Subject: Notice of Violation**

Dear Name:

Ohio EPA, Division of Surface Water (DSW), conducted an inspection of Facility Name in Location, Ohio on Date of Inspection. [If applicable, state who accompanied you on inspection here]. As was discussed, the goal of our inspection was to determine your facility's compliance with Ohio's environmental laws and regulations as found in Chapter insert specific chapter(s) of the Ohio Revised Code (ORC) and Chapter insert the specific rule(s) of the Ohio Administrative Code (OAC) and (Optional) the terms and conditions of Facility Name Permit Type and permit # (if this is a permitted facility) issued on enter date. Our inspection included a review of company operations and written documentation associated with facility operations.

**Violations**

If We / Ohio EPA DSW observed the following (numbered) violation(s) of Ohio's environmental laws and regulations and Facility Name permit terms and conditions. If We / Ohio EPA DSW recommend you promptly address these violations.

Please pay special attention to the **Violation Description** and **Requested Action** associated with each violation listed below as they describe what exactly is in violation and the requested action to address the violation.

1. **ORC [Section]:**Insert Language  
**OAC [Section]:**Insert Language (if applicable)  
**Permit Term(s) and Condition(s):**Insert Language (if applicable)

- (a) **Violation Description:** Provide detailed description of the violation and timeframe if applicable
- (b) **Additional Information:** Provide additional information on violation if necessary (e.g. As a result of the effluent violations your facility is considered to be in significant non-compliance (SNC))
- (c) **Requested Action:**

2. **ORC [Section]:**Insert Language  
**OAC [Section]:**Insert Language (if applicable)  
**Permit Term(s) and Condition(s):**Insert Language (if applicable)

- (a) **Violation Description:** Provide detailed description of the violation and timeframe if applicable
- (b) **Additional Information:** Provide additional information on violation if necessary (e.g. As a result of the effluent violations your facility is considered to be in significant non-compliance (SNC))
- (c) **Requested Action:**

**Conclusion**

**Within insert appropriate #of days days of receipt of this letter, please provide documentation to Ohio EPA DSW of the actions taken and/or will be taken to resolve the violations cited above. Documentation of steps taken to resolve this (these) violation(s) includes but is not limited to: written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to inspector email address. If circumstances delay resolution of violations, appropriate entity is requested to contact Ohio EPA DSW to discuss the situation and propose an alternative schedule to resolve the violations in a timely manner.**

Failure to comply with Chapter Applicable Chapter (e.g. 6111) of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Chapter 6111.09 of the Ohio Revised Code.

Should you have any questions, please contact me at (xxx) xxx-xxxx and/or email address..

Sincerely,

Name  
 District Representative  
 Division of Surface Water  
 Select Office

ec: Scott Sheerin, DSW, CO

Attachments

Southeast District Office • 50 W. Town St. • Suite 700 • P.O. Box 1049 • Columbus, OH 43216-1049  
 www.epa.ohio.gov • (614) 644-3020 • (614) 644-3184(fax)



# NOTICE OF VIOLATION (NOV) PROCESS

- **IF you receive an NOV:**
  - Respond in the required timeframe – *Usually 30 days (Analyze the problem....provide a well thought out response).*
- Work diligently toward resolving each violation
- Expect continued follow up by District Staff until the NOV has been completely RESOLVED
- *If you have questions – ASK!*

# NOTICE OF VIOLATION (NOV) PROCESS

- Once all of the violations that were cited have been resolved, you will receive a Resolution of Violation (ROV) Letter!
- Two NOV's, then high level meeting
- If violations are not resolved and you do not communicate the actions you are implementing to resolve the violations you may be recommended for formal enforcement!
- GOOD COMMUNICATION IS KEY!!

# State Compliance Initiatives

*Targeting specific areas of non-compliance*

**DMR Non-Submittal** – Contacting those facilities that have not been submitting required reporting/monitoring consistently

Monthly Preliminary Compliance Reports (PCRs)

- Emailed

# State Compliance Initiatives

*Targeting specific areas of non-compliance*

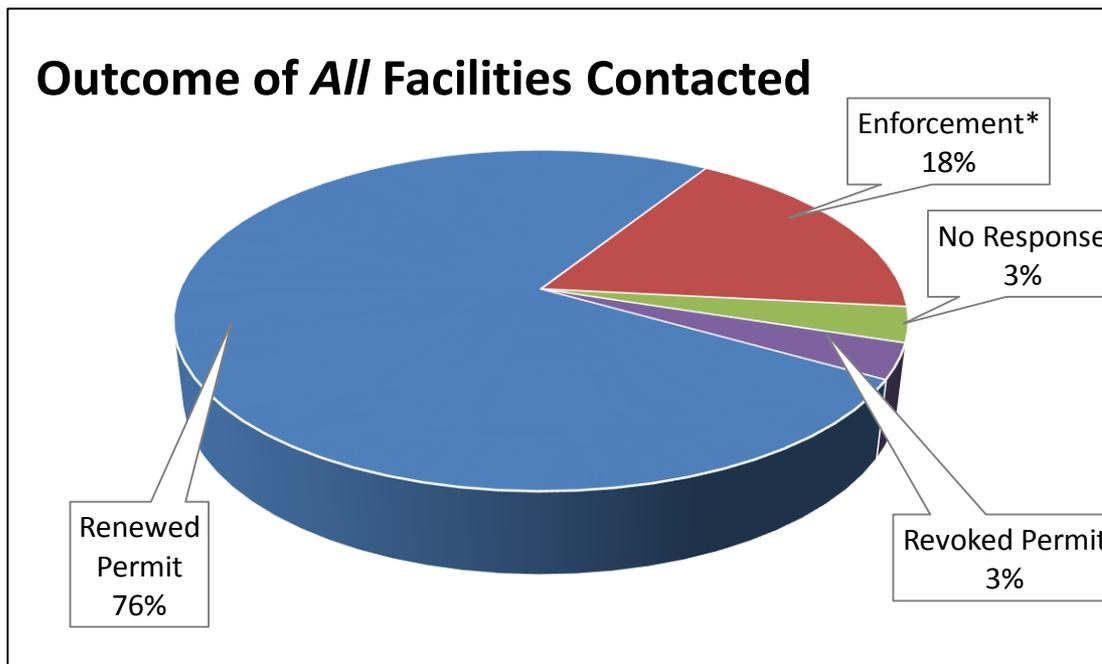
**Permit Renewal Non-Submittal** – contacting those facilities who do not submit a timely permit renewal application (no less than 180 days prior to permit expiration)

Reminder letter and forms sent 300 days (10 months) prior permit expiration

# NPDES Permit Renewal Initiative

Outcome	# of Facilities
Renewed Permit	68
Enforcement	16
No Response	3
Revoked Permit	3
Total = 90	

\*Of the 16 facilities that reached Expedited Enforcement, a total of \$24,000 in civil penalties were collected.



# State Compliance Initiatives

*Targeting specific areas of non-compliance*

**No Operator of Record (ORC)** – Contacting those facilities that our records show does not currently have an ORC

Rule states that owner or operator of a treatment works or sewerage system shall notify director of ORC upon initiation or termination

Permit states within three days of a change, shall notify on an appropriate form.....

# Expedited Director's Final Findings and Orders (DFFOs)

- **Operator of Record (ORC)**

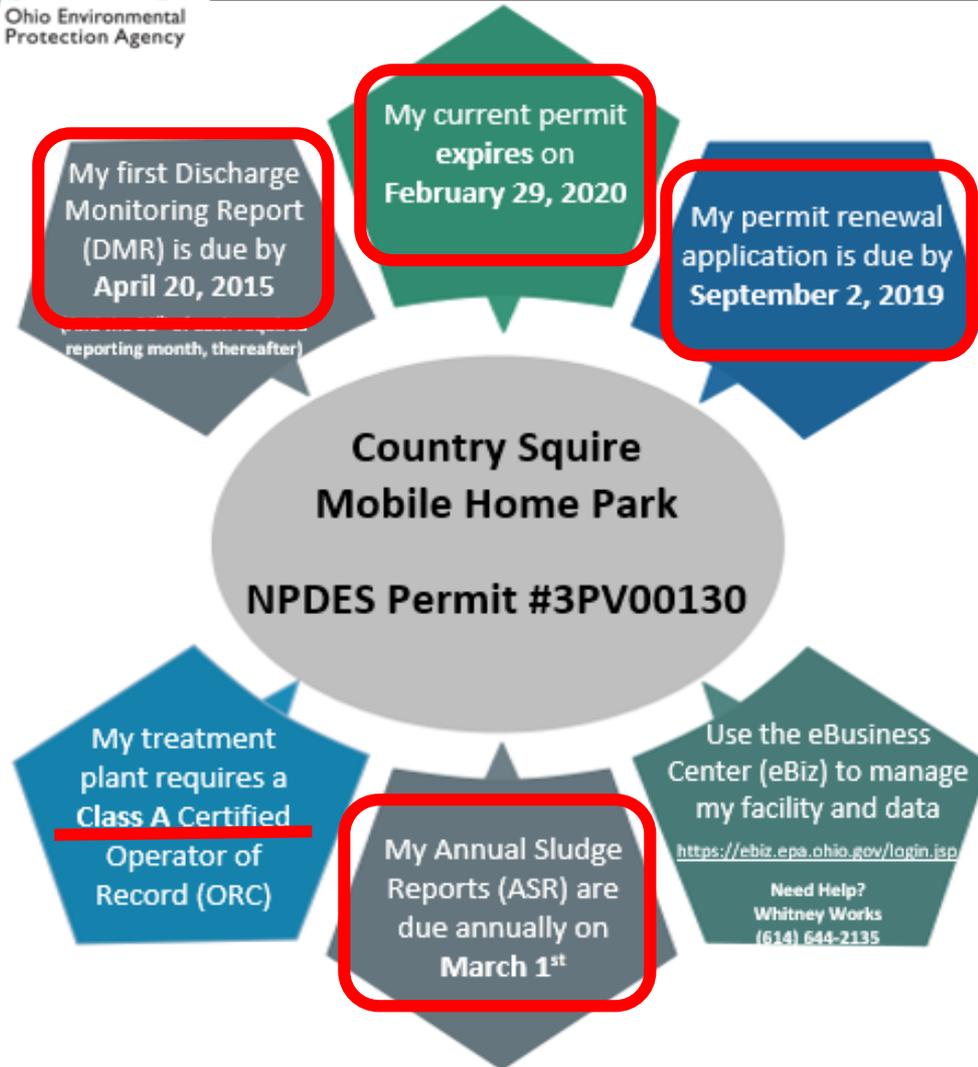
- OAC 3745-7-02: Each person owning or operating a treatment works is required to designate one or more operators of record to oversee the technical operation of the treatment works and supply notification on a form acceptable to the Director of the Ohio EPA
- **Penalty:** \$1,000

# Expedited Director's Final Findings and Orders (DFFOs)

- **Submittal of Monthly Discharge Monitoring Reports  
(DMRs)**

- After 3 months of consecutive non-submittal, the facility is contacted via phone to request they submit the DMRs. If no immediate response is received, the standard NOV procedure is followed. If facility remains unresponsive to NOV(s), Expedited DFFOs are issued.
- **Penalty:** \$500

**\*\* Note: In any instance where a facility is unresponsive to the Expedited DFFOs, a recommendation is made to the Director that the facility be referred to the Attorney General's Office. \*\***



Want to learn more about your NPDES permit?

Check out our brief overview at [www.youtube.com/watch?v=p3ZUb6NEOtU](http://www.youtube.com/watch?v=p3ZUb6NEOtU)

**DON'T HESITATE TO COMMUNICATE!**

Your Ohio EPA Inspector, Marlene Kinney, is there to help!  
Contact Marlene at (330) 963-1162 or at [Marlene.Kinney@epa.ohio.gov](mailto:Marlene.Kinney@epa.ohio.gov).

# Questions?

**Bill Palmer**  
**Central Office Manager**  
**Division of Surface Water**

[William.palmer@epa.ohio.gov](mailto:William.palmer@epa.ohio.gov)