

Significant Noncompliance (SNC)

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What Is Significant Noncompliance?

An Industrial User is in SNC if the IU violations meet one or more of the eight (8) criteria established by *[40 CFR 403.8(f)(2)(viii)]*.

If found to be in SNC, an IU **MUST** be published in a local newspaper.



SIGNIFICANT NONCOMPLIANCE

Criteria #1

Chronic violations – 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed a numeric Pretreatment Standard or Requirement.

Chronic Violation Example

Industry ABC has a concentration daily max for BOD of 400 mg/L:

- January – 600 mg/L (violation)
- February – 398 mg/L
- March – 404 mg/L (violation)
- April – 580 mg/L (violation)
- May – 375 mg/L
- June – 424 mg/L (violation)

4/6 months contained violations = 66%

This IU would be in SNC.

SIGNIFICANT NONCOMPLIANCE

Criteria #2

Technical Review Criteria (TRC) violations - 33 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed the numeric standard multiplied by the applicable TRC.

1.4 for BOD, TSS, fats, oil, and grease

1.2 for all other pollutants except pH

TRC Violation Example

Industry ABC has a concentration daily max for BOD of 400 mg/L:

TRC limit is $400 \text{ mg/L} * 1.4 = 560 \text{ mg/L}$

- January – 600 mg/L (violation)
- February – 398 mg/L
- March – 404 mg/L
- April – 580 mg/L (violation)
- May – 375 mg/L
- June – 424 mg/L

2/6 months contained TRC violations = 33%

This IU would be in SNC.

SIGNIFICANT NONCOMPLIANCE

Criteria #3

Any other violation of a Pretreatment Standard or requirement that the POTW determines has caused , alone, or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public)

SIGNIFICANT NONCOMPLIANCE

Criteria #4

Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTWs exercise of its emergency authority to halt or prevent such a discharge.

SIGNIFICANT NONCOMPLIANCE

Criteria #5

Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

SIGNIFICANT NONCOMPLIANCE

Criteria #6

Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

Example: Not sampling for a required parameter or using a lab that is not SC certified.

SIGNIFICANT NONCOMPLIANCE

Criteria #7

Failure to accurately report noncompliance.

Example: Not accurately reporting exceedances on SMR.

SIGNIFICANT NONCOMPLIANCE

Criteria #8

Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment Program.