1. Examples of Reporting and Permit Condition Violations.

a. Failure to sample at all. Part I, B.

b. Failure to collect representative sample. Part II, 1.

c. Monthly report of daily flow readings due on 15th of following month, but report not received until 20th. Part II, 2.

d. Failure to notify POTW of violation within 24 hours of becoming aware of violation. Part II, 2b.

e. Failure to sample per 40 CFR 136. Part II, 3.

f. IUP requires one sample per month. SIU voluntarily samples two times in June, but only reports one sample. Part II, 4.

g. Took daily flow readings, but only kept them for one month. Part II, 11.

h. Application for IUP renewal due 180 days before expiration of IUP, but not received until 2 months before IUP renewal. Part II, 23.

i. Failure to notify POTW of change in process. Part II, 25.

j. One unit of the pretreatment unit is off-line or upset. Part II, 7 and 9 and possibly others including 3, 4, and 30.

1. Failure to submit Slug/Spill Control Plan by due date. Part III, 1.
2. MANY OTHERS

2. Issue NOV and penalty per ERP.

Require preliminary investigation into the cause – As with limits violations, review rest of the IUP to determine if there are related or underlying violations.

a. If a violation of one of these conditions is the underlying cause of limits violations or of another reporting or permit condition, consider a stronger enforcement action for this underlying cause than for the other violation.

If the SIU previously could comply with an IUP limit and now they can't, they must have changed something. For example, increased production, changed process chemicals or raw materials, changed production schedule, etc. Their IUP requires them to give you prior notification of all changes.

b. If violation is failure to sample, then require SIU to make up sample.

3. For failure to sample, why require sample to be made up?

a. Because your ERP says you will require the SIU to "conduct missed sampling" (Enforcement Chart, page 3, Self Monitoring, Expected Action from User column," Appendix 8-A, *Comprehensive Guide*).

b. To prevent the SIU for having an economic benefit from saving money would have spent on sampling.

4. Significant Noncompliance (SNC) is a way of separating out the more significant violations for additional ESCALATED enforcement action. As soon as practical after detecting the violation, do a preliminary SNC with Limits determination. See *Comprehensive Guide*, Chapter 7, Section D. Also see guidance regarding SNC with Reporting in the handouts for the Pretreatment Annual Report workshops.

5. Failures by a laboratory or other contractor do not absolve an SIU of violation of its IUP.

6. Common causes of failure to report or following permit conditions include:

a. New personnel lack proper training.

* Nobody told me I had to collect samples...
* Nobody told me I had a permit...

b. Lack of communication between production and waste disposal/treatment personnel.

* Production never tells me before they dump a tank...
* Production never tells me about production changes...

c. Lack of understanding of potential impacts of production changes on pretreatment or POTW. For example,

* I got a new client which added a whole new kind of widgit but I’m still making widgits...
* ...the new kind of widgit has a different basis metal and uses completely different chemicals!
* I just changed from one surfactant to another...
* ...the new surfactant has a much higher BOD!
* I just added a third shift, I’m still making the same identical product the same identical way...
* ...the shift added more flow which overloaded the pretreatment unit which caused me to violate everything!
* I’m just a job shop laundry. How was I to know my new client’s towels were used to clean up mercury...

SIU MUST CALL POTW EARLY AND OFTEN

CALL EVEN WHEN DON’T KNOW IF PRODUCTION CHANGE WILL CHANGE DISCHARGE.

7. If the IUP reporting requirement or permit condition is too stringent, consider revising the IUP. Remember IUP modifications must be submitted to the Division for approval.

8. Enforceable compliance schedules can be issued for reporting or permit condition violations, especially where the violations are repeated or on-going.

IN SUMMARY:

9. Reporting and permit condition violations are very important. Violation of these conditions may cause limits violations, or unpermitted discharges, or pass-through and interference.