

**NPDES COMPLIANCE MONITORING STRATEGY AND
ANNUAL COMPLIANCE INSPECTION PLAN
FFY OCTOBER 1, 2020 - SEPTEMBER 30, 2021**

Introduction

This document serves as the Pennsylvania Department of Environmental Protection's (PADEP) National Pollutant Discharge Elimination System (NPDES) Compliance Monitoring Strategy (CMS) and Annual Compliance Inspection Plan for federal fiscal year (FFY) 2021. The Bureau of Clean Water (BCW) oversees the statewide Clean Water Program (CWP) in six regional offices, which implement PADEP's compliance monitoring activities for NPDES-permitted sewage, industrial waste (IW), industrial stormwater, and municipal stormwater facilities. BCW also oversees the statewide Waterways and Wetlands Program in six regional offices (and county conservation districts) for implementation of compliance monitoring activities at NPDES-permitted Concentrated Animal Feeding Operation (CAFO) and construction stormwater facilities. These activities are completed pursuant to the NPDES program and Pennsylvania's Clean Streams Law.

Note: In FFY 2021, PADEP expects meeting CMS commitments to be very challenging due to ongoing restrictions and safety precautions that have resulted from the COVID-19 virus pandemic. Therefore, to implement the CMS for FFY 2021, compliance monitoring activities will include on-site and virtual types of inspections in addition to the review of self-monitoring data and reports submitted by permittees. Some compliance monitoring inspections that fall under the CMS can be safely conducted onsite/outdoors without interacting with facility staff or done while maintaining social distancing. In some situations, however, onsite compliance monitoring inspections are not an option, and may be conducted through virtual inspections. The safety of PADEP's staff, the regulated community, and the general public is a high priority for the PADEP, and it will perform its compliance monitoring duties with due diligence while safely meeting CMS inspection commitments.

General objectives of the statewide compliance monitoring program include:

- Preventing water pollution and protecting public health.
- Verifying compliance with laws, regulations, permits, and schedules.
- Providing a regulatory presence in the field and deterring non-compliance.
- Supporting criminal, civil, and administrative enforcement actions.
- Assuring that all facilities requiring a permit are permitted.
- Providing compliance assistance.

The objective of this document is to identify compliance monitoring priorities and goals for PADEP's compliance monitoring program in accordance with EPA's most recent NPDES CMS [memo](#) dated July 21, 2014 that provides inspection frequency goals.

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Compliance Monitoring Priorities

PADEP is responsive to numerous demands and priorities by various segments of the public, the legislature, federal agencies, and other agencies in carrying out its compliance monitoring program. The resulting workload far exceeds the available resources. In order to meet its objectives, PADEP uses a priority system to allocate available resources.

The priority system PADEP will use is as follows, in order from highest priority to lowest:

1. Compliance monitoring necessary to resolve serious public health or safety problems. This will generally include sewage or industrial wastewater discharges, releases of manure or agricultural wastewater or discharges of unmanaged stormwater runoff that affect or threaten to impact a public water supply or otherwise create a threat to the public health or safety.
2. Compliance monitoring that is necessary to resolve a serious threat to aquatic life and other water uses.
3. Compliance monitoring necessary to support ongoing, or planned enforcement actions, or to follow up on problems identified through field assessments.
4. Routine compliance monitoring to verify compliance status, maintain a regulatory presence, and meet federal grant commitments. Routine monitoring, which constitutes the majority of PADEP's compliance monitoring activities, is done when other priorities have been met.

Compliance Monitoring Goals

The universe of NPDES-permitted facilities in Pennsylvania includes approximately 11,700 sewage, industrial waste and industrial stormwater facilities; approximately 1000 MS4s; and approximately 450 CAFOs. While construction stormwater permitted facilities are short-term and variable, there are approximately 20,000 active permits in a given year, with approximately 5,000 new permits every year. Prior to the start of each FFY, BCW will provide annual inspection objectives to the statewide Clean Water Program in the form of a list of sewage, IW, industrial stormwater and municipal stormwater facilities that should be inspected during the fiscal year to maintain compliance with this monitoring strategy.

PADEP's sector-specific compliance monitoring goals are as follows:

Major Sewage and IW Facilities

- Major sewage and industrial waste (IW) permittees will receive a Comprehensive Evaluation Inspection (CEI) at least once every two fiscal years if there have been no instances of non-compliance in the past fiscal year.
- Where there have been instances of non-compliance in the past fiscal year, PADEP will conduct a CEI during the next fiscal year unless it is determined through follow-up inspections that the non-compliance has been resolved during the prior fiscal year and is not likely to recur.

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Minor Sewage and IW Facilities

- Minor sewage and IW permittees, except single residence sewage treatment plants (SRSTP) and small flow treatment facilities (SFTF), with individual NPDES permits will receive a CEI at least once every five fiscal years.
- SRSTPs and SFTFs with individual permits will receive an inspection (CEI, routine partial inspection or administrative inspection) at least once every five fiscal years.
- Minor sewage and IW permittees that are covered by a statewide general permit will receive an inspection (CEI, routine partial inspection or administrative inspection) at least once every five fiscal years.
- PADEP will inspect (CEI) a minimum of 5% of all Minor permittees each fiscal year.

Concentrated Animal Feeding Operations (CAFOs)

- All CAFOs will receive an on-site CEI inspection at least once every five fiscal years.

Biosolids

- A CEI inspection of sewage sludge or biosolids management processes will be conducted at POTWs at least once every five fiscal years. These inspections may be done at the same time the CEI is conducted at the facility.
- PADEP will inspect land application activities for POTWs with this disposal alternative at least once every five fiscal years. This inspection can be satisfied through an administrative inspection of annual reports. Administrative inspections are acceptable if the following conditions are met: 1) site is not currently subject to enforcement actions; 2) have no unresolved single event violations identified prior to inspection; 3) have no known potential to impact drinking water supplies.

Combined Sewer Systems

- Combined sewer systems associated with Major permittees will receive at least one Combined Sewer Overflow (CSO) inspection every three fiscal years. These inspections may be done at the same time an inspection is conducted at the treatment facility.
- Combined sewer systems associated with Minor permittees will receive at least one CSO inspection every five fiscal years. These inspections may be done at the same time an inspection is conducted at the treatment facility.

Sanitary Sewer Systems

- Sanitary sewer systems will be inspected anytime it is known or suspected that sanitary sewer overflows (SSOs) have occurred or are occurring.

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Municipal Separate Storm Sewer Systems (MS4s)

- All Phase I and II MS4s (individual and general permits) will receive an on-site inspection within five years of permit issuance or permit coverage approval and at least once every five fiscal years thereafter. The inspection will include one or two components: 1) for MS4s located outside the Chesapeake Bay watershed and not discharging to waters with an EPA-approved TMDL, an office inspection of records constitutes a Data Audit Inspection (DAI); and 2) for MS4s in the Chesapeake Bay watershed and/or discharging to TMDL waters, an office inspection of records and a field inspection to verify reported BMPs constitutes a CEI.

Industrial Stormwater

- All industrial stormwater facilities with individual NPDES permits will receive a CEI or routine partial inspection at least once every five fiscal years. At least 10% of industrial stormwater facilities under an individual permit will be inspected each fiscal year.
- Industrial stormwater facilities operating under a statewide general permit will receive an inspection (CEI, routine partial inspection or administrative inspection) at least once every five fiscal years.

Construction Stormwater

- At least 10% of active NPDES permitted sites, covered under a general permit, will be inspected each fiscal year.
- At least 10% of active NPDES permitted sites, covered under an individual permit, will be inspected each fiscal year.
- Inspections and re-inspections at active sites are to be conducted on an as needed or complaint-driven basis.
- All sites for which a Notice of Termination (NOT) has been submitted to either PADEP or a conservation district will receive a final inspection prior to the NOT being acknowledged.

Refer to Table 1 for a summary of NPDES program inspection commitments.

Permittee Self-Monitoring

Discharge Monitoring Reports (DMRs)

Most NPDES permits for sewage, industrial waste and industrial stormwater require that permittees regularly monitor their effluent (and sometimes other monitoring locations such as influent), analyze samples, and provide DEP (and in some cases EPA) with a report summarizing the data. The parameters for which the permittee must monitor, and the applicable permit limitations are specified on a DMR. DMR templates are issued with NPDES permits. NPDES permits also include templates for DMR Supplemental Reports. For example, POTWs are typically required to report non-effluent

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information such as influent and process control information, hauled-in wastewater received, and biosolids production and disposal data.

As required by EPA's eReporting rule, most NPDES permittees in Pennsylvania are required to transition to the submission of electronic DMRs through PADEP's electronic DMR (eDMR) system. However, select permittees (based on permit and report type) will continue to report DMR data on paper. All DMR reports must be submitted by the 28th day following the end of the reporting period. DMR data for Major and Significant Chesapeake Bay permittees are entered or otherwise automatically flow into the federal ICIS-NPDES database within 30 days of the due date.

If the eDMR system is used, effluent violations are identified each month through an automated process that results in an email that is directed to Central Office staff, the inspector assigned to the facility, and the inspector's supervisor. For those facilities not using eDMR, paper DMRs will be reviewed by inspectors or compliance specialists on a routine basis and violations will be highlighted.

In the event of non-submission of a DMR, regardless the format in which the document is submitted, PADEP will notify the facility and request submission as soon as possible. Informal and formal enforcement actions will be taken against those who habitually fail to submit DMRs or who are repeatedly late submitting DMRs.

PADEP will proceed with follow-up action in accordance with its standard operating procedures when effluent violations, non-submission or late submission of DMRs occur.

CAFO Supplemental Reports

CAFO permittees are generally required to submit (or otherwise complete and retain on-site) supplemental reports that provide operational information on a quarterly basis. PADEP will proceed with follow-up action in accordance with its standard operating procedures when non-submission, late submission or non-completion of such reports has been identified.

Construction Stormwater Visual Site Inspections

General and Individual NPDES Permits for Stormwater Discharges Associated with Construction Activities require permittees and co-permittees to conduct and document visual site inspections weekly and within 24 hours after each measurable stormwater event. Written documentation is to include a summary of the site conditions and BMPs. These inspections occur throughout the duration of construction and continue until a NOT is acknowledged by PADEP or associated conservation district.

Annual Reports

Many NPDES permits (both individual and general permits) contain requirements for the submission of annual reports (e.g., MS4 Annual Report, CAFO Annual Report, CSO Annual Report, etc.). PADEP will track due dates for reports and proceed with follow-up action in accordance with its standard operating procedures for non-submissions and late submissions.

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Other Self-Monitoring Information

NPDES permits require permittees to make an oral report to DEP within 24-hours of becoming aware of actual or anticipated non-compliance with any term or condition of the permit which may endanger public health or the environment, and non-compliance with any daily maximum of a discharge limitation for a toxic or hazardous substance. This 24-hour notification must be confirmed in writing within 5 days unless this requirement is waived by PADEP. In addition, immediate oral notification (within 4 hours of becoming aware of the incident) is also required by NPDES-permitted facilities under Chapter 92a, or Chapter 102, as applicable, for any release of pollution to the environment, which must be followed by written notification in 5 days.

For sewage, IW, industrial stormwater and MS4s, instances of non-compliance are to be submitted with the DMR or, if time restrictions do not allow for this, as a standalone document using PADEP's Non-Compliance Reporting Form (DEP ID No. 3800-FM-BCW0440), available on DEP's website. Submissions of the Non-Compliance Reporting Form will be reviewed when these forms are submitted.

CAFO permittees are required to perform daily and weekly self-inspections of their operations and keep records of these inspections. Individual Permit holders are required to submit quarterly reports to the regional office. IP and General Permits holders are required to submit an annual report to the regional office.

Permits also require a written notice of the permittee's compliance or non-compliance with schedules contained in permits, to be submitted within 14 days following each interim date and the final date of compliance. Various other submissions are required by NPDES permits, such as certifications of substantial completion of construction, studies and reports. Failure to submit this information on time will cause PADEP to consider enforcement actions in accordance with its guidance.

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Table 1: NPDES program inspection commitments

Facility/Permit Type	Possible Inspection Types	Minimum Inspection Frequency	DEP Responsible Program
Major Sewage and IW Facilities, Individual Permits	CEI	1 / 2 FFY if no violations in prior FFY; 1 / FFY if violations in prior FFY (unless resolved)	Clean Water
Minor Sewage and IW Facilities, except SRSTP and SFTF, Individual Permits	CEI	1 / 5 FFY and a minimum of 5% per FFY	Clean Water
SRSTP and SFTFs, Individual Permits	CEI, RTPT, ADMIN	1 / 5 FFY and a minimum of 5% per FFY	Clean Water
Minor Sewage and IW Facilities, General Permits	CEI, RTPT, ADMIN	1 / 5 FFY and a minimum of 5% per FFY	Clean Water
CAFOs, Individual Permits and General Permits	CEI	1 / 5 FFY	Clean Water, Regional Waterways and Wetlands
Biosolids, Generators, All Permits	CEI	1 / 5 FFY	Clean Water
Biosolids, Land Application, All Permits	CEI, Admin	1 / 5 FFY	Clean Water
Major CSOs, All Permits	CSO	1 / 3 FFY	Clean Water
Minor CSOs, All Permits	CSO	1 / 5 FFY	Clean Water
MS4s, All Permits	CEI, DAI	1 / 5 FFY	Clean Water
IW Stormwater, Individual Permits	CEI, RTPT	1 / 5 FFY and a minimum of 10% per FFY	Clean Water
IW Stormwater, General Permits	CEI, RTPT, ADMIN	1 / 5 FFY	Clean Water
Construction Stormwater, Individual Permits	CEI, Admin	A minimum of 10% of active sites inspected every FFY; in response to receipt of NOT; and as needed	Waterways and Wetlands
Construction Stormwater, General Permits	CEI, Admin	A minimum of 10% of active sites inspected every FFY; in response to receipt of NOT; and as needed	Waterways and Wetlands