




IMPLEMENTATION TECHNICAL PAPER NO. 7

TO: EPA Regional and Authorized State NPDES Permit and Enforcement Coordinators and State Information Technology Staff

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DATE: JUL 27 2018

SUBJECT: Implementation Technical Paper No. 7: Data Entry Guidance for Pretreatment Data Elements

The National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule (“final rule”) requires the electronic reporting and sharing of NPDES program data. As part of EPA’s collaboration with the states to move forward with converting the NPDES program from paper to electronic reporting, EPA is developing a series of implementation technical papers to help EPA Regions and state NPDES programs make a smooth transition. This is the seventh of these implementation technical papers and this paper provides data entry guidance for pretreatment related information.

This paper was developed based on input from the EPA-state Pretreatment Technical Workgroup. This workgroup usually met bi-weekly from March 2017 to September 2017 and included 86 subject matter experts from EPA Headquarters, nine EPA Regions, and 30 states. EPA is distributing this second version of this draft paper to EPA Regional and state NPDES pretreatment and enforcement coordinators as well as state information technology staff (the Exchange Network NPDES Integrated Project Team and ICIS-NPDES users). EPA distributed the second version of this paper to EPA Regional and state NPDES permitting and enforcement coordinators as well as state information technology staff (the IPT and ICIS-NPDES users).

EPA thanks the commenters for their time and efforts to review this paper and provide feedback. This version incorporates these comments. EPA will publish this paper on its website to assist authorized NPDES programs with implementation of the final rule.¹ EPA also plans to provide updates on the progress states are making in sharing these data through regularly scheduled meetings (e.g., ICIS-NPDES

¹ See: <https://www.epa.gov/compliance/npdes-ereporting>

IPT monthly meetings, ICIS-NPDES user monthly meetings), the ECHO “NPDES eRule Readiness and Data Completeness Dashboard,” as well as through e-mail news alerts.²

Among other things, the final rule lists the information (“data elements”) to be provided, groups this information by types of reports and identifies the regulatory citations requiring the information. EPA has taken many steps to assist the states and regulated community in moving forward with submission of this information. This includes development of electronic reporting forms and outreach efforts to test these forms for ease of submission and accessibility. This paper represents another step in EPA’s effort to aid the electronic reporting effort.

This paper supports implementation of the final rule by providing further information for the data elements identified in the final rule (Appendix A to 40 CFR part 127). This paper provides data entry guidance for the pretreatment information submitted during NPDES permit applications, compliance monitoring data submitted by NPDES-regulated entities (which includes some Industrial Users), and compliance monitoring data submitted by EPA or states. These data elements document the measures taken to protect public health and the environment from any industrial discharges to POTWs. These data elements are included in the following NPDES Data Groups:

- Core NPDES Permitting, Compliance, and Enforcement Data (40 CFR parts 122, 123, 403, 503);
- General Permit Report: Notices of Intent to discharge (NOIs) (40 CFR 122.28);
- Pretreatment Program Reports [40 CFR 403.12(i)]; and
- Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs [40 CFR 403.12(e) and (h)].

Prior to electronic reporting, these data elements were most often reported on paper and in non-standard formats. Paper reporting of these data limited the availability and utility of these data on a national scale as key data from these reports were not generally standardized or aggregated; nor publicly available without written request. Upon full implementation of the final rule, authorized NPDES programs, EPA, and the public will be able to better identify and evaluate the measures taken to protect public health and the environment from industrial discharges to POTWs.

Sharing these data with EPA's national NPDES data system (ICIS-NPDES) is particularly useful when the NPDES program is ‘split’ between a state and EPA Region. For example, a state may be authorized for the core NPDES program (40 CFR part 122) but not the Federal pretreatment program (40 CFR part 403). For some states the NPDES program is split between EPA and the state as currently 13 states are not authorized to run the Federal pretreatment program.³ Proper use of these data elements and timely sharing with EPA's national NPDES data system (ICIS-NPDES) will allow both EPA and states to clearly identify all Significant Industrial Users and Categorical Industrial Users and the corresponding public health and environmental protective measures taken by approved pretreatment programs, states, and EPA.⁴ This information can also be particularly useful for EPA and the eight states that are authorized to run the Federal Biosolids (Sewage Sludge) (40 CFR part 503).

² See: <https://www.epa.gov/compliance/npdes-ereporting-help>

³ See: <https://www.epa.gov/npdes/npdes-state-program-information>

⁴ EPA notes that in accordance with its pretreatment regulations, some Significant Industrial Users are Categorical Industrial Users and some Categorical Industrial Users are Significant Industrial Users. To identify one type for each Industrial User, members of the EPA-state Pretreatment Workgroup recommended that EPA and states use the following list of distinct Industrial User types: (1) Non-Categorical Significant Industrial User (SIU); (2) Categorical

EPA will use this technical paper to guide development of its electronic reporting tools and NPDES data system (ICIS-NPDES), update NPDES data sharing protocols and schemas, update its procedures for automatically detecting noncompliance, and to help development of its forthcoming NPDES Noncompliance Report (NNCR).

EPA will work collaboratively with authorized NPDES programs on the recommended actions in this paper. Authorized NPDES programs can request training or data entry help from EPA by sending an email to: NPDESeReporting@epa.gov.

DISCLAIMER: *This implementation technical paper provides data entry guidance for pretreatment data elements. While this document cites statutes and regulations that contain legally binding requirements, it does not itself impose legally binding requirements on EPA, states, tribes, other regulatory authorities, or the regulated community and its content might not apply to a particular situation based upon the circumstances. EPA, state, tribal, and other decision makers retain the discretion to adopt approaches on a case-by-case basis that differ from those provided in this document as appropriate and consistent with statutory and regulatory requirements. This document does not confer legal rights or impose legal obligations upon any member of the public. This document does not constitute a regulation, nor does it change or substitute for any CWA provision or EPA regulations. EPA could update this document as new information becomes available.*

Industrial Users (CIU); (3) Non-Significant Categorical Industrial User (NSCIU); (4) Middle-Tier Categorical Industrial User (MTCIU); and (5) Industrial User (Other). These distinct Industrial User types are used in this paper.

Implementation Technical Paper No. 7 Data Entry Guidance for Pretreatment Data Elements

1. Overview of the Federal Pretreatment Program and Reporting Requirements

The national pretreatment program is a component of the National Pollutant Discharge Elimination System (NPDES) program. It is a cooperative effort of federal, state, and local environmental regulatory agencies established to protect water quality. Similar to how EPA authorizes the NPDES permit program to state, tribal, and territorial governments to perform permitting, administrative, and enforcement tasks for discharges to surface waters (NPDES program), the Environmental Protection Agency (EPA) and authorized NPDES state pretreatment programs approve local governments to perform permitting, administrative, and enforcement tasks for industrial discharges into the publicly owned treatment works (POTWs). In accordance with 40 CFR 403.2, the program is designed to:

- Protect critical collection and treatment system infrastructure;
- Prevent the introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge;
- Prevent the introduction of pollutants into POTWs which will pass through or interfere with the treatment works or otherwise be incompatible with such works;
- Improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges; and
- Provide for maintenance worker health and safety.

EPA has authorized 37 states to administer the Federal pretreatment program.⁵ EPA administers the Federal pretreatment program for the other 13 states and all tribal lands and territories.⁶ For these 13 states and all tribal lands and territories, EPA is the “authorized NPDES program” (also known as the “Control Authority”) for the Federal pretreatment program (40 CFR part 403). Local governments are mostly responsible for implementing and enforcing the national pretreatment program requirements. The general pretreatment regulations at 40 CFR Part 403.8(a) require certain POTWs to establish a local approved Federal pretreatment program to control discharges from nondomestic sources and to prevent pass through and interference at the treatment plant. There are approximately 1,600 local approved Federal pretreatment programs.

The local approved Federal pretreatment programs provide summary information about Significant Industrial Users and Categorical Industrial Users under their control in an annual report [see 40 CFR 403.12(i)].⁷ These annual reports also summarize some of the measures taken to protect human health and the environment from industrial discharges. As previously noted, prior to the final rule, key data

⁵ On 24 May 2018, EPA authorized Idaho to administer the NPDES Program in a phased approach through 2021. The first phase of delegation, which went into effect on 1 July 2018, included the authority to administer the pretreatment program as well as issuing individual POTW permits.

⁶ See: <https://www.epa.gov/npdes/npdes-state-program-information>

⁷ Members of the EPA-state Pretreatment workgroup recommended the use of the following Industrial User types. These types are used throughout this paper: Non-Categorical Significant Industrial User (SIU), Categorical Industrial Users (CIU), Non-Significant Categorical Industrial User (NSCIU), Middle-Tier Categorical Industrial User (MTCIU), and Industrial User (Other). It is important to note that the NSCIU and MTCIU are subtypes of Categorical Industrial Users.

from these compliance monitoring reports were not standardized, not easily available to the public, or easily sharable because these data were in hard-copy format and were reported on different forms.

Significant Industrial Users and Categorical Industrial Users must submit a report on their compliance status at least semiannually (once every 6 months). These reports are generally filed in June and December; however, the Control Authority may modify the months in which the reports are to be submitted. The reporting requirements for Categorical Industrial Users and Significant Industrial Users are listed in 40 CFR 403.12(e) and (h), respectively.

Pretreatment regulations apply to: (1) pollutants from non-domestic sources covered by Pretreatment Standards which are indirectly discharged into or transported by truck or rail or otherwise introduced into POTWs; (2) all POTWs which receive wastewater from sources subject to National Pretreatment Standards, regardless of NPDES Permit status; and (3) any new or existing sources subject to Pretreatment Standards. In other words, pretreatment standards apply to industrial users of all POTWs, including those that do not discharge to waters of the United States.⁸

EPA's regulations also require authorized NPDES programs to have "inspection and surveillance procedures to determine, independent of information supplied by regulated persons, compliance or noncompliance with applicable program requirements." See 40 CFR 123.26(b). EPA's *NPDES Compliance Monitoring Strategy* (CMS) also provides compliance monitoring goals for authorized NPDES programs.⁹ Authorized NPDES programs (EPA and the 37 authorized states) should conduct at least one audit every five years of each POTW with an approved pretreatment program, generally corresponding to an annual audit rate of 20% of active approved programs. Authorized NPDES programs should also conduct at least two pretreatment compliance inspections every five years for each POTW with an active approved pretreatment program. EPA regulations require approved POTW pretreatment programs to annually inspect and sample all Significant Industrial Users where they are the Control Authority. See 40 CFR 403.8(f). EPA's CMS provides a goal for EPA and states to annually inspect all Significant Industrial Users where they are the Control Authority (also known as "Industrial Users in non-pretreatment cities").

Finally, pretreatment information is provided during NPDES permit applications and NOIs for all POTWs, which includes both individually permitted facilities and general permit covered facilities [see 40 CFR 122.21(j) and 40 CFR 122.28]. This information is submitted to the EPA Region or state agency that is authorized to run the Federal pretreatment program (40 CFR part 403) at the time of the POTW NPDES permit application under 40 CFR part 122.¹⁰ This information is particularly useful for EPA and the 37 states authorized to provide oversight of approved pretreatment programs and industrial dischargers. These data are most often reported on paper NPDES application forms (e.g., NPDES Permit Application Form 2A).¹¹ POTWs covered by a general permit report these data when they submit their NOI. These permit application data are generally updated only at the time of permit issuance, which is generally a five-year period. Under the CWA, EPA and states with authorized NPDES programs issue NPDES permits

⁸ See: CWA 212(2)(A) and 502(4), 40 CFR 122.21(c) and 403. See also 1985 William P. Diamond Memorandum: "Applicability of Categorical Pretreatment Standards to Industrial Users of Non-Discharging POTWs, Available at: https://www3.epa.gov/npdes/pubs/41_6-85.txt

⁹ U.S. EPA, 2014. Issuance of Clean Water Act National Pollutant Discharge Elimination System Compliance Monitoring Strategy, Memorandum from Lisa Lund, Director, Office of Compliance, July 21. Available at: <https://www.epa.gov/sites/production/files/2013-09/documents/npdescms.pdf>

¹⁰ See: 64 FR 42434; 4 August 1999.

¹¹ See: <https://www3.epa.gov/npdes/pubs/final2a.pdf>

with terms no longer than five years. States that are authorized to run the pretreatment program (40 CFR part 403) should collect this pretreatment information and then share a limited set of these data with EPA's national NPDES data system (ICIS-NPDES).

Sharing pretreatment data with EPA's national NPDES data system (ICIS-NPDES) is particularly useful when the NPDES program is 'split' between a state and EPA Region. For example, a state may be authorized for the core NPDES program (40 CFR part 122) but not the Federal pretreatment program (40 CFR part 403). The NPDES program is split between EPA and the state for the 13 states that are not authorized to run the Federal pretreatment program.¹² Proper use of these data elements and timely sharing with EPA's national NPDES data system (ICIS-NPDES) will allow both EPA and states to clearly identify all Significant Industrial Users and Categorical Industrial Users and the corresponding public health and environmental protective measures taken by approved pretreatment programs, states, and EPA. This information can also be particularly useful for EPA and the eight states that are authorized to run the Federal Biosolids (Sewage Sludge) (40 CFR part 503).

EPA will also work with all interested states on how to search, sort, and display the pretreatment annual report data, including any new pretreatment violation codes, in EPA's public access website.¹³ EPA will also work with interested states on how to use the new pretreatment violations codes in the forthcoming NPDES Noncompliance Report (see 40 CFR 123.45).

This paper provides more information on the requirements, reference values, business rules, and important dates for implementing data elements specific to the pretreatment data elements included in the NPDES Electronic Reporting Rule (40 CFR part 127). The data elements discussed in this paper are listed in Attachment 1.

2. Data Elements Specific to the Pretreatment Program Report [40 CFR 403.12(i)]

In accordance with 40 CFR 403.12(i), POTWs with an approved pretreatment program are required to submit annual reports to the Approval Authority documenting program status and activities performed during the previous year. At a minimum, the reports must contain the following information:

- A list of all the POTW's Significant Industrial Users and Categorical Industrial Users, including names, addresses, pretreatment standards applicable to each user, a brief explanation of deletions, and a list of additions (with the aforementioned information) keyed to a previously submitted list. The list must also identify IUs that are designated as Middle-Tier Categorical Industrial User (MTCIU) and must identify which IUs are Non-Significant Categorical Industrial User (NSCIU);
- A summary of the status of IU compliance during the reporting period;
- A summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period;
- A summary of changes to the POTW's pretreatment program that have not been previously reported to the Approval Authority; and
- Any other relevant information requested by the Approval Authority.

¹² See: <https://www.epa.gov/npdes/npdes-state-program-information>

¹³For example, EPA's Enforcement and Compliance History Online (ECHO): <https://echo.epa.gov>

The final rule identified the following data elements for the Pretreatment Program Report [40 CFR 403.12(i)]. In accordance with the implementation schedule for the NPDES eRule, approved pretreatment programs should begin electronically submitting these reports starting no later than 21 December 2020.

In 2017, EPA used a technical workgroup to further refine the data elements for the Pretreatment Program Report [40 CFR 403.12(i)]. The EPA-state pretreatment technical workgroup members included staff from EPA HQ, EPA Regions, and 30 state agencies. This technical workgroup met bi-weekly for about six months. This technical workgroup worked through various tasks including developing: reference values for the pretreatment data elements; the design and text of the electronic form; and the approach for form processing. A mockup of these data elements is provided in Attachment 2.

Next Steps:

EPA will work with states as it updates its national NPDES data system (ICIS-NPDES), related electronic reporting tools, and data sharing protocols. EPA will work with states on the deployment schedule for this program report. EPA will also provide training to ensure that NPDES-regulated entities correctly report these annual report data and that states correctly share these data with ICIS-NPDES.

Authorized pretreatment programs (40 CFR part 403) should also identify in ICIS-NPDES the POTWs that must file these program reports with “NPDES Data Group = G07.” This data entry will be exclusive to the POTWs that are “Approved.” EPA previously requested that EPA Regions and states start sharing the “NPDES Data Group” data no later than 1 September 2017. See Implementation Technical Paper No. 3 (see: <https://www.epa.gov/compliance/data-entry-guidance-and-technical-papers>).

The annual report should also identify each Significant Industrial User and Categorical Industrial User with “NPDES Data Group = G8C (Local Municipality is Control Authority).”

EPA plans to update ICIS-NPDES or its electronic reporting tools so that noncompliance reported on these pretreatment program report submissions will be automatically identified with a violation code along with the identification of significant noncompliance (see Attachment 3). Currently, EPA and states use a manual process to identify noncompliance in the pretreatment program. EPA will likewise work with states that have their own electronic reporting tools to make sure that they have the same capabilities. This will allow for timelier and more effective oversight of the pretreatment program. In particular, this new processing will allow states and EPA to list all Significant Industrial Users and Categorical Industrial Users in significant noncompliance where the local government is the Control Authority.

EPA will also work with interested states on how to use the new pretreatment violations codes and significant noncompliance data in the forthcoming NPDES Noncompliance Report (see 40 CFR 123.45).

3. Pretreatment Audit and Inspection Data Element

The objective of a pretreatment program inspection is to ensure that each approved pretreatment program is effectively and safely controlling industrial discharges. It is current practice for an EPA or state inspector to document their findings made during a pretreatment audit or inspection and note any ‘deficiencies.’ The final rule includes the “Deficiencies Identified Through the Pretreatment Compliance

Monitoring” data element to identify each deficiency in the POTW’s pretreatment program (40 CFR part 403) for each compliance monitoring activity (e.g., inspections, audits) by the regulatory authority (state or EPA). Typically, the inspector’s manager will review these ‘deficiencies’ and decide if any of them warrant identification as violations. These inspections may be conducted in conjunction with compliance inspections at POTWs. Inspections may also be conducted to respond to citizen tips or complaints. The EPA NPDES CMS provides inspection frequency goals and data entry guidance on how to correctly record these pretreatment inspections in ICIS-NPDES.

The EPA-state technical workgroup developed unique codes for the “Deficiencies Identified Through the Pretreatment Compliance Monitoring” data element. The workgroup also created new pretreatment violation codes to identify noncompliance with EPA’s Federal pretreatment regulations. See Attachment 3. These new violation codes more closely match the current guidance on identifying Significant Noncompliance (SNC) in the pretreatment program (see “FY1990 SNC Memo”).¹⁴

Authorized NPDES programs are required to share these deficiency and violation data with EPA in a timely, accurate, complete, and consistent format (see Subpart C to 40 CFR part 127). Authorized NPDES programs will directly enter this data element into ICIS-NPDES or share this data element with ICIS-NPDES through electronic data transfer (EDT).

Next Steps:

EPA released the deficiency data element in ICIS Release 7.5 and in the ICIS Schema on 19 December 2016. Currently, only biosolids deficiencies are included in this reference table. EPA will add the pretreatment deficiencies to this reference table. Likewise, EPA will also update the reference table for violation codes.

EPA will provide notice to states on when states can start using and sharing these new pretreatment deficiencies and violation codes. EPA will also provide training to ensure that EPA Regions and states correctly share these new pretreatment deficiency and violation codes in EPA’s national NPDES data system (ICIS-NPDES).

EPA will also work with interested states on how to use the new pretreatment violations codes and significant noncompliance data in the forthcoming NPDES Noncompliance Report (see 40 CFR 123.45).

4. Data Elements Specific to the Pretreatment Information Provided with NPDES Permit Applications

As previously noted, pretreatment information is provided with NPDES permit applications and NOIs from POTWs. See 40 CFR 122.21(j) and 122.28. EPA has developed NPDES Form 2A to collect these data for individual permit applications. These data are generally updated only at the time of permit issuance, which is generally on a five-year period.¹⁵ This data collection supports the Federal pretreatment

¹⁴ U.S. EPA, 1989, “FY90 Guidance for Reporting and Evaluating POTW Noncompliance with Pretreatment Implementation Requirements,” Memorandum from Jim R. Elder, Director, Office of Water Enforcement and Permits, to Regional Water Management Division Directors and NPDES State Pretreatment Program Directors. Available at: https://www3.epa.gov/npdes/pubs/1990_potw_noncompliance_guidance.pdf.

¹⁵ EPA’s regulations allow NPDES permit applicants to omit information on Significant Industrial Users and Categorical Industrial Users from their applications if they submitted substantially identical information on their:

program (40 CFR part 403) but the data are part of a POTW-specific permit application form that is sent to the core NPDES program (40 CFR part 122). As required by the final rule (see 40 CFR 127.23), states will share the pretreatment information that is provided with NPDES permit applications and NOIs with EPA. The specific data elements that must be shared with EPA are provided in Attachment 4. These data include information on all Significant Industrial Users and Categorical Industrial Users controlled by the local approved Federal pretreatment program. EPA and states will share these Significant Industrial User and Categorical Industrial User data when they are the Control Authority (there is no local approved Federal pretreatment program).

The pretreatment information that is provided at the same time as NPDES permit applications and NOIs supplements the pretreatment program report information discussed in Section 2. Sharing these two sets of pretreatment data (i.e., pretreatment permit application/NOI data and pretreatment program report data) with EPA's national NPDES data system (ICIS-NPDES) is particularly useful when the NPDES program is 'split' between a state and EPA Region [i.e., a state may be authorized for the core NPDES program (40 CFR part 122) but not for the Federal pretreatment program (40 CFR part 403)]. This information can be also particularly useful for EPA and the states that are authorized to run the Federal biosolids program (40 CFR part 503). EPA will integrate pretreatment information that is provided at the same time as NPDES permit applications and NOIs with information from the pretreatment program reports to create a timelier, accurate, and more complete understanding of the measures taken to control industrial discharges to POTWs.

Next Steps:

EPA plans to integrate these data elements into ICIS-NPDES and the related ICIS Schema. EPA will work with all authorized NPDES programs to provide outreach and training when these data can be reported to ICIS-NPDES. EPA will work with authorized NPDES programs to help expedite this data sharing and recommends the following schedule.

Step 1: EPA asks that authorized NPDES programs (40 CFR part 403) identify in ICIS-NPDES all POTWs with a pretreatment program (update the "Pretreatment Program Required Indicator" field in ICIS-NPDES). This is a current capability of EPA's national NPDES data system (ICIS-NPDES). The "Permit Component" and "Pretreatment Program Required Indicator" data elements are in the ICIS schema and in Appendix A. Authorized NPDES programs must share Appendix A data with ICIS-NPDES (40 CFR 127.23). <Note: EPA's national NPDES data system (ICIS-NPDES) currently allow unpermitted facilities with the "Associated Permit Record" status type to include the pretreatment permit component.]

EPA recommends that authorized NPDES programs prioritize the collection of the pretreatment data elements in Attachment 4 for POTWs seeking individual NPDES permits. This includes a full listing and summary data (including "NPDES Data Group" data) on all Significant Industrial Users and Categorical Industrial Users. EPA recommends that authorized NPDES programs start these data transfers within one year from when EPA makes these data elements available in ICIS-NPDES. If not doing so already, EPA recommends that authorized NPDES programs now start collecting these pretreatment data from

(1) pretreatment program application (if they applied for a Federal pretreatment program); or (2) annual report that they submitted within one year of the NPDES permit application (if they already have a Federal pretreatment program). See 40 CFR §122.21(j)(6)(iii). Members of the EPA-state Pretreatment workgroup recommend the use this burden reduction practice for these Industrial User data for Phase 2 implementation of NPDES electronic reporting.

individual permit applications as required by EPA’s NPDES individual permit application regulations [40 CFR 122.21(j)]. EPA plans to provide outreach and training to authorized NPDES programs to properly collect these data.

Step 2: EPA recommends that authorized NPDES programs integrate these pretreatment data elements into their electronic NOIs for POTWs, which are subject to general permits, as they implement Phase 2 of the NPDES Electronic Reporting Rule. The final rule requires NOIs to be electronically reported starting no later than 21 December 2020. EPA will integrate these data elements into its NPDES electronic reporting tool for any general permit that covers POTWs.

As a result of this data sharing, all POTWs will have a value for the “Pretreatment Program Required Indicator.” Accordingly, EPA and states will be able to identify all approved Federal pretreatment programs.

5. Data Elements Specific to the Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs [40 CFR 403.12(e) and (h)].

Significant Industrial Users and Categorical Industrial Users must submit a report on their compliance status at least semiannually (once every 6 months). For Middle-Tier Categorical Industrial Users, the Control Authority may reduce the requirement to report to no less frequently than once a year, unless required more frequently in the pretreatment standard or by the Approval Authority. A facility determined to be a Non-Significant Categorical Industrial User (NSCIU) must annually submit a certification statement in addition to any other alternative report required by the Control Authority.

These reports are generally filed in June and December; however, the Control Authority may modify the months in which the reports are to be submitted. In addition, these Industrial Users might need to report more frequently as required in the pretreatment standards, by the Control Authority or by the Approval Authority. All results for self-monitoring performed in accordance with 40 CFR Part 136 test methods must be reported to the Control Authority, even if the SIU/CIU is monitoring more frequently than required. The reporting requirements for Categorical Industrial Users and Significant Industrial Users are listed in 40 CFR 403.12(e) and (h), respectively.

The Categorical Industrial User semi-annual compliance reports must include the following:

- The nature and concentration of pollutants limited by applicable categorical standards or local limits of the Control Authority [40 CFR 403.8(f)(4)];
- Flow data as required by the Control Authority;
- Mass of pollutants discharged (applicable to Categorical Industrial Users where mass limits have been imposed);
- Production rates (applicable to Categorical Industrial Users where equivalent limits have been imposed or where limits imposed are expressed in allowable pollutant discharged per unit of production); and
- Documentation required by the Control Authority or the pretreatment standard necessary to determine the compliance status of the IU (applies to Categorical Industrial Users with pretreatment standards that require compliance with a BMP).

For a Categorical Industrial User determined by the Control Authority to be an MTCIU [40 CFR 403.12(e)(3)], the Control Authority may reduce the minimum requirement to report from twice a year

to once a year, unless more frequent reporting is required in the pretreatment standard or by the Approval Authority. A Categorical Industrial User must immediately resume self-monitoring and reporting at least twice a year if it is determined that it is no longer an MTCIU.

A Categorical Industrial User that the Control Authority has classified as an NSCIU is not required to submit the periodic compliance report. Instead, the NSCIU must annually submit a certification statement with the alternative report required by the Control Authority [40 CFR 403.12(q)].

The Significant Industrial User semi-annual compliance reports must include the following:

- The nature and concentration of pollutants as required by the POTW
- Flow data as required by the POTW
- Documentation required by the POTW necessary to determine the compliance status of the IU (applies to Significant Industrial Users with local limits or other requirements that require compliance with a BMP).

Under the CWA, pretreatment standards apply to industrial users of all POTWs, including those that do not discharge to waters of the United States. Section 307(b) of the CWA directs EPA to promulgate pretreatment standards, “to prevent the discharge of any pollutant through treatment works (as defined in Section 212 of this Act) which are publicly owned, which pollutant interferes with, passes through, or otherwise is incompatible with such works.”¹⁶ The definition of “treatment works” in Section 212 of the CWA is not limited to facilities that discharge into waters of the United States and in fact makes explicit reference to land-based systems [see Section 212(2)(A)]. Moreover, the statutory goal of preventing interference with the treatment works, which includes ensuring worker safety and protection of the resulting sludge from contamination that would limit disposal alternatives is applicable to all POTWs, regardless of whether there is any discharge to waters of the United States. POTWs that do not have NPDES permits may also be required under Federal regulations to develop pretreatment programs. The primary responsibility for enforcing pretreatment requirements in these cases falls upon states authorized to administer the pretreatment program (40 CFR part 403) and EPA.

These semi-annual compliance reports are similar to the Discharge Monitoring Reports (DMRs) used for NPDES permits but with an important difference. The DMR form collects summary data (e.g., the monthly average is reported but not the daily sampling), while the semi-annual compliance reports collect all the measurements taken in the reporting period. These data are used to determine compliance and to identify Significant Industrial Users or Categorical Industrial Users in significant noncompliance (SNC) [see 40 CFR 403.8(f)(2)(viii)]. These data do not include “process control” data that are not used to demonstrate compliance or are otherwise not required to be reported by the control mechanism.

The pretreatment SNC regulation specifies an evaluation of all the monitoring data for an industrial user (see excerpts from EPA’s pretreatment regulations below with emphasis added). This includes any monitoring data generated by the State or EPA (or their authorized representatives).

¹⁶ Diamond, William. 1985. EPA Memorandum to NPDES Permit Branch Chiefs, “Applicability of Categorical Pretreatment Standards to Industrial Users of Non-Discharging POTWs,” 27 June 1985. See: https://www3.epa.gov/npdes/pubs/41_6-85.txt

- Chronic violations are those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- Technical Review Criteria (TRC) violations are those in which 33 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

States and Regions report that, nationwide, more than 1,300 known Categorical Industrial Users (CIUs) discharge to publicly owned treatment works (POTWs) without local approved Federal pretreatment programs. In addition, States and Regions report the existence of at least 60 non-categorical Significant Industrial Users discharging to POTWs without local approved Federal pretreatment programs.

In the absence of a local approved Federal pretreatment program, States or EPA Regions serve as the Control Authority for these Significant Industrial Users and Categorical Industrial Users. The General Pretreatment Regulations at 40 CFR 403.10(f) define the required program elements for an approved State Pretreatment Program. When the EPA Region serves as both the Pretreatment Approval Authority and as the Control Authority, EPA is obligated to carry out the same level of oversight that its regulations require of the States. The regulations [40 CFR 403.10(f)(2)(i)] specify that in the absence of a POTW Pretreatment Program, States with approved state Pretreatment Programs must have the procedures to carry out Control Authority oversight duties, which are listed in 40 CFR 403.8(f)(2).¹⁷

In accordance with the implementation schedule for the NPDES eRule, Significant Industrial Users and Categorical Industrial Users with no local approved Federal pretreatment programs should start electronically submitting these reports no later than 21 December 2020. Additionally, authorized NPDES programs (or their designees) should electronically share their Significant Industrial User and Categorical Industrial User sampling data with EPA's national NPDES data system starting no later than 21 December 2020.

Where the State or EPA is the Control Authority, it is not unusual for the State or EPA Region to authorize another entity to conduct sampling of Significant Industrial Users and Categorical Industrial Users. For example, some NPDES permits require POTWs without approved pretreatment programs to sample their Significant Industrial Users and Categorical Industrial Users annually, to help the Approval Authority [state or EPA] to achieve their CMS goals. In all cases [whether the POTW, State or EPA is the Control Authority], the State and EPA should be able to enter their data into EPA's national NPDES data system and be combined with data submitted by the Significant Industrial User and Categorical Industrial User for the compliance assessment (e.g., determining SNC). It is important to note that the State or EPA, acting as the Control Authority, retains ultimate oversight responsibility, as required under 40 CFR 403.10(f)(2)(i).

The authorized NPDES program (40 CFR part 403) must electronically transfer all NPDES data that supports electronic reporting (e.g., permitting, compliance monitoring, compliance determinations, and

¹⁷ See U.S. EPA, 2007. "Oversight of SIUs Discharging to POTWs without Approved Pretreatment Programs," Memorandum from Linda Boornazian, Director, Water Permits Division, Office of Water, to U.S. EPA Regional Division Directors. May 18th. [Available at: <https://www3.epa.gov/npdes/pubs/ciumemo05182007signed.pdf>].

enforcement activities) to EPA's national NPDES data system by 21 September 2020 and maintain updates thereafter. These electronic data transfers must be timely, accurate, complete, and consistent. See 40 CFR 127.26(c). This data sharing will require authorized NPDES programs to coordinate with local POTWs to identify local limits and record these limits in EPA's national NPDES data system. EPA's regulations require some POTWs to develop local limits (regardless of whether they have a Federal pretreatment program) and these limits are pretreatment standards under the Federal pretreatment program (40 CFR part 403). See 40 CFR 403.5(c)(2).

Local governments with an approved pretreatment program may elect to require their Significant Industrial Users and Categorical Industrial Users to electronically submit these semi-annual compliance reports in lieu of submitting paper reports. Before making the switch to electronic reporting the local approved Federal pretreatment program must meet the EPA's requirements for electronic reporting [see 40 CFR part 3 and 403.12(l) and (r)].¹⁸ Additionally, some approved pretreatment programs specify that these reports must be mailed or delivered. A local approved Federal pretreatment program may need to submit a modification to their Approval Authority for approval.

Attachment 5 provides a template for how to collect the data for these semi-annual compliance reports. EPA will also work with interested states on how these semi-annual compliance reports can automatically identify violations and determine significant noncompliance. EPA plans to use these violation codes and noncompliance information in the forthcoming NPDES Noncompliance Report (see 40 CFR 123.45).

The following NPDES Data Group codes will be used for Significant Industrial Users and Categorical Industrial Users to track the recipient of these semi-annual compliance reports:

- NPDES Data Group Code = G8A: This code will be used when EPA is the Control Authority (i.e., neither the State or the local government is the Control Authority). The "Permit Issuing Organization Type" should also be set equal to "U.S. EPA."
- NPDES Data Group Code = G8B: This code will be used when the state is the Approval Authority as well as the Control Authority (i.e., local government is not the Control Authority). The "Permit Issuing Organization Type" should also be set equal to "State."
- NPDES Data Group Code = G8C: This code will be used when the local government is the Control Authority. The "Permit Issuing Organization Type" should also be set equal to "Local."

The NPDES Data Group codes are used to identify Significant Industrial Users and Categorical Industrial Users that must file these semi-annual compliance reports and the Control Authority (who is also the recipient of these reports). EPA notes that some EPA Regions use administrative orders or other legal documents to serve as the control mechanism for Significant Industrial Users and Categorical Industrial Users (when the EPA Region is the Control Authority).

¹⁸ See also: <https://www.epa.gov/cromerr/cromerr-compliance-publicly-owned-treatment-works-pretreatment-program>

Next Steps:

Step 1: EPA recommends that States and EPA Regions identify all Significant Industrial Users and Categorical Industrial Users that are in municipalities without local approved Federal pretreatment programs and that they share these data with EPA's national NPDES data system (ICIS-NPDES). EPA will be responsible for this work in the 13 states not authorized to administer the Federal pretreatment program (40 CFR part 403). This work includes sharing data related to the limits, monitoring requirements, and other controls for each Significant Industrial User and Categorical Industrial User. This will enable EPA's national NPDES data system (ICIS-NPDES) to collect these semi-annual compliance reports.

States and EPA Regions should also identify in ICIS-NPDES the Industrial Users that must electronically file these semi-annual compliance reports with "NPDES Data Group = G8A (EPA is Control Authority)" or "NPDES Data Group = G8B (State is Control Authority)." EPA will be responsible for this work in the 13 states not authorized to administer the Federal pretreatment program (40 CFR part 403).

Step 2: States and EPA Regions train Significant Industrial Users and Categorical Industrial Users on how to electronically report the semi-annual compliance reports. EPA will be responsible for this work in the 13 states not authorized to administer the Federal pretreatment program (40 CFR part 403) as well as in the states that have elected to use EPA's electronic reporting tools. EPA will also provide notice and training to states on how to share these data with EPA's national NPDES data system (ICIS-NPDES).

EPA will also work with states on how these semi-annual compliance reports can automatically identify violations and determine significant noncompliance. EPA plans to use these violation codes and noncompliance information in the forthcoming NPDES Noncompliance Report (see 40 CFR 123.45).

6. Linkages to Authorized NPDES Programs Compliance Monitoring and Enforcement Actions

The data elements in this paper will be linkable to compliance monitoring activities (e.g., inspections) and enforcement actions. This will help distinguish between resolved and unresolved violations found through authorized NPDES programs compliance monitoring activities (e.g., inspections) or compliance monitoring reports from permittees (e.g., DMRs, program reports). These linkages will also identify if the authorized NPDES program has taken an enforcement action for any given violation.

ACTION: EPA will update its national NPDES data system (ICIS-NPDES) so that facilities regulated under the Federal pretreatment program can be linked to the data elements in this paper as well as with other information (e.g., inspections, enforcement actions). EPA requests the 37 states that are authorized for the Federal pretreatment program to likewise update their data systems. This will help create a more complete picture of enforcement and compliance monitoring for the Federal pretreatment program.

Attachment 1: Data Elements Discussed in this Paper (taken from Appendix A to 40 CFR part 127)

Data Elements Specific to Pretreatment Program Reports [40 CFR 403.12(i)]		
[Note: Industrial User data elements also apply to Industrial Users that transfer non-domestic wastewater by truck, rail, and dedicated pipe or other means of transportation as well as to Industrial Users that discharge to POTWs without an NPDES permit (also known as “sludge-only” POTWs).]		
Data Name	Data Description	NPDES Data Group Number
SNC Published	A unique code (<i>e.g.</i> , “Yes”, “No”) that identifies for each Significant Industrial User and Categorical Industrial User in SNC whether the Control Authority published a public notice within the reporting period. EPA’s General Pretreatment Regulations require Control Authorities to provide meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. See 40 CFR 403.8(f)(2)(viii).	7
SNC with Pretreatment Enforceable Compliance Schedule Status	The unique code/description that identifies for each Significant Industrial User and Categorical Industrial User in SNC whether the industrial user in SNC is subject to one or more enforceable compliance schedules within the reporting period.	7
Local Limits Adoption Date	This is the most recent date on which the Control Authority adopted new local limits within the reporting period. The date must be provided in YYYY-MM-DD format where YYYY is the year, MM is the month, and DD is the day. The Control Authority can leave this data element blank on the Pretreatment Program Report if the Control Authority did not adopt any new local limits within the reporting period.	7
Local Limits Evaluation Date	This is the most recent date on which the Control Authority completed an evaluation on the potential need for local limits within the reporting period. The date must be provided in YYYY-MM-DD format where YYYY is the year, MM is the month, and DD is the day. The Control Authority can leave this data element blank on the Pretreatment Program Report if the Control Authority did not evaluate any local limits within the reporting period.	7
Local Limits Pollutants	This is the list of the pollutants for which the Control Authority adopted local limits. The Control Authority will only need to enter each pollutant once no matter how many treatment works are managed by the Control Authority. The Control Authority can leave this data element blank on the Pretreatment Program Reports if the Control Authority did not change the pollutants for which the Control Authority derived local limits.	7
POTW Discharge Contamination Indicator (Program Report)	The one or more unique codes/descriptions that identify any problems (<i>e.g.</i> , pass-through, interference, violation of NPDES permit limits) with the receiving POTW’s effluent discharge within the reporting period. See 40 CFR 403.3(k) and (p). EPA regulations require the Control Authority to develop and enforce local limits when the discharge from an IU causes or contributes to any problems at the receiving POTW.	7

Data Elements Specific to Pretreatment Program Reports [40 CFR 403.12(i)]		
[Note: Industrial User data elements also apply to Industrial Users that transfer non-domestic wastewater by truck, rail, and dedicated pipe or other means of transportation as well as to Industrial Users that discharge to POTWs without an NPDES permit (also known as “sludge-only” POTWs).]		
Data Name	Data Description	NPDES Data Group Number
POTW Biosolids or Sewage Sludge Contamination Indicator (Program Report)	The one or more unique codes/descriptions that identify any problems (e.g., interference with the use or disposal of biosolids or sewage sludge, violation of NPDES permit requirements or EPA’s regulations at 40 CFR part 503) with the receiving POTW’s biosolids or sewage sludge within the reporting period. See 40 CFR 403.3(k). EPA regulations require any Control Authority that must develop a Pretreatment Program also to develop and enforce local limits to ensure that the discharge from an IU does not cause or contribute a disruption of biosolids’ use or disposal at the receiving POTW.	7
Industrial User Control Mechanism Coverage Status	A unique code/description that identifies whether the Industrial User is subject to an effective Control Mechanism within the reporting period. This data element will have the following options: Effective, Administratively Continued, Expired, Pending, Terminated, Denied, Not Needed, or Judicially Voided.	7
Industrial User Control Mechanism Effective Date	The date when the active Control Mechanism for the Industrial User became effective. The date must be provided in YYYY-MM-DD format where YYYY is the year, MM is the month, and DD is the day.	7
Industrial User Control Mechanism Expiration Date	The date when the active Control Mechanism for the Industrial User will expire. The date must be provided in YYYY-MM-DD format where YYYY is the year, MM is the month, and DD is the day.	7
SNC with Pretreatment Standards or Limits (Program Report)	This data element will identify for each Significant Industrial User and Categorical Industrial User whether the IU was in Significant Non-Compliance (SNC) with any pretreatment standard or local limits applicable to the industrial user’s discharge within the reporting period. See 40 CFR 403.8(f)(2)(viii).	7
SNC with Pretreatment Standards or Limits Pollutants (Program Report)	This data element will identify for each Significant Industrial User and Categorical Industrial User the pollutants that related to the industrial user’s Significant Non-Compliance (SNC) status with any applicable pretreatment standard or local limits within the reporting period. See 40 CFR 403.8(f)(2)(viii).	7
SNC with Reporting Requirements (Program Report)	This data element will identify for each Significant Industrial User and Categorical Industrial User whether the IU was in Significant Non-Compliance (SNC) with reporting requirements (including baseline monitoring reports, notice of potential problems, periodic self-monitoring reports, notice of change in Industrial User discharge, hazardous waste notification, NSCIU annual certification, and BMP certification) within the reporting period. See 40 CFR 403.8(f)(2)(viii)(F).	7
SNC with Other Control Mechanism Requirements (Program Report)	This data element will identify for each Significant Industrial User and Categorical Industrial User whether the IU was in Significant Non-Compliance (SNC) with any other control mechanism requirements within the reporting period (e.g., best management practices). This data element does not include instances of SNC that relate to the industrial user’s applicable discharge standards or local limits or reporting requirements. See 40 CFR 403.8(f)(2)(viii).	7

Data Elements Specific to Pretreatment Program Reports [40 CFR 403.12(i)]		
[Note: Industrial User data elements also apply to Industrial Users that transfer non-domestic wastewater by truck, rail, and dedicated pipe or other means of transportation as well as to Industrial Users that discharge to POTWs without an NPDES permit (also known as “sludge-only” POTWs).]		
Data Name	Data Description	NPDES Data Group Number
Listing of Months in SNC	This data element will identify for each Significant Industrial User and Categorical Industrial User the month or months the Industrial User is in Significant Non-Compliance (SNC) within the reporting period. These are the months in which the Significant Industrial User and Categorical Industrial User had effluent violations or other pretreatment violations that triggered a SNC determination. See 40 CFR 403.8(f)(2)(viii). These data must be provided in YYYY-MM format where YYYY is the year and MM is the month. For example, if a Significant Industrial User was in SNC status for two months (January and February 2016) at the time the Control Authority submitted its pretreatment program report, then the Control Authority would enter “2016-01” and “2016-02” for this data element for this Significant Industrial User. In accordance with EPA guidance, Control Authorities should use “rolling quarters,” which span six months, for SNC determinations for effluent violations.	7
Number of Industrial User Inspections by Control Authority	This data element will identify for each Significant Industrial User and Categorical Industrial User the number of inspections conducted by the Control Authority within the reporting period.	7
Number of Industrial User Sampling Events by Control Authority	This data element will identify for each Significant Industrial User and Categorical Industrial User the number of complete sampling events conducted by the Control Authority within the reporting period.	7
Number of Required Industrial User Self-Monitoring Events	This data element will identify for each Significant Industrial User and Categorical Industrial User the number of required self-monitoring sampling events within the reporting period that must be reported to the Control Authority.	7
Actual Number of Industrial User Self-Monitoring Events	This data element will identify for each Significant Industrial User and Categorical Industrial User the actual number of self-monitoring sampling events within the reporting period submitted to the Control Authority.	7
Types of Industrial User Enforcement Action	This data element will identify for each Significant Industrial User and Categorical Industrial User the type(s) of formal enforcement action(s) (e.g., formal notices of violation or equivalent actions, administrative orders, civil suits, criminal suits) issued by the Control Authority within the reporting period. The Control Authority can also optionally use this data element to track informal actions that they issued within the reporting period.	7
Number of Industrial User Enforcement Actions	This data element will identify for each Significant Industrial User and Categorical Industrial User and for each type of enforcement action the total number of formal enforcement actions issued by the Control Authority within the reporting period. The Control Authority can also optionally use this data element to track informal actions that they issued within the reporting period.	7

Data Elements Specific to Pretreatment Program Reports [40 CFR 403.12(i)]		
[Note: Industrial User data elements also apply to Industrial Users that transfer non-domestic wastewater by truck, rail, and dedicated pipe or other means of transportation as well as to Industrial Users that discharge to POTWs without an NPDES permit (also known as “sludge-only” POTWs).]		
Data Name	Data Description	NPDES Data Group Number
Industrial User Cash Civil Penalty Amount Assessed	For civil judicial Enforcement Actions, the dollar amount of the penalty assessed against Significant Industrial User and Categorical Industrial User within the reporting period as specified in the final entered Consent Decree or Court Order. For Administrative Enforcement Actions, it is the dollar amount of the penalty assessed in the Consent/Final Order.	7
Industrial User Cash Civil Penalty Amount Collected	For civil judicial Enforcement Actions, the dollar amount of the penalty collected from each Significant Industrial User and Categorical Industrial User within the reporting period. For Administrative Enforcement Actions, it is the dollar amount collected of the penalty assessed in the Consent/Final Order.	7
Industrial User POTW Discharge Contamination Indicator (Program Report)	The one or more unique codes/descriptions that identify for each Significant Industrial User and Categorical Industrial User whether the Industrial User caused or contributed to any problems (e.g., pass-through, interference, violation of NPDES permit limits) with the receiving POTW’s effluent discharge in the previous reporting period. See 40 CFR 403.3(k) and (p). EPA regulations require the Control Authority to develop and enforce local limits when the discharge from an IU causes or contributes to any problems e.g.at the receiving POTW. See 40 CFR 403.8(f)(2)(viii).	7
Industrial User Biosolids or Sewage Sludge Contamination Indicator (Program Report)	The one or more unique codes/descriptions that identify for each Significant Industrial User and Categorical Industrial User whether the Industrial User caused or contributed to any problems (e.g., interference with the use or disposal of biosolids or sewage sludge, violation of NPDES permit requirements or EPA’s regulations at 40 CFR part 503) with the receiving POTW’s biosolids or sewage sludge in the previous reporting period. See 40 CFR 403.3(k). EPA regulations require the Control Authority to develop and enforce local limits when the discharge from an IU causes or contributes to any problems e.g.at the receiving POTW. See 40 CFR 403.8(f)(2)(viii).	7
Industrial User Wastewater Flow Rate (Program Report)	This data element will identify for each Significant Industrial User and Categorical Industrial User the average daily wastewater flow rate (in gallons per day). This includes an estimate or measurement of the amount attributable to process flow and non-process flow.	7,8
Middle-Tier Categorical Industrial User Reduced Reporting Status	The unique code/description that identifies for each Middle-Tier Categorical Industrial User (MTCIU) whether the Control Authority has granted reduced reporting requirements in accordance with 40 CFR 403.12(e)(3).	7
Non-Significant Categorical Industrial User (NSCIU) Certification Submitted to Control Authority	The unique code/description that identifies for each Non-Significant Categorical Industrial User (NSCIU) whether the facility has reported its required annual compliance certification to the Control Authority within the reporting period.	7

Data Elements Specific to Pretreatment Program Reports [40 CFR 403.12(i)]		
[Note: Industrial User data elements also apply to Industrial Users that transfer non-domestic wastewater by truck, rail, and dedicated pipe or other means of transportation as well as to Industrial Users that discharge to POTWs without an NPDES permit (also known as “sludge-only” POTWs).]		
Data Name	Data Description	NPDES Data Group Number
Notification of Changed Discharge Submission	The unique code (<i>e.g.</i> , “Yes”, “No”) that identifies for each Significant Industrial User and Categorical Industrial User whether the Industrial User submitted a notification within the reporting period to the Control Authority of a substantial change in the volume or character of pollutants in their discharge, including the listing or characteristic hazardous wastes for which the Industrial User previously submitted notice.	7

Note: Two additional data elements for the Pretreatment Project Report are listed below: “Significant Industrial User Subject to Local Limits” and “Significant Industrial User Subject to Local Limits More Stringent Than Categorical Standards.”

Pretreatment Inspection Data Element (Authorized NPDES Program under 40 CFR part 403)		
Data Name	Data Description	NPDES Data Group Number
Deficiencies Identified Through the Pretreatment Compliance Monitoring	This is the unique code/description that that identifies each deficiency in the POTW’s authorized pretreatment program for each pretreatment compliance monitoring activity (<i>e.g.</i> , inspections, audits) by the regulatory authority. The values for this data element will distinguish between noncompliance and significant noncompliance (SNC). These unique codes include: (1) failure to enforce against pass through and/or interference; (2) failure to submit required reports within 30 days; (3) failure to meet compliance schedule milestones within 90 days; (4) failure to issue/reissue control mechanisms to 90% of Significant Industrial Users within 6 months; (5) failure to inspect or sample 80% of Significant Industrial Users within the past 12 months; and (6) failure to enforce standards and reporting requirements.	1

Pretreatment Information on NPDES Permit Application or Notice of Intent (this includes permit application data required for all new and existing POTWs [40 CFR 122.21(j)(6)] <Note: These data will be added or updated through the Annual Pretreatment Program Report, see 40 CFR 403.12(i), as needed. It is also important to note that the 'Associated NPDES ID Number' identifies the receiving POTW's NPDES permit number for each industrial user. Industrial User data elements also apply to Industrial Users that transfer non-domestic wastewater by truck, rail, and dedicated pipe or other means of transportation as well as to Industrial Users that discharge to POTWs without an NPDES permit (also known as "sludge-only" POTWs).>		
Data Name	Data Description	NPDES Data Group Number
Pretreatment Program Required Indicator	The unique code/description that describes whether the permitted local government is required to develop or implement a pretreatment program (in accordance with 40 CFR part 403).	1,2
Pretreatment Program Approval or Modification Date	The date the pretreatment program was approved or substantially modified. This data element can be system generated by carrying forward the most recent date (approval or modification). The date must be provided in YYYY-MM-DD format where YYYY is the year, MM is the month, and DD is the day.	1,2
Pretreatment Program Modification Type	The unique code describing the type of substantial modification to a POTW Pretreatment Program, which includes the initial start of a pretreatment program.	1,2
Industrial User Type	The unique code/description that identifies the type of each industrial user discharging to a POTW [<i>e.g.</i> , Significant Industrial User (SIU), Standard Categorical Industrial Users (CIU), Non-Significant Categorical Industrial User (NSCIU), and Middle-Tier Categorical Industrial User (MTCIU)]. This data element is at the permit or control mechanism level and is required for each SIU, CIU, NSCIU, and MTCIU. This data element also applies to Industrial Users that discharge non-domestic wastewater by truck, rail, and dedicated pipe or other means of transportation to one or more POTWs as well as Industrial Users that discharge to POTWs without an NPDES permit (also known as "sludge-only" POTWs).]	1,2
Significant Industrial User Subject to Local Limits	The unique code (<i>e.g.</i> , "Yes", "No") that identifies for each Significant Industrial User and Categorical Industrial User discharging to a POTW (including non-domestic wastewater delivered by truck, rail, and dedicated pipe or other means of transportation) whether the Industrial User subject to local limits. This data element also applies to Industrial Users that discharge to POTWs without an NPDES permit (also known as "sludge-only" POTWs). For non-categorical Significant Industrial Users this data element will always be set to "Yes" (as local limits always apply to non-categorical Significant Industrial Users).	1,2,7
Significant Industrial User Subject to Local Limits More Stringent Than Categorical Standards	The unique code (<i>e.g.</i> , "Yes", "No") that identifies for each Categorical Industrial Users (CIU) and Middle-Tier Categorical Industrial User (MTCIU) discharging to a POTW (including non-domestic wastewater delivered by truck, rail, and dedicated pipe or other means of transportation) whether the CIU or MTCIU is subject to one or more local limits that are more stringent than the applicable categorical standards. This data element also applies to Industrial Users that discharge to POTWs without an NPDES permit (also known as "sludge-only" POTWs).	1,2,7

Pretreatment Information on NPDES Permit Application or Notice of Intent (this includes permit application data required for all new and existing POTWs [40 CFR 122.21(j)(6)] <Note: These data will be added or updated through the Annual Pretreatment Program Report, see 40 CFR 403.12(i), as needed. It is also important to note that the 'Associated NPDES ID Number' identifies the receiving POTW's NPDES permit number for each industrial user. Industrial User data elements also apply to Industrial Users that transfer non-domestic wastewater by truck, rail, and dedicated pipe or other means of transportation as well as to Industrial Users that discharge to POTWs without an NPDES permit (also known as "sludge-only" POTWs).>		
Data Name	Data Description	NPDES Data Group Number
Applicable Categorical Standards	This data element will identify for each Categorical Industrial User discharging to a POTW (including non-domestic wastewater delivered by truck, rail, and dedicated pipe or other means of transportation) the applicable categorical standard(s) by its 40 CFR part number (e.g., Metal Finishing – part 433, Electrical and Electronic Components – Part 469). This data element also applies to Industrial Users that discharge to POTWs without an NPDES permit (also known as "sludge-only" POTWs). This data element will track the one or more applicable categorical standards even when the CIU is subject to one or more local limits that are more stringent than the applicable categorical standards. This also applies where categorical standards have been adjusted using the combined wastestream formula [40 CFR 403.6(e)] or where equivalent mass/concentration limits have been applied (40 CFR 403.6(c)).	1,2
Significant Industrial User Wastewater Flow Rate	This data element will identify for each Significant Industrial User and Categorical Industrial User the average daily wastewater flow rate (in gallons per day). This includes an estimate or measurement of the amount attributable to process flow and non-process flow. See 40 CFR Part 122.21(j)(6)(ii)(D).	1,2
Industrial User Causing Problems at POTW	The unique code/description that identifies for each Significant Industrial User or Categorical Industrial User whether it caused or contributed to any problems (including upset, bypass, interference, pass-through) at a POTW within the past four and one-half calendar years. EPA regulations require the Control Authority to develop and enforce local limits when the discharge from an IU causes or contributes to any problems (including upset, interference, and bypass) at the receiving POTW's effluent discharge or biosolids/sewage sludge management. This data element also applies to Industrial Users that discharge non-domestic wastewater by truck, rail, and dedicated pipe or other means of transportation to one or more POTWs as well as Industrial Users that discharge to POTWs without an NPDES permit (also known as "sludge-only" POTWs).]	1,2
Receiving RCRA Waste	The unique code/description that identifies whether a POTW has received RCRA hazardous waste by truck, rail, or dedicated pipe within the last three calendar years. This data element also applies to Industrial Users that discharge to POTWs without an NPDES permit (also known as "sludge-only" POTWs).	1,2
Receiving Remediation Waste	The unique code/description that identifies whether the POTW has received RCRA or CERLCA waste from off-site remedial activities within the last three calendar years.	1,2
Control Authority Identifier	This data element identifies the one or more Control Authorities for each Significant Industrial User or Categorical Industrial User. When the Control Authority is a POTW this data element will use the POTW's NPDES ID. There will also be a unique identifier for each state and EPA Region for Significant Industrial Users and Categorical Industrial Users when they are the Control Authority.	1,2

Semi-Annual Compliance Monitoring Reports for Significant Industrial Users and Categorical Industrial Users when EPA or the State is the Control Authority) [see 40 CFR 403.12(e) and (h)]		
Data Name	Data Description	NPDES Data Group Number
Permitted Feature Identifier (Compliance Monitoring Activity)	The unique identifier for the permitted feature number(s) entered by the user for the inspected or monitored permitted feature(s). This data element will use the same number used by 'Permitted Feature Identifier (Permit)' data element for each compliance monitoring activity permitted feature. This will provide a unique link between each compliance monitoring activity permitted feature and the corresponding NPDES permitted feature. This data element can be left blank if the compliance monitoring activity does not involve a permitted feature. This data element applies to compliance monitoring activities performed by the authorized NPDES program and EPA (e.g., Pretreatment Compliance Inspection, Pretreatment Compliance Audit) as well as the semi-annual compliance monitoring reports submitted by the SIU/CIUs.	1, 3, 4, 6, 8, and 9
Limit Set Designator (Compliance Monitoring Activity)	The unique identifier tying the compliance monitoring activity (e.g., DMR submission) to the corresponding Limit Set record.	3,6,8
Parameter Code (Compliance Monitoring Activity)	The unique code/description identifying the parameter reported on the compliance monitoring activity (e.g., DMR submission).	3,6,8
Monitoring Location Code (Compliance Monitoring Activity)	The unique code/description that identifies the monitoring location at which the sampling occurred for a compliance monitoring activity parameter (e.g., DMR submission).	3,6,8
Limit Season Number (Compliance Monitoring Activity)	The unique identifier tying the compliance monitoring activity (e.g., DMR submission) to the Limit Season Number of the corresponding limit. This data element is necessary as a parameter can have different seasonal limits within a single limit start and end date.	3,6,8
Monitoring Period End Date (Compliance Monitoring Activity)	The monitoring period end date for the values covered by the compliance monitoring activity (e.g., DMR submission). The date must be provided in YYYY-MM-DD format where YYYY is the year, MM is the month, and DD is the day.	3,6,8
No Data Indicator (NODI) (Compliance Monitoring Activity)	The unique code/description that indicates the reason that "No Discharge" or "No Data" was reported on the compliance monitoring activity (e.g., DMR submission) (e.g., B = Below Detection Limit, C = No Discharge).	3,6,8
Value (Compliance Monitoring Activity)	The number value reported on the compliance monitoring activity (e.g., DMR form).	3,6,8

Semi-Annual Compliance Monitoring Reports for Significant Industrial Users and Categorical Industrial Users when EPA or the State is the Control Authority) [see 40 CFR 403.12(e) and (h)]		
Data Name	Data Description	NPDES Data Group Number
Quantity or Concentration Units (Compliance Monitoring Activity)	The unique code/description that identifies the one or more units of measure that are applicable to quantity or concentration limits and measurements as entered on the compliance monitoring activity (e.g., DMR submission). This field is optional if the units are the same as the limit units.	3,6,8
Value Received Date (Compliance Monitoring Activity)	The date the compliance monitoring value was received by the regulatory authority (e.g., DMR submission). The date must be provided in YYYY-MM-DD format where YYYY is the year, MM is the month, and DD is the day.	1
Value Type (Compliance Monitoring Activity)	The unique code/description identifying a value type (e.g., Quantity 1, Quantity 2, Concentration 1, Concentration 2, Concentration 3) on a compliance monitoring activity (e.g., DMR submission).	3,6,8
Value Qualifier (Compliance Monitoring Activity)	The unique code identifying the qualifier for the reported value (e.g., "<", "=", ">") on a compliance monitoring activity (e.g., DMR submission). This field is optional if the qualifier is "=".	3,6,8
Industrial User Wastewater Flow Rate (Program Report)	This data element will identify for each Significant Industrial User and Categorical Industrial User the measured or estimated wastewater flow rate in the previous reporting period.	7,8

Attachment 2: Mockup of Pretreatment Program Report – 40 CFR 403.12(i)

<Note: This mockup is intended to help EPA and states more clearly identify how these data will be collected. The final version of this data entry form will collect the same data but will likely use different fonts, labels and instructions, and data entry methods. The authorized NPDES programs (40 CFR part 403) will collect these data and electronically share these data with EPA through electronic data transfers or through use of EPA’s NPDES Electronic Reporting Tool (“NeT”) or national NPDES data system (ICIS-NPDES). Members of the workgroup request that the Control Authority be able to batch upload data (like the current capability in NetDMR) to reduce the data entry burden.>

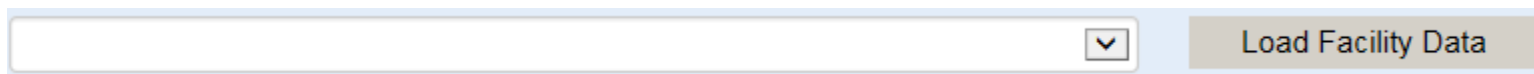
INSTRUCTIONS: EPA’s pretreatment regulations require approved pretreatment programs to file a report [see 40 CFR 403.12(i)]. This is the electronic form for this pretreatment program report. Please also note that your Approval Authority and/or EPA may contact you after you submit this report for more information regarding your pretreatment program. Throughout this form, the use of “SIU/CIU” refers to the following types of Industrial Users: Non-Categorical Significant Industrial User (SIU), Categorical Industrial Users (CIU), Non-Significant Categorical Industrial User (NSCIU), and Middle-Tier Categorical Industrial User (MTCIU).

<Note: Members of the workgroup request that authorized NPDES programs (40 CFR 403) be able to modify this text to point to any help desk specific to their state electronic reporting tool (if these state is not using NeT).>

Section A – Pretreatment Program Report General Information

Identification of Approved Pretreatment Program and Reporting Period



Please select the NPDES ID number below for this Approved Pretreatment Program. Please use the NPDES ID that is identified as the “Approved” Control Authority:

A screenshot of a web form. On the left, there is a white rectangular input field with a light blue border and a small downward-pointing arrow icon on the right side, indicating a dropdown menu. To the right of this field is a grey rectangular button with the text "Load Facility Data" in a dark grey font.

<Note: The user selects the NPDES ID from a picklist, which is pre-populated as they enter username and password into EPA’s CDX. Once the user selects a NPDES ID and clicks on the “Load Facility Data” button, the following example uneditable information is shown to the user. This will be the NPDES ID for the POTW identified as the “Approved” Control Authority as determined by the “Pretreatment Program Indicator.” This means that only one report must be submitted per Pretreatment Program. The outreach and training for this report will need to ensure that each Federal approved pretreatment program has the correct NPDES ID to use for filing their program report. Members of the workgroup recommended that the system automatically identify the correct NPDES ID for the Control Authority (even if the user files a NPDES ID for a POTW that is “Covered.”>

NPDES ID: RI1100030
Facility Name: OCEAN STATE POTW
Address: 1 CROMPTON AVENUE, EAST GREENWICH, RI 02818

Please select the start and end date for this reporting period.

Reporting Period Start and End Dates	
Start Date of Reporting Period	End Date of Reporting Period
01-01-2016 	06-30-2016 

<**Note:** The minimum reporting frequency is once per year [see 40 CFR 403.12(i)]; however, authorized NPDES programs (40 CFR 403) states can require more frequent monitoring.>

The pretreatment program report form will also automatically generate the following Appendix A data, which are used to properly manage these submissions. This means that these data do not need to be entered by the filer.

- NPDES Data Group Number (Program Report) [which is equal to “G07” for this report.]
- Electronic Submission Type (Compliance Monitoring Activity)
- Program Report Event ID

The following Appendix A data element will be generated by the EPA or state NPDES system that receives these submissions:

- Program Report Received Date.

<**Note:** The Approval Authority (40 CFR part 403) should identify the due date for these program reports in EPA’s ICIS-NPDES by using the “Narrative Conditions and Permit Schedules Information” data elements found in Appendix A to 40 CFR part 127. These data elements identify Pretreatment Program Report with a unique code (“Permit Schedule Event Code” data element must have value of “PR001 – Pretreatment Performance Summary Report”) and the due date for each report (“Required Report Received Date”). EPA plans to link the “Required Report Received Date” data element with the above “Program Report Received Date” data element to determine compliance with the permit reporting requirement. EPA plans to configure its national NPDES data system (ICIS-NPDES) such that it will automatically generate a “Schedule Violation”

if a POTW program submits the report late. As discussed in Attachment 7, EPA is proposing to create a new violation code (“Failure to submit required report within 30 days of applicable due date (Level I) - R002P”) to track noncompliance with this reporting requirement.>

Control Authority Program Information

Please use the following fields to enter data related to the overall approved pretreatment program for the reporting period.

Local Limits Adoption Date: This is the most recent date on which the Control Authority adopted new local limits within the reporting period. POTWs are required to provide a written technical evaluation of the need to revise local limits under 40 CFR 403.5(c)(1), following permit issuance or reissuance. See 40 CFR 122.44(j)(2)(ii). The Control Authority can leave this data element blank on the Pretreatment Program Report if the Control Authority did not adopt any new local limits within the reporting period.

Local Limits Evaluation Date: This is the most recent date on which the Control Authority completed an evaluation on the potential need for developed or revised local limits within the reporting period. The Control Authority can leave this data element blank on the Pretreatment Program Report if the Control Authority did not evaluate any local limits within the reporting period.

Local Limits Pollutants: This is the most current list of the pollutants for which the Control Authority adopted local limits. The Control Authority will only need to enter each pollutant once no matter how many treatment works are managed by the Control Authority. The Control Authority can leave this data element blank on the Pretreatment Program Reports if the Control Authority did not change the pollutants for which the Control Authority derived local limits.

<**Note:** This field will be standardized with a pick list of pollutants to ensure consistent reporting. If a Pretreatment Program covers multiple POTWs, then this is a combined list of all pollutants across all POTWs. Currently – ICIS-NPDES requires this data element to be entered if a date is entered into ICIS-NPDES. Members of the workgroup recommends that this be changed so that it can be left blank if there are no changes to the list of pollutants. This will use the list of parameter codes in ICIS-NPDES.]

<**Note:** EPA’s ICIS-NPDES will store the data for these three data elements with the most current POTW NPDES permit (i.e., Version “0” in the current ICIS-NPDES).>

POTW Discharge Contamination Indicator: Please identify if there were any problems (e.g., upset, bypass, interference, pass-through, violation of NPDES permit limits) with the effluent discharge of any of the POTWs covered by this Pretreatment Program within the reporting period. See 40 CFR 403.3(k) and (p). EPA regulations require the Control Authority to develop and enforce local limits when the discharge from an IU causes or contributes to any problems at the receiving POTW. The term “Upset” refers to an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the NPDES permittee. See 40 CFR 122.41(n).

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

If “Yes” (select all that apply)

<input type="checkbox"/>	Upset
<input type="checkbox"/>	Bypass
<input type="checkbox"/>	Interference
<input type="checkbox"/>	Pass-through
<input type="checkbox"/>	Violation of NPDES permit limits
<input type="checkbox"/>	Other (please use the text box below)
<input type="checkbox"/>	<div style="border: 1px solid black; height: 40px; width: 400px;"></div>

<Note: EPA’s ICIS-NPDES will store the most current value for this question for the most current POTW NPDES permit. The Approval Authority (EPA or State) may require the Control Authority to provide an attachment (e.g., Word, PDF) to provide more detail if the filer answers “Yes.” The instructions will provide details on the maximum file size or other limitations for the attachment.>

POTW Biosolids Contamination Indicator: Please identify if there were any problems (e.g., interference with the use or disposal of biosolids or sewage sludge, violation of NPDES permit requirements or EPA’s regulations at 40 CFR part 503) for any of the POTWs covered by this Pretreatment Program within the reporting period. See 40 CFR 403.3(k). EPA regulations require any Control Authority that must develop a Pretreatment Program also to develop and enforce local limits to ensure that the discharge from an IU does not cause or contribute a disruption in the POTW’s management of its biosolids.

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

If “Yes” (check all that apply)

<input type="checkbox"/>	Interference with the use or disposal of biosolids or sewage sludge
<input type="checkbox"/>	Violation of NPDES permit requirements on sewage sludge or EPA’s regulations at 40 CFR part 503
<input type="checkbox"/>	Other (please use the text box below)
<input type="checkbox"/>	<div style="border: 1px solid black; height: 40px; width: 100%;"></div>

<Note: EPA’s ICIS-NPDES will store the most current value for this question for the most current POTW NPDES permit. The Approval Authority (EPA or State) may require the Control Authority to provide an attachment (e.g., Word, PDF) to provide more detail if the filer answers “Yes.” The instructions will provide details on the maximum file size or other limitations for the attachment.

Interference include the scenario where a POTW has change how it manages its biosolids (instead of the preferred Class A management practice the POTW forces to manage the biosolids as Class B).>

Section B – Industrial User Information

List of SIU/CIUs Covered by Control Authority’s Pretreatment Program.

Control Authorities are required to provide a list of SIU/CIUs covered by their pretreatment program to their NPDES permitting authority with each NPDES permit application process (both individual permits and general permits). Local approved Federal pretreatment programs also provide updates to this list of SIU/CIUs through their Pretreatment Program Report submissions [40 CFR 403.12(i)]. The following is the most current list of SIU/CIUs covered by your pretreatment program. Please update this list as necessary. The “NPDES ID” data element is not editable by the Control Authority.

SIU/CIU NPDES ID	SIU/CIU Name	Industrial User Type	SIU/CIU City	SIU/CIU State	SIU/CIU Zip	SIU/CIU SIC or NAICS Code
*	*	*	*	*	*	*
*	*	*	*	*	*	*
*	*	*	*	*	*	*
*	*	*	*	*	*	*



To INSERT, UPDATE, or DELETE one or more SIU/CIUS from this list.

<Note: The authorized NPDES program (40 CFR part 122) is responsible for collecting and sharing these data with ICIS-NPDES. For example, these data are collected under Part F of NPDES Permit Application Form 2A. The EPA Region and state programs will coordinate on sharing all necessary data to maintain data quality for this data element when the NPDES program is ‘split’ [i.e., the state has “core” NPDES program (40 CFR part 122) but the EPA Region has pretreatment program (Part 403)].

EPA’s regulations allow NPDES permit applicants to omit information on Significant Industrial Users and Categorical Industrial Users from their applications if they submitted substantially identical information on their: (1) pretreatment program application (if they applied for a Federal pretreatment program); or (2) annual report that they submitted within one year of the NPDES permit application (if they already have a Federal pretreatment program). See 40 CFR §122.21(j)(6)(iii). Members of the EPA-state Pretreatment workgroup recommend the use of this burden reduction practice for these Industrial User data for Phase 2 implementation of NPDES electronic reporting. Accordingly, local approved Federal

pretreatment programs will be able to insert, update, or delete these data for SIU/CIUs under their program through their Pretreatment Program Report submissions [40 CFR 403.12(i)]. These data should be carried forward from permit to permit to reduce data entry burden as these values do not usually change significantly with each permit re-issuance.

The workgroup notes that it may be necessary to change the facility name and industrial user type on occasion. The workgroup would like the Control Authority to be able to do so via the annual report submission.

The workgroup notes that the “NPDES ID” is just a unique identifier used by ICIS-NPDES. This does not imply that the SIU/CIU has a direct discharge (NPDES permit).

This above table will include: Non-Categorical Significant Industrial User (SIU), Categorical Industrial Users (CIU), Non-Significant Categorical Industrial User (NSCIU), and Middle-Tier Categorical Industrial User (MTCIU). The data for this table will be pre-populated from NPDES permit application/NOI submissions as well as any modifications made through previous pretreatment program reports. EPA’s ICIS-NPDES will be able to produce the most current list of SIU/CIUs for each pretreatment program. The user will be able to sort the table using the column headers.

The Control Authority should also add or update these data for SIU/CIUs covered under their pretreatment program.

SIU/CIU Facility Information

- Facility Type of Ownership
- Facility Site Name
- Facility Site Address
- Facility Site City
- Facility Site State
- Facility Site Zip Code
- Facility Organization Formal Name
- SIC Code(s) or NAICS Code(s)
- SIC/NAICS Primary Code Indicator
- Facility Contact Affiliation Type
- Facility Contact First Name
- Facility Contact Last Name
- Facility Contact Title
- Facility Contact E-Mail Address

SIU/CIU Control Mechanism Information

- NPDES ID
- Permit Type
- Permit Component
- Permit Effective Date
- Permit Modification/Amendment Date
- Permit Expiration Date
- Permit Termination Date
- Permit Status
- Permit Issuing Organization Type
- Permittee Organization Formal Name
- Permittee Mailing Address
- Permittee City
- Permittee State
- Permittee Zip Code
- NPDES Data Group Number

The “Permit Issuing Organization Type” should correctly identify the Control Authority: “Local,” “State,” or “U.S. EPA.”>

Summary of Industrial User and Control Mechanism Information in Reporting Period

INSTRUCTIONS: Please use the following tables to update data related to each SIU/CIU in your approved pretreatment program. These data are pre-populated from previous pretreatment program reports and NPDES permit applications/NOIs. The data from Section 2 will pre-populate the first three columns (i.e., these columns will be uneditable in these tables).

SIU/CIU NPDES ID	SIU/CIU Name	SIU/CIU Type	SIU/CIU Control Mechanism Coverage Status	SIU/CIU Control Mechanism Effective Date	SIU/CIU Control Mechanism Expiration Date	SIU/CIU Average Daily Wastewater Flow Rate (gallons per day)	SIU/CIU Average Daily Process Wastewater Flow Rate (gallons per day)
*	*	*					
*	*	*					
*	*	*					
*	*	*					

SIU/CIU NPDES ID	SIU/CIU Name	SIU/CIU Type	Industrial User is Subject to Local Limits (Yes/No)	CIU or MTCIU is Subject to One or More Local Limits that are More Stringent than the Applicable Categorical Standards (Yes/No)	MTCIU Subject to Reduced Reporting (Yes/No)
*	*	*			
*	*	*			
*	*	*			
*	*	*			

<Note: The list of SIU/CIUs will be derived from the table in Section 2. Below is more information on each of the data elements in these tables.

SIU/CIU Control Mechanism Coverage Status: A unique code/description that identifies the most recent Control Mechanism coverage status for each SIU/CIU within the reporting period. This data element will have the following options: Effective, Administratively Continued, Expired, Pending, Terminated, Denied, Not Needed, or Judicially Voided. It is important to note that ordinances are not considered a Control Mechanism under the Federal Pretreatment Program (see 53 FR 30107; 24 July 1990). Additionally, Control Mechanism must have a duration no more than 5 years [see 40 CFR 403.8(f)(1)(iii)]. To help minimize data entry, these data should be carried forward from report to report as these values do not usually change significantly with each annual report.

SIU/CIU Control Mechanism Effective Date: The most recent date when the current Control Mechanism for the SIU/CIU became effective. To help minimize data entry, these data should be carried forward from report to report as these values do not usually change significantly with each annual report.

SIU/CIU Control Mechanism Expiration Date: The date when the current Control Mechanism for the SIU/CIU will expire. The current duration requirements for Control Mechanisms is a maximum of 5 years – see 40 CFR 403.8(f)(1)(iii)(B)(1). To help minimize data entry, these data should be carried forward from report to report as these values do not usually change significantly with each annual report.

SIU/CIU Average Daily Wastewater Flow Rate (gallons per day): This data element will identify, for each SIU/CIU that is discharging (including SIU/CIUs that send non-domestic wastewater via truck, rail, and dedicated pipe or other means of transportation) to this approved Federal pretreatment program, the measured or estimated average daily average wastewater flow rate (in gallons per day) in the previous reporting period. This includes the total of process and non-process wastewater flows. This data element also applies to Industrial Users that discharge to POTWs without an NPDES permit (also known as “sludge-only” POTWs).

SIU/CIU Average Daily Process Wastewater Flow Rate (gallons per day): This data element will identify, for each SIU/CIU that is discharging (including SIU/CIUs that send process wastewater via truck, rail, and dedicated pipe or other means of transportation) to this approved Federal pretreatment program, the measured or estimated daily average daily process wastewater flow rate (in gallons per day) in the previous

reporting period. This only includes process wastewater flows. This data element also applies to Industrial Users that discharge to POTWs without an NPDES permit (also known as “sludge-only” POTWs).

Industrial User is Subject to Local Limits: This data element identifies (with a “Yes” or “No”) whether the Industrial User is subject to local limits. For Non-Categorical Significant Industrial Users (SIUs) this data element will be set to “Yes” (as local limits always apply to SIUs) and be uneditable. To help minimize data entry, these data should be carried forward from report to report as these values do not usually change significantly with each annual report. This data element will supersede the value provided during the POTW NPDES permit application (see Attachment 4).

CIU or MTCIU is Subject to One or More Local Limits that are More Stringent than the Applicable Categorical Standards: This data element identifies (with a “Yes” or “No”) whether the CIU or MTCIU is subject to local limits more stringent than the applicable categorical standards. This question will only show and be required for CIUs and MTCIUs. To help minimize data entry, these data should be carried forward from report to report as these values do not usually change significantly with each annual report. This data element will supersede the value provided during the POTW NPDES permit application (see Attachment 4).

Middle-Tier Categorical Industrial User Subject to Reduced Reporting: This data element only applies to Middle-Tier Categorical Industrial Users (MTCIUs) and identifies (with a “Yes” or “No”) whether the Control Authority has granted reduced reporting requirements in accordance with 40 CFR 403.12(e)(3). To help minimize data entry, these data should be carried forward from report to report as these values do not usually change significantly with each annual report. >

Summary of Control Authority and Industrial User Compliance Monitoring Data in Reporting Period

INSTRUCTIONS: Please use the following table to provide inspection and sampling and reporting related data for your approved pretreatment program in the reporting period. The data from Section 2 will pre-populate the first three columns (i.e., these columns will be uneditable in this table).

SIU/CIU NPDES ID	SIU/CIU Name	SIU/CIU Type	Number of Industrial User Inspections by Control Authority	Number of Industrial User Sampling Events by Control Authority	Maximum Number of Required Industrial User Sampling Events	Did the Industrial User Comply with All Required Self-Monitoring and Reporting for all Regulated Pollutants? (Yes/No/NA)	Non-Significant Categorical Industrial User (NSCIU) Certification Submitted to Control Authority (Yes/No)	Notification of Changed Discharge Submission (Please use the checkboxes below to indicate receipt)
*	*	*						[]
*	*	*						[]
*	*	*						[]
*	*	*						[]

<Note: The list of SIU/CIUs will be derived from the table in Section 2. Below is more information on each of the data elements in this table.

Number of Industrial User Inspections by Control Authority: This data element will identify for each SIU/CIU the number of inspections conducted by the Control Authority within the reporting period. Inspections that should be counted include those described in the “Industrial User Inspection and Sampling Manual,” EPA-831-B-17-001, January 2017.

Number of Industrial User Sampling Events by Control Authority: This data element will identify for each SIU/CIU the number of complete sampling events conducted by the Control Authority within the reporting period. A complete sampling event means that all permitted parameters have been sampled by the Control Authority. For example, two events (one event for sampling volatile pollutants and another event for sampling metals) will count as one complete sampling event when the permitted parameters are volatile pollutants and metals.

Maximum Number of Required Industrial User Sampling Events: This data element will identify for each SIU/CIU the maximum number of required self-monitoring sampling events within the reporting period that must be reported to the Control Authority. For example, if an Industrial User must sample for metal pollutants and report these data on a monthly schedule to the Control Authority and separately sample for volatile pollutants and report these data twice per year to the Control Authority, then the Control Authority should enter “12” for this value when the reporting period covers twelve months. Extending this example, the Control Authority should enter “6” for this value when the reporting period covers six months. Under 40 CFR 403.12(e) and (h), SIU/CIUs or Control Authorities must perform monitoring and semi-annual reporting. If the Control Authority conducts all the sampling (i.e., the SIU/CIU is not required to conduct any sampling or reporting), then this value should be reported as “0.”

Did the Industrial User Comply with all Required Self-Monitoring and Reporting for all Regulated Pollutants?: This data element identifies if the SIU/CIU completed all the required sampling and reporting to the Control Authority. The Control Authority will select “NA – Not Applicable” if the Control Authority conducts all the sampling events. If the Control Authority selects “No,” the Control Authority will be required to provide more information in a comment field. This is the “Actual Number of Industrial User Self-Monitoring Events” data element in Appendix A to 40 CFR part 127.

Non-Significant Categorical Industrial User (NSCIU) Certification Submitted to Control Authority: This field (Yes/No) that identifies for each Non-Significant Categorical Industrial User (NSCIU) whether the facility has reported its required annual compliance certification to the Control Authority within the reporting period. Members of the workgroup noted that this field should not be shown for facilities are not NSCIUs.

Notification of Changed Discharge Submission: This identifies for each SIU/CIU whether the Industrial User submitted a notification within the reporting period to the Control Authority of a substantial change in the volume or character of pollutants in their discharge, in accordance with 40 CFR 403.12(j), including the listing of characteristic hazardous wastes for which the Industrial User previously submitted notice under 40 CFR 403.12(p) as well as the designation change of an Industrial User to a SIU. The Control Authority should check the box to indicate a receipt of this notification from the SIU/CIU.>

Summary of Pretreatment Program Violation Determinations in Reporting Period

INSTRUCTIONS: Please use the following tables to provide data related to each SIU/CIU in your approved pretreatment program that you identified as being in SNC in the reporting period. The data from Section 2 will pre-populate the first three columns (i.e., these columns will be uneditable in these tables).

SIU/CIU NPDES ID	SIU/CIU Name	SIU/CIU Type	SNC with Pretreatment Standards or Limits (Yes/No)	SNC with Pretreatment Standards or Limits Pollutants	SNC with Reporting Requirements (Yes/No)	SNC with Other Control Mechanism Requirements (Yes/No)	SNC Related to POTW Discharge or POTW Operations (Yes/No)	SNC Related to POTW Biosolids or Sewage Sludge Management (Yes/No)	Listing of Months in SNC	SNC Published (Yes/No)
*	*	*								



<**Note:** Clicking on this button will allow filers to identify SIU/CIUs in SNC and related details. This table will also allow the Control Authority to indicate whether the Control published notice of the SNC for each SIU/CIU. The list of available SIU/CIUs for SNC identification will be derived from the table in Section 2.>

<**Note:** Below is more information on each of the data elements in this table.

SNC with Pretreatment Standards or Limits: This data element will identify (Yes/No) for each SIU/CIU whether the Industrial User was in Significant Non-Compliance (SNC) with any pretreatment standard or local limits applicable to the Industrial User’s discharge within the reporting period. See 40 CFR 403.8(f)(2)(viii).

SNC with Pretreatment Standards or Limits Pollutants: If the filer answers “Yes” in the preceding column, then the filer will be required to identify the pollutants that are related to the Significant Non-Compliance (SNC) status within the reporting period. See 40 CFR 403.8(f)(2)(viii). This may be a picklist or other means of standardize importing of pollutant names. This will be the same list as the list for “Local Limits Pollutants.” This data element can be left blank if the user is only reporting the publication of an SNC notice for an SIU/CIU that was only in SNC in the previous reporting period. In accordance with EPA regulations, the Control Authority has 12 months to publish for SNC.

SNC with Reporting Requirements: This data element will identify (Yes/No) for SIU/CIU whether the Industrial User was in Significant Non-Compliance (SNC) with reporting requirements (including baseline monitoring reports, notice of potential problems, periodic self-monitoring reports, notice of change in Industrial User discharge, hazardous waste notification, NSCIU annual compliance certification, and BMP certification) within the reporting period. EPA notes that the number of days considered overdue for purposes of SNC identification is specific to

each Federal approved pretreatment program; however, the number of days cannot be greater than 45-days. For example, a Federal approved pretreatment program may elect to trigger SNC for a SIU/CIU if a required report is submitted 30-days late. See 40 CFR 403.8(f)(2)(viii)(F).

SNC with Other Control Mechanism Requirements: This data element will identify (Yes/No) for each SIU/CIU whether the Industrial User was in Significant Non-Compliance (SNC) with any other control mechanism requirements within the reporting period (e.g., best management practices). This data element does not include instances of SNC that relate to the industrial user's applicable discharge standards or local limits or reporting requirements. See 40 CFR 403.8(f)(2)(viii).

SNC Related to POTW Discharge or POTW Operations: This data element will identify (Yes/No) for each SIU/CIU whether the Industrial User caused or contributed to any problems with the receiving POTW's effluent discharge (e.g., upset, bypass, interference, pass-through, violation of NPDES permit limits) or negatively affected POTW operations (e.g., threatened worker safety) in the current reporting period. See 40 CFR 403.3(k) and (p). EPA regulations require the Control Authority to develop and enforce local limits when the discharge from an Industrial User causes or contributes to any problems at the receiving POTW. Filers can attach narrative text in the 'Additional Information' section or an attachment to provide more information. See 40 CFR 403.8(f)(2)(viii). This is the "Industrial User POTW Discharge Contamination Indicator" data element. Some workgroup members wanted the ability to require additional narrative text or attachments when "Yes" is selected for this field.]

SNC Related to POTW Biosolids or Sewage Sludge Management: This data element will identify (Yes/No) for each SIU/CIU whether the Industrial User caused or contributed to any problems (e.g., interference with the use or disposal of biosolids or sewage sludge, violation of NPDES permit requirements on sewage sludge or EPA's regulations at 40 CFR part 503) with the receiving POTW's biosolids or sewage sludge management in the current reporting period. See 40 CFR 403.3(k). EPA regulations require the Control Authority to develop and enforce local limits when the discharge from an Industrial User causes or contributes to any problems at the receiving POTW. Filers can attach narrative text in the 'Additional Information' section or an attachment to provide more information. See 40 CFR 403.8(f)(2)(viii). This is the "Industrial User Biosolids or Sewage Sludge Contamination Indicator" data element. Some workgroup members wanted the ability to require additional narrative text or attachments when "Yes" is selected for this field.

Listing of Months in SNC:

This data element will identify for each Significant Industrial User and Categorical Industrial User the month or months the Industrial User is in Significant Non-Compliance (SNC) within the reporting period. These are the months in which a Significant Industrial User or Categorical Industrial User had effluent violations or other pretreatment violations that triggered a SNC determination. See 40 CFR 403.8(f)(2)(viii). These data must be provided in YYYY-MM format where YYYY is the year and MM is the month. For example, if a Significant Industrial User was in SNC status for two months (January and February 2016) at the time the Control Authority submitted its pretreatment program report, then the Control Authority would enter "2016-01" and "2016-02" for this data element for this Significant Industrial User. In accordance with EPA

guidance, Control Authorities should use “rolling quarters,” which span six months, for SNC determinations for effluent violations.¹⁹ The following scenario is an example of the “rolling quarter” approach and how to report this data element:

1. A pretreatment program must submit its Pretreatment Program Report on a calendar year basis (January 1st to December 31st).
2. A particular SIU covered by this pretreatment program conducts monthly sampling and had no pretreatment violations in calendar year 2015.
3. This SIU also had no pretreatment violations in January to November 2016; however, this SIU started having chronic or acute effluent violations for one or more pollutants in December 2016.
4. The pretreatment program submits its 2016 Pretreatment Program Report and does not list the SIU as being in SNC for any months in 2016 as the SIU did not meet the definition of SNC [see 40 CFR 403.8(f)(2)(viii)]. To complete the 2016 Pretreatment Program Report, the pretreatment program will perform four evaluations to determine if the SIU was in SNC based on effluent sampling data:
 - a. Rolling Quarter Evaluation #1 (1 October 2015 to 31 March 2016) – no effluent violations, SIU not in SNC
 - b. Rolling Quarter Evaluation #2 (1 January 2016 to 30 June 2016) – no effluent violations, SIU not in SNC
 - c. Rolling Quarter Evaluation #3 (1 April 2016 to 30 September 2016) – no effluent violations, SIU not in SNC
 - d. Rolling Quarter Evaluation #4 (1 July 2016 to 31 December 2016) – effluent violations in December 2016 but SIU does not trigger SNC determination.
5. This data element is left blank for this SIU in the 2016 Pretreatment Program Report as the SIU had no other pretreatment violations.
6. The same SIU continued to have chronic or acute effluent violations in January and February 2017 but did not have any other effluent violations or any other pretreatment violations in the remainder of the calendar year.
7. As described above, the pretreatment program will perform four evaluations to determine if the SIU was in SNC in the reporting period for the 2017 Pretreatment Program Report.
8. The pretreatment program submits its 2017 Pretreatment Program Report and lists “2017-01” and “2017-02” for this data element for this SIU as these are the only two months in the reporting period (i.e., calendar year 2017) that the SIU had effluent violations that triggered the SNC determination. Sampling data from March 2017 showed no effluent violations as did the remainder of the sampling data from April to December 2017. Even though the effluent violations in December 2016 are included in the first rolling quarter evaluation (1 October 2016 to 31 March 2017), the pretreatment program should not submit “2016-12” for this data element for this SIU as this month (i.e., December 2016) falls outside of the reporting period for the 2017 Pretreatment Program Report (i.e., calendar year 2017).

¹⁹ U.S. EPA, 1992. Mark D. Charles, Chief, RCRA and Pretreatment Enforcement Section, Memorandum to Regional Pretreatment Coordinators, “Determining Industrial User Significant Noncompliance – One Page Summary,” January 17th. Available at: https://www3.epa.gov/npdes/pubs/industrial_user.pdf

Control Authorities should also list months with no sampling data as being in SNC if one or more months in that same monitoring period is listed being in SNC for one or more pollutants, until subsequent data demonstrates that the Industrial User has returned to compliance. The following scenario is an example of how to report this data element when there are months with no monitoring data:

1. A particular pretreatment program must submit its Pretreatment Program Report on a calendar year basis (January 1st to December 31st).
2. A particular SIU covered by this pretreatment program conducts sampling once per calendar quarter (in months of February, May, August, November) and had no pretreatment violations in calendar year 2015.
3. This same SIU had chronic or acute effluent violations for one or more pollutants in May 2016 but did not have any other pretreatment violations in any other months in calendar year 2016.
4. As described above, the pretreatment program will perform four evaluations to determine if the SIU was in SNC in the reporting period for the 2016 Pretreatment Program Report (i.e., calendar year 2016). Based on the second rolling quarter evaluation (1 January 2016 to 30 June 2016) this SIU meets the definition of SNC based on the effluent violations in May 2016.
5. The pretreatment program submits its 2016 Pretreatment Program Report and lists "2016-04," "2016-05," and "2016-06" for this data element as this is the monitoring period with effluent violations that triggered the SNC determination. The months of April and June 2016 are listed in this data element for this SIU as there were no sampling data in these two months and these two months are in the same monitoring period as the effluent violations (April to June 2016).

In addition to evaluating effluent violations, the pretreatment program must also evaluate SIU/CIUs to ensure that they comply with monitoring and reporting requirements as well as other requirements in their Control Mechanisms. For example, a SIU reports no effluent violations in calendar year 2016; however, the pretreatment program identifies this SIU as being in SNC for failure to submit one or more required reports in the month of July 2016. The pretreatment program should report "2016-07" for this data element.

Finally, this data element can be left blank if the user is only reporting the publication of an SNC notice for an SIU/CIU that was only in SNC in the previous reporting period. In accordance with EPA regulations, the Control Authority has 12 months to publish for SNC.

SNC Published: This data element will identify (Yes/No) for each SIU/CIU whether the Control Authority published one or more public notices detailing Significant Non-Compliance (SNC) within the reporting period. EPA's General Pretreatment Regulations require Control Authorities to provide meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. See 40 CFR 403.8(f)(2)(viii).>

Section C – Pretreatment Program Enforcement Actions

Summary of Control Authority Enforcement Actions in Reporting Period

PART A

INSTRUCTIONS: Please use the following table to provide data related to your enforcement actions for each SIU/CIU in your approved pretreatment program. Please identify the number of industrial user enforcement actions for each type of industrial user enforcement action for each NPDES ID.

SIU/CIU NPDES ID	SIU/CIU Name	SIU/CIU Type	Types of Industrial User Formal Enforcement Actions	Number of Industrial User Formal Enforcement Actions by Type
*	*	*	[filer will use pick list with “Other” and free text box to describe “Other” formal enforcement action]	



<**Note:** Clicking on this button will allow filers to identify the type and number of each type of formal enforcement action for each industrial user. The list of SIU/CIUs will be derived from the table in Section 2. This table can be left blank if the Control Authority conducted no formal enforcement actions in the reporting period.>

<**Note:** Below is more information on each of the data elements in this table.

Types of Industrial User Enforcement Action: This data element will identify for SIU/CIU the type(s) of formal enforcement action(s) (e.g., formal notices of violation or equivalent actions, administrative orders, civil suits, criminal suits) issued by the Control Authority within the reporting period. A formal action is an action that requires actions to achieve compliance, specifies a timetable, contains consequences for noncompliance that are independently enforceable without having to prove the original violation, and subjects the person to adverse legal consequences for noncompliance.²⁰ For example, if the Control Authority issued two administrative orders and one civil suit against the same Industrial User in the reporting period, then there will be two rows in this table for the Industrial User (i.e., one row for two administrative orders and another row for the one civil suit). The Control Authority can also optionally use this data element to track informal actions that they issued within the reporting

²⁰ See: EPA’s NPDES Compliance Monitoring Strategy, 2014: <https://www.epa.gov/sites/production/files/2013-09/documents/npdescms.pdf>

period.²¹ The form will give the user a pick list to identify the type of formal enforcement action. The user will also be provided a “Other” and a free text box in case none of the available options in the pick list match the type of formal enforcement action.

Number of Industrial User Enforcement Actions: This data element will identify for each SIU/CIU and for each type of enforcement action the total number of formal enforcement actions issued by the Control Authority within the reporting period. For example, if the Control Authority issued two administrative orders and one civil suit against the same Industrial User in the reporting period, then there will be two rows in this table for the Industrial User (i.e., a value of “2” in the row for the administrative orders and a value of “1” in the row for the civil suit). The Control Authority can also optionally use this data element to track informal actions that they issued within the reporting period.>

PART B

INSTRUCTIONS: Please use the following table to identify for each SIU/CIU in SNC whether the industrial user in SNC is subject to one or more enforceable compliance schedules within the reporting period with a “Yes” or “No.”

SIU/CIU NPDES ID	SIU/CIU Name	SIU/CIU Type	Industrial user in SNC is subject to one or more enforceable compliance schedules within the reporting period (Yes/No)
*	*	*	



<**Note:** Clicking on this button will allow filers to select the SIU/CIU that they need to add to this table. The list of available SIU/CIUs for identification in this table will be derived from the table in Section 2. This table can be left blank if there are no enforceable compliance schedules.]>

<**Note:** Below is more information on each of the data elements in this table.>

Industrial user in SNC is subject to one or more enforceable compliance schedules within the reporting period: The Control Authority will identify for each Significant Industrial User and Categorical Industrial User in SNC whether the industrial user in SNC is subject to one or more enforceable compliance schedules within the reporting period with a “Yes” or “No.” This is the “SNC with Pretreatment Enforceable Compliance Schedule Status” data element from Appendix A to 40 CFR part 127.

PART C

²¹ Examples of informal actions include an inspection, phone call, a violation letter, or a Federal Notice of Violation to the permittee with a copy to the administering State agency. A formal enforcement action is one "that requires actions to achieve compliance, establishes a timetable, contains consequences for noncompliance that are independently enforceable without having to prove the original violation, and subjects the person to adverse legal consequences for noncompliance." Review the USEPA Enforcement Management System: National Pollutant Discharge Elimination System, 1989, and USEPA "Guidance for Oversight of NPDES Programs", May 1987, for more details.

INSTRUCTIONS: Please use the following table to provide data related the dollar amount of the penalty assessed and collected through your enforcement of your pretreatment program. The amount assessed or collected for surcharges are not considered civil penalties to be assessed or collected and therefore are not to be included in the amount collected.

SIU/CIU NPDES ID	SIU/CIU Name	SIU/CIU Type	Industrial User Cash Civil Penalty Amount Assessed	Industrial User Cash Civil Penalty Amount Collected
*	*	*		



<**Note:** Clicking on this button will allow filers to select the SIU/CIU that they need to add to this table. The list of available SIU/CIUs for identification as having cash civil penalties assessed or collected will be derived from the table in Section 2. This table can be left blank if there are no cash civil penalties assessed or collected in the reporting period.>

<**Note:** Below is more information on each of the data elements in this table.

Industrial User Cash Civil Penalty Amount Assessed: For civil judicial Enforcement Actions, the dollar amount of the penalty assessed against each SIU/CIU within the reporting period as specified in the final entered Consent Decree or Court Order. For Administrative Enforcement Actions, it is the dollar amount of the penalty assessed in the Consent or Final Order.

Industrial User Cash Civil Penalty Amount Collected: For civil judicial Enforcement Actions, the dollar amount of the penalty collected from each SIU/CIU within the reporting period. For Administrative Enforcement Actions, it is the dollar amount collected of the penalty assessed in the Consent or Final Order.


Section D – Additional Information and Attachments

INSTRUCTIONS: Please enter any additional information in the comment box below (limit to 3,900 characters) that you would like to provide. Please select the button below to add any necessary attachments.

Additional Information

Please enter any additional information in the comment box below (limit to 3,900 characters) that you would like to provide.

Additional Attachments


Click to Upload Attachment

<**Note:** This is place where state-specific reports and other information can be added. Ideally the tool should allow for the data to be accepted in CSV or spreadsheet format. This might be useful for capturing POTW influent and effluent. The state or EPA may require a specific file type (Word, PDF) and format (column specified CSV or Excel file). The state or EPA may also dictate file size limitations or number of attachments.>

Section E – Electronic Certification and Submission

Certification Information

I certify, under penalty of law, that the information in this report was prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.

Submit Now

When you have completed this form, click this button to submit the form for processing. You will then be provided with further instructions should you have to provide supporting documentation.

Save to NeT

To save a partially completed form for completion at a later date from a different computer, click the 'Save to NeT' button. Clicking this button will cause you to exit the form. You can then logon to NeT with your username and password at any time to complete this transaction.

Cancel

Click this button to cancel filling out the form and return to the form page.

<Note: EPA and states should ensure that the signatory requirements for POTW reports are considered when developing electronic reporting tools. See 40 CFR 403.12(m). In accordance with these requirements this report must be signed by “a principal executive officer, ranking elected official or other duly authorized employee.” The duly authorized employee must be an individual or position having responsibility for the overall operation of the facility or the Pretreatment Program. This authorization must be made in writing by the principal executive officer or ranking elected official, and submitted to the Approval Authority prior to or together with the report being submitted. EPA and states may need to develop a form that identify changes to the Control Authority’s principal executive officer, ranking elected official or other duly authorized employee. EPA also notes that some Control Authorities will have different people sign different compliance monitoring reports (e.g., one person will sign DMRs and another person will sign pretreatment reports). In accordance with the NPDES eRule, as of December 21, 2020, all annual reports submitted in compliance with this section must be submitted electronically by the POTW Pretreatment Program to the Approval Authority or initial recipient, as defined in 40 CFR 127.2(b), in compliance with this section and 40 CFR part 3 (including, in all cases, subpart D to part 3), 40 CFR 122.22, and 40 CFR part 127. Section 122.22 mirrors the signatory requirements in 40 CFR 403.12(m).>

Attachment 3: Pretreatment Deficiency and Violation Codes

Overview

The 2015 NPDES Electronic Reporting rule identified data sharing requirements for authorized NPDES programs (see 40 CFR 127.23). The list of data elements that authorized NPDES programs (under Parts 122 and 403) must share with EPA's NPDES national data system (ICIS-NPDES) is in Appendix A to 40 CFR part 127. Appendix A includes data elements for EPA or state compliance monitoring activities (e.g., inspections). The following information is specific to EPA and state pretreatment audits and inspections of local approved Federal pretreatment program. Appendix A also contains data elements that apply to all compliance monitoring activities across all NPDES sectors (e.g., NPDES Base Program, Biosolids, Pretreatment).

It is current practice for an EPA or state inspector to document their findings made during a pretreatment audit or inspection and note any 'deficiencies.' Typically, their manager will review these 'deficiencies' and decide if any of them warrant identification as violations. These deficiencies only apply to the local approved Federal pretreatment programs (not the SIU/CIUs). EPA and states will identify any deficiencies in the local approved Federal pretreatment programs for each compliance monitoring activity (e.g., inspection, audit).

The following deficiencies should be linkable to matching violation codes. This will allow EPA and states to identify the deficiencies that were found also to be violations. The workgroup developed these codes to match EPA's existing policy for distinguishing between noncompliance and significant noncompliance (FY1990 Guidance for Reporting and Evaluating POTW Noncompliance with Pretreatment Implementation Requirements).

The authorized NPDES program (40 CFR part 403) is responsible for generating and sharing these data with ICIS-NPDES. The authorized NPDES program (40 CFR part 403) is also responsible for generating and linking violation codes to these pretreatment program deficiencies.

Deficiencies Identified Through the Pretreatment Compliance Monitoring

Identify each deficiency in the local approved Federal pretreatment program for this pretreatment compliance monitoring activity. EPA or the Approval Authority should also review these 'deficiencies' and separately decide if any should be identified as violations. (Select all that apply for this pretreatment compliance monitoring activity)

Part 403 noncompliance (Level I)

- Failure to enforce against pass through and/or interference (Level I)
- Failure to submit required reports within 30 days (Level I)
- Failure to meet compliance schedule milestones within 90 days (Level I)

Part 403 noncompliance (Level II)

- Failure to issue/reissue control mechanisms to at least 90% of Significant Industrial Users within 6 months of Significant Industrial User control mechanism expiration (Level II)
- Failure to inspect at least 80% of Significant Industrial Users within the past 12-month reporting period (Level II)
- Failure to sample at least 80% of Significant Industrial Users within the past 12-month reporting period (Level II)
- Failure to enforce pretreatment standards, approved local limits, and reporting requirements (more than 15% if Significant Industrial Users in SNC) (Level II)

<Note: EPA notes that the current duration requirements for control mechanisms is a maximum of 5 years – see 40 CFR 403.8(f)(1)(iii)(B)(1).>

Other Part 403 noncompliance (Level II - Other)

- Failure of the Control Authority to maintain records for the past three years (Level II – Other)
- Failure of the Control Authority to publish for SNC (Level II – Other)
- Failure of the Control Authority to maintain legal authority (Level II – Other)
- Failure to identify and locate industrial users [pursuant to 40 CFR 403.8(f)(2)(i) and 403.12(i)(1)] (Level II – Other)
- Failure to sample the influent, effluent, and sludge of POTW's treatment works of priority pollutants and other pollutants [pursuant to 40 CFR 403.9(f)(2) (iv) and 40 CFR 403.12(i)(5)] (Level II – Other)
- Failure to have adequate pretreatment program resources [pursuant to 40 CFR 403.8(f)(3)] (Level II – Other)
- Other Part 403 noncompliance of substantial concern (please use the text box to provide more details) (Level II – Other)



Pretreatment Program Violation Codes (EPA and State Compliance Monitoring Activity)

EPA’s regulations require authorized NPDES programs to have “inspection and surveillance procedures to determine, independent of information supplied by regulated persons, compliance or noncompliance with applicable program requirements.” See 40 CFR 123.26(b). Noncompliance that is detected during an inspection will have a violation code that starts with “F” and ends with an “P” as shown in the table below. Regulatory authorities will share these violation data with EPA’s national NPDES data system (ICIS-NPDES) in a timely fashion (within 40 days of violation determination).

Violation Description	Additional Notes	Recommended Violation Code (Inspection/Audit)	Level (used for determining SNC)
Failure to enforce against pass through and/or interference (Level I)	This is a failure of the Control Authority to take a formal enforcement action within the reporting period against a SIU/CIU that caused pass through and/or interference. A default timely enforcement response is defined as taking place within 90 days (see FY1990 SNC Memo, Page 8).	F001P	Level I
Failure to submit required report within 30 days of applicable due date (Level I)	This includes the requirement for the Control Authority to submit the Pretreatment Program Report [40 CFR 403.12(i)] on a regular schedule (at least annually).	F002P	Level I

Violation Description	Additional Notes	Recommended Violation Code (Inspection/Audit)	Level (used for determining SNC)
Failure to meet compliance schedule milestones within 90 days (Level I)	The General Pretreatment Regulations (40 CFR part 403) requires Control Authorities to meet all pretreatment compliance schedules that are implemented through the NPDES permit or enforcement action. This violation code excludes compliance schedules that do not relate to the Approved Pretreatment Program (e.g., compliance schedule for improving controls on the POTW effluent discharge).	EPA and states will continue to use the generic compliance schedule violation codes (C10, C20, C30, and C40).	Level I
Failure to issue/reissue control mechanisms to at least 90% of SIU/CIUs within 6 months of Significant Industrial User control mechanism expiration (Level II)	The General Pretreatment Regulations (40 CFR part 403) requires Control Authorities to maintain a legally enforceable control mechanism. Timely issuance and renewal of all control mechanisms is essential (see FY1990 SNC Memo, Page 10).	F003P	Level II
Failure to inspect at least 80% of SIU/CIUs within the past 12-month reporting period (Level II)	POTWs are required to carry out all inspections, surveillance, and monitoring procedures necessary to verify the compliance status of their industrial users independent of information provided by the industrial user. With some limited exceptions, annual inspection and sampling is required [40 CFR 403.8(f)(2)(v)] (see FY1990 SNC Memo, Page 11).	F004P	Level II
Failure to sample at least 80% of SIU/CIUs within the past 12-month reporting period (Level II)	POTWs are required to carry out all inspections, surveillance, and monitoring procedures necessary to verify the compliance status of their industrial users independent of information provided by the industrial user. With some limited exceptions, annual inspection and sampling is required [40 CFR 403.8(f)(2)(v)] (see FY1990 SNC Memo, Page 11).	F005P	Level II
Failure to enforce pretreatment standards, approved local limits, and reporting requirements (more than 15% of Significant Industrial Users in SNC) (Level II)	Where the Control Authority is judged to have followed its procedures in almost all cases, but the level of significant noncompliance among SIU/CIUs is 15% or greater, the adequacy of Control Authority enforcement procedures should be reviewed. (see FY1990 SNC Memo, Page 11 - 15).	F006P	Level II

Violation Description	Additional Notes	Recommended Violation Code (Inspection/Audit)	Level (used for determining SNC)
Failure of the Control Authority to publish for SNC (Level II – Other)	Control Authorities must comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards [see 40 CFR 403.8(f)(2)(viii)]. In particular, Control Authorities must provide meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements.	F007P	Level II - Other
Failure of the Control Authority to maintain records for the past three years (Level II – Other)	This violation code allows the Approval Authority to identify any POTW as being in noncompliance for a single violation or any combination of violations which are judged to be important even though they may not be covered under the other list criteria (see FY1990 SNC Memo, Page 15).	F008P	Level II – Other
Failure of the Control Authority to maintain legal authority (Level II – Other)	The Control Authority must have legal authority to implement the pretreatment program [see 403.8(f)(1)]. This includes the development of compliance schedules by industrial users and to obtain remedies for noncompliance, including injunctive relief and civil or criminal penalties [see 40 CFR 403.8(f)(1) (iv) and (vi)].	F009P	Level II – Other
Failure to Identify and locate industrial users (Level II – Other)	The Control Authority must identify and locate industrial users pursuant to 40 CFR 403.8(f)(2)(i) and 403.12(i)(1).	F010P	Level II – Other
Failure to sample the influent, effluent, and sludge of POTW's treatment works of priority pollutants and other pollutants (Level II – Other)	The Control Authority must sample the influent, effluent, and sludge of POTW's treatment works of priority pollutants and other pollutants pursuant to 40 CFR 403.9(f)(2) (iv) and 40 CFR 403.12(i)(5).	F011P	Level II – Other

Violation Description	Additional Notes	Recommended Violation Code (Inspection/Audit)	Level (used for determining SNC)
Failure to have adequate pretreatment program resources (Level II – Other)	The Control Authority must have Adequate Pretreatment Program Resources pursuant to 40 CFR 403.8(f)(3).	F012P	Level II – Other
Other Part 403 noncompliance of substantial concern (Level II – Other)	This violation code allows the Approval Authority to identify any POTW as being in noncompliance for a single violation or any combination of violations which are judged to be important even though they may not be covered under the other list criteria (see FY1990 SNC Memo, Page 15).	F013P	Level II – Other

Notes:

- An Approved Pretreatment Program should be in SNC if it has one or more Level I violations in the reporting period.
- An Approved Pretreatment Program should be in SNC if it has two or more Level II violations in the reporting period in accordance with the following instructions:
 - Failure to inspect and failure to sample will be tracked separately with different violations but counted together when determining SNC. For example, an Approved Pretreatment Program that failed to meet inspection and sampling requirements would be tracked with separate Violation Codes (F004P, F005P); however, this noncompliance would only count as one Level II noncompliance event for the SNC determination for the reporting period.
 - The same noncompliance (e.g., failure to enforce pretreatment standards) that is identified twice (once during an inspection and another time with an annual report submission) with two matching violation codes (e.g., F004P, R004P), would only count as one Level II noncompliance event for the SNC determination for the reporting period.
 - Failure to maintain records, failure to publish SNC, failure to maintain legal authority, and other Level II noncompliance (“Level II – Other”) will be tracked separately with different violation codes but counted together when determining SNC. For example, an Approved Pretreatment Program that failed to publish SNC and failed to maintain records would be tracked with separate violation codes (F007P, F008P); however, this noncompliance would only count as one Level II noncompliance event for the SNC determination for the reporting period.
- EPA’s national NPDES data system (ICIS-NPDES) will track detected violations to determine whether the violation is resolved (e.g., regulatory authority has concluded a formal enforcement action against the violator), is resolved pending (e.g., the regulatory authority has initiated a

formal enforcement action against the violator), or is still unresolved (e.g., regulatory authority has not initiated any formal enforcement action against the violator).

Pretreatment Violation Codes (Submitted on the Pretreatment Program Report)

As described in this paper, pretreatment programs are required to submit an annual report. Noncompliance that is reported on this annual report will automatically generate a violation code that starts with “R” and end with an “P” as shown in the table below. Regulatory authorities that initially receive these data will share these violation data with EPA’s national NPDES data system (ICIS-NPDES) in a timely fashion (within 40 days of receipt of the report from the permittee).

Violation Description	Business Rules for SNC/RNC determinations based on Pretreatment Program Report Submissions	Recommended Violation Code (Inspection/Audit)	Level (used for determining SNC)
Failure to enforce against pass through and/or interference (Level I)	This is a failure of the Control Authority to take a formal enforcement action within the reporting period against a SIU/CIU that caused pass through and/or interference. A default timely enforcement response is defined as taking place within 90 days (see FY1990 SNC Memo, Page 8). A "R001P" violation code will be created for the POTW if one or more SIU/CIUs have "SNC Related to POTW Discharge or POTW Operations" = "Yes" OR "SNC Related to POTW Biosolids or Sewage Sludge Management" = "Yes" AND there is no formal enforcement action initiated on one or more of these SIU/CIUs in the reporting period. This will cause the POTW to be in SNC. A "R001P" violation code will not be generated for the POTW if the earliest "SNC Month" for a SIU/CIU is three months or less prior to the "Program Report Received Date" and the POTW does not initiate a formal enforcement action against this SIU/CIU. Under this scenario, ICIS-NPDES will generate a "R001P" violation code for the POTW if the POTW does not initiate a formal enforcement action this SIU/CIU in the following year (as indicated on the following Pretreatment Program Report).	R001P	Level I

Violation Description	Business Rules for SNC/RNC determinations based on Pretreatment Program Report Submissions	Recommended Violation Code (Inspection/Audit)	Level (used for determining SNC)
Failure to submit required report within 30 days of applicable due date (Level I)	This includes the requirement for the Control Authority to submit the Pretreatment Program Report [40 CFR 403.12(i)] on a regular schedule (at least annually). The permitting authority should identify the due date for these program reports by using the "Narrative Conditions and Permit Schedules Information" data elements found in Appendix A to 40 CFR part 127. These data elements identify Pretreatment Program Report with a unique code ("Permit Schedule Event Code" data element must have value of "PR001 – Pretreatment Performance Summary Report") and the due date for each report ("Required Report Received Date"). EPA plans to link the "Required Report Received Date" data element with the "Program Report End Date" data element to determine compliance with the permit reporting requirement. ICIS – NPDES will automatically generate a "Schedule Violation" if a POTW program submits the report late. EPA is proposing to create a new violation code ("Failure to submit required report within 30 days of applicable due date (Level I) - R002P") to track noncompliance with this reporting requirement.	R002P	Level I
Failure to meet compliance schedule milestones within 90 days (Level I)	The General Pretreatment Regulations (40 CFR part 403) requires Control Authorities to meet all pretreatment compliance schedules that are implemented through the NPDES permit or enforcement action. This violation code excludes compliance schedules that do not relate to the Approved Pretreatment Program (e.g., compliance schedule for improving controls on the POTW effluent discharge).	These violations are not detected from the program report submission. EPA and states will continue to use the generic compliance schedule violation codes (C10, C20, C30, and C40). Level I	
Failure to issue/reissue control mechanisms to at least 90% of SIU/CIUs within 6 months of Significant Industrial User control mechanism expiration (Level II)	The General Pretreatment Regulations (40 CFR part 403) requires Control Authorities to maintain a legally enforceable control mechanism. Timely issuance and renewal of all control mechanisms is essential (see FY1990 SNC Memo, Page 10). This violation code will be generated if more than 10% of the SIU/CIUs have a "SIU/CIU Control Mechanism Expiration Date" that is six months or more prior to the "Program Report Receive Date." This calculation will exclude SIU/CIUs that do not have a "SIU/CIU Control Mechanism Expiration Date" (i.e., the "Permit Status" for these SIU/CIUs is "Active, Permanent").	R003P	Level II
Failure to inspect at least 80% of SIU/CIUs within the past 12-month reporting period (Level II)	POTWs are required to carry out all inspections, surveillance, and monitoring procedures necessary to verify the compliance status of their industrial users independent of information provided by the industrial user. With some limited exceptions, annual inspection and sampling is required [40 CFR 403.8(f)(2)(v)] (see FY1990 SNC Memo, Page 11). This violation code will be generated if more than 20% of the SIU/CIUs have "Number of Industrial User Inspections by Control Authority" = "0".	R004P	Level II

Violation Description	Business Rules for SNC/RNC determinations based on Pretreatment Program Report Submissions	Recommended Violation Code (Inspection/Audit)	Level (used for determining SNC)
Failure to sample at least 80% of SIU/CIUs within the past 12-month reporting period (Level II)	<p>POTWs are required to carry out inspections, surveillance, and monitoring procedures necessary to verify the compliance status of their industrial users independent of information provided by the industrial user [40 CFR 403.8(f)(2)(iv)]. This violation code will be generated if more than 20% of the SIU/CIUs have a "Number of Industrial User Sampling Events by Control Authority" = "0". If the POTW is conducting all the sampling for a SIU/CIU in lieu of requiring SIU/CIU self-monitoring, then the SIU/CIU will be included in numerator of the above percentage calculation when the "Number of Industrial User Sampling Events by Control Authority" is less than "2". The system will use the following data field to indicate the scenario where the POTW is conducting all the sampling in lieu of requiring SIU/CIU self-monitoring: Maximum Number of Required Industrial User Sampling Events = "0".</p>	R005P	Level II
Failure to enforce pretreatment standards, approved local limits, and reporting requirements (more than 15% of Significant Industrial Users in SNC) (Level II)	<p>Where the Control Authority is judged to have followed its procedures in almost all cases, but the level of significant noncompliance among SIU/CIUs is 15% or greater, the adequacy of Control Authority enforcement procedures should be reviewed. (see FY1990 SNC Memo, Page 11 - 15). This violation code will be generated if 15% or more of the SIU/CIUs are in SNC at any time during the reporting period AND there is no formal enforcement action initiated on one or more of these SIU/CIUs in the reporting period. A SIU/CIU will not be included in numerator of this percentage calculation if the earliest "SNC Month" for a SIU/CIU is three months or less prior to the "Program Report End Date" and the POTW does not initiate a formal enforcement action against this SIU/CIU. Under this scenario, the system will include the SIU/CIU in the numerator of the percentage calculation if the POTW does not initiate a formal enforcement action this SIU/CIU in the following year (as indicated on the following Pretreatment Program Report). A SIU/CIU will be identified as being in SNC as follows: "SNC with Pretreatment Standards or Limits" = "Yes"; "SNC with Reporting Requirements" = "Yes"; "SNC with Other Control Mechanism Requirements" = "Yes"; "SNC Related POTW Discharge or POTW Operations" = "Yes"; OR "SNC Related to POTW Biosolids or Sewage Sludge Management" = "Yes".</p>	R006P	Level II

Violation Description	Business Rules for SNC/RNC determinations based on Pretreatment Program Report Submissions	Recommended Violation Code (Inspection/Audit)	Level (used for determining SNC)
Failure of the Control Authority to publish for SNC (Level II – Other)	Control Authorities must comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards [see 40 CFR 403.8(f)(2)(viii)]. In particular, Control Authorities must provide meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. A "R007P" violation code will be created if one or more SIU/CIUs are in SNC but "SNC Published" = "No" for one or more of these SIU/CIUs in the subsequent Pretreatment Program Reports (and allowing for a one-year grace period from the end date of the Pretreatment Program Report with the SNC determination). For example, this violation code will be generated if the Control Authority identifies a SIU as being in SNC in the 2016 Pretreatment Program Report (reporting period of 1 January 2016 to 31 December 2016) and reports "SNC Published" = "No" for the same SIU in the 2017 Pretreatment Program Report (reporting period of 1 January 2017 to 31 December 2017). A SIU/CIU will be identified as being in SNC as follows: "SNC with Pretreatment Standards or Limits" = "Yes"; "SNC with Reporting Requirements" = "Yes"; "SNC with Other Control Mechanism Requirements" = "Yes"; "SNC Related to POTW Discharge or POTW Operations" = "Yes"; OR "SNC Related to POTW Biosolids or Sewage Sludge Management" = "Yes".	R007P	Level II - Other
Failure of the Control Authority to maintain records for the past three years (Level II – Other)	This violation code allows the Approval Authority to identify any POTW as being in noncompliance for a single violation or any combination of violations which are judged to be important even though they may not be covered under the other list criteria (see FY1990 SNC Memo, Page 15).	These violations are not detected from annual report submissions.	
Failure of the Control Authority to maintain legal authority (Level II – Other)	The Control Authority must have legal authority to implement the pretreatment program [see 403.8(f)(1)]. This includes the development of compliance schedules by industrial users and to obtain remedies for noncompliance, including injunctive relief and civil or criminal penalties [see 40 CFR 403.8(f)(1) (iv) and (vi)].	These violations are not detected from annual report submissions.	
Failure to Identify and locate industrial users (Level II – Other)	The Control Authority must identify and locate industrial users pursuant to 40 CFR 403.8(f)(2)(i) and 403.12(i)(1).	These violations are not detected from annual report submissions.	

Violation Description	Business Rules for SNC/RNC determinations based on Pretreatment Program Report Submissions	Recommended Violation Code (Inspection/Audit)	Level (used for determining SNC)
Failure to sample the influent, effluent, and sludge of POTW's treatment works of priority pollutants and other pollutants (Level II – Other)	The Control Authority must sample the influent, effluent, and sludge of POTW's treatment works of priority pollutants and other pollutants pursuant to 40 CFR 403.9(f)(2) (iv) and 40 CFR 403.12(i)(5).	These violations are not detected from annual report submissions.	
Failure to have adequate pretreatment program resources (Level II – Other)	The Control Authority must have adequate pretreatment program resources pursuant to 40 CFR 403.8(f)(3).	These violations are not detected from annual report submissions.	
Other Part 403 noncompliance of substantial concern (Level II – Other)	This violation code allows the Approval Authority to identify any POTW as being in noncompliance for a single violation or any combination of violations which are judged to be important even though they may not be covered under the other list criteria (see FY1990 SNC Memo, Page 15).	These violations are not detected from annual report submissions.	

Notes:

- An Approved Pretreatment Program should be in SNC if it has one or more Level I violations in the reporting period.
- An Approved Pretreatment Program should be in SNC if it has two or more Level II violations (including “R007P - Failure of the Control Authority to publish for SNC in the reporting period”) in accordance with the following instructions:
 - Failure to inspect and failure to sample will be tracked separately with different violations but counted together when determining SNC. For example, an Approved Pretreatment Program that failed to meet inspection and sampling requirements would be tracked with separate Violation Codes (R004P, R005P); however, this noncompliance would only count as one Level II noncompliance event for the SNC determination for the reporting period.
 - The same noncompliance (e.g., failure to enforce pretreatment standards) that is identified twice (once during an inspection and another time with an annual report submission) with two matching violation codes (e.g., F004P, R004P), would only count as one Level II noncompliance event for the SNC determination for the reporting period.
- EPA’s national NPDES data system (ICIS-NPDES) will track detected violations to determine whether the violation is resolved (e.g., regulatory authority has concluded a formal enforcement action against the violator), is resolved pending (e.g., the regulatory authority has initiated a

formal enforcement action against the violator), or is still unresolved (e.g., regulatory authority has not initiated any formal enforcement action against the violator).

Pretreatment Violation Codes (Submitted on the Semi-Annual Compliance Monitoring Report)

As described in this paper, SIU/CIUs are required to submit compliance monitoring reports. The 2015 NPDES Electronic Reporting Rule requires that these reports be submitted electronically when EPA or the state is the Control Authority. These reports must be electronically submitted starting no later than 21 December 2020. Noncompliance that is reported on this annual report will automatically generate a violation code that starts with “R” and end with an “P” as shown in the table below. Regulatory authorities that initially receive these data will share these violation data with EPA’s national NPDES data system (ICIS-NPDES) in a timely fashion (within 40 days of receipt of the report from the permittee).

Violation Description	Business Rules for SNC/RNC determinations based on Pretreatment Program Report Submissions	Recommended Violation Code (Industrial User Report)
Violation of an Effluent Limit	A "R090P" violation code will be created if the reported value exceeds the categorical pretreatment standard or local limit.	R090P
Failure to submit required report within 30 days of applicable due date (Industrial User)	The Control Authority should identify the due date for these semi-annual compliance monitoring reports and any other report (e.g., Toxic Organic Management Plan or "TOMP") by using the “Narrative Conditions and Permit Schedules Information” data elements found in Appendix A to 40 CFR part 127. These data elements identify Pretreatment Program Report with a unique code (“Permit Schedule Event Code” data element must have value of “12099 – Industrial User Report”) and the due date for each report (“Required Report Received Date”). EPA plans to link the “Required Report Received Date” data element with the above “Program Report End Date” data element to determine compliance with one or more reporting requirement. ICIS – NPDES will automatically generate a “Schedule Violation” if an industrial user fails to submit a report or submits a report late. EPA is proposing to create a new violation code (“Failure to submit required report within 30 days of applicable due date (Industrial User) - R091P”) to track noncompliance with these SIU/CIU reporting requirements.	R091P
Failure to conduct required sampling and analysis	The Control Authority should identify the required sampling and analysis requirements for the SIU/CIU. Failure to comply with these requirements is a violation of the Control Mechanism and will have the violation code of "R092P." EPA plans to automatically generate this violation code when the user reports a "No Data Indicator Code (NODI)" equal to "Failure to Conduct Sampling or Analysis in Reporting Period." It is noteworthy that EPA plans to use other NODI codes to track scenarios when sampling may not take place like no discharge during reporting period or force majeure events (e.g., hurricanes).	R092P

Note:

- EPA's national NPDES data system (ICIS-NPDES) will track detected violations to determine whether the violation is resolved (e.g., regulatory authority has concluded a formal enforcement action against the violator), is resolved pending (e.g., the regulatory authority has initiated a formal enforcement action against the violator), or is still unresolved (e.g., regulatory authority has not initiated any formal enforcement action against the violator).

Attachment 4: Data Entry Screen Mockups for Pretreatment Permit Application Data Elements

<Note: This mockup is intended to help EPA and states more clearly identify how these data will be collected. The final version of this data entry form will collect the same data but will likely use different fonts, labels and instructions, and data entry methods.>

POTWs must provide, at a minimum, the information in NPDES Form 2A (or similar form) to their authorized NPDES program (40 CFR part 122) at the time of their individual NPDES permit application [see 40 CFR 122.21(j)]. EPA regulations also allow the POTW NPDES permit applicant to utilize their most recent Pretreatment Program Report [40 CFR 403.12(i)] if the information is substantially the same. States authorized for the “core” NPDES program (40 CFR part 122) are free to create their own forms if these State forms request the same minimum information as NPDES Form 2A. POTWs seeking NPDES permit coverage under a general permit must submit a Notice of Intent (NOI) to their authorized NPDES program (40 CFR part 122). The information collected by the NOI is specified in the general permit and includes all necessary information for adequate program implementation [see 40 CFR 122.28(b)(2)(ii)]. The EPA Region and state NPDES programs must coordinate on sharing these data and maintaining data quality when the NPDES program is ‘split’ [i.e., the state has “core” NPDES program (40 CFR part 122) but the EPA Region has the Federal Pretreatment Program (40 CFR part 403)].

To help with this coordination between EPA and states, the 2015 NPDES Electronic Reporting rule (“final rule”) identified specific data sharing requirements for authorized NPDES programs (see 40 CFR 127.23). The list of data elements that authorized NPDES programs (40 CFR parts 122 and 403) must share with EPA’s NPDES national data system (ICIS-NPDES) is in Appendix A of 40 CFR part 127. The authorized NPDES programs (40 CFR parts 122 and 403) will collect these data and electronically share these data with EPA through electronic data transfers or through use of EPA’s NPDES Electronic Reporting Tool (“NeT”) or ICIS-NPDES. These electronic data transfers must be timely, accurate, complete, and consistent. Pretreatment information that is provided on individual NPDES permit applications (including NPDES Form 2A) is noted with a “1” in the fourth column of Table 2 in Appendix A. Pretreatment information that is provided on NOIs is noted with a “2” in the fourth column of Table 2 in Appendix A. The data entry screen mock-ups for these data are provided below. The mockup below identifies the authorized NPDES program (40 CFR parts 122 or 403) that is responsible for collecting and sharing these data with ICIS-NPDES. In accordance with the final rule, POTWs that receive NPDES permit coverage from a general permit will start electronically submit these data on their NOIs to their authorized NPDES program (40 CFR part 122) on 21 December 2020.

The workgroup designed the reference values for these data elements so that these data elements compliment the Pretreatment Program Reports [40 CFR 403.12(i)] and the Significant Industrial User Compliance Reports in Municipalities Without Approved Federal Pretreatment Programs [40 CFR 403.12(e) and (h)]. This will allow for EPA and states to integrate these data and generate a more complete and nationwide assessment of all SIU/CIUs and Federal Pretreatment Programs. Throughout this document, the use of “SIU/CIU” refers to the following types of Industrial Users: Non-Categorical Significant Industrial User (SIU), Categorical Industrial Users (CIU), Non-Significant Categorical Industrial User (NSCIU), and Middle-Tier Categorical Industrial User (MTCIU).

Pretreatment Information Specific to POTWs

1. What is the **Pretreatment Program Indicator** for this POTW? (must select one)

- Approved
- Covered
- Required and Developing
- Required and Developing, Covered
- ~~Evaluated~~, Local Pretreatment Program Not Required (under 40 CFR part 403)
- ~~State~~
- ~~EPA~~

<Note: The State or EPA is the Control Authority for any SIU/CIU in municipalities without a Federal Pretreatment Program. This question only applies to POTWs and does not apply to Privately-Owned Treatment Works (PvOTWs) and Federally-Owned Treatment Works (FOTWs).

Each POTW must have a value for the “Pretreatment Program Indicator.” For example, the Philadelphia municipal government has three POTWs that are regulated under one Federal Approved Pretreatment Program; however, only one of these POTWs (PA0026662) has a “Pretreatment Program Indicator” status of “Approved.” The other two POTWs (PA0026671 and PA0026689) under this pretreatment program have a “Pretreatment Program Indicator” status of “Covered.” These data should be carried forward from permit to permit to reduce data entry burden as these values do not usually change significantly with each permit re-issuance.

NPDES IDs that currently have a value of “State” or “EPA” in ICIS-NPDES should have this value changed to “Local Pretreatment Program Not Required (under 40 CFR part 403).” Section 403.10(e) provides states authority to implement the Federal pretreatment program in lieu of local governments. Five states have elected to assume this authority to be the Control Authority (Vermont, Connecticut, Alabama, Mississippi, and Nebraska). POTWs in these five states should have ‘Pretreatment Program Indicator’ set equal to “Local Pretreatment Program Not Required (under 40 CFR part 403).”

The authorized NPDES program (40 CFR part 403) is responsible for generating and sharing these data with ICIS-NPDES. EPA will be responsible for this work in the 13 states not authorized to administer the Federal pretreatment program (40 CFR part 403). The EPA Region and state programs will coordinate on sharing all necessary data to maintain data quality for this data element when the NPDES program is ‘split’ [i.e., the state has “core” NPDES program (Part 122) but the EPA Region has pretreatment program (Part 403)]. For example, this data element is included on NPDES Permit Application Form 2A as Question F.1.>

2. What is the Approved Federal Control Authority NPDES ID for this POTW?

<Note: This question will only show and be required when the user selects “Covered” or “Required and Developing, Covered” in Question 1. This is the NPDES ID for the POTW that is or will be identified as the Control Authority for the Pretreatment Program. Using the example from above, the user would enter “PA0026662” in this data entry field for each of the two “Covered” POTWs in the Philadelphia Pretreatment Program (PA0026671 and PA0026689). Conversely, this field should not be shown for POTWs with “Pretreatment Program Indicator” equal to “Approved,” “Required and Developing,” or “Local Pretreatment Program Not Required (under 40 CFR part 403).” These data should be carried forward from permit to permit to reduce data entry burden as these values do not usually change significantly with each permit re-issuance.

The authorized NPDES program (40 CFR part 403) is responsible for collecting and sharing these data with ICIS-NPDES. EPA will be responsible for this work in the 13 states not authorized to administer the Federal pretreatment program (40 CFR part 403). The EPA Region and state programs will coordinate on sharing all necessary data to maintain data quality for this data element when the NPDES program is ‘split’ [i.e., the state has “core” NPDES program (Part 122) but the EPA Region has pretreatment program (Part 403)].>


3. Please use the selector and date picker to identify the approval date and all substantial modification to the local approved Federal pretreatment program. You can identify more than one substantial modification to a local approved Federal pretreatment program (with corresponding date) by selecting the “Add Substantial Modification to Local Approved Federal Pretreatment Program” button. The “Initial Pretreatment Program Approval Date” must be entered for all Approved Federal Pretreatment Programs.

Select one:

Initial Pretreatment Program Approval

Substantial Modification

Please select a date.

01-01-2016 

Comments (optional)

Add Substantial Modification to Local Approved Federal Pretreatment Program

<Note: The “Initial Pretreatment Program Approval Date” must be entered for all POTWs with a “Pretreatment Program Indicator” equal to “Approved” or “Covered.” This date can be the date the Approval Authority modified the NPDES permit to require pretreatment implementation. The Approval Authority (EPA Region or State) must prospectively share substantial modifications to local approved Federal pretreatment programs. The forthcoming Technical Paper will identify a date when EPA Regions and states should start sharing data on substantial modifications. Prior to this date, it is optional for Approval Authorities to track substantial modifications to local approved Federal pretreatment programs. EPA/HQ will communicate with EPA Regions and states when they should start tracking substantial modifications to local approved Federal pretreatment programs. These data should be carried forward from permit to permit to reduce data entry burden as these values do not usually change significantly with each permit re-issuance.

The authorized NPDES program (40 CFR part 403) is responsible for collecting and sharing these data with ICIS-NPDES. EPA will be responsible for this work in the 13 states not authorized to administer the Federal pretreatment program (40 CFR part 403). The EPA Region and state programs will coordinate on sharing all necessary data to maintain data quality for this data element when the NPDES program is ‘split’ [i.e., the state has “core” NPDES program (Part 122) but the EPA Region has pretreatment program (Part 403)].

EPA notes that ICIS-NPDES and the related data sharing schemas will need to be updated to accommodate the tracking of substantial modifications. The current data sharing schemas allow for the sharing of the initial pretreatment program approval date. Approval authorities should now be sharing the date of the initial pretreatment program approval.>

4. Does the POTW receive or has it in the past three years received any Resource Conservation and Recovery Act (RCRA) wastes (regulated under 40 CFR part 261) by truck, rail, or dedicated pipe? The answer to this question is updated with each new NPDES permit application (individual NPDES permit application or NOI).

Yes

No

<Note: This question ensures that the NPDES permitting authority is aware of any hazardous materials that may enter the POTW (see 64 FR 42451; 4 August 1999). These data should not be carried forward from permit to permit as the permit applicant will update this data element with each new permit application. This data element also applies to Industrial Users that discharge non-domestic wastewater by truck, rail, and dedicated pipe or other means of transportation to one or more POTWs as well as Industrial Users that discharge to POTWs without an NPDES permit (also known as “sludge-only” POTWs).

The authorized NPDES program (40 CFR part 122) is responsible for collecting and sharing these data with ICIS-NPDES. EPA will be responsible for this work in the 3 states not authorized to administer the NPDES program (40 CFR part 122). For example, this data element is included on NPDES Permit Application Form 2A as Questions A.3 and F.9. The EPA Region and state programs will coordinate on sharing all necessary data to maintain data quality for this data element when the NPDES program is ‘split’ [i.e., the state has “core” NPDES program (Part 122) but the EPA Region has pretreatment program (Part 403)]. The authorized NPDES program (40 CFR part 403) will update these data as necessary.

EPA also notes that an industrial user sending hazardous waste(s) to a POTW by truck, rail, or dedicated pipe should be classified as a Significant Industrial User (SIU) because of its potential for adversely impacting the POTW’s treatment processes or operations, its sludge quality, or its NPDES permit, pursuant to 40 CFR 403.3(v)(ii). Accordingly, EPA recommends that EPA Regions and states provide guidance to POTWs that they should list these industrial users as Significant Industrial Users or Categorical Industrial Users on their permit application.>

5. Does the POTW currently (or has it been notified that it will) receive any wastes from remedial activities? This includes wastes from Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) remedial activities, RCRA Corrective Actions [RCRA sections 3004(u) or 3008(h)], or other cleanup or remediation sites. The answer to this question is updated with each new NPDES permit application (individual NPDES permit application or NOI).

Yes

No

<Note: POTWs do not need to report this information if they receive no more than fifteen kilograms per month of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e).

This question ensures that the NPDES permitting authority is aware of any hazardous materials that may enter the POTW (see 64 FR 42451; 4 August 1999). These data should not be carried forward from permit to permit as the permit applicant will update this data element with each new permit application.

The authorized NPDES program (40 CFR part 122) is responsible for collecting and sharing these data with ICIS-NPDES. EPA will be responsible for this work in the 3 states not authorized to administer the NPDES program (40 CFR part 122). For example, this data element is included on NPDES Permit Application Form 2A as Question F.12. The EPA Region and state programs will coordinate on sharing all necessary data to maintain data quality for this data element when the NPDES program is 'split' [i.e., the state has "core" NPDES program (Part 122) but the EPA Region has pretreatment program (Part 403)]. The authorized NPDES program (40 CFR part 403) will update these data as necessary.

EPA notes that NPDES Permit Application Form 2A, Question F.12 requires a listing of sites subject to remedial actions. Therefore, a POTW should provide this listing of industrial users subject to remedial activities to their NPDES permitting authority as part of their NPDES permit application. These industrial users subject to remedial activities should also be evaluated to determine if they should be classified as Significant Industrial Users.>

Pretreatment Information Specific to POTWs and SIU/CIUs

The following basic facility information will be collected on all POTWs as well as all SIU/CIUs. These data elements do not apply to “dental dischargers,” which EPA regulations define as neither being a Significant Industrial User or Categorical Industrial User [40 CFR 441.10(b)]. However, Control Authorities that choose to permit dental dischargers as Non-Categorical Significant Industrial Users (SIUs) will need to include the following data. These POTW and SIU/CIU data are collected during the POTW NPDES permit application process, which is conducted under Part 122, for both individual permitted POTWs and POTWs covered under general permits. Local approved Federal pretreatment programs will also be able to insert, update, or delete these data for SIU/CIUs under their program through their Pretreatment Program Report submissions [40 CFR 403.12(i)].

- Facility Type of Ownership
- Facility Site Name
- Facility Site Address
- Facility Site City
- Facility Site State
- Facility Site Zip Code
- Facility Organization Formal Name
- SIC Code(s) or NAICS Code(s)
- SIC/NAICS Primary Code Indicator
- Facility Contact Affiliation Type
- Facility Contact First Name
- Facility Contact Last Name
- Facility Contact Title
- Facility Contact E-Mail Address

<Note: These data provide a full listing of all POTWs and SIU/CIUs. The authorized NPDES program (40 CFR part 122) is responsible for collecting and sharing these data with ICIS-NPDES. EPA will be responsible for this work in the 3 states not authorized to administer the NPDES program (40 CFR part 122). For example, these data are collected under Part F of NPDES Permit Application Form 2A. The EPA Region and state programs will coordinate on sharing all necessary data to maintain data quality for this data element when the NPDES program is ‘split’ [i.e., the state has “core” NPDES program (Part 122) but the EPA Region has pretreatment program (Part 403)].

EPA’s regulations allow NPDES permit applicants to omit information on Significant Industrial Users and Categorical Industrial Users from their applications if they submitted substantially identical information on their: (1) pretreatment program application (if they applied for a Federal pretreatment program); or (2) annual report that they submitted within one year of the NPDES permit application (if they already have a Federal pretreatment program). See 40 CFR §122.21(j)(6)(iii). Members of the EPA-state Pretreatment workgroup recommend the use this burden reduction practice for these Industrial User data for Phase 2 implementation of NPDES electronic reporting. Accordingly, local approved Federal pretreatment programs will be able to insert, update, or delete these data for SIU/CIUs under their program through their Pretreatment Program Report submissions [40 CFR 403.12(i)]. These data should be carried forward from permit to permit to reduce data entry burden as these values do not usually change significantly with each permit re-issuance.>

The following permit information will be collected on all POTWs as well as all SIU/CIUs. These data elements do not apply to “dental dischargers,” which EPA regulations define as neither being an Significant Industrial User or Categorical Industrial User [40 CFR 441.10(b)]. However, Control Authorities that choose to permit dental dischargers as Non-Categorical Significant Industrial Users (SIUs) will need to include the following data. These data are collected for POTWs during the POTW NPDES permit application process (conducted under Part 122). These data are collected for SIU/CIUs during the initiation or renewal of the SIU/CIU Control Mechanism (conducted under Part 403). Local approved Federal pretreatment programs will also be able to insert, update, or delete these data for SIU/CIUs under their program through their Pretreatment Program Report submissions [40 CFR 403.12(i)].

- NPDES ID
- Permit Type
- Permit Component
- Permit Effective Date
- Permit Modification/Amendment Date
- Permit Expiration Date
- Permit Termination Date
- Permit Status
- Permit Issuing Organization Type
- Permittee Organization Formal Name
- Permittee Mailing Address
- Permittee City
- Permittee State
- Permittee Zip Code
- NPDES Data Group Number

<Note: These data provide a full listing of control mechanisms for all SIU/CIUs. The authorized NPDES program (40 CFR part 122) is responsible for collecting and sharing these data with ICIS-NPDES. EPA will be responsible for this work in the 3 states not authorized to administer the NPDES program (40 CFR part 122). For example, these data are collected under Part F of NPDES Permit Application Form 2A. The EPA Region and state programs will coordinate on sharing all necessary data to maintain data quality for this data element when the NPDES program is ‘split’ [i.e., the state has “core” NPDES program (Part 122) but the EPA Region has pretreatment program (Part 403)].

EPA’s regulations allow NPDES permit applicants to omit information on Significant Industrial Users and Categorical Industrial Users from their applications if they submitted substantially identical information on their: (1) pretreatment program application (if they applied for a Federal pretreatment program); or (2) annual report that they submitted within one year of the NPDES permit application (if they already have a Federal pretreatment program). See 40 CFR §122.21(j)(6)(iii). Members of the EPA-state Pretreatment workgroup recommend the use this burden reduction practice for these Industrial User data for Phase 2 implementation of NPDES electronic reporting. Accordingly, local approved Federal pretreatment programs will be able to insert, update, or delete these data for SIU/CIUs under their program through their Pretreatment Program Report submissions [40 CFR 403.12(i)]. These data should be carried forward from permit to permit to reduce data entry burden as these values do not usually change significantly with each permit re-issuance.

Information about the control mechanism must be shared for SIU/CIUs in: (1) localities with an approved pretreatment program; and (2) states that have elected to be the Control Authority for all SIU/CIUs in their state (Vermont, Connecticut, Alabama, Mississippi, and Nebraska). In the

other 31 states authorized for the pretreatment program, where the local governing body does not have an approved pretreatment program, the state may issue industrial user permits (or other control mechanisms). In lieu of issuing permits, these 31 states could notify Non-Categorical Significant Industrial Users (SIUs) of their obligations using information packets or letters issued to SIUs. The Clean Water Act does not authorize EPA to issue permits to industrial users. EPA Regions acting as the Control Authority (where the local governing body does not have an approved pretreatment program) may also send information packets or letters issued to SIUs. See: Oversight of SIUs Discharging to POTWs without Approved Pretreatment Programs, dated 18 May 2007, found at <https://www3.epa.gov/npdes/pubs/ciumemo05182007signed.pdf>.

For situations where the EPA Region or state does not issue a Control Mechanism (see Boornazian memo to Regional Division Directors, May 2007), members of the workgroup request comment from state reviewers on business rules for the following data elements: Permit Effective Date, Permit Modification/Amendment Date, Permit Expiration Date, Permit Termination Date, Permit Status, and Permit Issuing Organization Type.

Members of the workgroup recommend that a new “Permit Status” be created for SIU/CIUs: “Active, No Control Mechanism.”>

Pretreatment Information Specific to SIU/CIUs

6. What is the Industrial User type? (select one)

- Non-Categorical Significant Industrial User (SIU)
- Categorical Industrial Users (CIU)
- Non-Significant Categorical Industrial User (NSCIU)
- Middle-Tier Categorical Industrial User (MTCIU)
- Industrial User (Other)

<Note: This data element is required for each SIU, CIU, NSCIU, and MTCIU regulated by the Control Authority. This data element does not apply to “dental dischargers,” which EPA regulations define as neither being an Significant Industrial User or Categorical Industrial User [40 CFR 441.10(b)]. However, Control Authorities that choose to permit dental dischargers as Non-Categorical Significant Industrial Users (SIUs) will need to include the following data. This data element also applies to Industrial Users that discharge non-domestic wastewater by truck, rail, and dedicated pipe or other means of transportation to one or more POTWs as well as Industrial Users that discharge to POTWs without an NPDES permit (also known as “sludge-only” POTWs).

These data provide the types for each SIU/CIU. As detailed below, this status is confirmed or updated with each NPDES permit application, pretreatment program application, or pretreatment program annual report. The authorized NPDES program (40 CFR part 122) is responsible for collecting and sharing these data with ICIS-NPDES. EPA will be responsible for this work in the 3 states not authorized to administer the NPDES

program (40 CFR part 122). For example, these data are collected under Part F of NPDES Permit Application Form 2A. The EPA Region and state programs will coordinate on sharing all necessary data to maintain data quality for this data element when the NPDES program is ‘split’ [i.e., the state has “core” NPDES program (Part 122) but the EPA Region has pretreatment program (Part 403)].

The authorized NPDES program (40 CFR part 403) will update these data in a timely fashion (e.g., 40 days) when there is a change in permit status). As noted above, local approved Federal pretreatment program will also be able to insert, update, or delete these data for SIU/CIUs under their program through their Pretreatment Program Report submissions [40 CFR 403.12(i)]. These data should be carried forward from permit to permit to reduce data entry burden as these values do not usually change significantly with each permit re-issuance.

Members of the workgroup recommended that the electronic reporting tool include a popup window or other alert mechanism to explain each type of industrial user category. These categories are mutually exclusive and this field must be correctly answered as the answer to this question influences many other questions.>

7. Please identify the applicable categorical standard(s) by its 40 CFR part number (e.g., Metal Finishing = “433”, Electrical and Electronic Components = “469”) for the Categorical Industrial User. Please use the selector below to identify all applicable categorical standards.

<input checked="" type="checkbox"/>	Select All That Apply
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<Note: This data element will track the one or more applicable categorical standards, regardless of if the Industrial User is subject to one or more local limits that are more stringent than the applicable categorical standards. This also applies where categorical standards have been adjusted using the combined wastestream formula [40 CFR 403.6(e)] or where equivalent mass/concentration limits have been applied (40 CFR 403.6(c)). This data element also applies to Industrial Users that discharge non-domestic wastewater by truck, rail, and dedicated pipe or other means of transportation to one or more POTWs as well as Industrial Users that discharge to POTWs without an NPDES permit (also known as “sludge-only” POTWs). Local approved Federal pretreatment programs will also be able to insert, update, or delete these data for SIU/CIUs under their program through their Pretreatment Program Report submissions [40 CFR 403.12(i)].

These data provide the applicable categorical standard(s) for each “CIU”, “NSCIU”, or “MTCIU”. This question will only be displayed on the data entry form when the user selects “CIU”, “NSCIU”, or “MTCIU” in Question 6. This will be a picklist of categorical standards to standardize reporting. The authorized NPDES program (40 CFR part 122) is responsible for collecting and sharing these data with ICIS-NPDES. EPA will be responsible for this work in the 3 states not authorized to administer the NPDES program (40 CFR part 122). For example, these data are collected under Question F.7.b of NPDES Permit Application Form 2A. The EPA Region and state programs will coordinate on sharing all necessary data to maintain data quality for this data element when the NPDES program is ‘split’ [i.e., the state has “core” NPDES program (Part 122) but the EPA Region has pretreatment program (Part 403)].

The authorized NPDES program (40 CFR part 403) will update these data as necessary. As noted above, local approved Federal pretreatment programs will also be able to insert, update, or delete these data for SIU/CIUs under their program through their Pretreatment Program Report submissions [40 CFR 403.12(i)]. These data should be carried forward from permit to permit to reduce data entry burden as these values do not usually change significantly with each permit re-issuance.>

- 8. Please provide the average daily wastewater flow rate (in gallons per day) and average daily process wastewater flow rate (in gallons per day) for the Industrial User.

average daily wastewater flow rate (gallons per day)

average daily process wastewater flow rate (gallons per day)

<Note: These data provide wastewater flow data for each “SIU”, “CIU”, “NSCIU”, or “MTCIU.” This question will only show and be required when the user selects “SIU”, “CIU”, “NSCIU”, or “MTCIU” in Question 6.

The authorized NPDES program (40 CFR part 122) is responsible for collecting and sharing these data with ICIS-NPDES. EPA will be responsible for this work in the 3 states not authorized to administer the Federal pretreatment program (40 CFR part 122). For example, these data are collected under Question F.6 of NPDES Permit Application Form 2A. The EPA Region and state programs will coordinate on sharing all necessary data to maintain data quality for this data element when the NPDES program is ‘split’ [i.e., the state has “core” NPDES program (Part 122) but the EPA Region has pretreatment program (Part 403)].

This data element will identify for each Significant Industrial User or Categorical Industrial User that is discharging to a POTW (including non-domestic wastewater delivered by truck, rail, and dedicated pipe or other means of transportation) the average daily wastewater flow rate (in gallons per day). The “average daily wastewater flow rate” includes process flow and non-process flow. This data element also applies to Industrial Users that discharge to POTWs without an NPDES permit (also known as “sludge-only” POTWs).

The authorized NPDES program (40 CFR part 403) will update these data as necessary. As noted above, local approved Federal pretreatment programs will also be able to insert, update, or delete these data for SIU/CIUs under their program through their Pretreatment Program Report submissions [40 CFR 403.12(i)]. EPA regulations also allow the POTW NPDES permit application to utilize their most recent Pretreatment Program Report [40 CFR 403.12(i)] if the information is substantially the same. These data should be copied forward from the most recent Pretreatment Program Report so that the POTW NPDES permit applicant can update these data as necessary.>

- 9. Please identify if the Industrial User is subject to local limits.

Yes

No

<Note: This data element also applies to Industrial Users that discharge non-domestic wastewater by truck, rail, and dedicated pipe or other means of transportation to one or more POTWs as well as Industrial Users that discharge to POTWs without an NPDES permit (also known as “sludge-only” POTWs). Local approved Federal pretreatment program will also be able to insert, update, or delete these data for SIU/CIUs under their program through their Pretreatment Program Report submissions [40 CFR 403.12(i)]. For Non-Categorical Significant Industrial Users (SIUs) this data element will always be set to “Yes” (as local limits always apply to SIUs).

This question will only show and be required when the user selects “CIU”, “NSCIU”, or “MTCIU” in Question 6. For Non-Categorical Significant Industrial Users (SIUs) this field will not be shown and be automatically set to “Yes.”

The authorized NPDES program (40 CFR part 122) is responsible for collecting and sharing these data with ICIS-NPDES. EPA will be responsible for this work in the 3 states not authorized to administer the NPDES program (40 CFR part 122). For example, these data are collected under Question F.7 of NPDES Permit Application Form 2A. The EPA Region and state programs will coordinate on sharing all necessary data to maintain data quality for this data element when the NPDES program is ‘split’ [i.e., the state has “core” NPDES program (Part 122) but the EPA Region has pretreatment program (Part 403)].

The authorized NPDES program (40 CFR part 403) will update these data as necessary. As noted above, local approved Federal pretreatment programs will also be able to insert, update, or delete these data for SIU/CIUs under their program through their Pretreatment Program Report submissions [40 CFR 403.12(i)]. These data should be carried forward from permit to permit to reduce data entry burden as these values do not usually change significantly with each permit re-issuance.>

10. Please identify if the Categorical Industrial Users (CIU) or Middle-Tier Categorical Industrial User (MTCIU) is subject to one or more local limits that are more stringent than the applicable categorical standards.

Yes

No

<Note: This data element also applies to Industrial Users that discharge non-domestic wastewater by truck, rail, and dedicated pipe or other means of transportation to one or more POTWs as well as Industrial Users that discharge to POTWs without an NPDES permit (also known as “sludge-only” POTWs). Local approved Federal pretreatment programs will also be able to insert, update, or delete these data for CIU/MTCIUs under their program through their Pretreatment Program Report submissions [40 CFR 403.12(i)].

These data identify if the CIU or MTCIU is subject to local limits more stringent than the applicable categorical standards. This question will only show and be required when the user selects "CIU" or "MTCIU" in Question 6 and "Yes" in Question 9.

The authorized NPDES program (40 CFR part 122) is responsible for collecting and sharing these data with ICIS-NPDES. EPA will be responsible for this work in the 3 states not authorized to administer the NPDES program (40 CFR part 122). For example, these data are collected under Question F.7 of NPDES Permit Application Form 2A. The EPA Region and state programs will coordinate on sharing all necessary data to maintain data quality for this data element when the NPDES program is 'split' [i.e., the state has "core" NPDES program (Part 122) but the EPA Region has pretreatment program (Part 403)].

The authorized NPDES program (40 CFR part 403) will update these data as necessary. As noted above, local approved Federal pretreatment programs will also be able to insert, update, or delete these data for CIU/MTCIUs under their program through their Pretreatment Program Report submissions [40 CFR 403.12(i)]. These data should be carried forward from permit to permit to reduce data entry burden as these values do not usually change significantly with each permit re-issuance.>

11. Have any problems at the POTW (for example, upset, bypass, interference, pass-through) within the past four and one-half calendar years been attributed to the SIU/CIU? The term "Upset" refers to an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the NPDES permittee. See 40 CFR 122.41(n). Select all that apply.

- Yes
- No

If "Yes"

- Upset
- Bypass
- Interference
- Pass-through
- Other (please use the text box below)

<input type="checkbox"/>	
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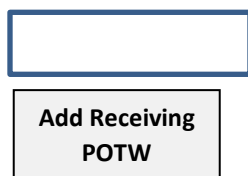
<Note: EPA regulations require the Control Authority to develop and enforce local limits when the discharge from an Industrial Users causes or contributes to any problems (including upset, interference, and bypass) at the receiving POTW’s effluent discharge or biosolids/sewage sludge management. This data element also applies to Industrial Users that discharge non-domestic wastewater by truck, rail, and dedicated pipe or other means of transportation to one or more POTWs as well as Industrial Users that discharge to POTWs without an NPDES permit (also known as “sludge-only” POTWs). Local approved Federal pretreatment programs will also be able to identify additional more recent incidents of upset, bypass, interference, or pass-through for SIU/CIUs under their program through their Pretreatment Program Report submissions [40 CFR 403.12(i)].

These data identify if the Industrial User caused any problems at the POTW. This question will only show and be required when the user selects “SIU”, “CIU”, “NSCIU”, or “MTCIU” in Question 6.

The authorized NPDES program (40 CFR part 122) is responsible for collecting and sharing these data with ICIS-NPDES. EPA will be responsible for this work in the 3 states not authorized to administer the NPDES program (40 CFR part 122). For example, these data are collected under Question F.8 of NPDES Permit Application Form 2A. The EPA Region and state programs will coordinate on sharing all necessary data to maintain data quality for this data element when the NPDES program is ‘split’ [i.e., the state has “core” NPDES program (Part 122) but the EPA Region has pretreatment program (Part 403)].

The authorized NPDES program (40 CFR part 403) will update these data as necessary. As noted above, local approved Federal pretreatment programs will also be able to insert, update, or delete these data for SIU/CIUs under their program through their Pretreatment Program Report submissions [40 CFR 403.12(i)]. These data should not be carried forward from permit to permit as the permit applicant will update this data element with each new permit application.>

12. Please provide the NPDES ID(s) for each of the one or more POTWs that receive discharges from this Industrial User. Select the “Add Receiving POTW” button to add more than one receiving POTW for this Industrial User.



<Note: This data element also applies to Industrial Users that discharge non-domestic wastewater by truck, rail, and dedicated pipe or other means of transportation to one or more POTWs as well as Industrial Users that discharge to POTWs without an NPDES permit (also known as

“sludge-only” POTWs). Local approved Federal pretreatment programs will also be able to insert, update, or delete these data for SIU/CIUs under their program through their Pretreatment Program Report submissions [40 CFR 403.12(i)].

These data identify the receiving POTW(s) for each SIU/CIU. This question will only show and be required when the user selects “SIU”, “CIU”, “NSCIU”, or “MTCIU” in Question 6. When there are multiple receiving POTWs, the state or EPA Region will need to identify each receiving POTW. The EPA Regions, states, and local approved Federal pretreatment programs will use their best professional judgment to identify each “Receiving POTW.”

The authorized NPDES program (40 CFR part 122) is responsible for collecting and sharing these data with ICIS-NPDES. EPA will be responsible for this work in the 3 states not authorized to administer the NPDES program (40 CFR part 122). For example, these data are collected under Part F of NPDES Permit Application Form 2A. The EPA Region and state programs will coordinate on sharing all necessary data to maintain data quality for this data element when the NPDES program is ‘split’ [i.e., the state has “core” NPDES program (Part 122) but the EPA Region has pretreatment program (Part 403)].

The authorized NPDES program (40 CFR part 403) will update these data as necessary. As noted above, local approved Federal pretreatment programs will also be able to insert, update, or delete these data for SIU/CIUs under their program through their Pretreatment Program Report submissions [40 CFR 403.12(i)]. These data should be carried forward from permit to permit to reduce data entry burden as these values do not usually change significantly with each permit re-issuance.>

Attachment 5: Data Entry Screen Mockups for Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs [40 CFR 403.12(e) and (h)].

<Note: This mockup is intended to help EPA and states more clearly identify how these data will be collected. The final version of this data entry form will collect the same data but will likely use different fonts, labels and instructions, and data entry methods.

The Control Authority for Significant Industrial Users and Categorical Industrial Users in municipalities without approved pretreatment programs is either the state or EPA (whichever is the Approval Authority). EPA has authorized 37 states to administer the Federal pretreatment program. EPA administers the Federal pretreatment program for the other 13 states and all tribal lands and territories.²² The Control Authority for Significant Industrial Users and Categorical Industrial Users in municipalities without approved pretreatment programs will be responsible for sharing basic information about the facility and the related control mechanisms to facilitate tracking and filing of this semi-annual compliance monitoring report. This includes providing information about the limits for each SIU/CIU (including local limits). EPA’s national NPDES data system (ICIS-NPDES) will compare the effluent limits for Significant Industrial Users and Categorical Industrial Users in municipalities without approved pretreatment programs against the monitoring data for compliance evaluations (e.g., SNC determinations). This form will also be available for EPA Regions or states (or their designees) for any SIU/CIU sampling that they perform for Significant Industrial Users and Categorical Industrial Users in municipalities without approved pretreatment programs. Monitoring data from EPA Regions or states (or their designees) will be used in combination with SIU/CIU self-reported monitoring data for the compliance evaluations (e.g., SNC determinations) made by EPA’s national NPDES data system (ICIS-NPDES).>

INSTRUCTIONS: EPA’s pretreatment regulations require Significant Industrial Users and Categorical Industrial Users to submit semi-annual compliance monitoring reports [see 40 CFR 403.12(e) and (h)]. This is the electronic form for these semi-annual compliance monitoring reports. Please also note that your Control Authority and/or EPA may contact you after you submit this report for more information regarding your pretreatment program.

1. Identification of SIU/CIU and Reporting Period

Please select the NPDES ID number below for this SIU/CIU:

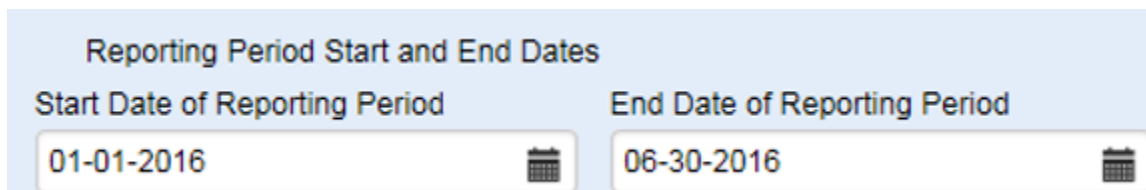
▼ Load Facility Data

²² See: <https://www.epa.gov/npdes/npdes-state-program-information>

<Note: The user selects the NPDES ID from a picklist, which is pre-populated as they enter username and password into EPA’s CDX. Once the user selects a NPDES ID and clicks on the “Load Facility Data” button, the following example uneditable information is shown to the user.>

NPDES ID: CTP100006
Facility Name: ABC METAL PLATERS
Street: 100 WOOSTER HEIGHTS RD
City: DANBURY
State: CT
Zip Code: 06810

Please select the start and end date for this reporting period.



Reporting Period Start and End Dates

Start Date of Reporting Period	End Date of Reporting Period
01-01-2016	06-30-2016

<Note: The annual report form will also automatically generate the following Appendix A data, which are used to properly manage these submissions. This means that these data do not need to be entered by the filer.

- NPDES Data Group Number (Program Report) [which is equal to “G8A”, “G8B”, or “G8C”].
- Electronic Submission Type (Compliance Monitoring Activity)
- Program Report Event ID

The form will also identify the entity conducting the sampling and analysis: Industrial User, Control Authority (State), or Control Authority (EPA). This field will be uneditable and will correspond to the role of the user performing the data entry. The following Appendix A data element will be generated by the EPA or state NPDES system that receives these submissions: Program Report Received Date.

The Control Authority should also identify the due date for these semi-annual compliance monitoring reports and any other report (e.g., Toxic Organic Management Plan or "TOMP") by using the “Narrative Conditions and Permit Schedules Information” data elements found in Appendix A to 40 CFR part 127. These data elements identify Pretreatment Program Report with a unique code (“Permit Schedule Event Code” data element must have value of “12099 – Industrial User Report”) and the due date for each report (“Required Report Received Date”). EPA plans to link the “Required Report Received Date” data element with the above “Program Report Received Date” data element to determine compliance

with one or more reporting requirement. ICIS – NPDES will automatically generate a “Schedule Violation” if an industrial user fails to submit a report or submits a report late. As discussed in Attachment 3, EPA is proposing to create a new violation code (“Failure to submit required report within 30 days of applicable due date (Industrial User) - R091P”) to track noncompliance with these SIU/CIU reporting requirements.>

2. SIU/CIU Effluent Monitoring Data

The filer will provide the following data for each combination of Industrial User NPDES ID, Monitoring Location, and Parameter.

- Parameter Result Value Qualifier
- Parameter Result Value
- Parameter Result Units
- No Data Indicator Code (only provided if no effluent data is provided for the NPDES ID, Monitoring Location, and Parameter combination)
- Date Associated with No Data (only provided if no effluent data is provided for the NPDES ID, Monitoring Location, and Parameter combination)
- Sample Collection Start Date
- Sample Collection Start Time
- Sample Collection End Date
- Sample Collection End Time
- Sample Collection Reason
- Sample Collection Type
- Entity Conducting Analysis or Reporting No Data (This field will be uneditable and will correspond to the role of the user performing the data entry)

The filer will also have the ability to provide the following optional data elements.

- Analytic Method
- Analytic Method Reporting Limit (RL) (in mg/L)
- Analytic Method Detection Limit (MDL) (in mg/L)
- Dilution Factor
- Result Comments

The filer will have the ability to use a checkbox or other mechanism to indicate whether the filer is submitting a TOMP certification in lieu of compliance monitoring. If the user uses this checkbox, the filer will be required to make a TOMP certification.

The application should provide the user with a checkbox or other mechanism to confirm when they are reporting an effluent limit exceedance.

Descriptions of these data elements are provided below.

Industrial User NPDES ID: This is the NPDES ID for the Industrial User

Monitoring Location: This is uneditable text or number that shows the monitoring location and corresponds to the limits set in the Control Mechanism. This is a pick list or some other data entry mechanism to prevent free text entry.

Parameter: This is an uneditable list of parameters and corresponds to the limits set in the Control Mechanism. This is a pick list or some other data entry mechanism to prevent free text entry.

<Note: The workgroup notes that inclusion of the “Industrial User Wastewater Flow Rate” data element in Appendix A means that this parameter must be reported on this form. EPA also recommends that the control mechanism also require the reporting of the duration of discharge (hours of discharge per monitoring period) for SIU/CIUs that have intermittent discharges. The parameter code for “Duration of Discharge” is “50037.”]

Parameter Result Value Qualifier: Options include: < , > , = , T (Too Numerous to Count), E (Estimated), J (Below RL but Above MDL)

Parameter Result Value: This is the value of monitoring result.

Parameter Result Units: These units should be fixed (uneditable) for each analyte and correspond to the limits set in the Control Mechanism.

No Data Indicator Code: Options include: A (Failure to Conduct Sampling or Analysis in Reporting Period), B (No Sampling or Analysis Conducted due to Laboratory Error), C (No Sampling or Analysis Conducted due to Natural Disaster), D (No Sampling or Analysis Conducted due to No Discharge in Reporting Period), E (No Sampling or Analysis Conducted - Other Reason),

Date Associated with No Data: This is the date associated with no data being reported by the Industrial User or Control Authority. This date will be the end date of the reporting period.

Sample Collection Start Date: This is the start date of sample collection and is entered by the SIU/CIU [MM/DD/YYYY]

Sample Collection Start Time: This is the start time of sample collection and is entered by the SIU/CIU [00:00 24-hour clock]

Sample Collection End Date: This is the end date of sample collection and is entered by the SIU/CIU [MM/DD/YYYY]

Sample Collection End Time: This is the end time of sample collection and is entered by the SIU/CIU [00:00 24-hour clock]

Sample Collection Reason: Options include: A (Compliance Monitoring), B (Compliance Monitoring Resample), C (Laboratory QA Sample), D (Optional Monitoring)

Sample Collection Type: The unique code/description identifying the sample type (e.g., continuous, composite, grab). This field will be uneditable when the user selects a "Sample Collection Reason" of "A - Compliance Monitoring" or "B - Compliance Monitoring Resample" and will correspond to the appropriate limits set in the Control Mechanism.

Entity Conducting Analysis or Reporting No Data: The unique code/description identifying the entity conducting the sampling and analysis: Industrial User, Control Authority (State), or Control Authority (EPA). This field will be uneditable and will correspond to the role of the user performing the data entry.

Analytic Method: This is a free text field (e.g., "EPA 200.7") and is entered by the SIU/CIU.

Analytic Method Reporting Limit (RL) (in mg/L): This is the value at which the analytical method can quantify the parameter. This should be reported in the same units as the limits.

Analytic Method Detection Limit (MDL) (in mg/L): This is the value at which the analytical method can detect the presence of the parameter. This should be reported in the same units as the limits.

Dilution Factor: This is a number (e.g., "2"). Some wastewaters require dilution prior to analysis. This is because some analytic methods can only accurately quantify pollutant concentrations below a certain concentration.

Result Comments: This a free text field that allows the SIU/CIU to provide more information about the analytical result. For example, the user can provide more information on why a different sampling method was used instead of the method required in the Control Mechanism.


3. Additional Information and Attachments

INSTRUCTIONS: Please enter any additional information in the comment box below (limit to 3,900 characters) that you would like to provide. Please select the button below to add any necessary attachments.

Additional Information

Please enter any additional information in the comment box below (limit to 3,900 characters) that you would like to provide.

Additional Attachments


Click to Upload Attachment

<**Note:** The state or EPA may require a specific file type (Word, PDF) and format (column specified CSV or Excel file). The state or EPA may also dictate file size limitations or number of attachments.>

4. Electronic Certification and Submission

Certification Information

I certify, under penalty of law, that the information in this report was prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.

Submit Now

When you have completed this form, click this button to submit the form for processing. You will then be provided with further instructions should you have to provide supporting documentation.

Save to NeT

To save a partially completed form for completion at a later date from a different computer, click the 'Save to NeT' button. Clicking this button will cause you to exit the form. You can then logon to NeT with your username and password at any time to complete this transaction.

Cancel

Click this button to cancel filling out the form and return to the form page.

<Note: For Industrial Users for which EPA or the authorized state, tribe, or territory is the Control Authority, as of December 21, 2020 all reports submitted in compliance with this section must be submitted electronically by the industrial user to the Control Authority or initial recipient, as defined in 40 CFR 127.2(b), in compliance with this section and 40 CFR part 3 (including, in all cases, subpart D to part 3), 40 CFR 122.22, and 40 CFR part 127.

Members of the workgroup recommended that EPA's NeT application for pretreatment include a separate form that memorializes the authorization that the State or EPA Region gives to any entity (e.g., POTW) that is conducting the sampling on behalf of the State or EPA. This form should be signed by the State or EPA Region and a representative of the entity conducting the sampling on their behalf. The authorized entity will then be able to complete, sign, and submit this form on behalf of the state or EPA Region.>