

Compliance Procedures - Indirect Discharge Permit Section

Introduction

Purpose and Scope

The purpose of these procedures is to guide the Indirect Program's compliance efforts so that a high rate of compliance is achieved among the regulated entities. These procedures provide guidance to Indirect Section staff in this objective up through the point of making an enforcement referral. Indirect Section staff will be responsible for compliance tracking and implementing these procedures.

Interaction with Other Policies and Procedures

These procedures are one component of the Vermont *DEC Compliance Procedure* dated 2/8/01. They are also intended to be consistent with the Vermont *Agreement between the ANR Enforcement Division and the Department of Environmental Conservation*, dated 4/13/99, the *ANR Administrative Penalty Rules* dated 7/28/90, and the *Environmental Administrative Penalty Guidance* dated 7/25/90.

Inspections

Each Indirect Discharge Permit issued for the treatment and disposal of sewage requires an annual inspection and report of the system by a Vermont registered professional engineer. The staff of the Indirect Discharge Permit Section review these reports as they are submitted (usually due by June 1st) and note those systems which need immediate attention in terms of repair or maintenance. A written log is maintained of all reports to verify that the repairs recommended by the engineer have been scheduled. In some cases failures are reported by the engineer and we start the process outlined in the Indirect Discharge Rules §14-403(D) or (E). Such failures will typically involve a permit amendment process and are tracked through the application review procedure with a schedule for repair or replacement included in an amended permit. The compliance tracking system (Wastewater Inventory) is updated with the dates when an inspection report is submitted and when the permittee has complied with the requirements of the permit by submitting a schedule for implementing the engineer's recommendations.

Inspections conducted by IDP Section personnel usually target those facilities which involve treatment and disposal components beyond the basic septic tank/leachfield system although some of the latter may be inspected for the purpose of becoming familiar with a particular system or to verify that permit conditions are being complied with. We are also attempting to provide better latitude/longitude coordinates for all of our systems utilizing our GPS equipment. For the more complicated treatment and disposal systems, we usually limit our inspections to those facilities which appear to need increased oversight based on the information

on the operation of the system we can glean from monthly monitoring reports. Our inspections for these facilities are conducted with the intention of determining why the system may be falling short of compliance objectives and to suggest changes which may lead to better compliance in the future. We hope to develop, within the Section, some degree of facility operational expertise to provide trouble-shooting assistance as needed. Inspections may be coordinated with Operations & Management personnel from the Direct Discharge Section, if necessary.

Inspections are typically announced but with short notice. An unannounced inspection would be conducted if the Section had reason to believe that the discharge from the facility might pose a potential hazard to human health or the environment or if there was evidence of improper reporting or falsification of data and/or reports, especially involving unreported violations.

We also may drop in on facilities for short, unannounced visits. These typically occur when we are in the vicinity of a facility and stop by for a visit.

Significant Non-Compliance Policy

A copy of the Indirect Discharge Permit Section Significant Non-Compliance Policy is attached.

Assistance to Permittees and Others

Each of the three members of the Indirect Discharge Permit Section is assigned roughly one-third of all permits for regulatory review, oversight and assistance to the permittees as needed. This assistance is usually in the form of clarifying the requirements of a permit or the Indirect Discharge Rules. We also discuss engineering concepts with the engineering consultants for permittees during review of submittals for modifications to systems as well as provide guidance to other consultants relative to sampling procedures, testing, locations, etc.

Assistance to a particular permittee would only be withdrawn during an enforcement action upon recommendation of the Agency's Enforcement Division legal counsel or the Department's legal counsel.

Reminder Letters

Reminder letters are sent to permittees approximately 30 days before the renewal deadline specified in the permit. These letters specify what a renewal application must contain to be considered complete and also remind the permittee to submit other items required by the permit which are past due. A second notice is sent shortly after the renewal deadline and a final notice is sent (Certified Mail) about one month after the renewal deadline.

Phone calls (documented in the file) or letters are generally sent as part of the response triggered by non-compliance. See the SNC Policy (attached) for more information.

Criteria Triggering Issuance of An NOAV

This is covered in the SNC Policy (attached).

Signed: _____
Christopher Recchia, Commissioner

/s/ Christopher Recchia

Date: _____

June 7, 2002

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