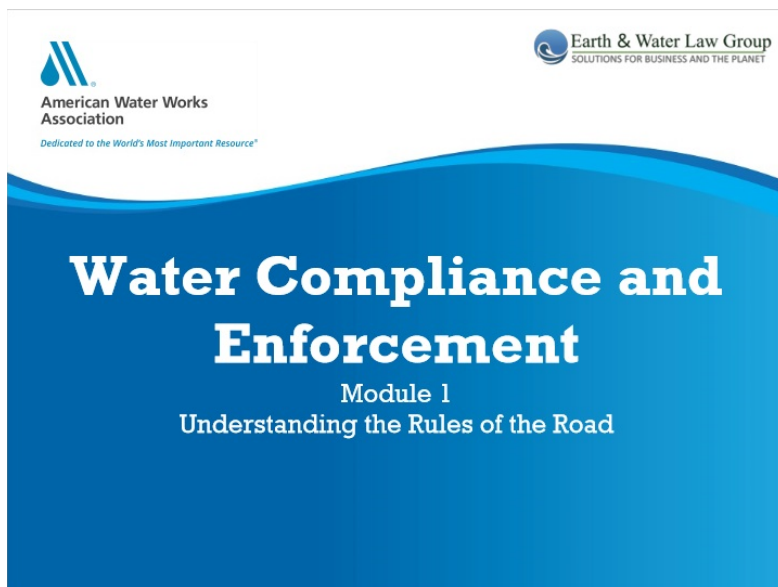


## Water Compliance and Enforcement – Module 1

*The materials developed and produced by AWWA may not be reproduced or transmitted in any form or by any means, electronic or mechanical, other than for the purpose of delivering this training to AWWA customers, unless copyright permission has been granted by AWWA Education Services.*

Copyright 2019 American Water Works Association

## 1.1 Understanding the Rules of the Road



### Notes:

On behalf of the American Water Works Association, welcome to “Water Compliance 101.” My name is Doug Parker, and I’m the former Director of the Environmental Protection Agency’s Criminal Investigation Division. In that role I oversaw hundreds of investigations into alleged misconduct impacting our waterways and drinking water.

Today though I’m an advisor at the Earth and Water Law Group where we work with organizations on building their compliance programs and navigating enforcement challenges. In this presentation I’ll lead you through the rules of the road when it comes to complying with our water laws as well as some insights on how others have found themselves in trouble - and how you all can apply best practices to remain in compliance.



The first step to ensuring compliance is understanding the primary laws and regulations that impact the water industry. The goal of this training is not to make you an expert in every detail of water law, but simply to understand the most relevant parts of these laws and how you can both avoid the mis-steps that others have made and take the actions you need to stay on the right side of the compliance line.

Copyright 2019 American Water Works Association

## 1.2 Purpose

# Purpose

- Understand the legal framework the government uses to ensure safe and clean water
- Recognize how those laws impact you and your role in keeping our water safe and clean



### Notes:

As professionals in the water sector, you probably know all too well the story of Flint, Michigan and its drinking water contamination. Unfortunately, there have also been dozens of smaller and less prominent drinking and wastewater matters where serious misconduct had the potential to put the public and our waterways at risk.

None of the people involved in these matters probably thought they would end up as part of a serious water enforcement matter, but through a combination of lack of knowledge and poor decision-making they ended up in just such a place. As a member of the water industry you don't simply hold a job, but a position of public trust. And critical to meeting those public expectations is understanding the laws in a way that you can apply them effectively.

This training will provide an overview of the legal framework for compliance in the water industry and identify how these laws directly affect your work on a daily basis.

It will also assist you in meeting the very high expectations that the public has placed in you and your organization.

Copyright 2019 American Water Works Association

### 1.3 Learning Objectives

## Learning Objectives

- Understand the primary laws regulating water compliance
- Recognize how the elements of these laws impact your own responsibilities
- Apply this regulatory structure to your day to day work



#### Notes:

This objectives of this first module are to provide an understanding of the laws that impact your work, recognize how they affect your responsibilities and then how you can apply this understanding to your daily work.

We are going to address the important themes and requirements and not get overwhelmed by the details. At the core of these laws are some basic principles; honesty, timeliness, and accuracy. If you focus on these principles and the basic “rules of the road” you will be able to apply these laws to your day to responsibilities, and also understand that they are central to your work in providing safe and clean water to the public.

Copyright 2019 American Water Works Association

## 1.4 Agenda

### Agenda

- Understand the primary laws regulating water compliance.
- Recognize how the elements of these laws impact your own responsibilities.
- Apply this regulatory structure to your day to day work.



#### Notes:

This objectives of this first module are to provide an understanding of the laws that impact your work, recognize how they affect your responsibilities and then how you can apply this understanding to your daily work.

We are going to address the important themes and requirements and not get overwhelmed by the details. At the core of these laws are some basic principles; honesty, timeliness, and accuracy. If you focus on these principles and the basic “rules of the road” you will be able to apply these laws to your day to responsibilities, and also understand that they are central to your work in providing safe and clean water to the public.

Copyright 2019 American Water Works Association

## 1.5 First, a concept called “delegation”

### First, a concept called “delegation”

- Congress **writes the laws**
- **Delegates to EPA** to write the regulations
- **EPA enforces the law** (including regulations)



#### Notes:

So, before we talk about the actual laws affecting your work in the water industry, we need to do a quick review of how these laws are enacted and enforced. As you know, Congress passes federal laws which have to be signed by the President to take effect. These statutes serve as the primary requirements and usually require a specific federal agency to enact regulations that serve as the “specific rules of the road” or the “details.”

In the case of environmental laws, the responsibility to develop and enact regulations falls to the Environmental Protection Agency or the “EPA”. The rulemaking process can be detailed and long, but eventually these regulations serve as the “rulebook” associated with the federal law, and these regulations and standards are what you will be required to adhere to in your work.

## 1.6 First, a concept called “delegation” (continued)

### First, a concept called “delegation” (continued)

- EPA can delegate authority to states
- So, states often your primary oversight
- But EPA can still step in and enforce



#### Notes:

Now, the EPA can in turn delegate (or authorize) state environmental agencies to carry out the oversight and enforcement of these regulatory programs once the agency is satisfied they have an adequate program to do so. In some cases, states can in turn delegate this authority to approved local governments, and this is most often seen in pre-treatment programs when it comes to waste water regulation. You may also hear the term delegation being referred to as “primacy” or a state agency that oversees the implementation of these laws as the “primacy agency.”

In most cases, your primary regulator will be a state environmental program, but it is important to note that even in those cases, the EPA never cedes its enforcement authority and works closely with its state counterparts to ensure overall compliance within the water sector.

## 1.7 Federal, State and Local Interaction

### Federal, State and Local Interaction

- Federal law serves as the minimum
- State law can be more stringent
- Local law can be more stringent
- The EPA can “over file”



#### Notes:

As you are assessing your own operations, it's important to understand the different layers of government that may regulate your facility - and how their specific laws affect your work. The Clean Water Act and its regulations serves as the minimum requirements, but delegated states (i.e. those approved by the EPA to carry out oversight and enforcement of water laws) can actually enact more stringent requirements than the federal regulations. Those become the de facto federal standards and violations of more stringent state regulations can still be enforced by the federal government.

Local governments, mostly overseeing pretreatment standards can also enforce more stringent standards than the federal government and those too are enforceable by federal prosecutors if violations occur. The idea behind this process of delegation is that the states and certain localities have the on the ground knowledge and resources to carry out these programs, and the EPA often ends up in a role overseeing these programs.

It is far more likely that a state or local environmental regulator will inspect your site or send an information request, but in most cases it carries the same weight as if a federal inspector was at your facility.

In very rare cases, if the EPA views a state's enforcement response to a matter inadequate, they can step in and file their own charges - even when state charges have been filed. This is referred to as “overfilling” and is not common. And, finally it's important to note that both citizens and non-governmental organizations can also bring citizen suits and legal actions to seek compliance with these laws.

Copyright 2019 American Water Works Association





## 1.8 And before we get to the laws...

### And before we get to the laws...

What is civil enforcement vs. criminal?

- Civil equals solely monetary penalties
- Criminal equals possibility of individual incarceration



#### Notes:

It's important to talk a little bit about the mechanisms that the government uses to enforce its laws - through civil enforcement (some times lumped with the term "administrative") or through criminal prosecution.

Civil actions involve a government agency formally suing alleged violators or in many cases simply administratively fining companies through their existing authorities.

The second route, criminal enforcement is obviously more serious as it involves individuals potentially being criminally charged and facing incarceration. We will get into some case studies later on about how both civil and criminal enforcement actions have been applied in the water sector, but for now it is important to know that violations in the water sector can be subjected to both types of actions.

## 1.9 And before we get to the laws...(continued)

### And before we get to the laws...(continued)

What is civil enforcement vs. criminal?

- Companies can be charged criminally
- Both paths applied to water violations
- Both can require remediation of “problem”



#### Notes:

The difference between charging a water violation civilly or criminally often comes down to whether the individual or entity engaged in some type of misleading conduct or a long-term pattern of non-compliance.

It is important to note that both enforcement paths can require individuals or organizations not only to pay penalties but also to enact plans to remediate (or “fix”) the problem so the violations do not continue. Money spent on remedial efforts can take the form of fixing mechanical or infrastructure problems, bringing in a third party to monitor operations or enhanced training for personnel.

Copyright 2019 American Water Works Association

## 1.10 The Clean Water Act (CWA)

### The Clean Water Act (CWA)

In a nutshell

- It regulates discharges directly into waterways
- And indirectly, through wastewater plants
- You can only discharge with specific “permission”



#### Notes:

So, now let's get to the actual laws...

The goal of the Clean Water Act is to prevent industrial discharges which could negatively impact waterways or harmful quantities of pollutants from entering our waters and ultimately ensuring they remain clean and safe. The accompanying regulations go into great detail to specify the requirements to meet these goals.

In short, the Clean Water Act says companies and utilities (and in some cases individuals) need the government's permission to discharge almost anything into American waterways. And permission means a permit with specific limitations that the person responsible for the discharge must certify as to its accuracy. (This “telling the truth part” is really important....)

Copyright 2019 American Water Works Association

## 1.11 The Clean Water Act (CWA)...

### The Clean Water Act (CWA)...(continued)

In a nutshell,

- “Permission” means a permit to discharge
- Permits *limit* what can be discharged
- And operators must certify permit compliance



#### Notes:

Now, there are of course some limits to how far the government can go in terms of what is covered by the Clean Water Act. (An individual can obviously cast a fishing line into an American river and kids can still skip rocks along the river banks.) There are also de minimis discharges that are not subject to it, and the discharge must come from something called a point source. A point source is almost any conveyance that gets some type of pollutant into the water (from a pipe to a ditch to a backhoe), but human hands are **not** covered. A pollutant can generally mean anything introduced into the water - including water with elevated temperatures. The definition of pollutant is very broad. For our purposes, understand that what comes out of the end of your pipe is almost certainly covered by the provisions of the Clean Water Act.

Copyright 2019 American Water Works Association

## 1.12 How do they meet these goals?

### How do they meet these goals?

- National Pollution Discharge Elimination System
- The permitting foundation of CWA
- Regulates “point sources”
- Point sources discharge into waterways
- Permits have limits
- Discharge monitoring reports attest to compliance



#### Notes:

The Clean Water Act utilizes the National Pollution Discharge Elimination System. That mouth full is often shortened to “Nip-Deez” and refers to the permit program established in 1972 when the Clean Water Act was passed into law. If you have a permit to discharge into US Waters, it is likely a NPDES permit. The reporting that you are required to submit under your NPDES permit is often referred to as a discharge monitoring report (or DMRs for shorthand) and what is submitted on that report is subject to potential felony penalties if you knowingly submit false information on it. (We’ll talk shortly about what this term “knowingly” means, and as you can tell by now, telling the truth to the government in these reports is a big deal.)

## 1.13 CWA - Direct Discharge Categories

### CWA - Direct Discharge Categories

1. Waterways
2. Wetlands
3. Oil & hazardous substances



#### Notes:

The Clean Water Act regulates direct discharges to water ways (think of the pipe into the river), discharges of dredge or fill material from a point source requiring a “wetlands” permit, (think of a backhoe dumping fill material into a wetland or waterway) and discharges of harmful quantities of oil or hazardous substances to waters or adjoining shorelines (imagine a big oil spill hitting the shores.) All such activities require some sort of permit if they fit the criteria of the Clean Water Act.

For the purposes of this course, though we’ll be focusing primarily on the first scenario - what comes out of the end of the pipe and ensuring that whatever it is in that discharge meets the requirements of its permit. Later on in the course, we’ll talk about what to do - and not to do - if the discharge at your facility does not meet the permit’s requirements.

## 1.14 CWA - Indirect Discharge Categories

### CWA - Indirect Discharge Categories

1. National Pretreatment Standards
2. Requirements for Pretreatment Programs



#### Notes:

The Clean Water Act also regulates **Indirect** discharges, which go to treatment plants before hitting waterways. These types of discharges are regulated in a couple ways, through prescribing what goes into the sewer system and ensuring that those that manage these programs are capable of doing so.

As operators of water treatment facilities, particularly wastewater treatment plants, pretreatment standards are your friends. What companies discharge through the sewer to wastewater plants is strictly regulated. Limits are placed on the constituents of the discharge and many substances are outright banned from entering publicly owned treatment works.

The purpose behind these requirements is to ensure that what is going into the sewer system doesn't cause a hazard to the facility or personnel, and at the same time cause a disruption to the operation of the plant leading to a "pass through" of untreated pollution into the surface waters that ultimately receive the discharge.

The rules surrounding approval of pre-treatment programs are meant to ensure that these programs, which are generally run by states or local governments, have the capabilities to manage and oversee pretreatment operations.

Copyright 2019 American Water Works Association

### 1.15 Knowledge Check

(Multiple Choice, 10 points, 3 attempts permitted)

## Knowledge Checkpoint

Which activity does the NPDES program cover?

- Discharges from point sources to waterways
- Drinking water advisories to public
- Protecting water infrastructure from terrorist threats
- Protection of source water

Correct	Choice
X	Discharges from point sources to waterways
	Drinking water advisories to public
	Protecting water infrastructure from terrorist threats
	Protection of source water

#### Feedback when correct:

That's right! You selected the correct response.

#### Feedback when incorrect:

You did not select the correct response.

#### Notes:

Let's pause and check in on what we've learned thus far. Remembering the foundation of the Clean Water Act is the NPDES permitting program, what is one of its primary focuses? If you selected A, you are on track. Selections B, C and D are all part of the Safe Drinking Water Act which we'll speak about shortly.




Copyright 2019 American Water Works Association



## 1.16 Common CWA violations

# Common CWA Violations

- Discharges *without* a permit
- Discharges *in violation of* a permit
- Violations of *pre-treatment standards*



### Notes:



The Clean Water Act has provisions that make violating it enforceable through criminal and civil penalties. If you go back and look at its areas of emphasis, having a permit to discharge, and discharging within applicable limits, it follows that the enforcement provisions focus on those areas.

Established water plants have their discharge permits in place, and most violations found in water systems focus on violation of permits and tampering with monitoring devices. (Also - It should be noted that both wastewater and drinking water treatment plants have NPDES permits, but in the case of drinking water, the discharges are incidental to the drinking water treatment process - such as clarification basin wash down.)

## 1.17 Common CWA violations (continued)

**Common CWA violations (continued)**

- Making a *false material statement*
- *Tampering* with a monitoring device
- Selective Sampling
- Discharging *harmful quantities of oil*



The graphic features a list of four common CWA violations. To the right of the list is a red-outlined box with the word 'VIOLATION' written in red, slanted text. A hand is shown pointing towards the box. At the bottom right of the graphic is a small blue icon representing water treatment.

### Notes:

It is also critical to understand the importance of voluntary compliance with this law. The government cannot be everywhere, or even close to everywhere. When congress enacted the Clean Water Act and EPA established the accompanying regulations it put a premium on this concept of voluntary compliance - almost an “honor system.” When the government finds that this has been violated through concealment, misreporting, or tampering with systems, it takes a very dim view of that activity. We’ll talk more in upcoming modules about actual cases involving these violations, but the key takeaway is to be honest and report inaccuracies in a timely fashion. Exceedances can certainly occur, but lying to or misleading regulators and the public about them is what really gets you in trouble.

## 1.18 Now a word about “intent”

### Now a word about “intent”

- The CWA is a “general intent” statute
- Violations can be knowing or negligent
- Knowingly means acting intentionally, (and not out of mistake or ignorance)
- Knowingly does **not** mean “specific intent”
- Ignorance of the law is no defense



#### Notes:

The Clean Water Act is what is known as a general intent statute. This refers to the depth of knowledge that is required to be proven when charging someone with a criminal violation. General intent is a lesser standard than specific intent. In the case of specific intent, think of a burglary where prosecutors have to prove that the individual charged specifically knew that breaking into a home was illegal.

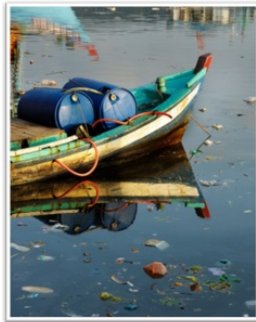
Violations of the Clean Water Act, under the general intent standard require an individual to know that what you were doing was “wrong” and not that you knew you were illegally discharging at 3.1 ppm verses the mandated limit of 1.0 ppm. Knowing violations of the Clean Water Act can be charged as felonies with punishment of up to three years in prison.

Additionally, the Act contains a charge called “knowing endangerment” which carries penalties of up to 15 years in prison. Despite it being called **KNOWING** endangerment, this charge refers to someone -through violations of the Clean Water Act - intentionally putting people in danger of death or serious bodily injury. This is an extremely rare charge, but speaks to the damage that can be done, through the knowing introduction of dangerous pollutants into the water system.

## 1.19 A word about negligence

### A word about negligence

- The CWA requires ordinary negligence
- NOT gross negligence
- Negligence described as lack of due care
- Punishable by a misdemeanor



#### Notes:

The Clean Water Act also contains misdemeanor violations (punishment up to one year in jail) for negligent violations of the Act. We'll talk a bit in subsequent modules about some cases that were charged in this manner and what kind of conduct actually constitutes negligence. Most negligent violations of the Clean Water Act involve an incident such as an oil spill or pipeline rupture where product reaches and impacts waterways.

The bottom line is that you need to continually exercise due care in order not to be accused of lack of due care.

Copyright 2019 American Water Works Association

## 1.20 Safe Drinking Water Act (SDWA)

### Safe Drinking Water Act (SDWA)

- Established by Congress in 1974
- Enacted to protect drinking water and public health
- Authority to EPA to develop regulations
- EPA, in turn can delegate to States
- Regulates public systems with >25 people



#### Notes:

Now let's pivot to the primary drinking water law.

In 1974 Congress passed the Safe Drinking Water Act to protect the quality of drinking water programs in the United States by establishing regulatory programs for public water systems, and by among other things, establishing national primary drinking water regulations for contaminants that may have adverse impacts on public health.

The purpose of the SDWA and its implementing regulations is to assure water supply systems serving the public meet minimum standards to protect public health. The Act in turn authorizes EPA, among other things, to establish and enforce maximum contaminant levels that may have an adverse effect on those using the water.

The Act also empowers EPA to require water filtration, disinfection, self-monitoring and reporting by public water systems. Additionally, the SDWA empowers the EPA to set standards that require treatment to meet or set treatment requirements when a specific standard can not be set. If you are operating a public system with more than 25 persons or at least 15 connections, the Safe Drinking Water Act applies to you - whether you are a public or private operator of the facility.

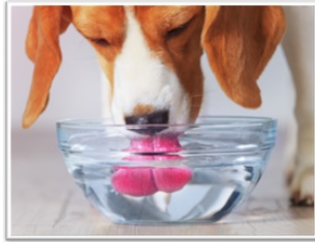
It's important to note that there are **no criminal penalties** within the SDWA for violating these rules, **BUT**....any violations or false statements associated with meeting these standards can be (and have been) prosecuted under overarching federal laws such as the false statement statute which we will discuss shortly.

Copyright 2019 American Water Works Association

## 1.21 SDWA – Primary Focus

### SDWA – Primary Focus

- Source water protection
- Treatment of drinking water
- Distribution system integrity
- Public information mandates
- Protection against terrorist acts



#### Notes:

There are five major areas of focus (and regulation) with the Safe Drinking Water Act. And where the Clean Water Act focuses on surface waters, the Safe Drinking Water Act addresses source waters including those that are underground such as aquifers or large distribution wells.

It also mandates that the EPA develop regulations for contaminants that may impact public health. Drinking water operators are required to meet these standards and report on their compliance - usually through monthly operating reports that are submitted to their primary regulatory agency.

The Safe Drinking Water Act uses drinking water standards, training, operator certification, and grants to support the goals of ensuring the integrity of drinking water distribution systems. It should be noted that it is a federal felony to tamper, attempt to tamper or threaten to tamper with a public water supply. In this context, “tampering” requires the intent to harm persons.

There have also been several major additions to the Safe Drinking Water Act over the years. In 1996 it was amended by Congress to require water suppliers to report on the source and quality of tap water every year. And in 2002, Congress amended the law to include requirement that community water systems conduct assessments of the vulnerability of their systems to terrorist attacks and report those findings to the EPA Administrator. Because of the sensitive nature of these assessments, the EPA is required to keep them secret. Knowing or reckless disclosure of these assessments is punishable by a misdemeanor - up to 12 months in jail.

One recent note to add - In October 2018, America’s Water Infrastructure Act was signed into law and requires a new round of risk assessments which are more comprehensive and must also include emergency response plans which are updated periodically. The water system submits a certification to EPA that it has met this obligation rather than submit the assessment for review.

Copyright 2019 American Water Works Association

## 1.22 SDWA – Common Violations

### SDWA – Common Violations

- Violations of the underground injection control program
- Falsification of drinking water reporting (\*Covered under Title 18)
- Failure to monitor and test for contaminants



#### Notes:

First off, violations related to divulging security assessments and tampering with a public water supply are extremely rare. If you suspect such conduct, you should immediately inform your management who in turn should immediately inform the relevant regulatory agencies and law enforcement.

Secondly, violations related to the underground injection control program, (which are included to help protect source water) are a bit more common, but generally occur with those who are found to be falsifying information related to injection well integrity. They are rarely associated with the water industry. The injection wells in question are used to dispose of waste fluids from industrial or energy extraction activities.

It's important to be aware of these types of violations, but your compliance attention should be on the accuracy of your required Safe Drinking Water Act reporting. We'll talk about some cases where individuals paid a steep price for knowingly providing false information on drinking water reports. And, as we'll talk about in our next slide, even though the Safe Drinking Water Act doesn't include penalties for false reporting (which the Clean Water Act does), those violations would simply be charged under the federal "false statement law" known as 18 USC 1001 or simply "a thousand and one" in prosecutor shorthand.

The takeaway is that accurate reporting is critical and timely notification to your regulators of exceedances or anomalies is also exceptionally important. Following those two rules are critical steps to remaining compliant and avoiding enforcement scrutiny.

Copyright 2019 American Water Works Association

### 1.23 Knowledge Check

(Multiple Choice, 10 points, 3 attempts permitted)

## Knowledge Checkpoint

Which activity does the Safe Drinking Water Act cover?

- Public notification requirements
- Discharges of dredge or fill material to water ways
- Establishment of Pre-Treatment guidelines
- Issuance of discharge permits

Correct	Choice
X	Public notification requirements
	Discharges of dredge or fill material to water ways
	Establishment of Pre-Treatment guidelines
	Issuance of discharge permits

#### Feedback when correct:

That's right! You selected the correct response.

#### Feedback when incorrect:

You did not select the correct response.

#### Notes:

Let's hit the pause button one more time. What is one of the fundamental goals of the Safe Drinking Water Act? The protection of source water. B, C and D represent elements of the Clean Water Act.

Copyright 2019 American Water Works Association



## Title 18 U.S.C. Section 1001

- Covers any “material” statement
- Statements to delegated programs
- DMRs, MORs, annual reports, verbal



### Notes:

As mentioned in the Safe Drinking Water Act section, there is another law that is worth noting - Title 18 USC 1001 - the federal false statement law. “A thousand and one” is a section of the federal criminal code that makes lying to the federal government in a matter that is “material” a potential federal felony.

And every time you submit either a monthly operating report or a discharge monitoring report to the EPA, or to a delegated state or locality, you are attesting that the material you are submitting is true and accurate under the potential penalty of this federal felony. Folks, it is never, ever appropriate to knowingly submit false information in these reports. You are not only potentially putting the public at risk, but under 18 USC 1001, you are putting yourself at risk of criminal scrutiny and a five-year federal felony charge. And even though, the Clean Water Act has a criminal provision related to false reporting, you will often see prosecutors point to 1001 instead because it entails a five-year prison term rather than the prescribed 2-year term for making a false statement under the Clean Water Act itself.

## 1.25 Discharge Monitoring Report / Operations Monitoring Report

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted as is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The image shows a portion of the EPA Form 3207 (Rev. 11/99). A red rectangular box highlights the certification text. Below the text, a yellow oval highlights the signature area, which includes fields for NAME/TITLE, PRINCIPAL EXECUTIVE OFFICER, TELEPHONE, and DATE. The signature area also includes a red box around the signature line.

### Notes:

This is the EPA's Discharge Monitoring Report ("DMR") / Operations Monitoring Report ("OMR"). This is the language that appears on the Discharge Monitoring Report ("DMR") / Operations Monitoring Report ("OMR"). When you sign the report, this is what you are attesting to.

This report is required by law (33 U.S.C. 1318; C.F.R. 125.27). Failure to report or failure to report truthfully can result in civil penalties not to exceed \$10,000 per day of violation, or in criminal penalties not to exceed \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.

Please note the area of this report that has a red square surrounding it. The person who places their signature on the DMR form is agreeing to this statement; criminal and/or civil penalties can be applied to anyone who knowingly signs the form with false information. After the form is signed, it must be mailed to the office specified in the permit by the date indicated there. Copies should be made and retained for your records.

**1.26 Scenario: You are evaluating the compliance obligations for a waste water treatment plant.**

**What are the correct steps to take? Drag and drop the steps in the proper order below.**

*(Sequence Drag-and-Drop, 10 points, 3 attempts permitted)*

**Scenario:** You are evaluating the compliance obligations for a waste water treatment plant.

What are the correct steps to take? Drag and drop the steps in the proper order below.

1. Identify your discharge permit and limits
2. Review your treatment chemical inventory
3. Evaluate your pre-treatment surveillance program
4. Evaluating biosolids management

Correct Order

Identify your discharge permit and limits

Review your treatment chemical inventory

Evaluate your pre-treatment surveillance program

Evaluating biosolids management

**Feedback when correct:**

That's right! You selected the correct response.

**Feedback when incorrect:**

You did not select the correct response.

Copyright 2019 American Water Works Association

## 1.27 Assessing Compliance

# Assessing Compliance

**Answer:** You are evaluating the compliance obligations for a waste water treatment plant.

1. What steps should you **first** take?
  - a. Identify your discharge permit and limits
    - This is the “end of the pipe” and represents where the discharge characteristics are most important – work backwards from there
  - b. Review your treatment chemical inventory
  - c. Evaluate your pre-treatment surveillance program
  - d. Evaluating biosolids management

### Notes:

If you are tasked with taking over a new facility or simply assessing its compliance, start with the basics....

Are our permits in place? Knowing what you are legally permitted to discharge allows you to fill in all the blanks to meet those requirements. That includes ensuring that you have appropriate infrastructure, trained personnel, and the capabilities to treat what is coming into your plant.

You should also ensure that you understand not just the limitations **but also the** sampling requirements of that discharge permit

And, if your wastewater facility is receiving discharges from industrial users - via the sanitary sewer system - are appropriate controls in place to meet your obligations as a permitted pre-treatment facility?

Do you have an adequate industrial user surveillance program in place to monitor discharges and ensure our facility can process them in a way to meet your permit obligations?

Have you evaluated your biosolids management program and regulatory requirements?

Once you have started with the first question and then answered these foundational questions, then you can move to the important details that underpin these issues and your facility's compliance.

## 1.28 Summary

### Summary

- Understand your permit obligations
- Make sure your team understands
- Always be truthful (mistakes happen)
- Don't delay reporting of major issues
- You are in a position of public trust



#### Notes:

We've gone over the two foundational laws related to water compliance, the Clean Water Act and the Safe Drinking Water Act - as well as the federal false statement law and the roles of states in overseeing these laws. As a first step, it is critical that you and your team understand your permit requirements as that is your own road map. Routine reporting should not be viewed as "routine."

And understand that exceedances may occur, but honest reporting about them is critical. It is simply never worth misleading about relevant reporting information - for you or the public you serve. And, you should always remember that you serve in a mission-oriented job - helping to ensure that the public has safe drinking water and clean waterways.

Copyright 2019 American Water Works Association

## 1.29 Resources

### Resources

For more information visit:

- EPA's Clean Water Act page

<https://www.epa.gov/laws-regulations/summary-clean-water-act>

- EPA's Safe Drinking Water Act page

<https://www.epa.gov/sdwa>




#### Notes:

For more information visit:

The EPA's Clean Water Act page. As well as the EPA's Safe Drinking Water Act page

## 1.30 Closing

You have finished this module.  
Click the  in the upper right corner to go back to the main course page.



#### Notes:

Copyright 2019 American Water Works Association