



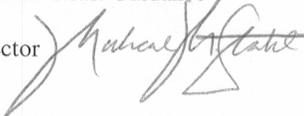
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 17 2006

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Transmittal of Final Guidance on the Reporting of CWA NPDES Wet Weather and CAFO Inspections to PCS, Other Reporting Changes to PCS, and Changes to the 3560-3 Water Compliance Inspection Report Form, and EPA Responses to Comments Received on the Draft Guidance

FROM: Michael M. Stahl, Director
Office of Compliance 

TO: Regional Enforcement Division Directors
Regional Water Division Directors
Regional NPDES Enforcement Branch Chiefs

The purpose of this memorandum is to transmit the final guidance concerning reporting of Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) wet weather inspection data to the Permit Compliance (data) System (PCS), other PCS reporting changes, and changes to the 3560-3 "Water Compliance Inspection Report" Form. In addition, this memorandum transmits the Agency's responses to comments received on the draft guidance and delineates the changes that have been made to the draft guidance that was sent to you on June 10, 2005. In transmitting this final guidance to you, we would like to express our appreciation for the effort that the Office of Water, EPA regions and many states put into reviewing and commenting on the draft guidance.

Purpose of the Guidance

This guidance implements PCS modifications for entry of inspection data (particularly for wet weather inspections) that take effect for EPA for the NPDES Inspection Year (IY) 2006 which began July 1, 2005 and for the states when they begin reporting data to the ICIS-NPDES data system. The guidance also describes other PCS reporting changes, including changes related to single event violations. The final guidance also describes PCS data entry and software changes that were necessary to implement the changes made by the guidance.

The changes described in this guidance are being made to address the change in focus of the NPDES program that has occurred over the last twenty years and the significant increase in the

NPDES permitting program universe, which has quadrupled in the last fifteen years. As the NPDES program has increasingly focused on wet weather discharges, concerns were raised that EPA was not able to accurately distinguish between standard inspections and wet weather inspections. The PCS modifications described in this guidance are being made to address those concerns.

Users of this Guidance and the Revised Form 3560-3

This guidance is intended for the use of regional and state inspectors and PCS data entry staff. As indicated above, this guidance, in addition to making changes to PCS to address wet weather inspections, also describes other PCS reporting, data entry, and software changes. The revised Form 3560-3, which is attached to the guidance, also includes changes that were necessitated by the changes in inspection type codes and inspector codes.

Background on the Development of the Final Guidance

The draft guidance was distributed for regional and state review in June 2005, and comments were requested to be submitted by July 10, 2005. However, as a result of significant concerns that were raised about the short comment period, the deadline for comments was extended to August 2005. EPA also participated in a conference call with states that was organized by the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) on July 27, 2005, to provide information on the guidance and respond to questions.

In response to our request for comments on the draft guidance, the Office of Compliance received more than 100 comments from EPA regional and state representatives and the Office of Water. The attached table, entitled, "*Comments on Draft FY2005 Guidance on the Reporting of CWA NPDES Wet Weather and CAFO Inspections to PCS, Other Reporting Changes to PCS, and Changes to the 3560-3 Water Compliance Inspection Report Form,*" is a compilation of the comments that EPA received on the draft guidance as well as questions and comments that were raised during the conference call, and EPA's responses.

Major Changes from Draft Guidance

The changes that have been made to this final guidance are based on the many comments received on the draft guidance that were submitted to this office by regions and states. OC has considered all of the comments that were submitted and has attempted to address all questions and concerns raised in them. EPA's responses are included in column 4 of the table (see, column 4, "Response"). Many of the comments raised similar questions or issues and, in such instances, the later response refers back to previous responses where the issue was addressed.

There were also a number of comments received that concerned the single event violation (SEV) codes. Since these comments were received, the Enforcement Targeting and Data Division issued the "Interim Single Event Data Entry Guide for the Permit Compliance System (PCS)" (September 30, 2005). This document provides technical information about entry to PCS of single event violations, and contains more context and definitions beyond what is included on Attachment 3, the SEV inspection form.

The new SEV codes that are available in PCS were finalized in May 2005 during the data migration exercise. Programming of these codes in ICIS-NPDES is nearing completion, and the ICIS-NPDES development team at this time is not able to make table or code changes. However, OECA plans to keep the single event comments on file, and will have an additional comment period in the future that will help assess whether users are experiencing problems with the new codes and definitions. Adjustments to these codes will be handled through the ICIS-NPDES change control process that will be established once the ICIS-NPDES system is deployed.

A number of other comments received raised issues about the timing and implementation of the changes and the potential resource demands of the changes. We are acutely aware of these concerns and have revised the states' schedule for implementation of the changes. States may continue to use the old wet weather inspection codes until they come into the ICIS-NPDES data system. Regions, on the other hand, will have to recode any inspections that require the use of a new code that occurred after July 1, 2005, and were entered to PCS prior to implementation of the new codes.

In addition to the revisions to the guidance mentioned above, highlights of other changes that have been made in the final guidance to address various comments received include:

1. In addition to extending the deadline for state use of the new wet weather codes, the guidance has been revised to make clear that states are not required to recode any inspections already entered to PCS. (See, page 2 of the final guidance)
2. The symbols to be used to designate several inspection types have been changed in PCS and on Form 3560-3 to alleviate concerns about potential errors that might result from use of similar symbols, e.g., / and !.
3. The final guidance has been revised to clarify several wet weather and CAFO reporting issues and to explain that in this guidance OECA is considering CAFOs to be part of the wet weather universe. (See, pages 1 and 7)
4. The PCS Inspection Type code ("N") for "spills" has not and will not be inactivated. (See, page 11, Table 5)
5. Language has been added to Attachment 1, "Definitions of MS4 Sampling and Non-Sampling Inspections, and MS4 Audits," to indicate that a workgroup is currently developing MS4 guidance. (See, Attachment 1)
6. An explanation of the relationship of this guidance to the "PCS Policy Statement" (which is being developed concurrently with this guidance). (See, page 12)

As we stated in the June 10, 2005 draft guidance transmittal memorandum, the guidance also describes a number of additional changes related to wet weather that have been made to PCS. These range from inactivating codes in PCS that have been replaced by others or are not used, to changes being made to the single event violation codes. As indicated above, one significant change from the draft guidance is that we have retained the PCS Inspection Code ("N") for "spills."

Now that the guidance is final, all changes to the data systems necessitated by the changes delineated in the guidance have been implemented in the PCS data system. These changes will

also be carried over to the PCS successor, the Integrated Compliance Information System (ICIS)-NPDES data system, when that system comes on line.

Distribution and Contacts

Since this guidance is intended for the use of both regional and state personnel, we request that the Regional Enforcement Coordinators distribute it to their state contacts and all state personnel who commented on the draft guidance.

If you have any questions about this final guidance, please contact Daniel Palmer, Chief, Reporting and Analysis Section, at (202) 564-5034, or via email at Palmer.Daniel@epa.gov, or David Sprague, Reporting and Analysis Section, at 564-4103, or via email at Sprague.David@epa.gov. Again, we appreciate everyone's input on this guidance.

Attachment

cc: Regional Enforcement Coordinators
David Hindin, OC/ETDD
Wet Weather Strategy Teams
Mark Pollins, OCE/WED
Kate Anderson, OCE/WED
Mike Alushin, OC/CAMPD
Ken Gigliello, OC/CAMPD
Rick Duffy, OC/CAMPD
James Edward, OC/CASPD
Richard Colbert, OC/AD
Robert Tolpa, OC/NPMAS
Nick Franco, OC/NPMAS
Lynn Vendinello, OC/NPMAS
Peter Bahor, OC/CAMPD
Lucy Reed, OC/ETDD
David Meredith, OC/ETDD
Jeffrey Clark, OC/ETDD
Joe Acton, OC/ETDD
Michael Barrette, OC/ETDD
Amelie VanDenBos, OC/ETDD
David Sprague, OC/ETDD
PCS Database Managers
ASIWPCA