

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

Guidance for Submitting a NPDES & NPP Noncompliance Report Form

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within **24 hours** from the time the permittee becomes aware of the circumstances. A Noncompliance Report Form shall also be sent to the Department within **5 days** of the time the permittee becomes aware of the circumstances. Supplementary comments or further written explanation may be included with the report. Include all laboratory analysis results.

Page 1: Facility Information and Noncompliance Information

- All fields must be completed.
- Select the noncompliance type and cause of the noncompliance from the drop down menus. Include a description.
- The form must be signed by the Certifying Official or Authorized Representative, per Title 119, Chapter 13.
- For reporting numerical exceedances/excursions, page 2 of the report must also be completed.
- For reporting a bypass, page 3 of the report must also be completed.
- For reporting a sanitary sewer overflow, page 4 of the report must also be completed.

Page 2: Numerical Exceedance/Excursion Report

- Include Outfall number, date of sampling, and flow data for the day of sampling.
- List each parameter, the reporting limit in the permit, and the results of the laboratory analysis.
- Include units and sample type.
- Attach laboratory analysis results to the report.
- The form must be signed by the Certifying Official or Authorized Representative, per Title 119, Chapter 13.

Page 3: Bypass Report

- The **Certifying Official** will need to make the decision whether a bypass of the wastewater treatment facility is necessary. Bypass is prohibited, and the Director may take enforcement action against a permittee unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; or
 - c. If the permittee knows in advance the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass; or in the event of an unanticipated bypass, within 24 hours of starting a bypass.
- The Department recommends that the discharged wastewater be sampled before it enters the stream and tested for Carbonaceous Biochemical Oxygen Demand, Total Suspended Solids, pH, Ammonia, and *E. coli*. Attach laboratory analysis results to the report.
 - In addition, it is recommended that a notice of the discharge be public noticed in the local paper, at the local post office, and/or at the stream; include a copy of the notice to the Department.
 - The Department will evaluate if the permittee took steps to mitigate the fact that a bypass has occurred.
 - The form must be signed by the Certifying Official, per Title 119, Chapter 13.

Page 4: Sanitary Sewer Overflow Report

- The permittee shall report to the Department any overflow that may endanger health of the environment from a sanitary sewer or any unauthorized overflow from a combined sewer over which the permittee has ownership and operational control. An overflow is any spill, release, or diversion of municipal sewage including:
 - a. An overflow that results in a discharge to waters of the State (other than a combined sewer overflow that is authorized by a permit); and
 - b. An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral), even if that overflow does not reach waters of the State.
- The Department recommends that the overflow wastewater be sampled and tested for Carbonaceous Biochemical Oxygen Demand, Total Suspended Solids, pH, Ammonia, and *E. coli*. Attach the laboratory analysis results to the report.
- The form must be signed by the Certifying Official or Authorized Representative, per Title 119, Chapter 13.