



National Biosolids Partnership Appeals Process

What is the National Biosolids Partnership auditing?

Biosolids organizations that participate in the National Biosolids Partnership (NBP) Environmental Management System (EMS) Program are required to undergo an EMS verification audit by an independent, third party auditor assigned by the NBP and yearly interim audits. The purpose of the EMS audit is to determine whether or not the organization's EMS conforms with -- that is, meets the requirements of -- the NBP program, as defined in the *EMS Elements*¹. The spirit of these requirements includes a well-documented program and meaningful opportunities for interested party involvement.

The NBP provides an appeals process for biosolids organizations and interested parties that disagree with the findings of a third party EMS audit. The verification appeals process involves an Appeals Board; representing a balance of biosolids management interested parties, including an environmental advocacy group, and wastewater industry professionals. A petitioner needs to notify the NBP Appeals Board of their *intent to appeal within 30 business days of the public release of the audit report containing the audit company's official verification decision or interim audit decision*. This notice of intent can take the form of a simple letter to the Board Administrative Officer (see address below). *The actual appeals petition must be submitted within 60 business days of final audit report issuance.*

If you need help in understanding the appeals process:

Contact the National Biosolids Partnership staff, Mr. Jim Cox at 703-684-2438 or send an e-mail to: jcox@wef.org.

What is the outcome of the audit?

After completing the EMS audit, the third party auditor prepares an Audit Report that describes the findings of the audit and if and where the EMS is determined to be out of conformance with the program requirements. Not all instances of being out of conformance are considered equal. The NBP has defined two levels of being out of conformance: *minor nonconformance and major nonconformance*.

- Minor nonconformances indicate a *small* deviation from the program requirements and *do not* prevent a biosolids organization from successfully completing the audit

¹ The *EMS Elements* and other program materials are available on the NBP website at <http://www.biosolids.org>.

and receiving EMS verification by the audit company. Minor nonconformances are expected as program participants adapt to various changes and challenges.

- Major nonconformances, however, represent system failures that may have the potential to create a regulatory noncompliance situation or significant environmental impact. Major nonconformances *do* prevent an organization from receiving EMS Verification and must be corrected for a biosolids organization to achieve or maintain its NBP EMS Verification.

The NBP Appeals Board has been established to make determinations of whether or not a major nonconformance exists in those cases where a biosolids organization or interested party disagrees with the audit findings of a third party EMS audit.

How does the appeals process work?

To submit an appeal before the Appeals Board, the petitioner must set forth the specific EMS element(s) and requirements that is believed to have not been evaluated and/or implemented consistent with NBP requirements as reflected in the *EMS Elements*, along with the objective evidence to support that claim. For example, a petitioner may believe that a major nonconformance exists but was not found by the auditor. In this case, the petitioner would need to identify in the petition the specific EMS element believed to be out of conformance and why.

To submit an appeal, petitioners must fill out and submit the standardized appeals petition form that is available on the NBP website at <http://www.biosolids.org>. *A notice of intent to appeal must be submitted within 30 days, and a formal appeal must be submitted within 60 days, of the public release of the audit report containing the verification decision or interim audit decision by the audit company.*

The Board's Administrative Officer receives all appeals petitions on behalf of the Board and conducts a basic completeness check. Upon completion of this check, the petition is either forwarded to Appeals Board members or back to the petitioner with incomplete areas documented. Petitions should be sent via certified, return receipt requested mail to:

The NBP EMS Appeals Board, Attention: Board Administrative Officer, c/o Water Environment Federation, 601 Wythe Street, Alexandria, VA 22314

The Appeals Board will examine the facts, interview parties involved, deliberate the case, and then make a determination as to whether a major nonconformance does or does not exist. Appeals cases vary in complexity. As a result, the time required for the Board to evaluate a case and make a decision might vary. However, the overall Board target for processing an appeal is approximately four months.