

Biosolids Management Program Appeals Process

What is the National Biosolids Partnership auditing?

Biosolids organizations that participate in the National Biosolids Partnership (NBP) Biosolids Management Program (BMP) are required to undergo a BMP verification audit by an independent, third party auditor approved by the NBP and yearly interim or internal audits per the level of recognition (see Table 1).

CURRENT NBP BMP RECOGNITION LEVELS

Platinum	Gold	Silver	Bronze
Completed third party BMP verification audit	Completed third party BMP verification audit	Implemented 17 BMP Elements	Commitment to NBP Code of Good Practice
Completed at least one third party interim audit	Committed to conducting internal audits	Completed approved internal audit recognizing BMP as ready for third party verification audit	Acknowledged goal of implementing 17 BMP Elements
Committed to regular schedule of third party interim audits and internal audits	Must submit annual internal audit reports to NBP	Must submit annual internal reports to NBP	Acknowledged goal of obtaining independent verification of the organization's BMP
Must complete at least two third party interim audits between verification audits	Complete third party verification or reverification audits every 5 years	<i>(Bronze level completion required)</i>	
Must submit annual interim or internal audit reports to NBP	<i>(Silver level completion required)</i>		
Complete third party verification or reverification audits every 5 years			
<i>(Gold level completion required)</i>			

The purpose of the BMP audit is to determine whether or not the organization's BMP conforms with -- that is, meets the requirements of -- the NBP program, as defined in the EMS Elements. 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 BMP audit. The verification appeals process involves the NBP Appeals Board. 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 at 703-684-2400 or send an e-mail to: lmcfadden@wef.org.

What is the outcome of the audit?

After completing the BMP audit, the third party auditor prepares an Audit Report that describes the findings of the audit and if and where the BMP 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 and receiving BMP 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 BMP Verification and must be corrected for a biosolids organization to achieve or maintain its NBP BMP Verification.

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

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 BMP audit.

How does the appeals process work?

To submit an appeal before the Appeals Board, the petitioner must set forth the specific BMP element(s) and requirements that are believed to have not been evaluated and/or implemented consistent with NBP requirements as reflected in the BMP 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 BMP 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. Petition applications and any documentation to substantiate the non-conformance should be forwarded via e-mail to Lisa McFadden at lmcfadden@wef.org, or via certified, return receipt requested mail to:

Lisa McFadden
Senior Program Manager
Water, Science & Engineering Center
Re: NBP BMP Appeals Board
Water Environment Federation
601 Wythe Street
Alexandria, VA 22314
(703) 684-2400 ext. 7060 (p)
(703) 684-2492 (f)

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.