

***U.S. EPA Strategic Plan-National
Compliance Initiative (2018-2022)
NPDES Significant Non-Compliance***

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Topics

- U.S. EPA initiatives
- Significant Noncompliance
- National Compliance Initiative (NCI)
- Compliance Updates

U.S. EPA Initiative



U.S. EPA's (2018-2022) Strategic Plan identified a new priority to increase compliance with environmental laws.



Maximize compliance over the next five years by focusing on areas with significant noncompliance (SNC) issues.

U.S. EPA Initiative

U.S. EPA selected the Clean Water Act (CWA) - NPDES as the first program because states and U.S. EPA now have fairly complete compliance data for permitted facilities.

U.S. EPA Initiative



Reduce the national rate of NPDES Significant Non-Compliance (SNC) for individually permitted majors and non-majors (about 46,000 permittees) by 50% by Federal Fiscal Year (FFY) 2022



20.2% to 10.1%
Or, 79.8% not in SNC to 89.9% not in SNC



U.S. EPA Initiative

- Why have a National Compliance Initiative?
- Compliance with NPDES permits is critical to protecting our nation's waters. There are over 46,000 NPDES-permitted facilities in the country
- Over 29% of those facilities were in SNC in FY 2018
- Violations range from failure to monitor or submit reports, to significant exceedances of effluent limits
- In some cases, significant non-compliance may be incorrectly designated due to data entry errors or data transfer problems (from the state data base to the federal data base)

What is Significant Noncompliance (SNC)?

- Failure to submit a discharge monitoring report
- Failure to meet a permit compliance schedule milestone
- Violations of formal enforcement actions
- Significant permit effluent violations

What is Significant Noncompliance (SNC)?

Permit effluent limit violations

- **Violations Exceeding Technical Review Criteria**

- 40% exceedance for conventional pollutants (e.g. BOD, TSS, ammonia, oil and grease)
- 20% exceedance for toxic pollutants (e.g. copper, cyanide, chlorine)

Trigger — Two or more months in a six-month period

- **Chronic violations: any monthly effluent limit by any amount**

Trigger — Four or more months in a six-month period

U.S. EPA Initiative

U.S. EPA plans to meet quarterly with states to discuss:

- The SNC rate and direction of the rate (is it going down?)
- The root cause of the SNC and strategies to reduce the rate
- The most serious SNC violators and how they will be addressed
- Discussion of NPDES compliance data completeness/data quality issues

Communications and Outreach

- Compliance Advisories:
- “Clean Water Agencies Increasing Attention to Significant Non-Compliance Dischargers”
- Soon to be distributed: “Compliance Tips for Small Mechanical Wastewater Treatment Plants”

ECHO Data

State	Permits in SNC	Permit Universe	% SNC Rate	Effluent Violations	Schedule Violations	Non Receipt DMRs
ECHO data July 2020	792	3,238	24.5%	138 (4.2%)	115 (3.6%)	539 (16.6%)
ECHO data March 2021	499	3,215	15.5%	125 (3.9%)	69 (2.1%)	305 (9.5%)

Ohio has 40% of the permit universe in all of Region 5
 (Region 5 consists of: Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota)

Recent data clean up efforts reduced Ohio's Schedule and NR SNC violations
 DMR non-receipt are still the largest category of SNC for Ohio



Ohio SNC

Effluent SNC	3.9%
Non-Submittal	9.5%
Schedule	2.1%
Not in SNC	84.5%

Effluent	25.0%
Non-submittal	61.0%
Schedule	13.8%

Ohio SNC

- **What are the issues leading to SNC?**

Big Picture

Types of violations, facilities, locations

Broad outreach

- **Details**

Site-specific data

Individual outreach

Ohio SNC

Big Picture

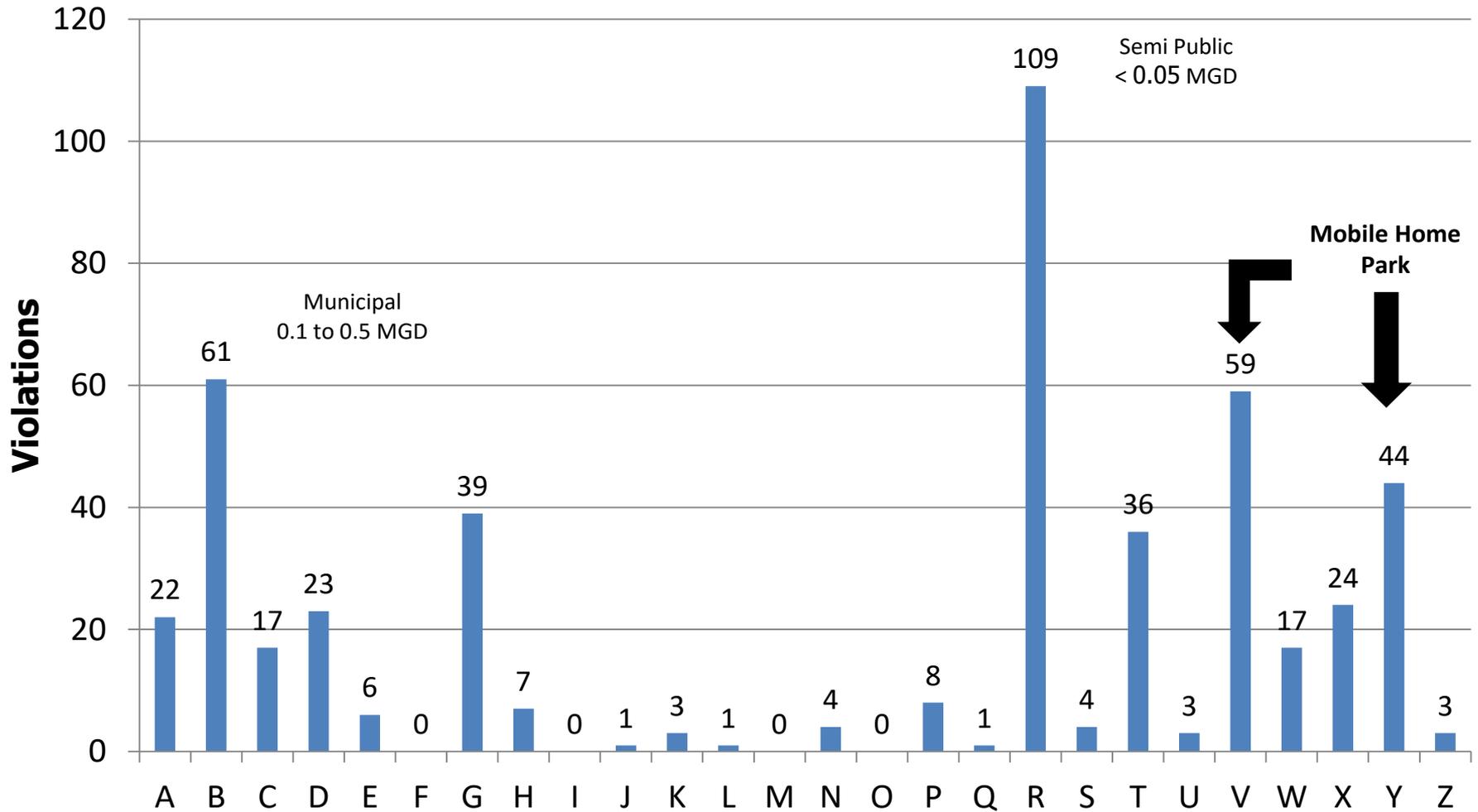
Review of SNC data

What are the problems?

Where are the problems?

What is the most effective solution?

Type Facility SNC April - October



Ohio SNC

Type "R" Semi Public < 0.05 MGD

Who are they?

4-H/FFA camps

Marinas

Small Manufacturing

Bars/Taverns

Restaurants

Schools

Motels

Churches

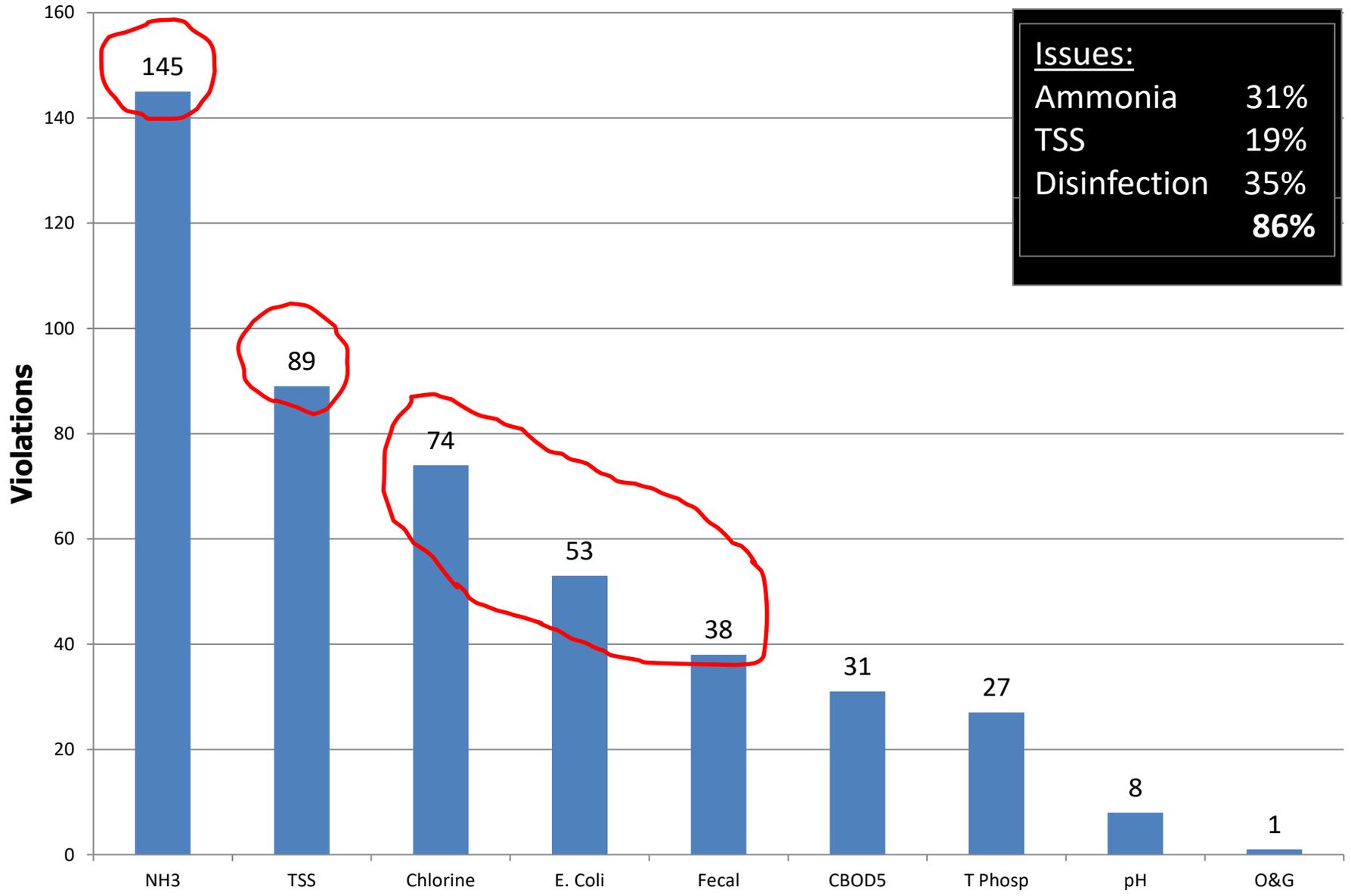
Might require more "hand holding"

Ohio SNC

Type "R" Semi Public < 0.05 MGD

What are their issues?

SNC April - October



<u>Issues:</u>	
Ammonia	31%
TSS	19%
Disinfection	35%
	86%

Compliance updates

Single Event Violations (SEV's)

These are violations observed during an inspection

- Unapproved bypass
- Unauthorized discharge
- Effluent violation resulting in a fish kill
- Violation of a milestone in an administrative order

Compliance updates

USEPA is requiring Ohio to capture these SEV's and upload them into the national database. As part of Ohio's routine upload.

Some of these violations could be considered SNC

Your facility could be shown as a facility in SNC in the Enforcement and Compliance History Online (ECHO)





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Use EPA's Enforcement and Compliance History Online website to search for facilities in your community to assess their compliance with environmental regulations. You can use ECHO to:

- Search for Facilities
- Investigate Pollution Sources
- Search for EPA Enforcement Cases
- Examine and Create Enforcement-Related Maps
- Analyze Trends in Compliance & Enforcement Data



[Read the Quick Start Guide](#)



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Compliance Assistance

Technical Assistance Webinar Series (9 webinars)

Compliance Assistance Unit Resources For Small POTW

OEPA webpage CAU/Resources Tab

Keys to Compliance

Ohio EPA Class A Operator Training Manual.



Questions?

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