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

Ohio Environmental Protection Agency

Central Office Manager
Division of Surface Water

BILL PALMER

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Topics

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

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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.

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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.

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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
- 29.4% to 14.7%
- U.S. EPA developed an Agency Priority Goal to reduce the SNC rate to 25.7% by September 30, 2019

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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

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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

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U.S. EPA Initiative

- In context of this new strategic priority to increase NPDES compliance, U.S. EPA will measure success based on the results obtained – the rate of permittees not in SNC.
- Increase the percentage of NPDES permittees not in SNC with their permit limits to 85% from a baseline of 71%.

This is an approach to measurement that states have consistently proposed to U.S. EPA.

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U.S. EPA Initiative

U.S. EPA recognizes the role of authorized states in the NPDES program as the primary implementers and as critical players in the success of this effort.

The goal of increasing the compliance rate for this program can be achieved only with substantial, collaborative effort on the part of the states and U.S. EPA working together.

Accordingly, U.S. EPA has engaged states in developing tools and approaches for increasing compliance rates in the NPDES program.

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U.S. EPA Initiative

Transition from National Enforcement Initiative (NEI) to National Compliance Initiative (NCI)

The name is being changed to convey the message that increased compliance is the goal and enforcement actions are not the only tool for achieving this goal.

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U.S. EPA Initiative

In the transition to NCIs, U.S. EPA wants to engage more fully with the states and enhance the full range of compliance assurance tools.

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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

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U.S. EPA Initiative

- SNC Steering Committee Activities:
  - ✓ Completed two EPA-State SNC NCI Symposiums

  There are four SNC subgroups that meet monthly:

  1. Data Quality & DMR Non-Receipt
  2. Effluent Violation Deterrence
  3. Communications and outreach
  4. Federal Facilities

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Ohio SNC

State	Permits in SNC	Permit Universe	% SNC Rate	Effluent Violations	Schedule Violations	Non Receipt DMRs
OHIO	569	3,245	17.5	146	109	314
Region 5	1,110	8,023	13.8	368	155	584

Ohio has 40% of the permit universe in all of Region 5

(Region 5 consists of: Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota)

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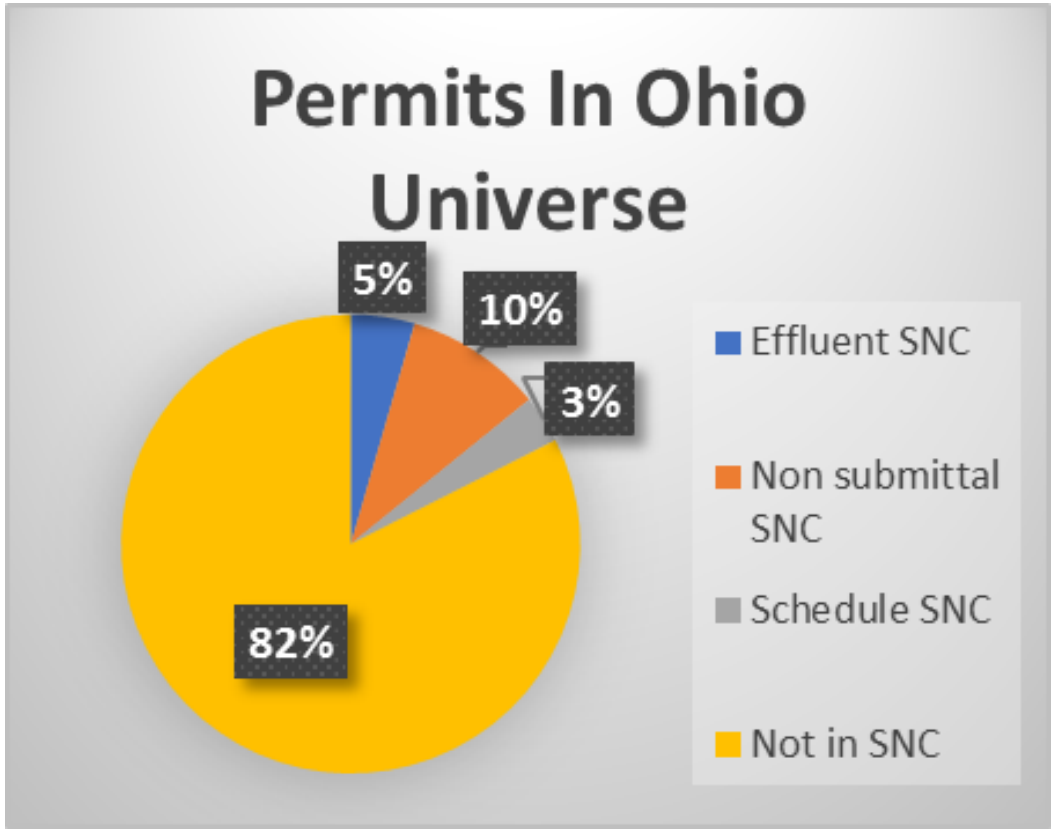
Ohio SNC



Permits in Ohio Universe	
Effluent SNC	4.50%
Non submittal SNC	9.68%
Schedule SNC	3.36%
Not in SNC	82.47%

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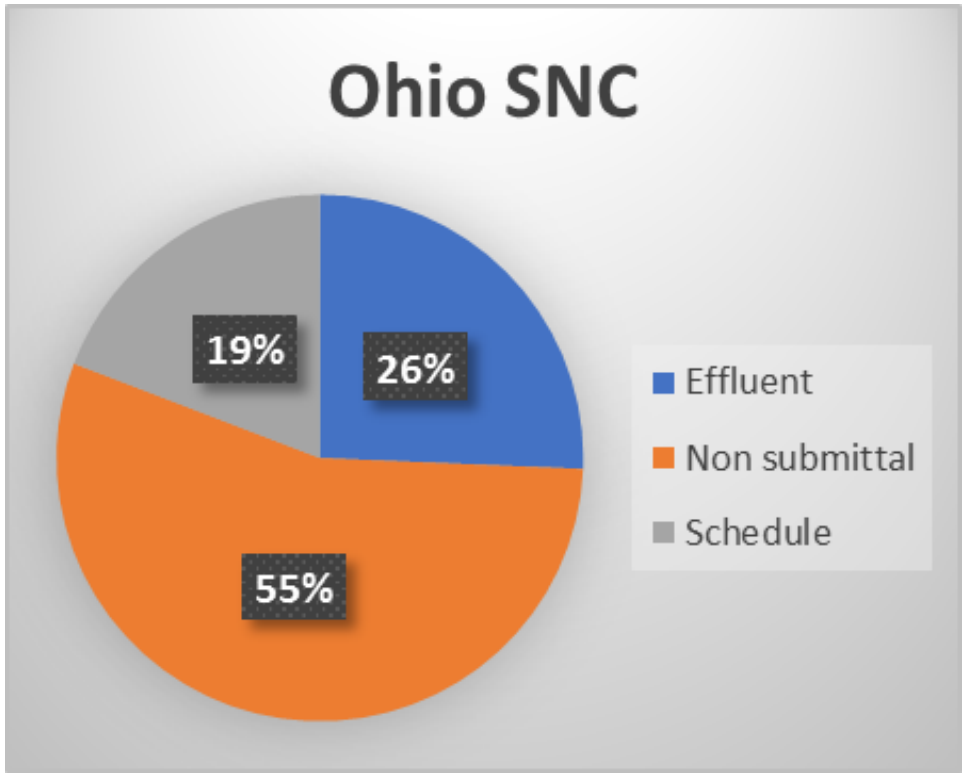
Ohio SNC



Ohio SNC	
Effluent	25.66%
Non submittal	55.18%
Schedule	19.16%

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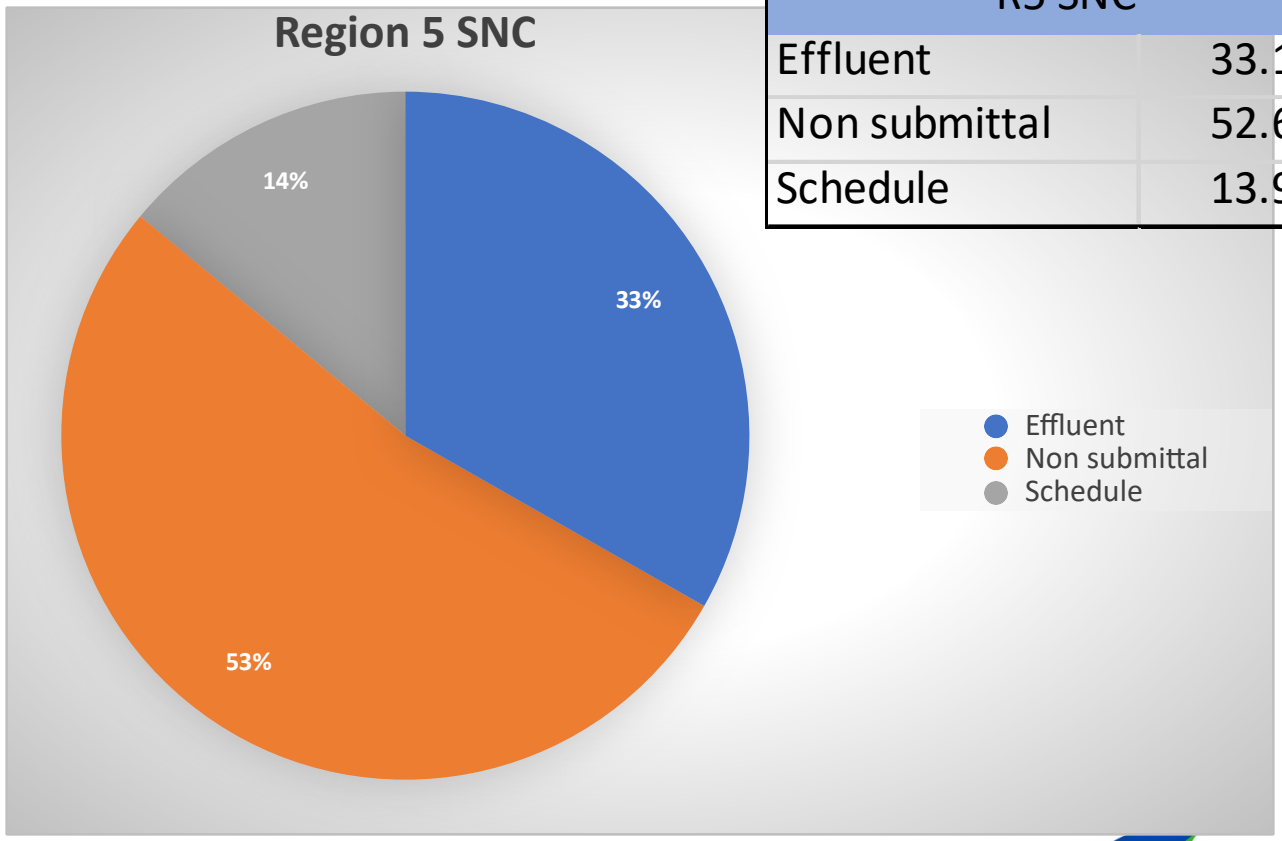
Ohio SNC



R5 SNC	
Effluent	33.15%
Non submittal	52.61%
Schedule	13.96%

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Ohio SNC

Common reasons for noncompliance:

1) **The operator doesn't understand principles of wastewater treatment**

   we can train the operator

2) **The design is deficient**

   we can figure out work arounds

3) **The administration doesn't support the operator needs**

   this is what enforcement is for…

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Ohio SNC

Common attitudes of operators/owners:

"I don't give a _____ !"

"It costs too much!"

"We've tried everything!"

"well, maybe enforcement"

"compliance is cheaper"

"chasing paper laws"

It is possible to work with these attitudes.

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Ohio SNC

- **What are the issues leading to SNC?**
  - **Big Picture**
    - **Types of violations, facilities, locations**
    - **Broad outreach**
- **Details**
    - **Site-specific data**
    - **Individual outreach**

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Ohio SNC

Big Picture

Review of SNC data

What are the problems?

Where are the problems?

What is the most effective solution?

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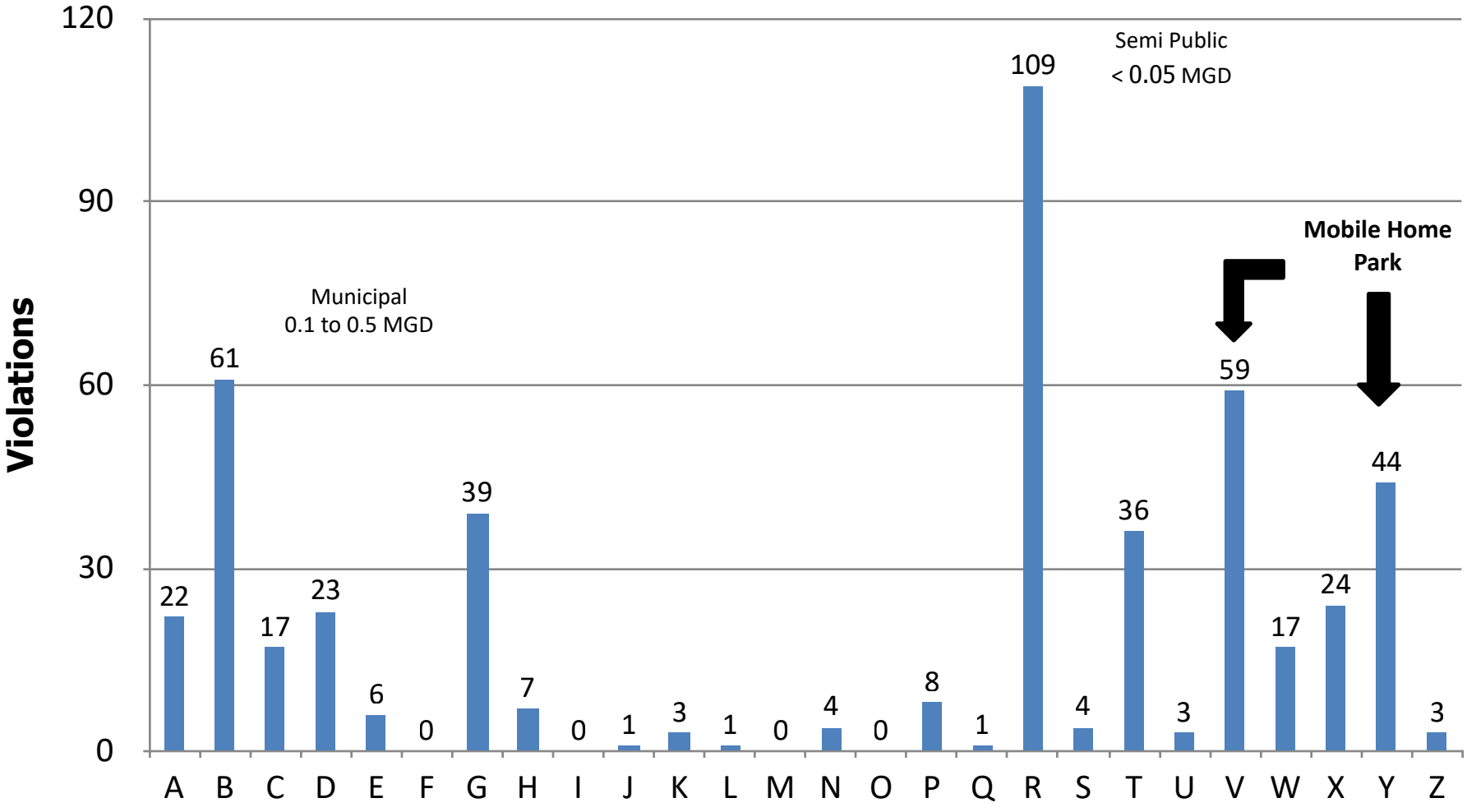
Type Facility
SNC April - October



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Ohio SNC

<u>Type "R" Semi Public < 0.05 MGD</u>

Who are they?

- **4-H/FFA camps**
- **Marinas**
- **Small Manufacturing**
- **Bars/Taverns**
- **Restaurants**
- **Schools**
- **Motels**
- **Churches**

Might require more "hand holding"

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Ohio SNC

Type "R" Semi Public < 0.05 MGD

What are their issues?

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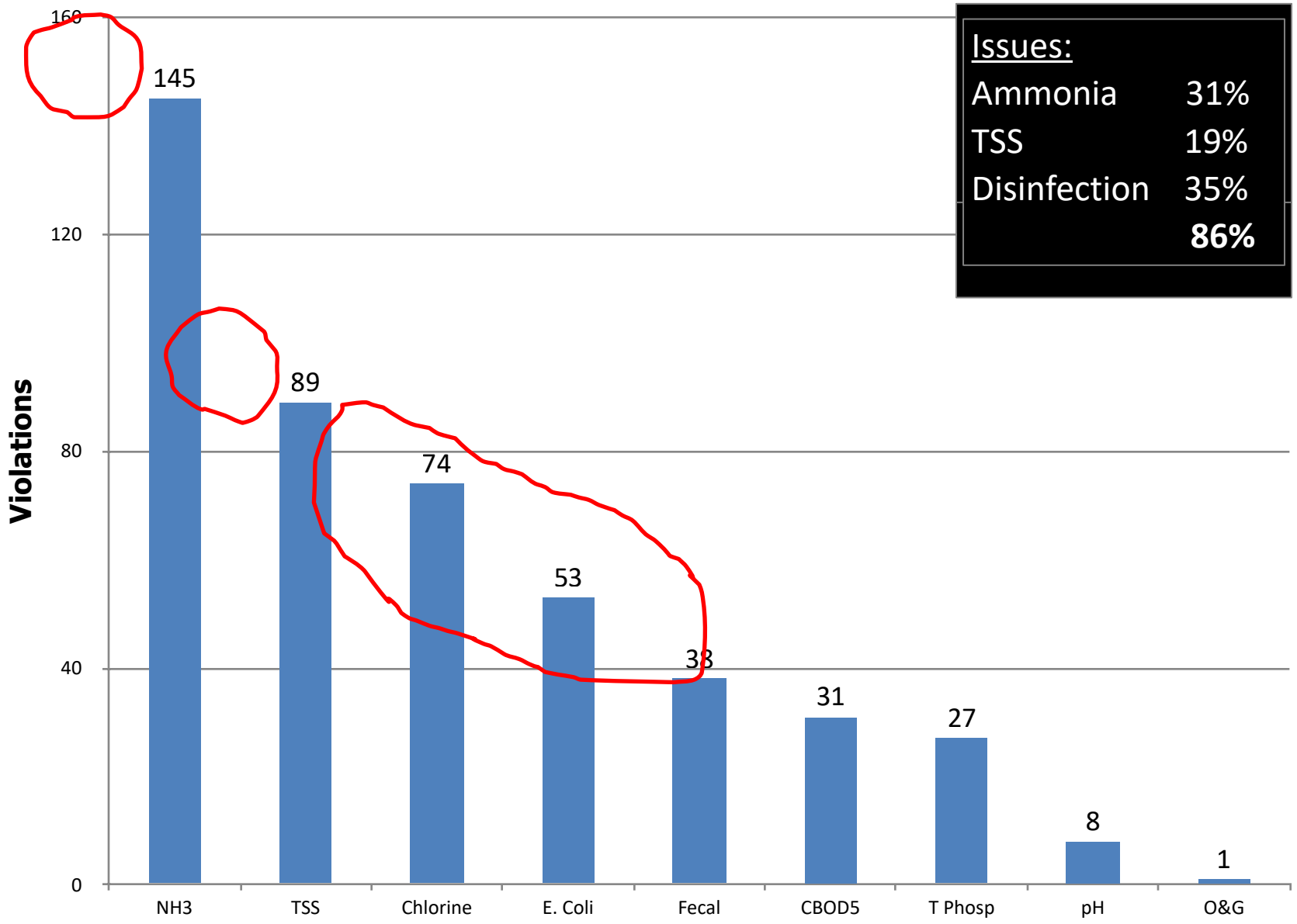
SNC April - October



Ohio SNC

<u>Type "R" Semi Public < 0.05 MGD</u>

Where are they?

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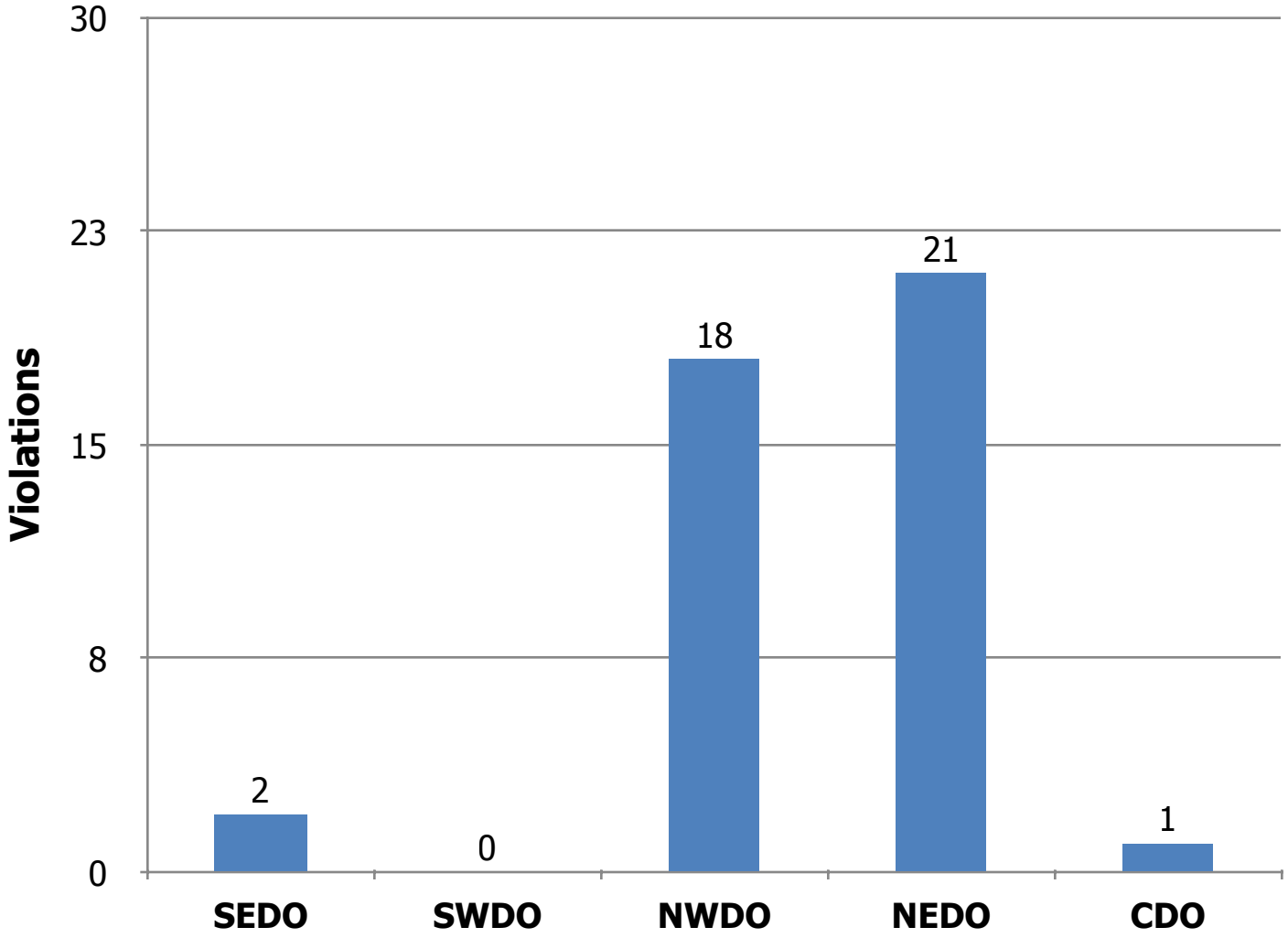
Semi Public < 0.05 MGD
NH3-N violations by district



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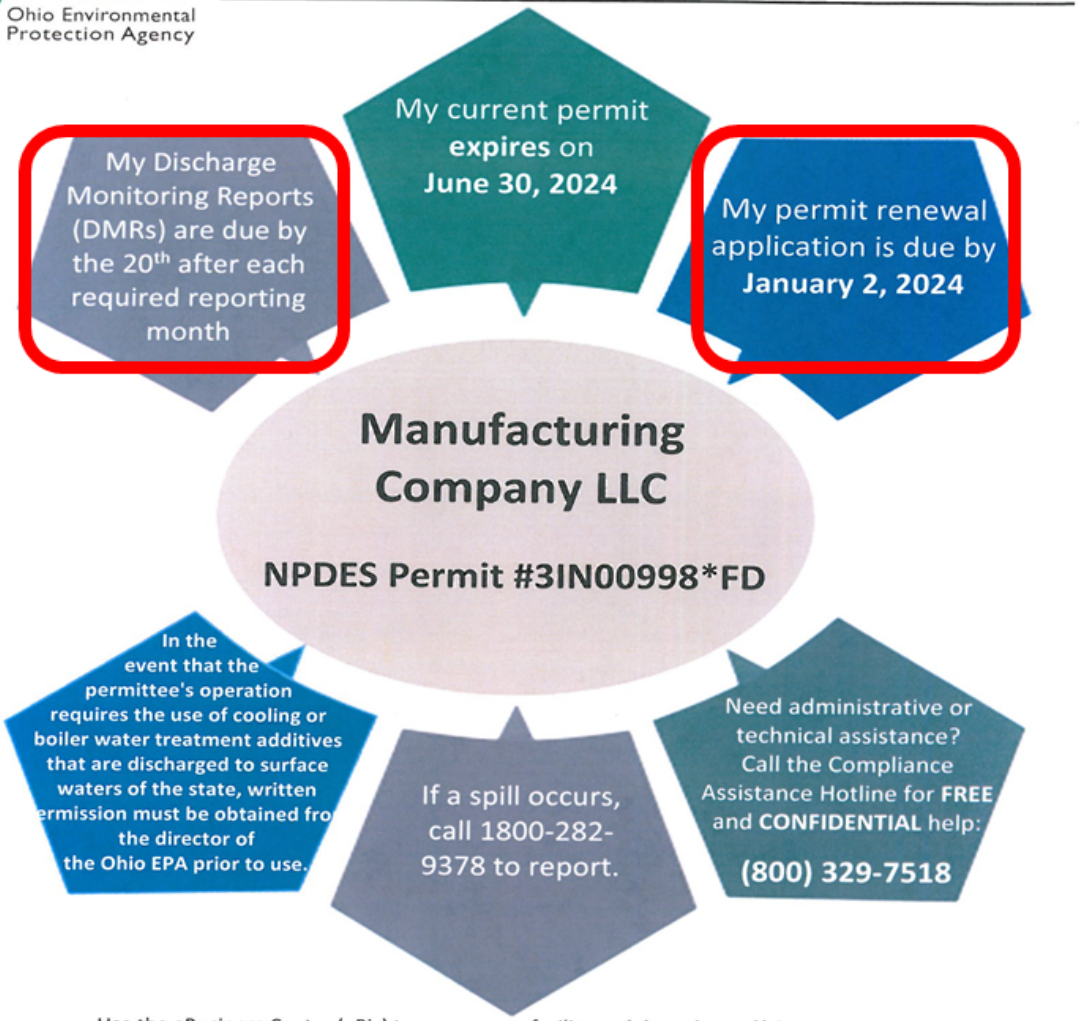
NPDES Keys to Compliance



Use the eBusiness Center (eBiz) to manage my facility and data: https://ebiz.epa.ohio.gov
Need eBiz Help? Please contact katherine.harris@epa.ohio.gov or at (614) 644-2135

DON'T HESITATE TO COMMUNICATE!

Your **Ohio EPA Inspector, John Schmidt,** is there to help!

Contact John at (330) 963-1142 or at **john.schmidt@epa.ohio.gov.**

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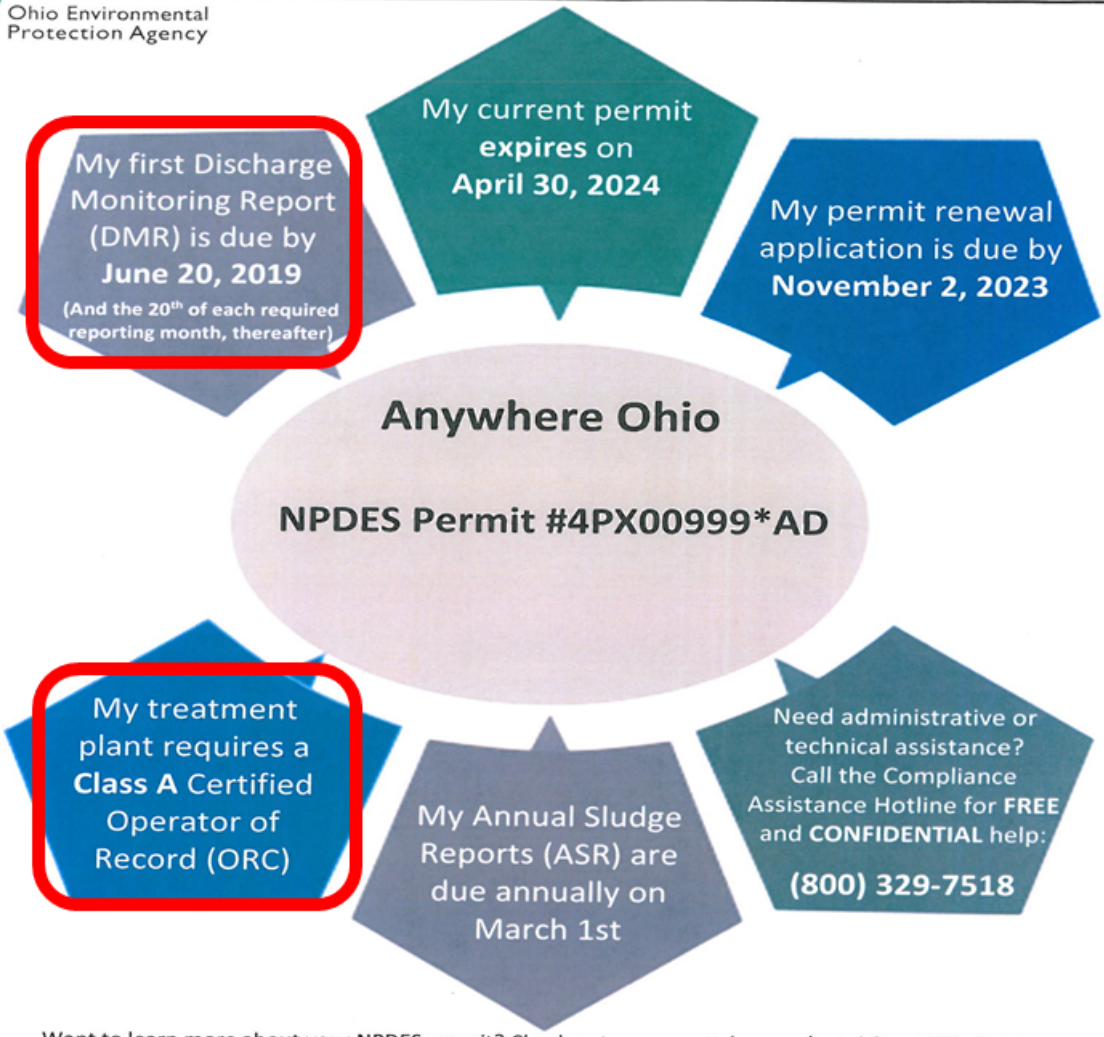
NPDES Keys to Compliance



Want to learn more about your NPDES permit? Check out www.youtube.com/watch?v=p3ZUb6NEOtU
Use the eBusiness Center (eBiz) to manage my facility and data: https://ebiz.epa.ohio.gov
Need eBiz Help? Please contact **Jamie Roberts at james.roberts@epa.ohio.gov or at (614) 644-2054**

DON'T HESITATE TO COMMUNICATE!

Your **Ohio EPA Inspector, Paul Vandermeer,** is there to help!
Contact Paul at (614) 728-3854 or at **Paul.Vandermeer@epa.ohio.gov.**

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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

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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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ECHO Enforcement and Compliance History Online

ECHO Gov Login | Contact Us

You have been logged out. Log in again

- Quick Search
- Search Options
- Analyze Trends
- Find EPA Cases
- Data Services
- Help
- News

Quick Search

Search By

Location | Facility Name/ID

Enter city, state, and/or zip code

Search

More Search Options

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

Watch a Video Tutorial

Explore the Tool Guide

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.

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Final Thought

We want to help you maintain compliance!

To quote Jerry McGuire:

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Questions?

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