



NPDES Compliance & Enforcement



EPA Region III
NPDES States' Mining Meeting
Seven Springs, Pennsylvania



Yoko Ono



“Would you take energy advice from the woman who broke up The Beatles”

Big Green Radicals to show the disconnect between celebrities and the average American.



EPA activities over the past 3 years

- Integrating Permitting and Enforcement in program oversight (workplans that lay out activities)
- Program Assessments in WV, VA and PA
- Judicial and administrative case development and enforcement actions



Program Assessment Observations

- Minimum data elements
- Inspection Reports do not document CWA inspections are occurring
- Economic benefit is not considered in enforcement actions
- Concern over escalation and/or enforcement tools
- Documenting Return to compliance



Robert Redford

“Demands green living. Flies of private jets”



The NPDES Electronic Reporting Rule

- On July 30, 2013, EPA proposed the NPDES Electronic Reporting Rule. The public comment period closed on December 12, 2013 with EPA receiving 169 public comments from various stakeholder groups including states and ACWA.
- The e-Rule as proposed would requiring electronic submission by NPDES permittees of DMRs, NOIs, and other NPDES program-specific reports, for information already required by existing regulations.
- Required information would be obtained directly from the source where data is generated, i.e., permittees but also from the states or EPA where they are the unique source of program implementation data such as permits, inspections, and enforcement actions.



Overall Goals of the e-Reporting Rule

- Using 21st Century technology to obtain more accurate, timely, and complete information about the NPDES program;
- Reducing burden of existing paper-based reporting from regulated facilities; results in overall cost savings for those regulated;
- Significantly reducing reporting burden for states due to electronic DMR reporting from facilities;
- Giving the public more complete and improved information about sources of water pollution in their communities;
- Making it possible to better target compliance monitoring and enforcement resources to the most serious problems; and
- Improving the quality and utility of NPDES program data by ensuring that the information submitted to EPA and the states is timely, accurate, complete, and nationally consistent.



Required Data

- EPA worked from existing regulatory requirements to create the list of the minimum set of data that must be submitted by states and permittees to maximize impact of e-reporting.
- These data are part of the proposed rule: Appendix A to 40 CFR 127.
- The proposed rule makes clear what data are required for each report (e.g., DMRs, NOIs, program reports) and who submits these reports.



Required Data

- The proposed rule would also require timely data sharing between EPA and states for these data listed in Appendix A.
- The list of data is not applicable to all facilities (e.g., POTWs do not need to report CAFO data):
- The need to update and report data depends on the data source (e.g., data derived from the NPDES permit application will need to be updated and reported to EPA at each permit renewal, usually a 5-year interval)

Two-Phase Implementation Approach

- **Phase 1 Data:** EPA and states would electronically receive:
 - Basic facility and permit information as well as inspections, violation determinations, and enforcement actions data from states;
 - DMR information from facilities; and
 - Information from general permit covered facilities [e.g., notices of intent to discharge (NOIs), notices of termination (NOT), no exposure certifications (NECs), and low erosivity waivers (LEWs)] for Federally-issued general permits.
- **Phase 2 Data:** In addition to Phase 1 data, EPA and states would receive:
 - Information from general permit covered facilities for other state-issued general permits (see above); and
 - Program reports from all facilities.



Next Steps

- EPA has drafted a Supplemental Notice to the proposed rule to summarize key issues identified by stakeholders, clarify portions of the rule and provide an additional 30 day comment period.
- The Supplemental Notice is currently undergoing OMB review prior to publication in the Federal Register. EPA projects publication of a final rule in late 2015.
- Region 3 is coordinating with each state to ensure data system capabilities and identify potential implementation issues.
- EPA plans to continue outreach activities to states, regulated facilities, and the public and provide notice on a new website for the eRule (<http://yosemite.epa.gov/opei/rulegate>).
- Region 3 contact:
 - Christopher Menen (menen.chris@epa.gov) or 215-814-2368



Revised CMS

- The 2007 Compliance Monitoring Strategy (CMS) was revised and reissued July 14, 2014.
- The CMS provides a recommended minimum frequency for monitoring activities.
- Applies to all authorize state NPDES and pretreatment program and EPA's direct implementation areas.



What the CMS Revision includes...

- Additional flexibility to conduct and get credit for desk top reviews
- Includes the concept of an “alternate plan” if there is one or more compliance monitoring commitments that deviate from the national goals (consultation to begin 8/15 of each year).
 - Ability to count desk top reviews if an alternate plan is being implemented.



Lady Gaga



“Would you take energy advice from a woman wearing a meat dress?”



Our Goal this week:

We are all doing activities under CWA and SMCRA. How best do we coordinate activities to reach our common goals and how best to we develop action plans to prioritize our activities? Develop action and priority items to address over time

- Continue our dialogue on improving the data availability and get everyone ready for the e-reporting rule
- Improve CWA documentation for inspections
- Continue discussion regarding self certified violations through DMRs
- Working together on case development.