EPA's State Review Framework: An Overview

ACWA NPDES Program Meeting

Chris Knopes, Director,

Performance, Measures, and Oversight Division,

Office of Compliance, Office of Enforcement and Compliance Assurance

Background

▶ In 2004, in response to state concerns about level playing field, states associations and OECA collaborated to develop SRF as nationally consistent, retrospective assessment tool.

▶ States participate in updates to SRF after each "round" of reviews.

▶ Consistent with oversight principles and practices in EPA permitting programs. (https://www.epa.gov/title-v-operating-permits/principles-and-best-practices-oversight-state-permitting-programs)

▶ Consistent with ECOS June 2017 "Cooperative Federalism 2.0" principles and is referenced in ECOS Resolution 98-9 "US EPA Enforcement in Delegated States".

SRF Review Structure

► Each state (and regional DI program) reviewed <u>once every five years</u>.

► Three major programs: CWA NPDES; CAA Title V; RCRA Subtitle C.

► Clear performance expectations based on existing program policies and guidance.

► Review five program elements:

  ► **Data:** Is state's data complete and accurate?

  ► **Inspections:** Is state meeting commitments? Are inspections adequate?

  ► **Violations:** Does state appropriately identify violations?

  ► **Enforcement:** Enforcement responses appropriate, return to compliance?

  ► **Penalties:** Does the state appropriately assess and collect penalties?

SRF Review Structure, Cont.

▶ When issues identified, develop "recommendations" for state (or EPA) action.

▶ Reports and status of recommendations are public.
(https://www.epa.gov/compliance/state-review-framework-compliance-and-enforcement-performance)

▶ SRF recognizes that States operate under different political and resource constraints:

   ▶ Reviews go beyond data, get state input at every step, including recommendations.

▶ Expectation is continuous improvement

Summary of Findings from Past Reviews

- Almost all CWA and CAA programs have areas for improvement, but few significantly deficient programs

- Overall, state enforcement programs met or exceeded the national performance baseline for all SRF elements roughly 50% of the time.

- Majority (71%) of "recommendations" are completed between reviews, but some issues remain from review to review.

- Data completeness and accuracy and calculation and documentation of penalties are the most common problems identified in SRF reviews for all media for Rounds 2 and 3.

- For CWA programs, reporting and accurately identifying Single Event Violations (SEVs) in SNC and taking appropriate enforcement action are significant issues found in SRF reviews.

Preparation 4th "Round" of Reviews in 2018

▶ Fourth round of reviews will begin in CY2018

▶ Currently EPA OECA is working with states and regions to review and update program metrics and process prior to beginning round 4.

　　▶ States and regions provided update ideas September 2016

　　▶ States and ACWA participated in workgroups to review suggested changes and develop a proposal that was distributed to all states for review in July.

　　▶ EPA is currently revising guidance to reflect those changes which will be distributed to states for review in November

▶ Changes to NPDES metrics primarily reflect the addition of data on compliance and enforcement activity at minor sources due to e-Reporting rule.

▶ Schedule for Round 4 reviews will be finalized soon and regions will provide that information to their states.

For More Information…

- Mike Mason, Chief State and Tribal Performance Branch, Office of Compliance
  - mason.michael@epa.gov
  - 202-564-0572
- State Review Framework web site: https://www.epa.gov/compliance/state-review-framework-compliance-and-enforcement-performance
- ECHO and ECHO Gov: https://echo.epa.gov/
  - ECHO = publically available information on facility compliance, state activities, SRF recommendations, etc.
  - ECHO Gov = additional information and tools for government including:
    - targeting, violation status
    - SRF data, policies and guidance, training.