



United States Environmental Protection Agency

EPA SNC National Compliance Initiative: Role of Inspectors in Reducing the Rate of NPDES Significant Noncompliance

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Role of the Inspector in the SNC NCI

- In writing the implementation strategy for the SNC NCI the question arose, **What is the Role for Inspections and Inspectors in the NCI?**
 - Initially, the role of inspectors was not clear because SNC violations are generally identified through DMRs, not inspections.
 - But, on further consideration, we realized that **inspections can play a critical role in this NCI succeeding.**
 - Inspectors can play a **CRUCIAL ROLE** in **CREATING DETERRENCE** by undertaking the steps listed below when inspecting NPDES permittees in SNC or that have a history of SNC and other violations.

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- Studies have established that EPA and state inspector field presence by itself produces better compliance behavior by regulated entities.

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Example study:

- ▶ W. B. Gray and J. P. Shimshack (2011), *The Effectiveness of Environmental Monitoring and Enforcement: A Review of the Empirical Evidence*, pp. 21-22.
- ▶ “The empirical evidence that has been reviewed here suggests that **monitoring and enforcement are significant determinants of pollution prevention and environmental compliance.**
 - ▶ First, **environmental monitoring and enforcement activities generate substantial specific deterrence**, reducing future violations at the targeted firm.
 - ▶ Second, **environmental monitoring and enforcement activities generate substantial general deterrence**, reducing future violations at facilities other than the targeted one.
 - ▶ Third, **environmental monitoring and enforcement activities generate not only reductions in violations but also significant reductions in emissions.** This last result holds even for industries where compliance is generally high.”

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How can we build on the deterrent effect of our inspections?

1. Assessing SNC/noncompliance status prior to inspection

- Determining the effluent parameters, reporting requirements, and/or schedule requirements violated that produced any recent SNC violation status

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2. Examining sources of SNC noncompliance during the inspection

- ▶ Process and treatment problems underlying effluent SNC violations
- ▶ Lab and permittee reporting problems underlying compliance reporting SNC violations (DMR submission or completion)
- ▶ Enforcement order or permit schedule compliance problems for schedule-related SNC violations

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3. Providing Compliance Assistance

- ▶ If the inspector has noted problems he/she may want to suggest relevant references, training and resources during the inspection closeout conference - to help the facility quickly fix any shortcomings.
- ▶ Be careful not to give a definite direction on process changes so that you don't put the state or EPA in a position of being liable if they act on it and doesn't fix the problem.
 - ▶ Policy: [The Role of the EPA Inspector in Providing Compliance Assistance During Inspections](#)
 - ▶ <https://www.epa.gov/sites/production/files/2013-09/documents/inspectorrole.pdf>

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4. Enhancing Deterrence

- Communicating to permittee and operator the implications of SNC level violations and designation:
 - a. Explain heightened scrutiny by state and EPA under the SNC NCI of permittees in SNC or with a history of SNC
 - b. Provide SNC NCI Compliance Alert (coming shortly) to bolster explanation of SNC NCI (see (a) above).
 - c. Directing the permittee/operator to the public view of permittee's quarterly SNC status displayed in ECHO

Questions?

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