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.
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:


- “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
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
  
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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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