

Importance of Enforcement Actions to Achieve SNC NCI Goals

EPA-State NPDES SNC NCI Symposium
EPA Region 6, Dallas, Texas
January 22, 2020

Overview

- I. Introduction
- II. State-EPA Panel Discussion: Use of Enforcement Actions to Resolve and/or Deter SNC Violations
- III. Overview of OECA's Approach for Prioritizing SNC Follow-up Actions

I. Introduction

- SNC violations are defined in EPA guidance as a subset of egregious NPDES violations that warrant priority attention by the NPDES authority and a “timely and appropriate” response
- Enforcement actions play a critical role in resolving continuing SNC violations and in deterring future SNC violations
- Session objective is to discuss different approaches for using enforcement actions to resolve SNC violations and achieve the goals of the SNC NCI

II. State-EPA Panel Discussion: Use of Enforcement Actions to Resolve and/or Deter SNC Violations

Panel Discussion:

- Richard Paull, NJ
- Meredith Streeter, NY
- Denny Dart, EPA Region 1
- Michael Boeglin, EPA Region 8

Full Group Discussion:

- *Other examples of successful uses of enforcement actions to resolve SNC violations*
- *Current approaches being used for resolving SNC-level violations at NPDES minor permittees*

III. Overview of OECA's Approach for Prioritizing SNC Follow-up Actions

1. Multi-State NPDES Violators: Selection Criteria
2. ECHO Search
3. Summary of Search Results
4. Next Steps

1. Multi-State NPDES Violators: Selection Criteria

Goal: Identify corporations with cross-state and cross-regional serious CWA-NPDES violations (*i.e.*, SNC or SNC-level) for potential follow-up investigation

Selection Criteria:

- NPDES non-POTW facilities
- Current status in violation (mining facilities not considered due to data issues)
- Same corporation occurs more than three times
- Corporation has violations in more than one state
- Corporation has at least one facility in current SNC for effluent violations
- Company has had a formal enforcement action in the last five years
- After steps above, corporation was further screened for additional violation information (*e.g.*, missed DMR counts and effluent violation counts)

2. ECHO Water Facility Search to Identify all NPDES Non-POTW Facilities Currently in Any Violation Status

Facility Characteristics

View More

Facility Name (Separate multiple names with a semicolon ;)

Find Facility Name(s) That: Contains Each Term

Facility ID Number

EPA Registry ID Program System ID

SIC Code 2-digit selection All SIC Codes

SIC Code (Use to enter 3 or 4-digit codes)

NAICS Code

Permit Issuing Agency

Major Designation

Permit Status

Permit Type

Permit Components

Enforcement and Compliance

View More

Time Since Last Inspection

Date From: To:

By Agency:

Inspection Type

Compliance Status

Quarters With Violation (3 years)

Number of Effluent Exceedances

Select the Following Under Compliance Status:

- Significant/Cat. 1 Noncompliance
- Violation/Cat. 2 Noncompliance
- New Violation

Select all Permit Components except 'POTW' and 'No Restrictions.'

ECHO search results are exported to Excel and a pivot table is created; the number of times a facility name occurred is counted

Facility list is alphabetized

List is manually reviewed and facilities that are clearly part of the same corporation are combined

	A	B	C
750	BMJ STONE COMPANY, LLC	1	
751	BMW ENTERPRISES LLP, BENTON TRUCK STOP	1	
752	BMW MERCEDES WORLD INC	1	
753	BN NATIONAL TRAIL BIODIESEL LLC	1	
754	BNSF APPLE TREE EAST CROSSOVER	1	
755	BNSF BRIDGE 0047-24.8 FALLBRIDGE SUBDIVISION	1	
756	BNSF CENTRALIA	1	
757	BNSF FIDALGO YARD IMPROVEMENTS	1	
758	BNSF RAILWAY BELLINGHAM YARD	1	
759	BNSF RAILWAY COMPANY	3	
760	BNSF RAILWAY COMPANY EVERETT	1	
761	BNSF RAILWAY WATSON	1	
762	BNSF SKYKOMISH REMEDIATION SITE	1	
763	BNSF TACOMA YARD	1	
764	BNSF TASK 5 KELSO MARTINS BLUFF NEW SIDING	1	
765	BNSF TASK 6 INFRASTRUCTURE IMPROVEMENTS PROJECT	1	
766	BNSF WENATCHEE RAILYARD	1	
767	BNSF WSDOT ARRA PROGRAM TASK 17 MP 1784	1	
768	BO MAC CONCRETE INC	1	
769	BOARD CAMP MINE	1	

Facility names that came up more than three times were searched in the **ECHO Corporate Compliance Screener** to ensure the corporation had facilities in violation in multiple states and had at least one facility with effluent limit SNC violations

STEP 1 Enter Search Criteria **STEP 2** Review Results **STEP 3** Generate Report

View and Manage Saved Screens X Clear All H

Step 1: Enter Search Criteria

Search Options

Search Type: Public, Sensitive

Active Facilities Only: Any, Yes

Compliance Screen Name (Required to save screen):

Report Type: OECA Screening Report, Compliance Report

Settlement Time Period: Last 5 Years

Facility/Company Identifiers (Required)

Find Facility/Company Name(s) That:

Facility/Company Name(s) (Separate names with a semicolon ';'):

And Does Not Contain:

Facility ID Number(s):

FRS Corporate:

Facility/Company Locations

EPA Region:

State:

Search

Step 2: Review Results

584 records returned

Customize Columns Download CSV File Download Excel File **Step 3: Generate Report**

Exclude From Report	Facility/Case Name	Facility/Case Identifier	Facility Street Address	Facility City	Facility State	Facility EPA Region	CAA Facility Name(s)	CWA Facility Name(s)	RCRA Facility Name(s)	SDWA Facility Name(s)
<input type="checkbox"/>	BNSF RAILWAY - BNSF GLASGOW SUBDIVISION DOUBLE TRACK SEGMENT 7	1100802054325	RR CORRIDOR FROM NO BORDER TO SNOWDEN	SNOWDEN	MT	08	--	BNSF RAILWAY - BNSF GLASGOW SUBDIVISION DOUBLE TRACK SEGMENT 7,	--	--
<input type="checkbox"/>	BNSF RAILWAY - BNSF SIDING EXTENSION IN AND SW OF GLENDIVE	1100859237398	S SIDE EXISTING RR GRADE	GLENDIVE	MT	08	--	BNSF RAILWAY - BNSF SIDING EXTENSION IN AND SW OF GLENDIVE,	--	--
<input type="checkbox"/>	BNSF RAILWAY - BNSF SIDING EXTENSION IN AND WEST OF TERRY	1100859235992	N SIDE EXISTING BNSF RR GRADE LOGAN AVE WEST APPRO	TERRY	MT	08	--	BNSF RAILWAY - BNSF SIDING EXTENSION IN AND WEST OF TERRY,	--	--
<input type="checkbox"/>	BNSF RAILWAY - BNSF SIDING EXTENSION NEAR BIG HORN	1100859237465	N OF HWY 10 S OF RR GRADE	BIG HORN	MT	08	--	BNSF RAILWAY - BNSF SIDING EXTENSION NEAR BIG HORN,	--	--
<input type="checkbox"/>	BNSF	1100702823237	MILE MARKER 264.2	FRESNO	CA	09	--	--	BNSF,	--
<input type="checkbox"/>	BNSF RAILWAY	1100704028885	LAT: 35.8955492, LNG: -115.14447235	COMMERCE	CA	09	--	--	BNSF RAILWAY,	--

Example of Compliance Report Generated

Compliance Report: ▼

Search Criteria:

Search Type: Public

Report Type: Compliance Report

Settlement Time Period: Last 5 Years

Find Name(s) That: Contains Each Term

Facility Name(s): BSNF, BNSF

Facility Search Results

Number of Facility Records (Recent Quarter)			Facilities with Violation By Statute			
Active Facilities	Facilities with Violation(s)	Facilities with Significant Violation(s)	CAA	CWA-NPDES	RCRA	SDWA
306	17	10	0	113	2	1

Facility Violation Information (Any Recent Violation)

FRS ID	Program Facility Name	Street Address	City	State	Statute	Program ID	HPW/SAC/SV Status	Qtrs with HPW/SAC/SV	Violation Status
110018546989	BNSF RAILWAY COMPANY	H & MAIN	BARSTOW	CA	RCRA	CAD044333727	No	0	Violation
110069219839	BNSF INTALOD YARD IMPROVEMENT PROJECT	UNSPECIFIED	CUSTER	WA	CWA	WAR303939	No	0	Other Violation
110015488264	BNSF WENATCHEE RAILYARD	405 S COLUMBIA ST	WENATCHEE	WA	CWA	WAR127014	No	1	Reportable Noncompliance
110033639242	BNSF RAILWAY BELLINGHAM YARD	1200 1230 D ST	BELLINGHAM	WA	CWA	WAR127293	No	0	Reportable Noncompliance
110070088231	BNSF RAILWAY WATSON	1302 LOMITA	WILMINGTON	CA	CWA	CAZ190482	No	0	Other Violation
110033484308	BNSF CENTRALIA	RAILROAD AVE & E MAPLE ST	CENTRALIA	WA	CWA	WAR127017	No	0	Reportable Noncompliance
110003086423	BNSF RAILWAY WWTP	800' N HAWKINS RD	TEMPLE	TX	CWA	TX0089109	No	0	Other Violation
110064264333	BNSF RAILWAY COMPANY LIVINGSTON	208 MILES LN S	LIVINGSTON	MT	RCRA	MTT310010087	Yes	10	Significant Noncomplier
110022329713	BNSF SKYKOMISH REMEDIATION SITE	S FORK SKYKOMISH RIVER	SKYKOMISH	WA	CWA	WA0032123	Yes	3	Failure to Report DMR - Not Received
110003338230	PACIFIC RAIL SERV & BNSF SO SEATTLE	12400 31ST PL S	TUKWILA	WA	CWA	WAR0033962	Yes	2	Failure to Report DMR - Not Received
110046391733	BNSF TACOMA YARD	610 E 21ST ST	TACOMA	WA	CWA	WAR126179	Yes	2	Failure to Report DMR - Not Received
110067177263	BNSF FIDALGO YARD IMPROVEMENTS	UNSPECIFIED	ANACORTES	WA	CWA	WAR303273	Yes	7	Failure to Report DMR - Not Received
110003302063	BNSF RAILWAY COMPANY EVERETT	3429 15TH ST	EVERETT	WA	CWA	WAR000486	Yes	2	Failure to Report DMR - Not Received
110060372713	BNSF WSDOT ARRA PROGRAM TASK 17 MP 1784	(UNSPECIFIED)	EVERETT	WA	CWA	WAR302144	Yes	8	Failure to Report DMR - Not Received
110067176344	BNSF APPLE TREE EAST CROSSOVER	(UNSPECIFIED)	VANCOUVER	WA	CWA	WAR302223	Yes	9	Failure to Report DMR - Not Received
110064091003	BNSF BRIDGE 0047-24.8 FALLBRIDGE SUBDIVISION	SE 6TH AVE	CANAS	WA	CWA	WAR302359	Yes	9	Failure to Report DMR - Not Received
110070227120	BNSF 2ND RAIL REALIGNMENT	UNSPECIFIED	SPOKANE	WA	CWA	WAR307432	Yes	3	Failure to Report DMR - Not Received

3. Summary of Search Results for Potential Corporation Targets

- Identify total number of active facilities across multiple number of states and EPA regions
 - Facilities in one or more states within the same EPA region - EPA region would take the lead in coordinating an investigation with the affected state(s)
 - Facilities in multiple states across multiple EPA regions - OECA would take the lead in coordinating an investigation with the affected EPA regions and states
- Describe operations, types of discharges, and permit coverage at those facilities
- Summarize those facilities with CWA-NPDES violations and the subset with SNC violations
- Summarize the number of EPA and state formal enforcement actions taken against those facilities in the past 5 years

3. Summary of Search Results *continued*

Example of potential corporation candidate for OECA investigation: travel centers (commonly found off of major highways)

- One of the largest operators of travel centers in North America
- Locations in 44 states which include fueling, restaurants, truck maintenance and washing, public laundry, showers

ECHO Compliance Screener Report: December 2019

- Results from recent quarter show 53 facilities with CWA-NPDES violations in 18 states, across 8 EPA regions
 - 11 of those facilities had NPDES SNC violations: 7 for DMR non-submittal and 4 for effluent limit exceedances
 - 42 of those facilities were in noncompliance but had “sub-SNC” violations
- ECHO data shows 36 concluded EPA and state formal enforcement actions over the past 5 years

4. Next Steps

- Develop and issue an Information Request to collect additional information such as:
 - Corporate structure
 - List of all facilities
 - Type of permit or “No Exposure Certification (NEC)” coverage for each facility and copies of them
 - Which facilities have WWTPs and what pollutants are treated
 - Types of discharges (*e.g.*, wastewater or stormwater)
 - Analytical monitoring results
 - Copies of past local or state correspondence relating to compliance
 - Corporate environmental compliance program
- Coordinate with affected Regions and States on any follow-up inspections and enforcement actions