Environmental Policy Examples and Impacts List

1. **Example:** Resolution of minors SNC in ICIS-NPDES should not require formal enforcement. The EMS Manual needs updated to include non-major permittees. We need technology and policy off ramps for certain types of minors SNC violations and should not keep them on the books for 2+ years. We need an updated policy for significant violations and ICIS must be able to adapt to a more thoughtful approach. This also may include an update to 40 CFR 123.45.

   Impact: Public perception that all SNC is equal and has a noteworthy environmental impact. Muddies water as to what SNC is and what it should be. Requires manual resolution in ICIS-NPDES which increases state data management staffing needs.

2. **Example:** EPA has been looking at compliance assistance as a tool to return facilities to compliance as part of the NPDES SNC NCI. However, there is no way to link violations to compliance assistance activities in ICIS that will resolve the violations. EPA needs to look at the enforcement policies and broaden the scope of activities that resolve violations.

   Impact: Violations remain tagged with SNC long after the state has identified and implemented a solution that returned the facility to compliance. Public perception that all SNC is (or should be) treated equally muddies water as to what SNC is and what it should be. Requires manual resolution in ICIS-NPDES which increases state data management staffing needs.

3. **Example:** It can be extremely challenging to resolve violations at facilities that are no longer in operation or have been abandoned before termination procedures have been completed. Many of these companies may be out of business and/or the facility is now owned by a bank or third party that is nonresponsive to requests to terminate the permit.

   Impact: Facility data is misrepresented, total universe of violations and SNC violations can be inflated, state data and EPA data may not align, and ECHO may highlight some of these data quality issues.

4. **Example:** Single Event Violation (SEV) coding is highly manual in many states with many touch points and is driven by EPA policy from 2008. A couple states have automated systems associated with SEVs. This has led to high variability in data quality nationally and the environmental benefit has not been stated.

   Impact: Significant time invested in data entry and violation resolution tracking, but little environmental benefit realized.

5. **Example:** ICIS-NPDES automatically designates violations directly from the data flowed from the state. These violations include things like DMR violations and violations triggered by late annual reports. State systems (and employees) may also identify violations from data. There is no way to link state and EPA separately triggered violations.

Impact: There can be inconsistency between state and federal data systems as it relates to automatically triggered violations.

6. **Example:** ICIS-NPDES does not allow the modification of permit limits after the expiration date. If a Consent agreement is closed after the permit expiration date, states cannot change the limits and evaluation for E90s is then manual. This can continue for a long time if there is a permit backlog. Likewise, a permit can be administratively continued for a number of different reasons, but ICIS will not allow permit modification.

   Impact: ICIS-NPDES may not reflect current permit limits. Data management and violation review creates unnecessary work that should be automated.

7. **Example:** The NPDES eReporting Rule requires deficiency codes to be entered with violations. This is generally done manually by an Inspector and may need to be verified as a violation by management. There is no clear guidance on implementation, which will lead to varied use nationally. It is not clear how these new codes will help lead to a positive environmental impact.

   Impact: Can be duplicative and time consuming. Additional resources invested in data entry with no explanation as to environmental benefit.

8. **Example:** ICIS-NPDES does not evaluate SNC for daily max limits if the monthly average limit is "monitor only."

   Impact: Impaired logic hinders SNC evaluations.

9. **Example:** ICIS and the batched data process do not support our state's regulations for Automatic Transfers (permit transfer is allowed to a new operator/owner if the transfer meets certain requirements). In ICIS, the history of the permittee name(s) is deleted and not maintained. This makes it impossible to do an administrative/subpoena request based on company name alone if they only had coverage under that name for a partial permit term.

   Impacts: State and EPA data will not align, facility data history may be lost, violation and enforcement linkages may become disconnected, ECHO may no longer be viewed as a reliable system for identifying owner/operator.

10. **Example:** MS4 data element expectations exceed what is required and has been collected historically. Example - the proposed data schema: "NPDES eRule Implementation DET Draft" requires details on public education including how the how the public education and outreach will be delivered. While our permits require the full MCMs, including public education, neither our permits nor annual reports necessarily gives us the answer to that question.

    Impact: New data requirements driven by program updates and/or the NPDES eReporting rule will likely have temporal gaps. A business case should be made for all new data collection efforts, long before they become requirements.

11. **Example:** ICIS-NPDES does not appear to understand how the pretreatment program is operated. There needs to be distinct opportunities for analysis for industrial users and industrial users where states are the control authority. IU permit coverage is non-NPDES but are held to the same 5-year maximum permit cycle as an NPDES permit. Also, NPDES permits require an issued, effective and expiration dates. IU permits do not necessarily follow this and can be difficult to enter in ICIS.

    Impact: States have to use separate systems or come up with band aids to address ICIS-NPDES's inability to distinguish the type of program being implemented. Most challenging for direct users that are also the control authority.

12. **Example:** CROMERR remains a very challenging rule that affects both states and pretreatment programs looking to accept data electronically. The regulations do not specifically require wet signatures but EPA has developed an entire authentication, security, and signature process as though it does. Regardless of how you feel about this fact, CROMERR is a very cumbersome cudgel that could be streamlined to provide the same level of protections using 2FA and would eliminate much of the costs associated with becoming CROMERR compliant.

    Impact: State and municipalities that accept electronic data must spend significant resources to comply with CROMOERR or risk having the validity of their submissions challenged by EPA and others. EPA should dedicate resources to reducing this burden and embrace other options.