

State Review Framework: NPDES Program Oversight

March 2, 2023



Presentation Overview

- Summary of existing framework
- Discuss Round 4 data
- Path forward on Round 5
- Open discussion



Goals of the SRF

- Ensure monitoring and enforcement programs meet baseline performance standards outlined in applicable policy documents
- Promote fair and consistent enforcement to protect human health and the environment
- Promote equitable treatment and level interstate playing field
Provide transparency with publicly available data and reports



The Framework

- Review environmental enforcement and compliance programs every 5 years
- Nationally consistent process and metrics
- State performance, report findings, and follow up actions are public

Scope



Clean Air Act Stationary Source



Clean Water Act National Pollutant Discharge Elimination System



Resource Conservation and Recovery Act Subtitle C



Typical Review Process

- Agencies review and verify data (ICIS-NPDES) prior to EPA starting data analysis
- EPA issues SRF kick off letter
- EPA completes Data Metric Analysis (DMA) to establish initial findings based on standard performance measures
- EPA shares results of the DMA with the state for review and comment



Typical Review Process (cont.)

- EPA selects and reviews at least 25-30 facility against standard performance measures:
 - Inspection reports
 - Enforcement actions
 - Penalties
- EPA develops findings from data and file analysis and incorporates into a draft report for state review and comment
- Once final, EPA publishes the report and tracks recommendations



Report Focus

Data Entry:

Is data complete and accurate?

Inspections:

Inspection coverage – compliance monitoring strategy (CMS)

Inspection report quality

Timely inspection report completion

Violations:

Accuracy of violation identification



Report Focus (cont)

Enforcement:

- Return to compliance

- Timely and appropriate enforcement

Penalties:

- Penalty calculation & collection



Report Findings

- Meets Expectations
- Area for Attention
- Area for Improvement
 - Effective recommendations
 - Specific
 - Measurable
 - Achievable
 - Results-oriented
 - Time-bound



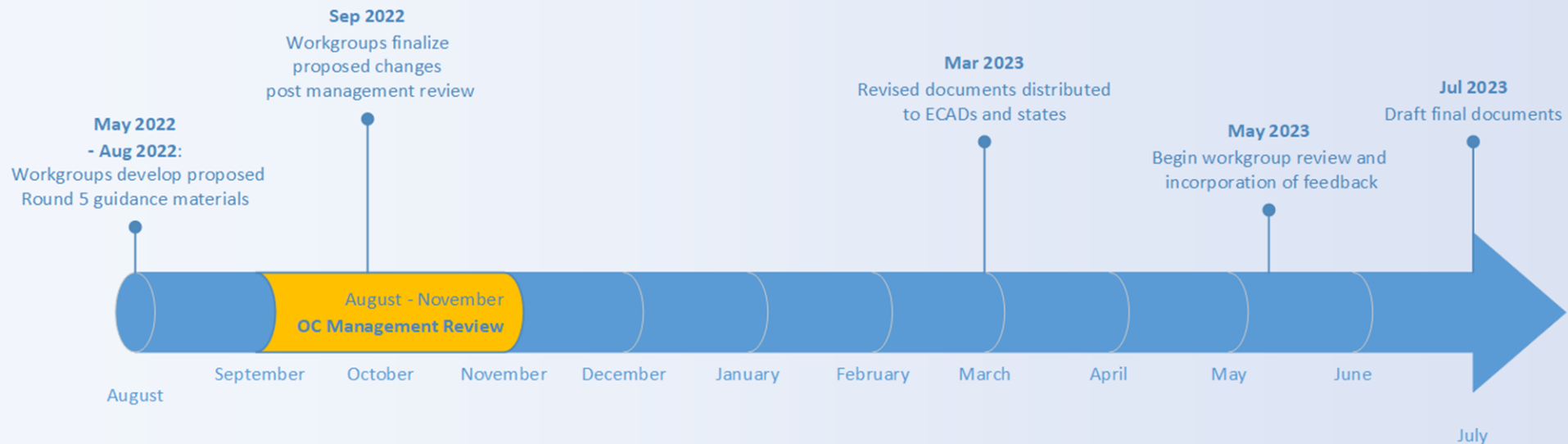
Round 4 CWA Recommendations



*Data as of 2/14/23



Timeline for Round 5





Next Steps

- Distribute draft SRF guidance documents to regions and state associations for review: Spring 2023
- Finalize SRF Round 5 documents and initiate Round 5 in FY2024: Fall 2023
- Round 5 SRF reviews FY 2024-2028



Open discussion and questions