



# National Enforcement and Compliance Initiative to Reduce Significant Non- Compliance with NPDES Permits (SNC NECI)

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# Overview

- EPA's National Enforcement and Compliance Initiatives (NECIs) – Background
- FY 2020-2023 SNC NECI
  - Progress
  - Key Success Factors
- Proposed FY 2024-2027 SNC NECI

# EPA's National Enforcement and Compliance Initiatives (NECIs)

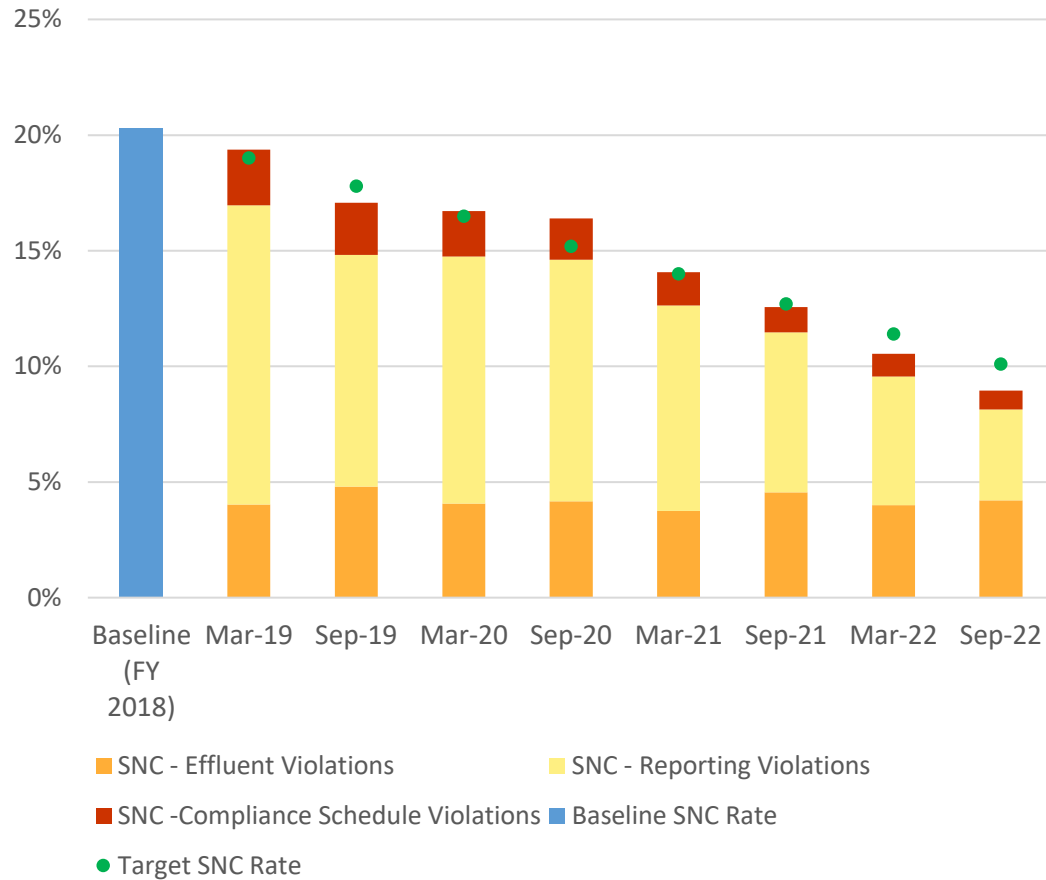
- Focus resources on serious and widespread environmental problems where federal enforcement can make a difference
- Aim to protect human health and the environment by holding polluters accountable and compelling regulated entities to return to compliance
- Formal enforcement remains the key tool to address serious environmental problems and significant violations, as well as create general deterrence
- EPA also uses a variety of compliance assurance tools in NECI implementation
- Selected every four years

# FY 2020-2023 NPDES SNC NECI

## Goals:

1. Reduce the national SNC rate for individual permittees by 50% by the end of FY 2022 (and avoid backsliding).
2. Assure that high priority SNC facilities with the most significant violations are timely and appropriately resolved.
3. Provide compliance and technical assistance, conduct studies, and provide support to states and regions for reducing the SNC rate.
4. Take action through the NPDES SNC NECI to further the Agency's environmental justice efforts.

# National NPDES SNC Rate Progress



- Reduced national SNC rate from 20.3% to 9.0% by the end of FY 2022
- Showed sustainability so far in FY 2023; SNC rate = 9.3%

# SNC NECI Progress

- Reduced SNC caused by DMR non-receipt violations
- Focused on working with states to ensure the highest-priority cases of SNC were being addressed
- SNC-level effluent violations:
  - Relatively stable rate. Would expect increase in effluent SNC rate with increase in DMR data; stable rate demonstrates some success in addressing effluent SNC
  - Effluent SNC violations often take longer to resolve than reporting violations. We want to continue working with states to ensure sustainable improvements in returning serious effluent violators to compliance are achieved.

# Key Success Factors

EPA-state partnership

Used outcome-based measure and set a target

Provided resources:

- Developed data tools to support tracking progress and identifying high-priority instances of SNC
- Conducted training, workshops, and symposia for EPA and state personnel
- Provided compliance assistance resources for permittees
- Encouraged knowledge transfer among states
- Supported resolving data completeness issues

# Proposed FY 2024-2027 SNC NECI - Process

- Proposed modified SNC NECI in Federal Register:
  - <https://www.federalregister.gov/documents/2023/01/12/2023-00500/public-comment-on-epas-national-enforcement-and-compliance-initiatives-for-fiscal-years-2024-2027>
  - Comments accepted through March 13
- OECA will consider comments received
- OECA will announce the final set of FY 2024 – 2027 NECI's later in FY 2023



# Proposed FY 2024-2027 SNC NECI

- Continue to address individual permittees with the worst effluent SNC violations
- Expand to include municipal permittees covered under a general permit
- Propose to seek remedies in enforcement actions to advance climate resiliency, where appropriate
- Promote environmental justice

# FY 2024-2027 SNC NECI: Next Steps

- Preparation for anticipated transition:
  - Continue to use outcome-based SNC rate metrics as our primary way of evaluating progress
  - Continue working with authorized state programs to identify and implement additional approaches that will reduce the overall rate of effluent SNC violations
  - Aim to ensure we are making connections with resources outside of OECA to support some of the more challenging aspects impacting compliance (e.g., newly-available technical and financial assistance resources managed by the Office of Water)
- Implementation Strategy development



# Questions?

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