

National Compliance Initiative: Reducing Significant Noncompliance with National Pollutant Discharge Elimination System Permits

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Federal Facility Compliance Under EPA's National Compliance Initiative to Reduce Significant Noncompliance with CWA NPDES Permits.

- This advisory is intended to notify federal facilities with NPDES permits about an EPA-State enforcement and compliance initiative focused on improving permit compliance and to help permittees with compliance problems achieve or maintain compliance.
- To improve surface water quality and reduce potential impacts on drinking water, EPA and states are focusing increased attention on all individually permitted Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit holders in significant noncompliance (SNC) – including federal facility NPDES permit holders.
- View EPA's NPDES SNC National Compliance Initiative (NCI): <https://www.epa.gov/enforcement/national-compliance-initiative-reducing-significant-non-compliance-national-pollutant>
- Significant noncompliance (SNC) is a designation given by U.S. EPA to NPDES facilities with violations of a more serious nature and cause for concern. Pursuant to EPA enforcement policy, these violations will likely warrant an enforcement response by EPA or the authorized state particularly if not promptly resolved by the permittee. For the technical definition of CWA SNC, see <https://echo.epa.gov/help/reports/dfr-data-dictionary#cwasnc>.

Federal Facility Regulation Under the NPDES Permit Program.

The NPDES program, created in 1972 by the Clean Water Act (CWA), helps protect human health and the environment by regulating water pollution from point sources that discharge pollutants into waters of the United States. Section 313 of the CWA (33 U.S.C. § 1323) requires federal agencies to comply with federal, state, interstate, and local requirements to control and abate water pollution, including, but not limited to, compliance with the NPDES permits.

A federal facility permitted under the NPDES program by EPA or an authorized state is required by Section 313 of the CWA to comply with the effluent limits, reporting requirements, and other responsibilities specified in its permit. Noncompliance with NPDES permits may subject federal facilities to enforcement by EPA or the authorized state.

If your department or agency owns or operates a facility with an EPA or state NPDES permit your facility has an obligation to comply with the effluent limits, reporting requirements, and other requirements in the permit. Noncompliance may subject the NPDES permittee to enforcement.

How Does This Initiative Affect Federal Facilities?

This NCI is intended to ensure that all NPDES permittees—including federal facilities—are complying with their permits. NPDES permittees, regardless of facility size or type, will see an increase by EPA and its state partners in identifying and addressing SNC violations at federal facilities using enforcement and other compliance tools. *EPA is making federal facilities aware of this initiative so they can take steps to address any significant noncompliance promptly.*

EPA has engaged directly with the federal community on this NCI. When significant noncompliance is identified at specific federal facilities, EPA's practice is to initiate a conversation with the respective federal department or agency headquarters offices to better understand the noncompliance from a national perspective and to help these facilities return to compliance. EPA has observed a very positive compliance response from federal agencies from this approach and plans to continue this outreach into the future.

Furthermore, EPA's dialogues with federal agencies have contributed to improved data quality and completeness across state and federal regulatory databases. Specifically, federal facilities have identified and reported data errors to EPA and the states, resulting in correction of data contained within these data systems. This is vital to identify significant noncompliance accurately, and federal facilities are playing an important leadership role in advancing the goals of this NCI by helping to identify and provide more accurate and complete data.

How Do I Check the Status of NPDES Permitted Facilities?

NPDES permittees are encouraged to assess their compliance status in one or both of the following ways:

- Ensure your discharge monitoring reports (DMRs) are accurate, complete, and timely submitted and received.
- Use EPA's Enforcement & Compliance History Online (ECHO) tool to access your detailed facility report. EPA recommends that federal facilities review their compliance statuses in EPA's Enforcement and Compliance History Online (ECHO) database on a regular basis.
- Use ECHO's Early Warning Dashboard (EWD) tool to monitor real-time facility statuses to identify overdue DMRs and underlying Technical Review Criteria (TRC) violations.

If your facility is identified in ECHO as being in significant noncompliance with its NPDES permit, EPA recommends that you take prompt corrective actions to address this noncompliance. If you believe that the significant noncompliance designation is the result of a data error, EPA recommends the permittee work with its permitting authority (either an authorized state or EPA) to resolve the issue.

EPA strongly recommends that federal partners **register for an ECHOGov account** to have access to functions that are only available to ECHOGov users, such as the Early Warning Dashboard. To register for an ECHOGov account, you will need to validate your government email by following these steps.

- 1) From the ECHO main page click "Contact Us" in the upper right-hand corner.
- 2) Select the "Help" drop down menu.
- 3) Select "Get Access"
- 4) Click "Register and Log in to ECHO Gov"
- 5) Follow Registration steps. The registration form will ask users to provide an EPA point of contact. (See contact information below.)

About: Early Warning Dashboard (EWD)

The EWD allows a user to view SNC statuses for last official quarter, subsequent unofficial quarter, and current quarter in progress ("real-time status"). Real-time statuses indicate whether a facility would be in SNC if nothing changed for the rest of the current quarter, or whether a single additional effluent violation could cause SNC (this is referred to as a "warning" status in the dashboard). The dashboard also contains drill-down functionality for data clean up that allow a user to understand the SNC causing violation and identify erroneous or outdated violation data. This tool is accessible to EPA, states, and other federal users who register with ECHOGov at <https://echo.epa.gov/trends/data-viz>

Helpful Resources

FedCenter

FedCenter.gov is the federal government's home for comprehensive environmental stewardship and compliance assistance information for federal facility managers and their agencies. FedCenter can be found at: www.fedcenter.gov, and is a collaboration of the U.S. EPA, Corps of Engineers, and numerous other federal agencies.

- [Compliance Assistance – NPDES SNC](#)
- [Facility Regulatory Tour](#)
- [Recorded Training Webinar: Intro to Early Warning Dashboard](#)

To check your permit or contact your NPDES permitting authority (state or EPA):

- For information on your state agency, use: <https://www.epa.gov/npdes/contact-us-general-information-about-npdes>
- Learn more about EPA and the states' [NPDES permitting authorizations](#) for federal facilities.

If you have any questions please reach out to Nikki Freyre (Freyre.Dominique@epa.gov, 202-564-0433) or Matthew Carr (Carr.Matt@epa.gov, 202-564-7644), at the Federal Facilities Enforcement Office (FFEO).

Disclaimer

This Compliance Advisory addresses select provisions of EPA regulatory requirements using plain language. Nothing in this Compliance Advisory is meant to replace or revise any NPDES permit, any EPA regulatory provision, or any other part of the Code of Federal Regulations, the Federal Register, or the Clean Water Act.