New Developments in EPA’s Enforcement and Compliance Assurance Program

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Office of Enforcement and Compliance Assurance

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NACWA Developments in Clean Water Law Seminar
Principles Guiding Our Work

- Rule of Law
- Decisions Based on Sound Science
- Transparency
- Environmental Justice
Rule of Law

- Implement the law as written
- Vigorously enforce the law
- Ensure that protections extend to everyone, wherever they may live
Decisions Based on Sound Science

- Science-based priorities
- Evidence-based targeting
Transparency

- Tell it like it is
- Self-policing
- An informed public is a powerful ally in compelling better environmental performance
Environmental Justice

- We will strive to protect the most vulnerable and disproportionately affected populations - by doing so, we protect everyone
- Communities must have a meaningful voice in decisions that affect them
Clean Water

- Incorporating the four principles into our work
- Selecting FY2011-2013 National Enforcement Priorities
Improving Water Quality

- We have made significant progress since the Clean Water Act was passed in 1972, especially on large, end-of-pipe sources.
- However, recent data shows we are not meeting the nation’s water quality goals.
2004 National Water Quality Inventory
Report to Congress Shows:

- Total US Stream Miles: 84% not assessed; 16% assessed
  - Of those assessed, 44% impaired
- Information about specific sources and causes is incomplete
  - States do not always report the source or pollutant affecting every impaired river and stream—they may not have this data available

- Top 10 reported causes of impairment in assessed rivers and streams:
  - Pathogens (28%)
  - Habitat modification (24%)
  - Organic enrichment/oxygen depletion (18%)
  - Cause unknown, impaired biota (16%)
  - Nutrients (16%)
  - Metals (14%)
  - Sediment (14%)
  - Mercury (12%)
  - Flow alteration (10%)
  - Turbidity (7%)

- Top ten reported sources of impairment:
  - Agriculture (38%)
  - Hydromodifications (dams, channelization, diversions (26%)
  - Unknown.unspecified (21%)
  - Habitat alteration (stream erosion) (17%)
  - Natural Wildlife (16%)
  - Municipal Sewer Discharges (15%)
  - Unspecified nonpoint sources (14%)
  - Atmospheric Deposition (12%)
  - Resource Extraction (9%)
  - Urban Stormwater Runoff (9%)
This chart also does not include Industrial User Us subject to National Categorical Pretreatment Standards.

* There may be some overlap among these universes. For example, a POTW is often a major, may have an approved pretreatment program, a CSS or SSS, and a biosolids facility.
Clean Water Act Enforcement Action Plan

- Focus on the highest priority problems
- Strengthen oversight of states
- Improve transparency and accountability
Focus on the Highest Priority Problems

- New approach for addressing biggest problems
  - Link environmental information to inform targeting
  - Commence appropriate civil and criminal actions
- Continue to focus on existing National Priorities
  - CSOs/SSOs; CAFOs; Storm Water
Combined Sewer Overflows/Sanitary Sewer Overflows

- **CSOs**: Estimated 850 billion gallons of untreated wastewater released annually
- **SSOs**: Estimated 23,000 to 75,000 occurrences annually
Concentrated Animal Feeding Operations

- ~233,000 animal feeding operations (AFOs)
- ~20,000 CAFOs; ~8,000 with NPDES permits
- New strategies to enforce existing rules for discharges from CAFOs
Storm Water

- Four areas of focus:
  - Homebuilding construction
  - Big box store construction
  - Ready mix concrete
  - Municipal separate storm sewer systems (MS4s)
National Enforcement Priorities—FY2011-2013

- Selection criteria
  - Severity of the environmental and human health risks
  - A pattern of non-compliance
  - And whether the scope, severity and non-compliance warrant a concerted federal effort under a national priority

- Next steps

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Strengthen Oversight of States

- Shared accountability
  - Shared clean water goals
  - EPA held to the same standards
- Clear expectations
- Level playing field
Improve Transparency and Accountability

- Electronic reporting (NetDMR)
- Make data available to the public
- Clear, understandable information
Welcome to the Redesigned ECHO Homepage!

Read more about our new features, including: Toxics Release data, State Comparative Reports, and better mapping. Press Release.

Welcome to the EPA’s Enforcement and Compliance History Online (ECHO)

- ECHO provides fast, integrated searches of EPA and state data for 600,000+ regulated facilities.
- ECHO integrates inspection, violation, and enforcement for the Clean Water Act, Clean Air Act, and hazardous waste laws.
- ECHO has added Toxics Release Inventory data, National Emissions Inventory data, and Water Quality Data.

Mouse over areas below to:
- search for facilities,
- review state by state analytics and trends,
- or to review contextual reports and information.

ECHO In My Community

ZIP Address

Search for Facilities
Analytics and Trends
Reports & Resources

First Time Users | Data Problems | Quality of Data | Download Data | How to Report an Error
What’s New | ECHO History | Use of Data in ECHO | Data Dictionary | State Data Corrections
Search Results
(Water Program)

436 Records Returned

Information on the enforcement process is available on the FAQ page.
Entries in gray text denote records that are not federally required to be reported to EPA. These data may not be complete.

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<th>Facility Information</th>
<th>Program</th>
<th>Inspections (5 yrs)</th>
<th>Citations in Non Compliance (3 yrs)</th>
<th># Effluent Exceedances (1 yrs)</th>
<th>Affected Category Significant or Serious Violations (5 yrs)</th>
<th>Informal Enforcement Actions (5 yrs)</th>
<th>Formal Enforcement Actions (5 yrs)</th>
<th>Penalties (5 yrs)</th>
<th>TRI Releases to Water (lbs)</th>
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Done
2008 Multi-State Report Graph

WMATC - Major facilities in SNC (1 FY) (FY 2008)
Unique Role of Clean Water Agencies

- As co-regulators
- As part of the regulated universe of facilities
- As public institutions