



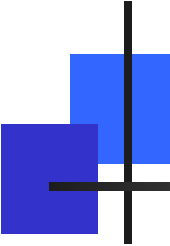
Improving the CWA Enforcement and
Permitting Program:
Key Changes to Consider from CWA
Action Plan Straw Proposals

*July 19, 2010, ASIWPCA 2010 Annual Meeting,
and
July 22, 2010 Western States Water Council Meeting*



Outline of Presentation

- Goals
- Challenges
- Background on Straw Proposals
- Summary of comments
- Set of Proposed Key Changes Needed to Achieve Goals
- Next Steps



Goal: To improve water quality and NPDES compliance by taking actions to:

- A. Improve how EPA and states identify the most important sources to prioritize permitting, compliance and enforcement.
- B. Strengthen how EPA and states identify and address serious non compliance.
- C. Provide transparent information to ensure accountability for compliance across the full spectrum of NPDES regulated sources.



Constraints

- Resources
- Non-point source pollution not covered
- Legal constraints via *Waterkeepers* and *Rapanos*



Challenges

- Approximately 1 million regulated entities
- About 90% are covered by general permits, and EPA, states and citizens lack ready access to:
 - Who they are and where they are located
 - What they are discharging
 - Whether they cause or contribute to water quality problems
 - Whether they are in compliance



Challenges (continued)

- Paper reporting and identifying non-compliance via on-site inspections is not practical as the primary compliance monitoring method.
- High non-compliance rates for non-majors with DMRs in ICIS/PCS(**approximately 60%**).
- High SNC rates for “Majors” (26%) is unacceptable.

Background on Straw Proposals

- New Approach, Electronic Reporting, Data Analysis and Public Access Teams have developed 22+ straw proposal papers with + 50 “fixes”.





Summary of Comments

- Pursuing all proposals not practical.
- More details needed on some proposals prior to making decision to proceed with them.
- Wide-variety of views, generally.
- Proposals with highest overall support:
 - Quick SNC fixes.
 - Regulatory actions to add self-reporting and e-reporting.
 - Watershed targeting (as a concept, specifics not agreed on)



Summary of Comments (continued)

- Proposals with least support:
 - Expand ANC Report
 - Municipal case public involvement
- More feedback needed on revisions to the EMS.
- The “4 Tier System” and “Improve Existing SNC” were seen as “either/or”.



A. Improve how EPA and states identify the most important sources to prioritize permitting, compliance and enforcement.

- Strengthen effectiveness of General Permits
 - E-NOI registration for all notices of intent.
 - E-Reporting of compliance status
- Identify needed actions to improve national consistency of water quality assessments.



A. Improve how EPA and states identify the most important sources to prioritize permitting, compliance and enforcement.

- Develop joint EPA/state annual workplans.
- Strategic use of watershed approaches.
- Create New Targeting Tool(s) for Prioritizing Permits and Violations.
 - Corporate, sector and watershed evaluations
 - Linkage to impaired waters
 - Non-filers
 - DMR and non-DMR violations
 - Pollutant Loadings (tool already built)



B. Strengthen how EPA and states identify and address serious violations.

- Develop New System to Identify, Track and Address Serious Violations.
 - Include DMR and non-DMR based violations.
 - May decide to characterize violations into four tiers (most serious, serious, moderate, minor) rather than just two tiers.
 - Targeting tool should support this system.
 - EMS, QNCR, SNC, RNC, and Watch List overhauled.



B. Strengthen how EPA and states identify and address serious non compliance.

- Increased use of administrative enforcement responses to address high DMR non-compliance rates.
- Electronically-based “warning letters” or other responses, including compliance assistance.
- Implement National Initiatives for FY11-13.



C. Provide transparent information to ensure accountability across full universe

- E-reporting
 - E-Reporting Rule
 - Other upcoming sector-specific rules
 - Guidance on e-reporting in new/reissued permits, enforcement actions, etc.
- Fix non-controversial SNC problems



C. Provide transparent information to ensure accountability across full universe

- Stakeholder input to improve transparency
- Prior to implementation of e-reporting rule, how do we improve transparency?
 - Expand ANCR to cover several non-DMR universes?



Next Steps

- New Approach and Data Analysis Teams and Steering Committee will continue to provide input as we proceed to making decisions in September 2010.
- State Electronic Report Group providing input to EPA's Electronic Reporting Rule workgroup
- Develop implementation schedules for selected proposals.
- Decide on structure of work going forward:
 - Workgroups/Teams? Steering Committee? State involvement?