

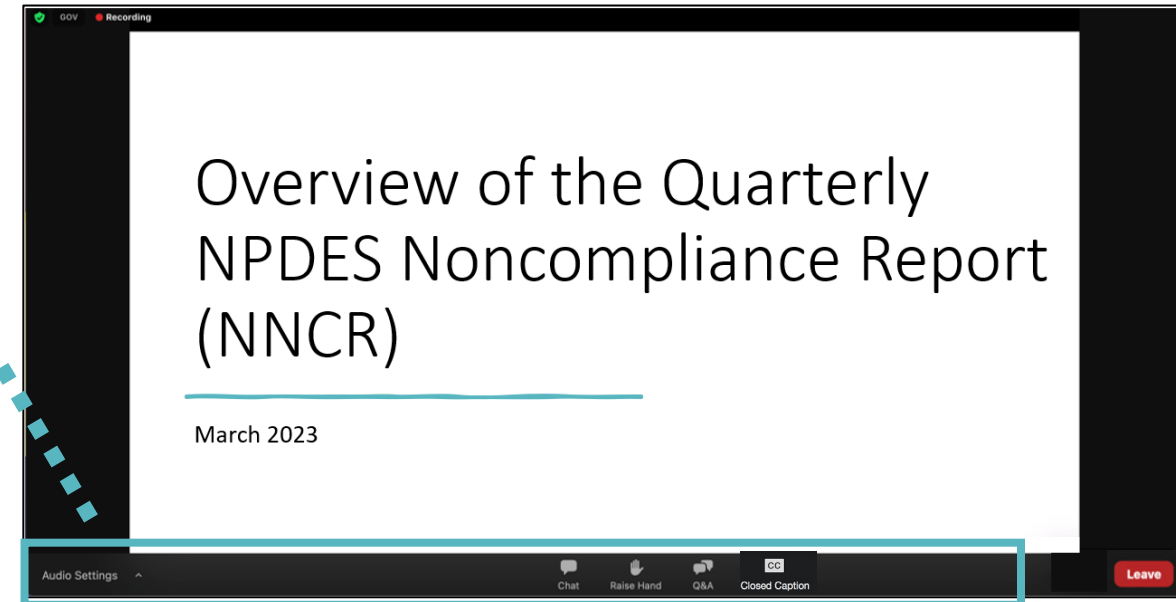
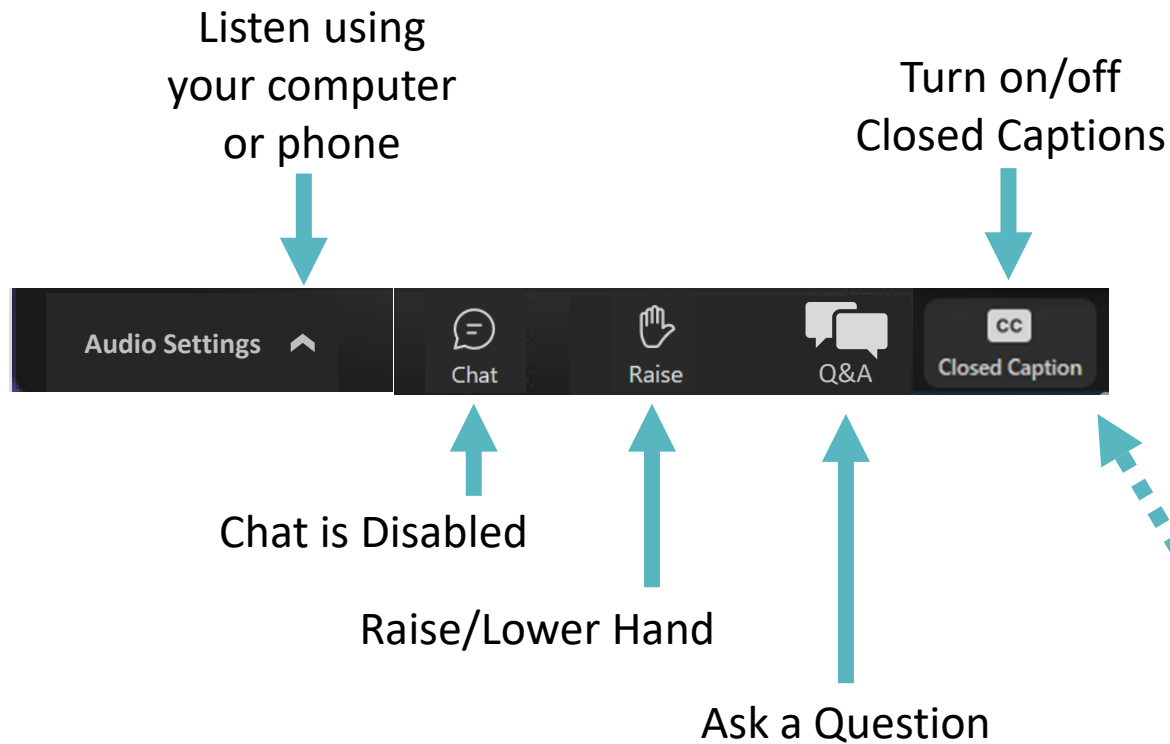
# Overview of the Quarterly NPDES Noncompliance Report (NNCR)

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March 2023

# Webinar Logistics

- All attendees are in listen only mode. Please enter your questions in the Q&A pod and we will be monitoring them throughout the webinar.
- If you wish ask a question verbally, please raise your (virtual) hand and we will respond to those questions at the end of the training.



# Asking Questions

GOV Recording

Overview  
NPDES No  
(NNCR)

March 2023

e Report

Q&A

Welcome to Q&A  
Questions you ask the host and panelists will show up here

I have a question

Send anonymously

Cancel Send

Who can see your questions?

Audio Settings ^

Chat Raise Hand Q&A Leave

Send in your questions anonymously or with your name

Ask your question via the Q&A pod

# Overview of the Quarterly NPDES Noncompliance Report (NNCR)

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March 2023

# Purpose

- Learn about the quarterly NNCR
- Identify what is and is not included in the quarterly report
- Discover how to access the quarterly NNCR online
- Understand how to find more information and where to direct questions

*This presentation does not include detailed information about the underlying rules and logic used to develop the reports. We will provide additional trainings that focus on this by violation type.*

# Agenda

1. Terminology review
2. NNCR overview
3. Background on the NNCR workgroup
4. NPDES violations and NNCR terminology
5. FAQs
6. Accessing the quarterly report and next steps
7. Questions

# Terminology Review

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# ECHO

- U.S. Environmental Protection Agency provides public access to its regulatory compliance and enforcement data via the internet
- The Enforcement and Compliance History Online (ECHO) website integrates data from major EPA information systems for public use
- ECHO provides compliance information for more than 1,000,000 regulated facilities
  - How they are regulated
  - When they were inspected
  - Whether violations of environmental regulations were found
  - Whether an enforcement action was taken



# NPDES

- NPDES stands for National Pollutant Discharge Elimination System
- The NPDES permit program addresses water pollution by regulating point sources that discharge pollutants to waters of the United States
- States, U.S. territorial, and tribal government agencies may submit an application and be authorized by EPA to implement the NPDES permit program

# Noncompliance vs Violation

- Noncompliance and violation are used interchangeably in the presentation
- Both represents instances when an entity was in violation of the Clean Water Act, as identified in EPA's Integrated Compliance Information System for National Pollutant Discharge Elimination System (ICIS-NPDES) database or NPDES eReporting Tool (NeT)

# NPDES Electronic Reporting Rule (eRule)

- 2015 rule required EPA and states to modernize Clean Water Act reporting
- The rule replaced most paper-based reporting requirements with electronic reporting and phased in implementation into two parts
- **Phase 1** (NNCR integration starting 12/2022):
  - Discharge Monitoring Reports and
  - Biosolids Annual Program Reports (where state is not authorized)
- **Phase 2** (NNCR integration starting 12/2026):
  - Concentrated Animal Feeding Operation Annual Program Reports
  - Municipal Separate Storm Sewer System (MS4) Program Reports
  - Pretreatment Program Annual Reports
  - Sewer Overflow/Bypass Event Reports
  - Significant Industrial User (SIU) Bi-annual Compliance Reports in municipalities w/o approved pretreatment programs
  - Biosolids Annual Program Reports (where state is authorized)

# NNCR Overview

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# What is the NNCR?

- NNCR stands for the NPDES Noncompliance Report and stems from 40 CFR §123.45
- This regulation requires EPA to produce online quarterly and annual noncompliance reports

# What is the *Quarterly* NNCR?

- The quarterly NNCR is a list of facilities with violations
- For each facility included, the quarterly report includes violations that occurred within the quarter, as well as violations from previous quarters that have not been resolved, details about the violations, and enforcement actions taken in response to the violations

# Regulatory Background

The 2015 NPDES eRule included updates to [40 CFR §123.45](#), including:

- EPA publishing online and making publicly available,
- Changing from three *state-issued* to two *EPA-issued* noncompliance reports,
- Major, non-major, and unpermitted facilities, and
- Incorporating all violations and eliminating 'non-reportable' violations.

# EPA Schedule for Quarterly NNCR

Calendar Quarter	Federal Quarter	EPA Publication
October, November, December	Quarter 1	Last day in February
January, February, March	Quarter 2	May 31
April, May, June	Quarter 3	August 31
July, August, September	Quarter 4	November 30

*Note: FY2021 Q1 is the first quarterly NNCR and only includes violations that occurred during that quarter, while subsequent quarterly reports can include violations from multiple quarters*



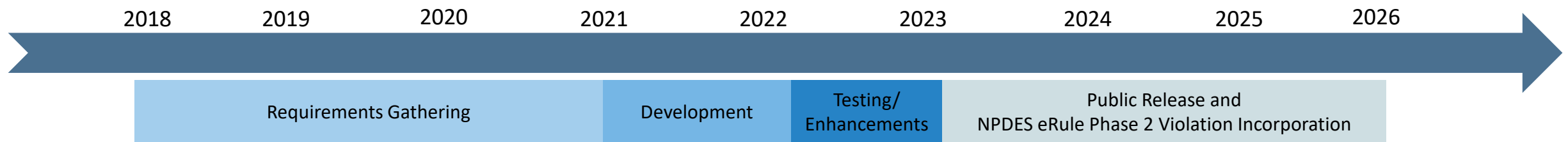
# Background on NNCR EPA/State Workgroup

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# EPA/State Workgroup

- A workgroup comprised of EPA and state agencies launched in 2016 and began meeting regularly in 2018
- Participation included 39 states, 8 EPA Regions, Office of Compliance, Office of Civil Enforcement, and Office of Wastewater Management
- The purpose of the group was to make policy recommendations and develop guidelines to support the implementation of the NNCR requirements
- Included over 100 meetings to discuss the rules for violation processing, the design and display of the reports, NNCR Guide, FAQs, and training materials

# Development Timeline



- 2018: Regular workgroup meetings launched
- 2021: Development began
- 2022: Beta quarterly and annual reports available on ECHO Lab
- 2023: Public release
  - Quarterly Report in February 2023
  - Annual Report in March 2023
  - Begin incorporation of NPDES eRule Phase 2 data as it becomes available

# NPDES Violations

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# Violations included in the NNCR

There are 4 violation types:

1. DMR reporting violations
2. Effluent exceedance violations
3. Schedule violations
4. Single event violations, currently referred to as “Other Violations” or by their associated NPDES program

# DMR Reporting Violations

- NPDES permittees are required to periodically report their self-monitoring results on discharge monitoring reports (DMRs)
- DMR reporting violations are generated when the results from the self-monitoring have not been reported within 30 days of the due date
- Violations are generated for missing DMR values and when a noncompliant no data indicator (NODI) was reported
- A NODI is a unique code/description that indicates the reason that “No Discharge” or “No Data” was reported on a DMR

# Effluent Exceedance Violations

- Effluent exceedance violations are generated when a reported DMR value exceeds the limit value
- This includes exceedances of permit limits, permit modification limits, stay limits, and enforcement limits
- This does not include exceedances of alert or benchmark limits because these are not violations

# Schedule Violations

- Schedule violations are generated when date-based requirements are not met as part of a permit or enforcement (compliance) action requirement
  - Examples of scheduled events are submitting additional monitoring reports or starting/stopping construction
- Although multiple violations can be generated for each required event, the NNCR only includes one violation per event



# Other (Single Event) Violations

- Single event violations (SEVs) are a catchall for all other violations
- This includes violations manually identified (e.g., from an inspection) and self-reported violations automatically generated from program reports
- *NPDES program (pretreatment, stormwater, combined sewer overflows (CSO), sanitary sewer overflows (SSO), etc.) violations have not yet been integrated into the NNCR universe*

# NNCR Terminology

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# NNCR Terminology

The report includes additional details related to the violations, which includes some unique terminology:

- Violation Category
- Violation Detection
- Violation Status
- Violation Resolution

# Violation Category

40 CFR §123.45 requires every violation to be designated as a Category I or II violation. The regulation includes specific criteria for Category I violations. All violations that do not meet Category I criteria must be designated as Category II.

Examples of Category I violations:

- Effluent exceedances of enforcement action limits or permit limit exceedances that meet a specific magnitude or frequency in a 6-month time period
- Failure to submit select reports within 30 days of the due date
- Failure to start/stop construction within 90 days of the due date
- Violations that caused or could cause water quality impacts

# Violation Detection

- Each violation includes a detection description and date, which provides more detail about the violation category (I or II) and the date the violation's detection was last updated.

# Violation Status

There are three high-level violation statuses included in the NNCR:

1. **Unresolved** – facility has not corrected the violation on their own and the regulatory authority has not taken a formal enforcement action with a compliance schedule to respond to the violation
2. **Resolved Pending** – violation has been included in a formal enforcement action with a compliance schedule, but the enforcement action has not yet been closed
3. **Resolved** – facility has corrected the violation on their own, violation was system administratively resolved, the permit was terminated, or a regulatory authority responded to the violation with a formal enforcement action with a compliance schedule that has been closed

# Violation Resolution

- A violation can include a resolution description and date, which provides more detail about the violation status (resolved pending or resolved) and the date the resolution was last updated.
- Violations with a resolved pending status will have a resolution description and date but does not signify the violation is “resolved.”
- Violations with a status of unresolved will not have a resolution description or date.

# NNCR FAQs

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# NNCR Frequently Asked Questions

1. How does a facility get on the quarterly NNCR?
  - A facility will be listed on a quarterly report if the facility had a violation that occurred during that quarter or had any violations from previous quarters that have not been resolved
2. How does a facility get off the quarterly NNCR?
  - A facility will be removed from future quarterly reports if the facility has no violations that occurred during the quarter and all violations from the previous quarters have been resolved

# NNCR Frequently Asked Questions

## 3. Are the data/reports frozen?

- No, EPA is not archiving past versions of the NNCR. Instead, it is an up-to-date reflection of violations

## 4. How often is the data refreshed?

- Data is refreshed weekly on Saturdays with data reported to ICIS-NPDES by Friday evening

## 5. Why is the data refreshed weekly for a quarterly report?

- If a data error caused a violation to appear and was later corrected, the correction would "fix" the historic data and the update would be reflected in the applicable quarterly and annual reports after the next data refresh

# Accessing the NNCR

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# Accessing the NNCR

- The Quarterly NNCR is available on ECHO (echo.epa.gov) within the blue “Search Options” tab (bottom left corner)
  - [Quarterly NNCR Search](#)
  - [NNCR Help Documentation](#)
- NNCR Trainings
  - <https://echo.epa.gov/help/training>
- NNCR Guide
  - Under final review, will be posted once the final accessibility updates have been incorporated

# Quarterly NNCR Search Flow

1

Search Form

The search form is divided into three main sections: Report Timeframe, Geographic Location, and Facility Characteristics. The Report Timeframe section includes a dropdown for 'Quarterly Report' set to 'FY 2023 Q1' and a link for 'View Annual Report'. The Geographic Location section has a dropdown for 'EPA Region (View EPA Regional Map)', a 'State/Territory' dropdown, and radio buttons for 'Facility Address' and 'Permitted Location'. The Facility Characteristics section includes text input fields for 'Facility Name' and 'Facility ID Number', a search filter for 'Find Facility Name(s) That:' set to 'Matches Exact Phrase', and radio buttons for 'EPA Registry ID' and 'Program System ID'. Below these are radio buttons for 'Major Designation' (Any, Major, Non-Major) and 'Permitting Agency' (Any, State, U.S. EPA). A blue 'Search' button is located at the bottom right.

User-defined search criteria.

2

Summary Results

The screenshot shows a table with columns for Facility Name, EPA ID, State, Response, and various violation counts. One row is highlighted with a red border, indicating a high-level violation.

Facility Name	EPA ID	State	Response	Violations	Other	Permit	Other	Other	Other	Other
...	...	...	...	...	...	...	...	...	...	...

Table summarizing the quarterly NNCR and displays high-level violation information. Table contains one row per NPDES ID.

3

Detailed Report

The screenshot shows a detailed report for a specific facility. It includes a header for 'NPDES Noncompliance Report', a table of violations with columns for violation type, date, and status, and a section for 'NPDES Permit Information'.

Permit-level violation report that displays all violations for permits linked to a facility (FRS ID).

# Demonstration

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# Next Steps

- If you have questions about the NNCR or have suggested recommendations for the workgroup to consider, please reach out to the [ECHO Help Desk](#).



The screenshot shows the top portion of the EPA ECHO website. At the top left is the EPA logo with the text "United States Environmental Protection Agency". Below this is a blue navigation bar with the following links: "Environmental Topics", "Laws & Regulations", "Report a Violation", and "About EPA". To the right of these links is a search bar labeled "Search EPA.gov" with a magnifying glass icon. Below the navigation bar is a secondary menu with links for "Search Options", "Analyze Trends", "Find EPA Cases", "Data Services", and "Help". On the left side, the "ECHO" logo is displayed, with the text "Enforcement and Compliance History Online" underneath. Below the logo is the breadcrumb trail: "You are here Home » Help » ECHO Training". On the right side, a teal arrow points to a "Contact Us" link located at the top right of the page.

“Contact Us” link is available at the top right of every ECHO page

Stop Recording

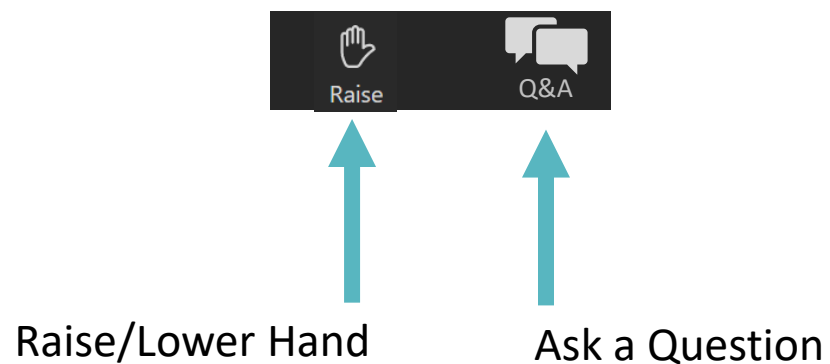


# Questions

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# Question and Answer Session

- Please enter your questions in the Q&A pod or raise your hand and we will unmute you to ask verbally.



# Thank you for attending today's training!

Slides and training recording will be posted on the ECHO Training (<https://echo.epa.gov/help/training>) page.

A short survey will appear on your screen momentarily, we would really appreciate your feedback.

**OMB Control Number: 2030-0051 Expiration Date: 5/31/24**

*(Pursuant to 5 CFR § 1320.12(b)(2); approval for the current collection is automatically extended on a monthly basis during OMB's review of its renewal.)*

**EPA Burden Statement:**

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