



Fiscal Year 2020-2023 National Enforcement and Compliance Initiatives

**U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Washington, DC 20460**

August 2024



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National Enforcement and Compliance Initiative: Creating Cleaner Air for Communities by Reducing Excess Emissions of Harmful Pollutants

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Problem

People living in non-attainment areas or in communities that are near sources of hazardous air pollutants (HAPs) may face significant risks to their health and environment.

Nonattainment is any area in the United States that does not meet the primary or secondary national ambient air quality standards (NAAQS).

HAPs are pollutants that are known or suspected to cause cancer or other serious health effects. In some instances, small amounts of these chemicals inhaled or ingested can cause serious illness. EPA has identified over 180 chemicals as HAPs, including mercury, benzene, dioxin, ethylene oxide, and lead compounds.

In addition to HAPs, significant sources of volatile organic compounds (VOCs) contribute to non-attainment with the NAAQS or may adversely affect the attainment status of an area. VOCs are a key component in the formation of ground-level ozone, which creates



Air pollution from an improperly operated flare

smog, and secondary organic aerosols, which may impact ecosystems and can cause adverse health effects in people.

Goal

The Creating Clean Air for Communities (CCAC) National Enforcement and Compliance Initiative (NECI), initiated in fiscal year 2020, was designed to address the adverse health and environmental effects from sources of toxic air pollution and help improve air quality in communities across the country. Implementing this NECI has resulted in the installation of new pollution controls as well as the proper operation of existing controls at numerous facilities resulting in significant reductions of toxic pollutants, as well as methane and other greenhouse gases, which contribute to climate change.

Results

During FY 2023, the Agency continued to make significant progress on this NECI. The following summary illustrates the Agency's efforts in FY 2023 to improve air quality and reduce excess emissions of VOCs and HAPs:

- **Pollutant Reduction**

- EPA addressed serious violations through enforcement actions, achieving measurable pollutant reductions and improving air quality to provide cleaner air for communities. FY 2023 enforcement actions alone have resulted in a reduction of approximately 30 million pounds of VOCs and HAPs as well as other harmful air pollutants. FY 2023 enforcement actions also resulted in the reduction of over 307 million pounds of carbon dioxide equivalent (CO₂e), including methane.

• Cases

○ Oversight of Emergency Orders

- Significant EPA oversight of previously issued CAA § 303 emergency orders is ongoing to address imminent and substantial endangerment to public health and the environment in St. Croix <<https://epa.gov/newsreleases/epa-uses-emergency-powers-protect-st-croix-communities-and-orders-limetree-bay-refinery>> and in South Carolina <<https://epa.gov/newsreleases/epa-issues-emergency-order-and-information-request-new-indy-containerboard-pulp-and>>. EPA took additional enforcement as appropriate in FY 2023 to help ensure cleaner air for these communities.

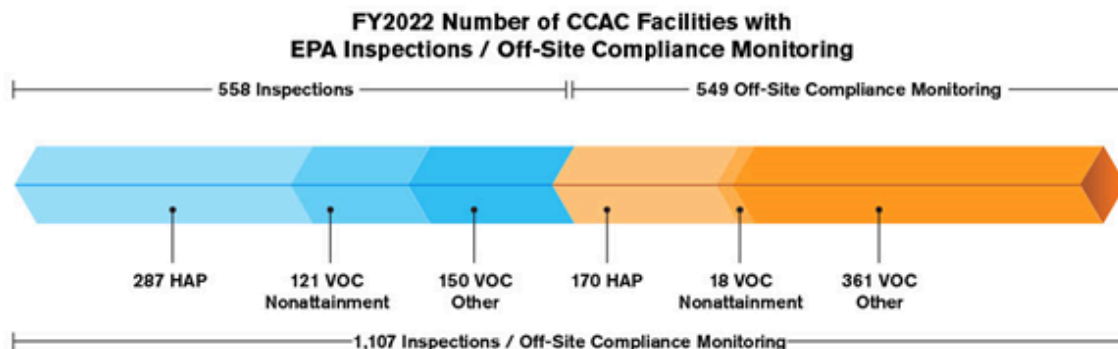
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○ **Examples of concluded enforcement actions in FY 2023 include the following:**

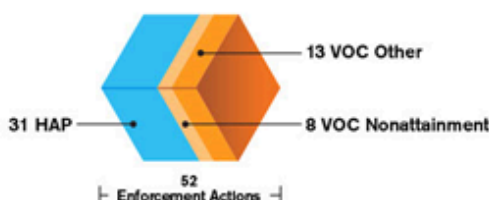
- United States Orders Matador Production Company to Reduce Unlawful Air Pollution from Its Oil and Gas Wells in New Mexico, Eliminating 16,000 Tons of Harmful Air Pollutants <<https://epa.gov/newsreleases/united-states-orders-matador-production-company-reduce-unlawful-air-pollution-its-oil>>
- United States Orders Mewbourne Oil Company to Pay \$5.5 Million and Reduce Unlawful Air Pollution from Oil and Gas Wells in New Mexico and Texas, Eliminating More than 11,000 Tons of Harmful Air Pollutants Annually [🔗](https://www.justice.gov/opa/pr/united-states-orders-mewbourne-oil-company-pay-55-million-and-reduce-unlawful-air-pollution)
<<https://www.justice.gov/opa/pr/united-states-orders-mewbourne-oil-company-pay-55-million-and-reduce-unlawful-air-pollution>>
- EPA and Justice Department Announce Settlement to Reduce Hazardous Air Emissions at BP Products' Whiting Refinery in Indiana
<<https://epa.gov/newsreleases/epa-and-justice-department-announce-settlement-reduce-hazardous-air-emissions-bp>>
- Tesoro to Pay \$27.5 Million For Violating Previous Court Order Requiring Them to Reduce Air Pollution at Their Martinez, Calif. Refinery
<<https://epa.gov/newsreleases/tesoro-pay-275-million-violating-previous-court-order-requiring-them-reduce-air>>
- The Williams Companies and Related Entities Resolve Clean Air Act Violations at Alabama Natural Gas Processing Plant and 14 Other Facilities
<<https://epa.gov/newsreleases/williams-companies-and-related-entities-resolve-clean-air-act-violations-alabama>>

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FY 2023 Number of CCAC Facilities with EPA Inspections / Off-site Compliance Monitoring



FY2022 Number of CCAC Facilities with EPA Concluded Enforcement Actions



"HAP": Sources of hazardous air pollutants (HAPs) having significant impact on air quality and health in communities.

"VOC Nonattainment": Significant sources of volatile organic compounds (VOCs) having a substantial impact on air quality and located within an area designated in ozone nonattainment with the National Ambient Air Quality Standards (NAAQS) or in a nonattainment area based upon the Ozone Transport Region.

"VOC Other": Significant sources of VOCs that may affect an area's attainment of the NAAQS and/or may adversely affect vulnerable populations.

- **Advanced, innovative equipment and techniques**
 - Employed infrared cameras using optical gas imaging and the National Enforcement Investigations Center's geospatial measurement of air pollution (GMAP <https://epa.gov/sites/production/files/2021-01/documents/neic_fb_adv_monitoring_-_gmap_fact_sheet.2020_0.pdf>) vehicle during inspections. This technology allows for real time identification of VOC and HAP emissions, identifying potential noncompliance resulting from fugitive emissions and equipment leaks.

- **Enhanced use of compliance monitoring tools**

- Inclusion of a requirement for facilities to continually monitor concentrations of emissions along their property boundary (i.e. fenceline) in enforcement settlements, when appropriate, provides additional insight into emission sources and their potential impacts.
- For petroleum refineries which are required to implement a fenceline monitoring program for benzene emissions, the Agency provides a Dashboard to make the publicly available data easier to access and analyze by EPA, state and other regulatory agencies, as well as members of the public.

- **Compliance Assistance Portal**

- Through partnerships with state and tribal authorities, EPA regional offices conducted multiple joint inspections and joint enforcement actions, including Matador and Mewbourne.

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- **Issued Compliance Advisories and Enforcement Alerts**

- In March 2023, EPA issued a federal facility compliance advisory <https://epa.gov/system/files/documents/2023-03/federalfacilities-caaccacneci.pdf> to highlight the CCAC NECI alerting federal facilities of their responsibility to ensure compliance with all CAA regulatory requirements and to not release excess VOC or HAP emissions that cause significant harm to the public, including overburdened communities with potential environmental justice concerns. The EPA is highlighting this NECI for federal facilities so they may promptly address any noncompliance.

- **Compliance Assistance Portal**

- Enhanced the Environmental Compliance Information for Energy Extraction <https://www.eciee.org/> portal providing compliance assistance for owners and operators of crude oil and natural gas extraction operations.

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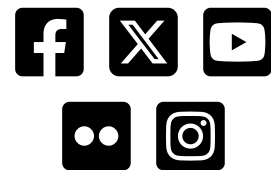
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National Enforcement and Compliance Initiative: Stopping Aftermarket Defeat Devices for Vehicles and Engines

Problem

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EPA has found numerous companies and individuals that have manufactured and sold both hardware and software specifically designed to defeat required emissions controls on vehicles and engines used on public roads as well as on nonroad vehicles and engines. Illegally modified vehicles and engines contribute substantial excess pollution that harms public health and impedes efforts by the EPA, tribes, states, and local agencies to plan for and attain air quality standards.

By making aftermarket defeat devices a National Enforcement and Compliance Initiative (NECI), EPA addressed a significant contributor to air pollution. According to a study [<https://epa.gov/enforcement/tampered-diesel-pickup-trucks-review-aggregated-evidence-epa-civil-enforcement>](https://epa.gov/enforcement/tampered-diesel-pickup-trucks-review-aggregated-evidence-epa-civil-enforcement) by EPA's Air Enforcement Division, known sales of defeat devices for certain diesel trucks after 2009 and before 2020 resulted in more than 570,000 tons of excess nitrogen oxides (NO_x) and 5,000 tons of excess particulate matter (PM) over the lifetime of the trucks.

EPA, through its direct implementation authority, plays a critical role in addressing these important pollutant sources. Title II of the Clean Air Act (CAA) authorizes the Agency to set standards applicable to emissions from a variety of vehicles and engines. Required emission controls often include filters and catalysts installed in the vehicle's engine

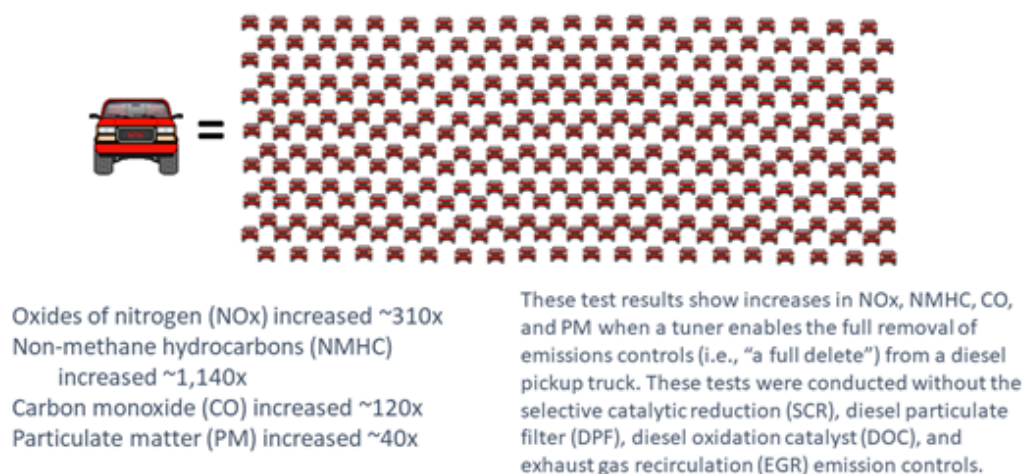
exhaust system, as well as calibrations that manage fueling strategy and other operations in the engine itself. The CAA prohibits tampering with emissions controls, as well as manufacturing, selling, and installing aftermarket devices intended to defeat those controls.

Goal

From FY 2020 through FY 2023, this NECI focused on stopping the manufacture, sale, and installation of defeat devices on vehicles and engines used on public roads as well as on nonroad vehicles and engines.

EPA Estimated Emissions Increase Due to Full Delete

EPA Estimated Emissions Increase Due to Full Delete



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Results

The Agency made significant progress to decrease air pollution from aftermarket defeat devices through this NECI. EPA finalized 172 civil enforcement cases from FY 2020 through FY 2023 resulting in civil penalties totaling \$55.5 million. During the same period, EPA completed 17 criminal cases resulting in penalties totaling \$5.6 million, \$1.2 million in restitution, \$438,000 in environmental projects, and 54 months of incarceration.

The following are illustrative of the Agency's efforts in FY 2023 to stop the manufacture or sale of devices intended to defeat required emissions controls on vehicles and engines used on public roads:

- **FY 2023 civil/criminal enforcement cases**

- During FY 2023, EPA resolved 38 civil enforcement cases.
- EPA has addressed serious violations through enforcement actions achieving measurable pollutant reductions and improving air quality. Examples of concluded cases in FY 2023 against entities that manufactured and/or sold aftermarket hardware or software designed to defeat pollution controls include the following:
 - Flo~Pro Performance Exhaust and Thunder Diesel & Performance Company to Halt Sales of Illegal Vehicle Emission Control Defeat Devices and Pay a \$1.6 Million Penalty <<https://epa.gov/newsreleases/flopro-performance-exhaust-and-thunder-diesel-performance-company-halt-sales-illegal>>
 - Fleece Performance to Pay \$190,548 Penalty <<https://epa.gov/system/files/documents/2023-01/fleeceperfromancellc.pdf>>
 - Kooks Custom Headers, Inc. to Pay \$300,000 Penalty <<https://epa.gov/system/files/documents/2023-04/kookscustomheaders.pdf>>
 - EPA Cracks Down on Companies in California, New Jersey, Oregon, and Washington State for Selling Illegal Auto Parts that Avoid Pollution Controls <<https://epa.gov/newsreleases/epa-cracks-down-companies-california-new-jersey-oregon-and-washington-state-selling>>
 - Under Settlement with EPA, East Peoria Businesses Must Halt Sales of Devices that Alter Vehicle Emissions <<https://epa.gov/newsreleases/under-settlement-epa-east-peoria-businesses-must-halt-sales-devices-alter-vehicle>>
 - Affordable Towing  <<https://www.justice.gov/usao-wdmo/pr/business-owner-sentenced-illegally-tampering-emissions-controls>>
 - California Truck Parts Manufacturer Sinister Diesel Agrees to Pay \$1 Million After Pleading Guilty to Conspiracy and for Manufacturing and Selling Illegal Defeat Devices <<https://epa.gov/newsreleases/california-truck-parts-manufacturer-sinister-diesel-agrees-pay-1-million-after>>

- **Filed multiple judicial complaints in FY 2023**

- In FY23, EPA also filed judicial complaints against entities that manufactured and/or sold aftermarket hardware or software designed to defeat pollution controls:
 - EPA and DOJ File Clean Air Act Complaint Against Diesel Spec Inc. for the Sale of Vehicle Emission “Defeat Devices” <<https://epa.gov/newsreleases/epa-and-doj-file-clean-air-act-complaint-against-diesel-spec-inc-sale-vehicle-emission>>
 - EPA and Justice Department File Complaint Alleging Environmental Violations by eBay <<https://epa.gov/newsreleases/epa-and-justice-department-file-complaint-alleging-environmental-violations-ebay>>

- **Forged successful partnerships**

- From FY 2020 through FY 2023, EPA has provided tampering and aftermarket defeat device inspector trainings attended by 26 states and the District of Columbia. :
- EPA also supported states performing inspections and taking enforcement actions for violations of state laws concerning tampering. States’ efforts to curtail the demand for aftermarket defeat devices complement the EPA’s efforts, which are generally focused on the manufacturing and supply of aftermarket defeat devices.

- **Provided compliance assistance**

- From FY 2020 through FY 2023, EPA has given more than 30 presentations to stakeholder groups, including states and trade associations, on tampering and aftermarket defeat devices. Compliance assistance materials include the following:

- **EPA Enforcement Alert re Tampering and Defeat Devices**

<<https://epa.gov/enforcement/aftermarket-defeat-devices-and-tampering-are-illegal-and-undermine-vehicle-emissions>>

- **EPA Fact Sheet re Aftermarket Defeat Devices and Tampering**

<<https://epa.gov/enforcement/epa-fact-sheet-re-aftermarket-defeat-devices-and-tampering>>

- **Anti-Tampering Pamphlet** <<https://epa.gov/enforcement/anti-tampering-pamphlet>>

- **Anti-Tampering Poster** <<https://epa.gov/enforcement/emissions-tampering-illegal-pollutes-our-air-poster>>

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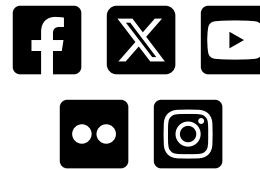
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National Enforcement and Compliance Initiative: Reducing Hazardous Air Emissions from Hazardous Waste Facilities



Image of an organic air emission as observed via a FLIR camera

Problem

The Resource Conservation and Recovery Act (RCRA) requires effective control and monitoring of organic air emissions from hazardous waste

treatment, storage, and disposal facilities and large quantity generators of hazardous waste. Widespread air emissions are associated with the improper management of hazardous waste. RCRA requires effective monitoring to identify and repair leaks from hazardous waste storage tanks, pipes, valves, and other equipment. Releases from hazardous waste facilities can include constituents known or suspected to cause cancer or birth defects. In addition, leaks

Additional Resources

- New: Public Training on the Resource Conservation and Recovery Act (RCRA) Organic Air Emission Standards <https://epa.gov/hwpermitting/training-federal-resource-conservation-and-recovery-act-rcra-organic-air-emission>

from these facilities can contribute to non-attainment with Clean Air Act National Ambient Air Quality Standards for ozone. EPA inspections have revealed significant noncompliance and an ongoing need for additional training for both industry and regulators.

Goal

EPA, in partnership with authorized states, focuses on identifying and addressing violations of leak detection and repair requirements for related hazardous waste treatment equipment. This initiative, begun in fiscal year (FY) 2017, ensures a nationally consistent approach of returning facilities to compliance to reduce health and environmental exposure and ensure a level playing field for regulated facilities.

Results

During the two cycles of this National Enforcement and Compliance Initiative (NECI), from FYs 2017-2023, EPA made significant progress towards advancing the goal to reduce hazardous air emissions from hazardous waste facilities as well as increase compliance at regulated facilities subject to the RCRA organic air emission standards. The following results are illustrative of the agency's efforts:

- Reduction of Hazardous Waste Air Emissions Advisory
<<https://epa.gov/enforcement/reduction-hazardous-waste-air-emissions-advisory>>
- National Compliance Initiative Focus on RCRA Air Emissions Enforcement Alert
<<https://epa.gov/sites/default/files/2020-06/documents/ncircraairenfalert060320.pdf>>
- RCRA Organic Air Emission Standards for TSDFs and Generators
<<https://epa.gov/hwpermitting/rcra-organic-air-emission-standards-tsdfs-and-generators>>

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- **Compliance Monitoring and Overburdened Communities**

- From FYs 2017-2023, EPA conducted over 900 inspections with 48 percent of those inspections occurring in communities with potential environmental justice concerns.
- Of the 124 inspections completed in FY 2023, approximately 57 percent of those inspections were in communities with potential environmental justice concerns, the highest number of inspections in all seven years of this NECI.

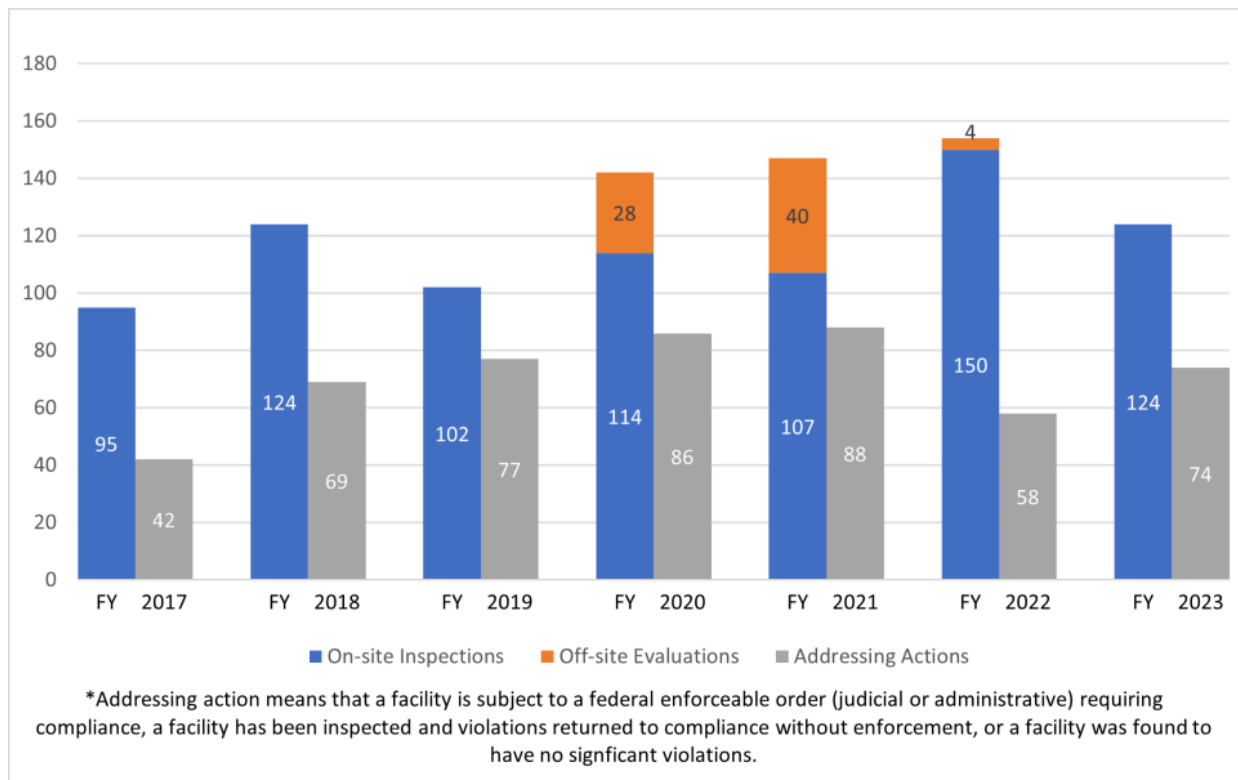
- **Enforcement Results and Environmental Benefits**

- FY 2023 was a notable year for this NECI, with \$3.3 million in total penalties assessed for enforcement cases, the highest in all seven years. This achievement was due in part to the enforcement action against Eastman Chemical in West Elizabeth, Pennsylvania <<https://epa.gov/newsreleases/eastman-chemical-resins-inc-pay-24-million-penalty-multiple-environmental-violations>> that resulted in \$1.2 million in penalties and \$3.6 million in facility compliance measures to meet the regulatory requirements. Between FY 2017 and FY 2023, cases under this NECI assessed a total of \$12.8 million in penalties and approximately \$8 million in complying action costs.
- From FY 2017-2023, cases under this NECI led to the treatment, minimization, or proper disposal of over 12 million pounds of hazardous waste and the reduction of 485,000 pounds of hazardous air pollutants.
- A case finalized early in FY 2024 highlights the success of this NECI over the past seven years. An enforcement action against Heritage-Crystal Clean <<https://epa.gov/newsreleases/heritage-crystal-clean-llc-pay-more-11-million-penalties-and-implement-compliance>> resulted in over 16 million pounds of hazardous waste being treated, minimized, or properly disposed of, the most significant environmental benefit result in this NECI's history.

- **EPA Support to Build State Technical Capacity in RCRA Air Emission Requirements**

- In FY 2023, EPA provided in-person NECI training to the states of Massachusetts and South Carolina. Trainees, totaling 130 participants, included inspectors, permit writers, and other environmental personnel from both state and EPA regional offices. The training included a one-day classroom training along with on-site facility visits with hands-on monitoring practice during subsequent training days.
- EPA completed a multi-day inspection in Ohio to help train the state inspectors assigned to spearhead RCRA organic air emissions oversight, as the state pursues federal authorization to enforce and oversee compliance of these regulations.

- **Compliance Monitoring Activities and Addressing Actions**



Map of Compliance Monitoring Activities and Addressing Actions

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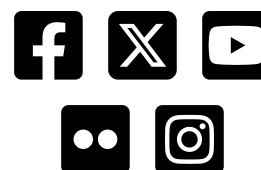
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National Enforcement and Compliance Initiative: Reducing Risks of Accidental Releases at Industrial and Chemical Facilities

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Problem

Thousands of facilities nationwide, many of which are in communities with potential environmental justice concerns, make, use, and store extremely hazardous substances. Catastrophic accidents at these facilities can result in fatalities and serious injuries both on-site and in surrounding communities, evacuations, and other harm to human health and the environment.



Aftermath of accident at a chemical facility

These facilities are regulated under the Clean Air Act (CAA) section 112(r)'s chemical accident prevention regulations, also known as the Risk Management Program (RMP). The regulations apply to stationary sources that have a listed chemical in a manufacturing process that is at or above an established threshold quantity.

The CAA section 112(r)(1) General Duty Clause (GDC) applies to all stationary sources with regulated substances or other extremely hazardous substances, regardless of the quantity of chemical involved. The GDC requires facilities to identify hazards that may result from

accidental releases by using appropriate hazard assessment techniques, designing, and maintaining a safe facility, taking such steps as are necessary to prevent releases, and minimizing the consequences of those accidental releases that do occur.

Facilities regulated under CAA § 112(r) are geographically widespread and are found in every state. EPA has found that many regulated facilities do not adequately manage the risks they pose to the safety of their facilities and surrounding communities.

Goal

The goal of this National Enforcement Compliance Initiative (NECI), initiated in fiscal year (FY) 2017 and scheduled to continue through FY 2027, is to reduce the risk to human health and the environment by decreasing the likelihood of chemical accidents. A successful initiative will reduce risks to communities by having regulated facilities and industry associations work to:

1. Improve safety;
2. Increase compliance with risk management plan and GDC requirements; and
3. Promote coordination and communication with state and local responders and communities.

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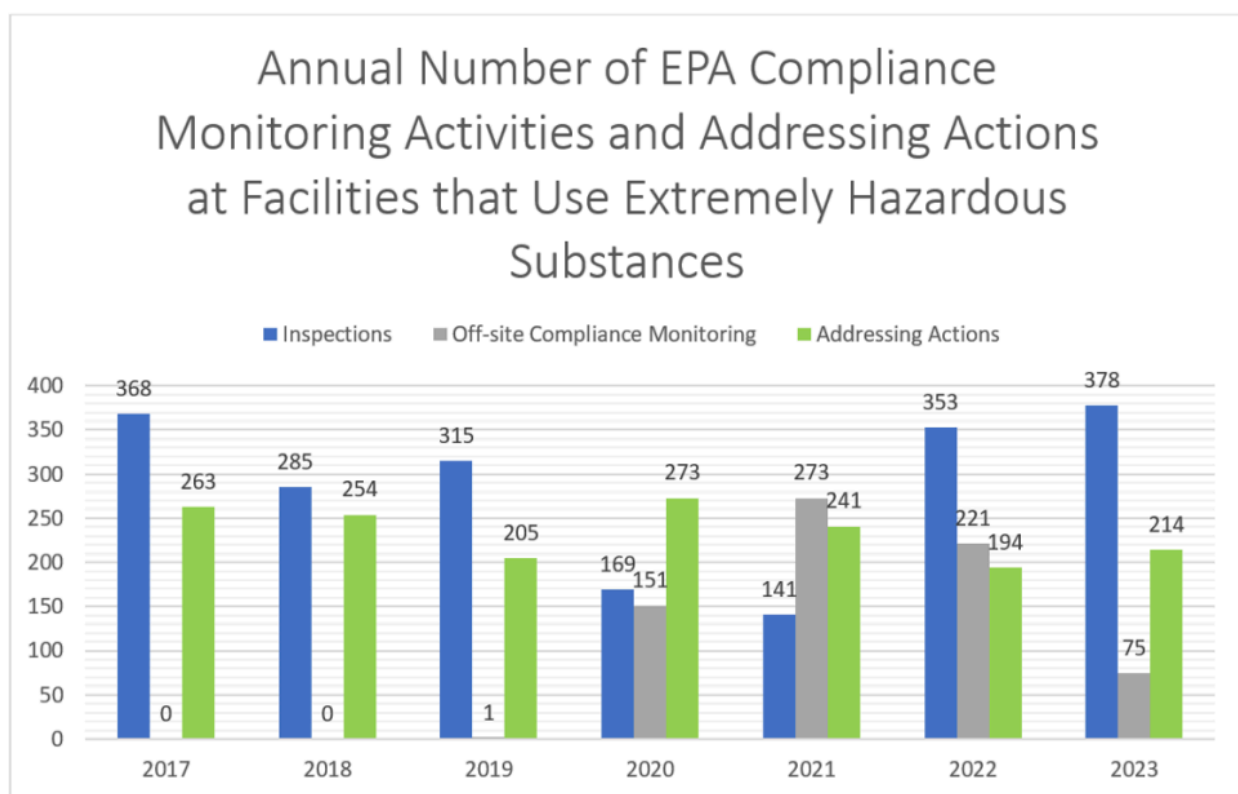
Results

In FY 2023, EPA continued its efforts to reduce risks of accidental releases at industrial and chemical facilities and finalized two civil judicial actions, 131 final administrative penalty orders, 61 expedited administrative penalty orders, and 21 administrative compliance orders. Over 70% of these concluded cases addressed violations in overburdened communities with potential environmental justice concerns. Examples of these enforcement accomplishments include:

- ○ Taylor Farms New England, Inc. <<https://epa.gov/newsreleases/us-fines-north-kingstown-ri-based-facility-650000-chemical-accident-prevention>>: Fined \$650,000 for chemical accident prevention violations.
- Univar Solutions USA, Inc. <<https://epa.gov/newsreleases/epa-settlement-univar-solutions-usa-inc-improves-safety-five-chemical-distribution>>: Violations of industrial accident-prevention requirements at five facilities located in three states.
- Anheuser Busch, LLC <<https://epa.gov/newsreleases/anheuser-busch-llc-required-improve-safety-eleven-breweries>>: Fined \$537,000 for chemical accident prevention and Emergency Planning and Community Right-to-Know Act (EPCRA) violations at 11 breweries in 10 states.
- Thatcher Company of Nevada <<https://epa.gov/newsreleases/nevada-based-thatcher-agrees-pay-penalty-undertake-project-fire-department-settle>>: Fined for failure to have the required safety information for equipment inside of its chemical storage and repackaging warehouse and agreed to a supplemental environmental project valued at \$110,756 for emergency response equipment for the local Fire Department.
- Suncor Energy USA, Inc. <<https://epa.gov/newsreleases/epa-fines-suncor-chemical-accident-prevention-and-reporting-violations>>: Fined for chemical accident prevention and EPCRA violations and agreed to a supplemental environmental project valued at approximately \$240,030 for emergency response equipment for the local Fire Department.

Criminal Case:

- DuPont Chemical Company: <<https://epa.gov/newsreleases/duPont-and-former-employee-sentenced-plant-explosion-killed-four>> Dupont and a former plant operations leader sentenced for their roles in a chemical release which killed four employees at the La Porte, TX facility. DuPont sentenced to pay a \$12M fine, make a \$4M community service payment to the National Fish and Wildlife Foundation and serve a term of probation for 2 years.
- **Annual Number of EPA Compliance Monitoring Activities and Addressing Actions**
 - In FY 2023, EPA continued its efforts and increased on-site inspections by approximately 7% to the highest level since the start of this NECI in FY 2017.



Map of inspections and addressing actions at facilities that use extremely hazardous substances.

- **Delivered multiple trainings to EPA, states, local authorities and/or OSHA staff:**
 - **Inspector training to EPA, states, local authorities, and Occupational Safety and Health Administration (OSHA) staff**

The overview of inspector trainings given during FY 2023 will enhance a new inspector's ability to monitor compliance and pursue necessary enforcement actions to address violations. Trainings included:

- **Process Hazard Analysis (PHA):** This three-day specialized course for inspectors from EPA, OSHA, state, and local partners explains the PHA requirements under the CAA's RMP regulations, familiarizes participants with general hazard analysis theory, explains what is necessary to perform a complete PHA, and identifies common deficiencies and issues associated with PHA execution. The hazard analysis requirements of both the RMP regulations and the GDC are fundamental to identifying the potential causes of chemical accidents and to designing processes so that they are safer and less likely to experience a chemical release.
- **Natural Gas Processing Plants (NGP):** The purpose of this three-day course is to train inspectors on how the RMP requirements apply to natural gas processing plants, review the recognized and generally accepted good engineering practices applicable to the NGP industry, and to identify common deficiencies in NGP RMP programs.
- **Understanding Codes, Standards & Mechanical Integrity Training:** This three-day course is designed for staff from EPA, OSHA, and state and local partners. The course explains the use of codes and standards developed and used by industry to ensure the safe operation of facilities. It also explains the process of developing a mechanical integrity system, used to reduce the likelihood of accidents.

Compliance Assistance Resources

• Ammonia Refrigeration Sector

- Compliance Assistance Tools and Resources for the Ammonia Refrigeration Sector <<https://epa.gov/enforcement/compliance-assistance-tools-and-resources-ammonia-refrigeration-sector>>
- Key Safety Standards for Ammonia Refrigeration <<https://epa.gov/enforcement/safety-standards-ammonia-refrigeration>>
- Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems <<https://epa.gov/enforcement/improving-safety-facilities-new-england-smaller-ammonia-refrigeration-systems>>

• Ammonia Fertilizer Distribution Sector

- Anhydrous Ammonia Fertilizer Distribution List of Key Safety Measures
<<https://epa.gov/enforcement/anhydrous-ammonia-fertilizer-distribution-list-key-safety-measures>>

• Other

- Chemical Warehouse Enforcement Alert <https://epa.gov/system/files/documents/2021-11/chemicalwarehouseenforcementalert_0.pdf>
- Risk of Chemical Accidents During Process Startup <<https://epa.gov/compliance/risk-chemical-accidents-during-process-startup-enforcement-alert>>

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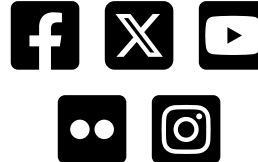
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National Enforcement and Compliance Initiative: Reducing Significant Non-Compliance with National Pollutant Discharge Elimination System (NPDES) Permits

Problem

Compliance with the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) permits is critical to protecting our nation's waters. There are approximately 46,000 major and minor individually NPDES-permitted facilities in the United States. In fiscal year (FY) 2018, 20.3% of these facilities were in significant noncompliance (SNC) with their permits. Types of SNC violations range from significant exceedances of effluent limits, which can cause harm to human health and the environment to failure to submit reports that can mask serious deficiencies.



Discharge from NPDES outfall

Goal

The objective of this National Enforcement and Compliance Initiative (NECI) is to improve surface water quality by assuring that all NPDES permittees are complying with their permits. Improving surface water quality protects public health and reduces potential pollution impacts on drinking water supplies, aquatic life, and public enjoyment of fishable and swimmable waters.

The initial goal of this NPDES permits NECI is to cut the national FY 2018 baseline SNC rate of 20.3% in half by the end of FY 2022, while assuring that the worst SNC violators are timely and appropriately addressed.

Results

From FY 2020 through FY 2023, EPA made significant progress in reducing significant violations of NPDES permits. The following examples describe some of the Agency's efforts and successes in FY 2023 to improve compliance and water quality through this initiative:

- **Reduced the rate of significant noncompliance with NPDES permits**

- Coordinated with NPDES authorized states to achieve an FY 2023 SNC rate of 9.3% from an FY 2018 baseline of 20.3%, demonstrating that a SNC rate that is half the baseline rate is sustainable.
- Utilized EPA targeting tools to highlight SNC-level violators that may be in or near overburdened communities to increase EPA regional and state attention to these violators.

Additional Resources

- Resources for NPDES Permittees and Other Organizations
<<https://epa.gov/enforcement/national-enforcement-and-compliance-initiative-reducing-significant-non-compliance-snc>>
- EPA & State NPDES Permit Authorities (ECHO.epa.gov)
<<https://echo.epa.gov/resources/guidance-policy/epa-state-npdes-permit-authorities>>

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• **Successfully Resolved Enforcement Cases**

- EPA has addressed serious violations through enforcement actions. Examples of recently concluded enforcement actions for NPDES permit violations include the following:

- United States and Commonwealth of Massachusetts Announce Settlement with City of Gloucester to Upgrade Sewage Treatment Infrastructure

<<https://epa.gov/newsreleases/united-states-and-commonwealth-massachusetts-announce-settlement-city-gloucester>>

- Eastman Chemical Resins Inc. to pay \$2.4 million penalty for multiple environmental violations at West Elizabeth Pa. facility

<<https://epa.gov/newsreleases/eastman-chemical-resins-inc-pay-24-million-penalty-multiple-environmental-violations>>

- Messer LLC to pay \$1.9 million penalty for Clean Water Act violations at New Cumberland, WV facility <<https://epa.gov/newsreleases/messer-llc-pay-19-million-penalty-clean-water-act-violations-new-cumberland-wv>>

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- City of Sandy must pay \$500,000 in penalties, limit sewer hookups under new agreement with EPA, USDOJ, DEQ <<https://epa.gov/newsreleases/city-sandy-must-pay-500000-penalties-limit-sewer-hookups-under-new-agreement-epa-usdoj>>

- EPA Fines the Ritz-Carlton Resort on St. Thomas, USVI for Violations of the Clean Water Act <<https://epa.gov/newsreleases/epa-fines-ritz-carlton-resort-st-thomas-usvi-violations-clean-water-act>>

- EPA Fines Knouse Foods of Central PA \$230,000 for 120 Violations of Pollution Laws <<https://epa.gov/newsreleases/epa-fines-knouse-foods-central-pa-230000-120-violations-pollution-laws>>

- Criminal Case:

- View, Inc.: [🔗 <https://www.justice.gov/usao-ndms/pr/california-company-sentenced-illegally-discharging-wastewater-olive-branch>](https://www.justice.gov/usao-ndms/pr/california-company-sentenced-illegally-discharging-wastewater-olive-branch) View is a manufacturer of electrochromic glass products, headquartered in Milpitas, CA but has a manufacturing facility in Mississippi. Over a nine-year period, from mid-2012 to June 2021, View discharged 250K gallons per day of wastewater, which contained metals such as cadmium, chromium, copper, nickel, and zinc, without a pretreatment permit. View was sentenced to 3 years of probation, a \$3 million fine and ordered to make a community service payment of \$450,000 to local wastewater treatment facility. View also paid a \$1.5 million civil penalty to the Mississippi Commission on Environmental Quality.

- **Forged successful partnerships**

- Held quarterly discussions with all 47 NPDES authorized states focused on reducing SNC and to help ensure that the most serious SNC-level violators in the state are being addressed. :
- Hosted “Improving Small Municipal Wastewater Treatment Plant Compliance,” a national symposium for federal, state, and tribal NPDES regulators. Presentations provided information on tools pertaining to technical assistance, technology, financial support, and more to improve compliance at small wastewater treatment plants.

• **Provided compliance assistance**

- Continued to implement EPA's Compliance Advisor technical assistance program for small systems: In FY 2023, the program provided support to 62 small wastewater systems. Since its inception in FY 2020, the program has provided support to 73 small wastewater systems in 10 states, with the majority of these systems in disadvantaged or underserved communities.
- Established a highly successful technical assistance webinar series that focused primarily on helping operators solve common compliance problems at small wastewater facilities in SNC. Held a total of 45 webinars from FY 2020 to FY 2023, with nine of the webinars in FY 2023.
- Issued "Tips for Submitting Timely, Accurate, and Complete NPDES Discharge Monitoring Reports" <<https://epa.gov/system/files/documents/2023-06/npdesdmr.pdf>> (June 2023), a Compliance Advisory focused on monitoring and reporting requirements and to help NPDES permittees comply with Discharge Monitoring Report (DMR) submission requirements in their permit to avoid noncompliance. :

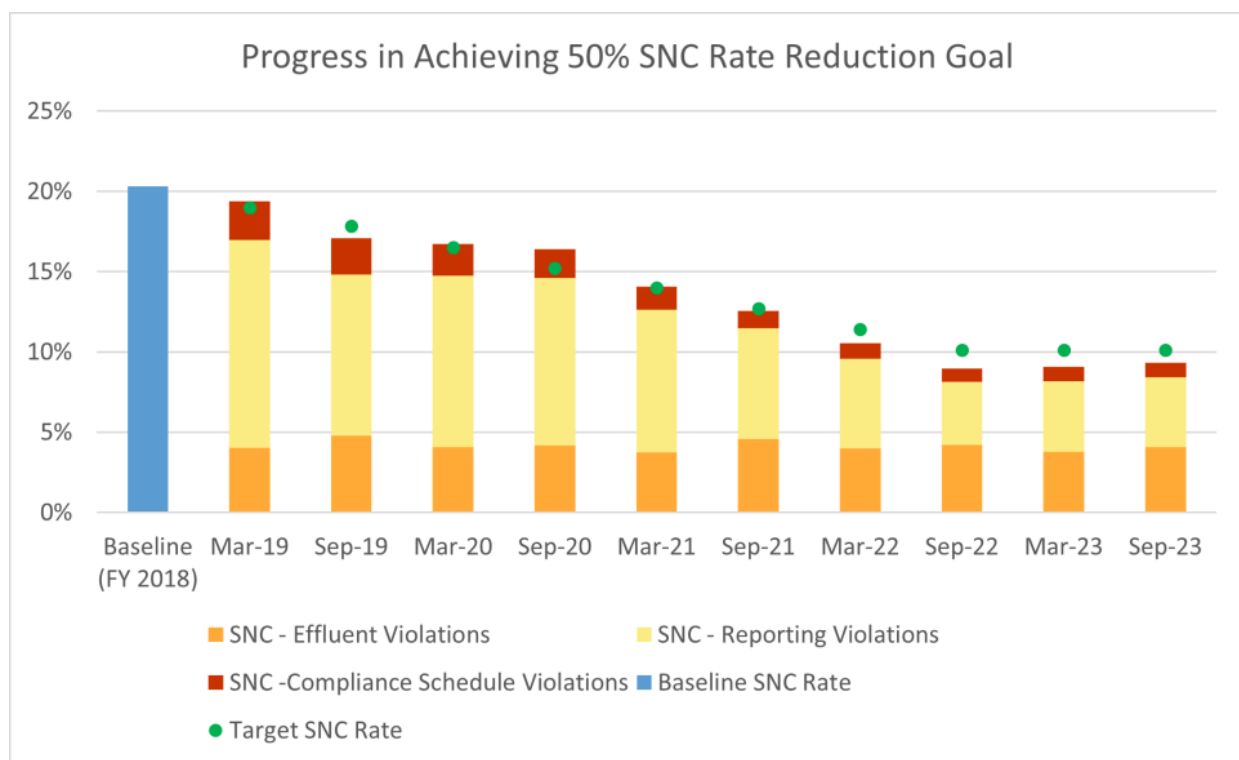
Between FY 2020 and FY 2022, EPA issued four additional SNC Compliance Advisories:

- Federal Facility Compliance Under EPA's National Compliance Initiative to Reduce Significant Noncompliance with CWA NPDES Permits <<https://epa.gov/compliance/federal-facility-compliance-under-epas-national-compliance-initiative-reduce-significant>> (December 2020),
- Compliance Advisory: Clean Water Agencies Increasing Attention to Significant Non-Compliance Dischargers <<https://epa.gov/compliance/compliance-advisory-clean-water-agencies-increasing-attention-significant-non-compliance>> (September 2020),
- Compliance Tips for Small Wastewater Treatment Lagoons with Clean Water Act Discharge Permits <<https://epa.gov/system/files/documents/2022-03/lagoon-complianceadvisory.pdf>> (March 2022), and
- Compliance Tips for Small, Mechanical Wastewater Treatment Plants <<https://epa.gov/compliance/compliance-tips-small-mechanical-wastewater-treatment-plants>> (March 2022).

- **Improved data transfer processes**

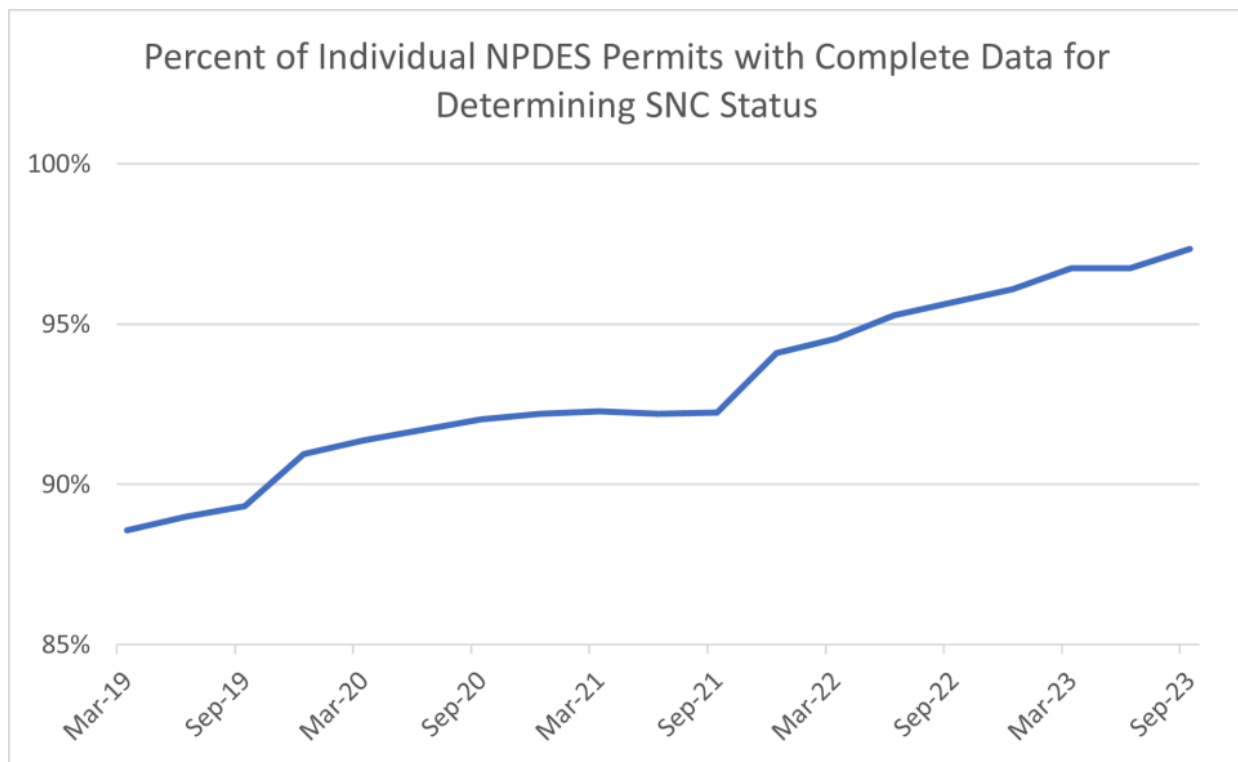
- Worked closely with several states to improve electronic transfer of data from state systems to EPA's data system.

Percent of Individual NPDES Permittees in SNC during the Fiscal Year



Number of Individual NPDES Permits with Complete Data for Determining SNC Status

EPA has determined that some individual NPDES permits have insufficient permit information and compliance tracking data in EPA's database to allow the EPA to evaluate the permittee's compliance status, including SNC. EPA excludes such permits from the SNC rate calculation to improve the accuracy of the SNC rate. The SNC NECI effort includes goals for addressing this problem to increase the number of individual permits included in the SNC rate calculation. The chart below illustrates progress on this work. At the end of FY 2022, there was complete data for 44,015 out of approximately 46,000 permits.



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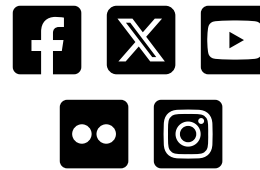
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National Enforcement and Compliance Initiative: Increasing Compliance with Drinking Water Standards at Community Water Systems

Problem

A community water system (CWS) is a public water system that supplies water to the same people year around. There are approximately 50,000 regulated drinking water systems in the United States. In fiscal year (FY) 2022, 43.2 percent of the nation's CWSs violated at least one drinking water standard, which set the limits for contaminants in drinking water. In addition, 29.6 percent of CWSs had monitoring and reporting violations and 7 percent had health-based standard violations.

Goal

Begun in FY 2020, a goal of this National Enforcement and Compliance Initiative (NECI) has been to help ensure safe delivery of drinking water to communities

by improving compliance with the Safe Drinking Water Act (SDWA) and fostering greater collaboration between EPA and states, tribes, and territories to create a more effective national program. An additional focus of this NECI is to increase EPA's enforcement and compliance assurance capacity in order to work more effectively with states, tribes, and territories to meet our shared goal of addressing drinking water violations and risks to public health.

Results

During FY 2020 through FY 2023, EPA made significant progress towards meeting the drinking water NECI goals to improve drinking water compliance through inspections, enforcement, and technical assistance and to increase EPA and State inspectors' capacity to monitor compliance. The following examples of NECI activities illustrate the EPA's efforts to improve drinking water quality at CWSs.

- **Enforced the SDWA to help ensure communities are provided safe drinking water**

EPA issued Safe Drinking Water Act orders to 185 public water systems during some highlights from new and ongoing work during FY 2023 include the following:

Additional Resources

-  EPA's Initiative to Reduce Noncompliance with Drinking Water Standards at Federally Owned and Operated Water Systems (pdf)
<<https://www.epa.gov/system/files/documents/2021-08/complianceadvisory-reducingnoncompliance-withdrinkingwaterstandards.pdf>> (187.4 KB, August 2021, 315F 21001)
- Community Water System Compliance Advisory
<<https://epa.gov/compliance/compliance-advisory-community-water-system-compliance>>

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- **SDWA 1414 Administrative or Judicial Compliance Orders**

- City of Jackson, Mississippi
<<https://epa.gov/ms/jackson-ms-drinking-water>> (Region 4)
- City of Silex, Missouri
<<https://epa.gov/newsreleases/city-silex-missouri-agrees-remedy-alleged-safe-drinking-water-act-violations>> (Region 7)

- Enforcement Alert on Source Water Changes at Community Water Systems
<<https://epa.gov/system/files/documents/2022-09/sourcewaterchangealerts/casenames.pdf>>

- **SDWA 1431 Emergency Orders Addressing an Imminent and Substantial Endangerment**

- 3M Cordova, Illinois (Region 5)
- Kickapoo Tribal System, Kansas (Region 7)
<[https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/advanced%20search/a6a5a97f2d1168e78525895e00635509/\\$file/kickapoo%20tribe%20in%20kansas%20emergency%20administrative%20order.pdf](https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/advanced%20search/a6a5a97f2d1168e78525895e00635509/$file/kickapoo%20tribe%20in%20kansas%20emergency%20administrative%20order.pdf)>
- Yellow Creek Estates Mobile Home Park, Wyoming (Region 8)
- Oasis Mobile Park, California (Region 9) <<https://epa.gov/newsreleases/united-states-files-complaint-against-oasis-mobile-home-park-alleged-safe-drinking#:~:text=%e2%80%93the%20department%20of%20justice%2c%20on,coachella%20valley%20in%20southern%20california.>>>

• **Inspector capacity and technical expertise**

- EPA provided multiple training events to support EPA, state, tribal, and territorial drinking water programs.
 - EPA hosted 37 web-based inspector trainings for EPA, state, and tribal inspectors from 2021-2023. Attendance ranged from 20 to over 370 per course.
 - Since 2020, EPA provided field-based on-the-job inspector training for EPA, state, and/or tribal inspectors at 26 community water systems in Pennsylvania, Delaware, Maryland, Washington, Idaho, Virginia, Wyoming, and Massachusetts.
- EPA increased its enforcement and compliance assurance capacity in the drinking water program so that every EPA regional office now has credentialed SDWA inspectors.
- As EPA inspector numbers and capacity have increased over time, compliance monitoring/inspections and enforcement have also increased.
 - In FY 2023, EPA performed offsite compliance monitoring of 254 CWSs and led or accompanied primacy programs (states, tribes, or territories that have been approved to implement and enforce the Public Water System Supervision Program) on 160 onsite inspections.
- Compliance monitoring activities increased by approximately 200% from FY 2020 to FY 2023.
 - Offsite compliance monitoring increased from 83 in FY 2020 to 254 in FY 2023.
 - Onsite inspections jumped from 54 in FY 2020 to 160 in FY 2023.
- Enforcement case conclusions increased from 75 in FY 2020 to 113 in FY 2023, an increase of 51%.

Improved System Performance with Compliance Advisors

The Agency launched the Compliance Advisors for Sustainable Water Systems program

<<https://epa.gov/compliance/compliance-advisors-sustainable-water-systems-program>> in FY 2020 to provide effective on-the-ground technical assistance to help community water systems achieve and sustain environmental compliance. Since its



inception in FY 2020, the program has provided or is currently providing technical assistance to almost 300 small drinking water systems. Assistance includes recommendations to improve system compliance, development of system operation protocols, resource evaluations, and operator training.

Compliance Advisors
providing technical
assistance in the field.

The program shows promising success in resolving long-standing noncompliance. For example, Compliance Advisors helped a New Mexico tribal operator who operates 10 small CWSs that had been in noncompliance and under enforcement orders for at least 10 years, resolve 96 percent of their drinking water significant deficiencies.

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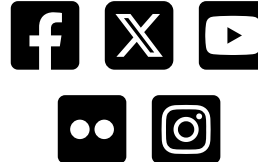
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