



At a Glance

Catalyst for Improving the Environment

Why We Did This Review

We undertook this review to assess oversight of major facilities in long-term significant noncompliance with water discharge permit requirements. We sought to determine if the U.S. Environmental Protection Agency (EPA) and States are taking timely and appropriate enforcement actions against facilities in long-term significant noncompliance.

Background

EPA has authorized 45 States to administer the National Pollutant Discharge Elimination System program, including enforcement of discharge permits. EPA still maintains responsibility for oversight and ensuring that Clean Water Act regulations are enforced. According to EPA's current guidance, several basic oversight criteria define a "well-performing" compliance and enforcement program, including (1) timely and appropriate enforcement response, and (2) accurate recordkeeping and reporting.

For further information, contact our Office of Congressional and Public Liaison at (202) 566-2391.

To view the full report, click on the following link:
www.epa.gov/oig/reports/2007/20070514-2007-P-00023.pdf

Better Enforcement Oversight Needed for Major Facilities with Water Discharge Permits in Long-Term Significant Noncompliance

What We Found

EPA did not provide effective enforcement oversight of major facilities with National Pollutant Discharge Elimination System permits in long-term significant noncompliance. While flexibility is required in a national program, EPA inconsistently applied guidance defining timely formal actions. Also, EPA guidance did not provide meaningful direction on what constitutes "appropriate" actions. Moreover, for 21 of 56 facilities reviewed, EPA and States did not take suitable formal enforcement actions to address all instances of significant noncompliance. At the remaining 35 facilities, none of the actions we could assess were timely based on criteria in EPA's Enforcement Management System.

EPA and States also did not maintain complete and accurate records of National Pollutant Discharge Elimination System compliance and enforcement activities. Many region and State files were incomplete, and data in EPA's information systems were incomplete and inaccurate. Further, regions and States did not report inspection-related violations in EPA's Permit Compliance System. We also noted that bacteria exceedances are not required to be reported as significant noncompliances.

Timely actions could help minimize the millions of pounds of excess pollutants released by these facilities. We estimate that up to 51 million pounds of excess pollutant loads were discharged from July 2002 through June 2005 by 44 facilities reviewed, representing loads that could be minimized.

What We Recommend

We recommend that the Assistant Administrator for the Office of Enforcement and Compliance Assurance clarify and implement guidance regarding facilities in significant noncompliance, implement a quality assurance program, and establish controls allowing EPA leadership to identify significant noncompliance by bacteria-only violators. EPA disputed many of our findings, but stated general concurrence with our recommendations and identified planned actions. However, the Office of Enforcement and Compliance Assurance's planned actions generally do not address the intent of our recommendations, and the issues are considered unresolved.