EPA Oversight Role
IPDES Program
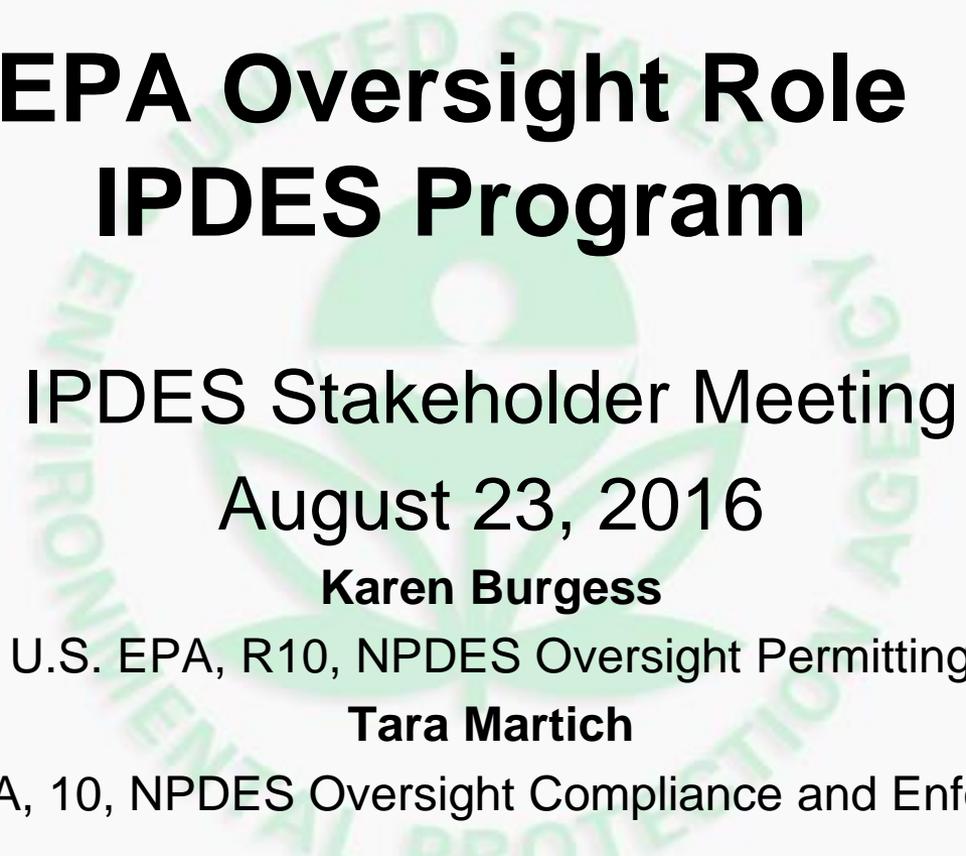
IPDES Stakeholder Meeting

August 23, 2016

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U.S. EPA, R10, NPDES Oversight Permitting

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U.S. EPA, 10, NPDES Oversight Compliance and Enforcement

NPDES State Oversight Role

At a national level, the EPA's Office of Water is responsible for implementation of the Clean Water Act and related federal regulations.

Within each of EPA's 10 regional offices, staff are oversees implementation of approved state NPDES programs.

In R10, Alaska, Oregon and Washington have been delegated NPDES authority. EPA R10 issues all NPDES permit in Idaho.
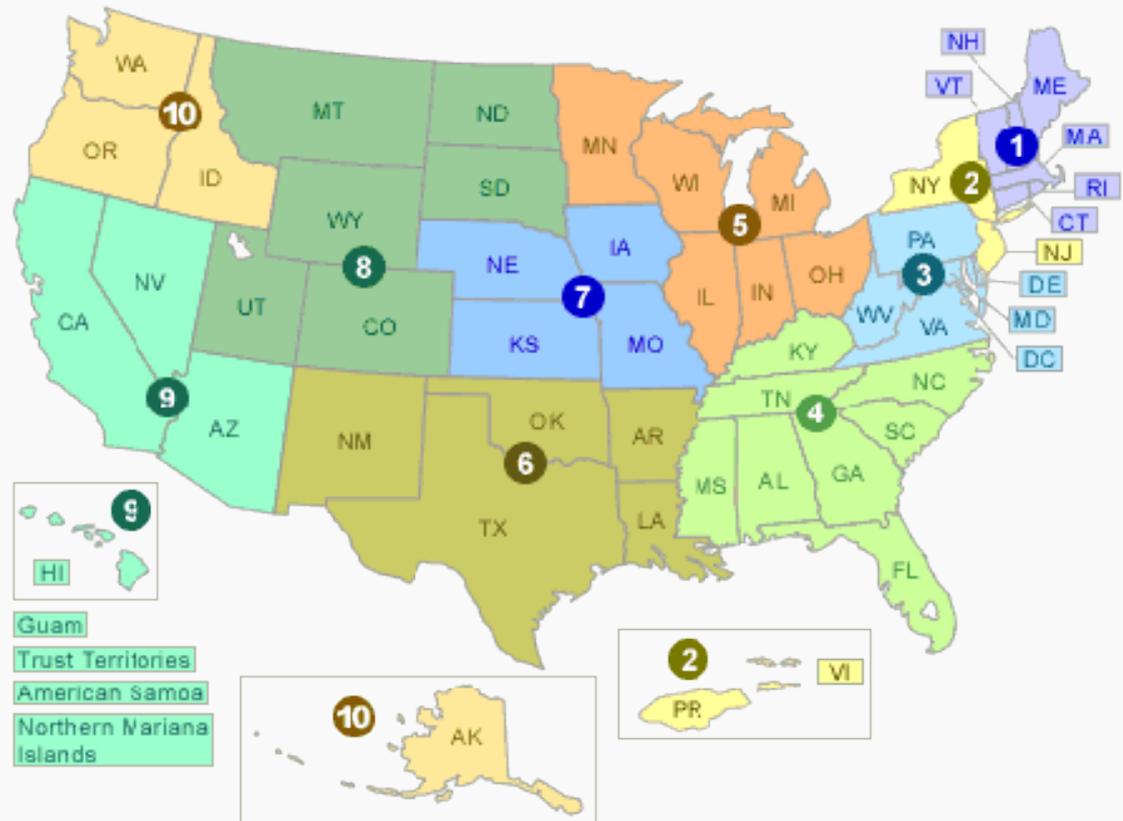
NPDES Oversight Role

- Memorandum of Agreement (MOA)
- Performance Partnership Agreement (PPA)
- EPA's Permit Quality Review (PQR) - Permit
- EPA's State Review Framework (SRF) – C, I&E
- Integrated Reviews
- Performance Metrics – Backlog and Priority Permits
- Real-time Permit Reviews – review of draft permits
- Internal and External Technical Assistance
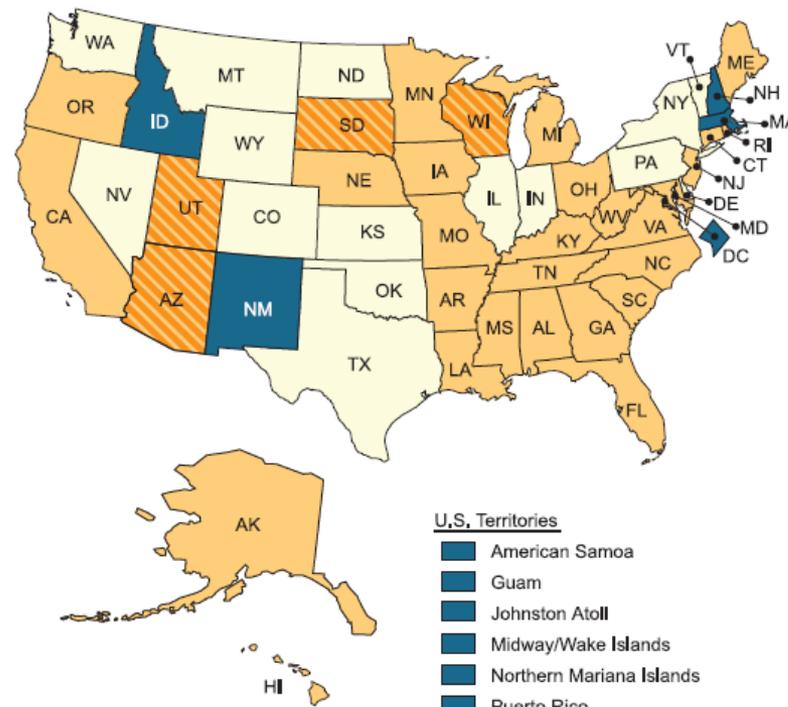- Coordination with EPA HQ on issued and rules

MOA between EPA and Authorized States

- The MOA establishes policies, responsibilities, and procedures pursuant to 40 CFR Part 123 (State Program Requirements) and defines the manner in which the NPDES Program will be administered by the IDEQ and reviewed the EPA.

- EPA has a model MOA to be used as a template for new and updated MOAs.

https://www.epa.gov/compliance/memorandum-agreements-between-epa-and-states-authorized-implement-national-pollutant

State NPDES Program Authority

U.S. Territories
- American Samoa
- Guam
- Johnston Atoll
- Midway/Wake Islands
- Northern Mariana Islands
- Puerto Rico
- Virgin Islands

State NPDES Program Status
- Fully authorized
- Fully authorized, including an approved biosolids program
- Partially authorized (click here for details)
- Unauthorized

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Performance Partnership Agreement (PPA)

The PPA establishes mutual priorities and performance expectations for EPA R10 and IDEQ. It includes specific commitments made by each agency regarding Idaho's environmental priorities.

The current PPA covers the calendar year 2016.

http://www.deq.idaho.gov/media/60177834/water-ppa-epa-deq-2016.pdf

7 Main Components Include:

1. Surface Water Assessment and Protection Program
2. Watershed Protection
3. Reuse Permit Program
4. Groundwater Program
5. NPDES Program
6. Drinking Water and Wastewater Loan Program
7. Safe Drinking Water Program

Water Quality Division Environmental Performance Partnership Agreement

Calendar Year 2016

Idaho Department of Environmental Quality

United States Environmental Protection Agency Region 10

December 2015

Permit and Program Quality Review (PQR)

EPA uses the PQR process to assess whether NPDES permits meet the applicable requirements in the Clean Water Act (CWA) and environmental regulations.

During each PQR, EPA reviews a representative sample of states' NPDES permits and evaluates the following:

- permit language,
- fact sheets,
- calculations,
- supporting documents in the administrative record, and
- state permitting program initiatives.

Through this review mechanism, EPA promotes national consistency and identifies NPDES program implementation successes and opportunities to improve NPDES permit programs.

- PQR Procedures
- PQR Findings (State PQR Reports)
- Central Tenets of the NPDES Permitting Program

PQR Process

- Standardized process involves review of permit, fact sheet and supporting materials
  1. Planning and permit selection based on criteria
  2. Desktop reviews of permit and fact sheet
  3. State visit
     - Interviews with state permit writers and managers
     - Review of administrative record for selected permits
  4. Additional topic reviews
  5. Report Development and follow-up
     - Findings and Action Items

- Schedule for PQR Reviews
  - On a 5 year cycle (FY2013-FY2017)

    Oct. 2012 – Sept. 2017

  - EPA regions reviewing respective state programs

    FY2012

    FY2013   AK (by EPA R10), ID (by EPA HQ)

    FY2014

    FY2015   OR (Oct. 2014 – 2015) – Conducted Sept. 2015

    FY2016   WA (Oct. 2015 – 2016) – Scheduled for August, 2016

  - EPA HQ reviewing direct implementation states
- Permit Selection for Core Review
  - 10+ individual permits, issued in past 2 years
  - Mix of POTW and non-POTW, based on the Permit universe
  - Should include 2 minors
  - Mix of permits must also cover regional topic areas.

Scope of PQR Report

- Core Permits Review – selection of IPs
- National topics – for this round of PQR
    1. Nutrients – programmatic and permit checklist
    2. Pesticides
    3. Pretreatment
    4. Stormwater (industrial, construction and MS4)
- Regional topics

  Permits selected based on 2-4 region/state specific topics. Examples CAFO, Mining, Others

PQR Desktop Reviews

- Review permits and fact sheets prior to site visit

- Complete checklists to the extent possible based on desktop review
  - Core reviews and national topics must be assessed using national checklists
  - Region may use whatever approach it prefers to assess regional topics

- Identify questions and issues to be discussed during site visit

PQR Process: State Visit

Planning and preparation by EPA

- Discuss desktop reviews and establish roles and responsibilities for state visit

- Develop agenda for state visit

- Review state responses to interview questions, part 1

Interviews with state permit writers and managers

- Walk through organization, permitting program and procedures using interview questions, part 2

Review of administrative record

- Review files for core permits, follow-up on questions and issues identified in pre-visit reviews, and complete checklists

- Team may bring in state staff to answer questions on specific permits

Exit Interview

- High level debrief on key findings

- Discuss timing of report and likely follow up activities

PQR Process: Findings & Follow-up

- Complete Draft Report

- Review by State Agency

- Identifying and Categorizing Action Items
  - Category 1 items tracked semi-annually; ***EPA Annual Commitment System*** (ACS) measure
    - Regions and states agree on a timeline for resolution
  - Category 2
  - Category 3
  - Regions and states may choose to incorporate into annual planning agreements or other accountability mechanisms
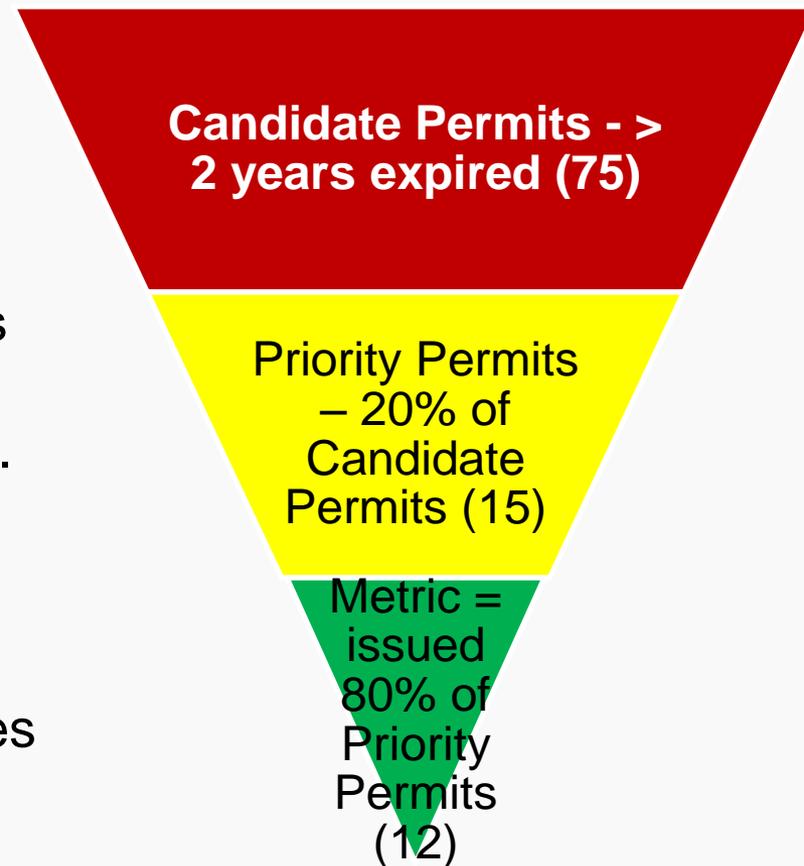
NPDES Permit Performance Metrics

- Largely focus on Individual Permit Issuance
  - **Permit Backlog**

    EPA's backlog metric is express as % of permit current. Permits not expired more than 180 days. Does not include stormwater permits.

  - **Priority Permits**

    Expired permit the state identifies as priority for issuance.

Candidate Permits - > 2 years expired (75)

Priority Permits – 20% of Candidate Permits (15)

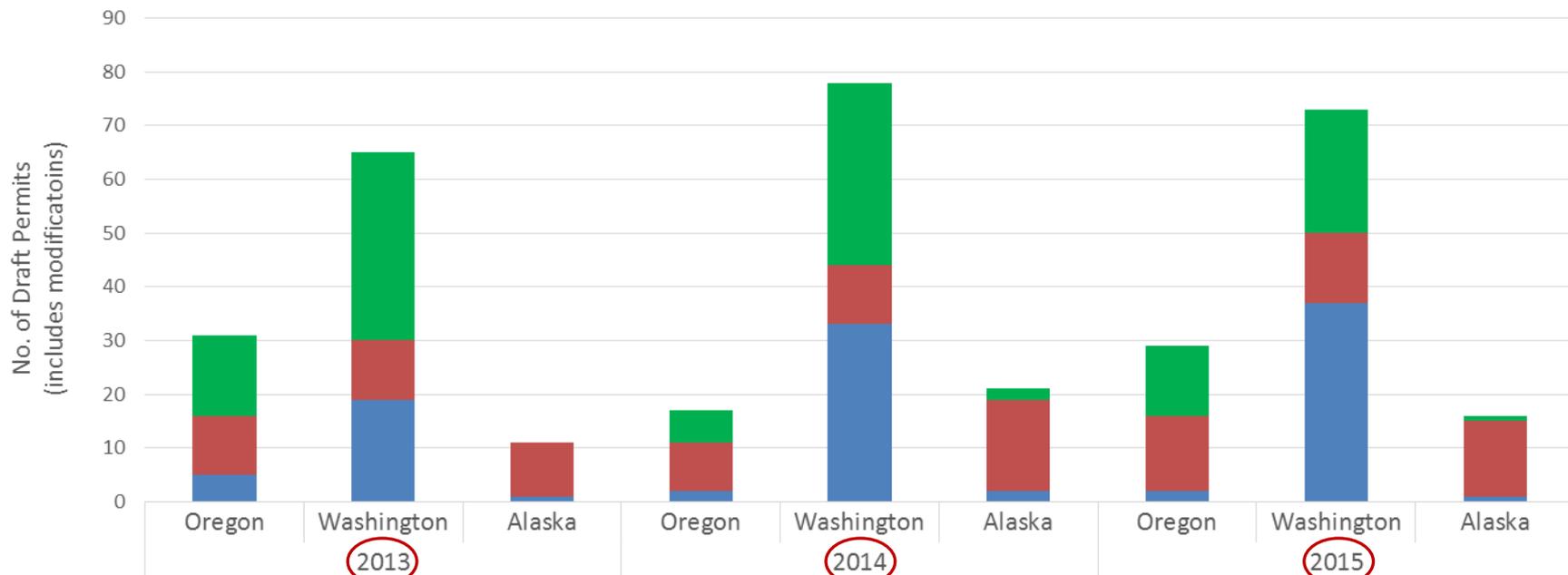Metric = issued 80% of Priority Permits (12)

R10 Real-time NPDES Permit Reviews

- Process – Biweekly Screening of permit available for public comment AK, OR and WA

- Permits are identified as
  - Not screened
  - Screened
  - Reviewed – issues identified that warrant further review

- Permits for review are selected based on significance of discharge and/or identified issues and concerns.

- Reviewed using PQR Checklist. Checklist may later be used during PQR process.

EPA - Region 10 - NPDES Oversight
No. Permits for Public Comment

	Oregon	Washington	Alaska	Oregon	Washington	Alaska	Oregon	Washington	Alaska
		2013			2014			2015	
Screened	15	35		6	34	2	13	23	1
Reviewed	11	11	10	9	11	17	14	13	14
Not Screened	5	19	1	2	33	2	2	37	1

Other Oversight Activities

- Coordination with EPA staff on Water Quality Standards and TMDLs

- Coordination with EPA HQ on National Rulemaking and National Priorities

- Responding to inquiries about State Permitting Programs and Permits

Technical Assistance
https://www.epa.gov/sites/production/files/2015-09/documents/pwm_2010.pdf

Federal NPDES Regulations
http://www.ecfr.gov

EPA NPDES Webpage
https://www.epa.gov/npdes/all-npdes-program-areas

State Review Framework (SRF)

http://www2.epa.gov/compliance/state-review-framework-compliance-and-enforcement-performance

You are here: EPA Home » Compliance » State Review Framework for Compliance and Enforcement Performance

State Review Framework for Compliance and Enforcement Performance

Compliance Home

How We Monitor Compliance

Compliance Monitoring Programs

   CAA

   CERCLA

   CWA

   FIFRA

   RCRA

   SDWA

   TSCA

   Good Laboratory Practices (GLP)

State Review Framework

Compliance Assistance Centers

The State Review Framework (SRF) consistently assesses EPA and state enforcement of the Clean Water Act (CWA), the Clean Air Act (CAA), and Resource Conservation and Recovery Act (RCRA). Designed collaboratively in 2004 by EPA and the Environmental Council of the States (ECOS) Exit , EPA works in partnership with each state to create a final SRF report. These SRF reports allow EPA to identify recommendations for improvement to ensure fair and consistent enforcement and compliance programs across the states.

State Review Framework Reports and Recommendations

This map shows which states are responsible for implementation of the CAA, CWA and RCRA programs and provides access to the SRF reports for individual states.

View Trends Data in State Dashboards

- Air (CAA)
- Hazardous Wastes (RCRA)
- Water (CWA)

Frequent Questions

> Who uses the State Review Framework?

> How are the reviews conducted?

> Who does the review?

> Where can I find data

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Integrated SRF/PQR Reviews

- Option for Office of Water (OW) and Office of Enforcement and Compliance (OECA) to integrated oversight review.
  - PQR: NPDES permitting reviews
  - SRF: NPDES enforcement reviews
- Developed guidance documents to assist regions with integrating two reviews
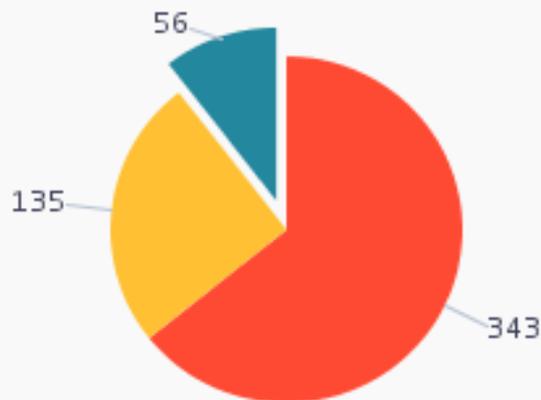- Region may coordinate site visits and review some of the same permits.

State Review Framework Metrics

- Data Management
- Inspections
- Violations
- Enforcement

Compliance Monitoring Strategy

Violations and Enforcement

https://echo.epa.gov/trends/comparative-maps-dashboards/state-water-dashboard?state=ID&view=activity

Question and Answer