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# Clean Water Act/EPA Needs to Better Assess and Disclose Quality of Compliance and Enforcement Data: U.S. Government Accountability Office Report

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The United States Government Accountability Office (“GAO”) issued a July 2021 report titled:

*Clean Water Act – EPA Needs to Better Assess and Disclose Quality of Compliance and Enforcement Data (“Report”)*

See GAO-21-290.

The GAO *Report* was prepared in response to a request by:

The Honorable Peter DeFazio

Chairman

Committee on Transportation and Resources

United States House of Representatives

The Honorable Grace Napolitano

Chair

Subcommittee on Water Resources and Environment

Committee on Transportation and Infrastructure

United States House of Representatives

Congressman DeFazio and Napolitano asked GAO to review the United States Environmental Protection Agency’s (“EPA”) compliance and enforcement activities for the Clean Water Act National Pollution Discharge Elimination System (“NPDES”) program.

GAO states that the *Report*:

- Describes changes in EPA’s national initiatives for ensuring compliance with the Clean Water Act since 2015, and actions selected states have taken in response
- Examines how state NPDES compliance and enforcement activities have changed since 2015

- Evaluates the extent to which EPA is measuring and tracking progress toward increasing compliance with NPDES permits under the Clean Water Act

The GAO *Report* notes by way of background that in fiscal year 2020 there were approximately 335,000 facilities in the United States with NPDES permits. Further, the *Report* states that EPA estimates that in 2016 approximately 11,000 facilities:

. . . significantly exceeded their permit limits and illegally discharged pollutants into nearby waters. . .

Findings identified by the GAO *Report* include:

- EPA posted data acquired from the states but it is not reliable for identifying changes in the number of activities states conducted since 2015
- EPA's most recent assessment of states' data showed that two of 17 states met expectations for the accuracy and completeness of the data recorded in the federal agency's national database (noting EPA is working with states to improve their data)
- EPA has not ensured that all states' disclosures are consolidated, complete and updated
- Until the item above is accomplished, it is stated that potential users of the data may not fully understand the data or the data's limitations
- EPA has developed a measure to track progress toward the goal for reducing the rate of significant noncompliance by NPDES facilities by the end of fiscal year 2020
- The EPA tracking measure still contains results that are unclear as needed data is incomplete and contains inaccuracies
- While EPA is working with states to improve data quality, it does not have a plan to assess the overall accuracy of the data
- The absence of an overall plan to assess data accuracy means EPA cannot be certain what its measure is showing and if progress is occurring in regards to the goal

The GAO *Report* makes the following four recommendations:

- Revise guidance to select files for its State Review Framework assessments of state-reported data to incorporate statistically valid probability sampling
- Consolidate, complete, and update information on all data limitations and ensure disclosure on the State Water Dashboard
- Develop a plan to determine the overall accuracy and completeness of the permit limit and discharge monitoring report data recorded in the national database
- Develop a performance measure to track the reduction in pollutant discharges resulting from enforcement actions for facilities in significant noncompliance and disclose any limitations

A copy of the *Report* can be downloaded [here](#).