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NPDES Permits/Clean Water Act: U.S. Environmental Protection Agency/Association of Clean Water Administrators Announce Reduction in Significant Non-compliance

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The United States Environmental Protection Agency (“EPA”) and Association of Clean Water Administrators (“ACWA”) announced in separate documents that there has been a major improvement in compliance with Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permits over the past five-year period.

Significant non-compliance among Clean Water Act permitted facilities is stated to have been reduced by 50 percent over the past five years.

Significant non-compliance is defined by EPA (in terms of NPDES permitted facilities) as having violations of a more serious nature and cause for concern. EPA uses National Compliance Initiatives to focus its enforcement and compliance resources on what it deems the most serious environmental violations.

Typical violations involving NPDES permits include:

- Significant exceedances of effluent limits
- Failure to submit reports

EPA notes in its news release that the federal agency and 47 states had agreed in FY 2018 to collaborate on a goal to reduce significant non-compliance among permitted facilities by 50 percent over five years. The National Significant Non-Compliance rate is stated to have been reduced from 20.3 percent at the start of 2018 to 9.0 percent today.

Both EPA and ACWA stated that achieving a 50 percent cut in the rate of facilities with significant non-compliance Clean Water Act violations improves the public health and environment by:

1. Reducing the number of permitted facilities with SNC-level violations by roughly 4,000 fewer facilities.
2. Reducing the amount of illegal discharges of water pollution by 23.7 million pounds through enforcement cases concluded over the past three years.
3. Creating lasting, strong, reliable EPA/state partnerships which can be mobilized to achieve additional successes.

4. Assuring EPA and states have a complete compliance data set to allow quick recognition of and proactive response to CWA non-compliance.
5. Increasing attention on the remaining non-compliant facilities and, in turn, increasing the level of compliance across all CWA permittees.

A copy of the EPA news release can be found [here](#) and the ACWA document [here](#).