

ECHO Annual NNCR Training

Verbatim Transcript

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Hi everyone and welcome to today's ECHO training. My name is Courtney Tuxbury, and I work in EPA's Office of Compliance, and I will be facilitating today's training on the NNCR specifically for the Annual NPDES Noncompliance Report.

So, the training goals for today's training are for you to learn about the annual NNCR and identify what is and is not included on this Annual Report, for you to know how to access the report online, and understand how you can find more information or where to direct questions after today's training if you have them. As a note, today's presentation does not include detailed information about the underlying rules and logic used to develop the violation reports and we will provide additional trainings on these by violation type. This is the second training of the sort of spring 2026 series and if you would like to attend any of those advanced trainings by violation type, you can do that from the ECHO training page.

So, the agenda for today's training is to first go over an overview of the NNCR, then we'll walk through the metrics included on the Annual NNCR, I'll do a demonstration of the report itself, and then we will end with time for questions.

So, to start off with our overview of the NNCR, this stands for NPDES Noncompliance Report, and it stems from 40 CFR 123.45 and this is a regulation that requires EPA to produce online Quarterly and annual noncompliance reports. And specifically the Annual NNCR topic for today is that this is a summary of compliance monitoring and enforcement activities within each State, Tribe and Territory. And there's also a requirement to include summary information about violations identified on the 4 Quarterly Reports for that specific federal fiscal year.

So, when EPA had first published the NPDES eRule in 2015 excuse me, we also made updates for 40 CFR 123.45. So, this requirement for noncompliance reports previously existed and was updated. Updates include the requirement for EPA to now publish these and make them publicly available. We changed the requirements for these to be 3 State issued reports and changed them to be 2 EPA issued reports, those two reports are the Quarterly Report and the Annual Report, and then we also opted to change the universe of facilities including the report and the universe of violations included in these reports. So, for both now the Quarterly and the Annual Reports, the universe of facilities is going to include both majors, non-majors, and unpermitted facilities. And the universe of violations is inclusive of all violations and EPA has eliminated this idea of non-reportable violations for the requirements of these reports.

The schedule for publishing these is based on the federal fiscal year which starts on October 1st and ends on September 30th and then EPA is required to publish these by March 1st of that following year. When we had first started developing these reports this was kind of around 2021 and so this is the first annual NNCR that's available, and then we add additional fiscal years once we are currently in that new fiscal year. So, in October of each year, once we're in the first week of October, that next fiscal year will be added. So, this October fiscal year 2027 will be available. The data that is displayed currently in the reports is the most up to date data available but any data that is displayed before March 1st is considered preliminary.

Each winter EPA and States go through a large what we call a large data verification process and so, during that time period from the end of the fiscal year through around March, there are a lot of reviews and updates made to this data and the data is refreshed weekly within this report.

So, the next few slides is going to go through some terminology that is specific to the Annual NNCR and this first set is called the permit groups. And within the reg, it says in the Annual NNCR we need to produce the summary reports for the following permit universes Individual permits, Non-individual permits, Unpermitted facilities, and then a total across those 3. So, if we go through each of these top 3, how do we define those?

So, the first up is the Individual permit group and within the reg, this is defined as permits that are unique to the permittee, they have effluent limits, and they require submission of discharge monitoring reports or DMRs. How we have interpreted this in the report is any NPDES permit that was active during the federal fiscal year, active meaning it had a first effective date before the last day of the federal fiscal year and/or had a termination date after the first day of the federal fiscal year. So, if there was at least one day that permit was effective or active during the federal fiscal year, it's counted and then also has a permit type that is set to Individual. And then we also have this grouping or categorization of permits by something called the NPDES data group. And when the permits have a NPDES data group of GA3 or G3B, which represents facilities that need to submit DMRs either on a regular or irregular frequency, those will be counted in this grouping. So, while we have the permit type that is Individual specifically for the Annual NNCR the reg requires that they need to be Individual permits, plus those that have effluent limits and require the submission of DMRs.

The next permit group is called the "Non-individual" permit group, and this is defined in the reg as all other NPDES regulated entities that are not Individually permitted. So, this is essentially all NPDES permits that didn't meet the criteria that was listed on the previous slide, the same definition for active as I just mentioned. And then it's also going to include all of the other NPDES permit types so, General Permits, Individual IU Permits or Associated Permit Records or they have the permit type of Individual, but they do not have that NPDES data group that's associated with DMR submissions.

And then the last grouping is the Unpermitted permit group. This is defined in the reg as Clean Water Act point sources that had unauthorized discharges of pollutants to waters of the United States. And our interpretation of this is any permit type where it's listed as Unpermitted and unlike other permits within our source database, these types of permits do not have effective active termination dates associated with the Unpermitted activity. And so, we've used specific criteria to determine whether or not that Unpermitted facility was active during that federal fiscal year. And that's going to include if that Unpermitted facility has a record associated with a violation that occurred during the year and informal enforcement action during the year or a new or ongoing formal enforcement action during that year. We have purposely excluded compliance monitoring activities or inspections from this criteria for Unpermitted, and that there are times when a regulatory authority will go and inspect a facility that doesn't yet have a permit and do that compliance monitoring maybe to see if that facility should be or needs to be permitted. And if there isn't a violation or some type of enforcement related to that compliance monitoring activity, maybe that activity or record had happened but that facility didn't actually need to be permitted and so that's why those have been excluded here.

And then for the content of the reports themselves, the previous slides were kind of States, Tribes, and Territories we need to show the counts of those facilities and then we need to break it down into those permit groups of Individual, Non-individual, and Unpermitted and then a total across the 3. And for all of those metrics we need to include first the total number of NPDES permittees, so what is that total universe. A handful of metrics related to compliance monitoring, so how many had an on-site inspection, how many of them have permit limits or are needing to submit DMRs, how many had off-site compliance monitoring activities. And then we have a set of metrics that are related to noncompliance or violations, how many of them had any type of violation, how many of them had Category I specific violations. And then the final metrics related to enforcement, what is the total number of facilities that had a written informal enforcement action, a formal enforcement action with a compliance schedule, the total number receiving a penalty assessed, and then the amount of those penalties assessed. So, it's sort of this high-level view of what does the universe of these NPDES permits look like, what type of compliance monitoring is happening, who has violations, and what type of enforcement is happening. This last metric is the number of permit modifications extending compliance headlines more than one year. This data is currently not available in the Annual NNCR. This is not a data element that is required by the NPDES eRule, nor is it a data element that is currently collected in our source database. We have requested that our modernized system has the ability to collect this information, but at this time we do not have it and so this last metric is not included.

OK, so that's everything that is currently included in the Annual Report for exclusions, these are specific permits that are purposely excluded from being counted. The first up are Master General Permits or MGPs. This includes both NPDES MGPs and State issued Non-NPDES MGPs. So, General Permit covered facilities, those are counted within the Non-individual universe, but the MGPs themselves are not. Additionally, this is a NPDES specific report and so we are not including Individual State Issued Non-NPDES Permits. The second bullet we're excluding permits where the first effective date is after the current date. There can be times when a regulatory authority might be in the process of or have issued a permit, but it may not become first effective until a much later date. And in those instances, if a permit has been issued but it's not yet effective those will not be included in the report. Concentrated Animal Feeding Operations or CAFO permits without violations are excluded collectively across the ECHO website this is not unique to the NNCR but it's happening across ECHO, those will not be found on the Annual Report. And then any of the permits here that don't have an activity during the year and didn't seem like they had some type of permit designations that they needed to be included as an active facility during that year. So, if the permit status is terminated, pending, denied, not needed, or retired and that permit record doesn't have any activities associated they'll be excluded. Similarly, Unpermitted facilities that didn't have an activity during the year will also be excluded. As I'd mentioned, Unpermitted facilities currently in our database do not have dates associated with them, and so all Unpermitted facilities that have been reported to EPA for all of time sort of look the same and so we're not trying to pull in maybe a facility that was Unpermitted a decade or two decades ago but has now become permitted and counting them there. And then this last bullet are NPDES permits where they have a NPDES data group of G2C or G2D. These are 2 different designations that can be associated with a facility that says maybe they have applied for coverage, or they've applied for No Exposure or a Waiver that says maybe traditionally it would seem like I would need coverage under the NPDES permit, but I have some type of exemption and I'm not directly discharging, and so we have excluded those permits from the report.

So, accessing within the NNCR, we will walk through this in the demo, but this is sort of, oh the next slide, I'm sorry this the Annual NNCR is available on ECHO's homepage echo.epa.gov and this is available within the blue search options tab in the bottom left corner. Within the slides, there's a link directly to the Annual Report. We also have links to the help documentation, previous recordings and slides of NNCR trainings, and the current NNCR guide.

And this is the search flow that I'll walk through, which is a visualization of the demo. You can access this directly from the home page, or if you end up on the Quarterly search form. But you wanted to be on the Annual Report, we do have a link just below the time frame allowed on the Quarterly Report so you can jump to the Annual Report. So, once you're on the Annual Report, this is displayed as an interactive dashboard that contains 6 different charts that will allow you to view these metrics nationally and/or you can add additional filters to display the counts by State, Territory or Tribe or any of those permit groups that we had discussed. Once you go into any of the individual charts, you can drill down into the details using different filters or selections within the charts or detailed table filters. And then you can download the underlying data for further analysis or if you would like to try and replicate these metrics yourself. Before we jump into the demonstration, I just want to check and see if we have any questions we can answer.

Weller, Leslie

There was no questions regarding the content. There was one question about if we sent out the slides and that was answered in the chat. So, no open questions right now.

Tuxbury, Courtney

All right thanks, Leslie. OK, so I'm going to jump over to ECHO. So, if you go to the ECHO homepage, echo.epa.gov. This is what our homepage looks like and within the home page we have these different tabs on the left side that will update the content that is displayed within the middle. By default, we'll display the quick search tab. The NNCRs are held within this blue search options tab here. And so, when you select this, the inner content updates and the NNCR is here in the bottom left-hand corner in the Clean Water Act section. And then at the bottom, we have the Annual Report. So, you can select Annual Report and then sort of similar to what was in the slides, if you are on the Quarterly Report or you're accidentally on the Quarterly Report you can also select view Annual Report and that will also take you to the Annual Reports. You can toggle between those two if you'd wish. Something to note is that the first time you open this report it does take a bit of time to load depending on a variety of factors and I can't name all of them. Some folks it takes a few seconds, for others I've heard that it takes several minutes and it doesn't seem consistent between agencies or IP addresses. And so, if it is slow to load, it could be a few seconds, but for some it could be a few minutes unfortunately. And so, as I've mentioned this report is an interactive dashboard and so I'll walk through some of the features and how you can start to play with them to see the metrics that are required within the Annual Report.

So, first up is the main content of the dashboard are the 6 different tiles that are going to be grouped by topic. So, what is the facility universe, what types of compliance monitoring activities are happening there, which ones have violations, enforcement actions, enforcement actions with penalties, and then those penalties assessed. For each of the charts they have similar functionality where you're going to default to a view that's going to display all of the data nationally, and then you can also view the charts and data by State, Tribe, and Territory or by Tribe, excuse me, States and Territories are grouped together and then Tribes are

grouped separately. If you want to look at the information by State and Territory or Tribe you do need to select an individual fiscal year. So, if I go to the last federal fiscal year, then I can see all of the State data for that fiscal year across all States. If you have selected an option from these filters on the top, you can add additional or select different ones, you can select this check box to confirm your selection you can also cancel it. There is a clear all selection and then additionally sometimes you may want to select all, select the opposite, and/or select the excluded values and I'll walk through that in a bit later. For each of the metrics specifically for I'll stay with my single State, Tribe, and Territory. For each of the counts we've also added the percentage of the total universe so that's going to be based on these total facility counts for that federal fiscal year. So, this is going to show you the difference between facilities maybe that have high counts but high universes or vice versa, and you can see what percentage of that universe is represented by those individual values that are displayed. I'll select a single State and then I want to go down and view the details of this in each of these charts there is a details tab. The first maybe 10ish fields are going to be the same that will show you the federal fiscal year, the facility associated ID's, some high-level information about those facilities. And then all of the fields kind of in the right-most-hand section is going to show you the details that are really unique or specific to this specific chart, and so that's how you would be able to replicate these on your own if you wanted to. You can download the data using this arrow that's pointing down to download that into a CSV file. Also, if you would like to view this individual chart in full screen, you can select these arrows to maximize or minimize the charts into sort of their container versus expanding out into the entire page. At the top, here we can see which filters have been applied. You can remove these individually from the top of the chart. Alternatively, if you have selected a lot of items and you want to get back to 0, you can clear them all with this button here and you can sort of undo or redo your last steps within the dashboard if you are navigating through a lot of different changes.

If you are wondering how some of these features work, we also have this tour dashboard feature and so if you select this, it will walk through sort of a high-level overview of how each of the sections of the report work and what features you might want to use. If you forget you can exit that tour later if it's no longer needed. And then lastly, we have this documentation link or the help link. And if you select that, we have an overview of all of the different charts that exists and then for each chart, each of the metrics. So, if you select the name of that section of that tile, it will give you the name of each chart that's available in that drop down. And then if you wanted to see more about that drop down you could see what's included in those counts. And then for every field that's included in it, there should be a jump link of how each of those items are defined. And so, every field and chart has help documentation to explain how each of these calculations were done.

So, if we go back to our original requirements for the report, we're seeing the totals by default across all time for how many facilities are in this Individual, Non-individual or Unpermitted universe. If you wanted to select a specific universe to look at, you could see those Individuals and then if you wanted to see by State, Tribe or Territory you could add those filters into it. Each of the metrics, also as you are going through them there is a hover over associated with them, so if we see 99 on-site activities it's going to be counting a total facility of 407. And so, that's how those percentages would be calculated so we can see the 407 here in the pop up for total facilities in 2021, which matches the 407 that is displayed in the total permit group in 2021. And that is how those calculations for those percentages are displayed. OK so I'm going to jump back to our slides.

So, if you have questions about the NNCR, or if you have any suggested recommendations for the workgroup to consider, please reach out to us through the ECHO Help Desk. This is available through all of the Contact Us links at the top right of every ECHO page. Once you hit that Contact Us link, there is another form to fill out. Anything that is related to the NNCR will then get routed to me, which will be discussed with the EPA and State workgroup.