

DMR Reporting Violations NNCR Training

Verbatim Transcript

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Hi everyone, good afternoon and welcome to today's ECHO training on DMR Reporting Violations on the NNCR. My name is Courtney Tuxbury, and I work in EPA's Office of Compliance.

The goals for today's training are for you to understand when DMR reporting violations are first generated in our source database and also learn the underlying rules supporting DMR reporting violations on the quarterly NNCR and afterwards for you to understand how to find more information and where to direct questions. Today's presentation is considered an advanced training and we do assume that you've attended the quarterly NNCR training beforehand. If not, that's OK and you're welcome to stay, but you can view a recording training of the quarterly NNCR from the ECHO training page.

So, the agenda for today's training is to first walk through the violation generation of DMR reporting violations and then walk through the specifics of violation detections, which is the distinction between whether a violation will be considered Category I or Category II, the violation resolutions when a violation will appear on the quarterly report. We will be doing a demonstration and a practice search at the end and then also have time for questions.

So first up is violation generation and this requires us to first know what is a DMR reporting violation. Some NPDES permittees are required to report the results of their self-monitoring on a report called a Discharge Monitoring Report and so, this could be a requirement within a permit and/or an enforcement action that says sampling needs to take place and then at a certain frequency these need to be then reported to the regulatory authority. And these DMR reporting violations are generated when the results of the self-monitoring requirement have not been reported within 30 days of the due date. These violations are generated in two different instances. This includes when no data has been submitted or there are missing DMR values and also when a non-compliant no data indicator or a NODI has been reported.

This no data indicator or NODI is a unique coded description that indicates the reason why no discharge or no data was reported on this DMR. A NODI can also be reported, excuse me, a NODI can be reported on a DMR when the permittee does not have numeric DMR data to report for a given parameter for the entire monitoring period. Regulatory authorities have differing opinions on how much information is available on which NODI codes do generate violations versus not. So, if you have questions about a specific NODI code that needs to be directed to the regulatory authority for that specific permit.

There are two different reporting violation codes related to DMR reporting violations. These are D80 and D90 violations. They're often referred to as DMR non receipts and/or DMR reporting violations. The descriptions here are those that come directly from the database. They're often not ever used, but if you're thinking about these violation codes in relation to an effluent exceedance, if there is a limit associated with that DMR, it's going to be a D80 if that data is missing, and if it's not, then it will be a D90. And so, the D80 is for missing data and the D90 is the effluent exceedance violation for when there is a limit associated with it.

And then also similar to effluent exceedance violations, the same unique grouping of fields are used to generate each individual violation. And so that starts with the NPDES ID or the permit ID, the permitted feature or outfall, the limit set, monitoring period end date, parameter/pollutant, monitoring location, and then the DMR value type, which can be a concentration or quantity value. So, all 7 of these fields grouped together will generate the unique set of determining whether or not a DMR reporting violation would or would not be generated.

So once a violation is generated, we then have the violation categories as Category I or Category II. Within the NNCR regulation, there is a requirement that every violation be designated as Category I or Category II. The regulation includes specific criteria for Category I and states that all violations that do not meet the Category I criteria must then be designated as Category II. Specifically, for DMR reporting violations, the Category I criteria is the failure to submit a required report within 30 days of the due date. So how we have interpreted that within the NNCR is that if an entire DMR is missing, that will be considered a Category I violation. And this entire DMR is defined by the grouping of total DMR values by NPDES ID, permitted feature, and monitoring period end date. And so, if an entire DMR is missing 31 days after the DMR due date each of the individual DMR reporting

violations will be designated as a Category I violation. And then if less than the entire DMR is missing 31 days after the DMR due date, each of those individual DMR reporting violations will be designated as Category II. And something to note is that for the missing, it's going to include instances of both no data being reported or a non-compliant NODI being reported where that DMR reporting violation has been generated.

So, we've grouped these in the violation detections into 4 possible descriptions. This is DMR reporting for an entire DMR missing versus a partial DMR missing, and then that being the result of no data being reported or a no data indicator being reported. If the entire DMR is missing, these are the Category I detections and if it's only a partial DMR missing, that is going to be a Category II violation.

So, if we start with just the Category I examples. We have for all of the future examples coming up sort of a subset or a simplified Discharge Monitoring Report and so, this is also a simplified version of the paper DMR. And so on this we would have the permitted feature, the permit number excuse me, the discharge number or the permitted feature, the monitoring period including the start date and the end date, and then for all of the pollutants that are require you'd have one row on this side of the table. And then for the 5 DMR values that can be reported for that specific parameter, you can have up to 2 quantity values. And then also you can have up to 3 quantity or concentration values. For each of these values, the facility would submit their reported sampling of their self-monitoring and then underneath that would be the limit requirements if it was available in their permit, the units, the number of times that sample exceeded the limit during the monitoring period, the frequency that they did the analysis, and then the sample type that they used to take those samples. They would be signed, and this is the paper DMR that then has been translated mostly now into this electronic report.

So for the examples today, we will have mostly the same set of data. We have the permitted feature, the discharge number outfall associated with the limit set, monitoring location, monitoring period end date, the pollutant parameter, and then the DMR value type whether that's a concentration or quantity. So together, these sort of 7 different values are those unique fields that are used to generate whether or not a DMR reporting violation would be generated.

So, in these examples, if there is a parameter listed in this column, that would represent an instance when there is a requirement for this parameter to be sampled. The colored cell is going to represent the required DMR value of the 2 quantities or the 3 concentrations so these values that are here in this first row that are white represent an instance where there was not a required sample for that DMR. And then if the cell is colored, if it is yellow it's going to represent no data being reported. If it is this pinkish color with the polka dots, it's going to represent a non-compliant NODI being reported. And then these blue vertical lines are representing a numeric value or compliant NODI being submitted for that specific parameter. And so, this is a visualization of what was required and what was reported. And then here on the bottom we have a summary table that shows the total counts of expected DMRs, how many of them were submitted with no data, how many of them had a non-compliant NODI, or how many of them had a numeric value or compliant NODI reported. And on top of that, we have sort of a short key are the 4 different types of DMR reporting detections, the codes, the descriptions associated, and the categories. So, these can be referenced as we go through each of these examples.

So, for this first example, for Category I, we have 5 specific parameters that need to be sampled for and then we have 5 DMR values for quantity 1 and 5 DMR values for quantity 2 that are required. All of them have this yellow color and so they represent instances where no data has been reported for any of those 10 values. So, we have 10 required values and 10 values where no data has been reported. Because of that all of these DMRs will have this D1A DMR Reporting Entire-No Data detection description and these are categorized as a Category I violation because all expected DMRs for that permit number, discharge number, and monitoring period end date were missing 31 or more days after the DMR due date.

In this second example, we have a simplified DMR where there's only 1 required parameter, there's only 1 required DMR value. However, as the DMR form is defined as the permit number, the discharge, excuse me, this permitted feature number, and then the monitoring period end date, the entire form is represented by this individual value. So even if there's only 1 value that's required that 1 value is also representative of the entire form. And so, this will also be detected as a Category I violation for submitting no data on that entire form.

In this third example, we have instances where we have both a mix of the non-compliant NODIs being submitted and also no data being submitted. So, we have 3 parameters that each require 3 DMRs during this monitoring period and so for quantity 1 for all 3 parameters a non-compliant NODI was reported, and then for parameter 3

for the C2 and C3 values, no data was reported but non-compliant NODIs were reported for the remaining ones. In this instance there were 9 total required DMR values, 2 of them were the result of no data, and 7 were the result of non-compliant NODIs. So collectively the entire DMR form is missing all of its data, so they are Category I violations, but the individual DMR value depending on whether or not no data was submitted or non-compliant NODI was submitted is going to determine the detection description associated with them.

OK, so then we'll shift into the Category II examples. And the Category II examples are where there are less than the entire DMR missing for that monitoring period. So, we can see here for parameter 1 there was numeric data submitted or compliant NODI for that first one. The remaining parameters 2, 3, and 4 did not have any data submitted and so in this instance less than all of the DMR data was missing, so these will be Category II violations, and the detection will be associated with that individual value whether it's no data being submitted or a non-compliant NODI. So, in this example, these will all have the D2C detection code which represents that a partial DMR was reported, but the individual value was a result of no data being submitted.

Similarly, if we have some data being reported for 1 parameter, not all of the DMR data is missing and you have a mix of NODIs and no data being reported, each of those individual DMR values will represent whether no data or a NODI code will be part of that detection description.

And then this final example, we have a situation where we have 2 different limit sets associated with the same permitted feature number and monitoring period end date. The 2 limit sets are not associated with the grouping of the DMR form. So, it's based on the permitted feature, the permit number, and the monitoring period end date. And so, if there are different requirements based on the limit sets, we're going to collectively look at them together to see what's the entire DMR missing across not just limit set A, but also limit set A and B, and between the 2 different limit sets, we did have some data be reported, so we know this will be a Category II violation. And then between the 2 detections that are available, we would look at the individual values to see if no data had been reported in yellow or a NODI code had been reported in this pinkish color, and then associate the detections with each of those missing values.

Sort of to prioritize or try and think through how the hierarchy of this works. If you were to be looking at a set of DMRs that have reporting violations, you would create a grouping of DMRs on a form by the NPDES ID, the permitted feature, and the monitoring period end date. And then you would see are all of the values missing or non-compliant NODIs 31 days after the DMR due date. If they're all missing, or non-compliant NODIs then these will automatically be a Category I violation. And then you would need to look at whether or not a non-compliant NODI had been reported to determine if it was detected for the no data description or the NODI description. And then similarly, if that grouping of DMRs does not have all values missing or non-compliant NODIs 31 days after the due date, you have a partial DMR missing and so that's automatically going to be a Category II violation. And then for each individual value you would look and need to see was this result of no data being submitted or the result of a no data indicator and then that will determine that individual violations detection description.

So those are the detections of whether something is Category I and then the short descriptions of why we'll now shift into the violation resolutions associated with those. And there can be up to 3 different statuses that a violation can have resolved, resolved pending, or unresolved. However, each violation can only have 1 of those statuses and so, there's a hierarchy in determining which status would apply to each violation. So, the top we have resolved and then resolved pending, and then unresolved at the bottom. And the status that's going to be displayed within the NNCR is going to be the first automated resolution that applies to the highest status in the hierarchy, and that's going to associate both the description and the date that you see in ECHO.

So, there are 7 violation resolutions that are associated with these 3 different statuses. We have resolved pending 2 statuses and then we have, excuse me, 2 different resolution codes. And then for resolved, we have 5 different resolution descriptions, and then we'll go through each of these in the following slides.

So, the first up are the manual resolutions. This includes both a resolved pending and a fully resolved resolution. Depending on whether or not it's manually resolved pending or manually resolved, we'll determine that violation status. And then the dates associated with those descriptions are going to be manually reported by the regulatory authority directly into the system. If there is a manual resolution, this is going to take priority over the system automated resolutions even if it would resolve the violations at a later time than the automated.

And so, the first up for a fully resolved status is going to be submitted report or completed event. And this is going to happen when the data is either corrected or resubmitted and the resolution date is going to be associated with the DMR value received date. And so, 31 days after that DMR was due, there will be this evaluation, detection, and generation of those D80 and D90 violations. If that facility then later submits that data, the resolution will be

associated with the date that that value had been received. And this is going to include both instances if a DMR was originally submitted on time and there was some type of issue with the DMR where maybe they had not put the decimal in the right place and they've been asked to correct their data. If they recorrect that data more than 30 days after the due date the system only has one value received date to go off of and it's going to look at the most recent one and so that will generate these DMR reporting violations even if the original DMR submission had occurred on time.

The next is going to be the automated resolved pending violation status of formal enforcement with a compliance schedule. This resolution description is consistent across all of the types of violations that we have within the NNCR. This is considered a resolved pending status which is occurring when a formal enforcement action with a non-penalty final order or a state issued APL with or without injunctive relief and includes a compliance schedule has been linked to that individual violation. And this will have a resolved pending status if the enforcement action linked to that violation is not yet closed out. I like to think of this violation status as a violation that is resolved pending the closure of that enforcement action. And the resolution date associated with that is going to be based on violations detection date relative to the final orders issued or entered date just to make sure that the resolution date is not occurring before the detection date.

Adjacent to that detection is going to be or excuse me, the resolution will be the violation status of resolved for closure of formal enforcement action. So, when that same violation was linked to an enforcement action before, once that violation is linked and that enforcement action is closed and that's when this violation status will shift to resolved with the description associated here. And that resolution date is going to be associated again with the violation's detection date relative to the close date for that enforcement action.

So, we have a flow chart if we are thinking about violations linked to enforcement actions and what those statuses and dates associated would be. So, if we have an unresolved violation and we're looking at is this violation linked to a formal enforcement action with a final order. If not, there's going to be no change in that violation's resolution status. If that violation is linked to a formal enforcement action with a final order, we need to look at that final order and see if that enforcement action is closed out by seeing if it has a NPDES close date. If it's not closed, then this violation will have a resolved pending status and the date associated with it will be dependent on whether or not that violations detection date is before or after the final order's issued or entered date. Similarly, if that final order does have a NPDES close date, we know that that violation will have a resolved status from the closure of that formal enforcement action, and the date associated with it will be dependent on whether or not the detection date is before or after that final order's NPDES close date.

The next resolution is called the System Administratively Resolved resolution. And this is a resolution that resolves DMR reporting violations 1 year after the violation's detection date. And this applies to any DMR reporting violations that have not been previously resolved through another method, and that includes overriding the automated resolve pending statuses. And something to note is that violations with this status, specifically the System Administratively Resolved status can still be included in enforcement actions, and this is considered sort of a system automated resolution to help clean up some data.

And then the last resolution we have is the Permit Terminated status. This is a fully resolved status and sets the violations resolution to the permit's termination date, and these violations that are resolved by the permit being terminated are going to overrule all manual resolutions, even if the manual resolution is after that permit's termination date. And similar violations with this status can also be included in an enforcement action, this sort of administrative resolution that we have generated so that permits that have violations that are then later terminated do not carry forward indefinitely on quarterly NNCRs.

OK so once we have each of the violations that are generated, they have been detected as Category I or Category II, and then evaluated for their status as unresolved, resolved pending or resolved. The DMR reporting violations will be included on a specific quarterly report if it meets any of the following criteria. That's going to include any violations with a start date within the quarter which are considered new violations, violations that have an unresolved status and a start date before the end of the quarter which would be considered ongoing violations during the quarter, violations that have a resolved pending status and a violation start date before the end of the quarter which is a resolved pending violation, and then any violations with a resolved status and a resolution date within that quarter, which are the resolved violations. So, if you remember the quarterly report needs to be a list of facilities with violations both during the quarter and any ongoing violations from previous quarters on that report.

OK, so then accessing the NNCR. The NNCR is available on ECHO within the blue search options tab, which is available in the bottom left corner within the Clean Water Act section. Within the slides, we have a series of links for you to access help documentation within ECHO quickly.

We will jump into the ECHO interface to run some practice searches together, but here's an overview of how that will work. When you go to the ECHO home page and then select Quarterly NNCR, you will first start at a search form. The only required field is a quarter, this is going to default to the most recently publicly available quarter. You can subset the results of the query by search criteria of interest by geographic location, facility characteristics, violation specific details. Once you run your search, you will see a table with summary results that are going to display data at one row per NPDES ID. This is going to show you information about the facility and the permit at a high level and then also summary information about violations that can be found on that quarterly report. Once you find the facility of interest, you would then select that facility's name. Once you get to that facility name, it will open to a new hyperlink which will include the detailed report. This is going to include high-level information again about that facility and then a detailed view of every violation included on that quarterly report. These will be displaying one row per violation and then also some associated environmental conditions surrounding that facility.

So to jump into ECHO. The ECHO homepage is at echo.epa.gov. When you get to the homepage, it will look like this. It's going to open up by default in this quick search tab, you need to select this blue Search Options button underneath it to update this inner section. And the NNCR is going to be based in the bottom of this Clean Water Act section at the very bottom under NPDES Noncompliance Report, you would select the Quarterly Report. So again, just to get started, when you open the ECHO home page, you will open to this quick search tab. You need to select search options and then scroll down into this Clean Water Act section, and at the very bottom it says NPDES Noncompliance Report and you would select Quarterly Report. Once you are on the quarterly report search form it's going to default to the most recently publicly available quarter from the drop down, you can change the quarterly reports to any quarter between FY21 Q1 to present day. I'm going to keep my defaults at FY26 Q1. You can collapse the different sections to see the different criteria that are available for you to filter out the results of your search. Similarly, we have selected a subset of search options that are available and you can view more of them by selecting this View More Search Options magnifying glass and that will expand out additional search criteria that is available to you in each of the these blue sections that sort of groups the search criteria. If there is a search criteria that you're unsure of the meaning of, you can either select the question mark here in this button or up here in the top right section that says Help. And this will load a new help page that will describe information about the tool itself, and then you could either jump to that search criteria and/or do a control find and try and find a short description of every search option that is available.

So, for my first search I'm going to look for facilities in EPA Region 6. And then within facility characteristics I'm going to look for majors that are permitted by the state and that are not POTWs. And then in this violation section, I'm going to scroll down and we can subset our search by any facilities that have specifically DMR reporting violations on that quarterly report. So, from the search from here I can see what time frame is being searched on, which geographic location I have filtered to. I've selected only majors that are permitted by the state. There's a default set of NPDES permits that are associated here, facility type for non-POTWS. And then I want to only see facilities that specifically had DMR reporting violations. If you are going to review your search criteria that you've selected, and maybe you've selected some criteria that you didn't want, you can remove those either on the search criteria selected through the check boxes on the right and/or you can remove them directly within the form itself. So once I've reviewed my search criteria and I think that this is the search I want, I'll select search.

This will open up to a new page that includes all of the facilities that met my search criteria, so I can see there are 60 facilities that met my criteria in Region 6. You're seeing some high-level information about the facilities and the violations on that quarterly report. I want to see more details about those violations, I can select Customized Columns up here in this top left section, and there is a much broader set of data that's available to add to the table. I'm going to remove some search criteria, and then I'm also going to look in this violation summary section and add in the 3 different check boxes of fields related to DMR reporting violations. And then I'm also going to look in the enforcement section and add 2 check boxes that are going to relate to telling me if any violations on this report have been associated with an enforcement action. Once I find my criteria of interest. I'm zoomed in so much I can't see my search button, sorry, let me rerun my search. I just ran this right before we came here, but there should be a button that I can see right there that says Update Columns, sorry. And so, once I've updated them DMR reporting violations that have been exceeded. It is associated with my zoom view doesn't fit into my entire display, so I select Update Columns once I've selected, apologies for that once I've selected update columns, then I'm seeing these additional columns added to this results table. If I would like, I can select CSV

Download and that will download the exact same fields that I'm displaying in this view right now. Any of the columns that are available on this search are also sortable. And so, if I select DMR reporting violations I can quickly see which facility had the most DMR reporting violations on this quarterly report. I can select it again and it will sort of the opposite way and see who had the least number of DMR reporting violations on this quarterly report. So, if I run my search on no data being reported for DMR reporting violations, I'm going to select this facility in Louisiana to view more information.

OK so once we get to the top of the quarterly report, sort of high-level information about that facility, where it's located. If I scroll down below, I need to adjust this into my screen down below we can get into this violation details section and from this we can see all of the violations displayed on their FY26 Q1 report. Similarly, I can use any of the fields within this table as a filter to see data of interest. I can select this Customized Columns button at the top. What I'd like to do is add the NNCR detection, description, detection to date, resolution description, and resolution date to this table. I'm going to select Update Columns and once I'm there for all of the DMR reporting violation., I can see when the violation started this is going to be the DMR due date, when the violation ended, if that facility had reported that DMR data later, the violation location of what permitted feature or outfall number and limit set is associated with that violation, the parameter, the category of that violation s is it I or is it II, the status associated with that violation, is it resolved, resolved pending or unresolved, each of the descriptions that we've gone through, the date it was detected, the resolution description associated with it and then the resolution date. If there was any enforcement associated with it, we can see all of the enforcement actions and the dates. If it is a formal enforcement action it will also include this blue hyperlink that you can select to open up into the ECHO enforcement case report to view more details related to that enforcement action. So, within this first example, we can see a handful of violations that were resolved and these were mainly resolved and so that date is associated with the date included within the source database. We also can see a series of resolved pending violations and these violations are resolved pending associated with the formal enforcement linkage with a compliance schedule associated with those and the date that that change had happened, and so this formal enforcement action is going to be associated with this case. And so, we can see that this issue date 3/25/2026 matches the date that that resolution was also updated in the NNCR. We'll go back and also want to look more at the detection descriptions associated with the categories. All Category I violations are associated with DMR reporting where the entire DMR is missing. And so, we can see that if all of these are Category I and we're filtering to those violations, if we want to search and look for any that are results of DMR reporting violations that come from NODIs, there are no results that are appearing. If you'd like to do this type of analysis outside of ECHO, you can customize your columns and again select CSV Download and this will download all of the data are all of the same fields that you're seeing in the table as you're looking at it when you select this button. If you have questions about any of the columns or fields that you're seeing on this specific report, you can again go to the top and select this Help page. So, this is going to have its own unique descriptions associated with all the fields displayed within the quarterly report itself.

OK, so if you have any questions about the NNCR or if you have any suggested recommendations for the work group to consider, you can reach out to us through the ECHO help desk. There's a Contact Us link at the top right of every ECHO page where you can submit those requests and they will get routed to me.