

Single Event/Other Violations on the NPDES Noncompliance Report (NNCR)

April 2024

Purpose

- Understand when single event/other violations are generated
- Learn about the underlying rules supporting single event/other violations
- Understand how to find more information

This presentation is an advanced training and assumes you have attended the Quarterly NNCR training. If not, you can view a recorded training on the [ECHO Training](#) page.

Agenda

1. Violation generation
2. Violation detection (category I versus II)
3. Violation resolution
4. Quarterly report criteria
5. Accessing the violations on the quarterly NNCR
6. Questions

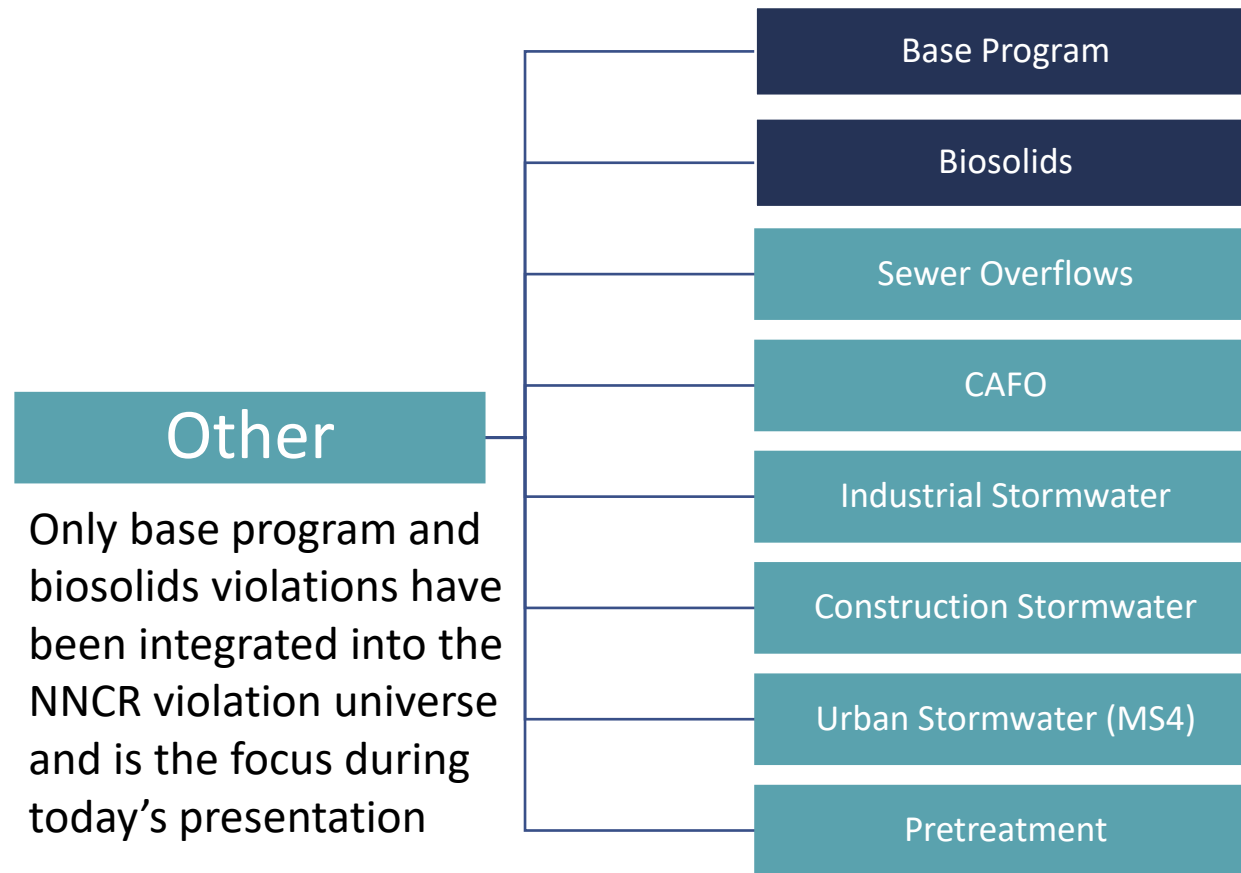
What is a single event/other violation?

- Single event violations (SEVs) are a catchall for all violations that are not DMR reporting, effluent exceedance, or schedule violations
- Within the NNCR, these are referred to collectively as “Other Violations” or by their associated NPDES program (e.g., base program, biosolids)
- This includes manually identified violations, like those identified during an inspection or record review, and self-reported violations automatically generated from electronic program reports

Single Event/Other Violation Codes

- There are currently 432 active violations
- The three most commonly reported are:
 - Effluent Violations - Numeric Effluent Violation
 - WW SSO - Discharge to Waters
 - Permit Violations - Violation Specified in Comment

NPDES Programs for Single Event/Other Violations



Manually Identified Violations

- Historically, SEVs could only be manually reported to EPA, either through direct database reporting or through an established data flow from state databases

Biosolids System Generated Violations

- The biosolids program report was the only program report included in Phase 1 of the NPDES eRule and was the first electronic program report developed by EPA
- The report includes violations, which are generated within the application collecting the program report data and automatically reported as violations
- Violations can be generated from:
 - Pollutant exceedances of ceiling limits
 - Invalid monitoring or unrepresentative sample
 - Other self-reported violations

Category I versus II

Violation Category

40 CFR §123.45 requires every violation to be designated as a Category I or II violation. The regulation includes specific criteria for Category I violations. All violations that do not meet Category I criteria must be designated Category II.

- For single event/other violations, the Category I criteria falls under the more generic “violations that caused or could cause water quality impacts” criteria.
- The NNCR workgroup, with assistance from Association of Clean Water Administrators (ACWA) and biosolids subject matter experts, selected the Category I designations for the base program and biosolids violations.

Category I Base Program Violations

Violation Code	Violation Description	Category
A0015	Effluent Violations - Unauthorized Discharge	1
A0016	Effluent Violations - Reported Fish Kill	1
D0011	Permit Violations - Discharge Without a Valid Permit	1

Category I Biosolids Violations

Code	Description	Category
F001B/R001B	[PR:] Biosolids - Land Application: Pollutant Limit Ceiling Violation	1
F003B/R003B	[PR:] Biosolids - Land Application: Pathogen Reduction Violation	1
F004B/R004B	[PR:] Biosolids - Land Application: Vector Attraction Reduction Violation	1
F005B/R005B	[PR:] Biosolids - Land Application: Endangered Species Act Violation	1
F006B/R006B	[PR:] Biosolids - Land Application: Applied to Flooded, Frozen, or Snow Covered Land Violation	1
F007B/R007B	[PR:] Biosolids - Land Application: Applied to Land that is 10 meters or Less from WOTUS Violation	1
F010B/R010B	[PR:] Biosolids - Land Application: Cumulative Pollutant Loading Violation	1
F020B/R020B	[PR:] Biosolids - Land Application: Turf Harvest Violation	1
F021B/R021B	[PR:] Biosolids - Land Application: High Potential Public Exposure Violation	1
F025B/R025B	[PR:] Biosolids - Surface Disposal: Pathogen Reduction Violation	1
F026B/R026B	[PR:] Biosolids - Surface Disposal: Vector Attraction Reduction Violation	1
F028B/R028B	[PR:] Biosolids - Surface Disposal: Endangered Species Act Violation	1
F036B/R036B	[PR:] Biosolids - Incineration: Endangered Species Act Violation	1

Violation Detection

SEV/Other violations have 4 possible violation detections:

Detection Code	Detection Description	Violation Category
O1	Other Violation - I	1
O2	Other Violation - II	2
M1	Category I - Manual	1
M2	Category II - Manual	2

For O1 and O2 detected violations, the detection date is the date the violation was reported or most recently updated in the data system, whichever was more recent.

Manual Overrides

- If a violation has a manually reported detection or resolution, it will override the automated detection or resolution on the NNCR
- In place of manually reported detection or resolution, the NNCR will include a simplified code/description:

NNCR Detection Code	NNCR Detection Description	NNCR Detection Date
M1	Category I - Manual	Manually Reported
M2	Category II - Manual	Manually Reported

Violation Resolution

Violation Resolution Hierarchy

- Each violation can only have 1 violation status
- There is a hierarchy of violation statuses:
 1. Resolved
 2. Resolved Pending
 3. Unresolved

The *first* resolution that applies to the highest status in the hierarchy is the resolution description and date associated with the violation.

Violation Resolution

SEV/Other violations have 5 possible violation resolutions:

Resolution Code	Resolution Description	Violation Status
RP1	Formal Enforcement with Compliance Schedule	Resolved Pending
RP2	Resolved Pending – Manual	Resolved Pending
R3	Closure of Formal Enforcement	Resolved
R6	Permit Terminated	Resolved
R5	Resolved – Manual	Resolved

Manual Resolutions

Resolved Pending - Manual

- Violation Status = Resolved Pending
- Resolution Date = Manually entered by the regulatory authority

Resolved - Manual

- Violation Status = Resolved
- Resolution Date = Manually entered by the regulatory authority

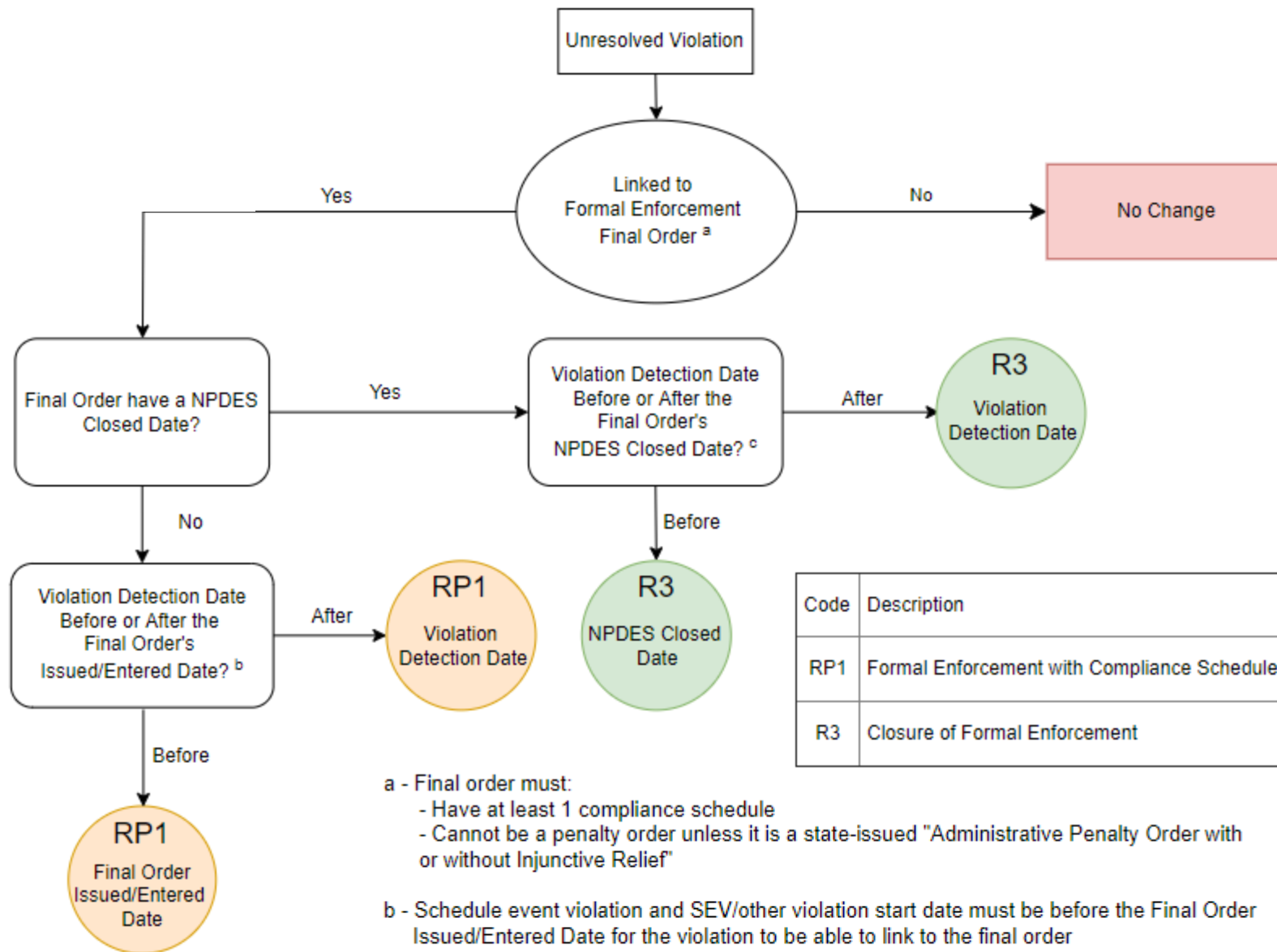
Formal Enforcement w/Comp. Schedule

- Violation Status = Resolved Pending
- Resolution Date
 - If the violation detection date is before the final order's issued/entered date, the resolution date = issued/entered date
 - If the violation detection date is after the final order's issued/entered date, the resolution date is set to the violation's detection date
- Applies when the violation is linked to a
 - Formal enforcement action non-penalty final order or a state-issued Administrative Penalty Order with or without Injunctive Relief and a compliance schedule, and
 - The final order *does not have* a NPDES Closed Date

Closure of Formal Enforcement

- Violation Status = Resolved
- Resolution Date
 - If the violation detection date is before the final order's NPDES Closed Date, the resolution date = NPDES closed date
 - If the violation detection date is after the final order's NPDES Closed Date, the resolution date is set to the violation's detection date
- Applies when the violation is linked to a
 - Formal enforcement action non-penalty final order or a state-issued Administrative Penalty Order with or without Injunctive Relief and a compliance schedule, and
 - The final order *has* a NPDES Closed Date

Resolved Pending and Resolved Status Flow Chart



Code	Description
RP1	Formal Enforcement with Compliance Schedule
R3	Closure of Formal Enforcement

- a - Final order must:
 - Have at least 1 compliance schedule
 - Cannot be a penalty order unless it is a state-issued "Administrative Penalty Order with or without Injunctive Relief"
- b - Schedule event violation and SEV/other violation start date must be before the Final Order Issued/Entered Date for the violation to be able to link to the final order
- c - DMR violation date must be before the NPDES Closed Date for the violation's status to change with the linkage to the enforcement action

Permit Terminated

- Violation Status = Resolved
- Resolution Date = Permit Termination Date
- Violations resolved by a permit termination overrule manual resolutions, even if the manual resolution date is after the permit termination date.

Note: violations with this status can still be included in enforcement actions

Single Event/Other Violations by Quarter

Single event/other violations will be included if it meets any of the following criteria:

- Violation start date is within the quarter (new violation)
- Violation has an unresolved status and the violation start date before the end of the quarter (ongoing violation)
- Violation has a resolved pending status and the violation start date before the end of the quarter (resolved pending)
- Violation has a resolved status and a resolution date during the quarter (resolved)

Accessing the NNCR

Accessing the NNCR

- The Quarterly NNCR is available on ECHO (echo.epa.gov) within the blue “Search Options” tab (bottom left corner)
 - [Quarterly NNCR Search](#)
 - [NNCR Help Documentation](#)
- [NNCR Trainings](#)
- [NNCR Guide](#)

Quarterly NNCR Search Flow

1

Search Form

The search form is divided into three main sections: **Report Timeframe** (with a dropdown for 'FY 2023 Q1'), **Geographic Location** (with dropdowns for 'EPA Region' and 'State/Territory'), and **Facility Characteristics** (with text input for 'Facility Name', 'Facility ID Number', and radio buttons for 'Major Designation' and 'Permitting Agency'). A blue 'Search' button is located at the bottom right.

User-defined search criteria.

2

Summary Results

A table summarizing quarterly NNCR data. The table has columns for NPDES ID, Facility Name, State, Major Designation, and various violation counts. One row is highlighted in red.

Table summarizing the quarterly NNCR and displays high-level violation information. Table contains one row per NPDES ID.

3

Detailed Report

A detailed report titled 'NPDES Noncompliance Report'. It shows a table of violations for a specific facility, with columns for violation type, date, and status. Below the table are sections for 'Permit Information' and 'Facility Information'.

Permit-level violation report that displays all violations for permits linked to a facility (FRS ID).

Demonstration

Next Steps

- If you have questions about the NNCR or have suggested recommendations for the workgroup to consider, please reach out to the [ECHO Help Desk](#).

The screenshot displays the EPA ECHO website interface. At the top left is the EPA logo with the text "United States Environmental Protection Agency". Below it is the ECHO logo, which includes a magnifying glass icon over a factory, and the text "ECHO Enforcement and Compliance History Online". Below the ECHO logo is the breadcrumb trail: "You are here Home » Help » ECHO Training". A blue navigation bar contains the following links: "Environmental Topics", "Laws & Regulations", "Report a Violation", "About EPA", and a search box labeled "Search EPA.gov". Below the navigation bar is a secondary menu with links: "Search Options", "Analyze Trends", "Find EPA Cases", "Data Services", and "Help". A teal arrow points from the text below to the "Contact Us" link in the secondary menu.

“Contact Us” link is available at the top right of every ECHO page