

January 16, 2018 (updated 01-2020)

## Data Quality Record for Long-Term Performance Goal

**Long-Term Performance Goal Text:** By September 30, 2022, increase the environmental law compliance rate.

**Goal Number/Objective:** Goal 3: Greater Certainty, Compliance, and Effectiveness/Objective 3.1:

Compliance with the Law

**NPM Lead:** Office of Enforcement and Compliance Assurance (OECA)

### 1a. Purpose of Long-Term Performance Goal:

EPA's enforcement program strives to address serious noncompliance in an efficient and timely manner, applying a broad range of enforcement and compliance tools to achieve the goal of increasing compliance rate. Initially, EPA will undertake to increase the rate of compliance in the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) program where EPA has reliable data available to track compliance. At the same time, EPA will begin to examine other programs in order to identify opportunities for measuring improvements in the compliance rate for other programs. For the CWA NPDES program, EPA will measure the rate of "Significant Noncompliance" (SNC) and category 1 noncompliance. A decrease (negative trend) in the rate of permittees in SNC/Category 1 noncompliance will indicate both an improvement in compliance and a diminishment in illegal discharges of pollutants. The FY2022 target for the CWA NPDES SNC rate is 14.7% for individually permitted NPDES majors and minors in significant noncompliance (majors) or Category 1 Noncompliance (minors).

### 1b. Performance Measure Term Definitions:

Compliance rate: in the context of this NPDES SNC measure, refers specifically to the rate of individually permitted NPDES permittees (majors and minors) NOT in a Significant Noncompliance (SNC) or Category 1 Noncompliance status (as defined by NPDES regulation and guidance).

Significant noncompliance/Category 1 noncompliance: SNC/Category 1 are specific types or levels of violation, the severity of which are classified based on duration, severity, and type of violation.

For more information: <https://echo.epa.gov/help/facility-search/npdes-program-search-criteria-help>

**1c. Unit of Measure:** Percent of permittees in SNC or category 1 noncompliance.

### 2a. Data Source:

- Relevant information system: The ICIS-NPDES data system
- Entity that reports data to the system: NPDES major and minor permittees electronically report effluent data to EPA or states. States upload electronically reported permittee effluent data reported to them, as well as NPDES permit, inspection, and violation data, to ICIS-NPDES.
- Frequency of reporting primary data: SNC rates are generated quarterly from the ICIS-NPDES data system. Quarterly reporting began in the 2nd quarter of FY 2018 (for the one-year period ending with the 4th quarter of FY 2017).
- Reference to Quality Assurance Project Plan: OECA has an annual data verification process for the collection and reporting of NPDES information. The goal of this process is to give states the opportunity to verify that compliance and enforcement data regarding individual regulated facilities are accurately flowing into national databases and that this information displays correctly in the Enforcement and Compliance History Online (ECHO) website. The Data Verification Process is referenced in Environmental Council of the States (ECOS) Resolution No. 11-2, Respectful Use of Data, as a model for ensuring high-quality data and is the result of the ongoing, collaborative partnership between EPA and States to improve quality assurance efforts for compliance and enforcement information. For more information: <https://echo.epa.gov/oversight/state-review-framework>

**2b. Data needed for interpretation of (calculated) Performance Result:**

- Fiscal Year 2018 baseline<sup>1</sup>: 29.4% rate for individually permitted NPDES majors and minors in significant noncompliance (majors) or Category 1 Noncompliance (minors)
- Reported quarterly, with one quarter lag in reporting.
- Universe: All individually permitted NPDES permittees (majors and minors) with sufficient limit data and compliance tracking elements to determine compliance status in the ICIS-NPDES data system.

**3. Methodology:**

Calculate NPDES significant noncompliance (SNC) rate by taking the total # of individually permitted NPDES major and minor permittees that have met the SNC or Category 1 Noncompliance any time during the most recent four quarters, divided by the total number of all active individually permitted NPDES major and minor permittees with DMRs reported into ICIS-NPDES (except permittees for which there is insufficient permit data/compliance tracking status in ICIS-NPDES for the data system to evaluate the status).

**4. Data Limitations/Qualifications:**

The NPDES electronic reporting rule was promulgated in 2015. Complete reporting of data for NPDES permittees has not been achieved yet, but the number of permittees with compliance status tracked in ICIS-NPDES is growing steadily. This number will continue to grow substantially over the next few years impacting the denominator for this metric and producing uncertain impacts on the results for this measure. In addition, the potential exists that facilities in an SNC or Category 1 noncompliance status have not been identified or reported. Additionally, the measure relies on complete, timely, and quality assured data transmission from states.

Qualification: This measure will not provide data for all noncompliance statuses in ICIS-NPDES; instead it will focus on facilities in significant noncompliance (SNC) or a category 1 noncompliance status as defined in section 1b.

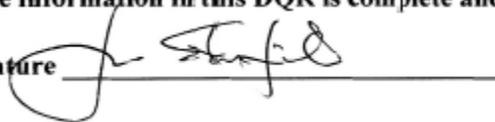
**5. Technical Contact:**

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**6. Certification Statement/Signature**

**I certify the information in this DQR is complete and accurate.**

DAA Signature



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<sup>1</sup> In FY 2018, EPA established a baseline of 24%. Upon further analysis of the data, EPA developed a revised baseline and targets for this goal after identifying and accounting for inaccuracies. EPA began using these revised figures in FY 2019.