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U.S. Environmental Protection Agency National Compliance Initiative/Clean Water Act: Reducing Significant Non- Compliance with NPDES Permits

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The United States Environmental Protection Agency ("EPA") issued a September 2020 Compliance Advisory titled:

National Compliance Initiative: Reducing Significant Non-Compliance with National Pollutant Discharge Elimination System Permits ("Advisory")

EPA's Office of Enforcement and Compliance Assurance transmitted the Advisory.

The stated purpose of the Advisory is to:

- To improve surface water quality and reduce potential impacts on drinking water, EPA and states are focusing increased attention on all individually permitted Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit holders in significant non-compliance
- EPA and state regulators are undertaking this National Compliance Initiative to focus increased compliance and enforcement attention on NPDES-regulated facilities in significant non-compliance, regardless of facility size.
- This advisory is designed to help NPDES permittees achieve or maintain compliance and avoid potential enforcement and penalties.

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.

A National Compliance Initiative is utilized by EPA to focus its enforcement and compliance resources on what it deems the most serious environmental violations.

The Advisory states that in 2018 over 29 percent of the United States' 46,000 facilities with individually issued NPDES permits were in significant non-compliance. The typical violations were stated to include:

- Significant exceedances of effluent limits
- Failure to submit reports

The Advisory provides suggestions on how to prepare for a National Compliance Initiative.

A copy of the Advisory can be downloaded [here](#).