Message

From: Palmer, Daniel [Palmer.Daniel@epa.gov]
Sent: 1/26/2022 6:32:24 PM
To: Alan York [alan.york@adeq.state.ar.us]; anna.truszczynski@dnr.ga.gov; Arno Laud [arno.laud@maryland.gov]; billings.jim@deq.state.or.us; Brian Ham [Brian.Ham@tn.gov]; carissa.glassburn@ecy.wa.gov; Siders, Catherine [Catherine.Siders@Illinois.gov]; Grady, Charles [CGRADY@idem.IN.gov]; charles.garcia@deq.ok.gov; Mindi Cross [cross.mindi@azdeq.gov]; Monk, Christy [cvm@adem.alabama.gov]; tamara.dahl@state.mn.us; Danielle Clements [danielle.clements@tceq.texas.gov]; Hannasch, Dawn K (DEC) [dawn.hannasch@alaska.gov]; Deborah Mendenhall [Deborah.Mendenhall@ks.gov]; Lutz, Daphne Y [dlutz@adem.alabama.gov]; edanderson@adem.alabama.gov; Erica Fey [erica.fey@tn.gov]; Mustain, Erin@Waterboards [Erin.Mustain@waterboards.ca.gov]; FREY Martina * DEQ [frey.martina@deq.state.or.us]; Savanna.Harrison [Savanna.Harrison@FloridaDEP.gov]; Harsh, Chad [Harsh.Chad@epa.gov]; HEALEYR [HEALEYR@adeq.state.ar.us]; HOUSE, JASON [JAHOUSE@idem.IN.gov]; Hopen, Jamie M [E025530@wv.gov]; Johnson, Jamie@Waterboards [jamie.johnson@waterboards.ca.gov]; jennifer.talley [jennifer.talley@tceq.texas.gov]; Davison, Jessica D (DEC) [jessica.davison@alaska.gov]; Jon Wendel [Jon.Wendel@alaska.gov]; Jon van Dommelen [jon.vandommelen@epa.ohio.gov]; Joushua Rodriguez [joshua.rodriguez@dc.gov]; Julie Wandling [Julie.A.Wandling@wv.gov]; katherine.mccrea [katherine.mccrea@wyo.gov]; Kathryn.Huddle@LA.gov; kelly.morgan@state.co.us; Kevin Campbell [kevin.campbell@wyo.gov]; kevin.wells [kevin.wells@wyo.gov]; Kristi.Savage-Clarke [Kristi.Savage-Clarke@dnr.mo.gov]; Kristin Shaffer [Kristin.shaffer@la.gov]; Leslie Allen-Daniel [ALLEN-DANIEL@adeq.state.ar.us]; Moser, Lucy [lucy.moser@epa.ohio.gov]; Lynley Doyen [lynley.doyen@tceq.texas.gov]; Macy Beauchamp [Macy.Beauchamp@tceq.texas.gov]; Marilyn Gates [marilyn.gates@tceq.texas.gov]; Cleland, Mark (EEC) [Mark.Cleland@ky.gov]; Buffleben, Matthew@Waterboards [Matthew.Buffleben@waterboards.ca.gov]; Davenport, Melanie (DEQ) [Melanie.Davenport@deq.virginia.gov]; Munze, Karen (DEC) [Karen.Munze@dec.ny.gov]; nicole.smith@delaware.gov; padgitt.leigh [padgitt.leigh@azdeq.gov]; pschuett@nd.gov; Rachael McCrea rachel.mccrea@ecy.wa.gov [rachel.mccrea@ecy.wa.gov]; Ramsey@adeq.state.AR.us; Samuel Kaplan [samuel.kaplan@dem.ri.gov]; Sarah Elias [Sarah.Elias@tn.gov]; Michelle.Schwank@dec.ny.gov; Sean Rolland [srolland@acwa-us.org]; Holly Shear [holly.shear@dec.ny.gov]; Shelley Naik [shelley.naik@tceq.texas.gov]; Shelley Schneider [Shelley.Schneider@nebraska.gov]; Shelly.Shores-Miller@ks.gov; Pastrana-Del Valle, Solanch [pastrana-del-valle.solanch@epa.gov]; Stacie Wassell [wassell@adeq.state.ar.us]; Wood, Steven J (DEC) [steven.wood@dec.ny.gov]; Streeter, Meredith (DEC) [meredith.streeter@dec.ny.gov]; Atkinson, Tom [DNR] [tom.atkinson@dnr.iowa.gov]; Vernon, John T [A124347@wv.gov]; Jennifer.Walters [Jennifer.Walters@dep.state.fl.us]; Palmer, William [10007310@id.ohio.gov]; Amanda Zrubek [amanda.zrubek@tceq.texas.gov]
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Subject: RE: FY 2021 Q4 Regional SNC NCI Top 200 SNC Effluent Violators List - Including SNC NCI Strategy Update Deliverable 2-1-8a/b Facilities
Attachments: Top 200 SNC-Level Effluent Violations by States FY22 Q1.xlsx

Now with the attachment... ☺

Daniel Palmer, Deputy Director
Planning, Measures and Oversight Division
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From: Palmer, Daniel
Sent: Wednesday, January 26, 2022 1:29 PM
To: Alan York <alan.york@adeq.state.ar.us>; anna.truszczynski@dnr.ga.gov; Arno Laud <arno.laud@maryland.gov>; billings.jim@deq.state.or.us; Brian Ham <Brian.Ham@tn.gov>; carissa.glassburn@ecy.wa.gov; Catherine.siders@illinois.gov; cgrady@idem.in.gov; charles.garcia@deq.ok.gov; Cross.Mindi@azdeq.gov; cvm@adem.alabama.gov; Dahl, Tamara D (MPCA <tamara.dahl@state.mn.us>; Danielle Clements <danielle.clements@tceq.texas.gov>; Dawn Hannasch <dawn.hannasch@alaska.gov>; Deborah.Mendenhall@ks.gov; dlutz@adem.alabama.gov; edanderson@adem.alabama.gov; erica.fey@tn.gov; erin.mustain@waterboards.ca.gov; Frey.Martina@deq.state.or.us; Harrison, Savanna <savanna.harrison@floridaDEP.gov>; Harsh, Chad <Harsh.Chad@epa.gov>; healeyr@adeq.state.ar.us; jahouse@idem.in.gov; Jamie Hopen <jamie.m.hopen@wv.gov>; Jamie Johnson <Jamie.Johnson@Waterboards.ca.gov>; Jennifer Talley <jennifer.talley@tceq.texas.gov>; Jessica Davison <jessica.davison@alaska.gov>; Jon Wendel <jon.wendel@alaska.gov>; jon.vandommelen@epa.ohio.gov; Joshua Rodriguez <joshua.rodriguez@dc.gov>; Julie Wandling <julie.a.wandling@wv.gov>; Katherine McCrea <Katherine.McCrea@wyo.gov>; Kathryn.Huddle@LA.gov; kelly.morgan@state.co.us; Kevin Campbell <kevin.campbell@wyo.gov>; Kevin Wells <kevin.wells@wyo.gov>; Kristi Savage-Clarke <Kristi.Savage-Clarke@dnr.mo.gov>; Kristin Shaffer <Kristin.shaffer@la.gov>; Leslie Allen-Daniel <ALLEN-DANIEL@adeq.state.ar.us>; Lucy.Moser@epa.ohio.gov; Lynley Doyen <lynley.doyen@tceq.texas.gov>; Macy Beauchamp <Macy.Beauchamp@tceq.texas.gov>; Marilyn Gates <Marilyn.Gates@tceq.texas.gov>; Mark Cleland <Mark.Cleland@ky.gov>; Matthew.Buffleben@waterboards.ca.gov; melanie.davenport@deq.virginia.gov; Munze, Karen (DEC <Karen.Munze@dec.ny.gov>; Nicole.smith@delaware.gov; padgitt.leigh@azdeq.gov; Patrick Schuett <pschuett@nd.gov>; Rachael McCrea rachel.mccrea@ecy.wa.gov <rachel.mccrea@ecy.wa.gov>; Ramsey@adeq.state.AR.us; Samuel Kaplan <samuel.kaplan@dem.ri.gov>; sarah.elias@tn.gov; Schwank, Michelle L (DEC <michelle.schwank@dec.ny.gov>; Sean Rolland <srolland@acwa-us.org>; Shear, Holly (DEC <holly.shear@dec.ny.gov>; Shelley Naik <shelley.naik@tceq.texas.gov>; Shelley Schneider <shelley.schneider@nebraska.gov>; Shelly.Shores-Miller@ks.gov; Solanch Pastrana-Del-Valle <pastrana-del-valle.solanch@epa.gov>; Stacie Wassell <wassell@adeq.state.ar.us>; Steven Wood <steven.wood@dec.ny.gov>; Streeter, Meredith (DEC <meredith.streeter@dec.ny.gov>; Tom Atkinson (tom.atkinson@dnr.iowa.gov) <tom.atkinson@dnr.iowa.gov>; Vernon, John <john.t.vernon@wv.gov>; Walters, Jennifer <Jennifer.Walters@dep.state.fl.us>; William.palmer@epa.ohio.gov; Zrubek, Amanda <Amanda.Zrubek@tceq.texas.gov>
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Subject: FY 2021 Q4 Regional SNC NCI Top 200 SNC Effluent Violators List - Including SNC NCI Strategy Update Deliverable 2-1-8a/b Facilities

SNC NCI State Workgroup Members,

Attached are the new "Top 200" SNC-Level Effluent Violators lists for each EPA Region based on the official FY 2021 Q4 SNC data. These lists have been developed by the SNC NCI Steering Committee using the ECHO "SNC Tracker" tool. The SNC Tracker prioritizes SNC-level effluent violators based on the # of E90 violations (45%), the total amount of pollution discharged over effluent limits (45%), and the toxic weighted amount of pollutants discharged over effluent limits (10%). Based on this algorithm, the SNC-level effluent violators are ranked with the "worst" at the top of the list.

To find the top effluent SNC violators in the attached Excel spreadsheet for your state:

1) Click the dropdown arrow at the top of Column H ("**cwp_state using LEFT function from source_id**").
2) Click "Filter" and select your state from the dropdown arrow.

Key points about and changes to the lists:

1. The top several rows in each spreadsheet are highlighted in yellow which identifies the facilities that are among the top 200 "worst" effluent violators *nationally* (according to the algorithm employed by the SNC Tracker, described above).
2. **New for this quarter, in an effort to further prioritize the Top 200 SNCs,** you will notice that some rows are now highlighted in orange. These orange highlighted rows identify the SNCs that we have selected to fulfill Deliverable 2-1-8a/b of the FY 2022 update[1] to the SNC NCI Implementation Strategy. The criteria for selecting these "deliverable 2-1-8a/b SNCs" for this pilot quarter are as follows:
    a. National Top 200 List Ranking and Recent Inspection and Enforcement History – the Top 200 list was used to identify the highest ranking SNC facilities on the list. Each of these SNCs was then examined looking for evidence of either a state or EPA inspection or a state or EPA informal or formal enforcement action in the last six months from the end of the Top 200 List's quarter.[2] Where no evidence of a recent inspection or enforcement action was found, the SNC facility was included and color coded in the list in orange. Per deliverable 2-1-8a this process continued until we identified the required 10-15 SNCs per Region.
    b. State or National EJ Indices Over the 80th Percentile – if the first 10 "deliverable 2-1-8a facilities" identified did not include at least 1/3 of the facilities (4 or more SNCs) with at least one state or national EJ index over the 80th percentile, then the next highest ranking SNC facility with at least one state or national EJ index over the 80th percentile (and no inspection or enforcement history for the six-month period evaluated) was added to the list until at least 1/3 of the SNCs on the list had at least one state or national EJ index over the 80th percentile.

    Note, identification of the 10-15 "deliverable 2-1-8a facilities" is intended to prompt discussion of these SNCs with the authorized state and to assure that, where the state has not taken action, and either will not or cannot take action to return the facility to compliance, the Region will take action (unless the Region and state can agree that a particular SNC is not appropriate to address through enforcement).

3. **New for this quarter,** we added two new columns: "Quarters_Eff_SNC" (Column E) and "8 or More Qs Eff_ SNC" (Column F) to provide additional information: "Quarters_Eff_SNC" (Column E) and "8 or More Qs Eff_ SNC" (Column F). New Column E shows the number of quarters out of the last 12 the facility was in SNC and in new Column F, an "X" indicates that the facility has been in SNC for at least 8 of the last 12 quarters.

The Top 200 List is provided to you: 1) to assist in prioritizing SNCs for discussion between the EPA Region and the authorized states at the quarterly meetings; and 2) for inspection and enforcement targeting purposes. It also is intended to assure the Regions and states have a common starting point for identifying priority SNCs, while recognizing that there are other and sometimes better sources of information on permittees with serious violations. The lists are intended to assist the Regions and states in determining the most serious SNCs for attention.

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[1] Deliverable 2-1-8a: In Q2 FY 2022 and continuing through the end of the NCI, using the Top 200 SNC lists and the Enforcement Targeting lists (and other relevant data if available), identify for each EPA Region 10-15 SNCs in these lists that appear to be those with the most serious violations and are the longest-standing without having been addressed by the authorized state or EPA. Where fewer than 1/3 of the first 10 SNCs identified for a Region are not in or impacting an area with EJ concerns, SNCs will be added (where available) until at least 1/3 of the SNCs identified for the Region (still from the Top 200 SNC lists and the Enforcement Targeting lists) are in or impacting an area with EJ concerns (up to a maximum of 15 total EJ and non-EJ SNCs). Pilot this effort in Q2 of FY 2022 and make revisions as necessary for Q3. (SNC NCI SC)
Deliverable 2-1-8b: Per deliverable 2-1-8a, Regions will, for each SNC identified, a) initiate discussion with the state about the SNC to ensure the authorized state is actively engaged in addressing/resolving the SNC, b) initiate federal action (in accordance with OECA's Partnership Policy, as updated) where the state is not actively engaged in addressing/resolving the SNC - unless the state and EPA agree that no action is warranted; and c) report back to the NCI SC by the end of each quarter on the status of and plan for addressing/resolving each SNC. (The NCI SC will develop and provide to the Regions a simple template to facilitate reporting the minimum information needed to describe the status of each SNC.) The NCI SC will consolidate the information provided by the Regions to allow the SC to "tell the story" about EPA addressing Goal 2 of the NCI Strategy. (EPA Regions, SNC NCI SC)
[2] For Q4 FY 2021, we counted six months backwards from the end of 9/30/2021, which gave us a cut-off date of 4/1/2021 for assessing the inspection and enforcement history.

Many thanks to Rachel McAnallen for producing the Top 200 lists.

Also note, we will be seeking your feedback toward the end of the quarter on the criteria used to select the "deliverable 2-1-8a facilities." We want this list to be as useful to you as it can be. And, if we can provide you any support in using the Top 200 SNC Effluent Violators list, please let us know.

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[1] *Deliverable 2-1-8a: In Q2 FY 2022 and continuing through the end of the NCI, using the Top 200 SNC lists and the Enforcement Targeting lists (and other relevant data if available), identify for each EPA Region 10-15 SNCs in these lists that appear to be those with the most serious violations and are the longest-standing without having been addressed by the authorized state or EPA. Where fewer than 1/3 of the first 10 SNCs identified for a Region are not in or impacting an area with EJ concerns, SNCs will be added (where available) until at least 1/3 of the SNCs identified for the Region (still from the Top 200 SNC lists and the Enforcement Targeting lists) are in or impacting an area with EJ concerns (up to a maximum of 15 total EJ and non-EJ SNCs). Pilot this effort in Q2 of FY 2022 and make revisions as necessary for Q3. (SNC NCI SC)*
Deliverable 2-1-8b: Per deliverable 2-1-8a, Regions will, for each SNC identified, a) initiate discussion with the state about the SNC to ensure the authorized state is actively engaged in addressing/resolving the SNC, b) initiate federal action (in accordance with OECA's Partnership Policy, as updated) where the state is not actively engaged in addressing/resolving the SNC - unless the state and EPA agree that no action is warranted; and c) report back to the NCI SC by the end of each quarter on the status of and plan for addressing/resolving each SNC. (The NCI SC will develop and provide to the Regions a simple template to facilitate reporting the minimum information needed to describe the status of each SNC.) The NCI SC will consolidate the information provided by the Regions to allow the SC to "tell the story" about EPA addressing Goal 2 of the NCI Strategy. (EPA Regions, SNC NCI SC)

[2] *For Q4 FY 2021, we counted six months backwards from the end of 9/30/2021, which gave us a cut-off date of 4/1/2021 for assessing the inspection and enforcement history.*