

Schedule Violations on the NPDES Noncompliance Report (NNCR)

April 2024

Purpose

- Understand when schedule violations are generated
- Learn about the underlying rules supporting schedule 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 detections (category I versus II)
3. Violation resolutions
4. Quarterly report criteria
5. Accessing the quarterly NNCR
6. Questions

What is a Schedule Violation?

- Schedule violations are generated when date-based requirements are not met as part of a permit or enforcement (compliance) action requirement
 - Examples of schedule events are submitting additional monitoring reports or starting/stopping construction
- Schedules are designated as schedule “events” or schedule “reports”

Important Schedule Event/Report Data

Data Element	Description
Location	Permit or compliance (enforcement) action
Parameter	Description of required event or report
Schedule Date	Due date (violation start date)
Actual Date	Date requirement was accomplished (violation end date)
Report Received Date	Date regulatory authority received information from the facility on the required schedule
Comment	Additional information provided by the state or EPA about the requirement. Comments are only included in the NNCR when the schedule event is "CS032 - Other (See Comments)".

Schedule Violation Codes

There are four schedule violation codes:

- C10: Schedule event reported late
- C20: Schedule event achieved late but reported
- C30: Schedule event unachieved but reported
- C40: Schedule event unachieved and not reported

Schedule Event Reported Late

- Violation Code = C10
- This violation is generated if the Report Received Date is more than 14 days after the Schedule Date.
- Note: The violation is not generated automatically once the current date is more than 14 days after the Schedule Date. The Report Received Date must be populated for the violation to be generated.

Due Date	Actual Date	Report Received Date
1/1/22		1/20/22

Schedule Event Achieved Late but Reported

- Violation Code = C20
- This violation is generated if the Actual Date is after the Schedule Date
- Note: The violation is not generated automatically once the current date is after the Schedule Date. The Actual Date must be populated for the violation to be generated.

Due Date	Actual Date	Report Received Date
1/1/22	1/15/22	1/20/22

Schedule Event Unachieved but Reported

- Violation Code = C30*
- This violation is generated when the Report Received Date has been entered but the Actual Date has not, and the current date is more than 30 days after the Schedule Date.

Due Date	Actual Date	Report Received Date
1/1/22		1/20/22

Schedule Event Unachieved and Not Reported

- Violation Code = C40*
- This violation will be generated when both the Schedule Actual Date and the Report Received Date are blank, and the current date is more than 30 days past the Schedule Date.

Due Date	Actual Date	Report Received Date
1/1/22		

NNCR Interpretation

- Although multiple violations can be generated for each required schedule, the NNCR only includes one violation per schedule
- In the violation table, both violations have the Violation Type = Schedule and you can distinguish between permit schedule violations and compliance schedule violations by the Violation Location

Violation Type	Violation Start Date	Violation End Date	Violation Location	Parameter	Category	Violation Status
Schedule	08/31/2021	--	Compliance	CS010 - Status/Progress Report	2	Unresolved
Schedule	03/01/2021	--	Permit	00308 - Perform Compliance Performance Evaluation	2	Unresolved

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 schedule violations, there are three criteria for Category I:

- Failure to start construction, complete construction, or achieve final compliance within 90 days after the due date,
- Failure to submit final compliance schedule progress reports and program reports (see [40 CFR 127.2\(f\)](#)) within 30 days after due date, and
- Violations that caused or could cause water quality impacts

Category I Schedule Events

Code	Description	Event Type	Category
LTCP1	Commence CSO Long Term Control Plan (LTCP) Implementation	S	1
LTCP2	Complete CSO Long Term Control Plan (LTCP) Implementation (excluding post-construction monitoring)	S	1
CS015	Commence Required Work or On-Site Construction	S	1
CS016	Complete Required Work or On-Site Construction	S	1
74005	Remove/Relocate Wastewaters	S	1
CS031	Achieve Final Compliance With All Obligations Under This order	S	1
62099	Cmpl. W/ Final Event	S	1
FELAC	Achieve Final Effluent Limitations	S	1
CS017	Achieve Final Compliance With Emission or Discharge Limits	S	1
03005	Initiate Operation/Startup	S	1
91099	Bypass Elimination	S	1
CS023	Cease Operations At Facility	S	1
05199	Cease Discharge	S	1
CS035	Cease Unpermitted Activity	S	1

Category I Schedule Reports

Code	Description	Event Type	Category
PR008	Biosolids Program Report	R	1
PR003	CAFO Annual Report	R	1
81699	CSO Long Term Control Plan (LTCP)	R	1
C316B	CWA 316(b) Annual Report	R	1
00301	Dry Weather Overflow Report	R	1
PR010	MS4 Program Report	R	1
PR001	Pretreatment Performance Summary Report	R	1
61199	Pretreatment Program Implementation Report	R	1
PR005	SSO Event Report	R	1
82299	Sewer System Evaluation Report	R	1
CSB11	Plan, Report, or Scope of Work - Category 1	R	1
01508	Comply With Interim Limits	R	1

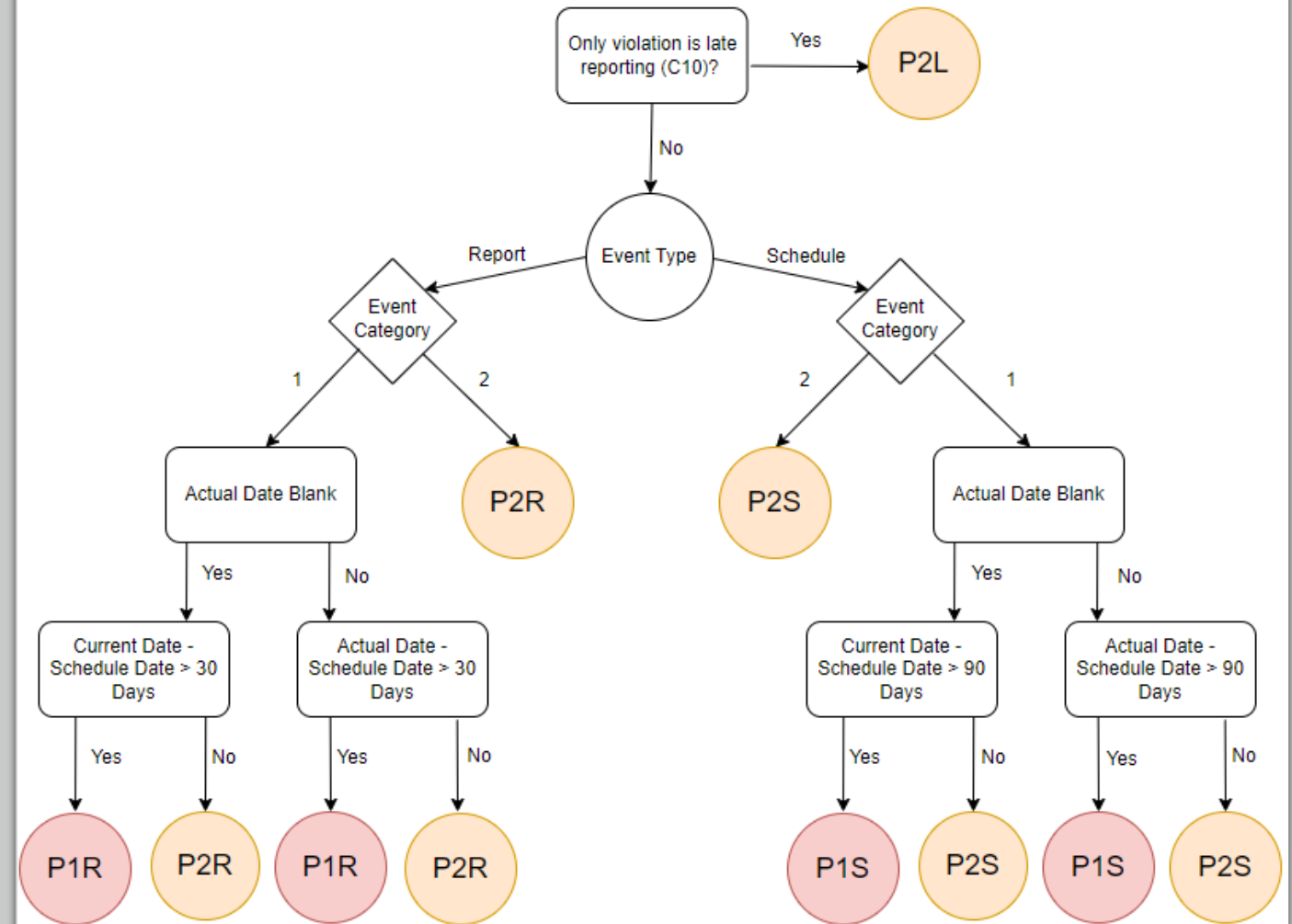
Violation Detection

Permit schedule violations have 5 possible violation detections:

Detection Code	Detection Description	Violation Category
P1R	Permit Schedule Report 30 – I	1
P1S	Permit Schedule Event 90 – I	1
P2R	Permit Schedule Report – II	2
P2S	Permit Schedule Event – II	2
P2L	Permit Schedule Reported Late	2

Permit Schedule Violation Detection Flow Chart

Code	Detection	Category
P1R	Permit Schedule Report 30 – I	1
P1S	Permit Schedule Event 90 – I	1
P2R	Permit Schedule Report II	2
P2S	Permit Schedule Event II	2
P2L	Permit Schedule Reported Late	2



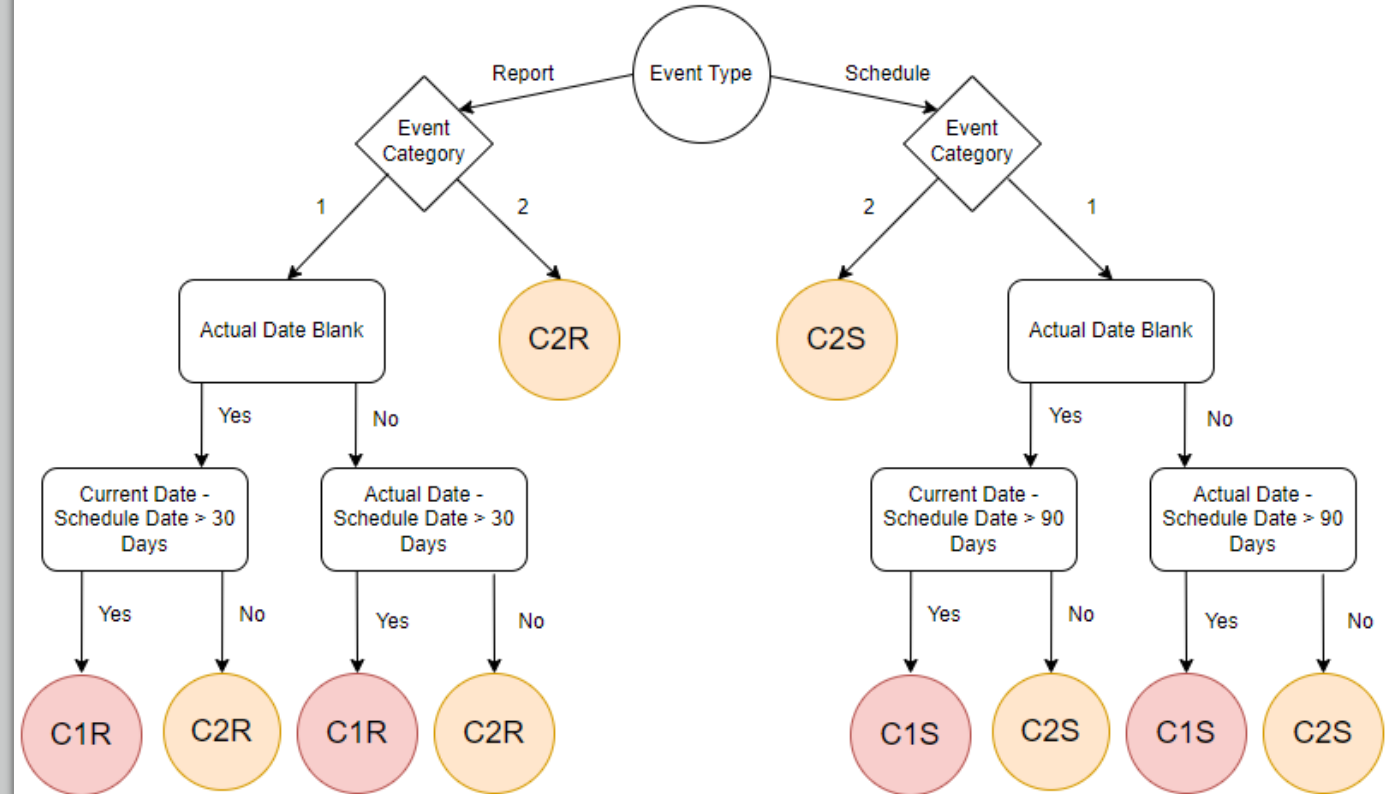
Violation Detection

Compliance schedule violations have 4 possible violation detections:

Detection Code	Detection Description	Violation Category
C1R	Compliance Schedule Report 30 – I	1
C1S	Compliance Schedule Event 90 – I	1
C2R	Compliance Schedule Report II	2
C2S	Compliance Schedule Event II	2

Compliance Schedule Violation Detection Flow Chart

Code	Detection	Category
C1R	Compliance Schedule Report 30 – I	1
C1S	Compliance Schedule Event 90 – I	1
C2R	Compliance Schedule Report II	2
C2S	Compliance Schedule Event II	2



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

Schedule violations have 4 possible violation resolutions:

Resolution Code	Resolution Description	Violation Status
RP1	Formal Enforcement with Compliance Schedule	Resolved Pending
R1	Submitted Report or Completed Event	Resolved
R3	Closure of Formal Enforcement	Resolved
R6	Permit Terminated	Resolved

Submitted Report or Completed Event

- Violation Status = Resolved
- Resolution Date = Schedule Actual Date

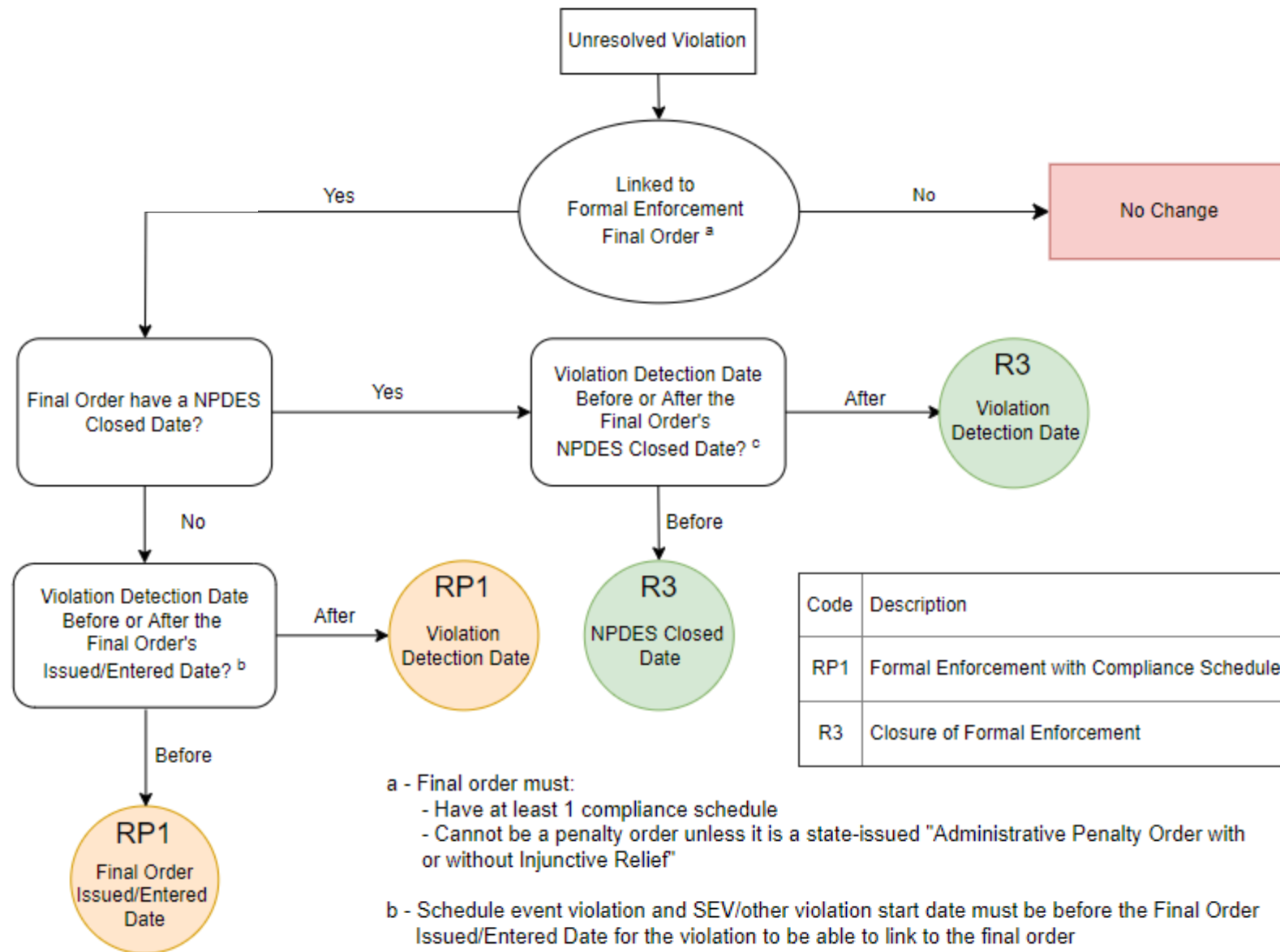
Formal Enforcement w/Comp. Schedule

- 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 a schedule 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 a schedule 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

Schedule Violations by Quarter

Schedule 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

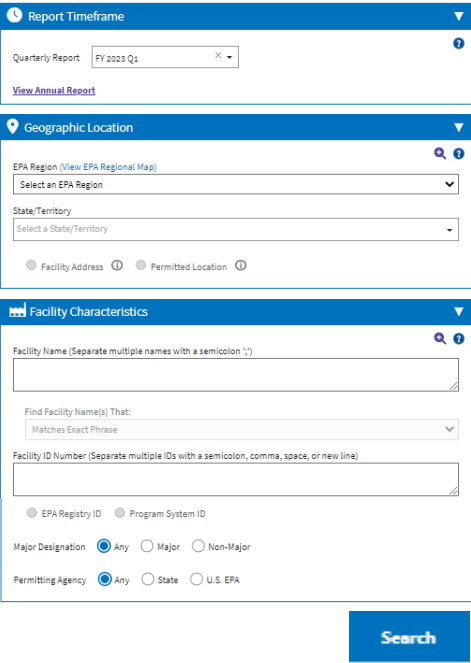
Accessing the NNCR

- 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

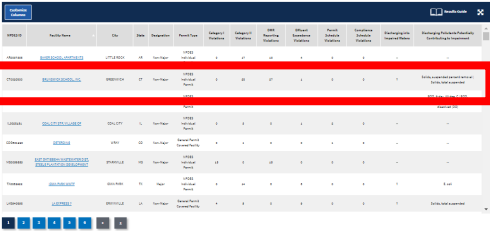


The screenshot shows a search form with three main sections: 'Report Timeframe' with a dropdown for 'FY 2023 Q1' and a 'View Annual Report' link; 'Geographic Location' with a map link, 'EPA Region' dropdown, 'State/Territory' dropdown, and radio buttons for 'Facility Address' and 'Permitted Location'; and 'Facility Characteristics' with text input for 'Facility Name', a dropdown for 'Find Facility Name(s) That:', 'Facility ID Number' input, radio buttons for 'EPA Registry ID' and 'Program System ID', radio buttons for 'Major Designation' (Any, Major, Non-Major), and radio buttons for 'Permitting Agency' (Any, State, U.S. EPA). A blue 'Search' button is at the bottom right.

User-defined search criteria.

2

Summary Results



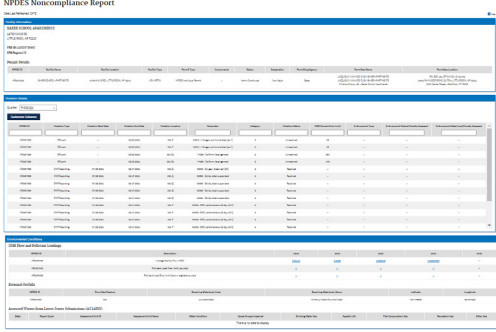
The screenshot shows a table with columns: NPDES ID, Facility Name, City, State, Designation, Permit Type, Violations, and a link to the detailed report. The first row is highlighted in red.

NPDES ID	Facility Name	City	State	Designation	Permit Type	Violations	Link
123456789	ABC DEF GHI	ABC	DEF	Major	Permit	1	Link
987654321	XYZ ABC DEF	XYZ	ABC	Major	Permit	1	Link
111111111	111 111 111	111	111	Major	Permit	1	Link
222222222	222 222 222	222	222	Major	Permit	1	Link
333333333	333 333 333	333	333	Major	Permit	1	Link
444444444	444 444 444	444	444	Major	Permit	1	Link
555555555	555 555 555	555	555	Major	Permit	1	Link
666666666	666 666 666	666	666	Major	Permit	1	Link
777777777	777 777 777	777	777	Major	Permit	1	Link
888888888	888 888 888	888	888	Major	Permit	1	Link
999999999	999 999 999	999	999	Major	Permit	1	Link

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

3

Detailed Report



The screenshot shows a detailed report for a specific NPDES ID. It includes a table of violations with columns: Violation ID, Description, Date, Status, and a link to the violation details. Below the table is a section for 'Permit-level violation report that displays all violations for permits linked to a facility (FRS ID)'.

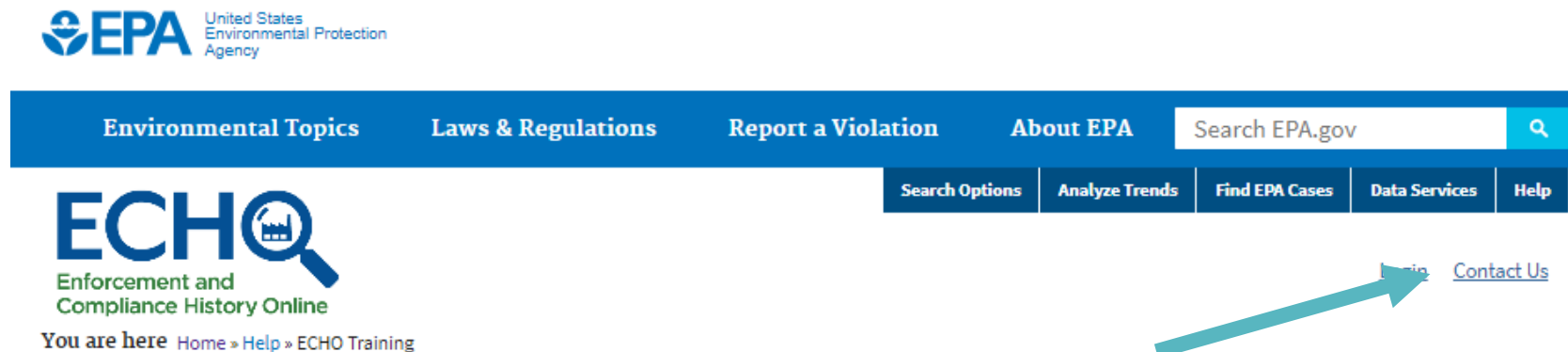
Violation ID	Description	Date	Status	Link
123456789	ABC DEF GHI	ABC	DEF	Link
987654321	XYZ ABC DEF	XYZ	ABC	Link
111111111	111 111 111	111	111	Link
222222222	222 222 222	222	222	Link
333333333	333 333 333	333	333	Link
444444444	444 444 444	444	444	Link
555555555	555 555 555	555	555	Link
666666666	666 666 666	666	666	Link
777777777	777 777 777	777	777	Link
888888888	888 888 888	888	888	Link
999999999	999 999 999	999	999	Link

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](#).



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