

**U.S. EPA Responses to Public Input Received on Development of the Clean Water Act Enforcement Action Plan  
October 15, 2009**

**Introduction:**

In July 2009, EPA's enforcement and compliance program was directed by the Administrator to examine the water enforcement program in light of information showing that water quality goals are not being met and that there are too many violations in too many places. To help satisfy this charge, EPA engaged in an outreach effort to solicit views from environmental commissioners, state water program managers, tribal representatives, environmental advocates, environmental justice groups, affected industry, and academics. The general public was also directly engaged through an EPA blog site. EPA is thankful for the input and ideas it received. Some of the ideas will be implemented in whole or in part as part of the Clean Water Act Enforcement Action Plan. Some ideas will be further evaluated and other ideas fall outside of the scope of the Clean Water Act Enforcement Action Plan. The table below is a compilation of those ideas and includes a brief response for each.

**Abbreviations Used to Show the Source of a Particular idea.**

A = Association of State and Interstate Water Pollution Control Administrators (ASIWPCA)

Ac = Academics

C = Community Organizations

E = Environmental Council of States (ECOS)

I = Industry

N = National Association of Clean Water Agencies (NACWA)

NGOs = Non-Governmental Organizations (National Environmental)

P = Public (blog comments)

T = Tribes

## Table of Ideas Submitted and EPA Responses

	Idea	Source	Response
	<b>Providing More Data - Link Enforcement Data to Water Quality Goals and Outcomes</b>		
1.	Link water quality (303(d) and 305(b) data) and compliance information to show where nonpoint sources are causing the problems in order to build public support for nonpoint controls. Provide more on the reason behind streams being listed on the 303 (d) list of impaired waters and the lack of control of the true source of the reasoning behind most streams being listed as impaired.	A, E, NGOs, P, Ac, N	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
2.	Post all copies of enforcement actions and inspections reports and link to EPA's Online Tracking and Information System (OTIS) database and Enforcement and Compliance History Online (ECHO) database.	Ac, NGOs	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
3.	EPA should express the limitations of Round 1 SRF reports and highlight the importance of improvements and enhancements made for Round 2.	A	Although not expressly included in the Clean Water Act Enforcement Action Plan, EPA is in the process of implementing this idea in whole or in part.
4.	Provide better / more Municipal Separate Storm Sewer System (MS4) and stormwater information not covered by National Pollution Discharge Elimination System (NPDES).	NGOs	Although not expressly included in the Clean Water Act Enforcement Action Plan, EPA will further evaluate this idea in whole or in part.
5.	Provide information (and have states submit in a uniform manner) on how much money a state is spending on its Clean Water Act (CWA) enforcement program (federal and state money), the criteria for NPDES approval and the data behind it, and criteria for program withdrawal. Also, look at how many inspectors EPA has in water enforcement.	NGOs, P, Ac	EPA appreciates the input, but does not currently plan to implement this idea.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
6.	Show the number of excursions a facility has over a certain timeframe	NGOs, Ac	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
7.	Identify and post on the web the worst actors (not just majors).	NGOs	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
8.	Create a QNCR for minors and Make QNRCs available online.	NGOs, C	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
9.	Make Congress and the public more aware of the costs of CWA efforts	A	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.
10.	Make distinction between paper and environmental violations more clear in EPA databases and expend resources accordingly.	A, I, Ac	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
11.	Make data error correction a faster process. Have more internal QA/QC on ECHO data.	I, N	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
12.	Provide more context with stormwater and other data posted on the web that informs the public of whether the program is benefitting water quality. Explain why one state's data differs from another and the appropriate caveats for its use.	A, I, Ac	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
13.	Allow EPA and state inspectors to provide information on how to comply. EPA and state inspectors do not interpret permit requirements the same and they will not tell you how to comply, just that you are not doing it.	I	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
14.	EPA should coordinate discussions between states and tribes on transboundary water pollution and enforcement issues. This could include workshops and conferences to have increased and better communications, share information and recognitions of sovereignty. Consider holding a conference on these issues with tribes.	T	Although not expressly included in the Clean Water Act Enforcement Action Plan, EPA will further evaluate this idea in whole or in part.
15.	EPA should address the unique jurisdictional issues that arise in Alaska associated with state primacy but Alaska Native Villages being concerned about water quality and enforcement	T	Although not expressly included in the Clean Water Act Enforcement Action Plan, EPA will further evaluate this idea in whole or in part.
16.	Establish a new process or reinvigorate existing processes for giving downstream Indian reservations notice of upstream permitting actions.	T	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.
17.	States need to improve coordination with tribes over water quality concerns that arise off-reservation in the context of usual and accustom areas specifically reserved in treaties between the United States and tribes.	T	Although not expressly included in the Clean Water Act Enforcement Action Plan, EPA will further evaluate this idea in whole or in part.
18.	Coordinate agencies' actions, so tribes don't have to deal with multiple different entities	T	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.
19.	Agencies should look at and use tribal monitoring data and tribes should have opportunity to provide input on how data is presented in the federal database	T	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
20.	Provide education on recycling, self-sustainability and eco-friendly practices to residential and commercial consumers rather than developing more policy.	P	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.
21.	Take additional water samples during high onshore winds or nor'easter when bacteria levels rise. Neurotoxins from the Red Tides should be part of the water quality testing program and beaches should be posted and closed. Hospitals should be notified.	P	This comment relates primarily to implementation of the Clean Water Act requirements as opposed to compliance and enforcement. EPA will consider it separately as appropriate.
22.	Add a component to the EPA Water Quality System that includes a companies water footprint and other data from the UN's CEO Water Mandate	P	This comment relates primarily to implementation of the Clean Water Act requirements as opposed to compliance and enforcement. EPA will consider it separately as appropriate.
23.	Make data available that is closer to a 6th-7th grade reading level and clearly separate data by topic	P	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
24.	Provide more press from EPA on companies with strong compliance history.	P	EPA appreciates the input, but does not currently plan to implement this idea.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
25.	Create a website of the Nation's waterways organized by State and County with regulated NPDES discharges, unregulated discharges, past remediation efforts, and future remediation efforts. The rivers can be classified based level of quality, possibly a red, yellow, and green color system. Also, collect more water quality testing data that could be added to the website. Thus allowing public to see past and current tests at specified locations along the waterway. The data will allow anyone to figure whether river conditions are improving or degrading, even along certain reaches of the waterway. The website will create public awareness for the quality of our waterways. It will make businesses think twice about applying for discharge permits rather than getting away with unregulated discharges. And individuals will look upon themselves for things they may be doing to contribute to waterway pollution, like that extra round of grass fertilizer.	P, N	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
26.	Inform people to use far less fertilizer/pesticide/herbicide and grow plants suitable for local growing conditions.	P	EPA has a website on greenscaping. See <a href="http://www.epa.gov/epawaste/conserves/rrr/greenscapes/owners.htm#why">http://www.epa.gov/epawaste/conserves/rrr/greenscapes/owners.htm#why</a>
27.	Use geospatial basis for public information, start local and expand using a map	P	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
28.	Provide additional marketing for EPA and present information in a way that enlists help from the public. Provide additional information on how citizens can contact the EPA with environmental concerns	P, Ac	Citizens can report environmental problems by calling their regional EPA offices or on the internet at <a href="http://www.epa.gov/compliance/complaints/index.html">http://www.epa.gov/compliance/complaints/index.html</a>

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
29.	Information provided should be put into context. Where a discharger operates a treatment facility, the information made available to the public should include the mass of pollutants removed, as well as the mass of pollutants discharged. The cost of operating the treatment facility should be available, including the cost per household for public facilities operated through user fees. A summary cross-media impacts of treatment should be provided, because pollutants removed through treatment do not simply disappear, they end up somewhere else, and we need to be able to evaluate whether treatment that solves one problem might actually create another, worse problem	P	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.
30.	Data released should have links added to individual pollutant fact sheets and the quality assurance process for chemical test procedures to provide better context	P	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
31.	Post farm management plans and effectiveness of existing BMP's	P	This comment relates primarily to implementation of the Clean Water Act requirements as opposed to compliance and enforcement. EPA will consider it separately as appropriate.
32.	EPA ethics guidance with respect to employee participation in research projects creates an obstacle to scholarly research. Write a memo indicating EPA considers uncompensated participation in scholarly studies for reasonable periods of time to be an aspect of EPA employees official duties.	Ac	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.
33.	Expand the availability of complete and historical enforcement and compliance data.	Ac	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
34.	Provide statistics by statute on the number of inspections, complaints, compliance orders, penalties, citizen suits and referrals to determine the level of aggregate enforcement activity from year to year.	Ac	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
35.	Upgrade the Permit Compliance System (PCS) database to include effluent limits, state actions, Supplemental Environmental Projects (SEPs), minors, treatment capacity. Add unique identifiers to modules in Integrate Compliance Information System (ICIS).	Ac, NGOs	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
36.	Explain how information links to plans and decisions.	Ac	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
37.	Do and post on the web cost/benefit studies of different compliance assistance and enforcement strategies	Ac	EPA appreciates the input, but does not currently plan to implement this idea.
38.	Make information easier to find, hotlink all metrics and acronyms to definitions, create links between table and charts.	Ac, C	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
39.	Create the ability to get the last 90 days worth of violation information for a locality in one click on ECHO.	C	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
40.	Make state semiannual reports available online.	C	There is insufficient information for EPA to respond adequately.
41.	Allow users of ECHO to track actions in Environmental Justice communities and the outcomes of enforcement actions easier.	C	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
42.	Provide a matrix online of who has jurisdiction over what environmental issues, so it is easier for individuals to know who to call with questions and concerns.	C	Although not expressly included in the Clean Water Act Enforcement Action Plan, EPA will further evaluate this idea in whole or in part.
	<b>Improving Performance</b>		



## Table of Ideas Submitted and EPA Responses

	Idea	Source	Response
	<b>Strengthening State and Tribal Programs and EPA Direct Implementation</b>		
43.	Revise Authorization Agreements, so that they are up to date and consistent - this includes Memoranda of Agreement (MOAs), Memoranda of Understanding MOUs, etc. It may also require changing the August 25, 1986 Revised Policy Framework for EPA/State Enforcement Agreements (Barnes Memo).	A, P	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
44.	Create Annual Enforcement Agreements covering expectations	A, C	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
45.	Revise 106 Grant Agreements ( PPA's, PPG's, Categorical Grants) to explicitly include enforcement program requirements	A, NGOs	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
46.	Make minimum program elements apply to EPA programs as it would apply to states. These elements would go into the NPM Guidance.	E	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
47.	Tie performance to funding and more funding to those regions with direct implementation responsibilities	P, C	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
48.	Require updated enforcement policies to include all necessary improvements as a requirement for funding agreements.	Ac	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
49.	Do more escalation of oversight where appropriate, including increased interaction and reporting from states on performance issues, overfilling and withdrawal of poor performing programs where there is no will to improve.	Ac, C	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
50.	Partners with states to be more aggressive with nonpoint sources	A	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
51.	Improve / increase enforcement for construction and industrial stormwater	NGOs, P	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
52.	Put an EPA person in a state where they are not doing enough inspections and enforcement, so EPA can observe.	NGOs	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.
53.	Provide more stringent oversight of state permits (write permits better because permit requirements don't always appear in permits), inspections and enforcement and the trends on them from agency reorganizations	NGOs	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
54.	Examine state rules for inconsistencies with the CWA	NGOs	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.
55.	Eliminate general permits for mines.	NGOs	The U.S. Army Corps of Engineers (Corps) is currently seeking public input on a proposal to suspend/modify the use of Nationwide Permit 21 for surface coal mining activities in the Appalachian region. Written comments may be submitted to the Corps until October 26, 2009.
56.	Do more Concentrated Animal Feeding Operation (CAFO) enforcement. Establish a CAFO strike force and build good case law.	NGOs, P, Ac	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
57.	Revise the CAFO rule.	NGOs	There is insufficient information for EPA to respond adequately.
58.	Enforce against CAFOs discharging without a permit. Monitoring could be done above and below CAFOs with determinations made about whether the CAFO is discharging.	NGOs	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.

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	<b>Idea</b>	<b>Source</b>	<b>Response</b>
59.	Dry weather discharges from tile drains at CAFOs do not fall within the provision exempting agricultural stormwater and occur frequently in the Midwest as a result of wet manure being placed on fields with shallow drains or because the tile drains are attached to groundwater. EPA should do the detective work necessary to bring cases against CAFO manure application that results in such wet weather discharges.	NGOs	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
60.	EPA should begin monitoring compliance with stormwater general permits and should bring enforcement actions against parties that did not create stormwater pollution prevention plans or failed to follow their plans or other general permit conditions.	NGOs	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
61.	Post stormwater pollution prevention plans online.	P	EPA appreciates the input, but does not currently plan to implement this idea.
62.	EPA should pursue enforcement against mining and construction firms that violate 404 permit conditions.	NGOs	Pursuant to the 1989 MOA between the Department of Army and EPA, the Corps serves as the lead enforcement agency for violations of Corps-issued Clean Water Act (CWA) Section 404 permit conditions. EPA actively coordinates with the Corps in these matters as appropriate, as well as in situations involving unpermitted discharge violations.
63.	Establish a state liaison that can go and get state info for citizens when the state will not give it to them. EPA could make this part of its oversight function.	NGOs	EPA appreciates the input, but does not currently plan to implement this idea.
64.	Break down barriers between the federal agencies – EPA/USDA/NRCS.	NGOs	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
65.	Look at the Occupational Health and Safety Administration (OSHA) and Colorado (CO) models for tools and ideas.	I	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.
66.	Target non-permit filers (construction) and connect stormwater permits to building permits, so they can be more easily tracked.	I	EPA appreciates the input, but does not currently plan to implement this idea.
67.	Work with Congress to pass the Clean Water Restoration Act and seek additional changes to strengthen enforcement authorities and allow citizen suits for 404 permits.	NGOs	This idea may be beyond EPA's current statutory authority.
68.	Enforcement penalties for both governmental and citizen suits should go to a clean water trust fund to use for preservation, protection, and restoration of water resources.	NGOs	This idea may be beyond EPA's current statutory authority.
69.	As tribes develop more water quality standards, EPA needs to do more capacity building and provide more technical support (training in drafting tribal laws with enforcement provisions, permit writing, inspections, and enforcement, etc.). Increased tribal enforcement capacity can facilitate penalty splitting and tribes seeking treatment in the same manner as a state for the CWA program.	T	This comment relates primarily to implementation of the Clean Water Act requirements as opposed to compliance and enforcement. EPA will consider it separately as appropriate.
70.	EPA should have more presence in Indian country because there are many violations that are not being addressed. This would include more meetings with Tribal elected officials.	T	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
71.	EPA should increase the use of Direct Implementation Tribal Agreements (DITCAs) and authorization of tribal inspectors with federal credentials. These efforts enable tribes to perform EPA's work in Indian country. This will require dedicated funding	T	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
72.	Take more enforcement actions at federal facilities.	P	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
73.	Work with the USDA NRCS to develop a program that will teach the construction industry true erosion and sedimentation controls	P	EPA appreciates the input, but does not currently plan to implement this idea.
74.	Stronger enforcement and inspections, increased regulations for logging and mining, increased fines for violations	P	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
75.	Develop a major community education/action plan for every watershed. Promising a “A Clean Glass of Water” to every child in America	P	This comment relates primarily to implementation of the Clean Water Act requirements as opposed to compliance and enforcement. EPA will consider it separately as appropriate.
76.	Refine Water Quality Standards requirements to be more meaningful and address all causes of impairment, e.g.: a) bacteria standards apply year round b) numeric standards for nutrients c) ecological stream flow requirements d) account for surface-groundwater interactions e) prohibit physical alterations of stream morphology and habitat (except as required to restore or improve) f) require other WQS criteria be adopted by states in a timely manner, as needed to achieve goals and address real causes of impairment	P	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
77.	Take any and all actions needed to ensure that 100% of states and all of Indian country have enforceable water quality standards	P, T	This comment relates primarily to implementation of the Clean Water Act requirements as opposed to compliance and enforcement. EPA will consider it separately as appropriate.
78.	Sample and confirm that 100 % streams and waters are in full compliance with applicable standards	P	Although not expressly included in the Clean Water Act Enforcement Action Plan, EPA is in the process of implementing this idea in whole or in part.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
79.	Highways, housing developments, construction projects, mining, agriculture, Oil & Gas and all harmful activities must be subject to appropriate requirements - with no exemptions	P	This idea may be beyond EPA's current statutory authority.
80.	Put some money and teeth into enforcement against illegal dumps in rural U.S. Outlaw/regulate junkyards and huge auto salvage areas. Prohibit unregulated land application of wastewater, septage or sludge.	P	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
81.	Impose setbacks and location restrictions on new landfills, industries, etc, away from streams and waterways.	P	EPA does this activity in part today. EPA generally also evaluates the effectiveness of its programs to consider opportunities for improvement or enhancement.
82.	Hold cities/counties/states accountable for stormwater quality, and give them authority to make individual property owners comply with BMPs and reasonable requirements related to stormwater runoff, as necessary to meet standards. no exemptions	P	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
83.	Require water conservation measures/green building for all projects where federal dollars are used. Develop incentives for everywhere else.	P	This idea may be beyond EPA's current statutory authority.
84.	Require all new development and construction to meet standardized minimum requirements, e.g. - no building in floodplains - avoid wetlands and leave natural drainage ways intact - no channelization or concrete in streams - impoundments of stormwater, if needed, should be incorporated into greenbelts - limit removal of native vegetation - limit vast expanses of concrete; use new materials that allow groundwater recharge	P	EPA does this activity in part today. EPA generally also evaluates the effectiveness of its programs to consider opportunities for improvement or enhancement.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
85.	Impose sustainable water use requirements - limit growth in areas where water is limited.	P	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.
86.	Require monthly self-monitoring visual inspections of all equipment for property owners of facilities that have contaminants.	P	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.
87.	EPA should facilitate learning across states as part of the SRF and share information on actions and tools that increase compliance, improve effectiveness and costs.	Ac	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
88.	Experiment with contingent permits where technology is still evolving.	Ac	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.
89.	Move away from a national enforcement model and instead focus on tailoring enforcement actions to the unique needs of each community.	N	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.
90.	Develop a comprehensive SSO rule to provide communities with a greater level of consistency regarding SSO enforcement.	N	This comment relates primarily to implementation of the Clean Water Act requirements as opposed to compliance and enforcement. EPA will consider it separately as appropriate.
91.	Change enforcement posture in EPA Region 7 and 10, which considers blending illegal.	N	EPA appreciates the input, but does not currently plan to implement this idea.
92.	Have more coordination between the Office of Water and OECA on enforcement consent decrees and other issues.	N	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
93.	EPA should consider mandating the adoption of a specific minimum penalty matrix for each media program for the states.	P	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
94.	Create a pharmaceutical take back program to prevent these chemicals from entering WWTP and water system	P	This idea may be beyond EPA's current statutory authority.
95.	Clearly define the scope of CWA jurisdiction through a rule.	I	As stated in two individual letters that the Agency sent to Senator Barbara Boxer and Representative James Oberstar on the Committee on Environment and Public Works on May 20, 2009, EPA believes enactment of legislation amending the Clean Water Act would go along way toward addressing substantial confusion and uncertainty arising from recent Supreme Court decisions. Since existing guidance documents and supporting regulations can be revised to clarify the scope of Clean Water Act jurisdiction only to a limited degree, a clear statement of Congressional intent is needed to provide a foundation for steady and predictable implementation of the Clean Water Act in the years to come.
96.	Develop an industry-wide stormwater and training and education program with audio and standup training modules to accompany the SWPPP Guide	I	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.
97.	Define what constitutes a "complete" 404 permit application.	I	Further information on what constitutes a complete application can be found in Corps regulations at 33 CFR Part 325.



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	<b>Idea</b>	<b>Source</b>	<b>Response</b>
98.	Make stormwater training mandatory for new inspectors	I	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.
99.	Improve administration of the NPDES program by adopting and implementing Single Lot Permits for small builders, encourage states to adopt the Qualifying Local Program, and allow No Discharge Voluntary Certifications.	I	This comment relates primarily to implementation of the Clean Water Act requirements as opposed to compliance and enforcement. EPA will consider it separately as appropriate.
100.	Improve enforcement by targeting nonfilers and codify a right to cure paper violations.	I	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.
	<b>Planning</b>		
101.	Require EPA regions to meet at least on an annual basis with states to do planning, develop work plans, clarify roles and responsibilities, talk about joint compliance strategies, coverage, etc	A, E	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
102.	There should be tribal law training for the judicial branch of government.	T	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.
103.	EPA should strive to provide better cross training opportunities for Resource Conservation and Recovery Act (RCRA) and solid waste inspection staff, so that waste disposal, recycling and waste handling activities do not further degrade waterways.	P	EPA appreciates the input, but does not currently plan to implement this idea.
104.	Conduct strategic enforcement by watershed and bring a series of cases at once.	Ac	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.

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105.	Use SEPs and tools more proactively to enable environmental improvements	Ac, T	Although not expressly included in the Clean Water Act Enforcement Action Plan, EPA will further evaluate this idea in whole or in part.
	<b>Resources</b>		
106.	States need to tap into EPA resources (expertise)	E	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
107.	Determine the universe of resources for Clean Water Act enforcement and make public.	C	EPA appreciates the input, but does not currently plan to implement this idea.
108.	Reconsider the cost and use of a central EPA database.	A	EPA appreciates the input, but does not currently plan to implement this idea.
109.	Focus NPDES rule on minimum data elements and don't require a mechanism for sharing the data	A	EPA appreciates the input, but does not currently plan to implement this idea.
110.	Continue to move forward with maintaining ICIS-NPDES as a warehouse, but for the wet weather universe, national reporting of aggregate/summary data should be sufficient.	A	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
111.	Promote joint training on Phase II permits to help builders and communities save resources and make compliance issues more transparent. This was done with a grant in TX.	I	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.
112.	Increase CWA Section 106 Tribal Water Pollution Control grants, make them more flexible and cover Operation and Maintenance (O&M) costs. (\$1M for DI Tribal Cooperative Agreements)	T	This comment relates primarily to implementation of the Clean Water Act requirements as opposed to compliance and enforcement. EPA will consider it separately as appropriate.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
113.	EPA should share (split) penalties with tribes for enforcement actions that arise in Indian country.	T	EPA addressed this issue in a March 11, 2005 memo, Joint Collection of Penalties with State and Local Governments and Federally Recognized Indian Tribes, from Thomas Skinner, OECA Acting Assistant Administrator. (See <a href="http://www.epa.gov/compliance/resources/policies/civil/rcra/jointcollectionofpenalties-mem.pdf">http://www.epa.gov/compliance/resources/policies/civil/rcra/jointcollectionofpenalties-mem.pdf</a> )
114.	EPA should streamline grant reporting requirements.	T	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.
115.	Develop an enforcement and compliance training grant for tribes	T	EPA appreciates the input, but does not currently plan to implement this idea.
116.	Increase regional funds for training tribes and help more tribal inspectors get federal credentials	T	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.
117.	Provide additional support to tribes participating in the Information Exchange Network. Funds will run out and tribes will not be able to afford continued participation	T	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
118.	Provide access to EPA innovation grants to tribes	T	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.
119.	Implement electronic ticket process for violation of permit limits	P	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
120.	Implement on-site fines during inspections	P	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
121.	Station 1 EPA employee at each state office and these positions should rotate or hire independent contractors to do this.	P	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.
122.	Require EPA regional offices to reorganize enforcement resources to parallel EPA HQ and assign compliance assistance activities to the media offices.	Ac	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.
123.	Institute a limited periodic rotation of HQ enforcement and regulatory staff to raise awareness of enforcement considerations in regulations.	Ac	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.
124.	Explore using compliance surveyors to lower compliance measurement costs. Test MA ERP approach for lowering costs too.	Ac	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.
	<b>Policies</b>		
125.	EPA should create uniform enforcement guidance across all programs. For example, how to measure timely and appropriate should be the same from one program to the next.	E	Although not expressly included in the Clean Water Act Enforcement Action Plan, EPA will further evaluate this idea in whole or in part.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
126.	EPA should update and standardize policies on water enforcement. For example, the water Enforcement Management System (EMS) and Barnes memo are too old and out of date.	E	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
127.	Link to state databases rather than requiring states to feed ICIS-NPDES. Use state databases as the database of record for program oversight	A	EPA appreciates the input, but does not currently plan to implement this idea.
128.	Update EPA's existing regulations and associated enforcement policies to broaden/replace the existing definition of "major" facility to include "wet weather" discharges and other significant non-major sources of water pollution that are major contributors to water quality impairments. This could also be based on risk or toxicity.	NGOs	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
129.	Fill in gaps in the SNC definition and ensure the inclusion of bacteria violations.	Ac	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
130.	Define through a rule what "diligent prosecution" of a violation means. This would include economic benefit, an enforceable compliance schedule with reasonable timeframes, and the achievement of compliance without multiple extensions.	NGOs	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
131.	Issue a rule to protect the level of instream flows and have water budgets for watershed so they do not get too low and affect the biota of the stream	NGOs	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
132.	Change federal stormwater regulations because they waive permit limits when its raining (at coal mines)	NGOs	This comment relates primarily to implementation of the Clean Water Act requirements as opposed to compliance and enforcement. EPA will consider it separately as appropriate.
133.	Use a rule / MOAs / program approvals to limit compliance schedule timelines	NGOs	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
134.	Make CAFO and permit requirements more clear for permittees.	I	This comment relates primarily to implementation of the Clean Water Act requirements as opposed to compliance and enforcement. EPA will consider it separately as appropriate.
135.	Make water quality standards more meaningful. They have to be something that can actually be complied with. Narrative limits are an issue because states and EPA interpret them differently.	I	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
136.	Inspect more frequently and reward facilities that have consistently been in compliance through reduced inspection frequency and focus on recalcitrance	P	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
137.	Remove chemicals from drinking water especially fluoride	P	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.
138.	Determine enforcement expectations and management structure for the vessel program. Provide more oversight and required training for the vessel program.	P	Although not expressly included in the Clean Water Act Enforcement Action Plan, EPA will further evaluate this idea in whole or in part.
139.	Do some site visits selected by citizen groups instead of the state agency	P	EPA appreciates the input, but does not currently plan to implement this idea.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
140.	Use the environmental outcome model that EPA promotes to demonstrate that minor facilities, like air facilities, have a certain potential to emit pollutants through their respective effluents.	P	EPA appreciates the input, but does not currently plan to implement this idea.
141.	Give funding and priority to stream restoration, construction of wetlands, and other water quality enhancing projects	P	EPA is actively engaged in providing grants which support State, tribal and local efforts to protect wetlands and other aquatic resources by providing funds to enhance existing programs or develop new programs.
142.	Work with DOJ to have prison inmates work on water quality initiatives across the country.	P	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.
143.	Require tertiary level at all wastewater treatment plants	P	This comment relates primarily to implementation of the Clean Water Act requirements as opposed to compliance and enforcement. EPA will consider it separately as appropriate.
144.	Outlaw chemical lawn fertilizers and require environmentally friendly ones be developed.	P	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.
145.	Develop a regulation defining how states must comply with public notice and comment requirements. Consider using a Federal Advisory Committee (FACA).	Ac	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
146.	Streamline the “treatment as a state” approval process for Tribes	T	In 2009, EPA issues new procedures for quickly reviewing TAS applications from tribes. This includes TAS under the CWA. See <a href="http://www.epa.gov/tribalportal/pdf/tas-strategy-attach-a.pdf">http://www.epa.gov/tribalportal/pdf/tas-strategy-attach-a.pdf</a>
147.	Use incentives and Performance Track-type initiatives to encourage model behavior	T, Ac	EPA appreciates the input, but does not currently plan to implement this idea.
148.	Require state and local agencies to post their rules and regulations online and link from EPA website.	P	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.
	<b>Measurement</b>		
149.	Create a State Report Card posted on the web. Include information about education, compliance assistance and resources.	NGOs, P	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
150.	Do annual state reports on the percentage of change for various metrics and rates, link to raw data, show trends, have warning flags for problems, and label reports files with self explanatory names.	Ac	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
151.	Use compliance rates as a measure instead of formal enforcement tracking	A	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.



## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
152.	Develop an approach based on significant compliance rather than SNC. Utilize the Inspection Targeting Model to create a list of NPDES majors that have strong records of compliance. This will allow Regions and states to shift resources away from NPDES majors to NPDES minors with significant violations. Post the list of sources on EPA's web site. Focus on the positive numbers rather than the negative - 80% compliance, not 20% SNC.	A	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
153.	Focus on compliance rather than on tool or activity to achieve it. Recognize the importance of informal actions to ensure compliance	E	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
154.	EPA should focus on clean water goals, not enforcement numbers and indicators	E, N	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
155.	States want less bean counting	E	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
156.	Form a small workgroup with States to identify performance measures that consider and include compliance assistance as a quantitative and qualitative aspect of a State's program in conjunction with enforcement activities. The workgroup should also consider other indicators of program performance that maintain or improve water quality.	A	EPA appreciates the input, but does not currently plan to implement this idea.
157.	Develop performance measures with states and articulate in the NPM Guidance with connections between enforcement, compliance and outcomes.	A	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
158.	Focus oversight on program vulnerabilities or gaps rather than data deficiencies.	A	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
159.	Provide an adequacy determination in the SRF	A	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
160.	Form a standing workgroup to consider the resource impacts of new national enforcement and compliance policies and reduce the number of unfunded mandates to states.	A	This comment relates primarily to implementation of the Clean Water Act requirements as opposed to compliance and enforcement. EPA will consider it separately as appropriate.
161.	Consider adequacy of government capacity when providing resources oversight and expectations	Ac	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
162.	Revisit performance metrics and measure EPA and states on the same standards	Ac	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
163.	Show how data relates to goals and targets in performance plans and GPRA	Ac	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
164.	Show trends in the context of regulatory and policy changes	Ac	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
165.	Create capacity for members of the public to post their analysis using EPA data	Ac	EPA appreciates the input, but does not currently plan to implement this idea.
166.	Expand the State Review Framework to explain more details of what is happening in each state. Integrate SRF recommendations into all relevant EPA/state plans. Use element 13 as a starting point rather than an add on.	Ac	Although not expressly included in the Clean Water Act Enforcement Action Plan, EPA is in the process of implementing this idea in whole or in part.
167.	Use planning and implementation approaches developed by social marketers.	Ac	EPA appreciates the input. EPA does this activity in part today, and has no current plans to change this.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
168.	Expand the Massachusetts Common Measures project to CWA programs.	Ac	Although not expressly included in the Clean Water Act Enforcement Action Plan, EPA will further evaluate this idea in whole or in part.
169.	Use and share information on pollution incidents, permit exceedances, emission trends, complaints, ambient conditions, and health for priority setting.	Ac	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
170.	Have a way to measure success based on the value of dollars spent to increase water quality and not just the number of actions for an enforcement plan.	N	EPA appreciates the input, but does not currently plan to implement this idea.
171.	Put greater emphasis on agriculture and nonpoint sources.	N	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
172.	Have measurement focus on outcomes. Because aquatic life is often the most sensitive use of a water body, assessing the health of the water body in terms of diversity, abundance, and health of aquatic life should be the master measurement. Chemical standards and management program requirements should be subordinate to the health of the aquatic community. For recreational waters, measurement should focus on a decrease in the number of illnesses related to recreational water exposure	P	This comment relates primarily to implementation of the Clean Water Act requirements as opposed to compliance and enforcement. EPA will consider it separately as appropriate.
173.	The EPA should incorporate a procedure into the enforcement and compliance program that considers the number of constituents and frequency a facility is required to monitor for compliance determinations not just the percentage	P	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
174.	Implement a method for gathering information on the full universe of homebuilders	I	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
	<b>Expand the Use of Technology</b>		

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
175.	Increase deterrence by posting more real time violation data and have electronic alerts to the public for SNC	P	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
176.	Require electronic DMRs from all permittees, majors and non-majors.	Ac	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
177.	EPA should embrace the Exchange Network node approach	A	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
178.	Encourage e-tools and consider revisions to the CROMERR rule.	A	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
179.	For those water quality parameters, switch from using the methods outlined in Standard Methods which rely on culturable assays. The current analytical methods which rely on growing these organisms are not specific enough for enforcement or compliance activities. In addition, these tests take days rather than hours to get results. Switching to molecular based methods using QPCR for these tests are very specific and legally defensible. Costs are comparable.	P	This comment relates primarily to implementation of the Clean Water Act requirements as opposed to compliance and enforcement. EPA will consider it separately as appropriate.
180.	Improve and upgrade electronic systems before moving to e-tools.	N	Although not expressly included in the Clean Water Act Enforcement Action Plan, EPA is in the process of implementing this idea in whole or in part.
181.	Do permit standardization before moving to e-reporting.	N	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
182.	Create the ability for the public to receive text messages and email alerts regarding water quality actions and notices of local violations.	C	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.

## Table of Ideas Submitted and EPA Responses

	Idea	Source	Response
	<b>Messaging</b>		
183.	Build a communications strategy to explain information clearly	A	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
184.	Use more trend analysis as a way to communicate information	A	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
185.	Show where a rare occurrence (wet weather) can have severe effects	A	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.
186.	Provide information on loadings instead of violations	A	We think it is important to provide information on loadings <u>and</u> violations. EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
187.	Provide context for SRF reports	E	EPA will implement this idea in whole or in part as it proceeds to implement the Clean Water Act Enforcement Action Plan.
	<b>Making Linkages</b>		
188.	Link to state data where EPA does not have data in a federal system.	E	Although not expressly included in the Clean Water Act Enforcement Action Plan, EPA is in the process of implementing this idea in whole or in part.
189.	Reflect compliance assistance data	E	EPA appreciates the input. EPA does this activity in part today, and will consider enhancements in the future.

## Table of Ideas Submitted and EPA Responses

	<b>Idea</b>	<b>Source</b>	<b>Response</b>
190.	Help tribes share technology with other tribes.	T	While EPA appreciates the comment, it is outside the scope of the Clean Water Act compliance and enforcement program. Thus, it is not part of the Clean Water Act Enforcement Action Plan.
191.	Link data to California EPA, California Water Quality Control Board, California Water Resources Agency, and the Pacific Institute	P	EPA will further evaluate this idea as part of the Clean Water Act Enforcement Action Plan.
192.	Integrate data with U.S. Coast Survey, Coast Guard's Environmental Enforcement Branch, Army Corps of Engineers, and CA Public Health Agency	P	Although not expressly included in the Clean Water Act Enforcement Action Plan, EPA will further evaluate this idea in whole or in part.
193.	Link to USGS monitoring data	N	Although not expressly included in the Clean Water Act Enforcement Action Plan, EPA is in the process of implementing this idea in whole or in part.
194.	Link enforcement action descriptions in ECHO to state orders and complaint documents.	C	Although not expressly included in the Clean Water Act Enforcement Action Plan, EPA will further evaluate this idea in whole or in part.