

Top EHS Risks & Compliance Trends to Watch in 2021



Ryan Janoch

COO, Co-Founder of Mapistry

- Professional Civil Engineer
- Former Bay Area Air District Hearing Board Member
- National Committee for Stormwater BMPs with EPA

A person wearing a blue long-sleeved shirt and a high-visibility orange safety vest with reflective silver stripes is shown from the side. They are holding a tablet computer in their left hand and a pen in their right hand, appearing to be taking notes or reviewing data. The background is a blurred industrial or construction site with various pieces of equipment and structures. The overall lighting is somewhat dim, suggesting an overcast day or a shaded area. The text is overlaid on the right side of the image.

Mapistry is on a mission to give you
**control of your environmental
program...**

Resilient compliance systems

Build business continuity and reduce risk



Transparency

Provide real-time, 24/7 visibility and insight into compliance health



Collaboration

Empower teams with virtual access to essential field data, tasks and documents



Efficiency

Automate workflows and improve top-down governance of programs



Accountability

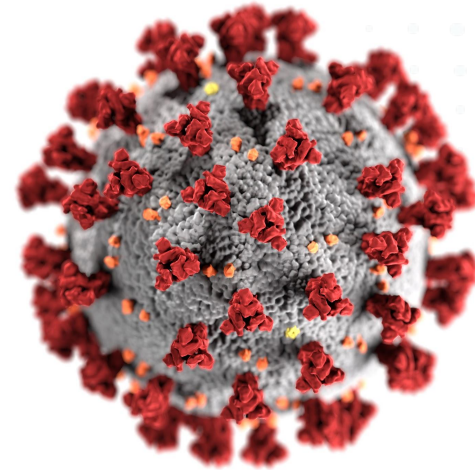
Ensure dispersed teams are staying accountable for compliance obligations

A Quick Look at 2020

January 21, 2020 Webinar

A Look Back at 2020 Risks

- Increased local and state influences
- Public Participation
- Emerging technologies



COVID....the risk we did not see coming

National Compliance Initiative

“ The EPA focuses its enforcement and compliance resources on the **most serious environmental violations** by developing and implementing national program priorities”

Business License Requirements

Senate Bill No. 205

CHAPTER 470

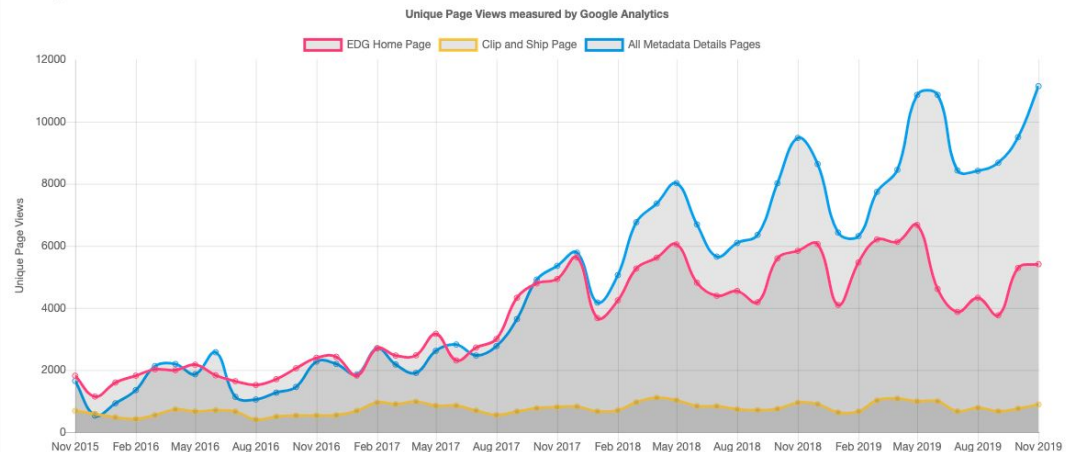
An act to add Sections 16000.3 and 16100.3 to the Business and Professions Code, and to add Section 13383.10 to the Water Code, relating to business.

[Approved by Governor October 02, 2019. Filed with Secretary of State October 02, 2019.]

EPA Data Gateway

EDG Usage Metrics

This page shows page view metrics for the EDG site as well as data download statistics for the two EDG data hosting sites. The counts are updated on a monthly basis.



Baykeeper Patrols Take to the Sky

For 29 years, Baykeeper has used on-the-water boat patrols to monitor San Francisco Bay and look for pollution threats. This year, we're expanding our patrols to the sky, to find and stop more Bay pollution.

Baykeeper is partnering with volunteer pilots to patrol in small planes and with volunteer drone operators to patrol with drones. We're already finding new sources of contamination and collecting evidence to get more pollution stopped.

With patrols by air, Baykeeper is finding new sources of contamination and collecting evidence to stop more Bay pollution.

Almost immediately after launching our aerial

These tankers will spill a heavy oil that is almost impossible to clean up.

Using drone footage, Baykeeper is tracking tankers' path to accurately predict where Bay Area wildlife and sensitive species are likely to be during the annual high tide.

Baykeeper documents that are flooded during high tide to predict where Bay Area wildlife and sensitive species are likely to be during the annual high tide.

Your gifts are helping Baykeeper expand the water patrols with volunteer pilots to San Francisco Bay.

April 23, 2019 **INSIGHTS**

The Use of Drones in Environmental Compliance

Kelly Daly and Patrick Paul

Share this:



UCLA Institute of the Environment & Sustainability

[← BACK](#)

As use cases for unmanned aircraft systems (UAS) grow, their connections to the environment are becoming headlines on a routine basis. Drones are an emerging player in the environmental monitoring ground, air, and waterway. They are used for local and regional mapping, resource management, and environmental



Drones change the way advocates protect the environment

[f LIKE](#) [TWEET](#) [EMAIL](#) [PRINT](#) [MORE](#)



Choptank Riverkeeper Matt Pluta often uses his Mavic Pro to illustrate land and water issues for Shore Rivers. Bay Journal photo by Dave Harp

UAV-Based Gas Sensor Systems Help Control Air Pollution From Ocean-Going Vessels

[air quality](#), [technology](#)



https://www.americanbar.org/groups/environment_energy_resources/publications/natural_resources_environment/2018-19/spring/the-use-drones-environmental-compliance/

https://baykeeper.org/sites/default/files/image_upload/images/SFBaykeeper_Newsletter_18_Spring.pdf

<https://marylandreporter.com/2019/03/18/drones-change-the-way-advocates-protect-the-environment/>

<https://www.ioes.ucla.edu/project/using-drones-to-monitor-sulphur-emissions-by-ships/>

2021 Risks & Trends

The Outlook for the Year Ahead

Trends We Are Tracking

- **COVID Impact**
 - Digital Connections (COVID, WFH)
 - Enforcement
- **Enforcement Increase**
 - DOJ & EPA
- **Electronic Data Impact**
 - Public Datasets
 - Enforcement Initiatives
 - ESG via Investors & SEC
- **PFAS Regulatory Spread**



COVID Impact

Remote Work Drives Technology

TICKETLESS TRUCKING DISPATCH SOFTWARE IS BOOMING DUE TO COVID-19

Firms offering digital solutions to facilitate truck dispatching are seeing growing sales as contractors and Departments of Transportation look for ways to prevent the spread of the virus during construction. "Over the last four weeks we closed more business than in the last four years," says Tarun Nimmagadda, CEO of Ruckit, which sells trucking management software to help contractors and material producers move materials more efficiently.

Paper tickets, part of the traditional process used to verify the delivery of dirt, aggregates and asphalt to a jobsite, have the potential to spread the virus. And with many support employees working from home, some firms and agencies are currently unable to access paper documents.



Overview of Ohio EPA Virtual Site Visits

Part of Ohio EPA's core mission is to ensure compliance with environmental laws and regulations. During the COVID-19 pandemic, we have been effectively working with virtual tools and technology.

As we optimize our use of various technology tools, the Agency is now exploring opportunities to use these tools in the field through virtual site visits (VSV). In the near term, our ability to expand our field presence with these tools will allow us to continue collecting important information from our regulated entities while also protecting against the potential spread of COVID-19. In the longer-term, adding the use of virtual tools to the Agency's compliance toolkit, both from a compliance inspection and assistance standpoint, can help us reach even more facilities because of the efficiencies gained in reducing travel time, etc.

The Agency will pilot the use of VSVs for select categories of inspections (routine, single program, initial screening, non-enforcement related). We will be asking you to complete a survey after the VSV to help assess the effectiveness and improve the process.

This fact sheet provides guidance to help you learn which technology you will need and what you can expect during a VSV. The process itself will be very much like our normal inspection process.

Opening Meeting

The first step in the process will be a pre-meeting conducted by Ohio EPA by phone/video conference. We will discuss all logistics to ensure a successful VSV. The actual inspection will be accomplished virtually, using a live streaming application in combination with photographs.

Virtual Facility Walk-Through

During the VSV, you will walk the inspector through portions of the facility to identify all areas that would normally be evaluated on site. This type of evaluation will allow for a compliance/complaint evaluation inspection to occur without our inspectors entering your facility.

The use of virtual tools is not a substitute for the important in-person interactions needed during inspections and other field work and for effective engagement and outreach. However, the Agency is optimistic about the potential for expanding the use of these tools where they can be effective.

More Information

If you have questions about Ohio EPA inspections, contact your local Ohio EPA district office or the Office of Compliance Assistance and Pollution Prevention (OCAPP) at (614) 644-3469 or (800) 329-7518 for free help. OCAPP is a non-regulatory office of Ohio EPA with a goal of helping businesses understand and comply with the environmental requirements. [Click here](#) for a map of Ohio EPA's district offices.



Virtual Site Visit Tips

- Familiarize yourself with the media platform (ability to connect and stream video/photos) being used. You will need to download Teams or ensure that you are using Google Chrome or Microsoft Edge.
- What equipment do you need for the meeting (camera, phone, headset, earbuds, etc.)?
- Consider using a headset with a microphone if your facility is noisy.
- Speak clearly, mute your microphone and turn off your camera when it is not needed.
- Use the web camera in landscape mode versus portrait for most situations.
- When including multiple participants from different locations (supervisors, consultants, legal team, etc.), be aware of bandwidth issues that may affect video and audio quality.
- Update the facility diagram to help designate targeted focal points during the virtual inspection. Provide a copy to your inspector when scheduling the VSV.

Virtual Visits...a way forward

And a way to increase impact

COVID COMPLIANCE

2X OSHA Investigators

- Double the number of OSHA investigators to enforce the law and existing standards and guidelines. Under President Trump, OSHA currently has record low inspectors. Given the exigencies of this crisis, and the need for rigorous enforcement of workplace standards across the country, at least twice the number of inspectors are needed.

General Duty Clause		
OSH Act 5(a)(1)	The employer did not furnish a place of employment that was free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees. Under the general duty clause, employers must protect employees from COVID-19 hazards at the workplace by, for example, installing plastic barriers or ensuring social distancing.	<ul style="list-style-type: none">• Guidance on Returning to Work (Spanish)• Preparing Workplaces for COVID-19 (Spanish)• Specific Industry Guidance

WILL FINES GO UP?

Except as set forth herein, an owner or a person having possession of, or exercising dominion and control over a nonresidential property who violates the size or capacity limitations set forth in the DECD Sector Rules and DECD Gatherings Capacity Limits or other rules issued by the Commissioner of Economic and Community Development as published on the DECD website (<https://portal.ct.gov/DECD/Content/Coronavirus-Business-Recovery/Sector-Rules-and-Certification-for-Reopen>) (the "DECD Rules"), as amended from time to time, shall be subject to a civil penalty in the amount of **\$10,000.00 per violation**. Private gatherings at residential properties, religious, spiritual or worship gatherings, and graduations, so long as such gatherings are not held in settings otherwise governed specifically by the DECD rules, shall not be subject to such civil penalty, but shall remain subject to any and all other laws, regulations, orders or rules governing such activities. The civil penalty authorized by this Executive Order may be imposed by a Local Health Director, District Health Director, or a Municipal Designee appointed under Executive Order No. 7PP. The enforcement authority

- Owners and operators of indoor public settings that fail to enforce the face covering requirement, despite being directed by a law enforcement officer to enforce the requirement, can be charged with a class E crime punishable by a fine of up to \$10,000.



Newsom relies on education over fines to enforce virus edicts. New York is different



During the summer, residents of Modoc County watched a scaled-back Fourth of July parade, with few wearing masks, despite a state mandate that Gov. Gavin Newsom said he would enforce. (Modoc County Sheriff's Office)

By ANGELA HART | CALIFORNIA HEALTHLINE
DEC. 22, 2020 | 5 AM

SACRAMENTO — Nearly six months since Gov. Gavin Newsom promised to target businesses that are flagrantly violating public health orders to control the spread of

CORONAVIRUS AND PANDEMIC >

Why some older people are getting the vaccine in Southern California but others are striking out

Column: It took me just minutes to schedule a COVID-19 vaccine appointment. In Alaska

New L.A. County order gives older residents vaccine access by Thursday

L.A. schools should become COVID-19 vaccine centers, Beutner says

Tracking ICU capacity in California

Cases statewide >

2,994,748 confirmed
33,735 deaths

As of January 18, 6:02 p.m. Pacific

Enforcement Initiatives

2020 Penalties

\$160 Million (2019 - \$478 Million)

EPA settled 531 cases covering 562 facilities

“The trend follows a decline that started during the Obama years, but a recent study by University of Michigan law professor and former DOJ environmental attorney David Uhlmann found that the first two years of the Trump administration brought 70% fewer Clean Water Act prosecutions and 50% fewer Clean Air Act cases.”

-Pamela King, E&E News

Temporary Enforcement Policy

NOTE: After August 31, 2020, the Temporary Enforcement Policy is no longer in effect.

- EPA is mindful of the health and safety of the public, as well as our staff, and those of Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations during the COVID-19 pandemic. The agency is taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, EPA has issued a [temporary policy](#) regarding EPA enforcement of environmental legal obligations during the COVID-19 public health emergency.
- On June 29, 2020, EPA issued a memorandum on a [termination addendum](#) to the COVID-19 temporary enforcement policy. EPA has selected August 31, 2020, as the termination date for the temporary enforcement policy. (Posted **6/29/2020**)
- [Frequent Questions About the Temporary COVID-19 Enforcement Policy](#) (Updated **08/20/2020**)

Administration Changeover

“ The Biden administration will be forced to define key priorities that it can parade before the American people as concrete successes for the 2022 midterm elections. ”

-GreenBiz “Joe Biden’s Environmental Priorities First 100 Days”

<https://www.greenbiz.com/article/joe-bidens-environmental-priorities-first-100-days>

DOJ & EPA

New leadership

- New DOJ Environmental and Climate Justice Division
- Increase role for DOJ Environmental and Natural Resource Division (ENRD)
- Cross department collaboration with EPA
- Increase role for EPA Office of Enforcement & Compliance Assurance

The screenshot shows a Bloomberg Law article. At the top, there's a navigation bar with 'Bloomberg Law' and a search bar. Below that, the article title is 'Garland Would Bring Rare Environmental Chops as Attorney General'. The byline is 'By Associated Press'. There are 47 comments and a share button. The article date is 'Jan. 7, 2021, 9:25 AM'. The main image shows Merrick Garland. Below the image, there's a caption: 'Merrick Garland arrives at the Dirksen Senate Office building in Washington, D.C. in April 2016. Photographer: Andrew Harrer/Bloomberg'. At the bottom, there's a list of bullet points: 'D.C. Circuit Judge has weighed major environmental rules' and 'Would oversee DOJ efforts to boost enforcement, equity work'. On the right, there's a profile for 'Ellen M. Gilmer', Reporter, with social media icons.

The screenshot shows a PBS News Hour article. At the top, there's a navigation bar with 'PBS NEWS HOUR' and a 'Menu' button. Below that, there's a large image of Michael Regan. The article title is 'Biden picks regulator Michael Regan for EPA administrator'. The byline is 'By Associated Press'. There are 47 comments and a share button. The article date is 'Dec 17, 2020 1:20 PM EST'. The category is 'Politics'.

<https://news.bloomberglaw.com/environment-and-energy/garland-would-bring-rare-environmental-chops-as-attorney-general>

https://www.eenews.net/special_reports/powershift_2021/stories/1063718341

“**Earthjustice is pleased** to see that President-elect Biden plans to name **Merrick Garland** as the nation’s next Attorney General. ”

“Because ENRD is the only organization in this country that **files more environmental lawsuits** than Earthjustice.”



Continued Citizen Suits

Retired Texas shrimper wins record-breaking \$50 million settlement from plastics manufacturing giant

U.S. District Judge Kenneth M. Hoyt approved the settlement agreement between a scrappy environmental coalition and plastics giant Formosa. The settlement is the largest in U.S. history resulting from a citizen environmental suit.

BY **KIAH COLLIER** DEC. 3, 2019 UPDATED: 4 PM

<https://www.texastribune.org/2019/12/03/texas-judge-approves-settlement-agreement-water-pollution-formosa/>

Aggressive Enforcement

1. National Compliance Initiatives (NCI) back to National Enforcement Initiatives (NEI)
2. Focus on “Next Generation Compliance & Enforcement”
3. Wider recognition noncompliance is common

“Next Generation compliance and enforcement was a creation of the Obama EPA and was an attempt to use technology and other approaches to leverage EPA’s diminishing resources.”

- Carrick Brooke-Davidson of Williams Mullen

Part 2: Noncompliance with Environmental Rules Is Worse Than You Think 3

What kinds of violations matter?	4
What do we know about noncompliance?	7
1. Violations are common in the few programs with true noncompliance rates	8
2. Overwhelming data in many programs show that serious violations are widespread	13
3. In many programs compliance evidence is spotty, but the signs aren’t good	16
4. For many programs, compliance is unknown	19
5. For some important programs, EPA’s understanding of noncompliance is wrong	21
What’s the bottom line?	28

<https://joebiden.com/environmental-justice-plan/>

<https://www.williamsmullen.com/news/biden-administration-could-quickly-adopt-many-environmental-enforcement-policies-changes>

Recognition noncompliance is common place - <http://eelp.law.harvard.edu/wp-content/uploads/Cynthia-Giles-Part-2-FINAL.pdf>

Remote Enforcement

The world has gone digital, so will enforcement

Expanded Use of Off-Site Compliance Monitoring by EPA and States

With the COVID-19 public health emergency, the EPA recognized that performing all the on-site inspections planned for FY 2020 would pose a number of challenges. To continue compliance assurance, EPA worked to increase the use of off-site compliance monitoring techniques and provided guidance on conducting and reporting these activities. In FY 2020, the EPA conducted and reported nearly 5,000 separate off-site compliance monitoring activities.

Remote Video Partial Compliance Evaluations Workgroup

During the early months of the COVID-19 public health emergency, the EPA and most states were not able to safely conduct routine compliance inspections (i.e. on-site facility visits). In April 2020, the EPA established an EPA /State workgroup to explore ways to use remote video technology for our inspectors to conduct non-comprehensive reconnaissance observations to assess continuing compliance of regulated facility operations. These remote video partial compliance evaluations help the EPA or a state determine whether there are facilities whose conditions warrant a follow-up on-site inspection or an information request during the pendency of the COVID-19 public health emergency. Depending on the results of the pilots, the EPA and states may determine that this new tool may have value in supplementing government inspection resources even after the current public health emergency is over.

Digital Data

EPA Guidance Documents

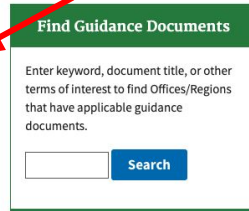
On October 9, 2019, President Trump signed [Executive Order 13891, "Promoting the Rule of Law Through Improved Agency Guidance Documents."](#) Among other things, the Executive Order directs federal agencies to make active guidance documents available via an online guidance document portal.

On October 31, 2019, the [Office of Management and Budget \(OMB\) issued implementing guidance M-20-02 \(PDF\)](#), which set deadlines and related information for establishing the searchable, indexed online database for all active guidance documents.

On October 19, 2020, EPA published its final rulemaking [EPA Guidance: Administrative Procedures for Issuance and Public Petitions](#), providing further detail about the agency's development and issuance of guidance documents. Additionally, the rule provides the public the means to petition the agency with requests to modify or withdraw an active guidance document.

This portal contains only documents that meet the definition of "guidance" and does not contain documents that are excluded from that definition. For guidance directed to the issuing agency or other agencies that is not in the public domain, such as internal executive branch legal advice or legal opinions, are not "guidance documents" under the Executive Order, their omission from the portal is required under Section 3(b) of the Executive Order.

EPA's guidance documents lack the force and effect of law, unless expressly stated. An agency may not cite, use, or rely on any guidance that is not posted on the portal.



Find Guidance Documents

Enter keyword, document title, or other terms of interest to find Offices/Regions that have applicable guidance documents.

The EPA Launched Improved Enforcement and Compliance Activity Dashboards

The EPA launched new versions of the [Enforcement and Compliance History Online \(ECHO\) Air Stationary Source Dashboard](#) and [Hazardous Waste Dashboard](#). These updates provide regulatory agencies, tribes, and the public a more user-friendly experience and the ability to see trends in agency compliance program implementation at a glance.

The public dashboards offer summary trends of EPA, state, and local compliance and enforcement activity, such as the number of violations found, or enforcement actions taken, by year. EPA worked with representatives of state and local government agencies, to improve the dashboards. In the coming months, the EPA will update the ECHO Clean Water and Drinking Water dashboards to this new format.

Smart Mobile Tools for Field Inspectors

Smart Mobile Tools for Field Inspectors (Smart Tools) redesigns the field inspection business process, moving away from paper-based documentation to an electronic suite of tools expected to improve the quality, consistency and timeliness of environmental field inspections. Smart Tools allows EPA and state inspectors to more easily collect and organize information needed to complete high-quality field inspection reports in timely manner. Regional and state inspectors have been involved at every step of system design. Smart Tools is truly "designed by inspectors, for inspectors."

PUBLIC DATA AS A PRIORITY

INVESTORS, SEC FOCUS ON ESG

<p>Item 103</p>	<p>Requires disclosure of any material pending legal proceedings including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Similar information is to be included for any such proceedings known to be contemplated by governmental authorities.</p> <p>Contains a threshold for disclosure based on a specified dollar amount (\$100,000) for proceedings related to Federal, State, or local environmental protection laws.</p>	<p>Revises Item 103 to:</p> <ul style="list-style-type: none"> • Expressly state that the required information may be provided by hyperlink or cross-reference to legal proceedings disclosure located elsewhere in the document to avoid duplicative disclosure; and • Implements a modified disclosure threshold that increases the existing quantitative threshold for disclosure of environmental proceedings to which the government is a party from \$100,000 to \$300,000, but that also affords a registrant the flexibility to select a different threshold
------------------------	---	--

- **The SEC should require that material ESG risks be disclosed in a manner consistent with the presentation of other financial disclosures**

Currently, disclosures that are made appear in a variety of types of documents and do not always clearly align with other issuer metrics. Material ESG risks should be presented in a manner consistent with the presentation of other financial disclosures, including temporarily aligning data with financial metrics, integrating ESG disclosure into required SEC filings and reports, and making the presentation machine-readable in a standard format and taxonomy.

<https://www.blackrock.com/corporate/investor-relations/larry-fink-ceo-letter>

<https://www.sec.gov/rules/final/2020/33-10825.pdf>

<https://www.sec.gov/files/potential-recommendations-of-the-esg-subcommittee-12012020.pdf>

<https://www.complianceweek.com/regulatory-policy/bidens-sec-set-to-require-disclosure-of-esg-climate-change-risk/29788.article>

Improved Disclosure for Shareholders

We believe that all investors, along with regulators, insurers, and the public, need a clearer picture of how companies are managing sustainability-related questions. This data should extend beyond climate to questions around how each company serves its full set of stakeholders, such as the diversity of its workforce, the sustainability of its supply chain, or how well it protects its customers' data. Each company's prospects for growth are inextricable from its ab

Biden's SEC set to require disclosure of ESG, climate change risk



By Aaron Nicodemus | Thu, Dec 3, 2020 1:12 PM



the Commission (SEC) under President-elect Joe Biden change-related risk alerts, guidance, and rulemaking companies to disclose how these risks affect their bottom

Public Datasets

NCI Highlights from FY 2020 include:

- Reducing the National Pollutant Discharge Elimination System (NPDES) Significant Non-Compliance one-quarter rate from a FY 2018 baseline of 20.3% to 16.4%, continuing progress toward achieving the goal of cutting the Significant Non-Compliance rate in half by FY 2022.

EPA COMPLIANCE ADVISORY OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

National Compliance Initiative: Reducing Significant Non-Compliance with National Pollutant Discharge Elimination System Permits

EPA Document # 305F20002 September 2020

Clean Water Agencies Increasing Attention to Significant Non-Compliance Dischargers

- 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 (SNC).
- EPA and state regulators are undertaking this National Compliance Initiative (NCI) 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.

How Can I Prepare for the NCI?

NPDES permittees are encouraged to assess their compliance status in one or both of the following ways:

- Review your discharge monitoring reports (DMRs).
- Use EPA's Enforcement & Compliance History Online (ECHO) tool to look up your facility (see "About ECHO" box).

If your facility has NPDES violations, EPA recommends that you take immediate action to correct them. Smaller facilities have not often been compliance and enforcement priorities for EPA or the NPDES authorized states. However, under this NCI, more attention will be given to facilities approaching or already in significant non-compliance—no matter their size.

EPA and its state and tribal partners will respond to SNC violations in a timely and appropriate manner. These violations are typically resolved either by prompt return to compliance or return to compliance following an enforcement action. Remember, violations are subject to enforcement by either the state or EPA, with potential federal penalties of up to \$54,883 per day per violation. A prompt return to compliance is critical to reduce the potential for an enforcement action.

Ensuring Timely and Accurate Compliance Data

Under the CWA, NPDES permittees are required to report their own compliance data. States and EPA rely on timely, accurate, and complete self-reporting by permittees (through DMRs and other reports) to evaluate compliance. Failure to report compliance data in a timely and accurate way is a violation of the permit and the CWA. EPA screens self-reported compliance data for signs of misreporting. It may refer facilities for inspection to verify that the reported information is correct, and for criminal or civil enforcement where fraud or violations are identified.

Reducing Penalties Through Voluntary Disclosure

Regulated entities who voluntarily discover, promptly disclose, expeditiously correct, and take steps to prevent recurrence of potential violations may be eligible for a reduction or elimination of any civil penalties that otherwise might apply. Most violations can be disclosed and processed via EPA's automated online "eDisclosure" system (see <https://www.epa.gov/compliance/epas-edisclosure>). To learn more about EPA's violation disclosure policies, including conditions for eligibility, please review EPA's Audit Policy website at <https://www.epa.gov/compliance/epas-audit-policy>. Many states also offer incentives for self-policing; please check with the appropriate state agency for more information.

More Information

The resources below can help you correct violations and achieve compliance.

Be sure to check your permit or contact your NPDES permitting authority (state or EPA) for compliance assistance information. For information on your state agency, use: <https://www.epa.gov/npdes/contact-us-general-information-about-mpdes>

Overview of This NCI

- <https://www.epa.gov/enforcement/national-compliance-initiative-reducing-significant-non-compliance-national-pollutant>

About ECHO

Enforcement & Compliance History Online (<https://echo.epa.gov/>) allows permittees to check their compliance status. A Detailed Facility Report in ECHO indicates whether a permittee has violations and is in significant non-compliance.

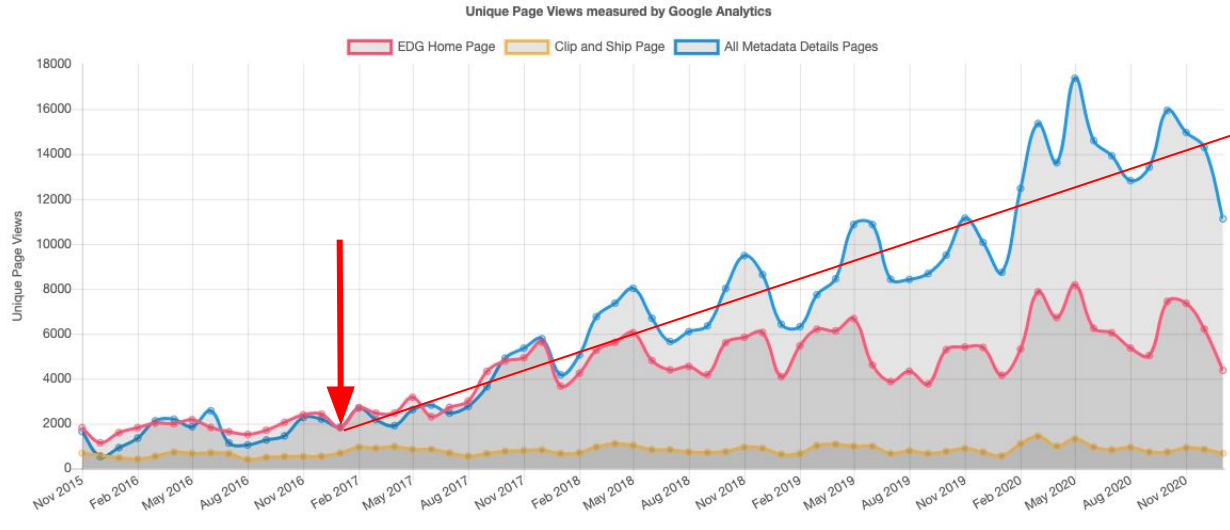
ECHO provides a quarterly breakdown of compliance history that describes instances of significant non-compliance. These can include an enforcement action or permit compliance schedule violation, violations of effluent permit limits, or a failure to submit timely Discharge Monitoring Reports. (Note: In some cases, significant non-compliance may be incorrectly designated due to data entry errors or data transfer problems.)

To view a Detailed Facility Report in ECHO, select the "Facility Name/ID" tab in the "Quick Search" box and search for the facility with facility-specific information. Click the icon "C" under the "Reports" column. Scroll down to the table titled "Compliance Summary Data" and check for a "Yes" or "No" in the "Current SNC/HPV" column. If it is marked "Yes", review the "Three-Year Compliance History by Quarter" table for additional information.

Open Data

EDG Usage Metrics

This page shows page view metrics for the EDG site as well as data download statistics for the two EDG data hosting sites. The counts are updated on a monthly basis.



Next, Next Generation Technology For Enforcement

Innovations for environmental compliance: emerging evidence and opportunities

| Feb 2020 Policy Brief

By Elinor Benami, Daniel E. Ho and Anne McDonough

RELATED LINKS

[Daniel Ho](#)

KEY TAKEAWAYS

- Environmental practices have improved significantly over the last half century, but noncompliance with environmental law remains stubborn.
- New data sources and machine learning are powerful tools to assess risks, enhance enforcement and improve compliance.
- Learning how to best combine machine learning with compliance interventions will require collaborative partnerships to rigorously pilot and evaluate impacts.

Environmental law aims to protect the air, water, and land that our communities are built around. Despite significant improvements in environmental practices over the last half century, noncompliance with U.S. environmental regulations remains pervasive. Tens of millions of Americans remain exposed to unsafe drinking water and pollution hotspots where exposure to toxic emissions increase health risks (Allaire et al. 2018; Gallay 2019).

Some of the best evidence on the extent of noncompliance comes from a series of large-scale, randomly-sampled evaluations conducted by the U.S. Environmental Protection Agency in the early 2000s. The results showed that, for example, 61 percent of municipalities with combined storm and wastewater systems failed to maintain adequate minimum controls for managing overflows. Overflows in these systems can include releases of untreated stormwater, human and industrial wastes, toxic materials, and debris. Separately, over the last eight years, 60 to 75 percent of the nearly 7,000 major facilities with Clean Water Act permits — including the largest and highest impact power plants and wastewater treatment facilities — have reported they are not in compliance with federal law.

PFAS Regulatory Spread

Focus on PFAS

Regan became environmental chief in North Carolina in 2017. State officials there are grappling with contamination from PFAS industrial compounds and other industrial polluters.

Regan points to his efforts to hold accountable the chemical industry, the main business blamed for the toxic PFAS pollution. His work ranging from improving regulation of the state's power plants to farms to releasing a plan to cut climate-damaging greenhouse gas pollution from power plants by 70 percent within 10 years.

PFOA, PFOS and Other PFASs

PFAS Home

Basic Information on PFAS

EPA Actions

PFAS Infographic

Data and Tools

State Information

EPA's PFAS Action Plan

EPA's PFAS Action Plan outlines concrete steps the agency is taking to address PFAS and to protect public health.

EPA's Per- and Polyfluoroalkyl Substances (PFAS) Action Plan:

- Demonstrates the agency's critical national leadership by providing both short-term solutions and long-term strategies to address this important issue.
- Provides a multi-media, multi-program, national research, and risk communication plan to address this emerging environmental challenge.
- Responds to the extensive public input the agency has received over the past year during the PFAS National Leadership Summit, multiple community engagements, and through the public docket.

EPA is taking a proactive, cross-agency approach to addressing PFAS. The key actions EPA is taking to help provide the necessary tools to assist states, tribes, and communities in addressing PFAS are summarized in the fact sheet below.

Background

EPA continues to [make progress under its PFAS Action Plan](#) to protect the environment and human health, including:

Highlighted Action: Drinking Water

- In December 2019, EPA accomplished a key milestone in the PFAS Action Plan by publishing a new validated method to accurately test for 11 additional PFAS in drinking water. Method 533 complements EPA Method 537.1, and the agency can now measure 29 chemicals.
- In February 2020, EPA took an important step in implementing the agency's PFAS Action Plan by proposing to regulate PFOA and PFOS drinking water.
- EPA also asked for information and data on other PFAS substances, as well as sought comment on potential monitoring requirements and regulatory approaches.
- In November 2020, EPA issued a memo detailing an interim National Pollutant Discharge Elimination (NPDES) permitting strategy for PFAS. The agency also released information on progress in developing new analytical methods to test for PFAS compounds in wastewater and other environmental media.

<https://www.epa.gov/newsreleases/new-interim-strategy-will-address-pfas-through-certain-epa-issued-wastewater-permits#:~:text=In%20December%202019%2C%20EPA%20accomplished,additional%20PFAS%20in%20drinking%20water.&text=In%20November%202020%2C%20EPA%20issued,NPDES%20permitting%20strategy%20for%20PFAS.>

Summary

- COVID Impact will change the way we run EHS programs (digital)
- EPA & DOJ leadership will drive rapid changes
- Enforcement is going up, way up in 2021
- PFAS will be the emerging issue on the technical front

What's Next



Today's world of risk and disruption demands resilient systems

In the past....

Compliance programs required less resources and less specialized skills to manage effectively



Paper Worked

Information could reside locally in files, it did not have to be used frequently



Simpler Rules

Regulations were easy enough for non-experts to comprehend



Minimal Oversight

Internal and external oversight and enforcement was limited

Today...

The speed, complexity and consequences of compliance is outpacing the bandwidth of compliance staff



More Connected

There's an unprecedented need to connect to people, data and documents in real-time




More Complexity

Regulations are evolving quickly and they are drastically expanding in breadth and depth



Sharper Consequences

Non-compliance has more serious and far-reaching legal and financial consequences



The most resilient companies meet
rising compliance demands **without
disruptions to their business**

Those who embrace technology can
make **decisions based on data,**
operate more efficiently, and avoid
violations and lawsuits.

Stay ahead of risk

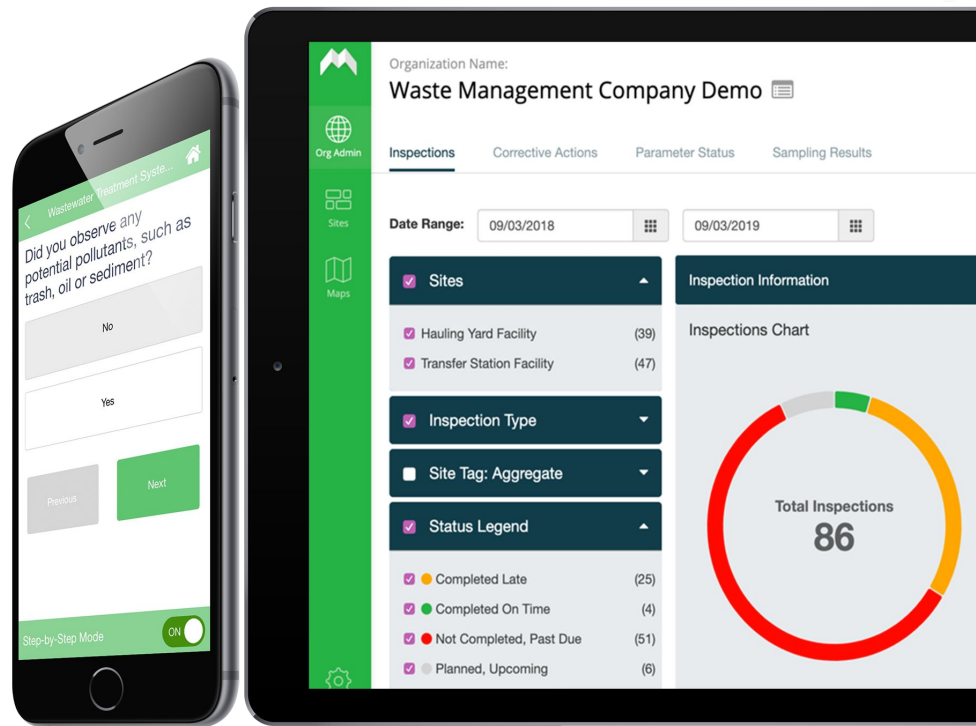
Streamline compliance workflows for facility staff and corporate teams

- Instantly monitor results across locations
- Real-time inspection, automated corrective actions, and historical reports
- Build and retain a powerful records repository
- Proactive monitoring, alerts and notifications to keep stakeholders informed



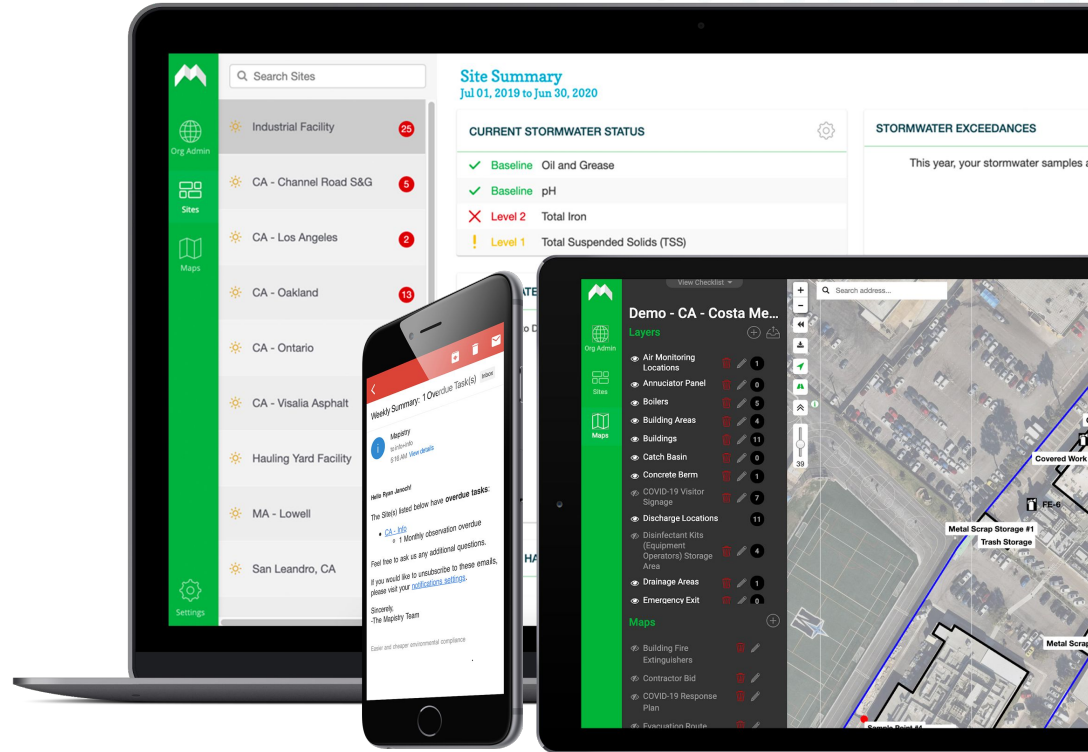
Capture

Capture, manage and track environmental data in real-time



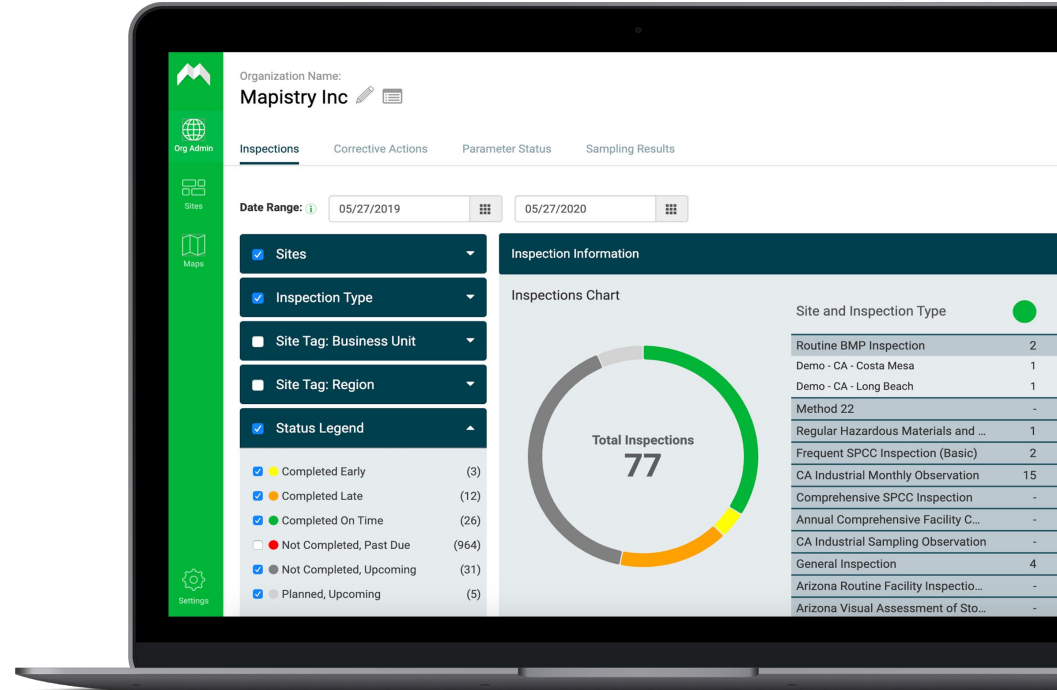
Control

Centrally manage the quality of day-to-day compliance tasks, documents, and plans



Analyze

Give yourself and leadership 24/7
visibility into compliance health



Questions?

Thank You!

(800) 553-7420

INFO@MAPISTRY.COM

Sources

- 2020 EPA Annual Compliance Report (Story Map) - <https://epa.maps.arcgis.com/apps/Cascade/index.html?appid=9dfe57199392498f872bac6bf2e4867c>
- 2019 EPA Annual Compliance Report (Story Map) - <https://epa.maps.arcgis.com/apps/Cascade/index.html?appid=c85b89aecc7140f99ca95bc96c664091>
- <https://www.conexpoconagg.com/news/ticketless-trucking-dispatch-software-is-booming-d>
- Ohio EPA Virtual Site Visits - <https://gtenvironmental.com/wp-content/uploads/2020/08/OverviewVirtual-Site-Visits.pdf>