

# **U.S. Environmental Protection Agency Annual Noncompliance Report (ANCR)**

A State-by-State  
Summary of Violations and Enforcement Response  
At Smaller Clean Water Act Dischargers under the  
National Pollution Discharge Elimination System (NPDES) Program

Calendar Year 2010

US Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
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## Contents

Introductory Message from Assistant Administrator Cynthia Giles.....	1
At a Glance - Summary of Annual Noncompliance Report.....	2
What Is This Report About? .....	3
NPDES Program Background.....	4
Process for Generating the Calendar Year 2010 ANCR Report .....	4
How Does Enforcement Work? .....	5
Changes in Reporting and Qualifications about the Data Reported .....	5
What Data are Included? .....	6
Key National Findings.....	7
Detailed Results and Analyses .....	11
1. Total Percentage of Facilities Reviewed .....	11
2. Percentage of Reviewed Facilities with Violations .....	12
3. Percentage of Facilities Reviewed with Serious Violations (i.e., Category I).....	12
4. Serious Noncompliance Rates for Non-major vs. Major Facilities .....	13
5. Percentage of Violating Facilities with Informal Enforcement.....	14
6. Percentage of Violating Facilities with Formal Enforcement .....	14
7. Penalty Amounts Assessed .....	15
8. Noncompliance with Construction Schedules .....	16
Regional Contribution .....	17

## Attachments

Attachment 1: Calendar Year 2010 ANCR Data for Each State, Grouped by Magnitude of Changes Made to the Data Compared to Data in NPDES National Data Systems

Attachment 2: Description of Data Metrics

Attachment 3: List of Facilities with Extended Compliance Schedules

## **Introductory Message from Cynthia Giles, Assistant Administrator**

This Annual Noncompliance Report (ANCR) for calendar year 2010 provides valuable information about the state of compliance among smaller individually-permitted facilities that report self-monitoring data under the Clean Water Act (CWA) National Pollution Discharge Elimination System (NPDES). The information in this report shows that regulated facilities must do a better job complying with the effluent limits established in discharge permits issued to them by the states, territories, or United States Environmental Protection Agency (EPA) (permitting authorities). Those effluent limits are designed to preserve and protect our rivers, streams, and lakes—which support aquatic life, provide drinking water, and allow recreational uses such as fishing and swimming. Although one permittee with a violation may not result in serious water quality degradation, the combined effect of many facilities discharging above their permitted limits could be substantial.

The Clean Water Act Action Plan, which the EPA is now implementing, is designed to improve transparency and public scrutiny of NPDES information, and address water pollution problems through collaboration among EPA and the states and territories. Shining a public light on violators, and government's response to violators, provides an incentive for compliance by permittees and for nationally-consistent program implementation by government agencies. I am pleased to report that EPA saw a decline in violations from facilities in states that keep a full inventory of data in EPA's information systems. I am hopeful that EPA's transparent portrayal of this information will continue to drive the improvements that are noted in this report. For example, states that provide EPA with only summary information appear to have reported more accurate data in 2010. While this improvement is reflected in a higher reported rate of violations in those states, I believe the apparent increase is more likely the result of states and territories providing more accurate information to the public. In the future, EPA would like the public to have a full inventory of all violations in all states and territories. To help make this happen, EPA is developing an Electronic Reporting Rule for NPDES dischargers. As proposed, implementing that rule would result in a complete national repository of data about virtually all NPDES permittees, including data about the facilities, their permits, their violations, and all compliance or enforcement activity – allowing release of data in this report to be more timely and in-depth.

EPA continues to work with states and territories to address the central problem identified in this report – namely, that noncompliance rates are too high and enforcement is too infrequent in the CWA NPDES program. EPA is working to ensure that violations are dealt with in a consistent way across the states and territories. Authorized states and territories will be at the forefront of efforts to ensure compliance with the NPDES permits they issued. EPA will continue to implement the program in the states and territories that are not authorized to do so.

As shown in this report, many violations from smaller facilities do not receive any enforcement. It is my goal to ensure that there is real enforcement presence throughout the NPDES program to deter violations from occurring and improve compliance with the law.

To prepare this report, EPA collected summary data from each state and territory. Many states also submit some or all of the detailed facility-level data behind their summaries,

even though it is not required by EPA. As you read this report, it is important to remember that it covers only smaller individually-permitted facilities that report self-monitoring data under CWA NPDES. These facilities, referred to throughout the report as ANCR permittees, are 41,299 out of more than 440,000 facilities covered by NPDES. This report does not include results from large facilities with traditional effluent controls or from so-called non-point sources, such as storm water discharges from construction sites or municipalities, sewer overflows, or discharges of animal wastes from livestock and poultry operations, all of which are the focus of ongoing EPA initiatives. Although this report is not a full inventory of all sources and enforcement activities, it still represents an important look into the state of compliance for the NPDES program.

## **At a Glance - Summary of Annual Noncompliance Report**

Throughout this report, the phrase “permitting authority” refers to the governmental unit issuing the applicable NPDES permits. Forty-six states and the Virgin Islands have received authority to implement the main NPDES program in their jurisdictions. For that reason, they would be the permitting authority for the majority of facilities within their jurisdictions. EPA, either nationally or through a regional office, is the permitting authority for all facilities in the four remaining states and the remaining territories, all of the tribal lands, most federal facilities, subprograms that are being administered nationally (e.g., vessels), and on a state-by-state basis, subprograms that have been authorized to fewer than the 46 states (e.g., biosolids).

### Key Statistics

Permitting authorities reviewed discharge data for 82% of ANCR permittees to determine whether violations occurred (compared to 87% in 2009 and 75% in 2008). Historically, violation rates have been dropping in states that provide detailed data to EPA (verified states), and rising for states that provide general statistics without detailed supporting information (non-verified states). In CY2010, the overall violation rates for these groups have essentially converged, but there is still a difference in the rates for more serious violations (Category I). EPA believes the falling violation rates in verified states are due, in large measure, to the fact that their data is available to the public. EPA believes this fact leads to increased attention to data quality, which reduces the number of false violations caused by poor data entry, and fewer actual violations by permittees. In short, providing information to the public, combined with the power of public accountability, is driving better performance by regulated facilities and government.

EPA also believes that rising violation rates in non-verified states reflects better attention to reviewing and tracking violations that would not have been reported to EPA in prior years.

**Table 1. Violation and Serious Violation Rate Trends by Year**

<b>Year</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Violation Rate – Verified States	73%	63%	47%
Violation Rate – Non-Verified States	39%	36%	44%
Violation Rate – Overall	45%	45%	45%
Category I Violation Rate – Verified	60%	46%	35%

Category I Violation Rate – Non-Verified	18%	25%	25%
Category I Violation Rate - Overall	26%	28%	29%

- Enforcement increased from 2008 to 2009, and again to 2010.
  - Overall, the percent of ANCR permittees with violations that received formal enforcement actions jumped to 10%, which is an increase from 7.7% in 2009 and 7.6% in 2008.
    - 1,631 ANCR permittees received formal enforcement actions. This is an increase from 1,156 in 2009, and 1,014 in 2008.
    - EPA regions indicated that 141 noncompliant ANCR permittees received formal enforcement actions from EPA in calendar year 2010 (compared to 15 in 2009). EPA’s NPDES program does not receive funds that are comparable to the State and Tribal Assistance Grants (CWA sections 106 and 319) that are available to authorized states.
  - Additionally, 74% of ANCR permittees with violations received an informal enforcement action, such as a warning letter, from a permitting authority. This is a significant increase from the 53% reported in 2009.
- Permitting authorities assessed \$17.7 million in penalties in 2010, down from \$23 million in 2009.
- There continues to be a wide variability in penalty assessments by state. Permitting authorities in California, Illinois, New York and Texas accounted for 58% of all penalties (\$10.4 million out of \$17.2 million), while permitting authorities in 21 states and territories assessed no penalties.

## What Is This Report About?

The ANCR is required by federal regulation (40 CFR 123.45(c)). The facilities covered by the ANCR are generally smaller individually permitted facilities and are not considered to be major dischargers of wastewater or stormwater. They are referred to as ANCR permittees in this report. Data submitted by the states for the ANCR consists primarily of summary information, rather than facility specific data - the states tell EPA the number of ANCR permittees that were reviewed, found to be in noncompliance status and were the subject of various enforcement activities. Some states provide EPA with relatively complete data tracking – allowing EPA to identify all necessary data reported for the ANCR. Other states provide the summary data manually to EPA. In addition to overall compliance data, states are required to provide the names and permit numbers of facilities that are on extended compliance schedules. EPA recently released comparable information about major facilities on the Enforcement and Compliance History Online (ECHO) website (<http://www.epa-echo.gov/echo/>).

Information related to this report is available through an interactive website (at <http://www.epa-echo.gov/echo/ancr/us>) that allows the user to review the ANCR data provided by each state.

## **NPDES Program Background**

To help regulate and manage pollution to the nation's waterways, facilities discharging pollutants to surface waters are required to apply for NPDES permits. Those permits can be issued individually, or under a broader general permit. Individual permits typically cover discharges of pollutants to receiving waters from specific outfalls or pipes (point sources) from factories, mines, other industrial facilities, municipal wastewater treatment plants, but also apply to construction sites, sewer system overflow points, and concentrated animal feeding operations.

EPA provides oversight to authorized programs and retains the ability to enforce the NPDES program, in those states. Additionally, EPA implements all aspects the NPDES programs in the remaining four states (Massachusetts, New Hampshire, New Mexico, and Idaho), in the remaining U.S. territories, for federal facilities and on Tribal Lands. For purposes of this report, the term "permitting authority" refers to the unit of government - EPA, a state government, or a territory government - which issues the NPDES permits for a particular permittee.

In accordance with the NPDES permit requirements, each permittee self-monitors its pollutant discharges for a set of specified pollutant parameters at one or more specified locations and on a specified monitoring frequency. Permittees are required to submit these certified, self-monitoring data to their permitting authority. Although states and territories are not required to provide EPA with detailed information about facility-specific discharges from ANCR permittees, many states do send the information to EPA voluntarily. Using that data, EPA's information systems are able to calculate effluent violations of each of those permits. States that do not provide this level of information to EPA for ANCR permittees are required to have their own data tracking systems and are required to provide EPA with a summary view of their NPDES program's activities and results.

The CWA regulations require permitting authorities to review the self-monitoring data submitted by permittees and assess compliance with the permit, conduct inspections of the facilities, review required facility reports related to specific aspects of the NPDES program, identify instances of noncompliance, and take the necessary enforcement actions.

## **Process for Generating the Calendar Year 2010 ANCR Report**

The process used to obtain and compile the NPDES information from the states for the ANCR report for calendar year 2010 was as follows:

- EPA Headquarters issued a "call memorandum" to the EPA regions requesting their assistance in obtaining the ANCR data from the states on December 16, 2011.
- This memorandum established a February 2<sup>2012</sup>, deadline by which the NPDES information should be obtained from the states.
- EPA included with that memorandum a table that summarized the relevant NPDES information currently available for each state according to EPA's NPDES national data systems: the Permit Compliance System (PCS) and its replacement, the Integrated

Compliance Information System for the National Pollutant Discharge Elimination System (ICIS-NPDES).

- The due date was later extended to March 2, 2012.

## **How Does Enforcement Work?**

EPA and the states use a variety of enforcement techniques to compel compliance under the law. Where applicable, an authorized state or territory typically takes the lead on all enforcement activities within its jurisdiction; but, even in those jurisdictions EPA retains the right to act. For example, EPA may initiate an enforcement response if the state requests help, if a case is of national interest, or if EPA is not satisfied with the state's response.

When permit violations are detected, the general enforcement process begins with informal actions, but can escalate to more formal enforcement actions depending on the severity and duration of the violation. For example, the permitting authority may send a warning letter (an informal action) as a first step to returning a facility to compliance. Many violations are corrected in response to such warnings. In some situations, the permitting authority may issue a fine to deter future violations – these are referred to as administrative penalty orders. Formal enforcement actions are sometimes necessary to return a facility to compliance. Formal enforcement actions include administrative compliance orders, or an equivalent state action, and civil judicial referrals to the U.S. Department of Justice or to the applicable state Attorney General. Formal enforcement actions require permittees to take corrective actions to achieve compliance, specify a timetable for those actions, outline the consequences of noncompliance (once established these are usually independently enforceable, without having to prove the original violation), and subject the permittee to adverse legal consequences for noncompliance. Fines frequently accompany these actions.

Neither the states nor EPA have enough resources to carry out formal enforcement for every NPDES violation, and the potential water quality impacts at major facilities and other point sources (e.g., illegal sewer overflows, discharges of manure from Concentrated Animal Feeding Operations (CAFOs), and storm water discharges, etc.) are generally more significant than they are for many ANCR permittees. For that reason, enforcement at those larger sites might be a higher priority. However, EPA expects permitting authorities to have an enforcement presence in all aspects of the NPDES program to deter noncompliance. The information in this report allows users to evaluate how vigorous the enforcement program is for ANCR permittees. Additional information about other enforcement actions is available on the ECHO website, and at [www.epa.gov/compliance](http://www.epa.gov/compliance).

## **Changes in Reporting and Qualifications about the Data Reported**

It is important to note that the following limitations and attributes exist regarding the data reported:

- Under the ANCR regulations at 40 CFR 123.45(c), EPA collects only statistics on a state summary level, and does not require states to provide information regarding which

specific permittees had noncompliance events or were subject to enforcement actions (more detailed information is required for NPDES *major* permittees).

- There is no existing requirement for states to provide EPA with facility-specific, self-monitoring, violation, enforcement action, or penalty data for ANCR permittees. Therefore, this information for ANCR permittees is incomplete in EPA's existing NPDES data systems for many states.
- However, 10-15 states have consistently provided EPA with much more detailed facility-specific information regarding the noncompliance status of these ANCR permittees for several years. Users of the interactive ANCR website will see information describing how complete each state's violation and enforcement data are.
- Existing federal regulations (40 CFR 123.45(c)) specify that states provide EPA with a count of the number of enforcement actions taken by states to address noncompliance by these ANCR permittees.
- For ANCR purposes, EPA requested that states provide a count of the number of formal enforcement actions taken by states (i.e., enforcement actions that require compliance and typically include a schedule that the facility needs to meet).
- Many states expressed concern that previous ANCR reports do not provide a full picture of all enforcement efforts conducted in this universe, so this year, the report was expanded to include new data fields.
- In this 2010 ANCR, EPA includes informal enforcement actions along with administrative penalty orders (fines) as separate from formal enforcement actions. Additionally, EPA gathered data regarding penalty amounts against the ANCR permittees for each state.
- EPA has augmented the 2010 ANCR with information about regional enforcement activities, so users can see the combined activities of the states and EPA.

## **What Data are Included?**

Under the ANCR reporting requirements and guidance, every NPDES permitting authority (state, territory, or EPA Regional Office) is required to provide the following summary information regarding its ANCR permittees:

- Number of ANCR permittees
- Number of ANCR permittees reviewed by the state/region
- Number of ANCR permittees reviewed and found to be in Category I noncompliance (i.e., more serious violations)
- Number of ANCR permittees reviewed and found to be in Category II noncompliance (excluding those in the previous category)
- Number of non-complying ANCR permittees receiving informal enforcement actions



- Number of non-complying ANCR permittees receiving administrative penalty orders
- Number of non-complying ANCR permittees receiving a formal enforcement action
- Number of non-complying ANCR permittees receiving either a formal enforcement action OR an administrative penalty order
- Dollars of penalties assessed against non-complying ANCR permittees
- Number of permit modifications extending compliance deadlines granted to non-complying ANCR permittees.

Please see Attachment 2 for more detailed descriptions of these data fields. Additionally, every permitting authority is required to submit a facility-specific list of ANCR permittees that are one or more years behind in the construction phases of their compliance schedule.

## Key National Findings

The key national findings of the 2010 Annual Noncompliance Report for NPDES Non-major Permittees include the following:

- Universe: Permitting authorities reported that there were 41,929 ANCR permittees in CY 2010 (by comparison, there are about 6,700 major facilities and the full NPDES universe is approximately 440,000 permittees).
- Reviewed for Noncompliance: Permitting authorities reviewed the noncompliance status for 82% of the ANCR permittees. This is down from 87% in 2009, but still significantly better than the 75% reviewed in 2008. (EPA considers a facility “reviewed” if the discharge amounts were compared to the limits to form a determination of compliance or violation or if an inspection or other compliance determination effort occurred).
- Noncompliance and Serious Noncompliance: This report splits noncompliance reporting into two groups based on how the states report the data to EPA. For states providing detailed facility information to the national information system (referred to as “verified states”) the system automatically compares permit limits and effluent measurements to assess noncompliance rates. States that provide summary information without facility violation details are categorized as “non-verified” and EPA relies on the states’ assessments of noncompliance. The severity of the noncompliance is monitored for both groups. Serious noncompliance (referred to by the regulatory term “Category I”) normally involves repeat violations and violations that are well above the permit limit. Category II noncompliance encompasses any other violation of the permit. (The categories are defined in more detail later in this report). Depending on the nature of its violations, a facility could be included in both Category I and Category II during the same year, but for the purposes of the ANCR, such cases would only be reported as Category I noncompliance.

**Table 1. Violation and Serious Violation Rate Trends by Year**

<b>Year</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Violation Rate – Verified States	73%	63%	47%
Violation Rate – Non-Verified States	39%	36%	44%
Violation Rate – Overall	45%	45%	45%
Category I Violation Rate – Verified States	60%	46%	35%
Category I Violation Rate – Non-Verified States	18%	25%	25%
Category I Violation Rate - Overall	26%	28%	29%

- Analysis of Noncompliance and Serious Noncompliance: Comparing the results from 2008 through 2010 shows noncompliance is consistently trending down in states with “verified” data, but generally trending up in states with “non-verified” data. EPA believes the falling violation rates in verified states are due, in large measure, to the fact that their data is available to the public. EPA believes this fact leads to increased attention to data quality, which reduces the number of false violations caused by poor data entry, and fewer actual violations by permittees. In short, providing information to the public, combined with the power of public accountability, is driving better performance by regulated facilities and government. The increased noncompliance in non-verified states might be attributable to increased review of the data by these states. A key goal of making the data more transparent is to improve the accuracy of reporting – and EPA believes states are making strides in that direction.
- Enforcement:
  - Permitting authorities took 10,976 informal enforcement actions against ANCR permittees in 2010, substantially higher than the 8,159 actions in 2009.
  - Permitting authorities took 1,631 formal enforcement actions against ANCR permittees in 2010. This is up significantly from 1,156 actions in 2009, and 1,014 actions in 2008.
  - The ratio of formal enforcement actions to instances of non-compliance was 11%, up from 7.7% in 2009.
  - The ratio of formal enforcement actions to instances of Category I noncompliance was 16%, up from 12.5% in 2009.
- Penalties: Permitting authorities assessed \$17.7 million in penalties in 2010, compared to \$23.3 million in 2009. Data on penalties was not collected in 2008.
- Compliance Schedules: Permitting authorities indicated that 384 ANCR permittees were one year, or more, late meeting their construction schedule deadlines. This compares to 535 in 2009 and 437 in 2008. These permittees are listed in Attachment 3.

For complete state statistics, see Attachment 1 or visit the interactive website:  
<http://www.epa-echo.gov/echo/ancr/us/>.



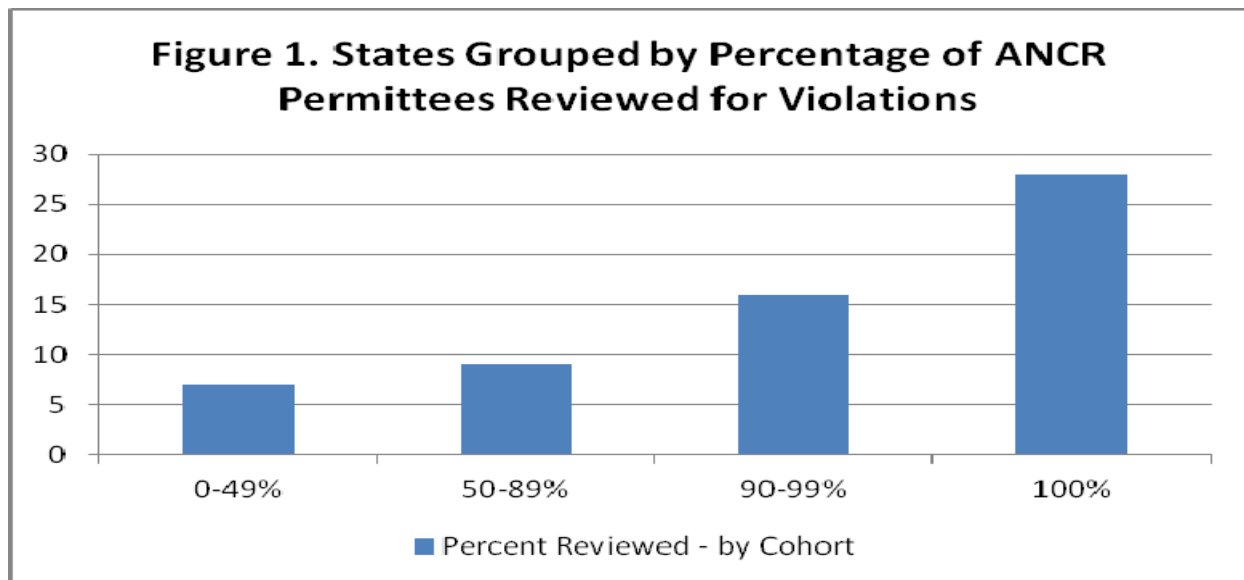
## Detailed Results and Analyses

### 1. Total Percentage of Facilities Reviewed

Reviewing permittees' effluent reports and other permit conditions allows the permitting authority to determine whether violations occurred, and then take appropriate action. For calendar year 2010, permitting authorities indicated that they reviewed the compliance status for 82% of the ANCR permittees covered in this report. This is down from the 87% reviewed in 2009, but significantly better than the 75% reviewed in 2008.

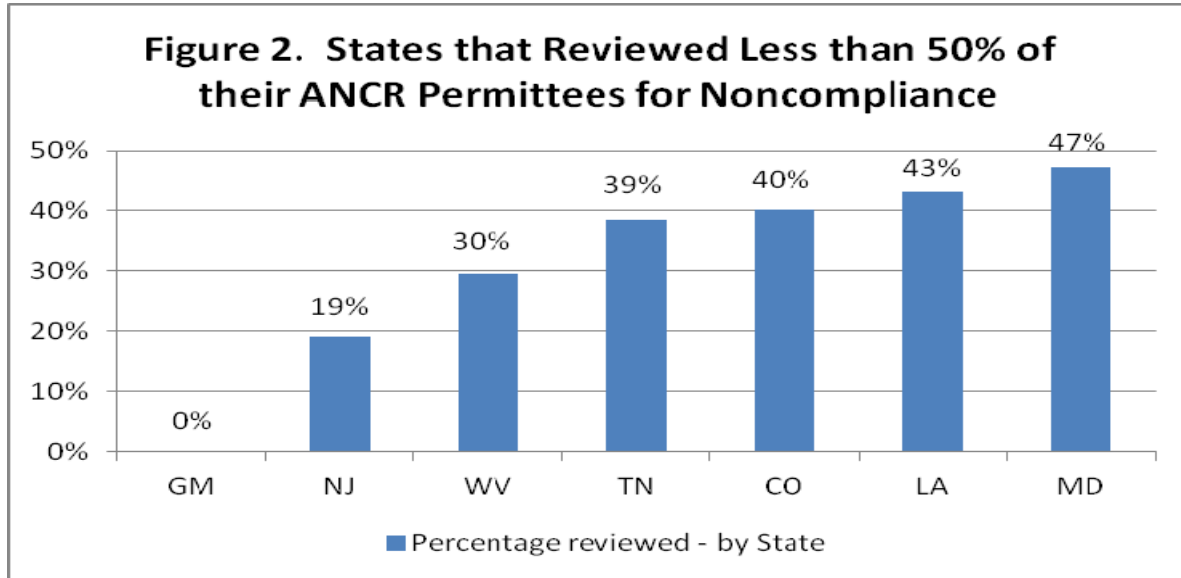
“Reviewed” means that the permitting authority made a reasonable effort to evaluate the compliance status of those ANCR permittees. The main element of those reviews is a comparison of applicable effluent limits to the self-reported monitoring data submitted by the permittee. Reviews can be performed manually, or automatically by an EPA or state NPDES data system. Compliance reviews performed in conjunction with inspections or prior to permit re-issuance are also counted as reviews for the ANCR.

For calendar year 2010, 29 permitting authorities reviewed the compliance status of 100% of their ANCR permittees. Those states and territories were Alaska, American Samoa, Arizona, California, District of Columbia, Guam, Idaho, Iowa, Northern Mariana Islands, Midway, Michigan, Minnesota, Missouri, Navaho Nation, Nevada, New Mexico, North Dakota, Oklahoma, Pennsylvania, South Carolina, Saint Regis, Vermont, Virgin Islands, Virginia, Washington, Wisconsin, and Wyoming.<sup>1</sup> (Figure 1 indicates the number of states grouped by percentage of individually-permitted non-major permittees reviewed for noncompliance).



<sup>1</sup> The states of Alaska, South Dakota, and Washington are being credited for reviewing 100% of their permittees, but overall these states are less than 100% because EPA also issues permits in these (and other) states, and EPA did not review 100% of its permits in these states.

Seven states or territories reviewed the compliance status of fewer than 50% of their ANCR permittees (see Figure 2). This is more than the four reported in 2009, but still an improvement from the eight reported in 2008. This is significant because violations are more likely to go undetected when reviews are not conducted.



**2. Percentage of Reviewed Facilities with Violations**

As noted previously in Table 1, approximately 45% of the ANCR permittees were in violation in CY2010. This is consistent with the 45% rate from 2008 and 2009. The violation rates, overall and Category I, were higher among states submitting verified data than they were for states reporting manually (non-verified data). The overall noncompliance rate was 47% for verified states and 44% for non-verified states. EPA believes the rates from states with verified data are more representative because they include a comprehensive look across all effluent reports that are submitted by permittees.

**3. Percentage of Facilities Reviewed with Serious Violations (i.e., Category I)**

As noted in Table 1, 29% of reviewed ANCR permittees had serious violations. The rate is higher in verified states (35%) than in non-verified states (25%). Below is a more detailed explanation of how violations are classified within this report.

There are two classifications of violations discussed in this report, both of which involve calculations about the type, duration, and magnitude of problems. Category I violations (serious violations) are defined in the CWA regulations. For example, Category I violations are flagged when a “toxic” pollutant is measured to be more than 20% over the permitted limit, or

if a “conventional” pollutant is more than 40% over limit.<sup>2</sup> Extended failure to meet compliance schedule milestones, failure to meet enforcement order conditions, and failure to submit monitoring data or compliance reports are also included as serious violations. EPA’s national databases automatically calculate Category I violations related to permit limits. States are not required to enter or send these data to EPA’s database (for non-major permittees), although some states do so.

States that do not enter or send these ANCR permittee data to EPA are required to maintain a database capable of calculating Category I violations. However, some states were still not able to distinguish between Category I and Category II violations (so there are no data available through the ANCR regarding the number of permittees with serious violations in those states). This distinction is used by other states to help identify which ANCR permittees are most in need of formal enforcement response. The federal regulations requiring state submission of this information for the ANCR states that “the statistical information shall be organized to follow the types of noncompliance...” described as Category I noncompliance and Category II noncompliance. Nine states (Arizona, California, Hawaii, Louisiana, Michigan, Oregon, Pennsylvania, South Carolina, and Wisconsin) did not make that distinction when providing noncompliance information to EPA for purposes of this ANCR. This gap in reporting indicates that these states may not have an automated way to distinguish the more severe violations from other violations.

#### **4. Serious Noncompliance Rates for Non-major vs. Major Facilities**

Although the ANCR provides information regarding ANCR permittees, a comparison to the noncompliance rate for the major facilities is informative. For **major** permittees, serious violations are described as significant noncompliance (SNC), which is roughly comparable to Category I for ANCR permittees because the same thresholds (20% and 40% over permit limits) are used in the calculation.<sup>3</sup>

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<sup>2</sup> Conventional pollutants are pollutants typical of municipal sewage, and for which municipal secondary treatment plants are typically designed. 40 CFR 123.45 Appendix A includes a list of conventional pollutants and toxic pollutants and specifies that violations that are 40% over limit or greater are considered “Category I” violations if the violation occurs in at least two of six months.

Toxic pollutants are pollutants or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. 40 CFR 123.45 Appendix A includes a list of toxic pollutants and specifies that violations that are 20% or more over limit are considered “Category I” violations if the violation occurs in at least two of six months. Chronic violations of any magnitude (for toxic or conventional pollutants) also trigger a Category I designation if the violation occurs in four months of a six month period.

<sup>3</sup> A major facility is any NPDES facility or activity classified as such by the Regional Administrator, or in the case of approved State programs, the Regional Administrator in conjunction with the State Director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with

For fiscal year 2010, 22.7% of **major** NPDES permittees were identified as being in SNC, compared to the suspected 35% rate for Category I noncompliance among ANCR permittees with verified data. Comparing these results to prior years (22% SNC and 46% Category I in 2009, 21.5% SNC and 60% Category I in 2008) shows that the SNC rate among majors is stable, while the Category I rate among ANCR permittees with verified data is falling rapidly.

## **5. Percentage of Violating Facilities with Informal Enforcement**

The states and EPA have a variety of enforcement options, including informal and formal enforcement actions. The variety of enforcement options allows the states and EPA to match their enforcement actions to the violations, thus ensuring a rapid return to compliance and promoting deterrence. An informal action is often the first step in the enforcement process. If a permittee resolves the problem, a formal action might not be necessary. Violations that persist, or that are more serious, generally require a formal action.

Several states requested that the number of ANCR permittees receiving informal enforcement actions be reported on the ANCR to provide a more comprehensive view of state responses to noncompliance at ANCR permittees, even though existing federal regulations do not require them to report this information. Thus, in 2009 states were asked to begin reporting the number of informal enforcement actions taken.

Of the ANCR permittees in noncompliance (either Category I or Category II), 32% received informal enforcement actions in 2010, compared to 50% in 2009.

## **6. Percentage of Violating Facilities with Formal Enforcement**

Formal enforcement actions (administrative orders or judicial actions) are often necessary for more serious violations, such as significant effluent violations that are not quickly corrected by the permittee.

Of the ANCR permittees in noncompliance (either Category I or Category II), 10% received a formal enforcement action in 2010, compared to 7.7% in 2009, 7.6% in 2008, and 6.4% in 2007.

Eleven states or territories (California, Georgia, Missouri, New Jersey, New York, Oklahoma, Pennsylvania, Puerto Rico, Tennessee, Texas, and West Virginia) took formal enforcement actions against 40 or more ANCR permittees (See Figure 3.). This is an increase from nine states in 2009 and six in 2008.

Some states are more willing than others to take formal enforcement actions. If all state programs were similar, the proportions of permittees and enforcement actions would be similar – for example, a state with 10% of the permittees would be expected to take 10% of the enforcement actions. But this group of 10 states accounts for 70% of the formal enforcement

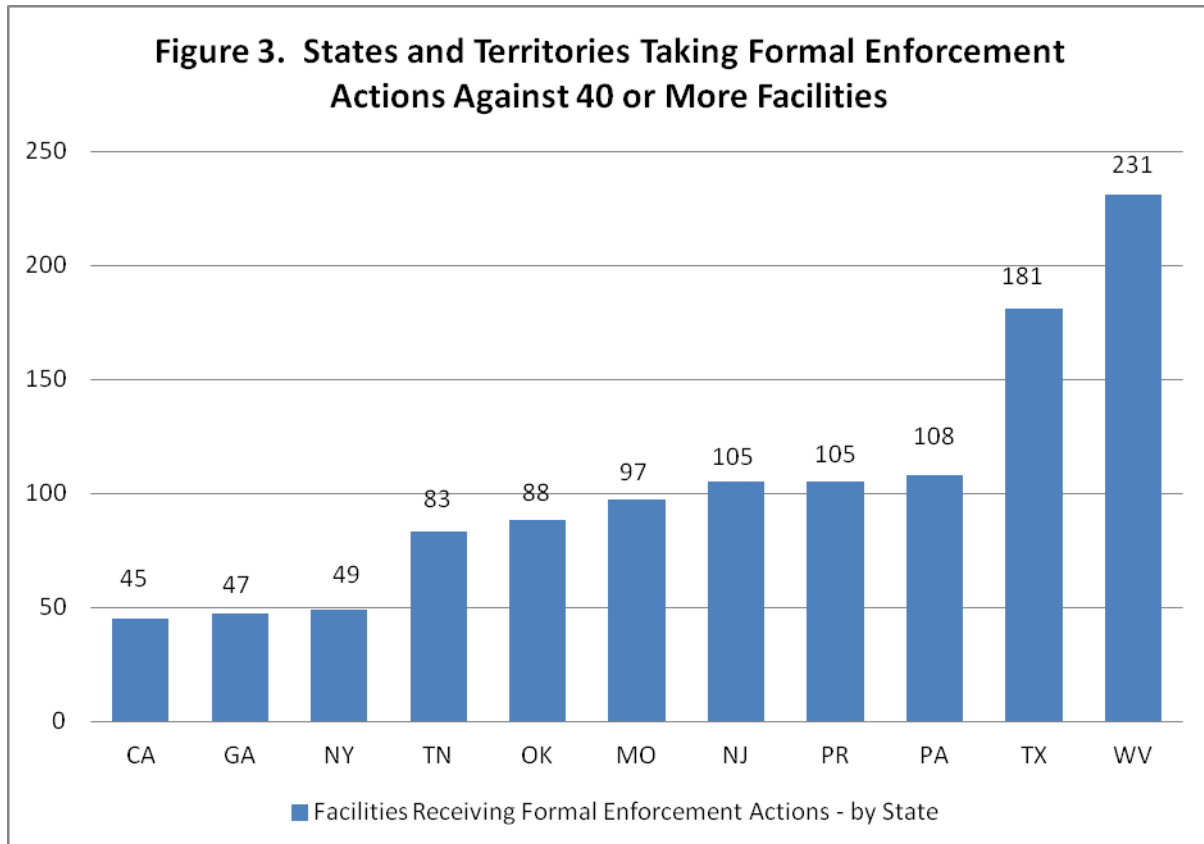
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EPA/State approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA, a state, or a territory.



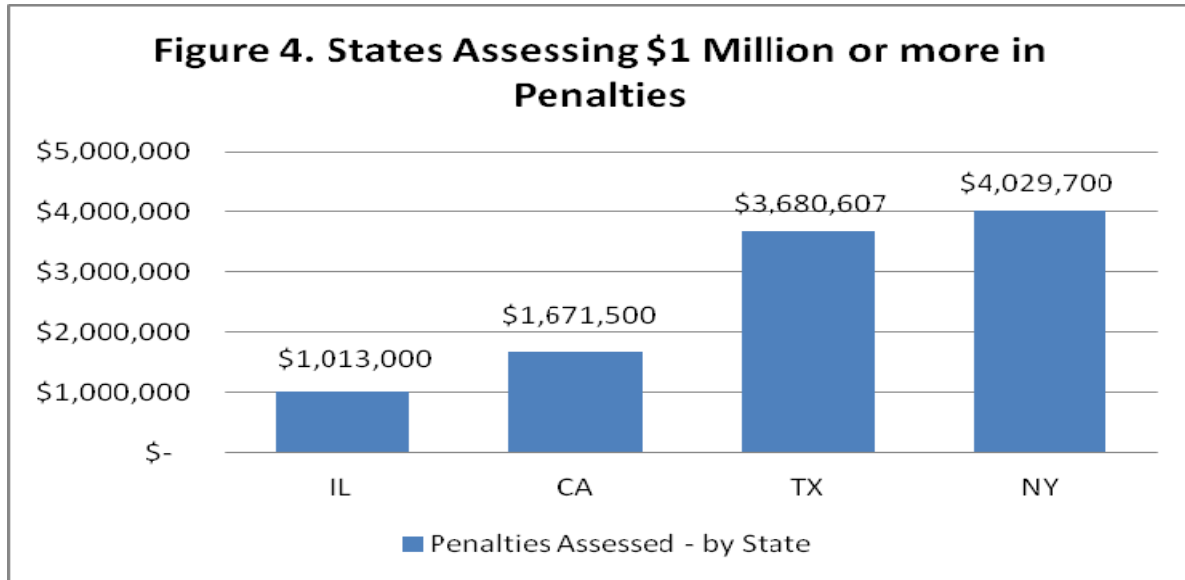
actions and only 34% of the permittees in non-compliance. States that take fewer formal enforcement actions might be expected to see higher rates of Category I noncompliance, and the data suggests a weak correlation in this direction.

As noted in the detailed State-by-State tables in this report, many states have ANCR permittees with frequent violations but rarely take formal enforcement action against those permittees. This is a key issue that EPA is discussing with the states under the Clean Water Act Action Plan dialogue.



### 7. Penalty Amounts Assessed

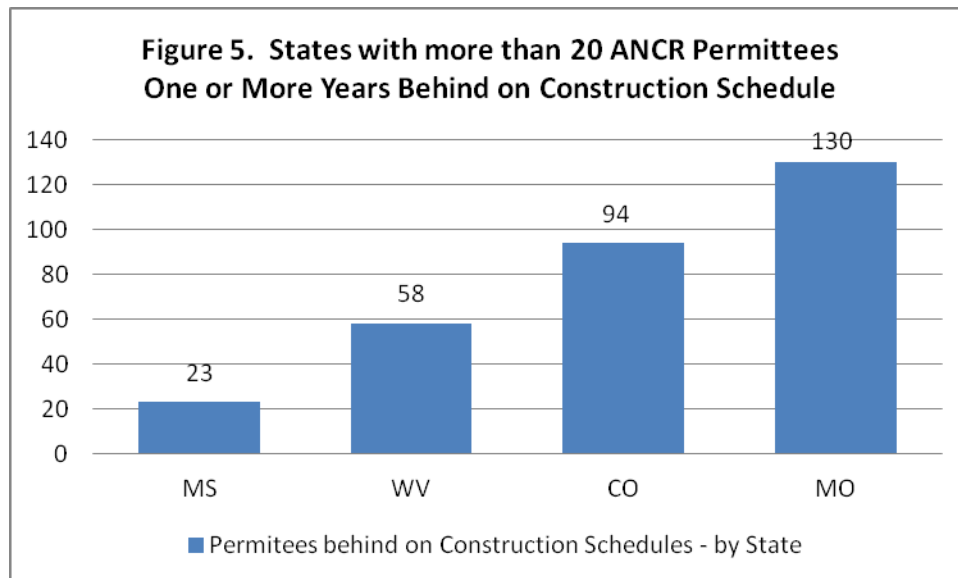
Permitting authorities reported \$17.8 million in penalties against ANCR permittees in 2010. Sixteen states reported penalties of over \$200,000 (Alabama, California, Colorado, Idaho, Illinois, Iowa, Louisiana, Minnesota, Mississippi, New York, North Carolina, Pennsylvania, Tennessee, Texas, Washington, and West Virginia). Four of those states reported penalties of a million dollars or more, and accounted for 58% of all penalties (California, Illinois, New York, and Texas) (see Figure 4).



### 8. Noncompliance with Construction Schedules

If a facility is on a compliance schedule issued by the permitting authority (either in a permit or in an enforcement order) it may be the result of previous noncompliance issues. If that facility fails to meet its construction schedule milestones by a significant amount of time, the facility has not yet succeeded in achieving compliance. In such situations, closer examination of possible enforcement escalation may be warranted to better ensure timely and complete compliance.

Permitting authorities reported that 384 permittees were one year or more late meeting construction deadlines in their compliance schedule. This number is down significantly from 535 in 2009 and 437 in 2008. As illustrated in Figure 5, four states reported 20 or more such permittees, accounting for 79% of all such violations. Missouri accounted for 34% of the permittees with construction schedule violations.



The federal regulation requiring submission of this information to EPA for ANCR purposes states that “a separate list of non-major discharges which are one or more years behind in construction phases of the compliance schedule shall also be submitted in alphabetical order by name and permit number.” Attachment 3 provides the complete list of ANCR permittees that were submitted for this requirement. EPA has not verified the quality of the information that was provided.

### Regional Contribution

EPA and the states regulate approximately 440,000 facilities and wastewater discharges under the NPDES program and the Clean Water Act. Although authorized states and territories administer the program for a large majority of the permittees, EPA maintains oversight of those states, and retains the ability to enforce the NPDES program in those states. EPA also directly manages the NPDES permitting and enforcement program in the four non-authorized states (Massachusetts, New Hampshire, New Mexico, and Idaho), all U.S. territories other than the Virgin Islands, most federal facilities, and Tribal Lands. This section highlights EPA regions’ contribution to the ANCR permittee compliance and enforcement. For complete statistics, see Attachment 1.

#### Regional Activities in Non-authorized States, in the U.S. Territories, and on Tribal Lands

The key national findings where EPA regions are the permitting authority include the following:

- Universe: Regions administered the NPDES program for 651 ANCR permittees, approximately 2% of all ANCR permittees.

## 2010 Annual Noncompliance Report

- Reviewed for Noncompliance: Regions indicated that they reviewed the noncompliance status for 96% of their ANCR permittees. This compares to 82% for all permitting authorities.
- Noncompliance Rates: Regions reported that 64% of their ANCR permittees reviewed were in noncompliance. This rate is considerably higher than the 45% noncompliance rate reported for all permitting authorities, which is also the rate reported by authorized states with verified data.
- Category I Noncompliance Rates: Regions reported that 45% of their ANCR permittees reviewed were in Category I noncompliance. This rate is considerably higher than the 28% noncompliance rate reported for all permitting authorities, and the 33% rate reported by authorized states with verified data.
- Enforcement:
  - Regions indicated that 100 noncompliant ANCR permittees received informal enforcement actions from EPA in calendar year 2010. (Compared to 101 in 2009)
  - Regions indicated that 141 noncompliant ANCR permittees received formal enforcement actions from EPA in calendar year 2010. (Compared to 15 in 2009).
  - Overall, states with NPDES program authorization took formal enforcement against a greater proportion of their violators than did the EPA regions. The ratio of ANCR permittees with formal enforcement to ANCR permittees with violations was 29% in states and territories where EPA implements the NPDES program and 10% for all permitting authorities. However, the jump in EPA results is due to a huge increase in formal actions in Puerto Rico, where they reported 105 actions in 2010, compared to six in 2009.
  - States with NPDES program authorization also took formal enforcement against a greater proportion of serious violators than EPA took in direct implementation states, U.S. territories and Tribal Lands. The ratio of ANCR permittees with formal enforcement to ANCR permittees with serious violations was 40% where EPA is the permitting authority, and 16% for all permitting authorities. EPA's NPDES program does not receive funds that are comparable to the State and Tribal Assistance Grants (CWA sections 106 and 319) that are available to authorized states.
- Penalties: Regions assessed \$1,083,800 in penalties, compared to \$106,000 in 2009. Of that amount, \$756,500 was from a single facility on Tribal Lands in Washington State. Penalties are less frequent in non-authorized states and territories than in authorized states and territories. Penalties taken by EPA in non-authorized states and territories represent 6% of the total penalties for ANCR permittees nationwide.

## 2010 Annual Noncompliance Report

- Construction Schedules: Regions indicated that, for calendar year 2010, three ANCR permittees were one or more years late in meeting construction schedule deadlines. These permittees are about 0.8% of the ANCR permittees that were one or more years late in meeting construction schedule deadlines nationwide.

### Regional Compliance and Enforcement Activities in Authorized States

EPA maintains oversight of NPDES program implementation in authorized states, retains the ability to issue permits and enforce the NPDES program in those states, and supplements the authorized state program's activities. Because EPA's compliance and enforcement program is focused on national enforcement initiatives (e.g., illegal sewer overflows, discharges of manure from CAFOs, and storm water discharges), EPA generally relies on the enforcement actions taken by the states. But the EPA regions sometimes find it necessary to initiate enforcement actions against ANCR permittees in authorized states, as described in the following for calendar year 2010:

- Universe: Authorized states collectively oversee 40,843 ANCR permittees.
- Reviewed for Noncompliance: Of those permittees, regions reviewed the compliance status of 143 (<1%) permittees.
- Noncompliance Rates: Of the permittees reviewed, regions reported that 47% had some type of violation.
- Serious Noncompliance Rates: Of the permittees reviewed, regions reported that 41% exhibited Category I noncompliance (more serious violations).
- Enforcement:
  - Of the noncompliant permittees, regions reported that ten received informal enforcement actions from EPA.
  - Of the noncompliant permittees, regions reported that 26 received formal enforcement actions from EPA.
- Penalties: As part of their additional enforcement activity, regions assessed \$190,685 in penalties.
- Construction Schedules: Regions identified no permittees that were one or more years late in meeting construction schedule deadlines.

### Attachment 1. Calendar Year 2010 ANCR Data for Each State and Territory, Grouped by Magnitude of Changes Made by the States or Territories to the Data Reported from the NPDES National Data Systems

State	Item 1) Facility Universe	Item 2) Permittees Reviewed by State/Region	% Reviewed	Item 3) Category I Non-compliance	Item 4) Category II Non-compliance	Total Non-Compliance (3+4)	Non-Comp Rate (Total Noncompl/Reviewed)	Item 5) Facilities Receiving Formal Enf. Actions	Item 5a) Dollars of Penalties Assessed	Item 5b) Facilities Receiving Penalty Orders	Item 5c) Formal Enforcement or Penalty Orders (5+5b)	Item 6) Facilities with Permit Mods. Extending Compliance Deadline	Item 7) Facilities One or More Years Behind Construction Schedule Deadlines	Item 8) Facilities Receiving Informal Enforcement Actions
<b>States/Territories Administered by EPA(*) or Accepting EPA Generated Data Without Change</b>														
AS*	2	2	100%	-	-	-	0%	-	\$ -	-	-	-	-	-
CO	577	232	40%	145	27	172	74%	26	\$ 549,876	2	-	-	94	1
DC*	7	7	100%	3	-	3	43%	-	\$ -	-	-	-	-	-
FL	300	287	96%	71	32	103	36%	22	\$ 1,000	1	23	-	1	107
GM*	3	-	0%	-	-	-	-	-	\$ -	-	-	-	-	-
GU*	12	12	100%	8	-	8	67%	1	\$ -	-	1	-	-	-
ID*	141	141	100%	17	18	35	25%	6	\$ 327,300	2	8	-	-	11
IL	1,395	1,309	94%	548	165	713	54%	5	\$ 1,013,000	-	-	-	-	728
IN	1,412	1,385	98%	262	61	323	23%	39	\$ 57,466	37	-	-	14	825
MA*	131	119	91%	77	14	91	76%	-	\$ -	-	-	-	3	-
ME	279	197	71%	105	65	170	86%	33	\$ 42,140	-	35	-	-	13
MP*	1	1	100%	1	-	1	100%	-	\$ -	-	-	-	-	-
MW*	1	1	100%	-	-	-	0%	-	\$ -	-	-	-	-	-
NH	38	33	87%	9	9	18	55%	2	\$ -	-	-	-	-	1
NM*	87	87	100%	56	5	61	70%	-	\$ -	-	-	-	-	71
NN*	25	25	100%	10	1	11	44%	-	\$ -	-	-	-	-	-
OH	3,023	3,015	100%	852	212	1,064	35%	12	\$ 40,400	-	-	-	-	1,262
OK	363	363	100%	224	28	252	69%	88	\$ 25,300	5	93	-	1	25
PR*	180	173	96%	103	60	163	94%	105	\$ -	105	210	-	-	17
RI*	63	60	95%	22	5	27	45%	2	\$ 7,500	1	-	-	2	44
SR*	2	2	100%	1	1	2	100%	-	\$ -	-	-	-	-	-
UT	126	88	70%	22	11	33	38%	2	\$ 52,518	1	3	-	-	12
<b>Total</b>	<b>8,168</b>	<b>7,539</b>	<b>92%</b>	<b>2,536</b>	<b>714</b>	<b>3,250</b>	<b>43%</b>	<b>343</b>	<b>\$ 2,116,500</b>	<b>154</b>	<b>373</b>	<b>-</b>	<b>115</b>	<b>3,117</b>

2010 Annual Noncompliance Report

State	Item 1) Facility Universe	Item 2) Permittees Reviewed by State/Region	% Reviewed	Item 3) Category I Non- compliance	Item 4) Category II Non- compliance	Total Non- Compliance ( 3+4 )	Non-Comp Rate (Total Noncompl/Reviewed)	Item 5) Facilities Receiving Formal Enf. Actions	Item 5a) Dollars of Penalties Assessed	Item 5b) Facilities Receiving Penalty Orders	Item 5c) Formal Enforcement or Penalty Orders ( 5+5b)	Item 6) Facilities with Permit Mods. Extending Compliance Deadline	Item 7) Facilities One or More Years Behind Construction Schedule Deadlines	Item 8) Facilities Receiving Informal Enforcement Actions
<b>States/Territories With Minimal Changes to Data Generated by EPA (Less than 10% Avg Difference Between Initial Data and Reported Data for Universe, Reviewed, and Category I Noncompliance)</b>														
AR	704	675	96%	416	69	485	72%	11	\$ 19,900	-	11	3	2	-
CT	76	74	97%	10	2	12	16%	3	\$ 89,400	-	8	-	-	-
DE	30	27	90%	3	14	17	63%	-	\$ -	-	-	-	-	9
KY	1,548	1,267	82%	1,242	6	1,248	99%	20	\$ 75,500	-	20	-	-	883
MS	1,366	1,240	91%	296	604	900	73%	25	\$ 279,162	-	25	-	23	405
MT	164	158	96%	98	11	109	69%	13	\$ 250	2	15	-	4	128
NE	587	584	99%	464	25	489	84%	8	\$ -	-	8	-	2	91
NY	1,221	1,022	84%	125	278	403	39%	49	\$ 4,029,700	9	58	-	-	365
TX	2,300	2,016	89%	1,152	66	1,218	60%	181	\$ 3,680,607	181	362	-	195	194
VI	67	67	100%	43	3	46	69%	2	\$ 46,150	1	3	-	-	39
<b>Total</b>	<b>8,063</b>	<b>7,130</b>	<b>88%</b>	<b>3,849</b>	<b>1,078</b>	<b>4,927</b>	<b>69%</b>	<b>312</b>	<b>\$ 8,220,669</b>	<b>193</b>	<b>510</b>	<b>3</b>	<b>226</b>	<b>2,114</b>

2010 Annual Noncompliance Report

State	Item 1) Facility Universe	Item 2) Permittees Reviewed by State/Region	% Reviewed	Item 3) Category I Non- compliance	Item 4) Category II Non- compliance	Total Non- Compliance ( 3+4 )	Non-Comp Rate (Total Noncompl/Reviewed)	Item 5) Facilities Receiving Formal Enf. Actions	Item 5a) Dollars of Penalties Assessed	Item 5b) Facilities Receiving Penalty Orders	Item 5c) Formal Enforcement or Penalty Orders ( 5+5b)	Item 6) Facilities with Permit Mods. Extending Compliance Deadline	Item 7) Facilities One or More Years Behind Construction Schedule Deadlines	Item 8) Facilities Receiving Informal Enforcement Actions
<b>States/Territories With Minimal Changes to Data Generated by EPA (10% or More Avg Difference Between Initial Data and Reported Data for Universe, Reviewed, and Category I Noncompliance)</b>														
AK	50	43	86%	10	6	16	37%	-	\$ -	-	-	-	-	2
AL	1,507	768	51%	309	25	334	43%	29	\$ 341,541	19	48	-	-	43
GA	490	475	97%	68	30	98	21%	47	\$ 86,075	7	54	-	2	303
IA	1,346	1,346	100%	593	46	639	47%	20	\$ 523,727	13	33	6	19	394
KS	1,025	953	93%	19	143	162	17%	16	\$ -	-	16	3	3	-
MD	882	416	47%	201	18	219	53%	9	\$ 179,240	2	11	-	-	-
MN	605	605	100%	95	241	336	56%	22	\$ 462,105	5	27	2	2	27
MO	2,989	2,989	100%	894	236	1,130	38%	97	\$ 178,125	2	99	-	130	1,256
ND	106	106	100%	19	8	27	25%	-	\$ -	-	-	-	-	33
NJ	3,370	642	19%	410	149	559	87%	105	\$ -	-	105	-	-	-
NV	75	75	100%	3	-	3	4%	1	\$ 54,000	-	1	-	-	5
SD	290	278	96%	66	16	82	29%	1	\$ 11,000	1	2	-	-	124
TN	1,259	485	39%	312	113	425	88%	83	\$ 450,000	83	83	-	-	375
VA	910	910	100%	118	220	338	37%	20	\$ 138,284	15	35	-	1	793
VT	142	142	100%	1	56	57	40%	4	\$ 3,000	1	5	-	-	-
WA	461	453	98%	39	18	57	13%	22	\$ 931,000	12	34	-	1	95
WV	813	240	30%	199	75	274	114%	231	\$ 670,603	30	261	-	58	1,357
WY	1,357	1,357	100%	29	250	279	21%	28	\$ 95,200	-	28	-	-	250
<b>Total</b>	<b>17,677</b>	<b>12,283</b>	<b>69%</b>	<b>3,385</b>	<b>1,650</b>	<b>5,035</b>	<b>41%</b>	<b>735</b>	<b>\$ 4,123,900</b>	<b>190</b>	<b>842</b>	<b>11</b>	<b>216</b>	<b>5,057</b>



2010 Annual Noncompliance Report

State	Item 1) Facility Universe	Item 2) Permittees Reviewed by State/Region	% Reviewed	Item 3) Category I Non-compliance	Item 4) Category II Non-compliance	Total Non-Compliance (3+4)	Non-Comp Rate (Total Noncompl/Reviewed)	Item 5) Facilities Receiving Formal Enf. Actions	Item 5a) Dollars of Penalties Assessed	Item 5b) Facilities Receiving Penalty Orders	Item 5c) Formal Enforcement or Penalty Orders (5+5b)	Item 6) Facilities with Permit Mods. Extending Compliance Deadline	Item 7) Facilities One or More Years Behind Construction Schedule Deadlines	Item 8) Facilities Receiving Informal Enforcement Actions
<b>States/Territories Not Distinguishing Between Category I and Category II Noncompliance</b>														
AZ	102	102	100%	-	-	36	35%	-	\$ -	-	-	1	-	2
CA	334	334	100%	-	-	158	47%	45	\$ 1,671,500	53	98	13	-	47
HI	34	25	74%	-	-	6	24%	-	\$ -	-	-	-	-	2
LA	1,101	475	43%	-	-	211	44%	34	\$ 297,477	7	41	-	1	-
MI	432	432	100%	-	-	213	49%	7	\$ 85,386	4	11	1	3	64
NC	1,041	980	94%	-	-	403	41%	5	\$ 494,728	213	218	-	-	362
OR	285	248	87%	-	-	42	17%	19	\$ 100,978	14	33	3	-	40
PA	3,707	3,707	100%	-	-	510	14%	108	\$ 612,538	85	193	-	-	-
SC	314	314	100%	-	-	215	68%	11	\$ 62,198	11	22	4	17	98
WI	671	671	100%	-	-	308	46%	10	\$ -	-	10	1	1	77
<b>Total</b>	<b>8,021</b>	<b>7,288</b>	<b>91%</b>	<b>-</b>	<b>-</b>	<b>2,102</b>	<b>29%</b>	<b>239</b>	<b>\$ 3,324,805</b>	<b>387</b>	<b>626</b>	<b>23</b>	<b>22</b>	<b>692</b>

State	Item 1) Facility Universe	Item 2) Permittees Reviewed by State/Region	% Reviewed	Item 3) Category I Non-compliance	Item 4) Category II Non-compliance	Total Non-Compliance (3+4)	Non-Comp Rate (Total Noncompl/Reviewed)	Item 5) Facilities Receiving Formal Enf. Actions	Item 5a) Dollars of Penalties Assessed	Item 5b) Facilities Receiving Penalty Orders	Item 5c) Formal Enforcement or Penalty Orders (5+5b)	Item 6) Facilities with Permit Mods. Extending Compliance Deadline	Item 7) Facilities One or More Years Behind Construction Schedule Deadlines	Item 8) Facilities Receiving Informal Enforcement Actions
<b>Regional Activity in Tribal Lands (T) and Authorized States/Territories ( R )</b>														
AK-R	25	18	72%	-	5	5	28%	-	\$ -	-	-	-	-	1
AL-R	7	-	0%	-	-	-	-	-	\$ -	-	-	-	-	-
AR-R	3	2	67%	-	-	-	0%	-	\$ -	-	-	3	-	-
AZ-T	12	12	100%	-	-	-	0%	-	\$ -	-	-	-	-	-
CA-R	23	23	100%	-	-	-	0%	-	\$ -	-	-	-	-	-
CA-T	6	6	100%	1	-	1	17%	-	-	-	-	-	-	-
CO-R	214	13	6%	8	-	8	62%	-	\$ -	-	-	-	-	-
CT-R	4	4	100%	-	-	-	0%	2	\$ 89,400	5	7	-	-	-

2010 Annual Noncompliance Report

FL-R	1	-	0%	-	-	-		-	\$ -	-	-	-	-	-
GA-R	7	1	14%	-	-	-	0%	-	\$ -	-	-	-	-	-
IA-R	-	-		-	-	-		7	\$ 63,785	2	9	-	-	1
IL-R	9	4	44%	1	-	1	25%	-	\$ -	-	-	-	-	1
IN-R	3	-	0%	-	-	-		-	\$ -	-	-	-	-	-
LA-R	-	2		-	-	-	0%	-	\$ -	-	-	-	-	-
ME-R	-	-		-	-	-		2	\$ -	-	2	-	-	1
MI-R	-	-		-	-	-		-	\$ -	-	-	-	-	1
MN-R	-	-		-	-	-		-	\$ -	-	-	-	-	1
MO-R	-	-		-	-	-		5	\$ 34,500	2	7	-	-	-
MS-R	5	5	100%	5	-	5	100%	-	\$ -	-	-	-	-	-
MT-R	28	23	82%	23	-	23	100%	-	\$ -	-	-	-	-	-
NC-R	4	4	100%	2	1	3	75%	-	\$ -	-	-	-	-	-
ND-R	7	7	100%	2	-	2	29%	-	\$ -	-	-	-	-	-
NE-R	-	-		-	-	-		8	\$ -	-	8	-	-	-
OK-R	7	7	100%	1	1	2	29%	-	\$ -	-	-	-	-	2
OR-T	4	4	100%	2	-	2	50%		\$ -	-	-	-	-	-
RI-R	2	1	50%	1	-	1	100%	-	\$ -	-	-	-	-	-
SD-R	16	4	25%	4	-	4	100%	-	\$ -	-	-	-	-	-
TN-R	1	-	0%	-	-	-		-	\$ -	-	-	-	-	-
TX-R	31	3	10%	-	1	1	33%	-	\$ -	-	-	-	-	1
UT-R	4	1	25%	1	-	1	100%	-	\$ -	-	-	-	-	1
VI-R	-	1		-	-	-	0%	-	\$ -	-	-	-	-	-
VT-R	-	-		-	-	-		2	\$ 3,000	1	3	-	-	-
WA-R	10	3	30%	-	-	-	0%	-	\$ -	-	-	-	-	-
WA-T	15	14	93%	2		2	14%	1	\$ 756,500	1	2			
WY-R	17	17	100%	11	-	11	65%	-	\$ -	-	-	-	-	-
Total	465	179	38%	64	8	72	40%	27	\$947,185.00	11	38	3	-	10

## Attachment 2. Description of Data Metrics

<b>Metadata for individual metrics</b>	
Metric Explanation	Explanation of Calculations
<b>Number of Facilities Regulated</b>	
The facilities counted under this measure are smaller permittees that are allowed to release specific water effluents at levels specified in a permit. These facilities have individual permits, and normally submit discharge reports on a monthly basis to the State (or EPA). The universe does not count large major facilities, general permits, or wet weather permits.	
<b>Percent of Facilities Reviewed for Violations</b>	
Facilities generally submit monthly discharge data. If States enter the discharge measurement data into EPA's databases, violations are automatically calculated by the database (compare permitted limit to measurement). Some States do not submit this information to EPA, but have their own databases which calculate violations. This measure shows the percent of facilities that are routinely reviewed for violations (through these automated calculations). Facilities not reviewed for violations would typically submit paper discharge reports to the State (or EPA), but the State would file the report without reviewing it. States that have a low percentage may not have the resources sufficient to enter discharge data into a database, or review all submitted reports manually.	Percent of non-major facilities with permitted limits and standard permits that have an automated calculation of compliance (DMRs compared to Limits by a database), or data reviewed as part of an inspection or manual file review. EPA's methodology will count a facility as reviewed if at least one of the twelve monthly DMRs is entered in the database.
<b>Percent of Reviewed with Violations</b>	
Of those facilities reviewed for violations, what percent have had noncompliance (e.g., measurement is over the permitted limit). This is otherwise known as a "noncompliance rate." It excludes sources that are not reviewed since the compliance status for those facilities is unknown. This rate includes any violation of a permitted limit. The lower the percent, the fewer relative number of violations occurred.	Number of "reviewed" in denominator, number of those with violations in numerator.
<b>Percent of Reviewed with Serious Violations</b>	
The Clean Water Act regulations define more serious violations as "Category I." Generally, these are flagged when a "toxic" pollutant is measured to be more than 20% over the permitted limit, or if a "conventional" pollutant is more than 40% over limit. Failure to submit monitoring data is also a serious violation. EPA's national databases automatically	Number of those "reviewed" in denominator, number of those with Category I violations in numerator.

2010 Annual Noncompliance Report

<p>calculate Category I violations. States are not required to enter this data into EPA's database (for smaller facilities). For States that do not enter data to EPA, the State database should allow calculation of "Category I" violations. However, there are some States that are not able to provide this information (so there is no data available).</p>	
<p><b>Percent Violating Facilities with Formal Enforcement</b></p>	
<p>This compares the number of facilities with any violations to the number of enforcement actions that were taken. Note that EPA guidance does not require formal actions for all violations. If violations are relatively minor, or are quickly resolved through corrections by the permittee, formal actions may be unnecessary. If violations persist or turn more serious, the State would be expected to escalate enforcement response, using either informal actions (e.g., notice of violation or warning letter), or a formal action (which is counted here). A higher percent indicates that the State more frequently takes formal enforcement actions.</p>	<p>Number enforcement actions taken as the numerator and the number of facilities with violations as the denominator.</p>
<p><b>Percent Serious Violators with Formal Enforcement</b></p>	
<p>More serious violations (Category I), if not corrected by the facility quickly, may lead the State to pursue formal enforcement. This calculation compares the number of enforcement actions to the number of serious violations identified. Serious violations may include effluent violations, or failure to report discharge monitoring reports.</p>	
<p><b>Total Number of Formal Enforcement Actions</b></p>	
<p>This provides the total number of formal actions taken within the State by the authorized permitting authority. A formal action is a legal document compelling compliance with permit requirements on a specified schedule.</p>	<p>Total number of Formal Actions taken.</p>

**Attachment 3. List of Facilities with Extended Compliance Schedules**

Note – To get online ECHO reports for any of the facilities below, use the following URL, and add the ID number for the facility after the “=” sign.

<http://www.epa-echo.gov/cgi-bin/get1cReport.cgi?tool=echo&IDNumber=>

**List of Facilities > 1 yr. behind Compliance Schedule Deadlines (n=535)**

Facility Name	NPDES Permit Number	State
Mountainview, City of	AR0020117	AR
Pleasant Oaks SID	AR0041424	AR
Alapaha, City of	GA0033596	GA
Lenox, City of	GA0031950	GA
Bedford	IA0026018	IA
Carson	IA0042901	IA
Cipo-Summit Lake	IA0081442	IA
Clermont	IA0024465	IA
Exide Technologies	IA0063533	IA
Gelita USA, Inc.	IA0004413	IA
Hancock	IA0023485	IA
Hawkeye Renewables	IA0078841	IA
Linden	IA0081973	IA
Mahle Engine Components USA	IA0004839	IA
Mingo	IA0022276	IA
Nashua	IA0024503	IA
Ocheyedan	IA0035068	IA
Poet Biorefining-Coon Rapids	IA0077003	IA
Sac City	IA0033090	IA
Shell Rock	IA0033359	IA
Sioux Rapids	IA0042951	IA
Woodland MHP	IA0067849	IA
Worthington	IA0058548	IA
Oakley, City of	KS0100013	KS
St. George, City of	KS0099139	KS
Viola, City of	KS0027880	KS
Louisiana – Missing 1		LA
Essexville CSO RTB	MI0022918	MI

2010 Annual Noncompliance Report

<b>Facility Name</b>	<b>NPDES Permit Number</b>	<b>State</b>
Pinconning Twp Dda WWSL	MI0058313	MI
Wayne Co/Dearborn Heights Cso	MI0051489	MI
Dayton Park Properties	MN0041432	MN
Gold'n Plump Poultry – Cold Spring	MN0047261	MN
Austin Trails WWTF	MO0103551	MO
Barnett Manor	MO0097144	MO
Bcsd, Springp Ark Subdivision	MO0100463	MO
Bcsdiwagon Trail Hts WWTF	MO0094293	MO
Bel Air Estates MHP Subdivision	MO0086576	MO
Belleview V Alley Nursing	MO0094242	MO
Big Bear Resort Condos	MO0117901	MO
Blue Fountain Banquet Center	MO0091871	MO
Boley Mobile Estates	MO0112801	MO
Briarwood Est A Tes Lots 5 & 6	MO0127094	MO
Bronc Busters WWTF	MO0125857	MO
Camp Bagnel WWTF	MO0124753	MO
Cedar Creek Conference Center	MO0130231	MO
Cedar Springs MHP WWTF	MO0116602	MO
Chaffee Waste Stab Lagoon	MO0025305	MO
Change Academy	MO0133744	MO
Chelsea Rose Subdivision	MO0111104	MO
City of Foristell Lagoon	MO0080888	MO
Coachlight Village MHP	MO0044270	MO
Country Estates MHP	MO0131504	MO
County Downs WWTF	MO0096938	MO
Dave's MHP	MO0112232	MO
Da Vid Ward WWTF	MO0132691	MO
Dogwood Animal Shelter WWTF	MO0130524	MO
Mo Dogwood Estates Subd	MO0131997	MO
Dri Mo Ftwood MHP WWTF	MO0127817	MO
Dzatk Mo Opaul(Apartments)	MO0118559	MO
Eagles Landing WWTF	MO0133698	MO
Elderly Housing Partnership	MO0099091	MO
Eric Taylor 7-9 WWTF	MO0132292	MO
Essex WWTF	MO0089273	MO
Exeter WWTF	MO0086291	MO
Feed My People	MO011457	MO
Fenton United Methodist Church	MO0098850	MO
Forest Land Subdivision WWTF	MO0119466	MO

2010 Annual Noncompliance Report

<b>Facility Name</b>	<b>NPDES Permit Number</b>	<b>State</b>
Frisbie Land Development	MO0125008	MO
Glendale Village MHP	MO0057380	MO
Grandview Plaza MHP	MO0084395	MO
Gregory Mondry	MO0132632	MO
Happy Hollow MHP	MO0106771	MO
Hawthorne Trace WWTF	MO0130303	MO
Hidden Oaks Estates WWTF	MO0125067	MO
Hidden Treasurers Subd WWTF	MO0121029	MO
Horizon West Subdivision	MO0124648	MO
Hornersville Municipal La	MO0055123	MO
Horseshoe Bend #58 A And B	MO0120120	MO
HurleyWWTF	MO0125601	MO
John Sim LLC WWTF	MO0110299	MO
John's Auto Body	MO0088901	MO
Karl's CUPBOARD AND CAMP WWTF	MO0133833	MO
Ketesville WWTF	MO0048640	MO
Kv Homeowners Assoc WWTF	MO0126063	MO
Labadie Creek Treatment Facility	MO0114910	MO
Lake Road Village Park	MO0045501	MO
Lakes Of Deerwood Subd	MO0045446	MO
Lakeview Home Care Facility	MO0127477	MO
Lakewood Terrace Subd WWTF	MO0122491	MO
Lakewood Trails WWTF	MO0111431	MO
Leonard Mobile Home Park	MO0092541	MO
M.C.L. MHP	MO0044687	MO
Mapa Acres MHP	MO0056448	MO
Melody Lake Ranch Assoc	MO0091073	MO
Midway Auto/Truck Plaza	MO0100862	MO
Midway Bar And Grill	MO0083976	MO
Miller County R-iii Tuscumbia	MO0083879	MO
Millstone Townhouses WWTF	MO0104523	MO
Murphy Ann Apartments	MO0090956	MO
Myetta Woods Subd WWTF	MO0131865	MO
Mo Northampton Bay Condo WWTF	MO0 107409	MO
Oak Grove Estates	MO0124745	MO
Oak Grove Trailer Park	MO0096857	MO
Oak Hills Campground	MO0115754	MO
Oak Ridge Trailer Court	MO0035149	MO
Oakledge Subdivision WWTF	MO0125768	MO
Our Lady Queen Of Peace	MO0053163	MO
Overlook Subdivision WWTF	MO0116211	MO

2010 Annual Noncompliance Report

<b>Facility Name</b>	<b>NPDES Permit Number</b>	<b>State</b>
Paradise Estates MHPWWTF	MO0090051	MO
Pine V Alley Resort WWTF	MO0112895	MO
Point Charles Estates	MO0124524	MO
Potosi Elks Lodge #2218	MO007025	MO
Power Model Supply Co.	MO0104604	MO
Rand E Sanitary Landfill	MO0121231	MO
Rapid Roberts #122	MO0085821	MO
Raspberry Hill WWTP	MO0116386	MO
Raymondville WWTP	MO0119954	MO
Red Oak Resort LLC WWTF	MO0103128	MO
Robinson Trio	MO0125113	MO
Rocky Top MHP WWTF	MO0108383	MO
Russell Mobile Home Court	MO0115908	MO
Ryan's Lake Subdivision	MO0121096	MO
Scott City WWTF	MO0103594	MO
Scout Ridge Estates	MO0127981	MO
Sebelius Lagoon	MO0127965	MO
Serenity MHP	MO0089745	MO
Shalom Mountain WWTF	MO0130311	MO
Sharky's Timeout Sports	MO0125245	MO
Sir Thomas Manor Apts	MO0088897	MO
Sleepy Hollow MHP	MO0090506	MO
Southwoods Estates MHP	MO0113484	MO
Spring Meadows Mobile Home Park	MO0089097	MO
St. Joseph's Hill Infirmary	MO0081426	MO
St. Martin's United Church	MO0120600	MO
Starlight Apts	MO0049441	MO
Stillwaters Resort	MO0094986	MO
Stone Ridge Estates WWTF	MO0119091	MO
Sunny Acres li LLC	MO0044881	MO
Sunrise Acres Subdivision	MO0113191	MO
Sunrise Terrace MHP WWTF	MO0123374	MO
Sunset Hills Trailer Park	MO0121533	MO
Table Rock Health Care Ctr	MO0100161	MO
Terre Du Lac North	MO0035700	MO
Terre Du Lac Oxidation Ditch	MO0095311	MO
Terre Du Lac South	MO0057312	MO
Twin Oaks Estates Rsf	MO0132021	MO
Tyson Foods Inc/Noeal WWTF	MO0002500	MO
USA, S Rec Area Lake Ozark	MO0029777	MO
Uscoe Nemo Park	MO0130044	MO



2010 Annual Noncompliance Report

<b>Facility Name</b>	<b>NPDES Permit Number</b>	<b>State</b>
Van Buren WWTF	MO0099490	MO
Victory Christian Fellows	MO0104558	MO
Village At Indian Point	MO0115665	MO
Wedgewood Village Plat 2	MO0105970	MO
Westbridge Place Subd	MO0100277	MO
Westgate MHP	MO0045519	MO
Willow Bend MHP	MO0104566	MO
Willows On The Lake Condo	MO0101630	MO
Woodland Hills #2 Subd	MO0127078	MO
Willows On The Lake Condominiums	MO0101630	MO
Windfall Estates Mobile Home Park	MO0081035	MO
Woodland Hills #2 Subdivision	MO0127078	MO
Woodstock Mobile Home Park	MO0082066	MO
Burrows Paper Corporation	MS0000795	MS
Chunky POTW	MS0024767	MS
Coastal Paper Company	MS0033057	MS
Coldwater POTW North	MS0026964	MS
Coldwater POTW Southwest	MS0024678	MS
Copiah County Industrial Park	MS0032921	MS
Destination Rv Park	MS0039250	MS
Grandi Cheateau Villas	MS0038024	MS
Hilldale Water District	MS0052949	MS
Lula POTW	MS0025151	MS
Marshall Utility Services LLC	MS0060046	MS
Ob Curtis Water Treatment Plant	MS0046906	MS
Oxford, City of, College Hill Hghts WWT	MS0031577	MS
Oxford, City of, Rolling Woods WWT Plant	MS0031585	MS
Pecan Grove Trailer Park	MS0047473	MS
Silver City POTW	MS0044709	MS
Sumrall POTW	MS0035955	MS
Taber Extrusions Lp Ms Division	MS0002852	MS
Western Line School District	MS0051527	MS
Worthington Cylinders Ms	MS0052523	MS
Absarokee Sewer District WWTP	MT0021750	MT
Conrad WWTF, City of	MT0020079	MT
Harltown WWTF, City of	MT0020354	MT
Ryegate WWTP	MT0020451	MT
Arlington PWTP	NE0132365	NE

2010 Annual Noncompliance Report

<b>Facility Name</b>	<b>NPDES Permit Number</b>	<b>State</b>
Elmwood WWTF	NE0112127	NE
Oilton	OK0035599	OK
Alice Manufacturing Co Inc	SC0001171	SC
Buford School	SC0030210	SC
Commander Nursing Ctr	SC0034703	SC
Coosawhatchie Land Co LLC	SC0035394	SC
Gtx Properties LLC	SC0032638	SC
Keowee Key Utility Systems	SC0022322	SC
Lake View WWTF	SC0022284	SC
Middleton Inn	SC0039063	SC
Neelys Creek Homes Inc	SC0041904	SC
Rc Edwards High School	SC0028762	SC
Rolling Meadows Heritage Financial	SC0033685	SC
Shoals Sewer Co	SC0021873	SC
St Stephen, Town of	SC0025259	SC
Tega Cay Water Service Inc	SC0026751	SC
Tega Cay WWTP #2	SC0026743	SC
Twin Lakes Estates MHP	SC0031208	SC
Utilities Services Of Sc Shandon	SC0027189	SC
Craigsville STP	VA0091821	VA
Shelton STP	WA0023345	WA
Oconto Falls	WI0022870	WI
Flat Glass North America	WV0077097	WV
Appalachian Power Co	WV0077038	WV
Baker Oil Tool, Inc	WV0070190	WV
Berkley County PSD	WV0105791	WV
Bethany, Town of	WV0022080	WV
Big Bend PSD	WV0102776	WV
Burnsville Public Utilities	WV0024945	WV
Cameron, City of	WV0020125	WV
Carl E Smith Inc	WV0110264	WV
Chapmanville, Town of	WV0024678	WV
Belmont, City of	WV0024490	WV
Claywood Park PSD	WV0043991	WV
Cowen PSD	WV0037397	WV

2010 Annual Noncompliance Report

<b>Facility Name</b>	<b>NPDES Permit Number</b>	<b>State</b>
Davis, Town of	WV0024848	WV
Dickerson Corp	WV0116092	WV
Elizabeth, Town of	WV0041505	WV
Enlarged Hepzibah PSD	WV0081001	WV
Friendly PSD	WV0048861	WV
Goodrich	WV0054518	WV
Greater Harrison County PSD	WV0084301	WV
Hardy County Rural Dev Auth	WV0105902	WV
laeger, Town of	WV0024511	WV
Judy Fencecraft Inc	WV0078557	WV
Kingwood, City of	WV0021881	WV
Knouse Foods Cooperative, Inc	WV0077500	WV
Linde LLC	WV0001775	WV
Mannington, City of	WV0024953	WV
Marlinton, City of	WV0024473	WV
Monongahela Power Co	WV0075281	WV
Monongahela Power Co	WV0075795	WV
Mtr Gaming Group, Inc	WV0115452	WV
Mullens, City of	WV0020681	WV
New Cumberland, City of	WV0025119	WV
New Haven, Town of	WV0032531	WV
New Vrindaban Community	WV0102253	WV
North Putnam PSD	WV0028045	WV
Philippi, City of	WV0021857	WV
Pngi Charles Town Gaming LLC	WV0105856	WV
Prichard PSD	WV0105732	WV
Rain Cii Carbon LLC	WV0004642	WV
Rg Steel Wheeling LLC	WV0110710	WV
Rg Steel Wheeling LLC	WV0112054	WV
Richwood, City of	WV0022004	WV
Shepardstown, Corp	WV0024775	WV
Shiloh River Corp	WV0079081	WV
Smc Electrical Products Inc	WV0115401	WV
Smithers, City of	WV0021741	WV
St Mary's, City of	WV0020168	WV
Stella-Jones Corp	WV0111813	WV
Thomas, City of	WV0024856	WV
Webster Springs PSD	WV0049875	WV
West Hamlin, Town of	WV0020176	WV
Williamstown, City of	WV0022071	WV
Wood County Parks And Rec	WV0045616	WV

2010 Annual Noncompliance Report

<b>Facility Name</b>	<b>NPDES Permit Number</b>	<b>State</b>
WV Division Of Natural Resources	WV0082210	WV
WV Division Of Natural Resources	WV0100374	WV
WV Environmental Services, Inc	WV0111732	WV
WV State Armory Board	WV0114502	WV