

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

Calendar Year 2013

A Summary of Reviews, Violations, and Enforcement Response at
Individually-Permitted Nonmajor Dischargers under the National
Pollution Discharge Elimination System (NPDES) Program

U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
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Introductory Message from Cynthia Giles, Assistant Administrator

This Annual Noncompliance Report (ANCR) for calendar year 2013 provides valuable information about the state of compliance among individually-permitted nonmajor facilities regulated by the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES).

This report shows that there is an improving, but still unacceptable, level of noncompliance by these nonmajor facilities with the effluent limits established in NPDES discharge permits issued by the states, territories, or United States Environmental Protection Agency (EPA). 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 a violation by one permittee might 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 implementing, is designed to improve transparency and enable public scrutiny of NPDES information, and to address water pollution problems through collaboration among EPA, states, and territories. Shining a public light on violators, and on government's response to violators, provides an incentive for compliance by permittees and for nationally-consistent program implementation by government agencies. As noted in this report, many violations are not identified in public databases – in part because some states do not have the resources for manual data entry of information from hard-copy discharge monitoring reports for nonmajor facilities. Electronic reporting of discharge monitoring reports by the permittee is a best practice that many states are now using to run programs in a more efficient and transparent way. As shown in this report, states that track discharge information in a database and share that data with EPA, thus utilizing the automatic violation detection of EPA's data system, and which are able to distinguish between Category I violations (more serious) and Category II violations, are nearly twice as likely to identify serious violations (i.e., Category I) than states that are not electronically sending discharge monitoring data to EPA (see Table 1 – 33% vs. 17% rates).

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 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 that they issued. EPA will continue to implement the program in the states and territories that are not authorized to do so. 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.

What Is This Report?

The ANCR summarizes enforcement and compliance data on the middle tier of NPDES facilities – facilities that are significant enough to require individual permits (as opposed to general permits), but are not classified as major dischargers of wastewater or stormwater. Throughout this report, these facilities are referred to as “ANCR permittees.” The ANCR is required by federal regulation 40 CFR 123.45(c), which also details the types of data to be reported.

Forty-six states and the Virgin Islands have received authority to implement the main NPDES program within their jurisdictions. For that reason, they are the permitting authorities for most NPDES facilities within their respective jurisdictions. Throughout this report, the phrase “permitting authority” refers to the governmental unit issuing the applicable NPDES permits. Some states have also received authority to implement various NPDES subprograms, leaving EPA as the permitting authority for all subprograms not authorized to these states.

The ANCR presents summary information – rather than facility-specific data – regarding the size of the ANCR permittee universe and the number of permits that were reviewed, found to be in noncompliance, or subject of various enforcement activities during the applicable calendar year. Some permitting authorities provide EPA with site-specific data which allows EPA to more easily assemble the ANCR summary data; other permitting authorities provide only the minimum required summary-level data to EPA. Permitting authorities are also required to provide facility-specific data to EPA about facilities missing construction schedule deadlines in compliance schedules by one or more years.

The ANCR provides information regarding Category I and Category II noncompliance. Category I noncompliance, as defined in 40 CFR 123.45(a)(2)(ii), includes 1) violations of conditions in enforcement orders except compliance schedules and reports; 2) violations of compliance schedule milestones for starting construction, completing construction, and attaining final compliance by 90 days or more from the date of the milestone specified in an enforcement order or a permit; 3) violations of permit effluent limits that exceed the Appendix A “Criteria for Compliance Reporting in the NPDES Program”; and 4) failure to provide a compliance schedule report for final compliance or a monitoring report. Violations of other effluent violations besides monthly averages are not included as Category I noncompliance. Category II noncompliance, as defined in 40 CFR 123.45(a)(2)(iii), includes violations of permit conditions which EPA considers to be of substantial concern but may not meet the criteria for Category I. It is possible that a facility might be in Category I noncompliance for a quarter of the calendar year and in Category II noncompliance for a different quarter; therefore, we do not add together the Category I and Category II noncompliance figures because some double-counting of facilities could occur.

Comparable information about major facilities can be found on the Enforcement and Compliance History Online (ECHO) website (<http://echo.epa.gov>), and specifically on the area entitled State Dashboards (<http://echo.epa.gov/trends/comparative-maps-dashboards/state->

[water-dashboard](#)). For many of the data tables shown in this report, the ECHO State Dashboards provide trend information derived from this report and previous reports.

Key National ANCR Findings for Calendar Year 2013 (reflected in Attachments 1 and 2)

- Universe:** The ANCR universe reduced to 40,633 in calendar year 2013, compared to 41,688 in CY 2012. To put this in perspective, EPA is approaching one million total NPDES permittees, of which 6,700 are major facilities with individual permits, 40,633 ANCR permittees (smaller facilities with individual permits), and the rest are permittees operating under general permits, including those for vessels and pesticide applicators.
- Reviewed for Noncompliance:** The compliance status was reviewed for 81% of the ANCR permittees in calendar year 2013. This is down slightly from the 83% reviewed in CY 2012 and the 82% reviewed in CY 2011 and CY 2010. Reviewed means that discharge data or other data were entered into a computer system and automatically compared to permit limits to flag violations, or that hard copy reports or other information were reviewed manually.
- Serious Noncompliance:** The overall reported violation rate for the more serious violations (i.e., Category I) is lower nationally than in any of the previous five calendar years. However, this may be attributable to the fact that, in the ANCR data for CY 2013, twelve states did not distinguish between Category I and Category II violations. States with verified data (i.e., providing discharge monitoring data to EPA’s national data system for 75% or more of their ANCR permittees) continue to identify a much higher percentage of noncompliance, particularly for Category I violations, than states with non-verified data. States with verified data submit discharge monitoring data to EPA and EPA’s national data system can automatically determine whether and when violations occur. States that do not consistently send discharge monitoring data to EPA’s national data system (“non-verified”) for their nonmajor facilities do not take advantage of EPA’s automatic violation determination. Some of these states have their own data systems, whereas others may only perform infrequent review of hard-copy discharge monitoring reports. The data suggest that the true Category I violation rates across the country are in line with the “verified” data shown below and that non-verified data underreports serious violations.

Table 1. Serious (Category I) Violation Rate Trends by Year
 (as a percentage of facilities reviewed)
 (based on ANCR data for CY 2008-2013)

Violation Type	2008	2009	2010	2011	2012	2013
Category I Violation Rate for Verified States	60%	46%	35%	39%	30%	33%
Category I Violation Rate for Non-Verified States	18%	25%	25%	13%	17%	17%
Category I Violation Rate - Overall	26%	28%	29%	28%	24%	21%

- **Overall Noncompliance Rate:** In CY 2013, 36% of the individually-permitted nonmajor facilities reviewed for compliance were found to be in Category I or Category II noncompliance. That is, of the 33,050 individually-permitted NPDES nonmajor facilities reviewed for compliance, a total of 11,863 were found to be in Category I or Category II noncompliance. For comparison, the overall noncompliance rate in verified states was relatively close, at 39%.
- **Formal Enforcement:** There were 1,339 formal enforcement actions against ANCR permittees in calendar year 2013; this is a slight decrease from the 1,391 formal enforcement actions taken in CY 2012. For comparison, there were 1,096 formal enforcement actions in CY 2011, 1,631 in CY 2010 and 1,156 in CY 2009.
 - The percentage of facilities with formal enforcement compared to facilities with violations was 11.1% in calendar year 2013, slightly higher than in calendar year 2012 (10.8%). For comparison, this figure was 7.1% in 2011, 11% in CY 2010 and 7.7% in CY 2009.
 - The percentage of facilities with formal enforcement compared to facilities with serious violations was 19.4%, higher than in calendar year 2012 (16.5%), CY 2011 (11.4%), CY 2010 (16%), and CY 2009 (12.5%). However, as mentioned previously, twelve states were unable to distinguish between facilities with Category I and Category II violations and therefore the number of facilities with serious noncompliance may be under-represented.
- **Informal Enforcement:** There were 7,289 informal enforcement actions against ANCR permittees in calendar year 2013. In CY 2012, there were 7,306 informal enforcement actions, 7,068 in CY 2011, 10,976 in CY 2010, and 8,159 in CY 2009. Note that some states were unable to provide accurate counts of such actions.
- **Penalties:** There were nearly \$21.3 million in penalties assessed in calendar year 2013, highest since CY 2009. For comparison, this figure was \$16.7 million in CY 2012, \$16.9 million in CY 2011, \$17.7 million in CY 2010, and \$23.3 million in CY 2009.
- **Compliance Schedules:** A total of 415 permittees were one or more years late meeting their construction schedule deadlines in calendar year 2013, compared to 404 in CY 2012, 423 in CY 2011, 384 in CY 2010, and 535 in CY 2009.

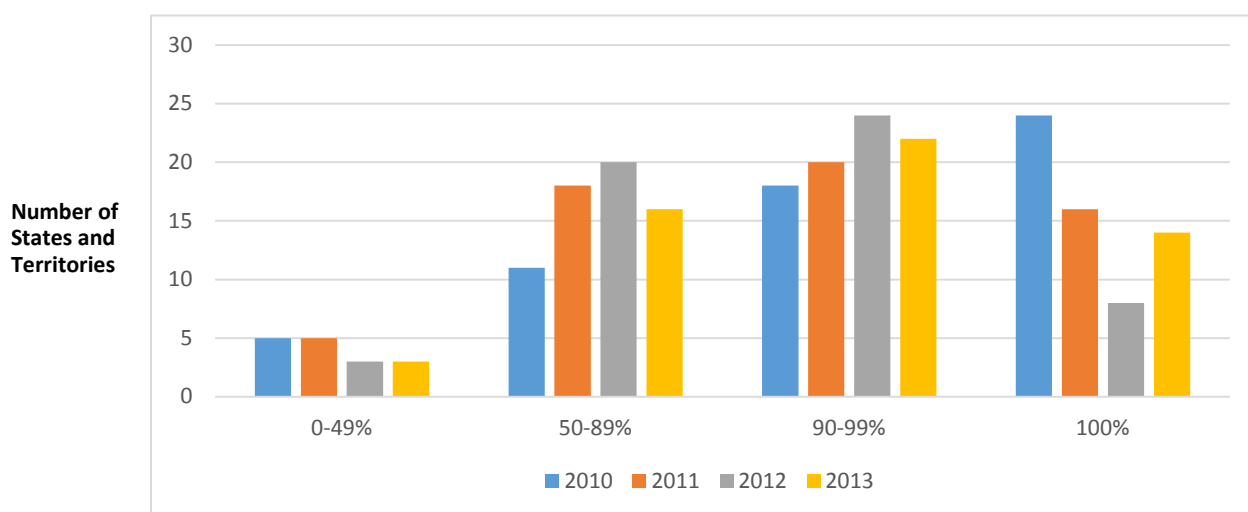
For complete state statistics, see Attachments 1 and 2, or visit the ECHO State Dashboard at <http://echo.epa.gov/trends/comparative-maps-dashboards/state-water-dashboard>.

State Highlights

1. Reviewing Permits for Violations

The percentage of permittees reviewed for compliance was 81 % in CY 2013. For comparison, the percentage of permittees reviewed for compliance was 83% in CY 2012 and 82% in both CY 2011 and CY 2010. Reviewing permittees' effluent reports and other permit conditions is generally the first step that permitting authorities take to determine whether permittees are violating the limits set by their permits.

Figure 1 - Percentage of Nonmajor Individually-Permitted Facilities Reviewed for Compliance by States and Territories

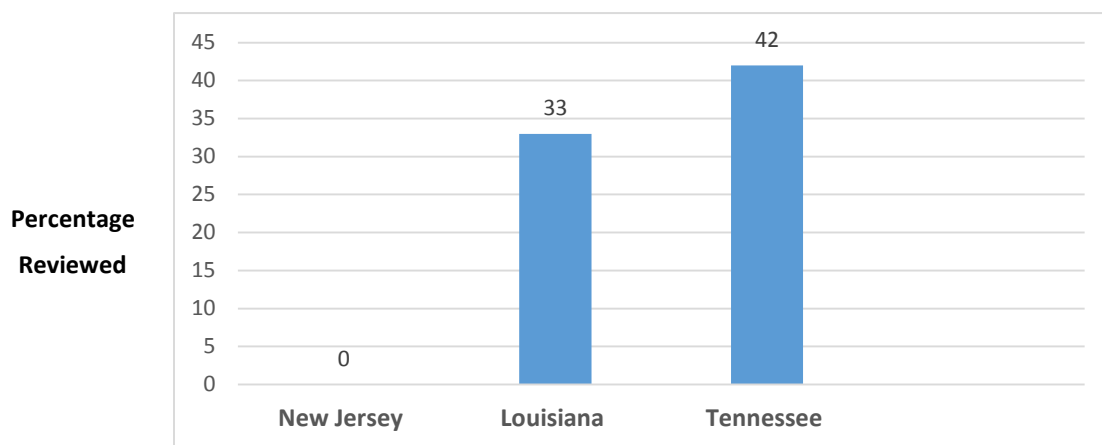


* Includes territories with more than five ANCR permittees.

Three states (excluding American Samoa) reported to EPA for calendar year 2013 that they reviewed the compliance status for less than 50% of their individually-permitted nonmajor NPDES permittees (see Figure 2). For CY 2013, New Jersey reported that it has reviewed the compliance status for none of these individually-permitted nonmajor NPDES facilities¹. Two states (New Jersey and Louisiana) reviewed the compliance status for less than 50% of such facilities in each of the past four calendar years (CY 2010-2013). The three permitting authorities identified in Figure 2 are likely to have many discharge violations reported to them on hard-copy forms, but may not have reviewed those reports for the purpose of evaluating compliance or the need for enforcement.

¹ Please note that New Jersey is not providing NPDES data to US EPA and several US EPA attempts to obtain the information from New Jersey for this particular report were unsuccessful.

Figure 2 - States Reviewing Compliance for Less than 50% Of Their Individually-Permitted Nonmajor Facilities



* American Samoa (AS) was not included in this chart because it has fewer than five total ANCR permittees in its universe.

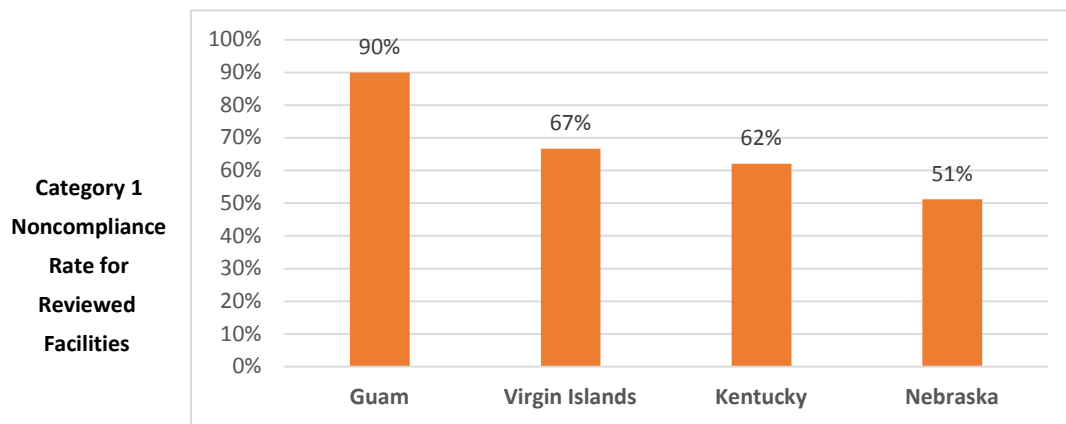
2. Category I (More Serious) Violations in Calendar Year 2013

As indicated previously in Table 1, EPA has noted that for several years the reported Category I violation rates are considerably lower for non-verified states compared to verified states. States with verified data submit discharge monitoring data to EPA and EPA’s national data system can automatically determine whether and when violations occur. As mentioned in the section titled “General Qualifications about the Data”, although not required by regulation, 27 states provided Discharge Monitoring Report (DMR) data to EPA’s ICIS-NPDES national data system for 75% or more of their ANCR permittees in calendar year 2013; these states are labeled in this report as “verified” states. States that do not consistently send discharge monitoring data to EPA’s national data system (“non-verified”) for their nonmajor facilities do not take advantage of EPA’s automatic violation determination. Some of these states have their own data systems, whereas others may only perform infrequent review of hard-copy discharge monitoring reports. The data suggest that the true Category I violation rates across the country are in line with the “verified” data shown below and that non-verified data underreports serious violations.

For calendar year 2013, twelve states provided ANCR data that did not distinguish between Category I and Category II violations. These states are Alabama, Arizona, Idaho, Illinois, Louisiana, Michigan, North Carolina, Oregon, Pennsylvania, South Carolina, Washington, and Wisconsin. For calendar year 2012, there were nine such states. Therefore, the national Category I violation data is less complete than last year.

Some states and territories have high Category I noncompliance rates. Excluding territories with less than 5 ANCR permittees, four states or territories reported that over 50% of their ANCR reviewed permittees had Category I violations in calendar year 2013 (see Figure 3).

Figure 3 - States and Territories with Category I Noncompliance by Over 50% of Reviewed ANCR Permittees*

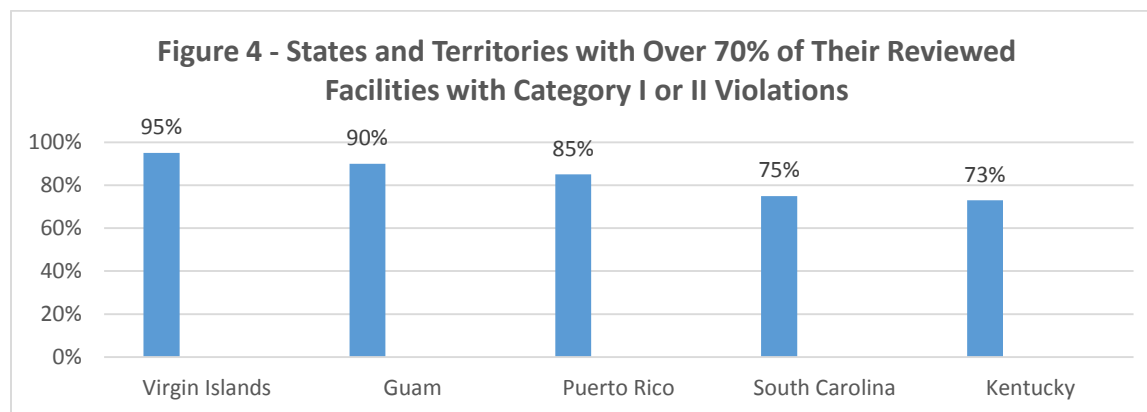


*Includes territories with more than 5 ANCR permittees. EPA is the permitting authority for Guam.

3. Category I or Category II Violations in Calendar Year 2013

In CY 2013, 36% of the reviewed facilities had Category I violations, Category II violations, or both. Nationally, this percentage was much higher for EPA-issued permits (61%) than for state-issued permits (36%). This difference was also evident in verified states (65%) compared to non-verified states (40%).

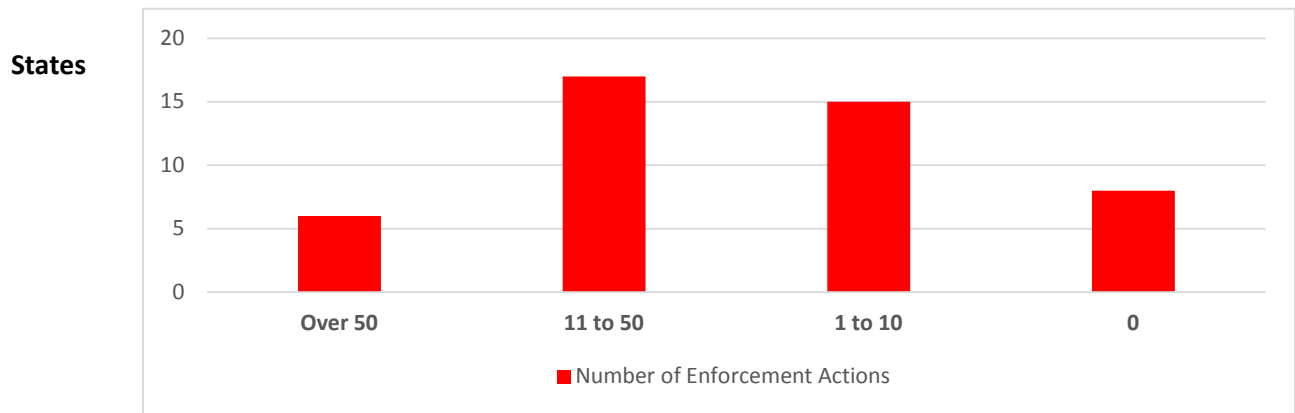
In CY 2013, five states or territories had over 70% of their reviewed facilities with Category I violations, Category II violations, or both. (See Figure 4).



4. Formal Enforcement Actions

Figure 5 shows that the utilization of formal enforcement actions varies considerably by state. The six states taking more than 50 formal enforcement actions in calendar year 2013 were, in declining order, West Virginia, Pennsylvania, Texas, Oklahoma, Missouri, and Georgia. Three states of these six states (Texas, Pennsylvania, and Oklahoma) also took 50 or more formal enforcement actions in calendar years 2011 and 2012.

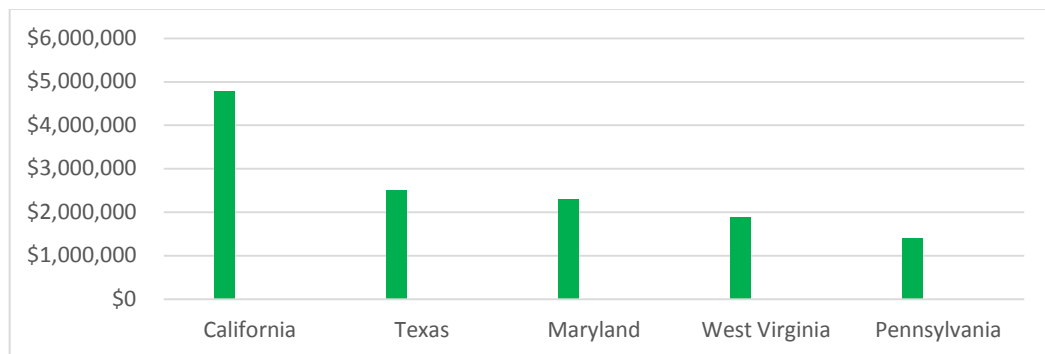
Figure 5 --- Formal Enforcement Actions by States



5. Penalties

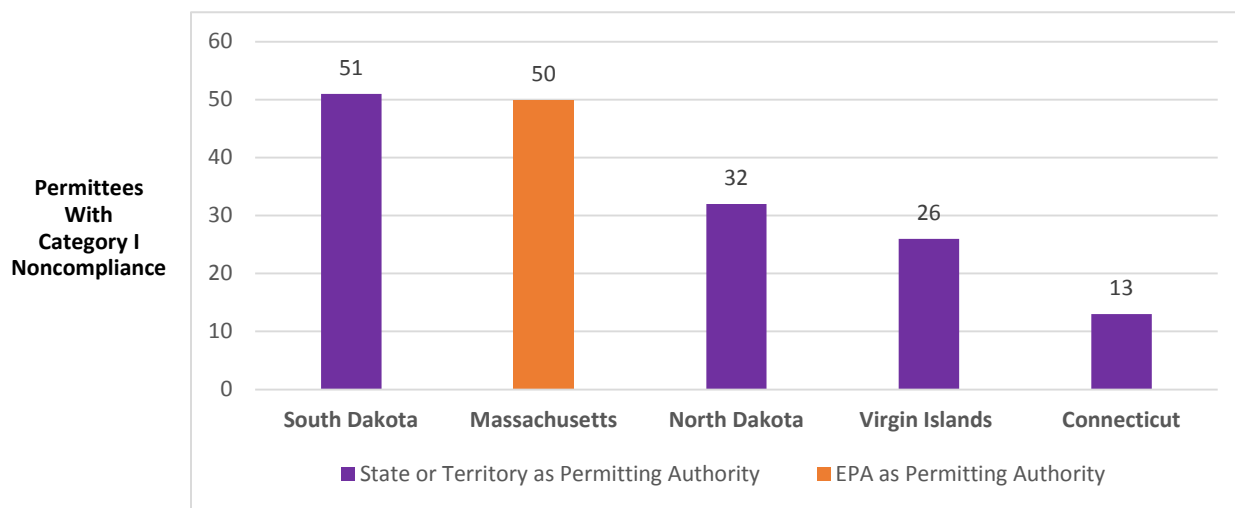
The amount of penalties varies substantially among states and by year for most states. As was the case in CY 2012, five states assessed one million dollars or more in penalties in calendar year 2013. The states shown below in Figure 6 are successfully assessing penalties well above the levels of most other states. Two of these states (California and Texas) assessed penalties of one million dollars or more for each of the past four years (CY 2010-2013).

Figure 6 - States Assessing One Million Dollars or More in Penalties



Fourteen permitting authorities with ANCR permittees in Category I noncompliance in 2013 assessed no penalties in calendar year 2013. This total includes several permitting authorities with very few facilities in Category I noncompliance; only five of these 14 permitting authorities had ten or more facilities in Category I noncompliance in 2013 and no penalties assessed in 2013. (Figure 7).

Figure 7 - States and Territories Ten or More Facilities in Category I Noncompliance, but with No Penalties Assessed



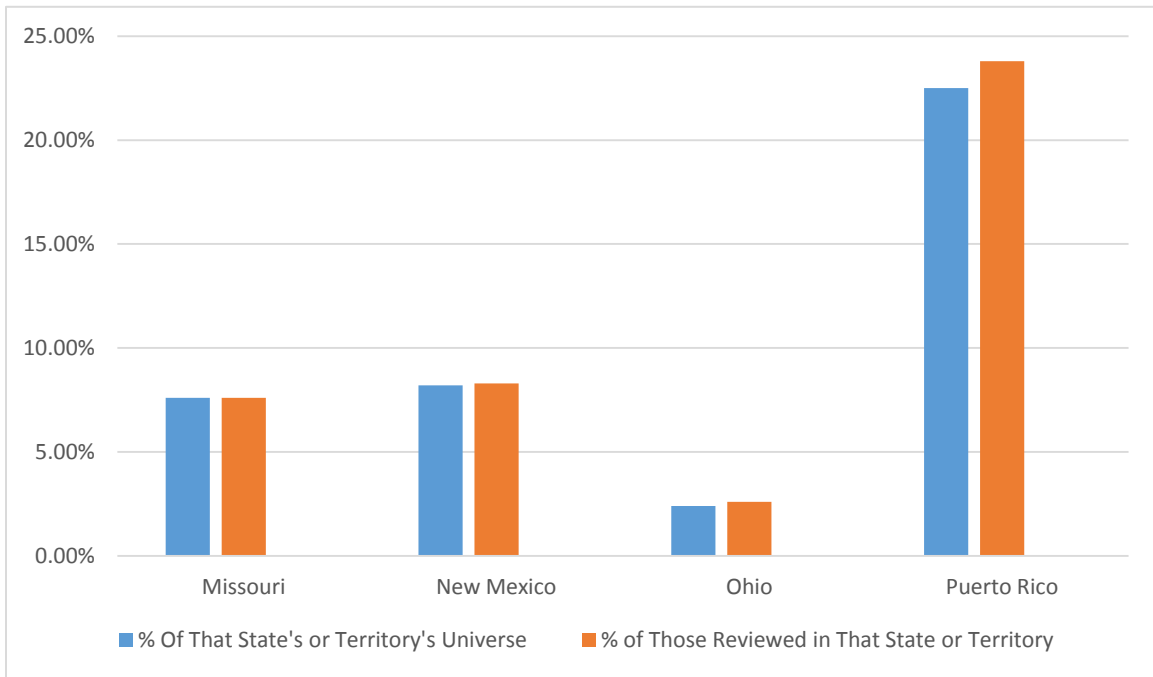
Note: The following states or territories were not included in this chart because, although no penalties were assessed in these locations in 2013, each of them had fewer than ten ANCR permittees in Category I noncompliance in 2013: the District of Columbia, Delaware, Guam, Midway Islands, Navajo Nation, Nevada, New Hampshire, Northern Marinas Islands, and the St. Regis Tribe. EPA is the permitting authority for 8 of the 14 states or territories (the District of Columbia, Guam, Massachusetts, Midway Islands, Navajo Nation, New Hampshire, Northern Marinas Islands, and the St. Regis Tribe) identified either in the chart above or in the preceding list.

Please note that this graphic does not include any enforcement actions that the state of Massachusetts (although not the permitting authority) may have taken. Information about state actions in Massachusetts may be available from the state.

6. Compliance with Construction Schedules

The percentage of permittees that are one or more years behind on construction schedules varies significantly among the states and territories. In four states or territories (excluding American Samoa), 2% or more of ANCR permittees are one or more years behind on construction schedules in calendar year 2013. For those states or territories, Figure 8 shows the schedule violations as a percentage of both the universe of permittees within that state or territory and the permittees reviewed for that state or territory for calendar year 2013.

Figure 8 – States or Territories with Highest Percentage of Permittees One or More Years behind Construction Schedules



* American Samoa (AS) was not included in this chart because it has fewer than five total ANCR permittees in its universe.

7. Closing Remarks

This Annual Noncompliance Report (ANCR) for calendar year 2013 provides valuable information about the compliance status and subsequent enforcement response to the individually-permitted nonmajor facilities regulated by the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES). Although, nationally, 81% of the ANCR facilities were reviewed for compliance by the state, territory, or EPA, three states reported that they had reviewed the compliance status for less than 50% of their ANCR permittees. The noncompliance rate for ANCR facilities continues to be high; approximately 33% of the reviewed ANCR permittees in verified states were in Category I noncompliance at some time in the calendar year. Twelve states did not distinguish between Category I or Category II violations for the purposes of this report; this trend should continue to be watched in that it particularly affects the national Category I noncompliance rate.

NPDES Program Background

The NPDES program was created to improve the quality of water in the nation's waterways. To accomplish that goal, facilities discharging pollutants to surface water are required to apply for NPDES permits, and then to operate within the limits established by those permits. Those permits regulate the type, amount, and timing of pollutants that the facility is allowed to discharge.

NPDES permits are broadly categorized as either individual permits or general permits. Individual permits are typically required for larger facilities. For example, they cover discharges of pollutants from specific outfalls or pipes (point sources) from industrial facilities, mines, municipal wastewater treatment plants, sewer system overflow points, and some construction sites and concentrated animal feeding operations to receiving waters. Approximately 47,000 permittees have been issued individual NPDES permits. This includes the 40,633 nonmajor facilities covered in this report, plus 6,700 "major" permittees not covered in this report.

General permits are written to cover entire categories of smaller dischargers, such as automated car washes and commercial vessels. There are approximately 500 NPDES general permits in use nationwide; some are issued by EPA, but many were developed and used solely within individual states. Most of the nearly one million total NPDES permittees operate under NPDES general permits. These facilities are not included in the ANCR data.

NPDES permits typically require the permit-covered facility to perform some degree of self-monitoring and reporting. Each of the permittees covered by this ANCR report is required to monitor its pollutant discharges at one or more specified locations, and to report the results of the self-monitoring to its permitting authority on a regular basis (usually monthly).

The CWA requires permitting authorities to review the self-monitoring data submitted by permittees, 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 enforcement actions as needed.

How Does NPDES Enforcement Work?

EPA and the states use a variety of enforcement techniques to compel compliance under the law. An authorized state or territory typically takes the lead on enforcement activities within its jurisdiction, but even in those jurisdictions EPA retains the right to act. For example, EPA may initiate an enforcement action if the state requests help, if a case is of national interest, or if EPA determines that a more robust enforcement response is needed.

When permit violations are detected, the enforcement process generally begins with an informal action, but can escalate to fines or formal enforcement actions depending on the severity and duration of the violation. For example, the permitting authority might send a warning letter (an informal action) to a permittee as a first step toward returning a facility to compliance. Permittees frequently address their violations 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 specific 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 of violations 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 for most ANCR permittees. For that reason, enforcement at those larger sites might be a higher priority. However, impacts on receiving waters can be significant even from smaller facilities. 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 readers to evaluate how vigorous those enforcement programs are. Additional information about other enforcement actions is available on the ECHO website and at www.epa.gov/compliance.

What Data Are Included?

Every NPDES program authority (state, territory, or EPA Regional Office) is required to provide EPA with the following annual summary information regarding its ANCR permittees:

- Number of ANCR permittees;
- Number of ANCR permittees reviewed by the state/territory/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;
- 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; and
- Number of permit modifications extending compliance deadlines granted to non-complying ANCR permittees.

In addition, information is also required regarding a list of ANCR permittees which are one or more years behind in construction phases of a compliance schedule, in alphabetical order by name and with permit number.

General Qualifications about the Data

It is important to note the following qualifications regarding the data reported in the ANCR:

- For the most part, existing regulations only require states to provide summary data for the ANCR. The only facility-specific data that is required pertains to ANCR permittees that are one or more years behind in construction phases of a compliance schedule.
 - Currently, states are not required to provide EPA with facility-specific data on self-monitoring, violations, enforcement actions, or penalties for most ANCR permittees.
 - Although not required by regulation, 27 states provided Discharge Monitoring Report (DMR) data to EPA's ICIS-NPDES national data system for 75% or more of their ANCR permittees in calendar year 2013.
- The ANCR originally did not include data regarding informal enforcement actions, but some states indicated that omitting informal enforcement actions understated their enforcement efforts; therefore, informal enforcement actions are now included in the ANCR.

Attachment 1

Compliance and Enforcement Statistics for Non-Major Facilities with Individual Permits by State for Calendar Year 2013, Verified States That Could Distinguish Between Category I and Category II Non-Compliance

Reg	State	Data Completeness in ICS-NPDES	Item 1) Permits Universe				Item 2) Permits Reviewed				% Reviewed	Item 3) Category I Non-Compliance					Item 4) Category II Non-Compliance				Item 4a) Reviewed Facilities with Category I or II Violations of Both					
			State	EPA	Tribal	Total	State	EPA	Tribal	Total		State	EPA	Tribal	Total	% Reviewed	State	EPA	Tribal	Total	State	EPA	Tribal	Total	% Reviewed	
6	AR	97.4%	693	3		696	681	3		684	98%	269	1		270	39.5%	57	-		57	326	1		327	48%	
1	CT	91.0%	74	4		78	70	1		71	91%	13	-		13	18.3%	NA	-		NA	16	-		16	23%	
3	DC	100.0%		7		7		7		7	100%		1		1	14.3%					1			1	14%	
3	DE	90.0%	31			31	28			28	90%	2			2	7.1%	3			3	5			5	18%	
7	IA	79.4%	1,531	3		1,534	1,216	2		1,218	79%	506	-		506	41.5%	193	1		194	689	1		690	57%	
5	IN	97.0%	1,437			1,437	1,394			1,394	97%	251			251	18.0%	41			41	288			288	21%	
4	KY	84.0%	1,663			1,663	1,389			1,389	84%	863			863	62.1%	153			153	1,016			1,016	73%	
1	MA	89.0%	-	127		127			113	89%	113	50			50	44.2%	19			19	69			69	61%	
7	MO	77.8%	2,830			2,830	2,830			2,830	100%	888			888	31.4%	122			122	1,010			1,010	36%	
9	MP	75.0%		4		4		3		3	75%	1			1	33.3%					1			1	33%	
8	MT	94.5%	133	30		163	131	23		154	94%	39	17		56	36.4%	15	2		17	54	19		73	47%	
9	MW	100.0%		1		1		1		1	100%		1		1	100.0%					1			1	100%	
7	NE	85.9%	667	9		676	573	9		582	86%	292	6		298	51.2%	34			34	326	6		332	57%	
1	NH	100.0%		34		34		34		34	100%		4		4	11.8%	10			10	14			14	41%	
6	NM	89.7%		97		97		96		96	99%		44		44	45.8%	7			7	51			51	53%	
9	NN	96.3%		27		27		26		26	96%	7			7	26.9%	3			3	10			10	38%	
2	NY	87.0%	1,200			1,200	1,044			1,044	87%	135			135	12.9%	188			188	323			323	31%	
5	OH	94.3%	3,153			3,153	2,972			2,972	94%	1,252			1,252	42.1%	239			239	1,491			1,491	50%	
6	OK	98.7%	376	4		380	371	4		375	99%	101	-		101	26.9%	34	2		36	135	2		137	37%	
2	PR	94.4%		178		178		168		168	94%		64		64	38.1%		79		79	143			143	85%	
1	RI	96.5%	55	2		57	55			55	96%	15	-		15	27.3%	5			5	19			19	35%	
8	SD	80.6%	244	9		253	200	4		204	81%	48	3		51	25.0%	10			10	58	3		61	30%	
2	SR	100.0%			2	2			2	2	100%			2	2	100.0%							2	2	100%	
6	TX	84.0%	2,235	2		2,237	1,884	2		1,886	84%	746	-		746	39.6%	166	1		167	912	1		913	48%	
1	VT	86.0%	149	2		151	149	2		151	100%	5	-		5	3.3%	7			7	12			12	8%	
8	WY	81.2%	1,048	25		1,073	1,048	15		1,063	99%	25	11		36	3.4%	4			4	29	11		40	4%	
Subtotal			17,011	361	1	18,089	16,001	151	2	16,550	91%	8,450	210	2	8,662	34.2%	1,271	124		1,395	6,709	214	2	7,045	43%	
											91.5%											41.8%				65.1%

Compliance and Enforcement Statistics for Non-Major Facilities with Individual Permits by State for Calendar Year 2013, Verified States That Could Not Distinguish Between Category I and Category II Non-Compliance

Reg	State	Data Completeness in ICS-NPDES	Item 1) Permits Universe				Item 2) Permits Reviewed				% Reviewed	Item 3) Category I Non-Compliance					Item 4) Category II Non-Compliance				Item 4a) Reviewed Facilities with Category I or II Violations of Both				
			State	EPA	Tribal	Total	State	EPA	Tribal	Total		State	EPA	Tribal	Total	% Reviewed	State	EPA	Tribal	Total	State	EPA	Tribal	Total	% Reviewed
9	AZ	80.7%	84	14		98	84	9		93	95%	NA	NA		NA	NA	NA	NA	NA	50	7		57	61%	
4	FL	94.4%	303	2		305	289	2		291	95%	78	NA		NA	NA	27	NA	NA	NA	105	1		106	36%
10	ID	87.9%		141		141		138		138	98%		NA		NA	NA		NA	NA		61			61	44%
5	IL	91.5%	1,309			1,309	1,222			1,222	93%	NA	NA		NA	NA	149	NA	NA	NA	NA			NA	NA
4	MS	91.7%	1,278	5		1,283	1,172	5		1,177	92%	222	NA		NA	NA	22	NA	NA	NA	244	5		249	21%
4	SC	96.4%	299			299	299			299	100%	NA	NA		NA	NA	NA	NA	NA	NA	225			225	75%
10	WA	83.5%	348	32		380	348	26		374	98%	NA	NA		NA	NA	NA	NA	NA	NA	40	18		58	16%
Subtotal			3,621	121		3,815	3,411	190		3,594	94%	300			NA	NA	198			149	664	32		756	21%

Compliance and Enforcement Statistics for Non-Major Facilities with Individual Permits by State for Calendar Year 2013, Non-Verified States That Could Distinguish Between Category I and Category II Non-Compliance

Reg	State	Data Completeness in KICS- NPDES	Item 1) Permits Universe				Item 2) Permits Reviewed				% Reviewed	Item 3) Category I Non-Compliance					Item 4) Category II Non-Compliance				Item 4a) Reviewed Facilities with Category I or II Violations or Both				
			State	EPA	Tribal	Total	State	EPA	Tribal	Total		State	EPA	Tribal	Total	% of Reviewed	State	EPA	Tribal	Total	State	EPA	Tribal	Total	% of Reviewed
			10	AK	74.3%	30	3		33	27		3		30	91%	15	-		15	50.0%	2	-		2	17
9	AS	0.0%		2		2				2	0%					0.0%									0%
9	CA	3.1%	268	6		274	268	6		274	100%	38	-		38	13.9%	24	1		25	62	1		63	23%
8	CO	64.2%	338	46		384	329	14		343	89%	100	7		107	31.2%	41	2		43	141	9		150	44%
6	GM	0.0%		3		3		3		3	100%					0.0%									0%
9	GU	71.4%		14		14		10		10	71%		9		9	90.0%						9		9	90%
9	HI	9.7%	29			29	27			27	93%					0.0%	9			9	9			9	33%
7	KS	22.6%	1,013	6		1,019	875	5		880	86%	136	2		138	15.7%	7	3		10	143	5		148	17%
3	MD	47.7%	451			451	406			406	90%	45			45	11.1%	51			51	96			96	24%
1	ME	67.6%	346	1		347	257	1		258	74%	53	-		53	20.5%	22	-		22	75	-		75	29%
5	MN	3.5%	569	19		588	569	19		588	100%	109	6		115	19.6%	231	4		235	340	10		350	60%
8	ND	2.0%	83	8		91	83	2		85	93%	30	2		32	37.6%	6			6	36	2		38	45%
2	NJ	0.0%	3,128	227		3,355	-	-		-	0%	-	-		-	0.0%	-	-		-	-	-		-	0%
9	NV	2.8%	104			104	104			104	100%	4			4	3.8%					4			4	4%
4	TN	40.9%	1,178	-		1,178	492	-		492	42%	50			50	10.2%	27			27	77			77	16%
8	UT	66.4%	96	2		98	88	2		90	92%	30	-		30	33.3%	8	1		9	38	1		39	43%
3	VA	0.0%	820			820	820			820	100%	89			89	10.9%	177			177	266			266	32%
2	VI	60.9%	64	1		65	39	-		39	60%	26	-		26	66.7%	11	-		11	37	-		37	95%
3	WV	42.3%	457			457	457			457	100%	145			145	31.7%	34			34	179			179	39%
Subtotal			8,974	338		9,312	4,841	85		4,926	53%	870	26		896	18.3%	650	11		661	1,520	37		1,378	28%

Compliance and Enforcement Statistics for Non-Major Facilities with Individual Permits by State for Calendar Year 2013, Non-Verified States That Could Not Distinguish Between Category I and Category II Non-Compliance

Reg	State	Data Completeness in KICS- NPDES	Item 1) Permits Universe				Item 2) Permits Reviewed				% Reviewed	Item 3) Category I Non-Compliance					Item 4) Category II Non-Compliance				Item 4a) Reviewed Facilities with Category I or II Violations or Both					
			State	EPA	Tribal	Total	State	EPA	Tribal	Total		State	EPA	Tribal	Total	% of Reviewed	State	EPA	Tribal	Total	State	EPA	Tribal	Total	% of Reviewed	
			4	AL	49.0%	1,365	1		1,366	1,193		1		1,194	87%	NA	NA		NA	NA	NA	NA	NA	NA	443	-
4	GA	66.6%	545	1		546	545	1		546	100%	25	NA		NA	NA	33	NA		NA	58	1		59	11%	
6	LA	17.9%	1,215	11		1,226	398	10		408	33%	NA	3		NA	NA	NA	1		NA	212	4		216	53%	
5	MI	18.8%	394	8		402	394	8		402	100%	NA	2		NA	NA	NA	1		NA	213	3		216	54%	
4	NC	69.0%	1,296	4		1,300	922	4		926	71%	NA	NA		NA	NA	NA	NA		NA	542	3		545	59%	
10	OR	1.0%	269	4		273	217	3		220	81%	NA	3		NA	NA	NA	-		NA	54	3		57	26%	
3	PA	3.0%	3,616			3,616	3,616			3,616	100%	NA			NA	NA	NA			NA	838			838	23%	
5	WI	1.7%	672	16		688	672	16		688	100%	NA	10		NA	NA	NA	5		NA	296	14		310	45%	
Subtotal			9,371	45		9,417	7,957	43		8,000	85%	25	18		NA	NA	33	7		NA	2,656	28		2,684	34%	
National			55.1%	39,486	1,145	2	40,633	32,247	801	2	33,050	81%	6,645	254	2	6,558	19.8%	2,152	142	-	2,205	11,549	491	2	12,042	36%

Attachment 2

Compliance and Enforcement Statistics for Non-Major Facilities with Individual Permits by State for Calendar Year 2013, Verified States That Could Distinguish Between Category I and Category II Non-Compliance																						
Req	State	Enforcement Activity																				
		Item 5) Permits Receiving Formal Enf. Actions for RNC			Item 5a) Penalty Dollars Assessed			Item 5b) Permits Receiving Administrative Penalty Orders			Item 5c) Permits Receiving Formal Enf and/or APO			Item 6) Permit Mods. Extending Compliance Deadlines			Item 7) One or More Years Behind Constr. Sched. Deadlines			Item 8) Permits Receiving Informal Enforcement Actions		
		State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total			
6	AR	27	-	27	\$100,929	\$0	\$100,929	-	-	-	27	-	27	-	-	-	1	-	1	2	-	2
1	CT	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	5	-	5	
3	DC	-	-	-	-	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
3	DE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-	6	
7	IA	9	-	9	\$36,750	\$5,100	\$41,850	5	-	5	9	-	9	16	-	16	12	-	12	189	-	189
5	IN	22	-	22	\$60,846	-	\$60,846	17	-	17	39	-	39	-	-	-	3	-	3	390	-	390
4	KY	34	-	34	\$330,610	\$4,000	\$334,610	2	-	2	36	-	36	-	-	-	8	-	8	266	-	266
1	MA	-	1	1	-	\$0	-	-	-	-	-	1	-	1	-	-	-	-	-	-	-	-
7	MO	75	-	75	\$173,300	\$23,000	\$196,300	14	-	14	75	-	75	-	-	-	215	-	215	1,079	-	1,079
9	MP	-	-	-	-	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8	MT	20	2	22	\$28,245	\$40,000	\$68,245	1	1	2	21	3	24	-	-	-	1	1	2	89	-	89
9	MW	-	-	-	-	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
7	NE	2	1	3	\$21,700	\$21,700	\$43,400	1	1	2	2	2	4	2	2	2	3	2	5	34	-	34
1	NH	-	-	-	-	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
6	NM	-	-	-	-	\$7,000	\$7,000	-	1	1	-	9	9	-	-	-	8	8	-	-	-	-
9	NN	-	-	-	-	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2	NY	40	-	40	\$484,700	\$0	\$484,700	1	-	1	41	-	41	-	-	-	1	-	1	-	-	-
5	OH	25	1	26	\$528,465	-	\$528,465	14	-	14	39	1	40	-	-	-	77	-	77	593	-	593
6	OK	91	-	91	\$307,246	\$0	\$307,246	16	-	16	75	-	75	-	-	-	3	-	3	13	1	14
2	PR	-	2	2	-	\$50,000	\$50,000	-	1	1	-	3	3	-	-	-	-	-	40	40	-	-
1	RI	1	-	1	\$31,250	\$0	\$31,250	1	-	1	2	-	2	-	-	-	-	-	-	21	-	21
8	SD	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	2	2	4	-	-	-	88	-	88
2	SR	-	-	-	-	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
6	TX	154	-	154	\$2,499,356	\$0	\$2,499,356	154	-	154	154	-	154	-	-	-	-	-	44	1	45	
1	VT	1	-	1	\$20,000	\$0	\$20,000	1	-	1	1	-	1	-	-	-	-	-	6	-	6	
8	WY	1	-	1	\$1,600	\$0	\$1,600	-	-	-	1	-	1	-	-	-	-	-	163	-	163	
Subtotal		602	12	614	\$4,624,997	\$150,800	\$4,775,797	227	4	231	522	13	535	20	2	22	324	51	375	2,548	2	2,550

Compliance and Enforcement Statistics for Non-Major Facilities with Individual Permits by State for Calendar Year 2013, Verified States That Could Not Distinguish Between Category I and Category II Non-Compliance																						
Req	State	Enforcement Activity																				
		Item 5) Permits Receiving Formal Enf. Actions for RNC			Item 5a) Penalty Dollars Assessed			Item 5b) Permits Receiving Administrative Penalty Orders			Item 5c) Permits Receiving Formal Enf and/or APO			Item 6) Permit Mods. Extending Compliance Deadlines			Item 7) One or More Years Behind Constr. Sched. Deadlines			Item 8) Permits Receiving Informal Enforcement Actions		
		State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total			
9	AZ	2	-	2	\$0	\$0	\$0	-	-	-	2	-	2	-	-	-	-	-	-	31	-	31
4	FL	3	-	3	\$10,625	\$0	\$10,625	3	-	3	6	-	6	-	-	-	-	-	-	-	-	-
10	ID	-	8	8	-	\$351,500	\$351,500	-	8	8	-	8	8	-	-	-	-	-	-	4	-	4
5	IL	26	3	29	\$131,621	\$82,621	\$214,242	2	2	4	28	-	28	-	-	-	1	-	1	61	-	61
4	MS	18	-	18	\$213,988	\$0	\$213,988	18	-	18	18	-	18	-	-	-	-	-	394	-	394	
4	SC	6	-	6	\$20,975	-	\$20,975	-	-	-	6	-	6	-	-	-	2	-	2	86	-	86
10	WA	11	1	12	\$39,104	\$175,000	\$214,104	3	1	4	10	1	11	-	-	-	-	-	-	134	-	134
Subtotal		66	12	78	\$416,313	\$609,121	\$1,025,434	28	13	41	76	1	77	-	-	-	3	1	4	796	4	800

Compliance and Enforcement Statistics for Non-Major Facilities with Individual Permits by State for Calendar Year 2013, Non-Verified States That Could Distinguish Between Category I and Category II Non-Compliance																						
Req	State	Enforcement Activity																				
		Item 5) Permits Receiving Formal Enf. Actions for RNC			Item 5a) Penalty Dollars Assessed			Item 5b) Permits Receiving Administrative Penalty Orders			Item 5c) Permits Receiving Formal Enf. and/or APO			Item 6) Permit Mods. Extending Compliance Deadlines			Item 7) One or More Years Behind Constr. Sched. Deadlines			Item 8) Permits Receiving Informal Enforcement Actions		
		State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total
10	AK	-	1	1	\$0	\$45,500	\$45,500	-	1	1	-	1	1	-	-	-	-	-	-	1	1	2
9	AS	-	-	-	-	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-
9	CA	41	-	41	\$4,802,858	\$0	\$4,802,858	36	-	36	41	-	41	5	-	5	-	-	-	63	63	63
8	CO	7	-	7	\$40,000	\$0	\$40,000	2	-	2	7	-	7	-	-	5	-	-	5	-	1	1
6	GM	-	-	-	-	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
9	GU	-	-	-	-	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
9	HI	-	-	-	\$150,086	\$355,000	\$505,086	-	-	-	-	-	-	-	-	-	-	-	-	2	2	2
7	KS	4	-	4	\$24,453	\$9,100	\$33,553	4	-	4	6	-	6	-	-	-	-	1	1	NA	-	NA
3	MD	19	4	23	\$2,339,605	\$233,000	\$2,572,605	5	3	8	19	7	26	-	-	-	-	-	-	-	-	-
1	ME	5	-	5	\$30,228	\$0	\$30,228	-	-	-	5	-	5	-	-	-	-	1	-	1	32	32
5	MN	20	1	21	\$33,079	\$425,000	\$458,079	5	-	5	25	1	26	-	-	-	-	-	-	18	18	
8	ND	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	9	9	9
2	NJ	8	-	8	\$0	\$0	\$0	-	-	-	8	-	8	-	-	-	-	8	-	8	-	-
9	NV	-	-	-	-	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4	TN	5	-	5	\$542,870	\$0	\$542,870	5	-	5	5	-	5	-	-	-	-	-	-	45	45	
8	UT	-	-	-	\$1,167	\$0	\$1,167	1	-	1	1	-	1	-	-	-	-	-	-	2	2	2
3	VA	17	25	42	\$147,656	\$78,000	\$225,656	11	3	14	17	28	45	1	1	1	1	1	267	-	267	
2	VI	1	-	1	\$0	\$0	\$0	-	-	-	1	-	1	-	-	-	-	-	-	15	15	30
3	WV	220	-	220	\$1,881,033	-	\$1,881,033	40	-	40	25	-	25	-	-	-	-	1	1	1,509	-	1,509
Subtotal		347	31	378	9,993,035	1,145,600	11,138,635	109	7	116	160	37	197	6	-	6	16	2	18	1,963	17	1,980

Compliance and Enforcement Statistics for Non-Major Facilities with Individual Permits by State for Calendar Year 2013, Non-Verified States That Could Not Distinguish Between Category I and Category II Non-Compliance																						
Req	State	Enforcement Activity																				
		Item 5) Permits Receiving Formal Enf. Actions for RNC			Item 5a) Penalty Dollars Assessed			Item 5b) Permits Receiving Administrative Penalty Orders			Item 5c) Permits Receiving Formal Enf. and/or APO			Item 6) Permit Mods. Extending Compliance Deadlines			Item 7) One or More Years Behind Constr. Sched. Deadlines			Item 8) Permits Receiving Informal Enforcement Actions		
		State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total
4	AL	11	-	11	\$486,320	\$0	\$486,320	16	-	16	27	-	27	-	-	-	-	-	-	182	-	182
4	GA	61	-	61	\$119,095	\$0	\$119,095	61	-	61	64	-	64	-	-	1	-	1	85	-	85	
6	LA	40	-	40	\$559,404	\$0	\$559,404	5	-	5	40	-	40	-	-	3	-	3	70	-	70	
5	MI	15	1	16	\$218,945	\$0	\$218,945	-	-	-	15	1	16	-	-	-	-	7	76	-	76	
4	NC	1	-	1	\$298,555	\$0	\$298,555	109	-	109	110	-	110	-	-	-	-	-	243	-	243	
10	OR	16	3	19	\$32,989	\$0	\$32,989	4	3	7	16	3	19	-	-	5	-	5	54	-	54	
3	PA	211	7	218	\$1,355,425	\$1,216,551	\$2,571,976	102	2	104	211	9	220	NA	NA	NA	NA	NA	878	-	878	
5	WI	8	-	8	\$40,000	\$0	\$40,000	NA	-	NA	8	-	8	-	-	3	-	3	21	-	21	
Subtotal		363	11	374	\$3,110,733	\$1,216,551	\$4,327,284	297	5	302	491	13	504	-	-	19	-	19	1,609	-	1,609	
National		1,278	61	1,339	\$18,145,078	\$3,122,072	\$21,267,150	659	27	686	1,243	78	1,321	26	2	28	362	53	415	7,266	23	7,289

11.1%
20.4%