

US Environmental Protection Agency (EPA) - Annual Non-Compliance Report (ANCR) on National Pollutant Discharge Elimination System (NPDES) Non-Majors

CALENDAR YEARS 2004 AND 2005 FINAL REPORT (Released January 16, 2007)

Introduction

This is the EPA's 2004 and 2005 report on non-compliance for NPDES individual non-major permits, based on ANCRs collected from over 50 states and territories. Federal regulations require EPA to compile non-compliance statistics for smaller dischargers that are often not fully represented in national data systems. This information is designed to assist EPA, states, and the public to understand the relative compliance with NPDES permits across the country. Because detailed facility-level violation data is not as well populated in national databases for these smaller facilities, the ANCR provides as mechanism to collect and report this information on an aggregate level (based on a combination of actual measurement data and data self reported by the states).

The source of the data has great bearing on the non-compliance rates calculated. As described in more detail below, EPA has separated the reports into several categories based on reporting method and on the quantity of data in PCS. As the only comprehensive snapshot of non-major non-compliance available to EPA, some of the findings of this report are:

- In states that routinely populate monthly discharge data in the national Permit Compliance System (PCS) database, roughly 40% of non-major facilities have at least one significant (Category I) violation during the calendar year. (Throughout this report, this group of states with greater than 80% of data entered are referred to as the “statistically-valid” universe.)
- For states that manually submitted non-compliance data without using the national database, the Category I non-compliance rate was roughly 13%.
- The enforcement rates based on the 2004 and 2005 ANCRs range between 3% and 12% of total non-major permits in non-compliance, depending on the reporting category.

According to 40 CFR §123.45 (c), EPA is required to make the ANCR data public. Unlike the reporting requirements for major NPDES permits in the federal regulations, the ANCR is a statistical summary report that is reported annually. Because of some data quality considerations, EPA compiled the data into this national report with additional analysis and interpretation on what the information might mean.

Background

Regional and State Reporting Criteria

Pursuant to 40 CFR §123.45 (c), the Director of the permit-issuing authority (State Director or Regional Administrator) is required to submit the following seven items to EPA Headquarters. Regions were asked to submit data for the period from January 1 through December 31, 2004 for CY2004 and January 1 through December 31, 2005 for CY2005, according to guidelines provided in respective April 29, 2005 and May 1, 2006 EPA memoranda to Regional Water Division Directors and Regional Enforcement Division Directors. The deadlines for submission

of the CY2004 and CY2005 reports were July 8, 2005 and July 14, 2006, respectively. States were encouraged to submit their reports to Regions according to the format shown in the table below:

Annual Non-Compliance Report for NPDES Non-Majors

<u>Item</u>	<u>Description</u>	<u>Count</u>	
1)	Number of non-major NPDES permittees (standard/individual permits only)		
2)	Number of non-major NPDES permittees reviewed by the State/ Region		
3)	Number of non-major NPDES permittees in Category I non-compliance		*
4)	Number of non-major NPDES permittees in Category II non-compliance ¹		
5)	Number of formal enforcement actions taken by the state/ Region against non-major NPDES permittees		
6)	Number of permit modifications extending compliance deadlines granted to non-major NPDES permittees		
7)	List of non-major NPDES permittees which are one or more years behind in construction phases of the compliance schedule, in alphabetical order by name and permit number		Please enclose a list.

*The regulation requires states to delineate the severity of violations by providing separate figures for lines 3 and 4. However, many states that report manually indicated their data systems were not able to provide these distinctions. For this reporting cycle, EPA has allowed states to provide one combined figure for lines 3 and 4. This is not the preferred reporting method, but is preferable to having no reporting.

Universe of Facilities Covered by ANCR

The non-major permittee universe is approximately 170,000. For purposes of the ANCR, EPA requested that non-compliance data only be calculated for the approximately 43,000 individually-permitted non-majors that have point (pipe) discharges with numeric limits. This was done because the smaller universe normally reports violation data on a monthly basis, whereas the other non-majors can only be assessed for compliance based upon inspections (e.g. Stormwater permits, concentrated animal feeding operations, etc.).

PCS vs. Alternate Reporting

For the facilities covered under the ANCR, states were provided a choice of reporting from the national database, PCS, or alternate state sources. For those states choosing to use the national database, the following PCS requirements were in place:

¹ As stated in 40 CFR §123.45(c), “The statistical information shall be organized to follow the types of noncompliance listed in paragraph (a) of this section.” Section (a)(2)(iii)(A)(1) states that Category II non-compliance includes any violation of a permit limit.

- Maintain permit limits for non-major individual permittees
- Routine discharge monitoring report (DMR) data entry² for non-major individual permittees
- Reportable non-compliance (RNC)³ tracking software turned on for non-major individual permittees
- DMR non-receipt tracking turned on for non-major individual permittees
- After reviewing their PCS reports, they must either submit a statement to the Region indicating their agreement with the numbers in the PCS report, or provide a corrected version of the report to the Region if the numbers are not satisfactory

EPA generated CY2004 PCS reports for 24 states/ territories: AL, AR, CO, DC, FL, GA, IN, KY, MA, MS, MT, NC, NE, NH, NY, OH, OK, PR, SC, SD, TN, TX, UT, and VI. Of these 24 reports, 15 were determined to have enough limit and DMR data (>80%) to be statistically-valid⁴. For 2005, out of 29 reports generated (for the states listed above and AK, ID, NM, RI, and SD), 17 were determined to be statistically-valid and support further analysis. A table showing the status of PCS tracking by state for each year is provided in Appendix 1. Other than the states that met all five requirements listed above, many states requested PCS reporting, although they did not have RNC or DMR non-receipt tracking turned on. Calculating Category I and II non-compliance outside of PCS is extremely difficult due to the complexity of the software used; the PCS reporting option is very appealing to states because the PCS software automates these calculations.

Several states that qualified for PCS reporting modified the counts provided by PCS. Further details about the ANCRs submitted by all states can be found in Appendix 3 for CY2004, and Appendix 4 for CY2005.

In 2005, a slightly higher number of states used automated PCS reports (rather than alternate reports generated from state databases or paper records). Some of the 'alternate' states used a combination of PCS data and manual review to fulfill the reporting criteria. Table 1 provides a summary of types of ANCRs received for 2004 and 2005. Table 2 shows more detailed breakdowns of reporting categories by state for CY2004, and Table 3 shows the same information for CY2005.

2 DMR data are compared to permit limits in PCS and used to automatically generate and classify the types of effluent violations referred to in 40 CFR §123.45.

3 RNC software automatically identifies violations as Category I or II, as defined by 40 CFR §123.45. For permit monthly effluent limit violations, these are 20% or 40% exceedances of the same parameter at the same pipe (or outfall) which occur two or four months in a six month period (depending of the type of pollutant).

4 At the recommendation of the Office of Enforcement and Compliance Assurance's (OECA's) statistical consultant, EPA set an 80% threshold of non-major individual permits with limits and DMRs for statistically-valid reporting. For the purposes of this analysis, this percentage has been calculated using results from two PCS retrievals. The limit retrieval was provided in Attachments 5 and 4, respectively, of the April 25, 2005 and May 1, 2006 ANCR memos sent to EPA Regions by David Hindin. The DMR entry rates were calculated using the DMR Summary (DS report) retrieval out of PCS.

Table 1. Summary of Types of ANCRs Received

Year	PCS Reports			Tracking Off	Alternate Reports (may include limited use of PCS)	Not received or Incomplete Reports
	Tracking On					
	>80%*	40-80%	<40%			
	Limits and DMRs in PCS					
2004	15	8	1	7	22	4
2005	17	6	6	6	20	2

*Shaded area represents statistically-valid information.

Table 2. Reporting Categories by State, CY2004

Region	PCS Reports Received			Tracking Off	Alternate Reports Received	Not received or Incomplete Reports
	Tracking On					
	>80%*	40-80%	<40%			
	Limits and DMRs in PCS					
1		MA, NH			CT, ME, RI, VT	
2	NY, PR	VI				NJ
3	DC				DE, MD, VA, WV	PA
4	FL, MS, SC	AL, GA, KY, TN	NC			
5	IN, OH				IL, MN	MI, WI
6	AR, OK, TX			GM, NM	LA	
7	NE				IA, KS, MO	
8	CO, MT, UT	SD			ND, WY	
9				AS, GU, NN	AZ, CA, HI, NV	
10				AK, ID	OR, WA	

*Shaded area represents statistically-valid information.

States in **bold** are not NPDES-authorized (EPA manages the NPDES program).

Table 3. Reporting Categories by State, CY2005

Region	PCS Reports Received			Tracking Off	Alternate Reports Received	Not received or Incomplete Reports
	Tracking On					
	>80%*	40-80%	<40%			
Limits and DMRs in PCS						
1	CT	MA, NH, RI			ME, VT	
2	NY, PR	VI			NJ	
3	DC				DE, MD, VA	PA, WV
4	FL, MS, SC	NC	AL, GA, KY, TN			
5	IN, OH				IL, MN, MI, WI	
6	AR, OK, TX		NM	GM	LA	
7	NE				IA, KS, MO	
8	CO, MT, SD, UT				ND, WY	
9				AS, GU, HI, NV, NN	AZ, CA	
10		ID	AK		OR, WA	

*Shaded area represents statistically-valid information.

States in **bold** are not NPDES-authorized (EPA manages the NPDES program).

Data Quality Considerations

As explained previously, reports received were divided into distinct categories, and the data were compiled and analyzed according to these categories. Only reports produced from PCS for states with DMR non-receipt and RNC tracking on, and greater than 80% of non-major limits and DMRs in the system were considered “statistically-valid”. Without these conditions, the data in PCS is not sufficient to support an authoritative non-compliance rate. In addition, EPA has little information on the methods to derive non-compliance rates used by states submitting alternate reports. Where specific caveats or discrepancies are known for both PCS reports and alternate reports, they are listed in a table with the original ANCR data in Appendices 3 and 4.

The data produced via PCS had several retrieval limitations. For example, due to the lack of a “reviewed” data element in PCS, for the purposes of this report, the “Number of non-major NPDES permittees reviewed by the State/ Region” was counted as the number of permits that

received at least one discharge monitoring report (DMR) in the calendar year. It assumes that entering the DMR data into PCS would result in the comparison of this data against the permit limits. This assumption is EPA's best interpretation of what "reviewed" means under the ANCR regulation. Of course, it is possible that a state could enter data, have PCS generate a violation record, but then never look at or act on the violation.

In addition, the permit counts generated from PCS for most of the reports included permits issued by the state as well as by EPA (for facilities located in the state, such as federal or tribal facilities), while the alternate reports submitted in most cases did not include these EPA-issued permits. Similarly, the PCS enforcement action counts included both state and EPA enforcement actions, whereas alternate counts provided by the state may have excluded EPA enforcement actions. For the 45 states with authorized NPDES programs, the percentage of EPA actions compared to the total number of enforcement actions is quite low.

Lastly, although EPA's CY2004 and CY2005 ANCR memos set forth guidelines to standardize reporting among Regions/States, reporting errors may have occurred. However, because the reports by the Regions/States were mainly provided in the form of numeric counts, it is impossible to reliably determine the kind of or extent of reporting errors that may have taken place. The ANCR regulation does not require that states provide facility lists to support statistics that were provided.

Results

The tables below show the arithmetic average Category I significant non-compliance (SNC)⁵ rate and total non-compliance rates across report type categories. The Category I (SNC) rate includes any facility that had at least one quarter in Category I non-compliance in the calendar year, divided by the number of standard/ individual non-major permits reviewed by the state in the calendar year. The total non-compliance rate includes any facility that had at least one quarter in either Category I or II non-compliance in the calendar year, divided by the number of standard/ individual non-major permits reviewed by the state in the calendar year. Enforcement rates were determined by dividing the number of formal enforcement actions by the total number of facilities in non-compliance. Because the difference in enforcement rate between PCS and alternate reports can be explained by the difference in total number of facilities in non-compliance used as the denominator for these types of reports, this issue will not be addressed in the Analysis and Discussion section of this document.

Table 4. CY2004 ANCR Results Summary (for reports that met requirements outlined in April 25, 2005 OECA memo)

Type of Report	Number Received	Number of Facilities	Category I (SNC) Rate	Total Non-compliance Rate	Enforcement Rate
Statistically-valid data (from reports generated by PCS with tracking on and >80% of limits and DMRs)	15	12,322	38.8%	70.2%	2.7%
Alternate (Manual) Reports	22	15,197	13.8%	33.7%	6.5%
Majors (FY04 for comparison)	N/A	6,635	17%	42%	27%

⁵ Use of the term "SNC" here is not official because SNC historically only applies to NPDES major facilities. In this case, EPA is applying the existing SNC criteria for majors to the non-major universe.

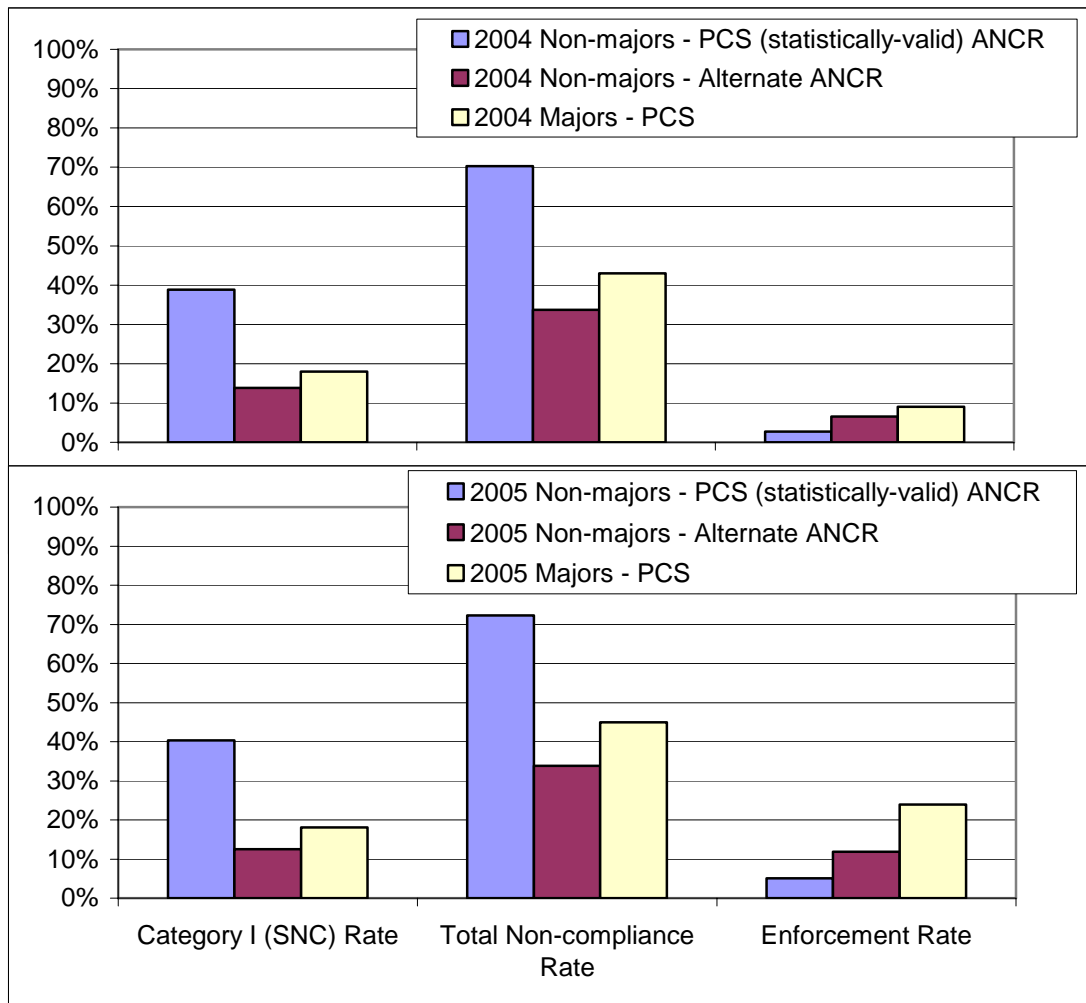
Table 5. CY2005 ANCR Results Summary (for reports that met requirements outlined in May 1, 2006 OECA memo)

Type of Report	Number Received	Number of Facilities	Category I (SNC) Rate	Total Non-compliance Rate	Enforcement Rate
Statistically-valid data (from reports generated by PCS with tracking on and >80% of limits and DMRs)	17	12,606	40.3%	72.3%	5.1%
Alternate (Manual) Reports	20	15,689	12.6%	33.9%	11.9%
Majors (FY05 for comparison)	N/A	6,617	18%	45%	24%

CY2004 and CY2005 results for other categories of ANCRs received are included for reference in Appendix 2, but will not be discussed in this report because the PCS data that these reports are based on is not sufficient to support analysis.

The following chart provides a perspective on the ANCR data over the last two years. The non-compliance and enforcement rates in 2004 and 2005 are similar, with non-major noncompliance rates higher than comparable rates for majors, and non-major enforcement rates lower than those for majors in both years. In both years, ANCR data from PCS supports higher non-compliance and lower enforcement rates, compared to alternate (manual) reporting.

Chart 1. Two Year Trends for Non-Major ANCRs Compared to Majors



Analysis and Discussion

2004 and 2005 findings are very consistent. The three most prominent findings from the ANCR data were:

- 1) **There is a significant difference in non-major violation rates according to reporting method (PCS or alternate source). When data is tracked with permit limits and DMRs, the Category I non-compliance (SNC) rate is two to three times higher for statistically-valid PCS reports (39-40%) than for alternate reports (roughly 13-14%).** Excluding violations due to DMR non-receipt⁶, the 39% Category I non-compliance rate for PCS reports in 2004 would drop to roughly 33%, and the 40% Category I non-compliance rate in 2005 would drop to 31%. Even with these numbers, both years would still more than double the Category I non-compliance rate for alternate reports.
- 2) **Based on the 32 statistically-valid PCS reports submitted in both years, the non-major Category I non-compliance (SNC) rate of 39-40% is more than double that of majors (17-18%).**
- 3) **Based on the 32 statistically-valid PCS reports submitted in both years, the non-major enforcement rate of 2.7-5.1% is at least four times less than the 24-27% rate for majors.**

Based on the first finding, the Office of Enforcement and Compliance Assurance (OECA) is concerned that many states are receiving hard copy reports (DMRs) that indicate significant, actionable violations, some of which are in priority watersheds. However, because the data are not electronically tracked, there is no automated method for quickly identifying potential violators. EPA's primary conclusion is that more complete data are needed to facilitate improved core program implementation.

Because of the variations in state tracking of non-major data, the overall 2004 and 2005 ANCR results are too inconsistent to generate an accurate conclusion about nationwide non-major non-compliance. It took several months beyond the initial deadlines for EPA to receive reports from states and territories for both years. As indicated above, this is likely because the information necessary to produce the ANCR is not readily available in many states. For states that have a significant amount of non-major data in PCS, the ANCR is fairly easy to generate, but may involve some data clean-up or retrieval modifications. For the majority of NPDES-authorized states that do not have the necessary non-major data in PCS, generating the ANCR is much more challenging and resource-intensive. Many of these states do not have a state system comparable to PCS that can automate violation detection and evaluation (SNC or not SNC) for non-majors. This may suggest violation tracking data gaps in those states.

⁶ One explanation that is often provided for the high rate of Category I non-compliance for PCS reports is the high percentage of permits in some Regions that were counted exclusively due to DMR non-receipt. (In this case, the term "DMR non-receipt" could indicate either lack of DMR submission by the permitted facility or lack of data entry of DMR values into PCS by the state or Region.) However, among the 15 states that used PCS to report in 2004, only about a quarter of the total Category I non-compliance was due to DMR-non-receipt. For 2005, a maximum of 38% of permits in Category I non-compliance were due to DMR-non-receipt. Since the states and regions were given the opportunity to review and revise their ANCRs, for the purpose of this analysis, any permits with inaccurate DMR non-receipt are presumed not to have been included in the final counts.

EPA assumes that the true non-compliance rates for non-major facilities do not vary significantly based on whether a state uses PCS or an alternative means to track DMR-based non-compliance. Thus, EPA expects that the much lower rate of non-compliance for non-majors in non-PCS states compared to PCS states is not a real difference in facility compliance status, but the result of incomplete knowledge of non-compliance by non-PCS states.

Conclusion and Recommendations

When 40 CFR §123.45 was issued in 1983, EPA and the states were focused on addressing the significant sources of pollution at the time, the large universe of traditional municipal and industrial point sources regulated by the NPDES program, known as "majors". Ensuring appropriate pollutant discharge limits and controls, issuing effective permits, monitoring compliance and pursuing appropriate enforcement actions for this universe required national tracking of the information necessary to measure, evaluate and report on these efforts. In the last twenty years, these efforts have resulted in significant pollutant controls and reductions from traditional major sources. Recent State reports submitted under Section 305(b) of the Clean Water Act and compiled by EPA in the annual National Water Quality Inventory Reports, indicate the growing significance of impairing pollutants from other, non-major sources. EPA currently does not have reliable compliance information on these non-major sources. The ANCR provides mainly summary data, which is of limited value when looking at specific facilities.

OECA prefers PCS (and eventually ICIS-NPDES⁷) reporting for NPDES non-majors because the counts are supported by facility and measurement-specific data in PCS/ ICIS-NPDES. For states tracking this information in the national system, the public can easily access violation data via the Enforcement and Compliance History Online (ECHO) web site, rather than needing to submit Freedom of Information Requests to the states for DMR hard copies. Retrieving ANCRs from PCS/ ICIS-NPDES also leads to improved data quality for non-major permits in PCS. Alternate reporting does not provide a way for EPA to see the permit information behind the counts, or verify that states are reporting accurately. OECA hypothesizes that some of the states that chose alternate reporting might not have a system comparable to PCS that automates violation detection. If this is true, these states may be reporting artificially low non-compliance rates because they are unaware of their permittees' violations.

In contrast to ANCR summary data, DMR data entry into PCS and the automated SNC/RNC calculations allows states and regions to efficiently and effectively evaluate non-compliance in a consistent national way. Electronic DMR reporting by facilities will reduce data entry costs, and in time, should enable all states to efficiently enter/transfer DMR data into EPA's national data system. EPA has invested heavily in adapting its information systems to facilitate state delivery of NPDES non-major data and is currently working with states to support updated NPDES information needs and reporting requirements. EPA is also currently supporting an electronic DMR reporting effort led by a consortium of states. More information on this effort is available at: www.exchangenetwork.net/exchanges/water/netdmr.htm.

⁷ PCS is in the process of being replaced by a modernized information management system known as ICIS-NPDES, the Integrated Compliance Information System for the NPDES program.

Although there are some data quality considerations, the number of PCS reports received in 2004 and 2005 is significantly higher than in years past. Considering that 87% of NPDES individual permittees are non-majors and that almost 80% of all inspections are done at non-major facilities, EPA needs to obtain a better understanding of non-major non-compliance. This analysis, if verified or better supported by more data in the future, may lead to better targeting and priority decisions under the NPDES program.

Appendix 1 – Status of PCS Tracking by State

State	Region	Authorized NPDES program	Required for PCS ANCR reporting		PCS as primary management system*	Used data primarily from PCS in 2004	Used data primarily from PCS in 2005
			RNC tracking on	DMR nonreceipt tracking on for standard non-majors			
CT	1		as of 5/22/2005	as of 5/22/2005			**
MA	1		as of 8/31/2002				
ME	1		as of 8/31/2002				
NH	1		as of 8/31/2002				
RI	1		as of 9/6/2004				
VT	1						
NJ	2						
NY	2		as of 2/28/2003			**	**
PR	2		as of 2/28/2003			**	**
VI	2		as of 2/28/2003				
DC	3		as of 2/28/2003			**	**
DE	3						
MD	3						
PA	3						
VA	3						
WV	3						
AL	4						
FL	4					**	**
GA	4						
KY	4						
MS	4					**	**
NC	4						
SC	4					**	**
TN	4						
IL	5						
IN	5					**	**
MI	5		as of 2/28/2003				
MN	5			also general and pretreatment			
OH	5		as of 2/28/2003			**	**
WI	5						
AR	6					**	**
GM	6						
LA	6						
NM	6			as of 5/22/2005			
OK	6					**	**
TX	6					**	**
IA	7						
KS	7						
MO	7						
NE	7		as of 8/31/2002	all permit types		**	**
CO	8			also general, groundwater		**	**
MT	8		as of 8/24/2002	also general		**	**
ND	8						
SD	8						**
UT	8					**	**
WY	8						
AS	9						
AZ	9						
CA	9						
GU	9						
HI	9						
NN	9						
NV	9						
AK	10		as of 9/6/2004				
ID	10		as of 9/6/2004				
OR	10		as of 9/6/2004				
WA	10		as of 9/6/2004				

Note: Gray cells are a positive indicator; blank cells are negative.

* Based on January 2004 information compiled by EPA ETDD.

** Statistically-valid PCS reports (with tracking on, and limits and DMRs > 80%).

Appendix 2 – Compiled ANCR Results for Other Categories

CY2004 ANCR Results for reports that did *not* meet requirements outlined in April 25, 2005
OECA memo

Type of Report		Number Received	Number of Facilities	Category I (SNC) Rate	Total Non-compliance Rate	Enforcement Rate
PCS (tracking on)	40-80% of limits and DMRs in PCS	8	5,588	84.2%	95.1%	0.7%
	< 40% of limits and DMRs in PCS	1	1,152	22.9%	42.9%	6.7%
PCS (tracking off)		7	301	45.5%	74.0%	2.3%
Subtotal		16	7,041	80.6%	93.0%	0.8%
Total for non-majors		53	34,560	31.8%	55.6%	3.5%

CY2005 ANCR Results for reports that did *not* meet requirements outlined in May 1, 2006
OECA memo

Type of Report		Number Received	Number of Facilities	Category I (SNC) Rate	Total Non-compliance Rate	Enforcement Rate
PCS (tracking on)	40-80% of limits and DMRs in PCS	6	1,617	31.2%	52.0%	3.2%
	< 40% of limits and DMRs in PCS	6	5,068	24.0%	33.9%	3.8%
PCS (tracking off)		6	179	5.1%	14.6%	0.0%
Subtotal		18	6,864	24.9%	37.5%	3.5%
Total for non-majors		55	35,159	25.4%	49.9%	7.1%

Appendix 3: Original ANCR data submitted for CY2004, by reporting category and state

Reports generated from PCS, and verified by States

State	Region	Number of non-major NPDES permittees (standard/individual permits only)	% with Limits and DMRs	Non-major permittees reviewed by the state	Non-majors in Category I non-compliance	Non-majors in Category II non-compliance	Total	% Total Non-compliance	Number of formal enforcement actions taken against non-majors	Enforcement Rate	Number of permit modifications extending compliance deadlines granted to non-majors	List of permittees one or more years behind in construction phases of compliance schedule	Caveats
<i>With tracking on, and >80% of Limits and DMRs in PCS</i>													
NY	2	1,480	88%	1,317	226	755	981	74.5%	14	1.4%	4	20	
PR	2	156	99%	155	117	33	150	96.8%	0	0.0%	0	81	
DC	3	11	100%	11	8	2	10	90.9%	0	0.0%	0	0	
FL	4	265	96%	248	68	103	171	69.0%	7	4.1%	0	0	
MS	4	1,601	91%	1,144	377	413	790	69.1%	16	2.0%	0	26	Modified Cat. 1 and 2 retrievals to include MVIO GE E00
SC	4	370	100%	368	101	147	248	67.4%	25	10.1%	0	12	
IN	5	1,081	98%	1,074	655	339	994	92.6%	24	2.4%	0	204	
OH	5	2,911	97%	2,911	723	585	1308	44.9%	16	1.2%	0	0	
AR	6	686	100%	686	416	68	484	70.6%	18	3.7%	0	3	
OK	6	410	96%	410	183	122	305	74.4%	0	0.0%	0	0	
TX	6	2,187	85%	1,986	1,105	650	1755	88.4%	68	3.9%	1	4	
NE	7	686	85%	582	185	195	380	65.3%	26	6.8%	0	5	
CO	8	248	97%	240	123	86	209	87.1%	4	1.9%	1	20	
MT	8	145	93%	144	96	29	125	86.8%	0	0.0%	0	27	
UT	8	85	98%	83	26	41	67	80.7%	1	1.5%	1	0	
<i>With tracking on, and 40-80% of Limits and DMRs in PCS</i>													
MA	1	183	79%	145	80	57	137	94.5%	0	0.0%	0	1	
NH	1	61	72%	44	15	26	41	93.2%	2	4.9%	0	1	
VI	2	57	74%	57	56	1	57	100.0%	0	0.0%	0	1	
AL	4	1,430	66%	500	291	139	430	86.0%	7	1.6%	0	6	Modified
GA	4	679	72%	9	9	0	9	100.0%	1	11.1%	0	0	Cat. 1 and 2
KY	4	1,640	50%	1,431	1,404	25	1429	99.9%	0	0.0%	0	24	retrievals to

State	Region	Number of non-major NPDES permittees (standard/individual permits only)	% with Limits and DMRs	Non-major permittees reviewed by the state	Non-majors in Category I non-compliance	Non-majors in Category II non-compliance	Total	% Total Non-compliance	Number of formal enforcement actions taken against non-majors	Enforcement Rate	Number of permit modifications extending compliance deadlines granted to non-majors	List of permittees one or more years behind in construction phases of compliance schedule	Caveats
TN	4	1,185	41%	485	469	15	484	99.8%	9	1.9%	0	9	
SD	8	353	62%	234	120	56	176	75.2%	0	0.0%	0	6	
<i>With tracking on, and <40% of Limits and DMRs in PCS</i>													
NC	4	1,152	7%	35	8	7	15	42.9%	1	6.7%	0	2	Modified Cat. 1 and 2 retrievals to include MVIO GE E00
<i>Without DMR non-receipt and/or RNC tracking on</i>													
GM	6	2	0%	0	0	0	0	0.0%	0	0.0%	0	0	No DMR non-receipt tracking
NM	6	78	56%	69	18	27	45	65.2%	0	0.0%	1	1	No DMR non-receipt tracking
AS	9	2	0%	2	0	0	0	0.0%	0	0%	0	0	No DMR non-receipt or RNC tracking
GU	9	14	0%	3	2	0	2	66.7%	0	0%	0	0	
NN	9	25	0%	24	0	0	0	0.0%	0	0%	0	0	
AK	10	44	26%	12	9	3	12	100.0%	1	8.3%	0	0	RNC tracking turned on 9/6/04
ID	10	136	87%	125	78	37	115	92.0%	3	2.6%	0	0	RNC tracking turned on 9/6/04

Alternate reports submitted by States/Regions

State	Region	Number of non-major NPDES permittees (standard/individual permits only)	% with Limits and DMRs	Non-major permittees reviewed by the state	Non-majors in Category I non-compliance	Non-majors in Category II non-compliance	Total	% Total Non-compliance	Number of formal enforcement actions taken against non-majors	Enforcement Rate	Number of permit modifications extending compliance deadlines granted to non-majors	List of permittees one or more years behind in construction phases of compliance schedule	Caveats
MN	5	785	3%	785	129	238	367	46.8%	25	7%	4	1	
KS	7	1,206	3%	990	15	20	35	3.5%	10	29%	10	7	
LA	6	1,374	74%	506			189	37.4%	64	34%	1	0	
CT	1	83	100%	83	7	41	48	57.8%	2	4%	0	0	
ME	1	260	73%	213	117	41	158	74.2%	2	1%	0	0	
RI	1	75	73%	75	24	13	37	49.3%	5	14%	0	0	
VT	1	139	1%	139	9	60	69	49.6%	0	0%	1	0	
DE	3	36	97%	36	3	0	3	8.3%	1	33%	0	0	
MD	3	496	87%	488	8	159	167	34.2%	2	1%	0	0	
VA	3	992	0%	992	79	7	86	8.7%	16	19%	0	1	
WV	3	858	25%	453	164	62	226	49.9%	15	7%	2	41	
IL	5	1,573	86%	1,517	478	688	1166	76.9%	62	5%	2	1	
IA	7	1,324	83%	1,324			611	46.1%	16	3%	20	81	
MO	7	2,841	0%	2841	574	102	676	23.8%	12	2%	0	43	
ND	8	100	3%	46	9	13	22	47.8%	0	0%	0	0	
WY	8	1,653	1%	1455			286	19.7%	6	2%	153	1	
AZ	9	121	0%	119	10	0	10	8.4%	0	0%	0	0	
CA	9	465	0%	419			44	10.5%	30	68%	5	0	
HI	9	71	0%	39			12	30.8%	0	0%	0	0	
NV	9	79	0%	79	0	1	1	1.3%	0	0%	0	0	
OR	10	296	1%	93	5	12	17	18.3%	6	35%	0	0	
WA	10	370	3%	370	174	2	176	47.6%	14	8%	38	0	

Appendix 4: Original ANCR data submitted for CY2005, by reporting category and state

Reports generated from PCS, and verified by States

State	Region	Number of non-major NPDES permittees (standard/individual permits only)	% with Limits and DMRs	Non-major permittees reviewed by the state	Non-majors in Category I non-compliance	Non-majors in Category II non-compliance	Total	% Total Non-compliance	Number of formal enforcement actions taken against non-majors	Enforcement Rate	Number of permit modifications extending compliance deadlines granted to non-majors	List of permittees one or more years behind in construction phases of compliance schedule	Caveats
<i>With tracking on, and >80% of Limits and DMRs in PCS</i>													
CT	1	81	88%	78	8	43	51	65.4%	0	0.0%	0	0	
NY	2	1,499	95%	1,330	219	795	1014	76.2%	19	1.9%	11	18	
PR	2	154	96%	153	107	44	151	98.7%	112	74.2%	1	82	
DC	3	10	86%	10	2	1	3	30.0%	0	0.0%	0	0	
FL	4	251	91%	234	36	90	126	53.8%	1	0.8%	0	1	Modified Cat. 1 and 2 retrievals to include MVIO GE E00
MS	4	1,548	83%	1,259	69	415	484	38.4%	4	0.8%	0	27	
SC	4	362	95%	355	87	144	231	65.1%	18	7.8%	0	21	
IN	5	1,064	94%	1,056	388	155	543	51.4%	0	0.0%	0	188	
OH	5	2,938	99%	2,879	1,291	932	2223	77.2%	4	0.2%	0	519	
AR	6	687	96%	687	444	72	516	75.1%	3	0.6%	0	10	
OK	6	384	93%	370	201	120	321	86.8%	133	41.4%	0	0	
TX	6	2,217	87%	2,004	1,324	498	1822	90.9%	127	7.0%	1	7	
NE	7	590	86%	568	191	205	396	69.7%	0	0.0%	1	2	
CO	8	241	96%	231	128	83	211	91.3%	1	0.5%	9	42	
MT	8	147	87%	140	92	30	122	87.1%	0	0.0%	0	27	
SD	8	348	87%	229	95	61	156	68.1%	1	0.6%	0	2	
UT	8	85	86%	82	24	35	59	72.0%	3	5.1%	1	0	
<i>With tracking on, and 40-80% of Limits and DMRs in PCS</i>													
MA	1	167	60%	137	68	54	122	89.1%	2	1.6%	0	4	
NH	1	52	70%	41	10	30	40	97.6%	1	2.5%	0	1	
RI	1	69	79%	66	20	31	51	77.3%	3	5.9%	0	3	
VI	2	57	52%	57	58	0	58	100.0%	0	0.0%	0	2	

State	Region	Number of non-major NPDES permittees (standard/individual permits only)	% with Limits and DMRs	Non-major permittees reviewed by the state	Non-majors in Category I non-compliance	Non-majors in Category II non-compliance	Total	% Total Non-compliance	Number of formal enforcement actions taken against non-majors	Enforcement Rate	Number of permit modifications extending compliance deadlines granted to non-majors	List of permittees one or more years behind in construction phases of compliance schedule	Caveats
NC	4	1,134	47%	466	43	38	81	17.4%	4	4.9%	0	26	Modified Cat. 1 and 2 retrievals to include MVIO GE E00
ID	10	138	66%	128	80	33	113	88.3%	5	4.4%	0	0	
<i>With tracking on, and <40% of Limits and DMRs in PCS</i>													
AL	4	1,402	19%	591	155	120	275	46.5%	8	2.9%	0	8	Modified Cat. 1 and 2 retrievals to include MVIO GE E00
GA	4	674	1%	16	1	2	3	18.8%	1	33.3%	0	0	
KY	4	1,671	30%	1,399	356	86	442	31.6%	5	1.1%	0	26	
TN	4	1,194	25%	476	59	22	81	17.0%	8	9.9%	0	10	
NM	6	83	7%	76	36	21	57	75.0%	9	15.8%	0	3	
AK	10	44	19%	12	9	3	12	100.0%	2	16.7%	0	0	
<i>Without DMR non-receipt and/or RNC tracking on</i>													
GM	6	2	0%	0	0	0	0	0.0%	0	0.0%	0	0	No DMR non-receipt tracking
AS	9	3	0%	3	0	0	0	0.0%	0	0.0%	0	0	No DMR non-receipt or RNC tracking
GU	9	14	0%	14	0	0	0	0.0%	0	0.0%	0	0	
HI	9	53	0%	34			13	38.2%	0	0.0%	0	0	
NN	9	26	7%	26	7	0	7	26.9%	0	0.0%	0	0	
NV	9	81	0%	81	1	2	3	3.7%	0	0.0%	0	0	

Alternate reports submitted by States/Regions

State	Region	Number of non-major NPDES permittees (standard/individual permits only)	% with Limits and DMRs	Non-major permittees reviewed by the state	Non-majors in Category I non-compliance	Non-majors in Category II non-compliance	Total	% Total Non-compliance	Number of formal enforcement actions taken against non-majors	Enforcement Rate	Number of permit modifications extending compliance deadlines granted to non-majors	List of permittees one or more years behind in construction phases of compliance schedule	Caveats
ME	1	261	75%	216	121	48	169	78.2%	3	1.8%	0	2	
VT	1	138	2%	138	1	58	59	42.8%	2	3.4%	0	0	
NJ	2	519	16%	519	16	88	104	20.0%	50	48.1%	0	0	
SR	2	2	50%	2	0	1	1	50.0%	0	0.0%	0	0	
DE	3	36	81%	36	3	1	4	11.1%	0	0.0%	0	0	
MD	3	487	49%	450			34	7.6%	7	20.6%	0	0	
VA	3	974	34%	974	109	17	126	12.9%	34	27.0%	0	0	
IL	5	1,570	72%	1,570	521	350	871	55.5%	73	8.4%	0	2	
MI	5	458	68%	458			197	43.0%	6	3.0%	0	3	
MN	5	783	38%	783	124	133	257	32.8%	10	3.9%	4	0	
WI	5	700	1%	700	231	355	586	83.7%	37	6.3%	1	0	
LA	6	1,327	89%	613			373	60.8%	44	11.8%	0	0	
IA	7	1,420	81%	1,420			638	44.9%	15	2.4%	2	134	
KS	7	990	22%	890	20	84	104	11.7%	9	8.7%	1	7	
MO	7	2,887	70%	2,887	538	178	716	24.8%	1	0.1%	0	36	
ND	8	103	3%	46	9	15	24	52.2%	0	0.0%	0	0	
WY	8	1,663	0%	1349			125	9.3%	206	164.8%	3	1	
AZ	9	108	7%	3			41	1366.7%	2	4.9%	0	0	
CA	9	510	0%	258			72	27.9%	42	58.3%	1	N/A	
OR	10	291	0%	77	0	4	4	5.2%	4	100.0%	0	0	
WA	10	464	31%	153	9	71	80	52.3%	0	0.0%	0	8	