

US Environmental Protection Agency  
2008 State Summary Data for  
Clean Water Act National Pollutant Discharge Elimination System Majors

FISCAL YEAR 2008 FINAL REPORT (October 28, 2009)

### **Overview**

This report provides summary, state level information on the universe, compliance status, and enforcement by National Pollutant Discharge Elimination System (NPDES) permitting authorities for larger Clean Water Act (CWA) direct discharge permittees. This report covers October 1, 2007 to September 31, 2008 (FY2008). The data from this report are from the Permit Compliance System (PCS) and the Integrated Compliance Information System (ICIS-NPDES). The data were pulled from PCS and ICIS-NPDES in February 2009. The data provided in this report are similar to the data used by EPA when it performs state enforcement program reviews. Although the data contained in the report reflect what is in the national databases; it is possible that the states have additional information. For example, EPA does not currently require states to provide data regarding informal enforcement action, or penalty amounts associated with formal enforcement actions. Many states do provide this information although it is not required. Other data used in the report are required to be submitted. Facility-specific information about permittees can be reviewed at the Enforcement and Compliance History Online (ECHO) web site ([www.epa-echo.gov/echo](http://www.epa-echo.gov/echo)).

### **Background on CWA NPDES Program**

In 1972, the National Pollution Discharge Elimination System (NPDES) was created in Section 402 of the Clean Water Act. "NPDES prohibits [discharges] of pollutants from any point source into the nation's waters except as allowed under an NPDES permit." The program gives the EPA the authority to regulate discharges into the nation's waters by setting limits on the effluent that can be introduced into a body of water from an operating and permitted facility. EPA authorizes states to be the primary regulatory agency administering the NPDES program. There are five states (AK, ID, MA, NH, NM) and many territories where EPA remains the permitting authority. For additional information on the CWA NPDES program, please review the background provided in the 2007 Annual Noncompliance Report for Non-Majors.

### **Universe of Facilities Covered: NPDES Major Facility**

This report covers NPDES major facilities between October 1, 2007 and September 31, 2008. A major municipal facility includes those with design flows of greater than one million gallons per day and facilities with EPA and State approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by the EPA and State. This report covers about 6,400 permittees.

### **Definitions for Report Columns**

*Letters correspond to table columns.*

## **A. State**

Two character state abbreviation.

## **B. 2008 major facility universe - individual and general permits**

This metric counts facilities with an active major individual permit or active major general permit under the Clean Water Act NPDES program. It serves as a measure of the degree to which the Minimum Data Requirements are complete.

## **C-E. Permitted Facilities Inspected in 2008 (EPA, State, Total)**

These metrics count facilities with active major individual or general permits that have been inspected during Fiscal Year 2008. The inspections which are included in this metric are high level inspections such as Compliance Evaluations Inspections (CEIs) or Compliance Sampling Inspections (CSIs). They serve as measures of the degree to which state completed the universe of planned inspections/compliance evaluations (addressing core requirements and federal, state and regional priorities).

The inspections which are included in this metric are high level inspections such as Compliance Evaluations Inspections (CEIs) or Compliance Sampling Inspections (CSIs). Reconnaissance inspections are also included, as long as the facility is not a primary industry (e.g., one subject to effluent guidelines), a municipal permittee with an approved pretreatment program, or a major permittee which has been in SNC during the year. Since this is a coverage measure, the number of facilities inspected, rather than the total number of inspections, are counted. When a facility has been inspected multiple times in one year, only the first inspection is counted. Limited to active NPDES majors.

## **F. DMR entry rate based for Individual Permits - 2008**

This metric represents the ratio of facilities that submitted Discharge Monitoring Reports (DMRs) during Fiscal Year 2008 to the number of facilities that were expected to submit DMRs during that same time period. Only facilities with active major individual NPDES permits are included.

This metric ensures that key information is available so that effluent-based compliance determinations can be accurately made for CWA facilities. This metric looks at NPDES major facilities with individual permits for the percent that had DMRs present in the national database. This information is required to be reported.

## **G. Major facilities with noncompliance in 2008**

This metric is defined as the number of active NPDES major facilities that are in noncompliance at any time during the fiscal year. Facilities are in noncompliance, if they have had effluent violations, compliance schedule violations, permit schedule violations, single event violations (for example, violations found during inspections), or reporting violations (such as failure to report) during the fiscal year.

## **H. Noncompliance Rate (Facilities with Noncompliance/ Individual Permits)**

Each major facility is evaluated for significant noncompliance four times per year. This metric indicates the number of facilities that were listed in SNC for at least one of the four quarters during the year.

#### **I. Major Facilities in SNC in 2008**

This metric is the number of active NPDES major facilities with individual or general permits in SNC.

#### **J. SNC rate: percent majors in SNC in 2008**

This metric is calculated as the active NPDES major facilities with individual or general permits in SNC as a percent of the universe of active NPDES major facilities. This metric is a review indicator metric that allows EPA to measure the success of the NPDES program.

#### **K-M. Number of major facilities with Informal Actions in 2008 (EPA, State, Total)**

The National Enforcement Management System (EMS) for the NPDES program identifies basic principles necessary to the operation of an effective compliance and enforcement program. The availability of a variety of enforcement options (such as informal actions) provides the opportunity to match violations with an appropriate enforcement response to ensure compliance and promote deterrence. An informal action may often be the first step in the enforcement process. If permittee is able to resolve the problem, formal action may not be necessary. Violations that persist and are serious generally require a formal action.

For the fiscal year presented, this metric provides:

- the number of NPDES major facilities which received informal enforcement actions;
- the number of NPDES major facilities which received State informal enforcement actions;
- and
- the number of NPDES major facilities which received EPA informal enforcement actions.

The data are required to be entered for major facilities.

#### **N-P. Number of major facilities with Formal Actions in 2008 (EPA, State, Total)**

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

For the fiscal year presented, this metric provides:

- the number of NPDES major facilities which received formal enforcement actions;
- the number of NPDES major facilities which received State formal enforcement actions; and
- the number of NPDES major facilities which received EPA formal enforcement actions.

The entry of this information is required.

#### **Q-S. Total Assessed Penalties - 2008 (states required to report judicial but not administrative penalties - so data may not reflect all penalties) (EPA, State, Total)**

Formal enforcement actions often include a penalty, which serves as a deterrent to future violations.

EPA requires entry of judicial penalty amounts by states, but not penalties associated with administrative actions. EPA encourages states to report penalties for administrative actions so the public is aware of the states activity. For EPA-led enforcement cases, both judicial and administrative penalties are required to be entered.

2008 NPDES Majors Report - Compilation of Inspection, Violation, and Enforcement Data Reported to EPA National Databases for CWA NPDES Major Permittees

State	2008 major facility universe - individual and general <sup>1</sup> permits	Permitted Facilities Inspected in 2008 (majors)			DMR entry rate based for Individual Permits - 2008	Major facilities with noncompliance in 2008	Noncompliance Rate (Facilities with Noncompliance/ Individual Permits)	Major Facilities in SNC in 2008	SNC rate: percent majors in SNC <sup>2</sup> in 2008	Number of major facilities with Informal Actions in 2008			Number of major facilities with Formal Actions in 2008			Total Assessed Penalties - 2008 (states required to report judicial but not administrative penalties - so data may not reflect all penalties) <sup>3</sup>		
		State	EPA	Total						State	EPA	Total	State	EPA	Total	State	EPA	Total
AL	190	109	6	109	97.9%	141	74%	91	47.9%	18	1	18	7	0	7	\$61,100	\$0	\$61,100
AK	64	2	28	28	78.0%	28	68%	6	9.4%	0	15	15	0	0	0	\$0	\$0	\$0
AZ	71	58	0	58	95.8%	44	62%	16	22.5%	0	0	0	0	0	0	\$0	\$0	\$0
AR	113	99	4	102	98.2%	90	80%	51	45.1%	56	3	59	6	1	7	\$20,857	\$0	\$20,857
CA	213	159	14	159	81.2%	175	82%	71	33.3%	10	0	10	19	3	21	\$0	\$0	\$0
CO	96	44	10	53	100.0%	37	39%	12	12.5%	18	0	18	4	0	4	\$0	\$0	\$0
CT	102	82	3	82	100.0%	51	50%	21	20.6%	0	0	0	1	2	3	\$0	\$0	\$0
DE	21	12	0	12	90.5%	14	67%	4	19.0%	0	0	0	0	0	0	\$0	\$0	\$0
DC	5	0	0	0	80.0%	4	80%	3	60.0%	0	0	0	0	0	0	\$0	\$0	\$0
FL	201	181	9	183	94.5%	114	57%	47	23.4%	3	1	4	8	0	8	\$12,625	\$0	\$12,625
GA	189	89	5	93	67.7%	41	22%	25	13.2%	6	0	6	23	1	24	\$31,387	\$900	\$32,287
GM	0	0	0	0	-	0	-	0	-	0	0	0	0	0	0	\$0	\$0	\$0
HI	19	2	9	9	89.5%	12	63%	6	31.6%	0	0	0	0	1	1	\$0	\$0	\$0
ID	53	17	24	36	94.3%	20	57%	12	22.6%	0	10	10	0	0	0	\$0	\$0	\$0
IL	248	181	11	185	89.1%	203	82%	41	16.5%	34	0	34	21	1	22	\$20,000	\$714,200	\$734,200
IN	195	103	6	104	99.5%	163	84%	33	16.9%	0	0	0	4	1	5	\$269,190	\$269,190	\$538,380
IA	125	59	10	62	72.0%	65	52%	34	27.2%	14	0	14	1	0	1	\$0	\$0	\$0
KS	51	33	0	33	21.6%	38	75%	36	70.6%	0	0	0	2	0	2	\$10,000	\$0	\$10,000
KY	133	33	0	33	94.0%	24	18%	20	15.0%	84	2	84	1	6	7	\$1,000	\$0	\$1,000
LA	235	125	14	132	89.8%	124	53%	86	36.6%	61	3	64	36	7	43	\$401,232	\$0	\$401,232
ME	86	45	4	47	93.0%	84	98%	46	53.5%	0	0	0	6	0	6	\$0	\$0	\$0
MD	90	76	0	76	86.7%	32	36%	14	15.6%	1	0	1	3	0	3	\$325	\$0	\$325
MA	109	38	20	48	95.4%	89	82%	32	29.4%	0	5	5	0	12	12	\$0	\$340,000	\$340,000
MI	183	60	0	60	86.3%	151	83%	44	24.0%	26	0	26	10	0	10	\$0	\$0	\$0
MN	93	60	0	60	92.5%	33	35%	7	7.5%	0	0	0	7	0	7	\$2,250	\$0	\$2,250
MS	87	70	1	71	95.4%	31	36%	16	18.4%	35	0	35	11	0	11	\$62,750	\$0	\$62,750
MO	174	56	4	59	92.5%	40	23%	23	13.2%	1	0	1	1	0	1	\$0	\$0	\$0
MT	24	12	4	13	100.0%	21	88%	6	25.0%	16	0	16	1	0	1	\$0	\$0	\$0
NE	50	33	3	35	92.0%	42	84%	24	48.0%	2	0	2	0	0	0	\$0	\$0	\$0
NV	12	8	2	9	83.3%	0	0%	0	0.0%	0	0	0	1	0	1	\$0	\$0	\$0
NH	45	42	3	42	100.0%	36	80%	18	40.0%	0	0	0	0	3	3	\$0	\$0	\$0
NJ	150	101	1	101	99.3%	146	97%	20	13.3%	6	0	6	6	0	6	\$0	\$0	\$0
NM	34	10	6	16	97.1%	19	56%	10	29.4%	0	20	20	0	2	2	\$0	\$10,800	\$10,800
NY	323	174	33	191	98.5%	264	82%	63	19.5%	0	0	0	15	7	21	\$272,000	\$0	\$272,000
NC	214	176	0	176	99.1%	63	29%	38	17.8%	67	9	70	41	1	42	\$215,635	\$0	\$215,635
ND	26	24	0	24	88.5%	1	4%	0	0.0%	0	0	0	0	0	0	\$0	\$0	\$0
OH	287	180	2	181	96.5%	110	38%	80	27.9%	71	0	71	0	1	1	\$0	\$0	\$0
OK	103	69	3	70	98.1%	59	57%	30	29.1%	56	0	56	44	0	44	\$25,000	\$0	\$25,000
OR	68	33	0	33	100.0%	N/A*	N/A*	N/A*	N/A*	13	0	13	4	1	5	\$0	\$0	\$0
PA	379	266	28	273	98.9%	145	38%	90	23.7%	4	1	5	6	0	6	\$205,250	\$0	\$205,250
RI	22	19	3	21	100.0%	11	50%	1	4.5%	12	0	12	4	1	5	\$171,000	\$75,000	\$246,000
SC	166	142	14	143	94.0%	125	75%	50	30.1%	54	3	57	4	5	9	\$35,899	\$0	\$35,899
SD	29	13	0	13	93.1%	6	21%	3	10.3%	10	0	10	1	0	1	\$149,930	\$0	\$149,930
TN	147	67	2	67	95.2%	136	93%	110	74.8%	0	2	2	0	1	1	\$0	\$900	\$900
TX	610	191	17	204	88.5%	276	45%	100	16.4%	117	21	137	36	0	36	\$0	\$0	\$0
UT	35	24	0	24	100.0%	8	23%	5	14.3%	2	0	2	2	1	0	\$1,000	\$0	\$1,000
VT	33	28	2	28	90.9%	27	82%	4	12.1%	0	0	0	2	0	2	\$0	\$0	\$0
VA	154	65	1	65	83.1%	10	6%	4	2.6%	16	0	16	5	0	5	\$133,740	\$0	\$133,740
WA	77	0	5	5	7.8%	38	49%	1	1.3%	0	3	3	0	0	0	\$0	\$0	\$0
WV	100	80	1	80	96.0%	44	44%	31	31.0%	0	0	0	3	0	3	\$0	\$0	\$0
WI	122	94	3	95	100.0%	25	20%	16	13.1%	0	0	0	0	0	0	\$0	\$0	\$0
WY	23	16	2	17	82.6%	0	0%	2	8.7%	1	0	1	0	0	0	\$0	\$0	\$0
AS	4	0	2	2	100.0%	4	100%	0	0.0%	0	0	0	0	0	0	\$0	\$0	\$0
GU	4	0	3	3	75.0%	4	100%	4	100.0%	0	0	0	0	0	0	\$0	\$0	\$0
NI	0	0	0	0	-	0	-	0	-	0	0	0	0	0	0	\$0	\$0	\$0
PR	73	37	54	54	98.6%	70	96%	66	90.4%	0	0	0	0	6	6	\$0	\$833,607	\$833,607
VI	4	3	1	3	100.0%	3	75%	3	75.0%	0	0	0	0	0	0	\$0	\$0	\$0
Natl	6,464	3700	372	3877	91.0%	3,541	55%	1,576	24.4%	814	99	903	345	63	406	\$2,102,170	\$2,244,597	\$4,346,767

NOTES: Bold indicates program is run by EPA (state or territory is not authorized).

Totals for Facilities with Inspections and Actions may not be additive because EPA and states can take an activity against the same facility.

Penalty assessments and other data cells do not include totals for other NPDES permittees, such as wet weather sources and non-major individual permits.

Facility counts and other data are from 2008 Frozen Data used under the State Review Framework - The information may differ from updated data pulled from ECHO or other sources

1 - There are 23 major general permits in Alaska and 18 major general permits in Idaho. All other states have 0 major general permits. The 41 major general permits are excluded from the metrics in columns F, G, and H.

2 - SNC is significant noncompliance - examples are: effluent exceedances, failure to report, and violations of enforceable compliance schedules.

3 - EPA Regions are required to report administrative and judicial penalties. States are required to report judicial only.

\*National Data for Noncompliance and SNC is not available for Oregon.

For information about specific facilities, visit ECHO at [www.epa-echo.gov/echo](http://www.epa-echo.gov/echo)