



2009 State Summary Data for Clean Water Act National Pollutant Discharge Elimination System Majors

June 2010

Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
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<http://www.epa.gov/compliance/data/results/performance/cwa.html>

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FISCAL YEAR 2009 FINAL REPORT (June 11, 2010)

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, 2008 to September 31, 2009 (FY2009). 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).

Background on CWA NPDES Program

Congress established the National Pollution Discharge Elimination System (NPDES) permit program in 1972 as part of the Clean Water Act. The goal of this permit program is to control wastewater pollution and when possible eliminate pollutant discharges. Since its introduction in 1972, the NPDES permit program is responsible for significant improvements to our Nation's water quality. The Clean Water Act allows the EPA to delegate NPDES permitting to individual states that meet specified requirements (Clean Water Act Section 402(b) and 40 CFR 123).¹ The permit provides two levels of control: technology-based limits (based on the ability of dischargers in the same industrial category to treat wastewater) and water quality-based limits (if technology-based limits are not sufficient to provide protection of the water body).

NPDES permitting authorities (states and EPA Regions) require facilities that discharge wastewater pollution to surface waters to report their discharges on Discharge Monitoring Reports (DMRs). NPDES permitting authorities are required to enter DMR data from facilities designated as "majors" (typically the largest dischargers) into EPA's national data systems with an expectation of 95% data entry. Some states also voluntarily submit DMR data from non-majors to EPA's national data systems. EPA national data systems include the Permit Compliance System (PCS) and the Integrated Compliance Information System for the National Pollutant Discharge Elimination System (ICIS-NPDES). For additional information on the CWA NPDES program, please review the background provided in the 2007 Annual Noncompliance Report for Non-Majors.

¹ See the following webpage for the latest list of delegated states NPDES programs.

Universe of Facilities Covered: NPDES Major Facility

This report covers NPDES major facilities between October 1, 2008 and September 31, 2009. 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 6,700 permittees.

Definitions for Report Columns

[Letters correspond to table columns.]

A. State

Two character state abbreviation.

B. 2009 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 2009 (EPA, State, Total)

These metrics count facilities with active major individual or general permits that have been inspected during Fiscal Year 2009. 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 - 2009

This metric represents the ratio of facilities that submitted Discharge Monitoring Reports (DMRs) during Fiscal Year 2009 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 2009

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 2009

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 2009

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 2009 (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 2009 (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 - 2009 (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.

2009 NPDES Majors Report - Compilation of Inspection, Violation, and Enforcement Data Reported to EPA National Databases for CWA NPDES Major Permittees

State	2009 major facility universe - individual and general permits ¹	Permitted Facilities Inspected in 2009 (majors)			DMR entry rate based for individual permits - 2009	Major facilities with noncompliance in 2009	Noncompliance Rate (Facilities with Noncompliance/ Individual Permits)	Major facilities in SNC ² in 2009	SNC rate: percent majors in SNC ² in 2009	Number of major facilities with Informal Actions in 2009			Number of major facilities with Formal Actions in 2009			Total Assessed Penalties - 2009 (states required to report judicial but not administrative penalties - so data may not reflect all penalties) ³		
		State	EPA	Total						State	EPA	Total	State	EPA	Total	State	EPA	Total
AL	158	86	1	86	98.1%	148	94%	105	66%	20	4	24	3	1	4	\$8,200	\$900	\$9,100
AK ⁴	57	11	11	22	76.3%	24	42%	11	19%	1	6	7	0	2	2	\$0	\$120,000	\$120,000
AZ	72	63	4	63	86.5%	42	58%	7	10%	0	0	0	0	1	1	\$0	\$0	\$0
AR	110	78	4	78	99.1%	88	80%	47	43%	50	4	54	6	2	8	\$59,800	\$0	\$59,800
CA	208	158	10	159	90.7%	177	85%	57	27%	41	0	41	49	2	50	\$0	\$0	\$0
CO	112	52	9	58	99.1%	59	53%	22	20%	1	0	1	6	0	6	\$92,278	\$0	\$92,278
CT	95	83	4	83	100.0%	39	41%	15	16%	0	0	0	5	3	8	\$1,720,500	\$71,000	\$1,791,500
DE	21	16	0	16	95.2%	11	52%	1	5%	0	0	0	0	0	0	\$0	\$0	\$0
DC	4	0	4	4	100.0%	1	25%	1	25%	0	2	2	0	0	0	\$0	\$0	\$0
FL	204	193	5	194	83.8%	145	71%	52	25%	12	1	12	22	0	22	\$560,232	\$0	\$560,232
GA	186	126	2	126	97.8%	34	18%	26	14%	6	34	6	32	2	33	\$263,231	\$1,800	\$265,031
GM	0	0	0	0	-	0	-	0	-	0	0	0	0	0	0	\$0	\$0	\$0
HI	17	8	0	8	100.0%	10	59%	4	24%	1	0	1	1	0	1	\$0	\$0	\$0
ID	54	12	13	24	91.7%	15	28%	9	17%	0	4	4	0	2	2	\$0	\$262,500	\$262,500
IL	276	149	7	151	97.6%	194	70%	36	13%	51	0	51	31	1	32	\$0	\$0	\$0
IN	195	105	6	108	100.0%	147	75%	12	6%	53	0	53	5	0	5	\$0	\$0	\$0
IA	128	70	9	76	67.4%	67	52%	35	27%	17	0	17	2	0	2	\$5,000	\$0	\$5,000
KS	55	55	4	55	92.7%	47	85%	19	35%	0	0	0	1	0	1	\$0	\$0	\$0
KY	130	101	2	101	86.2%	32	25%	16	12%	83	11	83	11	2	12	\$135,500	\$0	\$135,500
LA	208	120	4	123	97.6%	121	58%	75	36%	92	26	117	33	11	44	\$107,400	\$6,000	\$113,400
ME	85	30	0	30	88.2%	82	96%	26	31%	0	0	0	0	0	0	\$0	\$0	\$0
MD	84	77	1	78	100.0%	16	19%	4	5%	0	0	0	5	0	5	\$11,906	\$0	\$11,906
MA	109	56	25	72	98.2%	83	76%	32	29%	0	0	0	0	3	3	\$0	\$0	\$0
MI	179	114	0	115	88.3%	98	55%	25	14%	7	0	7	2	0	2	\$0	\$0	\$0
MN	95	59	2	59	88.3%	27	28%	3	3%	0	0	0	6	0	6	\$5,228	\$0	\$5,228
MS	91	50	3	51	90.1%	29	32%	12	13%	51	1	51	8	0	8	\$18,650	\$0	\$18,650
MO	173	44	17	59	89.6%	44	25%	38	22%	0	1	1	1	2	3	\$0	\$0	\$0
MP	2	0	2	2	100.0%	2	100%	2	100%	0	0	0	0	2	2	\$0	\$0	\$0
MT	37	17	3	19	97.3%	25	68%	7	19%	26	0	26	2	1	3	\$0	\$0	\$0
NE	51	46	7	49	100.0%	41	80%	24	47%	6	0	6	0	5	5	\$0	\$0	\$0
NV	13	10	0	10	76.9%	0	0%	0	0%	0	0	0	0	0	0	\$0	\$0	\$0
NH	46	43	5	43	100.0%	24	52%	14	30%	0	0	0	0	5	5	\$0	\$0	\$0
NJ	147	126	3	126	98.6%	145	99%	20	14%	10	0	10	17	0	17	\$0	\$0	\$0
NM	35	12	20	31	97.3%	21	60%	8	23%	0	18	18	0	2	2	\$0	\$0	\$0
NY	319	229	33	236	98.7%	234	73%	63	20%	51	0	51	25	14	38	\$715,570	\$0	\$715,570
NC	217	186	8	188	96.3%	53	24%	34	16%	64	5	64	44	2	44	\$302,707	\$0	\$302,707
ND	26	26	1	26	73.1%	1	4%	1	4%	0	0	0	0	0	0	\$0	\$0	\$0
OH	292	191	2	191	96.2%	64	22%	39	13%	79	0	79	4	2	6	\$165,350	\$0	\$165,350
OK	102	96	0	96	98.0%	55	54%	32	31%	89	0	89	28	0	28	\$47,000	\$0	\$47,000
OR	68	31	2	31	97.1%	0	0%	0	0%	16	1	17	2	0	2	\$0	\$0	\$0
PA	346	273	25	278	100.0%	147	42%	80	23%	2	0	2	34	0	34	\$0	\$0	\$0
RI	25	25	4	25	100.0%	16	64%	3	12%	23	0	23	1	0	1	\$0	\$0	\$0
SC	165	93	21	101	89.7%	108	65%	86	52%	54	1	54	12	1	13	\$63,625	\$0	\$63,625
SD	29	17	0	17	93.1%	8	28%	2	7%	3	0	3	0	0	0	\$0	\$0	\$0
TN	144	93	1	94	98.6%	109	76%	64	44%	1	1	2	4	4	8	\$285,019	\$282,019	\$567,038
TX	635	311	16	321	93.2%	382	60%	206	32%	188	34	216	22	5	27	\$0	\$2,585,004	\$2,585,004
UT	36	20	0	20	100.0%	7	19%	2	6%	1	0	1	5	0	5	\$23,264	\$0	\$23,264
VT	32	16	3	18	100.0%	13	100%	1	3%	0	0	0	1	0	1	\$0	\$0	\$0
VA	156	60	0	60	86.6%	6	4%	3	2%	22	0	22	3	0	3	\$23,870	\$0	\$23,870
WA	74	0	3	3	16.2%	35	47%	1	1%	0	2	2	0	2	2	\$0	\$0	\$0
WV	100	93	0	93	96.0%	48	48%	35	35%	0	0	0	6	0	6	\$48,950	\$0	\$48,950
WI	129	89	1	90	99.2%	129	100%	6	5%	8	0	8	0	0	0	\$0	\$0	\$0
WY	23	7	0	8	95.5%	13	57%	11	48%	0	0	0	1	0	1	\$0	\$0	\$0
AS	4	0	4	4	100.0%	4	100%	0	0%	0	0	0	0	0	0	\$0	\$0	\$0
GU	4	0	0	0	100.0%	4	100%	4	100%	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	67	33	55	56	100.0%	67	100%	63	94%	0	0	0	0	6	6	\$0	\$69,000	\$69,000
VI	5	5	0	5	80.0%	4	80%	4	80%	0	0	0	0	0	0	\$0	\$0	\$0
National	6,440	4,064	367	4,241	93.3%	3,545	55%	1,506	23%	1,129	112	1,225	440	85	519	\$4,663,280	\$3,398,223	\$8,061,503

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 2009 Frozen Data used under the State Review Framework - The information may differ from updated data pulled from ECHO or other sources.

1- There are 20 major general permits in Alaska and 18 major general permits in Idaho. All other states have 0 major general permits. The 38 major general permits are excluded from the metrics in columns F, G, and H.

2- SNC is significant noncompliance - examples are: effluent exceedances, failures 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.

4-Phased program over three (3) years. At time of program approval, Alaska will administer the NPDES program for domestic discharges (individual and general permits), log storage and transfer facilities,

seafood processing facilities (individual and general permits), and hatcheries. Alaska will assume authority for federal facilities, pretreatment, and stormwater on 10/31/09.

http://cfpub.epa.gov/hpdes/statestats.cfm?program_id=45&view=specific#comments

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

For information about specific facilities, visit ECHO at www.epa-echo.gov/echo