

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

Calendar Year 2011

A Summary of Reviews, Violations, and Enforcement Responses
at Individually Permitted Non-Major Dischargers under the
National Pollutant Discharge Elimination System (NPDES) Program

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Corrections made on April 30, 2013

US 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 2011 provides valuable information about the state of compliance among individually-permitted non-major facilities regulated by the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES).

This report shows that there is still an unacceptable level of non-compliance 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 now implementing, is designed to improve transparency and enable public scrutiny of NPDES information, and to address water pollution problems through collaboration among EPA and the 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 to manually key-punch information from hard copy discharge reports. Electronic reporting of discharge reports by the permittee is a best practice that some 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 are three times more likely to identify serious violations than states that are not electronically sending discharge data to EPA (see Table 1 - 39% vs 13% rates). This is a key reason why the Clean Water Act Action Plan proposes that the NPDES program shift to electronic data reporting – a development that will lead to better accounting of violations and more efficient use of government resources.

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

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

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. Some states have also received authority to implement various NPDES subprograms, leaving EPA as the permitting authority for all sub-programs not authorized to these states.

EPA is also the permitting authority for:

- All facilities in the four remaining states (Massachusetts, New Hampshire, New Mexico, and Idaho);
- All facilities in the remaining territories;
- All facilities on tribal lands;
- Most federal facilities in every state and territory; and
- All subprograms that are administered nationally (e.g., vessels).

Throughout this report the phrase “permitting authority” refers to the governmental unit issuing the applicable NPDES permits, as described above.

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 assemble the ANCR summary data. Other permitting authorities provide only summary data to EPA.

Permitting authorities are required to provide facility-specific data to EPA about facilities on extended compliance schedules. Comparable information about major facilities can be found on the Enforcement and Compliance History Online (ECHO) website (<http://www.epa-echo.gov/echo/>), and specifically on the area entitled State Dashboards. For many of the data tables shown here, the ECHO State Dashboards provide trend information derived from this report and previous reports.

Key National ANCR Findings for Calendar Year 2011

- **Universe:** The ANCR universe grew from 41,929 in CY 2010 to 42,597 in CY2011. To put this in perspective, there are roughly 450,000 NPDES permittees, of which 6,700 are major facilities with individual permits, 42,597 ANCR permittees (smaller facilities with individual permits), and 400,000 permittees operating under general permits.
- **Reviewed for Noncompliance:** The compliance status was reviewed for 82% of the ANCR permittees, the same rate as in CY 2010. In 2009 the rate was 87% and 2008 it was 75%.
- **Noncompliance and Serious Noncompliance:** States with verified data (75% or more of their discharge data entered to the national system) continue to identify more violations than states with non-verified data. States with verified data submit discharge information to EPA so the national data system can automatically determine when violations occur. States that do not frequently send discharge data (“non-verified”) 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 reports. EPA believes that the true noncompliance rates across the country are in-line with the “verified” data shown below.

Table 1. Violation and Serious (Category I) Violation Rate Trends by Year

Year	2008	2009	2010	2011
Violation Rate – Verified States	63%	63%	47%	54%
Violation Rate – Non-Verified States	36%	36%	44%	32%
Violation Rate – Overall	45%	45%	45%	44%
Category I Violation Rate – Verified States	46%	46%	35%	39%
Category I Violation Rate – Non-Verified States	25%	25%	25%	13%
Category I Violation Rate - Overall	28%	28%	29%	28%

- **Informal Enforcement:** There were 7,068 informal enforcement actions against ANCR permittees in 2011, substantially fewer than the 10,976 in 2010, and the 8,159 in 2009.
- **Formal Enforcement:** There were 1,096 formal enforcement actions against ANCR permittees in 2011, down from 1,631 for 2010, and 1,156 for 2009.
 - Formal enforcement actions were taken against 7.1% of permittees with noncompliance, compared to 11% in 2010 and 7.7% in 2009.
 - Formal enforcement actions were taken at 11.4% of permittees with serious noncompliance, compared to 16% in 2010 and 12.5% in 2009.
- **Penalties:** There were \$16.9 million in penalties in 2011, compared to \$17.7 million in 2010, and \$23.3 million in 2009.
- **Compliance Schedules:** 423 permittees were one or more years late meeting their construction schedule deadlines in 2011, compared to 384 in 2010 and 535 in 2009.

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

State Highlights

1. Reviewing Permits for Violations

Overall, the percentage of permittees reviewed for compliance was the same in CY 2011 and CY 2010. At the state level, fewer states reviewed 100% of their permittees, while more states fell into the 90-100% and 50-89% ranges. Reviewing permittees' effluent reports and other permit conditions is generally the first step permitting authorities take to determine whether permittees are violating the limits set by their permits.

Figure 1

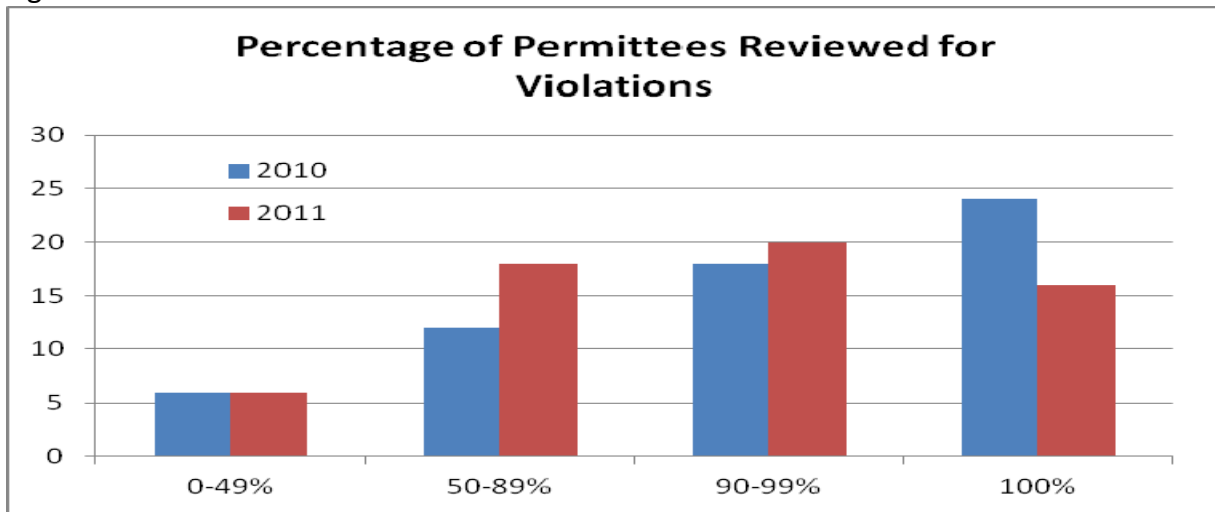
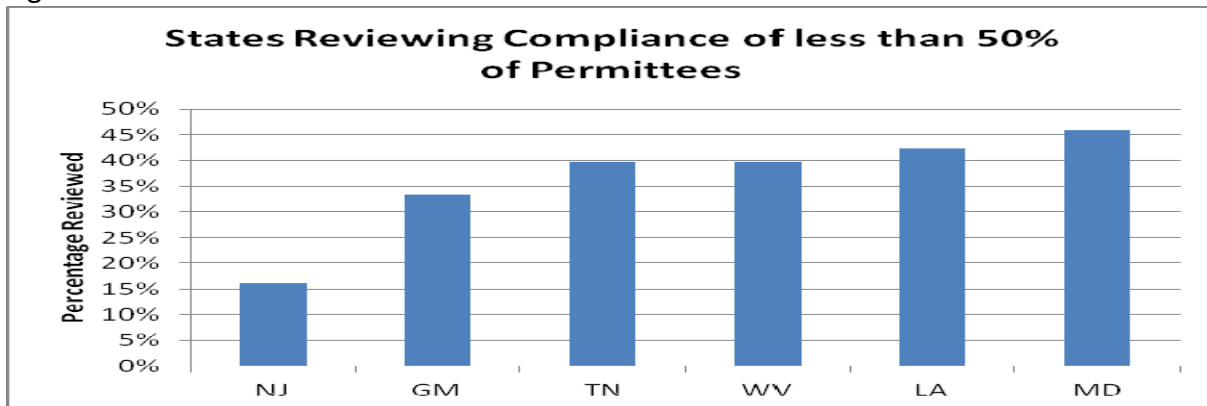


Figure 2 identifies the states and territories that reviewed the compliance of fewer than 50% of their permittees. All of the states and territories shown here also reviewed less than 50% in 2010. These permitting authorities are likely to have many discharge violations reported to them on hard copy forms, but have not reviewed those reports for the purpose of evaluating the need for enforcement.

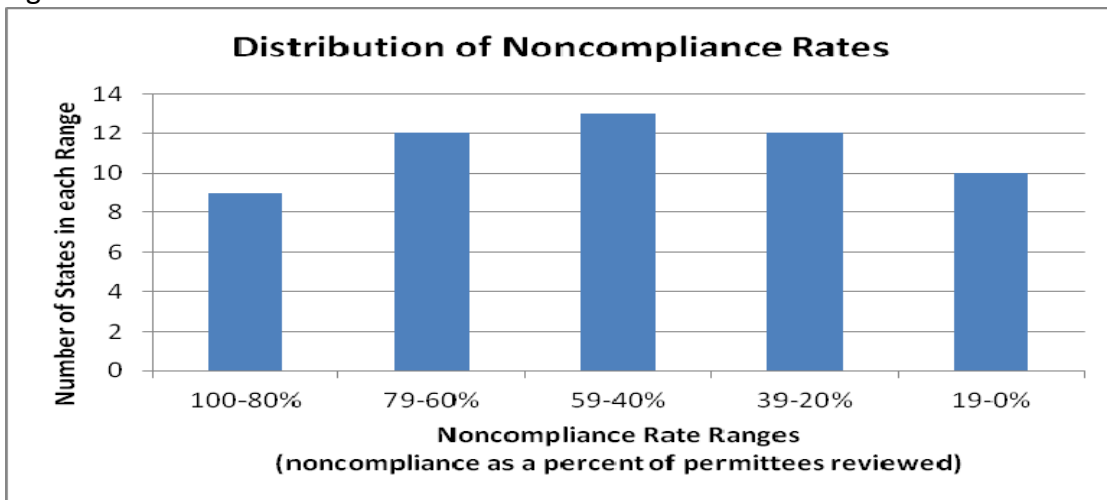
Figure 2



2. Noncompliance

The percentage of permittees found to be in noncompliance, as a percentage of the permits reviewed, varies substantially among states as shown in Figure 3 below.¹

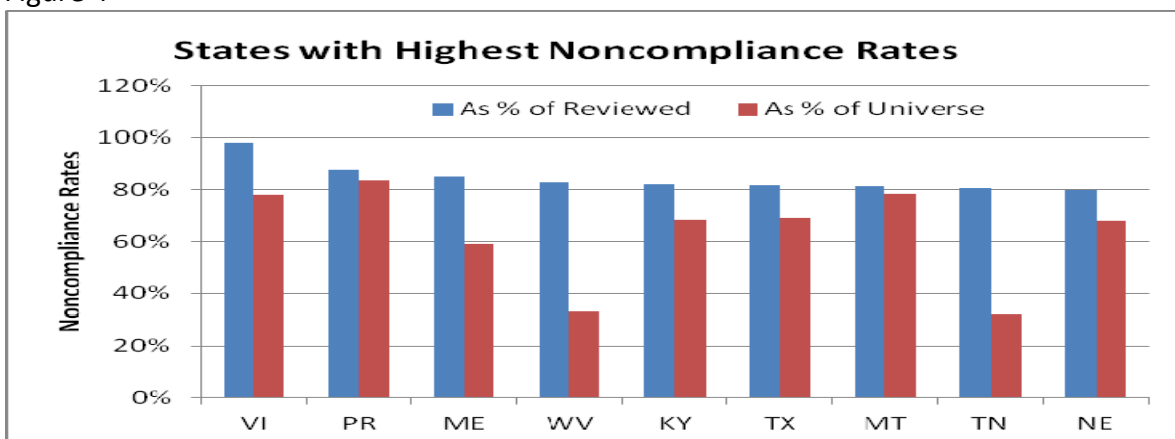
Figure 3



Noncompliance rates within states vary significantly depending on whether the comparison is to the number of permittees reviewed or the total universe of permittees. Two things stand out in Figure 4. First, none of the states that reviewed 100% of their permittees is among this group, which suggests that comprehensive review does improve compliance.

Second, West Virginia and Tennessee show the greatest differences between the two noncompliance rates, and they are also among the states that review the compliance of the smallest percentage of their permittees. If the noncompliance rates of their un-reviewed permittees is similar to the rates for their reviewed permittees, these states are failing to detect significant numbers of violations.

Figure 4

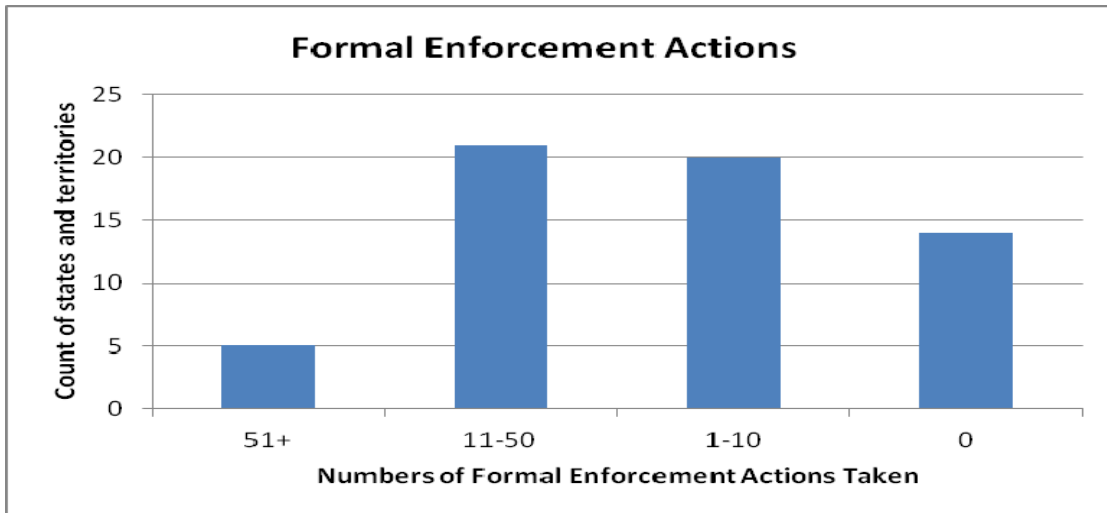


¹ Territories with only 1 or 2 facilities were omitted from this section.

3. Formal Enforcement Actions

Figure 5 shows that the utilization of formal enforcement actions varies by state. The five states taking 51 or more formal enforcement actions (in declining order) were Texas, Pennsylvania, Missouri, Oklahoma, and New York.

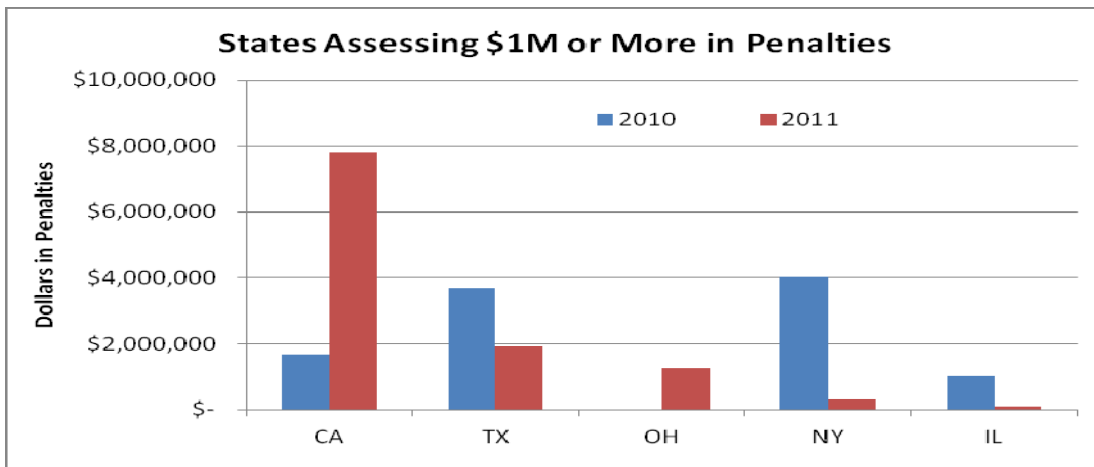
Figure 5



4. Penalties

The amount of penalties varies substantially, among states and by year for each state. Five states assessed \$1 Million or more in penalties in either 2010 or 2011. But, as shown by Figure 6, only California and Texas assessed penalties of \$1 million or more in both years. The states shown below are assessing penalties well above the levels of most other states. They are also large states with large populations and high numbers of regulated permittees.

Figure 6



Twenty-two permitting authorities - 11 administered by EPA (Figure 7) and 11 administered by a state or territory (Figure 8) – issued no penalties, even though they had permittees with Category I noncompliance.

Figure 7

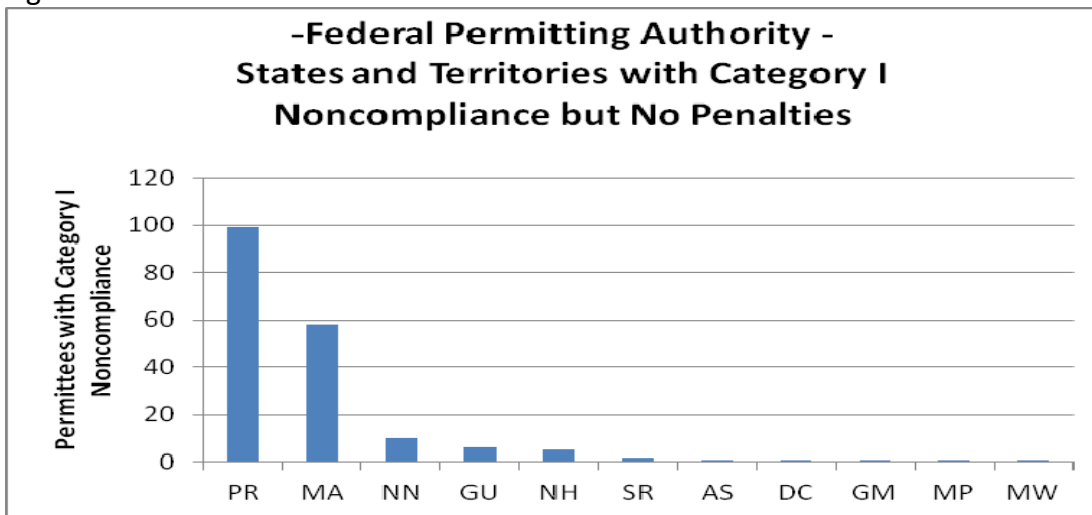
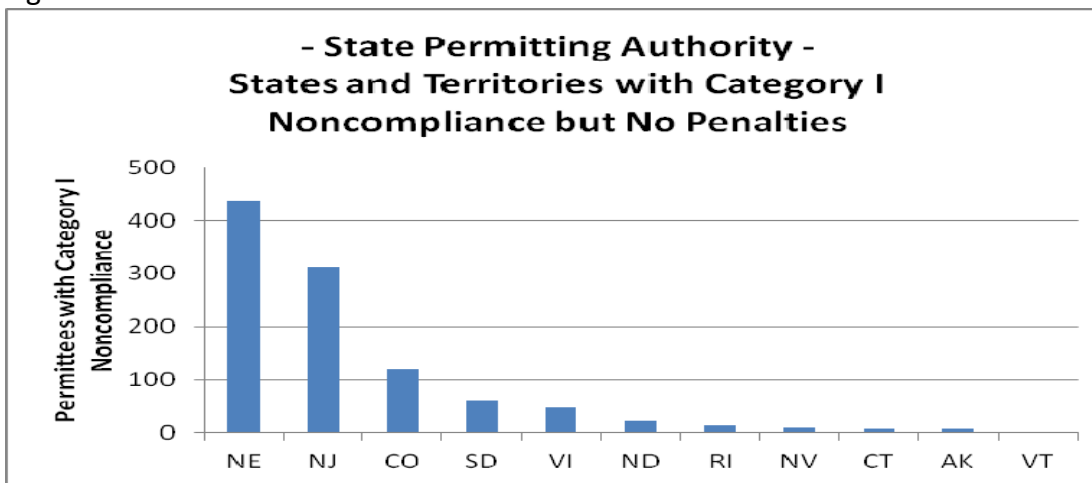


Figure 8

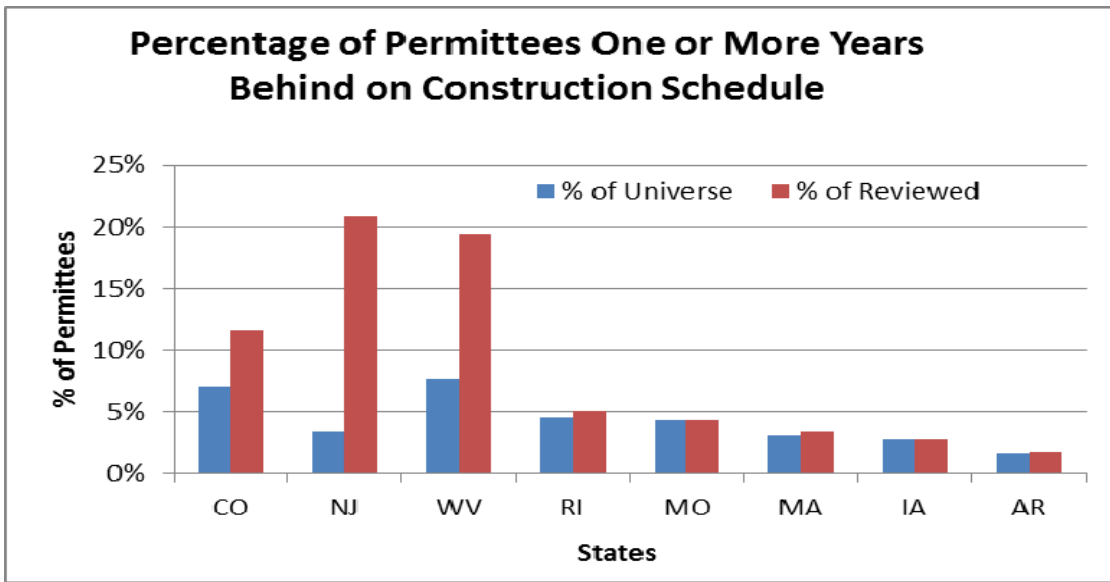


NOTE: Several EPA Regional offices report taking additional enforcement actions against ANCR permittees in states that have authorization to run the NPDES program. EPA Regions have the authority to issue enforcement actions in states that are the authorized permitting authority, and are encouraged to do so in situations when the state is not vigorously enforcing the law, or in circumstances when the state requests assistance from EPA. Regions that reported taking enforcement in authorized states are: EPA Region 3 – (in PA and WV) and EPA Region 6 (in LA). That information is also available in Attachment 1.

5. Compliance with Construction Schedules

The percentage of permittees that are one or more years behind on construction schedules varies significantly among the states. In only 8 states are there 2% or more of permittees that are this far behind schedule. For those states, Figure 9 shows the schedule violations as a percentage of the universe, and as a percentage of the permittees reviewed.

Figure 9



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 waters 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. 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. Roughly 50,000 permittees are regulated by individual permits, including 6,700 "major" permittees in addition to the 42,000 non-majors that are covered by this report.

General permits are written to cover entire categories of smaller dischargers, such as automated car-washes and commercial vessels. There are roughly 400 NPDES general permits in use nation-wide, some were developed by EPA, but many were developed and are used solely within individual states. Roughly 400,000 permittees operate under NPDES general permits.

NPDES permits typically require the covered facility to perform some degree of self-monitoring and reporting. Each of the permittees covered by this 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 necessary.

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 is not satisfied with the state's response.

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 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 other ANCR permittees. For that reason, enforcement at those larger sites might be a higher priority. However, EPA expects permitting authorities to have an enforcement presence in all aspects of the NPDES program to deter noncompliance. The information in this report allows users to evaluate how vigorous 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 permitting 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/region
- Number of ANCR permittees reviewed and found to be in Category I noncompliance (i.e., more serious violations)
- Number of ANCR permittees reviewed and found to be in Category II noncompliance (excluding those in the previous category)
- Number of non-complying ANCR permittees receiving informal enforcement actions
- Number of non-complying ANCR permittees receiving administrative penalty orders
- Number of non-complying ANCR permittees receiving a formal enforcement action
- Number of non-complying ANCR permittees receiving either a formal enforcement action OR an administrative penalty order
- Dollars of penalties assessed against non-complying ANCR permittees
- Number of permit modifications extending compliance deadlines granted to non-complying ANCR permittees, and the names and permit numbers for affected permittees

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 extended compliance schedules.
- 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, 10-15 states have consistently provided EPA with a substantial amount of facility-specific information for their ANCR permittees. EPA has posted state data entry information at <http://www.epa-echo.gov/echo/stateperformance/dashboard.php?media=water&state=National&view=performance> – see charts entitled “Percentage of Active Individual NPDES Permits with Limits in EPA’s Data System” and “Percentage of Active Individual NPDES Permits with DMRs in EPA’s Data System” in the box marked “Facilities”
- The ANCR originally did not include data on informal enforcement actions, but some states felt that omitting informal actions understated their enforcement efforts, so informal enforcement actions are now included in the ANCR.

Errata and Corrections

- 4/16/2013 – 2011 Annual Noncompliance Report originally published.
- 4/30/2013 – The Colorado “State” value for item 7 (One or More Years behind Construction Schedule Deadlines) was changed from “77” to “28”. The Compliance Schedules” summary statistic on page 4, and the data in Figure 9 (on page 9) of the 2011 Annual Noncompliance Report also had to be updated.

Attachment 1 - Permittee and Compliance Statistics for Non-Major Facilities with Individual Permits, by State, for Calendar Year 2011

State	Item 1) Permittees Universe				Item 2) Permittees Reviewed				% Reviewed	Item 3) Category I Non-Compliance				Item 4) Category II Non-Compliance				Category I or Category II Non-Compliance				Non-Comp Rate (Total Noncomp/Reviewed)
	State	EPA	Tribal	Total	State	EPA	Tribal	Total		Total	State	EPA	Tribal	Total	State	EPA	Tribal	Total	State	EPA	Tribal	
States and Territories that have Verified Data and Distinguish between Category I and Category II Noncompliance																						
AR	710	3	-	713	686	3	-	689	97%	409	1	-	410	68	-	-	68	477	-	-	477	69%
AS	-	2	-	2	-	1	-	1	50%	-	1	-	1	-	-	-	-	-	1	-	1	100%
CT	75	4	-	79	75	2	-	77	97%	8	-	-	8	3	-	-	3	11	-	-	11	14%
DC	-	7	-	7	-	7	-	7	100%	-	1	-	1	-	-	-	-	-	1	-	1	14%
DE	30	1	-	31	21	-	-	21	68%	1	-	-	1	13	-	-	13	14	-	-	14	67%
FL	306	2	-	308	294	2	-	296	96%	102	2	-	104	30	-	-	30	132	-	-	132	45%
GM	-	3	-	3	-	1	-	1	33%	-	1	-	1	-	-	-	-	-	1	-	1	100%
GU	-	13	-	13	-	8	-	8	62%	-	6	-	6	-	-	-	-	-	6	-	6	75%
IA	1,564	-	2	1,566	1,564	-	2	1,566	100%	180	-	1	181	601	-	1	602	781	-	1	782	50%
ID	141	-	-	141	140	-	-	140	99%	32	-	-	32	16	-	-	16	48	-	-	48	34%
IL	1,359	-	-	1,359	1,221	-	-	1,221	90%	594	-	-	594	169	-	-	169	763	-	-	763	62%
IN	1,456	-	-	1,456	1,422	-	-	1,422	98%	238	-	-	238	61	-	-	61	299	-	-	299	21%
KY	1,664	-	-	1,664	1,391	-	-	1,391	84%	1,014	-	-	1,014	127	-	-	127	1,141	-	-	1,141	82%
MO	2,989	-	-	2,989	2,989	-	-	2,989	100%	894	-	-	894	236	-	-	236	1,130	-	-	1,130	38%
MP	-	4	-	4	-	2	-	2	50%	-	1	-	1	-	-	-	-	-	1	-	1	50%
MS	1,340	1	-	1,341	1,242	1	-	1,243	93%	294	1	-	295	545	-	-	545	839	1	-	840	68%
MT	134	29	-	163	133	24	-	157	96%	66	23	-	89	39	-	-	39	105	23	-	128	82%
MW	-	1	-	1	-	1	-	1	100%	-	1	-	1	-	-	-	-	-	1	-	1	100%
NE	679	-	9	688	578	-	9	587	85%	438	-	1	439	30	-	-	30	468	-	1	469	80%
NM	-	91	-	91	-	87	-	87	96%	-	63	-	63	-	5	-	5	-	68	-	68	78%
NN	-	-	26	26	-	-	24	24	92%	-	-	10	10	-	-	2	2	-	-	12	12	50%
NV	107	-	-	107	107	-	-	107	100%	9	-	-	9	-	-	-	-	9	-	-	9	8%
NY	1,192	-	-	1,192	1,032	-	-	1,032	87%	141	-	-	141	299	-	-	299	440	-	-	440	43%
OH	3,098	-	-	3,098	2,952	-	-	2,952	95%	1,027	-	-	1,027	249	-	-	249	1,276	-	-	1,276	43%
OK	371	8	-	379	365	7	-	372	98%	203	1	-	204	34	-	-	34	237	1	-	238	64%
PR	-	179	-	179	-	171	-	171	96%	-	99	-	99	-	51	-	51	-	150	-	150	88%
RI	64	2	-	66	59	-	-	59	89%	14	-	-	14	5	-	-	5	19	-	-	19	32%
SD	254	11	-	265	254	7	-	261	98%	61	6	-	67	14	-	-	14	75	6	-	81	31%
SR	-	-	2	2	-	-	2	2	100%	-	-	2	2	-	-	-	-	-	-	2	2	100%
TX	2,248	38	-	2,286	1,912	23	-	1,935	85%	1,492	22	-	1,514	90	-	-	90	1,582	-	-	1,582	82%
VI	63	1	-	64	51	-	-	51	80%	47	-	-	47	3	-	-	3	50	-	-	50	98%
States and Territories that have Verified Data and DO NOT Distinguish between Category I and Category II Noncompliance																						
MA	-	131	-	131	-	117	-	117	89%	-	58	-	58	-	24	-	24	-	82	-	82	70%
NH	-	37	-	37	-	36	-	36	97%	-	5	-	5	-	9	-	9	-	14	-	14	39%
SC	307	-	-	307	307	-	-	307	100%	-	-	-	-	-	-	-	-	190	-	-	190	62%

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	State	EPA	Tribal	Total	State	EPA	Tribal	Total		Total	State	EPA	Tribal	Total	State	EPA	Tribal	Total	State	EPA	Tribal	
States and Territories that have Unverified Data and Distinguish between Category I and Category II Noncompliance																						
AK	23	15	-	38	23	11	-	34	89%	7	1	-	8	2	-	-	2	9	1	-	10	29%
AL	1,476	7	-	1,483	896	-	-	896	60%	447	-	-	447	21	-	-	21	468	-	-	468	52%
CO	351	44	-	395	229	12	-	241	61%	120	9	-	129	38	-	-	38	158	9	-	167	69%
GA	576	7	-	583	539	1	-	540	93%	47	1	-	48	41	-	-	41	88	-	-	88	16%
KS	1,019	-	6	1,025	872	-	6	878	86%	17	-	1	18	167	-	4	171	184	-	1	185	21%
MD	881	20	-	901	413	-	-	413	46%	141	-	-	141	21	-	-	21	162	-	-	162	39%
ME	279	3	-	282	194	2	-	196	70%	100	1	-	101	65	1	-	66	165	2	-	167	85%
MN	592	19	-	611	592	18	-	610	100%	139	-	-	139	250	1	-	251	389	-	-	389	64%
ND	93	5	-	98	93	2	-	95	97%	24	2	-	26	8	-	-	8	32	2	-	34	36%
NJ	3,254	-	-	3,254	526	-	-	526	16%	312	-	-	312	28	-	-	28	340	-	-	340	65%
TN	1,235	1	-	1,236	490	-	-	490	40%	304	-	-	304	92	-	-	92	396	-	-	396	81%
UT	125	4	-	129	87	2	-	89	69%	28	-	-	28	7	1	-	8	35	1	-	36	40%
VA	878	-	-	878	878	-	-	878	100%	100	-	-	100	231	-	-	231	331	-	-	331	38%
VT	143	2	-	145	143	2	-	145	100%	1	-	-	1	76	1	-	77	77	1	-	78	54%
WA	347	8	12	367	347	8	11	366	100%	7	-	5	12	15	2	1	18	22	2	6	30	8%
WV	831	-	-	831	330	-	-	330	40%	192	-	-	192	82	-	-	82	274	-	-	274	83%
States and Territories that have Unverified Data and DO NOT Distinguish between Category I and Category II Noncompliance																						
AZ	90	-	14	104	90	-	10	100	96%	-	-	-	-	-	-	2	2	-	-	2	2	2%
CA	310	-	7	317	310	-	6	316	100%	-	-	2	2	-	-	1	1	-	-	3	3	1%
HI	29	-	-	29	26	-	-	26	90%	-	-	-	-	-	-	-	-	15	-	-	15	58%
LA	1,143	10	-	1,153	479	9	-	488	42%	-	-	-	-	-	-	-	-	257	2	-	259	53%
MI	409	8	-	417	409	8	-	417	100%	-	2	-	2	-	2	-	2	209	-	-	209	50%
NC	1,017	-	-	1,017	951	-	-	951	94%	-	-	-	-	-	-	-	-	361	-	-	361	38%
OR	292	-	4	296	215	-	4	219	74%	-	-	3	3	-	-	-	-	-	-	3	3	1%
PA	4,061	-	-	4,061	4,061	-	-	4,061	100%	-	-	-	-	-	-	-	-	623	-	-	623	15%
WI	674	16	-	690	674	13	-	687	100%	-	10	-	10	-	3	-	3	351	12	-	363	53%
WY	1,481	18	-	1,499	1,481	12	-	1,493	100%	27	11	-	38	-	1	-	1	27	12	-	39	3%
Total	41,760	755	82	42,597	34,143	600	74	34,817	82%	9,277	329	25	9,631	3,776	101	11	3,888	15,059	400	31	15,490	44%

Attachment 2 - Enforcement Activity Statistics for Non-Major Facilities with Individual Permits, by State, for Calendar Year 2011

State	Enforcement Activity																				
	Item 5) Formal Enf. Actions for RNC			Item 5a) Penalty Dollars Assessed			Item 5b) Administrative Penalty Orders			Item 5c) Formal Enf and or APO			Item 6) Permit Mods. Extending Compliance Deadlines			Item 7) One or More Years Behind Const Sched Deadlines			Item 8) Informal Enforcement Actions		
	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total
States and Territories that have Verified Data and Distinguish between Category I and Category II Noncompliance																					
AR	26	-	26	\$53,725	\$0	\$53,725	-	-	-	26	-	26	-	-	-	12	-	12	299	-	299
AS	-	1	1	\$0	\$0	\$0	-	-	-	-	1	1	-	-	-	-	-	-	-	-	-
CT	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
DC	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
DE	2	-	2	\$514,000	\$0	\$514,000	2	-	2	2	-	2	-	-	-	-	-	-	11	-	11
FL	15	-	15	\$12,000	\$0	\$12,000	2	-	2	15	-	15	-	-	-	-	-	-	14	-	14
GM	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
GU	-	3	3	\$0	\$0	\$0	-	-	-	-	3	3	-	-	-	-	-	-	-	-	-
IA	8	4	12	\$54,500	\$0	\$54,500	6	-	6	8	4	12	3	-	3	43	-	43	264	-	264
ID	7	-	7	\$4,100	\$0	\$4,100	7	-	7	7	-	7	-	-	-	-	-	-	17	-	17
IL	9	-	9	\$80,131	\$0	\$80,131	-	-	-	9	-	9	-	-	-	-	-	-	76	-	76
IN	40	-	40	\$80,103	\$0	\$80,103	27	-	27	40	-	40	-	-	-	-	-	-	330	-	330
KY	35	-	35	\$458,250	\$0	\$458,250	2	-	2	37	-	37	-	-	-	-	-	-	354	-	354
MO	92	-	92	\$143,625	\$0	\$143,625	-	-	-	92	-	92	-	-	-	131	-	131	1,256	-	1,256
MP	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
MS	19	-	19	\$193,000	\$0	\$193,000	6	-	6	25	-	25	-	-	-	1	1	2	401	-	401
MT	20	-	20	\$3,950	\$0	\$3,950	1	-	1	21	-	21	-	-	-	-	-	-	100	6	106
MW	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NE	3	1	4	\$0	\$0	\$0	-	-	-	3	1	4	-	-	-	3	-	3	66	-	66
NM	-	13	13	\$0	\$71,700	\$71,700	-	12	12	-	25	25	-	-	-	-	1	1	-	28	28
NN	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NV	1	-	1	\$0	\$0	\$0	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-
NY	30	-	30	\$322,150	\$0	\$322,150	1	-	1	1	31	32	-	-	-	-	-	-	-	-	-
OH	35	-	35	\$1,283,996	\$0	\$1,283,996	22	-	22	35	-	35	-	-	-	-	-	-	409	-	409
OK	88	-	88	\$64,531	\$0	\$64,531	13	-	13	72	-	72	-	-	-	2	-	2	33	1	34
PR	-	4	4	\$0	\$0	\$0	-	-	-	-	4	4	-	-	-	-	2	2	-	15	15
RI	2	-	2	\$0	\$0	\$0	-	-	-	2	-	2	-	-	-	1	2	3	50	-	50
SD	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	1	-	1	2	-	2	70	5	75
SR	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TX	181	-	181	\$1,911,213	\$0	\$1,911,213	181	-	181	181	-	181	-	-	-	-	-	-	220	3	223
VI	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	2	2	4

Attachment 2 - Enforcement Activity Statistics for Non-Major Facilities with Individual Permits, by State, for Calendar Year 2011

State	Enforcement Activity																				
	Item 5) Formal Enf. Actions for RNC			Item 5a) Penalty Dollars Assessed			Item 5b) Administrative Penalty Orders			Item 5c) Formal Enf and or APO			Item 6) Permit Mods. Extending Compliance Deadlines			Item 7) One or More Years Behind Const Sched Deadlines			Item 8) Informal Enforcement Actions		
	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total
States and Territories that have Verified Data and DO NOT Distinguish between Category I and Category II Noncompliance																					
MA	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	4	4	-	-	-	
NH	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	1	1	
SC	20	-	20	\$104,800	\$0	\$104,800	-	-	-	20	-	20	1	-	1	3	-	3	73	-	73

Attachment 2 - Enforcement Activity Statistics for Non-Major Facilities with Individual Permits, by State, for Calendar Year 2011

State	Enforcement Activity																				
	Item 5) Formal Enf. Actions for RNC			Item 5a) Penalty Dollars Assessed			Item 5b) Administrative Penalty Orders			Item 5c) Formal Enf and or APO			Item 6) Permit Mods. Extending Compliance Deadlines			Item 7) One or More Years Behind Const Sched Deadlines			Item 8) Informal Enforcement Actions		
	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total
States and Territories that have Unverified Data and Distinguish between Category I and Category II Noncompliance																					
AK	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
AL	18	-	18	\$256,050	\$0	\$256,050	17	-	17	18	-	18	-	-	-	-	-	-	167	4	171
CO	1	-	1	\$0	\$0	\$0	-	-	-	1	-	1	-	-	-	28	-	28	-	-	-
GA	44	-	44	\$142,488	\$0	\$142,488	3	-	3	44	-	44	-	-	-	3	-	3	104	-	104
KS	16	-	16	\$178,310	\$0	\$178,310	12	-	12	16	-	16	1	-	1	2	-	2	-	-	-
MD	11	-	11	\$109,660	\$0	\$109,660	10	-	10	18	-	18	-	-	-	3	-	3	-	-	-
ME	10	-	10	\$38,372	\$0	\$38,372	1	-	1	11	-	11	1	-	1	-	-	-	12	-	12
MN	28	-	28	\$283,435	\$0	\$283,435	6	-	6	34	-	34	-	-	-	-	-	-	18	4	22
ND	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	40	-	40
NJ	3	-	6	\$0	\$0	\$0	-	-	-	3	3	6	-	-	-	110	-	110	-	-	-
TN	16	-	16	\$785,400	\$0	\$785,400	16	-	16	16	-	16	-	-	-	-	-	-	29	-	29
UT	3	-	3	\$4,079	\$0	\$4,079	-	-	-	3	-	3	-	-	-	-	-	-	6	1	7
VA	13	-	13	\$318,511	\$0	\$318,511	13	-	13	13	-	13	-	-	-	1	-	1	731	-	731
VT	1	-	1	\$0	\$0	\$0	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-
WA	7	1	8	\$14,000	\$134,500	\$148,500	1	1	2	7	1	8	28	-	28	-	-	-	138	1	139
WV	7	2	9	\$8,132	\$32,400	\$40,532	7	1	8	14	3	17	-	-	-	64	-	64	-	-	-
States and Territories that have Unverified Data and DO NOT Distinguish between Category I and Category II Noncompliance																					
AZ	1	-	1	\$0	\$0	\$0	-	-	-	1	-	1	-	-	-	-	-	-	7	-	7
CA	23	-	23	\$7,813,045	\$0	\$7,813,045	100	-	100	117	-	117	14	-	14	-	-	-	122	-	122
HI	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LA	48	17	65	\$300,390	\$0	\$300,390	7	17	24	49	17	66	-	-	-	1	-	1	112	-	112
MI	2	-	2	\$105,000	\$0	\$105,000	-	-	-	2	-	2	1	-	1	1	-	1	76	-	76
NC	3	1	4	\$424,449	\$0	\$424,449	172	-	172	175	1	176	-	-	-	-	-	-	355	-	355
OR	12	-	12	\$34,094	\$0	\$34,094	10	-	10	12	-	12	10	-	10	-	-	-	24	-	24
PA	100	7	107	\$602,071	\$0	\$602,071	85	-	85	100	-	100	-	-	-	-	-	-	626	-	626
WI	10	-	10	\$5,000	\$0	\$5,000	-	-	-	10	-	10	1	-	1	-	-	-	45	6	51
WY	29	-	29	\$24,835	\$0	\$24,835	-	-	-	29	-	29	-	-	-	-	2	2	334	-	334
Total	1,039	54	1,096	\$16,731,395	\$238,600	\$16,969,995	730	31	761	1,291	94	1,385	61	-	61	411	12	423	6,991	77	7,068