

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

Calendar Year 2012

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

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Introductory Message from Cynthia Giles, Assistant Administrator

This Annual Noncompliance Report (ANCR) for calendar year 2012 provides valuable information about the state of compliance among individually-permitted nonmajor facilities regulated by the Clean Water Act (CWA) national Pollutant Discharge Elimination System (NPDES).

This report shows that there is an improving, but still unacceptable, level of noncompliance by these nonmajor facilities with the effluent limits established in NPDES discharge permits issued by the state, territories, or United States Environmental Protection Agency (EPA). Those effluent limits are designed to preserve and protect our rivers, streams, and lakes—which support aquatic life, provide drinking water, and allow recreational uses such as fishing and swimming. Although a violation by one permittee might not result in serious water quality degradation, the combined effect of many facilities discharging above their permitted limits could be substantial.

The Clean Water Act Action Plan, which the EPA is implementing, is designed to improve transparency and enable public scrutiny of NPDES information, and to address water pollution problems through collaboration among EPA, states, and territories. Shining a public light on violators, and on government's response to violators, provides an incentive for compliance by permittees and for nationally-consistent program implementation by government agencies. As noted in this report, many violations are not identified in public databases – in part because some states do not have the resources for manual data entry of information from hard-copy discharge monitoring reports for nonmajor facilities. Electronic reporting of discharge monitoring reports by the permittee is a best practice that 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 and share that data with EPA, thus utilizing the automatic violation detection of EPA's data system, are nearly twice as likely to identify serious violations (i.e., Category I) than states that are not electronically sending discharge monitoring data to EPA (see Table 1 – 30% vs. 17% 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 that 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 by 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. Throughout this report, the phrase “permitting authority” refers to the governmental unit issuing the applicable NPDES permits. Some states have also received authority to implement various NPDES subprograms, leaving EPA as the permitting authority for all subprograms not authorized to these states.

EPA is also the permitting authority for:

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

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

The ANCR provides information regarding Category I and Category II noncompliance. Category I noncompliance, as defined in 40 CFR 123.45(a)(2)(ii), includes 1) violations of conditions in enforcement orders except compliance schedules and reports; 2) violations of compliance schedule milestones for starting construction, completing construction, and attaining final compliance by 90 days or more from the date of the milestone specified in an enforcement order or a permit; 3) violations of permit effluent limits that exceed the Appendix A “Criteria for Compliance Reporting in the NPDES Program”; and 4) failure to provide a compliance schedule report for final compliance or a monitoring report. Violations of other effluent violations besides monthly averages are not included as Category I noncompliance. Category II noncompliance, as defined in 40 CFR 123.45(a)(2)(iii), includes violations of permit conditions which EPA considers to be of substantial concern but may not meet the Category I

criteria. It is possible that a facility might be in Category I noncompliance for a quarter of the calendar year and in Category II noncompliance for a different quarter; therefore, we do not add together the Category I and Category II noncompliance figures because some double-counting of facilities could occur.

Comparable information about major facilities can be found on the Enforcement and Compliance History Online (ECHO) website (<http://echo.epa.gov>), and specifically on the area entitled State Dashboards (http://echo.epa.gov/water_dashboard). 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 2012

- Universe:** The ANCR universe reduced to 41,688 in calendar year 2012, compared to 42,597 in CY 2011. To put this in perspective, there are approximately 450,000 NPDES permittees, of which 6,700 are major facilities with individual permits, 41,688 ANCR permittees (smaller facilities with individual permits), and over 400,000 permittees operating under general permits.
- Reviewed for Noncompliance:** The compliance status was reviewed for 83% of the ANCR permittees in calendar year 2012. This is up slightly from the 82% reviewed in CY 2010 and CY 2011. For comparison, in CY 2009, 87% were reviewed. Reviewed means that discharge data were entered into a computer system and automatically compared to permit limits to flag violations, or that hard copy reports were reviewed manually.
- Serious Noncompliance:** The reported violation rate for the more serious violations (i.e., Category I) overall is slightly lower than in any of the previous five calendar years. States with verified data (i.e., providing discharge monitoring data to EPA’s national data system for 75% or more of their ANCR permittees) continue to identify a much higher percentage of noncompliance, particularly for Category I violations, than states with non-verified data. States with verified data submit discharge monitoring data to EPA and EPA’s national data system can automatically determine whether and when violations occur. States that do not consistently send discharge monitoring data to EPA’s national data system (“non-verified”) for their nonmajor facilities do not take advantage of EPA’s automatic violation determination. Some of these states have their own data systems, whereas others may only perform infrequent review of hard-copy discharge monitoring reports. EPA maintains that the true Category I violation rates across the country are in line with the “verified” data shown below.

Table 1. Serious (Category I) Violation Rate Trends by Year
 (as a percentage of facilities reviewed)
 (based on ANCR data for CY 2008-2012)

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

- Informal Enforcement: There were 7,306 informal enforcement actions against ANCR permittees in calendar year 2012. In CY 2011, there were 7,068 informal enforcement actions, 10,976 in CY 2010, and 8,159 in CY 2009. Note that some states were unable to provide accurate counts of such actions.
- Formal Enforcement: There were 1,391 formal enforcement actions against ANCR permittees in calendar year 2012; this is a significant increase above the 1,096 formal enforcement actions taken in CY 2011. For comparison, there were 1,631 formal enforcement actions in CY 2010, and 1,156 in CY 2009.
 - The percentage of facilities with formal enforcement compared to facilities with violations was 10.8% in calendar year 2012, higher than in calendar year 2011 (7.1%). For comparison, this figure was 11% in CY 2010 and 7.7% in CY 2009.
 - The percentage of facilities with formal enforcement compared to facilities with serious violations was 16.5%, much higher than in calendar year 2011 (11.4%). For comparison, this figure was 16% in CY 2010 and 12.5% in CY 2009.
- Penalties: There were \$16.66 million in penalties in calendar year 2012. This figure continues to decline each year, compared to \$16.9 million in CY 2011, \$17.7 million in CY 2010, and \$23.3 million in CY 2009.
- Compliance Schedules: A total of 404 permittees were one or more years late meeting their construction schedule deadlines in calendar year 2012, compared to 423 in CY 2011, 384 in CY 2010, and 535 in CY 2009.

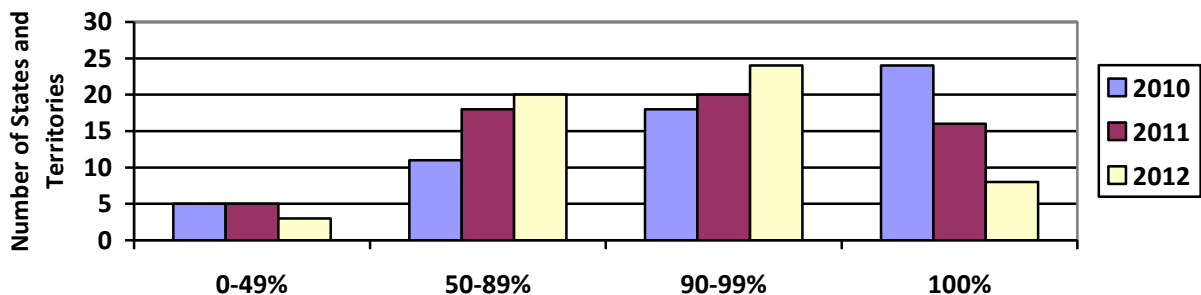
For complete state statistics, see Attachment 1 or visit the ECHO State Dashboard at http://echo.epa.gov/water_dashboard.

State Highlights

1. Reviewing Permits for Violations

Overall, the percentage of permittees reviewed for compliance was slightly better (at 83%) than in CY 2011 and CY 2010 (both at 82%). At the state level, far fewer states reviewed every one (i.e., 100% without rounding) of their permittees, although four other states missed that completeness figure by just a few facilities (see Figure 1). Reviewing permittees' effluent reports and other permit conditions is generally the first step that permitting authorities take to determine whether permittees are violating the limits set by their permits.

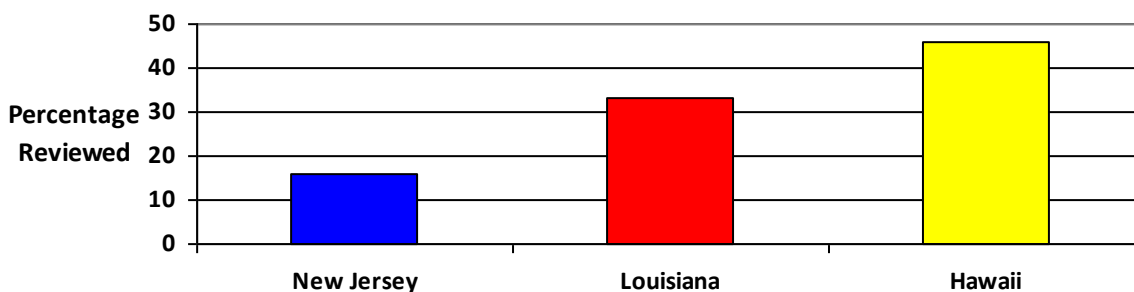
Figure 1 - Percentage of Permittees Reviewed for Violations by States and Territories*



* includes territories with more than 5 ANCR permittees

Three states reported to EPA for calendar year 2012 that they reviewed the compliance status for less than 50% of their individually-permitted nonmajor NPDES permittees (see Figure 2). Two of these states (New Jersey and Louisiana) also reviewed less than 50% in calendar years 2010 and 2011. The three permitting authorities identified below 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 - States Reviewing Compliance for Less than 50% of Permittees



2. Evaluation of Historical Decrease in Category I (More Serious) Violations

As indicated previously in Table 1, EPA has noted that for several years the Category I violation rates are considerably lower for non-verified states compared to verified states. States with verified data submit discharge monitoring data to EPA and EPA's national data system can automatically determine whether and when violations occur. States that do not consistently send discharge monitoring data to EPA's national data system ("non-verified") for their nonmajor facilities do not take advantage of EPA's automatic violation determination. Some of these states have their own data systems, whereas others may only perform infrequent review of hard-copy discharge monitoring reports. EPA maintains that the true Category I violation rates across the country are in line with the "verified" data shown below.

EPA is also aware that the Category I violation rate has decreased considerably since calendar year 2008. As identified in Table 1, EPA noted that the Category I violation rate in verified states dropped from 60% in calendar year 2008 to 30% in calendar year 2012.

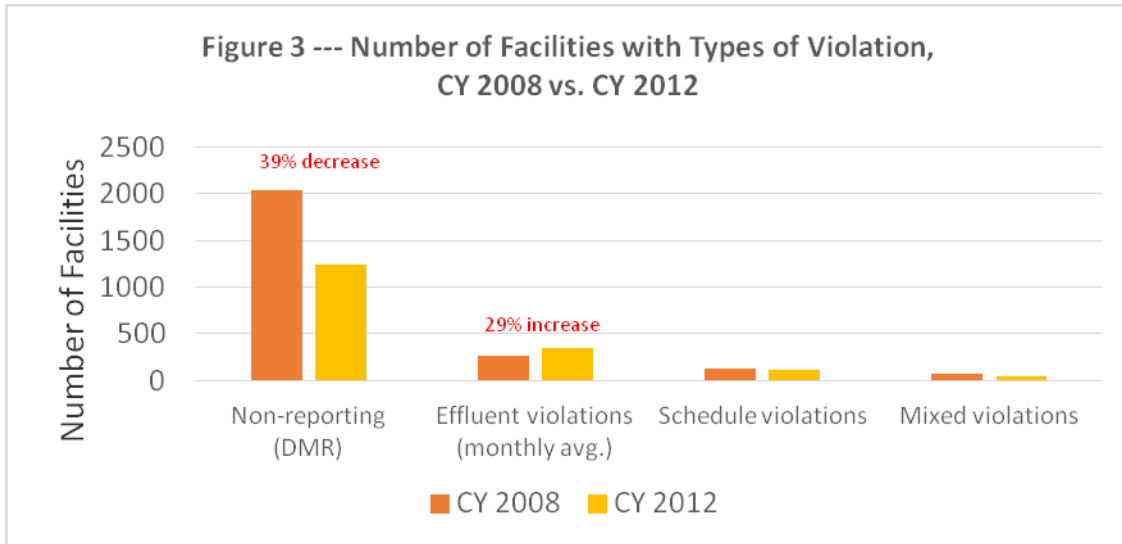
Given the notable decrease in the percentage of facilities with Category I violations in calendar year 2012, EPA compared the Category I noncompliance rates for just the states and territories with verified data (and also able to distinguish Category I and Category II violations) in both calendar year 2008 and calendar year 2012. This effort was intended to determine whether the national decrease in Category I violations for that time period was paralleled by any particular states. As illustrated in Table 2, this group exhibited a drop in the Category I violation rate from 57% in calendar year 2008 to 37% in calendar year 2012. States such as Arkansas, Montana, and Oklahoma exhibited a 30% to 37% decrease in Category I violations from calendar year 2008 to calendar year 2012, comparable to a similar 30% drop in Category I violations nationally for all verified states for that same time period.

**Table 2. Category I Violation Rates in States and Territories with Verified Data
in Both CY 2008 and CY 2012***
(Violation Rates from CY 2008 to CY 2012)
(Based on ANCR data for CY 2008 through CY 2012)

State/Territory	Category I Violation Rate				
	CY 2008	CY 2009	CY 2010	CY2011	CY2012
Arkansas	77%	61%	62%	60%	42%
Connecticut	18%	8%	14%	10%	17%
District of Columbia	60%	43%	43%	14%	29%
Montana	72%	59%	62%	57%	35%
New Mexico	74%	60%	64%	72%	0%
New York	16%	13%	12%	14%	12%
Oklahoma	59%	57%	62%	55%	29%
Puerto Rico	58%	58%	60%	58%	40%
St. Regis Tribe	100%	100%	50%	100%	100%
Texas	72%	74%	57%	78%	53%
Subtotal	57%	55%	48%	56%	37%
National, Verified States	60%	46%	35%	39%	30%

*and able to distinguish Category I and Category II violations

Given the notable decrease in the percentage of facilities with Category I violations in CY 2012, EPA also examined the types of violations for which the ANCR permittees were listed as having Category I violations for CY 2008 and CY 2012. This effort was intended to determine whether there was a substantive change in the type of violations for those years. The violation types included DMR non-receipt violations, effluent violations for monthly averages, schedule violations, and a mix of violation types. The results of this analysis are shown in Figure 3.

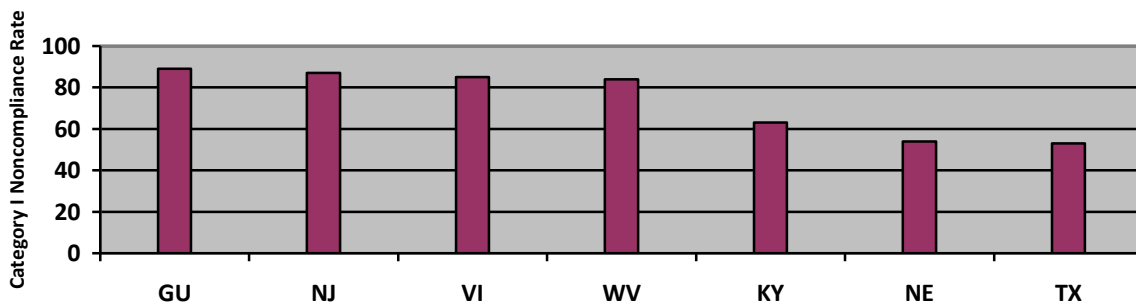


As shown in Figure 3, for the set of ten verified states and territories identified in Table 2, i.e., those states and territories with verified data (and also able to distinguish Category I and Category II violations) in both calendar year 2008 and calendar year 2012, EPA noted that there was a saw a 39% drop in DMR non-reporting from calendar year 2008 compared to calendar year 2012. This means that more effluent data is being provided to the national data system, as evidenced by the 29% increase in effluent violations shown above.

3. Category I (More Serious) Violations in Calendar Year 2012

EPA also has concern about states with high Category I noncompliance rates. Seven states or territories reported that over 50% of their ANCR permittees had Category I violations in calendar year 2012 (see Figure 4).

Figure 4 - States and Territories with Category I Noncompliance by Over 50% of Reviewed ANCR Permittees*



*includes territories with more than 5 ANCR permittees

For calendar year 2012, nine states provided ANCR data that did not distinguish between Category I and Category II violations. These states are Arizona, Hawaii, Idaho, Michigan, North Carolina, Oregon, Pennsylvania, South Carolina, and Wisconsin. Therefore, the national Category I violation data is not complete.

In an effort to determine whether certain groups had better or worse Category I violation rates, EPA also examined the violation rates for the ten Standard Industrial Classification (SIC) codes identified as reviewed by verified states, and therefore with an available list of specific facilities, in calendar year 2012. These results are displayed in Table 3.

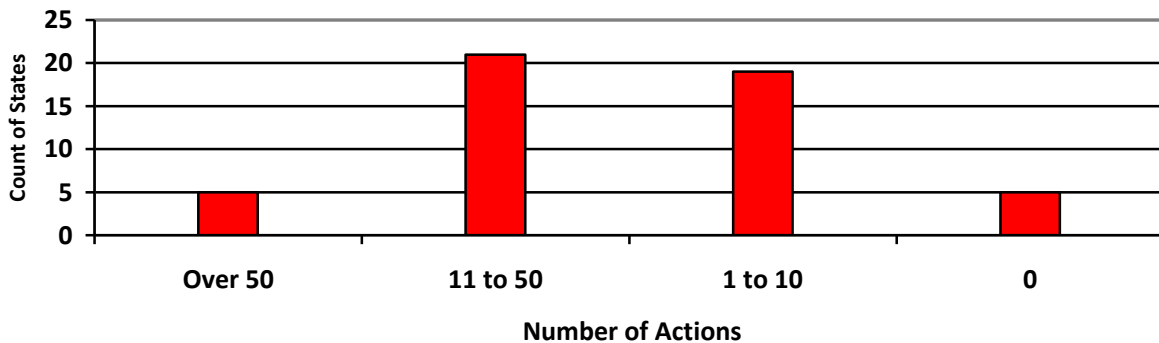
Table 3. Category I Violation Rates for the Ten Standard Industrial Classification (SIC) codes Identified as Reviewed by Verified States in Calendar Year 2012

Rank	SIC	Description	Number of facilities	Cat I %
1	4952	Sewage Treatment Facilities	3338	40%
2	4941	Water Supply	392	38%
3	8211	Elementary and Secondary Schools	190	56%
4	5171	Petroleum Bulk Stations	180	18%
5	6515	Mobile Home Site Operators	178	54%
6	4911	Electric Services	141	26%
7	8999	Services	140	11%
8	1221	Bituminous Coal – Surface	122	15%
9	2869	Industrial Organic Chemicals	93	42%
10	7033	Trailer Parks and Campsites	84	52%
National, for Verified States in Calendar Year 2012				30%

4. Formal Enforcement Actions

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

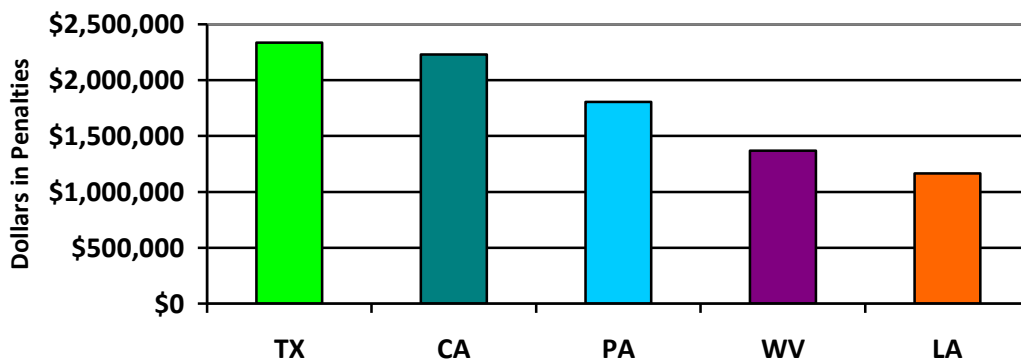
Figure 5 --- Formal Enforcement Actions by States



5. Penalties

The amount of penalties varies substantially among states and by year for each state. As was the case in CY 2011, five states assessed one million dollars or more in penalties in calendar year 2012. The states shown below in Figure 6 are successfully assessing penalties well above the levels of most other states. Two of the states (California and Texas) identified below also assessed penalties of one million dollars or more in 2010 and 2011.

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



Eighteen permitting authorities – 10 administered by EPA and 8 administered by a state or territory – issued no penalties in calendar year 2012, even though they had ANCR permittees with Category I noncompliance. Among states and territories for which EPA is the permitting authority (Figure 7), Puerto Rico and Massachusetts are the only locations that have more than 50 ANCR permittees with Category I noncompliance and no penalties in both calendar years 2011 and 2012. Among state or territory permitting authorities (Figure 8), Nebraska is the only

state with over 50 ANCR permittees with Category I noncompliance and no penalties in both calendar years 2011 and 2012.

Figure 7 - For Federal Permitting Authority: States and Territories with Over Ten Facilities in Category I Noncompliance, but with No Penalties Assessed

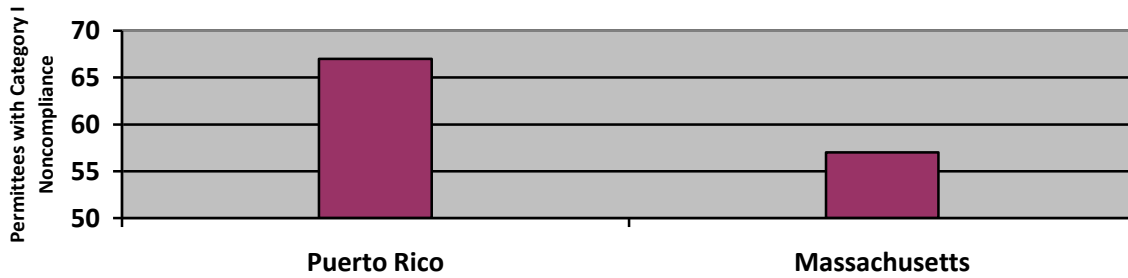
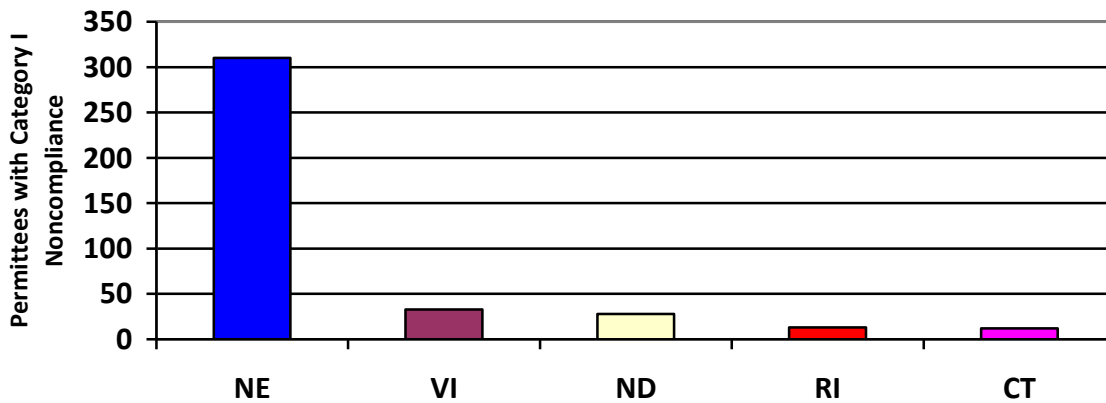


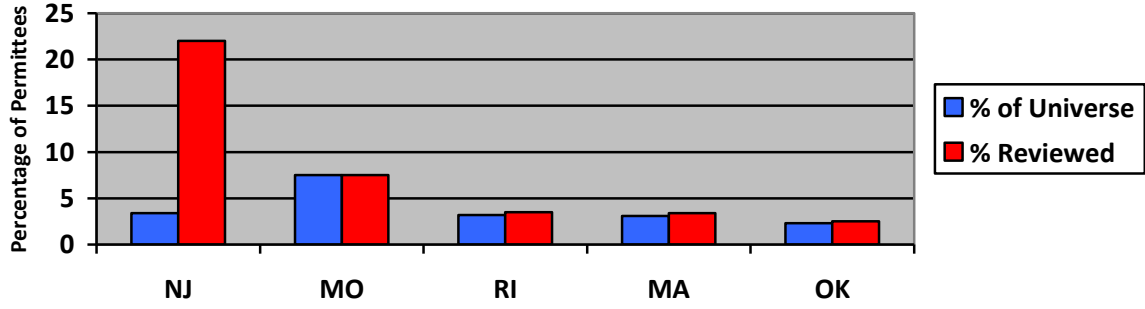
Figure 8 - Among Non-EPA Permitting Authorities: States and Territories with Over Ten Facilities in Category I Noncompliance, but with No Penalties Assessed



6. Compliance with Construction Schedules

The percentage of permittees that are one or more years behind on construction schedules varies significantly among the states. In five states, 2% or more of ANCR permittees are this far behind schedule in calendar year 2012. For those states, Figure 9 shows the schedule violations as a percentage of both the universe of permittees and the permittees reviewed for calendar year 2012. New Jersey is the only state that had more than 5% of its reviewed ANCR permittees one or more years behind on construction schedules in both calendar years 2011 and 2012, exceeding 20% in both years.

Figure 9 - States with Highest Percentage of Permittees One or More Years Behind Construction Schedule



NPDES Program Background

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

NPDES permits are broadly categorized as either individual permits or general permits. Individual permits are typically required for larger facilities. For example, they cover discharges of pollutants from specific outfalls or pipes (point sources) from industrial facilities, mines, municipal wastewater treatment plants, sewer system overflow points, and some construction sites and concentrated animal feeding operations to receiving waters. Approximately 48,500 permittees have been issued individual permits, including 6,700 "major" permittees, in addition to the 41,688 nonmajor facilities that are included in this report.

General permits are written to cover entire categories of smaller dischargers, such as automated car washes and commercial vessels. There are approximately 500 NPDES general permits in use nationwide; some are issued by EPA, but many were developed and used solely within individual states. Roughly 400,000 permittees operate under NPDES general permits. These facilities are not included in the ANCR data.

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

The CWA requires permitting authorities to review the self-monitoring data submitted by permittees, assess compliance with the permit, conduct inspections of the facilities, review required facility reports related to specific aspects of the NPDES program, identify instances of noncompliance, and take enforcement actions as needed.

How Does NPDES Enforcement Work?

EPA and the states use a variety of enforcement techniques to compel compliance under the law. An authorized state or territory typically takes the lead on enforcement activities within its jurisdiction, but even in those jurisdictions EPA retains the right to act. For example, EPA may initiate an enforcement action if the state requests help, if a case is of national interest, or if EPA is not satisfied with the state's enforcement 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, impacts on smaller receiving waters can be significant even from smaller facilities. EPA expects permitting authorities to have an enforcement presence in all aspects of the NPDES program to deter noncompliance. The information in this report allows 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 program authority (state, territory, or EPA Regional Office) is required to provide EPA with the following annual summary information regarding its ANCR permittees:

- Number of ANCR permittees;
- Number of ANCR permittees reviewed by the state/territory/Region;
- Number of ANCR permittees reviewed and found to be in Category I noncompliance (i.e., more serious violations);
- Number of ANCR permittees reviewed and found to be in Category II noncompliance;
- Number of non-complying ANCR permittees receiving informal enforcement actions;
- Number of non-complying ANCR permittees receiving administrative penalty orders;
- Number of non-complying ANCR permittees receiving a formal enforcement action;
- Number of non-complying ANCR permittees receiving either a formal enforcement action OR an administrative penalty order;
- Dollars of penalties assessed against non-complying ANCR permittees; and
- Number of permit modifications extending compliance deadlines granted to non-complying ANCR permittees.

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

General Qualifications about the Data

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

- For the most part, existing regulations only require states to provide summary data for the ANCR. The only facility-specific data that is required pertains to ANCR permittees that are one or more years behind in construction phases of a compliance schedule.
 - Currently, states are not required to provide EPA with facility-specific data on self-monitoring, violations, enforcement actions, or penalties for most ANCR permittees.
 - Although not required by regulation, , 24 states provided Discharge Monitoring Report (DMR) data to EPA's ICIS-NPDES national data system for 75% or more of their ANCR permittees in calendar year 2012.
- The ANCR originally did not include data regarding informal enforcement actions, but some states indicated that omitting informal enforcement actions understated their enforcement efforts; therefore, informal enforcement actions are now included in the ANCR.

Attachment 1 - Permittees and Compliance Statistics for Nonmajor Facilities with Individual Permits, by State and Territory, for Calendar Year 2012

States and Territories with Verified Data in ICIS-NPDES and Distinguishing between Category I and Category II Noncompliance																								
Reg	State	ICIS Data Completeness (Dec. 2013)	Item 1) Permittees Universe				Item 2) Permittees Reviewed				% Reviewed	Item 3) Category I Non-Compliance				Item 4) Category II Non-Compliance				In Non-Compliance, But Not Determined Whether Category I or Category II				Total Non-Compliance Rate
			State	EPA	Tribal	Total	State	EPA	Tribal	Total		State	EPA	Tribal	Total	State	EPA	Tribal	Total	State	EPA	Tribal	Total	
6	AR	98%	691	3		694	686	3		689	99%	289	-		289	46	-		46	N/A	N/A	N/A	N/A	N/A
1	CT	94%	73	4		77	70	2		72	94%	12	-		12	5	-		5	N/A	N/A	N/A	N/A	N/A
3	DC	100%		7		7		7		7	100%		2		2		1		1	N/A	N/A	N/A	N/A	N/A
3	DE	87%	30	1		31	27			27	87%	1			1	7			7	N/A	N/A	N/A	N/A	N/A
4	FL	96%	309	2		311	297	2		299	96%	75	1		76	29			29	N/A	N/A	N/A	N/A	N/A
5	IL	90%	1,342			1,342	1,210			1,210	90%	490			490	175			175	N/A	N/A	N/A	N/A	N/A
5	IN	97%	1,441			1,441	1,401			1,401	97%	198			198	41			41	N/A	N/A	N/A	N/A	N/A
4	KY	82%	1,684			1,684	1,380			1,380	82%	867			867	141			141	N/A	N/A	N/A	N/A	N/A
1	MA	89%		130		130		116		116	89%		57		57		16		16	N/A	N/A	N/A	N/A	N/A
7	MO	77%	2,918			2,918	2,918			2,918	100%	777			777	245			245	N/A	N/A	N/A	N/A	N/A
9	MP	75%		4		4		3		3	75%		2		2		-		-	N/A	N/A	N/A	N/A	N/A
4	MS	93%	1,283	5		1,288	1,194	5		1,199	93%	252	4		256	42	1		43	N/A	N/A	N/A	N/A	N/A
8	MT	96%	133	30		163	132	23		155	95%	37	18		55	21	1		22	N/A	N/A	N/A	N/A	N/A
9	MW	100%		1		1		1		1	100%		1		1		-		-	N/A	N/A	N/A	N/A	N/A
7	NE	86%	665	9		674	570	9		579	86%	304	6		310	27			27	N/A	N/A	N/A	N/A	N/A
1	NH	97%		37		37		36		36	97%		5		5		6		6	N/A	N/A	N/A	N/A	N/A
6	NM	89%		93		93		86		86	92%		-		-		-		-	N/A	N/A	N/A	N/A	N/A
9	NN	89%		28		28		25		25	89%		9		9		3		3	N/A	N/A	N/A	N/A	N/A
2	NY	87%	1,206			1,206	1,046			1,046	87%	123			123	176			176	N/A	N/A	N/A	N/A	N/A
5	OH	95%	3,119			3,119	2,954			2,954	95%	1,082			1,082	244			244	N/A	N/A	N/A	N/A	N/A
6	OK	97%	379	8		387	376	8		384	99%	109	1		110	35			35	N/A	N/A	N/A	N/A	N/A
2	PR	94%		179		179		168		168	94%		67		67		63		63	N/A	N/A	N/A	N/A	N/A
1	RI	92%	60	2		62	57	-		57	92%	13	-		13	8	-		8	N/A	N/A	N/A	N/A	N/A
8	SD	79%	246	10		256	198	4		202	79%	50	4		54	12	-		12	N/A	N/A	N/A	N/A	N/A
2	SR	100%	-	-	2	2	-	-	2	2	100%	-	-	2	2	-	-	-	-	N/A	N/A	N/A	N/A	N/A
6	TX	85%	2,230	40		2,270	1,903	25		1,928	85%	1,028	-		1,028	162	2		164	N/A	N/A	N/A	N/A	N/A
10	WA	83%	271	31		302	227	28		255	84%	2	-		2	3	-		3	N/A	N/A	N/A	N/A	N/A
8	WY	77%	1,945	25		1,970	1,945	15		1,960	99%	25	9		34	-	-	-	-	N/A	N/A	N/A	N/A	N/A
	Subtotal		20,025	649	2	20,676	18,591	566	2	19,159	93%	5,734	186	2	5,922	1,419	93	-	1,512	N/A	N/A	N/A	N/A	N/A
States and Territories with Verified Data in ICIS-NPDES and Not Distinguishing between Category I and Category II Noncompliance																								
10	ID	87%		141		141	141			141	100%		-		-	-	-	-	-	51	-	-	51	36%
4	SC	79%	309	-		309	304	-		304	98%	-	-	-	-	-	-	-	-	145	-	-	145	48%
	Subtotal		309	141	-	450	304	141	-	445	99%	-	-	-	-	-	-	-	-	145	51	-	196	44%

Attachment 1 - Permittees and Compliance Statistics for Nonmajor Facilities with Individual Permits, by State and Territory, for Calendar Year 2012

States and Territories with Non-Verified Data and Distinguishing between Category I and Category II Noncompliance																									
Reg	State	ICIS Data Completeness (Dec. 2013)	Item 1) Permittees Universe				Item 2) Permittees Reviewed				% Reviewed	Item 3) Category I Non-Compliance				Item 4) Category II Non-Compliance				In Non-Compliance, But Not Determined Whether Category I or Category II				Total Non-Compliance Rate	
			State	EPA	Tribal	Total	State	EPA	Tribal	Total		State	EPA	Tribal	Total	State	EPA	Tribal	Total	State	EPA	Tribal	Total		
10	AK	66%	27	3		30	27	3		30	100%	11	-		11	2	-		2	N/A	N/A	N/A	N/A	N/A	
4	AL	48%	1,480	1		1,481	1,222			1,222	83%	389			389	64			64	N/A	N/A	N/A	N/A	N/A	
9	AS	50%		2		2		1		1	50%		1		1					N/A	N/A	N/A	N/A	N/A	
9	CA	2%	256	29		285	256	29		285	100%	40	3		43	100	1		101	N/A	N/A	N/A	N/A	N/A	
8	CO	52%	336	45		381	330	13		343	90%	112	6		118	31	2		33	N/A	N/A	N/A	N/A	N/A	
4	GA	70%	552	-		552	462	-		462	84%	75	-		75	28	-		28	N/A	N/A	N/A	N/A	N/A	
6	GM	0%		3		3					0%									N/A	N/A	N/A	N/A	N/A	
9	GU	69%		13		13		9		9	69%		8		8					N/A	N/A	N/A	N/A	N/A	
7	IA	60%	1,514	2		1,516	906	1		907	60%	202	-		202	50			50	N/A	N/A	N/A	N/A	N/A	
7	KS	3%	1,013	6		1,019	875	5		880	86%	136	1		137	7	2		9	N/A	N/A	N/A	N/A	N/A	
6	LA	16%	1,200	11		1,211	390	11		401	33%	200			200	48	-		48	N/A	N/A	N/A	N/A	N/A	
3	MD	48%	438	17		455	419			419	92%	140			140	55			55	N/A	N/A	N/A	N/A	N/A	
1	ME	67%	387	1		388	259	1		260	67%	122	-		122	17	-		17	N/A	N/A	N/A	N/A	N/A	
5	MN	3%	578	20		598	578	19		597	100%	102	6		108	229	2		231	N/A	N/A	N/A	N/A	N/A	
8	ND	3%	89	6		95	89	3		92	97%	25	3		28	4	-		4	N/A	N/A	N/A	N/A	N/A	
2	NU	16%	2,963	227		3,190	497	3		500	16%	430	3		433	-	1		1	N/A	N/A	N/A	N/A	N/A	
9	NV	0%	107			107	107			107	100%	6			6					N/A	N/A	N/A	N/A	N/A	
4	TN	40%	1,174	1		1,175	1,174			1,174	100%	42			42	27			27	N/A	N/A	N/A	N/A	N/A	
8	UT	66%	94	3		97	84	2		86	89%	26	-		26	12	1		13	N/A	N/A	N/A	N/A	N/A	
3	VA	0%	847	-		847	847	-		847	100%	80			80	177			177	N/A	N/A	N/A	N/A	N/A	
2	VI	61%	63	1		64	39			39	61%	33	-		33	4	-		4	N/A	N/A	N/A	N/A	N/A	
1	VT	55%	58	2		60	31	2		33	55%	1	1		2	4	1		5	N/A	N/A	N/A	N/A	N/A	
3	WV	42%	501	-		501	324	-		324	65%	272	-		272	8			8	N/A	N/A	N/A	N/A	N/A	
Subtotal			13,677	393	-	14,070	8,916	102	-	9,018	64%	2,444	32	-	2,476	867	10	-	877	N/A	N/A	N/A	N/A	N/A	
States and Territories with Non-Verified Data and Not Distinguishing between Category I and Category II Noncompliance																									
9	AZ	10%	88	14		102	88	11		99	97%	-	5		5	-	-		44	5	-		49	49%	
9	HI	23%	61			61	28			28	46%	-			-	-	-		4	-	-		4	14%	
5	MI	41%	388	9		397	388	9		397	100%	-	4		4	-	-		205	4	-		209	53%	
4	NC	59%	1,295	4		1,299	944	4		948	73%	-	4		4	-	-		589	4	-		593	63%	
10	OR	2%	294	4		298	205	3		208	70%	-	-		-	-	-		43	3	-		46	22%	
3	PA	3%	3,645	1		3,646	3,645			3,645	100%	-			-	-	-		705	-	-		705	19%	
5	WI	2%	673	16		689	673	13		686	100%	-	9		9	-	2		2	320	11	-		331	48%
Subtotal			6,444	48	-	6,492	5,971	40	-	6,011	93%	-	22	-	22	-	2	-	2	1,910	27	-		1,937	32%
National			40,455	1,231	2	41,688	33,782	849	2	34,633	83%	8,178	240	2	8,420	2,286	105	-	2,391	2,055	78	-	2,133	33%	

Attachment 2 - Enforcement Activity Statistics for Nonmajor Facilities with Individual Permits, by State and Territory, for Calendar Year 2012

States and Territories with Verified Data in ICIS-NPDES and Distinguishing between Category I and Category II Noncompliance																							
Reg	State	Enforcement Activity																					
		Item 5) Permittees Receiving Formal Enf. Actions for RNC			Item 5a) Penalty Dollars Assessed			Item 5b) Permittees Receiving Administrative Penalty Orders			Item 5c) Permittees Receiving Formal Enf and/or APO			Item 6) Permit Mods. Extending Compliance Deadlines			Item 7) One or More Years Behind Constr. Sched. Deadlines			Item 8) Permittees Receiving Informal Enforcement Actions			
		State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	
6	AR	18	-	18	\$70,352	\$0	\$70,352	-	-	-	18	-	18	-	-	-	5	-	5	4	-	4	
1	CT	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	4	-	4		
3	DC	-	-	-	-	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
3	DE	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	7	-	7		
4	FL	16	-	16	\$66,400	\$7,000	\$73,400	11	-	11	27	-	27	-	-	-	-	-	11	-	11		
5	IL	18	8	26	\$119,000	\$0	\$119,000	-	-	-	18	8	26	-	-	-	-	-	21	-	21		
5	IN	32	1	33	\$20,295	\$0	\$20,295	18	-	18	50	1	51	-	-	-	13	-	13	375	-	375	
4	KY	28	-	28	\$250,500	-	\$250,500	-	-	-	28	-	28	-	-	-	-	-	307	-	307		
1	MA	-	1	1	-	\$0	\$0	-	-	-	1	-	1	-	-	-	4	-	4	2	-	2	
7	MO	45	-	45	\$65,054	\$47,756	\$112,810	16	-	16	45	-	45	-	-	-	220	-	220	1,174	-	1,174	
9	MP	-	-	-	-	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
4	MS	14	-	14	\$147,425	\$0	\$147,425	9	-	9	14	-	14	-	-	-	-	-	379	-	379		
8	MT	24	-	24	\$7,800	\$0	\$7,800	-	-	-	24	-	24	-	-	-	-	-	97	-	97		
9	MW	-	-	-	-	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
7	NE	11	-	11	\$0	\$0	\$0	-	-	-	11	-	11	-	-	-	3	-	3	23	-	23	
1	NH	-	-	-	-	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
6	NM	-	8	8	-	\$0	\$0	-	-	-	-	8	8	-	-	-	-	-	-	-	-	-	
9	NN	-	-	-	-	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
2	NY	41	-	41	\$976,500	-	\$976,500	-	-	-	41	-	41	-	-	-	-	-	-	-	-	-	
5	OH	19	-	19	\$561,651	-	\$561,651	16	-	16	35	-	35	-	-	-	-	-	468	-	468		
6	OK	93	-	93	\$318,578	\$0	\$318,578	17	-	17	72	-	72	-	-	-	9	-	9	13	1	14	
2	PR	-	106	106	-	\$0	\$0	-	-	-	-	106	106	-	-	-	-	-	-	-	-	-	
1	RI	6	-	6	\$0	\$0	\$0	2	-	2	8	-	8	-	-	-	2	-	2	8	-	8	
8	SD	1	-	1	\$2,500	\$0	\$2,500	-	-	-	1	-	1	1	-	1	2	-	2	63	-	63	
2	SR	-	-	-	-	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
6	TX	168	5	173	\$2,336,999	\$0	\$2,336,999	168	-	168	168	5	173	-	-	-	-	-	44	2	46		
10	WA	3	1	4	\$794,000	\$114,000	\$908,000	1	1	2	4	1	6	-	-	-	-	-	54	-	54		
8	WY	19	-	19	\$311,945	\$0	\$311,945	-	-	-	19	-	19	-	-	-	-	-	521	-	521		
	Subtotal	556	130	686	\$6,048,999	\$168,756	\$6,217,755	258	1	259	583	130	714	1	-	1	252	6	258	3,575	3	3,578	
States and Territories with Verified Data in ICIS-NPDES and Not Distinguishing between Category I and Category II Noncompliance																							
10	ID	-	15	15	\$268,954	\$268,954	-	-	9	9	-	15	15	-	-	-	-	-	-	-	-	18	18
4	SC	18	-	18	\$158,680	\$158,680	-	-	-	18	-	18	18	1	-	1	2	-	2	82	-	82	82
	Subtotal	18	15	33	\$158,680	\$268,954	\$427,634	-	-	9	9	18	15	33	1	-	1	2	-	2	82	18	100

Attachment 2 - Enforcement Activity Statistics for Nonmajor Facilities with Individual Permits, by State and Territory, for Calendar Year 2012

States and Territories with Non-Verified Data and Distinguishing between Category I and Category II Noncompliance																							
Reg	State	Enforcement Activity																					
		Item 5) Permittees Receiving Formal Enf. Actions for RNC			Item 5a) Penalty Dollars Assessed			Item 5b) Permittees Receiving Administrative Penalty Orders			Item 5c) Permittees Receiving Formal Enf and/or APO			Item 6) Permit Mods. Extending Compliance Deadlines			Item 7) One or More Years Behind Constr. Sched. Deadlines			Item 8) Permittees Receiving Informal Enforcement Actions			
		State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	
10	AK	-	1	1	\$0	\$70,000	\$70,000	-	1	1	-	1	1	-	-	-	-	-	-	3	1	4	
4	AL	6	-	6	\$303,900	\$0	\$303,900	9	-	9	15	-	15	-	-	-	-	-	-	214	-	214	
9	AS	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
9	CA	56	-	56	\$2,231,380	\$0	\$2,231,380	50	-	50	106	-	106	10	-	10	-	-	-	159	-	159	
8	CO	5	-	5	\$73,673	\$0	\$73,673	2	-	2	5	-	5	2	-	2	3	-	3	N/A	-	N/A	
4	GA	34	-	34	\$83,523	\$0	\$83,523	57	-	57	55	-	55	-	-	-	8	-	8	94	-	94	
6	GM	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
9	GU	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
7	IA	6	-	6	\$7,600	\$0	\$7,600	5	-	5	5	-	5	3	-	3	12	-	12	165	-	165	
7	KS	4	-	4	\$24,453	\$12,000	\$36,453	4	-	4	6	-	6	-	-	-	-	-	-	N/A	-	N/A	
6	LA	48	-	48	\$1,164,690	\$0	\$1,164,690	4	-	4	49	-	49	-	-	-	2	-	2	72	-	72	
3	MD	29	-	29	\$488,944	\$0	\$488,944	27	-	27	29	-	29	-	-	-	-	-	-	-	-	-	
1	ME	14	-	14	\$2,500	\$0	\$2,500	-	-	-	14	-	14	-	-	-	-	1	-	1	20	-	20
5	MN	20	-	20	\$897,829	\$0	\$897,829	8	-	8	28	-	28	1	-	1	-	-	-	-	25	-	25
8	ND	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	38	-	38	
2	NJ	6	-	6	\$21,500	\$0	\$21,500	1	-	1	7	-	7	-	-	-	110	-	110	-	-	-	
9	NV	-	-	-	\$0	\$0	\$0	-	-	-	-	-	-	-	-	-	-	-	-	3	-	3	
4	TN	6	-	6	\$320,000	\$0	\$320,000	6	-	6	6	-	6	-	-	-	-	-	-	73	-	73	
8	UT	6	-	6	\$517,162	\$0	\$517,162	6	-	6	6	-	6	-	-	-	-	-	-	3	-	3	
3	VA	12	-	12	\$73,395	\$0	\$73,395	9	-	9	12	-	12	-	-	-	1	-	1	288	-	288	
2	VI	2	-	2	\$0	\$0	\$0	-	-	-	2	-	2	-	-	-	-	-	-	10	-	10	
1	VT	5	-	5	\$20,000	\$0	\$20,000	-	-	-	-	-	5	-	-	-	-	-	-	5	-	5	
3	WV	245	-	245	\$1,369,314	\$0	\$1,369,314	100	-	100	46	-	46	-	-	-	N/A	-	N/A	1,452	*	1,452	
	Subtotal	504	1	505	\$7,599,863	\$82,000	\$7,681,863	288	1	289	391	1	397	16	-	16	137	-	137	2,624	1	2,625	
States and Territories with Non-Verified Data and Not Distinguishing between Category I and Category II Noncompliance																							
9	AZ	2	-	2	\$0	\$0	\$0	-	-	-	2	-	2	-	-	-	-	-	-	6	-	6	
9	HI	1	-	1	\$100,000	\$0	\$100,000	1	-	1	1	-	1	-	-	-	-	-	-	-	-	-	
5	MI	3	-	3	\$20,625	\$0	\$20,625	-	-	-	3	-	3	1	-	1	7	-	7	77	-	77	
4	NC	2	-	2	\$372,323	\$0	\$372,323	123	-	123	125	-	125	-	-	-	-	-	-	359	-	359	
10	OR	14	-	14	\$9,813	\$0	\$9,813	6	-	6	14	-	14	5	-	5	-	-	-	43	-	43	
3	PA	131	-	131	\$1,806,044	\$0	\$1,806,044	105	-	105	131	-	131	N/A	-	N/A	N/A	-	N/A	471	-	471	
5	WI	14	-	14	\$24,617	\$0	\$24,617	-	-	-	14	-	14	-	-	-	-	-	-	47	-	47	
	Subtotal	167	-	167	\$2,333,422	\$0	\$2,333,422	235	-	235	290	-	290	6	-	6	7	-	7	1,003	-	1,003	
	National	1,245	146	1,391	\$16,140,964	\$519,710	\$16,660,674	781	11	792	1,282	146	1,434	24	-	24	398	6	404	7,284	22	7,306	