

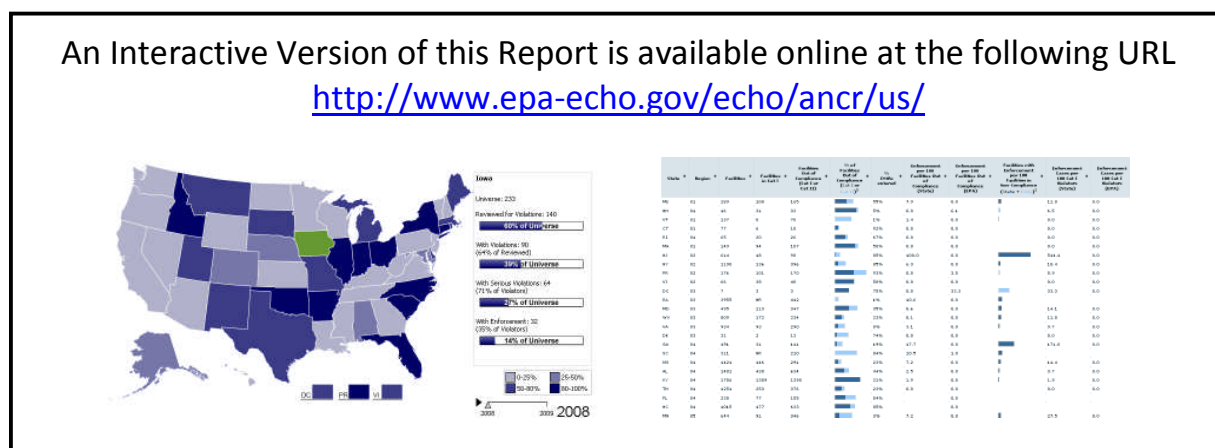
U.S. Environmental Protection Agency Annual Noncompliance Report (ANCR)

A State-by-State
Summary of Violations and Enforcement Response
At Smaller Clean Water Act Dischargers under the
National Pollution Discharge Elimination System (NPDES) Program

Calendar Year 2009
(March 2011)

An Interactive Version of this Report is available online at the following URL

<http://www.epa-echo.gov/echo/ancr/us/>



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Introductory Message from Assistant Administrator Cynthia Giles

This report provides valuable information about the State of compliance in the subset of smaller permitted facilities that report self-monitoring data under the Clean Water Act (CWA) National Pollution Discharge Elimination System (NPDES). The information within this report shows that regulated facilities must do a better job complying with the effluent limits established by the States or EPA in their discharge permits. These 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 one permittee with a violation may not result in serious water quality degradation, the combined effect of many facilities discharging above permitted limits could be substantial.

The Clean Water Act Action Plan, which the United States Environmental Protection Agency (EPA) is now implementing, is designed to improve transparency and public scrutiny of the information, and address water pollution problems through States and EPA collaboration. Shining a public light on violators and government response to violators provides an incentive for compliance and nationally-consistent program implementation by government agencies. I am pleased to report that EPA did see a decline in violations for facilities in States that are keeping a full inventory of data in EPA's system. I am hopeful that EPA's transparent portrayal of this information will continue to drive improvements that are noted in this report. For example, States that provide EPA with only summary information appear to have reported more accurate data in 2009. While this improvement is reflected in a higher reported rate of violations in those states, I believe the apparent increase is more likely the result of states providing the public more accurate information. In the future, EPA would like the public to have a full inventory of all violations in all states. To make this happen, EPA is developing a NPDES Electronic Reporting Rule for NPDES dischargers – which is proposed to provide complete, facility-level violation data across the country.

EPA continues to work with States to address the central problem identified in this report – namely, that noncompliance rates are too high and enforcement is too infrequent in the CWA NPDES program. EPA is working to ensure that violations are dealt with in a consistent way across the States. Most States have been authorized to implement the Clean Water Act NPDES Program; they will be at the forefront of efforts to ensure compliance with the permits that they have issued. EPA will implement the program where States are not authorized and ensure that problems are dealt with evenly across States. As shown in the report below, there are many violations from smaller facilities that continue without enforcement. It is my goal to ensure that there is real enforcement presence across the States and throughout the NPDES program to deter violations from occurring and improve compliance with the law.

With the release of this report, we are now offering more content and analytic capabilities in the popular Enforcement and Compliance History Online website (ECHO), including a new State Dashboard. Although EPA does not require all the facility-level violation data behind the State summaries, many States are providing this more detailed information. Users of the interactive site can dive into these details and see which facilities have violated effluent limits, and which have had enforcement actions taken against them. Using the ECHO (Enforcement and Compliance History Online) website, this interactive display will be a

prototype for future data releases covering other components of the CWA program, and other media, such as those covered by the Clean Air Act and the Resource Conservation and Recovery Act.

As you read this report, it is important to note that the results are limited to smaller facilities with traditional effluent pipe controls and self-monitoring reports (representing about 39,000 of more than 500,000 regulated facilities). For example, this summary report does not include results from large facilities with traditional effluent controls or from more dispersed sources that continue to be EPA national compliance and enforcement initiatives such as storm water discharges from construction sites or municipalities, sewer overflows, or discharges of animal wastes from livestock and poultry operations. Keeping in mind that this report is not a full inventory of all sources and enforcement activities, it does represent an important look into the state of compliance for the NPDES program.

At a Glance Summary of Annual Noncompliance Report

The overall number of permittees regulated under the Clean Water Act is more than 500,000. This report covers about 39,000 “individual non-major permits,” which are the subject of this report and referenced in the numbers below.

Key Statistics

- States reviewed discharge data for 87% of permittees to determine whether violations occurred (an increase of 12% from last year).
- States that track and send detailed data to EPA regarding those violations had 63% of non-major facilities with violations and 46% with serious violations (determined by an “automatic” calculation performed by national system which compares permitted limit amount to measured effluent amount). **This represents a 10% drop in violations and a 14% drop in serious violations from last year.**
- States that provided summary violation statistics without sending EPA detailed facility information reported 36% with violations, and 25% with serious violations. While this is an increase for 2008, EPA believes the reason is that States have improved the accuracy of their reporting to EPA.
- On average, approximately 53% of facilities with violations received an informal enforcement, such as a warning letter.
- On average, 8% of facilities with violations received formal enforcement, while 13% facilities with serious violations received formal enforcement.
- 1,156 facilities received formal enforcement by the authorized regulatory authority (typically the State). **This is an increase of 142 actions from 2008.** EPA took an additional 23 formal actions in States that are authorized to implement the CWA program.
- States assessed more than \$23 million in penalties.
 - There is a wide variability across States in how many penalties were assessed. For example, four States (WV, CA, TN, and NJ) account for more than half the penalties assessed, whereas 12 States reported assessing zero penalties.

2009 Annual Noncompliance Report

- EPA assessed an additional \$14,940 in penalties in States that are authorized to implement the CWA program in actions against non-major facilities.

Trends identified in the 2009 Annual Noncompliance Report

- States reviewed 12% more facilities for violations in 2009 than in 2008.
 - The total percentage of facilities with compliance status reviewed increased to 87% in 2009 from 75% in 2008.
 - The number of States that reported reviewing less than 50% of their non-majors dropped from 8 to 4.
- On average, approximately 45% of the non-major NPDES permittees were in violation, consistent with the violation rate in 2008.
- Serious violations (Category I) increased slightly overall. The trend shows a drop in States providing detailed information to EPA, and a rise for States that provide only summary information.

Table 1. Overall Violation and Serious Violation Rate Trends by Year

Year	2008	2009
Violation Rate – Verified States	73%	63%
Violation Rate – Non-Verified States	39%	36%
Violation Rate – Overall	45%	45%
Category I (Serious) Violation Rate – Verified	60%	46%
Category I (Serious) Violation Rate – Non-Verified	18%	25%
Category I (Serious) Violation Rate - Overall	26%	28%

- Enforcement between 2008 and 2009 showed a small increase
 - Of the individually-permitted non-major facilities in either Category I or Category II noncompliance, 7.7% received a formal enforcement action in 2009, increasing from 6.4% for 2007 and 7.6% for 2008.
- Because penalty information was not collected in 2008, trend information is not available.

What Is This Report About?

This Annual Noncompliance Report (ANCR), as required by federal regulation (40 CFR 123.45(c)), consists of summary information that States are required to provide annually to EPA regarding the noncompliance status of *non-major* National Pollutant Discharge Elimination System (NPDES) permittees (i.e., the smaller facilities and sites not considered to be major dischargers of wastewater or stormwater). These ANCR data are not facility-specific but do provide counts for each State of the number of non-major facilities that were reviewed, had violations, and were enforced against. EPA has recently released comparable information about major facilities on the Enforcement and Compliance History Online (ECHO) website (<http://www.epa-echo.gov/echo/>).

The ANCR information for calendar year 2009 was compiled by EPA from the NPDES information provided by the States. This report is accompanied by several tables of information (see Attachments 1–3). In addition, information related to this report is available through an interactive website (at <http://www.epa-echo.gov/echo/ancr/us>) that allows the user to review the ANCR data provided by each State.

NPDES Program Background

EPA and the States regulate hundreds of thousands of facilities and wastewater discharges under the NPDES program and the Clean Water Act. Forty-six States and the Virgin Islands have received authorization to implement the NPDES program, although EPA maintains oversight of those States and retains the ability to enforce the NPDES program. EPA directly manages the NPDES permitting and enforcement program in the remaining four States (Massachusetts, New Hampshire, New Mexico, and Idaho), U.S. Territories, and on Tribal Lands. For purposes of this report, the term “State” refers to the authorized authority overseeing the NPDES permittees within a State, regardless whether EPA or the State is the authorized authority. As an improvement from earlier reports, this year EPA has included information about enforcement activities taken by EPA in States that are authorized to administer the NPDES program – providing a more complete picture.

Facilities with point source discharges to surface waters are required to apply for individual NPDES permits or a broader NPDES general permit covering multiple facilities. These include, for example, discharges of pollutants to receiving waters from specific outfalls or pipes from factories, mines, other industrial facilities, municipal wastewater treatment plants, from construction sites, sewer system overflow points, and concentrated animal feeding operations.

In accordance with the NPDES permit requirements, each permittee self-monitors its pollutant discharges for a set of specified pollutant parameters at one or more specified locations and on a specified monitoring frequency. The permittees are then required to submit these certified, self-monitoring data to the State or EPA. Although States are not currently required to provide EPA with database information about facility-specific discharges from NPDES non-major permittees, many States enter or electronically send the information to EPA voluntarily. EPA’s national databases will then automatically calculate effluent violations of the

permit. States that do not provide this level of information to EPA for non-major facilities are required to have their own data tracking system and are required to provide EPA with a summary view of their NPDES program's activities and results.

The Clean Water Act regulations require that States (or EPA when the State is not authorized) review this self-monitoring data for compliance, conduct inspections of the facilities, review required facility reports related to specific aspects of the NPDES program, identify instances of noncompliance and take the necessary enforcement actions.

Process for Generating the Calendar Year 2009 ANCR Report

The process used to obtain and compile the NPDES information from the States for the ANCR report for calendar year 2009 was as follows:

- EPA Headquarters issued a "call memorandum" to the EPA Regions requesting their assistance in obtaining the ANCR data from the States on June 7, 2010.
- This memorandum established a July 16th deadline by which the NPDES information should be obtained from the States.
- EPA included with that memorandum a table that summarized the relevant NPDES information currently available for each State according to EPA's NPDES national data systems: the Permit Compliance System (PCS) and Integrated Compliance Information System for the National Pollutant Discharge Elimination System (ICIS-NPDES).
- On August 31, 2010, States were provided an opportunity for a final review of the data that they had provided, providing one more confirmation step.
- The deadline for final corrections was September 14, 2010 although EPA did allow corrections after that date to rectify errors that were found in several State submissions.

How Does Enforcement Work?

EPA and the States use a variety of enforcement techniques to compel compliance under the law. Within this regulated segment of the NPDES universe, typically the State will take the lead on all enforcement activities; however, EPA retains the right to also act, for example, if the State requests help, if a case has a national interest, or if EPA is not satisfied with the State response. The general enforcement process involves escalation from warnings to more formal enforcement dependent on the severity and duration of the violation. Often, small violations may be corrected by the facility without the need for formal enforcement actions. For example, the authorized authority (typically the State) may send a warning letter (or informal action) as a first step to returning a facility to compliance. In some situations, the State may issue a fine to deter future violations – these are referred to as Administrative Penalty Orders. Formal enforcement actions may also be necessary to return a facility to compliance. Formal enforcement actions include administrative compliance orders or State equivalent actions, and civil judicial referrals to the U.S. Department of Justice or to the State Attorney. They require corrective actions to achieve compliance, specify a timetable, contain consequences for noncompliance that are independently enforceable without having to prove the original violation, and subject the respondent to adverse legal consequences for noncompliance. Fines frequently accompany these actions.

In a given year, there are normally more violations than there are State and EPA resources to carry out formal enforcement. The ANCR data represents one universe -- smaller direct discharge facilities. Enforcement at major facilities and other NPDES regulated point sources (e.g., illegal sewer overflows, discharges of manure from Concentrated Animal Feedlots (CAFOs), and storm water discharges, etc.) may take precedence because of water quality impacts. However, EPA expects States 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 the enforcement program is in this one subset of the NPDES program. Additional information about other enforcement actions is available on the ECHO website, and at www.epa.gov/compliance.

Changes in Reporting and Qualifications about the Data Reported

It is important to note that the following limitations and attributes exist regarding the data reported:

- Under the ANCR regulations at 40 CFR 123.45(c), EPA collects only statistics on a State summary level, and does not require States to provide information regarding which specific permittees had noncompliance events or were subject to enforcement actions (this more detailed information is required for NPDES major permittees).
- There is no existing requirement for States to provide EPA with facility-specific, self-monitoring, violation, enforcement action, or penalty data for NPDES non-major facilities. Therefore, this information for NPDES non-major permittees is incomplete in EPA's existing NPDES data systems for many States.
- However, 10-15 States have consistently provided EPA with much more detailed facility-specific information regarding the noncompliance status of these facilities for several years. Users of the interactive ANCR website will see information describing how complete each State's violation and enforcement data are.
- Existing federal regulations (40 CFR 123.45(c)) specify that States provide EPA with a count of the number of enforcement actions taken by States to address noncompliance by these NPDES non-major permittees.
- For ANCR purposes, EPA requested that States provide a count of the number of formal enforcement actions taken by States (i.e., enforcement actions that require compliance and typically include a schedule that the facility needs to meet).
- Many States expressed concern that previous ANCR do not provide a full picture of all enforcement efforts conducted in this universe, so this year, the report was expanded to include new data fields.

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- In the 2009 ANCR, EPA includes informal enforcement actions along with administrative penalty orders (fines) as separate from formal enforcement actions. Additionally, EPA gathered data regarding penalty amounts against the non-major facilities for each State.
- Lastly, EPA has augmented the 2009 ANCR with information about Regional enforcement activities, so users can see the combined activities of the States and EPA.

What Data are Included?

Under the ANCR reporting requirements and guidance, the NPDES program authority (EPA or the State) is required to provide the following basic information as counts, rather than as facility-specific information relating to standard, direct discharge non-major permits:

- Number of standard non-major NPDES permittees
- Number of standard non-major NPDES permittees reviewed by the State/Region
- Number of standard non-major NPDES permittees in Category I noncompliance (i.e., more serious violations)
- Number of standard non-major NPDES permittees in Category II noncompliance (excluding those in the previous category)
- Number of standard non-major NPDES permittees receiving informal enforcement actions (NEW for 2009)
- Number of standard non-major NPDES permittees receiving administrative penalty orders (fines) (NEW for 2009)
- Number of standard non-major NPDES permittees receiving a formal enforcement action
- Number of standard non-major NPDES permittees receiving either a formal enforcement action OR an administrative penalty order (NEW for 2009)
- Dollars of penalties assessed against standard non-major NPDES permittees (NEW for 2009)
- Number of permit modifications extending compliance deadlines granted to standard non-major permittees.

In addition, the ANCR requires a facility-specific alphabetic list (and permit number) of non-major NPDES permittees that are one or more years behind in construction phases of their compliance schedule. Please see Attachment 2 for a more detailed description of each of these data fields.

Key National Findings

State-by-State findings of the 2009 ANCR are presented in the State Storyboard for Clean Water Act Standard Non-Majors on the following page.

2009 Annual Noncompliance Report: State Storyboard for Clean Water Act Standard Non-Majors (2009)

State	Region	Facilities	Facilities in Cat I Non-Compliance [†]	Facilities in Cat I or II Non-Compliance [†]	% Facilities in Non-Compliance (Cat I + Cat II) [†]	% Discharge Monitoring Reports (DMRs) entered	Facilities w/ Formal Enforcement per 100 Facilities in Cat I or II Non-Compliance (State)	Facilities w/ Formal Enforcement per 100 Facilities in Cat I or II Non-Compliance (EPA)	Facilities with Formal Enforcement per 100 Facilities in Cat I or II Non-Compliance (State + EPA)	Facilities w/ Formal Enforcement per 100 Facilities in Cat I Non-Compliance (State)	Facilities w/ Formal Enforcement per 100 Facilities in Cat I Non-Compliance (EPA)	Penalties (State)	Penalties (EPA)	Total Penalties (State + EPA)	Facilities w/ Informal Enforcement Actions
RI	01	65	20	26		82%	19.2	0.0		25.0	0.0	\$23,000	\$0		41
CT	01	77	6	10		92%	10.0	0.0		16.7	0.0	\$40,000	\$0		0
ME	01	289	108	165		66%	7.9	0.0		12.0	0.0	\$39,100	\$0		38
NH*	01	46	31	33		74%	NA	6.1		NA	6.5	NA	\$0		1
VT	01	137	0	70		2%	1.4	0.0		-	-	\$0	\$0		NR
MA*	01	149	94	107		83%	NA	0.0		NA	0.0	NA	\$0		0
NJ	02	614	18	98		96%	68.4	0.0		372.2	0.0	\$2,378,218	\$0		224
NY	02	1,190	136	396		85%	6.3	0.0		18.4	0.0	\$556,100	\$0		353
PR*	02	176	101	170		99%	NA	3.5		NA	5.9	NA	\$0		15
VI	02	66	38	40		61%	0.0	0.0		0.0	0.0	\$0	\$0		25
DC*	03	7	3	3		100%	NA	33.3		NA	33.3	NA	\$0		0
WV	03	809	157	216		29%	22.2	0.0		30.6	0.0	\$5,536,189	\$0		***
PA	03	3,955	NR	442		3%	10.6	0.0		NR	NR	\$1,033,777	\$0		170
MD	03	495	213	347		57%	8.6	0.0		14.1	0.0	\$509,422	\$0		0
VA	03	934	93	190		0%	4.7	0.0		9.7	0.0	\$114,475	\$0		387
DE	03	31	2	13		91%	0.0	0.0		0.0	0.0	\$0	\$0		5
TN	04	1,248	321	427		33%	29.5	0.0		39.3	0.0	\$3,168,294	\$0		520
GA	04	491	31	111		53%	17.1	0.0		61.3	0.0	\$215,543	\$0		213
FL	04	238	77	155		97%	14.2	0.0		28.6	0.0	\$249,436	\$0		85
SC	04	311	NR	210		91%	10.5	1.0		NR	NR	\$189,830	\$0		103
MS	04	1,424	146	291		28%	7.2	0.0		14.4	0.0	\$214,206	\$0		418
AL	04	1,481	438	634		52%	2.5	0.0		3.7	0.0	\$166,800	\$0		149
NC	04	1,015	99	255		94%	2.0	0.0		5.1	0.0	\$459,090	\$0		448
KY	04	1,756	1,389	1,390		79%	1.9	0.0		1.9	0.0	\$191,000	\$0		203
MN	05	644	91	346		3%	6.1	0.0		23.1	0.0	\$783,300	\$0		46
WI	05	681	NR	323		1%	5.9	0.0		NR	NR	\$51,195	\$0		31
IN	05	1,438	266	340		97%	4.1	0.0		5.3	0.0	\$0	\$0		782
MI	05	448	8	106		82%	1.0	0.0		25.0	0.0	\$34,500	\$0		39
IL	05	1,469	439	641		85%	0.8	0.0		1.1	0.0	\$447,780	\$0		729
OH	05	3,023	669	1,748		98%	0.7	0.0		1.8	0.0	\$69,432	\$0		483
OK	06	358	204	240		98%	42.9	0.0		50.5	0.0	\$60,250	\$0		22
LA	06	1,280	NR	292		10%	25.7	0.3		NR	NR	\$292,653	\$0		107
TX	06	2,222	1,458	1,554		83%	10.7	0.0		11.4	0.0	\$1,964,300	\$0		46
AR	06	676	404	476		97%	1.3	0.0		1.5	0.0	\$15,300	\$0		298
NM*	06	89	53	53		91%	NA	0.0		NA	0.0	NA	\$41,500		64
GM*	06	3	0	0		0%	NA	-		NA	-	NA	\$0		0
MO	07	2,987	868	1,069		79%	5.2	0.5		6.5	0.6	\$30,150	\$0		1304
NE	07	609	447	464		82%	3.7	0.9		3.8	0.9	\$0	\$14,940		103
IA	07	1,325	322	615		78%	2.0	1.1		3.7	2.2	\$42,500	\$0		****
KS	07	1,047	19	179		2%	1.7	1.1		15.8	10.5	\$45,108	\$0		1
WY	08	1,454	44	44		1%	111.4	0.0		111.4	0.0	\$247,550	\$0		188
CO	08	219	169	176		40%	4.0	0.0		4.1	0.0	\$99,505	\$0		0
MT	08	134	76	104		94%	2.9	0.0		3.9	0.0	\$6,600	\$0		124
UT	08	94	27	35		66%	0.0	2.9		0.0	3.7	\$35,927	\$0		6
ND	08	97	25	31		2%	0.0	0.0		0.0	0.0	\$0	\$0		43
SD	08	212	51	66		76%	0.0	0.0		0.0	0.0	\$0	\$0		188
NV	09	73	1	4		0%	25.0	0.0		100.0	0.0	\$0	\$0		4
CA	09	350	NR	134		1%	21.6	0.0		NR	NR	\$3,749,500	\$0		34
NN*	09	25	1	1		84%	NA	0.0		NA	0.0	NA	\$0		0
AS*	09	3	0	0		33%	NA	-		NA	-	NA	\$0		0
GU*	09	13	0	0		15%	NA	-		NA	-	NA	\$0		0
MP*	09	2	0	0		50%	NA	-		NA	-	NA	\$0		0
HI	09	30	NR	13		15%	0.0	0.0		NR	NR	\$0	\$0		5
AZ	09	95	NR	53		12%	0.0	0.0		NR	NR	\$0	\$0		0
OR	10	283	NR	18		2%	100.0	0.0		NR	NR	\$46,730	\$0		44
AK	10	46	6	8		33%	12.5	0.0		16.7	0.0	\$120,000	\$0		5
WA	10	404	169	223		20%	8.5	0.4		11.2	0.6	\$0	\$0		19
ID*	10	130	61	75		89%	NA	5.3		NA	6.6	NA	\$64,500		18

Notes:

NR indicates the value was not reported.

- indicates a denominator of 0.

† The Clean Water Act regulations require states to categorize violations into Category I (serious violations), and Category II (other violations). Typically, a Cat 1 violation is one that is more than 40% over limit for a conventional pollutant discharge, or more than 20% over limit for a toxic discharge. States that cannot distinguish the severity of violations are shown with gray bars above.

* Enforcement in these states and territories is conducted by the EPA Region. "State" enforcement and penalties are not applicable (NA) to these states and territories.

*** WV reported 1581 informal actions, but these are at all majors and non-major facilities. Because the numbers are reported differently than other states, they are excluded here.

**** Iowa reported 329 informal actions, but did not separate the data into majors and minors, so the information is not included in the table above.

2009 Annual Noncompliance Report

The key national findings of the 2009 Annual Noncompliance Report for NPDES Non-major Permittees include the following:

- **Universe:** States indicated that they regulate 39,119 individually-permitted NPDES non-major facilities (for comparison, there are about 6,700 major facilities).
- **Reviewed for Noncompliance:** States indicated that they reviewed the noncompliance status for 87% of these individually-permitted NPDES non-major facilities (EPA considers a facility “reviewed” if the discharge amounts were compared to the limits to form a determination of compliance or violation, or if an inspection or other compliance determination effort occurred). This is an increase from 2008 in which only 75% of the facilities were reviewed.
- **Noncompliance and Serious Noncompliance:** This report provides noncompliance data split out based on how the State reported the data to EPA. Those States that are providing detailed facility information to the national system (referred to as “verified”) have their rates calculated by the permit limits being automatically compared to effluent measurement by EPA’s national system. States that provide summary information without facility violation details are categorized as “non-verified”. EPA also provides a measure of the severity of violations. Serious violations (referred to by the regulatory term “Category I,” normally involve repeat violations and those that are well above the permit limit. Category II violations would encompass any other violation of the permit limit (these categories are defined in more detail later in the report). Throughout the year, if a facility has both Category I and Category II violations, it will show up in both statistics below. The table below shows the results from the last two years.

Table 1. Overall Violation and Serious Violation Rate Trends by Year

Year	2008	2009
Violation Rate – Verified States	73%	63%
Violation Rate – Non-Verified States	39%	36%
Violation Rate – Overall	45%	45%
Category I (Serious) Violation Rate – Verified	60%	46%
Category I (Serious) Violation Rate – Non-Verified	18%	25%
Category I (Serious) Violation Rate - Overall	26%	28%

- **Analysis of Noncompliance and Serious Noncompliance:** Since EPA began producing the ANCR Report, States with “verified” data have always had much higher rates of violation. EPA believes this is because of the automated nature of the comparison of all effluent measurement to all permit limits provides a complete picture of violations (in verified States). In some States that submit summary/non-verified data, manual review or spot checking of effluent reports that are submitted in hard copy may not be fully comprehensive – possibly explaining the differences in rates. However, comparing 2008 and 2009 data shows the trend for serious violations in non-verified States rising (from

18% to 25%). This increase may be attributed to increased review of data in these States. A key goal of making the data more transparent is to improve the accuracy of reporting – and EPA believes States are making strides this year. The table above also shows a drop in violations in “verified” States. While EPA does not have a definitive reason for this decline, it is a positive sign that could be attributed to: a) fewer violations in the regulated community, and/or b) improved attention to data quality.

- Enforcement:
 - States indicated that 8,159 facilities received informal enforcement actions against noncompliant non-major permittees in calendar year 2009.
 - States indicated that 1,179 facilities received formal enforcement actions against noncompliant non-major permittees in calendar year 2009. This is up from 2008, when 1,014 facilities received formal enforcement actions.
 - The ratio of facilities with formal enforcement to those with violations was 7.7%.
 - The ratio of facilities with formal enforcement to those with serious violations was 12.5%.
- Penalties: States indicated that the total amount of penalties assessed for 2009 is \$23,347,700. Data regarding assessed penalties were not collected in 2008.
- Compliance Schedules: States indicated that, for calendar year 2009, 535 non-major permittees were one year or more late in meeting their construction schedule deadlines. This is up from 437 in 2008. These permittees are listed in Attachment 3.

For complete State statistics, see Attachment 1 or visit the interactive website:

<http://www.epa-echo.gov/echo/ancr/us/>.

Detailed Results and Analyses

1. Total Percentage of Facilities Reviewed

Reviewing a permittee’s effluent reports and other permit conditions allows the State to monitor whether violations occurred, and then take appropriate action. For calendar year 2009, States indicated that they have reviewed the compliance status for 87% of non-major NPDES permittees covered in this report. This is an increase from the previous year, in which States indicated that they had reviewed the compliance status of approximately 75% of the non-major NPDES permittees.

“Reviewed” means that the States made a reasonable effort to evaluate the compliance status of those non-major facilities. Such review usually entails a comparison of existing effluent limits to the required self-reported monitoring data. For example, a review may have been performed by automatic compliance evaluations conducted within EPA’s or a State’s NPDES

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data system, it may have included compliance reviews in conjunction with inspections or prior to permit re-issuance, or the States may have used other manual means to conduct such reviews.

For calendar year 2009, 19 States reported that they had reviewed the compliance status for 100% of their individually-permitted non-major NPDES permittees. These States were Arizona, California, Delaware, Iowa, Maryland, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, North Dakota, Pennsylvania, South Dakota, Vermont, Virginia, Washington, Wisconsin, and Wyoming. (Figure 1 indicates the number of States grouped by percentage of individually-permitted non-major permittees reviewed for noncompliance).

Four States reported that they reviewed the compliance status for fewer than 50% of their individually permitted non-major NPDES permittees (see Figure 2). This is an improvement from 2008, in which eight States reviewed the compliance status for fewer than 50% of their individually-permitted non-major NPDES permittees. This is significant because the State would not have a generated electronic list of permits that were violated. Without a review of the submitted discharge data or other compliance determinations, a hard copy review of paper reports may be needed to find which facilities were in violation.

Figure 1. Percent of Non-major Facilities Reported as Reviewed by States for Violations

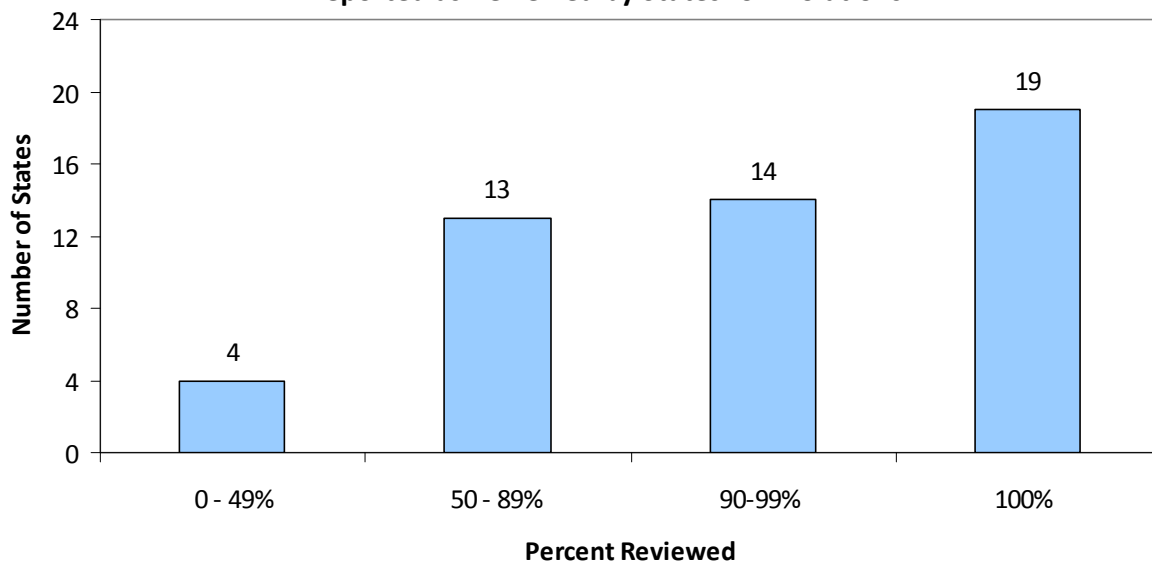
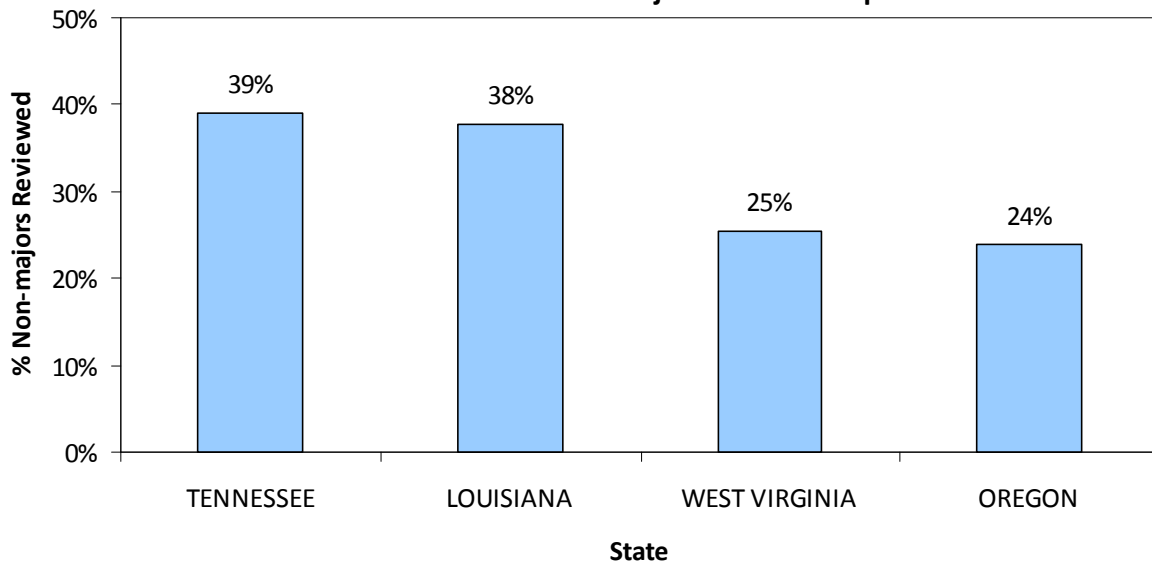


Figure 2. States That Reported Reviewing Less than 50% of Their Non-majors for Noncompliance



2. Percentage of Reviewed Facilities with Violations

As noted previously in Table 1, using data for all States, approximately 45% of the non-major NPDES permittees were in violation. This percentage is, on the surface, consistent with 2008, when 45% of the non-major NPDES permittees were determined to be in violation. States submitting verified data identifying violations and serious violations much more frequently than States that are reporting to EPA manually (non-verified). In 2009, the noncompliance rate in non-verified States is about 36% compared to 63% for the States with verified data. EPA tends to rely heavily upon the verified statistic because it includes a comprehensive look across all effluent reports that are submitted by permittees.

3. Percentage of Facilities Reviewed with Serious Violations (i.e., Category I)

As noted in Table I, the percent of facilities with reviewed that had serious violations is 28%. The rate is higher in verified States (46%) in comparison to non-verified States (26%). Below is a more detailed explanation of what how violations are classified within this report.

When a facility is reviewed there are two classifications of violations discussed in this report. The classification of Serious (Category I) and Category II involve calculations about the type, duration, and magnitude of problems. “Category I” (Serious) violations are defined in the Clean Water Act regulations. For example, Category I violations are flagged when a “toxic” pollutant is measured to be more than 20% over the permitted limit, or if a “conventional” pollutant is more than 40% over limit.¹ Extended failure to meet compliance schedule

¹ Conventional pollutants are pollutants typical of municipal sewage, and for which municipal secondary treatment plants are typically designed. 40 CFR 123.45 Appendix A includes a list of conventional pollutants and toxic pollutants and specifies that violations that are 40% over limit or greater are considered “Category I” violations if the violation occurs in at least two of six months.

milestones, failure to meet enforcement order conditions, and failure to submit monitoring data or compliance reports are also included as serious violations. EPA's national databases automatically calculate Category I violations related to permit limits. States are not required to enter or send these data to EPA's database (for non-major permittees), although some States do so.

For States that do not enter or send these data for non-major permittees to EPA, the State database is required to allow calculation of "Category I" violations. However, for the 2009 ANCR, some States were not able to provide information distinguishing between Category I and Category II violations (so there are no data available through the ANCR regarding the number of permittees with serious violations in those States). This distinction is used by other States to help identify which facilities are most in need of formal enforcement response. The federal regulations requiring State submission of this information for the ANCR States that "the statistical information shall be organized to follow the types of noncompliance..." described as Category I noncompliance and Category II noncompliance. Eight States (Arizona, California, Hawaii, Louisiana, Oregon, Pennsylvania, South Carolina and Wisconsin) did not make that distinction when providing noncompliance information to EPA for purposes of this ANCR. This gap in reporting indicates that these States may not have an automated way to distinguish the more severe violations from other violations.

Excluding the eight States that did not report Category I noncompliance, 28% of non-major facilities were identified as being in Category I noncompliance (i.e., having serious violations). This is up slightly from 2008 in which 26% of the non-major facilities were identified as being in Category I noncompliance, excluding nine States that did not report Category I noncompliance. However, of the States with "verified" data (i.e., States with facility-specific violation information in EPA's national databases), 46% of the non-major facilities had Category I violations; the projected national noncompliance rate for serious violations may be closer to this rate.

4. Serious Noncompliance Rates for Non-major vs. Major Facilities

Although the ANCR provides information regarding non-major facilities, a comparison to the noncompliance rate for the major facilities is informative. For major permittees, the subset of the most serious violations is described as significant noncompliance (SNC). Category I

Toxic pollutants are pollutants or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. 40 CFR 123.45 Appendix A includes a list of toxic pollutants and specifies that violations that are 20% or more over limit are considered "Category I" violations if the violation occurs in at least two of six months. Chronic violations of any magnitude (for toxic or conventional pollutants) also trigger a Category I designation if the violation occur in four months of a six month period.

noncompliance designation for non-majors is roughly comparable to SNC for majors because the same 20% and 40% over thresholds described earlier are used in the calculation.²

For fiscal year 2009, 22% of the *major* NPDES permittees nationally were identified as being in SNC (i.e., having serious violations). Based on the ANCR verified rates, the individually-permitted non-major NPDES permittees are about twice as likely to have serious violations than major NPDES permittees (i.e., 46% Category I noncompliance for non-majors versus the 22% SNC rate for majors). In comparison, the 2008 data showed a 60% serious violation rate for non-majors compared to a 21.5% rate for majors.

5. Percentage of Violating Facilities with Informal Enforcement

A variety of enforcement options, including formal and informal enforcement actions, are available to States and EPA to match violations with an appropriate enforcement response that ensures a rapid return to compliance and promotes deterrence. An informal action may often be the first step in the enforcement process. If a permittee is able to resolve the problem, formal action may not be necessary. Violations that persist and are serious generally require a formal action. If States exclusively use informal enforcement and report high noncompliance rates, the absence of more severe enforcement may reduce the incentive for facilities to take corrective actions.

Several States requested that the number of facilities receiving informal enforcement actions be reported on the ANCR to provide a more comprehensive view of State responses to noncompliance at non-major facilities, even though existing federal regulations do not require them to report this information. Thus, for the first time States were asked to report the number of informal enforcement actions taken in 2009.

Of the individually-permitted non-major facilities in either Category I or Category II noncompliance, over 50% received informal enforcement actions. Additionally, approximately 5.6% of the individually-permitted non-major facilities in either Category I or Category II received penalty orders. Comparisons with ANCRs from previous years cannot be made; informal action data are limited to 2009.

6. Percentage of Violating Facilities with Formal Enforcement

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

Of the individually-permitted non-major facilities in either Category I or Category II noncompliance, 7.7% received a formal enforcement action (an increasing but small

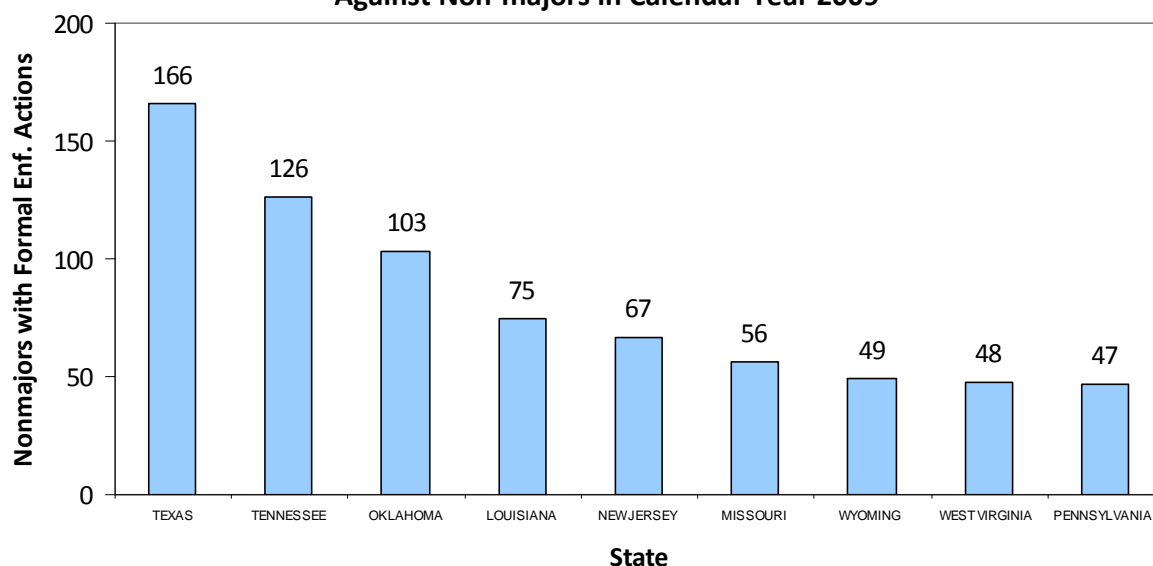
² A major facility is any NPDES facility or activity classified as such by the Regional Administrator, or in the case of approved State programs, the Regional Administrator in conjunction with the State Director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/State approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/State.

improvement from the 7.6% reported by States in the ANCR for calendar year 2008; the rate was 6.4% in 2007).

In calendar year 2009, nine States (Louisiana, Missouri, New Jersey, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, Wyoming) took 40 or more formal enforcement actions against individually-permitted NPDES non-major facilities. This is an increase from 2008, in which six States reported 40 or more formal enforcement actions. States with large numbers of permittees would likely have a higher number of enforcement actions. Together, these nine States are responsible for 63% of the national total of formal enforcement actions taken against non-major permittees in calendar year 2009.

As noted in the detailed State-by-State tables in this report, many States have facilities with frequent violations, but rarely take formal enforcement action. This is a key issue that EPA is discussing with the States under the Clean Water Act Action Plan dialogue.

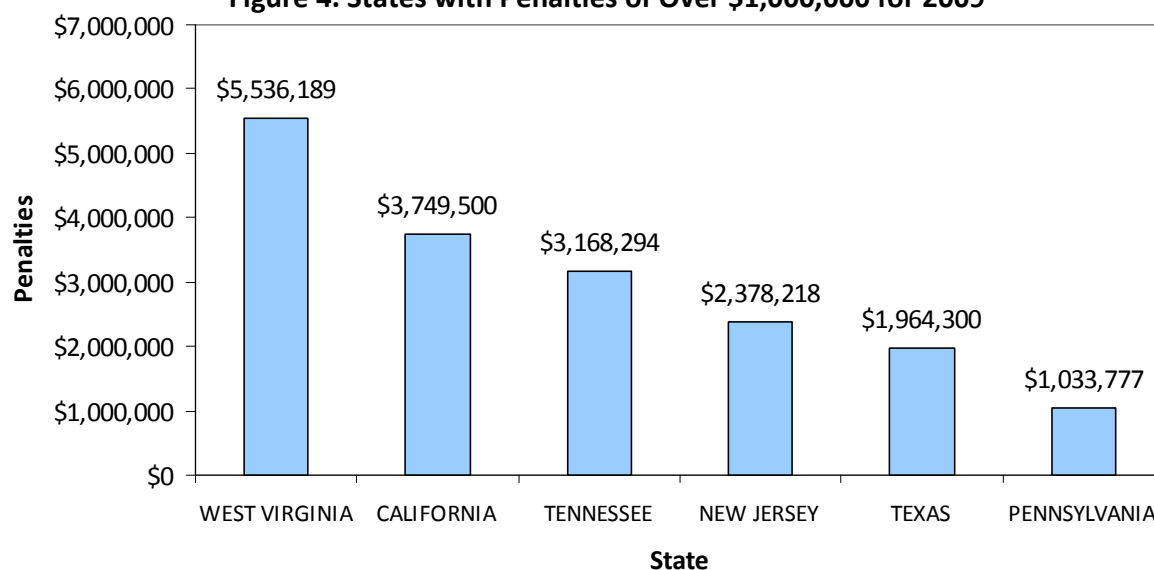
Figure 3. States with 40 or More Formal Enforcement Actions Against Non-majors in Calendar Year 2009



7. Penalty Amounts Assessed Against Non-majors

States indicated that for calendar year 2009 a total of \$23,347,700 in penalties were assessed against non-major facilities. Sixteen States reported penalties of over \$200,000 (California, Florida, Georgia, Illinois, Louisiana, Maryland, Minnesota, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Texas, West Virginia, and Wyoming). Moreover, six States reported penalties of a million dollars or more for the 2009 reporting year (California, New Jersey, Pennsylvania, Tennessee, Texas, and West Virginia).

Figure 4. States with Penalties of Over \$1,000,000 for 2009

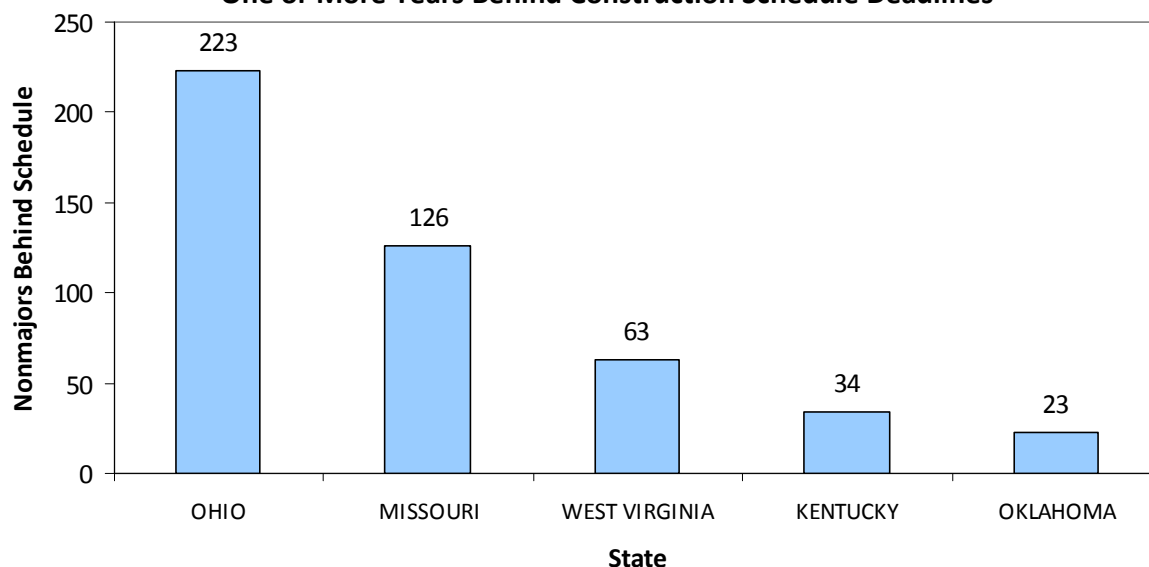


8. Non-major Facilities in Noncompliance with Compliance Schedules

If a facility is on a compliance schedule issued by the State or EPA in a permit or in an enforcement order, it may be the result of previous noncompliance issues. If that facility fails to meet its construction schedule milestones by a significant amount of time, the facility has not yet succeeded in achieving compliance. In such situations, closer examination of possible enforcement escalation may be warranted to better ensure timely and complete compliance.

States indicated that, for calendar year 2009, 535 non-major permittees were one year or more late in meeting construction deadlines within their compliance schedule. This number is up from 437 in 2008. As illustrated in Figure 5, five States indicated that they had 20 or more such permittees; together, these five States have 88% of the national total of such schedule-noncompliant non-major permittees.

Figure 5. States with Over 20 Non-majors that are One or More Years Behind Construction Schedule Deadlines



The federal regulation requiring State submission of this information to EPA for ANCR purposes States that “a separate list of non-major discharges which are one or more years behind in construction phases of the compliance schedule shall also be submitted in alphabetical order by name and permit number.” Attachment 3 provides the complete list of facilities that were submitted. EPA has not verified the quality of the information that has been provided. Although Ohio has many more facilities in this category than any other State, it is unclear whether this is truly the case, or whether they are doing a better job tracking this information than other States. For example, EPA did not receive information for Maryland, New York, Pennsylvania, Puerto Rico, the Virgin Islands or Washington (so the numbers of schedule violations in these States are not available in the national report).

Regional Contribution

EPA and the States regulate hundreds of thousands of facilities and wastewater discharges under the NPDES program and the Clean Water Act. Forty-six States and the Virgin Islands have received authorization to implement the NPDES program, although EPA maintains oversight of those States and retains the ability to enforce the NPDES program. EPA also directly manages the NPDES permitting and enforcement program in four non-authorized States (Massachusetts, New Hampshire, New Mexico, and Idaho), U.S. Territories, and on Tribal Lands. This section highlights EPA Regions’ contribution to the 2009 Annual Noncompliance Report for NPDES Non-major Permittees. For complete statistics, see Attachment 1.

Regional Activities in Non-authorized States, in the U.S. Territories, and on Tribal Lands

The key national findings of the 2009 Annual Noncompliance Report for NPDES non-major permittees in States, territories, and Tribal Lands where EPA is the authorized regulatory authority include the following:

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- Universe: Regions indicated that they administered the NPDES program for 684 individually-permitted NPDES non-major facilities in States, U.S. territories and Tribal Lands where EPA was the authorized regulatory authority. This universe is about 2% of the size of the universe of 38,324 non-majors with States as the authorized regulatory authority.
- Reviewed for Noncompliance: Regions indicated that they reviewed the noncompliance status for 92% of individually-permitted NPDES non-major facilities where EPA as the authorized regulatory authority. This is comparable to the rate of 87% reported by authorized States.
- Noncompliance Rates: Regions reported that 73% of the non-major permittees reviewed for noncompliance had some type of violation in calendar year 2009. This rate is considerably higher than the noncompliance rate of 44% reported by authorized States and is slightly higher than the noncompliance rate of 62% reported by authorized States with facility-specific violation information in EPA's national databases.
- Serious Noncompliance Rates: Regions indicated that 56% of the non-major permittees reviewed for noncompliance exhibited Category I noncompliance (more serious violations) in calendar year 2009. This rate is considerably higher than the serious noncompliance rate of 27% reported by authorized States and is slightly higher than the serious noncompliance rate of 45% reported by authorized States with facility-specific violation information in EPA's national databases.
- Enforcement:
 - Regions indicated that 101 noncompliant non-major permittees received informal enforcement actions from EPA in calendar year 2009.
 - Regions indicated that 15 noncompliant non-major permittees received formal enforcement actions from EPA in calendar year 2009.
 - Overall, States with NPDES program authorization took formal enforcement against a greater proportion of violators than EPA took direct implementation States, U.S. territories and Tribal Lands. The ratio of facilities with formal enforcement to facilities with violations was 3.3% in States and territories where EPA implements the NPDES program and 7.7% in authorized States.
 - States with NPDES program authorization also took formal enforcement against a greater proportion of serious violators than EPA took in direct implementation States, U.S. territories and Tribal Lands. The ratio of facilities with formal enforcement to facilities with serious violations was 4.2% in States and territories where EPA implements the NPDES program and 12.6% in authorized States.

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- Penalties: Regions indicated that the total amount of penalties assessed for 2009 for standard non-major permittees is \$106,000. Penalties are less frequent in non-authorized States and territories than in authorized States; penalties taken by EPA in non-authorized States and territories represent 0.5% of the penalties for standard non-major permittees in 2009, while 1.7% of NPDES non-major permittees are in non-authorized States and territories.
- Compliance Schedules: Regions indicated that, for calendar year 2009, five non-major permittees were one or more years late in meeting construction schedule deadlines. These permittees are about 0.9% of the 528 non-major permittees that were one or more years late in meeting construction schedule deadlines in authorized States.

Regional Compliance and Enforcement Activities in Authorized States

EPA maintains oversight of NPDES program implementation in authorized States, retains the ability to issue permits and enforce the NPDES program in those States, and supplements the authorized State program's activities. Because the EPA compliance and enforcement program is focused on other NPDES-regulated point sources (e.g., illegal sewer overflows, discharges of manure from CAFOs, and storm water discharges), there is not as much additional enforcement taken by EPA against violations at other nonmajors beyond the actions taken by the States. The key national findings of the 2009 ANCR for NPDES Regional activities in authorized States include the following:

- Universe: Regions provided additional regulatory support in the authorized States that collectively oversee 38,258 non-major permittees.
- Reviewed for Noncompliance: Regions indicated that they reviewed the noncompliance status for 68 (<1%) of the individually-permitted NPDES non-major facilities in authorized States.
- Noncompliance Rates: Regions reported that 56% of the non-major permittees reviewed for noncompliance had some type of violation in calendar year 2009.
- Serious Noncompliance Rates: Regions indicated that 52% of the non-major permittees reviewed for noncompliance exhibited Category I noncompliance (more serious violations) in calendar year 2009.
- Enforcement:
 - Regions indicated that 25 noncompliant non-major permittees in authorized States received informal enforcement actions from EPA in calendar year 2009.
 - Regions indicated that 23 noncompliant non-major permittees in authorized States received formal enforcement actions from EPA in calendar year 2009.

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- Penalties: Regions indicated that the total amount of penalties assessed by EPA at non-major individual permittees for 2009 is \$14,940.
- Compliance Schedules: Regions identified, for calendar year 2009, two non-major permittees that were one or more years late in meeting construction schedule deadlines.

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Attachment 1. Calendar Year 2009 ANCR Data for Each State, Grouped by Magnitude of Changes Made to the Data Compared to Data in NPDES National Data Systems

State	% Non-majors with Limits and DMRs ¹ in PCS or ICIS-NPDES (not required)	Non-majors Facility Universe	Non-majors with Limits and Current DMRs, or Otherwise Reviewed	% Non-majors Reviewed	Non-complying Non-majors In Category I	Additional Non-complying Non-majors in Category II only	Total Non-majors in Category I or Category II, of those with Limits and Current DMRs	Category I Non-compliance Rate for Non-majors with Limits and Current DMRs	Total Non-compliance Rate for Non-majors with Limits and Current DMRs	Number of Reviewed Non-major Facilities that Received Informal Enforcement Actions	Number of Reviewed Non-major Facilities that Received Penalty Orders	Number of Reviewed Non-major Facilities that Received Formal Enf. Actions for RNC ²	Number of Reviewed Non-major Facilities that Received Formal Enf. Actions or APO ³ for RNC	Dollars of Penalties Assessed Against Non-majors	Permit Mods. Extending Compliance Deadline for Non-majors	Non-majors that are One or More Years Behind Construction Schedule Deadlines
Data Source: Automated (National Database with No Changes by State/Region)																
MA*	83%	149	124	83%	94	13	107	76%	86%	0	0	0	0	\$0	1	1
NH*	74%	46	34	74%	31	2	33	91%	97%	1	0	2	2	\$0	0	0
ME	66%	289	192	66%	108	57	165	56%	86%	38	0	13	13	\$39,100	0	0
PR*	99%	176	174	99%	101	69	170	58%	98%	15	6	6	6	\$0	0	NR
SR*	100%	2	2	100%	2	0	2	100%	100%	0	0	0	0	\$0	0	NR
VI	61%	66	40	61%	38	2	40	95%	100%	25	0	0	0	\$0	0	NR
DC*	100%	7	7	100%	3	0	3	43%	43%	0	0	1	1	\$0	0	0
IL	85%	1469	1247	85%	439	202	641	35%	51%	729	0	5	5	\$447,780	0	1
IN	97%	1438	1402	97%	266	74	340	19%	24%	782	14	14	14	\$0	0	0
GM*	0%	3	0	0%	0	0	0	0%	0%	0	0	0	0	\$0	0	0
NN*	84%	25	21	84%	1	0	1	5%	5%	0	0	0	0	\$0	0	0
Total		3,670	3,243	88%	1,083	419	1,502	33%	46%	1,590	20	41	41	\$486,880	1	2
Data Source: Automated with Adjustments (National System Data with Minor Adjustments [to noncompliance rate or universe] by State/Region)																
RI	82%	65	60	92%	20	6	26	33%	43%	41	3	5	5	\$23,000	0	0
CT	92%	77	72	94%	6	4	10	8%	14%	0	1	1	1	\$40,000	0	0
NY	85%	1190	1010	85%	136	260	396	13%	39%	353	25	25	25	\$556,100	0	NR
DE	91%	31	31	100%	2	11	13	6%	42%	5	0	0	0	\$0	0	0
KY	79%	1756	1392	79%	1389	1	1390	100%	100%	203	0	26	26	\$191,000	0	34
OH	98%	3023	2961	98%	669	1079	1748	23%	59%	483	9	12	12	\$69,432	0	223
AR	97%	676	657	97%	404	72	476	61%	72%	298	0	6	6	\$15,300	0	5
OK	98%	358	356	99%	204	36	240	57%	67%	22	5	103	105	\$60,250	0	23
TX	83%	2222	1973	89%	1458	96	1554	74%	79%	46	166	166	166	\$1,964,300	0	0

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State	% Non-majors with Limits and DMRs ¹ in PCS or ICIS-NPDES (not required)	Non-majors Facility Universe	Non-majors with Limits and Current DMRs, or Otherwise Reviewed	% Non-majors Reviewed	Non-complying Non-majors In Category I	Additional Non-complying Non-majors in Category II only	Total Non-majors in Category I or Category II, of those with Limits and Current DMRs	Category I Non-compliance Rate for Non-majors with Limits and Current DMRs	Total Non-compliance Rate for Non-majors with Limits and Current DMRs	Number of Reviewed Non-major Facilities that Received Informal Enforcement Actions	Number of Reviewed Non-major Facilities that Received Penalty Orders	Number of Reviewed Non-major Facilities that Received Formal Enf. Actions for RNC ²	Number of Reviewed Non-major Facilities that Received Formal Enf. Actions or APO ³ for RNC	Dollars of Penalties Assessed Against Non-majors	Permit Mods. Extending Compliance Deadline for Non-majors	Non-majors that are One or More Years Behind Construction Schedule Deadlines
MP*	50%	2	2	100%	0	0	0	0%	0%	0	0	0	0	\$0	0	0
Total:		9,400	8,514	91%	4,288	1,565	5,853	50%	69%	1,451	209	344	346	\$2,919,382	0	285
Automated Total		13,070	11,757	90%	5,371	1,984	7,355	46%	63%	3,041	229	385	387	\$3,406,262	1	287

Data Source: Full Manual Reporting - State Chose to Report Manually or National System Data Was Adjusted Significantly by State/Region

VT	2%	137	137	100%	0	70	70	0%	51%	NR	NR	1	1	NR	1	0
NJ	96%	614	614	100%	18	80	98	3%	16%	224	31	67	98	\$2,378,218	0	0
MD	57%	495	495	100%	213	134	347	43%	70%	0	28	30	30	\$509,422	0	NR
VA	0%	934	934	100%	93	97	190	10%	20%	387	7	9	9	\$114,475	1	0
WV	29%	809	206	25%	157	59	216	76%	100%	***	0	48**	48	\$5,536,189	0	63
AL	52%	1481	774	52%	438	196	634	57%	82%	149	16	16	16	\$166,800	0	8
FL	97%	238	230	97%	77	78	155	33%	67%	85	14	22	22	\$249,436	0	0
GA	53%	491	464	95%	31	80	111	7%	24%	213	34	19	53	\$215,543	0	2
MS	28%	1424	1237	87%	146	145	291	12%	24%	418	7	21	21	\$214,206	0	10
NC	94%	1015	956	94%	99	156	255	10%	27%	448	215	5	219	\$459,090	0	1
TN	33%	1248	486	39%	321	106	427	66%	88%	520	126	126	126	\$3,168,294	0	0
MI	82%	448	448	100%	8	198	206	2%	46%	39	0	2	2	\$34,500	0	2
MN	3%	644	644	100%	91	255	346	14%	54%	46	4	21	25	\$783,300	0	3
NM*	91%	89	89	100%	53	0	53	60%	60%	64	5	0	5	\$41,500	0	1
IA	78%	1325	1325	100%	322	293	615	24%	46%	****	10	12	12	\$42,500	6	8
KS	2%	1047	931	89%	19	160	179	2%	19%	1	7	3	10	\$45,108	4	4
MO	79%	2987	2987	100%	868	201	1069	29%	36%	1,304	0	56	56	\$30,150	0	126
NE	82%	609	560	92%	447	17	464	80%	83%	103	0	17	17	\$0	0	1
CO	40%	219	208	95%	169	7	176	81%	85%	NR	2	7	7	\$99,505	0	1
MT	94%	134	129	96%	76	28	104	59%	81%	124	1	3	3	\$6,600	0	0
ND	2%	97	97	100%	25	6	31	26%	32%	43	0	0	0	\$0	0	0
SD	76%	212	212	100%	51	15	66	24%	31%	188	0	0	0	\$0	2	2
UT	66%	94	84	89%	27	8	35	32%	42%	6	3	0	3	\$35,927	0	0

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State	% Non-majors with Limits and DMRs ¹ in PCS or ICIS-NPDES (not required)	Non-majors Facility Universe	Non-majors with Limits and Current DMRs, or Otherwise Reviewed	% Non-majors Reviewed	Non-complying Non-majors In Category I	Additional Non-complying Non-majors in Category II only	Total Non-majors in Category I or Category II, of those with Limits and Current DMRs	Category I Non-compliance Rate for Non-majors with Limits and Current DMRs	Total Non-compliance Rate for Non-majors with Limits and Current DMRs	Number of Reviewed Non-major Facilities that Received Informal Enforcement Actions	Number of Reviewed Non-major Facilities that Received Penalty Orders	Number of Reviewed Non-major Facilities that Received Formal Enf. Actions for RNC ²	Number of Reviewed Non-major Facilities that Received Formal Enf. Actions or APO ³ for RNC	Dollars of Penalties Assessed Against Non-majors	Permit Mods. Extending Compliance Deadline for Non-majors	Non-majors that are One or More Years Behind Construction Schedule Deadlines
WY	1%	1454	1454	100%	44	0	44	3%	3%	188	0	49	49	\$247,550	0	0
AS*	33%	3	3	100%	0	0	0	0%	0%	0	0	1	1	\$0	0	0
GU*	15%	13	13	100%	0	0	0	0%	0%	0	0	0	0	\$0	0	0
NV	0%	73	73	100%	1	3	4	1%	5%	4	0	1	1	\$0	0	0
AK	33%	46	30	65%	6	2	8	20%	27%	5	1	1	1	\$120,000	0	0
ID*	89%	130	124	95%	61	14	75	49%	60%	18	3	4	4	\$64,500	0	0
WA	20%	404	404	100%	169	54	223	42%	55%	19	0	19	19	NA	0	NR
Total		18,914	16,348	86%	4,030	2,462	6,492	25%	40%	4,596	514	560	858	\$14,562,813	14	232

Data Source: Partial Manual Reporting - State Chose to Report Manually and Was Unable to Distinguish Category I and Category II violations for This Report

OR	2%	283	68	24%			18	0%	26%	44	16	18	18	\$46,730	0	0
PA	3%	3955	3955	100%	NR	NR	442	NR	11%	170	41	47	47	\$1,033,777	NR	NR
SC	91%	311	309	99%	NR	NR	210	NR	68%	103	0	22	22	\$189,830	24	8
WI	1%	681	681	100%	NR	NR	323	NR	47%	31	0	19	19	\$51,195	0	1
LA	10%	1280	484	38%	NR	NR	292	NR	60%	107	13	75	75	\$292,653	0	1
AZ	12%	95	95	100%	NR	NR	53	NR	56%	0	0	0	0	\$0	0	1
CA	1%	350	350	100%	NR	NR	134	NR	38%	34	48	29	71	\$3,749,500	14	0
HI	15%	30	26	87%	NR	NR	13	NR	50%	5	0	0	0	\$0	0	0
Total		6985	5968	85%			1485	0%	25%	494	118	210	252	\$5,363,685	38	11
Manual Total		25,899	22,316	86%	4,030	2,462	7,977	18%	36%	5,090	632	770	1110	\$19,926,498	52	243

Data Source: Reported by Region

SC-R										1	0	2	2	\$0		
AR-R		4	2	50%	0	0	0	0%	0%	0	0	0	0	\$0	0	0
LA-R		12	11	92%	4	0	4	36%	36%	4	0	1	1	\$0	0	0
OK-R		5	2	40%	1	1	2	50%	100%	2	0	0	0	\$0	0	0
TX-R		30	7	23%	5	0	5	71%	71%	2	0	0	0	\$0	0	0
IA-R										0	0	7	7	\$0		

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State	% Non-majors with Limits and DMRs ¹ in PCS or ICIS-NPDES (not required)	Non-majors Facility Universe	Non-majors with Limits and Current DMRs, or Otherwise Reviewed	% Non-majors Reviewed	Non-complying Non-majors In Category I	Additional Non-complying Non-majors in Category II only	Total Non-majors in Category I or Category II, of those with Limits and Current DMRs	Category I Non-compliance Rate for Non-majors with Limits and Current DMRs	Total Non-compliance Rate for Non-majors with Limits and Current DMRs	Number of Reviewed Non-major Facilities that Received Informal Enforcement Actions	Number of Reviewed Non-major Facilities that Received Penalty Orders	Number of Reviewed Non-major Facilities that Received Formal Enf. Actions for RNC ²	Number of Reviewed Non-major Facilities that Received Formal Enf. Actions or APO ³ for RNC	Dollars of Penalties Assessed Against Non-majors	Permit Mods. Extending Compliance Deadline for Non-majors	Non-majors that are One or More Years Behind Construction Schedule Deadlines
KS-R										0	0	2	2	\$0		
MO-F										2	0	5	5	\$0		
NE-R										0	1	4	5	\$14,940		
07-T		16	16	100%	8	8	16	50%	100%	3	0	1	1	\$0	0	3
MT-R		28	23	82%	21	2	23	91%	100%	6	0	0	0	\$0	0	0
UT-R										0	0	1	1	\$0		
AZ-T		13	12	92%	NR	NR	NR	NR	NR	0	0	0	0	\$0	0	0
CA-T		6	6	100%	1	0	1	17%	17%	0	0	0	0	\$0	0	0
OR-T		4	4	100%	0	0	0	0%	0%	0	0	0	0	\$0	0	0
WA-F		32	23	72%	4	0	4	17%	17%	8	0	1	1	\$0	0	2
Total		150	106	71%	44	11	55	42%	52%	28	1	24	25	\$14,940	0	5
National Total		39,119	34,179	87%	9,445	4,457	15,387	28%	45%	8,159	862	1,179	1,522	\$23,347,700	53	535

Notes:

1 DMR – Discharge Monitoring Report

2 RNC – Reportable Noncompliance

3 APO - Administrative Penalty Orders

T indicates enforcement conducted by the Region on Tribal Lands.

R indicates enforcement conducted by the Region in the State.

F indicates enforcement conducted by the Region at Federal Facilities.

* Enforcement in these States and territories is conducted by the EPA Region.

** WV reported 108 reviewed non-major facilities that received formal enforcement actions for RNC. This count includes both individual and general permits. This number was revised to 48 to exclude actions at the general permit facilities that are not counted in this report.

*** WV reported 1581 informal actions, but these are at all majors and non-major facilities. Because the numbers are reported differently than other States, they are excluded here.

****Iowa reported 329 informal actions, but did not separate the data into majors and minors, so the information is not included in the table above.

Attachment 2. Description of Data Metrics

Metadata for individual metrics	
Metric Explanation	Explanation of Calculations
Number of Facilities Regulated	
The facilities counted under this measure are smaller permittees that are allowed to release specific water effluents at levels specified in a permit. These facilities have individual permits, and normally submit discharge reports on a monthly basis to the State (or EPA). The universe does not count large major facilities, general permits, or wet weather permits.	
Percent of Facilities Reviewed for Violations	
Facilities generally submit monthly discharge data. If States enter the discharge measurement data into EPA's databases, violations are automatically calculated by the database (compare permitted limit to measurement). Some States do not submit this information to EPA, but have their own databases which calculate violations. This measure shows the percent of facilities that are routinely reviewed for violations (through these automated calculations). Facilities not reviewed for violations would typically submit paper discharge reports to the State (or EPA), but the State would file the report without reviewing it. States that have a low percentage may not have the resources sufficient to enter discharge data into a database, or review all submitted reports manually.	Percent of non-major facilities with permitted limits and standard permits that have an automated calculation of compliance (DMRs compared to Limits by a database), or data reviewed as part of an inspection or manual file review. EPA's methodology will count a facility as reviewed if at least one of the twelve monthly DMRs is entered in the database.
Percent of Reviewed with Violations	
Of those facilities reviewed for violations, what percent have had noncompliance (e.g., measurement is over the permitted limit). This is otherwise known as a "noncompliance rate." It excludes sources that are not reviewed since the compliance status for those facilities is unknown. This rate includes any violation of a permitted limit. The lower the percent, the fewer relative number of violations occurred.	Number of "reviewed" in denominator, number of those with violations in numerator.
Percent of Reviewed with Serious Violations	
The Clean Water Act regulations define more serious violations as "Category I." Generally, these are flagged when a "toxic" pollutant is measured to be more than 20% over the permitted limit, or if a "conventional" pollutant is more than 40% over limit. Failure to submit monitoring data is also a serious violation. EPA's national databases automatically	Number of those "reviewed" in denominator, number of those with Category I violations in numerator.

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<p>calculate Category I violations. States are not required to enter this data into EPA's database (for smaller facilities). For States that do not enter data to EPA, the State database should allow calculation of "Category I" violations. However, there are some States that are not able to provide this information (so there is no data available).</p>	
<p>Percent Violating Facilities with Formal Enforcement</p>	
<p>This compares the number of facilities with any violations to the number of enforcement actions that were taken. Note that EPA guidance does not require formal actions for all violations. If violations are relatively minor, or are quickly resolved through corrections by the permittee, formal actions may be unnecessary. If violations persist or turn more serious, the State would be expected to escalate enforcement response, using either informal actions (e.g., notice of violation or warning letter), or a formal action (which is counted here). A higher percent indicates that the State more frequently takes formal enforcement actions.</p>	<p>Number enforcement actions taken as the numerator and the number of facilities with violations as the denominator.</p>
<p>Percent Serious Violators with Formal Enforcement</p>	
<p>More serious violations (Category I), if not corrected by the facility quickly, may lead the State to pursue formal enforcement. This calculation compares the number of enforcement actions to the number of serious violations identified. Serious violations may include effluent violations, or failure to report discharge monitoring reports.</p>	
<p>Total Number of Formal Enforcement Actions</p>	
<p>This provides the total number of formal actions taken within the State by the authorized permitting authority. A formal action is a legal document compelling compliance with permit requirements on a specified schedule.</p>	<p>Total number of Formal Actions taken.</p>

Attachment 3. List of Facilities with Extended Compliance Schedules

Note – To get online ECHO reports for any of the facilities below, use the following URL, and add the ID number for the facility after the “=” sign.

<http://www.epa-echo.gov/cgi-bin/get1cReport.cgi?tool=echo&IDNumber=>

List of Facilities > 1 yr. behind Compliance Schedule Deadlines (n=535)

Facility Name	NPDES Permit Number	State
Arab Sewer Bd. Riley Maze WWTP	AL0020303	AL
Ardmore Town of Ardmore WWTP	AL0023329	AL
Burwell Rd. WWTP Harvest Monro	AL0070947	AL
Cagles Inc.	AL0002241	AL
Georgiana City of WWSB WWTP	AL0043532	AL
Jemison Town of WWTP	AL0059331	AL
Millry Town of Lagoon	AL0051144	AL
Mosses Water and Sewer Lagoon	AL0055883	AL
Edmondson, City of	AR0044661	AR
Mountain View, City of	AR0020117	AR
Pleasant Oaks POA	AR0041424	AR
Pulaski County SID	AR0046060	AR
Wabbaseka, City of	AR0039896	AR
ASARCO, Inc January Adit	AZ0025054	AZ
not identified		CO
City of Alamo	GA0037753	GA
City of Glenwood	GA0021377	GA
Bedford	IA0026018	IA
Blakesburg	IA0028215	IA
Carson	IA0042901	IA
Exide Technologies	IA0063533	IA
Hancock	IA0023485	IA
Macedonia	IA0042919	IA
Manning	IA0023337	IA
Minburn	IA0023418	IA
Carroll Heights Ho. Assn STP	IL0047261	IL

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Facility Name	NPDES Permit Number	State
Ellsworth, City of	KS0085693	KS
Viola, City of	KS0027880	KS
Nickerson, City of	KS0031097	KS
Shawnee County Mobile Home Park	KS0119903	KS
Jim Beam Brands Co. Clermont	KY0001660	KY
Lagrange STP	KY0020001	KY
Tompkinsville STP	KY0020702	KY
Elkhorn City STP	KY0020958	KY
Trenton STP	KY0020982	KY
Flemingsburg STP	KY0021229	KY
Cumberland STP	KY0021571	KY
Quality Sunoco	KY0022144	KY
Dawson Springs STP	KY0023868	KY
Lewisburg STP	KY0024881	KY
Wingo STP	KY0025852	KY
Olive Hill STP	KY0025925	KY
South Shore STP	KY0026131	KY
Liberty STP	KY0026352	KY
Fulton STP	KY0026913	KY
Warsaw STP	KY0028118	KY
Williamsburg STP	KY0028347	KY
Perryville STP	KY0028355	KY
Green Acres MHP	KY0033413	KY
McKee STP	KY0034444	KY
Exit 62 Truck Plaza	KY0035378	KY
Catlettsburg STP	KY0035467	KY
Walton STP	KY0039756	KY
Frenchburg STP	KY0040584	KY
Executive Park Subd. NMCSD	KY0056561	KY
Hidden Valley MHP	KY0073679	KY
Edgewood Subd.	KY0074977	KY
Alvaton Elem. School	KY0082970	KY
Hiseville Elem. School	KY0083275	KY
Legrande Elem. School	KY0086916	KY
Hart Memorial Elem. School	KY0086932	KY
Bradfordsville STP	KY0090719	KY
Richardsville Elem. School	KY0092801	KY
Blue Grass Airport	KY0101851	KY
Village of Pine Prairie	LA0079057	LA

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Facility Name	NPDES Permit Number	State
not identified		MA
Dearborn CSO	MI0025542	MI
Pinconning Twp DDA WWSL	MI0058313	MI
Eitzen	MN0023965	MN
Fairmont Foods of Minnesota	MN0001996	MN
Madison Lake	MN0040789	MN
Austin Trails WWTF	MO0103551	MO
Barnett Manor	MO0097144	MO
BCSD, Springpark Subdivision	MO0100463	MO
BCSD/Wagon Trail Hts. WWTF	MO0094293	MO
Bel Air Estates MHP Subdivision	MO0086576	MO
Belleview Valley Nursing	MO0094242	MO
Big Bear Resort Condos	MO0117901	MO
Blue Fountain Banquet Center	MO0091871	MO
Boley Mobile Estates	MO0112801	MO
Briarwood Estates Lots 5 & 6	MO0127094	MO
Bronc Busters WWTF	MO0125857	MO
Camp Bagnel WWTF	MO0124753	MO
Cedar Creek Conference Ce.	MO0130231	MO
Cedar Springs MHP WWTF	MO0116602	MO
Chaffee Waste Stab. Lagoon	MO0025305	MO
Change Academy	MO0133744	MO
Chelsea Rose Subdivision	MO0111104	MO
City of Foristell Lagoon	MO0080888	MO
Coachlight Village MHP	MO0044270	MO
Country Estates MHP	MO0131504	MO
County Downs WWTF	MO0096938	MO
Dave's MHP	MO0112232	MO
David Ward WWTF	MO0132691	MO
Dogwood Animal Shelter WWTF	MO0130524	MO
Dogwood Estates Subd.	MO0131997	MO
Driftwood MHP WWTF	MO0127817	MO
Dzatko Paul (Apartments)	MO0118559	MO
Eagles Landing WWTF	MO0133698	MO
Elderly Housing Partnership	MO0099091	MO
Eric Taylor 7-9 WWTF	MO0132292	MO
Essex WWTF	MO0089273	MO

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Facility Name	NPDES Permit Number	State
Exeter WWTF	MO0086291	MO
Feed My People	MO0111457	MO
Fenton United Methodist Church	MO0098850	MO
Forest Land Subdivision WWTF	MO0119466	MO
Frisbie Land Development	MO0125008	MO
Glendale Village MHP	MO0057380	MO
Grandview Plaza MHP	MO0084395	MO
Gregory Mondry	MO0132632	MO
Happy Hollow MHP	MO0106771	MO
Hawthorne Trace WWTF	MO0130303	MO
Hidden Oaks Estates WWTF	MO0125067	MO
Hidden Treasurers Subd. WWTF	MO0121029	MO
Horizon West Subdivision	MO0124648	MO
Hornersville Municipal La.	MO0055123	MO
Horseshoe Bend #58 A and B	MO0120120	MO
Hurley WWTF	MO0125601	MO
John Sim LLC WWTF	MO0110299	MO
John's Auto Body	MO0088901	MO
Kari's Cupboard and Camp WWTF	MO0133833	MO
Ketesville WWTF	MO0048640	MO
KV Homeowners Assoc. WWTF	MO0126063	MO
Labadie Creek Treatment Facility	MO0114910	MO
Lake Road Village Park	MO0045501	MO
Lakes of Deerwood Subd.	MO0045446	MO
Lakeview Home Care Facility	MO0127477	MO
Lakewood Terrace Subd. WWTF	MO0122491	MO
Lakewood Trails WWTF	MO0111431	MO
Leonard Mobile Home Park	MO0092541	MO
M.C.L. MHP	MO0056448	MO
Mapa Acres MHP	MO0056448	MO
Melody Lake Ranch Assoc.	MO0091073	MO
Midway Auto/Truck Plaza	MO0100862	MO
Midway Bar and Grill	MO0083976	MO
Miller County R-III Tuscumbia	MO0083879	MO
Millstone Townhouses WWTF	MO0104523	MO
Murphy Ann Apartments	MO0090956	MO
Myetta Woods Subd. WWTF	MO0131865	MO
Northampton Bay Condo WWTF	MO0107409	MO
Oak Grove Estates	MO0124745	MO
Oak Grove Trailer Park	MO0096857	MO
Oak Hills Campground	MO0115754	MO

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Facility Name	NPDES Permit Number	State
Oak Ridge Trailer Court	MO0035149	MO
Oakledge Subdivision WWTF	MO0125768	MO
Our Lady Queen of Peace	MO0053163	MO
Overlook Subdivision WWTF	MO0116211	MO
Paradise Estates MHP WWTF	MO0090051	MO
Pine Valley Resort WWTF	MO0112895	MO
Point Charles Estates	MO0124524	MO
Potosi Elks Lodge #2218	MO0087025	MO
Power Model Supply Co.	MO0104604	MO
R and E Sanitary Landfill	MO0121231	MO
Rapid Roberts #122	MO0085821	MO
Raspberry Hill WWTP	MO0116386	MO
Raymondville WWTP	MO0119954	MO
Red Oak Resort LLC WWTF	MO0103128	MO
Robinson Trio	MO0125113	MO
Rocky Top MHP WWTF	MO0108383	MO
Russell Mobile Home Court	MO0115908	MO
Ryan's Lake Subdivision	MO0121096	MO
Scott City WWTF	MO0103594	MO
Scout Ridge Estates	MO0127981	MO
Sebelius Lagoon	MO0127965	MO
Serenity MHP	MO0089745	MO
Shalom Mountain WWTF	MO0130311	MO
Sharky's Timeout Sports	MO0125245	MO
Sir Thomas Manor Apts.	MO0088897	MO
Sleepy Hollow MHP	MO0090506	MO
Southwood Estates MHP	MO0113484	MO
Spring Meadows Mobile Home Park	MO0089097	MO
St. Joseph's Hill Infirmary	MO0081426	MO
St. Martin's United Church	MO0120600	MO
Starlight Apts.	MO0049441	MO
Stillwaters Resort	MO0094986	MO
Stone Ridge Estates WWTF	MO0119091	MO
Sunny Acres II LLC	MO0044881	MO
Sunrise Acres Subdivision	MO0113191	MO
Sunrise Terrace MHP WWTF	MO0123374	MO
Sunset Hills Trailer Park	MO0121533	MO
Table Rock Healthcare Ctr.	MO0100161	MO
Terre Du Lac North	MO0035700	MO
Terre Du Lac Oxidation Ditch	MO0095311	MO
Terre Du Lac South	MO0057312	MO

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Facility Name	NPDES Permit Number	State
Twin Oaks Estates RSF	MO0132021	MO
Tyson Foods Inc./Noeal WWTF	MO0002500	MO
USA, S. Rec. Area Lake Ozark	MO0029777	MO
USCOE Nemo Park	MO0130044	MO
Van Buren WWTF	MO0099490	MO
Victory Christian Fellows	MO0104558	MO
Village at Indian Point	MO0115665	MO
Wedgewood Village Plat 2	MO0105970	MO
Westbridge Place Subd.	MO0100277	MO
Westgate MHP	MO0045519	MO
Willow Bend MHP	MO0104566	MO
Willows on the Lake Condo	MO0101630	MO
Woodland Hills #2 Subd.	MO0127078	MO
Alligator POTW	MS0042196	MS
Artesia POTW	MS0020770	MS
Bell Utilities of MS LLC	MS0022837	MS
Brooksville POTW	MS0033596	MS
Calhoun County Jail	MS0047813	MS
Drew POTW	MS0026417	MS
Glen Allan Utility District	MS0047601	MS
Liberty Road Trailer Park	MS0041912	MS
Sunflower POTW	MS0024384	MS
Union of America Hebrew Congr.	MS0031178	MS
Hookerton WWTP	NC0025712	NC
Madrid WWTF	NE0040037	NE
Southwestern Pub	NM0029131	NM
ADVANCED MACHINING INC	OH0136484	OH
AIR BP	OH0000736	OH
ALPINE ALPA RESTURANT	OH0126144	OH
APOLLO MHP	OH0135721	OH
ASSEN DAIRY LLC	OH0136166	OH
ASTABULA COUNTY JVS	OH0044920	OH
AUSTIN RESPIRATORY &	OH0139327	OH
BEDFORD TRAILS GOLF COURSE	OH0128813	OH
BELDICK MOTEL	OH0140686	OH
BLUE HAVEN MHP	OH0136476	OH

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Facility Name	NPDES Permit Number	State
BOES MEAT PROCESSING PLANT	OH0032701	OH
BOWERSTON POINTE HEALTH AND	OH0140562	OH
BROOKPARK ESTATES MOBILE	OH0126527	OH
BUCKEYE DELI	OH0139432	OH
BUCKEYE TRANSFER, INC	OH0011452	OH
CAMP GLEN	OH0137871	OH
CARRIAGE HOUSE NIGHT CLUB	OH0140589	OH
CARTER'S MOBILE HOME PARK	OH0121258	OH
CEDAR CREEK COURT MHP	OH0138509	OH
CERTIFIED OIL STATION 458	OH0136981	OH
CHARLES BALL-REGINA METZGER	OH0131725	OH
CHARLES MILL SITES LAKE	OH0137880	OH
CHARM COUNTRYVIEW INN INC	OH0136832	OH
CHER-STAR LLC	OH0131474	OH
CHIPPEWA GOLF COURSE	OH0136867	OH
CHOICE PROPERTIES	OH0102687	OH
CITY OF BURTON	OH0021580	OH
CITY OF NELSONVILLE	OH0020541	OH
CITY OF STRONGSVILLE	OH0033707	OH
CLARKS DINING ROOM	OH0136450	OH
CLVKI DBA KELLY'S ISLAND HO	OH0119300	OH
CONSUMERS OHIO WATER CO.	OH0045446	OH
COOK CREEK GOLF COURSE	OH0114103	OH
COPLEY TOWNE CENTRE	OH0134724	OH
CORDELL REGIONAL UTL., INC.	OH0036030	OH
COUNTRY CLUB HILLS	OH0125423	OH
COWANS MARKET DBA ANDIS	OH0139271	OH
CP CHEMICALS LLC	OH0051390	OH
DEFIANCE COUNTY COMMISSNRS	OH0053481	OH
EC BABBERT INC	OH0136531	OH
EL RANCHO GRANDE	OH0140473	OH
EXCEL ACADEMY	OH0136409	OH
FAIRFIELD CO COMMISSIONERS	OH0054852	OH
FIREHOUSE GRILLE & PUB	OH0139319	OH
FRANKLIN MONROE LOCAL SCHOOL	OH0133949	OH
FRARY'S RESTAURANT	OH0136841	OH
FREMONT BAPTIST TEMPLE &	OH0135828	OH
GARDEN RIDGE NURSERY	OH0132853	OH
GARDENBROOK PARTY CENTER	OH0128732	OH
GARY FINGER, OWNER	OH0119369	OH
GENEVA TRAILER PARK	OH0134317	OH

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Facility Name	NPDES Permit Number	State
GERBER'S POULTRY INC.	OH0052132	OH
GIONINO'S PIZZA	OH0136697	OH
GM DEFIANCE NPA SYSTEM	OH0132527	OH
GRENNAN'S MOBILE HOME PARK	OH0117129	OH
HANS ROTHENBUHLER & SON INC	OH0051276	OH
HAPPY VALLEY ESTATES MOBILE	OH0127973	OH
HARASSMENT'S BAR	OH0139301	OH
HELENA MIGRANT HEAD START	OH0126969	OH
HIGHGROVE GOLF COURSE	OH0140651	OH
HILLTOP GROUP HOME INC	OH0139441	OH
HILLTOP MEATS	OH0134112	OH
HOLMES CHEESE CO	OH0075922	OH
HOLMES COUNTY LANDFILL	OH0122114	OH
HOPEDALE MINING LLC	OH0011835	OH
HOPEWELL ESTATES LLC	OH0079278	OH
HORN LAND COMPANY	OH0101265	OH
HORSE & HARNESS PUB	OH0139360	OH
HYLEN SOUDERS ELEM SCH	OH0136255	OH
IRBW PROPERTIES, LTD	OH0130486	OH
JEFFERSON COUNTY COMMISSION	OH0076350	OH
JOEZ LOUNGE	OH0138614	OH
KARMAN RUBBER CO	OH0133191	OH
KINSMAN WWTP	OH0140350	OH
KNOLLWOOD MOBILE HOME PARK	OH0050334	OH
KSA CROSS-TIE PLANT	OH0104248	OH
LAKESIDE ESTATES MHP	OH0133591	OH
LEADING CREEK CONSRVY DIST	OH0099279	OH
LEAFY OAKS CAMPGROUND, INC	OH0126837	OH
LE-O-NA FALLS MOBILE HOME PARK	OH0133698	OH
LINCOLN TERRACE ESTATES MHP	OH0044831	OH
LOCUST RIDGE NURSING HOME INC	OH0137537	OH
MACK IND OF PENNSYLVANIA INC	OH0134554	OH
MANCHESTER ADMIN BUILDING	OH0139572	OH
MANCHESTER MIDDLE SCHOOL	OH0139581	OH
MARAGOS TRAILER PARK	OH0125113	OH
MARION CTY COMM./COURTHOUSE	OH0036765	OH
MARNE MANOR LLC	OH0136123	OH
MATHEWS HIGH SCHOOL	OH0129089	OH
MAURER MOBILE HOME COURT	OH0078450	OH
MCEQUITIES LLC	OH0122149	OH
MCEQUITIES LLC	OH0138401	OH

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Facility Name	NPDES Permit Number	State
MIDWEST POULTRY SERV SUNNY	OH0133744	OH
MILLBORNE MANOR WHP	OH0129836	OH
MODERN MHP	OH0130699	OH
MORRIS BEAN COMPANY	OH0040576	OH
NATIONAL PARK SERVICE	OH0117340	OH
NEAL ELEMENTARY SCHOOL	OH0129097	OH
NEW DOVER ESTATES MHP	OH0102130	OH
NEW RIEGEL SCHOOL	OH0130389	OH
NITRAM, INC.	OH0045179	OH
NORTH EAST OHIO CHURCH OF GOD	OH0139297	OH
NORTHBROOK MOBILE HOME PK LLC	OH0131971	OH
NORTHWEST SHORES INVESTORS	OH0138126	OH
OAKWOOD MIDDLE SCH WWTP	OH0139688	OH
OC PROPERTIES MHP MANAGEMENT	OH0123188	OH
OLD TOWN TAVERN	OH0136506	OH
OLE MILL CRAFT BUILD	OH0137090	OH
OTTAWA CO COMMISSIONERS	OH0095435	OH
OTTAWA CO REGIONAL WTP	OH0122157	OH
PENTAIR WATER TREATMENT	OH0051551	OH
PENTECOSTAL HOLINESS	OH0137383	OH
PILOT TRAVEL CENTER LLC	OH0121002	OH
PINE LAKES ESTATE NO 1	OH0136387	OH
PLEASANT ACRES MHP	OH0120910	OH
PLEASANT ACRES MHP	OH0137596	OH
POPLAR LLC	OH0126497	OH
PRAIRIE HOUSE APARTMENTS	OH0136972	OH
PRAXAIR INC.	OH0101117	OH
REDLAND OHIO, INC.	OH0002500	OH
RESTOVER MHP	OH0136301	OH
RICELAND MOBILE VILLAGE	OH0121606	OH
ROCK OF GRACE CHURCH	OH0140309	OH
RURAL OPPORTUNITIES	OH0139009	OH
RUSTIC RIDGE MOBILE HOME PK	OH0106046	OH
SOUTHEAST LOCAL SCH DIST	OH0103217	OH
SOUTHERN OHIO COMMUNITY	OH0137502	OH
SOUTHVIEW ESTATES MHP	OH0095419	OH
SPARKLE MARKET - DOLLAR	OH0136964	OH
SPREAD EAGLE TAVERN INC	OH0140422	OH
SPRUCE TREE VILLAGE MHP	OH0134503	OH
ST JOHN THE BAPTIST CHURCH	OH0046973	OH
STATE RD. INDUSTRIAL DEVELOPME	OH0002313	OH

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Facility Name	NPDES Permit Number	State
STATELINE PROPERTIES LLC	OH0133884	OH
SUBURBAN MHP, LICKING COUNTY	OH0130737	OH
SUGAR GROVE BIBLE CHURCH *	OH0137391	OH
SUN OIL CO. OF PENNSYLVANIA	OH0007641	OH
SUNDIAL MHP STU 1	OH0136671	OH
SUNSET TRAILER PARK	OH0131202	OH
TALL OAKS FAMILY CENTER	OH0125679	OH
TECUMSEH VILLAGE MHP	OH0044962	OH
TEE PEE CAMPGROUND	OH0138746	OH
THE BEAZER GROUP	OH0003514	OH
THE CADDYSHACK	OH0119334	OH
THE SKYWAY	OH0138053	OH
TIM ARBRUSTER DBA CHAPPARAL CA	OH0133388	OH
TIMBER LANES	OH0132039	OH
TIMES SQUARE RESTAURANT	OH0129950	OH
TOWN & COUNTRY PARK ESTATES	OH0137014	OH
TRI COUNTY CONCRETE CO INC	OH0129194	OH
TRUCK WORLD INC	OH0084000	OH
TRUMBULL COUNTY COMMISSIONERS	OH0092550	OH
TUBETECH INCORPORATED	OH0101206	OH
TUPPERS PLAINS	OH0030643	OH
UNION CO. COMMISSIONERS	OH0039144	OH
UNIQUE VENTURES GROUP LLC	OH0138037	OH
VALLEY VIEW MHP	OH0133787	OH
VE BEARD OIL CO INC	OH0133990	OH
VFW POST 7576	OH0126942	OH
VILLAGE OF ADENA	OH0021661	OH
VILLAGE OF ARLINGTON	OH0030007	OH
VILLAGE OF ATTICA	OH0023957	OH
VILLAGE OF BLOOMINGBURG	OH0054364	OH
VILLAGE OF CADIZ	OH0024295	OH
VILLAGE OF CECIL	OH0029238	OH
VILLAGE OF CRIDERSVILLE	OH0020222	OH
VILLAGE OF DELTA	OH0020974	OH
VILLAGE OF DESHLER	OH0022471	OH
VILLAGE OF GIBSONBURG	OH0029122	OH
VILLAGE OF GLENDALE	OH0020141	OH
VILLAGE OF LATTY	OH0058246	OH
VILLAGE OF LEESBURG	OH0050881	OH
VILLAGE OF LINDSEY	OH0022489	OH
VILLAGE OF LODI	OH0020991	OH

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Facility Name	NPDES Permit Number	State
VILLAGE OF MCCOMB	OH0026263	OH
VILLAGE OF MCCOMB	OH0042081	OH
VILLAGE OF MINERVA	OH0021849	OH
VILLAGE OF MONTPELIER	OH0021831	OH
VILLAGE OF MT. ORAB	OH0026646	OH
VILLAGE OF NEW BOSTON	OH0020613	OH
VILLAGE OF NORTH BALTIMORE	OH0041637	OH
VILLAGE OF NORTH LEWISBURG	OH0023582	OH
VILLAGE OF PAYNE	OH0021326	OH
VILLAGE OF SARDINIA	OH0020729	OH
VILLAGE OF SHERWOOD	OH0020281	OH
VILLAGE OF SHREVE	OH0045373	OH
VILLAGE OF SOMERSET	OH0023566	OH
VILLAGE OF WASHINGTONVILLE	OH0028011	OH
VILLAGE OF WAYNESFIELD	OH0028029	OH
VILLAGE OF YELLOW SPRINGS	OH0028215	OH
VINOY SOOD	OH0134775	OH
WAGON WHEEL CAMPGROUND	OH0132551	OH
WAGON WHEEL INN INC	OH0087904	OH
WALKER ELEMENTARY SCHOOL	OH0133205	OH
WALNUT CREEK MENNOITE CHURCH	OH0139084	OH
WATSONS TOWING INC	OH0139157	OH
WAYNE COUNTY COMMISSIONERS	OH0083933	OH
WESTERN RESERVE LOCAL SCHOOLS	OH0125776	OH
WILDCAT WOODS CAMPGROUND	OH0137529	OH
WILDFLOWER PLACE	OH0126578	OH
WILLIAMS CO COMMISSIONERS	OH0079081	OH
WOOSTER ROLLING WHEELS	OH0129763	OH
YOGI'S MHP	OH0136328	OH
Ardmore Airpark	OK0030422	OK
Atoka	OK0028576	OK
Barnsdall	OK0027308	OK
Beggs	OK0028177	OK
Drumright	OK0022501	OK
Glencoe	OK0028517	OK
Green Country Sewer	OK0034754	OK
Harrah	OK0038482	OK
Hydro	OK0028185	OK
Lake Valley MHP	OK0037702	OK
Lone Grove	OK0034266	OK

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Facility Name	NPDES Permit Number	State
Ochelata	OK0034517	OK
Oilton	OK0035599	OK
Okemah	OK0020737	OK
Pensecola	OK0040410	OK
Picher	OK0032263	OK
Quapaw	OK0028258	OK
Seminole #3	OK0026972	OK
Shidler	OK0022993	OK
Sperry	OK0033464	OK
Tondawa	OK0021903	OK
Wetumka North	OK0032425	OK
Wetumka South	OK0032417	OK
Ballard, Paulette K.	SC0032417	SC
Chesterfield, Town of, Water Plant	SC0025232	SC
Commander Nursing Home	SC0034703	SC
GTX Properties LLC	SC0032638	SC
Links Water Treatment LLC	SC0042684	SC
Sharma Petroleum	SC0042196	SC
South of the Border	SC0031801	SC
Tega Cay Water Service Inc.	SC0026763	SC
City of Canova	SD0021521	SD
Town of Leola	SD0022667	SD
Toppenish, City of	WA0026123	WA-Fed
Wapato, City of	WA0050229	WA-Fed
Oconto Falls WWTF	WI0022870	WI
Alpine Lake Public Utilities	WV0086665	WV
AutomaticRecycling	WV0116033	WV
Baker Oil Tool, Inc.	WV0070190	WV
Berkeley County PSSD	WV0105791	WV
Bethany Town of	WV0022080	WV
Boone-Raleigh PSD	WV0086525	WV
Buffalo Town of	WV0024694	WV
Burnsville Public Utilities	WV0024945	WV
Cabot Corp.	WV0001210	WV
Canyon PSD	WV0032158	WV
Chapmanville Town of	WV0024678	WV

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Facility Name	NPDES Permit Number	State
City of Belmont	WV0024490	WV
Claywood Park PSD	WV0043991	WV
Colfax PSD	WV0032131	WV
Cowen PSD	WV0037397	WV
Davis Town of	WV0024848	WV
Enlarged Hepzibah PSD	WV0081001	WV
Flatwoods-Canoe Run PSD	WV0084042	WV
Friendly PSD	WV0048861	WV
Greater Harrison Cnty. PSD	WV0084301	WV
Hinton Sanitary Bd.	WV0024732	WV
laeger Town of	WV0024511	WV
Intercontinental Export Import	WV0003204	WV
Junior Town of	WV0040843	WV
Kingwood, City of	WV0021881	WV
Knouse Foods Cooperative Inc.	WV0077500	WV
Linde LLC	WV0001775	WV
Linde LLC	WV0049361	WV
Mannington City of	WV0024953	WV
Marlinton City of	WV0024473	WV
Mason Cnty. PSD	WV0086886	WV
Mason Cnty. PSD	WV0105619	WV
Matewan Town of	WV0024783	WV
Mineral Wells PSD	WV0081141	WV
Montgomery City of	WV0020621	WV
Moorefield City of	WV0020150	WV
Mullens City of	WV0020681	WV
New Cumberland City of	WV0025119	WV
New Haven Town of	WV0032531	WV
New Vrindaban Community	WV0102253	WV
North Putnam PSD	WV0028045	WV
Parsons City of	WV0022063	WV
Philippi, City of	WV0021857	WV
Pleasant View PSD	WV0027642	WV
PNGI Charles Town Gaming LLC	WV0105856	WV
Poca Sanitary Bd. Town of	WV0027154	WV
Prichard Public Service Distri.	WV0105732	WV
Richwood City of	WV0022004	WV
Rowlesburg Town of	WV0027481	WV
Shepherdstown Corp. of	WV0024775	WV
Smithers City of	WV0021741	WV
St Mary's City of	WV0020168	WV

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Facility Name	NPDES Permit Number	State
Stanaford Acres Sewerage System	WV0084824	WV
Thomas, City of	WV0024856	WV
Town of Elizabeth	WV0041505	WV
Tunnelton Town of	WV0105651	WV
Universal Forest Products East	WV0076724	WV
Webster Springs PSD	WV0049875	WV
West Hamlin Town of	WV0020176	WV
Williamsburg Sewer System	WV0082091	WV
Williamstown, City of	WV0022071	WV
Wood Cnty. Parks and Rec.	WV0045616	WV
WV Division of Natural Resources	WV0082210	WV
Village of Emerson	NE0041351	07-Tribal
Village of Rosalie	NE0046302	07-Tribal
Village of Thurston	NE0031739	07-Tribal

Attachment 4: Appendix 1. Possible Changes to 2010 Reporting

EPA has limited ANCR reporting to individually-permitted standard non-majors as these are typically the permittees that submit monthly discharge reports. The regulations allow reporting for all non-majors (such as general permittees), but EPA has historically limited data collection to individual standard permits so data can be compared to Clean Water Act majors. This approach allows for an apples-to-apples comparison of violation rates that are based on discharge monitoring reports submitted.

EPA has received a request from West Virginia to change its ANCR reporting guidance to collect data for all non-major facilities, rather than the 39,000 universe of individually-permitted non-majors. West Virginia notes that this will allow States to provide information about all program activities that are done in the full universe of NPDES non-majors. EPA is requesting comments on this proposed change. While this change would provide a greater breadth of information, it will make violation rates difficult to compare between majors and minors. This is because many of the non-majors that are excluded from the ANCR now do not regularly submit discharge monitoring reports. This means that in a given year, the State may have very little information about whether violations have happened (unless they happened to perform an inspection). The impact of adding all non-majors to the ANCR report would be a significant drop in violation rates – primarily because violation data are not readily available for a great percentage of facilities that would be added to the Annual Noncompliance Report.

Public or government commenters may provide input on whether EPA should continue the ANCR report for the existing universe (individually-permitted non-majors), or expand the report to include all non-major permittees, regardless of whether the facilities report DMRs. Comments must be provided within 30 days of the date of this report, and can be sent by email to echo@epa.gov. Commenters should clearly specify in the subject and/or body of the email that the comments relate to the “ANCR.” If EPA modifies the ANCR, then the earliest the changes would be implemented is calendar year 2011.