

**US Environmental Protection Agency  
2006 Annual Non-Compliance Report  
National Pollutant Discharge Elimination System Non-Majors**

**CALENDAR YEAR 2006 FINAL REPORT (Released February 18, 2009)**

**Introduction**

This report provides aggregated, state-based information on non-compliance rates at smaller facilities regulated under the Clean Water Act National Pollutant Discharge Elimination System (NPDES). The Annual Non-Compliance Report (ANCR) is compiled from data collected from over 60 states and territories. Federal regulations require the U.S. Environmental Protection Agency (EPA) to assemble non-compliance statistics for smaller dischargers that often do not have violation data in national data systems. This report is designed to assist the EPA, states, and the public to understand the relative compliance with NPDES permits across the country. Since detailed facility-level violation data is not as well populated in national databases for these smaller facilities, the ANCR is a mechanism to collect and report this information on an aggregate level.

According to 40 CFR §123.45 (c), the EPA is required to make the ANCR data publicly accessible. Unlike the reporting requirements for major NPDES permits in the federal regulations, the ANCR is a statistical summary report that is reported annually.

**Background**

*Regional and State Reporting Criteria*

Pursuant to 40 CFR §123.45 (c), the Director of the permit-issuing authority (State Director or Regional Administrator) is required to submit seven items to EPA Headquarters. The EPA asked the Regions to submit data for the period from January 1 through December 31, 2006 (CY2006), according to guidelines provided in the EPA's September 28, 2007 Call Memoranda requesting ANCR data for non-major permittees in CY2006. The deadline for submission of the CY2006 data was November 1, 2007. States were encouraged to submit their reports to Regions according to the format shown in the table below:

## Annual Non-Compliance Report for NPDES Non-Majors

Item	Description	Count
1)	Number of non-major NPDES permittees (standard/individual permits only)	
2)	Number of non-major NPDES permittees reviewed by the state/ Region	
3)	Number of non-major NPDES permittees in Category I non-compliance	*
4)	Number of non-major NPDES permittees in Category II non-compliance <sup>1</sup>	
5)	Number of formal enforcement actions taken by the state/ Region against non-major NPDES permittees	
6)	Number of permit modifications extending compliance deadlines granted to non-major NPDES permittees	
7)	List of non-major NPDES permittees which are one or more years behind in construction phases of the compliance schedule, in alphabetical order by name and permit number	Please enclose a list.

\*The regulation requires states to delineate the severity of violations by providing separate figures for lines 3 and 4. However, many states that report manually indicated their data systems were not able to provide these distinctions. For this reporting cycle, the EPA has allowed states to provide one combined figure for lines 3 and 4. This is not the preferred reporting method, but is preferable to having no reporting.

### *Universe of Facilities Covered by ANCR*

The non-major permittee universe is approximately 35,873. For purposes of the ANCR, the EPA requested that non-compliance data only be calculated for the approximately 27,951 individually-permitted non-majors that have point (pipe) discharges with numeric limits. This decision was reached because the smaller universe normally reports violation data on a monthly basis, whereas the other non-majors can only be assessed for compliance based upon inspections (e.g. Stormwater permits, concentrated animal feeding operations, etc.).

### *National Databases vs. Alternate Reporting*

For the facilities covered under the ANCR, states were provided a choice of reporting from the national databases (PCS or ICIS-NPDES) or state sources. For those states choosing to use the national database, the following PCS/ICIS-NPDES requirements were in place:

- Maintain permit limits for non-major individual permittees
- Routine discharge monitoring report (DMR) data entry<sup>2</sup> for non-major individual

<sup>1</sup> As stated in 40 CFR §123.45(c), “The statistical information shall be organized to follow the types of noncompliance listed in paragraph (a) of this section.” Section (a)(2)(iii)(A)(1) states that Category II non-compliance includes any violation of a permit limit.

- permittees
- Compliance tracking<sup>3</sup> software turned on for non-major individual permittees
- DMR non-receipt tracking turned on for non-major individual permittees

After reviewing their automated reports, states must either submit a statement to the region indicating their agreement with the numbers in the automated report, or provide a corrected version of the report to the region. Several states and territories are not authorized to implement the CWA NPDES program, thus the EPA Regions submitted the data on behalf of the state/territory.

## **Results**

The tables below show the arithmetic average Category I significant non-compliance (SNC)<sup>4</sup> rate and total non-compliance rates. The Category I (SNC) rate includes any facility that had at least one quarter in Category I non-compliance in the calendar year, divided by the number of standard/ individual non-major permits reviewed by the state in the calendar year. The total non-compliance rate includes any facility that had at least one quarter in either Category I or II non-compliance in the calendar year, divided by the number of standard/ individual non-major permits reviewed by the state in the calendar year. Enforcement rates were determined by dividing the number of formal enforcement actions by the total number of facilities in non-compliance.

**Table 2. CY2006 ANCR Results Summary**

<b>Category</b>	<b>Category I (SNC) Non-Compliance Rate</b>	<b>Total Non-Compliance Rate</b>	<b>Enforcement Rate</b>
National System Rate	61.05%	70.87%	1.23%
National System Rate Adjusted by State	30.49%	54.06%	6.24%
Manually Submitted	52.11%	75.13%	5.80%
Comparison to CWA Majors	20.10%		

## **Additional Data Sources**

The names and permit numbers of the facilities classified as NPDES non-majors are available online at ECHO ([www.epa-echo.gov/echo](http://www.epa-echo.gov/echo)). Slightly more than 50% of these facilities have permitted limits and discharge monitoring information in EPA's national databases. Violation data is provided in ECHO when available.

<sup>2</sup> DMR data are compared to permit limits in PCS and used to automatically generate and classify the types of effluent violations referred to in 40 CFR §123.45.

<sup>3</sup> Compliance tracking is sometimes referred to as Reportable Non-Compliance (RNC) software. This software automatically identifies violations as Category I or II, as defined by 40 CFR §123.45. For permit monthly effluent limit violations, these are 20% or 40% exceedances of the same parameter at the same pipe (or outfall) which occur two or four months in a six month period (depending of the type of pollutant).

<sup>4</sup> Use of the term "SNC" here is not official because SNC historically only applies to NPDES major facilities. In this case, EPA is applying the existing SNC criteria for majors to the non-major universe.

State	% NonMajors With Limits and DMRs in PCS or ICIS-NPDES	NonMajors Facility Universe	NonMajors with Limits and Current DMRs	Non-complying NonMajors In Category I	Additional Non-complying NonMajors in Category II only	Total NonMajors in Category I or Category II, of those with Limits and Current DMRs	Total Non-Compliance Rate for NonMajors with Limits and Current DMRs	Total Category I Non-Compliance Rate for NonMajors with Limits and Current DMRs	Formal Enf.Actions for RNC NonMajors	Permit Mods. Extending Compliance Deadline for NonMajors	Schedule-NonCompliant NonMajors
<b>National System Rate</b>											
AR	98%	683	670	454	84	538	80.30%	67.76%	5	0	10
AS	100%	3	3	0	0	0	0.00%	0.00%	0	0	blank
CO	96%	238	228	128	62	190	83.33%	56.14%	4	2	67
GU	100%	13	13	0	0	0	0.00%	0.00%	0	0	blank
KS	89%	1009	894	28	97	125	13.98%	3.13%	15	11	2
KY	80%	1692	1357	1325	26	1351	99.56%	97.64%	1	0	33
MA	94%	139	130	122	2	124	95.38%	93.85%	1	3	0
MD	100%	488	488	227	69	296	60.66%	46.52%	9	0	blank
MT	99%	140	139	81	23	104	74.82%	58.27%	1	0	0
NH	100%	42	42	40	1	41	97.62%	95.24%	0	0	1
PR	99%	160	159	118	37	155	97.48%	74.21%	blank	blank	blank
RI	100%	71	71	22	14	36	50.70%	30.99%	1	0	0
SR	100%	2	2	2	0	2	100.00%	100.00%	blank	blank	blank
VI	80%	54	43	41	1	42	97.67%	95.35%	blank	blank	blank
<b>TOTAL</b>	<b>90%</b>	<b>4734</b>	<b>4239</b>	<b>2588</b>	<b>416</b>	<b>3004</b>	<b>70.87%</b>	<b>61.05%</b>	<b>37</b>	<b>16</b>	<b>113</b>
<b>National System Rate Adjusted by State</b>											
AZ	100%	86	86	47	25	72	83.72%	54.65%	0	0	blank
CA	96%	412	395	blank	blank	139	35.19%	blank	56	11	0
CT	100%	76	76	3	21	24	31.58%	3.95%	0	0	0
DC	100%	10	10	6	1	7	70.00%	60.00%	0	0	0
DE	100%	35	35	4	0	4	11.43%	11.43%	0	0	0

<b>FL</b>	93%	244	228	52	99	151	<b>66.23%</b>	<b>22.81%</b>	6	0	1
<b>GM</b>	100%	3	3	3	0	3	<b>100.00%</b>	<b>100.00%</b>	0	0	0
<b>HI</b>	85%	39	33	blank	blank	12	<b>36.36%</b>	<b>blank</b>	0	0	blank
<b>IA</b>	90%	1589	1433	325	20	345	<b>24.08%</b>	<b>22.68%</b>	5	1	65
<b>IL</b>	100%	1559	1559	473	609	1082	<b>69.40%</b>	<b>30.34%</b>	25	0	3
<b>IN</b>	94%	1417	1339	704	281	985	<b>73.56%</b>	<b>52.58%</b>	39	blank	28
<b>MI</b>	100%	455	455	blank	blank	181	<b>39.78%</b>	<b>blank</b>	10	0	1
<b>MN</b>	100%	647	647	102	127	229	<b>35.39%</b>	<b>15.77%</b>	32	0	0
<b>MO</b>	100%	2901	2901	542	206	748	<b>25.78%</b>	<b>18.68%</b>	2	0	34
<b>NE</b>	97%	548	530	208	119	327	<b>61.70%</b>	<b>39.25%</b>	68	0	1
<b>NJ</b>	96%	721	695	409	148	557	<b>80.14%</b>	<b>58.85%</b>	blank	blank	blank
<b>NM</b>	80%	92	74	58	12	70	<b>94.59%</b>	<b>78.38%</b>	10	0	0
<b>NN</b>	100%	25	25	blank	blank	16	<b>64.00%</b>	<b>blank</b>	0	0	blank
<b>NV</b>	100%	77	77	2	4	6	<b>7.79%</b>	<b>2.60%</b>	0	0	blank
<b>NY</b>	86%	1220	1044	167	335	502	<b>48.08%</b>	<b>16.00%</b>	blank	blank	blank
<b>OH</b>	100%	2978	2970	852	1076	1928	<b>64.92%</b>	<b>28.69%</b>	23	0	194
<b>OK</b>	99%	377	373	212	105	317	<b>84.99%</b>	<b>56.84%</b>	116	0	0
<b>SC</b>	98%	356	348	152	136	288	<b>82.76%</b>	<b>43.68%</b>	25	0	30
<b>TX</b>	89%	2212	1960	1368	432	1800	<b>91.84%</b>	<b>69.80%</b>	147	0	12
<b>VA</b>	100%	976	976	131	28	159	<b>16.29%</b>	<b>13.42%</b>	43	0	0
<b>VT</b>	100%	138	138	2	64	66	<b>47.83%</b>	<b>1.45%</b>	1	1	0
<b>WI</b>	100%	683	683	blank	blank	304	<b>44.51%</b>	<b>blank</b>	36	3	0
<b>TOTAL</b>	<b>96%</b>	<b>19876</b>	<b>19093</b>	<b>5822</b>	<b>3848</b>	<b>10322</b>	<b>54.06%</b>	<b>30.49%</b>	<b>644</b>	<b>16</b>	<b>369</b>
<b>Manually Submitted</b>											
<b>AZ Tribe</b>	82%	11	9	blank	blank	9	<b>100.00%</b>	<b>blank</b>	0	0	blank
<b>CA Tribe</b>	100%	2	2	blank	blank	2	<b>100.00%</b>	<b>blank</b>	0	0	blank
<b>OR Tribe</b>	100%	3	3	0	0	0	<b>0.00%</b>	<b>0.00%</b>	0	0	0
<b>WA Fed</b>	39%	44	17	4	3	7	<b>41.18%</b>	<b>23.53%</b>	0	0	4
<b>AK</b>	15%	98	15	13	2	15	<b>100.00%</b>	<b>86.67%</b>	2	0	0
<b>AL</b>	50%	1359	676	544	83	627	<b>92.75%</b>	<b>80.47%</b>	26	1	11
<b>GA</b>	2%	1055	19	19	0	19	<b>100.00%</b>	<b>100.00%</b>	0	0	0

<b>ID</b>	58%	200	116	81	27	108	<b>93.10%</b>	<b>69.83%</b>	3	0	0
<b>LA</b>	39%	1181	464	blank	blank	198	<b>42.67%</b>	<b>blank</b>	32	0	2
<b>MP</b>	0%	0	0	0	0	0	<b>0.00%</b>	<b>blank</b>	0	0	0
<b>MS</b>	70%	1518	1062	401	387	788	<b>74.20%</b>	<b>37.76%</b>	2	0	22
<b>NC</b>	67%	1094	729	434	123	557	<b>76.41%</b>	<b>59.53%</b>	3	0	5
<b>ND</b>	41%	102	42	2	12	14	<b>33.33%</b>	<b>4.76%</b>	0	0	0
<b>OR</b>	34%	292	100	4	14	18	<b>18.00%</b>	<b>4.00%</b>	11	0	0
<b>SD</b>	79%	289	227	74	24	98	<b>43.17%</b>	<b>32.60%</b>	1	0	0
<b>TN</b>	42%	1199	499	456	29	485	<b>97.19%</b>	<b>91.38%</b>	2	0	0
<b>UT</b>	72%	116	83	21	5	26	<b>31.33%</b>	<b>25.30%</b>	5	0	blank
<b>WV</b>	25%	808	203	170	64	234	<b>115.27%</b>	<b>83.74%</b>	99	0	10
<b>TOTAL</b>	<b>46%</b>	<b>9371</b>	<b>4266</b>	<b>2223</b>	<b>773</b>	<b>3205</b>	<b>75.13%</b>	<b>52.11%</b>	<b>186</b>	<b>1</b>	<b>54</b>
<b>Insufficient Information to Determine Non-Compliance Rate</b>											
<b>ME</b>	blank	blank	blank	blank	blank	blank	<b>blank</b>	<b>blank</b>	blank	blank	blank
<b>WA</b>	1	353	353	blank	blank	blank	<b>blank</b>	<b>blank</b>	22	blank	blank
<b>WY</b>	blank	1539	blank	blank	blank	76	<b>blank</b>	<b>blank</b>	57	1	1
<b>TOTAL</b>	<b>19%</b>	<b>1892</b>	<b>353</b>	<b>0</b>	<b>0</b>	<b>76</b>	<b>21.53%</b>	<b>0.00%</b>	<b>79</b>	<b>1</b>	<b>1</b>

*Italicized are Tribes*