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State Management Of NPDES Minor Dischargers: Survey Results

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
POLICY, PLANNING AND EVALUATION

MEMORANDUM FEB 25 1994

SUBJECT: Annotated Briefing Document for Survey Results on State Management of NPDES Minor Dischargers

FROM: Pamela P. Stirling, Director
Program Evaluation Division
Len Fleckenstein for PPS

TO: Michael B. Cook, Director
Office of Wastewater Enforcement and Compliance

Last December PED briefed you on the results of a survey conducted by the Program Evaluation Division (PED) and the NPDES Minors Workgroup regarding state management of NPDES minor dischargers. At that briefing, you asked that we prepare an annotated briefing document containing greater detail on the survey's findings. Attached is a copy of the annotated briefing for your use.

The annotated briefing contains a more extensive discussion of findings presented at the December briefing, plus additional survey results that were not included due to time constraints. The annotated briefing contains more detail on a number of areas, such as: the survey approach and methodology used by the PED project team and the Minors Workgroup; states' perception of the risk posed by minors; state point source prioritization efforts and program activity regarding minors; and the status of state watershed permitting planning and implementation.

Attached to the annotated briefing are a number of appendices which include: the survey questionnaire; tabulated state responses for each survey question; complete narrative or verbatim responses for selected questions; EPA Regional Office responses; and additional tables/graphs not included in the briefing.

Since most states indicated that they would be interested in receiving a copy of the survey findings, we assume that the annotated briefing will be distributed to all states participating in the survey. If you would like us to assist in this general distribution, please feel free to contact me or Len Fleckenstein at 260-5333.

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Finally, on behalf of the PED project team, I would like to offer my appreciation to Carol Galloway, Karen Taimi, George Gray, and Steve Rubin of OWEC for their patience, support, and valuable assistance throughout this effort. It has been a pleasure working with such a dedicated staff.

Attachments

cc: Carol Galloway, OWEC
Karen Taimi, OWEC
Michael Mason, OPPE/PED

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STATE MANAGEMENT OF NPDES MINOR DISCHARGERS: SURVEY RESULTS

for

Michael Cook, Director
Office of Wastewater Enforcement and Compliance
Office of Water
U. S. Environmental Protection Agency

and the

NPDES Minors Workgroup

February 1994

Prepared by

Program Evaluation Division
Office of Regulatory Management and Evaluation
Office of Policy, Planning and Evaluation
U. S. Environmental Protection Agency

EPA Headquarters Library

INTRODUCTION

In response to a request from the Director of the Office of Wastewater Enforcement and Compliance (OWEC) in the EPA's Office of Water, the Program Evaluation Division (PED) in the Office of Policy, Planning and Evaluation provided analytical support to an agency-wide workgroup formed to assess the management of NPDES minors. In addition to serving as members of the workgroup, PED analysts provided assistance in developing study options; designing a survey questionnaire to be sent to all EPA Regional Offices and State water programs; and tabulating, analyzing and presenting the survey results.

This annotated briefing presents the results of a survey of all State and Territorial point source water programs regarding the status of their management of NPDES minor facilities. A copy of the survey questionnaire and tabulated data from EPA Regional Offices and States are provided in the Appendices to this document.

The PED project team consisted of Gabriella Lombardi, Michael Mason, and Louis Sweeny. Irv Auerbach, former Chief of the Program Integration Branch, Len Fleckenstein, Chief of the Field Effectiveness Branch, and Pam Stirling, Director of PED, provided guidance throughout the project. Elvira Dixon served as project secretary.

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ABBREVIATIONS

BPJ	Best Professional Judgement
CWA	Clean Water Act
DMR	Discharge Monitoring Report
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
OPPE	Office of Policy, Planning and Evaluation
OWEC	Office of Wastewater Enforcement and Compliance
PED	Program Evaluation Division
PCS	Permit Compliance System
QNCR	Quarterly Non-Compliance Report
SNC	Significant Non-Compliance

I. BACKGROUND

A. The NPDES Minors Workgroup

Due to interest expressed by the Office of Management and Budget (OMB) and Congressional staff working on reauthorization of the Clean Water Act, Mike Cook, Director of EPA's Office of Wastewater Enforcement and Compliance (OWEC), formed a workgroup in November 1992 to conduct a reevaluation of current EPA Regional Office and State management of NPDES minor facilities.[1] The workgroup consists of representatives from OWEC, the Program Evaluation Division (PED) of EPA's Office of Policy, Planning and Evaluation, all ten EPA Regions, and two states (Pennsylvania and North Carolina). The purpose of the workgroup was to assess the following issues:

- the current status of State and EPA permit and enforcement activities with regards to NPDES minors;
- the environmental risk posed by minors; and
- whether current EPA policies and management relating to minor facilities are appropriate to their level of risk and to recommend changes where necessary.

As a result of preliminary discussions by PED analysts with EPA Regional offices and states in the summer of 1992, the workgroup learned that EPA's Headquarters office had very little information on state and/or Regional management of minor facilities. It learned, however, that many states were undertaking significant activity on minors, especially compliance and enforcement efforts, that was not being reflected in EPA Office of Water's Permit Compliance System (PCS). The workgroup also found that states and EPA varied in the kind of

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[1] For purposes of prioritizing permit issuance and oversight, industrial and municipal point sources are divided into "major" and "minor" sources. Major municipal facilities are those which have a design or actual flow of one million gallons per day (MGD) or greater, a service population of 10,000 or greater, or a significant impact on water quality. Municipal facilities that do not meet the above criteria are categorized as minors. Industrial facilities are classified as "majors" through a rating system which allocates points in various categories, such as flow, pollutant loadings, potential public health impacts, and water quality factors. There are approximately 7,200 major and 56,800 minor industrial and municipal sources.

management approaches they were using for minor facilities, and that many states were interested in learning about management approaches in other states.[2]

B. Survey of State and EPA Regional Office Point Source Programs

1. Survey Objectives and Approach

One of the first recommendations of the workgroup was to conduct a survey of states and EPA Regional Offices in order to obtain a "limited characterization" of current management of the NPDES minors universe. Data collected in the survey would be used for several purposes:

- to inform states on what management techniques and problems other states are confronting regarding minors;
- to provide EPA with information on states' experiences and needs that could assist the Office of Water's budgeting, planning, and statutory reauthorization efforts; and,
- to provide a "baseline" of state program management data on minors that OWEC or the workgroup could use for further in-depth study.

In March/April 1993, the NPDES workgroup, with PED support, developed a survey questionnaire consisting of a variety of topics dealing with the management of minors including water quality impact, state prioritization, program activity, and watershed management. The survey questionnaire was pilot tested in three states.

In May, the Regional Office workgroup members distributed the survey to all states and those Regional Offices who retain NPDES authorization as well as to those states without NPDES authorization who have surface water permitting programs. Survey questionnaires were collected in July and August by the EPA Regional Office workgroup members and sent to PED for data entry, tabulation, and analysis.

On December 8, 1993, PED presented the survey results in a briefing to the Director of OWEC, Mike Cook, and his staff. The following document is an annotated version of this briefing.

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[2] For a further discussion of these issues see, "PED Background Paper for NPDES Minors Workgroup," Program Evaluation Division, Office of Policy, Planning and Evaluation, U.S. Environmental Protection Agency, 1992.

2. Survey Data Characteristics and Limitations

The survey results provide a "limited characterization" of state management of the NPDES minors universe.

As indicated above, one of the purposes of the survey was to obtain a baseline of information on the management of minors to be used for further in-depth study. During design of the survey questionnaire, the workgroup placed a greater emphasis on covering a breadth of program areas and issues rather than focusing in depth on any one topic. As a result, the survey results do not provide a comprehensive nor definitive view of State and Regional Office management of minors.

In order to obtain as much concreteness and comparability in the survey results, most of the survey questions requested respondents to provide quantitative responses. Respondents were asked to provide either actual numeric data (e.g., number of inspections) or to indicate a rating or ranking for a list of items. For many of the questions which required a qualitative response, PED analysts grouped them into categories, coded responses, and then tabulated percentages. Aggregated state responses to each survey question are presented in numeric tables in Appendix B. The tables in the Appendix B are generally in the same order as the questions in the survey and the findings in the annotated briefing.

One section of the survey, however, provided respondents the opportunity to submit qualitative responses to open-ended questions. Some of the responses from this section - called "Customer Feedback" - are interspersed throughout the annotated briefing in order to provide support to other findings. For a complete summary of all of the responses to this section, see Q11.1-11.5 in Appendix C.

The survey results are for 46 states and 1 territory - 47 total.

A total of 46 states, 6 EPA Regional Offices, and 1 territory (Puerto Rico) returned completed questionnaires. States not returning questionnaires were Florida, Missouri, Nevada, and Arizona.

EPA Regional Office data on its management of NPDES minors in non-delegated states proved to be too inconsistent and incomplete to be included in the survey results. Although most Regional Offices submitted separate responses for each non-delegated state in their Region, one Regional Office submitted a single questionnaire with combined responses for all non-delegated states in its Region. Some Regional Offices submitted responses for only part of a state program (e.g., municipal). As a result of these inconsistencies, PED was unable to adequately compare responses between delegated and non-delegated states, and the information outlined in this report does not contain any Regional Office responses

information outlined in this report does not contain any Regional Office responses to the survey questionnaire.

The quality and sources of data used by states for their responses are unclear.

By definition, survey responses are based on self-reported data. Some questions in this survey specifically requested a respondent to identify their data sources. For most questions, however, it is not always clear what data source was used for responses (e.g., best professional judgement, reported data). As a result, data quality may be "soft" or inconsistent across individual responses or respondents.

Although all respondents provided some personal information on the cover sheet of the survey questionnaire (i.e., name, department/division, address), the organizational location and program expertise of respondents is not always known. For many survey responses, it is unclear if the respondent completing the questionnaire was located in the permitting, enforcement, municipal, or non-municipal parts of a state point source program.

When asked to give the end date of the last fiscal year for which aggregate data was available, most state respondents indicated FY 1992. Some states, however, reported that they were relying on data as recently as June 1993.

II. SUMMARY OF SURVEY FINDINGS

- **While the survey data appear to support the view that minors do not cause widespread, significant risk, many states identified specific instances where minor dischargers pose a significant or moderate risk to waterbodies within their states.**

- **While states reported that the EPA major/minor classification system with its emphasis on major facilities influences the prioritization of their point source programs, a majority of states nonetheless use a variety of factors to prioritize activities among minor facilities.**

- States' management of minors are characterized by considerable diversity, with wide ranges in the level of program activity across states.

- A majority of states are proceeding with watershed permitting approaches; states are either at some level of watershed development or are actually implementing watershed permitting in some/most areas.

Table 1: Nine Facility/Pollutant Combinations Rated for Overall Water Quality Impact

Facility Type	Pollutant Type/Source	Significant Impact	Some Impact	Limited Impact
Municipal Minors	Conventional Pollutants			
	Toxic Pollutants			
	Multiple Facilities			
Non-Municipal Sewage	Conventional Pollutants			
	Toxic Pollutants			
	Multiple Facilities			
Non-Municipal Non-Sewage	Conventional Pollutants			
	Toxic Pollutants			
	Multiple Facilities			

43 States provided 311 Ratings

III. STATE ESTIMATES OF WATER QUALITY IMPACT FROM MINORS

This section attempted to ascertain respondent perceptions regarding the impact of minors dischargers on water quality as a measure of the environmental risk posed by minor facilities.

Respondents were asked to estimate the overall impact on water quality from three types or sources of pollutants (conventional pollutants, toxic pollutants, and "multiple facilities"[1]) for each of three types of minor facilities (municipal,[2] non-municipal sewage,[3] and non-municipal non-sewage dischargers[4]).

Altogether, this presented the respondents with nine combinations of pollutant and facility types for rating (see Table 1). Respondents were asked to rate each of the combinations according to a rating system which assigned a "1" for "significant impact," a "2" for "some impact," or a "3" for "limited impact" from any given facility and pollutant type. Definitions for each of the rating options were not specified in the survey.

FINDING: **The distribution of impact ratings across the various combinations of facility types and pollutants shows that the highest number of ratings were cast for limited impact, a somewhat smaller number for some impact, and a very small number for significant impact.** (see graph 1)

As respondents were presented with nine combinations to rate and there were 47 respondents, there was a maximum of 423 responses to this question (9 times 47). However, as only 43 states responded to this question, and not all of them rated each of the combinations, there were actually 311 responses provided to the question.

- 153 (49%) of the ratings cast by the states indicated **limited impact.**
- 134 (43%) of ratings cast indicated **some impact.**

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[1] Clusters of minor facilities located on the same waterbody.

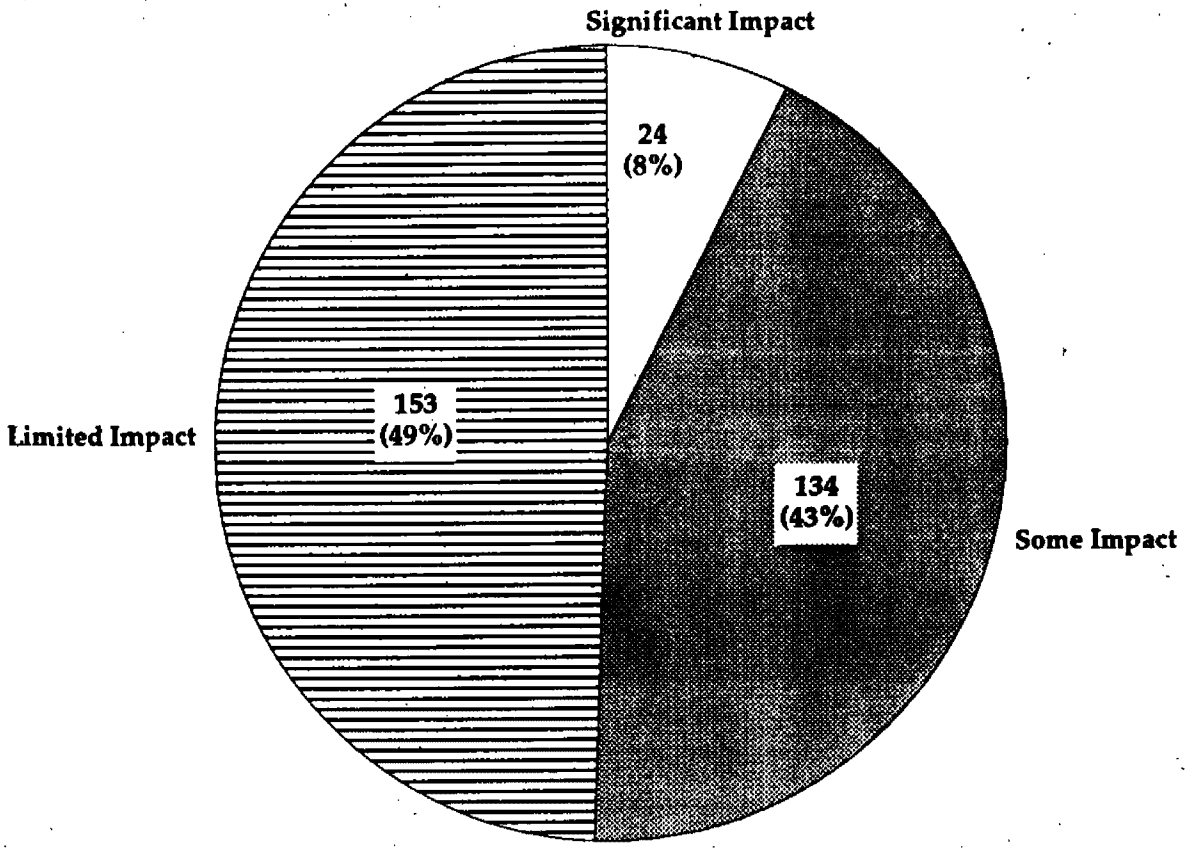
[2] Publicly owned wastewater treatment facility (SIC 4952).

[3] Privately (or Federally) owned facilities discharging sewage (i.e., trailer parks, schools, private package plants).

[4] All facilities not included in the previous two categories.

Graph 1

Distribution of State Water Quality Impact Ratings for Minor Dischargers



N = 311 Ratings Cast

o 24 (8%) of ratings cast indicated **significant impact.**

"Best Professional Judgement" was the most common source for these impact estimates (81%). Other suggested sources were 305(b) reports (15%), estimated impact (11%), and sampling/survey/testing (9%).[5]

FINDING: The majority of states (30) provided a mix of impact ratings across the various facility and pollutant types. (see graph 2)

The most common rating pattern was formed by the 20 states that indicated **some impact** for certain facility/pollutant types and **limited impact** for others. Seven (7) states gave a variety of ratings ranging from **significant to limited** across facility type and pollutant. Three (3) states indicated **significant** and **some** impact for all the combinations they rated.

Only 13 states gave the same impact estimate to each of the facility/pollutant combinations they rated. Ten (10) states indicated no more than a **limited impact** for all facility and pollutant types. Two (2) states estimated **some impact** for all the combinations they rated. One state rated all nine combinations as having **significant impact.**[6]

FINDING: Despite the variability in state impact estimates, a few patterns do emerge among the facility/pollutant types. (see graph 3)

While all facility types and pollutants were rated as having **significant impact** by at least one state, conventional pollutants and multiple (clusters) facilities from non-municipal sewage dischargers were cited most frequently as the source of **significant impact** (6 and 5 states, respectively).

There were three facility/pollutant combinations where the greatest number of states indicated **some impact**:

- conventional pollutants from municipal minors (25 states);
- conventional pollutants from non-municipal non-sewage minors (19 states);

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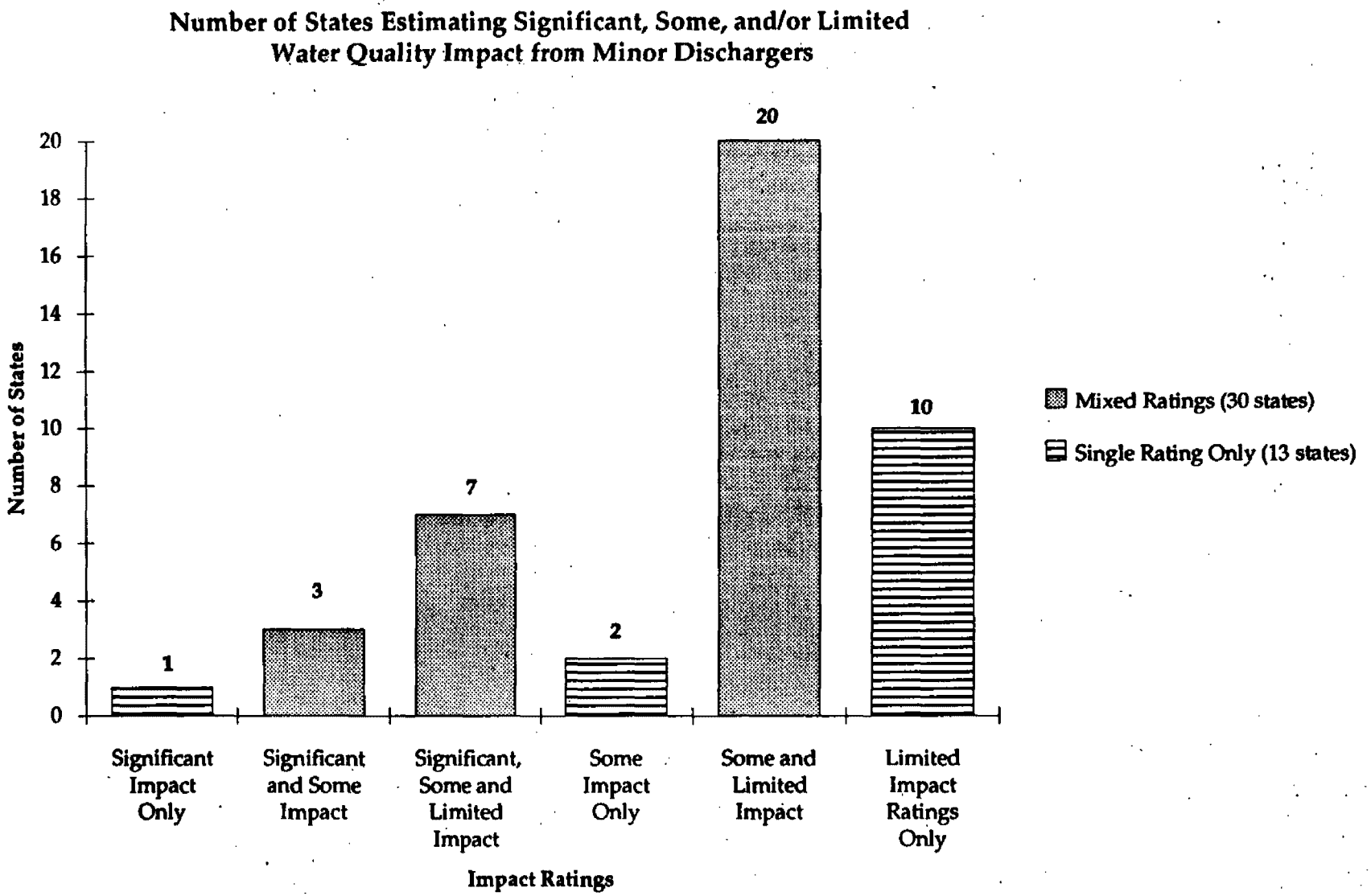
[5] Since many states provided more than one source, there were multiple answers to this question. Percentages were based on the total number of sources provided and not the number of states responding.

[6] For a distribution of the number of states estimating significant, some or limited impact for at least one facility/pollutant combination, see Graph D1 in Appendix D.

Graph 2


Number of States Estimating Significant, Some, and/or Limited Water Quality Impact from Minor Dischargers
Number of States
0
2
4
6
8
10
12
14
16
18
20
1
3
7
2
20
10
Significant Impact Only
Significant and Some Impact
Significant, Some and Limited Impact
Some Impact Only
Some and Limited Impact
Limited Impact Ratings Only
Impact Ratings
Mixed Ratings (30 states)
Single Rating Only (13 states)

- toxic pollutants from non-municipal non-sewage minors (22 states).

Non-municipal sewage dischargers were cited most consistently as having **limited impact** estimates across all pollutant types, despite the fact that this facility type was also identified as a largest single source of significant impact.

The **"multiple facilities"** category was consistently rated as having only **limited impact.** However, the survey question only asked about the impact from clusters of dischargers of the same facility type.[7]

The number of states providing impact ratings varied somewhat by facility and pollutant types. States were best able to provide impact estimates for conventional pollutants (41 states), and least able for toxic pollutants (27 states). A slightly smaller number of states (26 states) provided estimates for municipal facilities when compared with the number of states responding for non-municipal sewage and non-municipal non-sewage facilities (30 states, respectively).

FINDING: **When asked about localized impact, a significant number of states identified specific instances of impact from minor dischargers or indicated that they are taking action to address impact.**

Twenty (20) states reported conducting formal or informal assessments or Waste Load Allocation studies which identified instances where minor facilities have been significant contributors to water quality degradation. The most common type of instance identified were situations where minor facilities discharged to small streams or waterbodies (9). Some states reported toxic discharges from minor industrials as a problem (3).

Thirteen (13) states indicated that they believe certain categories of **unpermitted facilities** are causing significant water quality impacts. While a variety of facility categories and SIC codes were cited, illegal sanitary connections, feedlots, and gravel pits were each mentioned by more than one state.[8]

Twenty-seven (27) states indicated that they are focusing on or plan to focus on specific categories or types of minor dischargers due to water quality impact. States offered a diverse list of minor dischargers they are focusing on with no single type receiving more than a few mentions. Six (6) states mentioned package plants as an area of concern. Other facility types mentioned were:

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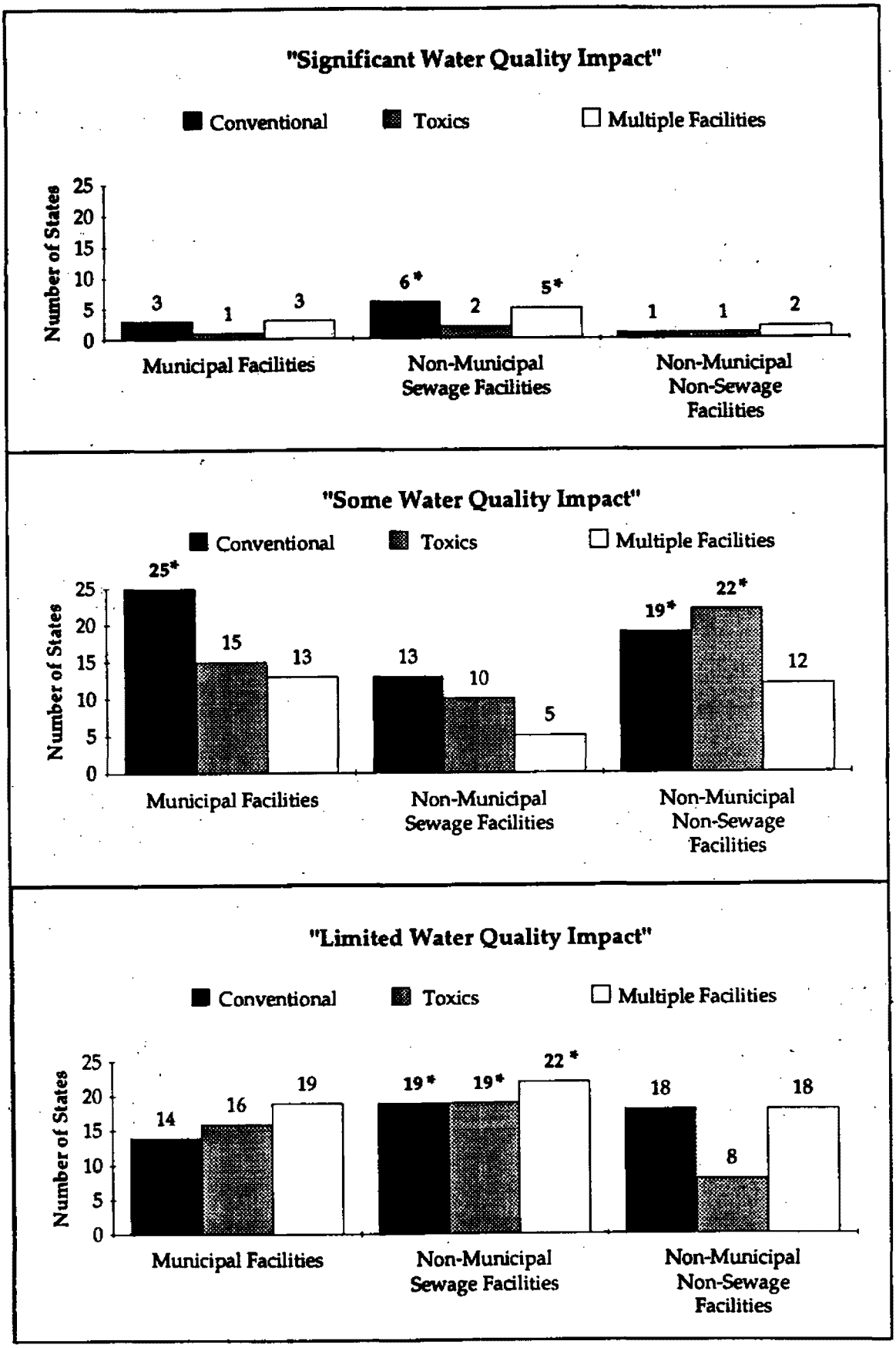
[7] For an alternative look at state estimates of water quality impact according to facility types, see graph D2 in Appendix D.

[8] For a more complete list, see responses to survey question 4.2 in Appendix C.

Graph 3: STATE ESTIMATES OF WATER QUALITY IMPACT CAUSED BY MINOR FACILITY AND POLLUTANT TYPES (N= 43 States)



* = FACILITY/POLLUTANT TYPES HIGHLIGHTED IN FINDINGS

wastewater treatment plants (5 states), industrial facilities (5 states), and non-contact cooling water dischargers (3 states).[9]

Twelve (12) states indicated that they are focusing on specific waterbodies due to the impact of minor facilities. Several states noted that their focus is on waterbodies listed under sections 304(l) or 303(d) of the Clean Water Act. Many of these waterbodies include small flow receiving streams and shell fishing areas.

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[9] For a complete list of responses, see Q1.3 in Appendix C.

IV. STATE POINT SOURCE PROGRAM PRIORITIZATION

The purpose of this section of the survey was to determine how states set priorities for their point source programs and what factors most influenced their prioritization efforts.

FINDING: State point source programs reported that prioritization and program implementation are heavily influenced by the EPA Major/Minor Classification System.

Almost two-thirds of all states reported that they do not use a formal prioritization system (with explicitly defined criteria) for point sources (30 states). Thirteen (13) states responded that they use a formal system.

The great majority of states (38) indicated that the EPA major/minor distinction is important to setting their point source program priorities. This importance is the result of EPA pressure on states through oversight, program output commitments, 106 grants, and workplans. States indicated that major facilities get priority for permit issuance, compliance monitoring (i.e., annual inspections and extensive tracking), and enforcement.

Twelve (12) states, however, reported that other factors such as watershed implementation and water quality were more important to establishing priorities than the major/minor distinction. For example, one state responded that the major/minor distinction was not as important as the SIC code of the facility, the "hydraulic mixing characteristics" of the receiving stream, its sensitivity, and designated beneficial uses.[1]

Many states reported that they take a different implementation approach for major facilities than for minor facilities. For example, 23 states reported that there are significant differences in the types or overall approach of enforcement actions against majors and minors. Some of these differences include: minors are handled less formally (i.e., letters and consent agreements vs. compliance orders) (10 states); majors are treated more stringently due to Quarterly Non-Compliance Report (QNCR) requirements and Significant Non-Compliance (SNC) criteria or minors are usually dealt with on a worst case basis (8 states). Sixteen (16) states

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[1] For more detail responses to the importance of the EPA major/minor distinction in setting priorities, see 2.2 in Appendix C3

indicated, however, that they did not think there were significant differences in the way enforcement was done for majors and minors.[2]

Even in watershed planning and implementation, the EPA major/minor distinction is having an impact in some states. Eleven (11) states reported that, at least initially, they plan to emphasize major facilities over minor facilities in implementing watershed permitting. For example, one state reported that majors are still being given priority regardless of which basin they are located in.

Many states did not see the EPA major/minor distinction as having a positive influence on the management of their programs. Eighteen (18) states thought that they were required to place too much emphasis and time on major facilities. In the "Customer Feedback Section" of the survey, a significant number of states (14) indicated that EPA's emphasis on NPDES major facilities is an impediment to their effective management of minor facilities.[3] For example, one state responded that some minor facilities may have a larger impact on a receiving water than a major, but due to EPA oversight, a lot of unnecessary time is spent on majors at the expense of minors. When asked what EPA could do to help states improve their management of minors, 7 states suggested EPA modify the major/minor classification system to allow greater flexibility to deal with significant minor facilities.

FINDING: A variety of factors and requirements other than the EPA major/minor distinction play a role in prioritizing program activity among <u>minor</u> facilities.

When respondents were asked to indicate which factors[4] they use and their

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[2] See Q7.7 in Appendix C for more detailed responses.

[3] The "Customer Feedback" section of the survey questionnaire received a response rate of only 55% compared to an average response rate for the other survey sections at 85%.

[4] The following definitions of prioritization factors were included in the survey questionnaire:
Receiving waterbody classification - based on designated use (i.e., recreation, industrial) and classification of the receiving stream or waterbody (i.e., drinking water, shellfish, near coastal water/major estuary).
Water basin/shed permitting schedule - programmatic permitting deadlines based on rotating water basin schedules and/or watershed management plans.
Actual or design flow - the total volume of process wastewater discharged to receiving surface waterbody.
Actual or potential toxic pollutants - includes the actual standard or site-specific discharge limits for toxic chemicals (e.g., priority pollutants) and/or potential toxicity of discharge based on facilities' SIC codes.
Observed or measured impact on receiving water ("water quality impact") - use of either observed or ambient water monitoring data to prioritize activity.

Table 2:
Factors Used by States to Prioritize Program Activity Among Minor Facilities

Top three factors for each program area are in bold

PERMITS	*# STATES*	*DMR REVIEW*	*# STATES*	*INSPECTIONS*	*# STATES*	*ENFORCEMENT*	*# STATES*
Citizen Complaints	**18**	**Facility Compliance History**	**15**	**Citizen Complaints**	**29**	**Citizen Complaints**	**31**
Toxic Pollutants	**17**	**Citizen Complaints**	**12**	**Facility Compliance History**	**27**	**Facility Compliance History**	**23**
Water Quality Impacts	**16**	**Water Quality Impacts**	**12**	**Water Quality Impact**	**21**	**Water Quality Impact**	**21**
Receiving Water Classification	14	Toxic Pollutants	8	Toxic Pollutants	14	Toxic Pollutants	16
Actual/Design Flow	12	Actual/Design Flow	6	Actual/Design Flow	7	Receiving Water Classification	9
Facility Compliance History	12	Receiving Water Classification	3	Watershed Permitting Schedule	6	Actual/Design Flow	6
Watershed Permitting Schedule	8	Watershed Permitting Schedule	2	Receiving Water Classification	5	Watershed Permitting Schedule	1
Other	6	Other	3	Other	3	Other	3

N = 46 States Responding

importance (1 = high, 5 = low) in prioritizing activity among minor facilities, there was a fairly consistent pattern of responses across all program areas (See Table 2). **Facility compliance history, citizen complaints/public interest, toxic pollutants, and water quality impact** were among the top three prioritization factors for permitting activity, DMR review, inspection activity, and enforcement activity. Inspection and enforcement programs showed the greatest concentration of responses among their top three factors (69%). Permitting program responses were more evenly spread out among the various factors - the top three factors account for 50% of all responses.[5]

The two most common techniques used by states for assessing water quality impact are **sampling and monitoring** (51%) and **best professional judgement** 40%). Other techniques used are visual/field observation (9%), paper/database review (45), and citizen complaints (2%).[6]

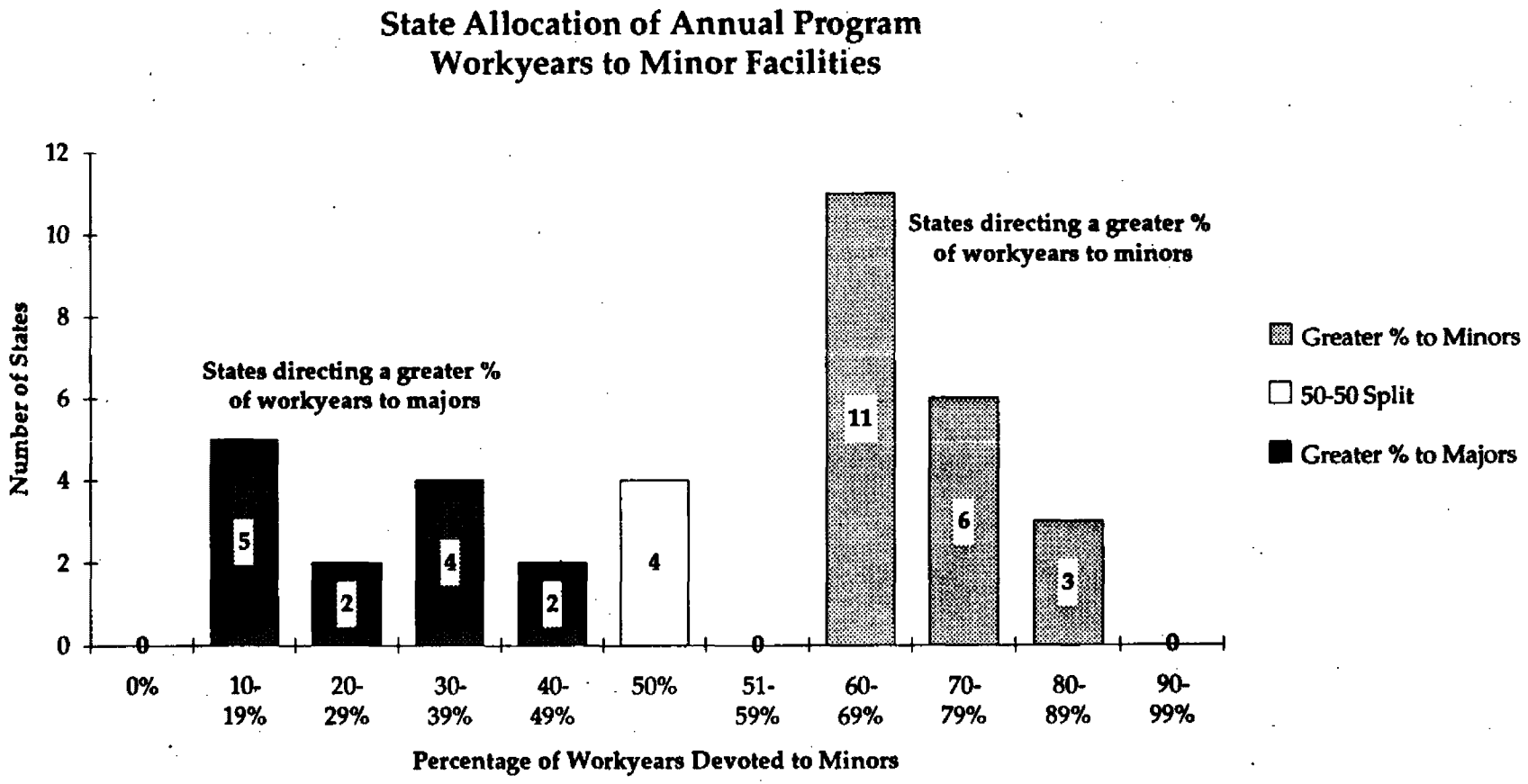
A significant number of states (14) indicated that they have specific legislative or regulatory requirements which have a particular impact on the management of their minor facilities. For example, five (5) states have statutory annual inspection requirements for minor facilities. Some states are required to take permitting and/or enforcement action against particular facility types regardless of its major/minor status. Other states are required to take enforcement action and assess penalties against all violators.

Facility compliance history/record and citizen complaints/public interest were not defined in the survey.

[5] Rankings are based on the number of states giving a 1 or 2 to each factor.

[6] Percentages are based on the total number of techniques and not the total number of states responding.

Graph 4


State Allocation of Annual Program
Workyears to Minor Facilities
Number of States
12
10
8
6
4
2
0
States directing a greater %
of workyears to majors
States directing a greater %
of workyears to minors
5
2
4
2
4
0
11
6
3
0
0%
10-
19%
20-
29%
30-
39%
40-
49%
50%
51-
59%
60-
69%
70-
79%
80-
89%
90-
99%
Percentage of Workyears Devoted to Minors
Greater % to Minors
50-50 Split
Greater % to Majors

V. STATE PROGRAM ACTIVITY DIRECTED TO MINOR DISCHARGES

Six sections of the survey were devoted to specific program activities - resources, information tracking/storage, compliance monitoring (DMR review, inspections), compliance rates, enforcement, and the identification of unpermitted minor facilities. The survey also asked respondents to what extent they used innovative management techniques for permitting and enforcement against minor facilities.

A. RESOURCES (WORKYEARS)

FINDING: The largest proportion of states reported that they direct a majority of their resources (defined as workyears) to the management of minor facilities. (see graph 4)

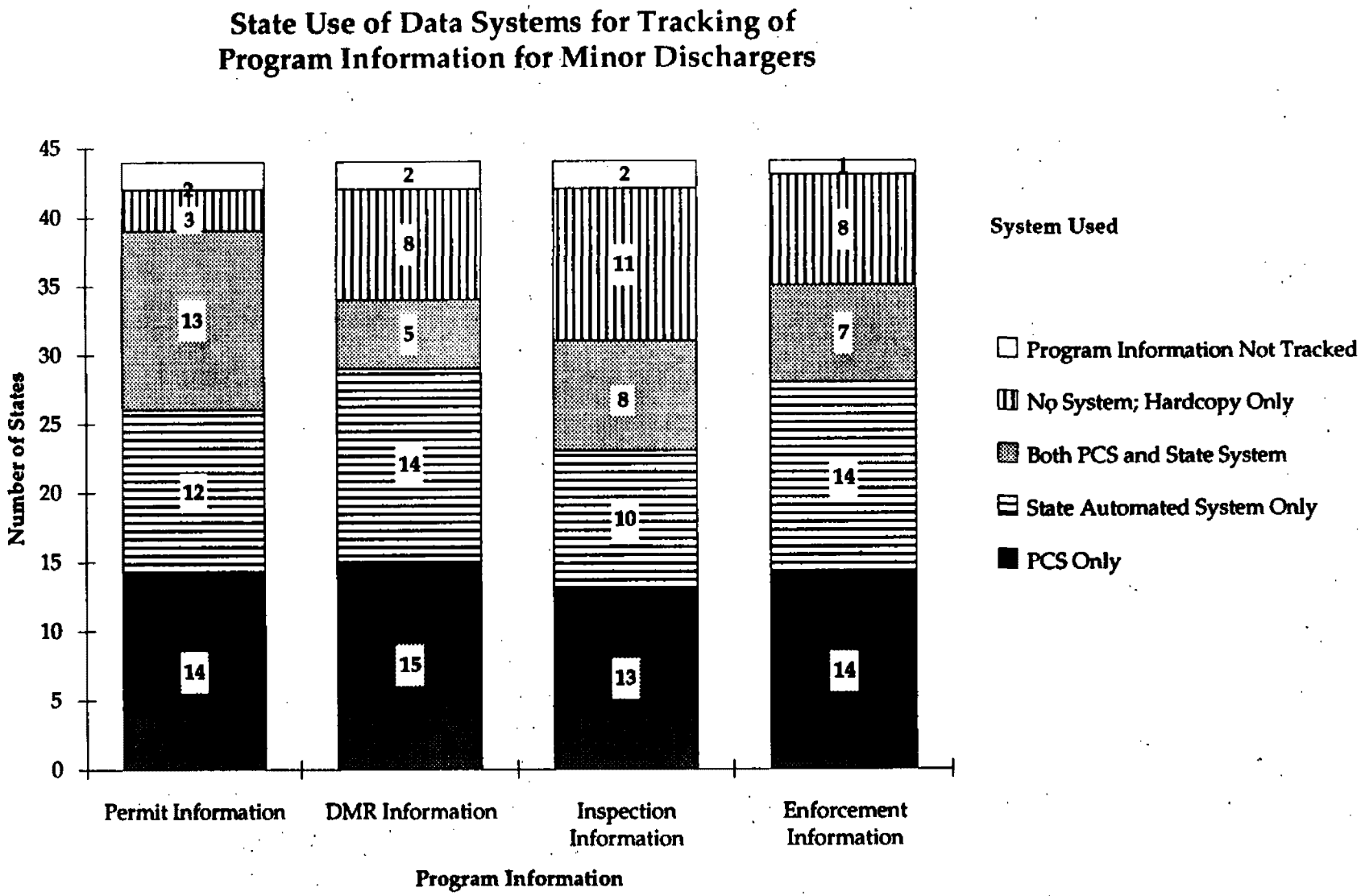
States were asked to estimate, for the past fiscal year, the percent split (e.g. 40/60 or 30/70) of workyears between the management of minors and majors for specific program areas. For **overall program** resources, 20 states (43%) focused the majority of their workyears on minors; 13 states (28%) directed the majority to majors. The distribution of workyears for the management of minor facilities followed the same general pattern for each program area.

Twenty-four (24) states indicated that their resource (workyear) allocation for minors had changed over the past five years. Eleven (11) states indicated that the number of workyears devoted to minors had **increased**, 8 states reported a **decrease**, and 5 states did not specify. Nineteen (19) states, however, responded that the proportion of their workyears devoted to minors had remained fairly constant over the past five years.

When asked what factors have caused the change in distribution of workyears between majors and minors, there was a diversity of responses.[1] For those who reported an increase in workyears for minors, the following causes were given: general staffing increases (4), higher compliance rates for majors (3), the issuance of general permits for minors (2), and specific legislative mandates or policies directed to minors (2). States reporting a decrease in workyears to minors gave the following explanations: resources or priorities shifted to other program

[1] For a complete list of responses, see Q8.2 in Appendix C.

Graph 5


State Use of Data Systems for Tracking of Program Information for Minor Dischargers
Number of States
45
40
35
30
25
20
15
10
5
0
2
3
13
12
14
2
8
5
14
15
2
11
8
10
13
1
8
7
14
14
Permit Information
DMR Information
Inspection Information
Enforcement Information
Program Information
System Used
Program Information Not Tracked
No System; Hardcopy Only
Both PCS and State System
State Automated System Only
PCS Only

areas or initiatives (4), efforts to reduce majors backlog (4), and decreased funding (3).[2]

B. INFORMATION TRACKING

FINDING: The great majority of states (44 states) reported using some automated system -- either PCS, their own state automated database, or both -- to track and store information for various program areas. (see graph 5)

To determine how states track information on minors, the survey asked respondents to choose, for each program area, what system they primarily use for tracking and storing data on minors. Tracking systems respondents could choose from were: PCS, state automated databases, hard copy files, and other.

Across all program areas, roughly 30% of states (13 to 15 states) track information in **PCS** only; a slightly lower or equal number of states track the information in a **state data system**; and a smaller group track information in **both systems**. Compared to other program areas, permitting information is tracked in an automated system by the largest number of states (39); inspection information is least tracked in an automated data system (31 states). A limited number of states track information from any given program area in hard copy form only (ranging from 3 states for permit information to 11 states for inspection information).[3] Since the survey questionnaire did not ask respondents specific questions about program information, the exact nature of the information and its uses are not known.

FINDING: Many states store a number of data elements for minor facilities in a database or log. (See Table D1 in Appendix D)

The top five most common data elements on minors that states routinely enter into a database or log are: owner's name (40 states), enforcement actions 38 states), inspections 37 states), discharge monitoring reports 36 states), and effluent limits (35 states). The data elements were not defined in the survey questionnaire. As a result, the exact nature of the information entered as a particular data element is not known.

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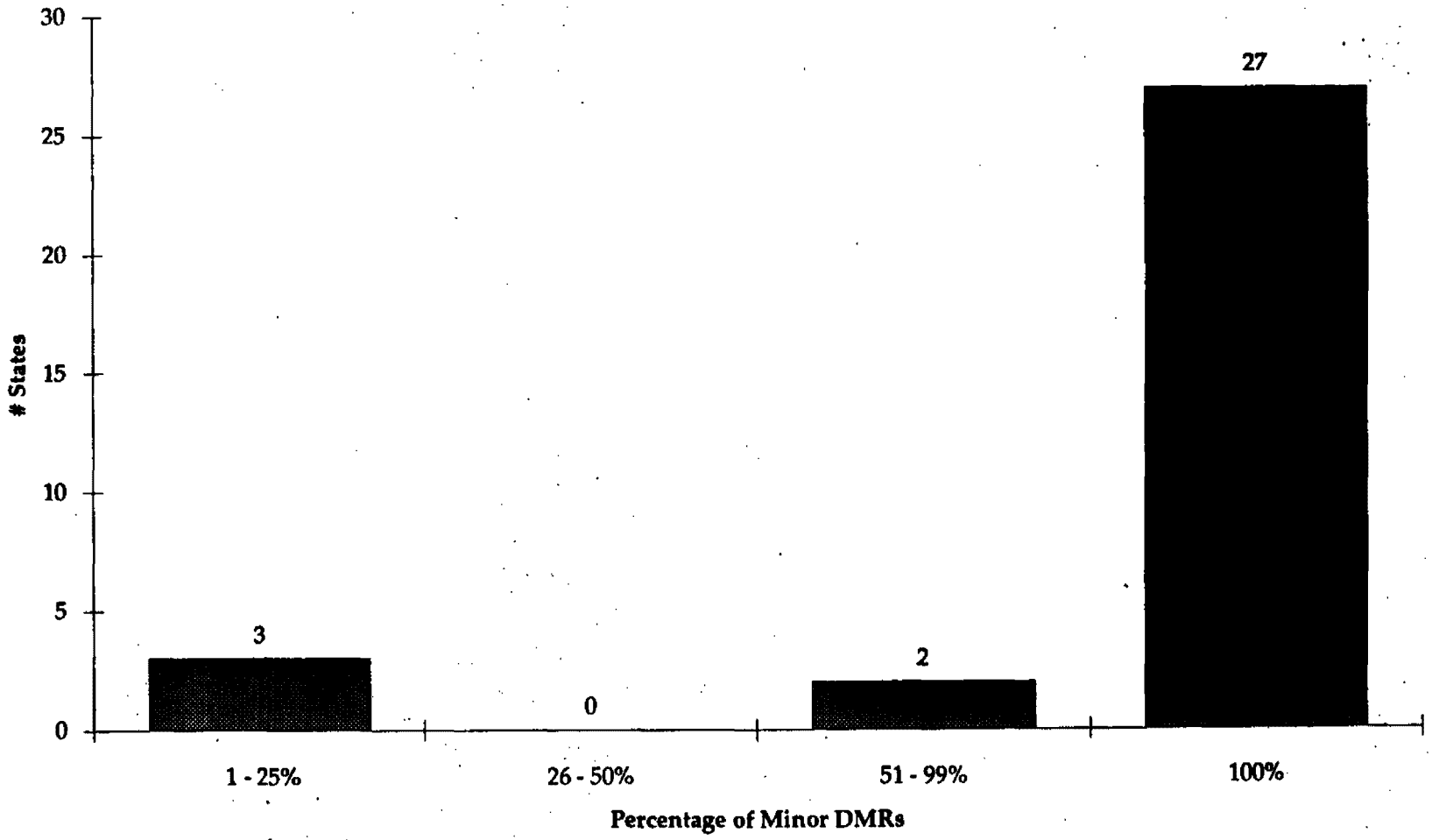
[2] Since some states may have provided more than one explanation, the number of responses may be more than the total number of states responding.

[3] See graph D3 in Appendix D for a display of tracking systems used for each program area.

Graph 6

Percent of Minor Discharge Monitoring Reports Reviewed by State Programs at Least Once per Year



C. COMPLIANCE MONITORING

FINDING: Thirty-two (32) states indicated that they review Discharge Monitoring Reports (DMRs) submitted by *minor dischargers for possible violations* at least once per year. (See Graph 6)

Twenty-seven (27) states reported that they screen 100% of the DMRs submitted by minor facilities for possible violations at least once per year. Three (3) states indicated, however, that they reviewed none of their minor DMRs on a yearly basis.

When asked how often minor DMRs are screened within a given year, 11 states reported that they reviewed minor DMRs monthly. Nine (9) states reported quarterly screening. Seven (7) states indicated that the frequency of review varied from monthly to semiannually. Seven (7) states reported that minor DMRs were reviewed whenever they are "received" or "logged in" by the state program office.

FINDING: The majority of states (25 states, 53%) reported that they inspected greater than 60% of their minor facilities in the past three years. (See Graph 7)

Respondents were asked what percentage of minors have been inspected in the past three years. Twenty-five percent (25%) of all states responding indicated that they inspected 100% of their minor facilities. Only 10 states (20%) indicated that they inspected 40% or less; 7 states (15%) reported inspecting 20% or less.

Of the minors inspected in the past three years, ***non-sampling inspections***[4] (e.g., compliance evaluation/reconnaissance inspections) were used by the largest number of states (40). Thirty (30) states indicated that non-sampling inspections account for 75% or more of all inspections at minor facilities. While **compliance sampling inspections**[5] were used by 36 states, most (28) of these states indicated

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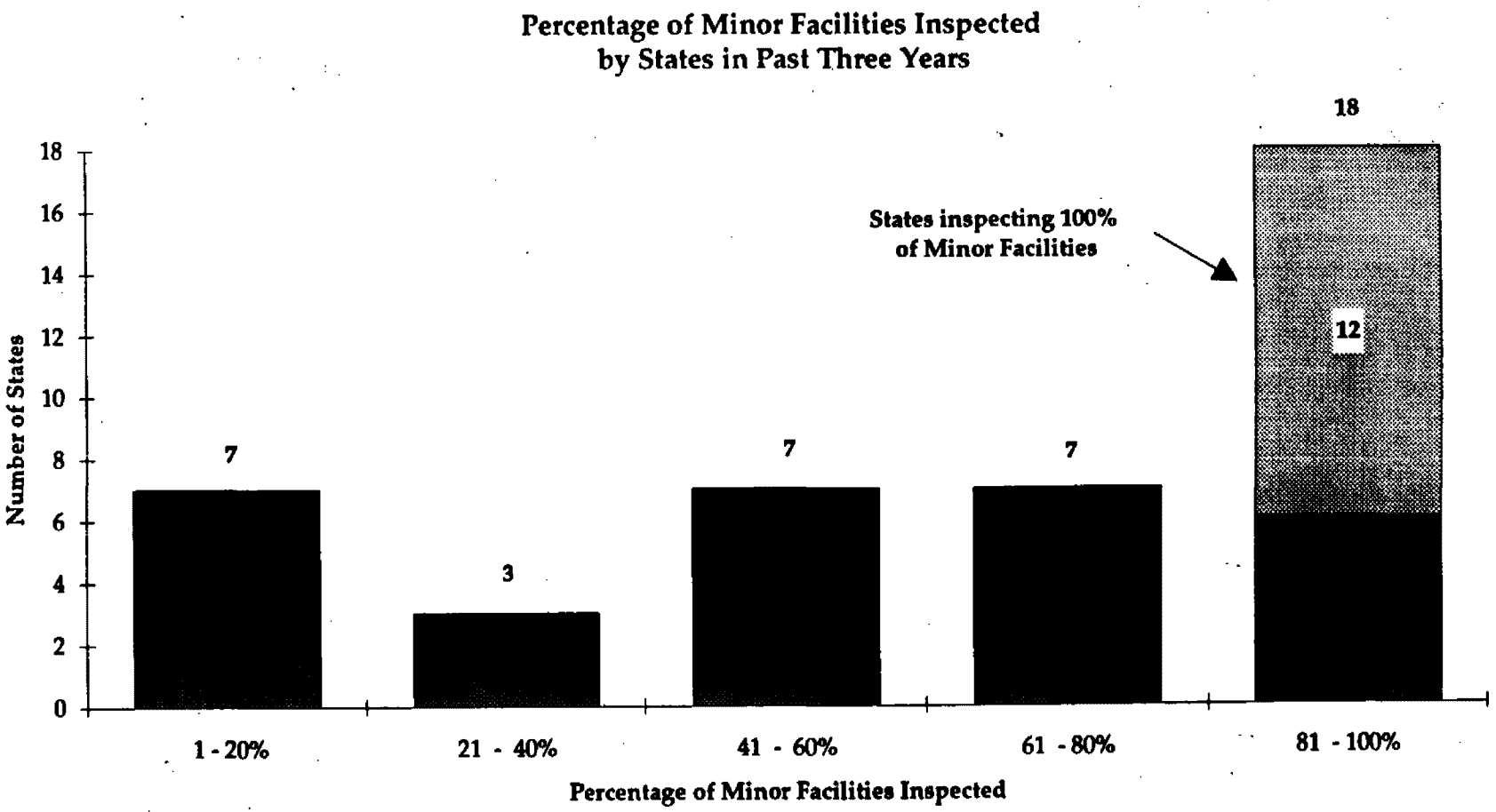
[4] A non-sampling inspection that utilizes the inspector's experience and judgement to quickly summarize a permittee's compliance program. The inspection is based on facility record reviews and visual observations and evaluations of treatment facilities, effluents, and receiving waters. Reconnaissance or compliance inspection data can be used to verify a permittee's self-monitoring requirements and compliance schedules, and/or identify compliance problems and direct them to the permittee for correction.

[5] An inspection that involves the collection of representative samples of the permittee's influent or effluent (or both). The inspector performs chemical analysis (1) to verify the accuracy of the permittee's self-monitoring program and reports, (2) to determine the quality

Graph 7


Percentage of Minor Facilities Inspected
by States in Past Three Years
Number of States
18
16
14
12
10
8
6
4
2
0
7
3
7
7
18
12
States inspecting 100%
of Minor Facilities
1 - 20%
21 - 40%
41 - 60%
61 - 80%
81 - 100%
Percentage of Minor Facilities Inspected

that this inspection type was used for less than 25% of the minor facilities inspected. **Compliance biomonitoring**[6] **and toxic sampling inspections**[7] were reported used for minors by 14 and 13 states, respectively. These last two types of inspections account for roughly 1% - 5% of all minors inspected in the last three years.

FINDING: **In the last fiscal year, 78% of the 29,280 inspections conducted at minor facilities by state programs came from the 11 states (23%) that conducted 1000 inspections or more.** (See Graph D4 in Appendix D)

The number of inspections taken by a state program ranged from 0 inspections in four states to 3900 inspections in one state. About 1/2 of all states (53%) conducted 500 inspections or less in the past fiscal year. Twelve (12) states reported conducting 100 or fewer inspections at minor facilities; nine (9) states reported 50 or less inspections.

Five (5) states reported having specific legislation that requires minors inspections. For example, one state is required to annually inspect all overboard dischargers to state streams and coastal areas. Legislative requirements such as this may account for the high number of inspection in some states.

D. COMPLIANCE

The purpose of this section in the survey was to collect information on the approaches states use to calculate non-compliance rates for minors and to obtain an estimate of the overall compliance status of minors. The response rates for questions in this section were relatively low (average = 48%) or varied considerably among questions (13% to 96%). As a result, survey data were too inconclusive to provide a definitive estimate of minors' non-compliance.

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and quantity of the effluents, and (3) when appropriate, to provide evidence in enforcement proceedings. Inspection may include non-sampling tasks.

[6] An inspection that evaluates the biological effect of the permittee's effluent on test organisms using acute toxicity bioassay techniques and includes steps involved in compliance evaluation/audit inspection.

[7] A sampling inspection that focuses on priority pollutants other than heavy metals, phenols, and cyanide, which are typically in a compliance sampling inspection.

FINDING: **The vast majority of states do not routinely calculate a non-compliance rate for minor facilities.**

Only 12 states indicated that they routinely calculate a non-compliance rate for minors. When asked how often this rate was calculated for minors, 6 states reported monthly, 4 said quarterly, and 1 state reported annually.

States who routinely calculate a minors non-compliance rate were asked to provide a rate based on either EPA's Significant Non-Compliance (SNC) definition or the state's own definition of non-compliance. Nine (9) states provided an SNC rate for minors and 7 states provided a non-compliance rate based on their own definition of compliance. For states providing their own definition of non-compliance, definitions varied as to the percent exceedences, parameters, and time frames specified.[8] Some states indicated that they apply the SNC definition only to some facilities or parameters.

State databases (6) and PCS (4) were the most common sources used by states that routinely calculate SNC rates for minors (3 states used hard copy files). For states calculating non-compliance rates based on their own definition, 3 states relied on state databases and 1 reported hard copy files.

Since there was some ambiguity about the way in which states calculated their non-compliance rates and what they signify, PED decided not to present the results in this portion of the annotated briefing. See Tables 6.2 and 6.3b in Appendix B for a list of non-compliance rates.

FINDING: **For those states that do not routinely calculate a minors non-compliance rate, the great majority (25 out of 29 states who responded) estimated that approximately 25% or less of their minor facilities had "significant effluent violations" in the past year.**

States who do not routinely calculate a minors non-compliance rate (29 states) were asked to provide an estimate of the percentage of municipal and non-municipal minor facilities in their state that had "significant effluent violations" (an un-defined term) in the past year. Estimates of "significant effluent violations" were based primarily on "Best Professional Judgement" (20 states). Eleven (11) states reported using state databases or PCS as the primary source for their estimate.

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[8] For a list of the definitions, see responses to survey question 6.3 in Appendix C.

The average significant effluent violation rate for municipal minors was 22%; the rate for non-municipals was 13%. The significant effluent violation rate was greater for minor municipals than for minor non-municipal facilities in all but six states, with the difference in the two rates varying as much as 40% in some states.

Of the 25 states that were able to compare their "significant effluent violation rate" for majors and minors in their state, the majority (18 states) indicated that the rate for minor dischargers is greater than that for major facilities. Five (5) states reported the rates for minors and majors as being equal and 2 states indicated their minors rate was actually less than their majors rate.

States were also asked to indicate the most common types of violations at minor facilities. Thirty-seven states (37) ranked **sampling/monitoring/reporting** violations as the most frequent violations at minors. **Permit/Interim effluent limit** violations were a close second, however, with 33 states ranking them as most frequent. Violations pertaining to **Permit/Administrative compliance schedules** (10 states), **spill/accident** (9 states), and **no permit/permit reapplication** (4 states) received considerably fewer rankings as most frequent.[9]

FINDING: Inadequate Operation and Maintenance was cited as the most frequent cause of facility non-compliance for both municipal and non-municipal dischargers. (Table 4)

State were asked to rate which factors were most or least common in contributing to non-compliance at minor municipal and non-municipal facilities.[10] For minor municipals, states ranked **insufficient capital** and **inadequate technical expertise** as the second and third most common cause for facility non-compliance. **Inadequate technical expertise** and **inadequate treatment capacity** were ranked behind operation and maintenance as key problems for non-municipal facilities.

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[9] Respondents were asked to rank violation types in order of frequency: 1 = most frequent; 5 = least frequent. Totals are based on the number of states giving each violation type a 1 or 2 ranking.

[10] Ratings were based on a scale of 1 = most common; 5 = least common. Table 4 lists the number of states reporting a rating of 1 or 2 for each factor. See Table 6.6 in Appendix B for complete ratings.

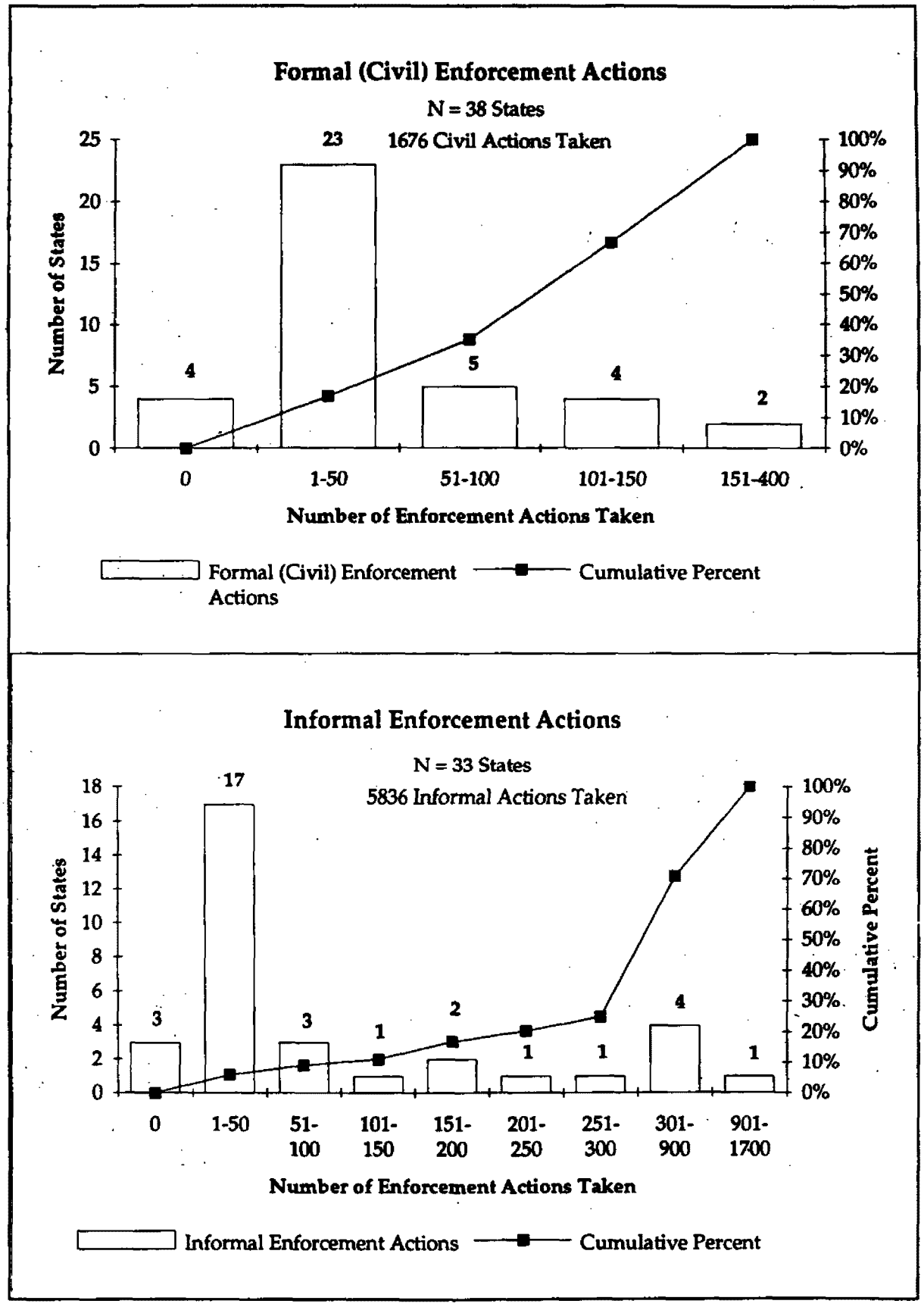
Table 4: Factors Leading to
Non-Compliance Among Minor Dischargers

Top four factors for each facility type are in bold

FACTORS FOR MUNICIPAL FACILITIES	*# STATES*	*FACTORS FOR NON-MUNICIPAL FACILITIES*	*# STATES*
Inadequate Operation and Maintenance	**32**	**Inadequate Operation and Maintenance**	**32**
Insufficient Capital	**26**	**Inadequate Technical Expertise**	**28**
Inadequate Technical Expertise	**22**	**Inadequate Treatment Capability**	**17**
Inflow and Infiltration	**19**	**Insufficient Capital**	**15**
Inadequate Treatment Capacity	16	Facilities Don't Care	11
Facilities Don't Care	6	Discharge Calculation Problems	9
Discharge Calculation Problems	5	Inflow and Infiltration	5
Other	2	Other	4

N = 44 States Responding

Graph 8: Number and Cumulative Percent of Enforcement Actions Taken by States Against Minor Dischargers In Last Fiscal Year



E. ENFORCEMENT ACTIVITY

FINDING: The majority of states reported taking 50 or fewer formal (civil) or informal enforcement actions against minor dischargers in the last fiscal year. (see Graph 8)

Thirty-eight (38) states reported taking a total of 1,676 **formal (civil)**[11] actions against minor dischargers in the past fiscal year. States took 1057 and 619 formal civil action against non-municipal and municipal minors, respectively.

Thirty-three (33) states reported taking a total of 5836 **informal**[12] actions against minor dischargers in the past fiscal year. States took more informal actions (2,594) against non-municipal minors than against municipal minors (2,342).

A small number of states that reported taking a high number of enforcement actions account for the vast majority of the 7,527 total actions against minor facilities for the past fiscal year. Eleven (11) states taking greater than 50 **formal** actions accounted for 83% of all the formal (civil) actions taken. Six (6) states taking greater than 250 **informal** actions accounted for 80% of all informal actions taken. Very few criminal actions were taken by states against either municipal or non-municipal facilities.[13]

FINDING: The majority of states reported taking enforcement action against 50% or less of minor facilities known to be out of compliance. (see graph 9)

Twenty-eight (28) states indicated that 50% or less of minor facilities known to be out of compliance received **formal** enforcement actions. Five (5) states, however, indicated they issued actions against 100% of non-complying facilities.

Nineteen (19) states indicated that 50% or less of minor facilities known to be out of compliance received **informal** enforcement actions. Of the 11 states who

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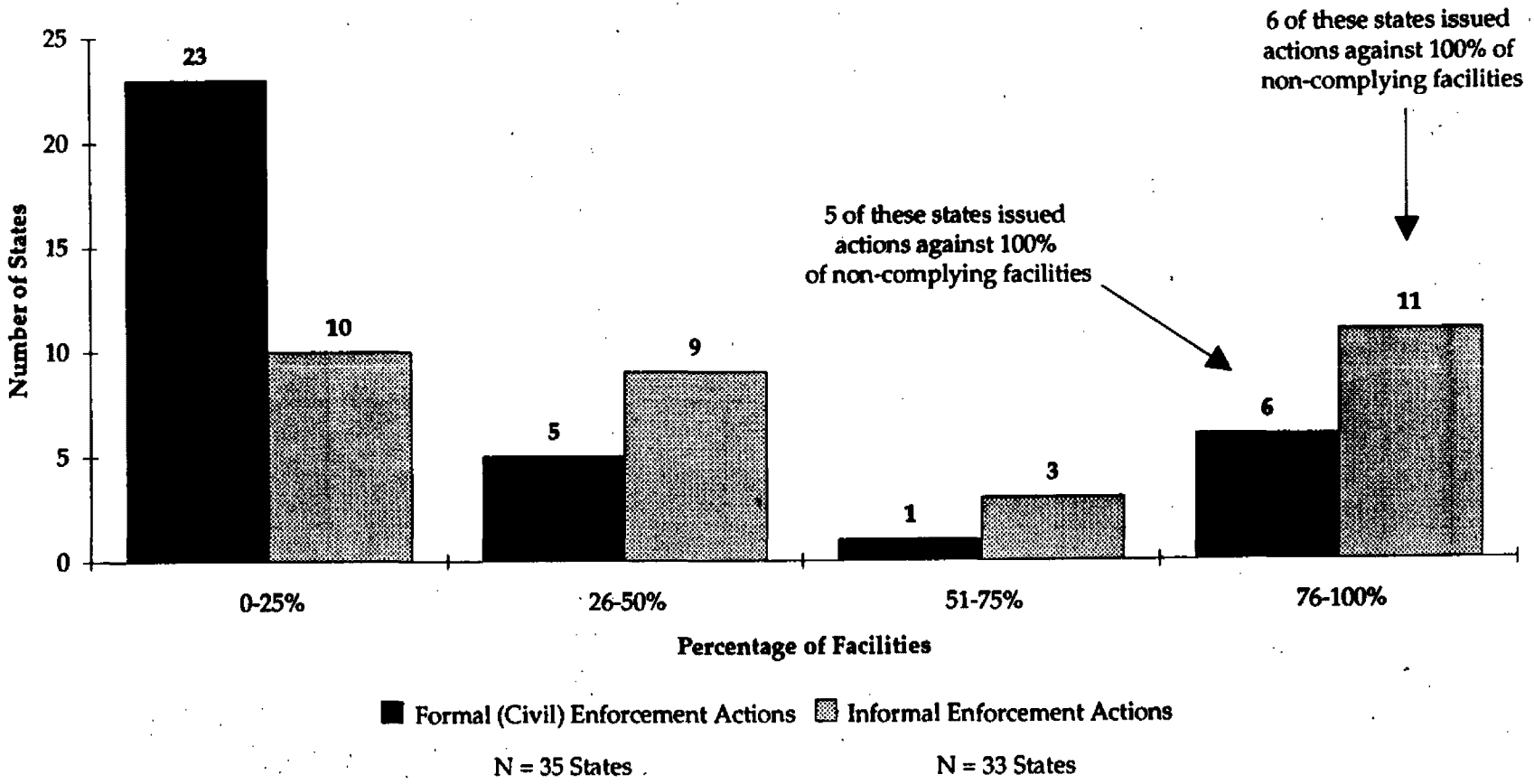
[11] Any EPA equivalent actions. Defined as: those that require actions to achieve compliance, specify a timetable, and contain adverse legal consequences for non-compliance that are independently enforceable without having to prove the original violation (e.g., section 309 orders).

[12] Any enforcement action other than formal EPA equivalent actions (e.g., letters of violation but not including phone calls).

[13] For the number of formal (civil) and informal actions by facility type, see Graphs D5 and D6 in Appendix D.

Graph 9

Percentage of Minors Known to be Out-of-Compliance Receiving Enforcement Actions from States in Last Fiscal Year



took informal action against greater than 75% of non-complying minor facilities, 6 states took action 100%. For the 30 states which provided rates for both formal and informal actions, the percentage of non-compliers receiving informal actions was greater than those receiving formal actions, by varying amounts in all but four states.

FINDING: "Letters of Violation," " Notices of Violation," and "Meeting/Site Visit" were cited by states as the most frequent types of informal enforcement action against minors.

The survey questionnaire asked respondents to list, in order, their top three most frequent informal enforcement actions. Eighteen (18) states listed **letters of violation** as their most frequent informal action, 13 states indicated **notices of violation**, and one state said **meetings/site visits**. Table 5 below shows the number of states listing a particular action type among their three most frequent actions. (Since the action items used in the questionnaire were not defined, the distinctions between informal letters and notices of violation is unclear.)

Table 5: Most Frequently Used Informal Enforcement Actions

TYPE OF ENFORCEMENT ACTION	*# STATES*
Letter of Violation	27
Notice of Violation	20
Meeting/Site Visit	15
Penalty Assessment	9
Other	15

Based on a list of enforcement responses to non-compliance (see Table 7.4a in Appendix B), respondents were asked to indicate which responses, formal and informal, they used "frequently", "sometimes", and "infrequently" against minor municipal and non-municipal facilities. **Letters of violation**[14] (29 states) and **phone calls** (27 states) were cited as the type of enforcement response used **most frequently**. **Administrative compliance orders** (21 states) and **site visits** (20 states)

[14] A warning letter issued by either an NPDES state or US EPA to a permittee under the NPDES program informing the permittee that it is in violation of the CWA, and which indicates the possibility of escalated enforcement action if the violation is not corrected in a timely manner.

Table 6
Listing of Alternative Permitting Techniques Used Most Frequently, Rated as Being Highly Effective, and Generating Most State Interest

Top three techniques in each category are in bold

TECHNIQUES IN USE	*# STATES*	*"HIGHLY EFFECTIVE"*	*# STATES*	*"HIGH INTEREST"*	*# STATES*
Model Permitting	**27**	**Model Permitting**	**24**	**Permit by Rule**	**24**
General Permits	**26**	**General Permits**	**23**	**De-Minimis Exemption**	**23**
Automated Permit Data Systems	**24**	**Automated Permit Data Systems**	**17**	**Exclusion by Waiver**	**18**
Zero-Discharge Permits	23	Zero-Discharge Permits	14	**Extended Permits**	**18**
Expedited Permit Process	12	Expedited Permit Process	8	**Expedited Permit Process**	**18**
Extended Permits	9	De-Minimis Exemption	6	**General Permits**	**13**
Permit by Rule	9	Permit by Rule	4	**Model Permits**	**9**
De-Minimis Exemption	9	Exclusion by Waiver	4	**Automated Permit Data Systems**	**9**
Exclusion by Waiver	5	Extended Permits	3	**Zero Discharge Permits**	**8**
Other	3	Other	2	Other	2

N = 44 States Responding

were the top two responses cited as used **sometimes**. **Judicial and criminal actions** were cited most often as used **infrequently** (33 states each). State responses were similar for both municipal and non-municipal facilities.

When asked to rate the effectiveness of enforcement responses in returning minors to compliance, **letters of violation** and **administrative orders** were rated as the **most effective** enforcement responses (17 and 16 states, respectively). Seven (7) states mentioned NOVs, 6 cited meetings/site visits, 5 said inspections and 4 reported phone calls as being particularly effective.

It is interesting to note that letters of violation were rated as the most frequent type of response used by states and were most often mentioned as being effective in returning minors to compliance. Although states indicated that informal notices of violation and meetings/site visits were among their three most frequent informal actions, these responses were listed by only a few states as being effective. In addition, phone calls were listed as one of the most frequently used responses, but they were mentioned by only a few states as being effective.

F. STATE USE OF INNOVATIVE MANAGEMENT TECHNIQUES

This section of the survey attempted to determine which innovative permitting, enforcement, and compliance monitoring techniques are being used by states in the management of minors. Respondents were asked to assess the effectiveness of these techniques and to indicate their level of interest in techniques not currently in use.

FINDING: **Alternative permitting techniques are commonly being used by the states for the management of minor facilities.** (see Table 6)

Forty-two (42) states reported the use of at least one alternative permitting technique[15] (see table 6 for the list of techniques). **Model permits** and **general**

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[15] The following definitions of alternative permitting techniques were included in the survey questionnaire:
General permits - one permit covering multiple dischargers that 1) involve the same or substantially similar types of operations; 2) discharge the same types of waste; 3) require the same effluent or operating conditions; 4) require the same or similar monitoring requirements; 5) are deemed to be more appropriately controlled under a general permit than an individual permit.
Model permitting - streamlining process developed for a category of facilities with similar operations and effluents. An original, example permit is developed based on one facility within this category and then is tailored to fit each subsequent discharger.

permits are the techniques being used by the largest numbers of states (used by 27 and 26 states, respectively) and were rated highest in terms of effectiveness (24 and 23 states, respectively). **Automated permit data systems** ranked third in terms of use (24 states) and effectiveness (17 states). Although not included among this list in the survey questionnaire, 39 states reported that they have legislative authority to use permit fees.

States indicated that they apply alternative permitting techniques to a wide range of minor facility types and situations. Some examples of general permits as provided by the responding states are: non-contact cooling water, hydrostatic pressure testing, sand and gravel washing, stormwater, and fish hatcheries. Common facility types for model permitting are: car washes, groundwater remediation wastewater, and small sewage plants.

Most states (29) indicated that they have not encountered any difficulties in permitting, compliance monitoring or enforcement for those permits handled by any of the alternative methods currently in use. For example, one state found general permits to be effective for minor facilities that process non-contact cooling water as long as a "wet test" requirement is included in the permit in order to identify facilities with water quality concerns. Another state thought using extended permits was a good idea because it allows for an easier transition to a watershed approach to permitting.[16]

Some states (12) indicated, however, they have had difficulties in applying various alternative permitting techniques. Some of these barriers included: increased need for labor or data, tracking and updating issues, communication problems with permittees, and enforcement and compliance monitoring constraints.

Automated permit data systems - any system you use to automate some part of the permit issuance/reissuance process to make it faster and more efficient.
Expedited permit process - any process which seeks to reduce the time and resources required to issue/reissue a permit by streamlining any of the steps required (application, receipt and review, effluents limits determination, etc.)
Permit by rule - rule to cover a specific category of dischargers or activities, specifying guidelines and standards, and eliminating the need for application or permitting unless a violation of standards is detected.
Extended permits - includes "roll-over" permits, "administrative extensions," or "indefinite permits."
Zero-discharge permits - permits prohibiting any discharge by the permitted facility.
De-minimis exemption - exclusion of a category of facilities based on common activity, operation, or effluent discharge deemed to be of insignificant environmental consequence.
Exclusion by waiver - exclusion of facilities on a site-by-site basis from the obligation to obtain or be regulated by an NPDES permit.

[16] For a complete list and description of state uses of alternative permitting techniques, see responses to survey question 3.2 in Appendix C.

For example, one state expressed concern that enforcement against facilities with zero-discharge permits is sometimes difficult due to the lack of information on the existence of intermittent discharges. Other states indicated that tracking for general permits or getting EPA's approval for issuance have been a problem in the past.[17]

For alternative permitting techniques that are commonly not in current use, states expressed the greatest interest in **permit by rule** (24 states) and **de minimis discharge exemption** (23 states). Some of these options have been considered under various Clean Water Act Reauthorization efforts. The survey's "Customer Feedback" section contained many comments urging EPA to encourage and support greater use of alternative permitting techniques in general (11 states), and of general permits in particular (9 states).

FINDING: States make limited use of innovative enforcement techniques.

Table 7 lists the innovative enforcement approaches[18] included on the survey questionnaire. Only one approach, **innovative remedies in settlements**, was used by more than 40% of the respondents (22 states for municipals and 21 states for non-municipals). **Multi-media enforcement actions** were the next most popular approach.

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[17] See responses to survey question 3.3 in Appendix C for a complete list of reported state difficulties with alternative permitting techniques.

[18] The following definitions of innovative enforcement approaches were included in the survey questionnaire:
Innovative remedies in settlements - included the use of specific case conditions to leverage a single enforcement action to influence greater compliance behavior, deterrence and/or environmental result. Examples include pollution prevention plans, facility-wide auditing plans, training provisions, etc.
Multi-media enforcement - includes planned multi-media inspections and/or consolidated enforcement responses.
Alternative dispute resolution - includes arbitration, mediation, and other negotiation aids for settlements.
Field citations - includes the use of in-field "traffic-type" tickets, in-field notices of violation (as opposed to notices issued from the main office), and proposed settlements accompanying notices of violation to speed resolution of cases.
Automated penalty orders/letters - includes an automated process that reviews DMRs and issues orders/letters containing penalties directly to violating facilities.
Technical assistance - included oversight and voluntary training programs and/or assistance recommended to regulated facilities to meet statutory compliance requirements.

Table 7: State Use of Innovative Enforcement Approaches for Minor Facilities

Top two approaches for each facility type are in bold

MUNICIPAL FACILITIES	# STATES	NON-MUNICIPAL FACILITIES	# STATES
Innovative Remedies in Settlements	**22**	**Innovative Remedies in Settlements**	**21**
Multi-media Enforcement Actions	**13**	**Multi-media Enforcement Actions**	**18**
Alternative Dispute Resolution	7	Alternative Dispute Resolution	6
Automated Penalty Orders/Letters	5	Local Publicity of Non-Compliance	6
Local Publicity of Non-Compliance	5	Technical Assistance	4
Field Citations	4	Field Citations	2
Field Citations (Criminal)	1	Automated Penalty Orders/Letters	2
Technical Assistance	(see Graph 9)	Field Citations (Criminal)	1
Other	1	Other	1

(N = 37 States Responding)

Although innovative settlements and multi-media actions were rated highest in terms of effectiveness, most thought these approaches were only somewhat effective.[19]

Overall, states did not indicate a strong interest in any of the innovative enforcement techniques listed above. Innovative remedies in settlements (15 states), automated penalty orders (15 states), and field citations (13 states) were cited most frequently.

For a summary of responses on state experience in using various innovative enforcement approaches, see responses to survey question 7.6 in Appendix B.

FINDING: The majority of states (38) said they provide technical assistance to minor municipal dischargers in their state.

The largest block of these states (23) estimated that 25% or less of their minor municipal facilities need technical assistance to maintain compliance (see Graph 10). As defined in the survey, technical assistance does not include construction grant resources. Only 6 states reported more than 50% of their minor municipals need technical assistance.

When asked what factors determine which minor municipal facilities receive assistance, 40% of the states (19) listed facility non-compliance or performance problems as a factor. Other factors mentioned by states for determining who gets technical assistance were: requests from facility managers/operators (14 states), recommendations from state inspectors and/or field staff (6 states), and trainer availability (4 states).[20]

The types of technical assistance that states provide to minor municipals were divided into two general categories:

- Onsite assistance to wastewater facilities (operators) by state environmental training centers or state agency staff (provided by 32 states). This includes assistance funded under section 104(g) of the Clean Water Act of 1987.

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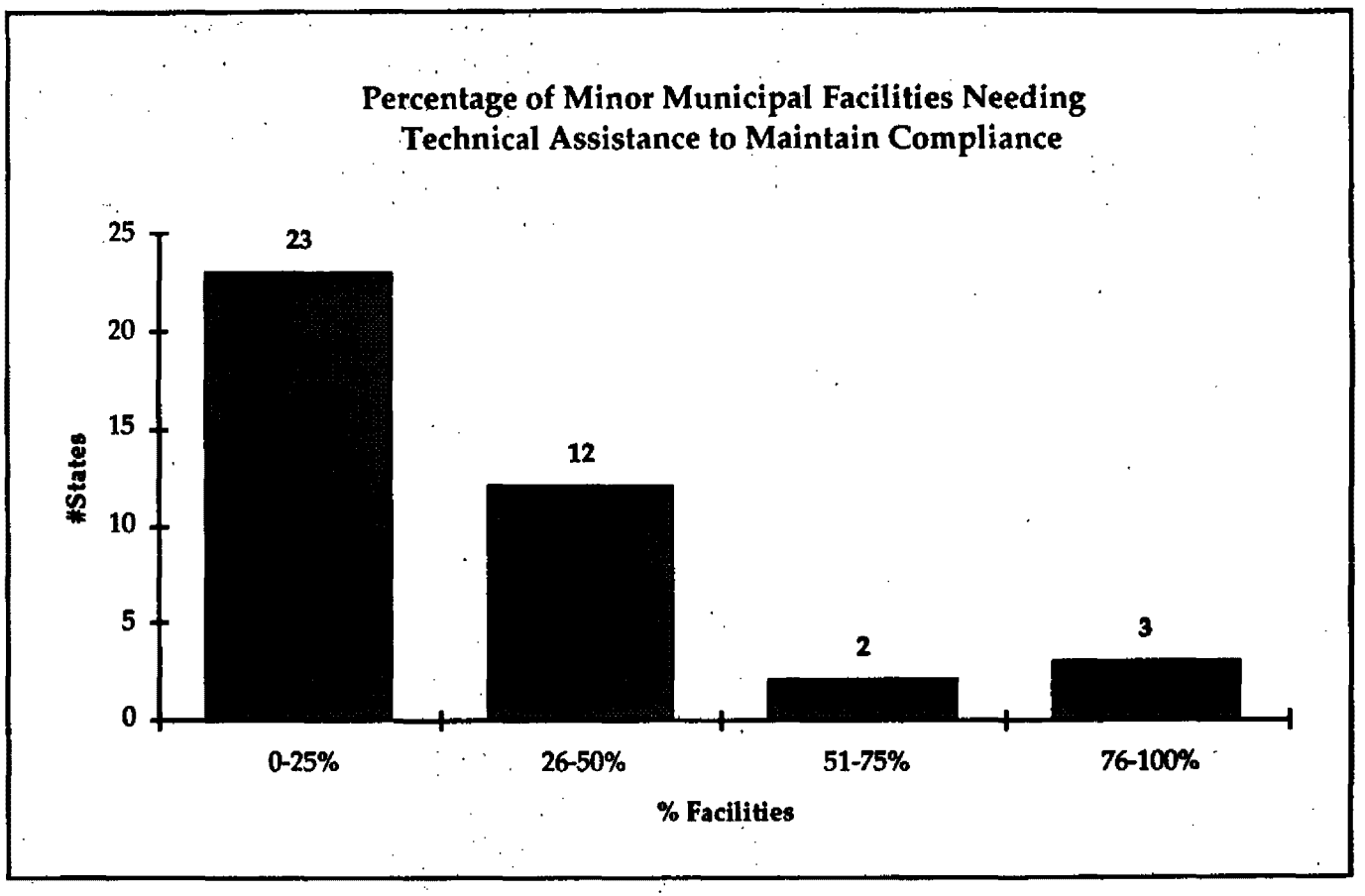
[19] Respondents were asked to rate the effectiveness of approaches on a scale of 1 = very effective; 2 = somewhat effective; 3 = not effective. For survey results, see table 7.5 in Appendix B.

[20] for more detail on these factors, see list of responses to survey question 7.8 in Appendix C

Graph 10


Percentage of Minor Municipal Facilities Needing Technical Assistance to Maintain Compliance
#States
25
20
15
10
5
0
23
12
2
3
0-25%
26-50%
51-75%
76-100%
% Facilities

- Dissemination of general information on types of assistance and training programs (provided by 7 states).[21]

G. UNPERMITTED FACILITIES

FINDING: Some state program activity is being directed towards unpermitted facilities.

Forty-three (43) states (90% of respondents) have identified unpermitted facilities over the last fiscal year. Although only 7 states indicated the use of an on-going program to identify unpermitted dischargers, most states reported using a variety of methods. **Routine inspection** (38 states) and **citizen complaints** (31 states) were the most frequently cited methods. **Water quality monitoring** was noted by only 12 states. Other means of identifying unpermitted facilities included: facility inquiries or self-reporting (6), referrals or notifications from other state departments (3), emergency spill incidents (2), special "non-filer" programs, and aerial surveillance. Most states reported using more than one method to identify unpermitted dischargers.

Thirty-four (34) states indicated that they also took action against some number of these identified unpermitted facilities during the past fiscal year. (Due to the inconsistency of the responses, the survey data was not able to reveal the approximate number of unpermitted facilities states have taken action against.)

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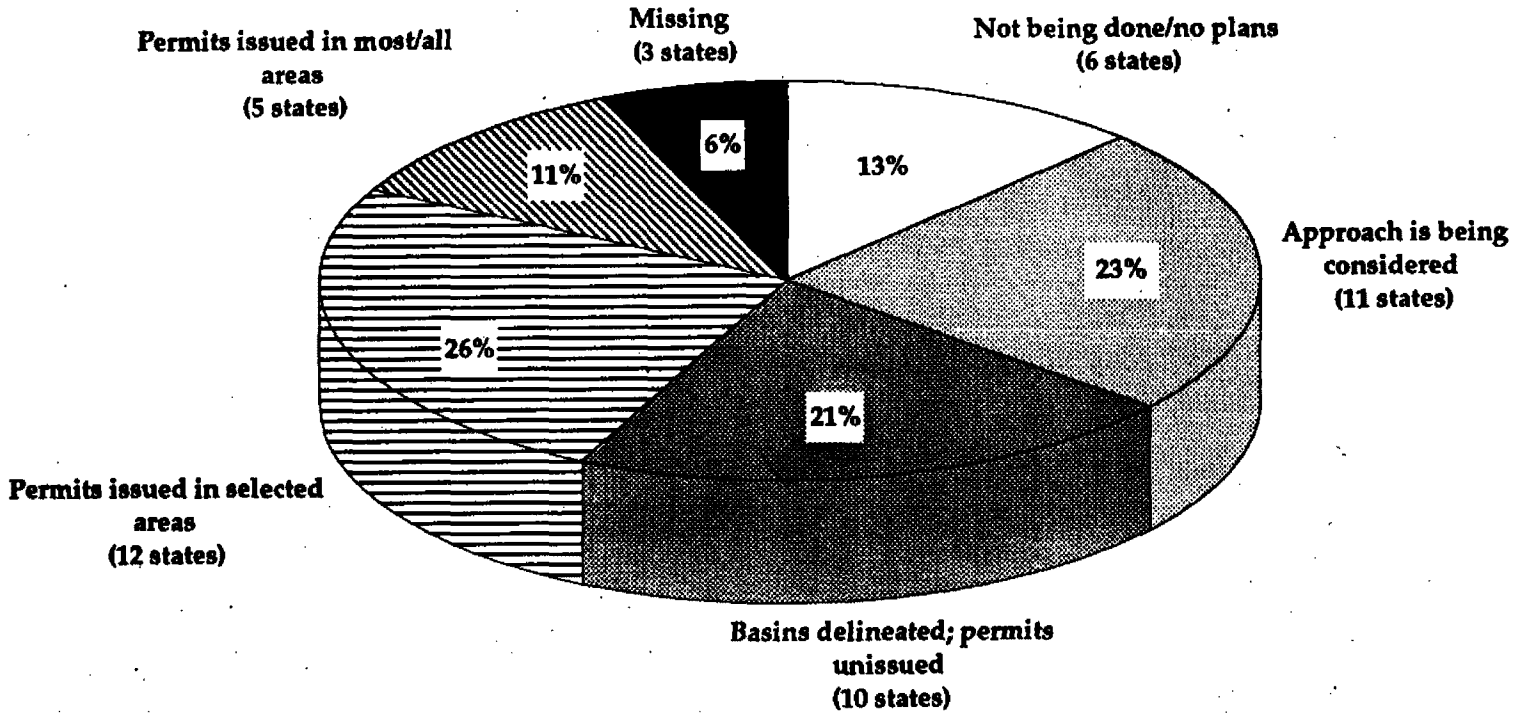
[21] For a list of the types of technical assistance provided by states, see responses to survey question 7.7 in Appendix C.

Graph 11

Status of State Implementation of Watershed Permitting Approaches



VI. STATUS OF STATE WATERSHED APPROACHES

FINDING: The vast majority of states (38) are proceeding with watershed planning and permitting approaches. (see graph 11)

States were asked to describe the status of "basin" or "watershed" approaches to permitting in their states. The largest proportion of states (21 states) reported their watershed planning and permitting activities are in some stage of development. Of these, 11 states indicated that a watershed approach is being considered. Ten (10) states indicated that they have delineated basins, but have not yet issued permits on a watershed basis.

Seventeen (17) states reported that they are at some level of watershed implementation. Of these, 12 states indicated that they are implementing watershed permitting in selected areas. Five (5) indicated that they are implementing watershed permitting in most/all areas.

Six states said that they are not and have no plans to implement watershed permitting approaches.

FINDING: Roughly 40% of states (19 states) indicated concern about the impact of watershed approaches on their permitting, compliance monitoring, and enforcement programs.

The primary permitting concerns cited include: increase in workload (7 states); increase in permit backlog/scheduling problems (5 states); and increased data needs (4 states). Five (5) states reported that their watershed programs have had no impact on their permit issuance/reissuance program.

The most frequently cited concern about the effect of a watershed approach on enforcement was an expectation of increased compliance monitoring/enforcement activity and resource needs (12 states). Other impacts reported were an expectation of increased violations due to tighter limits, and an increased awareness of state enforcement (field inspectors) on the part of minor facilities.

Seventeen (17) states specifically indicated that they have not or did not expect their watershed approach to have an effect on compliance monitoring or enforcement.[22]

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[22] For more detail on the barriers/constraints to watershed permitting, see responses to survey questions 9.3 and 9.4 in Appendix C.

VII. APPENDICES

A. SURVEY QUESTIONNAIRE

This data collected under OMB Control Number 2010-0024
Expiration Date: 03/31/96

National Study of State and EPA Management of Minor Dischargers to Surface Water

Respondent Information Box

Your Name: _____

Dept/Division: _____

Phone: _____

Fax: _____

Address: _____

_____

_____

Responses in this survey are for:

___ Municipal Facilities

___ Non-Municipal Facilities

Please give the end date of the last fiscal year for which aggregate data is available _____

Regional Contact: _____

Phone: _____

Definition and Number of Minor Facilities

This survey focuses on minor facilities . The term is intended to cover those facilities discharging directly to surface waters which would not be categorized as an NPDES Major by US EPA. It is not meant to include storm water or Combined Sewer Overflow permits or facilities. For all the questions that follow, please interpret the term "minors" as defined above by US EPA. Please provide the number of municpal and non-municipal minor facilities in your state using this definition:

_____

However, if your State uses a different definition or categorization for "minors" could you briefly describe it and provide the number of municipal and non-municipal facilities under this definition:

_____

_____

_____

1. Impact of Minor Facilities

Purpose: Gather state perspectives on the risks posed by minor facilities.

1.1. For the following categories of minors, please give your assessment of the overall impact on water quality for the indicated types of minor facilities:
(1 - Significant impact, 2 - Some impact, 3 - Limited impact, ? - don't know)

Type of Facility	EPA Classification	A. Impact due to Conventional Pollutants	B. Impact due to Toxics (give an estimate of the %of these facilities:_____)	C. Impact due to Multiple minor facilities discharging to one water-body	D. If possible please estimate the total number of these facilities in your state.
Municipal Facilities [1] (Sewage)	Majors				
	minors				
Non-Municipal Sewage [2]	Majors				
	minors				
Non-Municipal[3] Non-Sewage	Majors				
	minors				

[1] **municipal**- publicly owned wastewater treatment facility (SIC 4952)
[2] **non-Municipal Sewage** -Privately (or Federally) owned facilites discharging sewage. For example: trailer parks, schools, private package plants.
[3] **non-municipal non-sewage** - all facilities not included in the previous two categories

1.2. What was your source(s) for these impact estimates? (professional judgment, 305(b) etc.):

_____

_____

_____

1.3. Are there specific categories or types of minors which, because of their impacts, you are now or plan to be focusing on? (specific SIC codes, package plants etc.). If so please describe:

_____

_____

_____

2. PRIORITIZATION

Purpose: Understanding the basis for state allocation of resources among facilities.

2.1. Does your program use a formal prioritization system (with explicitly defined criteria) for point sources? (yes/no) ____ If so, could you please send us a copy/brief description along with your completed questionnaire.

2.2. How important is the EPA major/minor distinction to setting program priorities?

_____

_____

2.3. Please indicate which factors you use and their importance in (1=high, 5=low) prioritizing activity among **minor** facilities within each program area . If your prioritization does not differentiate among program areas, please indicate answers in the "Overall" column. If activity in some program areas is not prioritized, check the "Does Not Apply" in the first row :

Prioritization Factors	PROGRAM AREAS				
	Overall	Permits	DMR Review	Inspections	Enforcement
Does Not Apply (check)					
Receiving water body classification [1]					
Water basin/shed permitting schedule[2]					
Actual or Design Flow[3]					
Toxic Pollutants[4]					
Facility Compliance History/Record					
Citizen Complaints/Public Interest					
Observed or measured impact on receiving water[5]					
Other					

2.4. If your program uses "Impact on receiving water", what techniques are used to determined this impact: (e.g. Professional judgment, in-stream chemical/biotic monitoring etc.)

_____

[1] Receiving waterbody classification - based on designated use (i.e., recreation, industrial) and classification of the receiving stream or waterbody, (i.e., drin water, shellfish, near coastal water/major estuary).

[2] Water basin/shed permitting schedule - programmatic permitting deadlines based on rotating water basin schedules and/or watershed management plans.

[3] Actual or design flow - the total volume of process wastewater discharged to receiving surface waterbody.

[4] Actual or potential toxic pollutants - includes the actual standard or site-specific discharge limits for toxic chemicals (e.g., priority pollutants) and/or potential toxicity of discharge based on facilities' SIC codes.

[5] Use of either observed or ambient water monitoring data to prioritize activity.

3. ALTERNATIVE PERMITTING TECHNIQUES

Purpose: To understand which permitting techniques are being used in the management of minors and gauge interest in possible alternative techniques.

3.1. Please check which of the following alternative permitting techniques are presently in use [column A] in your state, and rate them according to their effectiveness in the management of minors (1 = highly effective; 5 = not effective) [column B]. If a technique(s) is not in use, please indicate your level of interest in using it (1 = highly interested; 5 = not interested) [column C].

Alternative Technique	A. In Use	B. Effectiveness	C. Interest
general permits [1]			
model permitting [2]			
automated permit data systems [3]			
expedited permit process [4]			
permit by rule [5]			
extended permits [6]			
zero- discharge permits [7]			
de-minimus dischargers exemption [8]			
exclusion by waver [9]			
others			

3.2. For those techniques you rated "effective" in column B above, please describe briefly your experience and any specific types of facilities to which these techniques are being applied:

---

[1] **general permits** - one permit covering multiple dischargers that 1) involve the same or substantially similar types of operations; 2) discharge the same types c waste; 3) require the same effluent or operating conditions; 4) require the same or similar monitoring requirements; 5) are deemed to be more appropriately controlled under a general permit than an individual permit.

[2] **model permitting** - streamlining process developed for a category of facilities with similar operations and effluents. An original, example permit is developed based on one facility within this category and then is tailored to fit each subsequent discharger.

[3] **automated permit data systems** - any system you use to automate some part of the permit issuance/reissuance process to make it faster and more efficient.

[4] **expedited permit process** - any process which seeks to reduce the time and resources required to issue/reissue a permit by streamlining any of the steps required (application, receipt and review, effluent limits determination, etc.)

[5] **permit by rule** - rule to cover specific category of dischargers or activities, specifying guidelines and standards, and eliminating the need for application or permitting unless a violation of standards is detected.

[6] **for example "roll-over's", "administrative extentions" or "indefinite permits".**

[7] **zero-discharge permits** - permits prohibiting any discharge by the permitted facility.

[8] ***de-minimis exemption*** - *exclusion of a category of facilities based on common activity, operation, or effluent discharge deemed to be of insignificant environmental consequence.*

[9] **exclusion by waiver** - exclusion of facilities on a site-by-site basis from the obligation to obtain or be regulated by an NPDES permit.

3.3. Have you encountered any difficulties in permitting, compliance monitoring or enforcement activities for those permits handled by any of the alternative methods currently in use? [same list as above] Please describe briefly.

4. Unpermitted Facilities

Purpose: To Understand state activities to identify unpermitted facilities.

4.1. Over the last fiscal year, have you identified any facilities which should have a discharge permit but which have not filed for one? (yes/no) _____ If yes, on approximately how many of these did you take some kind of action?_____. How did these facilities come to your attention? (check all that apply)

__ routine inspection of other facilities
__ citizen complaints
__ water quality monitoring
__ ongoing program to identify unpermitted dischargers (please describe the nature of the program)

__ other (please describe)

4.2 Are there any particular categories of unpermitted dischargers which you believe may be causing significant water quality impacts? (yes/no/don't know) _____If so, what are they?

5. COMPLIANCE TRACKING/MONITORING SYSTEMS

Purpose: To determine how state programs are tracking information on minors and what implications this has for program management.

5.1. What system do you primarily use to track/store compliance/enforcement information on minors? (check all that apply)

	PROGRAM AREAS			
System	**Permits**	**DMR Review**	**Inspections**	**Enforcement**
PCS				
state automated database				
hard copy files				
other				

5.2. What data on minors do you routinely enter into a database or log (check all that apply):

__ effluent limits __ owner name __ compliance status
__ DMR __ location (long/lat) __ compliance schedules
__ inspections __ basin indicator __other_____
__ enforcement actions __ 303(d) water[1]

5.3. What % of minor DMRs are screened for possible violations at least once per year? _____ How and how often is this screening done?

_____

_____

[1] 303(d): identifies waters for which effluent guideline limits are insufficient to implement applicable water quality standards.

5.4. What % of minors have been inspected at least once in the past 3 years? _____ Of those minors inspected, what % have received the following types of inspections (if not using automated system, give best estimate)?

___ compliance evaluation/audit or reconnaissance inspection (non-sampling)[1]

___ compliance sampling inspection[2]

___ compliance biomonitoring inspection[3]

___ toxics sampling inspection[4]

___ other, please describe: _____

5.5. What is the total number of inspections conducted at minor facilities during the last fiscal year?

_____

5.6. Is your program using any innovative data/computer system or compliance monitoring approaches that might be of interest to other states (e.g., automated compliance monitoring)? If so, please describe:

_____

_____

6. COMPLIANCE

Purpose: To collect information on the approaches in use by states to calculate compliance and to estimate a general picture of the overall compliance status of minor facilities.

6.1. Do you routinely calculate a non-compliance rate for minors?_____(yes/no). If yes, how often? (check one)

_____ monthly
_____ once per quarter
_____ annually
_____ other, please specify _____

If no, skip to question 6.4a.

---

[1] **compliance evaluation/audit or reconnaissance inspection** - A non-sampling inspection that utilizes the inspector's experience and judgment to quickly summarize a permittee's compliance program. This inspection is based on facility record reviews and visual observations and evaluations of treatment facilit effluents, and receiving waters. Reconnaissance or compliance inspection data can be used to verify a permittee's self-monitoring requirements and compliar schedules, and/or identify compliance problems and direct them to the permittee for correction.

[2] **compliance sampling inspection** - An inspection that involves the collection of representative samples of the permittee's influent or effluent (or both). The inspector performs chemical analysis (1) to verify the accuracy of the permittee's self-monitoring program and reports, (2) to determine the quality and quanti the effluents, and (3) when appropriate, to provide evidence in enforcement proceedings. Inspection may include non-sampling tasks.

[3] **compliance biomonitoring inspection** - An inspection that evaluates the biological effect of the permittee's effluent on test organisms using acute toxicity bioassay techniques and includes steps involved in compliance evaluation/audit inspection.

[4] **toxics sampling inspection** - A sampling inspection that focuses on priority pollutants other than heavy metals, phenols, and cyanide, which are typically in compliance sampling inspection.

6.2a. If you routinely calculate a non-compliance rate for minors, can you determine the rate using the EPA definition of Significant Non-Compliance (SNC) as it is applied to majors? _____(yes/no). If yes, please indicate the SNC rate for the following, the source you used to determine this rate (Question 6.2b), and then proceed to question 6.5. If you cannot calculate SNC, skip to question 6.3a.

Facility Type	Reporting Viol.	Effluent Viol Interim/Final	Schedule Viol.	Total
minor Municipals				
minor Non-Municipal				

6.2b. What source did you use to for this estimate?

_____ PCS
_____ state database
_____ hard copy files
_____ other (please indicate) _____

6.3a. If you cannot determine the SNC rate for minors but do use another criteria for determining "non compliance", please provide your definition of "non-compliance" below (indicate criteria used and reporting period, if possible).

_____

_____

6.3b. Based on your own definition(s) of non-compliance, please indicate what percentage of minor facilities in your state were out of compliance during the last fiscal year for the following:

	Please write in your categories of "non compliance" below				
Facility Type	Example: Significant Non-Compliance	1.	2.	3.	Total/ Overall
minor Municipals	12%				
minor Non-Municipals	10%				

6.3c . What source did you use for this estimate? (check one)

_____ PCS
_____ state database
_____ hard copy files
_____ other (please indicate) _____

6.3d. Using the same non-compliance criteria for both major and minor permittees, was the noncompliance rate higher (worse) or lower (better) for minors than for majors in your state during the last fiscal year? (check one)

__ higher
__ about the same
__ lower
__ don't know

[skip to question 6.5]

6.4a. If you do not calculate a non-compliance rate for minors, please give your best estimate of the percentage of minor facilities in your state that had significant effluent violations during the last fiscal year:

minor Municipals _____

minor Non-Municipals _____

6.4b What source did you use for this estimate? _____

_____

6.4c . Using the same definition of 'significant effluent violations' as in 6.4a was noncompliance higher (worse) or lower (better) for minors than for majors in your state during the last fiscal year? (check one)

__ higher
__ about the same
__ lower
__ don't know

6.5. What are the most common types of violations at minor facilities (rank in order of frequency: 1 - most frequent, 5 -least frequent)?

____ sampling/monitoring/reporting

____ permit/interim effluent limits

____ permit/AO compliance schedules

____ spill/accident

____ no permit or no re-application for an expired permit

____ other (please indicate)_____

6.6. What are the most common factors which contribute to non-compliance at minor municipal and non-municipal facilities (most common = 1; least common = 5)?

Factors	minor Non-Municipals	minor Municipals
inadequate operation and maintenance	_____	_____
inadequate technical expertise	_____	_____
inflow/infiltration	_____	_____
inadequate treatment capacity	_____	_____
problems/miscalculation of discharge data	_____	_____
facilities don't care	_____	_____
insufficient capital	_____	_____
other (please indicate below)	_____	_____

other:_____

7. EFFECTIVE ENFORCEMENT APPROACHES

Purpose: To determine what enforcement approaches in use now are most effective in returning minors to compliance.

7.1. Are there significant differences in the types or overall approach of enforcement actions against minors vs. majors? If so please describe:

_____

_____

7.2a Please indicate the total number of enforcement actions taken against minor municipal and non-municipal facilities during your last fiscal year:

Municipal Facilities: Formal actions* (civil) _____ Other Actions** _____

Formal actions*(criminal) _____

Non- Municipal Facilities: Formal actions* (civil) _____ Other Actions** _____

Formal actions*(criminal) _____

* Any EPA equivalent actions. Defined as: those that require actions to achieve compliance, specify a timetable, and contain adverse legal consequences for non-compliance that are independently enforceable without having to prove the original violation, (e.g. section 309 orders)

** any enforcement action other than formal EPA equivalent actions e.g. letter of violation but not including phone calls

7.2b. For the "Other Actions" category above, please list the three most frequent actions in this category:

Most frequent "Other Action" _____

Second most frequent "Other Action" _____

Third most frequent "Other Action" _____

If this information is easily available in a summary report showing the numbers and types of actions taken, please include it along with the questionnaire.

7.3. Approximately what percentage of minors known to be out-of-compliance (using the definition you applied in section 6) for at least 6 months in the past fiscal year have received:

Formal actions _____ Other Actions _____

7.4a For the following responses to non-compliance please indicate those you use relatively (1 - frequently, 2 - sometimes, 3 - infrequently)

Enforcement Responses	Minor Municipal Facilities	Minor Non-Municipal Facilities
Phone call		
Letter of violation[1]		
INFORMAL Notice of violation to facility		
FORMAL Notice of violation to facility		
Site visit (no sampling)		
Inspection w/ sampling		
Administrative compliance order		
Administrative penalty order		
Judicial action		
Criminal actions		
Other (please indicate below)		

Other _____

[1] letter of violation - A warning letter issued by either an NPDES state or USEPA to a permittee under the NPDES program informing the permittee that it is violation of the CWA, and which indicates the possibility of escalated enforcement action if the violation is not corrected in a timely manner.

7.4b: Are there any specific responses or sequence of responses that you have found particularly effective?. If so, please describe:

_____

_____

7.5. For the following "innovative" enforcement approaches, check those with which you have had some experience [column A]. In column B, please give your estimate of the effectiveness of this approach. (1-very effective, 2-somewhat effective, 3-not effective) In Column C please check those approaches which you are planning to or are interested in pursuing. (See bottom of page for definition of terms.)

	Minor Municipal Facilities			Minor Non-Municipal Facilities		
	A. Use	B. Eff'ct	C. Interest	A. Use	B. Eff'ct	C. Interest
Innovative remedies in settlements [1]						
Multi-media enforcement actions [2]						
Alternative Dispute Resolution [3]						
Field citations (civil)[4]						
Field citations (criminal)						
Automated penalty orders/letters[5]						
Local publicity of repeated /flagrant non-compliance						
Technical Assistance [6]	see questions 7.7 -7.9	see questions 7.7 -7.9				
Other (please indicate below)						

Other please indicate _____

[1] **innovative remedies in settlements** - includes the use of specific case conditions to leverage a single enforcement action to influence greater compliance behavior, deterrence and/or environmental result. Examples include pollution prevention plans, facility-wide auditing plans, training provisions, etc.

[2] **multi-media enforcement** - includes planned multi-media inspections and/or consolidated enforcement responses.

[3] **alternative dispute resolution** - includes arbitration, mediation, and other negotiation aids for settlements.

[4] **field citations** - includes use of in-field "traffic-type" tickets, in-field notices of violation (as opposed to notices issued from the main office), and proposed settlements accompanying notices of violation to speed resolution of cases.

[5] ***automated penalty orders/letters*** - *includes an automated process that reviews DMRs and issues orders/letters containing penalties directly to violating facilities.*

[6] **technical assistance** - includes oversight and voluntary training programs and/or assistance recommended to regulated facilities to meet statutory compliance requirements.

7.6. For those approaches checked in column A (use), please describe your experience.

_____

_____

7.7. Does your State provide technical assistance to minor municipal facilities? (yes/no)_____. If yes, please briefly describe the types of assistance you provide:

_____

_____

_____

7.8. What factors determine which minor facilities receive assistance?:

_____

_____

_____

7.9. Based on your best estimate, what percentage of minor municipal facilities in your state currently need technical assistance (not including construction grant resources) to maintain compliance?_____

8. RESOURCES

Purpose: To determine the level of resources, defined as workyears, being directed towards the management of minor facilities:

8.1. Please estimate for the past fiscal year the percent split (e.g. 40/60 or 30/70) of workyears between the management of majors and minors.

Program Element	Workyears Majors / Minors
a. Overall Program	_____/_____
b. Permit Issuance/Reissuance	_____/_____
c. Compliance Monitoring	_____/_____
d. Enforcement Activity	_____/_____
e .Other_____	_____/_____

8.2. Has the proportion of workyears devoted to minors remained fairly constant over the past 5 years (Yes, No)? _____. If not, how has it changed (e.g., increased, decreased, other)? _____. What factors have caused this change (i.e. new program requirements):

_____

_____

9. WATERSHED/BASIN PLANNING

Purpose: To determine the general status of watershed/basin permitting.

9.1. How would you describe the status of "basin" or "watershed" approaches to permitting in your state:

____ not being done now and no plans (skip to 9.6)

____ approach is being considered

____ plans under development

____ watersheds/basins delineated but permits have not been issued on that basis

____ permits being issued according to a watershed/basin approach in selected areas

____ permits being issued according to a watershed/basin approach in most/all areas

9.2. Is there any difference in this approach for Major vs. minor permits (yes/no)? _____. If yes, please explain:

_____

_____

9.3. What has been the impact of this approach on your permit issuance/reissuance program (e.g., how/where are resources obtained, keeping major/minor permits current, what are some common barriers to implementation)?

_____

_____

_____

_____

9.4. Has, or would you expect basin/watershed permitting to have an effect on compliance monitoring or enforcement? (yes/no) _____ Please explain:

_____

_____

9.5. Where minor facilities have been included in any formal/informal "assessment/Waste Load Allocation" studies, have they ever turned out to be significant contributors to water quality degradation? (yes/no) ____ Please explain:

_____

_____

9.6a. Approximately what % of the permits for minor facilities should have water quality based permit limits? _____

9.6b. Approximately what % of the permits for minor facilities have water quality based permit limits? _____ Please indicate the three most frequent parameters or limits (eg: BOD, metals, toxicity, ammonia or chlorine).

_____

9.7. Are there specific water-bodies which you are focusing on due to the impact of minor facilities:? (yes/no) ____ Please explain:

_____

_____

10. STATE LEGISLATION/REGULATIONS

Purpose: To understand if and how programmatic activity, particularly with regard to minors, is occurring as a result of specific state legislation or regulations.

10.1. Does your state have any specific legislation and/or regulations for the control of point source pollution which have particular impact on the management of minors facilities (eg: annual inspections at all permitted facilities)? (yes/no) _____ If yes, please describe:

_____

_____

10.2. Do you have authority to:

__ collect permit fees how is this authorized (statute/regulation etc.) _____

_____

__ assess penalties how is this authorized (statute/regulation etc.) _____

__ civil administrative _____

__ civil judicial

__ criminal

11. CUSTOMER QUESTIONS

Purpose: To identify ways EPA as a supplier can better serve the states as customers to help them manage the minor population more effectively.

11.1. What current EPA management/policy approaches do you find most helpful in managing minors?

_____

_____

_____

11.2. Are there any aspects of EPA policies that impede your effective management of minors? If so, please describe.

11.3. What could EPA do to help you improve your management of minors?

11.4. What issues or areas do you think EPA should consider for more in-depth study as a follow-up to this survey ?

11.5. Please add any additional comments:

Would you like to receive a copy of the results of this study? Yes No
(we expect a final report out in the Fall of 1993)

Thank you very much for your time.

Public reporting burden for this collection of information is estimated to vary from 4 to 16 hours per respondent, with an average of 8 hours per respondent including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to US Environmental Protection Agency, Program Evaluation Division, Washington DC 20460, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington DC. 20503.

B. NUMERIC/CODED NARRATIVE

RESPONSE TABLES

SECTION ONE: IMPACT OF MINOR FACILITIES

1.1 State assessment of the overall impact on water quality for the following:

Muni Minors		Significant impact	Some impact	Limited impact	Missing	Total
	conventional	3	25	14	5	47
	toxics	1	15	16	15	47
	multiple facilities	3	13	19	12	47
Non-Muni Sewage		Significant impact	Some impact	Limited impact	Missing	Total
	conventional	6	13	19	9	47
	toxics	2	10	19	16	47
	multiple facilities	5	5	22	15	47
Non-Muni Non-Sewage		Significant impact	Some impact	Limited impact	Missing	Total
	conventional pollutants	1	19	18	9	47
	toxics	1	22	8	16	47
	multiple facilities	2	12	18	15	47
	col	24	134	153	112	423
	tot/%	5.7%	31.7%	36.2%	26.5%	
		24	134	153	311	
No. of minor facilities		Municipal Facilities (Sewage)	Non-Municipal Sewage	Non-Municipal Non-Sewage		
0		0	0	0		
1-50		10	15	3		
51-100		5	3	4		
101-300		8	2	8		
301-10,000		13	10	18		
Missing or invalid		11	17	14		
Total		47	47	47		

1.2 Sources of Impact Estimates						
	BPJ	38				
	Sampling/Survey/Testing	4				
	305(b)	7				
	Estimated Impact	5				
	Multiple Techniques	2				
	Other	5				
	Blank	2				
1.3 Specific categories ot types of minors focused on due to impact						
yes	27					
no	19					
Blank	1					
# Respondants	47					
	Total					
package	37					
non-contact	20					
miners	2					
ww	6					
industrial	4					
Groundwater	2					
watershed/ba	1					
sand/gravel	2					
other	18					
Blank	18					

SECTION TWO: PRIORITIZATION								
2.1 Does your program use a formal prioritization system?								
Yes	14	29.8%						
No	30	63.8%						
Missing or invalid	3	6.4%						
Total	47	100.0%						
2.2 How important is the EPA major/minor distinction to setting rpogram priorities								
very important	20	43%						
important	6	13%						
somewhat/minor	5	11%						
not important	2	4%						
Blank	14	30%						
# Respondants	47							
EXPLANATIONS:								
EPA	8	17%						
Majors priority	15	32%						
Minors = Majors	5	11%						
Majors and problem	4	9%						
Majors get too much	4	9%						
majors cause	3	6%						
other	3	6%						
Blank	5	11%						
# Respondants	47							
2.3 What were the three most important factors overall states use for prioritizing								
Prioritization factors: Ranking Factors 1&2								
	Overall	Permits	DMR review	Inspections	Enforcement			
Receiving water body classification	10	14	3	5	9			
Water basin/shed permitting schedule	3	8	2	6	1			
Actual or design flow	10	12	6	7	6			
Toxic pollutants	15	17	8	14	16			
Facility Compliance History/Record	14	12	15	27	31			
Citizen Complaints/Public	14	18	12	29	23			
Observed or measured impact on	17	16	12	21	21			
Other 1	2	2	2	2	2			
Other 2	0	3	0	1	0			
Other 3	1	1	1	0	0			

Prioritization factors: Ranking Factor 3								
	Overall	Permits	DMR review	Inspections	Enforcement			
Receiving water body classification	5	9	5	16	10			
Water basin/shed permitting schedule	7	4	6	5	6			
Actual or design flow	6	5	4	9	8			
Toxic pollutants	4	6	5	6	5			
Facility Compliance History/Record	5	9	6	3	0			
Citizen Complaints/Public	4	10	9	2	5			
Observed or measured impact on	2	5	6	5	4			
Other 1	0	1	0	0	0			
Other 2	0	0	0	0	0			
Other 3	0	0	0	0	0			
Prioritization factors: Ranking Factors 4&5								
	Overall	Permits	DMR review	Inspections	Enforcement			
Receiving water body classification	4	5	13	7	7			
Water basin/shed permitting schedule	9	12	10	13	13			
Actual or design flow	4	11	10	13	12			
Toxic pollutants	1	4	7	8	5			
Facility Compliance History/Record	1	7	2	2	0			
Citizen Complaints/Public	2	2	1	1	2			
Observed or measured impact on	1	5	3	2	2			
Other 1	1	1	1	0	0			
Other 2	0	0	0	0	0			
Other 3	0	0	0	0	0			
Number of states that indicated "Does Not Apply" for overall and each program area?								
Factors	Overall	Permits	DMR Review	Inspections	Enforcements			
Does not apply	6	6	3	3	4			
Missing or invalid (or it may be applies)	41	41	34	44	43			
Total	47	47	47	47	47			

2.4 Techniques used to determine impact								
sampling/monitoring	24							
BPJ	19							
other	9							
observation	4							
multiple techniques	4							
report/complaint	2							
paper/dbase review	2							

SECTION THREE: ALTERNATIVE PERMITTING TECHNIQUES					
3.1 Indication of Use, Effectiveness and Interest in various techni					
Technique "in use" (rank in order of most frequent to least frequent)					
Alternative Technique	Yes	Missing	Total		
Model permitting	27	20	47		
General permits	26	21	47		
Automated permit data systems	24	23	47		
Zero-discharge permits	23	24	47		
Expedited permit process	12	35	47		
Extended permits	9	38	47		
Permit by rule	9	38	47		
De-minimums dischargers exemption	9	38	47		
Exclusion by waver	5	42	47		
Others	3	44	47		
Effectiveness Ranking of Alternative Permitting Techniques					
	Highly effective	Effective	Not effective	Missing or invalid	Total
	1 & 2	3	4 & 5		
Model permitting	24	2	0	21	47
General permits	23	1	3	20	47
Automated permit data systems	17	6	0	24	47
Zero-discharge permits	14	7	2	24	47
Expedited permit process	8	3	0	36	47
De-minimums dischargers	6	1	3	37	47
Permit by rule	4	3	1	39	47
Exclusion by waver	4	2	0	41	47
Extended permits	3	3	3	38	47
Others	2	1	0	44	47
Level of interest (High = 1 or 2; "Not interested" = 4 or 5)					
	High level of interest	Interest	Not interested	Missing or invalid	Total
	1 & 2	3	4 & 5		
Permit by rule	24	1	9	13	47
De-minimums dischargers	23	1	6	17	47
Exclusion by waver	18	6	9	14	47
Extended permits	18	5	9	15	47
Expedited permit process	18	4	3	22	47
General permits	13	4	2	28	47
Model permitting	9	2	7	29	47
Automated permit data systems	9	3	4	31	47
Zero-discharge permits	8	2	11	26	47
Others	2	0	0	45	47

3.2 Effectiveness Experience:					
See "Write-in" Responses					
3.3 have you encountered any difficulties in permitting, compliance monitoring					
or enforcement for any of these techniques?					
Category	No.	%			
Yes	12	25.5%			
No	28	59.6%			
Missing	7	14.9%			
Total	47	1			

SECTION FOUR: UNPERMITTED FACILITIES				
4.1 Over the last fiscal year, have you identified any facilities which should have a permit but have not filed for one?				
How many responded yes, no, left blank				
Category	No.	%		
Yes	43	91.5%		
No	3	6.4%		
Invalid or missing	1	2.1%		
Total	47	100.0%		
Against how many were actions taken?	?????			
Most common way in which facilities came to state attention				
	No.			
Citizen complaints	38			
Routine inspection of other facilities	31			
Other	23			
Ongoing program to identify unpermitted discharges	13			
Water quality monitoring	12			
# of methods used				
	# of states	%		
0	8	17.0%		
1	4	8.5%		
2	18	38.3%		
3	14	29.8%		
4	3	6.4%		
Total	47	100.0%		
4.2 Are there significant categories of unpermitted facilities which you believe are causing significant water quality impacts?				
	No of states	%		
Yes	13	27.7%		
No	20	42.6%		
Don't know	7	14.9%		
Missing	7	14.9%		
Total	47	100.0%		

SECTION FIVE: COMPLIANCE TRACKING/MONITORING SYSTEMS									
5.1 What system do you primarily use for information storage/tracking?									
System	Permits		DMR review		Inspection		Enforcement		
hard copy files	35	74.5%	34	72.3%	35	74.5%	38	80.9%	
PCS	27	57.4%	20	42.6%	21	44.7%	21	44.7%	
State automated	25	53.2%	19	40.4%	18	38.3%	21	44.7%	
other	2	4.3%	3	6.4%	2	4.3%	5	10.6%	
Total	47								
# States tracking multiple program areas per system									
Category	PCS	State DBase	Hard Copy	Total					
0	14	16	6	38					
1	3	5	0	0					
2	4	4	2	1					
3	4	4	7	0					
4	14	10	24	0					
Invalid or missing	8	8	8	8					
Total	47	47	47	47					
5.2 What data on minors is routinely entered in database or log?									
owner name	40	85.1%							
enforcement actions	38	80.9%							
inspections	37	78.7%							
DMR	36	76.6%							
effluent limits	35	74.5%							
location	31	66.0%							
compliance schedule	30	63.8%							
basin indicator	27	57.4%							
compliance status	25	53.2%							
other	5	10.6%							
303(d) water	3	6.4%							
	47								
5.3 % DMRs screened for possible violations at least once/year									
% of minor DMRs	No.	%							
0%	3	6.4%							
1 - 25%	3	6.4%							
26 - 50%	0	0.0%							
51 - 99%	2	4.3%							
100%	27	57.4%							
Missing	12	25.5%							
total	47	100.0%							

5.4 What % of minors have been inspected at least once in last 3 years?									
% of minors inspected	No.	%							
1 - 20%	7	14.9%							
21 - 40%	3	6.4%							
41 - 60%	7	14.9%							
61 - 80%	7	14.9%							
81 - 99%	6	12.8%							
100%	12	25.5%							
Missing	5	10.6%							
total	47	100.0%							
% of Facilities receiving the following types of inspections									
Range	Complia	Complia	Complia	Toxics	Other				
0	0	0	9	8	4				
1 - 25	4	28	14	13	4				
26 - 50	4	3	1	0	2				
51 - 75	2	1	1	1	0				
76 - 100	30	4	0	0	3				
Missing or invalid	7	11	22	25	34				
Total	47	47	47	47	47				
Q5.5: Total # inspections conducted at minor facilities									
Ranges	Nos.								
0 - 50	9	19.1%	19.1%						
51 - 100	3	6.4%	25.5%						
101 - 500	13	27.7%	53.2%						
501 - 1000	4	8.5%	61.7%						
1001 - 4000	11	23.4%	85.1%						
missing	7	14.9%	100.0%						
total	47	100.0%							
Q5.6a Use of innovative data/computer system									
NORC #s									
Category	No.	%							
Yes	16	34.0%							
No	11	23.4%							
Missing or invalid	20	42.6%							
Total	47	100.0%							
5.6b Description of Innovative System									
Category	No.	#							
PCCS/State Automated	9	19.1%							
Automated CM with	2	4.3%							
Other	5	10.6%							
Missing	31	66.0%							
Total	47	100.0%							

5.5 # Inspections	Freq	%	Cum Total Insp		Cum Freq	Cum Freq %			
0	1	1.5%	0	0.0%	1	2.1%			
3	1	1.5%	3	0.0%	2	4.3%			
5	1	1.5%	8	0.0%	3	6.4%			
8	1	1.5%	16	0.1%	4	8.5%			
10	1	1.5%	26	0.1%	5	10.6%			
12	1	1.5%	38	0.1%	6	12.8%			
50	3	4.6%	188	0.6%	9	19.1%			
51	1	1.5%	239	0.8%	10	21.3%			
60	1	1.5%	299	1.0%	11	23.4%			
88	1	1.5%	387	1.3%	12	25.5%			
120	1	1.5%	507	1.7%	13	27.7%			
169	1	1.5%	676	2.3%	14	29.8%			
199	1	1.5%	875	3.0%	15	31.9%			
218	1	1.5%	1093	3.7%	16	34.0%			
250	1	1.5%	1343	4.6%	17	36.2%			
300	1	1.5%	1643	5.6%	18	38.3%			
330	2	3.1%	2303	7.9%	20	42.6%			
350	1	1.5%	2653	9.1%	21	44.7%			
380	1	1.5%	3033	10.4%	22	46.8%			
417	1	1.5%	3450	11.8%	23	48.9%			
425	1	1.5%	3875	13.2%	24	51.1%			
507	1	1.5%	4382	15.0%	25	53.2%			
563	1	1.5%	4945	16.9%	26	55.3%			
625	1	1.5%	5570	19.0%	27	57.4%			
920	1	1.5%	6490	22.2%	28	59.6%			
1016	1	1.5%	7506	25.6%	29	61.7%			
1030	1	1.5%	8536	29.2%	30	63.8%			
1150	1	1.5%	9686	33.1%	31	66.0%			
1791	1	1.5%	11477	39.2%	32	68.1%			
2000	2	3.1%	15477	52.9%	34	72.3%			
2064	1	1.5%	17541	59.9%	35	74.5%			
2220	1	1.5%	19761	67.5%	36	76.6%			
2415	1	1.5%	22176	75.7%	37	78.7%			
3204	1	1.5%	25380	86.7%	38	80.9%			
3900	1	1.5%	29280	100.0%	39	83.0%			
missing	8				47	100.0%			
total	47								

SECTION 6. COMPLIANCE											
6.1 Do you routinely calculate a non-compliance rate for minors											
Yes	12	26%									
No	33	70%									
Missing	2	4%									
Total	47										
How often?	No.	%									
none	1	2.1%									
monthly	6	12.8%									
once per quarter	4	8.5%									
annually	1	2.1%									
other	2	4.3%									
Don't know	1	2.1%									
missing	33	70.2%									
total	47										
6.2a Can you calculate EPA's SNC for minors?											
Can Calculate Rate											
Yes	7										
No	4										
Missing	36										
Total	47										
Q6.2 : MINOR SNC RATES (%)											
		MUNICIPAL					**NON-MUNICIPAL**				
State1		25					5				
State2		10	11	19			10	6	16		
State3	30	6	14	37	51		1	3	54		
State4	1	6	13	14	3		6	5	118		
State5	1	5	0	6	2		4	0	6		
State6				13					8		
State7	15	10	10	35							
State8	20	2	20	20	10		3	10	10		
State9	3	2	0	5	2		8	0	10		
Source for estimate		%									
state database	6	12.8%									
PCS	4	8.5%									
hard copy files	3	6.4%									
other	2	4.3%									
	47										
Q6.3b. NON_COMPLIANCE RATES BASED ON OWN DEFINITION											
			MUNICIPALS			**NON-MUNICIPALS**					
CASEID	**Self -Described Categories**			**Total**		**Self -Described Categories**			**Total**		
CO	25					5					
KS	7	3		10		6	2		8		
MD	1	3	3	7							
NJ	17	6				16	6				
OK						15	15	5	35		
VT	3	2	0	5		2	8	0	10		
WI	3			3							

6.3c What source did you use for this estimate?

Category	No.
state database	3
hard copy files	1
other	1
PCS	0
don't know	1
missing	41
total	47

6.3d Noncompliance rate higher or lower for minors than for majors

Category	No.
higher	4
about the same	3
lower	1
don't know	3
missing	36
total	47

6.4a&b Estimate of "Significant Effluent Violation" Rates

Muni	NonMuni
1	0
5	0
5	2
5	2
5	2
5	4
5	5
8	5
10	5
10	5
10	5
10	6
10	8
10	10
15	10
15	10
15	10
20	10
20	10
25	11
25	15
30	18
30	20
30	20
35	20
50	20
50	25
55	25
75	30
75	35
	40
	50

6.4b Source for Sign. Effluent Rate Estimates

BPJ	20	42.6%			
PCS or Data base	11	23.4%	1	2.1%	
Hard copy	2	4.3%			
Other	0	0.0%			
Missing	14	29.8%			

# Respondents	47										
6.4c Is minors or majors "Significant Effluent Violation rate" higher											
Category	No.										
Higher	18										
About the same	5										
lower	2										
Don't know	11										
missing	11										
Total	47										
6.5	*ok*										
Type of violation											
	Most frequent					Least frequent	Missing				
	1	2	3	4		5					
sampling/monitoring/	19	18	7	1		1	1	47			
permit/interim effluen	18	15	6	4		3	1	47			
permit/AO compliance	3	7	14	13		7	3	47			
spill/accident	3	6	8	10		17	3	47			
no permit or no re-ap	0	4	9	13		20	1	47			
other	1	0	0	0		0	43	47			
6.6 Causes of Non-Compliance											
				Minor Non-municipals							
Rank	1	2	3	4		5	missing c	total			
inadequate operation	21	11	4	2		0	9	47			
inadequate technical	12	16	7	2		2	8	47			
inflow / infiltration	2	3	2	5		16	19	47			
inadequate treatment	9	8	8	6		5	11	47			
problems /	3	6	11	6		3	18	47			
facilities don't care	2	9	6	8		7	15	47			
insufficient capital	6	9	6	12		3	11	47			
other	3	1	0	0		1	42	47			
				Minor municipals							
Rank	1	2	3	4		5	missing	total			
inadequate operation	19	13	4	5		0	6	47			
inadequate technical	9	13	9	5		3	8	47			
inflow / infiltration	11	8	8	8		3	9	47			
inadequate treatment	12	4	10	6		6	9	47			
problems /	2	3	9	11		6	17	47			
facilities don't care	4	2	4	10		11	16	47			
insufficient capital	10	16	8	5		3	5	47			
other	2	0	3	0		0	42	47			

SECTION 7: EFFECTIVE ENFORCEMENT APPROACHES

7.1 Are there significant diffrences in enforcement approach for majors and minors?

Yes	23	48.9%
No	16	34.0%
Some same, some	2	4.3%
Missing	6	12.8%
Total	47	100.0%

7.1B for those who responded to 7.1A

more minors informal actions	10	21.3%
mjrs >stringent; mnrs worst case	8	17.0%
majors get priority	4	8.5%
EPA majors; state minors	2	4.3%
Blank	23	48.9%
	47	

Q7.2 a Total Number of Enforcement Actions taken against minors in last fiscal year

Civil	#	Cum%	Informal	#	Cum%
0	4	0%	0	3	0%
1-50	23	17%	1-50	17	6%
51-100	5	35%	51-100	3	9%
101-150	4	67%	101-150	1	11%
151-400	2		151-200	2	17%
	38		201-250	1	20%
			251-300	1	25%
			301-900	4	71%
			901-1700	1	
				33	

7.2b Most frequent "other" (Informal) enforcement actions taken

meeting/site visit	15	23%
letter	27	42%
NOV	20	31%
penalty assessment	9	14%
other	15	23%
Blank	55	85%
# Responses	141	

7.3 Percent of Facilities known to be out of compliance for at least 6 mos receiving a

	(Civil) Enforcement Actions	Informal Enforcement Actions
0%	2	2
1-10%	15	4
11-20%	4	2
21-30%	2	2
31-40%	3	3
41-50%	2	6
51-99%	2	8
100%	5	6

7.4a Use of Enforcement Responses											
Enforcement	Minor Municipal Facilities					Non-Municipals					
	freq.	sometimes	infreq.	missing	total	freq.	sometimes	infreq.	missing	total	
Phone call	27	12	2	6	47	24	15	3	5	47	
Letter of violation	29	10	2	6	47	27	9	6	5	47	
INFORMAL Notice	11	8	7	21	47	8	8	8	23	47	
FORMAL Notice of	14	11	12	10	47	15	8	12	12	47	
Site visit (no	17	20	5	5	47	18	18	6	5	47	
Inspection w/	10	16	15	6	47	14	9	16	8	47	
Administrative	6	21	12	8	47	8	16	13	10	47	
Administrative	4	16	17	10	47	6	15	16	10	47	
Judicial action	0	4	33	10	47	0	3	33	10	47	
Criminal actions	0	1	33	13	47	1	1	32	13	47	
Other	3	3	2	39	47	2	4	2	39	47	
Q7_4B Particularly effective Sequence of Responses											
	No.	%									
Yes	27	57.4%									
No	5	10.6%									
Don't know	1	2.1%									
Missing	14	29.8%									
Total	47	100.0%									
Effective Responses:											
phone call	4	9%									
meeting/site visit	6	13%									
inspections	5	11%									
letter	17	36%									
NOV	7	15%									
order/agreement	16	34%									
tech asst	1	2%									
other	4	9%									
Blank	22	47%									
# Respondants	47										
7.5 Innovative Enforcement Approaches											
	Minor Municipal Facilities										
				Effectiveness					Interest		
	Use	missing	total	very	some	not	missing	total		missing	total
Innovative	22	25	47	8	13	0	26	47	15	32	47
Multi-media	13	34	47	3	10	1	33	47	11	36	47
Alternative	7	40	47	4	4	0	39	47	9	38	47
Field citations	4	43	47	2	2	0	43	47	13	34	47
Field citations	1	46	47	0	1	0	46	47	5	42	47
Automated penalty	5	42	47	2	1	1	43	47	15	32	47
Local publicity of	5	42	47	3	5	0	39	47	13	34	47
Technical	na		na	na	na	na		47	7	40	47
Other	1	46	47	2	0	0	45	47	0	47	47

7.5 Innovative Enforcement Approaches continued												
	Minor Non-Municipal Facilities											
	Use			Effect						Interest		
	very	missing	total	very	some	not	missing	total			missing	total
Innovative	21	26	47	9	11	1	26	47		17	30	47
Multi-media	18	29	47	6	11	2	28	47		14	33	47
Alternative	6	41	47	4	2	0	41	47		9	38	47
Field citations	2	45	47	1	2	0	44	47		17	30	47
Field citations	1	46	47	0	1	0	46	47		5	42	47
Automated	2	45	47	1	1	0	45	47		18	29	47
Local publicity of	6	41	47	3	4	0	40	47		13	34	47
Technical	4	43	47	2	2	0	43	47		6	41	47
Other	1	46	47	1	0	0	46	47		1	46	47
7.6 Experience with above approaches - see narrative												
7.7 Does state provide technical assistance to municipal minors?												
state provide ta to	*ok*											
Category	No.	%										
Yes	38	80.9%										
No	5	10.6%										
Missing	4	8.5%										
total	47	100.0%										
7.8 Factors which determine who gets technical assistance												
Facility Non-compli	19	40%										
Facility Requests	14	30%										
State Reccomenda	6	13%										
Trainer Availability	4	9%										
Misc'l	8	17%										
Missing	6	13%										
# Respondants												
7.9: Percent of muni minors needing technical assistance to maintain compliance												
Range	#	%										
0-25%	23	48.9%										
26-50%	12	25.5%										
51-75%	2	4.3%										
76-100%	3	6.4%										
Missing	7	14.9%										
Total	47	100.0%										

SECTION 8: RESOURCES							
8.1 A OVERALL PROGRAM							
Major/Minor	NO.	%	% to Minors				
15/85	1	2.1%	0%	0			
16/84	1	2.1%	10-19%	5			
20/80	1	2.1%	20-29%	2			
25/75	1	2.1%	30-39%	4			
27/73	1	2.1%	40-49%	2			
30/70	4	8.5%	50%	4			
32/68	1	2.1%	51-59%	0			
35/65	2	4.3%	60-69%	11			
40/60	8	17.0%	70-79%	6			
50/50	4	8.5%	80-89%	3			
55/45	1	2.1%	90-99%	0			
60/40	1	2.1%					
65/35	3	6.4%	minors	20			
70/30	1	2.1%	majors	13			
80/20	2	4.3%					
85/15	2	4.3%					
90/10	3	6.4%					
don't know	1	2.1%					
missing	9	19.1%					
total	47	100.0%					
8.1 B	**Permit Issuance/Reissuance**						
Major/Minor	No.	%					
5/95	1	2.1%					
7/93	1	2.1%					
10/90	1	2.1%					
18/82	1	2.1%					
20/80	1	2.1%					
25/75	1	2.1%					
27/73	1	2.1%					
30/70	7	14.9%					
35/65	1	2.1%					
37/63	1	2.1%					
40/60	5	10.6%					
50/50	2	4.3%					
55/45	2	4.3%					
60/40	7	14.9%					
69/31	1	2.1%					
70/30	3	6.4%					
75/25	1	2.1%					
80/20	2	4.3%					
90/10	1	2.1%					
95/5	1	2.1%					
don't know	1	2.1%					
missing	5	10.6%					
total	47	100.0%					

8.1 C	**Compliance monitoring**	
Major/Minor	No.	%
3/97	1	2.1%
41/86	1	2.1%
18/82	1	2.1%
20/80	1	2.1%
25/75	1	2.1%
30/70	5	10.6%
31/69	1	2.1%
35/65	2	4.3%
39/61	1	2.1%
40/60	6	12.8%
50/50	3	6.4%
53/47	1	2.1%
55/45	1	2.1%
60/40	2	4.3%
62/38	1	2.1%
70/30	3	6.4%
80/20	1	2.1%
90/10	5	10.6%
95/5	1	2.1%
99/1	1	2.1%
don't know	1	2.1%
missing	7	14.9%
total	47	100.0%
		0.0%
8.1D Enforcement Activity		
Major/Minor	#	%
5/95	1	2.1%
6/94	1	2.1%
10/90	2	4.3%
18/82	1	2.1%
25/75	2	4.3%
30/70	4	8.5%
31/69	1	2.1%
32/68	1	2.1%
35/65	1	2.1%
36/64	1	2.1%
40/60	3	6.4%
45/55	1	2.1%
50/50	7	14.9%
57/43	1	2.1%
60/40	4	8.5%
70/30	1	2.1%
80/20	2	4.3%
90/10	3	6.4%
95/5	1	2.1%
100/0	1	2.1%
don't know	1	2.1%
missing	7	14.9%
total		

8.1 E Other							
	No.	%					
40/60	2	4.3%					
50/50	1	2.1%					
95/5	1	2.1%					
missing	43	91.5%					
total	47	100.0%					
8.2 have workyears devoted to minors stayed constant over past 5 years							
Category	No.	%	Combined 8.2a&b				
Yes	24	51.1%	Change: Increased		11		
No	19	40.4%	Change: Decreased		8		
Don't know	1	2.1%	Change: No Explanatior		5		
Missing	3	6.4%	No Change		19		
	47	100.0%	Missing		4		
8.2b					47		
Category	No.	%					
Increased	11	23.4%					
Decreased	8	17.0%					
Missing	28	59.6%					
total	47						
Explanations:							
high majors rate		3	5%				
GP		2	3%				
minors have more problems		1	2%				
staffing increase		4	6%				
legislative/policy mandate		2	3%				
other (+)		2	3%				
resources/priority shift		3	5%				
reduce majors backlog		4	6%				
budget cut		0	0%				
other (-)		3	5%				
Blank							
# Respondants							

SECTION 9: WATERSHED PERMITTING APPROACHES					
9.1 Describe the status of watershed permitting in your state.					
General status	No of states	Missing	Total		
Not being done/no plans	6	41	47		
Approach is being considered	10	37	47		
Plans under development	1	46	47		
Basins delineated; permits unissued	10	37	47		
Permits issued in selected areas	12	35	47		
Permits issued in most/all areas	5	42	47		
Missing	3				
Total	47	4	47		
9.2 Is there a difference in approach between major and minor permits?					
	No.	%			
Yes	6	12.8%			
No	25	53.2%			
Missing	16	34.0%			
Total	47	100.0%			
Explanations of impact:					
majors priority	3				
some/significant minors	1				
majors + some minors	3				
majors first; eventually all	1				
Blank	39				
# Respondants	47				
9.3 Impact of watershed on permitting program					
schedule/backlog	8	17.0%			
increased workload/resource	11	23.4%			
increased data	5	10.6%			
increased permit litigation	0	0.0%			
permitting/enforcement conflicts	1	2.1%			
none	5	10.6%			
other	3	6.4%			
Total	33				
9.4 Has watershed permitting had an effect on compliance monitoring/enforcement programs?					
Yes	19	40.4%			
No	17	36.2%			
Missing	11	23.4%			
Total	47	100.0%			
Explanations of Impact					
increased resource/workload	2				
increased cm/enf activity	10				
track in PCS	0				
tighter limits, increased violations	1				
other	4				
Blank	30				
# Respondants	47				

9.5 Minor facilities identified as significant contributors throug WLA					
			Explanations		
Yes	20	42.6%	Small Waterbodies		9
No	14	29.8%	Industrials/Toxics		4
Don't know	1	2.1%	WLA done for Minors		2
Missing	12	25.5%	Other		8
Total	47	100.0%	No		14
			Missing		13
					47
9.6a What % of permits in your state should have water quality based limits					
Range	#			"Do Have")	Have")
0 - 25%	10	21.3%		1	0
26 - 50%	5	10.6%		10	2
51 - 75%	7	14.9%		15	5
76 - 100%	14	29.8%		15	5
Missing	11	23.4%		20	10
Total	47	100.0%		20	10
				20	13
				25	15
9.6b What % of permit in your state do have water				25	15
quality based permits				25	15
0 - 25%	15	31.9%		30	18
26 - 50%	5	10.6%		35	20
51 - 75%	6	12.8%		43	20
76 - 100%	11	23.4%		50	20
Missing	10	21.3%		50	25
Total	47	100.0%		55	30
				70	43
Most Frequent Parameters				70	50
BOD	29	22%		75	50
Ammonia	20	15%		75	50
Chlorine	20	15%		75	55
Metals	14	11%		75	66
Toxics	8	6%		76	70
TSS	10	8%		80	70
pH	6	5%		80	75
DO	6	5%		85	75
temperature	2	2%		85	80
choliform	8	6%		90	80
other	3	2%		90	80
Dont Know	5	4%		100	85
Blank				100	90
# Responses	131	100%		100	100
				100	100
				100	100
				100	100
				100	100
					100

9.7 Are you focusing on any specific waterbodies due to minors impact?					
Yes	27	57.4%			
No	1	2.1%			
don't know	7	14.9%			
missing	47	100.0%			
total					
Explanations:					
low flow	2	11%			
protected use	5	26%			
Specific basin mentioned	5	26%			
No new dischargers	4	21%			
Other	3	16%			
Total	19				

SECTION 10: STATE LEGISLATION/REGULATIONS					
10.1 Any state legislation &/or regulations with particular impact on minors?					
Yes	15	31.9%			
No	29	61.7%			
don't know	1	2.1%			
missing	2	4.3%			
total	47	100.0%			
Statute or Reg:					
Statute	3	5%			
Regulation	2	3%			
Statute & Reg	2	3%			
Blank	40	62%			
# Respondants	47	72%			
Impact on/Significance for Minors3:10 PM					
treat all facilities the same	2	3%			
specific mandates for minors	12	18%			
Blank	33	51%			
# Respondants	47	72%			
10.2 Do you have authority to:					
	Yes	No	Missing	Total	
Collect permit fees	39	6	2	47	
Authority:					
Statute	16	34%			
Regulation	8	17%			
Statute & Reg	16	34%			
Blank	7	15%			
# Respondants	47	100%			
Authority:	Yes	No	Missing	Total	
Assess penalties	43	1	3	47	
Civil administration	32	1	14	47	
Civil judicial	32	0	15	47	
Criminal	33	0	14	47	
Authority:					
Statute	27	57%			
Regulation	5	11%			
Statute & Reg	13	28%			
Blank	2	4%			
# Respondants	47				

NARRATIVE RESPONSES

FOR SELECTED SURVEY QUESTIONS

Narrative Responses for Selected Survey Questions

Numbers in the left hand margin are the returned survey questionnaire form identification numbers. For a list of respondents and their corresponding identification number, contact the Offoce of Wastewater Enforcement and Compliance, Office of Water, U.S. Environmental Protection Agency.

1.3: Are there specific categories or types of minors which, because of their impacts, you are now or plan to be focusing on? (specific SIC codes, package plants, etc.) If so, please describe.

01 Coal mines - permits are being looked at by an in-house working group to evaluate water quality impacts

03 Miners in small streams. Toxicity requirements will drive them to seek alternative discharge locations.

04 No

05 We have been focusing on package (STP) plants for several years and pushing regionalization. A number of streams in KY do not meet, designated YSES because of poor operation of these facilities by the operators.

06 No

08 Privately owned, treatment plants.

09 No

10 No

11 None-contract cooling water direct discharges to surface water of boiler blowdown, discharges from portable water treatment facilities.

12 of Industrial minors have always been more suspect. Remediation groundwater or landfill problems may lead to a surface water discharge and these may be of some concern.

13 Pretreatment canning companies feedlots (see reference on page 6)

14 Efforts are directed to the most significant violations and group of permit holders in non-compliance; municipal minors, semi-public, state and complaints and field staff referrals.

15 Small package plants and trickling filters

16 See Attachment A

17 Preserving facilities groundwater remation from UST process package plants.

No minors w/toxic effluent will be scheduled for reissuance as they are identified also any minors in priority watersheds or initiatives.

19 No

20 We focus on minors most likely to approach or exceed our water quality standards. No specific SIC code is emphasized.

21 No

22 Seafood processing facilities (SIC 2092) minor municipals with significant industrial users and/or pretreatment program oil and gas operations in the coastal area.

24 Non-contact cooling water (general permit being issued by USEPA Region 1) waste site clean-up discharges

26 Small residentials & commercial discharges (overboard discharges OBD's are required by state law to be inspected annually 2nd eliminated as state funding become available.

Recently completed an initiative in permitting and enforcement of bulk fuel storage facilities in casco by nothing new planned.

28 1. General permit to be issued for once through non-contact cooling waters discharges w/temperatures <85F (warm water) <68 (cold water fishery) that will require wet test. 2. 104(B) (3) project will allow issuance of new permits to 20 to 30 minors over 2 years.

General permits for non contact cooling and stormwater.

30 No

31 Facilities that are upstream of drinking water supplies. Also, facilities from which we have received repeated complaints.

No - although we have a large % of water treatment plants which take up permitting an enforcement resources.

No

34 No

35 Continuous discharge facilities which route their effluent to lower flow streams

36 No

37 No

38 No

39 No

40 No

41 No

42 We are continuing to look at the toxicity and radium 226 content of produces water discharges associates with oil/gas production.

43 Focus is shifting to watersheds tributary to listed waterbodies rather than specific categories of discharges.

44 All facilities will be evaluated on their compliance with specific numeric water quality standards.

45 No

46 General permits will be developed for swimming pool discharges, cooling waters will biocides, vehicle wastewater.

47 Yes work on impactred segments watershed basin priority

48 Are focusing on: bulk petroleum/chemical storage facilities groundwater remediation projects-new discharges plan to focus on package plants.

49 Yes-with the advert of equal permits totally insignificant minors will be covered with G.P.'s. We will concentrate on the rest primarily process wastewater discharges.

50 Package plants

51 No

No

We have been issued 23 administrative orders - 2 notices of violation - 3 penalty orders (including 2 on-going orders) since June 1992 resulting from their violations/permit requirements.

We have been issuing 23 AOS-2 Nov> - 3 APD's (Inc. 2 on-goings). Since 6/92 resulting from violations with permit requirements.

55 More attention has always been focused on minors with package plants by increasing inspection frequency and enforcement activities.

No

57 Toxicity evaluations are now being required for NPDES permit reissuance for municipalities with industrial discharges that have categorical parameters.

58 Yes those receiving flow from industrial and commercial installations.

59 Sand and gravel-dairies-fruit packers-vegetable/bulb washers.

60 We focus on minor industrials who discharge toxics- then minor municipals- then other industrials with little or no effort focused on non-municipal sewage (NYS calls them PCI's)

61 All minor facilities in general-handled by municipal permitting program through EPD enforcement management strategy (EMS) includes minor facilities as priority facilities for enforcements).

62 All minor facilities inspected by the industrial wastewater program are handled through EPD's enforcement management strategy (EMS). No specific categories are prioritized.

63 Commercial/industrial minors with toxic limits in permits and high ranking municipal minors using the municipal compliance (MCM) ranking system.

Q2.2: How important is the EPA major/minor distinction to setting program priorities?

01 Our prioritization system is based on the complexity of the permit. One of the factors used in calculating complexity is the EPA major minor designation. Thus, it is very important in setting priorities.

02 It is important, especially on enforcement priorities.

03 Important, because EPA asks us to commit to issuing a specific # of major NPDES permits.

04 Not very

05 Important/majors get too much time.

06 It is absolutely useless. Within the state, we focus our resources on plants with problems. It makes no difference to what the flow is.

07 One of the program's goals is to minimize impact on receiving stream major/minor distinction helps us achieve this by prioritizing resources effectively. Major with larger impact streams get the first priority for compliance monitoring.

08 Very; permitting and inspection effort is focused on major facilities.

09 It is important because our current interpretation is that minor facilities are just as important as major facilities.

10 It is important due to the emphasis placed on majors and grant commitments.

11 Very important, we do not inspect minors. We do not review DMR's of minors.

12 The targeted watershed approach focuses primarily on the aquatic resource and the impacts or potential impacts of both majors and minors.

13 Very important. however, we feel some minor facilities may have a larger impact on the receiving waters than some major facilities. With EPA's oversight of the program, a lot of unnecessary time is taken up on majors when more quality time could be spent on follow-up of minor facilities.

14 Majors are priority. A task force focuses on minor municipal non-compliance and uses evaluation criteria to rank priority order for action on the most significant violations.

15 Minor importance - effect in primarily in increased number of inspections per life of the permit.

16 See Attachment A

17 Since EPA focus only on majors for 106 grant funds, we are compiled to make majors our highest priority.

19 We follow the procedures set out for major permits; issuance, compliance inspection and review, and enforcement.

20 Very important. Majors and problem minor permits are given priority.

21 Very important.

22 Very important. Since major facilities are those having the greatest potential of impacting the receiving waterbody, EPA's distinction of major/minor has a significant impact upon setting priorities. The major/minor designation is also important in determining permit fees, an important source of F

24 Major focus is on major municipal and industrial WWTP's; Impact upon water quality is main priority determinant.

Very important. Most activity on majors.

26 Critical for establishing priorities for workplans for federal grants.

28 Very important as NH is a non-delegated state.

Very important most activity on majors.

30 Very important for permit issuance - majors have historically taken priority.

31 N/A. Both major and minor facilities are equally important due to multiple use designations of the same segment. In case of surface streams, many of which have very low flows, even small minor flows from strong effluents can have a very significant impact on the water quality for long segment of

34 It is important in the sense that we are required to inspect majors once a year. We have made flexibility in scheduling inspections for minors.

35 The EPA major/minor distinction which is not as important as the sice and hydraulic mixing characteristics of the receiving stream and its designated beneficial uses.

36 Important only to keep EPA satisfied

37 More recently we have placed EPA majors as a top priority for permit drafting.

38 Very important - minors do not get full program treatment w/inspections, etc.

39 Minor importance

40 Majors are a higher priority in most cases

41 Very important in respect to available resources

42 Very important - required to compliance monitor majors annually

43 It is important in setting program priorities for activities such as compliance inspections and issuance of new permits to existing facilities. Current compliance status or history of compliance/non-compliance is also considered. Beyond the initial priority setting major/minor status is only one.

44 EPA has expressed concerns on timely issuance of permit to major facilities.

45 If no NPDES permit, then the state will issue a permit to the minor.

46 Major facilities receive higher priority status than minor facilities; however a prioritization system has been implemented for all permittees, based on such factors as: history of violations; nature/
severity of violation; receiving water use; public interest, etc.

47 We heavily emphasize majors.

48 Very important

49 Since all minors must be inspected- they get highest priority often-we would not inspect a major with a good compliance record if that decision were the states to make.

50 All facilities regulated by the municipal branch are scheduled for annual inspection. Minor facilities do not receive a comprehensive inspection unless they have a long history of non-compliance. Enforcement activities are more frequent for majors.

51 Due to State/EPA agreements (annual) all major sources are inspected at least once a year. However, this should not be the main reason for a yearly inspection sensitivity of the receiving stream in terms of beneficial use should be a factor.

52 Of some importance-we would probably not inspect some majors as often (because they have good compliance/operations history and discharges to less sensitive streams).

55 It has no bearing since we have no majors

56 We emphasize major facilities in regards to all permitting /enforcement activities

57 Some what

58 It is not a major factor

59 Will be less important as watershed based permitting is increased

60 While NYS recognizes the importance of minors (significant class primarily). Generally we give the highest priority to EPA majors and state significant facilities. For permitting activities+ we have developed the environmental benefit permit strategy (EBPS)

61 Minors are handled as part of EMS

62 Minor facilities are handled as part of the EMS. However, major facilities do receive priority as result of quarterly non-compliance report (QNCR) commitments.

63 Past priorities driven extensively by EPA "major" designation. Future-place greater reliance on MCM and district judgment of environmental impact in priority setting.

65 As they relate to funding and EPA priorities.

Q3.2: For those technoques you rated "effective" in column B above, please describe briefly your experience and any specific types of facilities to which these techniques are being applied:

01 General permits - USTS, PSTs, Hydrostatic test, aquaculture. Model permits - car washes, concrete batch plants, coal mines.

03 This is effective (model permitting) but not efficient. Looking for a less "resource-intensive" method.

04 Draft rules for sand and gravel, cattle trailer washing, recycling, bulk petroleum storage tanks, water treatment plants (filter backwash)

06 Individual permits are issued for all discharges

08 We've developed a spreadsheet for reviewing the application, triggers need for and developing effluent limit; the hangup is data entry and converting, DMR data from PCS into the spreadsheet.

09 General permit coverage avoids public notice process - efficient.

10 #6 used for many minor permit due to workload.

11 Cooling water, hydrostatic pressure testing-general permit groundwater remediation wastewaters car wash-model permits-allow sewer discharge only, thereby regulating surface water discharge.

12 Process has worked smoothly.

13 General permits are issued to cooling water, water treatment plants and chlorinated cooling water, very effective.

14 Modelling (washboard allocation) is done for sewage plants (correctional ammonia) and toxic pollutants. All permits exceopt coal mines are tracked by PCS.

15 Model permitting significant reduces time to issue new permits/automated permit data systems is somewhat affective-effectiveness will increase significantly as more of the system is automated/zero. Discharge permits are used extensively.

16 See Attachment A

Applied to all minors that reapply w/in 180D of permit EXP.

20 We have issued more than 800 general permits to date for

operations such as gravel wash operations, etc. We use word processing merges for permit conditions, which greatly automates and facilitates the writing of permits.

22 1) minor sewage; car wash; groundwater remediation; hydrostatic test water 2) truck wash and ready mix concrete. Overall, general permits are very effective for a wide variety of similar facilities.

24 N/A

General permits are used for stormwater and non contact cooling

26 Model permits are developed for all types of facilities, automated permit writer used for OBD's (residential and commercial)

We use general permits for stormwater and non contact cooling

28 General permit for once through non-contact cooling water (once issued w/wet test requirement should be very effective to identify facilities w/water quality concerns.) Temp state permit for GW remediation discharges after EPA waiver issued.

30 General permits when available allow applicants to know code requirements in advance. Issuance is expedited

Most of the facilities with zero discharge permits comply with well with the permit conditions. Facilities that use this types of permits include industries of various different SIC's.

Extension of permits saves resources, allows transition to watershed approach to permitting. General permits for hunshoaf sewage disclose in one PR geographic area.

37 General permits - sand & gravel, construction decorating, coal mining runoff only, water treatment plants oil & gas cleanups, stormwater.

38 General permits have saved us w/a short-handed staff-facility lagoons, suction. dredges, const, dewatering pump tests, feedlots, fish farms, gravel pits, petroleum clean ups, oil produced water, model permits-used whereever we have similar facilities and ROGP.

39 "Shorty" permit for minor municipalities

40 We are using a model permit for disharges from UST clean-ups. We are considering maximizing our resources by issuing a general no discharge permit instead of the individual permits we have.

41 General permitting for coal mines, fish hatcheries, drinking water treatment plants, constuction hydrostate testing, concentrated anemia feeding activitis. All are effective and efficient.

43 General permits in use for discharges from ground water cleanup from leaking underground storage tanks, 2nd stormwater.

45 Fish hatcheries, trench dewatering, hydrostatic testing, contaminated groundwater

46 Stormwater

48 PCS system is very helpful for obtaining PAT DMR data we use this for all permits. We have model permits for groundwater remediation projects. They are very helpful.

EPA Region 9 standard federal NPDES permit conditions has been applied.

EPA 9 standard federal NPDES permit conditions has been applied

55 Model permitting is used for carwashers & laundromats. Zero discharge permits are required for certain water body clarifications.

56 Utilize needed permit petroleum UST remediation projects

57 Our three zero discharge facilities are land spray irrigation

59 The major limitation in regulating minors is resources. General permits are fairly effective in getting facilities under permit, compliance follow-up remains severely constrained by resources.

60 Permits by rule-might be useful for eliminating some general permits extended permits - prefer indefinite expirating date (i.e.; no expiration)

61 All minors.

62 Non-contact cooling water - rock quarry pit pump-out-land /application (spray irrigation systems).

Q3.3: Have you encountered any difficulties in permitting, compliance monitoring or enforcement activities for those permits handled by any of the alternative methods currently in use? Please describe briefly.

01 Coal mine permits continue to be a water quality concern - compliance monitoring for these facilities is a problem because of the amount of data and the number of permit modifications.

03 Problem - we tried to use a general permit that had the specific efficient limits contained in a certificate of coverage, but Region IV rejected the idea.

04 No

05 No, we use PCS and enter all DMR's into PCS.

06 We don't use alternative methods.

07 No

08 Download PCS data into spreadsheet to evaluate data run statistical, package to determine mean 95 & 99% values.

09 N/A

11 Keeping track of statistics of permits-owners of site

12 No significant difficulties.

13 Sometimes getting a general permit through EPA has been very difficult. I.E. lengthy review and approval process.

14 No

15 No - otherwise we wouldn't use them

16 See Attachment A

17 No

18 Problems tracking general permits, permittees covered in PCS

19 Generally OK

20 No

21 No

22 Temporary permits are very labor intensive. These situations may be better handled through general permit rule, de minimus discharge, etc.

24 N/A (note general permit for NCCW scheduled for issuance July 1, 1993)

25 No

26 No problems other than update models or computer programs

27 No

28 Current general permit for once through now-contact cooling water allowed toxic dischargers, new version will not.

29 No

30 Applicants like quick processing of general permits but still like to lobby for less stringent individual limits.

31 Yes, enforcement against these facilities is sometimes very difficult for lack of information on existence of intermittent discharges

33 Lack of data or their inaccuracy

35 No

38 No we do very little compliance monitoring of minors, however

39 No

40 It takes more work to keep the lines of communication open with zero discharge and general permittees.

41 Not really

42 No

43 No

44 N/A

45 No

46 No problems have yet been encountered related to enforcement of general permits.

48 No

51 Compliance monitoring for general permits are low priority- most of these are the ones that due comply with DMR submission. However the agency response is increasing.

52 Using model permits is difficult for us - we incorporate many state requirements in the permits and each permit tends to be

customized to the source. Monitoring requirements for example-vary widely depending on source type/size.

53 Yes I have encountered difficulties in enforcement activities for Federal permittees which show less cooperation than others.

54 Yes I have encountered difficulties in enforcement activities for federal permittees which show less cooperation than others.

57 NA

58 This is an EPA program in Idaho. They have no resources for evaluating minors although we feel monitoring is needed.

59 See 3.2

60 Minor difficulties related to regulation triactivity permit renewals as if they are new permits- and minor compliance enforcement activities when a permittee undergoing legal action is given an automatic extension.

61 None

62 None

63 No experience

65 No

Q4.2: Are there any particular categories of unpermitted dischargers which you believe may be causing significant water quality impacts? (yes/no/don't know) If so, what are they?

05 N/A

06 Untreated sewage from individual homes in isolated locations. Impacts are more public health converns rather than problems related to toxics or do.

08 Nonpoint sources, storm run-off

09 Don't know.

11 Use of Algaecides (e.g. cusex) for control of algae blooms in class AA drinking water reservoirs. Mobile exterior building cleaning and paint stripping companies.

13 Feedlots

14 Agriculture related - Hog waste

17 Wood preserving facilities, gas compression stations

20 Storm water discharges. We are in the process of developing a State Administrative Code to specifically regulate storm water discharges, Once the code is promulgated we will issue storm water premits to better address stormwater.

23 Seafood processors, sand & gravel extraction, various agriculture operations for example.

24 Illegal cross connections (sanitary sewage tied illegally into storm drains) cause significant water quality problems (such would not obtain a permit but would be tied into sanitary sewer line) other unpermitted discharges do not

25 Possibly illegal sanitary convictions to separate storm sewers

26 U/C Class V wells from floor drains may have localized adverse effect on ground water.

27 Possible illegal sanitary connections to separate storm sewers.

28 Don't know.

29 Possibly illegal sanitary connections to separate storm sewers.

35 Livestock truck washes and other washing facilities (especially portable ones)

38 Possibly a few feedlots.

40 Only ones that NPDES cannot Permit-AG discharges

41 Those small industrial business activities located within (a part of) multiple use Industrial Parks.

46 Animal feed lots vehicle washington; cooling tower blow down, swimming pools; brick cleaning operations.

52 Have problems w/NPS-AQ Forestry-No ccategories for unpermitted point sources.

55 Malfunctioning septic tank absorbtion fill systems

56 Municipal water treatment plants

58 Gravel pits - Feedlots - placed mining - concrete batching plants. Some fish hatcheggs and minor municipals just are on high quality streams

59 Cumulative impacts of categories of unpermitted discharges could be significant. On an individual basis significant impacts are unlikely.

60 Most unpermitted discharges (which may number several thousand) are firm small sanitary discharges to surface or groundwater (less than 1000 GPD)

63 Small municipal - small decentralized commercial/industrial. Uncontrolled contamination sites.

Q6.3a: If you cannot determine the SNC rate for minors but do use another criteria for determining "non-compliance", please provide your definition of "non-compliance" below (indicate criteria used and reporting period, if possible).

01 See Enclosed strategy

07 For quantifiable parameters such as BOD/TSS and Fecal Coliform, SNC Cariteria used for mmajors are also applied to Minors. For PH chlorine and dissolved oxygen parameters SNC occurs when 10% of samples exceed Permit limits in 2 months out of 6 months.

09 See 6.2A

15 Absolute compliance - all parameter received/all parameters within limits.

20 Wisconsin administrative code NR 110.05 (3) (c) (2) non-compliance for municipalities is more than a total of 3 months of violations of the monthly average limitations for BOD or suspended solids or both in the previous 12 months.

21 N/A

30 State SNC Definition based on single violations exceeding permit limit 20% hazardous & 40% non-hazardous.

37 Historically have used SNC but recently for majors have expanded on time to look at recurring efflue NT violations for random parameters (every 6 months. Not expanded to minors).

Q7.1: Are there significant differences in the types or overall approach of enforcement actions against minors vs. majors? If so, please describe:

01 Yes - We have let EPA take the lead on enforcement matters for the majors, but we initiate enforcement on the minors.

03 No - Majors are given priority.

04 Majors get priority as they can do most damage in specific areas.

05 Major enf: is much more stringent due to QNCR requirements minors are approached on a worse case scenario.

06 The difference is that EPA forces the priority to "Major" facilities go under 106 agreements more efforts focused there.

07 No

08 Effort is directed toward majors but action taken against minors w/significant history of non-compliance.

09 No

10 Minors are handled less formally (i.e. letters & consent assments. are preferred over more formal orders or CO & AC).

11 Due to staff constraints, the only enforcement actions we take at this time are notices of violations.

13 No

14 All the minors in violation do not receive immediate formal enforcement action.

15 No

16 See attachment A

17 Effective enforcement requires an incentive monetary penalties provide that. Minors have less resources making enrollment success more difficult. This must be factuted into enforcement action.

21 SNC definition not applied to minors.

22 No

24 Most of enforcement activity is focused towards majors;

minors only rarely get enforcement activites.

28 No

30 No

31 No

34 Yes, Majors are more likely to be subject to enforcement because of QNCR guidelines

35 For majors we use criterial where as with minors we determine enforcement action on a case basis. We will be using SNC criteria for minors in the near future.

36 No

37 For minor municipal our policy is to attempt to identify problem then field inspection when SNC occurs. If D & M try short period of informal effort to bring about compliance now is not resolved.

38 Minors not on QNRC. Minors much lower priority than majors.

40 Majors are given significant priority over minors when evaluating for potential enforcement "hammer" isn't as big, heavy for minors.

41 No

42 Yes, majors are judges by the strict criteria within PCS minors are judged in a case by case basis.

43 No

Q7.6: For those [innovative enforcement approaches listed in Table 7], please describe your experience.

The following is a summary of state responses, and not the actual responses.

Innovative Remedies in Settlements

- States were generally positive about their experience in using innovative remedies in settlements.

- The most common innovative approach appears to be to include pollution prevention plans as part of an enforcement action (e.g., consent decree) that either offsets or provides credits against civil penalties for permit violations.

- States indicated that pollution prevention or waste reduction plans have been useful in educating facilities on how to avoid future violations. It also is effective in directing penalty dollars toward environmental gain.

- States tend to use pollution prevention requirements and other innovative remedies (e.g., facility improvement plans) on a limited case-specific basis where it appears to be appropriate.

  - one state indicated only permittees showing genuine interest in resolving the problem beyond minimum requirements are offered this approach

Multi-media Enforcement Actions

- States were somewhat mixed in their attitudes toward the usefulness of their experience in using multi media enforcement approaches.

  - Some states found it time consuming and effective in only limited situations (e.g., large facilities, industrial facilities).
  - One state argued that because of the various statutory requirements and difference in enforcement time frames, coordinating timing of actions can be difficult.

- States using multi-media enforcement indicated that their experience so far has been limited and did not feel it was appropriate in many situations.

  - Several states indicated, however, that when air emissions or hazardous waste violations exist at a facility with water violations, the state will work to combine the violations in a single action.

- Some states indicated that it was becoming common practice for programs to share enforcement information and look for

other environmental violations during inspections.

- One state indicated that when facilities are inspected by their water program, other programs are informed of the results. Facilities are advised of requirements of other programs (e.g. an UST inspection resulted in advising a facility regarding UIC and NPDES requirements).

Field Citations

o States experience on field citations have been mixed.

- One state thought that field citations for violations that can be quickly remedied were very effective. Another state found that citations got the facilities attention and they have achieved compliance 55% of the time.

- One state, however, did not think that "field NOVs" resulted in much of a response from permitted facilities. Another state indicated it used citations in the past but not now because there was some concern about the lack of supervisory review as to whether a violation occurred.

Local Publicity of repeated/flagrant non-compliance

o States using local publicity against facilities with a record of repeated/flagrant non-compliance found it to be a useful tool and to have a positive deterrent effect.

- One state indicated that the permittees appear to be bothered by the press release accompanying their orders more than by the actual fine.

Q7.7: Does your state provide technical assistance to minor municipal facilities? If yes, please briefly describe the types of assistance you provide:

02 Phone calls or site visits to offer them instructions for improvement treatment efficiencies, trouble shooting and locating funding sources for plant improvements.

03 T.A. only provided during inspections - no structured technical assistance currently provided.

04 Site visits, sampling, recommended corrective action & better process control.

05 Comptrain assistance, general TA for field inspection.

06 Treatment process evaluations, training, financial management training, special study projects.

07 Process control, plant evaluations, laboratory techniques, DMR preparation and reporting, pollution prevention.

08 Diagnostic, trouble-shooting and operational assistance.

09 Wastewater treatment plant consultants provide technical assistance.

10 PA participates in the Operator Outreach Program. PA used part-time instructors who are POTW certified operators. This has been an effective program.

11 The statewide technical assistance section provides assistance, as needed.

12 104 (G) specific on site assistance, user charge review, process control assistance, technical support of collection system review for infiltration/inflow.

13 We have the outreach Operator Assistance Program in our St. Paul office and the Community Assistance Program (CAP) in our regional offices. The Outreach program concentrates its efforts in the areas of facility operation, maintenance and management. The CAP program is broader in scope in that it

14 Operator assistance training (104G program) including laboratory analysis and operation and maintenance and trouble shooting.

15 Training classes conducted by KDHE employees and contract employees. Kansas environmental training system which provides on-sits system evaluation and training.

16 See attachment A.

17 To municipal facilities but not minor private sewage facilities. A circuit rider concept is underway to assist by another state agency with our initial assistance.

18 More from enforcement. It may jepordize the case.

19 Simple on-site review and suggestion. We also operate a training program Murfreesboro for operators. We do limited extensive tech asst. thru our grant.

20 Wastewater staff provide some instruction on operation & maintenance for municipal treatment plants. Wisconsin also administers an operator certification program & requires that municipal treatment plant operators pass examinations and become certified.

22 1) State revolving loan fund 2) community development block grants 3) audits are performed under the municipal wastewater pollution prevention program. Audit reports make recommendations for improvements needed in operation/maintenance/facility upgrade.

24 MADEP -- Office of Technical Assistance & Training works with WWTP operators to remedy treatment problems.

25 Municipal OSM inspections, lab Q/A.

26 Operations, financial and management pollution prevention.

27 Municipal O & M inspections, lab Q/A, O & M Q/A.

28 Troubleshooting, training (operations section).

29 Municipal O/M inspections.

30 Inspections with recommendations to improve performance.

34 Assistance in plant operations, and utility management.

35 Advice over the phone, operator training and presentations.

37 In previous years technical assistance was provided but in more recent times we are focusing on a regulatory role. Tecchnical expertise is maintained so we are able to if planned corrective action is appropriate.

38 CPE's O & M inspections, user charge reviews, onsite training, phone advice & information. Construction plan reviews are required.

40 Diagnostic evaluation, hands on training, workshops, educational materials.

41 All kinds of training, out real activities routinely.

43 State law prohibits providing technical assistance.

44 State does evaluate and help resolve technical problems.

45 By response to questions/problems regional district staff facilities construction operation staff.

46 N/A.

47 Actual on-site assistance which consists of 3 to 4 fine day evacuating the plans and the performance limiting factors. Follow up constant and visits are performed for about 1 to 1 1/2 years after initial evaluation or until comparison is

48 Sampling - reporting - violation troubleshooting.

50 Participate in EPA's small community outreach and education program & also provide technical ass't when appropriate and necessary. Also participate in EPA's 104 (G) operator assistance program.

52 Wish they had more resources for this -- it's an important activity for minors. Plant upgrade (to build or expand) provide extensive help in planning -- SRF Grant -- detailed review of engineering plans. So me operate training lab staff goes out to work with operators -- lab audits for problems. 305 (G) -- int

55 Operator trainee will visit facilities to offer help and assistance to the operator.

57 Three operator trainees and one MWPP coordinator.

58 Through outreach program 104 (G) 1; through state operator training program -- rural water association outreach; state plan and spec review.

59 Two full time staff provide operator assistance to small to medium municipalities.

60 Operator training -- trouble shooting operations -- operations & maintenance. Preventive maintenance -- certification -- education.

61 Laboratory & on-the-job training.

63 Known primarily on municipal -- selover to describe.

64 Region directs muni discharges to the same resources as the state -- RWA. Outreach TWOQ (1040); state operator program.

Q7.8: What factors determine which minor facilities receive assistance?

02 Chronic violation, lack of technical expertise and/or funding.

04 Severity of problem and environmental impact.

05 Brand new plants (2-3 years old), plants that are too relative compliance. Request by facility for help.

06 Noncompliance, permit commitment to implement technical assistance recommendations, operator turnover.

07 Willingness of owners to support program and operational staff, ongoing upgrade of facility.

08 Compliance status and whether or not it involves a treatment facility.

09 Need & availability of consultants.

10 Compliance status, operational status, and interest by the facility in the program.

12 Compliance need is associated with operation, assistance requested by operator and/or municipality and assessment of compliance benefit from assistance.

13 1. Compliance status. 2. Ability for training and assistance to achieve improvements. 3. Willingness of operators and decision-makers to participate. 4. Enforcement activity. 5. Construction status.

14 History of noncompliance, recommendation by inspections & enforcement.

15 Current record, previous record, liklihood of success, precious training conducted, willingness to accept and act on help provided.

16 See Attachment A.

17 Their request and realization of a genuine need.

19 Their requests, our opinion of whether assistance will make a difference.

20 Need of municipality environmental significance and availability of trained wastewater staff to provide instruction.

22 1) Ability to repay loan. 2) Need to upgrade plant to meet permit limits.

24 Request submitted to TAT supervisor who prioritizes generally, all requests addressed (municipal facilities only).

25 Requests from discharges or referrals by state field staff.

26 License willingness, water basin.

27 Those that need it, violations, and requests.

28 As requested by permittee and try to visit all POTWs at least once per year.

29 Request from discharger or problem discovered by state through inspection, DMR review or complaint.

30 Interest, degree of noncompliance, state resources.

31 N/A.

34 Operating problems, change in process.

35 Noncompliance and/or request by the facility.

37 SNC is the primary eviction that would dictate a routine site inspection.

38 Noncompliance, regular schedules, operator requests.

39 Noncompliance, improper O & M, new operator.

40 Noncompliance or operational problems that could result in noncompliance. Facilities with new operators, small mechanical plants with sludge handling.

41 Any minor that indicates and/or we determine may need it.

42 N/A.

44 Requests by municipality.

45 Case by case basis.

46 N/A.

47 District recommendations, plant effluent violations, type of facility, and unities willing to participate in assistance.

48 Based on facility's request or its routine submittal of interior documentation.

50 Whether they request it; their MWPP rating and NPDES

compliance history.

52 Time and level of all field person (state inspector).

55 If there is a history of problems or if a routine inspection indicates lack of knowledge by the operator.

57 Requests or MWPP audit report.

59 DMR results. Noncompliance. Municipal request.

60 Facility request; regional enforcement/request; type of problem; compliance states; consultant involvement; legal issue; etc.

61 Must be less than 5.0 MGD and have general population of less than 10,000.

62 The magnitude and frequency of the violations.

63 Selection by P&SP assistance after nomination by districts or special.

64 Loss of operator is biggest factor contributing to poor operation.

Q8.2: Has the proportion of workyears devoted to minors remained fairly constant over the past 5 years? If not, how has it changed (e.g., increased, decreased, other)? What factors have caused this change (i.e., new program requirements)?

05 Gains made with more general permits but less in field due to drinking H20 demand.

07 Higher compliance rate for majors has allowed a larger percentage of enforcement resources on minors.

10 Better compliance by majors has resulted in more time to spend on minors.

11 Issuance of general permits for same categories, e.g., cooling water, hydrostratic testing.

13 Majors take less time; they are in compliance more.

17 Added new staff and initiate them on minors plus many minors have problems needed addressed more so than majors.

18 Emphasis of course has shifted from trying many individual permits no other requirements have been arisen especially all the. What resources previously spent in issuing min now due to new program requirements being utilized to meet new concerns.

20 We have increased work effort to reissue major permits and have discussed work effort on the reissuance of minor permits to meet EPA's requirement that major permits be emphasized and reissued on schedule.

21 Staffing increase.

22 Increased staffing and agency development.

24 MADEP will begin devoting more time on minor permits as a watershed permit program is established; also, time is devoted to general permit development which will address a large percentage of minors.

26 Due to legislative mandate to focus on OBD.

27 Some increase on overboard discharges (OBDs) which are small privately owned sanitary discharge systems in unsewered coastal areas.

35 Backlog of major permits to be issued and staff turnover has caused a decrease.

37 In recent times EPA has expressed concerns with our

permit backlog of majors (20%) and the division is trying to focus more resources on this item.

40 Greater amount of time required to write major permits.

44 Decreased due to demands from new programs.

45 More general permits data put onto permits database.

46 Reduction in staff due to budget cuts, increased program activities.

48 Decreased funding. Development of water quality based permit limits for major facilities. Development of toxicity limits. Need to develop compliance schedules for attainment of WQB limits. Development of storm water program.

50 More professional staff; changes in program priorities; budgetary changes.

52 Amount of time spent on major permits has dramatically increased, resulting in less time for minors; SEA agreements requiring elimination of major permit backlog.

53 Several AZ minors are good/straightforward targets for AD and/or APO.

54 Several AZ minors are good targets for ADS and/or APOS.

57 The national municipal policy/charged bacteria requirements/municipal toxicity strategy/public awareness.

58 Change of emphasis away from monitoring POTWs. State monies from EPA and other sources go for other priorities.

60 Budgetary changes; changes in program priorities; new state/federal program requirements; introduction of more effluent management technique/tools.

63 Plan to shift to minors in coming years.

Q9.3: What has been the impact of this approach on your permit issuance/reissuance program (e.g., how/where are resources obtained, keeping major/minor permits current, what are some common barriers to implementation)?

03 Caused us to let minor permits remain expired - waiting for their year to come up (for the 1st round). Currently, we are in Basin 1 of 5, during the 1st go around.

04 Entities such as large cities would have to complete numeric applications within the same relatively short time period.

05 Total basin permit issuance at the same time requires too much in streams/field data to implement at same time and requires too much time. Creates backlog of unissued permits. Our major backlog is zero and the minors is very low.

07 N/A

08 Approach has added to workload. Permit expiration dates have been timed in accordance with the completion of basin plans. When basin plans fall behind schedule, permits need to be extended/reissued.

09 Basin wide permitting is being done at a rate of 1-2 basins per year.

10 Appeals and admendments due to changes in Mode 1 and input data resource intensive. Enforcement and permitting priorities not always compatabile.

12 The targeted watershed approach in Illinois is not a system where all resources are directed to a given watershed in a particular year. Watersheds can be targeted for specific actions which may include permit review, nonpoint source control, intensified or specialized montoring, etc.

13 N/A

14 Permit manpower increase permits outside of target basin need corrections/updating barrier is the volume of minors (Indiana's first basin has 90% minor permits)

15 None yet not implemented

16 N/A

17 N/A

19 None

20 The permitting process has become much more complex time consuming and contentions with the emphasis on toxics bio-

monitoring antidegradation anti backsliding sludge requirements, etc. We have had to put much more time into our major permit reissuance process and have had many of our major permit adjudicated.

21 Some extra resources are required.

22 Using this approach leads to more consistency of permits within selected areas. A barrier to the use of this approach is the commitment of resources to develop it.

24 Madep feels that this approach will facilitate the issuance (mostly re-issuance) of minor. Permit; new office has been formed (Office of Watershed Management) to address water quality issues (including permits) on a watershed basis.

25 N/A too soon to tell

26 Reorienting priorities, one barrier would be reviewing licenses which have not yet expired, if licensee chooses to not reapply.

27 N/A

29 N/A too soon to tell

30 Have delayed permit reissuance in areas based on anticipation of watershed appro in near future. Staff resources must be reallocated from permit issuance for programs rule development

31 Needs of more resources

32 We are working with th PR environmental quality board, in early implementation a base implants-some permits are extended for a few years.

35 Since we are just implementing/developing a watershed approach there hasn't been much of an impact. Major impact so far has been coordinating the permit expiration dates within the basin combinations while trying to implement water quality based permitting.

37 No shift has been done for permitting to this point. The major focus beginning in 1992 was an intensive monitoring one, data gathering for 1 basin. Resources are limited and the remaining basins can likely not be properly accommodated.

38 Common bariers-process of issuance gets slowed way down on some permits-gets them off schedule.

39 None

40 None yet

41 No significant impact. Permits have to be issued and/or renewed every five (5) years anyway. Not a particular problem yet.

43 Because we are only now beginning a few pilot studies to explore watershed approach.

47 Basin plan initially increased resources because more permits issued in a shorter time to get on the basin cycle conducting field studies and doing wasteloads easy with basin cycle because synercism of resources.

48 Keeping minor permits current has been difficult due to the large number of permits and the enormous amount of time involved in the development of water quality based limits for majors. Recent surge in issuance of permits to groundwater remediation projects.

55 No impact at this time

59 We reallocated resources from existing programmatic approach as follows: 70% watershed approach; 30%-new facility & high priority outliners. Not all permits (especially minors) will be kept current especially during transition phase (next 5 years). Barriers include lack of resources and information.

60 All permits-majors and minors- receive the same treatment (i.e. reviewed against the same criteria). NYS committed to watershed approach 10 years ago. We made a committment to provide resources biggest barrier to "accurate" implimination is a good lack of good source (load) and ambient data for

61 Being considered.

62 Being considered.

64 Region looks at 2-3 muni permits that would not have otherwise received attention.

65 No impact at this time; however, future may adversely impact due to time constraints and resource limitations.

SECTION 11: CUSTOMER QUESTIONS

Q11.1. What current EPA management/policy approaches do you find most helpful in managing minors?

Response rate: 50% (28/56 state questionnaires)

- States listed the following EPA management/policy approaches as the most helpful in managing minors:
  - greater flexibility, more responsibility and limited oversight on the part of EPA Regional Office for minors (9 states)
  - financial support and technical assistance for pollution prevention programs, technical transfer workshops, and Operator Technical Assistance grants (6 states)
  - the use of general permits for minors (3 states)
  - increased funding and resources for states to use for managing minors (2 states)
- A few (4) states responded that they were unaware of any specific EPA policies regarding minors.

Q11.2 Are there any aspects of EPA policies that impede your effective management of minors?

Response rate: 64% (36/56 states questionnaires)

States listed the following EPA policies that impeded their effective management of minors:

- EPA puts too much emphasis on NPDES majors at the expense of minors. (14 states)
  - EPA requirements for annual inspections, issuance of permits (reducing majors backlog), and rigid oversight for all majors makes it difficult for states to focus resources on minors.
  - EPA generally does not re-issue permits to non-municipal minors (non-delegated states).
- EPA policies are too stringent for minors. (5 states)
  - refusal to allow for 10% rule for TMDL development,
  - resistance to lower DO standards for small streams,
  - use of design capacity rather than actual or anticipated flow),
  - EPA civil penalty policy tends to produce unreasonably high penalty figures for some minors,
  - limitations established for minors with low flows into intermittant streams are often so stringent that

municipality can not afford the necessary treatment that would guaranttee consistent compliance,
- 5 year permit requirements, suggest lifetime permits
- EPA policy does not allow descretion to waive permit for minors that are unlikely to have water quality impact

o EPA needs to provide states with some flexibility/less oversight in addressing major/minor dischargers (2 states).

- through the states' implementation of a watershed-based approach,
- less attention to details, focus more on big picture

There were a number of other responses that did not fall into one of the above categories (8 states):

- (i.e., EPA policy of requiring states to adopt new types of criteria & policies without providing technical guidance or funding necessary to effectively implement them (e.g., water quality based limits for metals)
- list of others are included in appendix

o Seven states (7) indicated that their were no aspects of EPA policies that impeded their management of minors.

Q11.3. What could EPA do to help you improve your management of minors?

States offered the following suggestions on what EPA could do to improve states' management of minors:

o Provide more funding to states to hire sufficient staff to handle workload for regulating both minors and majors (e.g., to perform PCIs for minors every year, contractor assistance to draft permits) (12 states).

o Provide more funding and effort to improve PCS as a management tool and make it more user-friendly (7 states).

- enhance its capability to conduct automated compliance determinations for minors.
- provide more resources for obtaining optical scanners for all DMR submittals and inspections.

o Encourage states to use general permits for minors by providing more funding and guidance (6 states).

o Encourage the use of other permitting approaches for minors, (i.e., 10 year or extended permits, model permitting, joint EPA/state permits) (5 states).

o Assign priorities or allow states the flexibility to set

priorities for majors/minors based on the assimilative capabilities of water bodies and the strength of effluent, effluent type, pollutant load, presence of toxics. In addition, reassess reporting frequencies and focus DMR review and data entry into PCS on critical permits and parameters (4 states).

  - "Avoid 'finger pointing' tracking of actions (exceptions lists) so that appropriate actions which don't waste time can be taken which will free up time for minors."
  - less overview on majors would free up more staff time for review of minors (reduce number of majors by redefing who is a major);

- Continue to provide support for Operators Assistance Training program and technical assistance on pollution prevention and innovative technologies (4 states).

  - provide financial assistance to poor communities for facility improvement
  - provide guidance outlining best management practices for general categories of minors;

- Other responses included (2 states):

  - study the causes, cures and cost benefits of infiltration/inflow problems and solutions;
  - distribute any ideas for streamlining minors management that EPA is aware of that have worked out in other states.

Q11.4 What issues or areas do you think EPA should consider for more in-depth study as a follow-up to this survey?

Only 23 out of 56 states responded to this question. There were a variety of responses to this question, but the four most frequent were:

- Consider modifying the EPA Major/Minor Classification system to allow states the flexibility to deal with significant minors (7 states)

  - "modify EPA's historical emphasis on majors and explore the possibility that minors may have more impact than majors"
  - "approaches for evaluating and categorizing minors using simple approaches to make a decision whether or not water quality limits need to be considered"
  - "...each state should be allowed to select 5% of its permit population as majors and get away from some of the artificial criteria currently used to select minors"
  - "feasibility of allowing states more flexibility in the

issuance of discharge permits which are more representative of the actual receiving waterbody protection"
- "EPA should consider developing alternative SNC criteria for minors, especially for industrial permittees, where permit parameters, effluent limits and monitoring frequencies are so varied, the use of current SNC criteria to determine compliance rates are not appropriate and are certainly not being consistently applied throughout the regions."

o EPA should explore and/or encourage alternative permitting strategies and compliance monitoring techniques (i.e., general permits, de-minimus dischargers exemption, exclusion by wavier, automated DMR data submittal) (6 states).

- "stop just fooling around with the issue"

o Evaluate/Recognize state funding needs to manage NPDES minors (6 states)

- "provide additional resources, ear-marked specifically for minor permits management (e.g., 106 grants)"

o Other responses included:

- "encourage technology transfer between [sic] states"
- "provide state personnel and minor facilities with training on lab procedures, record-keeping, and reporting"
- "collection of representative data from a sample of minor facilities to validate responses to this survey which is based primarily on judgement and perception of problems."
- "focus on databases"
- "consider funding a status survey of all minors"
- "the impact of subsurface systems with dischargers"

Q11.5 <u>Please add any additional comments</u>

Only 7 responses out of 56 forms received.

Comments included:

- Minors should receive more attention because: they may have greater aggregate impact than majors, minor compliance rates are lower tha majors, majors have benefitted from regulatory attention, most dischargers are to large bodies of water and, therefore, have less effect on them than any minor

- If EPA would allow states more flexibility to regulate minor facilities, states could spend more time on minor permitting, inspections, technical assistance, out-reach and enforcement such that compliance rates for minor facilities would increase

- We do not need more draft interim final guidance documents on how to handle minors. The states know how as EPA hardly recognizes their existence, they are in no position to provide guidance. Recognition of water pollution problems by minors and a goal to do something about it needs to be emphasized.

- Permit fees and additional resources are need before [state] can better address minors.

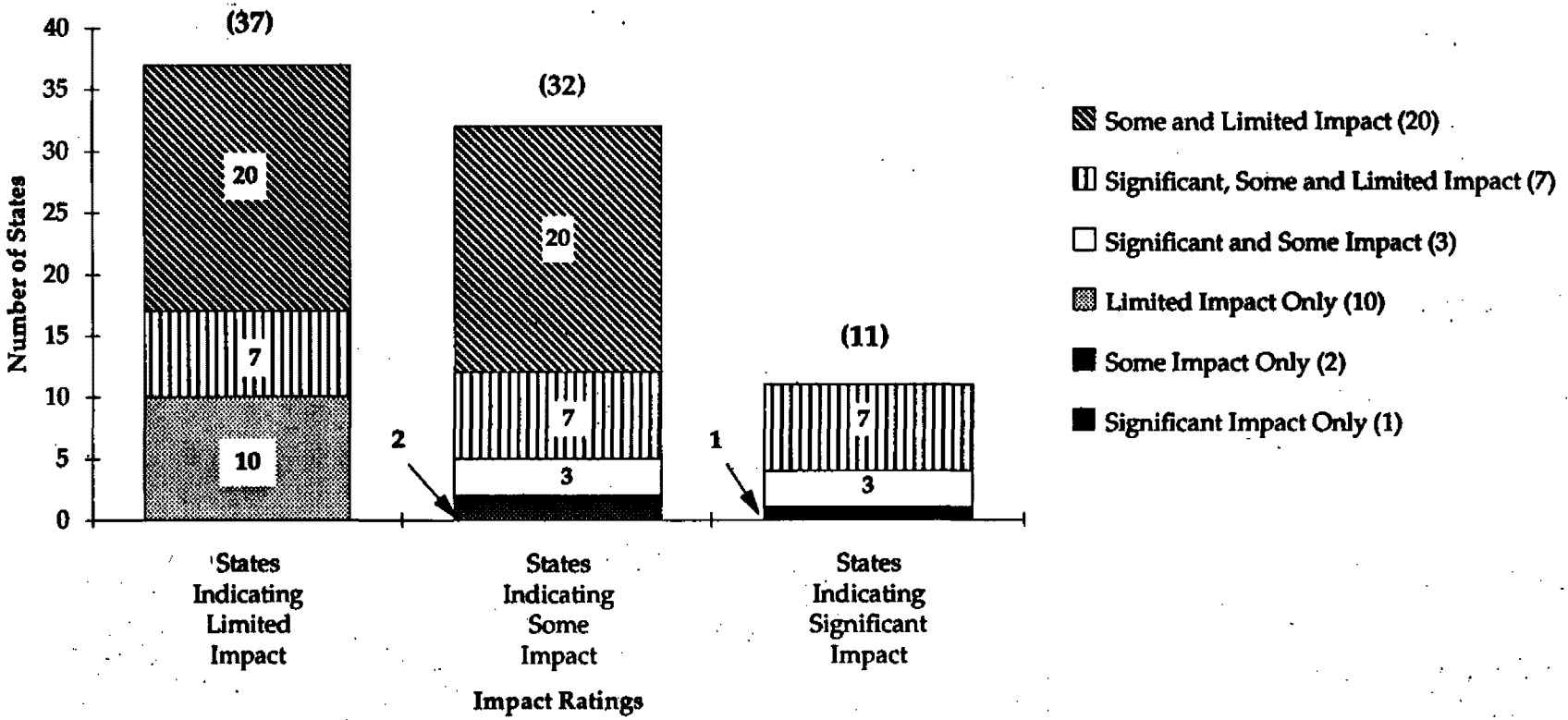
- We are trying to bolster staff resources to do a little better job on the whole program, particularly the minors which are neglected now.

- EPA should assess environmental impacts from categories of minor facilities in order to enhance the tributary strategy approach to improving water quality.

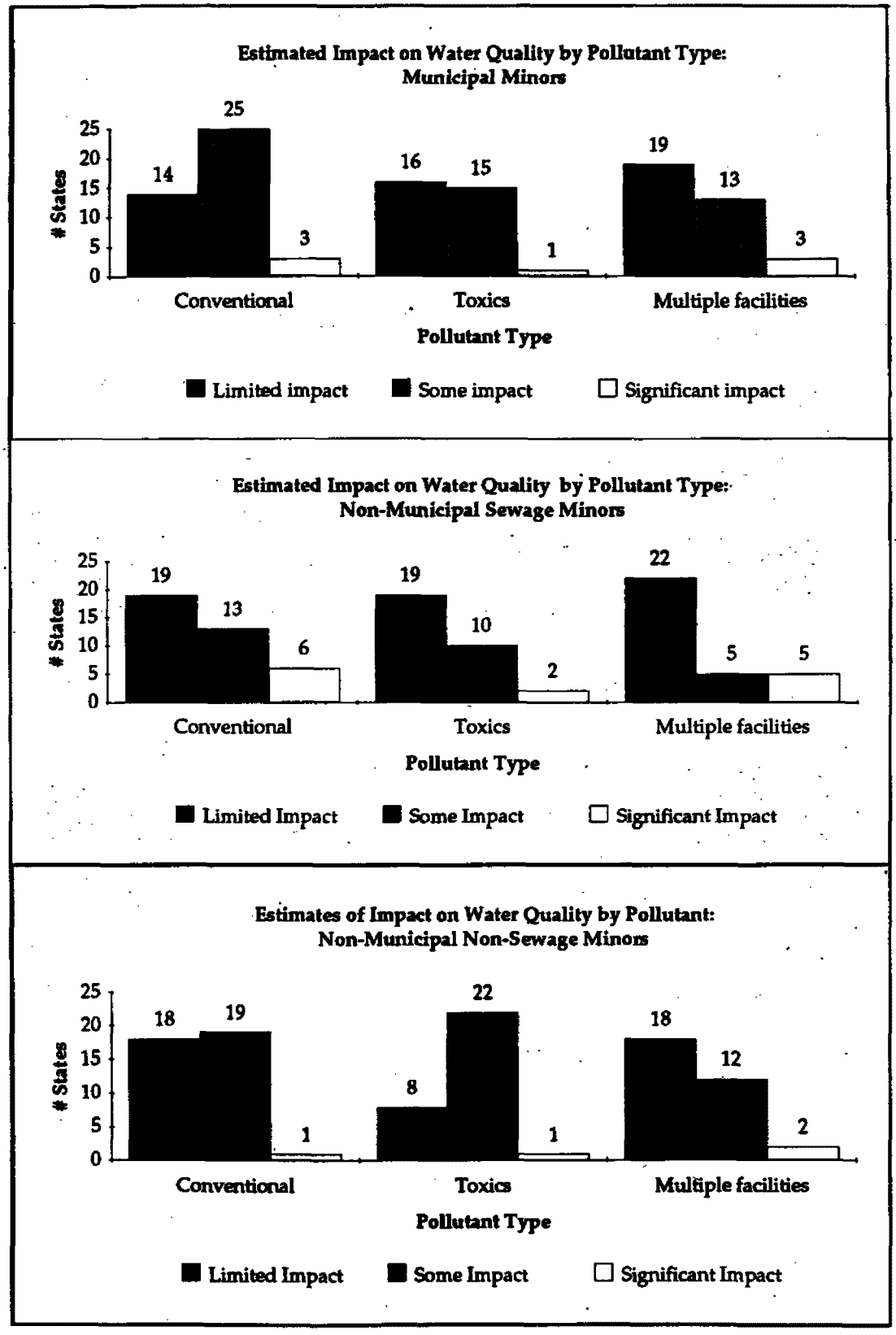
D. ADDITIONAL GRAPHS/TABLES

Graph D1

Number of States Estimating Limited, Some or Significant Water Quality Impact From Any Minor Facility/Pollutant Type



Graph D2


Estimated Impact on Water Quality by Pollutant Type:
Municipal Minors
States
25
20
15
10
5
0
14
25
3
16
15
1
19
13
3
Conventional
Toxics
Multiple facilities
Pollutant Type
Limited impact
Some impact
Significant impact
Estimated Impact on Water Quality by Pollutant Type:
Non-Municipal Sewage Minors
States
19
13
6
19
10
2
22
5
5
Conventional
Toxics
Multiple facilities
Pollutant Type
Limited Impact
Some Impact
Significant Impact
Estimates of Impact on Water Quality by Pollutant:
Non-Municipal Non-Sewage Minors
States
18
19
1
8
22
1
18
12
2
Conventional
Toxics
Multiple facilities
Pollutant Type
Limited Impact
Some Impact
Significant Impact

Graph D3

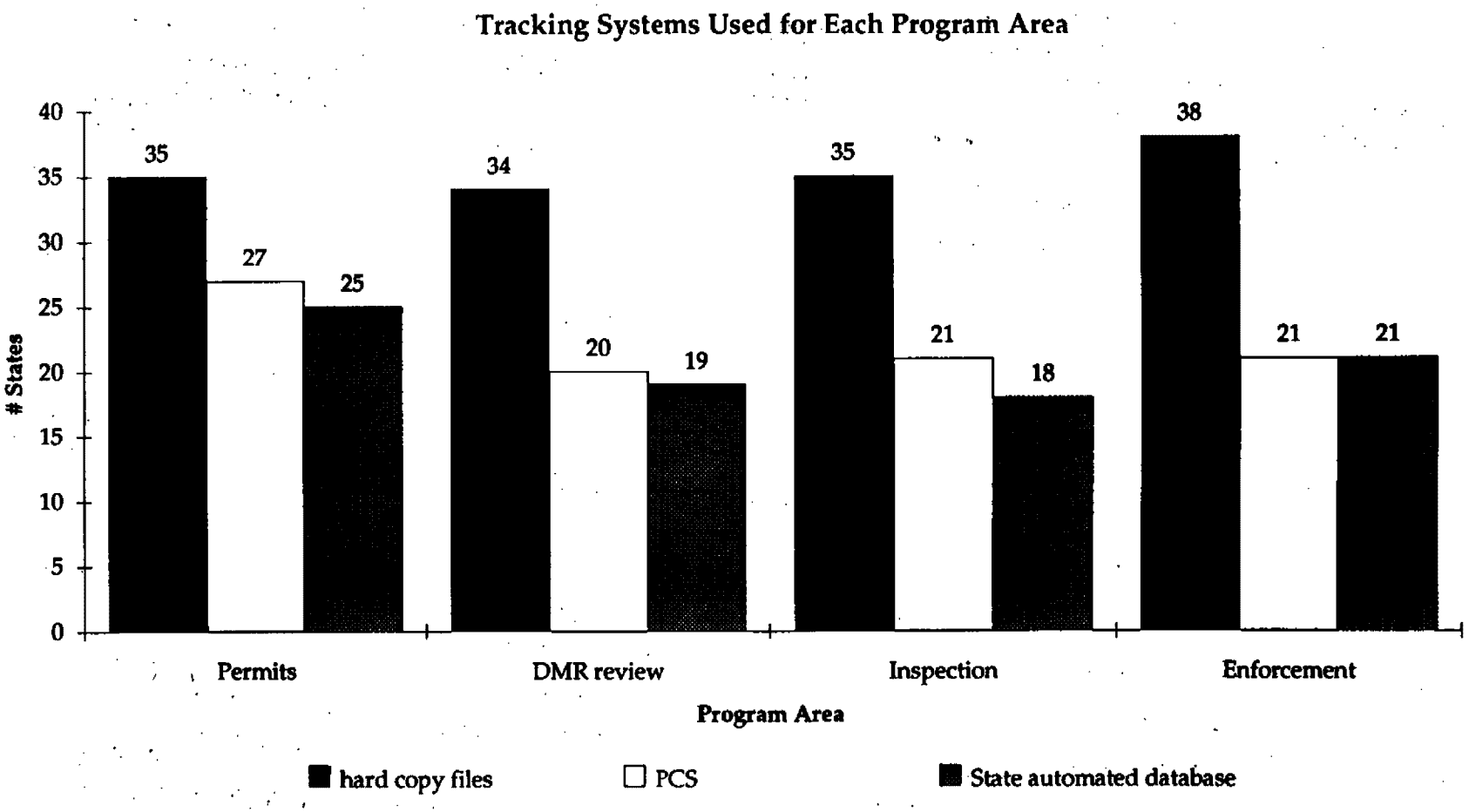
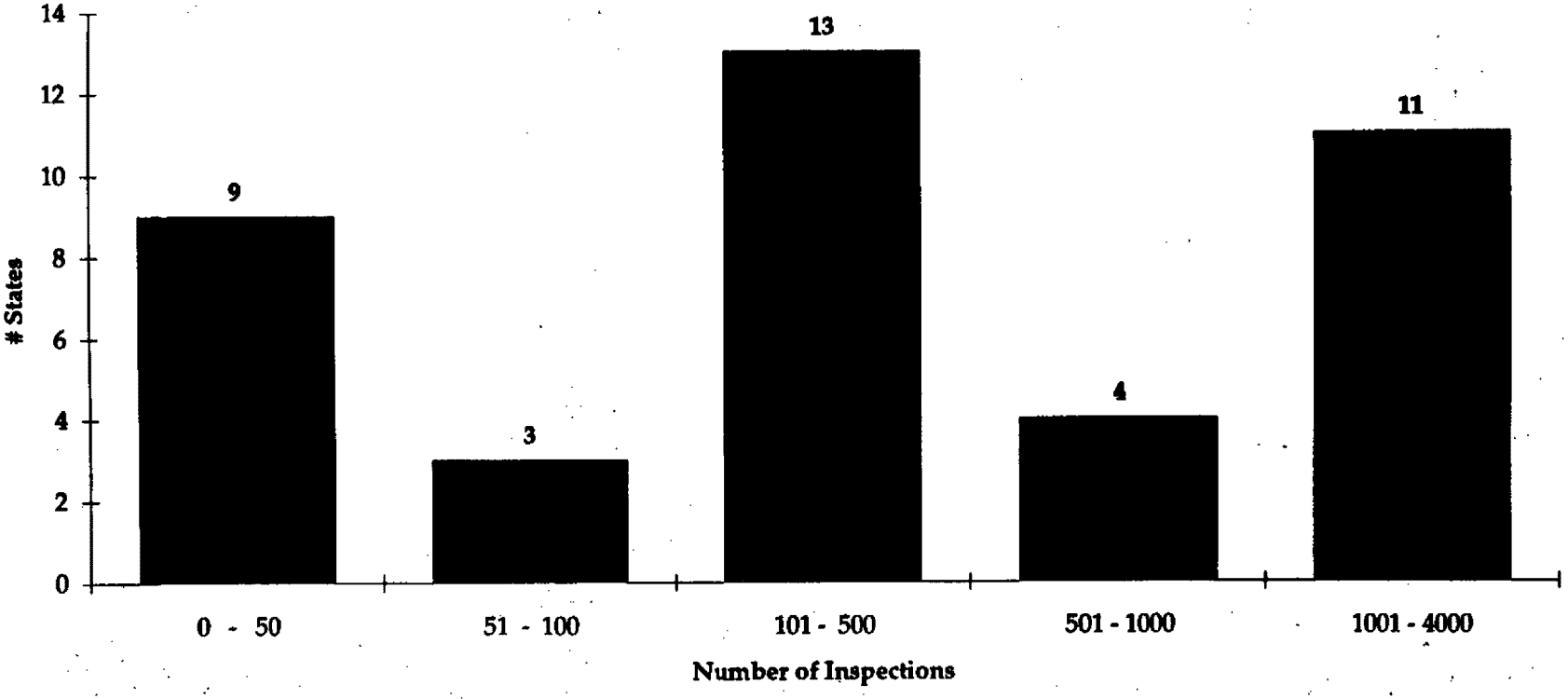

Tracking Systems Used for Each Program Area
States
40
35
30
25
20
15
10
5
0
35
27
25
34
20
19
35
21
18
38
21
21
Permits
DMR review
Inspection
Enforcement
Program Area
hard copy files
PCS
State automated database

Table D1
Data Routinely Entered Into A Database or Log

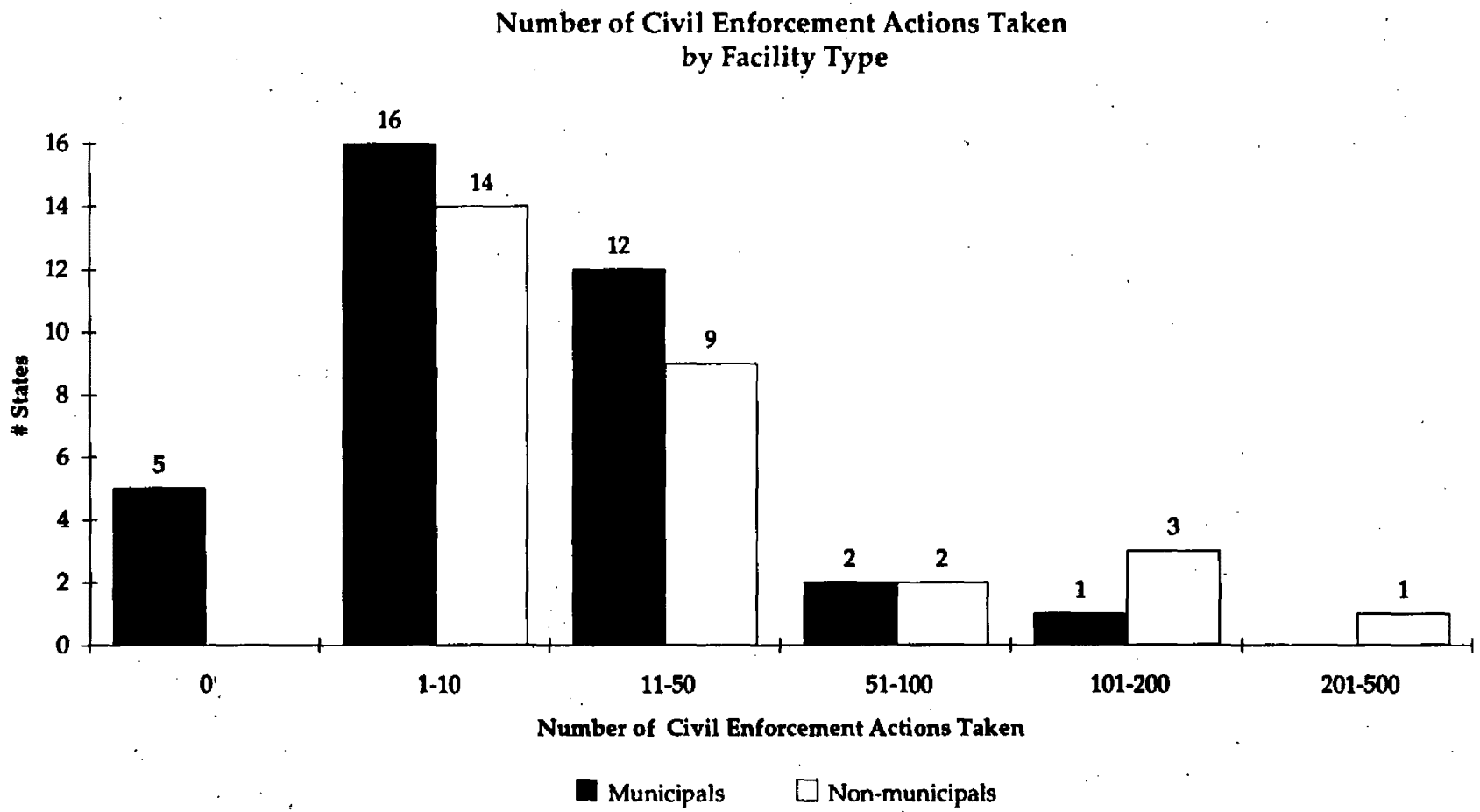
DATA ELEMENTS STORED	# OF STATES
Owner Name	40
Enforcement Actions	38
Inspections	37
Discharge Monitoring Reports	36
Effluent Limits	35
Location	31
Compliance Schedule	30
Basin Indicator	27
Compliance Status	25
303(d) Water	3
Other	5

Graph D4

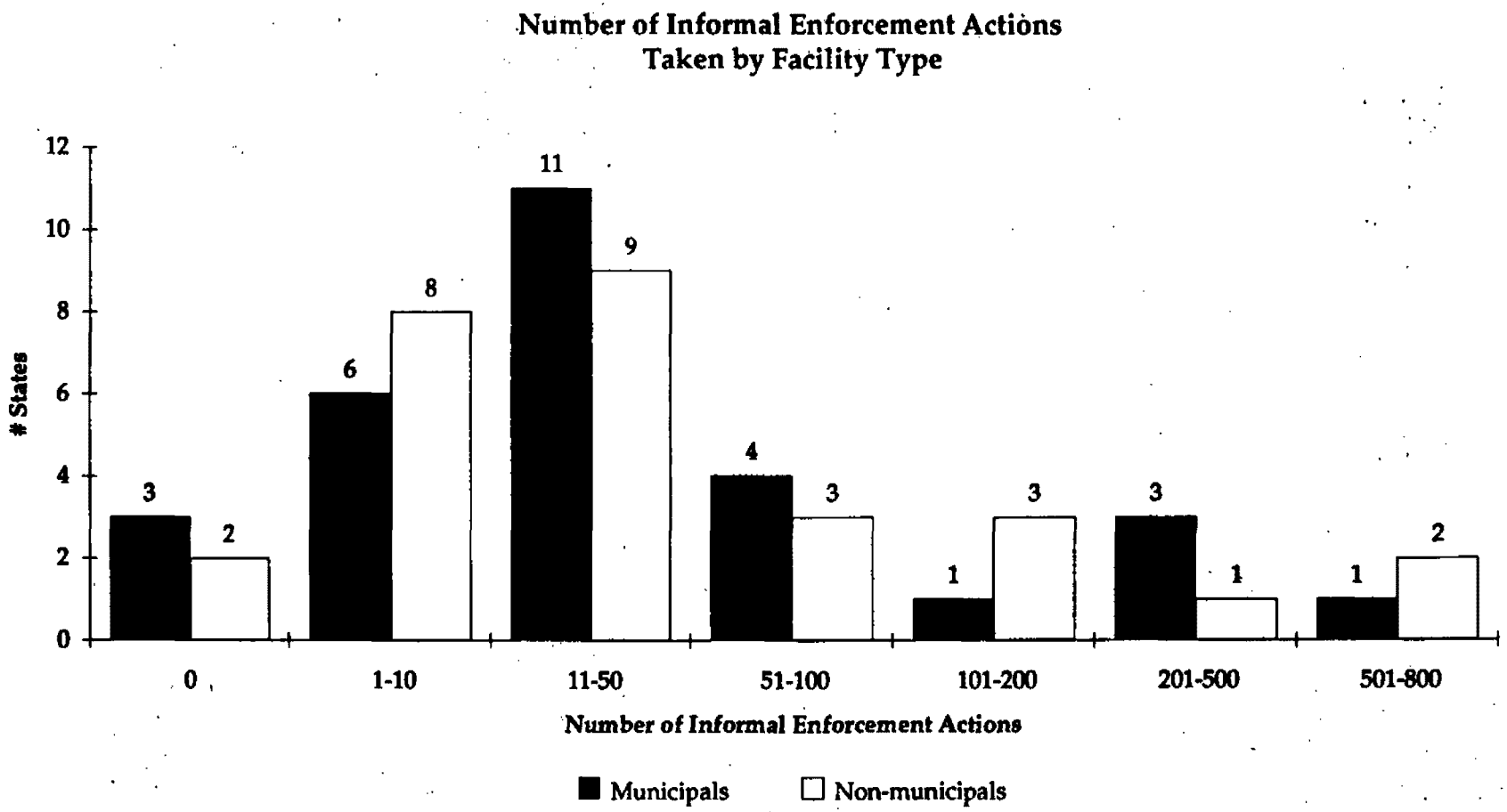
Number of Inspections Conducted at Minor Facilities in Past Fiscal Year



Graph D5


Number of Civil Enforcement Actions Taken
by Facility Type
States
16
14
12
10
8
6
4
2
0
5
16
14
12
9
2
2
1
3
1
0
1-10
11-50
51-100
101-200
201-500
Number of Civil Enforcement Actions Taken
Municipals
Non-municipals

Graph D6


Number of Informal Enforcement Actions
Taken by Facility Type
States
12
10
8
6
4
2
0
3
2
6
8
11
9
4
3
1
3
3
1
1
2
0
1-10
11-50
51-100
101-200
201-500
501-800
Number of Informal Enforcement Actions
Municipals
Non-municipals