



Permitting for Environmental Results (PER)

NPDES Profile: Hawaii

PROGRAM RESPONSIBILITY

State of Hawaii: NPDES authority for base program, general permitting, federal facilities, pretreatment

EPA Region 9: NPDES authority for biosolids

Program Integrity Profile

This profile characterizes key components of the National Pollutant Discharge Elimination System (NPDES) program, including program administration and implementation, environmental outcomes, enforcement, and compliance. EPA considers profiles to be an initial screen of NPDES permitting, water quality, enforcement, and compliance programs based on self-evaluations by the States and a review of national data. EPA will use the profiles to focus these efforts and identify areas needing further discussion and evaluation. For more information, please contact Sara Roser, EPA Region 9, at (415) 972-3513 or Denis Lau, Hawaii Department of Health, at (808) 586-4309.

Section I. Program Administration

1. Resources and Overall Program Management

The State of Hawaii:

The NPDES program was authorized on November 28, 1974. Authorization for regulation of federal facilities occurred on June 1, 1979; for the pretreatment program on August 12, 1983; and for general permits on September 30, 1991. Hawaii is not authorized for biosolids but is preparing to seek authorization. The NPDES program has grown to cover 22 major permits, 64 minor permits, 406 minor facilities covered by general permits, 22 significant industrial users (SIUs), and two permits for Concentrated Animal Feeding Operations (CAFOs).¹

The NPDES program is administered by the Environmental Management Division's Clean Water Branch (CWB), within the Environmental Health Administration of the Hawaii Department of Health (HDOH). The Environmental Management Division comprises the following five branches: the CWB, Wastewater, Safe Drinking Water, Clean Air, and Solid and Hazardous Waste. The CWB is further divided into three sections (Engineering, Enforcement, and Monitoring) and one unit (Polluted Runoff). One supervisor and nine engineers staff the NPDES permit-writing function in the Engineering Section of the CWB. The Enforcement Section, which is composed of one supervisor, two engineers, and four environmental health specialists, focuses on compliance monitoring, inspections, violations, and data control for NPDES permits. The Monitoring Section is composed of 1 supervisor and 10 environmental health specialists, who are based on 4 islands. Monitoring activities support permit development,

¹ The National Data Sources column in the Management Report, measure #2, is as of June 16, 2004, and shows 59 minor facilities covered by individual permits. The number of minor permits mentioned above (64) is as of September 10, 2004.

revisions to water quality standards, generation of the water quality inventory prepared under the Clean Water Act (CWA) section 305(b) and the list of impaired water bodies prepared under CWA section 303(d), and Total Maximum Daily Load (TMDL) development. The CWB recently appointed a quality assurance officer and filled a new data processing systems analyst position. In addition to clerical and supervisory staff, the total number of full-time employees in the CWB is 36.

The amount of state grant funding awarded under CWA section 106 to HDOH in FY2003 totaled almost \$2.7 million. (Approximately \$170,734 of the funds awarded in FY2003 were carried over from FY2002 funds dedicated to TMDLs that were initiated, but not completed, in 2002.) HDOH also funded its surface water pollution control programs in 2003 with \$1.2 million of State funds. The total amount, \$3.9 million, funded all surface water pollution control activities, including NPDES permitting, enforcement, compliance assistance, monitoring and assessment, TMDL development, administration, staff training, and public participation processes. Approximately \$935,000 of federal section 106 grant funds were dedicated to the development of TMDLs and funding of a 303(d) listing coordinator in 2003.

The increased workload in response to Phase II stormwater permitting and enforcement led to the creation of two additional CWB positions in 2002 (one engineer and one environmental health specialist). However, State hiring freezes prevented the CWB from filling these, and other vacant positions, until late in 2003. Despite budgetary problems and hiring freezes, HDOH has maintained a core group of dedicated, well-trained staff members in all programs. As necessary, the HDOH staff is complemented with contractor support to ensure that program requirements are met.

Training programs are in place for all CWB staff. Training focuses on three objectives: (1) baseline needs of the branch; (2) employee-specific needs; and (3) job-related personal goals. In addition to the general training available to all staff, specialized training is provided. Training for inspectors and monitoring staff consists of experienced staff training new staff, intensive class training available through a variety of sources (e.g., EPA inspector training and data quality objectives training), and written reference sources in the CWB, including manuals covering topics such as inspections, enforcement, compliance monitoring policies, and water quality sampling. The engineering staff receive training from EPA's NPDES Permit Writers' Training Course, which focuses on the regulatory framework of the NPDES program, the application and permitting processes, technology-based effluent limits, water quality-based effluent limits, special conditions, and administrative processes.

EPA Region 9:

One Region 9 staff person (0.25 full-time equivalent [FTE]) is assigned as a lead for EPA's oversight of Hawaii's NPDES program. This lead person is also responsible for drafting permits issued in Hawaii by EPA. To date, EPA has written only two NPDES permits in Hawaii. Both permits contain waivers from secondary treatment requirements under CWA section 301(h). Region 9's monitoring and compliance staff also provide oversight of Hawaii's NPDES program.

The Region determines NPDES program priorities by balancing core requirements with new initiatives. EPA and HDOH discuss program priorities during annual meetings to negotiate the next year's grant work plans and review progress on current work plans. On the basis of these negotiated priorities, the State divides resources among NPDES, TMDL, and water quality standards programs.

2. State Program Assistance

EPA Region 9:

The Region administers the biosolids program in Hawaii. The State incorporates federal biosolids requirements into State-issued permits and intends to seek authorization for the biosolids program in the near future. The Region and HDOH work together to develop annual work plans for all CWA grants, including the water quality program, permits, compliance and enforcement, water quality standards, monitoring, and TMDLs.

3. EPA Activities in Indian Country

There are no Tribal lands in Hawaii.

4. Legal Authorities

EPA is conducting a comprehensive review of the State's legal authorities. This review has not yet been completed. As a result, EPA is reserving this section of the profile; when the legal reviews are complete, EPA will update profiles to include the results of the reviews.

Two petitions to withdraw the Hawaii NPDES program were filed on behalf of Waimanalo Citizens for a Healthy Future on January 6, 1999, and EnviroWatch, Inc., on April 15, 2001. Region 9 legal and technical staff reviewed the allegations, investigated the petitioners' concerns, and conducted an in-depth review of Hawaii's NPDES program. On August 13, 2004, EPA Region 9 denied both petitions, determining that any deficiencies raised by the petitions were not of sufficient weight to commence proceedings to withdraw the Hawaii program.²

5. Public Participation

An evaluation of the State's legal authorities regarding public participation will be included in the legal authority review. As noted above, the legal authority review section of this profile is reserved pending completion of the legal authority review.

The State of Hawaii:

HDOH's administrative policies encourage public participation in the department's decision-making processes, and HDOH strives to improve public involvement. The State's framework for public participation is contained in the State's statutes (Hawaii Revised Statutes [HRS], Chapter 342D-6(4)) and administrative rules (Hawaii Administrative Rules [HAR] of the Department of Health, Chapter 11-55, Water Pollution Control).

HDOH encourages public participation by holding public meetings and hearings, developing permit fact sheets, requesting public comments, and posting public notices in newspapers and on its Web site (<http://www.hawaii.gov/health/environmental/water/cleanwater/pubntcs/index>). The Web site includes

² The National Data Sources column in the Management Report, measure #16, is based on data as of June 30, 2004, and still shows these two petitions as active because they were resolved after that date.

individual permit applications, draft permits and fact sheets for individual permits, and general permit Notice of Intent (NOI) forms. The State's Web site also provides the forms needed to apply for NPDES permits, zone of mixing allowances, notices of general permit coverage, conditional "no exposure" exclusions, and section 401 water quality certifications, as well as blank forms for discharge monitoring reports (DMRs) and notices of cessation.

All proposed NPDES permits receive legal notice by publication in daily or weekly newspapers circulated in the geographic area of the proposed discharge and are available on the Internet (<http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>). For the public to easily obtain additional information or provide written comments about the proposed permit action, a CWB staff person's name, address, and phone number are included in the public notice and fact sheet. In addition, some individual permits and fact sheets issued by HDOH may be accessed on EPA's Web site. Instructions for accessing these documents are available at <http://www.epa.gov/npdes/permitdocuments>.

As part of the public participation process, the CWB maintains a mailing list of interested persons and concerned citizens; public interest groups; and municipal, State, and federal agencies. In addition, the CWB maintains a mailing list of interested persons who have requested copies of the proposed NPDES permits, fact sheets, or public notice documents. All the persons on these mailing lists receive direct mailings.

HAR 11-55-13 allows any interested person or agency to request a public hearing on a proposed permit. The term "public" is not defined by State statute or rule. However, HRS 342D-1 defines "person" as any individual, partnership, firm, association, public or private corporation, federal agency, the State or any of its political subdivisions, trust, estate, or any other legal entity.

All draft permits proposed for issuance or denial and proposed settlement agreements from enforcement actions receive a public comment period of at least 30 days following legal public notice of the proposed action. Any person may provide comments to the CWB in response to the proposed action. CWB staff members prepare a summary of all significant comments received during the public comment period. Significant comments include those that address substantive and relevant issues, those that indicate a high degree of public controversy, those that address issues bearing on the staff decision to propose issuance or denial of a permit, or settlement of an enforcement action. A response to comments is part of the administrative file and is available to the public.

The CWB evaluates whether a public hearing or meeting should be held based on a review of the issues raised and the amount of public interest. If a public hearing is requested, the CWB may decide to hold a public meeting if it is more likely to provide meaningful public participation and is generally agreed to by the parties. A public meeting is less formal than a public hearing and provides a better opportunity for dialogue on the issues. A public meeting or hearing with the permit decision-maker is held when there are substantial and relevant unresolved issues following public participation on a permit.

EPA Region 9:

EPA Region 9 follows federal requirements for ensuring sufficient public participation in the NPDES permitting process. The Region also looks to the process as specified in State regulations and statutes, which are designed to encourage meaningful public participation in NPDES decision-making activities. The Region follows the procedures found at 40 Code of Federal Regulations (CFR) 124.10. Notices of

proposed action are publicized in the daily newspaper circulated in the geographic area of the proposed discharge and are also available on the Internet. As part of the public notice process, the Region maintains and uses a mailing list of interested parties who have requested individual notices of proposed determinations in the past. EPA Region 9 also obtains such a list from HDOH. Parties receiving direct mailings include municipal, State, and federal agencies; public interest groups; concerned citizens; and any other interested entity or party.

During the public participation process, draft NPDES permits proposed for issuance have a public comment period of a minimum of 30 days following legal public notice of the proposed action. Any person may comment to EPA Region 9 in writing in response to the proposed permit action. The Region reviews the comments and responds in accordance with 40 CFR section 124.17. Responses are retained in individual permit files for the public record. If any information submitted during the public comment period raises substantial new questions about the draft permit, a new draft permit with a revised fact sheet may be prepared or a final permit with changes explained is issued. If the permit is altered significantly in response to comments, the comment period is reopened (but limited to new findings) and public notice of the proposed permitting action is given.

During the public comment period, any interested party may request a public hearing. EPA Region 9 evaluates whether a public hearing will be held based on a review of the issues raised and the amount of public interest. Often public hearings are held because public interest is expected to be high. Members of the public may also appeal final permitting decisions if they have provided comments and followed the procedure by raising their concerns in a timely manner to the Environmental Appeals Board.

Permits issued by EPA for facilities discharging in Hawaii's State waters require State review and certification under section 401 of the CWA.

6. Permit Issuance Management Strategy

The State of Hawaii:

As of July 2004, 20 of the 22 major permits in Hawaii were considered current. However, the two expired major permits (Honouliuli and Sand Island) are federally issued permits for facilities with section 301(h) waivers. Consequently, 100% of State-issued major NPDES permits are current, exceeding the national average of 84%. Although there are no major dischargers with permits that have been expired for more than 10 years, the Honouliuli permit has been administratively extended for more than 2 years pending revision of the application by the City and County of Honolulu.

As of July 2004, 61 (95%) of the State's 64 minor individual permits were considered current, exceeding the national average of 81%. One minor permit has been expired since 2001. However, this permit is for a facility that is in the final stages of closing and no longer discharging. HDOH is in the process of terminating this permit. Another expired permit addresses stormwater from a construction project. Because the project will be completed in the near future, the CWB decided to extend the permit rather than devote limited resources to reissuing the permit with a short period of coverage. HDOH intends to reissue the remaining minor permits by December 2004.

At the end of 2003, permits were current for 100% of the 406 permittees covered by general permits. In addition to the State’s prompt actions in response to providing coverage under general permits, the State conducts timely reviews of pending applications for new dischargers.

In the past 3 years, the trend in permit issuance has steadily increased. HDOH reduced its backlog, which was higher in the mid-1990s, by adhering to a rotating, 5-year permit reissuance cycle described in its CWA section 106 grant work plan. This plan encompasses both individual and general permits. The goal is to even out the workload associated with permit development and provide a predictable framework for permit reissuance. The plan works well. Consequently, there is no need for a Regional strategy to increase permit issuance beyond the commitments outlined each year in the work plan. To maintain its high issuance rate, HDOH intends to continue adhering to the 5-year reissuance cycle and may also consider adopting additional general permits.

The state has four applications pending for new facilities.³

Table 1: Percentage of Facilities Covered by Current Permits in Hawaii
(State-Issued Permits)

	2000	Nat'l Avg	2001	Nat'l Avg	2002	Nat'l Avg	2003	Nat'l Avg
Major Facilities	62%	74%	77%	76%	100%	83%	100%	84%
Minor Facilities Covered by Individual Permits	83%	69%	81%	73%	88%	79%	96%	81%
Minor Facilities Covered by Individual or Non-stormwater General Permits	N/A	N/A	N/A	N/A	98%	85%	99%	86%

Source: Permit Compliance System (PCS), 12/31/00; 12/31/01; 12/31/02; 12/31/03. (The values in the National Data Sources column of the Management Report, measures #19 and #20, are PCS data as of 6/30/04.)

EPA Region 9:

Hawaii has two facilities discharging to ocean waters of the State—Honouliuli Wastewater Treatment Plant (WWTP) and Sand Island WWTP—which operate under federal waivers from national secondary treatment standards for publicly owned treatment works (POTWs) (i.e., CWA section 301(h) variances). Because States are not authorized under the CWA to waive secondary treatment requirements, NPDES permits incorporating 301(h) variances are jointly issued by the State and EPA. Historically, EPA has taken the lead in developing draft permits for these facilities, incorporating both the federal 301(h) variance decision and applicable State permit requirements.

³ Although the National Data Sources column in the Management Report, measure #18, shows no pending applications, the State in fact has four applications pending for new facilities. The State’s standard procedure is to enter permit records into the Permit Compliance System (PCS) only after the permit has been issued, rather than when the application is received. Consequently, these four applications do not have records in PCS and do not appear in the PCS data used for the National Data Sources column.

At present both of these major permits are expired and have been administratively extended. Before EPA can reissue the Honouliuli permit and section 301(h) decision, the permittee must take corrective actions in response to an Administrative Order and provide EPA with an updated application reflecting plant changes made in compliance with the order. The Sand Island permit, which expired in November 2003, requires the permittee to meet a construction schedule for improved treatment before the permit and 301(h) decision can be reissued. Because of ongoing delays, construction is expected to be completed by June 2005. After construction is complete, 1 year of operation and monitoring data is needed before compliance can be evaluated prior to permit reissuance.

Table 2: Percentage of Facilities Covered by Current Permits in Hawaii
(EPA-Issued Permits)

	2000	Nat'l Avg.	2001	Nat'l Avg.	2002	Nat'l Avg.	2003	Nat'l Avg.
Major Facilities	50%	74%	50%	76%	50%	83%	0%	84%
Minor Facilities Covered by Individual Permits	N/A	69%	N/A	73%	N/A	79%	N/A	81%
Minor Facilities Covered by Individual or Non-stormwater General Permits	N/A	N/A	N/A	N/A	N/A	85%	N/A	86%

Source: PCS, 12/31/00; 12/31/01; 12/31/02; 12/31/03. (The values in the National Data Sources column of the Management Report, measures #19 and #20, are PCS data as of 6/30/04.)

7. Data Management

The State of Hawaii:

Hawaii is a direct user of the PCS database and uses PCS as its primary NPDES management tool. In accordance with the NPDES Memorandum of Agreement between EPA and the State of Hawaii, data are entered into PCS on a monthly basis. This includes DMR data for major NPDES permittees, permit facility information for major and minor NPDES permittees, and inspection dates for major and minor NPDES permittees. Other systems such as Microsoft (MS) Excel spreadsheets and MS Access databases are used to track DMR data for minor permittees and DMR receipt date for general permits. MS Access databases are used to track inspections conducted (including NPDES facilities, water quality certifications, and compliance inspections), violation letters and formal action tracking, permit processing, and spill information. Data elements that form EPA's Water Enforcement National Database are also entered into PCS, although the State has not been entering enforcement-related information into PCS consistently. When latitude and longitude data are included in the permit application for a facility, those points are entered into PCS. No validation is made of this information because compliance inspectors do not routinely confirm latitude and longitude data during facility inspections.

At 99%, the State's rate for entering DMRs into PCS exceeds the national average of 94%. Data are entered to PCS through EPA's z/OS Enterprise Server. To confirm data entry accuracy, entries into PCS

are compared with the State's database. When a discrepancy is detected, corrections are made and uploaded to PCS. After the updates, another retrieval is made to verify that PCS information is correct.

The State uses DMR data from the PCS system for tracking and managing permit and compliance information for all individual major permits. These data assist the CWB when conducting compliance inspections. The State relies on permittees to submit accurate DMR data and informs the permittee of the certification statement on the DMR form, which attests to the completeness and accuracy of the submittal. A survey of a facility's laboratory is conducted during a CWB compliance sampling inspection. Each sample taken during these inspections is generally split, with one part analyzed at the HDOH laboratory and the other part analyzed at the permittee's laboratory. Results are compared as part of the inspection process. Compliance sampling by the CWB also involves an inspection of the permittee's laboratory, including a review of instrument calibration records and a cursory review of the laboratory's quality assurance/quality control program. The State participates in the Discharge Monitoring Report Quality Assurance program. Twenty of the State's twenty-two individual major permittees participate in this program, although the State does not use this program as an inspection targeting tool. The State uses the PCS database as its primary NPDES management tool.

EPA Region 9:

The Region also uses the PCS data system. HDOH staff enter all pertinent information about EPA-issued NPDES permits in Hawaii into PCS.

Section II. Program Implementation

1. Permit Quality

The State of Hawaii:

HDOH compares water quality-based effluent limits and technology-based limits during the permit development process to ensure that the more stringent limit is imposed in the permit. Permit decisions leading to development of effluent limits are clearly documented in fact sheets. HDOH conducts compliance inspections prior to permit reissuance to ensure that the data used to develop permits are current. HDOH dedicates the most experienced engineers to work on major permits and the more complex minor permits. Training programs are in place for all CWB staff, including permit writers. By working with experienced staff and attending EPA's NPDES Permit Writers' Training Course, new permit writers become trained and skilled in all aspects of the NPDES permitting program. CWB attendance at national coordinators' meetings provides the State with current knowledge on specific permitting issues, such as stormwater, CAFOs, and data quality.

All draft NPDES individual permits are sent to EPA Region 9 for review and comment. At the same time, the permit applicant has the opportunity to comment on the proposed permit. All concerns from Region 9 are resolved prior to issuance of the permits, and permits issued by the State are of sufficient quality that Region 9 has not found the need to object to any permits. Reviews are documented by email exchange and formal written comments, where needed. The State has no unresolved issues with EPA Region 9 at this time.

The CWB's Engineering Section has streamlined its implementation of the whole effluent toxicity (WET) testing program by developing standardized permit conditions for WET testing and effluent limits that are in agreement with HDOH's implementation procedures for water quality-based effluent limits. HDOH's permits require analysis of both lethal and sublethal end points in toxicity tests. The State has not yet developed a WET education program for permit writers, permittees, or laboratory personnel. In Hawaii, toxicity testing is conducted by private laboratories or the laboratories of large permittees. The State's laboratory does not have the capability to develop or conduct toxicity tests and has not been involved with the Region's efforts to develop a Hawaii-specific marine toxicity test. Nevertheless, HDOH has been supportive of Region 9's effort to develop this method.

EPA Region 9:

All Regional permit writers are provided EPA's *NPDES Permit Writer's Manual* (EPA-833B-96-003) and instructed to follow it in writing permits. This includes following the manual's requirements on reviewing applications, selecting technology-based and water quality-based effluent limits, including an assessment of the beneficial uses of the waters into which the effluent is discharged, as well as calculating "reasonable potential" for applicable limits to be exceeded. Regional permit writers follow the manual's guidance on administrative and procedural issues.

WET is used in permits written by the Region. Permits include, as appropriate, toxicity monitoring and effluent limitations for acute and/or chronic toxicity. In Hawaii, the two EPA-developed permits both contain WET limits based on an analysis of the reasonable potential of the effluent to cause toxicity.

To strengthen water quality protection in tropical areas, Region 9 is working to develop toxicity test methods using species indigenous to Hawaii and the Pacific Island territories. For the past several years, Region 9 has been developing a toxicity test using the Hawaiian sea urchin, *Tripneustes gratilla*, as a test organism. Although still in draft form, this method has been implemented in numerous Hawaiian NPDES permits as a monitoring tool and refined by data collected over the past few years. This document is undergoing external peer review.

2. Pretreatment

The State of Hawaii:

The State has one approved pretreatment program and 22 SIUs.

All SIUs are regulated through the approved pretreatment program, and the State relies on this program to control SIUs and categorical industrial users (CIUs). No other POTWs in the State require an approved pretreatment program. All SIUs have permits or other control mechanisms. The State reviews the annual report and takes follow-up action as needed. Hawaii performs an annual inspection or audit of the one pretreatment program, as required under the memorandum of agreement (MOA) between HDOH and EPA. The State notifies the POTW of its findings and requires the POTW to correct deficiencies within the next quarter.

Hawaii has very little industry and uses its limited resources to focus on high-priority water quality issues. Consequently, the State performs its pretreatment MOA obligations and works cooperatively with EPA to resolve other pretreatment issues as they occur.

EPA Region 9:

The pretreatment program is delegated to the State, which is responsible for implementing the program. The Region, however, works closely with the State to overcome difficulty in maintaining trained and experienced pretreatment staff. Consequently, the Region assigns staff to Hawaii pretreatment projects as necessary, to fill program gaps that may occur in the State's program.

3. Concentrated Animal Feeding Operations

The State of Hawaii:

There are two concentrated animal feeding operations (CAFOs) in Hawaii with individual NPDES permits. Both permits reference the earlier federal requirements for CAFOs. HDOH is revising State regulations and program descriptions to address current federal CAFO requirements. The nine minimum control measures required by the CAFO regulations are addressed in existing permits through special conditions contained directly in the permit or through requirements that must be met in the permittee's nutrient management plan. Both of Hawaii's CAFO permits have requirements to develop nutrient management plans. The State considers both CAFO permits to be minor permits because they are "no

discharge” permits. Facilities with minor permits are inspected once every 5 years, and more frequently if citizen complaints are received.

During the FY2004 fiscal year, HDOH will update its inventory of animal feeding operations (AFOs) and CAFOs to determine whether additional facilities require discharge permits. HDOH is working with the University of Hawaii’s Cooperative Extension Service to revise its Animal Waste Guidelines and adapt the Natural Resources Conservation Service guidelines for CAFOs to local conditions.

EPA Region 9:

The State, rather than the Region, handles all aspects of the CAFO permitting process in Hawaii. The Region reviews all CAFO permits prior to public notice and issuance.

4. Stormwater

The State of Hawaii:

HDOH has issued current permits for all stormwater discharges, including industrial, Phase I and Phase II construction, and Phase I and Phase II municipal separate storm sewer systems (MS4s). Every 5 years, general permit rules are reviewed by the State, made available for public comment, and then adopted into the State’s administrative rules (HAR Chapter 11-55, Water Pollution Control). In Hawaii, applicants apply for coverage under general permit categories such as small MS4s, or discharges associated with industrial or construction activity. In addition, HDOH issues individual stormwater permits for areas adjacent to Class AA waters. There are two Phase I MS4 individual permits in Hawaii. Both permits expire in September 2004 and are scheduled to be reissued in accordance with the 5-year reissuance plan set in Hawaii’s section 106 grant work plan.

The State maintains an electronic tracking system for NOIs and posts the list on its Web site at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/pubntcs/pdf/4weeksNOI.pdf>. HDOH tracks NOI data electronically using an MS Access database. Information stored in this database includes the name of the owner/operator, address, type of activity, receiving water, size of disturbed area or industrial category, and dates of application and issuance of general permit coverage.

EPA Region 9:

In Hawaii, all stormwater permits are issued by the State. EPA Region 9 reviews permits as submitted by HDOH. The Region also reviews the State’s general permits prior to public notice and adoption into the State’s administrative rules.

5. Combined Sewer Overflows/Sanitary Sewer Overflows

The State of Hawaii:

There are no combined sewer systems in Hawaii. The State requires all wastewater systems (not just NPDES permittees) to report all sanitary sewer overflows (SSOs) to HDOH. The reporting requirements stem from HRS 342(d), which requires reporting of all discharges of pollutants. Although reporting requirements are not included in permits, HDOH has a written protocol that specifies procedures for reporting SSOs. Systems are required to immediately report any SSO to waters and SSOs of 1,000 gallons or more to land. SSOs less than 1,000 gallons to land must be reported to HDOH quarterly.

Although permits are not issued for satellite systems, those systems are held to the same requirements for reporting SSOs. The State does not require volume estimates for reported SSOs.

The State or the permittee notifies the public by issuing press releases and by posting warnings at beaches when spill information or microbiological monitoring results indicate that water quality standards have been exceeded in recreational waters. To track reported SSOs, HDOH maintains the following information in its SSO database: spill location, responsible party, wastewater system associated with the spill, specifics of spill (date, time, duration, volume estimate if known), type of waste spilled, cause, name of person reporting the spill, impacted water body, number of days the impacted water body is posted or closed, posting location, and water quality monitoring results from post-spill monitoring. Although basement backups are not tracked as a separate category, the occurrence of sanitary sewer backups into basements may be mentioned in the comments field of the SSO database. The State does not require that the NPDES permittee develop a Capacity, Management, Operation, and Maintenance program.

6. Biosolids

The State of Hawaii:

Hawaii is not authorized to administer the biosolids program. The State intends to seek authorization in the future and, in preparation, is developing State rules to address biosolids regulations. HDOH includes standard language in individual NPDES permits to address federal biosolids requirements (40 CFR part 257, 258, and 503) and State solid waste management controls and wastewater system regulations (HAR, Chapter 11-58.1 and 11-62). In addition, the HDOH tracks compliance with biosolids regulations by requiring compost operations to submit lab analyses prior to distribution. An approval letter from the State is needed before compost may be distributed. HDOH inspects compost facilities. The State tracks compliance and inspects treatment works with less than 1 million gallons per day (average dry-weather flow). Thirty percent of Hawaii's biosolids are distributed for reuse, following composting to Class A levels at two large regional compost operations. The remainder is landfilled.

EPA Region 9:

EPA Region 9 relies to a large extent on HDOH's implementation of its own program, while the Region focuses on tracking compliance by WWTPs. The Region looks to the State and county agencies to track compliance by land appliers and surface disposal site operators. The Region performs periodic inspections of biosolids facilities in conjunction with HDOH. The Region reviews all annual reports submitted by major WWTPs and compost facilities for compliance with 40 CFR Part 503 monitoring requirements, pollutant limits, and required operational parameters for pathogen reduction and vector attraction reduction. The Region conducts an inspection of the major facilities that prepare biosolids for distribution for reuse (composters) about once every 4 years. The Region does not track compliance by minor facilities.

Section III. NPDES Compliance Monitoring and Enforcement Response

In a separate initiative, EPA's Office of Enforcement and Compliance Assurance (OECA), EPA Regions, and the Environmental Council of the States have developed a tool for assessing State performance in enforcement and compliance assurance to ensure that States meet agreed-upon minimum performance levels and provide a consistent level of environmental and public health protection nationwide. OECA will use the State profiles to focus these efforts and identify areas needing further discussion and evaluation.

1. Enforcement Program

The State of Hawaii:

Under the delegation agreement, HDOH has primary responsibility for enforcement under the NPDES program, other than the biosolids program. HDOH and Region 9 work closely to ensure that timely and appropriate action is taken, often by sharing the workload.

As a result of EPA's 1999 review of the State's NPDES program, HDOH developed an enforcement response guide and penalty policy, the latter of which permits the use of supplemental environmental projects (SEPs) in settling penalty cases. This guidance has assisted the State in improving its documentation of penalty calculations and recovery of economic benefit. The CWB developed a database to calculate appropriate case-specific penalty amounts pursuant to its policy. This database saves time, prevents calculation errors, and provides a defensible record of penalties. The database has proven to be especially helpful in larger and more complex enforcement cases, and it is used to track penalty payments and SEPs.

State regulations and permit requirements direct permittees to notify HDOH when serious environmental and human health impacts, such as sewage spills, occur. This process serves as a first trigger for identifying immediate, high-priority noncompliance problems. On a more routine basis, exceedances of permit effluent limitations indicated in DMRs provide the next method of identifying noncompliance problems. HDOH staff identify permit effluent limitation exceedances as DMR information for major permits is entered into PCS and during staff review of DMRs from minor and general permits. CWB compliance inspectors determine appropriate action needed on the basis of the severity and frequency of the problem, and they continue to evaluate subsequent DMRs in order to track improvements. Consistent with its enforcement response guide, the State's usual first action is the issuance of a "Notice of Apparent Violation" warning letter. This approach encourages permittees to come into compliance without further escalation. HDOH assists permittees with their efforts at this stage, prior to initiating formal enforcement actions.

The CWB measures the outcome of its enforcement actions on the basis of the elimination or reduction of significant noncompliance (SNC) with NPDES permit requirements. Because of resource constraints, the CWB does not estimate pollutant load reductions; however, the CWB has a practice of directing SEPs toward prevention and education programs.

Internal HDOH data sources indicate that during the reporting period, HDOH took a total of one formal action against a major facility and three formal actions against minor facilities for NPDES violations.⁴

The NPDES Management Report indicates that during the reporting period (October 2002–September 2003), 9% of major facilities (2 of 22) were in SNC. That rate is less than the national average of 22%. The State did not take any formal enforcement actions against the facilities in SNC during the reporting period, since both returned to compliance within the same reporting period.

EPA Region 9:

The Region and HDOH closely confer on enforcement matters through frequent reporting and monthly conference calls. There are several examples where the Region and the State have undertaken joint enforcement actions (City and County of Honolulu, Maui County, Marisco Shipyard, James H. Pflueger) and shared the workload associated with these cases. Joint enforcement actions are either civil or judicial actions where HDOH and Region 9 are co-plaintiffs or where HDOH and the Region have taken parallel administrative action. Recently, EPA has also taken independent actions in some instances where either an EPA-led inspection indicates the need for formal enforcement response (Hawaii Electric Co., Hilo Coast Power Co.) or consultations with the State have, due to resource limitations, led EPA to take action (Kauai County/Wailua WWTP, Kahuku Shrimp).

HDOH and Region 9 signed an Enforcement Partnership Agreement in 1997, acknowledging a joint commitment to a strong and effective State/EPA partnership and clarifying shared commitments. HDOH has primary responsibility for identifying and prioritizing noncompliance problems and for ensuring that corrective measures are taken to address them. EPA Region 9's responsibilities include overseeing the State's activities to ensure that timely and appropriate enforcement actions are taken and initiating direct enforcement actions when the State cannot, due to resource constraints, meet these requirements or when otherwise requested by HDOH to intervene.

HDOH provides Region 9 with monthly status reports on all open enforcement docket items, including penalty amounts. The State's enforcement performance is discussed during annual negotiations of the State's CWA section 106 grant work plan and semiannual, in-person managers' reviews.

2. Record Keeping and Reporting

The State of Hawaii:

The program maintains accurate and up-to-date records. All DMR data submitted to HDOH are entered into PCS within 1 month of receipt. HDOH also maintains an MS Access database to track information relating to citizen complaints, inspections, and general permits/permittees. All permit records, including permits, fact sheets, enforcement actions, and correspondence, are stored in the CWB's central files. All these documents are subject to full disclosure, with the exception of those determined to be confidential, such as information related to litigation matters or trade secrets provided as part of permit applications.

⁴ The Management Report states that no enforcement actions were taken against major or minor facilities during the reporting period. The discrepancy with HDOH data is due to the fact that HDOH has not been entering enforcement information into PCS, which is the source of the data used in creating the Management Report. The State has indicated that it will enter enforcement-related information into PCS in the future.

In Hawaii, DMRs are not submitted electronically, although the State is interested in moving in that direction.

EPA Region 9:

The Region maintain records pertaining to enforcement actions where EPA initiates or participates in the action. Pertinent data are entered into PCS.

3. Inspections

The State of Hawaii:

Although the CWB does not have a systematic prioritization scheme, it devotes most of its resources and its most experienced engineers to inspecting facilities with major permits and the more complex minor permits. HDOH's work plan for its CWA section 106 grant requires all facilities with major permits and 20% of facilities with minor permits to be inspected each year. In addition, facilities that are permitted for storm water discharges in watersheds that are undergoing TMDL development are also inspected during the year. Additional inspections are conducted when needed, although HDOH shares EPA's priority emphasis on wet-weather discharges (SSOs and stormwater). Hawaii performs an annual inspection or audit of the one pretreatment program in the State. File reviews of all permitted facilities are conducted annually. Facilities that submit DMRs indicating exceedances of effluent limits during the reporting period are targeted for inspection in the following quarter, or as soon as the CWB's resources permit. Complaints and citizen reports are evaluated, based on risk, for needed action. Because of HDOH's limited staff numbers, response to these sorts of reports can delay regularly scheduled inspections. Recently (in FY2003 and FY2004) the State requested EPA in-kind services, in the form of contractor support, to conduct a number of NPDES inspections. This contractor assistance enabled HDOH to meet its inspection commitments in FY2003 and FY2004.

The NPDES Management Report indicates that during the reporting period for inspections (July 2002-June 2003) the State and EPA, in combination, inspected 92%, or 21 of 22, of major facilities, which is short of the State's obligation to ensure inspections of 100% of major facilities. As discussed above, starting in late FY2003, the State began to request EPA in-kind services, in the form of contractor support in lieu of grant funds, to conduct NPDES inspections. Using this assistance, the State inspected all 22 major permittees by the end of FY2003. With this continued assistance the State is on track to meet its 100% coverage obligation in FY2004.

EPA Region 9:

Region 9 inspectors assist with or conduct additional inspections as needed.

4. Compliance Assistance

The State of Hawaii:

The CWB conducts annual workshops on construction stormwater compliance monitoring inspections and permit application preparation for the regulated community. These workshops are generally funded by the State or SEPs from enforcement actions. In addition, the CWB conducts statewide NPDES permit application workshops in conjunction with general permit renewals every 5 years. The effectiveness of

this assistance is measured by the numbers of violations noted in construction site compliance inspections and the permittees' attention to details in selecting and installing best management practices.

Section IV. Related Water Programs and Environmental Outcomes

1. Monitoring

The State of Hawaii:

The State is in the process of developing its monitoring strategy, which is scheduled to be submitted by October 2004. When completed, the strategy will cover all 10 elements included in the "Elements of a State Water Quality Monitoring Program." The State will begin implementing the new monitoring strategy in January 2005. Its current monitoring plan is designed to establish a database to calculate existing pollutant loads in impaired water bodies where TMDLs are under development and to support the State's methodology for determining impaired water bodies. In addition, HDOH directed a portion of its EPA grant funds toward collecting biological, chemical, and physical monitoring data from streams on Kauai. The sampling sites represent stream segments in three elevations across a range of disturbance gradients. HDOH plans to continue this study on the island of Hawaii in FY2005 and proceed to other islands in future years. Results from this monitoring effort will be used to assess and refine current nutrient standards and support section 303(d) listing decisions. Recently, HDOH joined the U.S. Geological Survey in submitting a pre-proposal in response to EPA's 2003 Request for Proposals for the national wadeable stream survey, based on Environmental Monitoring and Assessment Program (EMAP)-like methods, indicators, and probabilistic design. EPA is considering funding the proposal in FY2005. In conjunction with the University of Hawaii, a statewide, statistically based estuaries monitoring program was developed. This program was further developed for Mamala Bay in Oahu, where the two largest POTWs in Hawaii discharge. Permittees are responsible for implementing this monitoring program. Finally, the CBW conducts weekly monitoring of a core set of beaches with high usage in response to BEACH Act requirements. Less-frequented beaches are monitored weekly for 1 year on a rotating schedule.

Self-monitoring by the permittee is the primary mechanism for determining compliance with NPDES permit limits. Other ambient monitoring programs, such as those conducted by the Monitoring Section of the CWB, examine long-term impacts of discharges. Ambient monitoring data is combined with PCS data to provide a foundation for permit reissuance and TMDL modeling. Where NPDES-related discharges are identified in TMDLs as the source of impairment, ambient monitoring data will be used to establish permit limits through water quality modeling efforts.

The Continuous Planning Process document describes the process by which federal, State, county, and other stakeholders from the broader community interact to carry out water-related programs, such as watershed management, TMDLs, water quality standards, and wastewater management. This document was updated in August 2001. HDOH's Environmental Planning Office will initiate a statewide update of this document in FY2005.

EPA Region 9:

When the State submits its comprehensive monitoring strategy, the Region will ensure that the State's monitoring program addresses TMDL development and preparation of the section 303(d) list and section 305(b) report, as well as permit reissuance and compliance.

2. Environmental Outcomes

The State of Hawaii:

For 2004 HDOH attempted to prepare an integrated section 305(b)/303(d) report. However, the 305(b) report concluded that for many of the State's water bodies, there are inadequate data to assess water quality. Region 9 is requiring HDOH to provide a more complete revised section 305(b) report by January 2005. In addition, HDOH must reconcile differences in assessment methodologies between the section 303(d) list and the section 305(b) report. Subsequent reports will be strengthened by implementation of the comprehensive monitoring strategy and improvements to the existing monitoring program that are under development. A total of 224 water quality-limited segments were included on the State's section 303(d) list in 2004. Although it is difficult to determine the accuracy of assessments of most water bodies in Hawaii based on the 2002 section 305(b) report or 2004 integrated report, adequate data are available to assess the ocean shoreline, which is the most-used water body in Hawaii. These data are limited to nutrients, sediment, and bacteria. In 2002 HDOH reported that it assessed about 83% of the shoreline miles and found 2% to be impaired. Being an island ecosystem with extensive shoreline and beach miles, Hawaii has typically concentrated its monitoring efforts on the shoreline and coastal waters. Only a few years ago, HDOH began monitoring streams for conventional pollutants and biological integrity.

3. Water Quality Standards

The State of Hawaii:

Hawaii's water quality standards (WQS), contained in HAR, Chapter 11-54, are overseen by the Environmental Planning Office in HDOH. Permit issues are considered in every review, and the CWB has the opportunity to review and comment on all proposed amendments as a means of ensuring that standards can be translated into permits. Permits issued are most often based on water quality-based effluent limits (WQBELs). If the technology-based effluent limit (TBEL) is more stringent than the WQS, however, the TBEL limit is imposed in the permit instead.

HDOH is concluding a triennial review and will immediately start the next review after proposed amendments are adopted. The State's triennial reviews are timely, and Hawaii has no outstanding WQS disapprovals. One of the amendments resulting from the current review will adopt enterococcus as the indicator of microbial contamination in inland waters. Although the State adopted enterococcus as an indicator of contamination in marine waters more than a decade ago, revisions are needed to provide criteria for all marine recreational waters. At present, Hawaii is included in EPA's proposed rule to apply bacteria criteria to coastal waters where State WQS do not already apply.

In the next triennial review, the State intends to review and update its numeric standards for toxic pollutants. At the same time, HDOH also intends to establish water quality criteria for ammonia in fresh water. Currently, the State's WQS contain nutrient criteria for inland, estuarine, and marine waters based on minimally disturbed ambient conditions. There are water quality issues related to implementing these very stringent nutrient criteria. It is unlikely that any facility can comply with these stringent nutrient criteria without a mixing zone. Data from monitoring efforts under way throughout the State will be used in a future triennial review to assess, and possibly refine, these existing nutrient standards. This effort

will ensure scientifically defensible criteria for nutrients. The State's WQS do not contain provisions for implementation or compliance schedules.

In the past, the State has discussed conducting use attainability analyses (UAAs) to refine the designated uses of individual water bodies. To date, the State has neither initiated nor completed any UAAs.

4. Total Maximum Daily Loads

The State of Hawaii:

HDOH's Environmental Planning Office develops the State's TMDL reports. The State has adopted 3 TMDLs (which encompass 78 water bodies), and 7 TMDLs are under development.⁵ At present, only one of the three approved TMDLs (which encompasses 54 water bodies) in Hawaii addresses NPDES discharges. Two of the three approved TMDLs in Hawaii contain wasteload allocations or best management practices that are incorporated into permits as they are reissued. Practices described in the TMDL will be added to the State's two Phase 1 MS4 storm water permits when they are reissued in the last quarter of 2004. When future TMDLs are established, wasteload allocations will be incorporated as permits are reissued according to the State's set cycle for permit reissuance.

The State is adhering to its TMDL schedule and moving forward with TMDL development at an appropriate pace. TMDLs have already been approved for 78 water bodies, and TMDL development is under way on 7 water bodies, including 1 water body where a point source is a significant source of impairment. Most of the listed impairments are due to nonpoint sources. Three of the seven TMDLs under development will be completed by the end of 2004, and two are scheduled to be submitted to EPA for approval in 2005.

5. Safe Drinking Water Act

The State of Hawaii:

In Hawaii most NPDES discharges are to coastal waters and most drinking water sources are groundwater in the upper watersheds, so the potential for surface water discharges to affect drinking water sources is limited. Hawaii's WQS are considered protective of drinking water sources.

EPA Region 9:

The major effort to integrate NPDES with Safe Drinking Water Act (SDWA) programs is EPA's emphasis on watershed-based planning and the opportunity to identify actions needed to protect both drinking water and water quality. One example is implementation of the large-capacity cesspool ban under the SDWA. Addressing contaminants from cesspools is intended to protect sources of drinking water as well as surface waters. Other efforts to integrate programs are encouraged through development of integrated work plans and through joint CWA and SDWA meetings held twice a year to address common issues.

⁵ The 78 water body-pollutant combinations include TMDLs completed after September 30, 2003, while the Management Report, measure #54, includes only TMDLs completed before September 30, 2003.

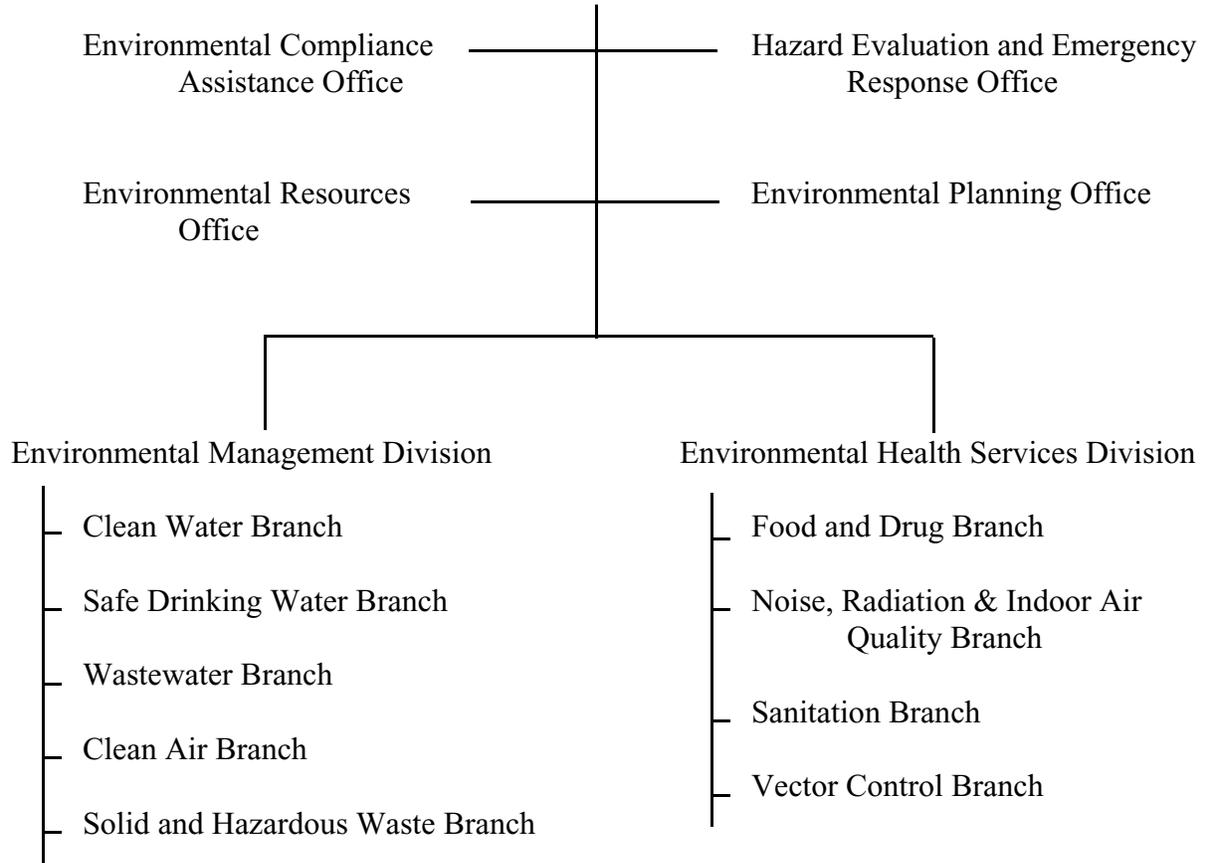
Section V. Other Program Highlights

The State of Hawaii:

The State uses general permit authority to improve permit issuance efficiency and streamline the permitting process. The State has 11 general permits in effect, including 3 stormwater permits and 8 other general permit categories (hydrotesting, construction dewatering, underground storage tank remediation effluent, noncontact cooling water less than 1 million gallons per day, effluent from petroleum bulk terminals, reclaimed water emergency discharges, effluent from decorative fish ponds, and well-drilling effluent). Approximately 400 facilities are covered by a general permit at this time. An NOI is required for any person seeking general permit coverage. Coverage under a general permit requires a \$500 filing fee, a detailed Pollution Control Plan, and a State historic site assessment. There is also an automatic permit coverage provision in the HAR, Chapter 55, which authorizes discharge under a general permit on the 30th day after the CWB's receipt of a complete NOI for a new notice of general permit coverage.

STATE OF HAWAII
Department of Health
Environmental Health Administration

Deputy Director for Environmental Health



NPDES Management Report, Fall 2004

Hawaii

		Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data		
					State Activities	EPA Activities	State Activities	EPA Activities	
NPDES Progress									
Universe	1	# major facilities (6,690 total)	I.1		n/a	20	2		
	2	# minor facilities covered by individual permits (42,057 total)	I.1		n/a	59	0	64	
	3	# minor facilities covered by non-storm water general permits (39,183 total)	I.1		n/a	406	0		
	4	# priority permits (TBD)	I.6			--	--		
	5	# pipes at facilities covered by individual permits (142,761 total)	I.7		n/a	219	--		
	6	# industrial facilities covered by individual permits (32,505 total)	I.1		n/a	45	0		
	7	# POTWs covered by individual permits (15,197 total)	I.1		n/a	6	2		
	8	# pretreatment programs (1,482 total)	II.2		n/a	1	--		
	9	# Significant Industrial Users (SIUs) (22,158 total)	II.2		n/a	22	--		
	10	# Combined Sewer Overflow (CSO) permittees (831 total)	II.5		n/a	0	--		
	11	# CAFOs (current and est. future) (17,672 total)	II.3		n/a	2	--		
	12	# biosolids facilities (TBD '05)	II.6			--	--		
NPDES Program Administration	13	State or Region assessment of State NPDES program (none (N)/assessment (A)/profile (P))	I.1	50 states 2004	n/a	A, P	P		
	14	% pipes at facilities covered by individual permits w/ lat/long in PCS	I.7		46.3%	37.0%	--		
	15	State CAFO legal authority expected (mo/yr)	II.3	2005	n/a	NC	n/a		
	16	# Withdrawal petitions/legal challenges (22 total)	I.4		n/a	2	n/a	0	
	17	DMR data entry rate	I.7		95%	99%	--		
	18	# permit applications pending (1,011 total)	I.6		n/a	0	--	4	
NPDES Program Implementation	19	% major facilities covered by current permits	I.6	90%	83.7%	100.0%	0.0%		
	20	% minor facilities covered by current individual or non-storm water general permits	I.6	90% 12/04	87.0%	99.4%	n/a		
	21	# major facilities w/permits expired >10 yrs. (56 total)	I.6		n/a	0	0		
	22	% priority permits issued as scheduled (TBD '05)	I.6	95% 2005		--	--		
	23	% pretreatment programs inspected/audited during 5 yr. inspection period	II.2		85.3%	100.0%	--		
	24	% SIUs w/control mechanisms	II.2		99.2%	100.0%	--		
	25	% Combined Sewer Overflow (CSO) permittees required to develop a Long Term Control Plan (LTCP)	II.5	75% 2008	82.2%	n/a	--		
	26	% CAFOs covered by NPDES permits	II.3		35%	100%	--		
	27	% biosolids facilities that have satisfied part 503 requirements (TBD '05)	II.6			--	--		
	28	# Phase I storm water permits issued but not current (76 total)	II.4		n/a	0	n/a		
	29	# Phase I storm water permits not yet issued (5 total)	II.4		n/a	0	n/a		
	30	Phase II storm water small MS4 permits current (Y/N/D (draft) (35 States)	II.4	100% states 2008	n/a	Y	n/a		
	31	Phase II storm water construction permit current (Y/N/D (draft) (49 States)	II.4	100% states 2008	n/a	Y	n/a		
NPDES Compliance Monitoring and Enforcement Response	32	% major facilities inspected	III.3		71%	55%	27%		
	33	(inspections at minors) / (total inspections at majors and minors)	III.3		76%	30%	30%		
	34	% major facilities in significant non-compliance (SNC)	III.1		20%	9%	--		
	35	% SNCs addressed by formal enforcement action (FEA)	III.1		14%	0%	--		
	36	% SNCs returned to compliance w/o FEA	III.1		70%	100%	--		
	37	# FEAs at major facilities (666 total)	III.1		n/a	0	0	1	
	38	# FEAs at minor facilities (1,660 total)	III.1		n/a	0	0	3	

Explanation of Column Headers:

Profile Section: For each measure, this column lists the section of the profile where the program area (including any additional data for the measure) is discussed.

National Data Sources: The information in these two columns is drawn from two types of sources:

(1) EPA-managed databases of record for the national water program, such as PCS, the National Assessment Database, and the National TMDL Tracking System. NPDES authorities are responsible for populating PCS with required data elements and for assuring the quality of the data. EPA is working to phase in full use of NAD and NTTs as national databases.

(2) Other tracking information maintained by EPA Headquarters for program areas such as CAFOs, CSOs, and storm water.

The [definitions document](#) accompanying this Management Report provides a detailed definition of each data element in the National Data Sources columns.

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EPA Activities: Information in these columns reflects activities conducted by the EPA Region within the State.

NPDES Management Report, Fall 2004

Hawaii

		Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data		
					State Activities	EPA Activities	State Activities	EPA Activities	
Water Quality Progress									
Universe	39	River/stream miles (3,419,857 total)	IV.2		n/a	6,927	n/a		
	40	Lake acres (27,775,301 total)	IV.2		n/a	4,392	n/a		
	41	Total # TMDLs in docket at end of FY 2003 (52,795 total)	IV.4		n/a	49	--		
	42	# TMDLs committed to in FY 2003 management agreement (2,435 total)	IV.4		n/a	n/a	n/a		
	43	# Watersheds (2,341 total)	IV.2		n/a	--	--		
Water Quality Administration	44	On-time Water Quality Standards (WQS) triennial review completed (42 States)	IV.3		n/a	Y	n/a		
	45	# WQS submissions that have not been fully acted on after 90 days (32 total)	IV.3	<25% submissions	n/a	n/a	0		
Water Quality Implementation	46	State is implementing a comprehensive monitoring strategy (Y/N) (TBD)	IV.1	all states 2005	--	--	--		
	47	% river/stream miles assessed for recreation	IV.2		13.8%	56.3%	n/a		
	48	% river/stream miles assessed for aquatic life	IV.2		22.0%	56.4%	n/a		
	49	% lake acres assessed for recreation	IV.2		49.4%	0.0%	n/a		
	50	% lake acres assessed for aquatic life	IV.2		48.5%	0.0%	n/a		
	51	# outstanding WQS disapprovals (23 total)	IV.3		n/a	0	n/a		
	52	WQS for E. coli or enterococci for coastal recreational waters (12 States)	IV.3	35 states 2008	n/a	N	n/a		
	53	WQS for nutrients or Nutrient Criteria Plan in place (13 States)	IV.3	25 states 2008	n/a	Y	n/a		
	54	Cumulative # TMDLs completed through FY 2003 (10,807 total)	IV.4		n/a	62	--		
	55	# TMDLs completed in FY 2003 (2,929 total)	IV.4		n/a	0	0		
Environmental Outcomes	56	# TMDLs completed through FY 2003 that include at least one point source WLA (5,036 total)	IV.4		n/a	54	--		
	57	% Assessed river/stream miles impaired for swimming in 2000	IV.2		--	0.0%	n/a		
	58	% Assessed lake acres impaired for swimming in 2000	IV.2		--	--	n/a		
	59	# Watersheds in which at least 20% of the water segments have been assessed and, of those assessed, 80% or more are meeting WQS (440 total)	IV.2	600 2008	n/a	--	--		

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