



## Permitting for Environmental Results (PER)

# NPDES Profile: Mississippi and Indian Country

### PROGRAM RESPONSIBILITY

**State of Mississippi:** NPDES authority for base program, general permitting, federal facilities, pretreatment  
**EPA Region 4:** NPDES authority for biosolids  
**EPA Region 4:** NPDES authority for all facilities in Indian Country

### 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 identify program strengths and opportunities for enhancements. For more information, contact Jerry Cain, State of Mississippi, at (601) 961-5073 or Dee Stewart, EPA Region 4, at (404) 562-9334.

## Section I. Program Administration

### 1. Resources and Overall Program Management

#### The State of Mississippi:

The NPDES program is administered within the Mississippi Department of Environmental Quality (MDEQ). MDEQ's Office of Pollution Control has four divisions that fulfill different aspects and responsibilities within the NPDES program. These include the Environmental Compliance and Enforcement Division (ECED), the Environmental Permits Division (EPD), the Field Services Division (FSD), and the Surface Water Division (SWD). ECED and FSD work in a multimedia framework. ECED and EPD are organized similarly along industrial sectors (see Attachment 1 for organization chart). ECED's primary responsibilities include compliance and enforcement of the State's water, air, solid waste, and hazardous waste programs. ECED is often aided by the activities (complaint investigation, sampling, monitoring, and the like) of the FSD. EPD's responsibilities include permitting for the air, hazardous waste, solid waste, and water programs. SWD aids in the management of the water programs and also supports EPD and ECED with total maximum daily load (TMDL) work, water quality modeling, wasteload allocations, nonpoint source programs, establishment of State water quality standards, stream classifications, and water policies for the Department. In addition, there is a Data Integration Division (DID) within MDEQ that aids in the management of the data systems (the Permit Compliance System [PCS] and the electronic Environmental Site Information System [enSite]) used in the water program. The NPDES program is organized to provide close coordination with the water quality standards and TMDL programs to ensure that NPDES permits accurately include the most recent wasteload allocations and State water quality standards.

**Table 1: Mississippi Resource and Program Summary**

<i>Scope of NPDES Program in Mississippi</i>		<i>Approval Date</i>	
NPDES Permit Program <sup>a</sup>		05/01/74	
Federal Facilities		01/28/83	
Pretreatment Program		05/13/82	
General Permits		09/27/91	
Biosolids		Not Applicable	
<sup>a</sup> The stormwater and concentrated animal feeding operation (CAFO) permitting authority was authorized at the same time as the base NPDES program. Mississippi is responsible for all Phase I and Phase II stormwater and CAFO NPDES activity in the State.			
<i>NPDES Universe in Mississippi</i>			
FY2003	Major Facilities	Minor Facilities	Minor Non-Stormwater Facilities with General Permits
No. of Sources	90	1,640	286
% National Universe	1.6	3.9	0.73
<i>Mississippi NPDES Program Resources:</i>			
Due to Mississippi's Performance Partnership Grant (PPG) and multimedia environment, exact dollar amounts spent on each program are difficult to determine at this time. Mississippi has instituted a new time entry and tracking system that went into place July 1, 2003; it will allow for very specific time/dollar calculations for end-of-year reports. Therefore, much of the following information is estimated based on State Fiscal Year (SFY) 2004 budgeted amounts.			
Source		Approximate Amount Based on SFY 04	
State <sup>b</sup>		2,659,463.78	
Federal Funding		1,976,155.08	
Total Funding		4,635,618.89	
Workyears		Approximately 50 FTE	
<sup>b</sup> State funding does not include permitting fees.			

Note: FTE = full-time equivalent.

The most current memorandum of agreement (MOA) between EPA Region 4 and MDEQ regarding implementation of the NPDES program was signed on May 31, 1994.

State and federal funds support the DID, ECED, EPD, FSD, and SWD, which have duties and responsibilities other than NPDES permitting and enforcement. MDEQ has a PPG and operates in a multimedia environment.

MDEQ staff in the EPD and the ECED work in a multimedia framework. To ensure that the staff members develop and maintain proper training, EPD and ECED formalized the *Environmental Permits Division and Environmental Compliance and Enforcement Division Training Document* in January 1999. The document outlines a procedure and specific classes to train permit writers to write multimedia permits for a specific industrial sector and to train ECED staff to perform inspections, evaluate compliance, and take enforcement actions.

Training was improved with the implementation of the Development Program for EPD Permit Writers, Special Projects Staff, and Supervisors in April 2003. According to the Development Program, certain classes are required of all EPD technical staff. Those people who wish to enhance their expertise may take elective courses, write book reports, and do projects. People who complete the program will be granted the designation “Environmental Permit Manager” or “Senior Environmental Permit Manager.” Each designation requires approximately 250 hours of classroom instruction. Attainment of each designation qualifies staff for an educational benchmark.

#### EPA Region 4:

The NPDES program is administered within EPA Region 4 in the Water Management Division, Permits, Grants and Technical Assistance Branch (PGTAB) and the Water Programs Enforcement Branch (WPEB). Permitting responsibilities are located in the NPDES & Biosolids Permits Section of the PGTAB, and enforcement responsibilities for the NPDES program are shared among the Central, Gulf, and Eastern Enforcement Sections of the WPEB. The Region has direct implementation responsibilities for 17 minor facilities,<sup>1</sup> 18 industrial facilities, and no publicly owned treatment works (POTWs)<sup>2</sup> in the State of Mississippi.

The permitting and enforcement sections coordinate activities pertaining to Region 4’s direct implementation of the NPDES program. For example, NPDES enforcement reviews all draft permits, and NPDES permitting identifies potential areas of concern for enforcement highlighted in permit applications. All permit compliance data are entered into PCS by the NPDES enforcement sections.

The NPDES program is organized to provide close coordination with the water quality standards and TMDL programs to ensure that NPDES permits accurately include the most recent wasteload allocations and reflect appropriate State water quality standards and federal standards.

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<sup>1</sup> Management Report measure #2 (minor facilities covered by individual permits) lists a 10 for Mississippi EPA activity in the National Data Sources columns. EPA Region 4 data reports indicate that the Region has direct implementation responsibilities for 17 minor facilities in the State of Mississippi. The difference is due to the fact that seven facilities that were not included on the list of facilities with EPA-issued permits provided by the Region for use in creating the backlog report, which was the source for the National Data Sources column for this measure. The 17 facilities are correctly coded in PCS as having EPA-issued permits.

<sup>2</sup> Management Report measures #6 and #7 (industrial facilities covered by individual permits and POTWs covered by individual permits) list 10 industrial facilities and 8 POTWs for Mississippi EPA activity in the National Data Sources columns. EPA Region 4 data reports indicate that the Region has direct implementation responsibilities for 18 industrial facilities and no POTWs in the State of Mississippi. At the time data were pulled from PCS, eight facilities were incorrectly coded in PCS as having public ownership, while the correct coding is federal ownership. After making the correction, the facilities fall into the definition of industrial, rather than POTW.

The Region has direct implementation responsibilities for issuing permits on Indian lands in Alabama, Florida, Mississippi, and North Carolina; for offshore oil and gas extraction facilities; for other offshore activities in the Gulf of Mexico and the Atlantic Ocean in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina; and for one POTW in Florida that discharges to federal waters. The Region has direct implementation responsibilities for biosolids in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

EPA Region 4 has direct implementation responsibilities for the Choctaw in Mississippi. The Region is responsible for issuing 15 permits in Mississippi to the Choctaw (14 minor permits and 1 major municipal permit). The Region issued one general permit for Indian lands on March 10, 2004, covering the discharge of stormwater from construction activities and one general permit for Indian lands on October 30, 2000, covering the discharge of stormwater from industrial activities not associated with construction. The Region issues all permits for oil and gas extraction facilities discharging in federal waters.

As of May 26, 2004, 100% of the facilities covered by EPA-issued permits on Indian lands and discharging to federal waters are current.

The individual permits for dischargers on Indian lands in Mississippi are listed below:

MS0040533	Conehatta Boarding School	Minor
MS0040541	Tucker Day School	Minor
MS0040878	Bogue-Kemper Co. Lagoon	Minor
MS0040894	Pearl-Goat Ranch Road Lagoon	Minor
MS0040908	Katie Mae Johnson Lagoon	Minor
MS0040916	Conehatta Project Homes Lagoon	Minor
MS0040924	Tucker Community Lagoon	Minor
MS0041700	First American Printing	Minor
MS0043460	Crystal Ridge Community Lagoon	Minor
MS0043478	Bogue Chitto Community Lagoon	Minor
MS0043494	Standing Pine Lagoon	Minor
MS0053503	Pearl River wastewater treatment plant (WWTP)	Major
MS0057631	Central Supply & Ready Mix	Minor
MS0057649	Conehatta School WWTP	Minor
MS0058645	New Harmony WWTP	Minor

The Region issues all permits for oil and gas extraction facilities discharging in federal waters. These facilities include individually permitted facilities off the coast of Mississippi and 290 facilities covered by a general permit for the entire Region. The following oil and gas extraction facilities are covered by individual permits:

MS0059251	Challenge Mineral	Minor
MS0059269	Challenge Mineral	Minor
MS0059277	Challenge Mineral	Minor

The NPDES & Biosolids Permits Section has dedicated 1.0 full-time equivalent (FTE) for implementation of the biosolids permitting program. A draft general permit is in the final stage of preparation and will be issued to cover sludge management facilities in all eight Region 4 States. The resources for the biosolids permitting program are sufficient at this time.

The NPDES & Biosolids Permits Section has dedicated approximately 0.25 FTE toward the management of NPDES permit issuance on Indian lands. The resources for NPDES permit issuance on Indian lands are sufficient at this time, with 100% of all Indian land permits current as of May 12, 2004.

The NPDES enforcement sections have dedicated approximately 0.3 FTE toward the management of NPDES permit enforcement on Indian lands and 0.2 FTE toward compliance assistance on Indian lands. As the effort for compliance tracking, inspections, and enforcement for these facilities continues, an increase in resources might be needed.

The NPDES & Biosolids Permits Section has dedicated approximately 0.25 FTE for the management of offshore oil and gas extraction facilities. The upcoming issuance in FY2004 of the offshore oil and gas extraction general permit will streamline permitting efforts. The resources for this effort are sufficient at this time.

The NPDES enforcement sections have dedicated approximately 0.3 FTE toward the management of NPDES enforcement of offshore oil and gas extraction facilities. As the effort for compliance tracking, inspections, and enforcement for these facilities continues, an increase in resources might be needed.

The Region prioritizes permit issuance by reissuing permits as they expire, targeting a 0% backlog (currently meeting this goal), and processes new applications as they are received. Staff turnover has been very low and has not affected the direct implementation of the NPDES program on Indian lands and in federal waters. To date, NPDES resources for direct implementation have not been affected by the needs of other water programs. The NPDES & Biosolids Permitting Section has a core group of 13 staff members, each with 10 to 30 years of experience in the NPDES and biosolids programs.

Region 4 has covered 290 facilities in federal waters under a general permit. Because these facilities are not within the borders of a single State, they are not represented in the National Data Sources columns of the Management Report for any one State. These facilities are off the coasts of Mississippi, Florida, and Alabama.

## **2. State Program Assistance**

### EPA Region 4:

The Region is responsible for issuing permits on Indian lands and in federal waters. There are no discussions regarding delegation of authority to implement the NPDES program on Indian lands. The issuance of permits for facilities discharging to federal waters cannot be delegated.

The Region serves as the biosolids permitting authority for all eight Region 4 states because none have an approved biosolids program. The Region will assist States in assuming authorization for the biosolids program as requests are received.

### **3. EPA Activities in Indian Country**

#### EPA Region 4:

EPA coordinates with the Tribes through the appropriate Tribal staff as needed. At a minimum, EPA staff members participate in the annual Tribal Director's meeting to inform Tribes of new issues and initiatives, to provide updates, and to receive the same from the Tribes.

The Region works with Tribes to ensure timely submission of applications, processing of applications, issuance of NPDES permits, and modifications to existing NPDES permits on Tribal lands. Where private entities discharging on Tribal lands are the applicants, Tribes are kept abreast of permitting issues through public notice efforts, courtesy copies, and phone calls or e-mail as appropriate. In either case, the Region issues all NPDES permits on tribal lands. WPEB has assigned one point of contact for Tribal compliance in order to build a relationship with the Tribes. WPEB works closely with the Regional Tribal Coordinator and Regional Tribal Attorney to ensure adequate coordination with the Tribes on any noncompliance issues. When noncompliance with these permits warrants enforcement action, the Region works closely with the Tribes to resolve the noncompliance in accordance with Headquarters and Regional policy.

### **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.*

### **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 Mississippi:

The State provides for public participation in its NPDES program under Mississippi's wastewater permit regulations, which contain requirements regarding public notice for NPDES permits.

Mississippi's public participation procedures include the use of public notice in newspapers, procedures for public comments, public meetings, and administrative hearings. Copies of all public notices are posted online using the MDEQ Web site. Mississippi also publishes monthly, through local newspapers, lists of all applicants seeking NPDES permits shortly after receipt of the applications. In addition to the newspaper notice of applications, receipt is also posted on enSearch Online within 24 hours of receipt. For new controversial projects, Mississippi may hold public meetings to inform the public at the beginning of projects to solicit any comments or concerns. Although the State goes beyond the minimal regulatory requirements regarding public participation, policies are continually reviewed to provide mechanisms for more meaningful public participation. In addition to the minimum regulatory requirements, innovative requirements, such as contiguous landowner notifications, are used in the

general permit program. Facilities granted coverage under general permits are also available for review on the Internet at enSearch Online.

The public is able to access NPDES permitting information for Mississippi on MDEQ's Web site at <http://www.deq.state.ms.us/MDEQ.nsf>. The Web site provides information on persons to contact, status of applications, permit application forms, water quality standards, rules and regulations, and publications including public notice information on NPDES permits.

Individual permits are not available on MDEQ's Web site; however, some individual NPDES permits and fact sheets issued by MDEQ may be accessed through EPA's Web site. Instructions for accessing these documents are available at <http://www.epa.gov/npdes/permitdocuments>.

Mississippi maintains a hard-copy filing system for all permitted facilities. All files are arranged by county and then by facility name within the county. Interested parties can request hard-copy information and can also find most of the current facility site information, permit dates, and other information on Mississippi's Web page using enSearch Online. enSearch Online is obtained through MDEQ's enSite system, used by the EPD and the ECED. The purpose of this system is to support the permitting and compliance activities of the Office of Pollution Control. Regulatory programs supported by this database are the Surface Water NPDES program; the Air Title V, Construction, and Operating programs; and the Solid and Hazardous Waste programs. There are other regulatory programs that currently do not use this database, including programs managed by the Office of Geology, the Office of Land and Water, and the TMDL program. Online reports include compliance inspections, general permit applications (Notices of Intent, or NOIs), general permit coverages granted, permit applications, and permits issued. enSearch also includes the public notice of all NPDES permits.

#### EPA Region 4:

The Region follows all public participation requirements of the Clean Water Act (CWA) and requirements contained in title 40 of the Code of Federal Regulations (CFR), part 124. The Region's public participation procedures include the use of public notice in newspapers, procedures for public comments, public meetings, and administrative hearings in accordance with the CWA. Public notices are also published in minority-owned newspapers in coastal cities that may be affected by offshore activities. Copies of all draft permits, fact sheets or statements of basis, public notice, and any other pertinent information can be viewed at the Region 4 office in Atlanta, Georgia, or on the Region's Web site, or a hard-copy request can be made directly to the Region.

For new or controversial projects, the Region may hold public hearings and meetings to solicit any comments or concerns. This was recently done for the proposed reissuance of the offshore oil and gas extraction general permit.

A Region 4 NPDES permitting Web site can be accessed at <http://www.epa.gov/region4/water/permits>. The Web site includes information regarding the Region 4 permit organization, permit access through a link to Envirofacts, access to general permits, and overall NPDES information. The Region maintains a hard-copy filing system for all permitted facilities. All files are arranged by State and NPDES number.

## 6. Permit Issuance Management Strategy

### The State of Mississippi:

The State of Mississippi administers all point source pollution control programs with the exception of point sources in Indian lands. At the end of 2003, Mississippi's permit issuance rate for major facilities was 96.7%, meeting the national current permit goal (90%) for major facilities and far exceeding the national average (84.2%). The State's permit rate for minor facilities covered by individual permits was 81.2% (less concentrated animal feeding operations [CAFOs]) or 79.95% (including CAFOs), which is near the national permit average (81.4%) in 2003. There are no major dischargers with permits expired for more than 2 years. There are 134 minor dischargers with permits expired more than 2 years. The permit issuance and trends data for 2000 to 2004 are shown below.

The State of Mississippi's permit issuance and trends data show a significant increase in the rate of major permits issued in a timely manner over the past 4 years. Mississippi has instituted several administrative and technological modifications that have assisted in issuing NPDES permits in the past several years. The issuance rate for minor permits is lower in Mississippi than the national permit average. The State is using and developing new general permits to help reduce the backlog for minor sources. The State is drafting a domestic wastewater general permit, which will result in a dramatic reduction in minor source backlog after development and implementation. Approximately 70% of the backlog is small domestic facilities. A swine general permit is under development and expected to be issued in 2004. This general permit will also have a significant impact on minor backlogs. Approximately 11% of the minor source backlog is swine CAFOs.

The States within Region 4 are kept well informed on their backlog status through the implementation of the Regional Low Backlog Maintenance Strategy. On a monthly basis since the mid-1980s, EPA Region 4 has provided Mississippi with an NPDES update report that includes current backlog numbers. Reports are requested from any State having major backlogs greater than 10%. For each permit that has been expired for more than 2 years, the State must provide the reason for the backlog, the issuance progress, and a tentative date for reissuance. In addition, also on a monthly basis, the State receives from EPA Region 4 the list of NPDES permits that have expired or will expire in the near future whose drafts have not been received by EPA for review. The draft permits under consideration are those for which EPA has permit overview authority, per the EPA/State MOA (i.e., majors, minor primaries, and others). The State in turn informs EPA if there are any draft permits shown on the non-receipt list that have been sent, allowing the misdirected draft permit to be located or resent quickly.

**Table 2: Percentage of Facilities Covered by Current Permits in Mississippi**

	2000	Nat'l Avg.	2001	Nat'l Avg.	2002	Nat'l Avg.	2003	Nat'l Avg.
Major Facilities	87.2%	74%	88.4%	76%	93.2%	83%	96.7%	84%
Minor Facilities Covered by Individual Permits	80.9%	69%	72.2%	73%	70.3%	79%	71.5%	81%
Minor Facilities Covered by Individual or Non-stormwater General Permits	N/A	N/A	N/A	N/A	74%	85%	75.2%	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.)

#### EPA Region 4:

The Region's permit rate for minor facilities covered by current individual or general permits for which the Region has direct issuance responsibilities in the State of Mississippi is 82.3%.<sup>3</sup>

The Region prioritizes permit issuance by reissuing permits as they expire, targeting a 0% backlog, and processes new applications as they are received for dischargers on Indian lands and for offshore activities. This strategy is adequate in light of the limited direct implementation responsibilities of the Region.

There is one permit application pending for which the Region has direct implementation responsibilities in the State of Mississippi.<sup>4</sup>

The Region is not considering permitting prioritization on a watershed basis.

<sup>3</sup> Management Report measure #20 (percentage of minor facilities covered by current individual or general permits) lists a 100.0% for Mississippi EPA activity in the National Data Sources columns. EPA Region 4 data reports indicate that 82.3% of minor facilities for which the Region has direct implementation responsibilities in the State of Mississippi are covered by current individual or general permits. The percentage for this measure (100%) was based on the 10 facilities included on the list of EPA-issued permits provided for the backlog report (see National Data Sources column for measure #2 on the Management Report). EPA Region 4 used a universe of 17 pulled from PCS in 6/04 (see additional data column for measure #2 on the Management Report) to calculate the 82.3%. See the explanation in section I.1 for more information.

<sup>4</sup> Management Report measure #18 (number of permit applications pending) lists "-" for Mississippi EPA activity in the National Data Sources column. EPA Region 4 data reports indicate that there is 1 permit application pending for which the Region has direct implementation responsibilities in the State of Mississippi. Data from the National Data Sources column on the Management Report (-) is from PCS as of 6/30/04, while data from the Regional office in the additional data on the Management Report (1) are as of 7/04 and the one pending application had not been entered into PCS in June.

## 7. Data Management

### The State of Mississippi:

Mississippi enters all required data directly into EPA's PCS. The State also enters data directly into a State system, enSite. The state is developing an interface using the Interim Data Exchange Format (IDEF) and anticipates that it will be complete by 2005. Reports from PCS and enSite are periodically compared to uncover discrepancies; a formalized data quality assurance procedure is being developed.

enSite is a comprehensive data management tool that includes electronic permit, compliance, and enforcement functionality. enSite allows for the building and tracking of NPDES permits, discharge monitoring reports (DMRs), and associated documents, such as compliance and enforcement activities, schedules, notices of violations, and notices of deficiencies.

The State maintains data on all the Water Enforcement National Data Base (WENDB) elements. The State has completed a statewide survey, which included global positioning system (GPS) collection of geographic data for all sources at the facility and pipe level. The results have been verified using aerial photography and loaded into enSite and will be loaded into PCS soon. As of March 19, 2004, DMR data entry rates for major facilities for the July to September 2003 period were 99% for municipals and 97% for industrials.

### EPA Region 4:

The Region manages basic permit and compliance information in PCS for major and minor facilities, including sanitary sewer overflows (SSOs) and combined sewer overflows (CSOs), stormwater, pretreatment, and biosolids, using PCS. The Region does not use any supplemental data management systems other than the NOI database administered under the EPA Headquarters contract for stormwater general permits.

The Region enters all WENDB data elements into PCS to the extent that the data are available. These data include latitude/longitude data for facilities and outfalls when those data are available. The Region will use a GPS locator to identify latitude/longitude during inspections of facilities for which it has direct implementation responsibilities.

PCS update reports are reviewed for error detection. If an error is discovered after entry, a correction is made as soon as the error is discovered.

## **Section II. Program Implementation**

### **1. Permit Quality**

#### The State of Mississippi:

The State of Mississippi routinely assesses whether a given facility discharges to a stream listed as impaired under CWA section 303(d) and coordinates with its TMDL program to incorporate any wasteload allocation requirements into the NPDES permit. If a TMDL has not yet been established, the State ensures that historical loadings are maintained for any parameter of concern. The State ensures that technology-based requirements, at a minimum, are incorporated into NPDES permits. To protect water quality, the State has developed reasonable potential procedures for both chemical-specific parameters and whole effluent toxicity (WET), which have been approved by EPA. MDEQ ensures compliance with permit limits, including WET limits, by reviewing DMRs and taking appropriate enforcement actions, as needed. The State uses standardized language and templates, whenever possible, to streamline permit development. It routinely incorporates sublethal limits in NPDES permits, as needed.

To improve permit quality and efficiency, the State routinely uses general permits. Based on mid-2003 data, the State administers 2 general permits for non-stormwater discharges, with approximately 82 facilities under coverage. The State also administers 9 general permits for stormwater and combined stormwater and process water discharges, with approximately 3,840 facilities under coverage.

Based on the NPDES MOA, the State routinely sends all municipal and industrial major permits and all minor primary industrial permits with process wastewater to Region 4 for real-time review. The Region 4 State Coordinator provides comments or concerns based on that review. Each year Region 4 also conducts a midyear and end-of-year review of the State's NPDES program. The midyear review is to review the administrative and technical NPDES permitting processes and to audit a representative sample of permits that did not receive real-time review during the previous year, using a standardized format. Interviews are conducted with State NPDES management based on a predetermined questionnaire. The midyear process is completed by a site visit by the Water Division Director, or his designee, to discuss any identified issues. Corrective actions, if necessary, are worked on by the State and followed up by the Region during the end-of-year phone evaluations. Based on these Region 4 permit reviews, the permit limits and fact sheets or permit rationale, as well as supporting information, are clear and contain complete information regarding the development of all requirements and limitations. Mississippi evaluates permit application data to ensure that appropriate detection limits, as well as EPA-approved methods, were used.

#### EPA Region 4:

EPA Region 4 routinely assesses whether a given facility discharges to a section 303(d)-listed stream and coordinates with its TMDL program to incorporate any wasteload allocation requirements into the NPDES permit. If a TMDL has not yet been established, the Region ensures that historical loadings are maintained for any parameter of concern. The Region ensures that technology-based requirements, at a minimum, are incorporated into NPDES permits. To protect water quality, the Region uses reasonable potential procedures for both chemical-specific parameters and WET.

The Region uses standardized language and templates, whenever possible, thus streamlining permit development. In addition, the Region has developed reference guides for reviewing and developing permits to ensure that appropriate fact sheet requirements, standard conditions, monitoring requirements, monitoring frequency, best management practices, consideration of backsliding, compliance schedules, and other factors, are incorporated into the NPDES permits. The Region-developed fact sheets or permit rationales are clear and contain complete information about the development of all requirements and limitations. The Region reviews each application received for individual permit requirements to ensure that appropriate detection limits, as well as EPA-approved methods, were used.

To improve permit quality and efficiency, the Region routinely uses general permits. On March 10, 2004, the Region issued a general permit for Indian lands covering the discharge of stormwater from construction activities. On October 30, 2000, the Region, in conjunction with several other Regions, issued a multi-sector general permit for discharges of stormwater from industrial activities other than construction. The Region also has one general permit for offshore oil and gas extraction facilities covering 290 facilities.

The NPDES permit-writing staff for permits discharging to federal waters and to Indian lands have 10 to 30 years of permit-writing experience. Their training is updated as needed to ensure that all appropriate requirements are incorporated into NPDES permits. Every NPDES permit developed is peer-reviewed for technical accuracy, and any issue identified is addressed during permit development.

The Region has developed and has been implementing a WET program. The Region evaluates data from the application or historical information and determines if, based on reasonable potential, a WET limit is needed. Sublethal limits are included in NPDES permits, as needed. The Region uses a WET checklist to ensure the appropriate application of WET limits. The Region has dedicated NPDES enforcement staff to ensure appropriate compliance and enforcement, if needed, for WET limits in NPDES permits. The NPDES permitting staff relies on existing staff expertise to provide education within the Region and to states.

## 2. Pretreatment

### The State of Mississippi:

Mississippi received authorization to administer the pretreatment program on May 13, 1982. The State chose to assume responsibility for implementing the POTW pretreatment program requirements in lieu of requiring the POTWs to develop pretreatment programs, per 40 CFR 403.10(e). The State has issued permits to all 210 significant industrial users (SIUs), of which 128 are categorical industrial users (CIUs).<sup>5</sup> Less than 10% of the SIUs are covered by expired permits, and the State is making a concerted effort to reissue permits and reduce this backlog further. The State inspects and samples 100% of permitted industrial users annually.

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<sup>5</sup> Management Report measures #9 and #24 (number of SIUs) and percentage of SIUs with control mechanisms) list a “-” for the Mississippi State activity in the National Data Sources columns. The State data reports indicate that the State of Mississippi has issued permits to all 210 known SIUs. Mississippi is a 403.10(e) State and there are, therefore, no approved pretreatment programs at POTWs. By definition, the National Data Sources columns on the Management Report capture only SIUs discharging to approved pretreatment programs. The number of permits issued to SIUs is reflected in the Additional Data column on the Management Report.

The State identifies and continually updates the SIU universe through standard industrial survey procedures and by fostering a close and coordinated working relationship with local and State economic development authorities, the Mississippi Manufacturing Association, and POTWs. The State continues to seek opportunities to increase outreach and assistance. The State also has an integrated pretreatment identification procedure in which permit writers complete a Permit Awareness Checklist for each permitting project. Under this approach, the permit writers collect and evaluate relevant information to determine all the required media permits required for a facility (e.g., Title V, Hazardous Waste, NPDES, Pretreatment). Mississippi recently developed a user-friendly pretreatment Web page as part of the MDEQ Web site to provide useful permitting information to the public and the regulated community.

EPA Region 4 reviews Mississippi's program implementation with a midyear and end-of-year review process. MDEQ works to resolve any program deficiency in a timely manner and in accord with its agreements with EPA Region 4. The State continues to seek opportunities to increase outreach and assistance.

#### EPA Region 4:

The Region implements its pretreatment program within the WPEB. The need for a Tribal facility to develop a pretreatment program or for the Region to control a categorical industry is evaluated during inspections and upon permit application review. In addition, language requiring notification of the Region of any new or increased industrial discharge to Tribal POTWs, the specific prohibitions of the General Pretreatment Regulations, and any other changes in the user discharge that would constitute a new source or categorical user is included in the Tribal NPDES permits issued by the Region. The Region is not aware of any categorical users in unauthorized territories.

The Region needs to enhance its method of determining whether categorical industries exist on Tribal lands to ensure that all categorical industries are being regulated. This can be done through establishing better coordination with Tribal utility staff and becoming more familiar with the industrial activities on Tribal lands.

### **3. Concentrated Animal Feeding Operations**

#### The State of Mississippi:

The new CAFO rule requires that all CAFOs apply for permits by 2006. Mississippi and EPA Region 4 have agreed on a schedule for implementation of the new rule, and Mississippi is on target with this schedule. The State issues individual NPDES permits for Large CAFOs. It issued a dry litter NPDES general permit for poultry CAFOs on January 5, 2004. The State requires CAFOs to have manure management plans consistent with the nutrient management plan (NMP) requirements in the new rule.

Based on the 1997 Census of Agriculture data, Mississippi has about 433 potential Large CAFOs in the State, with 60 individual NPDES permits issued to date. In addition, 1,500 State operational permits have been issued to animal feeding operations (AFOs), of which greater than 90% have developed an NMP meeting the nine minimum control measures.

As Region 4 States revise their CAFO programs, issue revised or new general permits, and provide NPDES coverage to CAFOs that meet the new requirements, it is expected that most State operational permits will be reissued as NPDES permits. This will help to ensure 100% NPDES permitting of Large

CAFOs in the Region, thereby ensuring successful implementation of the new CAFO rule by the end of 2006.

EPA Region 4:

There are no CAFO facilities on Tribal lands in Mississippi.

## 4. Stormwater

The State of Mississippi:

Phase I Municipal Separate Storm Sewer Systems (MS4s): The State has one Phase I MS4: the City of Jackson. The permit had expired in 2000 and was recently issued in May 2004. Competing program priorities and staff shortages have been the primary reasons for the delay in reissuing this permit.

Phase II MS4s: The State receives NOIs from communities required to submit applications under the State's Phase II general permit as Phase II MS4s. All NOIs have undergone an extensive review process with comments and recommendations sent to the applicants. All 37 Phase II MS4s have submitted NOIs. These NOIs have been evaluated by the State, and notices of coverage have been issued. Educational materials are being sent to permittees as part of an ongoing public outreach program for the permitted communities.

Construction: The State has a permit-by-rule coverage for small construction sites. All sites less than 5 acres are automatically deemed to be in compliance. Therefore, no NOI submittal is required by the small construction general permit. However, an NOI is required to be submitted by the site operator when the State has received a complaint regarding a site or when a site is found to be in violation of the permit. There is no direct tracking system in place for small construction sites. A reporting requirement has been placed in the Phase I and II MS4 permits to report construction sites occurring in the municipal coverage areas in the annual reports. A separate construction general permit addressing large construction sites is in place with NOIs required for coverage. Outreach efforts include plans to hold periodic seminars and workshops on construction. The construction general permit provisions are also included in all the State's multimedia industrial general permits. NOIs for large construction sites are entered into the State database and are made available to the public upon request.

Industrial General Permit: The State has seven stormwater general permits for industrial activities. NOIs are tracked electronically through enSite, a permitting and compliance database. The general permits for mining, wood treaters, ready-mix, and asphalt are currently expired and are on schedule to be reissued by the end of 2004. These permits do not require effluent monitoring, but they do require various types of reporting. TMDL language is being incorporated into all new and reissued general permits. Staff shortages are the primary reason for delays in permit reissuance. The State has an electronic NOI submittal and tracking system. All NOIs for the stormwater general permits are tracked electronically, and the NOIs are available to the public upon request.

**Table 3: Number of Facilities Covered by  
Industrial and Construction General Permits**

Category	Number of Facilities Covered
Industrial	2,295
Construction	1,540

EPA Region 4:

By the March 10, 2003, Phase II regulation deadline, the Region had concluded that all Indian lands except the Choctaw in Mississippi were exempt from Phase II MS4 designation. Region 4 has requested additional information from the Choctaw and expects to render a final decision regarding Phase II designation upon receipt and evaluation of these data. The March 10, 2004, Region 4 general permit for construction on Indian lands provides coverage for eligible Phase II small construction facilities. There are no Phase I MS4 discharges that Region 4 is responsible for covering under a permit.

## **5. Combined Sewer Overflows/Sanitary Sewer Overflows**

The State of Mississippi:

Sanitary Sewer Overflows: Mississippi does not maintain a database to track SSOs that are reported to the State. Municipalities are required to report all SSOs to MDEQ when overflows have occurred. The State considers SSOs to have the potential to impact public health. Mississippi takes appropriate enforcement as necessary. Mississippi does not have any requirements to notify public health authorities and the public when any overflow has occurred. In the event of a significant SSO event (any event that has the potential to impact public health), procedures are in place to notify the public and health authorities by posting a news release to selected media outlets (i.e., print and broadcast media). This is a coordinated process involving actions by a combination of personnel within MDEQ, including the MDEQ Information Center. News releases of this kind would also be posted on the MDEQ Web site home page.

Combined Sewer Overflows: Mississippi does not have any communities with CSOs.

EPA Region 4:

Region 4 does not issue permits for any community with combined sewer systems.

The Region has included the following language in all minor and major NPDES municipal permits in an effort to collect SSO data, analyze those data, and act appropriately, either with enforcement or notification of the proper authorities. SSO events are rare on Indian lands. The Region manages each SSO event individually with appropriate enforcement or notification of proper authorities.

“The permittee shall identify all wastewater discharges, at locations not authorized as permitted outfalls, that occur prior to the headworks of the wastewater treatment plant covered by this permit. The permittee shall submit, with the scheduled DMR, the following information for each discharge event at each source that occurs during the reporting period covered by the DMR:

- The cause of the discharge;
- Duration and volume (estimate if unknown);
- Description of the source, e.g., manhole cover, pump station;
- Type of collection system that overflowed, i.e., combined or separate;
- Location by street address, or any other appropriate method;
- Date of event;
- The ultimate destination of the flow, e.g., surface waterbody, land use location, via municipal separate storm sewer system to a surface waterbody, (show location on a USGS [U.S. Geological Survey] map or copy thereof); and
- Corrective actions or plans to eliminate future discharges.

The permittee shall refer to Part II of this permit, paragraph D.8. Twenty-Four Hour Reporting, to report any unpermitted discharge events which may endanger health or the environment. Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States.”

## **6. Biosolids**

### The State of Mississippi:

Mississippi does not have, and is not seeking, authority to administer the federal biosolids (sludge) program due to budgetary and resource issues. MDEQ works directly with EPA on closure actions involving sludge holding facilities subject to EPA regulations for biosolids use and disposal under 40 CFR part 503.

### EPA Region 4:

The Region serves as the permitting authority for all eight Region 4 states because none have approved biosolids programs. The Region implements the biosolids program in both the NPDES and Biosolids Permits Section and the Clean Water Act Enforcement Section. The permits program provides regulatory and permitting guidance on implementation of the 40 CFR part 503 biosolids regulations. The 40 CFR part 503 regulations are self-implementing, which means that compliance with the regulations is required without issuance of an individual or general permit. The NPDES and Biosolids Permits Section serves as the permitting authority for the biosolids program. As the permitting authority, the permits program has several biosolids functions. These include issuing individual or general permits to facilities that are deemed necessary due to potential public health or environmental concerns; reviewing and approving site closure plans; issuing approval letters for the closure of surface disposal sites; reviewing and approving equivalent pathogen reduction processes; providing technical and compliance assistance to facility personnel, consultants, and state and local officials; and providing biosolids training to States and local municipalities. The permits program also works with the compliance and enforcement program to ensure the timely submittal of annual biosolids reports. The compliance and enforcement program

implements the program by reviewing and assessing annual biosolids reports; conducting compliance evaluation inspections; drafting inspection reports; developing various types of enforcement actions; providing technical and compliance assistance; and providing training on the biosolids program.

## **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 Mississippi:

The State identifies and addresses all (or all significant noncompliance) violations using EPA criteria outlined in program delegation documents and the MOA. The State maintains a current Enforcement Management System (EMS) that describes how and when the State will take action on violations. The EMS also addresses the level of formal enforcement that should be taken, which includes consideration of several factors related to violations such as environmental and health impacts. Also, the State plans to update its EMS next year (2005). EPA will conduct a detailed review and provide comments to the State at that time.

Once the State has issued a formal enforcement order, it maintains a tracking system to ensure that the order is complied with. The State uses a combination of PCS and an internal database system (enSite). Both systems have the capability of producing reports for tracking compliance with enforcement orders. It is anticipated that by 2005 MDEQ will submit all PCS WENDB data elements through the exchange network using the IDEF.

Data reported to EPA by the State indicate that formal enforcement actions against facilities in FY2003 resulted in a total of \$399,962 collected in penalties. In FY2002, \$182,162 penalty dollars were collected as a result of formal enforcement actions against facilities. The increase in penalty from 2002 to 2003 was attributed to more stormwater cases. To date, five formal enforcement actions have been taken in FY2004 and a total of \$41,212 has been collected in penalties. Some of these penalties included supplemental environmental projects (SEPs). The State follows EPA's SEP policy. Also, under Mississippi State law, monetary penalties are paid to a Pollution Emergency Fund.

EPA's trend data indicate that the State's percentage of major facilities in significant noncompliance (SNC) is above the national average of 18%. The State has worked to reduce the percentage of major facilities in SNC, resulting in a decrease from 42% in FY2002 to 26% in FY2003. Many of the facilities in SNC were municipal facilities in violation of their metal limitations. EPA is working with the State to address all SNC facilities on the "Watch List." The State has reduced the initial SNC number from 20 in January 2004 to 11 in April 2004. MDEQ is in the process of issuing or has issued agreed orders to 7 of the 11 facilities.

EPA Region 4:

The Region 4 Water Management Division, WPEB, is responsible for compliance tracking, inspections, and enforcement of biosolids facilities in all eight Region 4 States.

The WPEB is also responsible for compliance tracking, inspections, and enforcement of facilities on Tribal lands and offshore oil and gas facilities. Compliance tracking of these facilities is conducted by individual enforcement staff who make recommendations to management for the need for enforcement. During the past year, the WPEB has begun to take a closer look at the Tribal facilities and the offshore oil and gas facilities and has assigned senior staff to ensure compliance at these facilities.

The Region has direct implementation responsibilities for one major facility in the State of Mississippi, and that one facility was in SNC during FY2003 (100% of major facilities in SNC).<sup>6</sup> This facility was addressed by a formal enforcement action (FEA).<sup>7</sup>

One administrative order by consent (AOC) was issued to the Mississippi Band of Choctaw in 2003 for discharge without a permit, and AOCs are being negotiated for noncompliance at other facilities in Mississippi. Enforcement against Tribal facilities is conducted in accordance with national EPA guidance and policies and EPA Region 4's Policy and Practices for Environmental Protection in Indian Country. Enforcement for oil and gas facilities is conducted in accordance with the Region's EMS. The Region has not taken any formal enforcement against oil and gas facilities.

During FY2003, one administrative order, 19 administrative penalty orders, and 19 settlements were issued for biosolids violations. As of midyear 2004, two administrative orders, eight administrative penalty orders, and eight settlements have been issued for biosolids violations.

WPEB addresses all noncompliance problems. Those which cause environmental or human health impacts are addressed in accordance with the EMS, which includes escalation of action and penalty for noncompliance causing environmental or human health impacts.

WPEB uses the EMS, along with Agency and Regional guidance, to address violations that occur at Tribal, oil and gas, and biosolids facilities. Actions are recommended and prepared by staff and reviewed and signed off on by management to ensure consistency with Agency and Regional guidance and policies.

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<sup>6</sup> Management Report measure #34 (percentage of major facilities in significant noncompliance) lists a "--" for Mississippi EPA. EPA Region 4 data indicate that the Region has direct implementation responsibilities for one major facility in the State of Mississippi and that one facility was in SNC during FY2003. Therefore, a 100% would be appropriate for this data element during the time period represented by the Management Report. Data for the number of facilities for which the Region has direct implementation responsibilities were not available at the time the Management Report numbers in the National Data Sources column were developed. The percentage of major facilities in SNC (100%) is reflected in the Additional Data column on the Management Report.

<sup>7</sup> Management Report measure #35 (percentage of SNCs addressed by formal enforcement action [FEA]) lists a "--" for Mississippi EPA activity in the National Data Sources column. EPA Region 4 data indicate that the Region has direct implementation responsibilities for one facility in the State of Mississippi and that one facility in SNC was addressed by an FEA. Therefore, a 100% would be appropriate for this data element during the time period represented by the Management Report. Data for the number of facilities for which the Region has direct implementation responsibilities were not available at the time the Management Report numbers in the National Data Sources column were developed. The SNCs addressed by FEA (100%) are reflected in the Additional Data column on the Management Report.

WPEB has enforcement staff assigned to each enforcement action issued to facilities under direct implementation. The enforcement officer is responsible for ensuring that all provisions of the action are completed in accordance with the requirements and the deadlines set within the action. Because the assigned enforcement officer is generally the person who provided input into the action when it was issued, the enforcement officer is very familiar with the requirements and due dates. All enforcement actions are entered into PCS, which allows for the tracking of all schedule items. Follow-up site visits or meetings are held as needed to observe and discuss completion of requirements. These meetings and visits allow WPEB to learn of any anticipated problems in meeting deadlines early on so that alternatives can be discussed and WPEB management briefed.

WPEB escalates enforcement, including penalties, based on the EMS.

## **2. Record Keeping and Reporting**

### The State of Mississippi:

Mississippi maintains accurate and up-to-date files and records for all NPDES enforcement actions. The records include documented rationales for penalties. For any case that goes before the Mississippi Commission on Environmental Quality, the MDEQ staff presents a rationale for the recommended penalty. The Commission's decision then includes a statement of basis to support their decision in the matter. Accurate, reliable, and complete data are entered into PCS as required.

### EPA Region 4:

WPEB maintains compliance and enforcement files in a central location. A formal records policy is being drafted to ensure consistency in record keeping among the NPDES programs. Files are maintained for each facility for which the Region has issued a permit or that is covered by a general permit. Files contain DMR data, correspondence, permits, inspection reports, and enforcement actions.

## **3. Inspections**

### The State of Mississippi:

The State of Mississippi is conducting inspections in accordance with State grant funding under the CWA section 106 Water Grant Commitment Workplan. This work plan incorporates the Major/Minor/Stormwater Strategy, which allows trade-offs between major and minor (stormwater, CAFO, NPDES minor) facilities, with the trade-off being two minors for every one major. The State has incorporated a basin approach to target inspections as described in the NPDES Inspection Strategy that was submitted to EPA Region 4. The goal of the strategy is to inspect all NPDES facilities over a 5-year cycle. In addition, the NPDES facilities located outside the current basin are selected for inspections based on criteria such as compliance history, past enforcement actions, and current EPA initiatives.

In addition, Mississippi supports the efforts of EPA's Office of Enforcement and Compliance Assurance to target certain sectors each year. Since Mississippi operates in a multimedia fashion, facilities that are targeted because of air and waste concerns are also evaluated for wastewater compliance during site visits. MDEQ meets annually to select areas of compliance assistance to emphasize for the coming year. The State inspects all facilities for which complaints have been received. Major NPDES facilities

identified in the quarterly noncompliance report as having effluent violations are also targeted for inspection.

The CAFO facilities in Mississippi are inspected once per year. The only facilities in the State currently permitted as CAFOs are the swine facilities. There were two orders issued for CAFOs in FY2004 with no penalty assessed. The State is currently not scheduling any inspections of construction stormwater sites; however, sites are inspected as a result of complaints. For FY2004, the State conducted 2 construction inspections and 156 complaint investigations. The investigations focused mainly on erosion and sedimentation controls. Facilities that hold coverage under a baseline industrial stormwater permit are inspected whenever the State inspects the facility for compliance with another permit, regardless of whether it is an air, water, or waste permit.

The State inspected 78% of its major facilities in FY2003, which exceeds the national average of 69%. In addition, during FY2003, 83% of the inspections conducted by the State were at minor facilities, exceeding the 77% national average of state inspections in FY2003 at minor facilities. The State has not participated with EPA in inspection initiatives.

#### EPA Region 4:

For Tribal facilities, WPEB does not currently have an inspection/monitoring strategy for the facilities under direct implementation due to the low number of facilities. The assigned enforcement officer is responsible for preparing a yearly work plan identifying priorities and inspection targets for each fiscal year. Effluent data for each facility are reviewed on a regular basis to determine noncompliance and appropriate Regional action.

For offshore activities, including oil and gas facilities, WPEB cannot readily access facilities for inspections and therefore relies on file reviews to determine compliance. Effluent data for each facility are reviewed on a regular basis to determine noncompliance and appropriate Regional action.

For biosolids facilities, assigned enforcement officers focus their compliance tracking efforts in environmental justice areas and within impaired watersheds identified by the Water Management Division. Inspections are also focused within these areas, as well as in States that have rescinded their State biosolids regulations. Biosolids inspections are focused within environmental justice areas and within impaired watersheds identified by the Water Management Division, as well as in States that have rescinded their State biosolids regulations. During the 2003 inspection year, WPEB conducted a total of 7 biosolids inspections at minor facilities and 19 inspections at major facilities throughout the Region. As of midyear 2004, WPEB has conducted biosolids inspections at a total of 2 minor facilities and 17 major facilities throughout the Region.

WPEB now attempts to conduct inspections at major Tribal facilities once per year and inspections at minor Tribal facilities once every 5 years. During the 2004 inspection year, 100% of the major Tribal facilities were inspected.

Due to the number of facilities and limited access, WPEB does not have the resources to conduct inspections at every oil and gas facility every 5 years. During the 2003 inspection year, WPEB personnel conducted an inspection at one oil and gas facility. A performance audit inspection was conducted at a laboratory used by the oil and gas facilities.

## 4. Compliance Assistance

### The State of Mississippi:

Region 4 States have improved environmental performance through the development and implementation of compliance assistance activities. These activities have been used with individual entities, groups of regulated entities, and trade associations. The compliance assistance activities include innovative strategies, pollution prevention, and sustainable management practices. Mississippi is working on methods of measuring outcomes. Mississippi provides assistance in several ways, including the following:

- There is an active operator trainer program that provides assistance and training to operators of wastewater systems.
- MDEQ provides outreach regarding regulatory requirements, such as stormwater requirements, on an as-needed basis.
- MDEQ provides compliance assistance to the regulated community through the MDEQ Resource Center.
- MDEQ has a small business ombudsman.
- MDEQ funds technical assistance through a contractual arrangement with a consultant engineer.

### EPA Region 4:

Region 4, along with Region 6, is negotiating an MOA with the Department of the Interior's Minerals Management Service (MMS) to incorporate NPDES elements into MMS inspections and provide compliance information back to the Region. MMS is required to visit each oil and gas facility annually. The MOA would greatly benefit the Region and its compliance monitoring efforts because access to these offshore facilities is difficult.

WPEB began providing compliance assistance to the Tribes during 2003. This assistance included on-site visits and assistance during telephone calls and conferences. WPEB will continue to provide compliance assistance to the Tribes in the future.

Biosolids compliance assistance is provided to both facilities and States through presentations at workshops and conferences.

## **Section IV. Related Water Programs and Environmental Outcomes**

### **1. Monitoring**

#### The State of Mississippi:

Mississippi submitted a draft monitoring strategy on May 28, 2004, and the Region provided comments on August 25, 2004. A final monitoring strategy was received in October 2004. The State conducts probability monitoring in coastal areas and is studying this application statewide. The State implements a rotating basin approach to water quality monitoring to maximize monitoring results in any given year for targeted water bodies. Monitoring is conducted for major permits to assist with water quality-based effluent limit determinations. The need for information and the permit cycle dictate the extent of monitoring conducted each year.

#### EPA Region 4:

Each Tribe has a monitoring program. The Region considers monitoring information gathered by the Tribe, if available and applicable, when developing NPDES permits. Basin monitoring plans do not exist on Indian lands and therefore are not considered when developing permitting schedules.

The Choctaw monitor for pH, dissolved oxygen, biochemical oxygen demand, total suspended solids, total residual chlorine, alkalinity, fecal coliform, and conductivity.

### **2. Environmental Outcomes**

#### The State of Mississippi:

For the 2004 305(b) Water Quality Assessment Report, MDEQ assessed approximately 24% (7,692 miles) of Mississippi's total 31,738 miles of perennial streams and rivers for one or more uses. The status of water quality on the remaining 76% (24,046 miles) of the State's perennial rivers and streams is unknown. All assessments were made using monitoring data collected on the major tributary within an 11-digit watershed. The low percentage of assessed waters relative to the total stream and river mileage in the State is not an indication of MDEQ's lack of monitoring efforts. MDEQ monitored 94% of the State's 482 11-digit watersheds. These monitoring efforts entailed data collected at more than 790 sites in the State. MDEQ also monitored 140 sites on selected large rivers, lakes, and estuaries as part of its Ambient Fixed Station Monitoring Network. Mississippi is interested in using the probabilistic approach to the State's freshwater resources in the future to assess 100% of its waters.

Mississippi is covered with hundreds of publicly owned lakes, reservoirs, and ponds totaling approximately 246,000 acres. For the 2004 305(b) report, MDEQ did not comprehensively assess lakes and reservoirs. However, this is not a reflection of a lack of monitoring in these waters. During this period, monitoring was carried out by MDEQ and other agencies in Mississippi lakes through a combination of ambient fixed-station monitoring and special studies. MDEQ is conducting extensive monitoring to develop nutrient criteria for Mississippi lakes. At the completion of this project, the data will be reviewed in their entirety and a formal assessment will be made.

Mississippi has approximately 758 square miles of estuaries. For the 2004 305(b) report, MDEQ assessed only the shellfish consumption use in Mississippi's estuaries and coastal waters. Mississippi, for estuaries and coastal waters, is transitioning to new methods such as probabilistic monitoring. More rigorous Consolidated Assessment and Listing Methodology (CALM) requirements have also resulted in a significant amount of incompatible or insufficient data sets for the 2004 assessment. This situation will be rectified in the near future and with the completion of this transition and modification of monitoring programs to satisfy CALM needs for more accurate 305(b) and 303(d) reporting. At that time, a comprehensive assessment of Mississippi's estuaries and coastal waters will be possible.

#### EPA Region 4:

The Tribes are not required to develop 305(b) reports, and the Region does not have the resources to assess river/stream miles and lake acres on Indian lands. There are no estuaries on Indian lands in Region 4. The Region is working with Tribes to direct their existing monitoring programs toward use in the assessment of waters. A cornerstone of this effort is the Region's emphasis on the Tribes' adoption and EPA's approval of water quality standards, which is an effort under way in the Region.

### **3. Water Quality Standards**

#### The State of Mississippi:

The State has integrated the water quality standards and NPDES program in part by conducting timely reviews of its water quality standards. The only outstanding disapproved water quality standard is that for dissolved oxygen for the Escatawpa River. The State and EPA are working toward a resolution. Triennial reviews are conducted, and updates to water quality standards are incorporated when determined appropriate by the State and approved by EPA. Permit fact sheets explain the basis for each water quality-based effluent limit and identify designated uses of the receiving body and applicable standards. The State has provisions for compliance schedules, which are used when needed. Additional information is maintained in facility-specific files, which are available for public review.

As the State adopts or revises water quality standards, a thorough examination of how the standards will be implemented through NPDES permits is conducted. As the water quality standards are made available for public comment, the State explains to the interested NPDES permit holders and other interested groups exactly how the standards will be implemented, especially in relation to dischargers.

Certain water quality standards are difficult to implement, but those are realized on a permit-by-permit basis. To address this, the State has adopted a variance procedure that implements EPA's use attainability analysis regulations on a permit-specific basis.

The State conducts its review every 3 years and uses that time to adopt newly required EPA criteria. The State has submitted a plan describing how it intends to proceed with adopting nutrient criteria, and the State is expected to adopt Enterococci criteria for its coastal recreational waters in 2005.

The State designates water bodies used as drinking water sources as having a public water supply use. Those water bodies all have criteria associated with protection of the drinking water supply. All wasteload allocations and water quality-based effluent limitations (WQBELs) are written to comply with the criteria associated with the drinking water designated use.

EPA Region 4:

Region 4 writes permits to protect designated uses, consistent with federal requirements for offshore dischargers.

The permitted facilities on Indian lands in Region 4 discharge to fishable/swimmable streams. Municipal facilities and facilities discharging waste contaminated with fecal material use appropriate disinfection. In the absence of ultraviolet disinfection, the Region provides appropriate limits, considering the 7Q10 of the receiving water, for total residual chlorine as needed. The Region monitors discharge monitoring reports for any violations of NPDES permits for discharges on Indian lands and coordinates with appropriate public health agencies as needed.

The Choctaw are in the process of developing water quality standards. The first draft has been submitted to Region 4. The Choctaw have not applied for treatment as a State. Existing Mississippi State standards and federal guidance and criteria are used when developing NPDES permits on Indian lands for the Choctaw.

#### **4. Total Maximum Daily Loads**

The State of Mississippi:

Mississippi incorporates wasteloads into NPDES permits as they are expressed in the TMDL (as a load or concentration). The State keeps an updated list of completed and approved TMDLs. This list is used when drafting NPDES permits to ensure that wasteload allocations derived from the TMDL are incorporated into the NPDES permits. Permit fact sheets discuss the TMDL and appropriate wasteload allocations for the affected permit. Permits on a section 303(d)-listed stream discharging a parameter of concern generally contain a reopener clause to modify the permit when a TMDL is approved.

TMDL development is under way in Mississippi. It is expected that the State will meet the TMDL development schedule of 13 years from date of original listing. TMDL development is dictated by a consent decree. Currently, Mississippi is 100% on schedule for meeting its TMDL development commitment.

EPA Region 4:

No Tribal waters have been identified as impaired. Therefore, TMDLs have not been developed for Indian lands. EPA does consider affected State waters that have TMDLs when issuing permits on Indian lands. For example, the Upper Pearl River TMDL was addressed when issuing the Pearl River WWTP permit, NPDES number MS0053503. All additional facilities besides those discharging to Indian lands are ocean discharges, and the receiving water is not classified as impaired.

#### **5. Safe Drinking Water Act**

The State of Mississippi:

The State designates water bodies used as drinking water sources as having a public water supply designated use. Those water bodies all have criteria associated with protection of the drinking water supply. All wasteload allocations and WQBELs are written to comply with the criteria associated with the drinking water designated use.

All NPDES permits require that the permittee report any noncompliance that may endanger health or the environment to MDEQ, including discharges to a receiving water designated as a public water supply. Information is required orally within 24 hours from the time the permittee becomes aware of the circumstances, and a written submission is required within 5 days. MDEQ contacts appropriate parties, i.e., downstream drinking water treatment plants, if the noncompliance will endanger health or the environment. All permittees are required to take all reasonable steps to minimize or prevent any discharge in violation of the permit that has a reasonable likelihood of adversely affecting human health or the environment.

EPA Region 4:

EPA Region 4 considers all designated uses when developing NPDES permits for Indian lands and location of drinking water intakes.

## **Section V. Other Program Highlights**

### The State of Mississippi:

Mississippi is recognized as a national leader in Integrated Environmental Information Management. The State's positive results have increased staff productivity, reduced burden, and provided effective performance management tools to senior managers.

The State is a leader in the National Environmental Information Exchange Network as a Node 1.0 State and is one of the Node Mentoring States awarded a 2003 Challenge Grant. Mississippi is also involved in national workgroups such as the Network Steering Board, Interim Data Exchange Format (IDEF) Integrated Project Team, CROMERR, and the Environmental Council of States Information Management Workgroup.

Mississippi has taken a number of steps to improve the quality and efficiency of NPDES permitting. These include the following:

- Development of general permits, including multimedia general permits
  - Ready Mix Concrete General Permit - Issued April 2004
  - Hydrostatic Discharge General Permit - Issued January 2002
  - Underground Storage Tank Remediation General Permit - Issued April 2001
  - Small Domestic Source General Permit - Projected Issuance June 2004
  - CAFO Poultry Multimedia General Permit - Issued January 2004
- Re-engineering. Mississippi completed a comprehensive re-engineering effort focused on the business processes of permitting and compliance/enforcement. As a result, in 1996 and 1997 the State created an Environmental Permits Division (EPD) and an Environmental Compliance and Enforcement Division (ECED). EPD issues nearly all the environmental permits in Mississippi and is subdivided based on industrial sectors. NPDES permitting is one of the programs handled by EPD. The Division is subdivided into branches based on industrial sectors. Increased efficiency and expertise continue to be developed. The development of enSite, combined with EPD's comprehensive permit writer development training program, has led to a true single point of contact for permitting activities. Permitting productivity has increased over 50% with no increase in staff.
- Data management system (enSite). The development and use of enSite have had a positive impact on the NPDES program. Application action tracking, site information, document development, and NPDES permit generation are some of the functions that are currently part of the enSite system. Future enhancements of the system will allow for electronic submittal of DMRs and applications.

- Mississippi Department of Environmental Quality Web site. Mississippi has made significant enhancements to its Web site. Information previously requested of staff by the regulated community and general public is now available on the Web site. This includes listing of facilities at public notice, receipt of applications, forms, regulations, and other information relevant to the regulated community and general public.
- E- Business. Mississippi has developed a number of electronic tools to enhance tracking, permitting, compliance and enforcement, and access to data, both internally and externally. These tools include the following:
  - enSite - Electronic Environmental Site Information System, which is MDEQ's agency-wide data management system.
  - enSearch - Mississippi's internal access tool for searches of information about permitted facilities maintained in Mississippi's enSite system.
  - enSearch Online - Mississippi's public access tool for searches of public information maintained in enSite.
  - enDx - Electronic Environmental Data Exchange, a Web-based application developed to support electronic submittal of environmental data.
  - A pilot project with EPA Region 4, involving the electronic submission of NPDES permitting data.
  - An electronic comprehensive project awareness checklist that provides permit writers with a tool to identify and consider all issues in a multimedia context that may be associated with a facility and the proposed permit action.

#### EPA Region 4:

The Region has developed a standardized template representing the standard language required in 40 CFR part 122. This permit tool helps to streamline permit issuance.

The general permit for oil and gas extraction facilities has allowed Region 4 to streamline the issuance of permit coverage for 290 facilities.

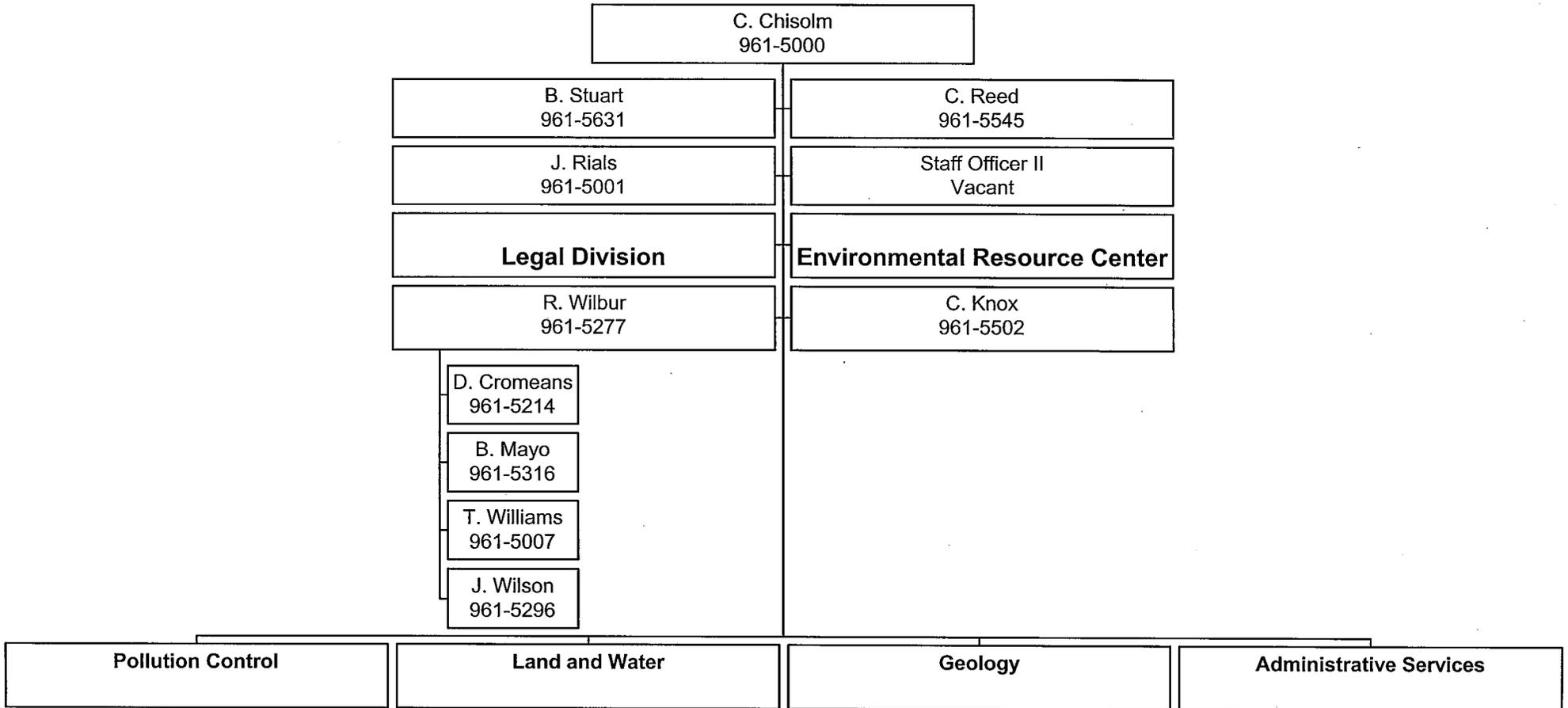
The Region's general permit for construction discharges on Indian lands is unique in that in addition to standard stormwater requirements, it also specifically targets dischargers to section 303(d)-listed waters for sediments or siltation.

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

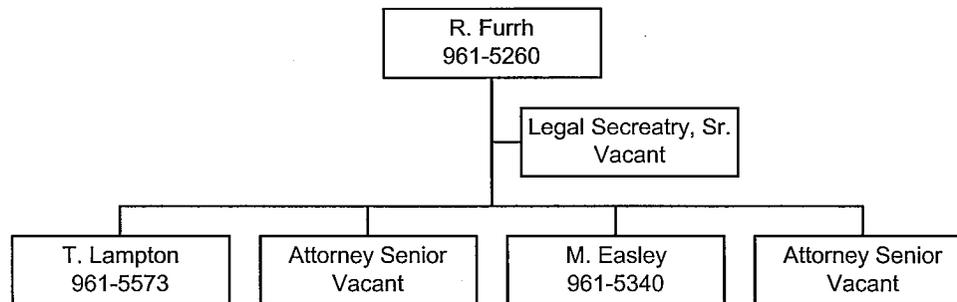
Executive Director's Office

Page 1

November 2004



Executive Director's Office  
Legal Division  
Page 2  
November 2004



# NPDES Management Report, Fall 2004

## Mississippi

			Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data	
						State Activities	EPA Activities	State Activities	EPA Activities
<b>NPDES Progress</b>									
Universe	1	# major facilities (6,690 total)	I.1		n/a	90	1		
	2	# minor facilities covered by individual permits (42,057 total)	I.1		n/a	1,640	10		17
	3	# minor facilities covered by non-storm water general permits (39,183 total)	I.1		n/a	286	0		
	4	# priority permits (TBD)	I.6			--	--		
	5	# pipes at facilities covered by individual permits (142,761 total)	I.7		n/a	3,666	--		
	6	# industrial facilities covered by individual permits (32,505 total)	I.1		n/a	1,373	10		18
	7	# POTWs covered by individual permits (15,197 total)	I.1		n/a	334	8		0
	8	# pretreatment programs (1,482 total)	II.2		n/a	n/a	--		
	9	# Significant Industrial Users (SIUs) discharging to pretreatment programs (22,158 total)	II.2		n/a	--	--	210	
	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	433	--		
	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%	4.9%	--		
	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	0	n/a		
	17	DMR data entry rate	I.7		95%	98%	--		
	18	# permit applications pending (1,011 total)	I.6		n/a	23	--		1
NPDES Program Implementation	19	% major facilities covered by current permits	I.6	90%	83.7%	98.9%	100.0%		
	20	% minor facilities covered by current individual or non-storm water general permits	I.6	90% 12/04	87.0%	83.7%	100.0%		82.3%
	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%	n/a	--		
	24	% SIUs w/control mechanisms	II.2		99.2%	--	--	100.0%	
	25	% of CSO permittees with long-term control plans developed or required	II.5	75% 2008	82.2%	n/a	--		
	26	% CAFOs covered by NPDES permits	II.3		35%	14%	--		
	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	1	n/a		
	29	# Phase I storm water permits not yet issued (5 total)	II.4		n/a	0	0		
	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	Y		
NPDES Compliance Monitoring and Enforcement Response	32	% major facilities inspected	III.3		71%	78%	1%		
	33	(inspections at minors) / (total inspections at majors and minors)	III.3		76%	83%	83%		
	34	% major facilities in significant non-compliance (SNC)	III.1		20%	26%	--		100%
	35	% SNCs addressed by formal enforcement action (FEA)	III.1		14%	6%	--		100%
	36	% SNCs returned to compliance w/o FEA	III.1		70%	65%	--		
	37	# FEAs at major facilities (666 total)	III.1		n/a	1	2		
	38	# FEAs at minor facilities (1,660 total)	III.1		n/a	0	0		

### 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.

**Additional Data:** These columns provide additional data in cases where information from other data sources differs from information in the National Data Sources column for reasons such as different timing of the data "snapshot." Additional data should generally adhere to the same narrative definitions as data in the National Data Sources, and should be derived using similar processes and criteria. Our goal is to work with the States on these discrepancies to ensure consistent and accurate reporting. A State contact is available who can respond to queries. The profiles discuss each additional data element.

**State Activities:** Information in these columns reflects activities conducted by the State program. (Shaded cells in these columns indicate that the work may not be entirely the State's responsibility, but a breakdown of the data into EPA and State responsibilities is unavailable.)

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<b>Water Quality Progress</b>									
Universe	39	River/stream miles (3,419,857 total)	IV.2		n/a	81,337	n/a		
	40	Lake acres (27,775,301 total)	IV.2		n/a	288,471	n/a		
	41	Total # TMDLs in docket at end of FY 2003 (52,795 total)	IV.4		n/a	2,259	--		
	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	1		
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%	8.2%	n/a		
	48	% river/stream miles assessed for aquatic life	IV.2		22.0%	8.2%	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	1	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	N	n/a		
	54	Cumulative # TMDLs completed through FY 2003 (10,807 total)	IV.4		n/a	358	--		
	55	# TMDLs completed in FY 2003 (2,929 total)	IV.4		n/a	195	0		
Environmental Outcomes	56	# TMDLs completed through FY 2003 that include at least one point source WLA (5,036 total)	IV.4		n/a	232	--		
	57	% Assessed river/stream miles impaired for swimming in 2000	IV.2		--	89.1%	n/a		
	58	% Assessed lake acres impaired for swimming in 2000	IV.2		--	0.2%	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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