Permitting for Environmental Results (PER)

# NPDES Profile: New Hampshire

**PROGRAM RESPONSIBILITY**

**EPA Region 1:** NPDES authority for base program, general permitting, federal facilities, pretreatment, 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 identify program strengths and opportunities for enhancements. For more information, please contact George Berlandi, New Hampshire, at (603) 271-2458 or Roger Janson, EPA Region 1, at (617) 918-1621.

# Section I. Program Administration

## 1. Resources and Overall Program Management

EPA Region 1:

The Region manages the drafting and issuance of NPDES permits in New Hampshire because the State has not been authorized to operate the program. New Hampshire issues discharge licenses separately, usually after the Region issues its permit.

The permit universe in New Hampshire for which the Region is responsible is as follows:

| | Majors | Minors | Total[a] |
|---|---|---|---|
| Individual Permits | 59 | 91 | 150 |
| General Permits (non-stormwater) | N/A | 24 | 24 |

[a]As of 7/9/04.

The Region currently has 26 staff in the Office of Ecosystem Protection (OEP) assigned specifically to drafting and issuing all permits for which it has responsibility (including those in New Hampshire), as well as to provide oversight for authorized NPDES State programs. This number includes staff recently detailed to the program to assist with the backlog reduction effort.

Staff are also assigned to the Municipal Assistance Unit to operate the pretreatment program and handle certain administrative elements such as mailing and receiving of applications, public noticing of draft permits and hearings, and distribution of final permit decisions. This group also provides assistance in reviewing notices of intent (NOIs) under certain general permits and coordinating data issues with staff

managing the Permit Compliance System (PCS). The program also uses several biologists from the Region's Surface Water Branch to support the development of permits for cooling water intakes and discharges associated mainly with power plant facilities. The permits program is supported by Regional Counsel staff (particularly during the appeal process but also with assistance when drafting particularly complex and contentious permits where the risk of appeal is known to be high) and by staff in the Office of Environmental Stewardship (OES) who assist with several aspects of the Phase 1 and Phase 2 stormwater program and who manage PCS. Compliance and PCS staff in OES provide valuable reviews of permits during the drafting process to ensure both enforceability and PCS compatibility.

The ever-increasing complexity associated with water quality-based effluent limitations (WQBELs), emerging water quality standards (WQSs) for nutrients, and with the expectation of concentrating on the environmentally significant permit subset (commencing in FY2005) places a significantly high premium on the Region's ability to meet the backlog reduction challenge and to maintain the current expectation, once achieved. The current staffing level will likely be hard-pressed to keep up with program demand.

While the program has maintained a relatively strong nucleus of permit writers over the last several years by balancing gains and losses, the trend is not likely to continue. Several of the more senior and experienced staff are likely to retire over the next few years without any realistic expectation of replacement. This will only further challenge an already stressed corps of permit writers.

Enforcement and PCS staff work in OES. Approximately 4.25 full-time equivalents (FTEs) manage PCS for all New England States, including New Hampshire. One PCS staff member and one technical staff member are assigned to New Hampshire to handle enforcement and data issues, as well as to serve as contacts for both New Hampshire Department of Environmental Services (NHDES) and the public.

## 2. State Program Assistance

EPA Region 1:

The Region has not recently provided significant assistance to New Hampshire in pursuing authorization of the NPDES program. New Hampshire has never expressed serious interest in operating the NPDES program. The Region does not plan to promote program assumption in New Hampshire at least over the next 18 to 24 months, given the challenge of reducing the current permit backlog. It will, however, continue to work cooperatively with New Hampshire to maintain and/or enhance the State's assistance in drafting certain assigned permits to achieve the Region's permit issuance goals. To the extent that this continuing cooperation leads to an increased State interest in pursuing delegation of the program, the Region will work closely with the State program managers to further pursue their assumption of the program.

Notwithstanding, New Hampshire is not likely to assume the program without either substantial new resource investments or significant internal shifts in personnel. Current budget realities at the State level make this unlikely for New Hampshire at this time.

## 3. EPA Activities in Indian Country

There are no federally recognized Tribes in New Hampshire at this time; therefore, the Region has no ongoing Tribal coordination effort in New Hampshire.

## 4. Legal Authorities

EPA Region 1 implements the NPDES program in the State of New Hampshire using its authorities under the Clean Water Act (CWA).

## 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.*

EPA Region 1:

The Region takes its public participation responsibilities seriously and puts significant effort into ensuring that the public has the opportunity to participate in the process. The Region usually holds formal public hearings on draft permits when requested.

The Region's approach includes meeting with dischargers and environmental interest groups during total maximum daily load (TMDL) and permit development to explain the impacts on and changes to their current effluent limitations. The Region takes this approach to better inform the interested constituencies even though it knows that formal permit hearings may still be requested by one or more parties to the process.

A strong outreach and public participation effort resulted in the successful rollout of the Phase 2 stormwater program in New Hampshire. Staff from the Assistance and Pollution Prevention and Enforcement and Compliance programs in OES joined with OEP stormwater staff to develop a multidisciplined, fully integrated program to educate the various affected Phase 2 entities about Phase 2 requirements and responsibilities. Numerous sessions were held starting nearly 2 years before permit requirements went into effect. Nearly all Phase 2 municipal separate storm sewer system (MS4s) applied for coverage on time. In addition, many contractors and their associations now understand their responsibilities to control stormwater during construction activities.

The Region uses its Web site to post permits and fact sheets for all final permits issued after 2000. The Region continues to increase its posting of draft individual permits to make them widely available to interested parties. Draft general permits are also posted. Public notices reference the availability of pertinent documents from the site and advise that hard copies are available upon request. Hard copies are distributed to a fixed and permit-specific list of interested parties, which is updated periodically. The Region is continuing its efforts to use the Internet to disseminate appropriate permit information.

Compliance data for facilities permitted in New Hampshire are available on the Internet to the extent that PCS data are captured in EPA's Enforcement and Compliance History Online (ECHO). There may be a cost involved if the response requires the copying of other data and information (for example, in response to a Freedom of Information Act [FOIA] request). Of course, information and data that are enforcement sensitive, predecisional, or attorney-client privileged are not made publicly available. Notwithstanding, the Region's standard procedure is to involve the public in the NPDES permit process to the maximum extent practicable.

## 6. Permit Issuance Management Strategy

EPA Region 1:

The Region does reasonably well in maintaining a greater than 80% level of current permits for major facilities in New Hampshire, particularly since it implemented its NPDES Permit Task Force in late 1998 to address the serious major permit backlog situation existing at that time. Although the Region has made modest progress toward improving the issuance rate of individual minor permits, the percentage of individual minor permits that are current is approximately 25%, which is significantly below the national average. When general permits are included, however, approximately 40% of the minor facilities in New Hampshire have current permit coverage. The Region has identified this performance as a significant program weakness and it has placed the highest priority on substantially reducing the minor facility backlog through the end of calendar year 2005. It also fully intends to maintain and improve the rate of issuing major permits while at the same time focusing its attention on environmentally significant permits that have been backlogged for more than 2 years beyond their original expiration dates. Coincidentally, at times environmentally significant permits can represent a significant portion of the backlog universe (this may be particularly true for major permits) and often require a disproportionately greater resource investment to draft and issue the permit. This circumstance often exacerbates the backlog problem.

Concurrent with planning its strategy for reducing the backlog, senior management, including the Regional Administrator, recognized the need to enhance the Region's permit program capabilities. In response to this recognition, six staff members (five from outside OEP) were transferred to the permit program to assist with the effort. The Basic Permit Writers' Training Course was provided to these staff members to substantially minimize the learning curve and ensure their successful participation in the effort. Senior management also required the program to be strategic in its approach.

Accordingly and to enhance its performance, the Region recently developed and implemented its "Mission Possible" NPDES permit backlog reduction strategy. This strategy has been designed to greatly enhance the Region's permit issuance rate. Its principles include efficiency measures that are designed to make the best possible use of permit writers' skills (e.g., increasing administrative support, using interns to collect and analyze data, using the Office of Environmental Measurement and Evaluation [OEME] and OES staff to conduct site visits, prepare facility descriptions, and the like), to streamline reviews and speed the decision-making process (e.g., permit writers are required to identify key issues and decision points early on and get management review and buy-in, work with their New Hampshire counterparts to minimize their review and certification periods, establish monthly calls with State program managers to track progress on issue resolution, including assigning responsibility and maintaining accountability) and to provide for increased accountability and incentives to recognize achievement. The strategy projects that a backlog rated no greater than 20% will be achieved by the end of FY2005. It further projects that the national backlog goal of 10% or less will be achieved by the end of calendar year 2005.

The strategy also emphasizes that general permits will be accelerated to reduce the minor, lower-priority permit universe backlog. There is the potential to affect as much as 30 to 40% of the current minor universe through the development and issuance of strategically targeted general permits. In addition, current OEP restructuring efforts and the assignment of additional staff to the program will have a positive impact on the Region's ability to significantly reduce the backlog. Expedited review procedures will also be used to assist in moving permits through the process.

This effort includes New Hampshire's commitment to draft up to 16 permits by the end of 2005. The State has urged the Region to develop general permits covering discharges from minor publicly owned treatment works (POTWs). Along with the other general permits under development, this will significantly reduce the New Hampshire permit backlog.

The Region has been actively working on environmentally significant permits for some time, particularly on power plant discharges that have complex 316(a) and (b) issues. The Region has also been concentrating on municipal wastewater discharges where nutrient-impaired receiving waters compel very stringent WQBELs for phosphorus and/or nitrogen. These two classes of permits alone make up more than 10% of the major permit universe. It is anticipated that some of the minor permits will have environmental significance as well.

The Region recognizes that it has to significantly improve its reissuance of permits that have been expired for longer than 2 years. In particular, it needs to work on the subset that have been expired for longer than 10 years (currently this set for the minor universe is nearly 20%). The Region will integrate its Permit Issuance Plan (now being prepared) into the "Mission Possible" strategy document and will use these documents as the primary tools to manage and monitor progress in achieving the performance that it expects by the end of 2005.

**Table 1: Percentage of Facilities Covered by Current EPA-Issued Permits in New Hampshire**

| | 2000 | Nat'l Avg. | 2001 | Nat'l Avg. | 2002 | Nat'l Avg. | 2003 | Nat'l Avg. |
|---|---|---|---|---|---|---|---|---|
| Major Facilities | 72.1% | 74% | 83.3% | 76% | 86.4% | 83% | 81.4% | 84% |
| Minor Facilities Covered by Individual Permits | 11.4% | 69% | 10.6% | 76% | 19.8% | 79% | 24.0% | 81% |
| Minor Facilities Covered by Individual or Non-stormwater General Permits | N/A | N/A | N/A | N/A | N/A | 85% | 40.3% | 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 New Hampshire:

The NHDES uses an Access database to track noncompliance data, overflows, bypasses, inspection findings, complaints, and permit data and uses Excel spreadsheets to track municipal and industrial noncompliance, as well as the status of its enforcement actions. The information in NHDES databases is not directly transferred to PCS the State is not authorized. NHDES has access to PCS for running reports but cannot enter data.

EPA Region 1:

The Region is a direct user of PCS and uses PCS to assist in managing the NPDES program. Information is entered into PCS for both minor and major NPDES facilities and general permits. The Region uses separate PC-based databases to track combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs) reporting; these databases are not linked to PCS but will be added to ICIS-NPDES (modernized PCS) when available.

The Region enters most of the Water Enforcement National Data Base (WENDB) data elements. Because of resource limitations and program priorities, sludge program elements, pretreatment program information, and some latitude and longitude data for minor facilities and pipes for major facilities are not entered. Technical and PCS staff will review missing elements to evaluate whether further enhancements to WENDB entry can be made. Latitude and longitude data are based on information in permit applications; an EPA contractor updated some of this information several years ago. State penalty information is not entered, as this is not a WENDB data element. The Region can enhance the accuracy of federal penalty data through greater coordination between legal staff, who are responsible for the paperwork associated with administrative penalty orders and judicial consent decrees, and PCS staff.

Routine data entry is quality assured by checking the data entry updates. Engineering staff also flag anomalous data for Regional PCS staff who enter effluent data into PCS for permits issued by the Region. As part of its initiative to reduce the NPDES minor permit backlog, the Region is reviewing and updating the facility status of minor permits to determine whether some permittees are no longer discharging and therefore permits can be terminated. During calendar year 2004, the Region expects to initiate and complete a comprehensive quality assurance program for NPDES effluent information for minor facilities. In addition, Regional engineering staff periodically review PCS data for errors.

In preparation for PCS modernization, the Region is actively participating in conference calls and meetings. The Region expects to have its staff fully trained as the data system modernization proceeds.

# Section II. Program Implementation

## 1. Permit Quality

The State of New Hampshire:

NHDES adheres to quality assurance/quality control (QA/QC) procedures to help ensure that data used in the development of effluent limits are of high quality. The collection of all ambient water quality data by the State is done in accordance with QA/QC protocols, which are intended to ensure the collection of high quality data.

EPA Region 1:

Region 1 strives to include the appropriate technology and WQBELs that are consistent with New Hampshire State WQSs and all implementing policies developed thereunder. In some cases, the lack of water quality data and/or the lack of numeric criteria (e.g., for nutrients where there are often narrative criteria) make the establishment of the appropriate limits considerably more challenging. In these circumstances the Region often pursues an adaptive management/iterative approach to establishing the appropriate effluent limit(s).

All permits are reviewed consistent with a long-standing practice instituted by the Region in the early 1980s. Each permit writer is expected to develop the appropriate limits. The permit is then reviewed by a water quality specialist and the permits team leader. It is further reviewed by the compliance and enforcement staff who check the permit for enforcement issues and PCS compatibility. At this point all appropriate changes are incorporated and the permit is sent to NHDES permit staff for their expedited review prior to public notice. Although somewhat duplicative and having the potential for delay, the review process almost always results in the issuance of high quality permits. In addition, any number of permit quality issues, limits, and conditions are vetted throughout the development process by those involved with the development of a specific permit.

The results of a program-wide permit quality review (PQR) conducted several years ago generally showed that the permits were of high quality but indicated that fact sheets could better explain certain limits and/or conditions. The PQR also cited certain missing appendices, leading the Region to make sure that the appropriate sets of conditions and appendices are incorporated into each permit. The Region recognizes that it could better use the tools developed to assist it in identifying permit quality issues. As part of its overall implementation of its “Mission Possible” strategy, the Region intends to make better use of a number of the available standardized tools to bring further efficiency and quality to the program.

The Region requires whole effluent toxicity (WET) monitoring for virtually all POTWs and for industries discharging process wastewaters. The monitoring frequencies and limits are based on risk, as expressed by the dilution factor (i.e., discharges with low dilution factors are given more frequent monitoring and more stringent limits). For example, chronic limits are included for all discharges that discharge to receiving waters with low dilution, whereas acute limits are required for all discharges regardless of the receiving water dilution. In addition, reasonable potential determinations are conducted using both WET data collected by the facility and the available dilution of the receiving water. The Region also uses the independent application approach to include specific effluent limitations where and

when appropriate (e.g., independent limits are calculated and applied for specific metals such as copper, zinc, and aluminum, even though WET limit requirements may be expressed in the same permit). The Region will continue to evaluate its approach to determining reasonable potential using such tools as the "Technical Support Document for Water Quality-based Toxics Control" (TSD).

The Region requires permittees to address WET violations through toxicity identification evaluations (TIEs) and toxicity reduction evaluations (TREs) and maintains an expert in WET procedures and protocols in OEME to assist the Compliance and Enforcement staff in evaluating the results.

## 2. Pretreatment

EPA Region 1:

EPA is the pretreatment program approval authority for the State of New Hampshire. There are 13 approved pretreatment programs within the State. As of July 2004, these pretreatment programs include 90 significant industrial users (SIUs).[1]

Pretreatment program audits are conducted once every 5 years. Because all findings are discussed with the POTW's program managers during a close-out conference, the POTW's response to each item is performed in an adequate time frame. EPA typically requires a POTW's response to the audit findings within 60 days. In conjunction with the audit procedures, EPA conducts industrial user inspections of such programs. Annual pretreatment reports are submitted by POTWs and are reviewed by the Region. The Region maintains an active pretreatment compliance and enforcement component and has successfully concluded a number of cases, often resulting in significant penalties.

Outside of the approved pretreatment programs, EPA has identified 25 SIUs to include categorical industrial users (CIUs), which report compliance to the Region twice per year. These industries are also inspected by EPA on an as-needed basis.

## 3. Concentrated Animal Feeding Operations

EPA Region 1:

Although much of New England is rural, agricultural runoff does not affect water quality as much as urban stormwater runoff, CSOs, industrial discharges, and other urban sources of pollution. Historically, EPA has dedicated resources to the CAFO program that reflect the relative risk to public health and the environment.

The Region has not issued any CAFO permits under the new requirements in non-authorized states (the current universe of known CAFOs is two, with one in New Hampshire). The Region expects to issue permits in a timely manner and will include nutrient management plan (NMP) requirements and technical standards based on the model standards currently being developed. For permits issued under the revised CAFO rule, the Region will use the Natural Resources Conservation Service (NRCS) technical standards for nutrient application and management of phosphorus and nitrogen.

[1] The National Data Sources column of the Management Report shows 130 SIUs (measure #9). This reported discrepancy is the result of the Region not entering pretreatment data into PCS because of resource limitations. The Region will continue to look for opportunities to enhance resources available for PCS data input to ensure the accuracy of this data subset.

New Hampshire reports only one CAFO above the permitting threshold. The Region plans to issue permit coverage under an individual permit. Should additional CAFOs be identified in New Hampshire and Massachusetts, the Region will issue individual permits for those operations unless the numbers increase dramatically, at which point the Region would consider the development of a general permit, borrowing heavily from the existing models. The Region expects to develop a joint CAFO management plan with the New Hampshire Department of Agriculture. The Region's New Hampshire nonpoint source coordinator participates in the New Hampshire State technical meeting and keeps State and federal agricultural agency representatives informed of EPA's CAFO program.

## 4. Stormwater

EPA Region 1:

There are no MS4s subject to Phase I stormwater permitting in New Hampshire. Stormwater discharges from industrial facilities and construction activity are covered under the multisector general permit and the construction general permit, respectively. New Hampshire has not been delegated the NPDES program; therefore, EPA has primary responsibility for issuing and enforcing stormwater permits. The Region relies on the data supplied by the EPA NOI processing center to track permit coverage under these two permits. Since 2002, approximately 37 EPA stormwater compliance inspections have been conducted in New Hampshire. As a result of these inspections, enforcement actions ranging from non-penalty administrative orders to referrals to the Department of Justice have been issued by the Region for failure to comply with the provisions of EPA's stormwater general permits. The Region has also implemented an Expedited Settlement Offer program to address minor violations discovered during stormwater inspections of construction sites.

On May 1, 2003, the Region issued the small MS4 general permit. The permit regulates all municipalities in New Hampshire subject to Phase II permitting (cities/towns, State/federal agencies, and State highways). Annual reports on the first year of program implementation were due on May 1, 2004. The Region has spent a great deal of time on outreach and education on the small MS4 program. Out of approximately 270 regulated municipalities (in Massachusetts and New Hampshire), only 1 failed to submit a complete and accurate NOI.

## 5. Combined Sewer Overflows/Sanitary Sewer Overflows

EPA Region 1:

There are six communities in New Hampshire with CSOs. All have enforceable mechanisms to implement applicable nine minimum controls (NMCs) and are implementing NMCs. NPDES permits issued to CSO communities in New Hampshire require implementation of the NMCs consistent with the 1994 CSO Control Policy and the CWA. These permits also contain a narrative statement that discharges from CSOs shall not cause or contribute to violations of federal or State WQS. The Region issues permits to all communities in New Hampshire that own CSO outfalls.

The Region uses enforcement tools much more frequently than permitting to require CSO mitigation. The principal reason for using enforcement tools is that they are more flexible than permits and can be modified to reflect changing conditions that may arise during CSO planning and the implementation of complex abatement projects. The Region also typically uses a phased approach to CSO planning and mitigation. This approach enables early implementation of discrete, identifiable projects at the same time the CSO community develops alternatives for additional CSO planning.

Procedures for public notification of CSO events are set forth in permits. POTW permits require oral notification of all unauthorized discharges within 24 hours and written notification within 5 days. Mechanisms for CSO notification include signs.

All six CSO communities are implementing approved abatement measures; three are fully separating and three are implementing an approved first phase of CSO abatement while developing other CSO abatement measures. As with other CSO communities, barriers to more expeditious implementation of long-term control plans (LTCPs) include financial and siting issues.

EPA Region I issues all New Hampshire permits following their certification by NHDES. The NPDES permits do not authorize any sanitary SSO discharges and reference EPA's regulations that require that all bypasses be orally reported to EPA and NHDES within 24 hours, followed by a written report within 5 days. Information contained in the written reports is tracked in both the EPA and the NHDES databases. This information includes, but is not limited to, the date, location, and cause of the bypass; duration and estimated volume; and actions taken to eliminate the bypass to mitigate its impacts and to prevent recurrence. The Region will work with NHDES to develop a universe of SSOs by April 2005.

Public notification requirements are included in the State Conditions section of those permits that authorize discharges in proximity to bathing areas, shellfish beds and similar areas. The State Conditions section of the NPDES permit also requires that all unauthorized discharges of raw sewage be reported to the State, including discharges to the ground and basement backups.

EPA has not typically issued NPDES permits to satellite communities. Finally, New Hampshire's NPDES permits do not specifically require permittees to develop a capacity, management, operation and maintenance (CMOM) program, but they do include a general requirement that all wastewater treatment facilities be properly operated and maintained.

## 6. Biosolids

EPA Region 1:

Conditions implementing the biosolids program are routinely included in all NPDES permits issued to POTWs or other treatment works treating domestic sewage (TWTDS). Annual reports are to be submitted on February 19 of each year. PCS tracks the submission of reports, although actual data are not entered into the system. Currently, three use or disposal practices are consistently occurring in the Region: land application, landfills, and incineration. In New Hampshire, approximately 45 percent of the material generated is beneficially used. There is one incinerator and the remaining material is landfilled.

# 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. Where the State (such as New Hampshire) is not authorized to implement the NPDES program, OECA will use the above process to evaluate regional performance in implementing the NPDES compliance and enforcement programs.*

## 1. Enforcement Program

The State of New Hampshire and EPA Region 1:

The Region has two staff members assigned to New Hampshire: one serves as the PCS coordinator and the other as the technical NPDES coordinator for the State. These assignments allow Regional staff to develop familiarity with permitted facilities and State counterparts. Regional technical staff meet at least quarterly with the State to review the quarterly noncompliance report (QNCR) and to discuss appropriate enforcement responses. Additional meetings or telephone conferences are scheduled as needed. The significant noncompliance (SNC) rate for NPDES major permits in New Hampshire in the July 2004 NPDES Management Report, 12%, is well below the national average of 21%.

The Region and New Hampshire coordinate efforts related to both inspections and enforcement. The Region believes these procedures have worked well in the past. However, recent budget cutbacks and loss of NPDES staff may have an adverse impact on the State's enforcement program and its ability to support the Region's NPDES compliance and enforcement efforts. The Region will continue to monitor the situation and to discuss the issue at regular meetings with the State.

With respect to EPA enforcement actions, technical staff draft non-penalty administrative orders. The technical program manager and senior enforcement counsel review these orders prior to issuance. Case teams consisting of both technical and legal staff develop penalty orders and judicial referrals; the technical program manager and senior enforcement counsel also review penalty orders and referrals. Case teams document penalty calculations in memoranda that are maintained in case files. Case teams negotiate and draft settlement documents and handle follow-up, including monitoring compliance with enforcement orders and consent decrees. Although the majority of administrative penalty orders are resolved through settlement, case teams are responsible for litigating and handling appeals of those cases that do not settle.

In addition to monitoring and responding to effluent violations, the Region has a very active wet-weather enforcement program, including CSOs, SSOs, and stormwater. With respect to CSOs, the Region's approach is to eliminate all CSO discharges when it is financially and technically feasible to do so; this is because discharges of untreated sewage violate applicable microbiological and aesthetic water quality criteria. The Region prioritizes its work on CSOs to protect areas such as bathing beaches, drinking water supplies, and shellfish beds. With respect to SSOs, the Region looks for patterns of overflows due to either inadequate maintenance or capacity restrictions. The Region focuses on repeat

events at a single location during dry weather or wet-weather events during smaller storms. The Region prioritizes its efforts to protect areas such as bathing beaches, drinking water supplies, and shellfish beds. With respect to stormwater, the Region has recently focused efforts on the construction sector. The Region has targeted larger sites with no controls or inadequate controls.

The Region's enforcement actions comply with the national Enforcement Response Guideline for water enforcement actions. In addition, the Region uses the Interim Clean Water Act Settlement Penalty Policy to calculate bottomline penalties in NPDES and pretreatment cases. In accordance with the policy, the Region uses BEN to calculate economic benefit. The Region recovers BEN in all actions in which it can be calculated or is not minimal.

The Region typically issues 4 to 8 administrative orders in New Hampshire each year to address various NPDES permit violations. Within the last several years it has increasingly used its administrative penalty authorities to respond to chronic SSOs. Civil judicial referrals have been pursued for both stormwater and industrial NPDES violations.

The Region uses PCS to monitor compliance with enforcement orders. All major milestones in orders or consent decrees are entered into PCS. Some case teams also use manual tracking for actions with many interim milestones.

## 2. Record Keeping and Reporting

EPA Region 1:

The Region is a direct user of PCS.

See responses to Section I (Data Management), above.

## 3. Inspections

The State of New Hampshire and EPA Region 1:

The Region works with NHDES to target inspections of major and minor facilities. The Region and NHDES target based on a number of factors including coverage, time since last inspection, tips/complaints, compliance status, impact on impaired waters and sensitive ecosystems, and support of integrated strategies (e.g., DPWs, colleges and universities) by inspecting industries and municipalities that have opted not to participate in the Region's various audit initiatives. The Region and NHDES have the goal of inspecting all major and minor facilities in noncompliance or under enforcement order each year. The Region and State generate a list of facilities to be inspected during the year. Additional facilities are added in response to violations, tips, and the like. The targeting approach undertaken by EPA and NHDES has resulted in significant variability in total inspection coverage of majors, from 100% in FY2000, to 77% in FY2001, to 59% in FY2002, to 83% in FY2003. Notwithstanding this variability, this joint target approach has effectively directed both EPA's and NHDES's inspection resources to those major and minor facilities where impacts on human health or the environment are likely to be greater.

The number of inspections conducted by the Region has increased over the past few years. Some of this increase reflects a Regional initiative in the stormwater construction sector. Virtually all minor and

major coverage inspections performed by Regional staff include inspections of on-site laboratories and review of laboratory protocols and bench sheets.

In FY2004, the Region and NHDES performed a collaborative data quality review. The Region conducted approximately 30 coverage inspections; NHDES performed a detailed record-keeping and data quality review covering a 6-month period at selected facilities.

## 4. Compliance Assistance

The State of New Hampshire:

There is no centralized compliance assistance function within NHDES, but all the assistance providers in separate programs work together and address compliance issues as they arise. Their pollution prevention contact does on-site multimedia assistance (strong pollution prevention emphasis but compliance and best management practices [BMPs] are almost always addressed).

NHDES has a strong small business assistance contact who does air assistance (compliance related) and has two people who work for him part time. The small business contact is quite involved in the PrintStep project, which is funded by OECA. There is no formal water assistance contact. Some emerging New Hampshire priorities include expansion of the work with hospitals on mercury to dentists and other medical facilities and pretreatment concerns related to dry cleaners and carpet cleaners. NHDES is also involved in developing a hazardous waste operators training program that will be required of small quantity generators.

EPA Region 1:

Region 1's OES has been a national leader in development of integrated strategies, assistance tools, and innovative programs. Much of that work is managed by OES's Assistance and Pollution Prevention Office (A&P2), a 25-person unit that was created during a major regional reorganization in 1996. The overall goals of A&P2 are to provide assistance, promote sustainable practices, and test and encourage innovation. Many of A&P2's strategies are developed in consideration of how enforcement can also help promote these goals in an integrated way.

Much of A&P2's work is described on the OES Web page: http://www.epa.gov/region1/enforcementandassistance. Most of the A&P2 assistance work is multiprogram and organized by sector. Past and present sectors include marinas, metal finishers, hospitals, wood finishers, small drinking water systems, colleges and universities, and auto repair facilities. The work done with these sectors is customized to meet specific goals that include both compliance and overall environmental performance, including waste reduction and pollution prevention.

Work for each A&P2 sector has a separate written strategy that describes yearly goals, implementation milestones, and measurement methods. Methods of measurement range from on-site assessments using preestablished baseline measures, written and telephone surveys, case studies, statistics on Web site usage, and compliance indicators such as fulfillment of reporting requirements.

In addition to assistance, A&P2 also promotes innovation and works closely with the Deputy Regional Administrator (DRA) on national and regional innovation efforts. The DRA cochairs a State/EPA innovations workgroup that has selected TMDL innovation as its first priority. The group is also sponsoring a State/EPA innovations symposium that will be held at the end of March, the theme of

which is "Innovation for Results in Tough Financial Times." Future State/EPA innovation projects are expected to be determined in large part by the results of this symposium.

In addition to sector projects, A&P2 has also devoted substantial resources to stormwater assistance. This assistance is focused on smaller entities (both municipalities and construction companies) that are subject to the Phase 2 stormwater regulations. Much of this assistance has been devoted to New Hampshire and Massachusetts, the two States in which EPA has primacy for the NPDES program, although there have been many efforts in other States as well. The kinds of assistance work provided include workshops, development and distribution of fact sheets, development of model stormwater tools, an on-line "virtual trade show" of stormwater technologies, and publication of stormwater articles in trade journals.

One measure of the effectiveness of this work is the compliance rate for the NOI submittal requirement established in the stormwater general permit. For example, to contrast "paper compliance" before outreach with paper compliance early in the outreach effort and then after a full year of outreach, the Region compared the number of NOIs for large sites that EPA received in Quarters (Qs) 3-4 2001 (April 1 to September 30) with the number of NOIs for large sites received in Qs 3-4 2002 and Qs 3-4 2003. By focusing on Qs 3-4, the Region captured the main season for building starts and held that constant across the years. Massachusetts and New Hampshire filings were counted separately to see if operators in those States responded differently to an approximately equivalent amount or type of outreach. The results of this assessment are presented below.

**Table 2: NOIs Filed for Large Construction Sites**

| | 2001 (Qs 3-4) | 2002 (Qs 3-4) | 2003 (Qs 3-4) |
|---|---|---|---|
| A site or owner | 50 | 103 | 244 |
| NH site or owner | 25 | 79 | 266 |

The numbers show that NOI filings for both Massachusetts and New Hampshire sites and operators more than doubled each of the 2 years after outreach began in earnest. New Hampshire filings more than tripled year-to-year, and the State's 2003 absolute numbers exceeded those of Massachusetts, perhaps because there was extensive or effective outreach in New Hampshire.

# Section IV. Related Water Programs and Environmental Outcomes

## 1. Monitoring

The State of New Hampshire:

New Hampshire has been restructuring its surface water monitoring programs, using STORET and new internal data management processes to improve the accessibility and usability of monitoring data by the State agency, universities, and other organizations. The State will have a comprehensive monitoring and assessment strategy, which is expected to use probabilistic, targeted, and other designs at appropriate frequencies to achieve the objective of being knowledgeable of the condition of waters statewide. Ten years ago New Hampshire did not have a biomonitoring program, but is now an active participant in developing biocriteria.

New Hampshire has been examining and overhauling its monitoring and assessment program over the past few years, with the goal of being able to access all data useful for making condition assessments, covering 100% of the State through a combination of probabilistic and targeted monitoring, and making its data, assessments, and summary information available to the public through Web sites. It is the first State in this Region to upload at least 11 years of data into STORET and is working on internal data systems that provide for sharing data between offices.

New Hampshire submitted a rough outline of a comprehensive monitoring and assessment strategy in fall 2003 that was in the format of the "10 Elements Guidance." The State is expected to submit a complete strategy during FY2005, as has been agreed upon with all New England States.

New Hampshire's monitoring follows a rotating basin schedule; however, the monitoring schedule is not consistent with the permitting schedule for New Hampshire facilities. Except where TMDLs are being developed, monitoring resources are limited, such that adequate data for determining water quality-based limits are seldom available.

New Hampshire is monitoring resources have been reduced and/or redirected because of the increasing priority or preference of targeted waters, such as TMDL listed waters, fixed monitoring stations, or other water programs. One goal of the CWA is for the State to have an understanding of conditions in all waters in all areas of the State. The State's comprehensive monitoring and assessment strategy is supposed to identify gaps in the monitoring and assessment program, prioritize the gaps that need to be filled to meet the objective of adequately assessing the State's waters, and provide estimates of the resources needed to fill those gaps over a 10-year time span.

New Hampshire is participating in randomized design studies in Region 1 for wadeable streams and lakes/ponds, which will provide both a statewide and regionwide statistical overview of conditions. These probabilistic designs, in addition to targeted designs, when applied to all water body types and all areas of the State, will increase the knowledge of waters throughout the State.

As with all States, waters listed under CWA section 303(d) are a priority for targeted monitoring toward development of TMDLs. It is a challenge to maintain and improve the overall ambient monitoring

program, as a heavy priority is placed on getting TMDLs developed with the limited monitoring funds available. EPA has not been as instrumental in structuring funding along clear lines that can help accomplish both tasks. New Hampshire has been vocal in asking EPA to provide directed funding for data management, data collection and assessment, and other elements of the program described in the "Elements Guidance," to better implement the strategy that is being developed.

## 2. Environmental Outcomes

The State of New Hampshire:

New Hampshire's 2004 305(b)/303(d) Integrated Report (water quality inventory prepared under CWA section 305(b)/list of impaired water bodies prepared under section 303(d)) provides the following:

| | Aquatic Life Use | Primary Contact | Secondary Contact |
|---|---|---|---|
| River/Stream Miles | 1,268.47 mi. (13%) Assessed of 9,611.95 Total Miles | 1,313.4 mi. (13%) Assessed of 9,611.95 Total Miles | 1,297.82 mi. (13%) Assessed of 9,611.95 Total Miles |
| Lake/Pond and Impoundment Acres Assessed | 85,812.55 acres (52%) Assessed of 186,361.57 Total Acres | 95,309.92 acres (51%) Assessed of 186,361.57 Total Acres | 94,145.12 acres (51%) Assessed of 186,361.57 Total Acres |

The following table presents the percentage of assessed waters that meet WQS, by designated uses, based on New Hampshire's 2004 305(b)/303(d) Integrated Report:

| | Rivers/Streams (miles) | Lakes/Ponds (acres) | Estuaries (square miles) |
|---|---|---|---|
| Aquatic Life Use | 13% | 9% | 74% |
| Primary Contact Recreation | 68% | 98% | 67% |
| Secondary Contact Recreation | 98% | 100% | 99% |

## 3. Water Quality Standards

The State of New Hampshire:

Good progress has been made toward integrating the WQS program and the NPDES program in many areas. Coordination between the NPDES program and the standards program has been very good at the State and federal levels, but the triennial review of standards is considerably behind schedule. Integrating the two programs in some key areas has been challenging. These include the following:

1. The lack of numeric water quality criteria relating to nutrients continues to be a significant hurdle to establishing water quality-based NPDES limits that prevent eutrophication.

2. The lack of ambient biocriteria results in excessive reliance on chemical criteria. This issue is further compounded by the limited resources available for chemical monitoring. With respect to the NPDES program, available WET data are always considered during permit development.

3. The need to maintain adequate water quantity is not explicitly recognized in the standards as a necessary component of achieving and protecting designated uses.

Presently, New Hampshire does not have numeric nutrient criteria but has submitted a plan to the Region for developing and adopting chlorophyll *a* criteria. The Region recently approved the plan. New Hampshire envisions that chlorophyll *a* criteria will be used to determine site-specific nutrient levels for a given water body that will in turn be used to set allowable nutrient loads and effluent limitations for affected NPDES discharges. Adoption of numeric criteria will greatly facilitate the issuance of permits to nutrient-impaired waters.

To protect human health, New Hampshire has adopted E. coli criteria for fresh waters and enterococci criteria for marine waters that are consistent with EPA's recommended criteria.

EPA Region 1:

All permits undergo a reasonable potential determination by evaluating available effluent data, ambient water quality data, receiving water characteristics, and applicable WQSs. If the data indicate exceedances or a reasonable potential to exceed, WQBELs are established. Also, for most pollutants ambient background data for the pollutant of concern are used, when available, to calculate WQBELs.

The same approach is used for discharges to impaired streams where a TMDL is not available. EPA conducts a reasonable potential determination and establishes permit limits that would prevent the facility from causing or contributing to WQS violations. In cases where a TMDL study is under way and dischargers are likely to require WQBELs but there is insufficient information at the time of permit issuance to establish appropriate WQBELs, a reopener clause is added to the permit and the dischargers might be required to conduct facility planning to evaluate treatment options to reduce pollutant loadings to various levels. In many cases, interim WQBELs are also established using available information, with the possibility that the WQBELs would be revised upon approval of the TMDL.

## 4. Total Maximum Daily Loads

The State of New Hampshire:

New Hampshire's management of TMDL schedules has been improving for a number of reasons. Significant issues dealing with listing policy, scientific approach, QA/QC requirements, data management, and development of a Consolidated Assessment and Listing Methodology (CALM) have largely been overcome, freeing the State to concentrate its efforts on TMDL production. To date the Region has approved 67 TMDLs submitted by New Hampshire. Based on New Hampshire's 2004 CWA section 303(d) list, New Hampshire has a universe of 583 TMDLs to be completed. Since the list was approved by the Region, the Region has approved 20 TMDLs.[2]

[2] The TMDL universe amount presented here differs from the number of TMDLs remaining to be established in the Management Report (see measure #41) because of the different sources of data used. The Management Report is based on the 2002 303(d) list.

The State is also pursuing a mix of TMDLs (both complex and simpler bundled TMDLs), allowing them to take the time needed for the more scientifically challenging studies while still improving the overall pace.

Senior staff members at EPA have been meeting regularly with the State to stress the importance of improving the pace of TMDL production while maintaining high quality products. The Region hopes to see an order of magnitude increase in production in 2004 versus 2003 in New Hampshire.

Most delayed schedules now involve TMDLs where fairly complex parameters (multiple point sources, dams, and the like) require modeling and representative low flows during data collection to be successful. Three or more TMDLs that would have been written this year are not ready because river flows were at record highs during the last field season, preventing meaningful data collection.

Few, if any, of the TMDLs presently being worked on have point source impairments so significant that the Region would consider taking action (permit modification) in the absence of the completed study.

EPA Region 1:

The Region provides technical and financial assistance for the TMDL programs in New Hampshire. Although the Region has been involved in TMDL efforts in New Hampshire, TMDLs are completed by the State and then submitted to the Region for approval.

There has been excellent coordination between the NPDES program and the New Hampshire and Regional TMDL programs and staff are generally well aware of activities in each program. Both at the State and at EPA, program staff work closely together. As is the case in the Regional Office, the State of New Hampshire TMDL and permit program staff are housed in the same office; this maximizes the opportunities for coordination. The Regional permits program benefits substantially from having several staff members with prior TMDL preparation, review, and approval experience. These staff members work closely with the State TMDL program to ensure that TMDLs with wasteload allocations (WLAs) are developed and expressed in such a manner that they are readily translatable into specific effluent limitations. For example, EPA NPDES and TMDL staff work together to provide input to the State throughout the development of TMDLs that involve permitted point sources. As a result of this coordination, WLA from approved TMDLs are incorporated into applicable permits at the time of permit reissuance.

In situations where a permit is under development for a discharge into an impaired water body and the TMDL has yet to be developed, the Region works closely with the State to collect and analyze all available data to support the inclusion of a limit that will ensure that progress will be made toward achieving WQS. The State does make every effort to ensure that certain significant TMDLs (e.g., the Sugar River TMDL) are completed prior to permit reissuance. Unfortunately, the development of TMDLs of this type is often resource intensive and takes several years to complete. The situation often affects both the pace of TMDL development and the permit backlog situation.

All New Hampshire TMDLs that involve regulated point sources, other than stormwater discharges, provide sufficient information to set numeric WQBEL. TMDLs addressing stormwater impairments typically provide only gross allotments for stormwater because of the lack of detailed information concerning source loadings and impacts. Consequently, stormwater TMDLs do not typically include allocations that are sufficiently specific to set numeric WQBELs. The Phase II stormwater general

permit for small communities issued by the Region includes language that requires that stormwater pollution plans submitted by covered communities are consistent with WLAs for regulated stormwater in all applicable TMDLs.

## 5. Safe Drinking Water Act

The NPDES permitting program coordinates with the drinking water program concerning the locations of public water supply intakes relative to NPDES discharge outfalls. Permitted facilities that are determined to represent a potential risk to a downstream public water supply are required to immediately notify the public water supplier in the event of an accidental bypass or plant upset. Also, during permit development reasonable potential determinations are conducted using human health and drinking water criteria to determine whether effluent limits are needed to protect the drinking water use.

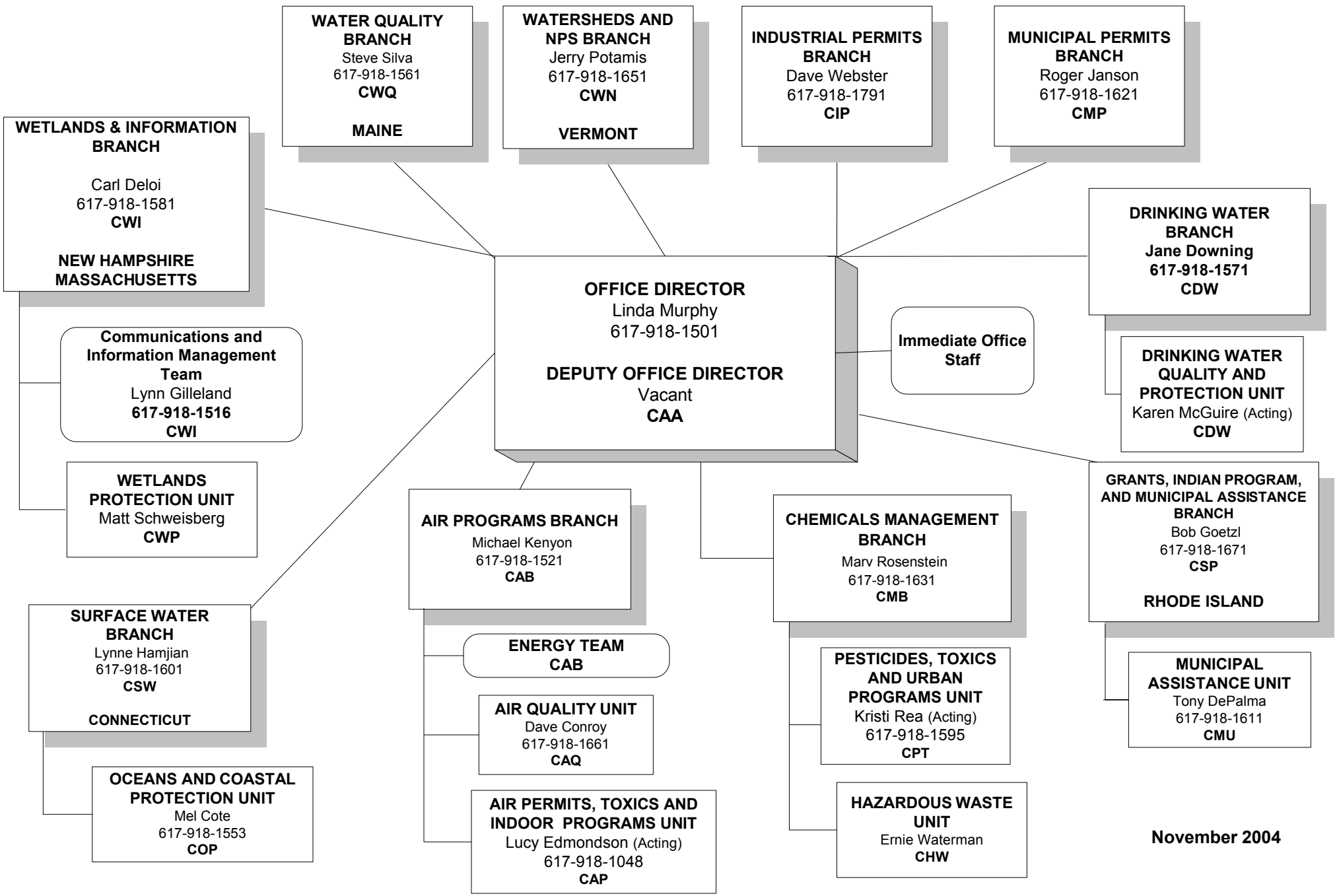
The Region and States have been discussing the importance of accurately identifying the locations of permitted discharges in relation to public water supply intakes. Also, there has been ongoing coordination between the stormwater permitting programs and underground injection control (UIC) programs in the Region.

# Section V. Other Program Highlights

EPA Region 1:

Within the context of operating the "standard" NPDES program, the Region has incorporated trading as a strategy available to permittees to assist them in meeting particularly stringent WQBELs. The Region believes that the experience gained in the development and implementation of the Long Island Sound TMDL and the nitrogen credit exchange program are and will be valuable tools with which to educate others interested in the benefits of pursuing trading concepts within a watershed and the confines of a permit(s).

# OFFICE OF ECOSYSTEM PROTECTION



# NPDES Management Report, Fall 2004

## New Hampshire

| | | | Profile Section | GPRA Goal | Nat. Avg. | National Data Sources: State Activities | National Data Sources: EPA Activities | Additional Data: State Activities | Additional Data: EPA Activities |
|---|---|---|---|---|---|---|---|---|---|
| **NPDES Progress** | | | | | | | | | |
| Universe | 1 | # major facilities (6,690 total) | I.1 | | n/a | n/a | 59 | | |
| | 2 | # minor facilities covered by individual permits (42,057 total) | I.1 | | n/a | n/a | 91 | | |
| | 3 | # minor facilities covered by non-storm water general permits (39,183 total) | I.1 | | n/a | n/a | 24 | | |
| | 4 | # priority permits (TBD) | I.6 | | | n/a | -- | | |
| | 5 | # pipes at facilities covered by individual permits (142,761 total) | I.7 | | n/a | n/a | 404 | | |
| | 6 | # industrial facilities covered by individual permits (32,505 total) | I.1 | | n/a | n/a | 75 | | |
| | 7 | # POTWs covered by individual permits (15,197 total) | I.1 | | n/a | n/a | 72 | | |
| | 8 | # pretreatment programs (1,482 total) | II.2 | | n/a | n/a | 13 | | |
| | 9 | # Significant Industrial Users (SIUs) discharging to pretreatment programs (22,158 total) | II.2 | | n/a | n/a | 130 | | 90 |
| | 10 | # Combined Sewer Overflow (CSO) permittees (831 total) | II.5 | | n/a | n/a | 6 | | |
| | 11 | # CAFOs (current and est. future) (17,672 total) | II.3 | | n/a | n/a | 1 | | |
| | 12 | # biosolids facilities (TBD '05) | II.6 | | | n/a | -- | | |
| 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 | n/a | P | | |
| | 14 | % pipes at facilities covered by individual permits w/ lat/long in PCS | I.7 | | 46.3% | n/a | 25.0% | | |
| | 15 | State CAFO legal authority expected (mo/yr) | II.3 | 2005 | n/a | n/a | n/a | | |
| | 16 | # Withdrawal petitions/legal challenges (22 total) | I.4 | | n/a | n/a | n/a | | |
| | 17 | DMR data entry rate | I.7 | | 95% | n/a | 99% | | |
| | 18 | # permit applications pending (1,011 total) | I.6 | | n/a | n/a | 26 | | |
| NPDES Program Implementation | 19 | % major facilities covered by current permits | I.6 | 90% | 83.7% | n/a | 76.3% | | |
| | 20 | % minor facilities covered by current individual or non-storm water general permits | I.6 | 90% 12/04 | 87.0% | n/a | 39.1% | | |
| | 21 | # major facilities w/permits expired >10 yrs. (56 total) | I.6 | | n/a | n/a | 1 | | |
| | 22 | % priority permits issued as scheduled (TBD '05) | I.6 | 95% 2005 | | n/a | -- | | |
| | 23 | % pretreatment programs inspected/audited during 5 yr. inspection period | II.2 | | 85.3% | n/a | 76.9% | | |
| | 24 | % SIUs w/control mechanisms | II.2 | | 99.2% | n/a | 100.0% | | |
| | 25 | % of CSO permittees with long-term control plans developed or required | II.5 | 75% 2008 | 82.2% | n/a | 66.7% | | |
| | 26 | % CAFOs covered by NPDES permits | II.3 | | 35% | n/a | 0% | | |
| | 27 | % biosolids facilities that have satisfied part 503 requirements (TBD '05) | II.6 | | | n/a | -- | | |
| | 28 | # Phase I storm water permits issued but not current (76 total) | II.4 | | n/a | n/a | 0 | | |
| | 29 | # Phase I storm water permits not yet issued (5 total) | II.4 | | n/a | n/a | 0 | | |
| | 30 | Phase II storm water small MS4 permits current (Y/N/D (draft)) (35 States) | II.4 | 100% states 2008 | n/a | n/a | Y | | |
| | 31 | Phase II storm water construction permit current (Y/N/D (draft)) (49 States) | II.4 | 100% states 2008 | n/a | n/a | Y | | |
| NPDES Compliance Monitoring and Enforcement Response | 32 | % major facilities inspected | III.3 | | 71% | 71% | 12% | | |
| | 33 | (inspections at minors) / (total inspections at majors and minors) | III.3 | | 76% | 62% | 76% | | |
| | 34 | % major facilities in significant non-compliance (SNC) | III.1 | | 20% | n/a | 12% | | |
| | 35 | % SNCs addressed by formal enforcement action (FEA) | III.1 | | 14% | n/a | 44% | | |
| | 36 | % SNCs returned to compliance w/o FEA | III.1 | | 70% | n/a | 22% | | |
| | 37 | # FEAs at major facilities (666 total) | III.1 | | n/a | 1 | 3 | | |
| | 38 | # FEAs at minor facilities (1,660 total) | III.1 | | n/a | 0 | 2 | | |

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# NPDES Management Report, Fall 2004

## New Hampshire

| | | | Profile Section | GPRA Goal | Nat. Avg. | National Data Sources: State Activities | National Data Sources: EPA Activities | Additional Data: State Activities | Additional Data: EPA Activities |
|---|---|---|---|---|---|---|---|---|---|
| **Water Quality Progress** | | | | | | | | | |
| Universe | 39 | River/stream miles (3,419,857 total) | IV.2 | | n/a | 9,610 | n/a | | |
| | 40 | Lake acres (27,775,301 total) | IV.2 | | n/a | 186,362 | n/a | | |
| | 41 | Total # TMDLs in docket at end of FY 2003 (52,795 total) | IV.4 | | n/a | 263 | -- | | |
| | 42 | # TMDLs committed to in FY 2003 management agreement (2,435 total) | IV.4 | | n/a | 6 | 0 | | |
| | 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 | N | n/a | | |
| | 45 | # WQS submissions that have not been fully acted on after 90 days (32 total) | IV.3 | <25% submis-sions | 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% | 13.0% | n/a | | |
| | 48 | % river/stream miles assessed for aquatic life | IV.2 | | 22.0% | 13.0% | n/a | | |
| | 49 | % lake acres assessed for recreation | IV.2 | | 49.4% | 51.0% | n/a | | |
| | 50 | % lake acres assessed for aquatic life | IV.2 | | 48.5% | 52.0% | 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 | Y | 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 | 20 | -- | | |
| | 55 | # TMDLs completed in FY 2003 (2,929 total) | IV.4 | | n/a | 2 | 0 | | |
| | 56 | # TMDLs completed through FY 2003 that include at least one point source WLA (5,036 total) | IV.4 | | n/a | 2 | -- | | |
| Environmental Outcomes | 57 | % Assessed river/stream miles impaired for swimming in 2000 | IV.2 | | -- | 4.0% | n/a | | |
| | 58 | % Assessed lake acres impaired for swimming in 2000 | IV.2 | | -- | 0.8% | 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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