



Permitting for Environmental Results (PER)

NPDES Profile: Rhode Island and Indian Country

PROGRAM RESPONSIBILITY

State of Rhode Island: base program, general permitting, pretreatment, federal facilities

EPA Region 1: NPDES authority for biosolids

EPA Region 1: 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, please contact Angelo Liberti, Rhode Island Department of Environmental Management, at (401) 222-4700 or Roger Janson, EPA Region 1, at (617) 918-1621.

Section I. Program Administration

1. Resources and Overall Program Management

The State of Rhode Island:

The Rhode Island Department of Environmental Management (RIDEM) was authorized to implement the NPDES program, referred to as the Rhode Island Pollutant Discharge Elimination System (RIPDES) in 1984. Authorization included authority to issue general permits, to issue permits to federal facilities, and to implement the pretreatment program, but not to manage the biosolids program. The RIPDES program is administered by the Office of Water Resources, Surface Water Protection Section. Other programs under the direction of the Chief of Surface Water Protection include Total Maximum Daily Loads (TMDLs), Wastewater Treatment Facilities (design review and operation and maintenance), Water Quality Standards, Shellfish Area Monitoring, and Clean Water State Revolving Loan Fund (see the attached organization chart). This organizational structure ensures close coordination of the RIPDES and other water pollution control programs.

Below is a summary of the current universe of facilities regulated by the RIPDES program as of August 11, 2004.¹

- 25 major individual permits

¹ Some of these numbers differ slightly from the National Data Sources column of the Management Report (see measures #2 and #3), which represent the RIPDES universe as of June 30, 2004, for individual permits (measure #2) and March 2004 for facilities covered under general permits (measure #3).

- 19 municipal wastewater treatment plants
- 6 private industrial wastewater treatment plants
- 87 minor individual permits
- 11 sanitary treatment plants (schools, businesses and nursing homes)
- 6 noncontact cooling water
- 3 aquaculture
- 6 groundwater remediation
- 12 oil terminal stormwater
- 5 water treatment filter backwash
- 44 miscellaneous discharges (boiler blowdown, contact cooling water)
- 17 facilities covered by general permits for groundwater remediation projects
- 18 facilities covered by general permits for noncontact cooling water
- 246 facilities covered by general permits for stormwater discharges
- 31 facilities covered by general permits required for municipal stormwater systems (i.e., Phase II)

The RIPDES program is responsible for developing and tracking compliance with permit requirements for municipal and industrial wastewater, stormwater, and combined sewer overflows that are discharged directly to the waters of the State, as well as industrial wastewater discharged to municipally owned treatment facilities. EPA's Permit Compliance System (PCS) is the primary tool used to track compliance with RIPDES requirements. Once it has been determined that formal enforcement action is appropriate, cases are referred to RIDEM's Office of Compliance and Inspection. RIPDES staff coordinate with the Office of Compliance and Inspection throughout the development and resolution of formal enforcement actions.

Eleven full-time equivalent (FTE) staff positions are allocated to the RIPDES program, and 10 of these positions are filled. One FTE included in the RIPDES organization chart is assigned to collect samples from permitted dischargers as required by Rhode Island General Law section 46-12-4, and is not related to the EPA-authorized RIPDES program. However, a data entry position shown in the Administration section of the organization chart is entirely dedicated to the RIPDES program. It should be noted that additional administrative, technical, and legal resources, within and outside the Office of Water Resources, support the inspection, compliance, and enforcement aspects of the RIPDES program.

In FY2003, for personnel expenses alone, the RIPDES program had a total commitment of resources of \$749,000 with 52% (or \$390,000) from federal funding sources and 48% (or \$359,000) from State

sources. In FY2004, funding levels remained approximately the same (0.7% increase). All permittees are required to pay an annual permit maintenance fee and new facilities also pay a permit application fee. In FY2003 \$175,394 in fees were collected.

The RIPDES program has shown great improvement during the past few years. Following a series of budget reductions and hiring freezes, RIPDES program technical staff fell from the typical level of 10 FTEs to a low of 2 filled FTEs in 1996. In 1997 EPA officially notified the State's governor of its concern that RIDEM no longer had the capacity and ability to effectively administer the RIPDES program. After consideration of the benefits and drawbacks of returning authorization of the NPDES program to EPA, the State agreed to provide sufficient funds to rebuild the staff to a total of 12 FTEs. Even with the increased State commitment, staff turnover is an issue that has continually impacted the effectiveness of the RIPDES program. RIPDES management continues to invest significant time and attention in the program to ensure its ongoing operation.

Once staffing levels were restored, RIDEM was able to reduce the backlog of expired major permits from 76% in December 31, 1999, to 8% by December 31, 2003. EPA Region 1 has also established a goal of reducing the combined backlog of minor permits (individual and non-stormwater general permits) and major individual permits to 10% by December 31, 2004. The minor permit backlog in Rhode Island has been reduced from 77% (January 1, 2003) to 56% as of January 31, 2004. The current combined backlog is 47%, and as noted in the FY2004-FY2005 work plan, the RIPDES program expects to achieve the ambitious goal of 10% by December 31, 2004. It should be noted that progress at reducing the minor permit backlog was limited because resources were focused on major permit issuance and compliance, which results in greater environmental benefits. Recent success in issuing major permits now means that resources can be shifted to minor permits. Because the water program has expanded and federal funding increases have not matched the increased demand, States have been forced to spread limited funding over numerous programs. Since initial program authorization, the NPDES program has expanded to include stormwater discharges from construction activities, municipal drainage systems, and industrial facilities, and the pretreatment program requirements have increased significantly. In addition, the shift from technology-based to water quality-based permits has significantly increased the technical complexity and the resources necessary to issue permits and ensure compliance with program requirements. In an effort to address budget constraints last year, the Rhode Island legislature nearly decided to return authorization of the NPDES program to EPA.

RIDEM makes every effort to send new RIPDES program staff to EPA training workshops for permit writers. Only one staff permit writer has not received this training. In addition, the RIPDES program has developed an orientation package, numerous checklists, and guidance documents to assist staff.

2. State Program Assistance

The State of Rhode Island:

The State of Rhode Island has the authority to operate all aspects of the NPDES permit program. It does not operate the biosolids program.

EPA Region 1:

The Region works with the State as needed or as requested, case by case. The Region works with State program management to assess and assist the State in providing training such as the Basic Permit Writers' Training Course.

3. EPA Activities in Indian Country

EPA Region 1:

Rhode Island has one federally recognized Tribe, the Narragansett Tribe. To the extent necessary, the Region coordinates with the Tribe. However, the Tribe has no individual permits because its wastewater is discharged to and treated by a local municipality. Stormwater associated with construction activities on Tribal lands is covered by the Region's general permit. Regional outreach activities on stormwater-related issues have included coordination with the Tribe as appropriate.

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 Rhode Island:

Rhode Island's public participation policy and procedures are cited in State statutes at Title 42, Chapter 35, of the Rhode Island General Laws (commonly called the Rhode Island Administrative Procedures Act) and are further defined under Rules 41, 42, and 43 of the Regulations for the Rhode Island Pollutant Discharge Elimination System. The RIPDES statutory and regulatory framework is consistent with federal program requirements. In accordance with the RIPDES rules and regulations, draft permits are made available for public comment, hearings are held when appropriate, comments are received and responded to, and permits are issued. The RIPDES rules also provide for an appeals process that is administered by hearing officers in RIDEM's Administrative Adjudication Department. Rhode Island has a statute that defines "public records," but it does not restrict public participation nor does it limit who has standing to participate in the permitting process.

The Office of Water Resources, along with other RIDEM, offices, hosts an annual public participation process for its work plan. For the RIPDES program, this includes certain schedule milestones for the permits RIDEM intends to issue. The work plan also identifies key strategies and performance measures that the department will employ to carry out its projected work. RIDEM also has an active public participation/workshop approach for public input into regulation and general permit development.

RIDEM provides considerable information regarding the RIPDES program on its Web site (<http://www.state.ri.us/dem/programs/index.htm>), including persons to contact, RIPDES regulations, permit application forms, and notice of intent (NOI) forms. Significant draft permits are posted on RIDEM's Web site on the Permits/RIPDES page, along with all major and minor permits. The Web site provides a link to EPA's national NPDES program Web site, which provides a link to the Regional EPA NPDES Web site (<http://www.epa.gov/region1/npdes/ri.html>). Both the EPA national and the Regional NPDES program Web sites show final Rhode Island permits that have been recently issued. At present, the Region's Rhode Island NPDES page shows two permits and provides considerable information on

compliance and inspections, including enforcement actions taken by RIDEM. The Region will continue its work with Rhode Island to add information to the permits page on its Web site.

For stormwater, Rhode Island provides specific regulatory and technical information concerning the stormwater permitting program. As part of developing the Phase II Stormwater Program, the RIPDES program developed a Phase II Web site that has received national attention and was ranked second place among the best Phase II Web sites in the nation at a National Stormwater Managers Conference. The State also operates a “watershed notification database.” RIDEM posts all NOIs it receives on its Watershed Action Notification Database Web site (http://zog.doa.state.ri.us/cgi-bin/dbman_Watershed_Actions//db.cgi) and lists all major and minor permits. The pertinent information in all NOIs received is posted in the notification database.

6. Permit Issuance Management Strategy

The State of Rhode Island:

As of January 31, 2004, the percentage of permits that were current for major facilities was 92%, and the percentage of permits that were current for minor facilities, including non-stormwater general permitted facilities, was 44%. These rates reflect the improvement that the State continues to show in its permit issuance rate. The table below displays the improving issuance trend for both major and minor facilities. (Section 1 Resources and Overall Program Management provides some insight into the basis for the improvement.) The State’s goal is to improve the percentage of current permits for major facilities to nearly 100% by the end of calendar year 2004 and the percentage for minor facilities to 78% by the same date. It hopes to achieve a rate of nearly 100% current permits for minor facilities by the end of FY2005. The results achieved highlight the dedication and significant emphasis and effort that the program managers and staff have put forth.

Only one major permit has been expired for more than 2 years; none have been expired for more than 10 years. Although there are a number of minor permits in these two categories, the State continues to make steady progress to improve the issuance rate for minor as well as for major facilities. It makes good use of general permits and has undertaken to ensure the accuracy of information on the minor facility universe.

Rhode Island believes that it will adequately address the universe of environmentally significant permits though its effort to ensure that nearly all permits are current. Consistent with the governor’s goal of a clean, healthy Narragansett Bay, RIDEM is working toward ensuring that applicable permits contain the appropriate nutrient limits and other water quality-based effluent limits (WQBELs) necessary to protect and improve the bay’s water quality.

Table 1: Percentage of Facilities Covered by Current Permits in Rhode Island
(State-issued permits)

	2000	Nat'l Avg.	2001	Nat'l Avg.	2002	Nat'l Avg.	2003	Nat'l Avg.
Major Facilities	68.0%	74%	88%	76%	88.0%	83%	92%	84%
Minor Facilities Covered by Individual Permits	21.3%	69%	12.5%	76%	19.4%	79%	25.3%	81%
Minor Facilities Covered by Individual or General Permits	N/A	N/A	N/A	N/A	19.4%	85%	33.9%	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 Rhode Island:

RIDEM is a direct user of PCS, the national database, which it uses as a principal tool to manage its RIPDES program, including tracking combined sewer overflows (CSOs), stormwater, pretreatment, concentrated animal feeding operations (CAFOs), biosolids, effluent violations, enforcement schedules, and inspections. RIDEM personnel code and enter information into PCS. In addition to PCS, RIDEM uses a Microsoft Access database to track permit work flow and inspections. Some data elements in the Access database are also entered into PCS; however, the State's systems and PCS do not share data. Sanitary sewer overflows (SSOs) are tracked using a State database. RIDEM PCS staff will review the Access databases as part of PCS modernization.

RIDEM enters data for all the required elements in the Water Enforcement National Data Base (WENDB), with the exception of biosolids information. (RIDEM is not authorized to administer the biosolids program.) RIDEM enters effluent data for major and minor facilities into PCS along with latitudes and longitudes of major facilities and their outfalls, as well as minor facilities. Rhode Island has requested EPA assistance to complete entering latitude/longitude data for minor outfalls. RIDEM recently completed an effort to identify all facilities' latitudes and longitudes, and is working to determine exactly how much information is missing on outfall latitudes and longitudes. State staff are working on a project to map these locations using the geographic information system (GIS) map server tool. In addition, staff will be trained on the use of hand-held global positioning system (GPS) mapping devices that they can use during on-site inspections. The inspections will provide the opportunity to verify locations documented by the map server and to identify outfalls unclear on the map server. This project will be completed in 2004, prior to the data migration that will occur with PCS modernization.

Rhode Island also routinely reviews data in PCS for accuracy and refines the data as needed. The quality and completeness of the State's data in PCS are high. At present, one person at RIDEM is responsible for data entry into PCS.

With respect to PCS modernization, Rhode Island will be one of the States selected for the first phase of data migration. In preparation for modernization, RIDEM has participated in many of the conference calls regarding the project and has been reviewing the draft manual for the new ICIS-NPDES (modernized PCS). RIDEM intends to perform extensive data quality checks as part of the data migration project, continue to participate in data migration conference calls, and follow any EPA recommendations for data quality testing and reporting. For example, RIDEM intends to concentrate on identifying user-defined fields, missing data elements, and all new fields; entering missing data; and obtaining historical data if necessary. All enforcement actions and keys will be checked to make sure they fit the ICIS data flow.

Based on a recent PCS data completeness analysis, Rhode Island was reported to be missing a large amount of data for average design flow. In response, the State has gathered the average design flow data available for all major permits (this is equal to the permitted flow) and is working on entering these data into PCS.

Section II. Program Implementation

1. Permit Quality

The State of Rhode Island:

Rhode Island has constructed a comprehensive procedure for building quality into its permit process. It has assembled a series of checklists and permit development guidance documents (the package includes 26 such documents covering the broad spectrum of an NPDES program) that permit writers and management use to ensure that quality permit documents are developed. The checklists also serve as review tools to further ensure that permit development and issuance are consistent with the NPDES program requirements.

Permit writers use downloaded PCS data supplemented by a State-developed program that stores priority pollutant scan data to assist in drafting appropriate permit limits. Management encourages permit writers to use various reliable data sources to ensure that permit limits are supportable. In addition, the State is very supportive in ensuring that all permit staff are properly trained, and this includes attending the Basic Permit Writers' Training Course.

RIDEM 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. All ambient water quality data collected by the State are collected in accordance with QA/QC protocols intended to ensure that high-quality data are collected.

For major permits, a permit development document is prepared and it includes a detailed description of the legal and technical issues regarding the determination of allowable discharge levels, an assessment of reasonable potential to cause or contribute to a violation of water quality standards (including a list of all available data), and development and selection of final permit limits. The permit development document is mentioned in the fact sheet and is available to the public upon request.

Rhode Island's Whole Effluent Toxicity (WET) program consists of a toxicity permitting strategy that is similar to the approach used by Region 1, which assigns acute (lethal concentration [LC] 50) and chronic no observed effect concentration (C-NOEC) WET limits based upon the facility-specific "risk." The risk is based on the available dilution. Rhode Island has both numeric and narrative criteria to address potential toxic impacts. The submittal of WET reports is tracked as permit schedules and the data are entered into PCS. In instances where the WET testing shows a pattern of violating the applicable permit limit, the State requires a toxicity reduction evaluation (TRE). For all publicly owned treatment works (POTWs), the State requires that each POTW meet an LC50 in 100% effluent. For industrial facilities and one POTW that has influent dominated by industrial flow and that cannot comply with the 100% LC50 limit, the State recently began requiring that these facilities calculate a site-specific LC1/LC50 ratio, and the WET limit is calculated using the methods outlined in chapter 5 of the "Technical Support Document for Water Quality-Based Toxics Control." The State has been working to enhance this area through consent agreements, which include enforceable compliance schedules for compliance with WET limits, and through TREs. The State also recognizes and includes independent WQBELs for toxics consistent with the Regional approach to establishing appropriate permit limits.

In compiling this section of the profile, State permits were not independently evaluated or compared against a national standard. Rather, the discussion is based primarily on an assessment of the QA/QC procedures established by Rhode Island and routine permit quality reviews performed by EPA Region I.

EPA Region 1:

The Region does not specifically review all permits drafted by RIDEM. It reviews certain permits on a selective basis, usually resolving issues with State staff prior to any public notice period. For example, the Region reviewed three permits in 2003 and five permits in 2004 for consistency with the State's water quality standards. The reviews showed that no significant issues had been identified by the Region. As an enhancement to program oversight, the Region plans to expand the focus of the reviews and increase the number of permits reviewed annually, beginning in 2005.

During 2002 EPA's Water Permits Division conducted a permit quality review of selected Rhode Island municipal and industrial permits. The review findings were transmitted to the Region and RIDEM in November 2002. The findings identified some areas in which permits could be enhanced, including providing standard permit conditions (Permit Part II) and providing more detailed information in the fact sheets. RIDEM has considered EPA's review and has addressed each comment. For example, RIPDES permits do in fact include Permit Part II documents. Permit Part II consists of the standard permit conditions that are applicable to all facilities (e.g., bypass and upset provisions) and is now included in the permit file. A copy of Part II is mailed to all permittees with their signed permits.

Also, more detailed information is now provided in RIPDES' fact sheets. For example, fact sheets include a summary of past discharge data based upon data reported in discharge monitoring reports (DMRs) and a summary of the basis for the permit limitations. In addition, the fact sheets indicate whether a consent agreement is necessary for the permittee to come into compliance with its final limits. Previous fact sheets included a written description of the outfall location. However, as permits are reissued, RIDEM has begun using more detailed outfall identification methods (i.e., maps and flow diagrams). More recent permits contain additional information relative to the applicability of limits recommended in the Effluent Limitation Guidelines and as determined by best professional judgement.

The fact sheets reviewed during the permit quality review noted that a permit development document containing a detailed explanation of the permit limit development procedures, applicable regulations, and a list of all available effluent data was available upon request. However as noted in EPA's letter transmitting the permit quality review, inspectors limited their review to material specifically included in the fact sheet. It is Rhode Island's position that any material referenced in the fact sheet should be considered part of the fact sheet. Permittees and others reviewing the permit development document (including analysis of reasonable potential to cause or contribute to a violation of water quality standards) have commented that they find these documents very helpful. The Region agrees with this assessment. Because permit development documents typically range from 50 to 100 pages, Rhode Island believes that referencing this document in the fact sheet and providing it upon request is legally defensible and preferable to producing the typical, abbreviated fact sheet or incorporating the detail into the fact sheet and mailing it to everyone.

2. Pretreatment

The State of Rhode Island:

On September 17, 1984, Rhode Island received authorization to administer the pretreatment program and now has 15 approved pretreatment programs. RIPDES permits specify detailed requirements for the control authorities (POTWs) to issue permits, to inspect, and to monitor significant industrial users (SIUs) and categorical industrial users (CIUs). The State conducts pretreatment compliance inspections biannually and full program audits every 5 years. Ninety-nine percent of SIUs have control mechanisms in place. The program requirements are current with federal requirements at this time; no enhancements are needed.

The State identifies SIUs and CIUs by reviewing the 15 approved pretreatment program annual reports that are submitted in accordance with the reporting requirements for each POTW's RIPDES permit. As applicable, new SIUs/CIUs are identified on a case-by-case basis, using the resources and assistance of EPA Region 1 to periodically survey POTWs and communities that do not have State-approved pretreatment programs and search for new or modified industrial activity. RIDEM approves new pretreatment programs in accordance with the federal and State pretreatment regulations when such approval is warranted based on the regulations and associated levels of industrial activity. The two most recently approved pretreatment programs in Rhode Island are Smithfield (1998) and Warren (1996). Pretreatment audits are performed regularly, in conjunction with pretreatment compliance inspections. RIDEM conducts at least one audit and three pretreatment compliance inspections every year, consistent with RIDEM's 2-year work plan commitments.

Pretreatment program follow-up actions that pertain to program implementation areas of concern or deficiency are identified in formal audit or inspection reports. Comprehensive audit reports and pretreatment compliance inspection reports are issued within 60 days of an audit or inspection. The identified areas of concern or deficiency are documented and tracked, including a review and concurrence of corrective and preventive actions. Areas of concern or deficiency are also identified (and associated corrective or preventive actions are tracked) during the review of other program documentation, such as pretreatment annual reports and daily correspondence. At this time, RIDEM is not aware of any other POTWs in the State for which an approved pretreatment program is warranted.

According to the most recent pretreatment annual reports submitted and other program information to date, there are approximately 240 SIUs located in municipalities or communities with approved pretreatment programs, and approximately 140 of them are CIUs. Among communities without approved pretreatment programs, there is only one potential CIU (located in Burrillville and not currently discharging) that the RIDEM knows of, and this facility is in the process of applying for a State-issued Industrial Wastewater Discharge Permit.

3. Concentrated Animal Feeding Operations

The State has no animal feeding operations that meet the CAFO definition. Rhode Island generally relies on the Natural Resources Conservation Service to interface with all agricultural and animal farming operations to develop and implement best management practices at such facilities.

4. Stormwater

The State of Rhode Island:

Rhode Island is current with respect to issuing all required Phase I and II stormwater permits; there are no Phase I municipal separate storm sewer system (MS4) facilities. Phase I industrial sources are covered by a general permit as are Phase I and II construction activities. However, industrial sources accepted under the group application process have not been required to seek coverage under the existing general permit. RIDEM is developing a Multi-Sector General Permit that will cover these facilities. The draft permit is being reviewed internally at RIDEM, and the general permit is expected to be issued by December 31, 2004.

The State tracks NOIs electronically and reviews each NOI submitted for conformance with the permit requirements. All NOIs received are posted on RIDEM's Watershed Action Notification Database Web site (http://zog.doa.state.ri.us/cgi-bin/dbman_Watershed_Actions//db.cgi).

5. Combined Sewer Overflows/Sanitary Sewer Overflows

The State of Rhode Island:

Combined Sewer Overflows: Three Rhode Island communities have CSOs. All three have permits requiring implementation of the nine minimum controls, and all three have implemented the controls. All three permittees also have adopted long-term control plans (LTCPs) approved by the State, and abatement work is progressing. As with other CSO communities, barriers to more expeditious implementation of LTCPs include financial and siting issues.

Rhode Island requires implementation of LTCPs through enforcement orders. RIDEM considers all traditional and innovative approaches to CSO control, including sewer separation, storage, and treatment. Rhode Island has a procedure to reclassify waters affected by CSOs where elimination is not feasible. A highlight of RIDEM's CSO program is the use of ambient water quality monitoring in addition to regulator sampling for better detection of any dry-weather overflows.

With respect to public notice, RIDEM's permits require CSO communities to post signs at CSO outfalls, and one facility is required to fly a flag alerting the downstream rowing club members of overflows. Regional enforcement staff also review the CSO permits for consistency with EPA policy and the requirements of the Clean Water Act.

Sanitary Sewer Overflows: RIDEM does not issue permits for any SSO discharges, and all RIDEM-issued NPDES permits refer to State regulations requiring that all bypasses posing a risk of harm to the environment or human health be orally reported to RIDEM immediately upon discovery followed by a written report within 5 days. RIDEM does not issue permits to satellite communities, but is working with satellite communities to improve notification. Citizen complaints often result in identification of SSOs in satellite communities. The State's permits include a general requirement that all wastewater treatment facilities be properly operated and maintained. The State is revising regulations to require operation and maintenance plans and to enhance SSO reporting for all satellite systems. The Region will work with RIDEM to identify an SSO universe by April 2005. Rhode Island has a State database that is used to track the date, time, volume, date reported, and enforcement status of SSOs. RIDEM's O&M Section manages this database.

6. Biosolids

The State of Rhode Island:

Rhode Island is not authorized to administer the federal biosolids program. The State feels there is no need for it to adopt the program for biosolids use and disposal under Title 40 of the Code of Federal Regulations Part 503 other than to include appropriate references in its permits to the subject facilities. The State issues “State only” permits for treatment, transport, and disposal (also known as “Orders of Appeal”). These orders are referenced in fact sheets. Most of the biosolids generated at Rhode Island facilities are incinerated. There are three sludge incinerators at the larger POTWs (Narragansett Bay POTW, Cranston, and Woonsocket), which handle most of the biosolids generated in the State (approximately 90%). The communities of Bristol and West Warwick compost biosolids to meet class A requirements for beneficial reuse.

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 Rhode Island:

RIDEM has adopted EPA's definitions of significant noncompliance and the quarterly noncompliance report (QNCR) process to track facility compliance. Facility effluent data are reviewed monthly and explanations on DMR cover letters are reviewed as submitted by facilities. Facilities in SNC for the first time typically receive a telephone call and a letter from RIPDES staff in the Office of Water Resources advising the facility of the noncompliance and requesting a description of how the violations will be corrected. Staff from the RIPDES Program, the Wastewater Facilities Program, or the Office of Compliance and Inspection may inspect the facility. Facilities in repeat or long-term SNC are referred to the Office of Compliance and Inspection for formal enforcement action (e.g., issuance of an administrative order and/or penalty order). RIPDES and Wastewater Facilities Program staff continue to work to ensure compliance pending formal enforcement.

Staff from the Office of Water Resources and the Office of Compliance and Inspection meet monthly to review facility compliance based on inspections, complaints, and compliance monitoring. RIDEM meets quarterly with Regional staff to review the QNCR and discuss enforcement issues.

RIDEM does not have a written enforcement response guideline outlining these procedures, but intends to create one as resources allow. An October 24, 2000, memorandum set forth explanations for options for enforcement response (e.g., immediate compliance order, notice of violation, consent agreement).

RIDEM uses a combination of effluent data review, inspections and other contact with facilities, and meetings to evaluate appropriate responses to violations. The Office of Compliance and Inspection is responsible for developing formal enforcement actions when SNC is discovered by complaint, investigation, or compliance monitoring. Formal enforcement includes orders and assessment of penalties that are subject to appeal and are enforceable through the courts. The most common formal enforcement mechanism is called a notice of violation (NOV). RIDEM's NOVs are formal enforcement actions in that they include allegations of facts and violations, contain orders to resolve the alleged violations, contain an assessed penalty with supporting documentation regarding the factors used to determine the penalty, and may be appealed to the department's Administrative Adjudication Division. In assessing penalties, RIDEM follows the procedures set forth in the "Rules and Regulations for Assessment of Administrative Penalties" (May 2000). These rules and regulations set forth both gravity and economic benefit components of penalties.

Rhode Island's SNC rate can fluctuate as a result of its relatively small universe of NPDES major facilities; a single facility can have a large impact on the State's SNC rate. RIDEM's current staffing allows timely informal response to violations. With respect to formal enforcement, only one FTE (including both technical and legal support) is available to work on water enforcement matters. The Region has discussed with RIDEM the impact of staffing levels on the timeliness of formal enforcement actions. The Region will continue to monitor the situation and to discuss this issue with RIDEM.

RIDEM uses PCS and other data tracking capabilities to monitor compliance with enforcement orders. DMR data for minor permittees and all general permits are entered into PCS. Along with the QNCR process for major permittees, the RIPDES Program is now following a similar QNCR process for minor individual permittees. As part of this process, which has been ongoing for several quarters now, the RIPDES program writes SNC letters and performs compliance inspections on the most significant SNC cases. Several formal enforcement cases have been initiated and a permit has been terminated in the past year as a result.

EPA Region 1:

EPA Region 1 is piloting the OECA Multimedia Enforcement Audit process in Rhode Island. As part of that process, the State and EPA will review enforcement policies, standard procedures, and staffing levels. In FY2005, the RIPDES Program plans to develop a written Environmental Management System (EMS) and RIPDES enforcement response plan. A sanitary engineer in the program will be assigned to this project with the intention of having a draft for internal departmental review by December 2004. The Region intends to complete the audit by December 2004. Comments and suggestions will be addressed and incorporated into the final RIPDES EMS and enforcement response plan.

2. Record Keeping and Reporting

The State of Rhode Island:

RIDEM is a direct user of PCS. See Section I (Data Management), above.

3. Inspections

The State of Rhode Island:

RIDEM has a goal of inspecting all major facilities annually. With respect to minor facilities, RIDEM has a plan to inspect at least 10 minor facilities per year. In FY2004, the RIPDES program coordinated with EPA Region 1 to train the RIPDES staff to perform compliance inspections. The effort included both office and field training with Region 1 and dual inspection of approximately eight facilities. Building on this effort and using the training received, the RIPDES program developed inspection checklists and data entry forms and completed 26 inspections of minor facilities in FY2004. It is expected that this level of effort can be maintained. In addition, in the next fiscal year the RIPDES Program intends to initiate compliance inspections for certain general permits. The effort will target a subset (e.g., 10%) of each type of general permit. RIDEM will update PCS inspection data from 2001 to present.

To ensure maximum coverage, the RIPDES program schedules individual permit inspections in response to tips or complaints or in connection with permit reissuance. RIDEM also inspects facilities indicating they are terminating discharges to confirm the discharges have, in fact, stopped. RIDEM has

targeted some sectors for inspections in response to public comments on its strategic planning process. This has resulted in watershed-based inspections of such sectors as marinas and salvage yards.

4. Compliance Assistance

The State of Rhode Island:

As a result of legislative mandates imposed in 2001, RIDEM made significant cuts to its office that provided pollution prevention and compliance assistance. RIDEM, the University of Rhode Island's pollution prevention program, and the Narragansett Bay Commission have worked closely together on a range of assistance topics, but the work has decreased greatly because of these budget cuts and staff either leaving or being transferred. In addition, the State does not have a small business ombudsman, but assistance is still provided to small businesses on a limited basis.

Rhode Island is investing most of its compliance assistance efforts in Environmental Results Program approaches as a way to address small business sectors with diminished staff resources. An Environmental Results Program has been developed and implemented for the auto body repair sector. The program is being developed for lead paint removal contractors and the underground storage tank program, and will likely be used for other sectors and programs as well. The State recently applied for and received an innovation grant to apply the Environmental Results Program to the auto salvage sector.

The Narragansett Bay Commission provides pollution prevention assistance to facilities in its service area (which is very large for such a small State) and has worked with EPA on several assistance projects. The commission provides assistance for mercury reduction to metal finishers and to dentists who discharge into its system.

Section IV. Related Water Programs and Environmental Outcomes

1. Monitoring

The State of Rhode Island:

RIDEM's in-house monitoring program is limited, and as a result, it relies heavily on data generated by contractors, universities, and volunteer monitoring programs. The Narragansett Bay has the benefit of a monitoring program supported by the National Estuary Program and other agencies.

There has been little change in Rhode Island's in-house monitoring capabilities over the past several years. The State has, however, made efforts to bring agencies and organizations that perform environmental monitoring together at a few workshops, to explore developing a statewide monitoring strategy based on collaboration in producing environmental data. RIDEM has an in-house draft of a comprehensive monitoring and assessment strategy, which it expects to submit to EPA for review this fall. The State is lacking in a biomonitoring program and implementation of STORET; the Region would like to see both addressed as priorities in the monitoring strategy.

In Rhode Island, as in many States, monitoring the effectiveness of best management practices, TMDL implementation, and other progress in water quality is a low priority, given limited resources and competing priorities.

RIDEM uses a watershed approach and gathers data from a number of set stations throughout the State. Data collection follows a set schedule that is not related to the permit schedules but is focused on specific watersheds. When available, data are used to define ambient background conditions for dischargers. TMDL development is a priority that, as in other States, is minimizing other ambient monitoring needs because of pressures to reduce the TMDL list. To date, all TMDL efforts in Rhode Island have involved increased monitoring. For TMDL efforts involving water quality modeling, permitted point sources, or both, the additional monitoring is generally sufficient to calibrate models and estimate wasteload allocations (WLAs).

Rhode Island has not increased its own monitoring substantially. The State uses very little biological data in assessing aquatic life use. The Region performed a probabilistic sampling monitoring study on Rhode Island's wadeable streams in 2000, and the State has not used the biological assemblage information. Volunteer monitoring organizations have expanded their monitoring, and as a result, coverage has expanded.

Below is a comparison of the use of monitored assessments (i.e., those for which current good-quality in-stream data are used) in the State's 1992 and 2002 water quality inventories prepared under Clean Water Act section 305(b).

Table 2: Comparison of Assessment/Monitoring Progress in Rhode Island, 1992-2002

Year	Rivers/Streams	Lakes/Ponds	Estuaries
2002	531.60 miles assessed (35% of total miles)	16,580.51 acres assessed (79% of total acres)	156.23 sq. miles assessed (100% of total sq. miles)
	391.68 miles monitored (26% of total miles)	11,169.75 acres monitored (53% of total acres)	154.41 sq. miles monitored (99% of total sq. miles)
1992	664 miles assessed (44% of total miles)	16,749 acres assessed (80% of total acres)	193 sq. miles assessed (90% of total sq. miles)
	288 miles monitored (19% of total miles)	1,121 acres monitored (5% of total acres)	141 sq. miles monitored (0% of total sq. miles)

EPA Region 1:

EPA Region 1 is encouraging the State to participate in the Regional Environmental Monitoring Assessment Program (R-EMAP) of region-wide and statewide probabilistic monitoring studies, which four other New England States are actively undertaking. Rhode Island is not participating, and as yet has no other alternative plans for assessing statewide status and progress in a statistically valid or high-confidence manner.

2. Environmental Outcomes

The tables below presents Rhode Island's assessments for the State's 2002 305(b) report.

Table 3: Waters Assessed/Monitored That Fully Support All Assessed Designated Uses

	Rivers/Streams	Lakes/Ponds	Estuaries
Total waters Assessed and Total Monitored Assessments in 2002	531.60 miles assessed 391.68 miles monitored	16,580.51 acres assessed 11,169.75 acres monitored	156.23 sq. mi. assessed 154.41 sq. mi. monitored
Fully Supporting Water Quality Standards in 2002	347.98 miles (65% of total assessed miles)	12,930.67 acres (78% of total assessed acres)	108.59 sq. mi. assessed (69% of total assessed square mi.)

Table 4: Individual Designated Use Support Status in 2002 Rhode Island Section 305(b) Report

Waterbody Type	Designated Use	Fully Supporting	Impaired	Waters Assessed for Use (% of Total State Waters)
Rivers and Streams	Aquatic Life	375.86 miles	130.45 miles	506.31 miles (34% of total waters)
	Swimming (Primary Contact)	302.47 miles	116.34 miles	418.65 miles (28% of total waters)
	Fish Consumption	0	7.72 miles	7.72 miles (0.5% of total waters)
Lakes and Ponds	Aquatic Life	12,401.93 acres	3,099.31 acres	15,501.24 acres (74% of total waters)
	Swimming (Primary Recreation)	13,846.31 acres	714.55 acres	14,560.86 acres (70% of total waters)
	Fish Consumption	0	502.93 acres	502.93 acres (3% of total waters)
Estuaries	Aquatic Life	74.52 sq. mi.	41.89 sq. mi.	116.41 sq. mi. (75% of total waters)
	Swimming (Primary Contact)	145.83 sq. mi.	9.92 sq. mi.	155.75 sq. mi. (100% of total waters)
	Shellfishing	104.19 sq. mi.	27.16 sq. mi.	131.35 sq. mi. (99% of shellfishing waters)

3. Water Quality Standards

The State of Rhode Island:

The water quality standards and RIPDES functions are administered by one group. The standard operating instructions for permit writers include checklists and guidance documents on water quality standards topics such as anti-degradation. Each major permit receives a complete water quality standards review, including implementation of narrative criteria, which the State staff feel are the more difficult to implement. The Rhode Island Water Quality Regulations do not allow for permits to include compliance schedules to comply with WQBELs. Therefore, Rhode Island uses consent agreements to establish enforceable compliance schedules.

The triennial review of Rhode Island's water quality standards is overdue, but RIDEM is in the process of revising the State's water quality standards and has submitted a draft package to the Region for review. Rhode Island plans to change indicator bacteria criteria from fecal coliform to enterococci criteria as part of its next water quality standards revision. Rhode Island has adopted a phosphorus criterion for lakes, ponds, and reservoirs, and narrative criteria for all water bodies. Consistent with national requirements to develop nutrient-related criteria, RIDEM has developed a plan for adopting nutrient criteria for lakes/ponds and rivers/streams. The Region has approved the plan. Rhode Island has provisions for considering use attainability analyses for modifying water quality standards and changing use designations.

All permits undergo a reasonable potential determination that consists of an evaluation of available effluent data, ambient water quality data, receiving water characteristics, and applicable water quality standards. If the data indicate exceedances or a reasonable potential to exceed, WQBELs are established. In addition, for most pollutants, available ambient background data for the pollutant of concern are used to calculate WQBELs.

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

4. Total Maximum Daily Loads

The State of Rhode Island:

Like the water quality standards function, the TMDL program is managed by the same office that manages the RIPDES permit program. When appropriate, permits staff participate in the review of TMDLs with particular emphasis on the WLA portion of the TMDL. At this point there is considerable integration between the two programs in connection with TMDLs that address stormwater discharges to impaired waters.

TMDLs addressing stormwater-caused impairments typically provides 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 MS4 general permit includes specific conditions that require development and implementation of stormwater controls based on an approved TMDL or other water quality determination that identifies discharges that contribute to a violation of water quality standards or are significant contributors of pollutants to waters of the State. RIDEM has initiated a statewide TMDL implementation database to track progress.

At present, Rhode Island does not have a rotating basin plan in place that would be used as an approach to coordinate TMDLs and RIPDES issues. Nonetheless, there is adequate coordination between the programs; WLAs are incorporated into permits when necessary and appropriate.

The principal cause of impairment addressed by the majority of Rhode Island TMDLs is stormwater, most of which is regulated under the RIPDES program. To date, approved TMDLs in Rhode Island have focused primarily on bacteria and phosphorus from stormwater and nonpoint sources.

RIDEM has also spent considerable effort and resources on addressing nutrient-related impairments in Narragansett Bay. In this case, permitted point sources (such as POTWs) from Rhode Island and Massachusetts represent a significant source of the nutrient load to the bay. Because of several factors (including severe resource limitations and the highly complex nature of the impairment), the TMDLs for these segments are not yet completed, nor are they likely to be completed in the near future. In the

interim, however, RIDEM is working to develop an initial round of WQBELs for nitrogen for facilities impacting the bay. For complex projects like this, RIDEM forms stakeholder groups and involves permitted facilities and other key stakeholders from the outset. The stakeholder groups are given opportunities to provide input at important stages of the studies, and this helps to make the most of available resources and shorten review times.

At present, approximately 6% of Rhode Island's TMDL universe (276 TMDLs) are approved. RIDEM has had difficulty keeping pace with its FY2003 and FY2004 TMDL commitment to EPA (5 of 33 TMDLs and 3 of 8 TMDLs were approved in FY2003 and FY2004, respectively). However, the Region is optimistic that Rhode Island's TMDL pace will improve in FY2005. Most of the TMDLs slated for completion in FY2003 and FY2004 were submitted as drafts and reviewed by the Region. The approvals were delayed because of issues identified during the reviews. Over the past 2 years, the Region has worked with Rhode Island to resolve the outstanding issues on the TMDLs. As a result of these efforts and recent progress at resolving the issues, the Region expects to receive and approve all the delayed TMDLs during early FY2005. Several other TMDLs in various stages of completion are expected to be submitted to the Region in the near future.

Overall, the primary impediment to increasing the pace of TMDL development in Rhode Island appears to be resource limitations (i.e., staff and monitoring resources). The Region is expending considerable efforts to help Rhode Island pick up the pace of TMDL development. The Region provides programmatic, technical, and financial assistance for the TMDL program in Rhode Island. For example, over the past few years, Rhode Island has received contractor assistance from the Region for TMDL development in two watersheds. The Region is also working with the States on a pilot project for TMDL innovations. The project involves the assessment of a variety of existing and potential approaches for developing TMDLs for waters impaired by stormwater with a goal of developing an approach that would allow States to complete stormwater-related TMDLs in a timely manner. RIDEM has participated in this project, which is intended to identify and develop straight-forward approaches to developing stormwater TMDLs that can be readily completed.

5. Safe Drinking Water Act

The State of Rhode Island:

Rhode Island's water quality standards prohibit most new discharges into waters that have source water designated uses. For this reason, RIPDES program staff members are aware of source water issues and the effect of the water quality standards program. However, drinking water programs in Rhode Island are managed by the Department of Health; as a result, it is standard operating procedure for permit staff to work with their Department of Health counterparts to resolve problems that arise. For example, Rule 9.E.1 of the Rhode Island Water Quality Regulations prohibit discharges into the terminal reservoir of public drinking water supplies, except for stormwater drainage. In these instances, RIDEM contacts the water supplier and the Department of Health to make certain that there will not be any problems associated with the discharge.

OFFICE OF WATER RESOURCES

**Assistant Director
Good**
**Office Manager
Gasbarro**

03/16/04

Surface Water Protection
Chief, Liberti
2/3 Deputy Chief, Scott

Clerk Secretary, Zaroogian

Program Support
Surface Water Quality
Pr. Env. Sc.
Carey

Sr. Nat. Res. Sp.
Vacant

SRF/Aqua Fund/Bond Funds
Pr. San. Eng.
Manning

Water Quality Assessments
Supervising Environmental Scientist/Frozen

<u>TMDL's</u>	<u>Shellfish Area</u> <u>Monitoring</u>	<u>RIPDES</u>	<u>Wastewater</u> <u>Treatment Facilities</u>
Pr. San. Eng Turner	Pr. Env. Sci. Migliore	Supv. San. Eng. Beck	Supv. San. Eng. Towne
Super. Env. Planner Zalewsky	Env. Sci. Speaker	4 Sr. San. Eng. Chatterton DiSaia Goblick Haberek	<u>Design</u> Pr. San. Eng. Zeman
Sr. Env. Sci. Frozen	Eng. Tech III larossi		Jr. San. Eng. Vacant
Sr. San. Eng. Travers		3 San Eng. Camara Mello Lafaille Vacant	<u>O/M</u> Pr. San. Eng. Patenaude
<u>3 Env. Sci.</u> Vacant Frozen Vacant			Sr. San. Eng. Pinto
<u>3 Jr. San. Eng.</u> Hannus Frozen Vacant		Tech Staff Asst. Burns	Sanitarian Lovesky
<u>3 Sr. Nat. Res. Sp.</u> Vacant Frozen Frozen		Env. Sci. Birchell	

Administration

Admin Officer
Sousa

Elec. Com. Op.
Washington

8 Data Control Clerks
Charette
DiRaimo
Edwards
Lombardi
Heroux
MacAndrew
Cicillini
Letizia

Sr. Word Proc. Typist
Vacant

1/3 Deputy Chief
Kieman

Non-Point Source
Pr. Env. Sci.
Riordan

Sr. Env. Planner
Dake

Data Management
2 Pr. San. Eng.
Gates
Richardson

Elect. Comp. Prog.
Vacant

Elect. Comp. Op.
McFarland

Groundwater & Wetland Protection
Chief, Chateaufneuf
Sr. Environmental Planner, McGreavy

<u>ISDS</u>	<u>Wetlands</u>	<u>WQC/UIC</u>	<u>Program Support</u>
Supv. San Eng. Moore	2 Supv. Eng. Sci. Horbert Wencek	Pr. Env. Sci. Simpson	<u>Wetlands</u> Pr. Nat. Res. Sp. Murphy
Pr. San. Eng. Frejj	2 Pr. Civil Eng. Larson Pisani	<u>UIC</u> Sr. Env. Sci Roy	<u>Groundwater Quality</u> Pr. Env. Sci. Panciera
Sr. Env. Sci Sullivan	Civil Eng. Swift	Env Sci. Angelone	Jr. San. Eng. Peters
1 Sanitary Eng Garrahan	San. Eng. Stout	San. Eng. Muschiano	<u>ISDS</u> Sr. Env. Planner Knauss
2 Jr. San. Eng. Ferreira Umbriano	Sr. Env. Sci Casey	<u>WQC</u> Sr. Env. Sci. Walsh	Env. Sci. O'Rourke
5 Env. Sci. DeRiso Duhamel Kiczek Charpentier Pittman	7 Env. Sci. Barden, G (21 hrs) Smith (14 hrs) Barden, S Kowal Freeman Hamilton (21 hrs) McPherson (14 hrs) Kelly Osenkowski Vacant	Jr. San. Eng. Porseueus	
	2 Sr. Nat. Res. Sp Ribas Swifti		

NPDES Management Report, Fall 2004

Rhode Island

			Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data	
						State Activities	EPA Activities	State Activities	EPA Activities
NPDES Progress									
Universe	1	# major facilities (6,690 total)	I.1		n/a	25	0		
	2	# minor facilities covered by individual permits (42,057 total)	I.1		n/a	86	0	87	
	3	# minor facilities covered by non-storm water general permits (39,183 total)	I.1		n/a	32	0	35	
	4	# priority permits (TBD)	I.6			--	--		
	5	# pipes at facilities covered by individual permits (142,761 total)	I.7		n/a	291	--		
	6	# industrial facilities covered by individual permits (32,505 total)	I.1		n/a	44	31		
	7	# POTWs covered by individual permits (15,197 total)	I.1		n/a	19	0		
	8	# pretreatment programs (1,482 total)	II.2		n/a	15	--		
	9	# Significant Industrial Users (SIUs) discharging to pretreatment programs (22,158 total)	II.2		n/a	247	--		
	10	# Combined Sewer Overflow (CSO) permittees (831 total)	II.5		n/a	3	--		
	11	# CAFOs (current and est. future) (17,672 total)	II.3		n/a	0	--		
	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	P	P		
	14	% pipes at facilities covered by individual permits w/ lat/long in PCS	I.7		46.3%	51.2%	--		
	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	0	n/a		
	17	DMR data entry rate	I.7		95%	100%	--		
	18	# permit applications pending (1,011 total)	I.6		n/a	1	--		
NPDES Program Implementation	19	% major facilities covered by current permits	I.6	90%	83.7%	92.0%	n/a		
	20	% minor facilities covered by current individual or non-storm water general permits	I.6	90% 12/04	87.0%	46.6%	n/a		
	21	# major facilities w/permits expired >10 yrs. (56 total)	I.6		n/a	0	0		
	22	% priority permits issued as scheduled (TBD '05)	I.6	95% 2005		--	--		
	23	% pretreatment programs inspected/audited during 5 yr. inspection period	II.2		85.3%	100.0%	--		
	24	% SIUs w/control mechanisms	II.2		99.2%	98.8%	--		
	25	% of CSO permittees with long-term control plans developed or required	II.5	75% 2008	82.2%	100.0%	--		
	26	% CAFOs covered by NPDES permits	II.3		35%	n/a	--		
	27	% biosolids facilities that have satisfied part 503 requirements (TBD '05)	II.6			--	--		
	28	# Phase I storm water permits issued but not current (76 total)	II.4		n/a	0	0		
	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	Y		
	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%	84%	4%		
	33	(inspections at minors) / (total inspections at majors and minors)	III.3		76%	0%	0%		
	34	% major facilities in significant non-compliance (SNC)	III.1		20%	20%	--		
	35	% SNCs addressed by formal enforcement action (FEA)	III.1		14%	43%	--		
	36	% SNCs returned to compliance w/o FEA	III.1		70%	57%	--		
	37	# FEAs at major facilities (666 total)	III.1		n/a	3	0		
	38	# FEAs at minor facilities (1,660 total)	III.1		n/a	0	1		

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 NNTS 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.)

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

NPDES Management Report, Fall 2004

Rhode Island

		Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data		
					State Activities	EPA Activities	State Activities	EPA Activities	
Water Quality Progress									
Universe	39	River/stream miles (3,419,857 total)	IV.2		n/a	1,383	n/a		
	40	Lake acres (27,775,301 total)	IV.2		n/a	21,796	n/a		
	41	Total # TMDLs in docket at end of FY 2003 (52,795 total)	IV.4		n/a	276	--		
	42	# TMDLs committed to in FY 2003 management agreement (2,435 total)	IV.4		n/a	33	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% submissions	n/a	n/a	2		
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%	28.0%	n/a		
	48	% river/stream miles assessed for aquatic life	IV.2		22.0%	34.0%	n/a		
	49	% lake acres assessed for recreation	IV.2		49.4%	70.0%	n/a		
	50	% lake acres assessed for aquatic life	IV.2		48.5%	74.0%	n/a		
	51	# outstanding WQS disapprovals (23 total)	IV.3		n/a	0	n/a		
	52	WQS for E. coli or enterococci for coastal recreational waters (12 States)	IV.3	35 states 2008	n/a	N	n/a		
	53	WQS for nutrients or Nutrient Criteria Plan in place (13 States)	IV.3	25 states 2008	n/a	Y	n/a		
	54	Cumulative # TMDLs completed through FY 2003 (10,807 total)	IV.4		n/a	18	--		
	55	# TMDLs completed in FY 2003 (2,929 total)	IV.4		n/a	5	0		
Environmental Outcomes	56	# TMDLs completed through FY 2003 that include at least one point source WLA (5,036 total)	IV.4		n/a	2	--		
	57	% Assessed river/stream miles impaired for swimming in 2000	IV.2		--	24.0%	n/a		
	58	% Assessed lake acres impaired for swimming in 2000	IV.2		--	4.8%	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	--	--		

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.)

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