



## Permitting for Environmental Results (PER)

# NPDES Profile: Utah and Indian Country

### PROGRAM RESPONSIBILITY

**State of Utah:** NPDES authority for base program, general permitting, federal facilities, pretreatment, biosolids

**EPA Region 8:** 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 Randy Taylor, Utah Department of Environmental Quality, at (801) 538-6076 or Debra Thomas, EPA Region 8, at (303) 312-6373.

## Section I. Program Administration

### 1. Resources and Overall Program Management

#### The State of Utah:

EPA first authorized Utah's NPDES (UPDES) program on July 6, 1987. The UPDES program Description was updated on September 29, 1995, and the Program Memorandum of Agreement (MOA) between EPA and the Utah Department of Environmental Quality (UDEQ) was updated in October 1995.

The UPDES program (Permitting and Compliance Section) is implemented by the Permits, Compliance, and Monitoring Branch of UDEQ's Division of Water Quality. The program consists of 14 full-time equivalent (FTE) staff positions, including the section manager, a Permit Compliance System (PCS) coordinator, and an office technician. At present, 12 of the 14 FTEs write permits and perform compliance inspections and enforcement functions for the facilities they regulate. Contacts for program areas and their email addresses are listed below:

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Until fairly recently, the program's staffing was stable with a low turnover rate. Three levels of management (division director, branch manager, and section manager) have turned over in the past year. Two permit writer positions (responsible for a total of nearly 40 permits and a variety of program specialty functions) also turned over. Currently, one concentrated animal feeding operation (CAFO) position is vacant and the State is in the process of recruiting for that position.

For new staff, Utah provides both formalized and on-the-job training. The State takes advantage of training offered by EPA (e.g., NPDES Permit Writers' Training Course, Water Quality Standards Academy, and national conferences in program specialty areas such as pretreatment, biosolids, CAFOs, and PCS). Also, given the knowledgeable senior staff in the program, Utah provides 2 to 3 months of on-the-job training experience for new staff.

The State is currently funded through State appropriations, permit application fees, and State grant funding from EPA under Clean Water Act (CWA) section 106. Utah has had relatively stable funding levels in support of the UPDES program despite tight State budgets over the past several years. The budget for the NPDES program in fiscal year (FY) 2003 was \$1,002,400.

Generally, Utah's program has been well coordinated with EPA Region 8. Utah received authorization for the biosolids program in 1995, the first State in the nation to do so. The UPDES program includes a total of 1,286 facilities, with essentially no permit backlog. Of the total facilities, 1,171 are covered under general permits (1,040 stormwater; 131 non-stormwater) and 115 are covered by individual permits (33 major facilities and 82 minor facilities), according to Utah's self-assessment report and the permit issuance forecasting tool (ePIFT).<sup>1</sup>

Utah seeks feedback on its program through customer satisfaction surveys and has received no permit appeals. Feedback from its customer survey is positive. Based on that feedback, Utah is working to create an electronic discharge monitoring report system and develop a brief summary of permit and sample requirements.

Utah routinely conducts inspections at major and minor facilities, CAFOs, stormwater facilities, municipalities with pretreatment programs, and biosolid facilities. Over the past 3 years, Utah has increased its inspection coverage of major facilities from 70% to 88%. In addition, permits issued by the program are consistent, appropriate, and timely.

#### EPA Region 8:

EPA Region 8 directly implements the NPDES program for Indian Country in Region 8. NPDES implementation in Indian Country includes individual permits, general permitting, federal facilities,

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<sup>1</sup> These numbers differ slightly from the National Data Sources column of the Management Report, measures #2 and #3. The discrepancies are likely due to the timing of data queries. The Management Report value for measure #2 is based on PCS data as of June 12, 2004, and the value for measure #3 is based on ePIFT data as of March 2004. The values above are as of August 2004. Databases for permit issuance are dynamic and can change daily.

pretreatment, and biosolids. EPA Region 8 also directly implements certain programs in Region 8 States, as shown in the table below.

**Table 1: EPA Region 8 Direct Implementation Responsibilities**

	<b>Individual Permits</b>	<b>General Permits</b>	<b>Federal Facilities</b>	<b>Pretreatment</b>	<b>Biosolids</b>
Colorado			X	X	X
Montana				X	X
North Dakota				(Authorization in Process)	X
South Dakota					
Utah					
Wyoming				X	X
27 Tribal Governments	X	X	X	X	X

Region 8 is organized into five primary offices: Office of Partnerships and Regulatory Assistance (OPRA); Office of Enforcement, Compliance, and Environmental Justice (ECEJ); Office of Ecosystems Protection and Remediation (EPR); Office of Technical and Management Services; and the Office of Regional Counsel (RC). An organizational chart is provided.

There are nine FTEs, including a supervisor, in the Water Permits Unit (in OPRA) who are responsible for implementing the overall NPDES program in Indian Country, implementing the programs for which States have not been authorized (Table 1), and State oversight.

There is one FTE in the Water Quality Unit (in ECEJ) who is responsible for direct implementation and State oversight of the stormwater program.

There are seven FTEs, including a supervisor, in the NPDES Enforcement Unit (in ECEJ) who are responsible for enforcement and compliance of the overall NPDES program in Indian Country, enforcement and compliance for programs for which States have not been authorized (Table 1), and State oversight.

There is also one FTE in the EPA Montana Operations Office who is responsible for all NPDES program activities (permitting and enforcement) associated with seven Tribal governments, programs for which the State of Montana is not authorized, and State oversight.

As of September 2004 the total universe of permits issued by Region 8 in all Region 8 States and Indian Country was as follows:

- 5 major individual permits

- 104 minor individual permits
- 184 biosolids general permit coverages
- 96 Indian Country lagoon general permit coverages

In Utah, there are four minor individual permits issued by Region 8 in Indian country.<sup>2</sup> Region 8 has granted five general permit coverages in Indian Country in Utah.<sup>3</sup>

Region 8 permit writers attend the week-long National NPDES Permit Writers' Training Course usually within their first year in the NPDES permits program. One of the course instructors works in the Region 8 Permits Unit and can give guidance and instruction on an individual basis. This is done as part of on-the-job training for new permit writers. All permit writers are also encouraged to attend the National Water Quality Standards Academy to receive training on the implementation of water quality standards.

The Water Permits Unit places a high priority on meeting training requests from the States. For example, when States indicate that they have several new permit writers, the Region has been successful in getting the National NPDES Permit Writers' Training Course offered in Region 8. Recent requests for whole effluent toxicity (WET) training have led Region 8 to make arrangements with Region 6, a Region that has exceptional WET expertise, to develop and deliver WET training tailored to the Region 8 States.

Region 8 provides specialized training every year for pretreatment and biosolids. The specialized training is discussed in the pretreatment and biosolids sections of this profile. In addition, Region 8 conducted training for stormwater inspectors in 2002 and hosted the NPDES inspector training in 2001 and a "train the trainer" program for NPDES inspectors in 2004.

With limited resources it has been difficult to establish and maintain strong expertise in the various NPDES program areas. Region 8 encourages Headquarters to facilitate the establishment of different work models that can more efficiently meet the technical needs of the NPDES program (e.g., technical advisory groups and national experts to serve multiple regions, advanced NPDES training, and problem solving meetings where State and EPA experts are brought together to address complex issues).

## 2. State Program Assistance

### EPA Region 8:

EPA Region 8 provides ongoing coordination and assistance to the State of Utah. Coordination and assistance activities are discussed throughout this profile.

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<sup>2</sup> The National Data Sources column of the Management Report, measure #2, shows 8 permits issued by EPA. These 8 permits include 3 Navajo Nation permits that should be attributed to Region 9 (which issues all Navajo Nation permits nationally) and 1 Region 8 permit that has been inactivated.

<sup>3</sup> The National Data Sources column of the Management Report, measure #3, shows 0 facilities covered by EPA-issued general permits in Utah. The ePIFT data that served as the source for the National Data Sources column for this measure included only aggregated data for Region 8, rather than data broken down by State.

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

#### EPA Region 8:

Region 8 permitting and coordination activities with Tribes are discussed throughout this profile in various program areas.

### **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 Utah:

The Division of Water Quality (DWQ) makes effective use of its Web site (see <http://www.deq.utah.gov> and proceed to the DWQ home page). This site contains helpful information about the organization, its programs, key documents, pending regulatory issues, and upcoming events as well as complete UPDES program contact information.

Moreover, Utah is committed to fostering integrated information management and 24-hour service to the public through the Internet. DWQ's Web site has a public notice section that lists broad topical areas such as General Water Quality, Ground Water Permits, UPDES Discharge Permits, Rulemaking, Underground Injection Control Permits, Total Maximum Daily Loads (TMDLs), and Financial Assistance Program. Under each of these headings is a complete list of pending enforcement cases or settlement proposals, pending permits with downloadable public notices, and links to contact names and email addresses. There are also links to rulemaking notices with contact names and email addresses. For each item there is a specific date shown for the close of the comment period. Notice and an opportunity to comment are required so that interested persons can present their views on a rule.

DWQ is committed, as a matter of official policy, to elicit public involvement in rulemaking efforts, policy development, permit issuance, and compliance assurance. The Permits and Compliance section has implemented a weekly enforcement response tracking report as a means of maintaining a high degree of responsiveness to the public. This internal tracking report is updated when permit status changes; weekly reports of these changes enable DWQ to quickly provide the most up-to-date information to the public.

At least 5 years' worth of permitting and compliance-related information is kept in the administrative files. Members of the regulated community and the general public regularly access files. Every person has the right to inspect a public record free of charge, and the right to take a copy of a public record during normal working hours.

Any person aggrieved by a rule may obtain judicial review of the rule under the Utah Code. Because a challenge to a rule would occur through a judicial proceeding, the ordinary requirement to demonstrate judicial standing would also apply. DWQ is also required to hold a public hearing on a rule if an appropriate request is received from 10 persons.

#### EPA Region 8:

For permit issuance, Region 8 follows the federal public participation requirements in title 40 of the Code of Federal Regulations (CFR) part 124. Region 8 provides public notice of its proposed permit actions by publishing the public notice in a local newspaper in the area near the permit action. The public notice is also sent to all persons who have identified themselves as “interested persons” and to the agencies identified in 40 CFR 124.10. The Region maintains an NPDES permit Web site where the draft permit and statement of basis are available for downloading. The notice period is typically 30 days. If there is significant interest, EPA may hold a public meeting or a hearing. For any hearing, EPA provides at least 30 days notice and leaves the comment period open for at least 15 days after the close of the hearing or meeting to receive all comments. When there are federally approved water quality standards affecting the permitting action, EPA solicits certification under CWA section 401 from the appropriate Tribe or State. Otherwise, the Region will provide CWA section 401 certification for the proposed permit. EPA addresses significant comments before issuing a final permit. Copies of the response to comments, statement of basis, and final permit are provided to all who commented on the permit, and these documents are also made available on the NPDES permit Web site. If changes are made to the permit or comments have been made on it during the comment period, the permit will not go into effect for at least 30 days after issuance. Parties that have commented on the draft permit may appeal the issuance of the permit to the Environmental Appeals Board within 30 days of issuance of the permit.

Region 8 provides a notice of, and opportunity to comment on, proposed administrative penalty assessments for alleged NPDES violations. The "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination, or Suspension of Permits" (40 CFR part 22) outline how administrative actions and hearings are conducted, including how any person may comment on and participate in the action (40 CFR 22.44). To comment on or participate in an administrative penalty assessment, the interested party must notify the Regional Hearing Clerk in writing within 30 days of the public notice. The interested party can then present written comments for the record while it is open, and will be notified at least 20 days prior to a hearing if one is scheduled, in order to present evidence.

Formal enforcement actions are filed with the Regional Hearing Clerk and posted on the Internet at <http://www.epa.gov/Region8/compliance/rhc.html>.

All administrative records are maintained in the NPDES Records Center. Public records are available for public review during normal business hours and can be obtained under the Freedom of Information Act.

## **6. Permit Issuance Management Strategy**

#### The State of Utah:

Utah has done an excellent job of maintaining current permits. Essentially, 100% of Utah’s major permits are current and 97% of Utah’s minor permits are current. In addition, Utah has timely review of pending applications for new dischargers.

The UPDES program consists of a total of 1,286 permits, with essentially no permit backlog. Of the total permits, 1,171 are general permits (1,040 stormwater; 131 non-stormwater) and 115 are individual permits (33 major permits; 82 minor permits) according to Utah’s self-assessment report and the permit issuance forecasting tool.<sup>4</sup>

Utah has commenced issuance of a consolidated permit that combines the regular discharge permit provisions with those of the pretreatment, stormwater, and biosolids permits. It is designed to be more efficient in issuing the permits and more effective for the permittee, who refers to only one document from the DWQ rather than three or four.

Utah has implemented online permitting for the stormwater construction permits. The online process includes issuing a signed permit and collection of fees.

Utah has developed and relies on a permit tracking database and permit status reports to ensure that individual permits are issued in a timely manner. Reports are generated from the Permit Compliance System (PCS) to identify permits that are within 9 months of expiration. When a permit appears on this report, a renewal letter goes to the permitted facility. DWQ also maintains a process checklist system for general permits.

Over the past 3 years, major and minor facility permit issuance has been consistently above the national average percentage (see Management Report measures #19 and #20). For major facilities, there are no expired permits. For minor facilities covered by individual permits, one permit has expired.

**Table 2: Percentage of Facilities Covered by Current Permits in Utah**  
(State-Issued Permits)

	2000	Nat'l Avg.	2001	Nat'l Avg.	2002	Nat'l Avg.	2003	Nat'l Avg.
Major Facilities	94%	74%	100%	76%	96%	83%	100%	84%
Minor Facilities Covered by Individual Permits	87%	69%	96%	73%	97%	79%	95%	81%
Minor Facilities Covered by Individual or Non-stormwater General Permits	N/A	N/A	N/A	N/A	99%	85%	98%	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.)

<sup>4</sup> These numbers differ slightly from the National Data Sources column on the Management Report, measures #2 and #3. The discrepancies are likely due to the timing of data queries. The Management Report value for measure #2 is based on PCS data as of June 12, 2004, and the value for measure #3 is based on ePIFT data as of March 2004. The values above are as of August 2004. Databases for permit issuance are dynamic and can change daily.

### EPA Region 8:

Region 8 does not have a specific permit issuance strategy other than a goal to keep all permits current. To maximize the Region's resources, Region 8 issued general permits to cover lagoons in Indian Country in five of its six States. Approximately 96 facilities are currently covered by these five general permits, saving significant permit unit resources. In addition, where there are similar industries in the same location, the Region groups permitting actions together, saving on administrative costs and resources while taking cumulative impacts into consideration during permit issuance.

For Indian Country in Utah, four of four individual permits issued by Region 8 are current. Region 8 has granted five general permit coverages in Indian Country in Utah.<sup>5</sup>

Region 8 has no general permit coverages for biosolids in Indian Country in Utah.

## **7. Data Management**

### The State of Utah:

Utah directly uses the PCS database for major and minor facility source inventory, compliance data entry, and reporting. All information pertaining to permitted CAFOs (i.e., facility information, permit event data, and inspections) is entered into PCS, along with information for the pretreatment program (i.e., inspections, annual reports, and audits). Although PCS is the main database, Access databases have been developed for stormwater and construction stormwater source inventories. Sanitary sewer overflows (SSOs) are tracked using the annual municipal wastewater planning program (MWPP) report. Hard copies of all data are also maintained for data quality. Furthermore, Utah applied for and received a grant to assist in converting stormwater data to the Integrated Compliance Information System (ICIS) for NPDES. SSO data can also be entered if the data received on facility MORs is compatible with the requirements of ICIS.

Utah's PCS data entry percentage rate is nearly 100% complete for basic facility and permitting data (addresses; facility latitude and longitude; metadata such as map interpolation, datum descriptions, and scale description; permit tracking dates; and facility characteristics) for major facilities, according to the April 2004 PCS clean-up report. The April 2004 PCS clean-up progress report also indicates that data entry rates are high (85%+) for most basic facility and permitting data for minor facilities. In PCS, the State does not enter all Water Enforcement National Database (WENDB) data elements because of limited personnel entering data and increased prioritization of data entry. Because EPA has not provided a prioritized list of data elements, the State enters elements according to its own program priorities. Latitude and longitude data at the facility level are 99% complete for major facilities (State self-assessment report, dated February 1, 2004). The State uses latitude and longitude data for outfalls. The latitudes and longitudes come from permit applications; however, Utah will be obtaining data derived from global positioning systems (GPS) to validate or correct PCS.

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<sup>5</sup> The National Data Sources column of the Management Report, measure #20, shows that 62.5% of minor facilities covered by EPA-issued permits have current permits. This is based on a universe of eight minor facilities covered by individual permits, four of which should not be included, and no facilities covered by general permits. (See also section I.1 and measures #2 and #3.)

The State reviews PCS for accuracy, quality, completeness, and current data. The system updates twice a week. Enforcement actions and inspections probably receive the most current data, along with Discharge Monitoring Reports (DMRs). Facility data are updated when new information becomes available through renewals and applications. In addition, PCS has internal acceptance criteria and the DWQ constantly maintains a 99% plus accurate data entry rate through that assessment. Everything entered into PCS is kept on-hand until it has been accepted and verified in PCS; then it is archived. Annual surveys or inspections of all major and most minor facilities are performed to help verify information in PCS.

Utah has continued to cleanup the PCS data elements as permits are renewed and more accurate information is received. This effort will greatly intensify as Utah transitions to the new EPA database, ICIS. Utah received an EPA grant that will fund two temporary positions for 21 months. The main task will be to inspect PCS for data gaps and accuracy. Problems will be corrected through file searches, facility contacts, and field verification, when necessary. The goal is to have complete and accurate data in PCS before the data are migrated to ICIS. Once the migration is completed, the data in ICIS will be verified to make sure the data transferred correctly.

#### EPA Region 8:

The Region 8 NPDES program has a records management system that dictates the content and organization of all files, including permitting and compliance information and enforcement actions. Some information regarding enforcement actions, such as penalty calculations, are maintained in enforcement-sensitive files.

To manage data, the Region uses PCS as well as other databases for pretreatment, biosolids, and Indian Country permitting.

The PCS responsibilities for enforcement, inspections, and discharge monitoring report data entry are in the Planning and Targeting Program in ECEJ. The PCS responsibilities for permit actions are in the Water Permits Unit in OPRA.

The pretreatment program relies on a pretreatment database that tracks annual report information, including headworks loadings and significant industrial users (SIUs). This is not an official EPA-supported database and cannot be guaranteed as an ongoing management tool. The pretreatment coordinator developed it and uses it as a management tool. There are no upload capabilities to transfer data to PCS.

Region 8 relies on the Biosolids Data Management System (BDMS), which was developed to improve biosolids compliance monitoring, improve the management of biosolids, and provide a standardized reporting format for biosolids. BDMS is a user-friendly program developed to aid utilities in the central storage and retrieval of biosolids data. The program is designed so that a utility can electronically transmit data to the EPA/States and prepare paper reports. The current version of BDMS is BDMS version M, or BDMS for Municipalities. Region 8 has used various versions of BDMS for the past 10 years. Limited capabilities have been developed to upload data from BDMS to PCS. The Region uses PCS for the biosolids general permit.

Region 8 can provide accurate and timely data on permit actions, enforcement, and inspections. The program inputs all inspection and enforcement information into PCS and ICIS-NPDES. The Region reviews and reconciles the two databases quarterly to ensure that the data are complete and accurate. Data entered into PCS are updated twice a week. The Integrated Data for Enforcement Analysis (IDEA) database is refreshed monthly.

PCS Data Quality Targets: The following information is entered into PCS within 5 working days of receipt of a report, application, or action: (1) permit facility data, (2) compliance schedule data, (3) enforcement action data, (4) single event violation data, (5) permit events data, and (6) evidentiary hearing data.

The following information is entered into PCS within 10 working days of receipt of a report, application, or action: (1) pipe-schedule data, (2) parameter limits data, (3) inspection data, (4) pretreatment compliance inspection or audit data, and (5) measurement/violation data.

PCS Quality Assurance: PCS Data Quality Standards are evaluated based on an objective assessment of each of the following four measures:

- Timeliness – the extent to which the data covering a specific interval of NPDES program activity are promptly entered into PCS
- Accuracy – the extent to which the data recorded in PCS reflect the correct, true, or reported values
- Completeness – the extent to which the required data are reported and recorded in the system
- Consistency – the extent to which the values of the data elements use the standard definitions or codes and the extent to which these definitions and codes are used in the same way by all users

All WENDB elements are entered; however, latitude and longitude are not always entered because the information is not always available. Regardless of whether latitude and longitude are provided in permit applications, inspectors routinely collect facility latitudes and longitudes using GPS when conducting inspections.

To ensure that DMR data are accurately entered into PCS, an audit report is compiled after data entry and verified against the DMRs.

The Region 8 Laboratory performs laboratory audits as resources allow. NPDES inspectors often perform a brief inspection of the laboratory at facilities that perform some or all of their own testing. Region 8 uses the DMR Quality Assurance results to target laboratory audits.

Region 8 maintains its inventory of regulated facilities in PCS. For the facilities it regulates directly, the Region relies heavily on the receipt of permit applications to develop an inventory. The Region is also inventorying CAFOs in Indian Country (see the CAFO section of this profile). EPA has inventoried all Tribal wastewater facilities through inspection efforts. The Region will soon begin updating its inventory of SIUs that are not in approved pretreatment programs.

PCS tracks the compliance and enforcement activities conducted under the NPDES program through the quarterly noncompliance report (QNCR). The QNCR, a pre-programmed report that is generated quarterly, lists the NPDES permits that are in noncompliance according to federal guidelines. Permits that are in significant noncompliance are flagged and tracked with the QNCR. Pretreatment violations also appear in the QNCR. The PCS Data Administrator works with individual States on technical and data entry problems and how to use the different data entry screens. The Region offered PCS training this past summer after the PCS National Meeting.

All six Region 8 States have one or more grants under the Environmental Information Exchange Network Grant Program. These grants fund State environmental agencies' development of integrated data management systems, performance of data quality analyses of existing databases, electronic reporting, and enhanced public access to data. The grants tend to cut across individual environmental programs and do not single out NPDES activities.

## **Section II. Program Implementation**

### **1. Permit Quality**

#### The State of Utah:

The Permits and Compliance Section manager uses permit process checklists for both individual and general permits to provide quality assurance for permits issued by DWQ. During the permit drafting process, a permit writer receives a wasteload allocation for the receiving stream for all potentially applicable water quality-based effluent limits (WQBELs). Wasteload allocations are developed as if the point source would be part of a total maximum daily load (TMDL), for every major or minor permit that is issued. Therefore, every permit has a wasteload analysis and an allocation expressed as permit limits included with the statement of basis as an addendum. In some cases and for some parameters, a finding of no significant impact is provided as a technical basis for not including WQBELs in a permit. The data the State uses in developing permits come from two sources: the permittee and State data from STORET. DWQ performs quality assurance/quality control on the State data from STORET. The data the permittee submits are required to be provided by a laboratory certified by the National Environmental Laboratory Accreditation Conference. Permittee data are checked by the permit writer. DWQ's Monitoring Section samples the effluent of all permitted major facilities every 6 weeks. The permit writer determines whether WQBELs or technology-based effluent limits (TBELs) are appropriate for each parameter, based on whichever is more stringent. A water quality narrative standard is included in each UPDES permit. All permits are reviewed by the Section Manager and the Branch Manager for quality, consistency, and accuracy.

DWQ has examined the national "NPDES Permit Quality Review Checklist" and the "Central Tenets." DWQ concluded that the State's standard permit format and boilerplate cover most of the "Conditions Subject to Disapproval" and the checklist items in these federal documents. Those items not covered are site-specific and require individual analysis. DWQ permit writers work closely with TMDL and wasteload analysis personnel to include these considerations. The permits are subject to several levels of review by both technical and policy staff for accuracy and consistency. This procedure results in permits that satisfy all federal and State requirements.

Utah has had a WET policy for many years that complies with federal WET regulations. Typically, the State conforms to the Region 8 guidance document related to WET testing to determine how to incorporate WET limits into permits. If the State determines that a chemical-specific numeric limit can prevent toxicity, the numeric limit will be used rather than WET limits. If a chemical-specific numeric limit is not appropriate, as is the case with synergistic interactions, then WET limits reflecting acute and chronic endpoints are included in the permit. All permits contain a reopener clause, which allows the addition of new limits or other modifications to ensure protection of the State's waters.

WET training is handled case by case for individual permittees. Communicating with permittees on WET issues is the key component of WET training. Permit writers also serve as the compliance personnel responsible for entering WET data into PCS and maintaining a personal WET tracking system.

To help ensure overall permit quality, Utah provides both formalized and on-the-job training for new permitting staff. The State takes advantage of training offered by EPA (e.g., NPDES Permit Writers' Training Course, Water Quality Standards Academy, and national conferences in program specialty areas such as pretreatment, biosolids, CAFOs, and PCS). In addition, EPA Region 8 has historically reviewed all major permits to ensure that the permits meet minimum federal requirements.

No permits have been under administrative or judicial appeal within the past year or in recent memory.

#### EPA Region 8:

For permits in Region 8 where EPA is the NPDES authority, WQBELs are included in a permit if the discharge may cause or contribute to an exceedance of the water quality standard. WQBELs are calculated using a mass balance or derived from modeling. For Indian Country, in cases where no EPA-approved water quality standards are present, designated uses are evaluated and appropriate 304(a) criteria and/or adjacent State water quality standards are used as a basis for WQBELs. WQBELs for discharges to impaired waters are established as the criteria and applied at the end of pipe. Region 8 interprets this as not causing or contributing to the impairment.

None of the discharges permitted by Region 8 are to waters listed as impaired and subject to TMDLs. If this situation presents itself in the future, the Water Permits Unit would work closely with the TMDL program to ensure that the wasteload allocation is appropriately reflected in the permit.

Region 8 relies on EPA's National Tracking System to track permits that are implementing TMDLs.

CWA section 303(c)(2) requires that States and authorized Tribes submit new or revised water quality standards to EPA for review and approval. This review process provides the mechanism by which Region 8 ensures that the numeric standards are protective of designated uses. Where Region 8 finds that the State or Tribal water quality standards are not protective, the Region has authority to disapprove those standards. And, if the State or Tribe fails to correct a disapproved standard, EPA has authority, under CWA section 303(c)(4), to promulgate protective federal water quality standards. Region 8 works extensively with the States and Tribes before they adopt new or revised water quality standards to ensure the standards are scientifically defensible and protective.

Region 8 does not have a formal process in place to ensure timely and appropriate permits. The Water Permits Unit is evaluating (1) management tools to ensure timely issuance of permits, and (2) national permit quality tools ("National Permit Quality Review Checklist" and the "Central Tenets") to verify that appropriate conditions are included in all permits.

For narrative criteria, "no toxics in toxic amounts" appropriate acute and chronic WET limits are applied. Other narrative criteria may be placed as narrative limits in a permit, where appropriate. A reasonable potential for WET is determined using the Technical Support Document procedure. With other toxics, this procedure is not used, usually because of the lack of sufficient data points (small facilities with infrequent discharges). The reasonable potential for these pollutants to cause or contribute to a violation of water quality standards is determined case by case. Region 8 developed a Region 8 WET guidance and boilerplate language to ensure that the program complies with the federal WET regulations.

Technology-based limits are imposed for facilities that fall under Effluent Limitation Guidelines, and secondary treatment technology requirements are imposed for municipal facilities as appropriate. When a permit application is received, the permit writer evaluates whether any Effluent Limitation Guidelines apply. If there is uncertainty, other permit writers and the appropriate EPA headquarters Effluent Limitation Guidelines contact are consulted.

## 2. Pretreatment

### The State of Utah:

All known categorical industrial users (CIUs) are regulated, and all SIUs discharging to publicly owned treatment works (POTWs) with approved pretreatment programs are permitted. As of July 2004, there were 18 approved pretreatment programs.<sup>6</sup> The State is working on the approval of another pretreatment program, which will bring the total to 19. Data on the number of pretreatment programs are maintained by the pretreatment coordinator and are made available to the Region upon request.

Where there is no approved local pretreatment program (for example, in a small municipality with one or two industrial dischargers), DWQ consults with the municipality and performs inspections of industrial dischargers to determine the appropriate regulatory requirements. The facility will be categorized based on the federal and State definitions of an SIU, non-SIU, or CIU. The facility is then required to meet the discharge limits appropriate for its category.

Even though POTWs with a design discharge flow of less than 5 million gallons per day are not specifically required by EPA regulations to develop pretreatment programs, the State encourages the adoption of a pretreatment program if the POTW has SIUs.

Last year 15 of the 16 approved local pretreatment programs in Utah were audited. None were found to have significant shortcomings. Audits are completed once a year in accordance with the audit schedule. Audits consist of a file review and inspection of 20% of the SIUs. POTW annual reports are received from March to June each year. Follow-up actions are completed in conjunction with audits done throughout the year.

## 3. Concentrated Animal Feeding Operations

### The State of Utah:

There are 53 facilities in Utah that meet the CAFO definition under the new federal CAFO regulations (NPDES management report, July 9, 2004). All these facilities are covered under the State's general permit for CAFOs, which became effective on October 1, 2000. The general permit contains a no discharge requirement with standard exceptions for catastrophic acute precipitation and defined chronic wet-weather events. The permittees are required to develop and comply with a comprehensive nutrient management plan (CNMP). Approximately 34% of Utah's CAFOs have developed CNMPs. The remaining CAFOs are scheduled to complete their CNMPs by November 2004.

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<sup>6</sup> The National Data Sources column of the Management Report, measure #8, shows only 17 pretreatment programs because one pretreatment program was approved after the June 12, 2004, data query. The 18th program has since been entered into PCS.

The revised federal CAFO rules were incorporated into the State program and became effective in March 2004.<sup>7</sup> UDEQ plans to submit to EPA an NPDES program revision that includes the rule revisions, a revised program description, and a statement from the Utah Attorney General's Office regarding how the new State rules compare with the EPA regulations. All CAFOs are covered under the general permit effective October 1, 2000. These CAFOs will be subject to the revised CAFO rules upon expiration of the current permit in 2005.

Utah has a partnership-based animal feeding operation (AFO)/CAFO program, which is coordinated by the Utah Farm Bureau Federation and the Utah Association of Conservation Districts. State, federal, and local agencies and associations participate in the program to assess the distance of operations from water bodies, to help develop acceptable maintenance conditions, and to categorize AFOs. AFOs are categorized into three types: AFOs (small and medium-sized operations with good conditions); potential CAFOs (medium or small AFOs working toward minimizing potential impacts on water quality); and CAFOs (large AFOs). As of December 2003, this program has inventoried and assessed 2,893 AFO and CAFOs.

All permitted CAFOs are inspected at least once every 2 years. Some operations are inspected more frequently if they are in noncompliance. Each year, Utah inspects approximately 60% of its permitted CAFOs. There were 28 CAFO inspections formally reported in 2003 (current data are from UDEQ as of June 30, 2004).

At present Utah does not have a specific strategy with "criteria" for compliance assistance, inspections, and enforcement of CAFOs. Therefore, the approach to compliance assurance is based upon the perceived need, as demonstrated by the total knowledge the State has regarding each facility and the facility's ability to reliably meet the deadlines and permit requirements. The State seeks voluntary compliance and exerts reasonable efforts to gain compliance, but failing that, the State takes enforcement action, especially if there is an escalation or recurrence of noncompliance.

#### EPA Region 8:

Permitted CAFOs are inspected, at a minimum, once during the life of the permit or once every 5 years. Region 8 has used ground surveys, aerial flyovers, and surveys of U.S. Geological Survey aerial photographs to inventory AFOs and CAFOs in Indian Country. Region 8 has surveyed and/or inspected 13 of the 26 Tribes in the Region for high-priority CAFOs, and 12 CAFOs have been identified. FY2005 funding has been acquired to inventory/inspect 4 more reservations.

Four CAFOs in Region 8 have submitted applications for EPA-issued permits. The Region issued permits to two facilities in Region 8 (one in South Dakota and one in Wyoming) prior to the effective date of the February 12, 2003, revisions to the federal CAFO rules. Two applications were submitted after February 12, 2003, and Region 8 is currently drafting permits for them. The permits will include all requirements of the February 12, 2003, CAFO rules. The quality and effectiveness of nutrient management plans will be evaluated during site inspections.

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<sup>7</sup> The National Data Sources column of the Management Report, measure #15, shows that the revisions to the State regulations were expected in April 2004. This date was based on an estimate made during the first quarter of 2004, prior to the completion of the revisions in March.

CAFOs that have not submitted permit applications will be addressed consistent with the “Region 8 Guidance for Compliance Monitoring, Compliance Assistance, and Enforcement Procedures in Indian Country.”

#### 4. Stormwater

##### The State of Utah:

Eight current individual and general permits issued by DWQ contain stormwater discharge requirements (e.g., coal mine permit, general construction permit, Multi-Sector General Permit).

Utah has current municipal separate storm sewer system (MS4) permits for its two Phase I MS4s. In addition, the State has issued its Phase II small MS4 general permit. Utah also reissued its general permit for stormwater discharges associated with construction activity in 2002 to include both small and large construction activities.

For construction stormwater permits, Utah has implemented an electronic permitting system. This system allows construction site operators to obtain permit coverage by completing an online Notice of Intent (NOI) form, the system provides an online fee payment option. A database has also been developed to track the NOI data and permits issued under this program.

Utah has broken down its Multi-Sector General Permit into five separate general permits. Each general permit covers a grouping of industry sectors that might have similar requirements or environmental impacts. Each year, one of these sector-specific permits expires and is reissued. Reissuance of these has been and continues to be on schedule.<sup>8</sup> Utah’s Multi-Sector General Permit includes requirements for analytical monitoring and reporting for most regulated sectors.

The construction and municipal permits do not require monitoring or reporting. If reports are submitted, they are tracked in an Access database. Utah completed 31 stormwater inspections in 2001, 81 in 2002, and 58 in 2003. Inspections identified noncompliance, which led to two administrative stormwater enforcement cases in 2003 and Utah’s participation in a national stormwater enforcement case. Utah continues to devote resources to stormwater inspections and enforcement.

##### EPA Region 8:

EPA Region 8 is the NPDES permitting authority for storm water discharges associated with industrial and construction activity for federal facilities in Colorado and for facilities located in Indian Country in Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

In Region 8, EPA-permitted discharges associated with industrial activity are covered by EPA’s October 30, 2000, Multi-Sector General Permit (MSGP), except for facilities in Montana Indian Country, which are covered by the April 16, 2001, MSGP. (See <http://www.epa.gov/region08/water/stormwater/industrial.html> and <http://cfpub.epa.gov/npdes/stormwater/msgp.cfm>) EPA-permitted discharges associated with

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<sup>8</sup> The National Data Sources column of the Management Report, measure #28, shows one Phase I stormwater general permit that is not current. This is because the National Data for this measure relied, in part, on information posted on Utah’s Web site, which, at the time the data were gathered, had not been updated to reflect the status of the industrial stormwater permits.

construction activity are covered by EPA's July 1, 2003, Construction General Permit (see <http://www.epa.gov/region08/water/stormwater/construction.html>). There are no EPA-permitted MS4s in Indian Country within Region 8.

EPA Headquarters maintains a database of all MS4 permits throughout the country (both EPA-issued and State-issued). For Region 8, a list of all applicants who have submitted an NOI for MS4 permits (State-issued and EPA-issued) is maintained on the Region 8 Web site. NOI data for EPA-issued construction and industrial permits are maintained electronically in the NOI Processing Center's NOI database.

DMR data are not tracked electronically for EPA-issued stormwater permits. The construction general permit does not require monitoring in the traditional sense. The small MS4 permit does not require effluent monitoring. The following industrial sectors require effluent monitoring:

- Cement manufacturing
- Feedlots
- Fertilizer manufacturing
- Petroleum refining
- Phosphate manufacturing
- Steam electric
- Coal mining
- Mineral mining and processing
- Ore mining and dressing
- Asphalt emulsion

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

### The State of Utah:

Utah eliminated all combined sewer overflows (CSOs) over 10 years ago. Therefore, Utah was not required to implement the CSO policy. All sanitary sewer overflow (SSO) events of the past year were resolved by local health departments in conjunction with the sewer districts involved. Local health departments worked with municipalities and special service districts to identify the locations and causes of overflows, steps to prevent future overflows, and the parties responsible for damages.

The major action taken this year to resolve SSOs was the Municipal Wastewater Planning Program (MWPP) survey. The MWPP was developed to assist communities to undertake a self-assessment of their wastewater infrastructure and management to reduce the risk of failure of any part of the

wastewater system. This is accomplished by managing and maintaining the facility to achieve or maintain the capacity and performance for which it was designed and constructed and to identify weak and strong areas in the collection system. The MWPP also addresses the age of the collection system, what capital improvements have been made, those ongoing and present, and those planned for the future.

DWQ has sent MWPP questionnaires to all municipal wastewater treatment facilities in the State. The questionnaires are not mandatory; participation is voluntary. Approximately 70% of the wastewater treatment facilities in Utah respond to MWPP questionnaires regarding capacity, operations, maintenance, and improvement. DWQ attempts to contact by phone the facilities that do not respond.

The MWPP questionnaires are evaluated by the Division Outreach Coordinator to determine what assistance might be necessary. An evaluation of the questionnaires also determines whether bonus points will be awarded to a facility for ranking on the project priority list to acquire State revolving fund loans.

Utah updated and submitted a revised SSO response plan to EPA. Key elements in Utah's SSO response plan are an explanation of what the MWPP will be used for, specific questions in the MWPP, and information on who will be involved in the event of a spill. Currently, MWPP data are not entered in PCS.

Spills of all types are reported to DEQ's Emergency Response Section. SSOs are reported to DEQ by calling the Division of Emergency Response and Remediation at a 24-hour hotline. The Division of Water Quality has six staff members on a call-down list to respond. When a release, discharge, or overflow occurs, DWQ either handles the problem or assists local agencies in the identification and abatement of human health and environmental threats resulting from the release of untreated wastewater. When notified of an emergency involving water pollution, the emergency responder notifies the Division's Response Coordinator and/or the Permits and Compliance Section Manager during office hours. The after-hours contact, or other person assigned by the section or branch manager, provides technical information and advice in support of the DEQ duty officer and local agency response operations.

Cleanups involving pollutants that have entered or threaten to enter waters of the State might be coordinated by DWQ personnel. When SSOs are within waters of the State or pose a health concern, DWQ personnel notify downstream water users through local health departments, organizations, and authorities, as well as notifying news and radio stations.

Trends in the number of facilities reporting SSOs and the total number of SSOs are under development by DWQ.

#### EPA Region 8:

There are no combined sewer systems in Indian Country in Region 8

SSOs are reported under the bypass provisions included in EPA-issued permits. For permits issued in Indian Country, the permittee must notify EPA's enforcement program and the respective Tribal government. EPA relies on the Tribe to notify the public and public health authorities. For bypasses that could endanger public health or the environment, the permittee must also notify the EPA Region 8's, Preparedness, Assessment, and Response Program.

## 6. Biosolids

### The State of Utah:

Utah was authorized to implement the biosolids program in 1995. Utah was the first State in the nation to receive a biosolids program authorization. All biosolids were tested and were found to be 100% compliant with Utah Administrative Code R317-8-1.10 and EPA's 40 CFR part 503. About 96% of Utah's biosolids are used as fertilizer or compost.

Utah has current permits in place for all 28 of the municipalities producing biosolids in the State. Utah is also in the process of converting to "combined" individual permits, rather than having separate biosolids permits and NPDES discharge permits.

The State receives and reviews annual biosolids reports and enters data into BDMS, which is a freestanding biosolids management software package developed by EPA to improve biosolids compliance monitoring, improve the management of biosolids, and provide a standardized reporting format for biosolids. BDMS is a user-friendly program developed to aid utilities in the central storage and retrieval of biosolids data. The program is designed so that a utility can electronically transmit data to the EPA and States and prepare paper reports.

## **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 Utah:

The State of Utah has an inventory of entities that fall under the jurisdiction of the federal and State water quality laws and regulations. All of the sources have been identified and covered under the core program (i.e., major and minor point sources). The biosolids program has complete coverage of its regulated sources. It is possible that some issues concerning proper classification of industrial users of Salt Lake City's municipal wastewater treatment system have not yet been resolved, although this is being addressed. All AFOs in Utah (about 3,000 facilities) have been assessed and the current number of CAFOs is known. Utah has participated in a multi-agency project to identify potential CAFOs within the State. As a result of this project, Utah has an accurate inventory of AFOs in the State. Most stormwater sources have been covered by Utah's program and SSOs have been identified through the MWPP.

DWQ has an Enforcement Management System (EMS), which was first adopted in 1989. The system's document explains pertinent procedures and informational elements of the enforcement program. The EMS sets forth specific types of violations, initial agency responses, and escalation responses in the event of continued noncompliance. For each agency response, there is a time control or maximum response time. DWQ focuses enforcement on facilities that appear to be in significant noncompliance for more than one quarter in a row for the same violations.

The EMS does not include violations for stormwater, SSOs, CAFOs, and biosolids. The EMS also could be enhanced by including an escalation policy for facilities that continue to violate their permits after an enforcement action is taken. The 2005 Performance Partnership Agreement between EPA and Utah includes the State's commitment to include the above elements in the EMS.

DWQ has a penalty policy set forth in rules adopted by the Utah Water Quality Board (R317-1-8). The rules contain a detailed penalty calculation methodology that includes three factors in addition to the nature and severity of the violation: (1) history of compliance, (2) degree of willfulness, and (3) good faith efforts to comply. The policy outlines the requirement that any penalty should, at a minimum, collect the economic benefit of noncompliance. Supplemental Environmental Projects (SEPs) or mitigation projects are also encouraged as a partial offset to the civil penalty tied to an enforcement action.

Formal enforcement actions are typically taken only against facilities that are in significant noncompliance for more than one quarter. The enforcement agreement between Utah and EPA Region 8 States that, before a permittee appears on the subsequent QNCR for the same violation, either the

permittee should be in compliance or the State should have taken formal enforcement action to achieve final compliance. Utah is following the procedures agreed to in the enforcement agreement.

During FY2003, 12% of Utah's major facilities appeared in significant noncompliance. This is below the national average of 21%. Utah concentrates its efforts on compliance assistance, working closely with the regulated community to address noncompliance issues.

During the past 3 years, the rate of significant noncompliance has remained relatively steady for major facilities but has increased for minor facilities. Utah issued 2 notices of violation/administrative orders (NOVs/AOs) against major facilities for significant noncompliance violations during FY2003, as well as 10 enforcement actions against 6 minor facilities. In addition to the two NOVs/AOs issued to major facilities, Utah settled a previous NOV/AO with a penalty action in FY2003.<sup>9</sup> The actions against major facilities were taken against facilities that appeared in significant noncompliance for more than one quarter for the same violations. The minor actions included three municipal wastewater treatment plants and three stormwater cases. This represents an increase in enforcement actions against minor facilities over the past 3 years.

The trend over the previous 3 years for enforcement actions and penalties shows a significant decrease in penalties assessed and collected: \$100,552 (2001); \$36,659 (2002); and \$24,972 (2003). PCS requires that the cash amount be recorded as the "penalty amount" and the offset amount be included in the comments. The penalty amounts (including offsets) Utah has collected in any one year have varied greatly from a low of \$2,000 to a high of \$362,000. There has been a downward trend from 1999 through 2003. This is a result of fewer violations with several of them at minor facilities.

#### EPA Region 8:

Region 8 has an Enforcement Response Guide that directs the Region's enforcement process. The ERG indicates that an enforcement action should be initiated before a facility appears on the QCNR for the second quarter for the same parameter. For enforcement actions filed with the Regional Hearing Clerk, the facility may appeal, may request a meeting or hearing, or may do both. The rules and procedures of the courts are followed. Region 8 is guided by its Regional Tribal Policy when dealing with Tribal facilities. Region 8 has created a Case Development Guide, which gives further guidance on penalty calculations and case development.

The escalation process is defined in the Enforcement Response Guide and the Region 8 Guidance for Compliance Monitoring, Compliance Assistance and Enforcement Procedures in Indian Country.

Region 8 uses PCS to track noncompliance by the regulated community. The Regional Enforcement Response Guide and Regional Tribal Policy indicate the proper enforcement response and the time line for issuing enforcement actions. Formal enforcement is taken for significant noncompliance at a major facility.

The administrative orders issued in Region 8 are not open for appeal. Respondents are generally given 30 days to file an answer to administrative penalty orders. If settlement cannot be reached during

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<sup>9</sup> This settlement was entered into PCS both as an administrative order and as an administrative penalty order, which resulted in the National Data Sources column of the Management Report, measure #37, showing 4 formal enforcement actions, although only 3 actions were taken.

settlement negotiations or alternative dispute resolution, cases are heard in front of an administrative law judge. Generally, the administrative law judge would determine the time line for the hearing process.

The Region routinely conducts inspections at the over more than 180 wastewater treatment facilities on Tribal lands, the vast majority of which are not major facilities. The appropriate enforcement response is then guided by the Region 8 Guidance for Compliance Monitoring, Compliance Assistance, and Enforcement Procedures in Indian Country.

The Regional Enforcement Response Guide is applied to the pretreatment and wet-weather programs for which the Region has authority. Significant violations are determined during inspections and/or review of DMRs entered into PCS. Region 8 has also recently drafted a stormwater enforcement response guide. For SIUs, significant noncompliance is defined by regulation. The Region uses a checklist to determine significant noncompliance for approved pretreatment programs.

Region 8 follows the national Clean Water Act Penalty Policy. The penalties are calculated in accordance with the policy and take into consideration the economic benefit and the gravity of noncompliance. Region 8 follows the national SEP policy. Region 8 also uses the Supplemental Guidance to the Interim Clean Water Act Settlement Policy (March 1, 1995) for Violations of the Construction Stormwater Regulations.

The following table summarizes enforcement actions taken by Region 8 in Region 8 States and Indian Country.

	Administrative Orders	Administrative Penalty Orders	Penalties Collected
FY2001	18	7	\$40,000
FY2002	8	6	\$295,952
FY2003	34	9	\$163,776

All penalties included, at a minimum, the economic benefit to the violator.

Region 8 NPDES encourages SEPs and follows EPA’s SEP guidance. The Region’s environmental justice program has taken an active role in negotiating SEPs which benefit the impacted community.

Injunctive relief for civil enforcement actions taken by Region 8 in all Region 8 States and Indian Country for each of the past 3 years was: \$372,968 in FY2001, \$323,335 in FY2002, and \$154,200 in FY2003. The Region made two referrals to the Department of Justice in FY2001, two referrals in FY2002, and six referrals in FY2003.

## 2. Record Keeping and Reporting

### The State of Utah:

Data regarding compliance and monitoring for major and minor permittees are tracked through PCS. DMR data are entered into PCS within 10 days of receipt. DMRs, inspection reports, noncompliance

notifications, and the like, are kept in separate files and are available to the public for review. PCS is used as the main tracking source for biosolids, pretreatment, stormwater, and CAFO inspections, although not all of these types of inspections are entered into PCS. Annual reports for biosolids, pretreatment, stormwater, and CAFOs are not tracked in PCS but are kept in the DWQ's records.

Stormwater permitting information is kept in a separate database. Stormwater inspections are entered into PCS. SSO information is gathered through inspections and the MWPP, but are not formally tracked by DWQ. The State receives information on SSOs is received by the State on the yearly MWPP reports. The information is compiled on an Excel spreadsheet. Because of the voluntary nature of the reporting, the data might not have the accuracy and completeness required for the national databases. The results are included in the year-end report for the Performance Partnership Agreement between EPA and the State.

Utah is a pilot State in partnership with EPA to migrate data from PCS to ICIS. This migration will take place in calendar year 2005. From that point on, all program data including biosolids, pretreatment, stormwater, and CAFOs will be tracked and reported in ICIS. This will eliminate the need for manual tracking.

#### EPA Region 8:

Administrative orders generally require facilities to submit to EPA periodic reports, monitoring results, or other data. These data are used by the enforcement unit to determine the facility's compliance with the enforcement action and the CWA, and determine whether escalation is necessary. Generally, the response to violations of AOs is determined by the Region's Enforcement Response Guide.

### **3. Inspections**

#### The State of Utah:

The State's targeting, inspection, and monitoring strategy is the result of negotiations with EPA during the Performance Partnership Agreement development process, resulting in the development of the annual inspection plan. Utah's goal is to inspect all permittees (major and minor facilities) each year.

When it is not possible to inspect 100% of the facilities, a risk-based priority approach is used. Utah has developed an alternative inspection strategy for major facilities for the past 4 years. Utah commits to completing inspections at a minimum of 75% of its major facilities, which translates into 25 facilities. In lieu of completing inspections at the remaining eight facilities, Utah conducts additional inspections in high-priority areas such as stormwater and CAFOs. In its FY2003 end-of-year report, Utah reported that it completed 81 stormwater inspections and 37 CAFO inspections. Not all of the stormwater and CAFO inspections are entered into PCS, because this is not required at present.

This approach focuses inspections on the facilities that are having problems, as indicated by their DMRs or other information. Such facilities are further prioritized based on the nature and volume of the discharge and potential environmental impact. PCS and file reviews are used to determine the compliance status and possible environmental impact of the permittees in the targeting strategy. The only major facilities that are not inspected yearly are those with no permit violations and no enforcement actions for the prior 3 years.

In FY2003 DWQ began a targeting strategy for stormwater sites based on a watershed approach, complaint follow-up for construction stormwater sites, and a focus on the transportation sector.

For CAFOs, DWQ has set a goal of inspecting all permitted facilities at least once every 2 years. During FY2003, Utah inspected 37 of its 53 permitted CAFOs, or 74% of the CAFO universe.

Utah has met or exceeded the national average for major inspection coverage for the past 4 years. PCS indicates that inspection coverage has increased from 5% of the minor facilities in 2000 to 52% in 2003. However, a portion of this increase may be due to the PCS clean-up effort over the past 3 years. When supplemental inspections occur at minor facilities in place of 100% of major facility inspections, the policy and practice is that all minor inspection data are entered into PCS.

#### EPA Region 8:

Region 8 has direct implementation authority for the pretreatment program in Colorado, Montana, North Dakota, and Wyoming. The approved programs and SIUs not in approved programs are inspected, at a minimum, once during the life of the permit, or once every 5 years. The Region has developed a schedule to perform the inspections on a rotating basis so that complete coverage of the regulated community is obtained. For 2005, Region 8 committed to inspect 75% of the approved programs for which it is the approval authority through pretreatment compliance inspections or audits and all SIUs in non-approved programs with significant violations.

The Tribal lands in Region 8 are also under the direct authority of EPA. EPA conducts inspections and provides compliance assistance in the field on a regularly scheduled basis. As with pretreatment, Region 8 has developed a schedule to inspect the Tribal facilities at least once during the life of the permit. There is only one major facility on Tribal land in Region 8.

Along with the municipal lagoons, Region 8 has direct implementation authority for the CAFOs on Tribal lands. The Region has developed a system to inventory or inspect the reservations for CAFOs. The Region has inventoried 11 of 26 reservations in Region 8, and will inventory 4 more in 2005. During the inspections, inspectors provide compliance assistance to the facilities.

Region 8 has four major federal facilities under its authority in Colorado. The Region inspects these facilities every other year and monitors compliance using PCS. This year Region 8 will inspect all the federal facilities in Colorado. The Region is also conducting stormwater inspections at the federal facilities in Colorado and in Indian Country.

Along with its direct implementation areas, the Region conducts two oversight inspections a year with each State.

Facilities are inspected in accordance with established schedules. If monitoring data entered into PCS indicate that violations are occurring at a facility, that facility will be moved up on the inspection list. Proper enforcement is initiated in accordance with the Region's Enforcement Response Guide.

File reviews are an integral part of field inspections and Region 8 typically reviews at least part of a facility's files during an inspection. NPDES permit conditions often drive file reviews by defining the frequency and scope of file contents.

Region 8 conducts inspections for the base program (major and minor facilities) on a schedule to ensure minimum coverage. The Region has also targeted priority sectors, primarily stormwater and CAFOs, to maximize field presence and enforcement in these sectors.

#### **4. Compliance Assistance**

##### The State of Utah:

Utah's approach for selecting sectors, facilities, pollutants, and geographic locations on which to focus compliance assurance efforts is similar to the approach for targeting inspections. It is the result of negotiations with EPA as part of the Performance Partnership Agreement development process.

DWQ has an experienced senior engineer available full time to provide technical assistance to the regulated community to comply with environmental regulatory requirements and improve or sustain environmental performance. In addition, DWQ partners with the Utah Rural Water Association, which also provides a circuit rider who offers technical assistance for rural wastewater systems.

When a DMR violation is received, the permit writer phones or otherwise contacts the operator or superintendent to determine how the violation occurred, what is being done, what assistance (if any) is needed, and so forth. If necessary, technical assistance is provided.

Additional commitments to compliance assurance include the following: (1) staff actively participating in various wastewater related associations; (2) presentations and discussions in various forums relating to wastewater, biosolids, stormwater, CAFOs, pretreatment, SSOs, and the like; (3) partnerships with local associations and departments (e.g., the Natural Resources Conservation Program, agricultural trade associations, and health departments) to develop a progressive CAFO program and respond to SSOs; and (4) customer satisfaction surveys to measure the impact of some of Utah's services and activities.

Since 1992 DWQ has operated the EPA's POTW on-site operator training program (CWA section 104(g)). The purpose of this grant is to provide technical and hands-on assistance to POTWs with a flow of less than 5 million gallons per day. The success of this program is measured through the section 104(g) national database. The database is designed to measure the amount of pollution reduced through the technical assistance program.

##### EPA Region 8:

The Region mainly provides compliance assistance in Indian Country. In the event a long-term compliance problem is identified, the Region develops a Compliance Assistance Plan as outlined in the Region 8 Guidance for Compliance, Monitoring, Compliance Assistance and Enforcement Procedures in Indian Country.

Compliance assistance activities are entered into the Regional Compliance Assistance Tracking System (RCATS) database. However, outcomes are not currently measured.

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

### **1. Monitoring**

#### The State of Utah:

Utah's Monitoring and Assessment Program was jointly evaluated by EPA and UDEQ in August 2003. The evaluation was based on a guidance document, "Elements of a State Monitoring and Assessment Program," published by EPA in March 2003. The evaluation documents areas of strength and areas that need improvement as resources allow. The State has submitted its Strategic Monitoring Plan for federal FY2005. The plan has been accepted by EPA Region 8 and meets all requirements for FY2005. Utah will continue to modify and improve the strategy over the next 10 years to achieve a monitoring program that supports the State's decision needs.

Generally, between 12% and 15% of the State waters are assessed, which is below the national average (see Management Report measures #47 through #50). However, this is a misleading characterization because many miles of dry channels (ephemeral and intermittent streams) are included in the database from which this percentage was calculated (the National Hydrographic Database.) In fact, about 75% of the State's perennial waters are assessed.

Utah's stream monitoring program consists of fixed-station ambient water quality monitoring stations. The fixed-station monitoring network consists of 40 stations. These stations are used primarily to evaluate long-term water quality trends. Samples are collected every 6 weeks (eight times a year). All of the fixed station data are used for developing the biannual water quality inventory prepared under CWA section 305(b), to identify impaired water bodies and establish water quality goals for implementing projects to restore or protect water quality.

Utah has not only a fixed-station monitoring network, but also a 5-year rotating basin strategy in place since 1992. During a particular basin's rotation, the basin is assessed more intensively than when only the fixed stations are sampled in the other years. The basin-wide strategy helps identify causes and sources of pollution, determine beneficial use support, and provide data for developing watershed management plans. The basin survey data are also used for the same purposes as the fixed-station monitoring data.

In addition to the basin-intensive and fixed-station ambient water quality monitoring, effluent samples from the outfall of each major permittee, along with ambient samples, are collected every 6 weeks. These samples are used to (1) analyze TMDLs for discharge permits and for selected water bodies or watersheds, (2) ensure that permit requirements under the UPDES program are being met, and (3) evaluate the effectiveness of nonpoint source projects. The water quality data are available in the STORET computer database and on DWQ's Web site.

Overall, DWQ's discharge-oriented monitoring provides a direct measure of the effectiveness of the State NPDES program. As a result of this unusually diligent monitoring practice, Utah has been able to

produce case histories where the imposition of permit conditions and effluent limits has resulted in demonstrable water quality improvements.

The State has also made very good progress in developing a biomonitoring program. Macroinvertebrates are sampled in streams and periphyton are sampled in streams and lakes. Utah has been involved in EPA's Environmental Monitoring and Assessment Program (EMAP) project for 3 years, is developing and sampling a reference stream network, and is developing River Invertebrate Prediction and Classification (RIVPAC) models and other multimetric indicators. The State also has relatively good coordination with other agencies in acquiring water quality data. The main use of the biomonitoring data is to assess aquatic life health, but they are not used to assess public health (e.g., pathogen indicators). The State monitoring program effectively addresses perennial streams and lakes/reservoirs. Utah's Strategic Monitoring Plan demonstrates the State's commitment to expanding the monitoring program to other water body types. Strategies for other water body types will continue to evolve in updates to the Strategic Monitoring Plan. The FY2005 plan includes the following:

Non-wadeable Rivers: DWQ currently considers all rivers in Utah as wadeable. DWQ conducts sampling on the Colorado and Green Rivers using wadeable stream protocols. For the Colorado River, samples are collected near U. S. Geological survey gaging stations or mid-channel when flows are low. The Bureau of Land Management floats the Green River, and the National Park Service samples the Colorado River eight times a year and collects water quality samples that are sent to the Utah State laboratory.

Intermittent/Ephemeral Streams: Protocols for monitoring intermittent streams have not been developed by EPA or others to the extent that an assessment of this stream type would be valid in the arid regions of the west. An important aspect of developing the protocols is the proper identification of ephemeral versus intermittent streams. At present, the National Hydrologic Database does not separate ephemeral from intermittent streams. By definition, intermittent streams flow part of the year and ephemeral streams only flow during or just after a storm. A majority of streams in the western desert area of Utah are ephemeral, and the scope of work to even begin to assess this type of stream is overwhelming and the need is uncertain.

Wetlands: DWQ has committed to developing the elements of a wetlands monitoring and assessment program for the State by the end of 2005. This will provide the basis for estimating the cost of the program and additional staffing needs. Then the State can identify the dates when each element of the program can be implemented. An intensive monitoring plan was developed for wetlands around the Great Salt Lake with 40 sites sampled monthly for water chemistry. Macroinvertebrates, periphyton, and plant communities are sampled annually. Information from this project will be used to develop monitoring and assessment requirements including the possible development of protocols for the selection of wetlands reference sites.

Great Salt Lake: Water chemistry is collected quarterly by DWQ. The Department of Natural Resources is surveying the biology and nutrient cycles. The Great Salt Lake is an extremely difficult body of water to sample because of its salinity, remoteness, and weather. Quarterly sampling is the most that can be realistically expected.

In addition to the information in the Strategic Monitoring Plan discussed above, the State has started the process of developing water quality standards for the Great Salt Lake. The initial focus is on selenium. A steering committee has been formed and a science panel appointed. The goal is to have an adopted standard for selenium by December 2006. When that is accomplished, the group will take up other elements of concern in the Great Salt Lake.

Utah has not developed a complete recreation monitoring program in the past because of resource and logistical problems. A significant difficulty has been delivering fecal coliform bacteria samples to the lab within the prescribed holding time. However, DWQ is involved in the formal process to amend the water quality standards to include E. coli. The E. coli analysis can be started in the field and eliminates holding time concerns. Along with the E. coli standard, DWQ is developing the protocols necessary for an efficient and effective recreational water quality monitoring program. This program should be in place for the next water recreation season.

## **2. Environmental Outcomes**

### The State of Utah:

Utah has a rigorous surface water monitoring program that consists of 40 fixed sampling stations used to track long-term water quality trends. Water quality trend analysis based on individual parameters has not been done because the abnormal wet years of the early 1980s and the severe drought in the past 6 years have made it difficult to detect a trend. However, based upon beneficial use support assessment, there appears to be a general improvement in the rivers and streams that fully support their beneficial uses.

The State's watersheds are divided into 10 major subbasins that are intensively sampled on a 5 year rotation with two subbasins sampled each year. Approximately 70 to 90 sites in the two subbasins are sampled monthly and biweekly during spring runoff. Utah is sampling an additional number of sites for reference conditions, including chemical, biological, and physical habitat in accordance with EPA's Environmental Monitoring and Assessment Program (EMAP) protocols. Current resources do not allow additional increases in surface water monitoring.

Although Utah is below the national average on the percentage of lakes monitored, the majority of lakes not sampled are small, high-elevation mountain lakes in the primitive area of the National Forest where pristine conditions exist. State resources are not available to monitor all these lakes, especially those that are severely limited in accessibility. The State regularly monitors all major lakes and reservoirs of significance for public needs such as public water supply, irrigation, recreation, and fisheries. The State also regularly monitors a significant number of sites associated with TMDL, nonpoint source, CAFO, and wasteload allocation needs. The State cooperates on a significant number of sites with various entities such as the U.S. Forest Service, Bureau of Land Management, National Park Service, water conservation districts, local health departments, cities, counties, and Indian Tribes.

Utah's TMDL development pace following the 1998 listing cycle has increased significantly. Resources have been applied through various funding sources and additional FTEs assigned to the UDEQ's program for TMDL development. The State continues to develop comprehensive TMDLs with implementation plans. Utah has worked diligently with stakeholders throughout the State, which provides needed support in the implementation of nonpoint source best management practices.

The State's pace of TMDL development is on schedule in the most recent listing cycle (2002-2004).<sup>10</sup> Of the TMDLs established through FY2003, about one-quarter included NPDES point sources. The State does not have any significant concerns relative to point sources discharging to waters with pending TMDLs. If a facility is having an impact on a receiving stream, regardless of whether there is a TMDL in place, the State works proactively with the facility to enhance treatment as needed.

Utah has submitted and received TMDL approval for 65% of the water bodies listed in 1998 or earlier. Overall, Utah has completed TMDLs for 57% of all currently listed water bodies. The State is about 25% ahead of its approved TMDL schedule. That gap will narrow because, during the next cycle, Utah will be preparing three of the most complex TMDLs in the State. The State does not foresee any delays in the TMDL schedule.

Please refer to the Monitoring section for more information on the percentage of Utah waters assessed.

#### EPA Region 8:

Region 8 tracks the environmental effects and results of enforcement actions using the Case Conclusion Data Sheets, which are a part of the ICIS tracking system. Pollutant loading reductions are calculated for all enforcement actions and tracked in ICIS as well.

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

#### The State of Utah:

Utah typically meets its triennial review requirements. The State recently amended its water quality standards to more clearly address the implementation of two key standards policies: mixing zones and antidegradation. The revised standards provide more clarity, expanded policy language, and implementation procedures, which should facilitate their application in the permitting process. The Region approved the revised water quality standards on May 28, 2004. This approval removed two of the three outstanding disapprovals in the standards backlog for Utah.<sup>11</sup>

Spreadsheets used to calculate the wasteload allocations have been updated to automatically perform the antidegradation analysis.

Triennial reviews with suggested changes in water quality standards are distributed to all UPDES managers and staff for their review.

For numeric water quality standards, Utah relies on EPA's CWA section 304(a) criteria unless, in a case-specific context, the State has acquired scientifically relevant information that would support adopting site-specific criteria. All proposed water quality standards go through a rigorous public hearing process before adoption by the State Water Quality Board. After adoption, EPA reviews the standards

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<sup>10</sup> The Management Report shows 57 TMDLs committed to in FY2003 (measure #42) and 30 TMDLs completed in FY2003 (measure #55). Of the 57 TMDLs committed to, 24 were determined not to be needed (i.e., delisted).

<sup>11</sup> The National Data Sources column of the Management Report, measure #51, is based on the status as of January 1, 2004, and shows all three outstanding disapprovals.

and approves or disapproves them based on a determination of whether the water quality criteria protect the designated uses.

Updates of water quality standards are generally done on a 3-year cycle. The State has been receptive to making changes more frequently based on new priorities; availability of new information; and recommendations by EPA, other agencies, and the public. For example, after having just completed fairly extensive water quality standards revisions, the State is in the formal process of adopting E. coli standards and “swimmable” waters designations, along with other minor changes.

After receiving verbal guidance from EPA, the State is moving ahead with adoption of the E. coli standard. A rule revision incorporating E. coli will be presented to the Utah Water Quality Board in November 2004 for formal approval to begin the public comment process.

As with other States in the Region, Utah’s approach to nutrient criteria development is to begin with a plan that will likely direct development of site- or water body-specific criteria. The State has nutrient “indicator” values that it uses to indicate general levels of concern.

Utah has one remaining disapproval in the standards backlog. That disapproval is for a lack of “swimmable” uses (or supporting use attainability analyses) for several wildlife areas. As part of the E. coli revisions discussed above, the State is addressing this issue.

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

##### The State of Utah:

Utah has instituted a division-wide process to ensure proper implementation of TMDLs so that all roles are clearly defined, including the point source implementation requirements. TMDL writers, permit writers, and design engineers communicate in a timely manner to avoid provisions for wasteload allocations that are not achievable. When a new TMDL is approved the permit limits for facilities discharging into the water body are examined for their effect on the water body. If the permittee is discharging at a level that is having an immediate effect on the ability of the water body to meet its designated beneficial use, the permit may be reopened and the levels adjusted to meet the TMDL limits. If the discharge is not affecting the water body, the TMDL limits are incorporated into the permit upon renewal. TMDLs include sufficient information to develop WQBELs for all constituents having approved water quality standards.

To ensure timely and appropriate inclusion of TMDLs into WQBELs, the procedure is to share the TMDL with the appropriate permit writer at which time the permit writer immediately includes the TMDL in the applicable wasteload allocation. Wasteload allocations are incorporated into permits as permits come up for renewal unless there is a need to achieve the tighter limit immediately. There has been at least one case where a permit was reopened and amended to specifically incorporate wasteload allocations established under an approved TMDL. This will continue to be done in cases where it is deemed appropriate (e.g., the receiving stream is impaired by acutely toxic parameters and a change in the permit would mitigate the toxicity).

In cases where a stream is impaired and no TMDL is available, a permit limit is set for the impairment parameter at the stream standard (i.e., end of the outfall pipe). No new loading is allowed for existing dischargers.

The State determines whether WQBELs are needed when a discharger causes, has reasonable potential to cause, or contributes to an excursion of a water quality standard. If the level of any constituent exceeds the water quality standard, a limit for that constituent will be added to the discharger's permit. The State accounts for ambient background levels of pollutants by using Excel Spreadsheets based on Qual2E, with mass balance and first-order decay equations as appropriate.

Please refer to the Environmental Outcomes section for additional information on the TMDL program.

#### EPA Region 8:

None of the discharges permitted by Region 8 are to listed waters with TMDLs in place. If this situation presents itself in the future, the Water Permits Unit would work closely with the TMDL program to ensure that wasteload allocations are appropriately reflected in permits.

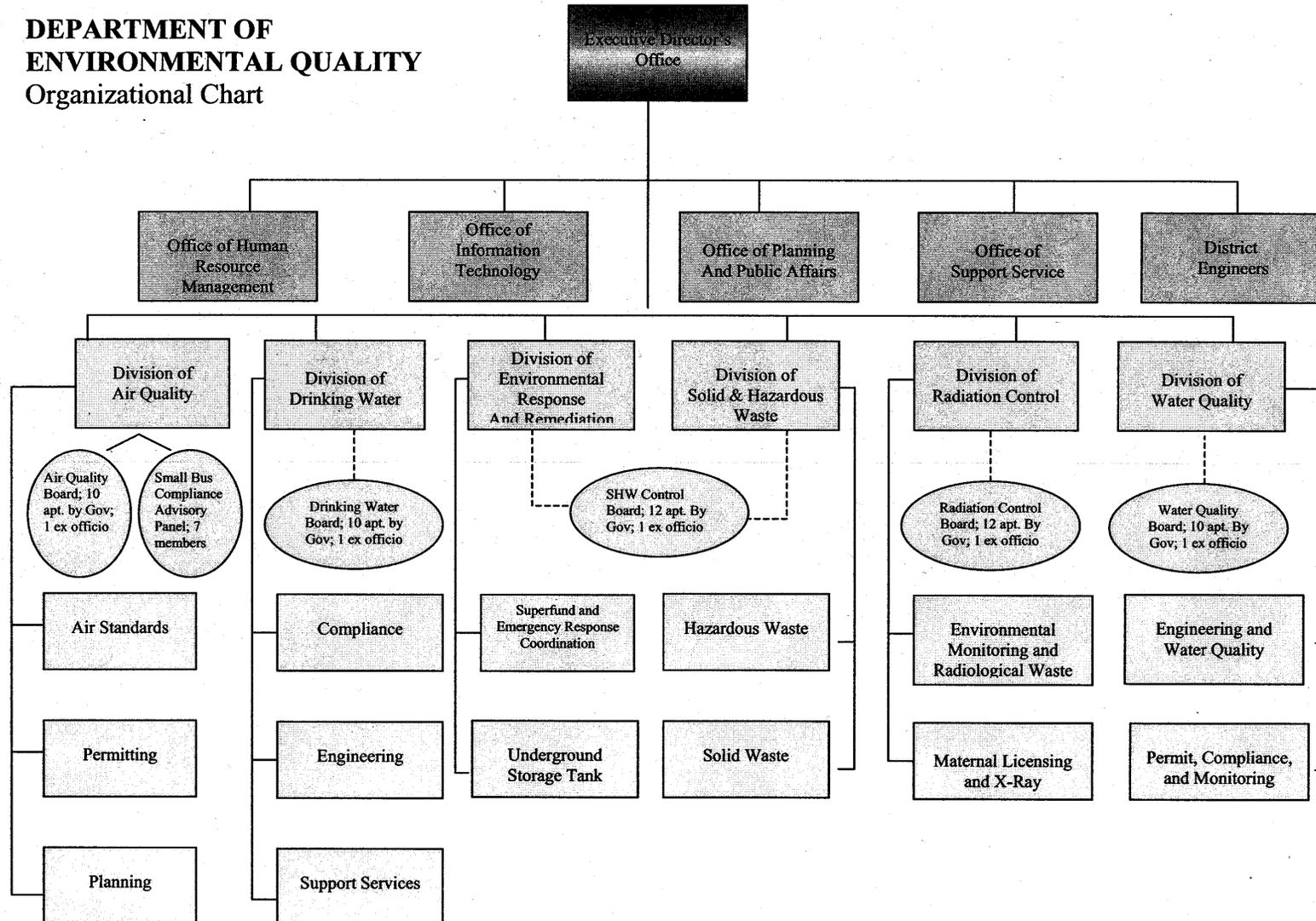
## **5. Safe Drinking Water Act**

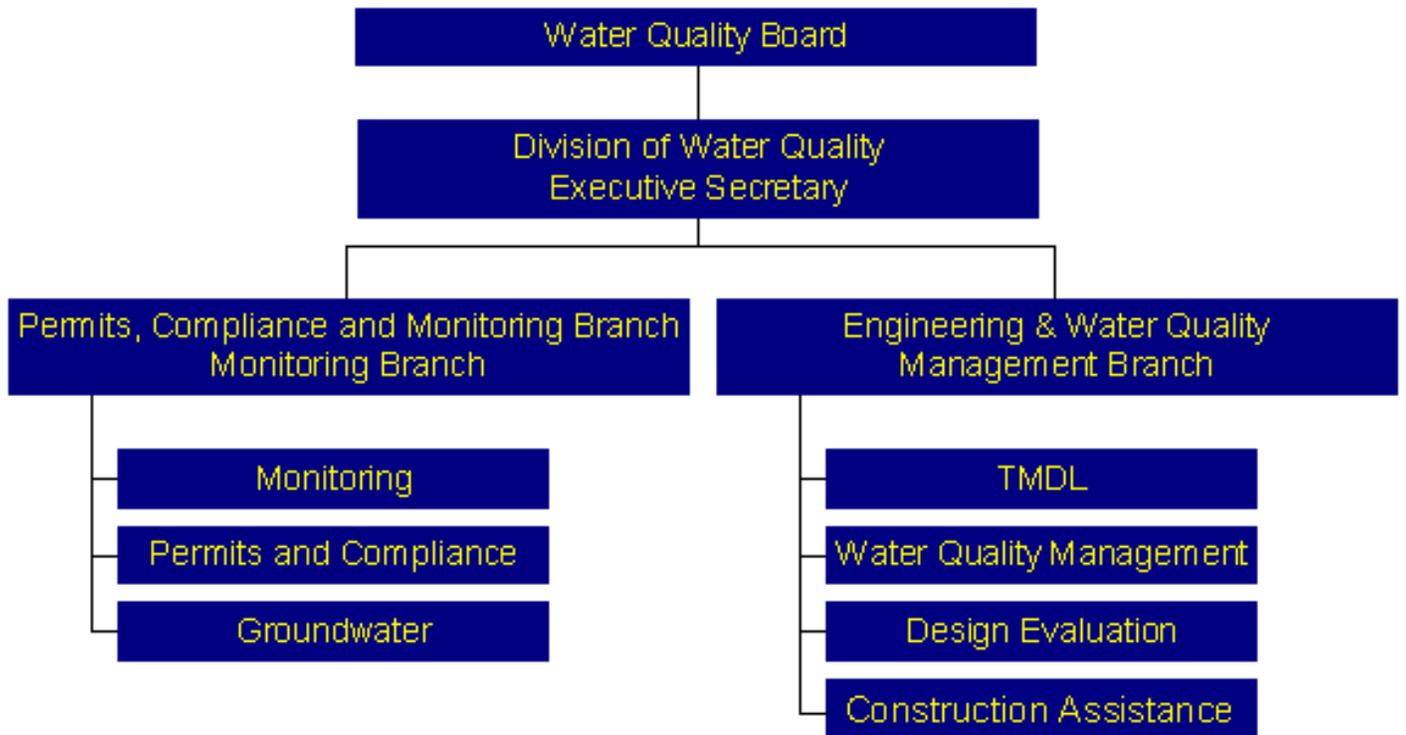
#### The State of Utah:

The State has addressed drinking water protection by adopting and applying all of EPA's CWA section 304(a) human health criteria. The State considers drinking water intakes in the development of standards, wasteload allocations, and WQBELs. For certain parameters, the State has also adopted specific maximum contaminant levels applicable to the drinking water uses.

The State coordinates drinking water and public health issues between the Safe Drinking Water Act, water quality standards, and UPDES permitting through the establishment and implementation of water quality standards. Waters designated as Class 1C under the Utah water quality standards are protected for domestic purposes with prior treatment by treatment processes as required by the Utah Division of Drinking Water. If Class 1C standards are met, the water is suitable for a drinking water source. Utah's Safe Drinking Water Act, water quality standards, and UPDES permitting programs coordinate directly when there are significant drinking water issues associated with the issuance of a UPDES permit.

# DEPARTMENT OF ENVIRONMENTAL QUALITY Organizational Chart





# NPDES Management Report, Fall 2004

## Utah

			Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data	
						State Activities	EPA Activities	State Activities	EPA Activities
<b>NPDES Progress</b>									
Universe	1	# major facilities (6,690 total)	I.1		n/a	33	0		
	2	# minor facilities covered by individual permits (42,057 total)	I.1		n/a	81	8		4
	3	# minor facilities covered by non-storm water general permits (39,183 total)	I.1		n/a	82	0	131	5
	4	# priority permits (TBD)	I.6			--	--		
	5	# pipes at facilities covered by individual permits (142,761 total)	I.7		n/a	424	--		
	6	# industrial facilities covered by individual permits (32,505 total)	I.1		n/a	54	7		
	7	# POTWs covered by individual permits (15,197 total)	I.1		n/a	59	1		
	8	# pretreatment programs (1,482 total)	II.2		n/a	17	--	18	
	9	# Significant Industrial Users (SIUs) discharging to pretreatment programs (22,158 total)	II.2		n/a	200	--		
	10	# Combined Sewer Overflow (CSO) permittees (831 total)	II.5		n/a	0	--		
	11	# CAFOs (current and est. future) (17,672 total)	II.3		n/a	53	--		
	12	# biosolids facilities (TBD '05)	II.6			--	--		
NPDES Program Administration	13	State or Region assessment of State NPDES program (none (N)/assessment (A)/profile (P))	I.1	50 states 2004	n/a	A, P	P		
	14	% pipes at facilities covered by individual permits w/ lat/long in PCS	I.7		46.3%	55.0%	--		
	15	State CAFO legal authority expected (mo/yr)	II.3	2005	n/a	4/04	n/a	3/04	
	16	# Withdrawal petitions/legal challenges (22 total)	I.4		n/a	0	n/a		
	17	DMR data entry rate	I.7		95%	94%	--		
	18	# permit applications pending (1,011 total)	I.6		n/a	2	--		
NPDES Program Implementation	19	% major facilities covered by current permits	I.6	90%	83.7%	100.0%	n/a		
	20	% minor facilities covered by current individual or non-storm water general permits	I.6	90% 12/04	87.0%	96.9%	62.5%	100.0%	
	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%	94.1%	--		
	24	% SIUs w/control mechanisms	II.2		99.2%	100.0%	--		
	25	% of CSO permittees with long-term control plans developed or required	II.5	75% 2008	82.2%	n/a	--		
	26	% CAFOs covered by NPDES permits	II.3		35%	100%	--		
	27	% biosolids facilities that have satisfied part 503 requirements (TBD '05)	II.6			--	--		
	28	# Phase I storm water permits issued but not current (76 total)	II.4		n/a	1	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	n/a		
	31	Phase II storm water construction permit current (Y/N/D (draft)) (49 States)	II.4	100% states 2008	n/a	Y	Y		
NPDES Compliance Monitoring and Enforcement Response	32	% major facilities inspected	III.3		71%	88%	0%		
	33	(inspections at minors) / (total inspections at majors and minors)	III.3		76%	80%	100%		
	34	% major facilities in significant non-compliance (SNC)	III.1		20%	12%	--		
	35	% SNCs addressed by formal enforcement action (FEA)	III.1		14%	0%	--		
	36	% SNCs returned to compliance w/o FEA	III.1		70%	100%	--		
	37	# FEAs at major facilities (666 total)	III.1		n/a	4	0		
	38	# FEAs at minor facilities (1,660 total)	III.1		n/a	10	0		

### Explanation of Column Headers:

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

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

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

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

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

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

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

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

