Define Mission:
Assure for all citizens of the State a safe, healthful and productive environment

Commission:
Promulgate rules and develop policies that will fulfill the mission

Department:
Ensure compliance with rules and implement policies that will fulfill the mission

Achieve Mission
Source Data Reliability

EPA Permit Compliance System (PCS or ECHO)
Majors – High Reliability
Non-majors – 44% DMRs Entered (FY2008)
79% Limits Accurate (FY2008)

EPA Annual Noncompliance Report (ANCR)
Majors – High Reliability
Non-majors – High Reliability, Partial Data
35% Facilities Reviewed (CY2004)
42% Facilities Reviewed (CY2005)
50% Facilities Reviewed (CY2006)
51% Facilities Reviewed (CY2007)

ADEM Enforcement Actions
Orders – High Reliability
Penalties – High Reliability
NOVs – Not Available
Significant transitional events

New ADEM Director  
February 2, 2005

Revised Compliance & Enforcement Strategy  
January 1, 2008

ADEM Reorganization  
April 1, 2008
The inspections which are included in this metric are high level inspections such as Compliance Evaluations Inspections (CEIs) or Compliance Sampling Inspections (CSIs). Reconnaissance inspections are also included, as long as the facility is not a primary industry (e.g., one subject to effluent guidelines), a municipal permittee with an approved pretreatment program, or a major permittee which has been in SNC during the year. Since this is a coverage measure, the number of facilities inspected, rather than the total number of inspections, are counted. When a facility has been inspected multiple times in one year, only the first inspection is counted.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.
This metric calculates the active NPDES major facilities in SNC as a percent of the universe of active NPDES major facilities. This metric is a review indicator metric that allows EPA to measure the success of the NPDES program. SNC data for major facilities is required to be reported to the national data system.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.

**Significant Noncompliance (SNC) (majors only):** The National Pollutant Discharge Elimination System (NPDES) program uses the term SNC. SNC designations are made in accordance with the December 12, 1996 guidance document: A General Design for SNC Redefinition Enhancement in PCS. Most SNC designations are based on an automated analysis of Discharge Monitoring Reports (DMRs) that facilities with NPDES permits are required to submit on a monthly basis. The compliance designation of a facility in the PCS/ICIS-NPDES database is done using a mathematical formula that takes into account the amount, duration, and frequency of discharges in comparison with permit levels. In some instances facilities may be manually designated as SNC, even if the PCS/ICIS-NPDES data system does not automatically designate them as such. Examples of events that could result in the manual generation of a SNC code for a facility include: unauthorized discharges; failure of a POTW to enforce its approved pretreatment program; failure to meet a construction deadline; failure to file a DMR; filing a DMR more than 30 days late; or violating any judicial or administrative order. Manually entered compliance data, if present, override machine-generated compliance data.

A facility may have multiple discharge points and different designations for each point. If any of these points show a SNC type code, then the overall facility status is listed as SNC, even if other discharge points are in compliance.

Removal of the SNC designation occurs once the facility's DMR reports show a consistent pattern of compliance with permit limits, or if EPA or a state agency issues a formal enforcement order to address the violations that resulted in the SNC designation.
This metric assesses the degree to which DMR data are being correctly entered into PCS/ICIS-NPDES. A list of facilities with such violations is provided with the data metric. The number of facilities listed should be divided by the universe of major permittees to derive a percentage.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.
For the fiscal year presented, this metric provides: the total number of state informal enforcement actions issued to NPDES major facilities

**Informal Enforcement Actions:** Warning Letters, Notices of Violation

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.
This chart reflects the results of a Permit Compliance System (PCS) query for informal enforcement actions (Code: 03) against major facilities.

**Informal Enforcement Actions:** Warning Letters, Notices of Violation

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.
For the fiscal year presented, this metric provides: the number of NPDES non-major facilities which received informal enforcement actions.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.

**Informal Enforcement Actions:** Warning Letters, Notices of Violation
For the fiscal year presented, this metric provides: the total number of state formal enforcement actions issued to NPDES major facilities.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.

**Formal Enforcement Action:** Administrative Order, Judicial Action

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.
For the fiscal year presented, this metric provides: the number of NPDES major facilities which received formal enforcement actions.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.

**Formal Enforcement Action:** Administrative Order, Judicial Action
This metric is a goal metric identifying the percentage of NPDES major facilities with enforcement actions that were not timely to address SNC violations. It provides a percentage derived by summing the number of NPDES major facilities which, for the year under review:

- have two or more consecutive quarters of SNC effluent violations at the same pipe and for the same parameter, with no formal enforcement action; or
- have two or more consecutive quarters of the same non-effluent SNC violation with no formal enforcement action.

Generally, where a facility has not returned to compliance by the time the same SNC violation appears on the second official Quarterly Noncompliance Report (QNCR), then a formal enforcement action must be taken, unless there is supportable justification for an alternative action such as an informal enforcement action or a permit modification.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.
This metric evaluates inspection coverage at NPDES non-major facilities with individual permits (excluding those permits which address solely stormwater, pretreatment, Concentrated Animal Feeding Operations (CAFOs), Combined Sewer Overflows (CSOs), or Sanitary Sewer Overflows (SSOs)) by measuring the number of facilities inspected, rather than the total number of inspections. In other words, multiple inspections at one facility will count as only one inspection under the selection criteria for this metric. The universe of facilities inspected applies to permittees covered by an individual permit only.

**Non-Major Facility:** A facility that is not identified as a Major Facility.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.
This metric also evaluates inspection coverage at NPDES non-major facilities with general permits (excluding those permits which address solely stormwater, pretreatment, CAFOs, CSOs, or SSOs) by measuring the number of facilities inspected, rather than the total number of inspections. The universe of facilities inspected applies to permittees covered by a general permit only.

**Non-Major Facility:** A facility that is not identified as a Major Facility.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.
This metric includes state inspections other than those discussed in Slides 14 and 15.
This metric provides: the noncompliance rate in the national database for NPDES non-major facilities with individual permits.

**Non-Major Facility:** A facility that is not identified as a Major Facility.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.
This chart shows the percentage of NPDES non-major facilities in Category I non-compliance for the respective calendar years. The percentage non-compliance is based on review of a portion of the non-major universe, indicated as a percentage adjacent to the calendar year.

**Category I Violations (Non-Major Facilities only):** The national program database calculates the severity of violations according to the Clean Water Act regulations, which have specific criteria specifying the duration, severity, and type of violations that rise to the level of Significant Noncompliance (SNC). The calculation of Category I Violations is equivalent to the SNC calculations, but because the violations occur at smaller dischargers (non-major), EPA does not classify the violations as "SNC". ECHO distinguishes between "SNC" and Category I because this has a bearing on the government response used to address the violation(s). Repeat SNC occurrences normally are addressed through formal enforcement actions, while Category I Violations are often addressed via informal processes.

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**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.
This chart shows the percentage of NPDES non-major facilities in non-compliance for the respective calendar years. The percentage non-compliance is based on review of a portion of the non-major universe, indicated as a percentage adjacent to the calendar year.

**Non-Major Facility:** A facility that is not identified as a Major Facility.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.
This metric provides: the number of facilities in the national database with DMR non-receipt for every quarter in three continuous years.

**Non-Major Facility:** A facility that is not identified as a Major Facility.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.
For the fiscal year presented, this metric provides: the total number of state informal enforcement actions issued to NPDES non-major facilities.

**Informal Enforcement Actions:** Warning Letters, Notices of Violation

**Non-Major Facility:** A facility that is not identified as a Major Facility.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.
This chart reflects the results of a Permit Compliance System (PCS) query for informal enforcement actions (Code: 03) against non-major facilities.

**Informal Enforcement Actions:** Warning Letters, Notices of Violation

**Non-Major Facility:** A facility that is not identified as a Major Facility.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.
For the fiscal year presented, this metric provides: the number of NPDES non-major facilities which received informal enforcement actions.

**Informal Enforcement Actions:** Warning Letters, Notices of Violation

**Non-Major Facility:** A facility that is not identified as a Major Facility.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.
For the fiscal year presented, this metric provides: the total number of state formal enforcement actions issued to NPDES non-major facilities.

**Formal Enforcement Actions:** Administrative Orders, Judicial Actions

**Non-Major Facility:** A facility that is not identified as a Major Facility.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.
For the fiscal year presented, this metric provides: the number of NPDES non-major facilities which received formal enforcement actions.

**Formal Enforcement Actions:** Administrative Orders, Judicial Actions

**Non-Major Facility:** A facility that is not identified as a Major Facility.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.
This metric measures the percentage of facilities with unresolved compliance schedule violations, as of the end of the fiscal year. (The universe or denominator is the number of permittees with compliance schedule milestones scheduled to be met in the Federal Fiscal Year (FFY)). Compliance schedules are required to be reported to the national data system for major facilities. This data is not currently required for non-major facilities.

**Major Facility:** Any NPDES facility or activity classified as such by the EPA regional administrator, or in the case of approved state programs, the regional administrator in conjunction with the state director. Major municipal dischargers include all facilities with design flows of greater than one million gallons per day and facilities with EPA/state approved industrial pretreatment programs. Major industrial facilities are determined based on specific ratings criteria developed by EPA/state.

**Non-Major Facility:** A facility that is not identified as a Major Facility.
This chart shows the number of administrative orders issued to water pollution facilities.
"Rule 335-1-1-.06 (4) states – ‘Records will not be created by compiling selected items from other documents at the request of a member of the public, nor will records be created to provide the requester with data such as ratios, proportions, percentages, frequency distribution, trends, correlations or comparisons except as necessary to administer the Act.’"

Source: July 28, 2009 ADEM e-mail response to July 19, 2009 request for historical information on Notices of Violation for NPDES program alone and All programs combined. Info desired, in chronological order, are: date of issuance (FY2005 to present), permittee, facility, permit number.

This chart was intended to show the number of Notices of Violation issued to water pollution facilities.
This chart shows the penalties assessed by administrative orders to water pollution facilities.