Clean Water Enforcement Report Card:

How Florida's Regulations Measure Up

Florida PIRG Education Fund

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EXECUTIVE SUMMARY

Thirty years after the passage of the Clean Water Act, America's waterways remain polluted. In 2000, about 40% of streams, 45% of lakes, and 50% of estuaries assessed in the United States were not clean enough to support designated uses such as fishing and swimming. Industrial and municipal pollution are major contributors to these continuing water quality problems.

The problem is not the lack of clean water laws, but the lack of enforcement of those laws. Despite a strong federal Clean Water Act, polluters face little threat of penalty if they violate the law — largely due to varying enforcement policies and practices among the state agencies that have primary responsibility for enforcing the law.

Today, most states do not possess the proper laws and regulations needed to ensure full enforcement of the Clean Water Act. In a survey of nine states we found:

Reporting and Inspections

- Two of nine states surveyed have no regulation mandating a specific frequency with which facilities must report their discharges to the states. Without required frequent reporting, regulating agencies cannot evaluate discharger compliance with the law.
- Several states — including Washington, Wisconsin, Michigan, Ohio, Florida, Georgia, and North Carolina — and the U.S. EPA have no regulation requiring facility inspections at a specific frequency. Inspections are regulatory agencies' primary means to ensure the honesty of discharge monitoring reports.

Enforcement Action

- Seven of nine states surveyed have no time limits for enforcement action. Without time limits on enforcement action, actions can be so delayed as to reduce the deterrent effect.
- The National Pollutant Discharge Elimination System (NPDES) enforcement programs in three states — Wisconsin, Ohio, and Michigan — do not have the independent authority to unilaterally assess administrative penalties. For penalties to be assessed to violators in those states, states must either agree to a settlement with the violator or go through the judicial system, a costly and time consuming process.
- New Jersey is the only state surveyed that has mandatory penalties for Clean Water Act violations. If there are no mandatory penalties, states have the discretion to not fine violators at all.
- Five states, including Florida, place a restriction on the maximum penalty that can be assessed for a single violation that is less than the level allowed by the Clean Water Act. By restricting the maximum violation to a low level, there is the potential that penalties will not erase the economic benefit of polluting.
- None of the states surveyed require an increase in the severity of enforcement actions for successive violations. If enforcement severity is not increased, violators may not have the incentive to come into compliance.

Public Accountability

- Only three states surveyed publish annual reports for their NPDES program detailing violations and enforcement actions.

To restore the public's confidence in state Clean Water Act enforcement — and to reduce the amount of pollution being released into our water and air — states should take immediate action to bolster their enforcement efforts.

Specifically, states should take an enforcement approach that:

- Holds polluters accountable through frequent, adequate inspections and consis-

tent state review of self-monitoring reports.

- Takes timely enforcement actions against serious violators and assesses penalties that, at minimum, eliminate the economic benefit of polluting.
- Follows up appropriately to ensure that violators return to compliance with the law, pay penalties on time and complete promised environmental improvements.
- Gives the public and the U.S. EPA the tools to hold states accountable for enforcement of the laws, including accessible, understandable information on the environmental performance of regulated facilities.

REPORT CARD

	Florida	Georgia	Michigan	New Jersey	North Carolina	Ohio	Pennsylvania	Washington	Wisconsin	Federal Regulations
Reporting and Inspections										
1. Frequency of discharger reporting	B	F	C	A	A	A	C	A	F	F
2. Electronic reporting (P/F)	P	P	P	F	P	F	P	F	F	F
3. Regularity of facility inspections	F	F	F	B	F	F	B	F	F	D
Enforcement and Follow Up										
4. Time requirements for enforcement action	F	F	F	C	F	F	F	F	D	F
5. Ability to assess fines unilaterally (P/F)	P	P	F	P	P	F	P	P	F	P
6. Maximum penalty levels	C	B	B	A	B	C	C	C	C	B
7. Mandatory penalties (P/F)	F	F	F	P	F	F	F	F	F	F
8. Increasing enforcement severity for successive violations	F	F	F	C	F	F	F	D	F	F
Public Accountability										
9. Compliance information provided to the public	D	D	F	C	F	C	C	D	F	B
10. Annual reports	C	F	F	A	F	C	C	A	F	x
11. Discharger's withholding NPDES permit information from the public (P/F)	P	P	F	P	F	P	F	P	F	P
Funding and Resources										
12. Permit fees?	B	F	F	A	B	A	D	A	A	F
Overall Grade for NPDES Enforcement Policy	C–	F	F	B+	D	D	D	C	F	

*** The grades assigned for each survey question are an evaluation of state laws, regulations and policies, not an evaluation of the implementation of those policies.*

INTRODUCTION

Over the last decade, the federal government has been increasingly willing to delegate its authority for enforcement of the nation's environmental laws. According to the Environmental Commission of the States – an organization of state environmental commissioners – the number of environmental regulatory programs delegated to the states increased 73 percent between 1993 and 1999.[1]

This practice of "devolution" of authority has resulted in a wide array of enforcement policies in the states. From monitoring, reporting and inspection requirements, to the levels of penalties assessed, to the structure of enforcement budgets, states have developed policies that create vastly different regulatory environments.

This diversity can be dangerous. With some states enforcing the law more vigorously than others, there is the potential for a "race to the bottom" in which states attempt to attract business by weakening environmental laws.

However, it can just as easily facilitate a race to the top. Some states have provided innovative approaches to environmental enforcement, such as those in New Jersey and California that established tough mandatory minimum penalties for severe violators of the Clean Water Act. Ohio has established the first electronic reporting system to collect discharge monitoring reports. Without the flexibility provided to states by their increasing authority over CWA enforcement, these innovations would never have come about.

While the federal government must establish strong bottom-line regulations to maintain a basic level of enforcement, state environmental agencies must have the opportunity to continue to develop innovative enforcement techniques — techniques that could provide models for the country as a whole. Unfortunately, however, most state environmental agencies are unaware of the policies in place in other states.

Our survey evaluates the state of water enforcement policy in nine states and at the U.S. EPA. The survey identifies the best and worst policies, and the most significant potential holes in state water enforcement policy. Armed with a clear picture of each state's strengths and weaknesses, and the variety of innovative policies in place across the country, state enforcement agencies, lawmakers, the public, and other stakeholders can work to improve Clean Water Act enforcement at the state level.

Our Nation's Clean Water Laws

The National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) was established by the Clean Water Act of 1972 to regulate water pollution from point-source dischargers in the U.S.

Background

The failure of state water quality standards programs, along with growing public concern about pollution, forced President Nixon to establish the United States Environmental Protection Agency (U.S. EPA) in 1970 to manage federal pollution control activities.

Shortly thereafter, Congress passed a comprehensive revision of federal water pollution control laws, commonly known as the Clean Water Act, marking a distinct change in the direction of water pollution control. The Clean Water Act maintained the requirements for water quality-based controls, but added an equal emphasis on technology-based, or end-of-pipe, control strategies. The act set ambitious goals including: "that the discharge of pollutants into navigable waters be eliminated by 1985"; "that wherever attainable an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983"; and "that the discharge of toxic pollutants in toxic amounts be prohibited."[2]

The Clean Water Act contained four other important principles:

- The discharge of pollutants to navigable waters is not a right.
- A discharge permit is required to use public resources for waste disposal. The permit limits the amount of pollutants that may be discharged.
- Wastewater must be treated with the best treatment technology economically achievable, regardless of the condition of the receiving water.
- Effluent limits must be based on treatment technology performance, but more stringent limits may be imposed if the technology-based limits do not prevent violations of water quality standards in the receiving water.

Evolution of the NPDES Program

The Clean Water Act established the NPDES for permitting wastewater discharges:

> Under NPDES, all facilities which discharge pollutants from any point source into waters of the United States are required to obtain a permit. The permit provides two levels of control: technology-based limits (based on the ability of dischargers to treat wastewater) and water quality-based limits (if technology-based limits are not sufficient to provide protection of the water body).[3]

Point Source

Pollutants enter waterways from agricultural, domestic, industrial and other sources. For regulatory purposes these sources are categorized as either *point sources* or *non-point sources*. *Point sources* refer to those discharges that enter waterways from individual pipes or points from a single process. Point source discharges include discharges from sewage treatment plants and industrial facilities. While provisions of the NPDES program do address certain types of agricultural activities, most agricultural activities are defined as *non-point sources* and are exempt from NPDES regulation.

Water pollution may come from both *direct* and *indirect* sources. *Direct* sources discharge wastewater directly into waterways,

whereas *indirect* sources discharge wastewater to a sewage treatment plant, which in turn discharges into the receiving water body. NPDES permits are issued only to direct point source discharges. Indirect dischargers — industrial and commercial facilities that discharge into sewage treatment works — are regulated by the National Pretreatment Program.

The NPDES permitting program is mainly geared toward the regulation of municipal and industrial direct dischargers. However, within these major categories of dischargers, there are a number of more specific types of discharges that are regulated under the NPDES program.

Municipal Sources

Municipal sources are sewage treatment plants that receive primarily domestic sewage from residential and commercial customers. Larger sewage treatment plants will also usually treat wastewater from industrial facilities (indirect dischargers) connected to the sewage system. Sewage treatment plants treat many different types of pollutants including conventional pollutants and toxic pollutants.

Non-municipal Sources

Many industrial and commercial facilities discharge into the waterways of the United States. "Unlike municipal sources, at industrial facilities the types of raw materials, production processes, treatment technologies utilized, and pollutants discharged vary widely and are dependent on the type of industry and specific facility characteristics."[4]

Roles and Responsibilities of the Federal and State Authorities

U.S. EPA is authorized under the Clean Water Act to implement and enforce the NPDES program. However, U.S. EPA can authorize those states that request permission to implement all or part of the NPDES program.

In order for states to receive authorization to implement the NPDES program, they must first establish the necessary legal framework and institutions. This authority is subject to conditions and can be revoked by the U.S. EPA. States who want to be authorized to administer the NPDES program submit a letter to the U.S. EPA from the governor requesting review and approval, a Memorandum of Agreement (MOA), a Program Description, a Statement of Legal Authority (also known as an "Attorney General's Statement" or "AG Statement"), and the underlying state laws and regulations.

In general, once a state is authorized to administer a part of the NPDES program, U.S. EPA no longer conducts these activities. However, U.S. EPA still maintains an oversight role and retains the right to take enforcement action against violators if the state fails to do so. Additionally, U.S. EPA retains the right to review each permit issued by the state and may formally object to elements that conflict with federal requirements. If the permitting agency does not address the objection points, U.S. EPA will issue the permit directly.

When the U.S. EPA administers the NPDES program, it is administered by the U.S. EPA regional offices, with help from the respective state environmental agency. When U.S. EPA issues a permit, the CWA requires that U.S. EPA obtain certification from the state of where the discharge will occur to ensure that the discharge will be in compliance with effluent limits, the state's water quality standards, and "any other appropriate requirement of state law."[5]

Once a permit is issued through a government agency, it is enforceable by the approved state and federal agencies (including U.S. EPA) with legal authority to implement and enforce the permit. In all cases, citizens retain the right to enforce the law in federal court.

The Importance of the States

Over the last decade, U.S. EPA has been increasingly willing to delegate its authority over enforcement. According to the Environmental Commission of the States — an organization of state environmental commissioners — the number of environmental regulatory programs delegated to the states increased 73 percent between 1993 and 1999.[6] Yet, despite the consistent record of lax enforcement shown by some states, U.S. EPA has traditionally been loath to recall enforcement power once it has been delegated.

This practice of "devolution" of authority has some advantages. First, state governments are much closer to the problems. State governments presumably have a better understanding of local conditions, enabling them to develop strategies that prioritize the most important local environmental needs and to tailor compliance strategies to local conditions.

Second, some states have provided innovative approaches to environmental enforcement. Laws such as those in New Jersey and California that established tough mandatory minimum penalties for severe violators of the Clean Water Act are among those innovations. The devolution of enforcement responsibility to the states need not necessarily provoke a "race to the bottom;" it could just as easily enable a "race to the top" provided that the political will and resources exist in the state to make it so.

In practice, however, the performance of the states in enforcing the nation's environmental laws has been inconsistent. While a few states have used their authority to craft effective pollution-reduction strategies, monitor environmental quality and penalize polluters, others have failed to fulfill their responsibilities.

The result is that, in many places, the intent of our nation's environmental laws is being undermined. Rather than guaranteeing a safe environment for all Americans, ineffective state enforcement has subjected many Americans to unjustified environmental harm.

State Environmental Enforcement Policy: An Assessment

The failure of the Clean Water Act to meet its goals is largely a failure of enforcement. To evaluate enforcement, one can look at the policies in place that guide enforcement or the practice of an agency in enforcing the law.

This report focuses on state enforcement policy — evaluating the tools available to state enforcement officials to hold dischargers accountable to the law. Thus, the grades assigned to states in different categories represent our interpretation of the effectiveness of that specific policy. ***The grades are not an evaluation of the job that a specific agency or state is doing in implementing the law.*** Some states may be doing a better job of enforcing the Clean Water Act relative to the grades we have assigned its policies. On the other hand, some states may have better policies than they practice.

Thus, while our survey is an important tool for agencies, stakeholders and the public to evaluate enforcement policy, it points to only a fraction of the enforcement problem. We hope more research is undertaken to evaluate state enforcement practices.

The following discussion is an evaluation of NPDES enforcement policies in nine states. All information regarding state enforcement policies was collected through our survey of state enforcement officials. The discussion is broken down into four key processes that must take place efficiently and effectively in order for states to succeed in the implementation and enforcement of environmental laws: reporting and inspection, enforcement action, follow up, and public participation and accountability.

Reporting and Inspection

Once standards have been set and permits and regulations issued, environmental enforcers must be able to accurately evaluate whether polluters are complying with the law. In the case of the majority of dischargers, this requires facilities to accurately report the amount of pollution they are releasing, issue those reports on time, and face sanctions if they fail to report or issue false information. To ensure that industries' self-reports are accurate and that the terms of permits are carried out, states must conduct inspections of sufficient depth and quality to determine compliance with the law.

The permittee self-monitoring system is at the heart of Clean Water Act enforcement process. Each permitted discharger is required to monitor its effluent and report violations to the state. Because environmental enforcement programs rely on the honesty of dischargers to monitor their own effluent and report violations to the state, the frequency with which monitoring reports are submitted and the regularity of inspections of facilities are crucial to the integrity of the enforcement process.

Reporting

Frequent submittal of discharge monitoring reports (DMRs) by dischargers is essential to establishing a strict regulatory environment. Required submittal of DMRs forces dischargers to be aware of the content of their discharge while at the same time allowing the regulating agency to evaluate compliance.

While many states and the federal government currently request quarterly and even monthly reports from NPDES dischargers, federal and most state regulations actually require far fewer reports, if any at all.

Benchmark

States should require all NPDES dischargers to submit discharge monitoring reports monthly. In addition, states should require their environmental agencies to develop elec-

tronic reporting systems to ease the transfer of information from the discharger to the agency and the public.

Leaders

New Jersey, Ohio, Washington, and North Carolina set valuable examples for other states by requiring that all NPDES permittees – including both major and minor dischargers — submit discharge monitoring reports each month.

Florida requires wastewater treatment facilities to submit DMRs monthly, but only requires annual reporting from some industrial facilities. Pennsylvania and Michigan require the submittal of DMRs once annually.

Most state regulating agencies ask for DMRs to be submitted only on paper. However, Ohio, Florida, and Michigan are leading the move toward digitizing the monitoring process. Ohio EPA officials estimate that up to 60% of dischargers are submitting their DMRs electronically through the state's Swimware program.[7] New Jersey, Michigan and Florida have implemented pilot electronic DMR reporting programs which hold great promise for improving the efficiency of clean water enforcement, especially if they are expanded to include all permitted dischargers.

Laggards

Several states, including Georgia, and Wisconsin, have no state-specific regulations that dictate the frequency of submittal of discharge monitoring reports. Additionally, federal regulations, which require the submittal of discharge monitoring reports, have no requirement for a specific frequency.

Inspections

Studies have shown that the existence of a strong enforcement presence "in the field" leads to improved compliance with the law. Frequent inspections are necessary to ensure that dischargers objectively and accurately evaluate the content of their discharge when submitting discharge monitoring reports.

REPORT CARD

	Florida	Georgia	Michigan	New Jersey	North Carolina	Ohio	Pennsylvania	Washington	Wisconsin	Federal Regulations
Reporting and Inspections										
1. Frequency of discharger reporting	B	F	C	A	A	A	C	A	F	F
2. Electronic reporting (P/F)	P	F	P	P	F	P	F	F	F	F

CRITERIA FOR EVALUATION

1. States were evaluated on their policies regarding the submittal of discharge monitoring reports by how often the reports are required. States that do not have regulations requiring a specific frequency of reports received a grade of "F". States that do have regulations requiring DMRs received at least a grade of "D" and received higher grades for requiring a higher frequency of reports.
2. States received either a pass or fail for having or not having electronic reporting systems, respectively.

According to our survey, most states have no laws or regulations that require a specific minimum frequency of inspections.

Benchmark

Every state should require their environmental agencies to inspect all major NPDES facilities twice and minors at least once annually. Until 1993, New Jersey's Department of Environmental Protection required all facilities to be inspected twice annually. Many states require facilities to be inspected at least once annually. Thus it is reasonable to assume that all states could inspect every NPDES facility once each year.

Leaders

New Jersey and Pennsylvania require all NPDES facilities to be inspected at least once each year. Up until the passage of the New Jersey Clean Water Enforcement Act in 1990, facilities in New Jersey were inspected a minimum of twice each year. Today, those requirements have been loosened to once annually.

Laggards

Many other states and the federal government have no regulations that govern the frequency of inspections. Instead, many states, including Washington, Wisconsin, Michigan, Ohio, Florida, Georgia, and North Carolina, all make agreements with U.S. EPA to commit to a certain number of inspections each year as part of their Memorandum of Agreement.

When states are given the authority to implement the NPDES permit program or other pieces of the Clean Water Act they must first enter into a Memorandum of Agreement (MOA) with the U.S. EPA. In the MOA, the state and the EPA agree to a set of minimum tasks the state must accomplish to enforce the law, such as a certain number of inspections. While the agreements are not law, the U.S. EPA retains the right to revoke a state's enforcement program if they are not meeting the criteria established in the MOA.

Fluid MOA requirements for states to inspect facilities at least once each year are not sufficient. MOAs can be changed and are thus susceptible to political changes at the U.S. EPA. Additionally, the only enforce-

REPORT CARD

	Florida	Georgia	Michigan	New Jersey	North Carolina	Ohio	Pennsylvania	Washington	Wisconsin	Federal Regulations
Reporting and Inspections										
3. Regularity of facility inspections	F	F	F	B	F	F	B	F	F	D

CRITERIA FOR EVALUATION

3. States receive a grade of "A" for requiring all major facilities to be inspected twice annually, and minor facilities to be inspected annually. Facilities received a grade of "D" or above if they have some state requirement for facility inspections, a grade of "F" if they have no such requirement, or if the only requirement is part of a fluid agreement with EPA. States received higher grades for requiring a higher frequency of inspections.

ment mechanism available to the U.S. EPA to enforce MOAs is to revoke part or all of a state enforcement program, a tool the U.S. EPA has never chosen to utilize despite a plethora of evidence demonstrating state enforcement failings.

Looking Ahead

While all states should make immediate changes to require monthly reporting and biannual inspection of major facilities, states should also follow Ohio and New Jersey and develop electronic and online reporting systems. Electronic reporting both eases the burden of reporting on permitted facilities and makes information available to regulatory agencies and the public quicker and in a more manageable format.

Enforcement Action

Enforcement officials must have a strategy for ensuring that violations of the law detected through reporting and inspections cease and have a penalty structure in place that acts as a deterrent to future violations. Compliance strategy can have a number of elements including "compliance assistance" to regulated industries and the capacity to seek criminal, civil and/or administrative penalties from violators. At minimum, however, polluters must have an incentive to comply with the law, and must have the understanding that if they fail to comply, they will face negative consequences.

For a state regulatory agency to compel dischargers to comply with the law, the agency must create a strict regulatory environment. There are several key pieces to creating such an environment: 1) taking prompt enforcement action, 2) increasing the severity of enforcement action for repeat violators, 3) assessing penalties that eliminate the incentive to remain in noncompliance, and 4) proving willing to revoke permits of those violators who refuse to comply with the law.

Prompt Enforcement Action

The first step in evaluating the effectiveness of an enforcement action is to determine whether action is taken in a timely manner. Enforcement actions must be taken soon after a violation is committed to both halt dangerous violations quickly and to establish a regulatory environment that pre-

REPORT CARD

	Florida	Georgia	Michigan	New Jersey	North Carolina	Ohio	Pennsylvania	Washington	Wisconsin	Federal Regulations
Enforcement and Follow Up										
4. Time requirements for enforcement action	F	F	F	C	F	F	F	F	D	F

Criteria for Evaluation

4. States were given a minimum grade of "C" for having any policy that requires enforcement action to take place within a time frame. States were given a higher grade for regulations that approach our benchmark. States received a grade of "F" if they do not have any policies that place a time frame on enforcement action.

vents such violations in the future.

Benchmark

States should require enforcement action to be taken within 60 days of the agencies' notification of the violation. Two months is plenty of time for regulatory agencies to discover the violation and take the primary action to correct the violation. The longer that agencies wait to take action, the greater the threat to the environment and public health, and the greater the likelihood that more violations will be committed.

States should also be encouraged to experiment with the issuance of immediate fines through "field citations," which allow inspectors to issue small fines to violators during the course of an inspection.

Leaders

Several states require enforcement action to be taken within a certain length of time for specific classifications of violations. New Jersey, under its 1990 Clean Water Enforcement Act, requires mandatory minimum penalties to be assessed for all serious violations within six months of the violation. Wisconsin requires enforcement action to be taken within 120 days against municipal violators.

Laggards

Most states have no requirements for when enforcement action must take place. Several states have only guidelines or non-binding agency policies that suggest action should be taken within a certain time period.

Assessing Appropriate Enforcement Actions

When enforcement action is taken, the action must provide an adequate incentive to bring the discharger into compliance. State regulating agencies should have the authority to assess strong penalties without going through the courts. When violators fail to come into compliance, successive violations should be met with increasingly severe enforcement actions.

Benchmark

Each state environmental agency should have the ability to assess administrative penalties unilaterally, without having to settle with the violator and without going through the court system. State environmental enforcement programs are already burdened by low budgets and lack of staff. The costly legal process of prosecuting violators in the courts is a major hindrance to enforcement officials.

At the same time, each state should use a calculation method that provides effective enforcement actions at appropriate levels with increasing severity for successive violations. Violations should be met with mandatory minimum penalties that erase the benefits gained by polluters in violating their permits. New Jersey's mandatory minimum penalty system should serve as an example to all other states.

Leaders and Laggards

Most state environmental agencies surveyed are able to unilaterally assess administrative penalties to violators of the Clean Water Act including Florida, Georgia, New Jersey, North Carolina, Pennsylvania and Washington.

Environmental agencies in Michigan, Ohio and Wisconsin lack the authority to assess administrative penalties. When these agencies want to assess penalties, they must either try to agree to a settlement with the violator or enter into costly and time-consuming legal processes, and often settle for much lower penalty amounts.

The methods used to calculate penalty levels vary from state to state. The same polluter committing the same violation in several different states could receive a very different penalty on each occasion.

Most states use a penalty matrix that serves as a formula to calculate penalty levels. These matrices generally calculate a penalty level based on several of the following factors: the magnitude of exceedance of a pollution limit, environmental impact, type of

pollutant, preventative actions taken, and compliance track record.

While the complexity of the matrices combined with the unwillingness of some states to provide their matrices to the public make it impossible to objectively evaluate their strength, it is possible to gain some insight into the strength of a given state's penalty calculation by looking at the maximum per-day penalty levels for a single violation.

The Clean Water Act sets a maximum fine level of $25,000 per day, per violation. However, several states have passed their own weaker laws that provide lower maximum penalty amounts. Florida, Ohio, Pennsylvania, Washington and Wisconsin have statutes that place a $10,000 limit on penalties for a violation for a single day.

New Jersey, on the other hand, has a statute that allows for a maximum penalty of $50,000 for the violation of the New Jersey Water Pollution Control Act.

New Jersey is also the only state of those surveyed that uses a system of mandatory minimum penalties for NPDES permit violations. Mandatory minimum penalties provide automatic penalties of at least a minimum level for a certain set of specific violations. For example, dischargers that commit "serious violations" or are labeled "significant noncompliers" are assessed mandatory civil administrative penalties. A minimum fine of $1,000 is assessed to the discharger for each "serious" violation. A minimum fine of $5,000 is assessed for each violation to those dischargers considered to be "significant noncompliers." Significantly, each of these penalty amounts is a floor, not a ceiling, for

REPORT CARD

	Florida	Georgia	Michigan	New Jersey	North Carolina	Ohio	Pennsylvania	Washington	Wisconsin	Federal Regulations
Enforcement and Follow Up										
5. Ability to assess fines unilaterally (P/F)	P	P	F	P	P	F	P	P	F	P
6. Maximum penalty levels	C	B	B	A	B	C	C	C	C	B
7. Mandatory penalties (P/F)	F	F	F	P	F	F	F	F	F	F
8. Increasing enforcement severity for successive violations	F	F	F	C	F	F	F	D	F	F

Criteria for evaluation

5. States received grades of either "P" for pass or "F" for fail for having or not having the authority to assess administrative fines, respectively.
6. States that have maximum levels that mimic the federal Clean Water Act ($25,000) received at least a "B."
7. Each state except for New Jersey received a failing grade for the lack of mandatory minimum penalties.
8. Every state except for New Jersey and Washington received an "F" for failing to mandate increased enforcement severity for successive violations.

Mandatory Minimum Penalties

Mandatory minimum penalties (MMPs) constitute an effective policy for achieving greater compliance with CWA permits. MMPs ensure that a specific set of permit violations are enforced automatically, by assessing penalties on the facilities that commit those violations. MMPs have dramatically cut illegal water pollution in New Jersey. New Jersey's Mandatory Minimum Penalty program went into effect in 1991; in the first full year the law was in effect, the number of enforcement actions increased by 57% and the number of penalties assessed increased 45%. Over the next eight years, as violations declined by 76%, the number of enforcement actions dropped 77%, and the number of penalties assessed shrank 90%.[8]

enforcement sanctions: depending on the gravity of the violation, DEP can always pursue higher penalties against a specific facility.

At the same time, only New Jersey mandates that the level of enforcement severity should increase with successive violations of the same type. New Jersey's mandatory minimum penalty provisions penalize repeat violators at a higher level.

Washington does, however, have an internal Department of Environmental Quality policy of tripling penalty levels for successive violations. One DEQ official describes this policy as "a very effective deterrent."[9]

Looking Ahead

While states should take immediate steps to give enforcement officials the ability to assess strong fines with mandatory penalties and increasing severity for successive violations, there are several other enforcement tools that state agencies should develop for the future, including late fees for delinquent penalties and the revocation of permits for repeat violators.

Follow-up

An important, but often neglected, facet of environmental enforcement is the follow up that takes place after fines have been issued and corrective actions have been ordered. Does the money assessed in penalties actually get collected? Are promised environmental improvements actually made? And do violators receive additional penalties when they fail to follow through on their commitments?

In all cases, monetary penalties assessed to violators should be collected promptly. State enforcement guidelines should stipulate the assessment of additional penalties — or the ratcheting up of enforcement actions — for violators who fail to meet their commitments.

States should make greater efforts to improve their monitoring of compliance schedules and completion of supplemental environmental projects negotiated through consent orders. Such orders should stipulate penalties for missing key enforcement deadlines.

None of the states that participated in our survey have mandatory late fees for failure to pay administrative fines.

Goal

States should enact regulations that require violators to pay penalties within 30 days or pay a late fee of 25% for each month for which the payment is late. States' environmental agencies need a mechanism that aides them in collecting penalties without added legal costs.

Permit Revocation

Another important enforcement tool lies in a regulatory agency's willingness to revoke permits of scofflaw violators. While monetary penalties are important tools to combat violations, violators who refuse to comply with the law even after facing the maximum monetary penalties should lose permission to discharge into our waterways.

Every state law reserves the right to revoke a discharger's permit at any point for any violation of any conditions of a permit. However, no state requires the revocation of permits from violators after a specific threshold of violations. And according to several

state enforcement officials, revocation of permits almost never happens.

The state of Wisconsin has an interesting regulation that requires the permittee be in "substantial compliance" in order to have its permits renewed. While this is subjective language that can be interpreted liberally, the intentions are clear: violators cannot continue to discharge into waterways.[10]

Goal

If dischargers cannot obey the law, they should lose their licenses to discharge. States should set parameters for the mandatory revocation of permits for those violators who refuse to come into compliance with the law even after the state has exercised all other means of enforcement action.

Public Accountability

The public has a major role to play in environmental enforcement. Citizen complaints can, and often do, lead to the discovery of violations of environmental laws. Citizen participation in the permitting process is vital to ensuring that the concerns of those living near polluting facilities are represented. And in instances when enforcement agencies fail to do their job, citizen involvement can bring political, and in some cases, legal pressure on agencies to fulfill their responsibilities. In order for citizens to be involved in the enforcement process, they must have access to accurate information on enforcement activity so that they can evaluate how well those

REPORT CARD

	Florida	Georgia	Michigan	New Jersey	North Carolina	Ohio	Pennsylvania	Washington	Wisconsin	Federal Regulations
Public Accountability										
9. Compliance information provided to the public	D	D	F	C	F	C	C	D	F	B
10. Annual reports	C	F	F	A	F	C	C	A	F	x
11. Discharger's withholding NPDES permit information from the public (P/F)	P	P	F	P	F	P	F	P	F	P

CRITERIA FOR EVALUATION

9. States were graded on the quantity of public disclosure requirements outside of annual reports.

10. States received a minimum grade of "C" if they require the water enforcement program to publish an annual report. States that publish CWA enforcement information as part of a larger agency report received a grade of "C", assuming that it limits the comprehensiveness of the report. States that require agencies to publish an independent CWA enforcement report received a grade of "A." If they do not require an annual report, the states received a grade of "F."

11. States that have confidentiality provisions that mimic the Clean Water Act received a passing grade. States with provisions that allow more information to be withheld than allowed in the Clean Water Act failed.

agencies are doing their jobs.

Different states provide varying degrees of information to citizens regarding the activities of dischargers and the enforcement process.

Benchmark

Every state should require of its environmental agency a comprehensive annual report that outlines the progress of NPDES compliance. These reports should list the number and type of violations, the number of enforcement actions and the impact of state enforcement actions on the environment.

Additionally, states should enact other rules that improve the quantity and quality of information available to the public about enforcement of environmental laws. States should enact rules that require regulatory agencies to publish notices of violation in local newspapers. States should also be required to place their enforcement databases online with easy public access to data on reporting, inspections, violations, enforcements, penalties assessed, and follow up activities.

In addition, each state should refine its NPDES confidentiality provisions to reflect the language in the federal Clean Water Act that prevents the withholding of any information on the NPDES application. Regulated entities should not be given blanket permission to withhold information about their environmental performance. States should not grant privileged status to information gleaned from environmental self-audits or grant immunity for self-auditing companies.

Leaders and Laggards

Many states require that press releases be distributed and notifications be printed in newspapers to let the public know about violations and enforcement actions. The New Jersey Clean Water Enforcement Act requires the Department of Environmental Protection (DEP) to submit press releases for each formal enforcement action. Furthermore, they are required to print notifications in local newspapers when violators are labeled "significant non-compliers." Florida, Ohio and Washington have similar requirements to print public notices of violations and penalties in local newspapers.

NJ DEP is also required, similar to the Washington Department of Environmental Quality, to publish comprehensive annual reports on NPDES enforcement progress. Annual reports are an important analytical tool for lawmakers, the public, and the agencies themselves.

While many states have some limited provisions requiring environmental agencies to make compliance information available to the public, Michigan, North Carolina, and Wisconsin laws have no such requirements.

Many states have given dischargers additional room to claim information as confidential. These provisions present potentially dangerous blockades to citizens investigating pollution sources in their neighborhoods. The federal Clean Water Act explains that no information contained in an NPDES permit application can be claimed as confidential.[11] However, confidentiality provisions in North Carolina, Wisconsin, Michigan and Pennsylvania claim the right of agency officials to withhold additional information from the public.

Looking Ahead

Aside from working toward the near term goals addressed in the previous section, states should work toward a longer term goal of providing comprehensive compliance information via the Internet.

Enforcement officials and citizens, as watchdogs of the enforcement process, should be able, using the Internet, to find all of the relevant information about pollution, assess the compliance history of permitted facilities and trace how the state has enforced the law.

The Indiana Department of Environmental Management's searchable enforcement database is an important model for the fu-

ture of public accountability in water enforcement programs. The database is an attempt at providing extensive information about individual dischargers' compliance record and corresponding state enforcement action.

Pennsylvania has also recently developed an online system called "EFacts" that is designed to provide compliance information to the public. Once the "EFacts" system is up and running it may provide a great example for other state enforcement programs to follow.

The Importance of Adequate Resources

Most of the problems facing state water enforcement programs, from the lack of adequate policies to enforce the law to inadequate implementation of existing policies, extend from woeful under funding for enforcement programs.

Funding for enforcement activity is clearly inadequate. State environmental officials estimate that an approximate $1 billion "resource gap" exists in their clean water, clean air and drinking water programs.[12]

Both the state and federal governments have a role to play in closing this resource gap. The proportion of state environmental spending provided by the federal government has shrunk over the past decade and a half, although federal support has risen in recent years. Funding of state-level environmental enforcement must become a federal priority – though not at the expense of cutting funding for federal enforcement activity at the U.S. EPA, which provides critical oversight and direction in the enforcement of the nation's environmental laws.

States must also step up and provide enough funding for basic environmental enforcement. At minimum, states should have enough enforcement employees to meet their commitments under federal law, give those employees enough training to do their jobs effectively and create an atmosphere that supports and encourages the work of frontline environmental enforcers.

As states work to close the resource gap and increase funding to enforcement programs, they should make sure the money comes from the regulated community and not the general public. Those individuals and

REPORT CARD

	Florida	Georgia	Michigan	New Jersey	North Carolina	Ohio	Pennsylvania	Washington	Wisconsin	Federal Regulations
Funding and Resources										
12. Permit fees?	B	F	F	A	B	A	D	A	A	F

CRITERIA FOR EVALUATION

12. States were not graded on their overall enforcement budgets. The large quantity of variables combined with irreconcilable differences in budget structure and lack of information made it too difficult to provide objective grades. States were instead graded on their permit fee systems. States received a grade of "F" if they do not assess permit fees, and received higher grades the closer that their permit fees came to recovering the amount of their total enforcement budget.

corporations that wish to emit pollution into publicly owned waterways should pay for their own regulation.

Finding resources to support environmental enforcement at a time of fiscal uncertainty is a challenge. However, states do have access to one source of funding not generally available to the federal government: permit fees. Permit fees should be set high enough to pay for the bulk of environmental enforcement activity and states should experiment with other ways to ensure that polluters — not taxpayers — pay the lion's share of the cost of enforcing the law. One possible way to ensure this is by dedicating money collected through penalties to enforcement programs.

State NPDES Permit Fees

Many of the budget problems that plague state environmental enforcement programs could be solved if budgets were funded by the regulated community and not the general public. Most state budgets are funded by state general tax revenue and federal grants. Thus, funding for environmental enforcement is forced to compete with all the other various programs and interests for its budget each year. Under this system, funding levels are less stable and more susceptible to political trade winds.

Benchmark

State environmental agencies cannot enforce the Clean Water Act without adequate funding. States must be able to provide for an adequate number of staff, training for the staff, and sufficient technology to monitor and track discharger compliance.

While it is important that funding is adequate, the funding should also come from the dischargers themselves. Those industries and treatment plants that discharge pollution into our waterways should foot the bill to regulate themselves.

States should assess permit fees that cover the cost of the NPDES program.

Leaders

There are some good examples of permit fee systems. New Jersey and Washington both collect millions each year with permit fees. New Jersey collected $13,500,000 in permit fees in 2002. Between 1998 and 2002 Washington raised more than $21 million in permit fees.

Laggards

The Wisconsin Department of Natural Resources' NPDES enforcement program receives 40% of its funding from the state general fund and 20% from a federal matching grant. The program receives only 4% from permit fees and 0% from penalties.

Michigan, North Carolina, and Pennsylvania assess permit fees, but the fees are so low they cannot come near to supporting the NPDES enforcement program. Pennsylvania charges only a flat rate of $500 per permit per year.

Georgia and Michigan do not assess permit fees, though the Michigan Legislature is debating the issue as of early summer 2003.

RECOMMENDATIONS

More than thirty years removed from the passage of the Clean Water Act, its goals still remain a long way off. While the number of waterways fit for fishing and swimming has nearly doubled since that time, today more than 40% of America's waterways remain unfit for those and other activities.[13]

The Clean Water Act contains the statutory authority to address these problems. The Clean Water Act gives U.S. EPA the authority to set water quality standards for all contaminants in surface waters and to enforce those standards either through the issuance of permits or through oversight of authorized state enforcement programs.

The failings of many state enforcement programs can be linked to lack of good state policies to implement the Clean Water Act. Policies regulating the NPDES program vary widely from state to state and many state policies simply are not providing the tools that regulators need to hold polluters accountable to the law.

States should evaluate their Clean Water Act enforcement policies and make revisions following these principles:

1. Polluters should be held accountable through frequent, adequate inspections and consistent state review of self-monitoring reports.

State regulating agencies rely on the honesty of dischargers to report permit violations. To evaluate compliance with the law, the state must require frequent reports and enforcement officials should verify those reports with frequent inspections.

2. States should take timely enforcement actions against serious violators of the law and assess penalties that, at minimum, eliminate the economic benefit of polluting.

Violations of the Clean Water Act should be met with prompt financial penalties. States should also be willing to revoke permits to pollute from scofflaw facilities that refuse to come into compliance.

3. States must follow up appropriately to ensure that violators return to compliance with the law, pay the penalties they have been assessed, and complete promised environmental improvements.

Penalties are only an effective enforcement tool if they are collected and collected promptly.

4. The public and U.S. EPA must have the tools to hold states accountable for enforcement of the laws.

States should improve the quantity and quality of information available to the public about enforcement of environmental laws. States should publish annual reports on enforcement listing the number of enforcement actions taken, the number of significant violations recorded and the impact of state enforcement actions on the environment. Similarly, regulated entities should not be granted permission to withhold information about their environmental performance. States should not grant privileged status to information gleaned from environmental self-audits or grant immunity for self-auditing companies.

Enforcement Resources

Finally, both states and the federal government need to make Clean Water Act enforcement a top priority. Effective state policies must be backed with the resources to implement them.

Funding of state-level enforcement must become a federal priority — though not at the expense of cutting funding for federal enforcement activity at the U.S. EPA, which provides critical oversight and direction in the enforcement of the nation's environmental laws.

States must also step up and provide enough funding for basic environmental enforcement. At minimum, states should have enough enforcement employees to meet their commitments under federal law, give those employees enough training to do their jobs effectively and create an atmosphere that supports and encourages the work of front-line environmental enforcers.

Finding resources to support environmental enforcement at a time of fiscal uncertainty is a challenge. However, states do have access to one source of funding not generally available to the federal government: permit fees. Permit fees should be set high enough to pay for the bulk of environmental enforcement activity and states should experiment with other ways to ensure that polluters — not taxpayers — pay the lion's share of the cost of enforcing the law. One possible way to ensure this is by dedicating money collected through penalties to enforcement programs.

APPENDIX A: CHECKLIST SURVEY QUESTIONS

The following tables contain the summarized state responses to our survey. Answers to our survey were solicited by phone and in writing from state enforcement officials. After the survey was completed each state was sent a copy of our finalized answers to proof.

Question	Florida	Georgia	Michigan	New Jersey	North Carolina
Reporting and Inspections					
1-Submittal of discharge monitoring reports (DMRs)?	Domestic wastewater treatment facilities must submit monthly reports (Florida Administrative Code 62-601.300.) However, many industrial dischargers regulated under general permits only must submit monitoring report once yearly.	There are no regulatory requirements. Reporting requirements vary by permit.	State regulations require a minimum of one monitoring report per year.	State regulations require all NPDES facilities to report monthly.	State regulations require all NPDES facilities to report monthly.
2-Electronic reporting?	Florida is piloting an Electronic Discharge Monitoring Report program (E-DMR). This pilot has been funded by an EPA Challenge grant.	There are no regulatory requirements.	There are no regulatory requirements.	There are no regulatory requirements.	There are no regulatory requirements.

Ohio	Pennsylvania	Washington	Wisconsin	Federal Regulations
State regulations require all NPDES facilities to report monthly.	State regulations require all NPDES facilities to report at least once a year.	State regulations require all NPDES facilities to report monthly.	There are no regulatory requirements. Reporting requirements vary by permit.	Federal requirements for submittal of DMRs require monitoring reports to be established on a case-by-case basis with a frequency dependent on the nature and effect of the discharge, but in no case less than once a year.
Ohio EPA has developed an electronic reporting system and estimates 60% of dischargers submit reports electronically.	There are no regulatory requirements.	There are no regulatory requirements.	There are no regulatory requirements.	There are no regulatory requirements.

Question	Florida	Georgia	Michigan	New Jersey	North Carolina
3-Regularity of facility inspections?	There are no state regulatory requirements. The state makes an agreement with U.S. EPA regarding the number of facilities to be inspected per year.	There are no state regulatory requirements. The state makes an agreement with U.S. EPA regarding the number of facilities to be inspected per year.	There are no state regulatory requirements. The state makes an agreement with U.S. EPA regarding the number of facilities to be inspected per year.	State regulations require all NPDES facilities to be inspected at least annually.	There are no state regulatory requirements. The state makes an agreement with U.S. EPA regarding the number of facilities to be inspected per year.
Enforcement and Follow Up					
4-Time requirements for enforcement action?	There are no regulatory requirements.	There are no regulatory requirements.	There are no regulatory requirements.	The New Jersey Water Pollution Control Act specifies penalty action within 6 months for serious violations.	There are no regulatory requirements.
5-Assess fines unilaterally?	Yes.	Yes.	The enforcement program does not have the authority to assess fines directly.	Yes.	Yes.

Ohio	Pennsylvania	Washington	Wisconsin	Federal Regulations
There are no state regulatory requirements. The state makes an agreement with U.S. EPA regarding the number of facilities to be inspected per year.	State regulations require all NPDES facilities to be inspected at least annually.	There are no state regulatory requirements. The state makes an agreement with U.S. EPA regarding the number of facilities to be inspected per year. The Department's inspections manual calls for "periodic" inspections.	There are no state regulatory requirements. The state makes an agreement with U.S. EPA regarding the number of facilities to be inspected per year. Departmental guidance establishes an annual frequency for major permittees and twice per permit term for minors.	Federal regulations only require states to have the ability to inspect at least once annually all majors.
There are no regulatory requirements.	There are no regulatory requirements.	There are no regulatory requirements.	There are no requirements for violations committed by industry, but for municipalities there is a separate statute that requires the filing of a notice of claim within 120 days of the violation.	There are no regulatory requirements.
Ohio EPA can itself collect penalties through settlement agreements but cannot assess penalties unilaterally.	Yes.	Yes.	The enforcement program does not have authority to assess fines directly.	Yes.

Question	Florida	Georgia	Michigan	New Jersey	North Carolina
6-Maximum fine levels?	There is a $10,000 maximum penalty per violation per day, weaker than the federal maximum.	There is a $25,000 maximum penalty per violation per day.	There is a $25,000 maximum penalty per violation per day.	The Department may assess a civil administrative penalty of not more than $50,000 for each violation of each provision of the Water Pollution Control Act.	There is a $25,000 maximum penalty per violation per day.
7-Do you assess mandatory minimum penalties?	There are no mandatory minimum penalties.	There are no mandatory minimum penalties.	There are no mandatory minimum penalties.	There are mandatory minimum penalties for serious and chronic violations.	There are no mandatory minimum penalties.
8-Enforcement severity increases for similar successive violations?	There are no regulatory requirements.	There are no regulatory requirements.	There are no regulatory requirements.	As part of mandatory minimum penalties, repeat violators are fined at a higher minimum level.	There are no regulatory requirements.

Ohio	Pennsylvania	Washington	Wisconsin	Federal Regulations
There is a $10,000 maximum penalty per violation per day, weaker than the federal maximum.	There is a $10,000 maximum penalty per violation per day, weaker than the federal maximum.	There is a $10,000 maximum penalty per violation per day, weaker than the federal maximum.	There is a $10,000 maximum penalty per violation per day, weaker than the federal maximum.	There is a $25,000 maximum penalty per violation per day.
There are no mandatory minimum penalties.	There are no mandatory minimum penalties.	There are no mandatory minimum penalties.	There is a mandatory minimum penalty provision, however the Department of Natural Resources does not have the authority to assess administratice penalties. For each violation there is a $10 minimum penalty and $10,000 maximum penalty per violation per day.	There are no mandatory minimum penalties.
There are no regulatory requirements.	There are no regulatory requirements.	There are no regulatory requirements. However, the escalation policy says that the exact same violation should be tripled the second time around.	There are no regulatory requirements.	There are no regulatory requirements.

Question	Florida	Georgia	Michigan	New Jersey	North Carolina
Public Accountability					
9-Compliance information provided to the public?	Regulations require press releases when penalty settlements are reached.	Statutes require EPD to publish enforcement orders on the web if they meet certain criteria.	There are no regulatory requirements.	Regulations require press releases on formal enforcement actions and significant non-compliers are published in paper.	There are no regulatory requirements.
10- Annual reports?	NPDES enforcement information is published as part of a larger annual agency report.	There are no regulatory requirements.	There are no regulatory requirements.	Yes, regulations require an annual water enforcement report.	There are no regulatory requirements.

Ohio	Pennsylvania	Washington	Wisconsin	Federal Regulations
Regulations require public notice in newspaper for certain penalties and violations.	There are no regulatory requirements however the state has launched the EFACTS online database to provide citizens access to enforcement information.	Regulations require quarterly press releases of all violations and separate releases for of any violation over $10,000.	There are no regulatory requirements.	The EPA compiles the Permit Compliance System, a database of CWA enforcement information. While the database could be useful in the way it is structured, data error and lack of data make it difficult to use.
NPDES enforcement information is published as part of a larger annual agency report.	NPDES enforcement information is published as part of a larger annual agency report.	Yes, regulations require an annual water enforcement report.	There are no regulatory requirements.	Not applicable.

Question	Florida	Georgia	Michigan	New Jersey	North Carolina
11-Confidentiality?	Permitees may make a confidentiality claim to protect financial and production data. However, no information provided on permit application forms or required attachments may be considered confidential.	Regulations say information required by NPDES application forms may not be claimed confidential.	Regulations say it is up to the Department what can be withheld as confidential information.	The Department shall protect from disclosure any information, other than effluent data or information required on permits, upon a satisfactory showing by any person that the information, if made public, would divulge methods or processes entitled to protection as trade secrets of such persons.	All records, reports, and information required to be submitted to the Commission or the Director; any public comment on these records, reports or information; and the draft and final permits shall be disclosed upon request to the public unless the person submitting the information can show that such information, if made public, would disclose methods or processes entitled to protection as trade secrets.
Funding and Resources					
12- What are the permit fees?	Yes. Fees range between $200 and $11,000.	There are no permit fees.	There are no permit fees though the state legislature is debating the issue as of June 2003.	Yes. Fees range between $500 and $400,000.	Yes. Fees range between $100 and $7,500.

Ohio	Pennsylvania	Washington	Wisconsin	Federal Regulations
The DENR may withhold any information other than data concerning the amounts or contents of discharges or the quality of the receiving waters if the director decides that information would divulge trade secrets.	The Department reserves the right to block public access to any info besides effluent information in an NPDES application, but if that info is from a form they must check with the Regional Administrator.	Regulations say federal NPDES forms have nothing that can be called confidential	Permitees can petition to withold information on a case by case basis; state can only regulate what comes out of the pipe.	Information required by NPDES application forms provided by the Director under § 122.21 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.
Yes. Fees range between $180 and $54,000.	Yes. Fees are a flat $500 per facility per year.	Yes. Fees are variable.	State regulations establish a fee based on the type and quantity of discharges with a base fee of $500 for major permitees and $250 for minors.	Federal regulations do not require permit fees.

Appendix C: Methodology for Calculating Overall Grades

Each state was issued a grade of "A" through "F" for questions' 1, 3, 4, 6, 8, 9, 10, 12, corresponding policy. Questions 2, 5, 7, and 11 were graded as either passing or failing grades.

Each grade received points to count toward an overall grade.

Grades received the following points:

"A" = 4 points

"B" = 3 points

"C" = 2 points

"D" = 1 point

"F" = 0 points

For questions that were graded as passing or failing:

"P" = 2 points

"F" = 0 points

Scores for several of the questions were weighted based on their relative importance in the enforcement process. Questions 1, 3, and 6 received double points. Scores for question 5 were multiplied times six and scores for question 12 were multiplied times three.

For each state, the total number of points was tabulated and assigned an overall grade based the following scale:

66-70 = A

63-65 = A-

60-62 = B+

56-59 = B

52-55 = B-

48-51 = C+

42-47 = C

38-41 = C-

35-37 = D+

30-34 = D

28-29 = D-

0-27 = F

ENDNOTES

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