

WATER QUALITY ENFORCEMENT

Policies & Procedures

Policy No.: WQE-7
 Initiated By: R. Shukle
 Approved By: [Signature]
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MINOR DOMESTIC FACILITY

SIGNIFICANT NON-COMPLIANCE POLICY

Purpose:

To provide guidance to Division staff on minor domestic facilities that have entered a significant non-compliance (SNC) mode, as a result of two significant or four marginal violations of the same parameter within a six month period. The policy is established to factor Field Support Section (FS) staff (district engineer (DE)) and a representative from the Grants/Revolving Fund (G/RF) Unit into the process at the first sign of SNC, with the hope of returning the facility to compliance without formal enforcement action being necessary. Formal enforcement will likely be necessary where non-compliance is chronic or violations are other than O&M related. Compliance schedules included in enforcement actions will, to the extent possible, consider time frames for funding alternatives. The role of the DE in this process is an initial step toward implementation of the Division's sustained compliance initiative.

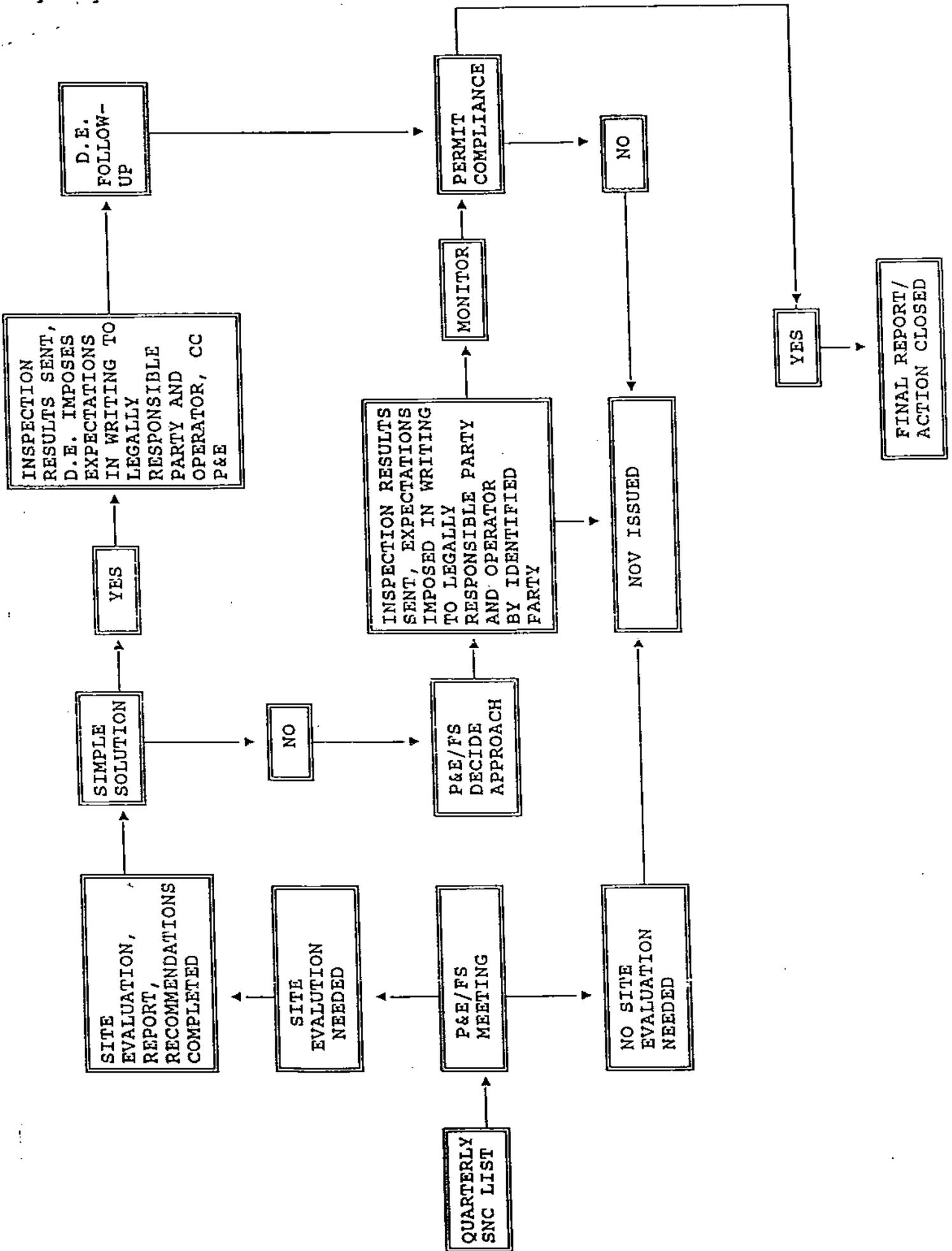
Policy/
Procedure:

At the time DMR or other effluent data indicates that a permittee is in SNC, the P&E section (DMR review staff) will generate a letter to that effect. The letter will notify the permittee that enforcement action is imminent unless the facility can be returned to compliance within a relatively short (6-9 month) period of time. A copy of the letter, along with an "SNC tracking sheet", will be sent to the DE with the expectation that the DE will begin investigating the cause of the violations. The investigation will generally require a site visit unless a recent detailed inspection or other pertinent information (preliminary engineering report, etc.) is available. Where field follow-up is deemed necessary, the appropriate field support staff will be responsible for doing a thorough facility inspection and an evaluation of the management of the entity as a means of identifying shortcomings in the design, operation, or maintenance of the facility, and to document administrative problems, which may be preventing the entity from meeting permit requirements. The inspections must identify specific areas of non-compliance with permit conditions should future enforcement be necessary. This will improve the Division's ability to quickly guide the permittee in a direction which will eliminate the violations or, if compliance isn't

achieved, make for a more accurate notice of violation. The results of the inspection along with recommendations for alleviating the problems will be provided to the permittee, the appropriate P&E unit leader, and the G/RF unit. The recommendations should be included in a cover letter which stresses the importance of moving quickly to remedy problems and identifies formal enforcement and civil penalties as an end-point should the entity fail to adequately react. Copies are to be sent to both the operator and the person legally responsible for the facility (mayor, district president, etc.). Should major construction be found to be necessary the DE will notify the G/RF unit leader who will assign a staff member to contact the permittee regarding funding of an engineering study if one has not already been initiated. The DE and the G/RF staff will be expected to have completed any necessary investigations in time to participate in the quarterly meetings which are described below.

Prior to the end of each calendar quarter the P&E section will generate a list of facilities which are in SNC. Respective P&E, D.E. and G/RF staff will discuss the facilities which appear on the list for the first time as to what action (NOV, progress monitoring, etc.) will be taken to move the facility toward compliance during the next quarter. Any facilities which are identified as requiring major construction and which are not expected to be back in compliance within the quarter will be considered for immediate enforcement. Since the intent of this process is to try to bring facilities into compliance before enforcement action is taken, it is imperative that inspections, reports and follow-up work be conducted in a timely manner, consistent with the specific time frames agreed to in P&E and FS discussions. Respective unit leaders will be responsible for insuring the quality and timeliness of the work. For SNC facilities, it is important that all phone calls and meetings be documented in writing, with copies sent to both FS and P&E.

This program is considered to be a top priority, and FS staff must retain some flexibility in their schedules during the first month of each quarter. This will allow for more timely response to these facilities. When a commitment cannot be met, such as an inspection or report, enforcement action may need to proceed without the input of FS. Rescheduling may be possible, but it will be the responsibility of the FS unit leader to initiate the discussions with P&E staff.



QUARTERLY SNC LIST

P&E MEETING

SITE EVALUATION NEEDED

SITE EVALUATION, REPORT, RECOMMENDATIONS COMPLETED

SIMPLE SOLUTION

YES

INSPECTION RESULTS SENT, D.E. IMPOSES EXPECTATIONS IN WRITING TO LEGALLY RESPONSIBLE PARTY AND OPERATOR, CC P&E

D.E. FOLLOW-UP

MONITOR

INSPECTION RESULTS SENT, EXPECTATIONS IMPOSED IN WRITING TO LEGALLY RESPONSIBLE PARTY AND OPERATOR BY IDENTIFIED PARTY

PERMIT COMPLIANCE

NOV ISSUED

NO

YES

FINAL REPORT/ ACTION CLOSED