

WATER QUALITY ENFORCEMENT

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 Initiated By: Anne Ihlenfeldt
 Approved By: [Signature]
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Policies & Procedures

MAJOR FACILITIES ENFORCEMENT CRITERIA

OUTSIDE OF EPA SIGNIFICANT NON-COMPLIANCE CRITERIA

Purpose: This policy is established to address facilities whose non-compliance demonstrates a significant pattern of violation but does not meet the first level criteria the Division has used in the past to determine the need for formal enforcement action. Facilities that meet the second level criteria set out in this policy will be considered to be in significant non-compliance for Division purposes. This second level of criteria and guidance on EPA major facilities has been developed to allow the Division to use a longer period for evaluation of significant non-compliance than the six month period that is used in the first level of criteria outlined in Table 3 of the Enforcement Management Strategy ("EMS").

Criteria: The second level criteria used to establish whether a significant pattern of non-compliance has occurred will use a larger window than the current period of six months. Facilities will be considered to be in significant non-compliance if they have 3 significant or 6 moderate violations of a maximum, minimum, 30-day average or 7-day average limitation for a single parameter in a 15 month period. Facilities will also be considered to be in significant non-compliance if they have 6 significant or 10 moderate violations of maximum, minimum, 30-day average or 7-day average limitations for any combination of parameters in a 15 month period.

Policy/ Procedure: Twice a year, not to coincide with development of the QNCR (January 1 and July 1 are suggested), the P&E section will generate a list of facilities which are in significant non-compliance based on the criteria listed above. Major facilities which meet this second level criteria will be treated under the guidelines of Table 4, "Enforcement Response Guide", in the EMS.