Drinking Water Enforcement

Overview

• PNC designation and formal enforcement
• New enforcement procedure & flow chart
• Survey deficiency warning letters
• When to contact DWS enforcement for help
What is a PNC (Priority Non-Complier), and when are we obligated to do formal enforcement?

• Violations accumulate and a point score is given to each violation.
• When a system violation score is 11 or higher the water system is designated a PNC.
• The six-month clock starts at 11 points or higher.
• EPA requires states to be in formal enforcement by 6 months as a PNC.
• If a water system score is less than 11 and is not considered a PNC, DWS does not have an obligation to do formal enforcement by six months.
New enforcement procedure and flow chart!

- Enforcement procedure intended for field staff.
- Explains PNC designation and obligation to be in formal enforcement if a PNC by six months.
- Shows low, medium and high priority violations.
- Explains responsibilities for partners and DWS when doing enforcement.
- Informal enforcement taken by partner agencies, formal enforcement taken by DWS.
- Explains auto-generated letters being sent by DWS.
“Auto-generated” letters being sent out to PWS

- DWS sends out auto-generated letters to PWS in response to sample results/investigations.
  - Chemical contaminants exceeding the MCL
  - Lead or copper exceeding the action level
  - Confirmed *E. coli* in a groundwater source
  - Coliform investigations and repeated coliform investigations that trigger the need for residual maintenance.
- Auto-generated letters are considered informal enforcement, not formal enforcement.
- Only Bilateral Compliance Agreements (BCA) and Administrative Orders (AO) are considered formal enforcement.
Auto-generated letters create compliance schedules

- Auto-generated letters sent to PWS with copy sent to regulator.
- Compliance schedule is entered and viewable on the compliance and enforcement page at data online.
- Regulators get an email reminder 2 weeks prior to compliance schedule deadline.
Compliance schedules

• When regulator receives two week email reminder that a compliance schedule deadline is approaching, contact PWS to discuss what is needed.

• Do a contact report within six days documenting this conversation, per program element.

• If an extension is needed, contact DWS enforcement personnel first before granting extension.
Survey deficiency warning letters

• Warning letters are being sent out to PWS for high priority deficiencies that were not corrected by the deadline.

• High priority (a.k.a. priority one) deficiencies have a direct pathway for contamination, must be corrected, we will do formal enforcement to get corrected.

• We are also starting to send out survey deficiency warning letters for repeat low and medium priority deficiencies😊
When to contact DWS enforcement

• PWS is unresponsive, cannot make contact with PWS.
• Water system not being cooperative.
• PWS not willing to correct high priority deficiencies.
• Informal enforcement attempts not successful.
• Reason to believe PWS is committing criminal acts, fraud, falsifying records, etc.
• Update DWS on progress on an active enforcement case.
• Refer a PWS to formal enforcement.

Questions?

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