

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



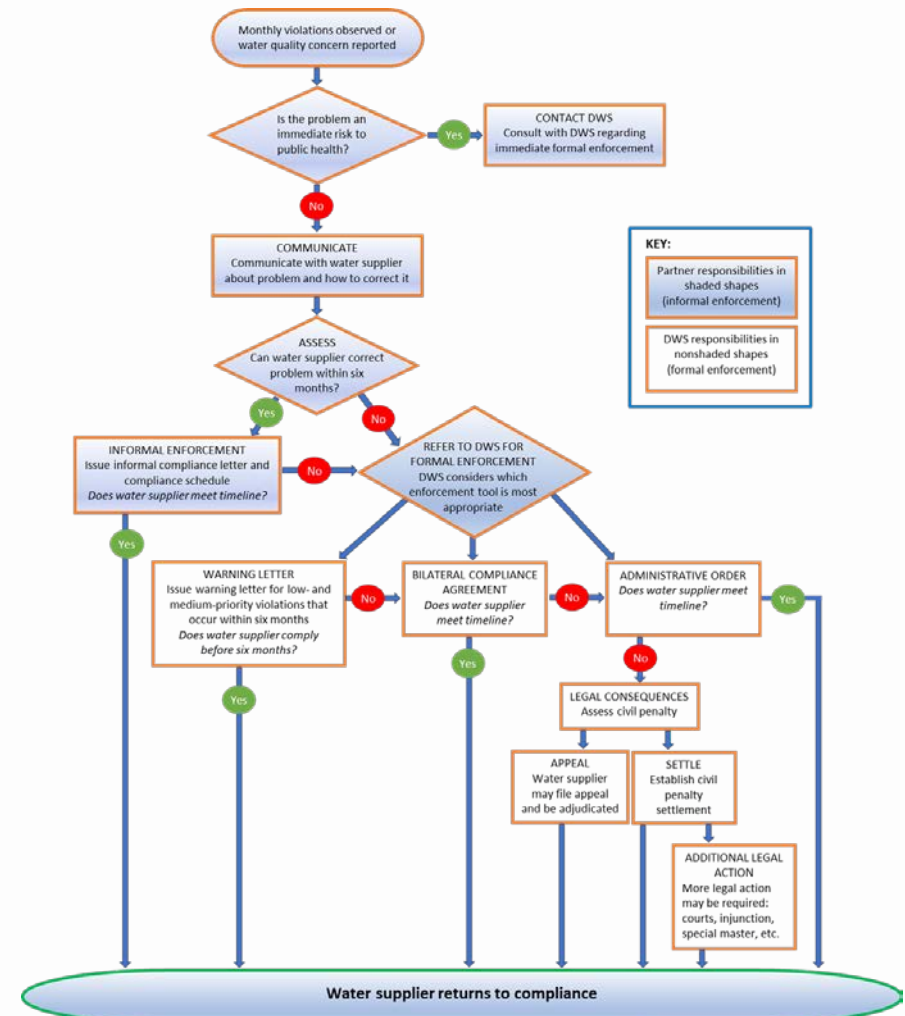
What is a PNC (Priority Non-Complier), and when are we obligated to do formal enforcement?

- 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 and Enforcement Schedules

Schedule Type All Schedules	Schedule Status <input checked="" type="checkbox"/> Open <input checked="" type="checkbox"/> Closed	Show Schedules
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Type of Action	Date Issued	Due Date	Closed Date
Lead Action Level Exceedance	Aug 01, 2018		Open
DISTRIBUTION WATER QUALITY PARAMETERS		Sep 14, 2018	Sep 06, 2018
ENTRY POINT WATER QUALITY PARAMETERS		Sep 14, 2018	Sep 06, 2018
ISSUE LCR PUBLIC EDUCATION		Dec 10, 2018	Nov 26, 2018
ENTRY POINT LEAD/COPPER SAMPLE		Mar 31, 2019	Mar 12, 2019
SUBMIT RECOMMENDATION FOR LCR TREATMENT		Mar 31, 2019	Mar 20, 2019
SUBMIT PLANS FOR TREATMENT		Sep 30, 2020	
INSTALL CORROSION CONTROL TREATMENT		Mar 31, 2021	

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.



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