FORMAL ENFORCEMENT

When, Why and the Collaborative Process

May 31, 2023

Brad Daniels
Compliance Specialist

What to expect

 How DWS Identifies Enforcement Objectives

• The Collaborative Process

Question and Answers

Preamble



Determining Enforcement Objectives

- Existing formal enforcement with overdue deadlines
- Priority non-compliers
- Existing informal compliance schedules with overdue deadlines
- Priority significant deficiencies
- MCL and treatment technique violations
- Anything else

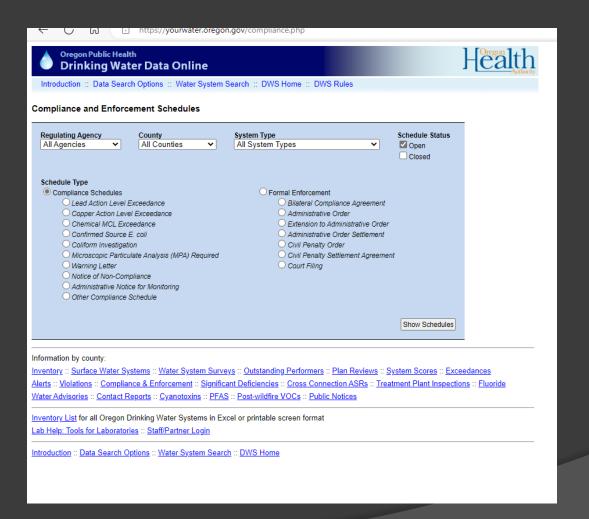
M.D.E.

• Will DWS take action, and if so, what action will it take?

<u>Mandate Discussion Experience –</u> <u>Acronyms Used</u>

- AL: action level
- AO: administrative order
- BCA: bilateral compliance agreement
- CT: a calculation of disinfection effectiveness
- DWS: you're joking, right?
- EP: entry point
- MCL: really?
- PNC: priority non complier

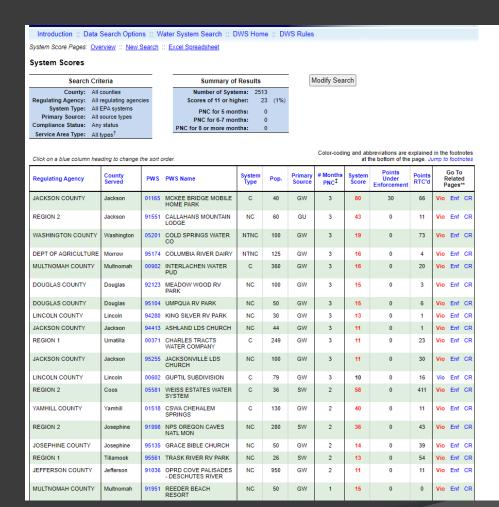
Existing Formal Enforcement



Existing Formal Enforcement

			SUBMIT ANNUAL PROGRESS REPORT			Feb 10, 2023 - Late
			SUBMIT ANNUAL PROGRESS REPORT		Jan 31, 2024	
			COMPLETE CONSTRUCTION		Jun 30, 2024	
			INSTALL CORROSION CONTROL TREAT	TMENT	Jun 30, 2024	
			COMPLETE TRACER STUDY	_	Aug 31, 2024	
			REPORT SURFACE WATER TREATMEN		Nov 10, 2024	
REGION 1	Baker	01450	UNITY, CITY OF	C 2		
			ADMINISTRATIVE ORDER		Feb 08, 2023	Open
			Scheduled Activity		Due Date	Date Completed
			SUBMIT CONSTRUCTION PLAN		Apr 09, 2023	Overdue
			INSTALL CORROSION CONTROL TREAT	TMENT	Nov 15, 2023	
			REPORT CORROSION CONTROL MEAS	SUREMENTS	Feb 10, 2024	
			REPORT CORROSION CONTROL MEAS	SUREMENTS	Mar 10, 2024	
			REPORT CORROSION CONTROL MEAS	SUREMENTS	Apr 10, 2024	
			REPORT CORROSION CONTROL MEAS	SUREMENTS	May 10, 2024	
			REPORT CORROSION CONTROL MEAS		Jun 10, 2024	
			REPORT CORROSION CONTROL MEAS	SUREMENTS	Jul 10, 2024	
			REPORT LEAD & COPPER TAP MONITO	RING	Jul 10, 2024	
			REPORT LEAD & COPPER TAP MONITO	RING	Jan 10, 2025	
REGION 1	Clackamas	00789	SANDY, CITY OF	C 0		
			BILATERAL COMPLIANCE AGREEMENT		Jan 22, 2020	Open
			BILATERAL COMPLIANCE AGREEMENT		Sep 21, 2018	Open
			Scheduled Activity		Due Date	Date Completed
			SUBMIT COMPLIANCE ACTION PLAN		Mar 30, 2020	
			SUBMIT MASTER PLAN			Dec 07, 2022 - Late
			BEGIN CONSTRUCTION		Jul 31, 2024	,
			CORRECT WATER QUALITY DEFICIENCE	DIES	Sep 30, 2027	
REGION 1	Malheur	00003			Sep 30, 2027	
REGION 1	Malheur	00002	ADRIAN, CITY OF	C 6		Onen
REGION 1	Malheur	00002	ADRIAN, CITY OF ADMINISTRATIVE ORDER		Oct 28, 2022	Open Date Completed
REGION 1	Malheur	00002	ADRIAN, CITY OF ADMINISTRATIVE ORDER Scheduled Activity		Oct 28, 2022 <u>Due Date</u>	Date Completed
REGION 1	Malheur	00002	ADRIAN, CITY OF ADMINISTRATIVE ORDER Scheduled Activity SUBMIT CORRECTIVE ACTION PLAN		Oct 28, 2022 <u>Due Date</u> Nov 30, 2022	Date Completed Overdue
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Priority Non-Compliers



Existing Informal Enforcement

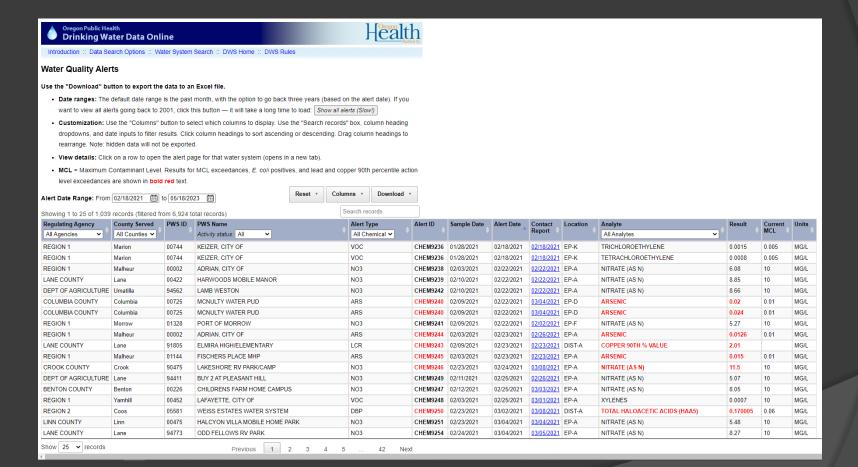
- Lead Action Level Exceedance
- Copper Action Level Exceedance
- Confirmed Source E. coli
 - Correct all deficiencies/submit plan
- Coliform Investigation
 - Correct defects or install disinfectant residual maintenance
- Warning Letter

Priority Significant Deficiencies





MCL and Treatment Technique Violations



Would you drink the water?

- Nitrate exceeding the MCL
- E. coli MCL violation
- Arsenic
- Surface water where disinfection isn't effective (CT not met)
- Surface water that isn't filtered

The Collaborative Process

- Here's what typically happens:
- I call or send you an email. We discuss whether enforcement can be avoided.
- I write an AO or BCA and together, we will add, remove or revise language until we feel the descriptions of violations are accurate and compliance actions are fair and achievable.
- A DWS technical services regional manager will be asked to approve the enforcement document. If approved, it is sent to the DWS Section Manager for signature.
- We remain in contact, tracking progress and determining appropriate next steps as compliance progresses.

Reminders

 Oversight regulators are expected to remain involved as enforcement efforts progress.

Oversight regulators are expected to monitor compliance schedule deadlines.

QUESTIONS?

