

MEMORANDUM # 8-85

NPDES Enforcement Policy (issued 4/7/85, updated 10/1/01)

The permittee is strictly liable for any violation of the NPDES permit; however, this policy will focus on those repeat effluent violations of sufficient magnitude and duration to be considered for regulatory review or response.

The Division will use EPA's definitions of "Significant Non-Compliance" (SNC) and "Chronic Non-Compliance" (CNC) as guidelines in considering enforcement action for effluent violations reported by the permittee on the monthly Discharge Monitoring Reports (DMRs: **DMLR-PT-119**).

§§4 VAC 25-130-816.42 and 4 VAC 25-130-817.42

- Reported effluent characteristics in excess of the monthly average limitation will be evaluated in regard to its magnitude and duration. SNC and CNC will be considered as a violation of 45.1.254, subject to enforcement action.
- **Significant non-compliance** (SNC)– monthly average limitation is exceeded by 40% or more for any 2 months in a consecutive 6-month period.
- **Chronic non-compliance** (CNC)- monthly average limitation is exceeded by 40% or more for any 4 months of a consecutive 6-month period. Violations of pH or settleable solids limitations in 4 months of a consecutive 6-month period.
- **Technical Review Criteria** (TRC) – 40% excess of limitation for total suspended solids, iron, and manganese parameters. (Settleable solids and pH do not have monthly average limitations; therefore, are not evaluated using this criteria.)

| Parameter | Monthly Average Limit | TRC |
|------------------------------|-----------------------|----------|
| Total suspended solids (TSS) | 35 mg/l | 49 mg/l |
| Iron (existing source) (TFe) | 3.5 mg/l | 4.9 mg/l |
| Iron (new source) (TFe) | 3.0 mg/l | 4.2 mg/l |
| Manganese (TMn) | 2.0 mg/l | 2.8 mg/l |

All NPDES monitoring and reporting required of the permittee will remain unchanged, and there will be no change in the policy regarding single event and short term non-compliance that is reported by the permittee. The field inspector upon the next routine inspection will address all daily maximum and monthly average violations that are noted on the DMRs. However, violations deemed to be serious shall be investigated and addressed immediately.