SINGLE EVENT VIOLATION DATA ENTRY GUIDE FOR ICIS-NPDES

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Washington, DC 20460

October 15, 2008

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(VERSION 1.0 - OCTOBER 15, 2008)

About this Guide

This guide was released as an attachment to a joint memorandum signed on 10/15/08 by the Office of Compliance and Office of Civil Enforcement to EPA Regional Offices. Please refer to the joint memorandum for additional context and requirements for Regional reporting (for example, how this Guide relates to the Interim Wet Weather Significant Noncompliance Policy). This guide is primarily intended for EPA Regions, but it may be used by states that would like to follow the protocols used by EPA Regions. State data entry of single-event violations for major permittees are part of the existing requirements (entry of single event violations is part of the Water Enforcement National Database (WENDB) list and carries forward to the associated ICIS Addendum to the Appendix of the 1985 Permit Compliance System Policy Statement). States are currently not required to report single event violations for non-major permits/facilities to national data systems. This Guide replaces the Interim Single Event Data Entry Guide for EPA Regions only (ICIS-NPDES) that had been released to the Regions in March 2007.

1. **Introduction**

Single event violations are violations of the CWA's NPDES requirements that are documented during a compliance inspection, reported by the facility, or determined through other compliance monitoring methods by the regulatory authority. Examples of single event violations include failure to obtain required permit, sampling wastewater in an unauthorized location, or an unauthorized wastewater bypass or discharge. Single event violations do not include violations generated automatically (e.g., effluent limit violation from a DMR, or compliance schedule violations) by the Integrated Compliance Information System for the National Pollutant Discharge Elimination System program (ICIS-NPDES).

Single event violations include one-time events and long-term violations. Single event violations are used by EPA to maintain and report the compliance status of a facility for violations that are not automatically flagged by the database. Methods of detection of single event violations include inspections; information collection requests; state/tribal referrals; DMR comments; annual reports, non-compliance reports, and other reports required under the permit, enforcement order, or regulation; facility self-audits; and citizen complaints. In the case of unpermitted facilities, single event violations may be entered in response to violations of CWA NPDES regulations. In certain cases, single event violations may also include violations of the NPDES permit or an enforcement order. The data are critical to forming an historical record of inspection findings and compliance determinations that are made by the NPDES regulatory authority.

Single Event Violations discovered by EPA and the states are required to be entered into the national databases (ICIS-NPDES or PCS) for major NPDES permittees. Via a joint memorandum on 10/15/08 from the EPA Office of Compliance and Office of Civil Enforcement to the Regional offices, data entry of single event violations discovered by EPA Regional offices became required for non-major permits/facilities starting in fiscal year 2009. Regional offices should use the appropriate database (PCS or ICIS-NPDES) as determined by which data system the state is using (e.g., Regions finding single event violations in non-migrated PCS states would enter their data into PCS).

EPA continues to strongly encourage state entry of single event violations for non-major permits/facilities; however, at this time, there is no requirement for states to enter this information into national databases. The CWA regulations (40CFR123.26) do require states to have a tracking system for violations that they discover. To meet this requirement, states are using their respective data system, ICIS-NPDES, or PCS to track single event violations.

The purpose of this document is to provide clarification on the data entry and use of single event violations in ICIS-NPDES so that the data elements are maintained in a nationally consistent way. Regions (and states that are submitting SEV data to ICIS-NPDES) should follow this Guide to ensure that information in the national system represents a common understanding of what each field means. There are a few minor technical differences in the handling of single event violations by the Permit Compliance System (PCS) and ICIS-NPDES, which are further described in this document.

2. Background

Violation tracking is important because it creates a historical electronic record of inspection or compliance monitoring findings. Tracking inspection results can impact future enforcement decisions, particularly when a permittee continues to exhibit the same violation over the course of several years. Repeat violations may lead the regulatory authority to escalate or reclassify the violation (e.g. by designating Reportable Non-Compliance or Significant Non-Compliance). Electronic documentation of violations also improves the accuracy of public information, particularly since the lack of any violations in the system is normally interpreted as full compliance by the database user.

This Guide does not create new reporting requirements, but instead is designed to ensure that users entering single event violations are doing so in a consistent way. This guide has been prepared to offer practical examples on how the data should be maintained in the system. The regulatory authority should consult the list of reportable single event violations (Attachment 1), and enter any listed violation that is determined through inspections, review of self-reported information, or other means of discovery. If the regulatory authority has the need to track additional violations beyond those listed on the table, the system provides the flexibility to enter an "other violation" code, which can be augmented with comment field narrative.

3. Entering a Single Event Violation and Definitions

To enter a single event violation into ICIS-NPDES, the regulatory authority (i.e., region, state, tribe) needs to identify the following—

- Either the specific permit that is being violated (i.e., NPDES ID) or, in the case where there is no Permit, the violating Facility (i.e., Unpermitted NPDES ID)

- The type of the violation (Attachment 1 provides a list of codes and definitions)

- The duration of the violation

- The agency that discovered the violation (This field will be added to ICIS-NPDES in December 2008. Please refer to upcoming ICIS-NPDES documentation requirements for the data entry details on entering the lead agency.)

- For violations that rise to the level of Reportable Noncompliance (RNC) or Significant Noncompliance (SNC), additional data points are required to flag the severity and resolution. This is particularly important for violations that meet the Wet Weather SNC criteria described in the *Interim Wet Weather SNC Policy* (issued to Regions only on October 23, 2007).

This is the minimum information required to enter a single event violation for either a specific permit or an unpermitted Facility in ICIS-NPDES. This can be accomplished through data entry online (i.e., Web) or future batch data entry. These data elements in

combination form a unique key by which the single event violation can later be identified and retrieved in ICIS-NPDES.

A Comments field and five user-defined fields will also be available to further describe the single event violation. The Comments Field is required when the Single Event code "Violation Specified in Comment" is used.

It is critically important that all single event violations that are more than one day in duration receive a "Start Date" and an "End Date". Regulatory agencies should also take credit for enforcement activities to resolve single event violations by making use of the enforcement action data entry component of ICIS-NPDES. Enforcement actions can be linked back to the single event violations that they address.

Definitions

The following definitions and examples clarify the use of these fields in ICIS-NPDES:

Violation Date: This is a system-required field that should be the date the violation first occurred or, if unknown, the date the violation was discovered (e.g., observed, reported, etc.). If the "Start" and "End" dates discussed below are not populated, a single event violation with only a "violation date" populated is treated as a one-day only violation. Any violation with a duration of longer than one day should have the "violation date" and the "violation start date" filled in with the same date.

Violation Start Date - For any single event violation with duration of longer than one day, the Violation Start Date should be populated using the same definition as the violation date above. As noted above, the regulatory authority can choose to input the actual start date of the violation if that date precedes the date that the government obtained first knowledge of the violation.

> Example 1: A sampling inspection is conducted on 1/1/05. Violation is confirmed via lab test on 3/1/05. Violation start date is 1/1/05. ICIS-NPDES should reflect a single event violation beginning on 1/1/05.

> Example 2: Inspection record review performed on 2/1/05 determines that a permittee failed to sample as required on 1/1/05, and has missed all required sampling since that time. Regulatory authority should set start date as 1/1/05 even though violation was not detected until 2/1/05.

Violation End Date – This is the date that a single event violation receives an end date in ICIS-NPDES. The regulatory authority should end the violation at the point that it is satisfied that the violation no longer exists (return to compliance). There are several ways that the regulatory agency may determine return to compliance, for example, (1) a facility has self-corrected a violation and provided satisfactory documentation to the regulatory authority, (2) the regulatory authority may have conducted follow-up compliance monitoring proving the problem is fixed, (3) the violation may have been corrected as a result of a government action, or (4) the violation could have been

corrected at the conclusion of a compliance schedule. If the regulatory authority is aware that a facility has returned to compliance before government action is taken, the end date should reflect the return to compliance date, not the date that government action is taken.

> *NOTES:*
> 1. *Facilities with open single event violations (meaning a start date was entered, but no end date) will continue to appear in violation in the national and the public databases until the end date is entered. The regulatory authority should use its judgment in regard to "ending" a single event violation. For example, if the violation is determined to be closed prior to the issuance of an enforcement action, it should be "ended" in the database. Also, in the situation when the regulatory authority notices old or obsolete violations that do not have an end date, an end date should be entered so the facility does not appear to be in violation erroneously.*
> 2. *In the case of a one time event such as a spill, the violation date can be entered into ICIS-NPDES without filling out the "start" or "end" date because the system will assume it is a one day violation. If the regulatory authority prefers to enter the start and end date, EPA recommends that the start and end date be set to the same day.*
> 3. *If the violation is for failure to report or incorrect reporting, the end date should be set to the end date of the period covered by the missing/late/inaccurate report (rather than the date that the report is corrected or received).*

RNC Detection Date and associated RNC/SNC Determination – If the regulatory authority determines that the single event violation merits classification as RNC or SNC (e.g. meeting existing SNC definitions in the ERP, or the Interim WW SNC Policy), the RNC Detection Code/Date (see Attachment 2) should be entered.

The RNC Detection Date is normally the date that the regulatory authority "determines" that RNC (or SNC) criteria has been met (typically via a management review of inspector findings, etc.). If the date that the "RNC/SNC determination" is made is not known, the regulatory authority may use the violation start date, or the compliance monitoring/inspection date as the RNC Detection Date.

RNC Resolution Date – The RNC Resolution Date applies to the RNC or SNC **resolution** status of the violation.

Technical Discussion of RNC Resolution Date

> *The RNC fields should be entered manually.   If only the RNC Detection Code and Date are entered, the system will automatically set the RNC Resolution Code to non-compliant and the RNC Resolution date will default to the RNC Detection Date that was entered. When a formal enforcement action is issued, the RNC Resolution will be automatically changed to Resolved Pending, and will change to resolved when the formal enforcement action is closed in ICIS. For automatic resolution to occur, single event violations must be linked to the formal Enforcement*

Action non-penalty Final Order that includes a compliance schedule. The regulatory authority may decide to manually resolve the violations if the facility returns to compliance, or when the determination is made that action by the regulatory authority is not warranted.

Additional Technical Information

Creation and Association of Violations to a NPDES ID. Users must first ensure that violations are associated with an existing ICIS facility. If a facility does not exist in ICIS-NPDES, because a) the regulated facility data has not yet been loaded by the regulatory authority, or b) the facility is an unpermitted source, then the user should follow established procedures to establish a new facility in the database to enable single event violation data to be entered.

Editing and Linking Activities. Users should link related inspections, violations, and actions to each other so that an accurate activity record can be maintained. An existing single event violation can be edited, linked to and unlinked from an inspection or other activity (Investigation, Information Request, or Offsite Record Review), and, if necessary, deleted in the circumstance that the original determination is found to be erroneous. Each of these actions is subject to a discrete set of edit checks and business rules and can be accomplished by authorized batch or Web users. More information about linking activities and creating IDs is available directly from ICIS (see "ICIS Guidance" area then "ICIS User Guide").

At the time this document was published, final rules for linking had not been developed for "batch." This information will be provided at a later date.

Retroactive RNC/SNC determinations. Single event violations should be entered into ICIS-NPDES in accordance with existing data entry timeliness standards. If this does not happen, an RNC or SNC level single event violation can be entered retroactively after the quarter has been analyzed by ICIS-NPDES for RNC/SNC determination.

*Technical Discussion: To retroactively enter RNC/SNC determinations, the user will be expected to enter the RNC Detection and Resolution codes and dates on the Single Event Record. In most cases, the Resolution Code would already be resolved. In addition, the user will need to review the official QNCR for that quarter to see if there are any other violations in noncompliance. There is a priority for setting Permit RNC Status. For example, a schedule violation is number one on the list and the Permit RNC Status would not be changed in that situation. However, if the only violations for the quarter are for the retroactive single event violations, the user will need to manually populate the Permit RNC Status values with either **E** (RNC Manual Detection Codes of B, I, G, and J) **or N** (RNC Manual Detection Codes of D, E, F, Q or W) as appropriate for that quarter (see Attachment 4).*

QNCR Processing and Public Access Display

The following statements apply to QNCR processing and violation tracking in ICIS-NPDES:

–   facilities with any permit violation during a quarter are considered in violation
–   the "Permit RNC Status" field (see Attachment 4 for codes) is used in ICIS-NPDES to track the quarterly non-compliance status for both major and non-major permits; however, only major permits with reportable non-compliance (RNC)-level violations will make the official, regulatory QNCR
–   non-major permits/facilities that have violations will not go on the regulatory QNCR, (unless the regulatory authority re-designates the permit as a major); however, the quarterly noncompliance status will be publicly available (via FOIA or web site such as Enforcement and Compliance History Online - ECHO).

4. ICIS-NPDES Screen Flow and Data Entry Progressions and Codes

Changes from PCS. Some single event violation functionality has been changed and improved from how it operated in legacy PCS to better align the system with users' business needs. A summary of such changes follows.

- **Linking/Unlinking a Single Event Violation and an Inspection**

    Single event violations may be identified during an inspection of a facility or other compliance monitoring methods (Investigation, Information Request, or noncompliance report received). Likewise, the identification of a single event violation may cause an inspection of a facility to be initiated. However, legacy PCS did not provide a means to capture the relationship between these two activities. To improve data quality and facilitate reporting, ICIS-NPDES users can link a single event violation directly to an Inspection or other activity when applicable. ICIS-NPDES will also allow users to unlink a single event violation from an Inspection or other activity if that relationship is deemed invalid.

- **Capture of Single Event Violation Duration**

    Many single event violations will span multiple days. Legacy PCS did not provide a means to capture that time frame. To capture the duration of the particular violation, users should enter a Single Event Violation Start Date and a Single Event Violation End Date (when known).

The following sections discuss the details behind these modernization features and the requirements, functionality, data elements, and business rules that support the processing of single event violations in ICIS-NPDES. After adding the Single event violation, Web users will be able to—

- Edit a Single Event Violation
- Link a Single Event Violation to an Inspection, or other means of discovery
- Add another Single Event Violation.

Users may enter or update the Single Event Violation Start and End Dates as well as user-defined data elements and Comments using the edit feature. They may also enter and/or update manual RNC detection and resolution data. As a general rule, edits can occur at any time after the single event violation is added in ICIS-NPDES. The processing that supports this edit feature is discussed below in terms of online data entry.

ICIS-NPDES Screen Progressions and Codes. Figure 1 shows the Add Single Event Violation screen. The user will be able to navigate to this screen from three points within the application as follows:

- From the ICIS-NPDES Home Page, the user will click on the Add Single Event Violation hyperlink under the heading NPDES Violations. The Add Single Event Violation screen will display.

- From the List Single Event Violation screen, which is displayed as a result of a NPDES Violations search, the user will click on the Add Single Event Violation link located in the upper right corner of the screen. The Single Event Violation Key Data screen will display.

- From within the Permit, the user will—
  – Click on the NPDES Violations tab. The Violation Search Criteria screen will display.
  – Click on the Single Event Violation radio button and search
  – Click on the Add Single Event Violation link located in the upper right corner of the screen. The Single Event Violation Key Data screen will display.

Figure 1. Add Single Event Violation Screen[1]

The table below describes the most common ICIS-NPDES data entry progression as it relates to the violation review process outlined in the Enforcement Management System (EMS). All data entry should be done according to the targets for data quality set forth in existing guidance.

Table 1. Data Progression Example 1

	Activity Performed	**ICIS-NPDES Data Entry**	**In Violation**	**In SNC**
A	Compliance Monitoring	Enter Inspection	-	-
B	Non-Compliance Determined	Enter appropriate Single Event Violation(s) and link to Inspection (or other activity) record	Yes	No
C	RNC/SNC Determined	Add appropriate RNC Detection and Resolution Code to Violation record	Yes	Pending system-generated RNC/ SNC Status
D	Notice of Violation (NOV) sent	Add Informal Enforcement Action Code and link to Violation record	Yes	Pending system-generated RNC/ SNC Status
E	RNC/SNC Processing	System-generated. No data entry required.	Yes	Yes
F	SNC Addressed with Formal Enforcement Action and Compliance Schedule	Enter Formal Enforcement Action (non-penalty Final Order) and Compliance Schedule, and link to Violation for automatic RNC/SNC resolution	Yes	System-generated "Resolved Pending" status
G	Completion of Compliance Schedule	Complete schedule, close out action, and put end date on single event violation	No	No

Another variation on this progression is presented in the following table, where a facility returns to compliance before it is designated in SNC.

Table 2. Data Progression Example 2

	Activity Performed	ICIS-NPDES Data Entry	In Violation	In SNC
A	Compliance Monitoring	Enter Unpermitted Facility data	-	-
B	Non-Compliance Determined	Enter appropriate Single Event Violation(s) "Failure to Apply for a Permit"	Yes	No
C	RNC/SNC Determined	Add appropriate RNC Detection and Resolution Code to Violation record	Yes	Pending system-generated RNC/ SNC Status
D	Notice of Violation (NOV) sent	Add Enforcement Action Code and link to Violation record	Yes	Pending system-generated RNC/ SNC Status
Facility applies for a permit 30 days later.				
E	Permit Application	Enter Permit application data and link to Unpermitted Facility	-	-
F	Non-compliance Resolved	Put end date on single event violation for unpermitted facility and add manual RNC Resolution Code	No	Pending system-generated RNC/ SNC Status
G	RNC/ SNC Processing at Unpermitted Facility	System-generated. No data entry required.	No	System-generated "Resolved" status

5. **Scenarios**

To ensure consistency across regulatory authorities, OECA recommends that single event violations discovered by the regulatory authority and listed on the single event violation table should be:

    (1) **tracked** as a single event violation,
    (2) **linked** to the inspection or other compliance monitoring activity if applicable,
    (3) **evaluated** for RNC/SNC by the regulatory authority, with appropriate RNC detection codes entered into the database that reflect the determination made, and
    (4) **resolved** (some resolutions result in resolved pending status):
        a. resolved as a result of a formal enforcement action non-penalty final order with a compliance schedule linked to the violation,
        b. resolved because the facility has returned to compliance on its own (or via an informal action), or
        c. resolved due to the decision that action will not be taken by the regulatory authority.

Note: If the violation is entered for tracking purposes and will not receive action, step 4 is not necessary, but the appropriate single event violation end date needs to be entered as discussed in the definitions section and the following scenarios.

The following scenarios demonstrate how ICIS-NPDES should be used to document a complete and consistent set of "pipeline" data (inspection, violation type/duration, action) that is necessary for inspection-driven programs. For "actionable" single event violations, the regulatory authority should use SNC designations consistent with the EMS.

5a. Traditional Program and Pre-treatment Scenarios for DMR-submitting Facilities (practices for facilities that have a QNCR generated - majors or non-major standard permits)

Scenario 1 -   **Violation found via inspection at facility that submits DMRs - action required.**

> **Facts:** On 12/1/04, the regulatory authority inspected Facility X. On 1/1/05, the regulatory authority determines that sampling has been improperly conducted since 9/1/04, which produces DMRs that are not correct. The regulatory authority determines that the detected violation has "masked" true SNC. Facility agrees to fix problem for future quarters beginning in the April 2005 quarter. Formal administrative enforcement action is completed on 5/1/05.

> **ICIS Data Entry:** Inspection on 12/1/04 is entered. After the 1/1/05 determination is made, the regulatory authority enters the SEV and selects 9/1/04 as the violation date and start date. *[Note that by entering the violation*

date as 9/1/04, *this assumes the regulatory authority wants to "backdate" the violation to when it started.]* The SEV is linked to the inspection. Although the single event violation start date is recorded as 9/1/04, the RNC detection code is entered with the detection date of 1/1/05. Depending on the RNC code entered for the single event violation, the SNC (RNC Permit status code of E or N) will be automatically generated in the Jan-Mar reporting quarter if no other types of violations exist for the facility. The SEV end date is chosen as 3/31/05 - the date that the regulatory authority verifies that the DMR data stops being corrupted by the sampling problems. The regulatory authority issues a formal enforcement action, non-penalty final order on 5/1/05 and links the action to the single event violation and enters a compliance schedule event. RNC will be automatically changed to Resolved Pending and will remain until the final order is closed. The user can: a) use compliance schedule event "Achieve final compliance with all obligations under this order" (CS031) when no specific events are required, b) and when the requirements of the Order are met, enter the Enforcement Action Closed date under the Milestones (which will automatically populate the NPDES Closed Date in the Final Order). Once the Closed Date has been entered, the RNC resolution will automatically change to "Resolved".

Scenario 2 -   One time significant spill at major occurs with fish kill.

Facts: Facility operator error causes spill on 1/1/05. The regulatory authority determines spill is significant and that a penalty order is needed on 3/1/05. No injunctive relief was needed.

ICIS Data Entry: The SEV is entered with 1/1/05 for the violation date and (no start or end date needed). System assumes one day event. After the regulatory authority evaluates the spill to be SNC, RNC Code "J" needs to be manually entered indicating "unpermitted discharge" (other codes are available for different situations) that will trigger SNC (RNC status code=E) in that quarter. The RNC detection date corresponds to the date that the regulatory authority first found out about the spill. Penalty order on 3/1/05 is entered and is tied to the SEV in system. Since penalty actions do not automatically resolve SNC in ICIS-NPDES, the regulatory authority would manually resolve SNC by adding a resolution code and date of 3/1/05. Penalty order is closed out when the actual date is entered under the Milestones, Enforcement Action Closed.
Note: If injunctive relief was needed, a formal non-penalty action with a compliance schedule would be entered in addition to the penalty order.

Scenario 3 -   Multiple spills that are actionable are determined during facility audit or review of files.

Facts: 150 spills are determined through a file review on 1/1/05.

ICIS Data Entry: After the 1/1/05 review is entered, the regulatory authority should enter one SEV (with start and end dates corresponding to the dates of the first and last spill) with an RNC code with a note in the comment field indicating the number of spills, the estimated volume of the spill, and the pollutants involved. *Depending on the source of the information (emergency response database, SSO spills database, etc.) and the spill severity (measured by volume or pollutant), the regulatory authority may use their best judgment to decide whether or not to track the information in ICIS-NPDES.*

Note: Ideally, EPA recommends that all reported spills are entered into the system as they occur. This data will demonstrate a pattern of non-compliance which should be a factor in determining whether to take an enforcement action and what type of action to take. However, if this is not possible, it is recommended to "backdate" the noncompliance. In cases where the true start date for the violation is not known, the earliest available date of discovery (e.g. inspection, data entry) should be used.

Scenario 4 - **Minor violations found at facility requiring follow-up with 308 letter, but no action.**

Facts: Violations found on 1/1/05 during an inspection. On 2/1/05, inspector or enforcement officer sends a 308 letter to obtain more information in order to make a RNC determination. Response is due on 3/1/05, and inspector receives response to letter on 2/25/05 with sufficient information indicating that the violation was corrected on 2/15/05. No formal action taken because inspector determined that violations were minor and self-corrected.

ICIS Data Entry: The SEV is entered with 1/1/05 for both the violation and state dates, and 2/15/05 for the end date. A 308 letter is entered in the Compliance Monitoring section, Add Information Request category, and actual date should be entered and linked to the SEV. System will not track need for report by 3/1 because a formal compliance schedule was not entered.

Scenario 5 - **Pretreatment Violation Tracked to Resolution with No Action Needed.**

Facts: The EPA Region is the control authority for a state in which an inspector finds a categorical industrial user (CIU) discharging to a publicly-owned treatment works (POTW) without an approved pretreatment program and not reporting as required under federal regulations, on 1/1/05. The reporting violation is corrected and verified (without inspection) on 3/1/05, no enforcement action needed.

ICIS Data Entry: Create NPDES Facility Interest record for the CIU by entering a NPDES permit record with Permit Type "Industrial User". The receiving POTW NPDES ID and a NPDES ID must be entered to save the

record. The SEV is entered with 1/1/05 for both the violation and state dates and 3/1/05 for the end date and is linked to the inspection record. No RNC tracking or action.

Scenario 6 -   Tracking a facility as a known Categorical Industrial User.

Facts: During a Pretreatment inspection an inspector finds violations on 1/1/05 for failure to submit Periodic Compliance Reports (PCR), not monitoring for all the required pollutants, not applying right standards, or sampling methods. The regulatory authority decides on 2/1/05 that violations are serious and action is required. Formal administrative action is taken on 3/1/05. The CIU submits the reports and corrects all the violations on 3/31/05.

ICIS Data Entry: The SEV is entered with both the violation and start dates of 1/1/05 and is linked to the inspection record. Enter RNC detection code "Q" (see Attachment 2), and detection date of 02/01/05. The formal enforcement action non-penalty Final Order is entered and tied to the single event violation(s) on 3/1/05 with a compliance schedule entered indicating report and corrective actions are due by 3/31/05. This will resolve pend the single event violation(s). The compliance schedule is completed with the entry of the actual and received dates. The violation end date(s) and the enforcement action closure date of 3/31/05 are entered. Closing the enforcement action will automatically resolve the single event violation(s).

5b. Scenarios for Wet Weather Violation Tracking CAFOs, CSOs, SSOs, and Storm Water

"Wet weather" regulated entities refer collectively to storm water runoff, discharges from concentrated animal feeding operations (CAFOs), combined sewer overflows (CSOs), and sanitary sewer overflows (SSOs) that are regulated under the Clean Water Act (CWA), 33 U.S.C. §§ 1251 *et seq.*, and the National Pollutant Discharge Elimination (NPDES) Program, under CWA § 1342. Frequently – but not always – discharges of pollutants from these operations are related to weather events. The discharges can be non-weather related as well, *e.g.,* illegal dry weather overflows from combined and sanitary sewer systems.

ICIS-NPDES provides the flexibility to track violations at both major and minor (or non-major) facilities. The system allows for "single event violations," "reportable noncompliance," and "significant noncompliance." For major permits, the regulatory authority should use the *Interim Wet Weather SNC Policy* (issued to Regions only on October 23, 2007) and the *Enforcement Management System* to determine whether violations rise to SNC level. However, the vast majority of wet weather violations will be for non-major permits/facilities. Regulatory authorities may choose to use the system functionality to track the severity of violations for non-major permits/facilities; however, any RNC or SNC violations entered for non-major permits are not part of the regulatory quarterly noncompliance report (QNCR) because the QNCR only applies to major permits. OECA will assume that any non-major permit/facility that is designated in SNC in the database does not belong on the regulatory QNCR. If a regulatory authority believes a non-major permit/facility should be on the QNCR, it should be designated as a "discretionary major[2]."

This guide provides a framework for how ICIS-NPDES can be used to track Wet Weather single event violations and designate RNC/ SNC, as appropriate. Entry of the single event violation will ensure an accurate database record, and will make EPA's public access site reflect the inspection results. It is critically important that all EPA single events entered are identified as being discovered by EPA (this functionality will be added to ICIS-NPDES in December, 2008). This will allow EPA to distinguish EPA violations from state-discovered violations.

Note: All scenarios assume no other violation.

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[2] EPA's June 27, 1990 memorandum, entitled "New NPDES Non-Municipal Permit Rating System," from James Elder to the Regional Water Management Division Directors provides discretion to the regulatory authority to classify a facility that does not meet the "NPDES Permit Rating Work Sheet" formula for "major" as a "discretionary major," when warranted and rationale provided. "Discretionary majors" are subject to all the data tracking and compliance evaluation screening (*e.g.,* SNC) that apply to NPDES majors.

Scenario 7 -   Wet Weather Violation Tracked to Resolution with No Action Needed.

> **Facts**: Inspector finds violation on 1/1/05. Violation is corrected and verified (without inspection) on 3/1/05, no enforcement action needed.

> **ICIS Data Entry:** The SEV is entered with 1/1/05 for both the violation and start dates; 3/1/05 for the end date; and linked to the inspection record. No RNC tracking or action.

Scenario 8 -   Violation at wet weather facility is determined to meet definition of SNC under Interim Wet Weather SNC Policy (with need for formal action).

> **Facts:** EPA Regional inspector finds a violation on 1/1/05 for failure to submit report covering 10/1/04 through 12/31/04. On 2/1/05, EPA makes a determination that the violation meets the Wet Weather SNC definition and decides that formal action is required. Formal administrative action taken on 3/1/05. Facility submits report on 3/30/05.

> **ICIS Data Entry:** The SEV is entered with 10/1/04 for both the violation and start dates and linked to the inspection record. RNC detection code "B" (see Attachment 2) and RNC Detection Date of 2/1/05 (RNC status code=E). Formal action (with a non-penalty final order) tied to single event violation on 3/1/05, and compliance schedule milestone is entered indicating report must be received by 3/30/05. Violations are automatically set to Resolved Pending. Violation end date entered as 12/31/04, the enforcement action is closed out, in the Milestones resulting in RNC resolution changing to Resolved for this violation. Compliance schedule is completed with the actual and received dates. Regions should consult the *Interim Wet Weather Policy* for guidance regarding on what violations need to be designated as SNC. SNC violations must be entered using the RNC detection codes B, I, G, or J.

Scenario 9 - Violation at wet weather facility is detected and then corrected before a <u>penalty order</u> is taken.

> **Facts:** Same scenario as #2, except penalty action is chosen, and facility returns to compliance on 2/1/05 (before the penalty action is taken).

ICIS Data Entry: The SEV is entered with 1/1/05 for both the violation and start dates; with 2/1/05 for the end date; and is linked to the inspection record. Penalty action is entered on 3/1/05 and closed out in the Milestones. At the regulatory authority's discretion, there are two data entry options: User Option A - RNC detection code is not entered since the regulatory authority decided an administrative action was not needed. User Option B - alternatively, the user could enter an RNC detection code and then

manually resolve it once a determination is made that an enforcement action is not warranted.

Scenario 10 - Multiple wet weather violations discovered during an EPA Regional facility inspection, SNC is determined, action is taken, and a long-term compliance schedule established.

Facts: Wet weather violations detected on 1/1/05 and still continuing. SNC determination is made on 1/15/05. Regulatory authority takes formal action against facility on 3/1/05 and puts the facility on a compliance schedule, at which time, the facility will have all problems corrected.

ICIS Data Entry: The SEVs are entered with 1/1/05 for both the violation and start dates, and are linked to the inspection record. RNC Detection Code of "B" is used because the violation fits the definition of the Interim WW SNC Policy. RNC Detection Date is 1/15/05. User enters enforcement action code and date of 3/1/05, and enters a compliance schedule due to be completed on 1/1/06. Both are linked to the SEV records. This puts the facility into the Resolved Pending category until the enforcement action is closed out in the Milestones. The compliance schedule actual date is entered to complete the schedule, which in turn will automatically resolve RNC/SNC status (because the order and compliance schedule are completed). The Region must also close out the violation date by putting in an end date, which in this example, is the date that the compliance schedule is completed on 1/1/06.

NOTES:

Scenarios 8 and 10 relate to violations that are detected by EPA Regional offices under the Interim Wet Weather SNC Policy (which applies only to the Regions). If a state is voluntarily implementing the WW SNC Policy, they may follow the same procedures as above. If states are tracking single event violations at non-major permits/facilities, but they do not want the violations to be determined as SNC, then RNC detection codes other than B, I, G, and J should be used (which will generate an RNC status, not an SNC status).

Attachment 1 - Available Single Event Violation codes

Code	Description	Definition
A0018	Effluent Violations - Approved Bypass	In CSO systems, can only occur after the headworks of a treatment plant.
A0013	Effluent Violations - Failed Toxicity Test	
A0023	Effluent Violations - Industrial Spill	
A0017	Effluent Violations - Inspection sample above historic DMR range	
A0022	Effluent Violations - Narrative Effluent Violation	visible sheen/ scum/ floatables
A0012	Effluent Violations - Numeric effluent violation	
A0016	Effluent Violations - Reported Fish Kill	
A0011	Effluent Violations - Unapproved Bypass	In CSO systems, can only occur after the headworks of a treatment plant.
A0015	Effluent Violations - Unauthorized Discharge of Brine	
B0019	Management Practice Violations - Best Management Practice Deficiencies	
B0024	Management Practice Violations - Biosolids/Sewage Sludge Violation (Part 503 and State Regulations)	
B0026	Management Practice Violations - Failure to Allow Entry	
B0012	Management Practice Violations - Failure to Conduct Inspections	
B0027	Management Practice Violations - Failure to Develop Adequate SPCC Plan	
B0011	Management Practice Violations - Failure to Develop/Enforce Standards	
B0028	Management Practice Violations - Failure to Implement SPCC Plan	
B0041	Management Practice Violations - Failure to Maintain Records	
B0040	Management Practice Violations - Improper Chemical Handling	
B0023	Management Practice Violations - Improper Land Application (non-503 non-CAFO)	
B0020	Management Practice Violations - Improper Operation and Maintenance	
B0025	Management Practice Violations - Inflow/Infiltration (I/I)	
B0021	Management Practice Violations - Laboratory Not Certified	
B0022	Management Practice Violations - No Licensed/Certified Operator	
B0042	Management Practice Violations - Violation of a milestone in an order	
C0017	Monitoring Violations - Analysis not Conducted	
C0011	Monitoring Violations - Failure to Monitor for Non-Toxicity Requirements	
C0021	Monitoring Violations - Failure to Monitor for Toxicity Requirements	
C0015	Monitoring Violations - Frequency of Sampling Violation	
C0018	Monitoring Violations - Improper Analysis or Lab Error	

Code	Description	Definition
C0014	Monitoring Violations - Invalid/Unrepresentative Sample	
C0016	Monitoring Violations - No Flow Measurement Device	
D0014	Permit Violations - Application Incomplete	
D0011	Permit Violations - Discharge Without a Valid Permit	
D0012	Permit Violations - CWA §308 Failure to submit required permit application information	This is a CWA §308 violation.
D0015	Permit Violations - Failure to Pay Fees	
D0016	Permit Violations - Failure to Submit Timely Permit Renewal Application	
D0013	Permit Violations - Unapproved Operation	
D0017	Permit Violations - Violation Specified in Comment	
C0012	Pretreatment - Baseline Monitoring Report Violation	
B0P12	Pretreatment - Failure to Conduct Inspections	
B0P11	Pretreatment - Failure to Develop/Enforce Standards	
B0013	Pretreatment - Failure to Enforce Against I/U	
B0015	Pretreatment - Failure to Establish Local Limits	
C0013	Pretreatment - Failure to Establish Self-Monitoring Requirements	
B0014	Pretreatment - Failure to Issue SIU Permits	
B0016	Pretreatment - Failure to Meet Inspection and Sampling Plan for SIUs	
E0015	Pretreatment - Failure to submit required report (non-DMR)	
B0P40	Pretreatment - Improper Chemical Handling	
A0014	Pretreatment - IU Violation of Pretreatment Standards	
E0017	Reporting Violations - Failure to Notify	
E0012	Reporting Violations - Failure to Submit DMRs	
E0016	Reporting Violations - Failure to submit required report (non-DMR non-pretreatment)	
E0013	Reporting Violations - Improper/ Incorrect Reporting	
E0011	Reporting Violations - Late Submittal of DMRs	
E0014	Reporting Violations - Noncompliance with Section 308 Information Request	
B0A19	WW CAFO - Best Management Practice Deficiencies	
B0038	WW CAFO - Direct Animal Contact with Waters of US	
D0A11	WW CAFO - Discharge without a permit	
B0A12	WW CAFO - Management Practice Violations - Failure to Conduct Self Inspections	should include only inspections that are NOT date based
B0032	WW CAFO - Management Practice Violations - Failure to Develop or Update NMP	
B0033	WW CAFO - Management Practice Violations - Deficiencies in Implementing the NMP/ permit	
B0A41	WW CAFO - Failure to Maintain Records or Meet Record Keeping Requirements	includes SNC criteria "failure to meet record keeping requirements"

Code	Description	Definition
B0043	WW CAFO - Management Practice Violations - Fail to inform permit authority of significnt NMP changes	
C0A11	WW CAFO - Failure to Monitor	
D0A12	WW CAFO - Permitting Violations - Failure to submit required permit application or identifying info	This is a CWA §308 violation.
C0019	WW CAFO - Monitoring Violations - Failure to Test Manure or Soil, as Required	
B0A40	WW CAFO - Improper Chemical Handling	
B0A23	WW CAFO - Management Practice Violations - Fail to Implemnt Land App BMPs,excluding buffers/setbacks	
B0039	WW CAFO - Management Practice Violations - Improper Waste Management, excluding land application	
B0037	WW CAFO - Improper Mortality Management	
B0036	WW CAFO - Management Practice Violations - Improper O&M	
E0A13	WW CAFO - Improper/Incorrect reporting	
B0034	WW CAFO - Insufficient Buffers/Setbacks	
B0035	WW CAFO - Insufficient Storage Capacity	
A0A22	WW CAFO - Narrative effluent violation	
E0A16	WW CAFO - Reporting Violations - No Annual Report or Other Required Report Submitted	
C0020	WW CAFO - Monitoring Violations - No Depth Marker in Storage Pond	
E0A14	WW CAFO - Noncompliance with section 308 Information Request	
A0A12	WW CAFO - Numeric effluent violation	
A0019	WW CAFO - Production Area Runoff	
B0A42	WW CAFO - Management Practice Violations - Viol. of a milestone or final compliance date in an order	
A0C18	WW CSO - Approved Bypass	As stated in 40 CFR 122.41(m)(1)(i), a bypass means the intentional diversion of waste streams from any portion of a treatment facility. In CSO systems, therefore, a bypass can only occur after the headworks of a treatment plant.
A0024	WW CSO - Dry weather overflow	For CSOs, Any unauthorized overflow from combined sewage systems only during dry weather
B0030	WW CSO - Management Practice Violations - Failure to Develop or Submit Adequate LTCP	
B0031	WW CSO - Failure to Implement LTCP	

Code	Description	Definition
BC291	WW CSO - Failure to implement required NMC #1(Proper operation and maintenance)	
BC292	WW CSO - Failure to implement required NMC #2 (Maximum use of the collection system)	
BC293	WW CSO - Failure to implement required NMC #3 (Review pretreatment requirements)	Includes failure to prevent IU discharges from CSO discharge without requiring appropriate IU pretreatment or storage.
BC294	WW CSO - Failure to implement required NMC #4 (Maximization of flow)	
BC295	WW CSO - Failure to implement required NMC #5 (Elimination of dry weather flow)	includes failure to implement controls to prevent dry weather overflows but should not include actual dry weather overflows
BC296	WW CSO - Failure to implement required NMC #6 (Control of solids)	Includes floatables
BC297	WW CSO - Failure to implement required NMC #7 (Pollution prevention programs)	
BC298	WW CSO - Failure to implement required NMC #8 (Public notification)	
BC299	WW CSO - Failure to implement required NMC #9 (Monitoring)	
B0C41	WW CSO - Failure to Maintain Records or Meet Record Keeping Requirements	
C0C11	WW CSO - Failure to monitor	
E0C16	WW CSO - Failure to submit required report (non-DMR)	
E0C13	WW CSO - Improper/Incorrect reporting	
B0044	WW CSO - LTCP implementation schedule milestone missed	
A0C22	WW CSO - Narrative effluent violation	Such language is usually found in the "boilerplate" of the permit. For example, such narratives may say no discharge causing or contributing to an exceedance of a State water quality standard, no floatables, no discharge in toxic amounts, discharge must be free from odor, etc.
E0C14	WW CSO - Noncompliance with section 308 Information Request	
A0C12	WW CSO - Numeric effluent violation	This should be used only when there is a specific numeric effluent limitation for this outfall in the permit.
A0C11	WW CSO - Related Unapproved Bypass	As stated in 40 CFR 122.41(m)(1)(i), a bypass means the intentional diversion of waste streams from any portion of a treatment facility. In CSO systems, therefore, a bypass can only occur after the headworks of a treatment plant.

Code	Description	Definition
A0021	WW CSO - Unauthorized CSO Discharge to Waters/Wet Weather	For CSOs, any unauthorized discharge from combined sewer including unauthorized discharges from CSO regulators (i.e. failure to maximize flow to WWTP), or unauthorized discharges from other locations (e.g., manhole covers, pump stations). In CSO systems, these discharges can only occur before the headworks of a treatment plant. Include in the comments field the number of events and estimated total volume per reporting period.
A0025	WW CSO - Effluent Violations - O&M viol resulting in unauth spills/overflows to dry land/bldg backup	Does not include dry weather overflows. Include in the comments field the number of events and estimated total volume per reporting period.
B0045	WW CSO - Violation of a milestone in a permit	
B0C42	WW CSO - Violation of a milestone in an order	
A0S18	WW SSO - Approved Bypass	As stated in 40 CFR 122.41(m)(1)(i), a bypass means the intentional diversion of waste streams from any portion of a treatment facility.
A0020	WW SSO - Discharge to Waters	Include in the comments field the number of events and estimated volume per reporting period
D0S11	WW SSO - Discharge without a valid permit (includes satellite systems)	
B0S41	WW SSO - Failure to Maintain Records or Meet Record Keeping Requirements	
C0S11	WW SSO - Failure to monitor	
E0018	WW SSO - Failure to report other violation	Includes §122.41(l)(6) violations for failure to report any SSO spill except those violations that may endanger public health §122.41(l)(7).
E0019	WW SSO - Failure to report violation that may endanger public health 122.41(l)(7)	Exclude §122.41(l)(6) violations.
D0S12	WW SSO - CWA §308 Failure to submit required permit application info (includes satellite systems)	This is a CWA §308 violation and applies to any facility discharging SSOs without a permit application per 40 CFR 122.21.

Code	Description	Definition
B0S20	WW SSO - Improper Operation and Maintenance	Frequent sewage spills (including those to dry land) may be indicative of improper operation and maintenance. Includes failure to develop and implement CMOM program, if required.
A0S22	WW SSO - Narrative effluent violation	Such language is usually found in the "boilerplate" of the permit. For example, such narratives may say no discharge causing or contributing to an exceedance of a State water quality standard, no floatables, no discharge in toxic amounts, discharge must be free from odor, etc.
E0S14	WW SSO - Noncompliance with section 308 Information Request	
A0S12	WW SSO - Numeric effluent violation	
A0026	WW SSO - Overflow to Dry Land or Building Backup	Frequent sewage spills (including those to dry land) may be indicative of improper operation and maintenance. Include in the comments the number of events and estimated total volume per reporting period.
A0S11	WW SSO - Related Unapproved Bypass	As stated in 40 CFR 122.41(m)(1)(i), a bypass means the intentional diversion of waste streams from any portion of a treatment facility.
BS42A	WW SSO - Violation of milestone in an administrative order	
BS42J	WW SSO - Violation of milestone in judicial decree	
B0046	WW SSO - Violation of sewer moratorium or restriction	May also be a violation of 40 CFR 122.41(c) or (d).
D0R11	WW Storm Water Construction - Discharge without a permit	No permit and no valid waiver or exemption
D0R18	WW Storm Water Construction - Failure to apply for a notice of termination	Failure to submit Notice of Termination
B0R12	WW Storm Water Construction - Failure to Conduct Inspections	
B0C17	WW Storm Water Construction - Failure to develop any or adequate SWPPP/SWMP	
B0C18	WW Storm Water Construction - Failure to Implement SWPPP/SWMP	
B0R41	WW Storm Water Construction - Failure to Maintain Records	

Code	Description	Definition
C0R11	WW Storm Water Construction - Failure to Monitor	Where required by permit
BR19A	WW Storm Water Construction - Failure to properly install/implement BMPs	
BR19B	WW Storm Water Construction - Failure to properly operate and maintain BMPs	
D0R12	WW Storm Water Construction - CWA §308 Failure to submit required permit application information	This is a CWA §308 violation.
E0R16	WW Storm Water Construction - Failure to submit required report (non-DMR)	Where required by permit
A0R22	WW Storm Water Construction - Narrative effluent violation	Where required by permit
E0R14	WW Storm Water Construction - Noncompliance with section 308 Information Request	
A0R12	WW Storm Water Construction - Numeric Effluent Violation	Where required by permit
B0R42	WW Storm Water Construction - Violation of a milestone in an order	
D0M11	WW Storm Water MS4 - Discharge without a permit	
B0M12	WW Storm Water MS4 - Failure to Conduct Inspections	
B0M17	WW Storm Water MS4 - Failure to develop any or adequate SWPPP/SWMP	Includes failure to revise SWMP to meet MEP
B0M18	WW Storm Water MS4 - Failure to Implement SWPPP/SWMP	Includes failure to adequately implement all or any part of SWMP
B0M41	WW Storm Water MS4 - Failure to Maintain Records or Meet Record Keeping Requirements	
C0M11	WW Storm Water MS4 - Failure to Monitor	
BM19A	WW Storm Water MS4 - Failure to properly install/implement BMPs	Refers to structural controls
BM19B	WW Storm Water MS4 - Failure to properly operate and maintain BMPs	Refers to structural controls
D0M12	WW Storm Water MS4 - CWA §308 Failure to submit required permit application information	This is a CWA §308 violation.
E0M16	WW Storm Water MS4 - Failure to submit required report (non-DMR)	
A0M22	WW Storm Water MS4 - Narrative effluent violation	Where required by permit
E0M14	WW Storm Water MS4 - Noncompliance with section 308 Information Request	
A0M12	WW Storm Water MS4 - Numeric Effluent Violation	Where required by permit
B0M42	WW Storm Water MS4 - Violation of a milestone in an order	
D0N11	WW Storm Water Non-Construction - Discharge without a permit	No permit and no valid waiver or exemption
D0N18	WW Storm Water Non-Construction - Failure to apply for a notice of termination	Failure to submit a Notice of Termination when transferring authority or ceasing operations
B0N12	WW Storm Water Non-Construction - Failure to Conduct Inspections	
B0N17	WW Storm Water Non-Construction - Failure to develop any or adequate SWPPP/SWMP	
B0N18	WW Storm Water Non-Construction - Failure to Implement SWPPP/SWMP	
B0N41	WW Storm Water Non-Construction - Failure to Maintain Records	

Code	Description	Definition
C0N11	WW Storm Water Non-Construction - Failure to Monitor	
BN19A	WW Storm Water Non-Construction - Failure to properly install/implement BMPs	
BN19B	WW Storm Water Non-Construction - Failure to properly operate and maintain BMPs	
D0N12	WW Storm Water Non-Construction - CWA §308 Failure to submit required permit application info	This is a CWA §308 violation.
E0N16	WW Storm Water Non-Construction - Failure to submit required report (non-DMR)	
A0N22	WW Storm Water Non-Construction - Narrative effluent violation	
E0N14	WW Storm Water Non-Construction - Noncompliance with section 308 Information Request	
A0N12	WW Storm Water Non-Construction - Numeric Effluent Violation	
B0N42	WW Storm Water Non-Construction - Violation of a milestone in an order	

Attachment 2 - Available RNC Detection codes

Bold codes trigger SNC code "E- Effluent Violations" quarterly status for single event violations. Regions that are reporting wet weather SNC under the Interim Wet Weather SNC Policy must use one of these four bold codes to indicate SNC, even if there is another code that more closely matches the violation. Italicized text codes trigger RNC code "N-Reportable Noncompliance" quarterly status for single event violations. *Note that "DIS" means "discretionary."*

Code	Description	Detection Type	Definition	Setting Type	QNCR Category
A	Enforcement Order	ENF	Measurement exceeded administrative monthly average limit set by a formal enforcement action	Automatic	I (A)
B	**Manual 2A4 - Pass-Through***	**DIS (SEV)**	**Discretionary or manual entry of a violation of a pass-through of pollutants**	**Manual**	**II (A) (4)**
C	Chronic Violation	EFF CHR	Chronic violation of four or more violations of the monthly average occurring within a consecutive six month time frame.	Automatic	I (C)
D	*Manual Other*	*DIS (SEV)*	*Discretionary or manual entry of violation of condition in enforcement orders except compliance schedules and reports*	*Manual*	*I (A)*
E	*Manual 2F - Permit Narrative*	*DIS (SEV)*	*Discretionary or manual entry of a permit narrative violation*	Manual	*II (F)*
F	*Manual 2G - Violation of Concern*	*DIS (SEV)*	*Discretionary or manual entry of a permit violation of concern to the Director or Regional Administrator*	*Manual*	*II (G)*
G	**Manual 2A1 - Effluent Violation***	**DIS (SEV)**	**Discretionary or manual entry of Category II permit limit violation**	**Manual**	**II (A) (1)**
H	Chronic Violation, Non-Monthly Average	EFF CHR	Chronic violation of four or more violations of the non-monthly average occurring within a consecutive six month time frame	Automatic	II (A) (1)
I	**Manual 2A2 - Unauthorized Bypass***	**DIS (SEV)**	**Discretionary or manual entry of violations or an unauthorized by-pass**	**Manual**	**II (A) (2)**
J	**Manual 2A3 - Unpermitted Discharge***	**DIS (SEV)**	**Discretionary or manual entry of violations of an unpermitted discharge**	**Manual**	**II (A) (3)**
K	Non-receipt Violation, Non-	RPT	Reporting violation was 30 days overdue for the non-	Automatic	II (A) (1)

Code	Description	Detection Type	Definition	Setting Type	QNCR Category
	Monthly Average		monthly average or the DMR was incomplete where the non-monthly average was missing		
N	Non-Receipt of DMR/Schedule Report	RPT	Reporting violation was 30 days overdue for the monthly average or the DMR was incomplete where the monthly average was missing	Automatic	I (D) for DMR nonreporting & Cat. I nonreporting for compliance schedules; or II (D) for Cat II nonreporting for compliance schedules; or II (E) for incomplete DMRs
P	Enforcement Order, Non-Monthly Average	ENF	Measurement exceeded administrative non-monthly average limit set by a formal enforcement action	Automatic	II (A) (1)
Q	*Manual 2B - Pretreatment*	*DIS (SEV)*	Discretionary or manual entry of permit pretreatment	Manual	II (B)
R	TRC Limitations Exceeded, Non-Monthly Average	EFF TRC	TRC limitations were exceeded for two violations of non-monthly averages within a consecutive six month time frame or chronic violations	Automatic	II (A) (1)
S	Schedule Violation	SCH	Compliance schedule violations were 90 days overdue	Automatic	I (B) for Cat. I, or II (C) for Cat. II
T	TRC Limitations Exceeded	EFF TRC	TRC limitations were exceeded for two violations of monthly averages within a consecutive six month time frame or chronic violations	Automatic	I (C)
U	Other Violation with TRC Non-Monthly Average	EFF	Effluent violations of the non-monthly average occurring within a consecutive six month time frame associated with TRC RNC	Automatic	II (A) (1)
V	Other Violation with TRC	EFF	Effluent violations of the monthly average occurring within a consecutive six	Automatic	I (C)

Code	Description	Detection Type	Definition	Setting Type	QNCR Category
			month time frame associated with TRC RNC		
W	*Manual 2E - Deficient Report*	*DIS (SEV)*	*Discretionary or manual entry of deficient report violations*	*Manual*	*II (E)*
X	Manual Other Violation with TRC	EFF	Discretionary or manual entry of effluent violations occurring within a six month time frame associated with TRC RNC	Manual	I (C)
Y	Manual TRC	EFF TRC	Discretionary or manual entry of TRC limitations that were exceeded for two violations of monthly averages within a six-month time frame or chronic violations exceeding TRC limitations	Manual	I (C)
Z	Manual Chronic	EFF CHR	Discretionary or manual entry of four or more violations occurring within a six-month time frame	Manual	I (C)

⋆ Regions that are reporting wet weather SNC under the Interim Wet Weather SNC Policy must use one of these four bold codes to indicate SNC, even if there is another code that more closely matches the violation.

Attachment 3 - Available RNC Resolution codes

Code	Description	Category Code	Setting Type
1	Unresolved RNC	NC	Automatic
2	Back into Compliance	RE	Automatic
3	Due to Formal Enforcement Action Final Order with Compliance Schedule	RP	Automatic
4	In Compliance with Formal Enforcement Action Final Order Requirement	RP	Automatic
5	Resolved RP by NPDES Closure of Enforcement Action Final Order with Compliance Schedule	RE	Automatic
6	Manual Resolution by Enforcement Action	RE	Manual
7	Manual RP - In Compliance with Formal Enforcement Action Order Requirement	RP	Manual
8	Manual Due to Formal Enforcement Action Formal Order	RP	Manual
9	Manual by Back into Compliance	RE	Manual
A	Manual Unresolved RNC	NC	Manual
B	Manual by EPA/State Action [RE - Manual by EPA/State/Tribal Action]	RE	Manual

Attachment 4 - Available RNC Status codes
Those listed in bold below are the only ones that apply to single event violations.

Code	Description	Category Code	RNC/SNC Flag
C	**Compliant (Manual Only)**	**CO**	**R**
D	SNC DMR Non-Receipt Violation	NC	S
E	**SNC Effluent Violation Monthly Average**	**NC**	**S**
N	**RNC Violations Only**	**NC**	**R**
P	**Resolved Pending**	**RP**	**R**
Q	Resolved Pending - Compliance Schedule (Manual only)	RP	R
R	**Resolved**	**RE**	**R**
S	SNC Schedule Violation[Schedule Event Violation]	NC	S
T	SNC Schedule Report Violation	NC	S
X	SNC Effluent Violation Non-Monthly Average	NC	S