

ATTACHMENT A-4

Texas Pollutant Discharge Elimination System (TPDES)

The following violations are SNC violations for which TCEQ has agreed with EPA to take formal enforcement action upon discovery of the violation (Category A8).

d. TPDES

(1)* Effluent violations of monthly average limits (for pollutants listed in Appendix A of the EPA's General Design for SNC Redefinition Enhancement revised December 16, 1996)

(A) Technical review criteria violations

- (i) 40% exceedance of a monthly average effluent limit for a specific conventional pollutant (listed in Appendix A - Part 1) at a given discharge point for any two or more months during the two consecutive quarter review period, or
- (ii) 20% exceedance of a monthly average effluent limit for a specific toxic pollutant (listed in Appendix A - Part 2) at a given discharge point for any two or more months during the two consecutive quarter review period

(B) Chronic violations

- (iii) Violations of any monthly average effluent limit at a given pipe for a specific conventional or toxic pollutant (listed in Appendix A - Parts 1 and 2) by any amount for any four or more months during the two consecutive quarter review period

(2)* Effluent violations of non-monthly average limits (for pollutants listed in Appendix A of the EPA's General Design for SNC Redefinition Enhancement revised December 16, 1996)

(A) Technical review criteria violations and chronic violations for non-monthly average effluent limits are the same as for monthly average effluent limits as described in provision d(1) above. However, the following caveat also applies:

When a pollutant has both a monthly average and a non-monthly average effluent limit, a facility is only considered to be in SNC for

the non-monthly average effluent limit if the monthly average is also violated to some degree (but less than SNC).

Note: Non-monthly average SNC applies to all maximum and most average (other than monthly) statistical base codes (see Appendix B of the EPA's General Design for SNC Redefinition Enhancement revised December 16, 1996)

(3) Other effluent violations

(A) Effluent violation that causes or has the potential to cause a water quality or human health problem

Note: These types of violations are addressed by the application of the criteria in this document

(4) Non-effluent violations

(A) Unauthorized bypass, un-permitted discharge, or pass through of pollutants which causes or has the potential to cause a water quality problem (e.g. fish kill, oil sheen) or health problems (e.g. beach closing, fish ban, or other restrictions of beneficial uses).

Note: These types of violations are addressed by the application of the criteria in this document

(B) Failure by a POTW to implement or enforce an approved pretreatment program.

Note: These types of violations are addressed by the application of the criteria in this document.

(5) Permit schedule violations

(A) Failure to start construction, end construction, or attain final compliance within 90 days of the scheduled date

(B) Pretreatment schedule milestone missed by 90 days or more

Note: Formal enforcement is not required for these violations if the violation can be resolved within 90 days of appearing on a selective Quarterly Noncompliance Report (QNCR) or within 90 days of an NOV being sent to the regulated entity for a pretreatment schedule milestone violation not tracked on the selective QNCR

(6)* Permit reporting violations

(A) Discharge monitoring report, POTW pretreatment performance report (annual report), or compliance schedule final report of progress (i.e. whether final compliance has been attained) that is not submitted at all or is submitted 30 or more days late

Note: Formal enforcement is not required for these violations if the violation can be resolved within 90 days of appearing on a selective QNCR.

(7) Enforcement Order violations

(A)Judicial Order

- (i) Any violation of a Judicial Order

(B)Administrative Order

- (i) Violation of an effluent limit (or other water quality/health impact) established in an Administrative Order; however, when an Administrative Order limit is as stringent as an applicable permit limit, the facility is considered in SNC only if the permit effluent SNC criteria, set out in numbers d(1) through (3) above, are met
- (ii) Unauthorized bypass, un-permitted discharge or pass-through of pollutants which causes or has the potential to cause a water quality problem or human health problem
- (iii) Schedule or reporting violation listed in numbers d(5) and (6)
- (iv) Violation of a narrative requirement or any other violation of concern to the director