

Violations – Business Rules - Detailed

For additional information on data entry including business processes and more business rules, visit the CIWQS intranet page at <http://waternet.waterboards.ca.gov/oima/ciwqs/index.shtml>.

This document presents the detailed instructions for entering violation records into CIWQS. For the purposes of this document, a violation is generally defined as an instance of noncompliance with a requirement contained in state or federal water quality law or State or Regional Water Board directive. The following instructions describe each field contained in a CIWQS violation record and how it should be completed.

The “General Info” tab of the Violation Module is dynamic, depending on the violation. Upon entry, the user can choose whether to enter an effluent violation making the entry parameter-based or he/she can choose to enter another type of violation. For parameter-based violations, the parameter that is chosen then automatically determines the violation type. For other violations, the user must select the violation type.

Dischargers that are reporting through the eSMR module of CIWQS are required to report violations through that module. Before a report is certified and submitted, staff cannot see violations that have been entered by dischargers. Once the associated report is certified and submitted, the violation records appear in the violation module as any other violations. The status is “violation.” The rank is “unauthorized to assign rank.” The violation has the source “eSMR” and is linked to the specific report in which the violation was reported.

Violation records are automatically created by the SSO module of CIWQS when a spill is reported. These violations have the type “Water Quality -> Sanitary Sewer Overflow/Spill.” Upon creation they have the violation status of “potential,” the “Violation Source” of “SSO,” and are linked to the spill that triggered the violation by the “Violation Source ID” field. The “Violation Description” and “Corrective Action” fields are populated with information submitted in the spill report.

Violation ID

This is a system-generated unique identifier.

Violation Type*

This field is used to classify the violation and is required.

* Required field

Type	Description
Deficient Monitoring	Monitoring is missing or incorrect in some way, such as sample/analysis method, location, QA/QC criteria not met, lab not ELAP-certified. Single entry for all monitoring violation. Single entry for each reporting period. For example, if sample/analysis method was not complied with for one monitoring result, one violation should be recorded. If two sample/analysis method was not complied with for two monitoring result, one violation should be recorded, etc. If one monitoring result was not completed for the reporting period, record one violation for the reporting period. If three pH monitoring results and ten flow monitoring results were not completed for the reporting period, record one violation. Use the description field to describe why the report is deficient.
Basin Plan Prohibition	Violation of Basin Plan prohibition (e.g., discharge to prohibited zone, etc.). Do not use if also a violation of a permit condition, just record as a violation of a permit condition. Single entry for each occurrence.
BMP	Best Management Practices (BMPs) not maintained, deficient, or not implemented. Single entry for each reporting period, inspection, or type. For example, if a BMP was not implemented for a given length of time, record one violation. If two different types of BMPs were not implemented for a given length of time, record two violations.
Enforcement Action	This type of violation is to be recorded when an enforcement action is violated. For example, if a Time Schedule Order contains interim limits and those limits are exceeded, the violation should be recorded as this type. Number of violations of enforcement action should be recorded as per similar violations. For example, deficient monitoring violations should be recorded as one violation and two Cat 1 violations should be recorded as two violations.
Fees	Annual fees not paid on time or in full. Single entry for each billing period violated. For example, if a discharger does not pay annual fees for 2006, record one violation. If the discharger then pays for 2007 but still does not pay for 2006, do not record additional violations.

Type	Description
Order Conditions	<p>Violations of prohibitions, provisions, conditions, and maintenance-type requirements (e.g., pond freeboard and internal DO process) contained in WDRs. For example, a certification may contain the condition that the Regional Water Board shall be notified prior to the commencement of ground disturbing activities, with details regarding the construction schedule. This type of violation shall be recorded if the Regional Board was not notified before construction activity started.</p> <p>If there is a more specific violation type, use that more specific type. For example, a violation of the pretreatment program should have a pretreatment violation type.</p> <p>Multiple violations of the same permit condition occurring within the same reporting period may be grouped together. For example, if the order specifies that the good housekeeping be implemented at the facility but on two different occasions during a month debris was piled near the headworks, record one violation.</p>
Other Water Code Section	Use when other sections of the Water Code are violated, such as for Operator Certification violations.
Pretreatment	Failure to implement an approved pretreatment program adequately. For example, not reporting a waste stream, failing to submit timely or adequate reports, not doing inspections, failing to insert prohibitions into user permits, etc. All instances of violation should be recorded as one violation per reporting period or inspection. For example, if during an inspection a new waste stream was discovered and it was found that the program was not being implemented as reported, record one violation.
Unauthorized Discharge	Discharges without WDRs, waivers, 401 certification, or general order enrollment. If a Report of Waste Discharge has been requested but not submitted and the discharge continues, record as a violation; however, do not record a violation if a complete ROWD for a discharge to non-federal waters, has been submitted 140 days prior to discharges. For SSO related discharges use "SSO" violation type. Single entry for each incident. For multiple days of discharge, note the number of days in the description.

Type	Description
Reporting – Deficient Reporting	Incomplete report (i.e., missing signature, certification statement, laboratory identification, etc.); failure to notify per requirement (i.e., call out violation in self-monitoring report cover sheet). If the SMR calls out that monitoring was not completed, record as deficient monitoring. If the discharger does not report that monitoring is missing but it is, record as deficient reporting. If it is found that monitoring was not completed, add a deficient monitoring violation in addition to reporting violation. Record one violation for each deficient report.
Reporting – Failure to Notify	Failure to notify regional board of spill within defined period of time. As specified in the Water Code, this applies to both regulated and unregulated sites. A violation for the spill should also be recorded. Single entry for each occurrence. Note number of days they failed to notify the regional board in the description.
Reporting – Late Report	Use this type of violation if no report is received or the report is received after due date. If and when report is received, enter the number of days late in Violation Description field. For reports submitted according to an approved pretreatment program, record late report violations as “Pretreatment” violations.
Water Quality Effluent – ATOX	Violation of acute toxicity effluent limitation. Single entry for each acute test result that is out of compliance.
Water Quality Effluent – CAT1	<p>Violation of effluent limitation (for any program) for Group I pollutant (e.g., BOD, TSS, aluminum, nitrate). Single entry for each violation. For example, for a daily limit, if it is violated three days within the reporting period, record three violations. If there is a monitoring result that exceeds a daily and a weekly limit, record two violations. For instantaneous maximum limit exceedances monitored continuously, record, at most, one violation per day.</p> <p>For NPDES effluent limit violations, if the exceedance is greater than 40%, check the “serious” box near the bottom of the general info tab of the violation module.</p>

Type	Description
Water Quality Effluent – CAT2	<p>Violation of effluent limitation (for any program) for Group II pollutant (e.g., chlorine, copper, cyanide). Single entry for each violation. For example, for a daily limit, if it is violated three days within the reporting period, record three violations. If there is a monitoring result that exceeds a daily and a weekly limit, record two violations. For instantaneous maximum limit exceedances monitored continuously, record, at most, one violation per day.</p> <p>For NPDES effluent limit violations, if the exceedance is greater than 20%, check the “serious” box near the bottom of the general info tab of the violation module.</p>
Water Quality Effluent - CTOX	Violation of chronic toxicity effluent limitation. Single entry for each chronic test that is out of compliance.
Water Quality Effluent – OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II. Single entry for each. For example, for a daily limit, if it is violated three days within the reporting period, record three violations. If there is a monitoring result that exceeds a daily and a weekly limit, record two violations. For instantaneous maximum limit exceedances monitored continuously, record, at most, one violation per day.
Water Quality - Receiving Water – Groundwater	Violation of receiving water limitation where discharge is to groundwater. Record monitoring location where limitation was found to be exceeded and date range in description field, if applicable.
Water Quality – Receiving Water – Surface Water	Violation of receiving water limitation where discharge is to surface water. Single entry for each exceedance. Record date range in description field, if applicable.
Water Quality – Sanitary Sewer Overflow/Spill	Discharge from collection system (except for private laterals); other spills and/or bypassing of treatment unit(s). Single entry for each spill.

Parameter-Based Violations

The Violation Type determines the display of other fields within the violation record. The following violation types present “parameter-based” violation fields:

- ATOX
- CTOX
- CAT1

- CAT2
- OEV
- Some Order Conditions¹

Parameter[#]

Parameter that was the source of the violation.

This field is required for newly created effluent limit violations. For older violations, if one of the five parameter-based fields is updated, they must all be updated and the violation description is automatically updated. Any previously entered text is overwritten. When you select a parameter, the Pollutant Category” will automatically populate as read-only. The values are populated based on Appendices C and D of the Enforcement Policy. Do not override in the violation record.

Limit[#]

Numeric limit contained in the order.

This field is required for newly created effluent limit violations. For older violations, if one of the five parameter-based fields is updated, they must all be updated and the violation description is automatically updated. Any previously entered text is overwritten.

Result[#]

Result of the calculation performed to determine compliance.

This field is required for newly created effluent limit violations. For older violations, if one of the five parameter-based fields is updated, they must all be updated and the violation description is automatically updated. Any previously entered text is overwritten.

Units[#]

Units of both the limit and result.

This field is required for newly created effluent limit violations. For older violations, if one of the five parameter-based fields is updated, they must all be updated and the violation description is automatically updated. Any previously entered text is overwritten.

Limitation Period[#]

¹ At the time of creation, the user may select an entry from the parameter list that is not actually an effluent discharge parameter, but can convey information that the database stores in a usable format. In these cases CIWQS maps these values to “Order Condition” violations. These include available storage volume, dechlorinating agent, freeboard, pheophytin, temperature difference between intake and discharge, temperature difference between sample and upstream.

[#] Conditionally required

This is the limit basis, such as monthly average or six-month median.

This field is required for newly created effluent limit violations. For older violations, if one of the five parameter-based fields is updated, they must all be updated and the violation description is automatically updated. Any previously entered text is over-written.

Violation Description (May display in reports)

This is auto-generated based on the previous five fields.

Non-Parameter-Based Violations

Violation Description* (May display in reports)

Be as detailed as necessary but as brief as possible. Use this field to describe the violation.

For **deficient** include why a report was deficient. For **late** reports, include report due date. For violations of **order conditions**, summarize or insert the prohibition, specification, or provision that was violated and explain the incident. For **groundwater** violations, note whether it is a new or existing release, whether the discharger is in evaluation monitoring or corrective action (if applicable), the type of release (salts, metals, VOCs, etc.), and the number and identifier of impacted monitoring wells. For **stormwater samples exceeding a limit or bench mark** value, enter the constituent; limit; units; and result (e.g., TSS; 100; mg/L; 435).

Violation Comments

Use this field for any additional information or comments, as appropriate.

Corrective Action

Use this field to describe any corrective actions taken or proposed by the Discharger to correct the violation. This field displays in public reports.

Status*

Status	Description
Dismissed	Use to dismiss a violation or potential violation
Potential	Used for automatically generated violations. Do not manually select the status of potential.
Violation	Violations that require no further validation

Dismissal Reason#

This field appears when the violation status is “Dismissed.” It is used to describe why the violation was dismissed, including what information was found to make the incident in question not a violation.

The content of this field is appended to the Violation Description field in reports.

“Dismissal Reason” is required when the status of the violation is “Dismissed.”

Discovery Date

The Discovery Date is the date that staff discovered the violation. For violations discovered in a report, this is the date that the violation was found during report review. For violations found during an inspection, the discovery date is the date of the inspection.

Occurrence Date*

This is a required field that is the date that the violation actually occurred. For continuing violations, such as monthly average, use the last day of the reporting period. If unknown, enter the date the violation was first discovered by staff, the Discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due.

Report Receipt Date

This is the date that the report was received (if applicable). It is auto-populated if a received date was recorded using the tracking of paper SMRs functionality or if a discharger submitted an electronic report using eSMR. It cannot be entered from this screen.

Violation Source*

This field describes the how or where the violation was determined; what prompted this record.

Source	Description
Complaint	This is for a violation that was reported by a third party. If an inspection was performed, enter “inspection” as the source.
eSMR	Violations with the source of eSMR represent violations reported or discovered through an electronic self-monitoring report. These violations may be recorded by either a discharger or staff.
Inspection	Use inspection as the source if the violation is discovered during an inspection. Generally this source should be used in conjunction with routine compliance inspections. It may also be used as a response to a complaint.
Report	This source is for violations discovered in a report (including paper, email, telephone, etc) submitted by the discharger.

Source	Description
SSO	Violations generated by the SSO module of CIWQS for spill reports and non-submittal of no-spill certification.

Violation Source ID (System Generated)

This field is populated when the user selects a specific CIWQS record related to the source. For example, if the source is inspection, the user should select the inspection record that was the source of the violation. The user is only able to select the specific record when the source is recorded in CIWQS. When populated, it is a hyperlink that takes the user to the record representing the specific source.

Regulatory Measure*

The violation record must be linked to the regulatory measure that was violated. This includes “unregulated” types of regulatory measure, which must be created if no other regulatory measure exists for the discharge.

When this link is made, the discharger of the regulatory measure (related party with role/relationship “Discharger”) is automatically related to the violation as the responsible party. Similar actions happen with the regulating regional water board and place that is being regulated.

Program*

Select the program associated to the violation.

Monitoring Location#

Select the monitoring location that is the source of the violation if the violation is associated with a particular monitoring location. If the monitoring locations have been coded into the system, this field is required.

Priority Violation

This is a read only field and is checked if the violation was categorized as a priority violation according to the [Enforcement Policy](#), prior to May 20, 2010.

Violation Rank#

This field assigns significance to the violation, but is independent of whether a violation is “serious” or not. This is a required field for violations within any program that occurred after May 20, 2010. The 2010 Enforcement Policy defined Class I, II, and III ranks. The 2017 Enforcement Policy updated the list to use Class A and Class B.

Rank	Description
Class A	Violations that potentially pose an immediate and substantial threat to beneficial uses and/or that have the potential to individually or

	<p>cumulatively cause significant detrimental impacts to human health or the environment. Unless unusual, unique or exceptions circumstances exist, Class A violations ordinarily include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Discharges causing exceedances of primary maximum contaminant levels for chemical constituents in receiving waters with a beneficial use of municipal and domestic supply (MUN); • Unauthorized discharges of sewage, regardless of level of treatment, within 1,000 feet of a municipal water intake; • Discharges exceeding water quality based effluent limitations for priority pollutants as defined in the California Toxics Rule by 100 percent or more; • Discharges causing demonstrable detrimental impacts to aquatic life and aquatic-dependent wildlife (e.g., fish kill); • Discharges violating numeric acute toxicity effluent limitations; • Unauthorized discharges from Class II surface impoundments; • For discharges subject to Title 27 requirements, failure to implement corrective actions in accordance with WDRs; • Unpermitted fill of wetlands exceeding 0.5 acre in areal extent; • Unauthorized discharges of construction materials to receiving waters with beneficial uses of COLD, WARM, and/or WILD; and, • Discharges causing in-stream turbidity in excess of 100 nephelometric turbidity units (NTU) in inland surface waters with beneficial uses of COLD, WARM, and/or WILD, except during storm events. <p>Violations involving recalcitrant parties who deliberately avoid compliance with water quality regulations or Water Board orders are also considered Class A priority violations because they pose a serious threat to the integrity of the Water Boards' regulatory programs.</p>
Class B	Violations that are not ranked as Class A violations
The following ranks were used in the 2010 Enforcement Policy.	
Class 1	Class I priority violations are those violations that pose an immediate and substantial threat to water quality and that have the potential to cause significant detrimental impacts to human health or the environment. Violations involving recalcitrant parties who deliberately avoid compliance with water quality regulations and orders are also considered class I priority violations because they pose a serious threat to the integrity of the Water Boards' regulatory programs.

Class 2	Class II violations are those violations that pose a moderate, indirect, or cumulative threat to water quality and, therefore, have the potential to cause detrimental impacts on human health and the environment. Negligent or inadvertent noncompliance with water quality regulations that has the potential for causing or allowing the continuation of an unauthorized discharge or obscuring past violations is also a class II violation.
Class 3	Class III violations are those violations that pose only a minor threat to water quality and have little or no known potential for causing a detrimental impact on human health and the environment. Class III violations include statutorily required liability for late reporting when such late filings do not result in causing an unauthorized discharge or allowing one to continue. Class III violations should only include violations by dischargers who are first time or infrequent violators and are not part of a pattern of chronic violations.
Not Authorized to Assign Rank	This value is used when the actual rank cannot be determined by the person performing the data entry. It can only be used temporarily.

NPDES Serious Violation (NPDES Only)#

This yes/no radio button is only enabled if the violation is associated to the NPDES or Construction/Industrial Stormwater (not including the statewide general stormwater permits) program and is of type CAT1, CAT2, or Late Report. Serious Violations include those that exceed limits of Group 1 pollutants by 40% or more or limits of Group 2 pollutants by 20% or more (see [Enforcement Policy](#) for definition of Group 1 and Group 2 pollutants).

In certain circumstances, some late report violations can also be serious violations. For more information about late report violations, refer to the [Enforcement Policy](#) or your Office of Enforcement legal counsel.

This field is required if the violation is associated to the NPDES or Construction/Industrial Stormwater² (not including the statewide general stormwater permits) program and is of type CAT1, CAT2, or Late Report.

Toxicity Violation Subject to MMP Non-Serious Count (NPDES Only)#

This yes/no radio button is only enabled if the violation is associated to the NPDES or Construction/Industrial Stormwater (not including the statewide general stormwater permits) program and has violation type “ATOX” or “CTOX.” Mark “yes” for this field if the violation is of an effluent toxicity limit but the permit does not contain pollutant-specific limitations for toxic pollutants (i.e. the priority pollutants listed in the California Toxics Rule). This is rare.

This field was previously called “Otherwise Subject to MMP Chronic Count.”

² For Regional Board permits that reside in CIWQS. The Statewide General Stormwater Permits are housed in SMARTS and currently are not subject to MMPs.

This field is required if the violation is of a toxicity effluent limit and the permit does not contain pollutant-specific numeric effluent limits.

MMP Exempt Reason[#]

This field is only enabled if the violation is associated to the NPDES or Construction/Industrial Stormwater (not including the statewide general stormwater permits) program. This field indicates that a violation should not be subject to MMPs. If a reason is selected, the violation is not counted in the MMP report.

If one of the reasons listed below is selected, the violation must be linked to a CDO regulatory measure on the “Linked Enforcement Actions” tab.

- Compliance with a CDO/TSO issued after .7/07/2000 (13385(j)(3))
- Compliance with a CDO/TSO issued between 01/01/1995-07/01/2000 (13385(j)(2)(A))

This field is required if the violation meets the criteria for being an MMP, but is exempt.

If “Other” is selected, the reason must be provided in the “Other MMP Exempt Reason” field that appears.

DO NOT use “Other” to manipulate the MMP Report! If you have questions about the MMP Report logic, contact CIWQS Help Center or CIWQS Unit staff.

Other MMP Exempt Reason

This field appears when “Other” is selected for “If violation is not subject to MMP, select a reason” field. It must be used to describe why the violation should not be an MMP even though it appears to meet the criteria. Only use this for exemptions pursuant to 13385(f) or 13385(j) of the Water Code or by Executive Order.

This field is required when “Other” is selected for “If violation is not subject to MMP select a reason” field.

Related Parties Tab

The discharger, regulated place, Water Board, and staff will be prepopulated from the violated regulatory measure as the responsible party, originating place, Water Board, and assigned Water Board, respectively. This information should be changed if it is not accurate.

At least one organization with the role “responsible party” must be linked to the violation.

At least one person at organization with the role “assigned Water Board staff” must be linked to the violation.

The appropriate regional board office must be linked to the violation record.

Related Organizations

Role/Relationship	Description
Responsible Party*	Discharger. This relationship is automatically created if a regulatory measure is linked to the violation and that regulatory measure is linked to a Discharger. This relationship is required.
Complainant	An organization that notified the Water Board of a situation that led to a violation.
Local Agency	An organization, such as a CUPA, that is playing a role in the violation. If the specific person from the organization is known, only that link (Local Agency Contact) should be made.
Water Board*	The Water Board office that tracks the violation. This relationship is automatically created if a regulatory measure is linked to the violation and that regulatory measure is linked to a Water Board. This relationship is required.

Related Persons

Role/Relationship	Description
Complainant	A person or organization that notified the Water Board of a situation that led to a violation.
Local Agency Contact	An organization, such as a CUPA, that is playing a role in the violation. If the specific person from the organization is known, only that link (Local Agency Contact) should be made.
Assigned Water Board Staff*	The Water Board office that tracks the violation. This relationship is automatically created if a regulatory measure is linked to the violation and that regulatory measure is linked to a Water Board. This relationship is required.

Related Places

There must be one and only one linked place with place type of “facility” or subtype of facility where the violations occurred, with the relationship of “originating.”

Discharge points (generally for eSMR generated violations) may also have the relationship of originating.

When a regulatory measure is linked to the violation, the facility automatically links to the violation with the relationship of originating.

For violations caused by SSO spills, both the collection system and the spill location should be linked. The collection system should use the role/relationship of “originating” and the spill location should have the role/relationship of “originating.”

When a monitoring location is selected on the “General Info” tab, a relationship of “Monitoring Location” is automatically created with the monitoring location.

Role/Relationship	Description
Monitoring Location	Relationship between the violation and a monitoring location.
Observation Location	Relationship between violation and observation location.
Originating*	Relationship between violation and facility. This relationship is required.
Undefined	Relationship for another notable place that is not described above.

Linked Enforcement Actions[#]

This tab lists all of the enforcement actions related to the related place or are directly linked to the violation. If the enforcement action is already linked to the violation, the table will indicate that with a “yes.” The user can create the link or remove the link using the hyperlink on the right hand side of the table. A violation can be linked to multiple enforcement actions.

The table must indicate “yes” for enforcement actions that were issued as a result of the violation.

The enforcement action wizard is launched from this tab. When this is done, the violation record that is used to initiate the wizard is automatically linked to the enforcement action created.

Additional Info

The field on this tab allows the user to indicate whether the violation should be included on EPA’s Quarterly Non-Compliance Report.

Attachments

Attach documents or photos as necessary.


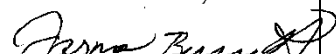
A Document Type must be selected from the drop down menu.

Document Type	Description
Certified SSO	This file is automatically generated and attached to the record by the Sanitary Sewer Overflow (SSO) module.
Other	Another document type not otherwise listed. All attachments that were uploaded to CIWQS before 7/8/2013 were assigned this type.

If the file name does not indicate what the file is, or if there are multiple files with similar names, a file description should be entered.

All information is saved upon clicking the “Upload File” button. If subsequent changes are made, use the “Save Attachment Changes” button.

Attachments will be made available in the Electronic Content Management (ECM) system.

APPROVAL SECTION			
Approver	Printed Name	Signature	Date
Business Rules Team	Committee Members Present	Approved Via Email	3/17/2018
CIWQS Quality Assurance Lead	Eric Maag		3/17/2018
Statewide CIWQS Coordinator	Jarma Bennett		3/17/2018

Summary of Changes

Version	Summary of Major Changes	Date
1	Original document	3/11/2008
2	Addition of violation rank, removal of hydro modification violation type, modification of priority violation definition, updated pretreatment and order conditions violation types description, revised eSMR violation source definition, added introduction.	8/11/2010
3	Modified <ul style="list-style-type: none"> to reflect parameter-based violations; in accordance with SB 1284, by adding dismissal and other exemption reasons by adding place/violation relationship table; and to provide additional information to reader. 	1/10/2012
4	Various edits	6/29/2012
5	<ul style="list-style-type: none"> Clarify that more information on Group I and Group II pollutants can be found in the Enforcement Policy Addition of document type field Minor edits to “Other Water Code Section” violation type 	8/5/13
6	<ul style="list-style-type: none"> Add class A and B to violation rank definition Update link to Enforcement Policy to go to Enforcement page instead of the 2010 Enforcement Policy Updated serious violation language to clarify that exceedances of 40% and 20% for class 1 and 2 violations, respectively, are considered serious. 	Approved 3/17/18, posted 10/5/2018