

**PERMITTING & COMPLIANCE ASSISTANCE PROGRAM**  
**STORAGE TANK SYSTEM COMPLIANCE VERIFICATION PROGRAM**  
**LEVEL OF EFFORT GUIDANCE**  
**LEVEL I PROGRAMS**

**PURPOSE:**

This “Level of Effort” enforcement guidance is provided to clarify the requirements of the Level I contracted local tanks programs with regards to violation citation as well as subsequent compliance assistance actions.

**VIOLATION TYPES:**

Violation types in the storage tank program:

- 1) Significant Non-Compliance - A (SNC-A)  
These violations are considered top priority due to their potential for harm to the environment. *They are identified in the “Significance” column of the Storage Tank System Program Violation List (Guidance Document A of the Contract Scope of Work).*
- 2) Significant Non-Compliance - B (SNC-B)  
These violations are considered high priority due to their potential for harm. *They are identified in the “Significance” column of the Storage Tank System Program Violation List (Guidance Document A of the Contract Scope of Work).*
- 3) Minor  
These violations are considered a lower priority. *They are identified in the “Significance” column of the Storage Tank System Program Violation List (Guidance Document A of the Contract Scope of Work).*

**SNC-A VIOLATIONS:**

The following “Level of Effort” is required on SNC-A violations at the local program level (also see attached Flowchart for County Compliance and Referrals).

- 1) Upon discovery of a SNC-A violation, the local program shall cite the violation in FIRST and notify the facility owner/operator within 72 hours of the violation discovery. Then, the local program shall finish the inspection, send the inspection report to the facility (property) owner AND operator (if a separate party) with a Non-Compliance Letter that indicates

that the matter is being referred to the DEP district office, and refer the facility to the DEP district office within 14 calendar days.

- 2) Violations referred to the DEP district office shall be in accordance with Guidance Document G, Guidelines for Case Referrals, of the Contract Scope of Work. The local program shall ensure that FIRST is up-to-date and appropriate documents are attached in accordance with the FIRST User's Guide.

### **SNC-B & MINOR VIOLATIONS:**

The following "Level of Effort" is required on SNC-B and Minor violations at the local program level (also see attached Flowchart for County Compliance and Referrals).

- 1) Upon discovery of a SNC-B or Minor violation, the local program shall cite the violation in FIRST and notify the facility owner/operator within 72 hours of the violation discovery. Then, the local program shall finish the inspection and issue a Compliance Assistance Offer (CAO) Letter to the facility owner/operator within 14 calendar days.

For violations that cannot otherwise be corrected, such as for gaps in testing or financial responsibility demonstration, the violation shall be closed with the issuance of the CAO Letter.

- 2) If the facility owner/operator responds that the violation has been corrected, and the violation is identified with the description "Inspection" in the "Reevaluation" column of the Storage Tank System Program Violation List (Guidance Document A of the Contract Scope of Work), then the local program may conduct a Compliance Assistance inspection to verify that the violation has been corrected.

For violations that are not identified with the "Inspection" description, a Compliance Assistance inspection may not be conducted unless the District Task Manager approves of the Compliance Assistance inspection prior to it being conducted.

- 3) The owner/operator is given up to 90 calendar days to resolve the violation at the local program level. If at the 90-calendar day mark, the violation remains unresolved, the local program shall refer the violation to the DEP district office. The 90-day clock begins upon the completion of the inspection in FIRST.

Even if the violation is in the process of resolution, and is being accomplished in a manner that is acceptable to both the local program and DEP, the violation should be referred at the 90-day mark to the DEP. In

turn, DEP may then advise the local program to continue the resolution process with DEP oversight.

- 4) Violations referred to the DEP district office shall be in accordance with Guidance Document G, Guidelines for Case Referrals, of the Contract Scope of Work. The local program shall ensure that FIRST is up-to-date and appropriate documents are attached in accordance with the FIRST User's Guide.

**AREAS OF CONCERN (AOCs):**

FIRST allows an inspector to cite any rule citation ID as either an Area of Concern (AOC) or a Violation, during an inspection. If a violation of the rule is discovered during the inspection, then a Violation should be cited. If the inspector has determined that the issue has not reached the point of being a violation of the rule, but there is a concern, then an AOC should be cited.

It should be noted that all AOCs cited in an inspection are automatically closed in FIRST upon the inspection report being finished.

FLOWCHART FOR COUNTY COMPLIANCE AND REFERRALS – (NOT INTENDED FOR USE BEFORE JULY 1, 2017)

