

4. Letter of Warning

A letter of warning is a formal, written notification issued for certain first-time violators or violations of a lesser nature. The letter is written in lieu of a notice of violation for the types of violations listed below. All letters of warning will contain one or more deadlines for the party receiving the letter to take appropriate action, and Web page addresses and phone numbers to aid the recipient in obtaining compliance assistance. Deadlines contained in letters of warning will reflect the time typically needed to complete the work required. In some cases, the work cannot be completed within a 90 day time frame (e.g., monitoring required during a specific time frame, after the initial 90 days). Some work will itself exceed 90 days (e.g., cleanup of a large dump where the responsible party is cooperating with the regional office.) In either case, contact the appropriate program. An enforceable document such as a compliance agreement may be used when the regional office needs to give the responsible party an extended time frame to achieve compliance. In all cases, the letter of warning will act as a reminder that future compliance is required, and that continued or additional violations will trigger a more assertive response. The office issuing the letter of warning is responsible for tracking compliance with the letter's requirements and taking additional action if the noncompliance persists. Conference, conciliation and persuasion will continue throughout the letter of warning compliance timeframe, as does the department's emphasis on compliance assistance. These standards are essential throughout all phases of compliance and enforcement work, and do not conflict with the use of stronger measures that must be applied in instances where noncompliance persists. This does not mean the department will reduce its demands in regard to actions needed to reach compliance, but rather the department will continue to provide a positive, problem-solving environment and assist an entity in violation to examine options for achieving compliance.

Violations subject to the department issuing a letter of warning include:

- Violations by first-time violators.
- Failure to develop or maintain records that are required by law, regulation or permit.
- Failure to submit timely information as required by law, regulation or permit.
- Failure to pay fees on time.
- Failure to report deviations, excursions or other changes or operational conditions as required by law, regulation or permit.
- Violations serious enough to warrant a time frame for corrective action, but do not pose an immediate or imminent threat to the environment, are not defined as high priority violations, and are not committed by recalcitrant or repeat violators.
- Other violations as specified by the programs.

Note that a notice of violation may be issued in place of a letter of warning depending upon the specific circumstances involved. For example, if a first-time violator fails to submit critical information, and that failure is deemed an important violation of federal requirements, the department's response may be a notice of violation.

A letter of warning may be combined with an inspection report for efficiency. The dual purpose letter must contain the following elements and are included in the standard letter in Section 4.A. Forms:

- A letter of warning heading.
- A description of the unsatisfactory conditions causing the letter of warning.
- A citation of the law or regulation violated.
- A statement of the seriousness of the violation in terms of potential penalty or other relief that may be sought.
- A deadline for completing work to achieve compliance.

On occasion, Letters of Warning will be rescinded. See [Chapter 5](#) for LOW and NOV rescission procedures.

4.1 Air Pollution Control

See Section 5.1 for criteria for Letters of Warning, Notices of Excess Emissions and Notices of Violations.

4.2 Drinking Water

Letters of warning shall be employed as established in the general guidance of this manual, except for program-specific modifications detailed in the Public Drinking Water Branch's [Escalation Policy](#). Letters of warning may also be issued for other low priority or first time violations at the discretion of regional office employees.

or

Additional specific uses of letters of warning can be found in the [Escalation Policy \(see Appendices\)](#). Regional offices may use discretion to issue letters of warning in other circumstances in which a notice of violation is not required.

4.3 Hazardous Waste

Letters of warning are used when the inspection results in Class I violations or Significant Operational Compliance violations (see Section 2.1). Class I violations are listed in the linked document.

Letters of warning should be sent to the facility, note the violations, request documentation of return to compliance or a schedule for returning to compliance, and give a 30-day response due date. The inspector will evaluate the facility's response to the letter of warning. If the response documents a return to compliance, then the inspector will send a return to compliance letter to the facility. No further action is warranted. For those facilities that do not return to compliance or don't respond, the inspector will call the facility representative. If the telephone call prompts an immediate response demonstrating compliance, the inspector will send a return-to-compliance letter to the facility. If the facility does not immediately demonstrate compliance, the inspector will issue a notice of violation and proceed with a normal referral. See the appendices for a list of Hazardous Waste citations with recommendations for LQG's and SQG's.

4.4 Land Reclamation

There are no formal letters of warning issued by the Land Reclamation Program. The program will follow the protocol outlined in Section 3.4 of this manual when using conference, conciliation or persuasion to obtain compliance. The inspection report generally contains the steps necessary for the alleged violator to return to compliance.

4.5 Solid Waste

An letter of warning may be issued for any violation that is considered serious enough to require corrective action within a specified time frame and a follow-up compliance inspection, but is not listed as an acute violation or an high priority violation (as defined in the [3.A Appendices - Solid Waste Management Program's](#)

[High Priority Violation List](#)), or is another violation serious enough to warrant the issuance of an notice of violation.

In addition to the general guidance regarding letters of warning, an illegal disposal investigation report , or IDIR may be used rather than an letter of warning to document an illegal solid waste or scrap tire dump. Regardless of which format is used, the same information must be provided to the responsible parties and copied to the Solid Waste Management Program. The following information must be included on all letters of warnings and illegal disposal investigation reports, whether they are issued to a permitted facility or to an responsible party conducting an illegal activity, except where indicated below:

- An indication that the letter or the IDIR is a “letter of warning”.
- A description of the unsatisfactory features that precipitated the letters of warning.
- A citation of the law or regulation violated.
- A statement of the seriousness of the violation in terms of potential penalty or other relief that may be sought.
- A deadline for completing the corrective action required to achieve compliance.
- The legal description or address of the location of the violation with complete directions to it nonpermitted sites only.
- The estimated volume of solid waste or passenger tire equivalents dumped (illegal dumps only).
- Photographs of the area in violation (e.g., the dump site or problem area on a permitted facility) , labeled with descriptions of the waste or problem area(s).
- If the site is large or spread out, a sketch or aerial photo of the site should be attached with indications on it where the photographs were taken.
- For illegal dumps, also include other pertinent information listed on the illegal disposal investigation report , (e.g., types of wastes dumped, whether burning was taking place, etc.).

The following are examples of violations of the Missouri Solid Waste Management Law and Regulations that may be subject to an letter of warning. These are not all-inclusive lists. Contact the Solid Waste Management Program’s Compliance and Enforcement Section for violations not covered below, repeat violations of a similar type or nature, and all other enforcement questions. Entities who fail to comply with compliance deadlines may be issued an notice of violation and referred to the Solid Waste Management Program for enforcement action. However, prior to issuing an notice of violation, the Solid Waste Management Program must first be contacted to obtain concurrence for a referral. If there is any question regarding whether a violation could be considered a criminal violation, contact the Solid Waste Management Program’s Compliance and Enforcement Section to discuss the situation before correspondence is sent to the responsible party.

Solid Waste Violations

Record Keeping - Upon request, an entity must provide all records required by statute, regulation, or permit. If they fail to do so, the entity may be issued an letter of warning. If an entity has not historically kept records, they will be required to begin keeping records immediately. If an entity has failed to properly maintain their records and keep them accessible, they will be required to submit the subject records within 10 calendar days of the Department’s request.

Permitted Facilities - Violations must be corrected by the next inspection or within a reasonable deadline established by Department staff. Examples include, but are not limited to: negligent maintenance of landfills or processing facilities where no public nuisance or health hazard exists, leachate seeps contained within the landfill property boundaries (not flowing off the property or into waters of the state), and moderate ponding of water, lack of vegetation, or lack of sufficient daily cover on landfills. Significant cover violations should be discussed with the program to determine the appropriateness of an letter of warning versus a notice of Violation(i.e., the extent of the violation, whether the violation is repetitive in nature, and other related

negative impacts such as odor complaints, litter or vectors. All these should be considered in the choice of the compliance tool).

Illegal Dumping - Contractors found illegally dumping less than 40 cubic yards of construction and demolition waste will be issued an letter of warning or an illegal disposal investigation report . Cleanup of the illegal dump will be required within a period of 30-90 days. Additional time may be granted for extenuating circumstances as long as progress is documented. Contact the Solid Waste Management Program for approval of compliance periods greater than 90 days. Disposal receipts must be submitted within 15 days following completion of the cleanup. If the illegally dumped waste is egregious, creates a public nuisance, health hazard, or off-site environmental threat, or the dumping was conducted by a recalcitrant or repeat violator, a notice of violation may be issued instead.

Payment of Fees - Entities failing to pay fees on time will be issued an letter of warning for their first violation and be required to submit the subject fees and any associated documentation within 14 days of receiving the letter of warning. An example is solid waste tonnage fees and reports. Repetitive violations will result in the issuance of a notice of violation.

Scrap Tire Violations

Record Keeping - Upon request, an entity must provide all records required by statute, regulation, or permit. If they fail to do so, the entity may be issued an letter of warning. If an entity has not historically kept records, they will be required to begin keeping records immediately. If an entity has failed to properly maintain their records and keep them accessible, they will be required to submit the subject records within 10 calendar days of the department's request.

Permitted Facilities - Violations must be corrected by the next inspection or within a reasonable deadline established by department staff. Examples may include, but are not limited to: moderate non-compliance with scrap tire storage and fire regulations.

Illegal Dumping - An individual not associated with a permitted scrap tire facility, a scrap tire hauler or a collection center found illegally dumping less than 500 scrap tires on their own property for the first time will be issued an letter of warning or an illegal disposal investigation report. Cleanup of the illegal dump will be required within a period of 30-90 days. Additional time may be granted for extenuating circumstances as long as progress is documented. Contact the Solid Waste Management Program for approval of compliance periods greater than 90 days. Disposal receipts must be submitted within 15 days following completion of the cleanup. If the dump is egregious, creates a public nuisance, health hazard, or off-site environmental threat, or the dumping was conducted by a recalcitrant or repeat violator, a notice of violation may be issued instead.

Unpermitted Haulers - Tire haulers caught operating without a permit for the first time will be issued an letter of warning provided evidence indicates the scrap tires were properly disposed of. The tire hauler must submit a completed permit application and all associated documentation and fees within 15 days of receiving the letter of warning. Tires haulers caught hauling without a permit who were previously permitted or who were otherwise knowingly hauling without a permit should be issued a notice of violation.

Collection centers discovered using unpermitted haulers for the first time will be issued an letter of warning provided evidence indicates the scrap tires were properly disposed of. The collection center must submit documentation that they have contracted with a permitted tire hauler or have implemented an approvable disposal option within 15 days of receiving the letter of warning. Entities discovered utilizing an

unpermitted hauler who have done so in the past or who were otherwise knowingly utilizing an unpermitted hauler should be issued a notice of violation.

4.6 Water

Criteria for Issuing a Letter of Warning

[Common Citations of the Missouri Clean Water Law and its implementing regulation](#)

[Guidance for Issuing Notices of Violations Related to General Criteria of the Water Quality Standards](#)

The issuance of a letter of warning is the appropriate first response for the following violations and may be used when there is no impact or there is no imminent threat to the environment and public health or other significant noncompliance that meets the criteria found in Section 5.6.

Domestic Waste Permitted Facilities

Responsible Parties of permitted facilities receiving primarily domestic waste shall be issued a Letter of Warning when:

1. Based upon available records the discharge or activity results in the following conditions:

Facilities with Monthly Reporting Requirements

- One or more violations of the applicable monthly average or the weekly average effluent limitation of a specific parameter at a given permitted outfall by any amount. (If more than a single violation occurred, review the criteria for issuing a notice of violation in Chapter 5 to determine if the violations merit an a notice of violation instead.) For water quality based permitted effluent limitations that are below the minimum quantification level, or ML, and specifically listed in the Missouri State Operating Permit any value reported greater than or equal to the ML is a violation of the daily maximum limit. Reporting non-detectable is acceptable for this category of effluent limitations and any value reported below the ML should be questioned.
- One or more pH values that are outside the pH range of 5.0 to 10.0 with the exception of lagoon systems, which may exceed the upper pH limit during the summer months due to biological activity.
- One or more monthly discharge monitoring reports are not submitted within 30 days of the due date.
- DMRs submitted are missing data required by the Missouri State Operating Permit.

Facilities with Quarterly Reporting Requirements

- One or more violations of the applicable monthly average or the weekly average effluent limitation of a specific parameter at a given permitted outfall by any amount. For water quality based permitted effluent limitations that are below the minimum quantification level and specifically listed in the Missouri State Operating Permit any value reported greater than or equal to the ML is a violation of the daily maximum limit. Reporting non-detectable is acceptable for this category of effluent limitations and any value reported below the ML should be questioned.
- One or more pH values that are outside the pH range of 5.0 to 10.0 with the exception of lagoon systems, which may exceed the upper pH limit during the summer months due to biological activity.
- One or more discharge monitoring reports are not submitted within 30 days of the due date.
- Quarterly discharge monitoring reports submitted are missing data required by the Missouri State Operating Permit

Facilities with Annual or Semi-annual Reporting Requirements

- Any violation of the applicable monthly average or the weekly average effluent limitation of a specific parameter at a given permitted outfall by any amount. (If more than a single violation occurred, review the criteria for issuing a notice of violation in Chapter 5 to determine if the violations merit an notice of violation instead.) For water quality based permitted effluent limitations that are below the minimum quantification level and specifically listed in the Missouri State Operating Permit any value reported greater than or equal to the minimum quantification level is a violation of the daily maximum limit. Reporting non-detectable is acceptable for this category of effluent limitations and any value reported below the minimum quantification level should be questioned.

- One or more pH values that are outside the pH range of 5.0 to 10.0 during with the exception of lagoon systems, which may exceed the upper pH limit during the summer months due to biological activity.
 - The annual or a semi-annual discharge monitoring report is not submitted within 30 days of the due date.
 - The annual or a semi-annual discharge monitoring report submitted is missing data required by the Missouri State Operating Permit.
2. Other reports (annual inflow and infiltration, construction completion, pretreatment, annual, etc.) are not submitted within 30 days from the date specified in the Missouri State Operating Permit.
 3. A responsible party fails to submit an application to renew their Missouri State Operating Permit within 180 days prior to the expiration.
 4. Bypassing and Sanitary Sewer Overflows of untreated or partially treated sewage is a violation of the Missouri Clean Water Law and should be handled by conference, conciliation and persuasion, and the issuance of a letter of warning or a notice of violation. If the overflow/bypass does not result in a violation of the Water Quality Standards general or specific criteria a Letter of Warning should be issued if:
 - The overflow is caused by failure to implement standard operation and maintenance procedures. Each National Pollutant Discharge Elimination System, or NPDES -permitted wastewater treatment facility and the tributary collectors, interceptors and pump stations are considered a system for purposes of this description.
 - The overflow is due to inadequate system capacity in dry weather to handle the flow and it is concluded by the regional office after careful consideration that the overflow is due to inadequate capacity in dry weather but the owner or operator disputes this, the regional office shall request submission of an engineering evaluation.
 - New direction will be available on bypass function in the future and will be incorporated in this manual at that time.

Industrial Storm³ ater Permitted Sites

Responsible parties (owners or continuing authorities) of permitted industrial stormwater sites shall be promptly issued a Letter of Warning when:

1. Based upon available records the discharge or activity results in the following conditions:

Facilities with Monthly Reporting Requirements

- One or more violations of the applicable monthly average or the weekly average effluent limitation of a specific parameter at a given permitted outfall by any amount. (If more than a single violation occurred, review the criteria for issuing notice of violation in Chapter 5 to determine if the violations merit an notice of violation instead.) For water quality based permitted effluent limitations that are below the minimum quantification level and specifically listed in the Missouri State Operating Permit any value reported greater than or equal to the minimum quantification level is a violation of the daily maximum limit. Reporting non-detectable is acceptable for this category of effluent limitations and any value reported below the minimum quantification level should be questioned.
- One or more pH values that are outside the pH range of 5.0 to 10.0 with the exception of lagoon systems, which may exceed the upper pH limit during the summer months due to biological activity.

- One or more monthly discharge monitoring reports are not submitted within 30 days of the due date.
- Discharge monitoring reports submitted are incomplete and the missing required data.

Facilities with Quarterly Reporting Requirements

- One or more violations of the applicable monthly average or the weekly average effluent limitation of a specific parameter at a given permitted outfall by any amount. (If more than a single violation occurred, review the criteria for issuing a notice of violation in Chapter 5 to determine if the violations merit a notice of violation instead.) For water quality based permitted effluent limitations that are below the minimum quantification level and specifically listed in the Missouri State Operating Permit any value reported greater than or equal to the minimum quantification level is a violation of the daily maximum limit. Reporting non-detectable is acceptable for this category of effluent limitations and any value reported below the minimum quantification level should be questioned.
- One or more pH values that are outside the pH range of 5.0 to 10.0 with the exception of lagoon systems, which may exceed the upper pH limit during the summer months due to biological activity.
- One or two discharge monitoring report are not submitted within 30 days of the due date.
- Quarterly discharge monitoring report submitted are incomplete and the missing required data.

Facilities with Annual or Semi-annual Reporting Requirements

- Any violation of the applicable monthly average or the weekly average effluent limitation of a specific parameter at a given permitted outfall by any amount. (If more than a single violation occurred, review the criteria for issuing letter of warning in Chapter 5 to determine if the violations merit an notice of violation instead.) For water quality based permitted effluent limitations that are below the minimum quantification level and specifically listed in the Missouri State Operating Permit any value reported greater than or equal to the ML is a violation of the daily maximum limit. Reporting non-detectable is acceptable for this category of effluent limitations and any value reported below the minimum quantification level should be questioned.
 - One or more pH values that are outside the pH range of 5.0 to 10.0 with the exception of lagoon systems, which may exceed the upper pH limit during the summer months due to biological activity.
 - The annual or a semi-annual discharge monitoring report is not submitted within 30 days of the due date.
 - The annual or a semi-annual discharge monitoring report submitted is incomplete and the missing required data.
2. Other reports (annual inflow and infiltration, construction completion, pretreatment, annual, etc.) are not submitted within 30 days from the date specified in the Missouri State Operating Permit.
 3. A responsible party fails to submit an application to renew their Missouri State Operating Permit within 180 days prior to the expiration.
 4. For a facility that has a marginal exceedance (less than 20) over their permit limit for fecal coliform or E.coli the facility should be issued an letter of warning. The letter of warning should identify that the facility needs to submit monthly monitoring to determine if the exceedance is a one time or regular occurrence. If the occurrence id regular rather than an isolated event, the facility needs to be issued an notice of violation and required to install disinfection equipment.

Land Disturbance Permitted Sites

Responsible parties of permitted land disturbance sites shall be promptly issued a letter of warning when:

1. Best Management Practices have been implemented but are not being maintained to prevent sediment from eroding off-site as required by the Missouri State Operating Permit and the Stormwater Pollution Prevention Plan and stormwater discharges from the site have not resulted in:
 - A violation of the permitted limitation for settleable solids by a factor of 1.4.

- A violation of the Missouri Water Quality Standards general or specific criteria.
2. The responsible party fails to submit an application to renew the Missouri State Operating Permit for land disturbance activities within 90 days prior to the expiration date.

Animal Feeding Operations and Concentrated Animal Feeding Operations Permitted Sites

Responsible parties (owners or continuing authorities) of permitted animal feeding operations and concentrated animal feeding operations shall be promptly issued a letter of warning when:

- The minimum freeboard has not been maintained or is not being maintained.
- There is a spill or release of process waste that is contained onsite or on property owned or under the control of the permittee and does not result in a violation of the Missouri Water Quality Standards.
- A report is not submitted within 30 days from the date specified in an enforcement order, settlement agreement, or the Missouri State Operating Permit.
- An application to renew the Missouri State Operating Permit is not submitted within 180 days prior to the expiration date.

Facilities and Sites Operating Without a Permit

Responsible parties (owners or continuing authorities) operating a water contaminant source (e.g. wastewater treatment system, land disturbance site, industrial stormwater site, classified animal feeding operation), without a permit shall be promptly issued a letter of warning if discharge/activity has not resulted in a violation of the Missouri Water Quality Standards or is not an imminent threat to public health and/or the environment. If the responsible party has been previously notified of the requirement to obtain a permit or the discharge/activity has resulted in a violation of the Missouri Water Quality Standards or is an imminent threat to public health and/or the environment please refer to 5.6 Criteria for issuing a Notice of Violation.

- Record keeping violations and the responsible party has not been previously informed of the requirement.
- Failure to submit (timely, accurate or complete) reports and the responsible party has not been previously informed of the requirement.
- Failure to pay annual permit fees and the responsible party has not been previously informed of the requirement.
- A violation of a permitted effluent limitation that does not meet the criteria for issuing a notice of violation.
- Failure to submit an application for renewal of the Missouri State Operating Permit within required time frames and the responsible party has not been previously informed of the requirement
- Discharge or operation of a water contaminant source without the required Missouri State Operating Permit contingent upon the following conditions.
- The discharge does not result in pollution of waters of the state or result in a violation of the Missouri Water Quality Standards.
- The responsible party has not been previously informed of the requirement to obtain a Missouri State Operating Permit.
- The discharge or activity is not an industrial source or land disturbance activity. Due to the potential

for harm from industrial sources and land disturbance activities and the limited time frame for land disturbance activities a letter of warning is not an appropriate first response.

MS₄ Permitted Sites

Enforcement Escalation Plan And Stormwater Complaint Protocol

This section will help department staff to:

- Understand when and how enforcement may need to be pursued against a regulated MS₄, their non-MS₄ violator (within the MS₄ jurisdiction but not the MS₄ permittee), or both.
- Shift some of the burden of stormwater regulation and enforcement to the municipal level where appropriate.
- Develop a coordinated response protocol with regulated MS₄s in order to minimize duplication of efforts in the dually regulated construction site land disturbance program (and the dually regulated industrial stormwater program in Phase I communities) - including processing of stormwater complaints and enforcement of stormwater quality violations.
- Develop a coordinated protocol with regulated MS₄s to ensure implementation of MS₄ program aspects that are not dually regulated by the department, such as illicit discharge and post-construction runoff programs.
- Regardless of MS₄ jurisdiction, more expeditiously process numerous stormwater complaints that otherwise tend to take up significant staff time.

NOTE: These efforts to more directly involve regulated MS₄s in issue resolution do not relieve the department of obligations to enforce department permits.

1. MS₄ inspections based on complaints should result in a determination that the municipality involved is or is not a regulated MS₄. See list of regulated MS₄s at www.dnr.mo.gov/env/wpp/stormwater/sw-phaseii-communities.pdf
 - If not, proceed to Section II.
 - If so, is or is not the item of concern a violation of the MS₄ permit. See general permit or site-specific permit in respective folder on T drive.
 - If not, proceed to Section II.
 - If so, what is the description of the violation, how does it need to be addressed, what is the timeline for resolution? (See Section V of this document for inspection and enforcement protocols.) See MS₄ Contact Info located at T:\MS₄ Enforcement.
2. Search Excel document MS₄ Contact Info located at T:\MS₄ Enforcement. Locate the MS₄ permit number, county, region and contact information. Locate the MS₄ permit number, county, region and contact information.
3. Locate relevant documents on the T drive by region, county and permit number.
4. Review the permit and the latest stormwater management program plan to determine if the issue should be addressed by the MS₄ through one of the following local regulatory programs

NOTE: The permit will indicate the requirements, and the stormwater management program plan will indicate the MS₄'s intention of complying with those permit requirements. The stormwater management program plan may have deficiencies in one or more of the following areas to meet permit requirements:

- Illicit discharge program.
- Construction land disturbance program.
- Post-construction runoff management program.

- Municipal operations and maintenance program.
 - Public education and outreach.
 - Public involvement and participation.
5. If yes to item 4. above, then:
- Advise the key MS₄ contact of the local MS₄ permittee of violation, the MS₄ action needed, and timeframe for the action.
 - Enter necessary action and timeframe into MoCWIS.
 - Determine outcome.
 - If MS₄ permittee action is not effective within designated timeframe, initiate direct action through CC&P.
 - If the MS₄ should be enforcing the issue and fails to do so, it may become necessary to address the issue directly. In this situation, hold the MS₄ accountable for not enforcing relevant components of its MS₄ program, as well as hold the violator directly accountable.
 - Issue letter of warning to the permittee and/or responsible party after consultation with Water Protection Program and perform a targeted inspection on one or more program components if circumstances warrant it.
See item #11 below.
6. If the MS₄ is directly responsible for the issue, or if not directly responsible for the issue, but fails to enforce the MS₄ program - a violation of their own MS₄ permit - department staff will need to determine if the complaint or violation is, for example, due to:
- Failure to control runoff pollution from municipal operations.
 - Failure to regulate, inspect or enforce non-MS₄ construction site land disturbance activities.
 - Failure to implement pollution prevention and good housekeeping in municipal operations, or PPGH.
 - Failure to train municipal employees in PPGH or as inspectors for other aspects of the permit.
 - Failure to map all stormwater outfalls.
 - Failure to regulate, inspect or enforce against illicit discharges.
 - Failure to perform pre-site design reviews for water quality control in post-construction runoff measures - such as green infrastructure and low impact development practice.
 - Failure to regulate, inspect and enforce post-construction runoff requirements.
 - Failure to follow up enforcement directives.
 - Failure to submit the MS₄ permit application or renewal application.
 - Failure to submit the updated stormwater management program plan.
 - Failure to submit annual report.
 - Failure to develop or implement required ordinances/regulatory options for:
 1. Illicit discharge detection and elimination program.
 2. Construction site land disturbance program.
 3. Post-construction (permanent) runoff management program.
 4. Industrial stormwater runoff program (Phase I communities of Kansas City, Independence and Springfield).
 5. Failure to perform water quality monitoring per TMDL requirements (if applicable).

6. Failure to perform water quality monitoring requirements (mandatory for Phase I communities of Kansas City, Independence and Springfield).
 - First instance, issue a letter of warning, with progressive enforcement for continuing violations.
7. If after reviewing the permit and the stormwater management program plan, department staff have any questions about expectations for MS₄ program performance, they should contact the MS₄ Coordinator in the Water Protection Program in the central office at 573-751-1300.
8. If any issue poses an imminent health threat or significant and obvious violation of water quality standards, department staff must take immediate action to ensure the problem is corrected and staff should take steps to coordinate subsequent enforcement action with the enforcement section in central office. Immediately issue a notice of violation.
9. Failure to implement ordinances, map outfalls and implement other major components of the MS₄ program may be considered significant violations – especially if not completed within the designated time of the permit (five years of initial permit issuance for Phase IIs and three years within initial permit issuance for the Phase I municipalities of Kansas City, Independence and Springfield. Issue a letter of warning, then follow up with a notice of violation if issue persists.
10. Additional violations may include (but are not limited to):
 - Failure to include all aspects of municipal operations in the pollution prevention and good housekeeping program such as:
 1. Departments of Parks, Streets and Solid Waste.
 2. Vehicle or fleet maintenance, salvage yards, salt storage and other activities not requiring a separate industrial stormwater permit.
 - Failure to keep records.
 - Failure to modify the SWMP as appropriate
11. If it becomes necessary to do a brief inspection, refer to their MS₄ permit, SWMP and annual report documents and use the *Missouri MS₄ SWMP Checklist* located at T:\MS₄ Enforcement. If it is determined that a more detailed inspection or comprehensive audit is needed, use the audit questionnaire located at T:\MS₄ Audits\MS₄ Inspection Checklist Template and coordinate audit with central office MS₄ permit coordinator.

4.A Forms

[Letter of Warning template](#) (Word® document)

[Hazardous Waste Citation Guide](#) (PDF document)