CORPS/EPA ENFORCEMENT PROCEDURES
FOR SECTION 404 UNPERMITTED VIOLATIONS*

1. VIOLATION REPORTED TO OR DETECTED BY THE CORPS OR EPA

   WORK INVOLVES:
   A. A WATER OF THE U.S. AND
   B. A SECTION 404 DISCHARGE AND
   C. AN UNPERMITTED ACTIVITY AND
   D. AN ACTIVITY NOT EXEMPTED
       BY SECTION 404(f)

   NO VIOLATION

2. INVESTIGATION**
   ACTIVITY REQUIRES:
   A. IMMEDIATE ACTION OR
   B. INITIAL CORRECTIVE MEASURES

   NO

3. INVESTIGATING AGENCY
   ISSUES C&D/AO (copy
to other agency)

4. LEAD AGENCY SELECTION***
   ACTIVITY INVOLVES ONE OF THE FOLLOWING:
   A. REPEAT VIOLATOR
   B. FLAGRANT VIOLATOR(i.e., obvious prior
      knowledge)
   C. EPA REQUEST THE CASE OR
   D. CORPS RECOMMENDS ADMINISTRATIVE PENALTY

   NO

5. EPA FOLLOWS CWA
   SECTION 309 PROCEDURES

6. CORPS FOLLOWS
   33 CFR 326 PROCEDURES

* Enforcement procedures for permit condition violation cases are set forth at Part III.D.3. and III.D.4.

** Procedures for investigating unpermitted activity cases are set forth at Part III.B.

*** Examples of situations in which "C" & "D" might arise include cases which are important due to deterrent value, due to the violation occurring in a critical priority resource or in an advanced identification area, involving an uncooperative individual, etc.