Florida Department of Environmental Protection
Pretreatment Program
Chapter 62-625, F.A.C.

Enforcement Response Plan (ERP) Checklist

Name of Program: _____
Date of Submission: _____
Permit Number: _____

Submission Requirements	**Y or comment number**	**Document reference and page #**
I. Describe how the control authority will investigate instances of noncompliance.		
A. Procedures to identify initial noncompliance [62-625.500(2)(d)1., F.A.C.]		
B. Procedures to track and follow-up on noncompliance [62-625.500(2)(d)1., F.A.C.]		
1. Follow-up inspections and sampling		
2. Initial enforcement actions		
3. IU response to enforcement actions		
4. Follow-up enforcement actions		
5. Resolution of noncompliance		
C. Procedures for calculating and tracking significant noncompliance		
1. Responsible personnel *[62-625.500(2)(d)3., F.A.C.]*		
2. Time frames *[62-625.500(2)(d)2., F.A.C.]*		
3. Procedures *[62-625.500(2)(d)2., F.A.C.]*		
D. Time frames for response to noncompliance [62-625.500(2)(d)2., F.A.C.]		
1. Response to initial noncompliance		
2. Response to continued noncompliance		
II. Describe the types of escalating enforcement responses the control authority will take in response to all anticipated types of IU violations and the time periods within which responses will take place.		
A. Anticipated types of noncompliance *[62-625.500(2)(d)2., F.A.C.]*		
1. Discharge violations		
a. Discharge without a permit (no harm)		
b. Discharge without a permit (harm)		
c. Discharge without a permit (due to failure to renew)		

Submission Requirements	Y or comment number	Document reference and page #
d. Isolated exceedance of permit limit (no harm)		
e. Isolated exceedance of permit limit (harm)		
f. Recurring exceedance of permit limit (no harm)		
g. Recurring exceedance of permit limit (harm)		
h. Reported slug load (no harm)		
i. Reported slug load (harm)		
j. Other (Describe: _____)		
2. Nondischarge violations		
a. Report is improperly signed or certified		
b. Late report		
c. Failure to submit a report or notice		
d. Falsification of data		
e. Failure to monitor for all regulated pollutants		
f. Improper sampling procedures		
g. Failure to install monitoring equipment		
h. Missed milestone (no effect on final milestone)		
i. Missed milestone (affecting final milestone)		
j. Use of dilution instead of treatment		
k. Failure to mitigate noncompliance (or halt production)		
l. Failure to properly operate and maintain pretreatment equipment		
m. Entry denial		
n. Inadequate record keeping		
o. Failure to report additional monitoring		
p. Other (Describe: _____)		
B. Range of enforcement responses [62-625.500(2)(d)2., F.A.C.]		
1. Is the full range of enforcement responses allowed under State law reflected in the ERP?		
a. Informal notice (i.e., telephone call)		
b. Informal meetings		
c. Warning letter or notice of violation		
d. Injunctive relief		
e. Civil penalties (judicial)		
f. Criminal prosecution		
g. Cease and desist orders		

Submission Requirements	Y or comment number	Document reference and page #
h. Consent orders		
i. Show cause orders		
j. Compliance orders		
k. Other administrative orders		
l. Administrative fines/penalties		
m. Termination of service		
n. Publication		
o. Other (Describe: _____)		
2. Is there an appropriate rationale for the use of these responses? (i.e., are they used effectively)		
C. Criteria for determining an appropriate enforcement response		
1. Magnitude of the violation		
2. Duration of the violation		
3. Effect on the receiving water		
4. Effect on the WWF		
5. Compliance history of the user		
6. Good faith of the user		
III. Does the ERP identify (by title) the officials(s) who must approve each type of response? [62-625.500(2)(d)3., F.A.C.]		
IV. Does the ERP reflect the control authority's primary responsibility to enforce all applicable pretreatment standards and requirements?		
A. Does the ERP include a statement reflecting primary responsibility for enforcing pretreatment standards and requirements? *[62-625.500(2)(d)4., F.A.C.]*		
B. Does the ERP indicate that enforcement will be escalated as necessary to obtain remedies for noncompliance by any industrial user in accordance with Rule 62-625.500(2)(a)5, F.A.C. [62-625.500(2)(d)2., F.A.C.]		

Notes:

Based upon this review, I have found the program submission to be:

☐Adequate ☐inadequate ☐Adequate, contingent on addressing comments

Date: _____ Reviewed by: _____

Note: This review is a preliminary determination and is not necessarily the final determination by the Department.

RECOMMENDED TIME FRAMES SUPPLEMENT

Screening Data

In order to initiate a timely enforcement action, data should be screened as soon as possible after it is received. EPA recommends that data be screened and documented no later than 5 working days after its receipt.

Initial Enforcement Action

Whenever there is a violation, the control authority must take appropriate enforcement action, as defined in its ERP. EPA recommends that no more than 30 days be allowed to elapse between the detection of a violation and initiation of an enforcement response. Violations which threaten health, property, or the environment should receive an immediate response such as halting the discharge or terminating service.

Follow-up Compliance Activities

After an initial enforcement response, the IU's progress toward compliance should be closely tracked. Follow-up compliance activities should begin no later than 30 to 45 days after the initial enforcement action is taken.

Escalating Enforcement Procedures

When follow-up compliance activities indicate that a violation persists or that satisfactory progress is not being made, enforcement should be escalated. These follow-up enforcement actions should be taken within 60 to 90 days of the initial enforcement action. All violations meeting the criteria for significant noncompliance should be addressed with at least an enforceable order within 30 days of the identification of significant noncompliance. [NOTE: The control authority must respond to IU noncompliance before it reaches the level of significant noncompliance.]