Sample

Enforcement Response Plan

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

1. Objectives:

This Enforcement Response Plan (ERP) has the following objectives:

(a) To define the range of appropriate enforcement actions based on the nature and severity of the violation and other relevant factors.
(b) To promote consistent and timely use of enforcement remedies on a strict liability basis. Strict liability in this context is taken to mean that every instance of noncompliance (regardless of fault, negligence, or intent on the part of the industrial user) is a violation of the **[City or County**] Code and subjects the user to enforcement.

2. Enforcement responses:

The implementation of a particular enforcement response should be determined by evaluating the following factors:

(a) The magnitude and duration of the violation.
(b) The effect of the violation on the wastewater facility (WWF), its workers and the quality of its reclaimed water and residuals.
(c) The compliance history and good faith rating of the industrial user concerned.

3. Definitions and abbreviations:

CA - [City or County] Attorney (or her / his designee)
DEP - The Florida Department of Environmental Protection
EPA - United States Environmental Protection Agency
IU - Industrial User
IWP - Industrial Wastewater Permit
NOV - Notification of Violation
SIU - Significant Industrial User
SNC - Significant Noncompliance
WWF - Wastewater Facility

4. Using the Enforcement Response Guide:

The following are actions that may be taken by the **[City or County**] to enforce the pretreatment ordinance and any applicable provisions of federal, state, or local regulation regarding industrial discharges to the **[City or County**] WWF.

(a) <u>Descriptive Use:</u>
  (1) Locate the type of noncompliance in column one, and identify the description of the violation in column two.
  (2) Assess the appropriateness of the recommended response(s) in column three. First offenders or users demonstrating good faith efforts may merit a more lenient response. Repeat offenders, or those demonstrating negligence may require a more stringent response.
  (3) Apply the enforcement response to the industrial user. Specify corrective action or other responses required of the industrial user, if any. Column four indicates the personnel authorized to take each response. If you cannot apply this response, refer it immediately to the person that can.
  (4) Follow-up the response with escalated enforcement action if the industrial user's response is not received or violation continues.

(b) Severance of Service:
The **[City or County]** may suspend the wastewater treatment service and/or an industrial wastewater permit (IWP) when such suspension is necessary, in the opinion of the **[City or County]**, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the WWF or causes the **[City or County]** to violate any condition of the WWF wastewater permits. Any person notified of a suspension of the wastewater treatment service and/or the IWP shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the **[City or County]** shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the WWF system or endangerment to any individuals. The **[City or County]** shall reinstate the IWP and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contributions and the measures taken to prevent any future occurrence shall be submitted to the **[City or County]** within fifteen (15) days of the date of occurrence.

(c) Revocation of Permit:
Any user who violates the following conditions of the **[City or County]** ordinance, or applicable state or federal regulation, is subject to having their permit revoked in accordance with the procedures of the pretreatment ordinance:

(1) Failure of a user to report factually the wastewater constituents and characteristics of his discharge;
(2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
(4) Violation of conditions of the permit.
(5) Discharging to the WWF any discharge that endangers public health or welfare, threatens the environment, or which threatens the operation of the WWF.

(d) Notification of Violation:
Whenever the **[City or County]** finds that any user has violated or is violating the pretreatment ordinance, an IWP, or any prohibition or limitation of requirements contained therein, the **[City or County]** may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the **[City or County]** by the user.

(e) Record of Conversation:
Whenever the **[City or County]** finds that any user has filed an incomplete report, is less than fifteen days late in filing a report, or for other violations, the **[City or County]** may contact such user by telephone or informal site visit. In cases of repeat violations or when an initial visit does not result in adequate resolution of the violation, the user may be visited by higher WWF authorities. A brief summary of conversations held concerning violations of user permits are to be placed in the user's file.

(f) Publication For Significant Noncompliance:
The **[City or County]** shall publish annually, in a newspaper(s) of general circulation within the jurisdiction served by the WWF that meets the requirements of Sections 50.011 and 50.013, Florida Statues (F.S.), the names of industrial users which, at any time during the previous 12 months were in significant noncompliance (SNC). A user is in SNC if its violation meets one or more of the criteria set forth In Chapter 62-625.500(2) (b)8., Florida Administrative Code *(F.A.C.).*

For the purposes of this ERP the definition of SNC is as follows. An industrial user is in SNC if its violation meets one of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all the measurements taken during a six-month period exceed (by any magnitude), a numeric pretreatment standard or requirement, including instantaneous limits;
(2) Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, total oil and grease, and 1.2 for all other pollutants except pH);
(3) Any other violation of a pretreatment standard or requirement (daily maximum , long-term average, instantaneous limit, or narrative standard) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWF personnel or the general public);
(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWFs exercise of its emergency authority, under sub-subparagraph 62-625.500(2) (a)5.b., F.A.C, to halt or prevent such a discharge;
(5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
(6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
(7) Failure to accurately report non-compliance; and
(8) Any other violation or group of violations, including a violation of best management practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

5. Legal Action:

If any person discharges sewage, industrial wastes or other wastes into the **[City or County]**'s wastewater disposal system contrary to the provisions of the pretreatment ordinance, federal or state pretreatment requirements, or any order of the **[City or County]**, the **[City or County]** attorney may commence an action for appropriate legal and/or equitable relief in the circuit court of _____County.

6. Surcharge Invoice:

The **[City or County]** may establish a surcharge schedule for any user that is exceeding the limits of the following parameters: CBOD, oil and grease, TSS, and TKN. The purpose of the surcharge is to recoup the additional expense to the WWF for removing these excess discharges. The surcharge is based on a cost per pound discharged and is included in the users IWP.

7. Notice of Ordinance Violation:

If a violation is found during a site visit, a routine inspection, or any other visit, a notice of ordinance violation can be issued. The notice includes the specific nature of the violation and a time frame for correcting the violation. The notice is to be signed by the user and the inspector. Corrective actions in the notice of ordinance violation can include an order to cease and desist discharge if the violation discovered warrants immediate cessation of activities

8. Consent Orders:

If the [City or County] finds that alterations must be made in an industrial user's pretreatment facility, the [City or County] may issue an order to which the user shall consent in order to establish a compliance schedule. The consent order will include milestone dates to be met to bring the facility in compliance with the users IWP. The user will be allowed to continue discharging to the WWF a long as the schedule for compliance, established in the consent order, is followed. Violations of the compliance schedule can result in the revocation of the user's permit and severance of service.

9. Charges and Fees:

It is the purpose of this chapter to provide for the recovery of costs from users of the **[City or County]**'s wastewater disposal system for the implementation and continued operation of the program established herein. These fees relate solely to the matters covered by the pretreatment ordinance and are separate from all other fees chargeable by the **[City or County]**. Charges and fees shall be for the recovery of actual costs of **[City or County]** labor, materials and equipment (plus 25% overhead expenses and the invoiced charges by others for the above services).

The **[City or County]** may adopt charges and fees which may include:

(a) Fees for reimbursement of costs of setting up and operating the **[City or County]**'s pretreatment program.
(b) Fees for monitoring, inspections and surveillance procedures.
(c) Fees for reviewing accidental discharge procedures and construction.
(d) Fees for permit applications.
(e) Fees for filing appeals.
(f) Fees for consistent removal (by the **[City or County]**) of pollutants otherwise subject to federal pretreatment standards.
(g) Other fees as the **[City or County]** may deem necessary to carry out the requirements contained herein.

10. Data screening procedures:

(a) <u>Screening of **[City or County]** Monitoring Data:</u>
Laboratory analyses are performed by laboratories certified by the Florida Department of Health. Field sheets are filed in order of sample collection date and summary sheets listing all sampling activities are generated on a monthly basis. All data shall be compared with pollutant limits, and all instances of noncompliance shall be immediately detected.

Appropriate enforcement action will commence as required. Hard copies of all monitoring activities shall be retained in the file established for each user.

(b) Screening of Industrial Periodic Compliance Monitoring Data:
All pretreatment correspondence arriving at the pretreatment office shall be opened and date stamped. Envelopes shall be retained to determine postage dates where required. Periodic compliance monitoring reports shall be addressed or hand delivered to the program administrator as required by the user's IWP. The program administrator shall review and assess the periodic compliance monitoring report of each industrial user within five days from its receipt at the pretreatment office. All instances of noncompliance shall be immediately be detected. Copies of the printouts shall be retained in the users file.

(c) Screening of Telephone and Fax Data:
Analytical data relayed to the pretreatment office shall be recorded and inserted in the user's file and shall include the name of the person taking the call, the name of the caller, the Industrial User, and the results. These records shall only be used for identifying the date and time of required noncompliance reporting by an industrial user. The date and time recorded automatically on fax transmitted analytical data shall be used to record the receipt of a periodic compliance monitoring report or omitted data, provided that an original copy of the complete report is received not more than 2 working days after the fax. This procedure may be used as a method of avoiding late reporting penalties by industrial users. No data received by telephone shall be accepted for compliance.

11. Site Visits:

(a) Response to Complaints:
The sanitary sewer crews radio complaints when they encounter problems in the collections system that may be related to industrial users. The complaints include excessive grease in sewer lines or lift stations, suspected illegal connections, and suspected improper discharges. The IPP staff responds to these complaints and investigates for the source of any suspected discharge violations. The investigation may include consulting sewer line diagrams and tracking back to possible sources of the discharge. Other complaints may come from other users, agencies, or citizens. All complaints received are investigated as soon as possible. Complaint responses are documented on a complaint/emergency response report. Other documentation is also completed as needed.

(b) Site visits-non permitted Users:
(1) The program administrator maintains an Industrial Waste Program file to schedule periodic inspections on non-permitted users. These users include restaurants, garages, car washes and small laundries. The inspections include grease traps, oil water separators, and lint traps. The users are inspected for proper operation, maintenance and pumping of pretreatment devices. The **[City or County]** Ordinance recommends that all grease traps be pumped on a bimonthly basis.
(2) Copies of the inspection reports are maintained in files, and are reviewed by the program administrator on a monthly basis. Violations detected during the site visits are documented.

(c) Site Visits - Permitted Users:
Permitted industrial users are inspected prior to permit issuance or renewal. Site visits for permits are conducted using the industrial inspection checklist. Any violations noted during

an inspection are also documented for review prior to the issuance of any permit or permit renewal.

12. Violation Enforcement Tracking:

(a) Violation Tracking File:
The program administrator shall maintain a violation tracking file to track all enforcement action and violation responses. This file is checked at the beginning of each week to determine what user corrective actions are to be verified that week. As responses to violations and enforcement actions are received, the corresponding documentation is removed from the violation tracking file. If an adequate response to the violation is not received by the response due date, further enforcement action is initiated. Violations and enforcement actions that are tracked using the violation tracking file include but are not limited to the following:

(1) Notices of Violation (NOV) - A copy of all notices of violation that require a response from the user will be placed in the violation tracking file. If multiple due dates are listed on the NOV, a separate copy will be kept in the corresponding folders of the file.

(2) Grease Trap Inspection Reports - If a user has been required to pump out a grease trap within five days, a copy of the report is placed in the next week's file so that verification can be made that the trap was pumped.

(3) Industrial Monitoring Site Visit Report - If a violation is detected during a user site visit and a response due date is discussed with the user during the visit, a copy of the Site Visit Report is placed in the violation tracking file.

(4) Surcharge Invoices - If a surcharge invoice is issued, a copy of the invoice is placed in the next month's folder so that follow-up can be made to verify that the user is paying the surcharge in a timely fashion and that the client is not questioning the surcharges.

(b) Publication File:
Any time a user is found to be in SNC as out lined previously, a NOV shall be issued. A copy of the NOV will be placed in a file for publication. In January the program administrator will review the publication file and users that are found to warrant publication will be published as outlined previously.

13. Inspections:

(a) Inspections will be used to identify problem areas and IU noncompliance.
(b) Noncompliance will be re-inspected within 1 to 90 days depending on the severity of the violation.
(c) The delegated personnel will place the inspection report after identifying any problems into the discharger’s file.
(d) Any inspection problems will be documented and placed into a pending file which will be reviewed at a minimum of every 30 days or as needed. Any recommendations will be implemented.
(e) Inspections that are unscheduled will be on a case by case basis or as needed.
(f) Inspections will include:
(1) A pre-inspection preparation.
(2) Completion of an inspection form.

(3) Data collection and accompanying documentation.
(4) A post inspection evaluation.

(g) When the sampling results are received, a review for completeness and accuracy will be performed. Any enforcement action will be initiated.

14. Sampling:

(a) Samples will be collected according to the Department of Environmental Protection standard operating procedures.

(b) A chain-of-custody form will be filled out for all samples.

15. Show Cause Hearing:

(a) The **[City or County]** may order any user who causes or allows an unauthorized discharge to enter the WWF to show cause before the **[City or County]** Commission why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the **[City or County]** Commission regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the **[City or County]** Commission why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

(b) The **[City or County]** Commission may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the **[City or County]** to:

(1) Issue in the name of the **[City or County]** Commission notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
(2) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the **[City or County]** Commission for action thereon.
(3) Take evidence

(c) At any hearing held pursuant to the pretreatment ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(d) After the [City or County] Commission has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

16. Enforcement Response Guide

(a). Effluent limitation violations

NON COMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
A. Exceedance of local, state, or federal standards for SIU.	1. IU is unaware of the requirement; no harm to system, workers, WWF, or the environment. 2. IU is unaware of the requirement; however, harm occurs to system, workers, WWF and/or environment. 3. Failure to comply after Notice is given by WWF. 4. Discharge without a permit (Due to failure to renew)	Phone call, NOV (no fine) and complete a site survey to determine if a permit is warranted. Site visit, give application for Permit. NOV (With fine) Further administrative / legal action / sewer severance Legal Action Case by case enforcement including severity and perception of intent. Minimum of NOV NOV (with fine) and/or compliance schedule / and/or further administrative action	PC PC PC / DIR PC / DIR / OCA PC / DIR / OCA PC / DIR / OCA
B. Exceedance of local, state, or federal standards for other than SIU.	1. IU is unaware of requirement; no harm to system, workers, WWF or environment. 2. IU is unaware of requirement; however, harm occurs to system, workers, WWF and/or environment. 3. Failure to comply after Notice is given by WWF.	Phone call, NOV (no fine) and complete a site survey to determine if Permit is warranted. Site Visit, Give application or Permit NOV (with fine) Further administrative/legal action/sewer severance Legal Action Criminal Investigation Terminate Service	PC PC PC / DIR PC / DIR / OCA PC / DIR / OCA PC / DIR / OCA
C. Exceedance of local, state, or federal standards for SIU, or non-SIU, including permits	1. First occurrence during previous 12 month period,(Not a slug load; no harm to system, workers, WWF and/or environment). 2. Second occurrence during previous 12 month period (Not a slug load, no harm to system, workers, WWF and/or environment. 3. Third and any succeeding occurrence during previous 12 month period, not a slug load, no harm to system, workers, WWF and/or environment.	Phone call NOV (no fine) NOV (with fine) and/or compliance schedule and/or further administrative action	PC PC PC / DIR PC / DIR / OCA
D. Slug discharge for SIU, or non-SIU, including permits	1. IU is unaware of requirement; no harm to system, workers, WWF or environment. 2. IU is unaware of requirement; however, harm occurs to system, workers, WWF and/or environment. 3. Failure to comply after Notice is given by WWF.	Phone call, NOV (no fine) and complete a site survey to determine if Permit is warranted. Site Visit, Give application or Permit NOV (with fine) Further administrative/legal action/sewer severance Legal Action Criminal Investigation Terminate Service	PC PC PC / DIR PC / DIR / OCA PC / DIR / OCA PC / DIR / OCA

Key: SIU = Significant Industrial User; IU = Industrial User; WWF = Wastewater Facility; NOV = Notice of Violation; SNC = Significant Non-Compliance
PC = Pretreatment Coordinator; DIR = Director; OCA = Office of City/County Attorney

(b).Effluent violations by permitted user.

NON COMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
A. Exceedance of local, state, or federal standards for SIU, or non SIU, including permits	1. First occurrence during previous 12 month period,(Not a slug load; no harm to system, workers, WWF and/or environment). 2. Second occurrence during previous 12 month period (Not a slug load, no harm to system, workers, WWF and/or environment. 3. Third and any succeeding occurrence during previous 12 month period, not a slug load, no harm to system, workers, WWF and/or environment.	Phone call NOV (no fine) NOV (with fine) and/or compliance schedule and/or further administrative action	PC PC PC / DIR PC / DIR / OCA
B. Exceedance of local, state, or federal standards for SIU, or non SIU, including permits	1. Any occurrence which harms system, workers, WWF and/or environment.	Site Visit NOV (with fine) Further administrative/legal action/sewer severance	PC PC PC / DIR / OCA
C. Exceedance of local, state or federal standards while on compliance schedule	1. First occurrence during previous 12 month period. 2. Second and all succeeding occurrences.	NOV (no fine) NOV (with fine). The fine is based upon the industrial discharge loading and a percentage of the total fine amount will be assessed for payment upon discovery of the violation, with the remaining fine(s) to be held in abeyance pending timely and successful compliance with the compliance schedule.	PC PC / DIR
D. Significant Non Compliance	1. Exceeds significant non compliance criteria for any 6 month period. a. Chronic violations (66%) b. Technical review criteria (33%)	Publish in local newspaper Publish in local newspaper	PC / DIR PC / DIR

(c). Self-monitoring and reporting violations

NON COMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
A. Monthly report late	1.1st occurrence during previous 12 month period.	Phone call on due date	PC
	a. Disregard for phone call.	Reminder letter - 5 days	PC
	b. Disregard for reminder letter.	NOV (with fine) - 5 days	PC /DIR
	c. Disregard for NOV	Further administrative/legal action	PC / DIR / OCA
NOTE: All reports > 45 days late are considered significant noncompliance and a disregard for NOV	2.2nd occurrence during previous 12 month period.	Reminder letter - 5 days	PC
	a.Disregard for reminder letter.	NOV (with fine)	PC / DIR
	b.Disregard for NOV	Further administrative/legal action	PC / DIR / OCA
	3.3rd and all succeeding occurrences during previous 12 month period.	NOV (with fine)	PC / DIR
	a.Disregard for NOV	Further administrative/legal action	PC / DIR / OCA
B. Report improperly signed or certified	1.1st occurrence during previous 12 month period.	Phone call	PC
	a.Disregard for phone call.	NOV (no fine)	PC
	b.Disregard for NOV	NOV (with fine)	PC
	c.Disregard for NOV	Further administrative/legal action	PC / DIR / OCA
	2.2nd occurrence during previous 12 month period.	NOV (no fine)	PC
	a.Disregard for NOV	NOV (with fine)	PC
	b.Disregard for NOV	Further administrative /legal action	PC / DIR /OCA
	3.3rd and all succeeding occurrence during previous 12 month period.	NOV (with fine)	PC
	a.Disregard for NOV	Further administrative/legal action	PC / DIR / OCA

(c). Self-monitoring and reporting violations (cont.)

NON COMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
C. Failure to report process changes	1.No harm to system, workers, WWF, or environment	Unannounced inspection	PC
	2.Potential created to harm system, workers, WWF and/or environment	Unannounced inspection and NOV (with fine)	PC PC
	3.Harm to system, workers, WWF and/or environment	Unannounced inspection and Further administrative/legal action/sewer severance	PC PC / DIR / OCA
D. Failure to respond when required	1.Required documentation not submitted on due date	Phone call on due date	PC
		Final Notice 7 days past due date	PC
	a.Disregard for phone call	NOV (with fine)	PC / DIR
	b.Disregard for Final Notice	Further administrative/legal action/sewer severance	PC / DIR / OCA
	c.Disregard for NOV		
E. Failure to monitor all pollutants as required by Permit	1.1st occurrence during previous 12 month period.	Phone call	PC
		NOV (no fine)	PC
	a.Disregard for phone call.	NOV (with fine)	PC / DIR
	b.Disregard for NOV	Further administrative/legal action	PC / DIR / OCA
	c.Disregard for NOV		
		NOV (no fine)	PC
	2.2nd occurrence during previous 12 month period.	NOV (with fine)	PC / DIR
		Further administrative/legal action	PC / DIR / OCA
	a.Disregard for NOV		
	b.Disregard for NOV	NOV (with fine)	PC / DIR
	3.3rd and all succeeding occurrences during previous 12 month period.	Further administrative/legal action	PC / DIR / OCA
	a.Disregard for NOV		

(c). Self-monitoring and reporting violations (cont.)

NON COMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
F. Failure to obtain proper sample type	1.1st occurrence during previous 12 month period. a.Disregard for phone call. b.Disregard for NOV c.Disregard for NOV 2.2nd occurrence during previous 12 month period. a.Disregard for NOV b.Disregard for NOV 3.3rd and all succeeding occurrences during previous 12 month period. a.Disregard for NOV	Phone call NOV (no fine) NOV (with fine) Further administrative/legal action NOV (no fine) NOV (with fine) Further administrative/legal action NOV (with fine) Further administrative/legal action	PC PC PC PC / DIR / OCA PC PC PC / DIR / OCA PC PC / DIR / OCA
G.Falsification of data	1.Any data which is submitted bearing an untruthful account of results or events.	Administrative / Legal Action / Sewer Severance	PC / DIR / OCA
H. Failure to report additional monitoring	1.1st occurrence a.Disregard for phone call. b.Disregard for NOV c.Disregard for NOV	Phone call NOV (no fine) NOV (with fine) Further administrative/legal action	PC PC PC PC / DI. / OCA
I. Failure to install monitoring equipment	1.1st occurrence a.Disregard for phone call. b.Disregard for NOV c.Disregard for NOV	Phone call NOV (no fine) NOV (with fine) Further administrative/legal action	PC PC PC PC / DIR / OCA

(d). Compliance schedule violations

NON COMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
A. Missed milestone (no affect on final milestone)	1.Missed milestone is < 90 days late 2.Missed milestone is greater than 90 days late 3.Recurring violations of schedule	NOV (No fine) NOV (With fine) / SNC publication NOV (With fine) Further administrative / Legal actions / sewer severance	PC PC / DIR PC / DIR PC /DIR / OCA
B. Missed milestone (affecting the final milestone)	1.Missed milestone is < 90 days late 2.Missed milestone is > 90 days late 3.Recurring violations of schedule 4.Refusal to enter into a consent order	NOV (No fine) NOV (With fine)/ SNC publication NOV (With fine) Further administrative / Legal actions / sewer severance	PC PC / DIR PC / DIR PC / DIR / OCA
C. Failure to meet compliance schedule after final milestone date	1.Exceed final milestone deadline (< 30 days) 2.Continues to exceed final milestone deadline (> 30 days)	Permit revocation / sewer severance NOV (with fine). The fine is based upon the industrial discharge loading and a percentage of the total fine amount will be assessed for payment upon discovery of the violation, with the remaining fine(s) to be held in abeyance pending timely and successful compliance with the compliance schedule. Further administrative/legal action/sewer severance	PC / DIR / OCA PC / DIR

(e).Violations found during inspection

NON COMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
A.Facility Entry	Entry Denied	Leave area - consult OCA	PC / OCA
B.Records Review	Consent withdrawn to review/copy records	Leave area - consult OCA	PC / OCA
C. Prohibited materials/substances discharged to sanitary sewer system	1. No harm to system, workers, WWF and / or environment 2. Potential created to harm system, workers, and/or environment 3. Harm to system workers, WWF, and/or environment	NOV (no fine), with letter NOV (with fine) Further administrative/legal action/sewer severance	PC PC/ DIR. PC / DIR / OCA
D. Sampling at incorrect location	1. 1st occurrence 2. 2nd occurrence 3. 3rd occurrence	Verbal Notice (Documented) NOV (with fine) Further administrative/legal action/sewer severance	PC PC PC / DIR
E.Record Keeping	1. Records found to be incomplete 2. Recurring	NOV (no fine), with letter NOV (with fine), and/or further administrative/legal action/sewer severance	PC PC / DIR / OCA
F. Waste streams are diluted in lieu of treatment	1. Initial findings 2. Recurring	NOV (no fine), with letter NOV (with fine), and/or Further administrative/legal action/sewer severance	PC PC / DIR /OCA
G. Failure to properly operate/maintain pretreatment equipment results	1. No harm to system, workers, WWF, and/or environment 2. Potential created to harm system, workers, WWF, and/or environment 3. Harm to system, workers, WWF, and/or environment	Phone call NOV (with fine) Further administrative/legal action/sewer severance	PC PC PC / DIR / OCA
H. Failure to mitigate noncompliance (or to halt discharge)	1. No harm to system, workers, WWF or the environment 2. Potential created to harm system, workers, WWF and/or environment 3. Harm to system, workers, WWF, and/or environment	NOV (With fine) / Further administrative action / sewer severance NOV (With fine) / Further administrative action / sewer severance NOV (With fine) / SNC publication / Further administrative action / sewer severance	PC / DIR PC / DIR PC / DIR

Key:
SIU = Significant Industrial User; IU = Industrial User; WWF = Waste-water Facility;
NOV = Notice of Violation; SNC = Significant Non-Compliance
PC = Pretreatment Coordinator; DIR = Director; OCA = Office of City/County Attorney

17.Time frame for responses:

(a) All violations will be identified and documented within five (5) days of receiving compliance information.

(b) Initial enforcement responses [involving contact with the industrial user and requesting information on corrective or preventive action(s)] will occur within thirty (30) days of violation detection.

(c) Follow-up actions for continuing or recurring violations will be taken within sixty (60) days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.

(d) Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

(e) All violations meeting the criteria for SNC will be addressed with an enforceable order within thirty (30) days of the identification of SNC.

18.Further administrative / legal actions:

Administrative / Legal action may include, but shall not be limited to the following:

(a) Petition for federal or state enforcement as may be provided by applicable federal or state laws to ensure compliance with applicable pretreatment standards by industrial users.

(b) The **[City or County]** may file a petition in the Circuit Court of_____ County or any other courts having jurisdiction, seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this division or other applicable law or regulation.

(c) The Director of Public Utilities reserves the right to assess fines on a case by case assessment. Suit may be brought to recover any and all damages suffered by the **[City or County]** as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the WWF, or for any other expense, loss, or damage of any kind or nature suffered by the **[City or County]**.