

III.b. ENFORCEMENT RESPONSE GUIDE

NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
I. UNAUTHORIZED DISCHARGES (No permit)			
1. Unpermitted discharge	IU unaware of requirement; no harm to POTW/environment	Phone call; NOV with application form	PCEC
	IU unaware of requirement; harm to POTW/environment	AO with fine Civil action	PCEC M
	Failure to apply continues after notice by the POTW	Civil action Legal action to fine Terminate service	M M M
2. Failure to renew permit	IU has not submitted application within 10 days after due date	Phone call; NOV	PCEC
II. DISCHARGE LIMIT VIOLATION			
Exceedance of local or federal standard (including permit limit)	Isolated, not significant (penalty not listed in Rate Ordinance)	Phone call; NOV	PCEC
	Isolated, not significant (penalty listed in Rate Ordinance)	Phone call; NOV; stipulated penalty	PCEC
	Isolated, significant (no harm)	AO (with fine) to develop corrective action plan	PCEC
	Isolation, significant, harm to POTW or environment	AO with fine Legal action to fine	PCEC M
	Recurring, no harm to POTW/environment	AO with fine	PCEC
	Recurring, significant, harm	AO with fine Civil action Legal action to fine Terminate service	PCEC M M M

Enforcement Response Guide (cont.)

III. MONITORING AND REPORTING VIOLATIONS

1. Reporting violation	Report is improperly signed or certified	Phone call or NOV	PCEC
	Report is improperly signed or certified after notice by POTW	AO Show cause order	PCEC PCEC , M
	Failure to report BMP compliance information	Phone call or NOV	PCEC
	Isolated, <u>not</u> significant (e.g., 5 days late)	Phone call; NOV	PCEC
	Significant (e.g., 30 days or more later)	AO (with fine) to submit with fine per additional day	PCEC
	Reports are always late or no reports at all	AO with fine Show cause order Legal action to fine	PCEC PCEC , M
	Failure to report spill, slug load, or changed discharge (no harm)	Phone call; NOV	PCEC
	Failure to report spill, slug loads, or changed discharge (results in harm)	AO with fine Civil action Legal action to fine	PCEC M M
	Repeated failure to report spills or slug loads	Show cause with order Legal action to fine Terminate service	PCEC , M M M
	Falsification	Criminal investigation Terminate service	M M
Failure to accurately report non-compliance (initial violation)	Phone call or NOV	PCEC	
	AO with fine	PCEC	
2. Failure to monitor correctly	Failure to monitor all pollutants as required by permit, includes compliance with required narrative standards or BMPs, includes representative sample results	NOV or AO	PCEC
	Recurring failure to monitor	AO with fine Legal action to fine	PCEC M
3. Improper sampling or analytical procedure	No evidence of intent	AO with fine	PCEC
	Evidence of intent	Criminal investigation Terminate service	M M

Enforcement Response Guide (cont.)

4. Failure to install monitoring equipment	Delay of less than 30 days	Phone call; NOV	PCEC
	Delay of 30 days or more	AO (with fine) to install with fine per additional day	PCEC
	Recurring, violation of AO	Civil action Legal action to fine Terminate service	M M M
5. Compliance schedules	Missed milestone by less than 30 days, or will not affect final milestone	NOV AO with fine	PCEC PCEC
	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	AO with fine	PCEC
	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	Civil action Legal action to fine Terminate service	M M M
	Recurring violation or violation of schedule in AO	Civil action Legal action to fine Terminate service	M M
IV. OTHER PERMIT VIOLATIONS			
1. Wastestreams are diluted in lieu of treatment	Initial violation	AO with fine	PCEC
	Recurring	Show cause order Legal action to fine Terminate service	PCEC , M M M
2. Failure to mitigate noncompliance or halt production	Does not result in harm	Phone call; NOV	PCEC
	Does result in harm	AO with fine Civil action	PCEC M
3. Failure to operate and maintain pretreatment facility properly or implement narrative standards or BMPs	See No. 2 above		
4. Failure to submit required notifications	Does not result in harm	Phone call; NOV	PCEC
	Does result in harm	AO with fine Civil action	PCEC M
5. Failure to implement Best Management Practice	Does not result in harm	Phone call; NOV	PCEC
	Does result in harm	AO with fine Civil action	PCEC M

Enforcement Response Guide (cont.)

V. VIOLATIONS DETECTED DURING SITE VISIT

1. Entry denial	Entry denied to all or relevant portions of facility, including records	Show excerpt from City ordinance requiring admittance	I
	Entry denied after showing ordinance requirements	Obtain search warrant and return to IU AO with fine Legal action to fine Terminate service	PCEC PCEC M M
2. Illegal discharge	No harm to POTW or environment	AO with fine	PCEC
	Discharge causes harm or evidence of intent/negligence	Civil action Legal action to fine	M M
	Recurring, violation of AO	Terminate service	M
3. Improper sampling	Unintentional sampling at incorrect location	Phone call; NOV	PCEC
	Unintentionally using incorrect sample type	Phone call; NOV	PCEC
	Unintentionally using incorrect sample techniques	Phone call; NOV	PCEC
	Incorrect sampling (evidence of intent)	AO with fine Legal action to fine	PCEC M
4. Inadequate recordkeeping, including compliance documentation associated with any required narrative standard or BMPs	Inspector finds files incomplete or missing (no evidence of intent)	Phone call; NOV	PCEC
	Recurring	AO with fine	PCEC
5. Failure to report additional monitoring results of regulated pollutant at the appropriate sampling location.	Inspection finds additional files	Phone call; NOV	PCEC
	Results of unreported additional monitoring show or contributes to showing of violation	AO with fine Legal action to fine	PCEC M
	Recurring	AO with fine	PCEC

Enforcement Response Guide (cont.)

VI. TIME FRAMES FOR RESPONSES

- A. All violations, including noncompliance with BMPs will be identified and documented within five days after 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 15 days after violation detection.
 - C. Follow-up actions for continuing or recurring violations will be taken within 60 days after the initial response. For all continuing violations, the response will include a compliance schedule or a request for such schedule from industry.
 - D. Violations which pose immediate threats to 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 significant noncompliance will be addressed with an order (administrative order with fine, at minimum) within 30 days after the identification of significant noncompliance.
 - F. Additional actions which the City will take if necessary include injunctions for environmental remediation; consent orders; performance bonds; short term permits; and referral to the Approval Authority.
-

Code: AO – Administrative Order

Civil Litigation = Civil litigation against the industrial user seeking equitable relief, monetary penalties, and actual damages

Criminal Prosecution = Pursuing punitive measures against an individual and/or organization through a court of law

Fine = Monetary penalty assessed by City officials. Fines should be assessed by the Pretreatment Coordinator or by the Public Works Superintendent

I = Inspector

IU – Industrial User

Meeting = Informal compliance meeting with the IU to resolve recurring noncompliance

NOV = Notice of Violation

[PEC](#) = ~~Pretreatment~~-[Environmental](#) Coordinator

M = Water Utilities Manager

SV = Significant Violation

Show Cause = Formal meeting requiring the IU to appear and demonstrate why the City should not take a proposed action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.
