



PRETREATMENT ENFORCEMENT ACTION PROGRAM

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INTRODUCTION

PRINCIPLES OF AN ENFORCEMENT MANAGEMENT SYSTEM

As part of the responsibilities which accompany implementation of the pretreatment local limits program, the Princeton water and Wastewater Commission, (PWWC), must establish requirements for industrial user pollution control, reporting and monitoring of discharge, and the incorporation of these requirements into control mechanisms. Pollution control requirements must reflect Federal categorical standards, general pretreatment standards and local limitations. Each control mechanism will enable PWWC to monitor and control discharges to its Publicly Owned Treatment Works (POTW), to implement the pretreatment limits program, and to satisfy the goals of the General Pretreatment Regulations. In order to administer the pretreatment program efficiently, the PWWC must develop a system to determine if industrial users are complying with pretreatment local limits and requirements regulated by the control mechanisms. The system shall also determine how and when to respond to noncompliance by industrial users.

USEPA has a primary responsibility under the NPDES program for direct dischargers. The EPA has developed a general system to plan, administer, and evaluate an enforcement program. This system is known as the Enforcement Management System (EMS).

The system is based on principles of management and internal controls that have been used successfully in the NPDES program. These principles describe a process for obtaining and evaluating information on industrial user compliance; identifying noncompliance; selection of appropriate enforcement action; and resolving noncompliance in a timely, fair and consistent manner. These principles also establish a framework for managing an enforcement process, while providing the flexibility to develop management procedures that best suit PWWC resources and operations.

The following list contains the EMS principles adopted by the PWWC. A more detailed description of these principles is presented in the following section.

EMS PRINCIPLES

1. Establish responsibilities, procedures, and timeframes to provide information to all levels of PWWC.
2. Maintain an industrial user inventory that is complete and accurate.
3. Collect and dispense information.
4. Conduct inspection and sampling of industrial users discharge on a routine basis.
5. Ensure compliance screening of all relevant data.
6. Perform enforcement evaluations, when appropriate.
7. Institute formal enforcement action and follow up, when appropriate.

DESCRIPTION OF EMS PRINCIPLES

1. Establish responsibilities, procedures, and timeframes to provide information to all levels of PWWC administration of the local pretreatment program.

Throughout the enforcement process, it is important for all levels of management to be able to assess the effectiveness of the program and identify progress deficiencies. The PWWC enforcement procedures shall give management the information it needs to ensure that the program makes timely decisions to help successfully implement and enforce its pretreatment local limits program. For internal management control, an enforcement management system should provide for:

- Identification of individuals or unit responsibility for each element of the system.
- Procedures for collecting and disseminating information including standardized report forms and notifying industrial users of violations.

Method of tracking program activities at any given time including issuance of control mechanisms, compliance reviews, and enforcement actions.

System of evaluating specific activities in terms of their quality, timeliness, results and accomplishments of program objectives.

The Superintendent (S) is the person who is responsible for the decisions concerning the Enforcement Management System. The Superintendent (S) conducts annual inspections of the industrial user's (IU) facility. The Superintendent (S) will initiate all PWWC approved forms of Formal enforcement Action against an industrial user (IU). The Superintendent (S) may assign responsibilities, and specific enforcement actions to other staff individuals.

The Superintendent (S) should be familiar with the requirements of the local program, and the State and Federal requirements. The Superintendent (S) would be responsible for all technical aspects of the Enforcement Management System including enforcement screening, developing surcharges and specific Monetary Penalties (MP), program tracking and upgrading of technical, administrative and enforcement activities of the program. The Superintendent (S) should be responsible for maintaining records of compliance and enforcement actions for each industrial user (IU). The Superintendent (S) would not only be responsible for compliance reviews for the industrial user (IU), but also for evaluating the PWWC pretreatment program and its activities.

The Superintendent {S} may want to designate another person as an inspector (I). The Inspector/Field Personnel (I) is the person who conducts the following activities:

1. Conducts compliance monitoring/sampling inspections.
2. screens compliance monitoring/sampling data from both the industrial user (IU) and from their own inspection reports.
3. Conducts routine on-site inspections at each industrial user (IU) site.
4. Detects and investigates many instances of noncompliance.
5. Informs the Superintendent (S) of violations.
6. May give informal notices **(IN)**.

The inspector is responsible for keeping the Superintendent {S} informed of the day to day compliance data from the field concerning all industrial users (IU).

The Commission Attorney **(CA)** is responsible for advising the Superintendent (S) in all legal matters in the enforcement management system. These responsibilities include preparing legal reports, fines and penalties and filing civil and/or criminal suits. The Commission Attorney **(CA)** also performs legal responsibilities during Show Cause Meetings (SCM) and Administrative Order Meetings (AO).

2. Maintain an industrial user (IU) inventory that is current, complete, and accurate.

The foundation of a compliance tracking and enforcement system is the complete and accurate compilation of the pertinent data on all industrial discharges to the POTW. For this system the PWWC must maintain a current inventory of industrial users (IU). The inventory shall consist of the industrial users (IU) name, location, identification number, effluent limits, basis for the limit (categorical standards or local limits), volume of discharge, control mechanism status, compliance dates, industrial category and significant industrial user classification for each industrial user (IU).

A routine schedule and identified process for updating the inventory of industrial users (IU) should be implemented, including the specific data available concerning each industrial user (IU). Sources of information that might be used in the process include data developed through inspections of the facility, a review of water use records and/or building permit applications, and information on changes reported by the industrial user (IU). Responsibility for maintenance of the inventory should belong to the Superintendent (S) of the PWWC. Permits will be maintained on each industrial user (IU). Once every five (5) years, nine (9) months prior to permit expiration, permit

application forms will be mailed to all industrial and special users (IU) for completion and submission back to PWWC within 3 months. Part II, Section C of the pretreatment permit requires notification by industrial users (IU) of any planned or anticipated process or treatment changes.

3. Collect and dispense information, as necessary.

In order to ensure that its system has the needed information and that this information is current, the PWWC must actively manage the flow of information into its EMS. For each industrial user (IU), the PWWC must determine if any data *is* legally required or needed, as well as how it can be obtained. The results of the routine PWWC industrial monitoring spot-checks and the industrial user (IU) self-monitoring reports indicating noncompliance is usually sufficient evidence to detect a violation.

The PWWC must specify in the industrial user's (IU) permit the minimum monitoring requirements. The PWWC has adopted a policy of conducting frequent and routine monitoring spot-checks of all industrial users (IU). The industrial user (IU) must provide self-monitoring checks which comply with the permit conditions. The reports of these self-monitoring checks should be appropriate to sufficiently monitor compliance. Industrial users (IU) must perform self-monitoring to gauge the performance of individual treatment facilities and quality of discharge.

Other sources of information should be consulted routinely to update or add information to the industrial user's (IU) file. The PWWC may monitor other water and sewerage usage, issuance of building permits, violation of other local ordinances, and local news outlets to identify

changes that have occurred or are planned for an industrial user (IU) and may affect its wastewater contribution to the **POTW**.

The PWWC must plan the collection, receipt, processing, and retaining of routine and non-routine or emergency data to ensure that they are informed and capable of making decisions on compliance activities. The Superintendent (S) will maintain a master (official) file for each industrial user (IU) *in* the office of the PWWC. The maintenance of data should be conducted *in* a manner cognizant that at some time it may be needed as evidence in enforcement procedures.

Under all circumstances the PWWC must retain baseline monitoring reports, 90 day compliance reports, compliance schedule reports and semiannual compliance reports that it has received for at least three years.

In addition to the collection of data the PWWC must also disperse certain information. Information should be provided to the industrial user (IU) on its compliance status, changes in pretreatment requirements, results of inspections, and any other pertinent information or guidance. This feedback must also include information relative to these EMS principles and the general responses to noncompliance. Information submitted to the industrial user (IU) by PWWC or representatives thereof, must be under the signature of the Superintendent (S), and must be transmitted by certified mail or hand delivered if it is enforcement related.

4. Conduct inspection and sampling of industrial user's (IU) discharge on a routine basis.

The PWWC shall have an inspection plan for scheduling field investigations, which may include site visits, sample collection, facility inspections, and flow monitoring. The PWWC shall also use field investigations to verify compliance status determined from industrial user (IU) self-monitoring activities. The PWWC will conduct three types of inspections and sampling programs for the purpose of monitoring industrial activities.

Periodic, regular spot checks will be performed on permitted discharges by the Laboratory director/inspector (I). Results of self monitoring activities will be maintained with the spot checks in a log book by the Laboratory director/inspector (I). Results in the log book will be shared with the industrial user (IU) if requested.

Compliance monitoring will be conducted semi-annually of all industrial and special users (IU). Samples collected will be tested for all parameters regulated by PWWC. Results will be used to determine compliance of the users (IU). Compliance monitoring will be unannounced. Results of compliance monitoring will be shared with each user (IU). Compliance monitoring will be conducted by the Laboratory director/inspector (I).

Once per year, announced non-sampling inspections will be conducted of all permitted users (IU). A complete tour of each facility including processing/manufacturing areas, wastewater treatment and laboratory/record keeping. Results of the inspections will be prepared in written reports to the files. These inspections will be performed by the Superintendent (S).

If in the opinion of the Superintendent (S) an incident creates an emergency situation, the Superintendent (S) may have access to records for collecting data pertinent to the Pretreatment program and policy of the industrial user (IU). If in the opinion of the Superintendent (S) the emergency situation warrants immediate action the Superintendent (S) may proceed with a termination of service. (See page 28.)

As each phase of the program is conducted, the Lab director/inspector (I) will report to the Superintendent (S) any noted or recorded violations or problems. The Superintendent (S) will proceed with appropriate enforcement action.

5. Ensure compliance screening of all relevant data.

The compliance screening process involves reviewing all available information to sort out noncompliance dischargers for appropriate enforcement action. This initial review shall assess, as appropriate, compliance schedules, reporting requirements (including "slug" discharge notices), and applicable pretreatment standards. The reviews will be conducted by the lab director/inspector (I) and the Superintendent (S) of the PWWC. the results will be compiled into a report to the appropriate industrial user's (IU) file.

The screening process should verify that all monitoring reports are received on schedule, that they cover the proper time period, and include all information required to properly gauge compliance. The reviewer shall check the reports to determine that all parameters reported, the number of measurements for each parameter, the method of analysis, the sampling procedures, the discharge concentration, and ny other applicable information are in compliance with permit conditions. Any discrepancy is a violation that the industrial user (IU) shall be required to correct. All alleged violations shall be identified by the PWWC and recorded in a violation summary specific to each industrial user (IU). This summary will serve as a log for the compliance history of the industrial user (IU) and will be

used to determine the enforcement response of the PWWC. The Superintendent (S) will maintain the Summary log inside the front cover of the industrial user's (IU) master file.

6. Perform an enforcement evaluation, when appropriate.

The violations which were identified during the compliance screening process shall be reviewed to evaluate the type of enforcement response needed. This review shall be conducted by the superintendent (S) of PWWC. Consideration will be given to legal consultation if necessary.

.An Enforcement Response Guide has been developed and *is* included as Attachment# 1. The responses available to the PWWC will vary but may include informal responses (IN) such as telephone contacts or written notices of violation (NOV), to formal responses such as Administrative Orders (AO) with or without penalties (MP), judicial actions (CS) or {CMS}, and/or termination of water or sewer service {TS). The Enforcement Response Guide entails the following concepts:

PWWC shall review all violations of program requirements within five days of becoming aware of the violation.

- PWWC shall notify the industrial user (IU) of the violation(s) within fifteen days of becoming aware of the violation.
- If an industrial user (IU) repeats an analysis for an effluent violation and no further noncompliance is identified, PWWC response is not necessary.
- PWWC shall receive an explanation, as appropriate, of the reason for violation and a plan from the industrial user (IU) to correct the violation within a specific time period.

- If violations persist or the explanation or corrective plans are not adequate, the PWWC shall respond in a formal enforceable document.
- The enforcement response selected shall be related to the seriousness of the violation. Enforcement responses shall escalate if compliance is not achieved expeditiously after the initial action.
- PWWC shall set deadlines for the industrial user (IU) to respond to notification of violations and record unfulfilled due dates in the industrial user (IU) violation summaries. Any contacts or commitments between the parties shall be recorded in the Violation Summary to document a permanent record necessary to enforce the commitment.

The above mentioned Enforcement Response Guide may be superseded by the PWWC superintendent (S) if in his opinion, the violation is a threat to the proper operation of the POTW or a threat to the existing stream. In this case, the superintendent (S) may eliminate certain enforcement actions if a more critical enforcement measure is merited to prevent the violation. This type of action is to be documented by preparation of a written report to the file. The affected industrial user (IU) will be notified by telephone or "in-person", due to the suddenness of the situation. This immediate notice is to be followed in one week with a written response from the superintendent (S) to the industrial user (IU) explaining the violation, the determined impact, the action taken by the PWWC, and the remedial actions and schedule required of the industrial user (IU).

7. Institute formal enforcement action and follow up, when appropriate.

A decision to seek formal enforcement is generally triggered by a failure on behalf of the industrial user (IU) to achieve compliance in a specified time period through less formal control mechanisms, a review of the violation records, and the advice of counsel based on the incriminating information available. Formal enforcement shall be considered for each violation or group of violations which meet the EPA definition of a significant noncompliance (SNC) violator as published in EPA's Pretreatment Compliance Monitoring and Enforcement Guide. The decision to pursue formal action shall be supported by well documented record of violations by the Industrial User (IU) and prior efforts to obtain compliance on the part of the PWWC. PWWC shall review all records to assure that proper procedures were used to collect information and that all contacts with the Industrial user (IU) are documented. If the Industrial user (IU), has received conflicting information regarding its compliance status, the status shall be clarified in writing by PWWC. PWWC shall conduct a special on-site review or inspection to verify data available, including a review of original analysis records to confirm the accuracy of information contained in periodic reports, or a "Show Cause" meeting (SCM) with the industrial user (IU), before commencing formal

enforcement action. This verification shall be completed *in* one week by the superintendent (S) and/or his representative.

The superintendent (S) of PWWC shall specifically designate responsibility for preparing a formal enforcement action or for providing the necessary information to the commission attorney **(CA)**. The action shall entail the development of a plan for each specific case covering the form and substance of the formal enforcement action for use by the staff. The plan developed by the commission attorney **(CA)** shall also cover procedures for escalating the action if compliance is not achieved expeditiously. Conformity to previous and standard enforcement actions will ensure uniformity and fairness. However, each violation typically is unique and requires a separate and specific course of enforcement action.

PWWC shall utilize a range of enforcement mechanisms *in* order to achieve a maximum degree of compliance by Industrial Users (IU). These mechanisms shall range from a simple reminder by way of a telephone call (IN), to imposing significant criminal penalties. The following is a list of informal and formal enforcement mechanisms that are available:

INFORMAL ACTIONS

1. Informal notice (**IN**) to industrial user (IU) (by telephone and/or reminder letter to user (IU) and files)
2. Informal meetings (IM) with industrial representatives (with report to files)
3. Warning letter (WL) (Notice of Violation (NOV))
4. "Show cause" notice or meetings (SCM)

FORMAL ACTIONS

5. Administrative orders (AO) and compliance schedules
6. Civil suit (CS) for injunctive relief and/or civil penalties
7. Criminal suit (CMS)
8. Termination of service (TS)
9. Monetary Penalties (MP)

INFORMAL ACTIONS

1. Informal notice **(IN)** to industrial user (IU)

Informal notice *is* **(IN)** the least coercive of the enforcement mechanisms and rarely requires specific authority. This action may entail a telephone call and/or a "reminder" letter to an appropriate official, designated *in* the permit application, of the industrial user (IU). The Lab director/inspector (I) may use the telephone notice **(IN)**, and the Superintendent (S) may use the telephone notice (IN) or prepare a "reminder" letter **(IN)**. Such a call or letter may be used to notify officials of a minor violation and to seek an explanation, to suggest the exercise of more due care, and or to notify the "violator" that subsequent violations of the same type may be dealt with more severely. Such informal notice (IN) may be used to correct minor inadvertent noncompliance but more importantly, to demonstrate that the PWWC will note and follow up on all instances of noncompliance. The response (IN) shall be documented in the Violation Summaries. Examples of non-compliance which would qualify for this action include minor reporting violations, Upkeep of monitoring stations, minor permit limit(s) violation (less than 10% above limit), a trend of increasing parameter concentrations, and/or minor violations of other permit conditions.

2. Informal meetings (IM) with industrial representatives

If the informal notice (IN) does not produce compliance or a further explanation of the noncompliance is needed, a meeting (IM) between the PWWC and the industrial user (IU) at the industrial site may produce desired results. The meeting should include the inspector (I) and/or the Superintendent (S) from the PWWC; and an authorized representative of the Industrial User (IU). All contacts with representatives of the industrial user (IU) shall be documented in the Violation Summaries. The lab director/inspector (I) may meet with the industrial user representatives during a scheduled site visit to discuss the non-compliances. The superintendent (S) may also schedule a meeting (office or site) to discuss the violation, remedial action, schedules and consequences of continuation. Any agreement concerning the violation or the violation history should be documented in the appropriate files.

3. Warning letter (WL) (Notice of Violation (NOV))

The warning letter (WL, NOV) is a written notice from the Superintendent (S) to the industrial user (IU) that the PWWC has observed a violation of pretreatment standards or requirements which has posed an impact on the treatment plant efficiency or the receiving stream quality and expects the non compliance to be corrected and explained. The letter (WL) or standard notice of violation forms (NOV) shall require specific corrective actions and schedules to which the industrial user (IU) shall adhere and that additional enforcement action will be pursued if corrective actions are not accomplished as scheduled. Warning letters (WL) or standard notice of violation forms (NOV) shall be sent certified mail with return receipt requested. This action shall be documented in the Violation Summaries. The lab director/inspector (I) will prepare a monthly report to the superintendent (S) on the violations/noncompliances reported during the month. (Severe violations which pose an immediate threat to the system or receiving stream will be handled as an emergency.) Within five days of receiving this report the superintendent (S) will respond with the appropriate notice of violation (NOV). The notice of violation will allow a 10 day response time for the industrial user (IU). The

superintendent (S) will monitor the response. Once the response has been received, the Superintendent (S) will transmit the remedial action and schedule to the lab director/inspector (I) to check for compliance.

4. "Show cause" notice or meetings (SCM)

If violations continue for an Industrial user (IU) after Enforcement actions #1, #2 and/or #3 have been taken, the PWWC will schedule a "Show Cause Hearing" (SCM).

PWWC may wish to consider a "Show Cause" meeting (SCM) with the industrial user (IU) to be preceded by the "Show Cause" notice prior to taking formal enforcement action and/or the discontinuing of service. This meeting would be conducted by the Superintendent (S) of the PWWC and all relevant and historical facts that demonstrate non-compliance by the industrial user (IU) would be presented by the superintendent (S) and the commission attorney (CA). The industrial user (IU) would then have the opportunity to "Show Cause" as to why the PWWC should not initiate formal enforcement action and/or discontinued sewer service (TS).

FORMAL ACTIONS

5. Administrative Orders (AO) and compliance schedules

Section 403.S(f)(1)(iii) of the General Pretreatment Regulations allows the PWWC to issue Administrative Orders (AO) without notice or opportunity for prior hearing. Administrative Orders (AO) will be issued by the Superintendent (S) and will require compliance with standards or other requirements developed under the authority of the regulations. The industrial user (IU) can be placed on an enforceable schedule to comply with pretreatment standards, including appropriate interim limits.

Prior to proposing the administrative order **(AO)** the Superintendent (S) would consider the past performance of the industrial user (IU) in attempting to comply with appropriate standards. The Commission Attorney (CA) with assistance from the Superintendent (S) would prepare the official document to be presented to the industrial user during an Administrative Conference. The administrative order may contain an "upfront" fine or fines to be levied if certain sections of the order are violated

6. Civil suit (CS) for injunctive relief and/or civil penalties

In order to serve a *civil* suit (CS) for injunctive relief, the PWWC must collect all pertinent information sufficient to prove the violations at issue. The Commission's Superintendent (S) would then turn the information over to the Commission Attorney (CA) for case filing. The PWWC would ask the court to order an industrial user (IU) to take specific action or refrain from specific action. The civil suit (CS) is used when the industrial user (IU) is unlikely to execute successfully the steps that the Superintendent (S) of the PWWC believes are necessary to achieve or maintain compliance, when the violation is serious enough to warrant court action to deter future similar violations, or when the danger presented by the industrial user's (IU) non-compliance does not permit lengthy negotiation of a settlement. The decision to file a civil suit would be made once the Superintendent (S), the Commission Attorney (CA) and the Commission has reviewed the specific case and determined that it is the appropriate step. Typically this action would follow unsuccessful attempts from Actions #1, #2 or #3 and Actions #4 and #5. If the PWWC is able to show irreparable harm to the POTW operation, its workers or its receiving stream as a result of an ongoing

industrial user (IU) violation, the court may issue a temporary restraining order or preliminary injunction restraining the industrial user (IU) from violating standards pending the outcome of the suit.

7. Criminal suit (CMS)

Section 309(c) of the Clean Water Act authorizes the Federal Government to seek criminal punishment for any person who willfully or negligently violates pretreatment standards or for any person who knowingly makes a false statement regarding any report, application, record, or other document required by the General Pretreatment Regulations.

Factors which shall be considered before a criminal suit (CMS) is filed include but are not limited to: the willfulness of the violation, knowledge of the violation, nature and seriousness of offense, need for deterrence, compliance history, adequacy of the evidence, and the adequacy of penalties and sanctions available through the civil or administrative enforcement actions. The decision to file a criminal suit (CMS) will be made by the PWWC at the recommendation of the Superintendent (S) and the Commission Attorney (A) after considering the previously mentioned factors.

For criminal cases, the United States must provide proof beyond a reasonable doubt that the violation occurred through "willful or negligent action" of the discharger.

Examples of criminal violations include but are not limited to, falsification of data, tampering with results or equipment, willful negligent failure to provide notice of

"slug" discharges, or willful violation of the discharge agreements. All suspected instances of criminal violation should be evaluated and documented under the guidance of the Commission Attorney (CA). *Criminal* action (CMS) may be used, if needed, to deter future violations by the individual or the industrial user (IU) community at large. Parallel criminal (CMS) and civil (CS) actions are possible for a set of violations, especially where immediate injunctive relief is needed.

An industrial user who exhibits willful or negligent noncompliance which has caused serious damage to the POTW, should be punished severely if adequate proof exists. Such criminal (CMS) action may be needed to recover the cost of the damages to the POTW. Criminal charges shall be initiated by the Superintendent (S) and Commission Board. Except for immediate damages or impacts, this action will follow the unsuccessful completion of Enforcement Actions #5 and/or #6.

8. Termination of service

PWWC shall have the authority at the decision of the Superintendent (S) to immediately halt an actual or threatened discharge to the POTW system that may represent an endangerment to the public health, or the environment, upon notifying the industrial user (IU) of the violation(s).

PWWC can deny or condition new or increased discharges by an industrial user (IU) or changes in the nature of pollutants discharged to the POTW by the industrial user (IU), if the discharge does not meet applicable pretreatment standards or will cause the POTW to violate its NPDES discharge permit. Without sewer service, an industrial user (IU) would have to obtain an NPDES permit to discharge wastes directly into the waters of the United States, and would be required to install treatment facilities to achieve direct discharge limitations. For many industrial users (IU) this would not be economically feasible.

The decision to conduct this enforcement action may not necessarily follow the escalation of previous enforcement actions. Simply this action may be tied into an order or decision issued in response to Actions #5, #6 and/or #7. If the violation responsible for this action is not an imminent threat to the system or receiving stream, this action will be

preceded by a notice of termination transmitted by the Superintendent (S) two weeks prior to the actual termination order. A copy of the notice will be transmitted to the Division of Water (DOW) and the Mayor of the City.

If the termination of *service* (TS) *is* the result of an emergency action, the termination notice and an explanation will be transmitted by registered mail following notice by telephone or *in person* by the Superintendent (S) to an authorized representative of the industrial user (IU) of the termination order (TS).

9, Monetary Penalties (MP) or Fines

Penalties (MP) and fines are tools the Superintendent (S) shall use to enforce the local pretreatment program of the PWWC. The PWWC has the authority under the General Pretreatment regulations to be able to assess civil or criminal penalties (MP) of at least \$1000.00 per day for each violation.

Fines shall be used in conjunction with billing procedures for minor and/or major violations that are detected during inspections or compliance review of self-monitoring data. Monetary Penalties (MP) and fines may also be levied with the issuance of an Administrative Order (AO), Civil Action (CS) or Criminal Action (CMS). By tying the penalties (MP) to the billing process, non-payment of the penalties (MP) or fine will be subject to ordinance conditions in response to non-payment of bills.

The Superintendent (S) with the assistance from the Commission Attorney (CA) will decide on the nature and the amount of the penalty (MP) or fine to be levied. In assessing fines the PWWC will attempt to duplicate historical trends for penalizing violations. Monetary Penalties (MP) will also be proportionate to the economic benefit enjoyed by the Industrial User (IU) from being in noncompliance. PWWC

will use the EPA document entitled "Guidance Manual for POTWS To Calculate the Economic Benefit of Noncompliance" to assist in developing individual fines (MP) for each violation. However, since each violation creates a unique set of circumstances and numerous variables, it is impractical to determine a schedule of fines or penalties (MP). When monetary penalties and fines are to be assessed, they will be individually determined.

 Surcharges shall generally cover the POTW cost of treatment, but shall not be used to allow discharges of toxic pollutants that cause interference or pass through.

ATTACHMENT# 1

PRETREATMENT LOCAL LIMITS ENFORCEMENT
ACTION PROGRAM for PWWC
ENFORCEMENT RESPONSE GUIDE

ILLEGAL DISCHARGE	(A1)
DISCHARGE STANDARD VIOLATIONS	(A2)
SAMPLING/MONITORING VIOLATION	(A3)
COMPLIANCE SCHEDULE VIOLATION	(A5)
SPILL INCIDENTS	(A7)
FIELD INSPECTION VIOLATION	(A8)
PERMIT OR ORDINANCE CONDITION VIOLATIONS	(A10)
TIME FRAMES FOR RESPONSES	(A12)

Legend of Acronyms and Abbreviations

Administrative Order	(AO)	Monetary Penalty	(MP)
Civil Suit	(CS)	Notice of Violation	(NOV)
Commission Attorney	(CA)	Show Cause Meeting	(SCM)
Criminal Suit	(CMS)	Significant Noncompliance	(SNC)
Industrial User	(IU)	Superintendent	(S)
Informal Meeting	(IM)	Termination of Service	(TS)
Informal Notice	(IN)	warning Letter	(WL)
Lab director/Inspector	(I)		

ILLEGAL DISCHARGE

NONCOMPLIANCE/ VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
1. Unpermitted Discharge (No Permit)		
a. Discharger unaware of permit requirement. No damage to POTW, no environmental harm.	1. (IN) Phone call requiring (IU) to submit a permit application and wastewater analysis 2. (NOV)	(s) (S)
b. Discharger unaware of requirement results in violation of POTW's NPDES permit or harm to environment (SNC)	1. (AO) to stop discharge 2. (CS) seeking penalties (MP) \$1000/day 3. (TS)	(s) (s), (CA) (S) (S)
c. Failure to apply continues after notice by the POTW.	1. (CS) seeking penalties (MP) \$1000/day 2. (CMS) 3. (TS)	(s), (CA) (s) (s), (CA) (S)
2. Non permitted Discharge (Expired Permit)		
a. Failure to apply for permit renewal. No damage to POTW, no environmental harm.	1. (IN) telephone call 2. (NOV)	(s) (S)1
b. Failure to apply continues after notice by the POTW	1. (CS seeking penalties (MP) \$1000/day 2. (CMS) 3. (TS)	(s), (CA) (s) (s), (CA) (s)

DISCHARGE STANDARD VIOLATION

NONCOMPLIANCE/ VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
1. Exceedance of local or categorical discharge limits.		
a. Isolated, non-significant	1. (IN) phone call 2. (NOV)	(s)' (I) (s)
b. Isolated, Significant (SNC) no harm to POTW or environment	1. (AO) develop spill prevention plan 2. (MP) \$1000	(s) (s)
c. Isolated, Significant (SNC) harm to POTW or environment.	1. (SCM) 2. (CS) (MP) \$1000/day	(s)' (CA) (s), (CA) (s)
d. recurring violations no harm to POTW or environment	1. (AO) with fine (MP) \$1000	(s) (s)
e. recurring violations Significant (SNC) harm to POTW or environment	1. (AO) with fine (MP) \$1000 2. (SCM) 3. (CS) (MP) \$1000/day 4. (TS)	(s) (s) (s), (CA) (s)' (CA) (s) (s)
2. Slug Load Discharges		
a. Isolated with no damages to POTW, or environment	1. (NOV) 2. (AO) develop spill control plan (MP) \$500	(s) (s) (s)
b. Isolated with damage to POTW or environment	1. (AO) with fine (MP) \$500 2. (TS)	(s) (s) (s)
c. Reoccurring, no apparent harm to POTW (SNC)	1. (CS) seeking penalty, \$1000/day 2. (TS)	(s), (CA) (s)
d. Reoccurring, with harm to POTW, (SNC)	1. (TS)	(s)

SAMPLING/MONITORING VIOLATION

NONCOMPLIANCE/ VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
1. Reporting violation		
a. Report is improperly signed or certified.	1. (IN) Phone call 2. (NOV)	(s), (I) (s)
b. Report is improperly signed or certified after notice by POTW	1. (AO) 2. (SCM)	(s) (s)
c. Isolated, not significant (e.g. report 5 days late)	1. (IN) phone call 2. (NOV)	(s), (I) (S)
d. Significant violation (e.g. report 30 days or more late)	1. (AO) to submit report (MP) \$1000/day	(S) (s)
e. Reports are always late no reports are submitted.	1. (AO) to submit reports and comply (MP) \$1000/day 2. (SCM) 3. (CS)	(S) (s) (S) (s), (CA)
2. Failure to monitor correctly		
a. Failure to monitor all pollutants as required by permit.	1. (NOV) 2. (AO)	(s) (s)
b. Recurring failure to monitor	1. (AO) with fine (MP) \$1000/day 2. (CS)	(s) (s) (s), (CA)
3. Improper Sampling evidence of intent	1. (CMS) 2. (TS)	(s), (CA) (s)
4. Failure to submit compliance schedule		
a. Violation of (AO)	1. (SCM) 2. (CS) \$1000/day	(s) (s), (CA)

SAMPLING/MONITORING VIOLATION
(continued)

NONCOMPLIANCE/ VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
5. Complete failure to sample, monitor or report.		
a. Continued Significant noncompliance (SNC)	1. (NOV) 2. (AO) requiring compliance 3. (CS) seeking penalty, \$1000/day	(s) (s) (s) (CA)
6. Failure to notify of effluent limit violation of slug discharge.		
a. Isolated or infrequent (No known effects)	1. (NOV) 2. (AO) requiring notification of any slug discharge	(S) (S)
b. Frequent or continued Significant noncompliance (SNC).	1. (NOV) 2. (SCM) with penalty \$500 3. (CS) or (CMS) seeking penalty \$1000/day 4. (TS)	(S) (s) (CA) (S), (CA) (s)
6. Failure to install monitoring equipment.		I
a. Delay of less than thirty (30) days.	1. (NOV)	(s)
b. Delay of thirty (30) days or more	1. (AO) to install monitoring equip. 2. (MP) \$1000/day	(s) (s)
c. Recurring, violation of (AO)	1. (CS) 2. (CMS) 3. (TS)	(s) (CA) (s) (CA) (s)

COMPLIANCE SCHEDULE VIOLATION

NONCOMPLIANCE/ VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
1. Missed milestone date		
a. by less than 30 days or will not affect final milestone.	1. (NOV) 2. (AO) with fine (MP) \$1000/day	(s) (s)
b. by more than 30 days or will affect final milestone (good reason and prior notice)	1. (AO) (MP) \$1000/day	(s) (S)
c. by more than 30 days or will affect final milestone (no good cause for delay)	1. (SCM) 2. (CS) with penalty (MP) \$1000/day 3. (TS)	(s) (s), (CA) (S) (s)
d. Recurring violation or violation of schedule in (AO)	1. (CS) seek penalty (MP) \$1000/day 2. (CMS) 3. (TS)	(s), (CJ\ (s) (s), (CA) (s)
2. Failure to meet compliance schedule reporting requirements		
a. Did not submit report, but did meet final date.	1. (IN) phone call 2. (NOV)	(s) (S)
b. Did not submit report, did not meet final date.	1. (NOV) 2. (AO) submit report and appropriate (MP) 3. (CS)	(S) (s) (s) (s)' (CA)

COMPLIANCE SCHEDULE VIOLATION
(continued)

NONCOMPLIANCE/ VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
3. Reporting false information		
a. Any instance	1. (NOV) 2. {CS) seeking penalty, \$1000/day 3. (CMS) seeking maximum penalty allowed 4• (TS)	(s) (s) , {CA) (S) , (CA) (s)
		I

SPILL INCIDENT

NONCOMPLIANCE/ VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
1. Spill incident		
a. Failure to report spill. (not impending threat)	1. (NOV) 2. (AO) develop spill prevention plan	(s) {S}
b. Failure to report spill. (Threat or impact to system)	1. {AO} develop spill prevention plan (MP) \$1000/day 2• {CS}	(S) (S) (s), {CA}
2• Repeated spill incidents		
a. Failure to develop spill prevention plan	1. (NOV) 2• (SCM) 3. (AO) with "up front" penalty (MP) \$1000	(s) (s), (CA) (S) (s)
b. Failure to act on decision of compliance meeting and control repeated spills	1. (CS) seeking penalty (MP) \$1000/day 2• (TS)	(s), (CA) (s) (s)
		I

Field Inspection Violations

NONCOMPLIANCE/ VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
1. Minor violation of analytical procedures		
a. Any instance	1. (IN) phone call	(s), (I)
b. recurring instances	1. (NOV) 2. (AO) with fine {MP} \$1000	(S) (s) (s)
2. Major violation of analytical procedures		
a. No evidence of negligence or intent	1. (NOV) 2. (IM)	(s) (s), (I)
b. Evidence of negligence or intent	1. {AO} 2. {CS} seeking {MP} \$1000/day	(s) (s), (CA) (S)
3. Improper Sampling		
a. Unintentional sampling at incorrect location	1. (IN) phone call 2. (NOV)	(s), (I)
b. Unintentionally using incorrect sample type	1. (IN) phone call 2. (NOV)	(s), (I) (s)
c. Unintentionally using incorrect sample collection techniques	1. (IN) phone call 2. (NOV)	(s), (I) (S)
d. recurring violations	1. (AO) with fine (MP) \$1000	(s) (s)
4. Inadequate recordkeeping		
a. Inspector finds files incomplete to missing no evidence of intent	1. (NOV)	(S)
b. Recurring records violations or evidence of intent	1. {AO} with fine (MP) \$1000 2. (CMS)	(s) (s) (s), (CA)

FIELD INSPECTION VIOLATIONS
(continued)

NONCOMPLIANCE / VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
S. Failure to report additional monitoring		
a. Inspection finds additional files	1. (NOV)	(s)
b. Recurring violations	1. {AO} with fine (MP) \$1000	(s) (s)
c. Any evidence of intent	1. (CMS)	(s), (CA)
6. Illegal discharge		
a. No harm or damage to POTW or environment	1. (AO) with fine (MP) \$1000	(S) (s)
b. Discharge causes harm or damage to POTW or environment	1. (AO) with fine (MP) \$1000 2. (CS) 3. (MP) \$1000 4. (TS)	(S) (s) (s), (CA) (s) (S)
c. Evidence of intent or negligence	1. (CS) seeking (MP) \$1000/day 2. (SCM) 3. (CMS) 4. (TS)	(s), (CA) (s) (s), (CA) (s), (CA) (S)
d. Recurring violation of (AO)	1. (SCM) 2. (TS)	(s), (CA) (S)
7. Entry denial		
a. Entry denied or consent withdrawn	1. (CMS) Obtain warrant and return to (IU).	(s), (CA)
b. Copies of records denied	1. (CMS) Obtain warrant and return to (IU)	(s), (CA)

PERMIT OR ORDINANCE CONDITION VIOLATIONS

NONCOMPLIANCE / VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
<p>--</p> <p>1. Minor violation of permit conditions limitation (Less than 10% concentration exceedance)</p>	<p>1. (IN) phone call 2. (NOV) 3. (SCM) 4. (TS)</p>	<p>(s) / (I) (s), (s) / (I)</p>
<p>2. Major violation of permit conditions of limitation (SNC)</p>	<p>1. (NOV) or Surcharge 2. (SCM) 3. (AO) with specific schedule and fines 4. (CS) (If impact is not significant) 4. (CMS) (If impact is damaging)</p>	<p>(s), (s), (CA) (s) (s), (CA) (s), (CA)</p>
<p>3. Discharge of prohibited contaminants</p>	<p>1. (NOV) 2. (SCM) and (AO) 3. (CS) 4. (CMS)</p>	<p>(s) (s), (CA) (s) (s), (CA) (s), (CA)</p>
<p>4. Waste streams are diluted in lieu of treatment</p>		
<p>a. Initial violation</p>	<p>1. (AO) with fine (MP) \$1000</p>	<p>(s) (s)</p>
<p>b. recurring violations</p>	<p>1. (SCM) 2. (CS) seeking (MP) \$1000/day 3. (TS)</p>	<p>(s) / (CA) (s), (CA) (s) (s)</p>

PERMIT OR ORDINANCE CONDITION VIOLATIONS
(continued)

NONCOMPLIANCE/ VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
5. Failure to mitigate noncompliance or halt production		
a. Does not result in damage or harm to the POTW or environment	1. (NOV)	(s)
b. Does result in damage or harm to the POTW or environment	1. (AO) with fine (MP) \$1000/day 2. (CS) seeking (MP) \$1000/day 3. (TS)	(s) (s) (s)' (CA) (s) (s)
6• Failure to properly operate and maintain pretreatment or monitoring facilities		
a. Does not result in damage or harm to the POTW or environment	1. (NOV)	(s)
b. Does result in damage or harm to the POTW or environment	1. (AO) with fine (MP) \$1000/day 2. (CS) seeking (MP) \$1000/day 3. (TS)	(s) (s) (s)' (CA) (s) (s)
b. recurring violations	1. (SCM) 2. (CS) seeking (MP) \$1000/day 3. (TS)	(s)' (CA) (s)' (CA) (s) (s)

TIMEFRAMES FOR RESPONSES

1

- A. All violations will be identified and documented within five days of receiving information.
- B. Initial enforcement responses will occur within 15 days of violation detection.
 - 1. Response will involve contact with the industrial user, (IU), and requesting information on corrective or preventative action(s).
- C. Follow up actions for continuing or reoccurring violations will be taken within 60 days of the initial enforcement response.
 - 1. All continuing or reoccurring violations 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, (TS).
- E. All violations meeting the criteria or identified as Significant Noncompliance, (SNC), will be addressed with an enforceable order within 30 days of the identification of the identification of the Significant Noncompliance, **(SNC)**.

