

**CITY AND COUNTY OF HONOLULU  
DEPARTMENT OF WASTEWATER MANAGEMENT**

**WATER QUALITY SECTION  
PRETREATMENT PROGRAM**

**ENFORCEMENT RESPONSE PLAN**

## TABLE OF CONTENTS

SECTION I.	INTRODUCTION	PAGE 1
	PURPOSE OF THE ENFORCEMENT RESPONSE PLAN	
	ELEMENTS OF THE ENFORCEMENT RESPONSE PLAN	
SECTION II.	DEFINITION OF TERMS RELEVANT TO THE ERP	PAGE 3
	DEFINITIONS	
SECTION III.	FREQUENTLY USED ABBREVIATIONS	PAGE 6
SECTION IV.	CHAPTER 14 SEWER ORDINANCE ENFORCEMENT	PAGE 7
	PROVISIONS	
	ADMINISTRATIVE ENFORCEMENT REMEDIES	
	MECHANISMS OF THE ENFORCEMENT RESPONSE PLAN	
	TYPES OF ADMINISTRATIVE ORDERS	
	JUDICIAL ENFORCEMENT REMEDIES	
SECTION V.	SUPPLEMENTAL ENFORCEMENT RESPONSES	PAGE 14
SECTION VI.	DEVELOPMENT OF THE ENFORCEMENT	PAGE 17
	RESPONSES GUIDE	
SECTION VII.	IMPLEMENTATION OF THE ENFORCEMENT	PAGE 18
	RESPONSE PLAN	
	RESPONSIBILITIES OF CCH PERSONNEL	
SECTION VIII.	INDUSTRIAL USER NONCOMPLIANCE	PAGE 20
SECTION IX.	PRETREATMENT COMPLIANCE MONITORING	PAGE 22
SECTION X.	COMPLIANCE MONITORING ENFORCEMENT	PAGE 27
	RESPONSE ACTIONS	
	RANGE OF ENFORCEMENT RESPONSE ACTIONS	
	ENFORCEMENT RESPONSE ACTION - TIME FRAME	
SECTION XI.	LISTING OF ENFORCEMENT RESPONSE ACTIONS	PAGE 29
	FREQUENTLY USED ABBREVIATIONS	
	ENFORCEMENT RESPONSE GUIDE	

SECTION I. INTRODUCTION

PURPOSE OF THE ENFORCEMENT RESPONSE PLAN

The U.S. Environmental Protection Agency (EPA) proposed on November 23, 1988 (53 Fed. Reg. 47632), to amend the General Pretreatment Regulations to require all Publicly Owned Treatment Works (POTW) with approved pretreatment programs to develop and implement enforcement response plans. 40 CFR 403.8 (f) (5) ensures the development and implementation of specific enforcement procedures by POTW's.

The purpose of the Enforcement Response Plan (ERP) is to provide guidance to the City and County of Honolulu (CCH), Department of Wastewater Management (DWM) personnel in selecting initial and follow-up enforcement actions, indicates staff responsibilities for these actions, and specifies appropriate time frames in which they are to be implemented. The ERP provides for enforcement of violations of the Revised Ordinance of Honolulu, the National Categorical Pretreatment Standards, the Hawaii Revised Statutes, the Industrial Wastewater Discharge Permit (IWDP), and any other General Pretreatment Regulation.

This ERP is a flexible plan designed to implement the enforcement action(s) most appropriate to the nature of the violation. The ERP outlines, in a step-by-step fashion, the procedures to identify, document, and respond to pretreatment violations.

ELEMENTS OF THE ENFORCEMENT RESPONSE PLAN

For the reader's benefit, the above referenced 40 CFR 403.8 (f) (5) is stated here:

"The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall at a minimum:

- a. Describe how the POTW will investigate instances of noncompliance;
- b. Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods in which response will take place;
- c. Identify (by title) the official(s) responsible for each type of response;

- d. Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards."

SECTION II. DEFINITIONS OF TERMS RELEVANT TO THE ERP

DEFINITIONS

"40 CFR" refers to Title 40 of the Code of Federal Regulations relating to the protection of the environment.

"Categorical Pretreatment Standard" or "Categorical Standard" means any regulation containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency in accordance with Sections 307(b) and (c) of the Federal Clean Water Act, which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

"City" means the City and County of Honolulu.

"Connection" means any connection made or to be made to a public sewer at a manhole, in a new manhole, at the end of a stub, wye, saddle wye, lateral or main.

"Days" mean calendar days, including weekends and holidays, unless otherwise indicated.

"Director" means the Director and Chief Engineer of the Department of Wastewater Management of the City and County of Honolulu or the director's authorized representative.

"Frequent" means once per month as referred in the enforcement response guide to violations of any pretreatment standard or requirement.

"Indirect Discharge" means the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Federal Water Pollution Control Act, also known as the Clean Water Act.

"Industrial Connection Sewer" means the sewer connection the building sewer or building waste drainage system to the public sewer for the purpose of conveying industrial wastewater.

"Industrial User" or "User" means a source of indirect discharge.

"Industrial Wastewater" means all water-carried wastes and wastewater of the community excluding domestic wastewater and uncontaminated water. The term also includes all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural or other operation where the wastewater discharge includes significant quantities of wastes of non-human origin.

"Industrial Wastewater Discharge Permit" or "Permit" means a document issued by the Department authorizing the discharge of industrial waste, unless otherwise indicated.

"Infrequent" means once or twice in three months as referred in the enforcement response guide to violations of any pretreatment standard or requirement.

"Isolated" means once in two to three years as referred in the enforcement response guide to violations of any pretreatment standard or requirement.

"National Pretreatment Standard", "Pretreatment Standard" or "Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Federal Clean Water Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR Part 403.5, Categorical Pretreatment Standards, and local limits provided in the sewer ordinance.

"Order" or "Director's Order" refers to a written determination, revocation, authorization, permission, direction, or document, including by not limited to a permit issued by the director pursuant to the Sewer Ordinance.

"POTW." The term "Publicly Owned Treatment Works" or "POTW" means a treatment works, as defined by Section 212 of the Federal Clean Water Act, which is owned by the state or municipality (as defined by Section 502(4) of the Federal Clean Water Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation or municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW. The term also means the municipality as defined in Section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Sewer Ordinance" or "Ordinance" refers to Chapter 14 of the Revised Ordinances of Honolulu, as amended.

"Significant Industrial User." A significant industrial user is defined as:

- a. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- b. Any other industrial user that:
  - i. Discharges an average of 25,000 gallons per day or

more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

- ii. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
- iii. Is designated as such by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

"Slug" means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration or flows during normal operation.

"Toxic Substance" means any substance whether gaseous, liquid, or solid, which when discharged to the sewer system in sufficient quantities may tend to interfere with any sewage treatment process, or to constitute a hazard to human beings or animals, or to inhibit aquatic life or create a hazard to recreation in the receiving waters or the effluent from the sewage treatment plant.

"User" means an individual, establishment or industry using any part of the public sewer.

"Wastewater" means any liquid waste of any kind, whether treated or not, and whether animal, mineral, or vegetable including sewage, agricultural, industrial and thermal wastes.

SECTION III. FREQUENTLY USED ABBREVIATION

AO	Administrative Order
CFR	Code of Federal Regulations
D	Director and Chief Engineer
DWM	Department of Wastewater Management
ERP	Enforcement Response Plan
I	Wastewater Service Investigator
IU	Industrial User
IWDP	Industrial Wastewater Discharge Permit
NOV	Notice of Violation
POTW	Publicly Owned Treatment Works
ROH	Revised Ordinances of Honolulu
SCO	Show Cause Order
SI	Senior Wastewater Service Investigator
SNC	Significant Noncompliance
TC	Telephone Call
WL	Warning Letter
WQE	Water Quality Engineer
WQH	Water Quality Section Head
WQ Lab	Water Quality Laboratory
WQS	Water Quality Section

SECTION IV.            CHAPTER 14 SEWER ENFORCEMENT PROVISIONS

ADMINISTRATIVE ENFORCEMENT REMEDIES

The Revised Ordinances of Honolulu, Chapter 14, Relating to Sewers is the backbone of the ERP. It plays an important role in the implementation and provides the DWM personnel with the ability to take effective action against the party responsible for the violation.

All enforcement response actions that are associated as mechanisms or remedies of the ERP are provided to the WQS personnel in conformance with the enforcement response guide. The range of the enforcement actions selected has the final approval and direction of the Director and Chief Engineer of the Department of Wastewater Management. The mechanisms incorporated into the ERP provide the IUs with guidance directed toward compliance and are implemented to deter against any future violations. These mechanisms are as follows:

MECHANISMS OF THE ENFORCEMENT RESPONSE PLAN

Notice of Violation

Whenever the WQS finds that any I has violated or is violating any provision of the Chapter 14, the IWDP, or any order issued, the Director shall serve a written notification of violation (NOV), by certified mail or delivery, to the party responsible for the violation to comply with the requirements of the Sewer Ordinance.

Contents of the NOV. The notice shall include at least the following information:

- a. The date of notice;
- b. The name and address of the person served with the notice;
- c. The section number of the ordinance, rule or other law which has been violated;
- d. The nature of the violation(s); and
- e. The deadline for compliance with the notice.

## Compliance Schedule

An enforceable schedule issued by CCH WQS to the I to comply with the Sewer Ordinance and applicable pretreatment standards, including any appropriate interim discharge limits. Failure by the I to comply with items of the schedule may result in civil fines, sewer ban, injunctive relief, and/or criminal actions against the I. The specific penalties will be set forth in the Compliance Schedule.

## Administrative Order

Administrative Orders (AOs) are enforceable documents which direct IUs to undertake or to cease specific activities. CCH has the option to use more than one type of order in responding to a particular instance of noncompliance.

Whenever the WQS finds that any I has violated or is violating any provision of Chapter 14, the IWDP, or any order issued, the Director shall serve a written notification of violation, by certified mail or delivery, to the party responsible for the violation to comply with the requirements of the AO.

The Director has the authority, through the City's Ordinance, to enter into an agreement with the I responsible for noncompliance that establishes the assurances of voluntary or other means of compliance. The elements of the AO are contained in two parts; however, the Order may not distinguish the separation.

Contents of the NOV. The notice shall include at least the following information:

- a. The date of notice;
- b. The name and address of the person served with the notice;
- c. The section number of the ordinance, rule or other law which has been violated;
- d. The nature of the violation(s); and
- e. The deadline for compliance with the notice.

Contents of the AO. The order may require the person to do any or all of the following:

- a. Cease and desist from the violation;

- b. Correct the violation at the person's own expense before a date specified in the order;
- c. Payment of any Administrative fines; or
- d. Appear before the Director or a person designated by the Director at a time and place specified in the order and answer the charges specified in the notice of violation.

The submission of this plan in no way relieves the I of liability for any violations occurring before or after receipt of the Notice of Violation. The circumstances of an I noncompliance frequently dictates the type of order needed to achieve an early return to compliance.

#### TYPES OF ADMINISTRATIVE ORDERS

##### Cease and Desist Orders

Whenever the Director finds that a discharge of wastewater is taking place or threatening to take place in violation of any ordinance, order, regulation or other law, the Director may issue an order directing the I to cease and desist such discharges and directing the I to achieve compliance in accordance with a detailed time schedule of specific actions the discharger must take in order to correct or prevent violations of the ordinance, regulation, order, or any other law. The Director may require in any cease and desist order that the I pay to the City, the cost of any extraordinary inspection or monitoring which in the discretion of the Director was necessary as a result of the violation together with civil penalties.

##### Cleanup and Abatement Orders

- a. Any person who is in violation of the Ordinance, regulation, order or any other law, shall upon the Director's order and at the total expense of the discharger, cleanup the discharge and do whatever is necessary or required by the Director to abate the effects of the violation.
- b. The Director may initiate any cleanup, abatement of remedial work required that the Director deems necessary as a result of the magnitude of the violation or when necessary to prevent harm to public health or the environment. The Director may take this action notwithstanding that injunctive relief and this action may be in addition to any action taken by the discharge

or other persons.

- c. Any discharger violating the ordinance, regulations, order or any other law shall be liable to the City for the costs undertaken by the Director, including, but not limited to, administrative costs, inspection costs, attorney's fees and penalties or other liability imposed upon the City by other agencies, persons or organizations whether by way of court action, administrative action or settlement.

#### Administrative Fines

In addition to other remedies available and as provided in the Ordinance or by law, the director may impose Administrative Penalties. Any person violating any provisions of the Sewer Ordinance, any order, or permit issued hereunder, or any other pretreatment standard or requirement shall be liable for an administrative penalty of not less than \$1,000 per violation per day, except that in cases where such offense shall continue after due notice, each day's continuance of the same shall constitute a separate offense. In the case of the monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. In determining the amount of the fine, the Director shall consider the seriousness of the violation or violations, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the fine on the violator, and such other considerations that have a bearing on the amount of the fine. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and any other expenses of litigation by appropriate suit of law against the person found to have violated the Sewer Ordinance or the orders, rules, regulations, and permits.

#### Show Cause Order

Whenever the Director finds that a discharge of wastewater is taking place or threatening to take place in violation or any requirement imposed by ordinance, regulation or law, the Director may issue a notice of violation and show cause order requesting the I to meet with someone designated by the Director to show why there should be no formal enforcement action. The meeting is not a prerequisite to taking formal action against the I, and neither does this preclude in any way informal meetings or discussions with the I.

### Termination of Discharge

In addition to other remedies available and as provided by law, when in the discretion of the Director the discharger has not or cannot demonstrate satisfactory progress toward compliance with the requirements of the Ordinance, regulation, order or any other laws, the Director after providing written notice to the discharger by certified mail 30 days in advance of any action, may sever or plug the connection from the discharger's system to the City's sewerage system or otherwise prevent the discharger of wastewater from the discharger's system to the City's sewerage system.

### JUDICIAL ENFORCEMENT REMEDIES

#### Judicial Enforcement of Orders

The Director may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to the Ordinance. Where the civil action has been instituted to enforce the civil fine imposed by said order, the Director need only show that the Notice of Violation and Order were served, that a civil fine was imposed, the amount of the civil fine imposed and that the fine has not been paid.

#### Civil Penalties

Any person violating any provisions of the Sewer Ordinance, any order, or permit issued hereunder, or any other pretreatment standard or requirement shall be liable for a civil penalty of not less than \$1,000 per violation per day, except that in cases where such offense shall continue after due notice, each day's continuance of the same shall constitute a separate offense. In the case of the monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. In determining the amount of the fine, the Director shall consider the seriousness of the violation or violations, any history of such violations, any good-faith efforts to comply with applicable requirements, the economic impact of the fine on the violator, and such other considerations that have a bearing on the amount of the fine. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and any other expenses of litigation by appropriate suit of law against the person found to have violated the

Sewer Ordinance or the orders, rules, regulations, and permits.

### Criminal Penalties

Any person:

- a. who willfully, intentionally or recklessly violates any provisions of Chapter 14, or any other pretreatment requirement, shall upon conviction, be punished by a fine of not less than \$1,000 or by imprisonment not exceeding ninety (90) days, or both, except that in cases where such offense shall continue after due notice, each day's continuance of the same shall constitute a separate offense; or
- b. who knowingly makes any false statement or misrepresentation in any record, report plan, or other document filed with the director, or tampers with or knowingly renders inaccurate any monitoring device or sampling and analysis method required under the ordinance or by other law, shall be punished by a fine of not more than \$25,000 or by imprisonment for not more than six months, or both.

Unless otherwise provided, this section shall be controlled by the provisions of the Hawaii Penal Code, Hawaii Revised Statutes.

### Injunctive Relief

Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of the Sewer Ordinance, wastewater discharge permits or orders, or any other pretreatment requirement, the City may petition the Circuit Court of the First Court, State of Hawaii, or the United States District Court, State of Hawaii, through the Department of Corporation Counsel for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by the Sewer Ordinance on activities of the I. Such other action as appropriate for legal and/or equitable relief may also be sought by the City. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

### Emergency Action

The Director is authorized to take all necessary actions to

immediately and effectively halt or prevent any discharge of threatened discharge of pollutants to the sewerage system that may be an imminent endangerment to the health or welfare of persons or to environment, or that interferences or threatens to interfere with the operations of the sewerage system. The industrial discharge shall immediately cease undertaking such action or discharge or any wastewater presenting such hazard upon verbal or written notification by the Director.

## SECTION V. SUPPLEMENTAL ENFORCEMENT RESPONSES

In order to achieve a maximum degree of compliance by the I, a wide range of enforcement mechanisms are established in the ERP and implemented as enforcement response actions.

In addition to the Administrative and Judicial Enforcement Mechanisms previously mentioned, the following enforcement remedies play an important role in bringing any I into compliance.

### Telephone Call

An informal notice that rarely requires specific authority, the telephone call is part of the initial enforcement response action and may be used to correct minor instances of noncompliance.

### Informal Meeting

As part of the informal enforcement response actions, the meeting may be utilized as a follow-up to the telephone call if it does not produce I compliance. These meetings are used to emphasize the importance of maintaining compliance.

### Warning Letter

A warning letter is a written notice to the I that a violation of the pretreatment standards or requirements has been observed and expects the noncompliance to be corrected and explained. The WQS personnel may utilize this mechanism as part of the initial enforcement response, after which escalating enforcement action may be implemented if corrective actions are not accomplished as scheduled.

### Permit Suspension

The IWDP of an I may be suspended in order to stop a discharge which presents an immediate hazard or threat to public health, safety or welfare, to the environment, to the public sewer system or to those employed by the City. The permit suspension period may not exceed 45 calendar days.

Any I notified of a suspension of such person's permit shall immediately cease and desist in the discharge of all industrial wastewater to the sewer system. In the event of a failure of the I to comply voluntarily with the suspension

order, the ERP provides a range of escalating enforcement actions to insure compliance or invoke penalties.

Upon proof of satisfactory compliance with all discharge requirements of the WQS, the IWDP shall be reinstated to the I.

### Permit Revocation

The IWDP of an I may be revoked in order to stop an immediate hazard or threat to the public, safety or welfare, to the environment, to the public sewer system or to persons employed by the City.

An I whose permit has been revoked shall immediately stop all discharges of any liquid-carried waste covered by the permit to the sewer system. In the event of failure to comply voluntarily with the permit revocation, the ERP provides a range of escalating enforcement response actions, disconnect or permanently block from the sewer system the industrial sewer connection of any I if such action is deemed necessary by the WQS to ensure compliance with the revocation order.

An I whose permit has been revoked must apply for a new permit and pay all delinquent fees, charges, penalties, and such other sums as may be due to the Department. Any costs incurred by the WQS in revoking the prior issued permit and disconnecting the industrial sewer connection shall be paid by the I before issuance of a new permit.

### Basis for IWDP Revocation or Suspension

IWDPs may be revoked or suspended based on violations of the Sewer Ordinance, laws, rules, and regulations, or any final judicial order and including, but not limited to the following reasons:

1. Failure to notify the WQS of significant changes to the wastewater prior to the changed discharge.
2. Failure to provide notification to the WQS of changed ownership or operations pursuant to the Ordinance.
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
4. Falsifying self-monitoring reports.

5. Failure to factually report the wastewater constituents and characteristics of its discharge.
6. Tampering with monitoring equipment.
7. Refusing to allow the city timely access to the facility premises and records.
8. Failure to meet effluent limitations.
9. Failure to pay fines.
10. Failure to pay sewer charges.
11. Failure to meet compliance schedules.
12. Failure to complete a wastewater survey or the IWDP application.
13. Failure to provide advance notice of the transfer of permitted facility.
14. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the Sewer Ordinance.
15. Nonuse or cessation of operation.
16. Transfer of business ownership
17. Fails to report significant changes in (included by not limited to those in the permit condition) wastewater constituents or characteristics.
18. Discharges slugs to the wastewater collection system.
19. Disrupts the proper functioning of monitoring equipment.
20. Illegally discharges to the POTW.
21. Submits required reports pass the due date.
22. Causes a blockage in the collection system.

All IWDPs are void upon the issuance of a new wastewater discharge permit. Nothing herein shall preclude the WQS from imposing civil penalties.

SECTION VI. DEVELOPMENT OF THE ENFORCEMENT RESPONSE GUIDE

The enforcement response guide is the centerpiece of CCH WQS Pretreatment Monitoring Program. The guide describes violations and indicates the range of appropriate enforcement options. The two main functions of the enforcement response guide are as follows:

- a. Describes the nature and severity of the violation with the prescribed range of appropriate enforcement actions.
- b. The developed enforcement response guide promotes consistency in violation enforcement actions throughout the pretreatment monitoring program. The guide provides a time frame of enforcement remedies and upon any I. These functions if implemented consistently will lessen the likelihood of any successful legal challenge.

The enforcement response guide provides CCH WQS with several options which include initial and follow-up enforcement actions. The guide assist WQS personnel with an escalating approach which becomes more stringent with continuing and/or new violations. The enforcement response guide covers a range of enforcement procedures for escalating the action if compliance is not achieved expeditiously. A key element in all enforcement response actions is the timeliness with which they are initiated and affect compliance.

The main purpose of the ERP and the development of the enforcement response guide is to return the noncomplying I to compliance as expeditiously as possible.

In determining the most appropriate enforcement responses, CCH WQS shall consider the following criteria: the magnitude of the violation, duration of the violation, effect of the violation on the receiving waters, effect of the violation on the POTW, compliance history of the I and good-faith efforts of the I.

SECTION VII. IMPLEMENTATION OF THE ENFORCEMENT RESPONSE PLAN

RESPONSIBILITIES OF CCH PERSONNEL

The Enforcement Response Plan will be implemented by the Department of Wastewater Management's Water Quality Section in accordance with Chapter 14; the Sewer Ordinance, of the Revised Ordinances of Honolulu.

The Enforcement Response Plan sets forth initial and escalating levels of enforcement response actions for incidents of industrial user (I) noncompliance with provisions of the Sewer Ordinances and pretreatment regulations. The initial or informal enforcement response actions include the notification of any violation through the means of telephone communications or through meetings with the appropriate parties and the issuance of warning letters. With the detection of continued violations, a more formal type of enforcement actions will be implemented in an escalation manner. Formal enforcement response actions include issuing Notice of Violation, Administrative Orders, petitioning the appropriate court for Injunctive Relief, against the industrial user in noncompliance. The officials responsible to implement the Enforcement Response Plan are:

Section Head, Water Quality Section  
Civil Engineer, Water Quality Section  
Senior Wastewater Service Investigator, Water Quality Section  
Wastewater Service Investigator, Water Quality Section

In addition to the personnel directly responsible for the implementation of the ERP, the following officials will provide specific professional expertise at various escalating enforcement levels. Wastewater sampling and analysis, when required for purposes of investigations and enforcement response actions, will be performed by the Department of Wastewater Management's Water Quality Laboratory. Legal assistance and services will be provided by the Department of Corporation Counsel and the Department of the Prosecuting Attorney.

Laboratory Director, Water Quality Laboratory  
Unit Head, General Chemistry Unit, Water Quality Laboratory  
Unit Head, Toxics Unit, Water Quality Laboratory  
Deputy Corporation Counsel, Department of the Corporation Counsel  
Deputy Prosecuting Attorney, Department of the Prosecuting Attorney

Implementation of these various phases will include extensive data management to be done by each agency, however, the WQS will serve as the center of operational control.

All written formal enforcement response actions will require review and approval by the Department of Wastewater Management prior to implementation. The officials responsible to review and approve the enforcement actions are:

Director, Department of Wastewater Management  
Deputy Director, Department of Wastewater Management  
Chief, Planning & Public Services Division  
Assistant Chief, Planning & Public Services Division  
Branch Head, Planning & Public Services Division

In addition, enforcement actions imposing administrative, civil or criminal penalties upon industrial users require review and approval by the Department of the Corporation Counsel or the Department of the Prosecuting Attorney, respectively. The following CCH Department officials will provide the legal assistance at various enforcement response levels.

Corporation Counsel, Department of the Corporation Counsel  
Prosecuting Attorney, Department of the Prosecuting Attorney

## SECTION VIII. INDUSTRIAL USER NONCOMPLIANCE

The Significant Noncompliance (SNC) status as defined provides the ERP with the assistance to set priorities for enforcement response actions. Unresolved instances of SNC deserves the more stringent range of enforcement action. The Code of Federal Regulations 40 CFR 123.45 defines Significant Noncompliance as follows:

### Significant Noncompliance

An industrial user is in "significant noncompliance" if its violation meets one or more of the following criteria:

- a. Chronic violations of wastewater discharge limits defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- c. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the City determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
- d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in POTW's exercise of its emergency authority under Chapter 11 Sections 14-5.3(a), 14-5.3(b), 14-10.1, and 14-10.2 to halt or prevent such a discharge;
- e. Failure to meet, within ninety (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;

- f. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance;
- h. Any other violation or group of violations which the City determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION IX.           PRETREATMENT COMPLIANCE MONITORING

CCH WQS has developed an effective pretreatment compliance monitoring program to evaluate the compliance status of IUs particularly significant industrial users (SIUs) in relation to applicable Federal, State, CCH pretreatment standards and requirements. Incorporated into the ERP, the compliance monitoring activities detects and documents violations in a manner that ensures that the results are admissible as evidence in judicial proceedings.

CCH WQS Investigators are authorized by the Sewer Ordinance 14.1-10 (c) and General Pretreatment Regulations to enter any premises of an industrial discharger for the purposes of inspection, sampling, examining of records required to be kept by CCH WQS and to set up devices necessary to conduct sampling, monitoring and metering operations.

Section 14.1-10           Right of Entry and Inspection

(c)   Industrial Dischargers Premises

- (1)   Upon showing of proper credentials, persons authorized by the Director, when necessary for the performance of their duties, shall have the right to enter the industrial dischargers premises. Such authorized personnel may have access to any facilities and records necessary for determining compliance, including, but not limited to, the ability to copy any records, inspect any monitoring equipment, and sample any wastewater subject to regulation under the Sewer Ordinance. Notwithstanding any provision of law, persons authorized by the Director may enter any industrial dischargers premises at any time if the Director determines that an imminent hazard to persons or property exists on or as a result of activities conducted on the industrial discharger's premises.
- (2)   The director may inspect the process areas of an industrial discharger, inspect chemical and waste storage areas, and inspect, sample and monitor wastewater production activities.

Section 403.8 (f) (1) (v) of the General Pretreatment Regulations requires that Control Authorities possess the legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance independent of information

provided by I.

Section 403.8 (f) (2) (iv)-(vi) of the General Pretreatment Regulations require that Control Authorities develop and implement procedures to:

- a. Randomly sample and analyze industrial effluent and conduct inspections of I's to determine compliance independently from industrial self-monitoring reports;
- b. Investigate instances of noncompliance, producing admissible evidence through sampling and inspections as necessary;
- c. Receive and analyze industrial self-monitoring reports.

CCH WQS pretreatment compliance monitoring program evaluates the compliance status of IUs in relation to applicable pretreatment standards. The compliance monitoring activities to determine compliance or noncompliance of an I include:

- a. The sampling of industrial discharges;
- b. The receipt and review of self-monitoring reports; and
- c. Conduct field inspections.

The Senior Service Investigator is responsible for the tracking of all self-monitoring reports. The screening of I self-monitoring data shall be performed no later than five (5) working days after receiving the information. Upon review of the monitoring reports, the appropriate set of enforcement responses will be established and the initial enforcement action implemented.

Inspections normally do not include sampling activities, although both activities may be concurrent. Generally, inspections and sampling activities are used to obtain slightly different types of information.

Inspection activities are geared towards evaluating compliance with construction schedules, identifying I process changes, updating CCH WQS I data base on I, evaluating the adequacy of existing pretreatment devices or the need to require additional equipment, and to confirm accuracy that sampling points provide a representative sample.

Sampling activities provides information that can be used to determine compliance with applicable pretreatment standards and independently verifies that self-monitoring results

reported by I are representative of the pollutant concentrations in wastewater.

The type of inspection and sampling activities that have been implemented into the ERP include:

- a. Monitoring activities that are scheduled in advance with I;
- b. Monitoring activities that are unscheduled, with little or no prior notice with I;
- c. Monitoring activities that are on demand, usually in response to a specific problem or emergency.

All current and future sampling include chain of custody procedures to ensure that all sampling data obtained will be admissible in court.

#### Scheduled Inspection and Sampling Monitoring

Scheduled monitoring refers to the mutually planned visits of any I. Normally, future inspection dates of IUs are established approximately five months in advance and are indicated in the previous semi-annual inspection report. Two weeks prior to the inspection date the I is contacted and reminded of upcoming activity.

#### Unscheduled Inspection and Sampling Monitoring

Unscheduled monitoring refers to visits that are not scheduled in advance and little or no prior notice is given to an I. Unscheduled activities are generally used as a mechanism to determine the compliance status of a particular I. This monitoring activity is performed during normal operations of an I and usually consist of a brief inspection and sampling.

#### Demand Inspection and Sampling Monitoring

Demand monitoring is in response to a known or suspected violation discovered by monitoring, inspection, or public complaint which has the potential to result in an emergency situation. Once CCH WQS has a reasonable suspicion of violations, target monitoring will be implemented which may include sewer line or discharge monitoring.

A properly performed industrial inspection will form the information base necessary for any subsequent enforcement action

against the I. CCH inspections are geared toward the examination of information such as sampling points, pretreatment equipment, spill control practices, wastewater flow schematics, and any process changes. During inspections, the investigator familiarizes himself with the industrial facility and its processes. In addition, it is determined if pretreatment devices are adequate or modifications are necessary and if the established sample point location is representative of I's discharged flow. The following procedures enables the investigator to adequately achieve a properly performed industrial inspection.

#### Pre-inspection Procedures

- a. Conduct preinspection planning which includes reviewing of background information, identifying the appropriate safety equipment necessary for inspection and to notify I, if applicable.
- b. Become familiar with entry procedures and name of industry's representative.
- c. Contact the I to establish a convenient date and time to perform inspection.
- d. Prepare sample containers and sampling equipment of monitoring activities may be performed.

#### Inspection Procedures

- a. Conduct a peripheral examination of the I. Note the size of the industry, additional buildings, outside chemical storage, and location of sewer system.
- b. Establish contact with the IUs representative.
- c. Request a pre-inspection discussion with the IUs representative.
- d. Obtain a basic biographical information about the industry and a general overview of the business.
- e. Request a complete tour of the facility and obtain all necessary information to complete the industrial inspection.
- f. Document the exact sampling points used by the I.
- g. Check for implementation of an Accident Spill Prevention Control Plan at the I.

- h. During an inspection it should be determined if sampling inside the I will be necessary. Sampling should be conducted at this time, scheduled later, or be performed unannounced.
- i. Sampling results of any sampling activity should be incorporated into the inspection report.
- j. Complete the inspection report as soon as possible to ensure its accuracy.
- k. Establish if I must perform any follow-up compliance activities.

SECTION X. COMPLIANCE MONITORING ENFORCEMENT RESPONSE ACTIONS

RANGE OF ENFORCEMENT RESPONSE ACTIONS

Initial Enforcement Responses

- a. Telephone Call
- b. Informal Meeting
- c. Warning Letter

Administrative Enforcement Responses

- a. Telephone Call
- b. Informal Meeting
- c. POTW Sampling
- d. Notice of Violation
- e. Notice of Violation/Administrative Order
  - i. Show Cause Order
  - ii. Cease and Desist Order
  - iii. Cleanup and Abatement Order
- f. Penalties/fines
- g. IWDP suspension or
- h. IWDP revocation
- i. Termination of Discharge
- j. Emergency Action

Judicial Enforcement Responses

- a. Civil penalties/fines
- b. Criminal Penalties
- c. Injunctive Relief

ENFORCEMENT RESPONSE ACTIONS    TIME FRAMES

Monthly Self-Monitoring Reports

- |    |                                   |   |
|----|-----------------------------------|---|
| a. | Data screening and documentation  | No later than five (5) working days after receipt of data   |
| b. | Informal enforcement action       | No later than seven (7) working days after receipt of data  |
| c. | Formal enforcement action         | No later than thirty (30) working days after detection of violation                               |
| d. | Enforcement compliance activities | Within thirty (30) to forty-five (45) days after the formal enforcement action has been initiated |
| e. | Follow-up enforcement action      | Within sixty (60) to ninety (90) days after the formal enforcement action has been initiated      |

SECTION XI.

LISTING OF ENFORCEMENT RESPONSE ACTIONS

Enforcement response actions are listed in a tabular format for quick reference and general overview.

FREQUENTLY USED ABBREVIATIONS

AO	Administrative Order
CC	Department of Corporation Counsel
C&AO	Cleanup and Abatement Order
C&DO	Cease and Desist Order
D	Director and Chief Engineer
I	Wastewater Service Investigator
IM	Informal Meeting
NOV	Notice of Violation
PA	Department of the Prosecuting Attorney
POTW	Publicly Owned Treatment Works
SCO	Show Cause Order
SI	Senior Wastewater Service Investigator
SNC	Significant Noncompliance
TC	Telephone Call
WL	Warning Letter
WQE	Water Quality Engineer
WQH	Water Quality Section Head
WQ Lab	Water Quality Laboratory

CCH PRETREATMENT PROGRAM  
ENFORCEMENT RESPONSE GUIDE

UNAUTHORIZED DISCHARGES (NO IWDP)

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
Discharges without an IWDP or approval	IU unaware of requirement; no harm to POTW/environment	Initial Enforcement - TC or IM - WL with application form	SI, I, WQE SI, I, WQE
	IU unaware of requirement; harm to POTW/environment (SNC)	Initial Enforcement - TC or IM - POTW sampling Administrative Enforcement - NOV/AO (SCO/C&DO/C&AO) - Penalties/fines - Termination of Discharge - Emergency Action Judicial Enforcement - Civil penalties/fines - Criminal penalties	SI, I, WQE WQ LAB SI, WQE, WQ H WQH, D, CC WQH, D, CC WQH, D, CC WQH, D, CC D, CC, PA
	Failure to apply after notice by CCH	Administrative Enforcement - TC or IM - NOV - NOV/AO (SCO/C&DO) - Penalties/fines Judicial Enforcement - Civil penalties/fines - Criminal penalties	SI, I, WQE SI, I, WQE SI, WQE, WQ H WQH, D, CC WQH, D, CC D, CC, PA

UNAUTHORIZED DISCHARGES (NO IWDP) - continued -

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
Discharges without an IWDP or approval	Continued failure to apply after notice by CCH; harm to POTW/environment	<ul style="list-style-type: none"> <li>Administrative Enforcement                             <ul style="list-style-type: none"> <li>- POTW sampling</li> <li>- NOV/AO (SCO/C&amp;DO/C&amp;AO)</li> <li>- Penalties/fines</li> </ul> </li> <li>Termination of Discharge</li> <li>Emergency Action</li> <li>Judicial Enforcement                             <ul style="list-style-type: none"> <li>- Civil penalties/fines</li> <li>- Criminal penalties</li> <li>- Injunctive Relief</li> </ul> </li> </ul>	WQ LAB WQH,D,CC WQH,D,CC SI,WQE,WQH WQH,D,CC
Discharge with an expired IWDP	IU has not submitted renewal application	<ul style="list-style-type: none"> <li>Initial Enforcement                             <ul style="list-style-type: none"> <li>- TC or IM</li> </ul> </li> <li>Administrative Enforcement                             <ul style="list-style-type: none"> <li>- NOV with renewal form</li> <li>- NOV/AO (SCO/C&amp;DO)</li> <li>- Penalties/fines</li> </ul> </li> </ul>	SI,I,WQE SI,I,WQE SI,WQE,WQH WQH,D,CC
	Failure to submit renewal application after notice by CCH	<ul style="list-style-type: none"> <li>Administrative Enforcement                             <ul style="list-style-type: none"> <li>- TC or IM</li> <li>- NOV</li> <li>- NOV/AO (SCO/C&amp;DO)</li> <li>- Penalties/fines</li> </ul> </li> <li>Judicial Enforcement                             <ul style="list-style-type: none"> <li>- Civil penalties/fines</li> <li>- Criminal penalties</li> </ul> </li> </ul>	SI,I,WQE SI,I,WQE SI,WQE,WQH WQH,D,CC WQH,D,CC D,CC,PA

UNAUTHORIZED DISCHARGES (IWDP) - continued -

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
Discharge with an expired IWDP	Continued failure to renew IWDP after notice by CCH; harm to POTW/environment	Administrative Enforcement - POTW sampling - NOV/AO (SCO/C&DO/C&AO) - Penalties/fines - Termination of Discharge - Emergency Action Judicial Enforcement - Civil penalties/fines - Criminal penalties - Injunctive Relief	WQ LAB WQH,D,CC WQH,D,CC SI,WQE,WQH WQH,D,CC WQH,D,CC D,CC,PA WQH,D,CC

VIOLATIONS DETECTED DURING SITE VISITS

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
Entry Denied	Entry denied or consent withdrawn; copies of records denied	Initial Enforcement - Obtain warrant and return - TC or IM - WL Administrative Enforcement - NOV - NOV/AO (SCO/C&DO) - Penalties/fines - IWDP suspension or - IWDP revocation Judicial Enforcement - Civil penalties/fines - Criminal penalties	SI,WQE,CC SI,I,WQE SI,I,WQE SI,I,WQE SI,WQE,WQH WQH,D,CC SI,WQE,WQH SI,WQE,WQH SI,WQE,WQH WQH,D,CC D,CC,PA

VIOLATIONS DETECTED DURING SITE VISITS - continued -

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
Illegal Discharge	No harm to POTW/environment	Initial Enforcement - TC or IM - WL Administrative Enforcement - NOV - NOV/AO (SCO/C&DO) - Penalties/fines - IWDP suspension or - IWDP revocation Judicial Enforcement - Civil penalties/fines - Criminal penalties	SI, I, WQE SI, I, WQE  SI, I, WQE SI, WQE, WQH WQH, D, CC SI, WQE, WQH SI, WQE, WQH
	Discharges causes harm to POTW/environment or evidence of intent/negligence	Administrative Enforcement - POTW sampling - NOV/AO (SCO/C&DO/C&AO) - Penalties/fines - IWDP suspension or - IWDP revocation - Termination of Discharge - Emergency Action Judicial Enforcement - Civil penalties - Criminal penalties - Injunctive Relief	WQ LAB WQH, D, CC WQH, D, CC SI, WQE, WQH SI, WQE, WQH SI, WQE, WQH WQH, D, CC  WQH, D, CC D, CC, PA WQH, D, CC

VIOLATIONS DETECTED DURING SITE VISITS - continued -

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
Illegal Discharge	Recurring discharges; violation of AO	<ul style="list-style-type: none"> <li>Administrative Enforcement</li> <li>- POTW sampling</li> <li>- Penalties/fines</li> <li>- Termination of Discharge</li> <li>- Emergency action</li> </ul> Judicial Enforcement <ul style="list-style-type: none"> <li>- Civil penalties/fines</li> <li>- Criminal penalties</li> <li>- Injunctive relief</li> </ul>	WQ LAB WQH,D,CC SI,WQE,WQH WQH,D,CC WQH,D,CC D,CC,PA WQH,D,CC
Improper Sampling	Unintentional sampling at incorrect location	Initial Enforcement <ul style="list-style-type: none"> <li>- TC or IM</li> <li>- WL</li> </ul> Administrative Enforcement <ul style="list-style-type: none"> <li>- NOV</li> </ul>	SI,I,WQE SI,I,WQE SI,I,WQE
	Unintentional use of incorrect sample collection technique	Initial Enforcement <ul style="list-style-type: none"> <li>- TC or IM</li> <li>- WL</li> </ul> Administrative Enforcement <ul style="list-style-type: none"> <li>- NOV</li> </ul>	SI,I,WQE SI,I,WQE SI,I,WQE
	Failure to monitor all pollutants as required by the IWDP	Initial Enforcement <ul style="list-style-type: none"> <li>- TC or IM</li> <li>- WL</li> </ul> Administrative Enforcement <ul style="list-style-type: none"> <li>- NOV</li> </ul>	SI,I,WQE SI,I,WQE SI,I,WQE

VIOLATIONS DETECTED DURING SITE VISITS - continued -

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
Improper Sampling	Continued or recurring violation	Administrative Enforcement - TC or IM - NOV - NOV/AO (SCO/C&DO) - Penalties/fines - IWDP suspension or - IWDP revocation Judicial Enforcement - Civil penalties/fines - Criminal penalties	SI, I, WQE SI, I, WQE SI, WQE, WQH WQH, D, CC SI, WQE, WQH SI, WQE, WQH
	Continued violation with evidence of intent/negligence	Administrative Enforcement - NOV/AO (SCO/C&DO) - Penalties/fines - Termination of Discharge - Emergency action Judicial Enforcement - Civil penalties/fines - Criminal penalties - Injunctive Relief	WQH, D, CC WQH, D, CC SI, WQE, WQH WQH, D, CC WQH, D, CC D, CC, PA WQH, D, CC D, CC, PA WQH, D, CC

VIOLATIONS DETECTED DURING SITE VISITS - continued -

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
Failure to install monitoring equipment	Delay of less than 30 days	Initial Enforcement - TC or IM - WL Administrative Enforcement - NOV - NOV/AO - Penalties/fines - IWDP suspension or - IWDP revocation Judicial Enforcement - Civil penalties/fines	SI, I, WQE SI, I, WQE  SI, I, WQE SI, WQE, WQH WQH, D, CC SI, WQE, WQH SI, WQE, WQH
	Delay of 30 days or more	Administrative Enforcement - NOV - NOV/AO - Penalties/fines - IWDP suspension or - IWDP revocation Judicial Enforcement - Civil penalties/fines	SI, I, WQE SI, WQE, WQH WQH, D, CC SI, WQE, WQH SI, WQE, WQH
		Administrative Enforcement - NOV - NOV/AO - Penalties/fines - IWDP suspension or - IWDP revocation Judicial Enforcement - Civil penalties/fines	WQH, D, CC      WQH, D, CC D, CC, PA

OTHER PERMIT VIOLATIONS

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
Failure to install monitoring equipment	Recurring, violation of AO	<ul style="list-style-type: none"> <li>Administrative Enforcement</li> <li>- NOV/AO (SCO/C&amp;DO)</li> <li>- Penalties/fines</li> <li>- Termination of Discharge</li> <li>- Emergency action</li> </ul> Judicial Enforcement <ul style="list-style-type: none"> <li>- Civil penalties/fines</li> <li>- Criminal penalties</li> <li>- Injunctive Relief</li> </ul>	WQH, D, CC WQH, D, CC SI, WQE, WQH WQH, D, CC
Wastestream are diluted in lieu of pretreatment	Initial violation	Initial Enforcement <ul style="list-style-type: none"> <li>- TC or IM</li> <li>- WL</li> </ul> Administrative Enforcement <ul style="list-style-type: none"> <li>- NOV</li> </ul>	SI, I, WQE SI, I, WQE SI, I, WQE
	Recurring	Administrative Enforcement <ul style="list-style-type: none"> <li>- NOV</li> <li>- NOV/AO (SCO/C&amp;DO)</li> <li>- Penalties/fines</li> <li>- IWDP suspension or</li> <li>- IWDP revocation</li> </ul> Judicial Enforcement <ul style="list-style-type: none"> <li>- Civil penalties/fines</li> <li>- Criminal penalties</li> </ul>	SI, I, WQE SI, WQE, WQH WQH, D, CC SI, WQE, WQH SI, WQE, WQH WQH, D, CC D, CC, PA

OTHER PERMIT VIOLATIONS - continued -

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
Failure to mitigate noncompliance or halt production	No harm to POTW/environment	<ul style="list-style-type: none"> <li>Administrative Enforcement</li> <li>- NOV</li> <li>- NOV/AO (SCO/C&amp;DO)</li> <li>- Penalties/fines</li> <li>- IWDP suspension or</li> <li>- IWDP revocation</li> <li>- Termination of discharge</li> </ul> Judicial Enforcement <ul style="list-style-type: none"> <li>- Civil penalties/fines</li> <li>- Criminal penalties</li> </ul>	SI, I, WQE SI, WQE, WQH WQH, D, CC SI, WQE, WQH SI, WQE, WQH WQH, D, CC  WQH, D, CC D, CC, PA
	Discharges causes harm to POTW/environment	Administrative Enforcement <ul style="list-style-type: none"> <li>- POTW sampling</li> <li>- NOV/AO (SCO/C&amp;DO)</li> <li>- Penalties/fines</li> <li>- Termination of discharge</li> <li>- Emergency action</li> </ul> Judicial Enforcement <ul style="list-style-type: none"> <li>- Civil penalties/fines</li> <li>- Criminal penalties</li> <li>- Injunctive relief</li> </ul>	WQ LAB SI, WQE, WQH WQH, D, CC WQH, D, CC WQH, D, CC  WQH, D, CC D, CC, PA WQH, D, CC

OTHER PERMIT VIOLATIONS - continued -

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
Failure to properly operate and maintain pretreatment facility	No harm to POTW/environment	Initial Enforcement - TC or IM - WL Administrative Enforcement - NOV - NOV/AO - Penalties/fines - IWDP suspension or - IWDP revocation Judicial Enforcement - Civil penalties/fines - Criminal penalties	SI, I, WQE SI, I, WQE  SI, I, WQE SI, WQE, WQH WQH, D, CC SI, WQE, WQH SI, WQE, WQH
	Discharges causes harm to POTW/environment	Administrative Enforcement - NOV - POTW sampling - NOV/AO (SCO/C&DO) - Penalties/fines - Termination of discharge - Emergency action Judicial Enforcement - Civil penalties/fines - Criminal penalties - Injunctive relief	WQH, S, CC D, CC, PA  SI, I, WQE WQ LAB SI, WQE, WQH WQH, D, CC WQH, D, CC WQH, D, CC  WQH, D, CC D, CC, PA WQH, D, CC

OTHER PERMIT VIOLATIONS - continued -

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
Reporting false information	Any instance - SNC	Administrative Enforcement - NOV - NOV/AO (SCO/C&DO) - Penalties/fines - IWDP suspension or - IWDP revocation - Termination of discharge - Emergency action Judicial Enforcement - Civil penalties/fines - Criminal penalties - Injunctive relief	SI, I, WQE SI, WQE, WQH WQH, D, CC SI, WQE, WQH SI, WQE, WQH WQH, D, CC WQH, D, CC  WQH, D, CC D, CC, PA WQH, D, CC

COMPLIANCE SCHEDULE VIOLATIONS

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
Compliance Schedules	Missed milestone by less than 30 days, or will not affect final milestone  Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	Administrative Enforcement - NOV - NOV/AO (SCO/C&DO) - Penalties/fines  Administrative Enforcement - NOV/AO (SCO/C&DO) - Penalties/fines - IWDP suspension or - IWDP revocation Judicial Enforcement - Civil penalties/fines - Criminal penalties	SI, I, WQE SI, WQE, WQH WQH, D, CC  SI, WQE, WQH WQH, D, CC SI, WQE, WQH SI, WQE, WQH WQH, D, CC D, CC, PA

COMPLIANCE SCHEDULE VIOLATIONS - continued

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
Compliance Schedules	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay) - SNC	Administrative Enforcement - NOV/AO (SCO/C&DO) - Penalties/fines - IWDP suspension or - IWDP revocation - Termination of discharge - Emergency action Judicial Enforcement - Civil penalties/fines - Criminal penalties - Injunctive relief	SI, WQE, WQH WQH, D, CC SI, WQE, WQH SI, WQE, WQH WQH, D, CC WQH, D, CC
Failure to meet reporting requirement	Recurring violation or violation of schedule in AO	Administrative Enforcement - Termination of discharge - Emergency action Judicial Enforcement - Civil penalties/fines - Criminal penalties - Injunctive relief	WQH, D, CC WQH, D, CC
	Report not submitted but completed milestone	Initial Enforcement - TC or IM - WL Administrative Enforcement - NOV - Penalties/fines	WQH, D, CC D, CC, PA WQH, D, CC SI, I, WQE SI, I, WQE SI, I, WQE WQH, D, CC

COMPLIANCE SCHEDULE VIOLATIONS - continued -

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
Failure to meet reporting requirement	Report not submitted or milestone not completed	<ul style="list-style-type: none"> <li>Administrative Enforcement</li> <li>- NOV</li> <li>- POTW sampling</li> <li>- NOV/AO (SCO/C&amp;DO)</li> <li>- Penalties/fines</li> <li>- IWDP suspension or</li> <li>- IWDP revocation</li> </ul> Judicial Enforcement <ul style="list-style-type: none"> <li>- Civil penalties/fines</li> <li>- Criminal penalties</li> </ul>	SI, I, WQE WQ LAB SI, WQE, WQH WQH, D, CC SI, WQE, WQH SI, WQE, WQH
Missed final date	Missed date with good cause	Administrative Enforcement <ul style="list-style-type: none"> <li>- TC or IM</li> <li>- NOV/AO (SCO/C&amp;DO)</li> <li>- IWDP suspension or</li> <li>- IWDP revocation</li> </ul> Judicial Enforcement <ul style="list-style-type: none"> <li>- Civil penalties/fines</li> </ul>	WQH, D, CC D, CC, PA  SI, I, WQE SI, I, WQE SI, WQE, WQH SI, WQE, WQH
	Missed final date by more than 30 days; Failure or refusal to comply without good cause	Administrative Enforcement <ul style="list-style-type: none"> <li>- NOV/AO (SCO/C&amp;DO)</li> <li>- Penalties/fines</li> <li>- Termination of discharge</li> <li>- Emergency Action</li> </ul> Judicial Enforcement <ul style="list-style-type: none"> <li>- Civil penalties/fines</li> <li>- Criminal penalties</li> <li>- Injunctive relief</li> </ul>	WQH, D, CC  SI, WQE, WQH WQH, D, CC WQH, D, CC WQH, D, CC  WQH, D, CC D, CC, PA WQH, D, CC

DISCHARGE LIMIT VIOLATION

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
Exceedance of local or Federal Standard (permit limit)	Isolated, not significant	Initial Enforcement - TC or IM - WL Administrative Enforcement - NOV	SI, I, WQE SI, I, WQE SI, I, WQE
	Infrequent, not significant (repeated offense)	Administrative Enforcement - NOV - NOV/AO (SCO/C&DO) - Penalties/fines Judicial Enforcement - Civil penalties	SI, I, WQE SI, WQE, WQH WQH, D, CC WQH, D, CC
Limit Exceedance	Frequent - SNC	Administrative Enforcement - NOV/AO (SCO/C&DO) - Penalties/fines - IWDP suspension or - IWDP revocation Judicial Enforcement - Civil penalties/fines - Criminal penalties - Injunctive relief	SI, WQE, WQH WQH, D, CC SI, WQE, WQH SI, WQE, WQH WQH, D, CC D, CC, PA WQH, D, CC
	Harm to POTW/environment	Administrative Enforcement - POTW sampling - NOV/AO (SCO/C&DO/C&AO) - Penalties/fines - Termination of discharge - Emergency action	WQ LAB SI, WQE, WQH WQH, D, CC WQH, D, CC WQH, D, CC