

Racine Wastewater Utility
INDUSTRIAL PRETREATMENT PROGRAM
ENFORCEMENT RESPONSE PLAN

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SECTION	PAGE #
A. Introduction	1
B. Purpose	2
C. Compliance Monitoring	2
D. Data Screening	3
E. Enforcement Evaluation	3
F. Enforcement Actions	4
G. Appeals	7
H. Penalties	8
I. Defenses	8
J. Staff Responsibilities	9
K. ENFORCEMENT RESPONSE GUIDE and TABLE	10

A. Introduction

The Racine Wastewater Utility (RWWU or Utility) has developed this Enforcement Response Plan to serve as guidance for enforcement of Federal 40 CFR Part 403 General Pretreatment Regulations; State of Wisconsin NR 211 General Pretreatment Requirements; and City of Racine Municipal Code Chapter 98 Sewer Use Ordinance including the Industrial Pretreatment Regulations, Dental Discharger Regulations, FOG Regulations, and Contaminated Groundwater Regulations. The Utility is required by state code NR 211.23 (g) to prepare an Enforcement Response Plan that discusses how the Utility will investigate and respond to instances of user noncompliance. The plan does not create legal rights or obligations and does not limit the enforcement discretion of the City of Racine or the Racine Wastewater Utility.

It is anticipated that most violations will be satisfactorily corrected through an informal approach with the cooperation of the affected user (User). When the violation is severe, or when the user is not cooperative, more formal procedures may be used. This plan is an outline of enforcement actions, which the Utility may use to correct a situation of noncompliance. The actions are outlined from least serious to most severe. Enforcement actions may be bypassed, repeated, or run concurrently depending on the nature, severity, and frequency of the violation. The Utility will review each instance of violation or noncompliance on a case-by-case basis and respond to each accordingly. The Utility has the primary responsibility for enforcing all applicable standards and requirements. However, users may also be subject to citizen suits, or enforcement action by the Wisconsin Department of Natural Resources or US Environmental Protection Agency.

B. Purpose

The Enforcement Response Plan (ERP) shall contain procedures for eliminating User noncompliance with standards or requirements. At a minimum, this plan shall:

1. Describe how the Utility will investigate instances of noncompliance;
2. Describe the various types of escalating enforcement actions used by the Utility, the violations for which the actions will be used, and the timing of these actions; and
3. Identify, by title, the persons responsible for each action.

C. Compliance Monitoring of Industrial Users - Pretreatment

Compliance monitoring activities are necessary to identify and document violations that can be presented as admissible evidence in administrative enforcement actions and legal proceedings. Industrial compliance is required with applicable pretreatment regulations and is determined and evaluated through :

1. Evaluation by the Utility of industrial user submitted information;
2. Industrial facility inspections conducted by the RWWU Director, Field Services Director/Pretreatment Coordinator, Pretreatment Inspector, or other authorized Utility representative;
3. Industrial discharge sampling and analysis conducted by the RWWU Laboratory, Sample Crew, or other authorized Utility representative; and
4. Industrial discharge self-monitoring data received from industrial users;

Information submitted by industrial users on the Permit Application Form is reviewed by the RWWU Field Services Director/Pretreatment Coordinator, or other authorized Utility representative. The information regards user: address, telephone number, contact, contact email address, employee total, business hours, business description, SIC code, estimated flows, process discharge sources and chemical usage. With this information, the RWWU will determine if more information is needed through on-site inspection or sampling to determine compliance with pretreatment regulations. Failure of the industry to disclose vital information is a violation of the pretreatment program. Permit applications are renewed at a period not to exceed five (5) years, or more often for significant changes.

Inspections are routinely conducted to verify compliance, identify any potential problems or violations, and to gather additional information. A standard inspection form is used to ensure that all areas are evaluated. The form is completed and dated by the RWWU Pretreatment Coordinator and/or Inspector. The industrial user is sent correspondence from the RWWU, which describes any findings, violations, potential problems, and any further action required. A copy of the inspection is supplied to the industry if requested.

Sampling of user process wastewater discharges is the cornerstone of compliance monitoring. Sampling personnel complete a Chain-of-Custody

Form, which accompanies each sample. Each person receiving custody of the sample from collection to analysis is required to sign the chain-of-custody form. RWWU personnel sample, (or if necessary, direct a contract laboratory to sample) the industrial user discharge normally over a 24-hour period. Permitted significant industrial users (SIU's) may be similarly required to hire a contract laboratory to conduct self-monitoring samples of the user discharge. These results are submitted to the RWWU Field Services Director/Pretreatment Coordinator by the permitted industry as they become available. SIU sampling parameters, frequency and location are documented in the discharge permit.

D. Review of Required Reports– Pretreatment, Dental, Groundwater

The report reviewing process conducted by the Field Services Director/Pretreatment Coordinator, or other authorized Utility representative, involves reviewing all RWWU reports and user reports to determine compliance with applicable discharge limits and/or regulations. The screening process verifies that the results are within limits; the reports are submitted on schedule; the reports cover the proper time period; the reports include all required analysis and information; if applicable, the sampling methods used are correct; the analysis is done by a state certified laboratory using approved testing methods; and the reports are properly signed and certified. Each violation is then noted and the appropriate enforcement action is initiated by the Field Services Director/Pretreatment Coordinator, or other authorized Utility representative, according to the ERP.

E. Enforcement Evaluation

Any violations that were identified during the report reviewing process are evaluated as to the appropriate enforcement action response. This evaluation is done by RWWU Field Services Director/Pretreatment Coordinator, with participation by the Utility Director, or other authorized Utility representative; although, the City Administrator, City Mayor, or City legal counsel may be involved depending on the severity of the situation. Other city representatives, such as the Public Works Director, Fire Inspector, or Plumbing Inspector may also be involved pending the situation. Normally, enforcement is initiated with an informal response such as a telephone or email contact, facility visit, or Notice of Noncompliance. More formal responses such as a Notice of Violation, Order (with or without fines), termination of sewer service, and judicial proceedings are enacted for a more severe violation. Criteria used to determine severity include the magnitude and duration of the violation; the effect on the RWWU collection system and processes; the effect on the receiving waters; the level of public endangerment; the compliance history of the facility; and the good faith efforts of the facility. All violations must be reviewed and response determined by the RWWU Field Services Director/Pretreatment Coordinator, with participation by the Utility Director, or other authorized Utility representative, or as ordered by the Utility Board of Standards. Enforcement should reflect the following concepts:

1. The user must notify the RWWU within twenty-four (24) hours of becoming aware of a violation; or the RWWU shall notify the user when a violation is detected.
2. For most violations, the RWWU must receive an explanation and a plan from the user to correct the violation within a specified time period.
3. If violations persist or the explanation and plan are not adequate, the response will become more formal and commitments (compliance schedule) will be established.
4. The response selected will reflect the severity of the violation.

F. Enforcement Actions

1. **No Action**. The RWWU may decide to take no action against a user during a situation of minor violation that has been or will be corrected immediately.
2. **Telephone or Email Contact**. The RWWU may use a telephone call or email message to a user to correct or clarify a situation of minor violation, or to gather information needed to determine compliance.
3. **Facility Visit**. A facility visit may be conducted by the RWWU to correct a situation of minor violation, or to gather information needed to determine compliance. This visit may be announced or unannounced in nature.
4. **Notice of Noncompliance (NON)**. Whenever the Utility finds any user is not in compliance with their permit, or any prohibition, limitation or requirement contained therein, the Utility may serve upon the user written Notice of Noncompliance. The notice of noncompliance will explain the nature of the noncompliance and require that the permittee, within forty five (45) days of the date of written notification, unless a shorter timeframe is necessary due to the nature of the noncompliance, file a plan for the correction of the noncompliance. The plan shall be reviewed by the Utility and approved if the plan demonstrates that the proposed action will eliminate the violation. The user response shall include a timeframe for industry resampling and/or facility correction of the noncompliance, or other provisions that return the user to compliance. The response shall be submitted to the RWWU Field Services Director/Pretreatment Coordinator.
5. **Notice of Violation (NOV)**. Whenever the Utility finds that any user has violated, is violating, or continues to violate pretreatment standards, limitations, or other requirements, and/or the facility's response to the Notice of Noncompliance indicates that the violation has not been satisfactorily resolved, the Utility may serve upon the user a written notice stating the nature of violation. Within forty five (45) days of the written notice, unless a shorter time frame is necessary due to the nature of the violation, a plan and time frame for the satisfactory correction thereof shall be submitted to the RWWU Field Services Director/Pretreatment Coordinator by the user. If the plan is satisfactory to the Utility and the user complies with the plan, the Utility may not take further action against the user. Submission of this plan in no way relieves the user of liability for any violations occurring before or after the receipt of the NOV. The Utility Director has the authority to take any action, including emergency action or any other enforcement action, without first issuing a NON. The user may be requested to attend an informal or formal Enforcement Conference (EC) with Utility representatives to discuss the violation and remedial action plan.
6. **Show Cause Hearing**. The Utility may order any user that causes or allows an unauthorized wastewater discharge to show cause before the Board of Standards why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Board of Standards regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. The notice of the hearing may be served on any agent or officer of a corporation.
 - Hearing Officials. The Board of Standards may itself conduct the hearing and take evidence, or may designate any of its members or

any officer or employee of the Utility to:

- Issue in the name of the Board of Standards notice of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- Take evidence;
- Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendation to the Board of Standards of action thereon.

- Transcripts. At any hearing held regarding the Board of Standards, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to the public or any party to the hearing upon payment of the usual charges.

7. **Order.** After the Board of Standards has reviewed the evidence, it shall make a recommendation to the Utility. Orders and directives may be issued by the Utility, including, but not limited to, a Compliance Order, a Cease and Desist Order, or other action as deemed necessary and appropriate. If the user violates an order or directive, the Utility may take further action in accordance with the ERP.

- **Consent Order.** The Utility Director may enter into a Consent Order, assurance of voluntary compliance, or other similar document establishing an agreement with any user responsible for noncompliance. Such document will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such document shall have the same force and effect as the administrative order and shall be judicially enforceable.
- **Compliance Order.** When the Utility Director finds that a user has violated, or continues to violate any provision of the City Code, a wastewater discharge permit, or Order issued hereunder, or any other pretreatment standard or requirement, the Utility Director may issue an Order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued, unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance Orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer system. A Compliance Order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a Compliance Order relieve the user of liability for any violation, including any continuing violation. Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- **Cease and Desist Order.** When the Utility Director finds that a user has violated, or continues to violate, any provision of the City Code, a wastewater discharge permit, or Order issued, or any other standard or requirement, or that the user's past violations are likely to recur, the Utility Director may issue an Order to the user directing it to cease and desist all such violations and directing the user to:
 - Immediately comply with all requirements; and
 - Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for taking any other action against the user.

8. **Publication.** The Utility shall publish annually, in the largest daily newspaper published in the municipality where the RWWU is located, a

list of users which, during the previous twelve months, were in significant noncompliance with applicable pretreatment standards and requirements. For the purposes of this provision, an industry is in significant noncompliance if its' violation meets one or more of the criteria specified in Section 98-155 of the Racine Municipal Code.

9. Emergency Suspension of Service. The Utility Director may immediately suspend the user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Utility Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the RWWU, or which presents, or may present, an endangerment to the environment.

- Any user notified of a suspension of wastewater treatment service, and/or wastewater discharge permit, shall immediately stop or eliminate the wastewater discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the Utility shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the RWWU, or endangerment to any individuals. The Utility may reinstate the wastewater discharge permit, and/or the wastewater treatment service, upon proof of the elimination of the noncomplying discharge by the user.
- A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Utility Director prior to the date of any Show Cause or termination hearing.

Nothing in this section shall be interpreted as requiring a hearing or appeal prior to any emergency suspension.

10. Termination of Discharge. Any user which violates the following conditions is subject to termination of discharge privileges:

- Violation of wastewater discharge permit conditions;
- Failure to accurately report the wastewater constituents and characteristics of its discharge;
- Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- Violation of the standards, rules, or requirements.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to Show Cause why the proposed actions should not be taken. Exercise of this option by the Utility shall not be a bar to, or a prerequisite for, taking any other action against the user.

11. Legal action. If any user discharges sewage, industrial wastes or other wastes into the utility's POTW wastewater collection system contrary to the provisions of Municipal Code Section 98, federal or state pretreatment requirements, or any Order of the Utility, the Utility may then commence an action for appropriate legal and/or equitable relief in the appropriate court. The Utility may take further action pursuant to Municipal Code Section 98-155 and/or 98-156.

12. Revocation of Wastewater Discharge Permit. Any user which violates the following conditions, or applicable state and federal regulations, is subject to having its permit revoked in accordance with the procedures of Racine Code Section 98-155. The Utility Director may revoke a wastewater discharge permit for good cause, including but not limited to, the following reasons:

- Failure to factually report the wastewater constituents and characteristics of its discharge prior to the discharge;
- Failure to provide prior notification to the Utility of changed conditions or characteristics of its discharge pursuant to Section 98-153(b)(5) of the Municipal Code;
- Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- Falsifying self-monitoring reports;
- Tampering with sampling or flow measurement equipment, samples, and/or analyses being conducted by or at the direction of the Utility;
- Refusing to allow the Utility Director, or authorized representative, timely access to the facility premises and records;
- Failure to meet effluent limitations;
- Failure to pay fines;
- Failure to pay sewer charges;
- Failure to meet compliance schedules;
- Failure to complete a wastewater survey or the wastewater discharge permit application;
- Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- Violation of any standard or requirement, or any terms of the wastewater discharge permit or Municipal Code Section 98;
- Failure to correct violation of conditions of the permit.

The Utility may also revoke the wastewater treatment service and/or wastewater discharge permit when such revocation is necessary, in the opinion of the Utility, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the RWWU, or causes the Utility to violate any condition of its WPDES permit.

G. Appeals

Right of Appeal. Any user shall have the right to request, in writing, an appeal of any requirement documented in the user's discharge permit within twenty (20) days of permit issuance or modification. If the user does not file petition for appeal within said timeframe, then the discharge permit is final. Upon consideration of the request, the Utility will respond to the request, in writing, within thirty (30) days of receipt of the request. The Utility will revise and reissue the discharge permit to the user should the request be upheld, fully or partially, by the Utility.

A user shall have the right to request a Show Cause Hearing to appeal an enforcement action issued by the Utility upon the user. Such request must

be in writing, with the Hearing following protocol listed in Section F. 6.

H. Penalties

1. **Civil Penalties.** A user which is found to have violated an Order of the Board of Standards, or which willfully or negligently failed to comply with any provision of Section 98 or any orders, rules, regulations or permits issued hereunder, shall forfeit not more than \$1000.00 plus costs for each offense. Each permit limit violation shall be considered a separate and distinct violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.
2. **Costs of damage.** A user violating any provision of Section 98, or which has a discharge that causes a deposit, obstruction, damage or other impairment to the Racine collection system or Utility shall become liable to the Utility or City of Racine for any expense, loss or damage caused by the violation or discharge. The Utility may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violation or discharge; and/or for the costs incurred by the Utility to investigate the discharge, including costs for inspection, sampling, analysis, research, and administration. Failure to pay the assessed costs shall constitute a separate violation of this section.
3. **Falsifying Information.** Any person who knowingly makes any false statements, representation or certification on any application, record, report, plan or other document filed, or required to be maintained pursuant to Chapter 98 or wastewater discharge permit; or falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under Chapter 98, shall, upon conviction, be punished by forfeiture not more than \$1000.00 per occurrence, plus court costs.

I. Defenses

In any action brought against a user for violation of Municipal Code Chapter 98 for a bona fide operating upset, as documented in Chapter 98-153(b)(6)(b), the user shall have an affirmative defense to any enforcement action brought by the Utility against a user for any noncompliance with Chapter 98, or any wastewater discharge permit issued, which arises out of violations alleged to have occurred during the period of the upset. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as result of damage to the RWWU or collection system, fish kills, or other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability that may be imposed by Chapter 98 or other applicable law. After receipt and review of the written report, the Utility may choose to take no further action or to take action in accordance with Section 98-155.

J. Staff Responsibilities

Staff Title

Primary Responsibilities

Utility Director	Serves on Board of Standards and acts as arbitrator of Show Cause Hearing and industry appeal; Oversees Utility staff conduct; Provides pretreatment program resources; Recommends pretreatment program regulation updates and code revisions for approval to the Racine Wastewater Commission and the Racine City Council.
Attorney – Legal Staff	Provides legal advice or action for fines, penalties, program administrative updates, Special Orders, Show Cause Hearings, Revocation of permit, judicial proceedings, and program legal authority.
Board of Standards	Board of seven voting members appointed by the City Mayor upon confirmation of the Common Council; included are one alderman, the Utility Director, and three members with experience in the field of industrial wastewater management; Four members shall constitute a quorum. Board powers include: Adoption of Racine City Code Section 98 guidelines on physical/chemical properties of wastewater and establishment of standards and limits; Hear and decide any pretreatment program appeals in any order, requirement, decision, or determination by Utility administration. The Board may reverse or affirm, wholly or partly, or may modify the order, decision, or determination.
Field Services Director/ Pretreatment Coordinator	Supervises efficiency and effectiveness of the pretreatment program, Mercury PMP [including dental dischargers], FOG program, and Contaminated Groundwater Discharge program. Screens compliance sampling report data; May accompany Pretreatment Inspector on inspections; Determines industry sampling frequency and parameters; Coordinates sampling events with field crew; Initiates enforcement activity (telephone call or email); Issues Notice of Noncompliance, Notice of Violation; Compiles list of significant violators for publication; Compiles DNR program reports; Participates in DNR audits; Calculates billings for pretreatment services; Calculates Class 2 surcharge billings; Drafts discharge permits; Assists in program updates and ordinance revisions; Assists in updates to the industrial user survey; May perform Pretreatment Inspector duties.
Pretreatment Inspector	Performs industry facility visits and completes inspection reports, and reports any noncompliance issues to the Field Services Director/Pretreatment Coordinator; investigates spills or improper wastewater discharge events and records observations; Serves as backup to the Field Sample Crew; Conducts industrial user surveys; Inspects dental facilities for proper waste amalgam management; Works with city Plumbing Inspector and Utility Field Crew to inspect and monitor commercial grease management.
Field Crew	Collects industrial samples; Maintains sampling and flow equipment; Records sample site conditions as needed and chain-of-custody information; Calibrates, installs, and downloads sampling and flow monitoring equipment. Assists the pretreatment inspector as needed.

K. ENFORCEMENT RESPONSE GUIDE

Time Frames for Responses

1. All violations will be identified and documented within five (5) days of receiving compliance information.
2. Initial enforcement responses [involving contact with the user and requesting information on corrective or preventative action(s)] will occur within fifteen (15) days of violation detection.
3. Follow-up actions for continuing or reoccurring violations will be taken within sixty (60) days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.
4. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or termination of service.

Abbreviations and Terms Used

BOS	Board of Standards
Civil Action	Civil litigation against the industrial user seeking equitable relief, monetary penalties and actual damages
Criminal Prosecution	Pursuing punitive measures against an individual and/or organization through a court of law
DIR	Utility Director
EC	Enforcement Conference
ERP	Enforcement Response Plan
Fine	Monetary penalty assessed by Control Authority (Utility) Officials. Fines shall be determined based on severity on a case by case basis except as specifically stated in the chart below
FSD/PC	Field Services Director/Pretreatment Coordinator
IL	Informal Letter
IU	Industrial User
LEG	Attorney-Legal
NON	Notice of Noncompliance
NOV	Notice of Violation
RWWU	Racine Wastewater Utility (the Utility), the Publicly Owned Treatment Works (POTW) administrating the Pretreatment Program, Mercury PMP, FOG Program, and Contaminated Groundwater Discharge Program.
Show Cause Hearing	Formal meeting requiring the IU to appear before the Board of Standards and demonstrate why the Utility should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and

	compliance schedules.
SIU	Significant Industrial User
SNC	Significant Non Compliance [as specifically listed in EPA 40 CFR Part 403.8(f)(2)(viii)]
TRC	Exceeding EPA's Technical Review Criteria = limit x 1.4 for BOD, TSS, FOG. Limit x 1.2 for all other pollutants except pH. pH TRC exceeds the maximum or falls below the minimum pH limits by 0.4 units.

<u>Unauthorized Discharges (No Permit)</u>			
<u>Noncompliance</u>	<u>Nature of Violation</u>	<u>Response</u>	<u>Personnel</u>
1. SIU discharging without permit	IU unaware of requirement; No harm to RWWU or environment	Telephone or Email Contact NON and permit application	FSD/PC FSD/PC
	IU unaware of requirement; Harm to RWWU	Show Cause Hearing/ Order/Possible Fine Civil Action	FSD/PC and BOS DIR and LEG
	Failure to apply for discharge permit continues after notice by Utility	Show Cause Hearing/ Order/Possible Fine Civil Action Terminate Service	FSD/PC and BOSDIR and LEG DIR and LEG
2. Failure to renew discharge permit	IU has not submitted permit application within 10 days of due date	Telephone or Email Contact and NON	FSD/PC
	IU has not submitted permit application within 45 days of due date	NOV/SNC Show Cause Hearing/ Order	FSD/PC FSD/PC and BOS

<u>Discharge Limit Violation</u>			
<u>Noncompliance</u>	<u>Nature of Violation</u>	<u>Response</u>	<u>Personnel</u>
1. Exceedance of federal or local standards/permit limit	Isolated and Not TRC	Telephone or Email Contact / IL	FSD/PC
	Not TRC (recurring) or TRC but causing No Harm	NON; NOV/Enforcement Conference/Compliance Schedule	FSD/PC
	Isolated, Harm to RWWU or Environment. IU discharge causes plant interference, pass-through violation, sludge contamination, damage to the collection system, or hazardous conditions in the plant or collection system	NOV/Fine/SNC Show Cause Hearing/ Order Civil Action	FSD/PC FSD/PC and BOS

	Recurring, No Harm to RWWU or Environment	NOV/Enforcement Conference/Compliance Schedule/Possible Fine Show Cause Hearing/ Order	FSD/PC
	Recurring, Causing Harm Discharges which continue to cause plant interference, pass-through violation, sludge contamination, damage to the collection system, or hazardous conditions in the plant or collection system	Civil Action Terminate Service	DIR and LEG

Monitoring and Reporting Violation

<u>Noncompliance</u>	<u>Nature of Violation</u>	<u>Response</u>	<u>Personnel</u>
1. Reporting Violation	Self-Monitoring (or Other) Report is improperly signed or certified	Telephone or Email Contact NON	FSD/PC
	Self-Monitoring (or Other) Report is improperly signed or certified after Notice by Utility	NOV/Possible Fine Show Cause Hearing/ Order	FSD/PC FSD/PC and BOS
	Report is 5 days Late	Telephone or Email Contact IL	FSD/PC
	Report is 45 days Late	NON/SNC/Fine	FSD/PC
	Reports are always late or no report at all	NOV/Fine Show Cause Hearing/ Order	FSD/PC FSD/PC and BOS
	Failure to notify the RWWU of self-monitoring violation within 24 hours of becoming aware	NON/SNC	FSD/PC
	Failure to report a spill or changed discharge (No Harm)	NOV	FSD/PC
	Failure to report a spill or changed discharge (Harm)	NOV/SNC/Fine Show Cause Hearing/ Order Civil Action	FSD/PC FSD/PC and BOS DIR and LEG
	Repeated failure to report spills	NOV/Fine Show Cause Hearing/ Order Civil Action Terminate Service	FSD/PC FSD/PC and BOS DIR and LEGDIR and LEG
	Falsification	Criminal Prosecution Terminate Service	DIR and LEGDIR and LEG
2. Failure to Monitor Correctly	Failure to monitor all pollutants as required by permit	NON/SNC	FSD/PC

	Recurring failure to monitor correctly	NOV/SNC/Enforcement Conference/Fine Show Cause Hearing/ Order	FSD/PC FSD/PC and BOS
3. Improper Sampling	Evidence of intent	Criminal Prosecution Terminate Service	DIR and LEGDIR and LEG
4. Failure to install Monitoring Equipment	Delay of less than 45 days	NOV/Enforcement Conference	FSD/PC
	Delay greater than 45 days	NOV/Fine Show Cause Hearing/ Order	FSD/PC FSD/PC and BOS
	Recurring Violation of Show Cause Order	Civil Action Terminate Service Criminal Prosecution	DIR and LEGDIR and LEGDIR and LEG

Monitoring and Reporting Violation

<u>Noncompliance</u>	<u>Nature of Violation</u>	<u>Response</u>	<u>Personnel</u>
5. Compliance Schedules	Missed milestone by less than 45 days or will not affect final milestone	NON	FSD/PC
	Missed milestone by more than 45 days or will affect final milestone (Good cause for delay)	NOV/Enforcement Conference	FSD/PC
	Missed milestone by more than 45 days or will affect final milestone (No good cause for delay)	NOV/Fine Show Cause Hearing/ Order Terminate Service	FSD/PC FSD/PC and BOS DIR and LEG

Other Permit Violations

<u>Noncompliance</u>	<u>Nature of Violation</u>	<u>Response</u>	<u>Personnel</u>
1. Wastestreams are diluted in lieu of treatment	Initial Violation	NON	FSD/PC
	Recurring Violations	NOV/Fine Show Cause Hearing/ Order Terminate Service	FSD/PC FSD/PC and BOS DIR and LEG
2. Failure to mitigate noncompliance or halt production	Does not result in harm to RWWU or environment	NOV/Enforcement Conference	FSD/PC

	Does result in harm to RWWU or environment. IU discharge causes plant interference, pass-through violation, sludge contamination, damage to the collection system, or hazardous conditions in the plant or collection system	NOV/Fine Show Cause Hearing/ Order Civil Action	FSD/PC FSD/PC and BOS DIR and LEG
3. Failure to properly operate and maintain pretreatment facility	Does not result in harm to RWWU or environment	NOV/Enforcement Conference	FSD/PC
	Does result in harm to RWWU or environment. IU discharge causes plant interference, pass-through violation, sludge contamination, damage to the collection system, or hazardous conditions in the plant or collection system	NOV/Fine Show Cause Hearing/ Order Civil Action	FSD/PC FSD/PC and BOS DIR and LEG

Other Permit Violations

<u>Noncompliance</u>	<u>Nature of Violation</u>	<u>Response</u>	<u>Personnel</u>
4. Failure to pay Permit Fee	Invoice unpaid 45 days past due	NON + 10% penalty	FSD/PC
	Invoice unpaid 90 days past due (still in violation 45 days after NON)	NOV + -\$250.00 fine	FSD/PC
	Invoice unpaid 135 days past due	\$500.00 fine	FSD/PC
	Invoice unpaid 180 days past due	Show Cause Hearing/Order	FSD/PC and BOS
	Invoice unpaid 225 days past due	\$750.00 fine	FSD/PC
	Invoice unpaid 270 days past due	\$1,000.00 fine	FSD/PC
	Invoice unpaid 315 days past due	\$1,000.00 fine	FSD/PC
	Invoice unpaid 360 days past due	Terminate Service	DIR and LEG
5. Failure to pay fees and/or fines	Invoice unpaid 45 days past due	10% penalty Telephone/Email	FSD/PC
	Invoice unpaid 90 days past due	NON + \$250 fine	FSD/PC
	Invoice unpaid 135 days past due	NOV + \$500 fine	FSD/PC
	Invoice unpaid 180 days past due	Show Cause Hearing/Order	FSD/PC and BOS

	Invoice unpaid 225 days past due	\$700 fine	FSD/PC
	Invoice unpaid 270 days past due	\$900 fine	FSD/PC
	Invoice unpaid 315 days past due	\$1,000.00 fine	FSD/PC
	Invoice unpaid 360 days past due	Terminate/Civil Action – collection of fees	DIR and LEG

Violations Detected During Site Visits

<u>Noncompliance</u>	<u>Nature of Violation</u>	<u>Response</u>	<u>Personnel</u>
1. Entry Denial	Entry Denied or consent withdrawn Copies of records denied	Obtain warrant and return to industry	DIR and LEG
2. Illegal Discharge	No harm to RWWU or environment	NOV/Enforcement Conference/Possible Fine Show Cause Hearing/Order	FSD/PC FSD/PC and BOS
	Discharge causes harm or evidence of intent/negligence	Civil Action Criminal Prosecution	DIR and LEGDIR and LEG
	Recurring, Violation of Order	Terminate Service	DIR and LEG
3. Improper Sampling	Unintentional Sampling at incorrect location	NON /SNC	FSD/PC
	Unintentionally using incorrect sampling type	NON /SNC	FSD/PC
	Unintentionally using incorrect sample collection techniques	NON /SNC	FSD/PC
4. Inadequate Record Keeping	Inspector finds files incomplete or missing (no evidence of intent)	NON	FSD/PC
	Recurring Violation	NOV/Possible Fine Show Cause Hearing/ Order	FSD/PC FSD/PC and BOS
5. Failure to report additional monitoring	Inspection finds additional files	NON	FSD/PC
	Recurring Violation	NOV/Fine Show Cause Hearing/ Order	FSD/PC FSD/PC and BOS
6. Failure to install, clean, or maintain grease traps or dental amalgam traps	Residue or clogging in sewer line; Traps not installed; Inspector finds no documentation on trap maintenance	NON; NOV/Compliance Schedule	FSD/PC
	Recurring Violation	NOV/Fine Show Cause Hearing/ Order	FSD/PC FSD/PC and BOS