

DESCRIPTION OF TERMS

Terms and abbreviations used in the Enforcement Response Guide are defined below.

AO	- Administrative Order
Civil Action	- Action taken toward civil litigation against the industrial user seeking equitable relief, monetary penalties and actual damages.
Criminal Investigation	- Investigation in the pursuit of punitive measures against an individual and/or organization through a court of law.
Fine	- Monetary penalty assessed by City officials. Fines should be assessed by the pre-treatment coordinator or the POTW's Superintendent.
I	- Inspector.
IU	- Industrial User.
Meeting	- Informal compliance meeting with the IU to resolve recurring noncompliance.
NOV	Notice of Violation.
PC	Pretreatment Coordinator/City Engineer
CO	- Chief Operator.
SV	- Significant Violation.
Show Cause	- Formal meeting requiring the IU to appear and demonstrate why the city should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.
(-)	- Indicates one or more of the responses noted are recommended depending on the severity of the case.

ENFORCEMENT RESPONSE GUIDE

UNAUTHORIZED DISCHARGE (No permit)

NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
1. Unpermitted discharge	IU unaware of requirement; no harm to POTW/environment	Phone call; NOV with application form	P.C.
	IU unaware of requirement; harm to POTW	- AO with fine - Civil action	P.C. P.C.
	Failure to apply continues after notice by POTW	- Civil action - Criminal investigation	P.C. P.C.
2. Nonpermitted discharge (failure to renew)	IU has not submitted application within 10 days of due date	Phone call; NOV	P.C.

DISCHARGE LIMIT VIOLATION

NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
1. Exceedance of local or Federal Standard (permit limit)	Isolated, not significant	Phone call; NOV	P.C.
	Isolated, significant (no harm)	AO to develop spill prevention plan and fine	P.C.
	Isolated, harm to POTW or environment	- Show cause order - Civil action	P.C. P.C.
	Recurring, no harm to POTW or environment	AO with fine	P.C.
	Recurring; significant (harm)	- AO with fine - show cause order - Civil action - Terminate service	P.C. P.C. P.C. P.C.

MONITORING AND REPORTING VIOLATIONS

NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
1. Reporting violation	Report is improperly signed or certified	- Phone call - NOV	P.C. P.C.
	Report is improperly signed or certified after notice by POTW	- AO - Show cause order	P.C. P.C.
	Isolated, not significant (e.g., 5 days late)	Phone call; NOV	P.C.
	Significant (e.g., report 30 days or more late)	AO to submit with fine per additional day	P.C.
	Reports are always late or no reports at all	- AO with fine - Show cause order - Civil action	P.C. P.C. P.C.
	Failure to report spill or changed discharge (no harm)	NOV	P.C.
	Failure to report spill or change discharge (results in harm)	- AO with fine - Civil action	P.C. P.C.
	Repeated failure to report spills	- Show cause order - Terminate service	P.C. P.C.
	Falsification	- Criminal investigation - Terminate service	P.C. P.C.
	2. Failure to monitor correctly	Failure to monitor all pollutants as required by permit	- NOV - AO with fine
	Recurring failure to monitor	- AO with fine - Civil action	P.C. P.C.

MONITORING AND REPORTING VIOLATIONS (Cont'd)

NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
3. Improper sampling	Evidence of intent	- Criminal investigation - Terminate service	P.C. P.C.
4. Failure to install monitoring equipment	Delay of less than 30 days	NOV	P.C.
	Delay of 30 days or more	AO to install with fine for each additional day	P.C.
	Recurring, violation of AO	- Civil action - Criminal investigation - Terminate service	P.C. P.C. P.C.
5. Compliance Schedules (in permit)	Missed milestone by less than 30 days, or will not affect final milestone	- NOV - AO with fine	P.C. P.C.
	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	AO with fine	P.C.
	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	- Show cause order - Civil action - Terminate service	P.C. P.C. P.C.
	Recurring violation or violation of schedule in AO	- Civil action - Criminal investigation - Terminate service	P.C. P.C. P.C.

OTHER PERMIT VIOLATIONS

NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
1. Wastestreams are diluted in lieu of treatment	Initial violation	AO with fine	P.C.
	Recurring	- Show cause order	P.C.
2. Failure to mitigate noncompliance or halt production	Does not result in harm	NOV	P.C.
	Does result in harm	- AO with fine	P.C.
3. Failure to properly operate and maintain pretreatment facility	Does not result in harm	NOV	P.C.
	Does result in harm	- AO with fine - Civil action	P.C. P.C.

VIOLATIONS DETECTED DURING SITE VISITS

NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
1. Entry Denial	Entry denied or consent withdrawn - Copies of records denied	Obtain warrant and return to IU	P.C. P.C.
2. Illegal Discharge	No harm to POTW or environment Discharge causes harm or evidence of intent/negligence Recurring, violation of AO	AO with fine - Civil action - Criminal investigation - Terminate service	P.C. P.C. P.C. P.C.
3. Improper sampling	Unintentional sampling at incorrect location Unintentionally using incorrect sample type Unintentionally using incorrect sample collection techniques	NOV NOV NOV	P.C. P.C. P.C.
4. Inadequate record-keeping	Inspector finds files incomplete to missing (no evidence of intent) Recurring	NOV AO with fine	P.C. P.C.
5. Failure to report additional monitoring	Inspection finds additional files Recurring	NOV AO with fine	P.C. P.C. P.C.

TIME FRAME FOR RESPONSES

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

(B) Initial enforcement responses [involving contact with industrial user and requesting information on corrective or preventive action(s)] will occur within fifteen (15) days of violation detection.

(C) 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.

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

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