

ENFORCEMENT RESPONSE GUIDE

Noncompliance	Nature of Violation	Response Range	Personnel
Reporting Violation	Report is improperly signed or certified.	NOV or phone call	EQS or ESS
	Required report submitted late, isolated, infrequent, and not greater than 30 days late.	NOV or phone call	EQS or ESS
	Required report submitted greater than thirty days late.	AO and/or fine. SNC	EQS, ESS or ERM
	Failure to submit required reports or reports repeatedly late.	AO with fine, Show Cause Order, and/or Civil Action. SNC	EQS, ESS or ERM
	Failure to report spill, slug or changed discharge in which no harm was done to POTW.	NOV	EQS or ESS
	Failure to report spill, slug or changed discharge which results in harm to the POTW.	AO with Fine Civil Action. SNC	EQS, ESS or ERM
	Repeated failure to report spills or slugs.	Show cause order Termination of services. SNC	EQS, ESS or ERM
	Failure to notify POTW of permit violation, isolated.	NOV	EQS or ESS
	Failure to notify POTW of permit violation, frequent.	AO with fine	EQS, ESS or ERM
Failure to monitor correctly	Falsification	Criminal Investigation Termination of services	EQS, ESS or ERM
	Failure to monitor for all required pollutants.	NOV or AO	EQS, ESS or ERM

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Failure to monitor correctly	Repeated failure to properly monitor.	AO with fine Civil action	EQS, ESS or ERM
Improper sampling	Unintentional.	NOV	EQS or ESS
	Intentional	Criminal investigation Termination of service	EQS, ESS or ERM
Inadequate recordkeeping	Unintentional.	NOV	EQS or ESS
	Repeated and intentional.	AO with fine	EQS, ESS or ERM
Failure to report additional monitoring	Isolated, infrequent.	NOV	EQS or ESS
	Repeated.	AO with fine	EQS, ESS or ERM
Failure to install monitoring equipment	Less than 30 day delay.	NOV	EQS or ESS
	Delay greater than 30 days.	AO with fine	EQS, ESS or ERM
	Repeated violation of AO.	Civil action Criminal investigation Termination of service	EQS, ESS or ERM
Compliance Schedules	Missed milestone by less than 30 days not affecting final milestone.	NOV	EQS
	Missed milestone more than 30 days, affecting final milestone. (no negligence)	AO with fine	EQS or ESS
	Missed milestone more than 30 days, affecting final milestone. (negligence)	Show cause order Civil action Termination of service	EQS, ESS or ERM

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Compliance Schedules	Repeated violations or violation of schedule in AO.	Civil action Criminal investigation Termination of service	EQS, ESS or ERM
	Missed final milestone (negligence) Greater than 30 days.	AO with fine Civil action	EQS, ESS or ERM
	Missed final milestone (no negligence) greater than 30 days.	NOV	EQS or ESS
Effluent Limitation Violation* (Federal, State, and Local)	Isolated, infrequent, not significant.	NOV or phone call	EQS or ESS
	Isolated, significant, no harm.	AO with fine	EQS, ESS or ERM
	Isolated, infrequent, harm .	Show cause order Civil action	EQS, ESS or ERM
	Repeated, no harm.	AO with fine	EQS, ESS or ERM
Illegal discharge	No harm to POTW or environment.	AO with fine	EQS, ESS or ERM
	Harm, intentional or negligence.	Civil action Criminal investigation	EQS, ESS or ERM
	Repeated.	Termination of service	EQS, ESS or ERM
Unauthorized discharge	Unaware of requirement, no harm.	NOV with application form	EQS, ESS or ERM
	Unaware of requirement, harm.	AO with fine	EQS, ESS or ERM
	Failure to obtain permit after POTW notification.	Civil action Criminal investigation Termination of service	EQS, ESS or ERM

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Unauthorized discharge	Failure to renew permit.	NOV	EQS or ESS
Wastestreams diluted in lieu of treatment	Unintentional.	NOV	EQS or ESS
	Intentional or recurring.	AO with fine	EQS, ESS or ERM
Failure to mitigate or halt production	No harm.	NOV	EQS or ESS
	Harm.	Ao with fine Civil action	EQS, ESS or ERM
Failure to properly operate and maintain pretreatment.	No harm.	NOV	EQS or ESS
	Harm.	AO with fine Civil action	EQS, ESS or ERM
Entry denial	Entry denied, consent withdrawn, or copies of records denied.	Warrant obtained	EQS, ESS or ERM

Timeframes for Response

All violations will be identified and documented within five working days of receiving information.

Initial enforcement responses will occur within fifteen working days of violation determination.

Follow up actions for continuing or reoccurring violations will be taken within 60 days of the initial enforcement response.

Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses.

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

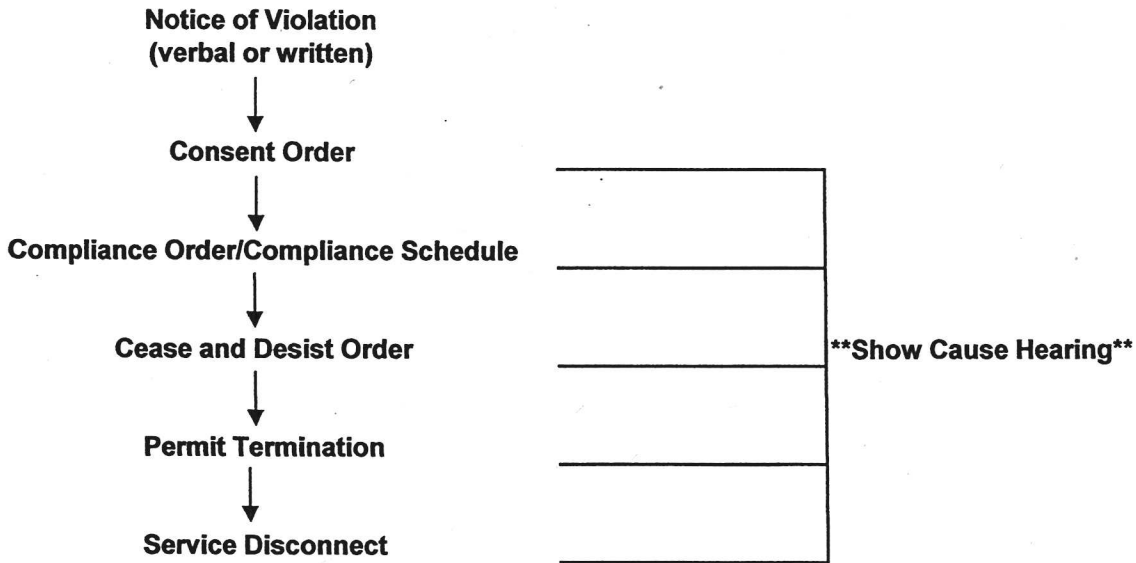
***pH Enforcement Procedures**

-Any discharge with a pH greater than 9.5 and less than 5.5 standard units for more than fifteen minutes is considered to be a permit violation.

-The total time for which the pH is outside the range (5.5 to 9.5) shall not exceed one hour for any calendar month.

-pH violations shall be handled like all other permit violations.

ADMINISTRATIVE ENFORCEMENT ACTIONS



****Enforcement Response Plan (ERP) Section 6.12 states, "the selection by the Control Authority shall not be construed to prevent the Control Authority from pursuing any other enforcement actions or remedies nor require the pursuit of a particular action or remedy as a condition precedent to the use of any other such action or remedy."**

ERP Section 6.4 also states, "A Show Cause Hearing shall not be a bar against, or prerequisite for taking any other action against the user."