

# SANFORD SEWERAGE DISTRICT

## Enforcement Response Plan

### 1. Purpose

The purpose of this Enforcement Response Plan was affected to answer the needs of enforcing the Industrial Pretreatment Program. These formal enforcement actions will help resolve confusion between the District and its Industrial Users as to consequences of one time, repeated, or continuing non-compliance and intended to ensure equitable treatment of Industrial User's.

### 2. Criteria

This Enforcement Response Plan will consider the following criteria when assessing the appropriateness of a particular response:

- A. Magnitude of the violation;
- B. Duration of the violation;
- C. Effect of the violation on the receiving water;
- D. Effect of the violation on the Collection System/Treatment Plant;
- E. Compliance history of the Industrial User;
- F. Good faith effort on the part of the Industrial User; and
- G. Degree of the Industrial User's responsibility for the violation.

### 3. Personnel

The primary personnel that administer the plan are the Pretreatment Supervisor and the District Superintendent.

### 4. Enforcement Responses

The enforcement responses are:

- A. Notice of Violation
- B. Administrative Orders:
  - i. Cease and Desist Orders
  - ii. Consent Orders
  - iii. Show Cause Orders
  - iv. Compliance Orders
- C. Civil Litigation
- D. Criminal Prosecution
- E. Termination of Sewer Service

A more concise definition of these responses may be found in Chapter 5 of the U.S. EPA Manual #EN-338 put out by the Office of Water.

The Enforcement Response Guide details severity on the non-compliances and suggested actions to be taken.

## 5. Terms and Abbreviations

The following are terms and abbreviations used in the Guide and are defined as follows:

<i>AO:</i>	Administrative Order
<i>CA:</i>	Control Authority
<i>Civil Litigation:</i>	Civil litigation against the Industrial User seeking equitable relief, monetary penalties and actual damages.
<i>Criminal Litigation:</i>	Pursuing punitive measures against an individual and/or organization through a court of law.
<i>I:</i>	Inspector
<i>IU:</i>	Industrial User
<i>Meeting:</i>	Informal compliance meeting with the IU to resolve recurring noncompliance.
<i>NOV:</i>	Notice of Violation
<i>PS:</i>	Pretreatment Supervisor
<i>S:</i>	Superintendent
<i>SV:</i>	Significant Violation
<i>Show Cause:</i>	Formal meeting requiring the IU to appear and demonstrate why the Control Authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

**SANFORD SEWERAGE DISTRICT ENFORCEMENT RESPONSE GUIDE**

<b><u>NON-COMPLIANCE</u></b>	<b><u>NATURE OF VIOLATION</u></b>	<b><u>INITIAL RESPONSE: FOLLOW UP</u></b>	<b><u>PERSONNEL</u></b>
<b><u>A. ILLEGAL DISCHARGE</u></b>			
1) Unpermitted discharge (no permit)	IU unaware of permit requirement; no harm to POTW/environment.	Phone call; NOV or visit with application form..	PS
	IU unaware of permit requirement; harm to POTW	AO issued as soon as possible. Fine or civil action.	PS S
	Failure to apply continues after notice by the POTW.	Fine or civil action. Criminal investigation. Terminate service.	S
2) Non-permitted discharge (expired permit)	IU has not submitted application within 10 days of due date.	Phone call; NOV	PS
<b><u>B. DISCHARGE PERMIT VIOLATIONS</u></b>			
1) Exceedance of discharge limits (local or categorical)	Isolated, non-significant	Phone call; NOV requiring written report with corrective and preventative action taken to prevent recurrence.	PS S
	Frequent, non-significant (repeated offense)	AO issued as soon as possible. Meeting with IU.	PS S
	Isolated, significant, harm to POTW or environment	Show Cause Order; Civil Action.	PS S
	Frequent- significant, harm to POTW or environment	AO issued as soon as possible with fine. Show Cause Order; Civil Action; Terminate Service.	PS S
2) Slug load discharge	Isolated without known damage	NOV; Develop spill control plan.	PS
	Isolated with known damage	Show Cause Order; Civil Action	PS S
	Recurring	AO issued as soon as possible with fine. Show Cause Order; Civil Action; Terminate Service	PS S



3) Missed final date  
 Did not submit report or complete milestone  
 Good cause  
 30 days or more outstanding; failure or refusal to comply without good cause  
 NOV; AO PS  
 Phone call; NOV PS  
 AO; Show Cause Order; Civil Litigation PS

4) Reporting false information  
 Any instance; Significant non-compliance  
 Criminal Investigation; Civil Litigation and/or Criminal Prosecution; Termination of Service S

E. SPILL INCIDENTS

1) Spill incident  
 Reported and investigated  
 NOV; AO; Meeting with IU PS

Failure to report spill  
 NOV; AO PS

2) Repeated spills  
 Failure to develop or upgrade Spill Prevention Plan  
 NOV; AO; Show Cause Order PS  
 AO; Civil Litigation; Terminate Service S

Failure to act on a decision of compliance meeting and results in known damage to POTW/ or environment

F. VIOLATIONS DETECTED DURING FIELD INSPECTIONS

1) Entry denial  
 Entry denied or consent withdrawn. Copies of records denied.  
 Obtain warrant and return to IU. I

2) Minor violation of analytical procedures  
 Any instances  
 Phone Call, NOV PS

3) Major violation of analytical procedures  
 No evidence of negligence or intent.  
 NOV; AO PS  
 S

4) Minor violation of permit condition  
 Evidence of negligence or intent – significant non-compliance  
 AO; Civil Litigation; possible Criminal Prosecution S  
 No evidence of negligence or intent  
 NOV; AO PS  
 S

5) Major violation of permit condition	Evidence of negligence or intent	AO; Civil Litigation; possible Criminal Prosecution; Terminate Service	S
	Evidence of negligence or intent – significant non-compliance	AO, Civil Litigation, possible Criminal Prosecution; Terminate Service	S

**G. OTHER PERMIT VIOLATIONS**

1) Wastestreams are diluted in lieu of treatment.	Initial violation	AO	PS
	Recurring	Show Cause Order; Terminate Service	PS S
2) Failure to mitigate noncompliance or halt production	Does not result in harm	NOV	PS
	Does result in harm	AO; Civil Action	PS S
3) Failure to properly operate and maintain pretreatment facility	Does not result in harm	AO	PS PS
	Does result in harm	Civil Action	S

**TIMERRAMES 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 the IU and requesting information on corrective or preventative actions) 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.