



***ENFORCEMENT
RESPONSE PLAN***

***HOWARD COUNTY
WASTEWATER
PRETREATMENT PROGRAM***

Revised: December 31, 2008

TABLE OF CONTENTS

1.0	SCOPE AND OBJECTIVE	1
1.1	Applicability and Revisions	1
1.2	Pretreatment Program Authority.....	1
1.3	Pretreatment Program Responsibilities.....	1
2.0	PROCEDURES FOR INVESTIGATING AND ASSESSING COMPLIANCE	2
2.1.	Scheduling of Inspections and Sampling Visits	2
2.2.	Types of Inspections	2
	2.2.1. Comprehensive Inspection.....	2
	2.2.2. Single Issue Inspections.....	3
2.3.	Sampling Visits	3
	2.3.1. Sampling for Compliance Monitoring Activity.....	3
	2.3.2. County Sampling to Satisfy Self Monitoring Requirements... 3	
	2.3.3. Chain of Custody Sheets	4
	2.3.4. Sampling and Laboratory Analysis	4
	2.3.5. Accelerated Inspections and Sampling Visits.....	4
	2.3.6. Demand Sampling and Inspections	4
2.4	Monitoring and Tracking Compliance	5
	2.4.1. Review of Compliance Monitoring Data	5
	2.4.2. Review of Self Monitoring Data.....	5
	2.4.3. Review of Inspection & Incident Reports.....	5
	2.4.4. Tracking of Compliance Status	5
	2.4.5. SNC Evaluation.....	5
2.5	Industrial Pretreatment Reports Submitted to MDE.....	7
3.0	PROCEDURES FOR RESPONDING TO NONCOMPLIANCE	7
3.1	Identifying Violations.....	7
3.2	Descriptions of General Types of Violations.....	8
	3.2.1. Significant Violations.....	8
	3.2.2. Minor Violations.....	8
3.3	Documenting Non-compliance	8
4.0	CIVIL PENALTIES PROCEDURES	9
4.1	Violations in the Patapsco Service Area	10
4.2	Waste Haulers	10
4.3	Tenants.....	10
5.0	INITIATING ADDITIONAL ENFORCEMENT ACTION	10
5.1	Escalating Fines.....	11
5.2	Court Action.....	11
	5.2.1. Civil Citation	11
	5.2.2. Court Injunction	12
	5.2.3. Civil Suit	12
5.3	Responsibility for Damages.....	12
5.4	Criminal Penalties; Intentional Violation	12

5.5	Administrative Action.....	14
	5.5.1. Corrective Action Plan.....	14
	5.5.2. Compliance Schedule; Revised Permit.....	15
	5.5.3. Prohibiting Discharge; Danger to the Environment or Sewerage System	15
	5.5.4. Prohibiting Discharge; Repeat Violations.....	16
	5.5.5. Termination of Service	16
	5.5.6. Publicizing Offenders.....	16
6.0	APPEALS	16
7.0	ENFORCEMENT PROCEDURES FOR SPECIFIC VIOLATIONS....	17
7.1	Minor Violations	17
7.2	Access Refusal.....	17
7.3	Unreported Changes in Wastewater Characteristics.....	18
7.4	Intentional Harmful Discharge	18
7.5	Remuneration for Damages.....	19
7.6	Accidental Spills	20
7.7	Waste Haulers	21
7.8	Justification of Data or Intentional Violation	21
7.9	Lack of Cooperation.....	21
7.10	Significant Violation (Not Disruptive or Damaging).....	21
7.11	Repetitive Violations - Injunction Relief	22
7.12	Repetitive Violations - Prohibition of Discharge.....	23
8.0	LIST OF KEY PERSONNEL	23
9.0	ENFORCEMENT RESPONSE GUIDE	24 - 30

ENFORCEMENT RESPONSE PLAN

1.0 SCOPE AND OBJECTIVE

This plan was prepared by Howard County in accordance with regulations promulgated by the U. S. Environmental Protection Agency (EPA), on July 24, 1990 (55 Fed Reg. 30082), which requires all Publicly Owned Treatment Works (POTWs) to adopt an Enforcement Response Plan (ERP) as part of their approved pretreatment programs. The purpose of this Enforcement Response Plan is to describe Howard County's procedures for industrial monitoring, compliance evaluation, and enforcement actions (which include the use and escalation of various types of enforcement responses on pretreatment violations as well as time frames and responsibilities for taking these actions).

1.1 APPLICABILITY AND REVISIONS

This Enforcement Response Plan contains guidelines, developed as part of the County's pretreatment program, for the enforcement of pretreatment program rules and regulations. This plan may be modified or amended by Howard County at any time as required by specific enforcement situations, or to conform to the applicable County, State or Federal regulations.

1.2 PRETREATMENT PROGRAM AUTHORITY

As authorized by the Federal Clean Water Act of 1977 (PL 95-217) on June 26, 1978, the United States Environmental Protection Agency published regulations (contained in 40 CFR 403 et. seq.), which established mechanisms and procedures for enforcing the National Pretreatment Standards. These standards and regulations control the introduction of wastewaters from non-domestic sources into the Public Sewerage System, which is also called the Publicly Owned Treatment Works (POTWs). Authority to enforce the State or Federal standards and requirements was delegated by the State of Maryland to Howard County through a Pretreatment Delegation Agreement on April 1, 1986. This was revised on November 7, 1991 and on March 21, 2001.

Howard County's Pretreatment Program was developed to enforce County, State, and Federal regulations and standards. Howard County Code, Section 18.122 (A) contain the regulations for controlling the introduction of wastewater into the County's sewage system.

1.3 PRETREATMENT PROGRAM RESPONSIBILITIES

The Bureau of Utilities' Pretreatment Staff, whose office is located at the Little Patuxent Water Reclamation Plant, is responsible for the implementation of the County's pretreatment program. Other County agencies which include the Office of Law, the Bureau of Environmental Services, and the Health Department also support the County's pretreatment program.

The Pretreatment Staff is composed of the Pretreatment Coordinator (PC) and the Compliance Inspectors. The Pretreatment Coordinator oversees the County's overall pretreatment program activities and that the pretreatment standards and regulations on all Industrial Users discharging into the public sewerage system are implemented. Pretreatment Compliance Inspectors (CI) conduct regular monitoring and inspections of all Minor Industrial Users which are composed of the Food Service Establishments; Multi-unit Apartment Complexes; and Vehicle Maintenance Shops. The Compliance Inspectors also conduct the sampling for the Significant Industrial Users. The

Pretreatment Staff coordinate with the Health Department Inspectors, the Bureau of Utilities' sewer maintenance crew, and the Bureau of Environmental Services' storm water management staff to identify violators.

Starting in August 2008, Howard County included Public Outreach activities in its Pretreatment Program to enhance Howard County residents' awareness on how to keep the environment clean, implement best management practices in their kitchens and prevent sanitary sewer overflows.

2.0 PROCEDURES FOR INVESTIGATING/ASSESSING COMPLIANCE

2.1 SCHEDULE OF INSPECTIONS AND SAMPLING VISITS

Industrial Users are business establishments that are connected to the public sewerage system. Permitted Industrial Users are classified as either Significant Industrial User (SIU), or Minor Industrial User (MIU). Regulations for the Significant Industrial Users are determined based on the following criteria:

- a.) the type and classification of the industry's processes and operations;
- b.) the quality and quantity of the industry's wastewater;
- c.) the potential impact of the industry's discharges on the County's sewerage system;
- d.) the industry's compliance status; etc.

Compliance monitoring activities, including inspections and sampling visits are performed by the Pretreatment Staff to insure that applicable Local and Federal pretreatment standards and requirements are being met by the permitted Industrial Users. The general purpose of sampling and inspections are to:

- a.) determine the Industrial User's compliance status with the established pollutant effluent standards, which are independent of information submitted by the user;
- b.) verify compliance with the industry's self monitoring requirements such as: sampling, analyses, reporting, record keeping, and other requirements established in the industry's wastewater discharge permit, enforcement document, or other control mechanisms;
- c.) identify modifications or changes to the industry's process or operations;
- d.) update the County's file on the industrial user;
- e.) identify the need for a slug discharge management plan or revisions to the industry's Waste Management and Spill Control Plan;
- f.) inspect pretreatment equipment, process equipment, operations, sampling techniques, chemical storage, or other environmental concerns;
- g.) investigate any problems, complaints, or suspected noncompliance; etc.

2.2. TYPES OF INSPECTIONS

2.2.1. Comprehensive Inspection - A comprehensive inspection of each SIU is performed by the County once per calendar year. The SIU is notified of the upcoming inspection and of any change in the scheduled time or date. An inspection report, shown in Attachment A, is completed by the Pretreatment Coordinator to document compliance of an SIU after an inspection. The report is reviewed within two weeks. Enforcement actions are taken for any violation determined during an inspection.

2.2.2. Single Issue Inspection - In addition to routine comprehensive inspections, single issue inspections are also performed by the County. Specific issues, which may require these types of inspections, are:

- a.) start up of new processes;
- b.) the introduction of a new waste stream into the sanitary sewer;
- c.) continued non-compliance with pre-treatment standards or requirements;
- d.) verification of continuing progress toward the completion of a compliance schedule;
- e.) investigate complaints; or,
- f.) investigate any other specific problem related to the enforcement of County, State, or Federal pretreatment regulations.

Single issue inspections would include inspections on grease traps, oil interceptors, silver recovery units, etc. These may be announced or unannounced depending upon the circumstance for which each inspection is being conducted. A report documenting information obtained during the inspection will be prepared from field notes within one week of the inspection. Any enforcement action needed after the inspection will be taken within fifteen (15) days from date of inspection.

2.3 SAMPLING VISITS

2.3.1. Sampling for Compliance Monitoring Activity is scheduled by the Pretreatment Coordinator for each SIU. The scheduled time and date is not given to the industrial user, and the visit remains unannounced until the Compliance Inspector arrives at the site to collect the sample. In most cases, sampling activity is scheduled for a few consecutive days; therefore, the industry would not be aware of the first sampling day, but may anticipate the second subsequent days of sampling. In addition, an industrial user may be sampled any time during the reporting period; the Pretreatment Coordinator may alter the scheduled sampling dates from one reporting period to the next. For example, if an SIU is sampled during the first week of one reporting period, then a different week would be chosen for the next reporting period.

Sampling visits may be scheduled to include monitoring for all regulated pollutant parameters listed in the industry's permit (comprehensive sampling), or to include only those parameters identified in the permit as being present in significant concentrations. Comprehensive sampling visits will be performed by the County at a minimum frequency of once every six months. For those pollutant parameters present in significant concentrations, more frequent sampling activity is performed. These can be up to three consecutive days per quarter.

2.3.2. County Sampling to Satisfy SIU Self Monitoring Requirements In some cases, a permit issued to an industrial user will specify self-monitoring for only those pollutant parameters present in significant concentrations in their wastewater discharges. For pollutant parameters not present in significant concentrations and, therefore, not specified for industrial self monitoring, Howard County will conduct the sampling for the SIU to satisfy Federal and State reporting requirements for these parameters.

2.3.3. Chain of Custody Sheets - The monitoring activity begins with the preparation of a Chain of Custody form that will document the sample collection, preservation, analysis, and handling of the sample. This form stays with the sample from the time the sample is collected up to its disposal. In order to take possession of the samples, both parties, receiving and relinquishing the sample, must sign the Chain of Custody form with the date and time of transaction.

Samples delivered to the laboratory are accompanied with the completed Chain of Custody Sheets. The laboratory technician checks collected samples for proper container, preservation, etc. and then signs the Chain of Custody sheets for receipt of the samples. These samples are then analyzed by the County's lab or sent to a contracted private laboratory.

After the sample has been analyzed and disposed of, the Chain of Custody form and the laboratory analysis results are given to the Pretreatment Coordinator for evaluation of the SIU's compliance and then filed in the industry's file.

2.3.4. Sampling and Laboratory Analysis - Collecting samples for compliance monitoring are performed by the Pretreatment Staff. This compliance monitoring activity is used to determine the compliance status of the industrial user, which is independent of the self-monitoring reports submitted by the industrial user. A list of regulated pollutants, frequency of sampling, and the sampling location is found in the SIU's wastewater discharge permit and is summarized in the Pretreatment Sampling Manual. Sampling techniques are performed in accordance with EPA's "Handbook for Sampling and Sample Preservation of Water and Wastewater." Laboratory methods for analyzing the samples will be in accordance with EPA methods specified in 40 CFR Part 136.

2.3.5. Accelerated Inspections and Sampling Visits The Pretreatment Coordinator may accelerate planned monitoring activity of an industrial user, increase the frequency of sampling activity required to be performed by the industrial user, or increase the frequency of the County's sampling visits or inspections if it is evident that:

- a.) pollutant concentrations in the industry's waste stream consistently exceed permitted standards or limitations;
- b.) additional data is needed by the Pretreatment Coordinator in order to determine the compliance status of the industrial user;
- c.) the Pretreatment Coordinator has other reasons to believe that an IU has violated pretreatment standards (such as information from other County/State agencies, anonymous sources, etc.);
- d.) also, in conformance with 40 CFR 403.12 (g) (2), the industrial user is required to perform additional sampling if a violation occurs for a regulated pollutant standard.

2.3.6 Demand Sampling and Inspections This is usually performed in response to a complaint or an emergency situation. A POTW may receive complaints from the public or reports from other agencies concerning discharges to the POTW. Demand sampling and inspections should also be initiated if POTW staff notice changes to the influent characteristics of the treatment plant which could cause an upset or interference of treatment plant's processes.

2.4 MONITORING AND TRACKING COMPLIANCE

2.4.1 Review of Compliance Monitoring Data - The laboratory performing the analysis on the collected samples submits the report to the Pretreatment Coordinator. This report shall include: sample description, analytical results, analytical methods, date of analysis, person performing the analysis, and signature of responsible party. The laboratory report is evaluated for compliance within one week of receipt. If a violation is detected, he will initiate an enforcement response to the industrial user approximately within one week. A compliance notebook is maintained to track the compliance status of each industrial user. Prior to responding to the industrial user with lab results and/ or appropriate enforcement action, the Pretreatment Coordinator refers to this notebook for previous/ongoing enforcement activity.

2.4.2 Review of SIU's Self Monitoring Data - SIUs are required to send semi-annual or quarterly Self Monitoring Reports to the Pretreatment Coordinator. These reports contain information about the SIU's wastewater sampling results generated by a private lab (selected by the IU and approved by Howard County), wastewater flows, waste disposal activities, problems encountered during the reporting period, any compliance schedule progress reports, or other information required by the industry's wastewater discharge permit. The Pretreatment Coordinator shall evaluate these reports and acknowledge them thru letters for compliance. Appropriate enforcement actions shall be initiated within approximately two (2) weeks if any of the SIUs are in violation of their pretreatment requirements.

2.4.3 Review of Inspection & Incident Reports - Industrial inspections and any incident related to the compliance status of an industrial user, shall be documented in a report completed by the Pretreatment Coordinator either during the inspection or incident, or form field notes within one week of the inspection or incident. Enforcement actions will be initiated as a result of those reports within two weeks of the inspection or incident. Once the report is completely reviewed, and any needed enforcement action taken, the report is filed in the SIU's records. A copy of any enforcement document will be filed also in the compliance notebook for future reference.

2.4.4. Tracking Compliance Status - All data gathered for the purpose of determining SIU compliance is kept in a compliance notebook to track the compliance history of each SIU. The Pretreatment Coordinator refers to this notebook for previous or ongoing enforcement activity prior to responding to the Industrial User with a letter of completion or appropriate enforcement action.

The Pretreatment Coordinator may also refer to the company's file on the IU and may refer to the quarterly reports submitted to the State of Maryland in order to obtain a full history of the SIU's compliance status.

2.4.5. Significant Non-compliance (SNC) Evaluation - Significant non-compliance (SNC) is evaluated according to the guidelines defined in 40CFR Part 403.8(f)(2)(viii)(A-H) This evaluation is performed every quarter for all SIUs. As shown on the following table, A and B criteria are evaluated at a 6-month monitoring period; and the C to H criteria is evaluated at a 3-month monitoring period.

Reporting Period	Chronic Effluent and TRC Violations 40 CFR Part 403.8(f)(2)(viii)(A&B)	Reporting Requirements and Other Criteria 40CFR Part 403.8(f)(2)(viii)(C-H)
1 st Quarter	October – March	January – March
2 nd Quarter	January - June	April – June
3 rd Quarter	April - September	July – September
4 th Quarter	July - December	October – December

An Industrial User is in significant non-compliance 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 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 pre-treatment effluent limit (daily maximum or longer-term average) that the Control Authority 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 the POTW’s exercise of its emergency authority to halt or prevent such a discharge;
- e.) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in the local control mechanism or enforcement order for starting construction, or attaining final compliance;
- f.) Failure to provide within 30 days after due date, required reports such as baseline monitoring reports, 90-day compliance 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 Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

The SNC evaluation will be based on both the compliance monitoring data and self monitoring data. However, if sample collection for both the self monitoring and the compliance monitoring occurs on the same day, then the two sets of analytical data, for that day, will be averaged and used in the evaluation.

If the Pretreatment Coordinator receives laboratory analysis for a sample collected during the evaluation period in which the compliance summary report has already been completed and submitted to the Maryland Department of the Environment (MDE), and if this late data alters the SNC determination, then the Pretreatment Coordinator will notify and resubmit to MDE within two weeks of receiving the data.

2.5 INDUSTRIAL PRETREATMENT REPORTS SUBMITTED TO THE MARYLAND DEPARTMENT OF THE ENVIRONMENT

1. Industrial Pretreatment Summary Report: A compliance Summary Report is generated by the Pretreatment Coordinator within 30 days following the end of each quarter. This summary report is due to the State of Maryland within 45 days following the end of each period. This summary report contains the following information pertaining to the SIU's compliance status:
 - a.) industry's name;
 - b.) compliance status;
 - c.) basis for non-compliance;
 - d.) number of sampling days, number of samples analyzed, and/or number of analytical data sets evaluated;
 - e.) type of sample violations;
 - f.) pollutant parameters violated;
 - g.) 6-month evaluation of infrequent non-compliance and significant non-compliance for each SIU; including: the number of violations, number of TRC violations, violation percentage, TRC percentage, etc;
 - h.) percentage of SIU's which are: in compliance, infrequent non-compliance, and significant non-compliance; and,
 - i.) other information pertaining to the compliance status of the SIU.
2. Completed SNC checklists for all the SIUs.
3. Pretreatment Performance Summary Report (PPSR): prepared annually to cover the period July 1 to June 30 of the following year. This PPSR is attached to the Second Quarter Pretreatment report due on August 15th of each year.
4. Annual Legal Notice Publication for SIUs having Significant Non-compliance on the previous year.

3.0 PROCEDURES FOR RESPONDING TO NONCOMPLIANCE

3.1. IDENTIFYING VIOLATIONS

Violations may be discovered from:

- a.) routine wastewater monitoring;
- b.) inspection activity conducted by County personnel;
- c.) reports submitted by the industrial user and reviewed by County personnel;
- d.) monitoring activities in response to a specific problem such as an upset at the public sewage treatment plant attributable to a toxic discharge;
- e.) identification of a non-conforming discharge discovered through routine sewer line maintenance by the Bureau of Utilities that may or may not have caused conveyance system damage;

- f.) citizen's reports or complaints;
- g.) spill notification; or other reporting requirements established in the users permit; or,
- h.) any other problem associated with the operation and maintenance of the public sewerage treatment plant.

3.2 DESCRIPTION OF GENERAL TYPES OF VIOLATIONS - Generally, violations are classified as either significant or minor violations.

3.2.1. Significant Violations - A significant violation may include:

- a.) access refusal for County inspection personnel;
- b.) a violation of a local discharge standard or federal categorical discharge standard;
- c.) the discharge of a waste which violates the general prohibitions specified in the County Code, Section 18.122A;
- d.) the discharge of a waste which creates a condition of imminent endangerment or adverse impact on the sewage treatment plant; or,
- e.) a violation of a compliance schedule established to correct a previously identified problem.

3.2.2. Minor Violations - Minor violations include:

- a.) a monitoring report or compliance report submitted less than 7 days late;
- b.) an isolated minor reporting error;
- c.) maintenance deficiencies such as failure to clean grease traps;
- d.) an inaccessible sampling location (inaccessible due to reasons other than access refusal by the owner);
- e.) records that is not available for review by inspectors;
- f.) discharging a non-harmful wastewater without a permit, due to the owner not being aware of permitting requirements;
- g.) failed to notify the County of an expired permit; or,
- h.) an isolated pollutant violation which results in the issuance of a first violation.

As an initial response to a minor violation, the Pretreatment Coordinator will issue a written notice of violation to the offending industrial user giving a deadline for correcting the infraction. For a second or repeat minor violation, a fine will normally be assessed and included with the second or subsequent notice of violation.

3.3 DOCUMENTING NON-COMPLIANCE

A significant violation may be identified in a report, such as: self monitoring report, compliance monitoring report, inspection report, complaint, sampling report, chain of custody form, etc. Also, a permitted industry is required, in accordance with notification procedures specified in their permit, to submit a written report of a violation caused by a spill, upset, bypass, or other problem affecting compliance with pretreatment regulations within 5 days after occurrence.

In the case of a significant violation the Pretreatment Coordinator must first determine the potential for immediate harm to the public sewerage system; such as a discharge which could cause: 1) an upset at the sewerage treatment plant, 2) harm to operations and maintenance personnel, or 3) a violation in the NPDES permit issued to the County's treatment plant, etc. If such a threat exists, the Pretreatment Coordinator will immediately notify the industry to cease its harmful discharge. This notification will be in writing (if time permits), or verbally followed by written notification. The County may act, if necessary, to terminate the discharge or seek injunction relief in a Court of Law.

As a part of a field investigation or in case of imminent danger, an initial notice of violation may be given verbally by the Pretreatment Coordinator to the industrial user. However, a formal written notification would be issued as soon as possible.

In cases where there is no imminent danger to personnel, the public sewerage system or the environment, the Pretreatment Coordinator will notify the industry of the violation, requesting an explanation of the violation, a description of corrective actions, and/or a written plan for entering into compliance. The industrial user shall be allowed a response time of not greater than 30 days (normally three weeks is allowed).

An industrial user which violates pretreatment standards or regulations may be required to implement substantial changes or additions to their industrial or pretreatment processes or facilities. The industrial user will be notified (as a part of a NOV, citation, administrative order, or a revised permit) of the violation and requirements to implement a plan of corrective action or a Compliance Schedule. In addition, the industry user would be required to submit progress reports towards the implementation of either the corrective plan or the Compliance Schedule.

After considering the type of measures required to correct the violation, the Pretreatment Coordinator may consider the issuance of a revised permit incorporating requirements for the industrial user to correct its violation. If a revised permit is issued, the Pretreatment Coordinator will monitor compliance with the new permit; particularly, with any compliance schedule incorporated into the permit, or conditions and requirements for correcting the violation.

4.0. CIVIL PENALTIES PROCEDURES

The Department of Public Works Civil Penalties Procedures Manual includes general procedures for issuing both the Notice of Violation and the Civil Citation. Included in this manual are procedures used by the Pretreatment Coordinator when responding to a violation, identifying responsible parties, documenting actions taken by the Pretreatment Coordinator and the violator, tracking compliance, and preparation for court appearance. These procedures are used to assist the Pretreatment Coordinator in determining whether a warning letter, NOV, or citation is required. These standard procedures are issued for the most frequent cases of noncompliance. The NOV and/or citation is prepared, signed and issued by the Pretreatment Coordinator within three weeks of identifying the violation.

4.1 VIOLATIONS IN THE PATAPSCO SERVICE AREA

If a significant violation occurs in the Patapsco sewer service area, the Pretreatment Coordinator will notify Baltimore City and Baltimore County pretreatment program personnel, keeping them informed of enforcement and monitoring activities while seeking their participation in accordance with the terms of the Inter-jurisdictional agreements. Conversely, if Baltimore City or County notifies Howard County of a problem in the Patapsco conveyance system or treatment plant could that could be attributed to a Howard County sewer user, the Pretreatment Coordinator will initiate investigative procedures (sampling, testing, etc.) to identify the problem source (s). Appropriate corrective actions and enforcement measures would be taken following the investigation.

4.2 WASTE HAULERS

The Pretreatment Coordinator will also handle violations by waste haulers. For an initial violation, the permitted waste hauler may be issued a notice of violation (NOV), which may include a fine. For subsequent violations by the same waste hauler, the Pretreatment Coordinator may issue another NOV, additional fines, and any other appropriate enforcement action which could include permit revocation and prohibiting access to the treatment plant's point of discharge.

4.3 TENANTS

Enforcement procedures are more complicated in the case of tenants whose water and sewer service is provided as part of an account assigned to the owner of the premises. In such case, measures must be taken to keep the landlord advised of any enforcement action where the buildings water and/or sewer service may be disconnected.

5.0 INITIATING ADDITIONAL ENFORCEMENT ACTIONS

The NOV and/or citation specifies approximately two weeks for the industrial user to respond for a corrective action. If no response is received within this two week time frame, the Pretreatment Coordinator will initiate additional enforcement action. This escalation of enforcement action and the evaluation of severity of the enforcement action are summarized in Department of Public Works' Civil Penalties Procedures Manual and the Howard County Code Section 18.122A.

Enforcement proceedings will escalate should the industrial user fail to comply with the terms of a revised permit, compliance schedule, notice of violation or other enforcement document issued (or approved) by the County, or should an industrial user repeatedly violate pretreatment standards or regulations. Initially, the Pretreatment Coordinator will assess a fine (normally a civil citation) and include this fine with the notice of violation and a requirement for corrective action. The extent of the fine, if any, and the decision to initiate further enforcement action will be predicated upon the nature and extent of the violation. This additional enforcement action will be initiated by the Pretreatment Coordinator within two weeks of the identifying the continued violation.

Violations which require enforcement action beyond the issuance of NOV's and/or initial citation are:

- a.) repeated violations;
- b.) failure to respond to NOV's and citations;
- c.) falsification of reports;
- d.) tampering with County monitoring equipment;
- e.) repeated failure to respond to a compliance schedule;
- f.) prohibiting of discharges which pose a danger to the environment;
- g.) prohibiting of discharges as a result of repeated violations;
- h.) termination of water/sewer service;
- i.) publication of offenders; and
- j.) appeals to the Board of Appeals.

For continued non-compliance, repeat violations, or harmful dischargers, more severe enforcement action will be initiated including: escalating fines, civil or criminal court action, administrative action. Terminating water/sewer service, or prohibiting the discharges of specific waste streams.

5.1 ESCALATING FINES

For violations not corrected nor adequately addressed after the initial notification, the Pretreatment Coordinator will initiate further enforcement action in accordance with the nature and extent of the violation. For continuing violations that do not require a prohibition or termination of service, a criminal/civil citation will normally be issued with a second notice of violation including requirements to explain the violation and/or to submit a schedule plan for returning to compliance. Failure to adequately address the violations, as required, will result in additional citations with increasing fines. The amount of the citation shall be in conformance with provisions specified in Title 24, "Civil Penalties Procedures." Violations which continue from day-to-day may be considered separate offenses for each day; however, the violator must be given notice of each violation and provided with sufficient time to correct violation. The citation shall be delivered in person or by certified mail to the users last known address. If delivered by mail (postage prepaid, at a mailing location regularly serviced by the U. S. Postal Service) notification to the user shall be deemed at the time it is deposited. Payment of the citation shall be made to the Director of Finance, Cashiers Office. The Pretreatment Coordinator shall keep in contact with the Office of Finance to monitor payment of the citation.

5.2 COURT ACTION

5.2.1. Civil Citation - In accordance with civil penalties procedures, a person charged with a civil citation has the right to stand trial. The person is given 30 days from the issuance of the citation to either pay the fine or request a trial date. If the person fails to either pay the fine or request trial date within the 30 day period, a penalty (normally 50% of the original amount) will be assessed and a notice of payment will be sent out by the Director of Finance which will specify payment within 15 days. After this 15 day period, if payment is not received, the Director of Finance will refer the case to District Court and a trial date will be scheduled. A notice of the trial date will be sent to the defendant with copies of the Pretreatment Coordinator and the Office of Law. The Pretreatment Coordinator shall keep in contact with the Office of Law if a case is scheduled for trial.

5.2.2. Court Injunction - The Pretreatment Coordinator may seek a court injunction in order to prevent or stop any illegal activity, which may be a threat to public sewerage system. In addition, an injunction may be used to force an industrial user to: comply with an administrative order, install pretreatment equipment, implement corrective measures, or enforce compliance with wastewater discharge regulations. The Pretreatment Coordinator will initiate procedures by consulting his immediate supervisors, the Bureau of Utilities Chief, and/or the Director of Public Works. If a decision is made to pursue an injunction, the Pretreatment Coordinator will contact the Office of Law in writing as soon as possible. However, in an emergency, when an injunction is desired to force the termination of a harmful discharge, the necessary information may be communicated verbally followed by the related paperwork within one week. The Office of Law will coordinate the scheduling and procedural elements involved in requesting a court junction. The Pretreatment Coordinator will remain in contact with the Office of Law; keeping informed of all phases of the injunction process.

5.2.3. Civil Suit - A civil suit may be filed by the County in order to recover unpaid fines, property damages, any cost incurred by the County as a result of adverse actions by an industrial user, and/or any other damages brought about by violations of wastewater discharge regulations. The need for a civil suit will be determined by the Office of Law after consulting with the Bureau of Utilities Chief and/or Director of Public Works. The Pretreatment Coordinator Pretreatment Coordinator and any other County personnel involved with the suit will cooperate with the Office of Law in executing the case.

5.3 RESPONSIBILITY FOR DAMAGES

Where a violation causes damage or obstruction to the public sewage system (conveyance system or treatment plant), a damage assessment will be made by the Pretreatment Coordinator in cooperation with any other County personnel involved. The damage assessment may include: the cost incurred by the violation, the cost for repairing damage to the public sewage system, the cost for removing obstructions, fines or penalties imposed by the County resulting from actions of the industrial user, etc. When all costs had been determined, and the responsible parties identified, the industry will be notified by the enforcing agent by certified mail of the user's liability for the monetary damage. The user will be allowed 30 days to make payment. If payment is not received within 30 days, the expense will be recovered by civil suit. The Pretreatment Coordinator will coordinate the damage assessment and track the payment status.

5.4 CRIMINAL PENALTIES; INTENTIONAL VIOLATIONS

A person or user who:

- a.) Intentionally violates any wastewater discharge regulation, law, or rule;
- b.) Knowingly makes false statements, representations, or certifications in an application, record, report, plan or other document; or
- c.) Falsifies, tampers with or knowingly renders inaccurate a measuring and/of metering device;

Upon conviction by a court of competent jurisdiction, shall be subject to a fine of not less than \$250 and not more than that allowed by State law, or imprisonment for not more than six months, or both, for each offense. Each day's continuance of the violation shall be considered a separate offense.

The Pretreatment Coordinator, after observing such a violation, shall immediately report the incident to his supervisors, and document the incident in a written report. If it is suspected that the industrial user has committed a criminal action, the information shall be referred, within one week, to the Bureau of Utilities Chief and/or Director of Public Works; a meeting with the Office of Law shall then be scheduled. If a criminal case is to proceed, the Pretreatment Coordinator shall refer the case to the Maryland, Environmental Crimes Unit and cooperate as required.

The following procedures shall be followed after a potential criminal violation is observed or noted, the Pretreatment Coordinator shall prepare a report which clearly sets out:

- a.) the name of the person who observed the violation;
- b.) the exact location of the violation;
- c.) the date and time of the violation;
- d.) a specific statement of the facts which constitute the violation, including a citation of the statute, regulation, or ordinance which has been violated; and
- e.) if possible, the name, address and telephone number of the party responsible for the violation.

In determining if the violation is appropriate for criminal referral to the Environmental Crimes Unit (ECU) the following factors are to be considered:

- a.) seriousness of offense (e.g., how bad was it if actual pollution is involved, minor or major; or if the violation is a falsification of monitoring, was the falsification merely technical or significant);
- b.) prior regulatory record of the responsible party (e.g., is this first offense or a repeat offender);
- c.) lack of obvious defenses or innocent explanations to mitigate violation; and
- d.) deterrent value of proceeding criminally as opposed to civilly. In some instances the Bureau of Utilities may be trying to send a message to a particular industry that certain types of violations will not be tolerated.

These factors are not mutually exclusive or comprehensive. Every case is unique. The more factors that weigh in favor of a criminal referral, the greater the likelihood that the violation should be prosecuted criminally.

If it is determined that a violation is appropriate for criminal referral, the Pretreatment Coordinator shall send a copy of the original report and a referral memo to ECU. The ECU will conduct a preliminary inquiry to decide whether to prosecute. The decision will be based on these factors:

- a.) availability of proof (i.e., is there enough evidence to prove a willful violation on the part of an identified responsible party beyond a reasonable doubt?);
- b.) seriousness of offense (i.e., is this violation which a furor of average intelligence would understand as being serious, or is it a technical violation?); and
- c.) frequency of violation and/or negligence of offender (i.e., is the offender someone not getting the message that the Bureau of Utilities is serious about protecting the public sewerage system?).

Within 60 days of receiving the referral. The ECU will determine whether a violation will be prosecuted criminally. During this 60 day period, the Pretreatment Coordinator may take any corrective or remedial enforcement actions which it deems necessary. However, the Pretreatment Coordinator should not seek any administrative or civil penalties during this period because “double jeopardy” prevents the State’s ECU from seeking both civil and criminal penalties for the same violation.

If ECU decides to prosecute a referred violation, the Pretreatment Coordinator will be advised and asked to refrain from pursuing administrative and civil penalties until the court case has been concluded. ECU will be responsible for the investigation and prosecution of the case. If ECU decides not to prosecute a criminal referral, ECU will notify the Pretreatment Coordinator and he will be free to seek any administrative or civil penalties it chooses.

5.5 ADMINISTRATIVE ACTION

Administrative enforcement action may be taken in response to a violation where it is necessary to:

- a.) force the implementation of corrective measures;
- b.) force the installation of pretreatment equipment;
- c.) prohibit the discharge of specific waste streams into the public sewage system; or
- d.) terminate water and sewer services, etc.

Administrative actions are initiated by the Pretreatment Coordinator within three (3) weeks of identifying the violation. Administrative actions may include:

- a.) issuance of a Notice of Violation, letter, order, or other document; wherein, the industrial user is required to submit a corrective action plan;
- b.) Administrative fines from \$250 to \$1000 for each violation. Each day’s continuance of the violation shall be considered a separate offense. Issuance of an Administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user;
- c.) issuance of a compliance schedule or a revised permit; wherein, the industrial user is required to follow a specific schedule, with incremental due dates, for correcting the violation;
- d.) insurance of a notice; wherein, the industrial user is required to meet certain conditions in order to avoid impending enforcement actions, such as; notice to prohibit the discharge of wastewater, notice to terminate water and/or sewer service, or notice to revoke a wastewater discharge permit; or,
- e.) immediate termination of water/sewer service, the permanent prohibition of a users Wastewaters discharge, and/or permit revocation.

5.5.1. Corrective Action Plan - Corrective action may be required by the Pretreatment Coordinator in response to a violation. Submission of a corrective action plan may be required as part of a letter, NOV, order, or other enforcement document issued by the Pretreatment Coordinator within two (2) weeks of identifying a violation. Corrective action plans, submitted by an industrial user, shall include both an explanation of the violation, and a description of measures taken or planned to prevent recurrence of the violation. The IU is given two (2) weeks to respond. Failure to respond is a separate violation and additional enforcement action would be initiated within two (2) weeks of the due date.

5.5.2. Compliance Schedule; Revised Permit - If corrective action, taken by the industrial user, fails to correct a violation or if the Pretreatment Coordinator determined that the IU's corrective action plan is not adequate, then the Pretreatment Coordinator may issue a Compliance Schedule be included with the revised permit issued by the Pretreatment Coordinator. In either case, the Compliance Schedule shall list specific actions required to be taken by the IU and the due dates for which these actions are to be completed. The industrial user will be required to submit a Compliance Progress Report to the Pretreatment Coordinator within two (2) weeks of each compliance schedule due date. The Pretreatment Coordinator will track compliance with the schedule and submission reports. Failure to adhere to the schedule will result in enforcement action initiated by the Pretreatment Coordinator within two (2) weeks.

5.5.3. Prohibiting Discharge; Danger to the Environment or Sewage System - It may be necessary to immediately prohibit the discharge of an industrial user's wastewater to the public sewerage system, and/or to terminate the user's water/sewer service, if it is determined that this action is necessary in order to stop an existing or expected discharge which:

- a.) presents or is likely to present an imminent or substantial endangerment to the health or welfare of persons;
- b.) presented or will likely present an imminent or substantial endangerment to the environment;
- c.) causes or is likely to cause interference with the operation of the public sewerage system;
- d.) causes or is likely to cause damage to the public sewage system;
- e.) causes or is likely to cause a violation of any provision of the sewage treatment plant's NPDES permit;
- f.) is from an unknown source serviced by a waste hauler;
- g.) cannot be adequately sampled or monitored to determine its properties and characteristics and is suspected of being a non-compliance waste;
- h.) is being or will be discharged by a user who does not have a valid permit;
- i.) is being or will be discharged by a waste hauler who does not have a valid permit issued by the Howard County Health Department; or
- j.) is industrial sewage and is being or will be discharged by a waste hauler who has not obtained prior permission for the discharge from the Director;

In an emergency, where a discharge of waste is considered to be a danger to either the public sewage system or the environment, the Pretreatment Coordinator may initiate actions to immediately prohibit the discharge of any industrial wastewater suspected of causing the problem. After consulting with the Bureau of Utilities Chief, or the Director of Public Works, the Pretreatment Coordinator may issue a notice of prohibition to the industrial user (or users) suspected of causing the problem discharge. The notice shall describe the problem, and shall order the immediate prohibition of the user's wastewater discharge (or any portion of the user's discharge) suspected of causing the problem. The industrial user may respond within 15 days with a written response, and a request that the prohibition be removed. The written report, by the industrial user, shall specify the following: proof that the prohibited wastewater had been eliminated and that no further violation will occur; information pertaining to the cause of the discharge; and measures taken to prevent any future occurrence.

If the prohibition is removed, the Pretreatment Coordinator will track compliance with the agreed upon conditions.

5.5.4. Prohibiting Discharge; Repeated Violations - If an industrial user has repeatedly violated discharge regulations. The industrial user's wastewater may be prohibited from entering the public sewerage system.

5.5.5. Termination on of Service - In a case where it is necessary to stop a discharge of wastewater that poses a substantial danger to people, the environment or the sewage treatment plant, the Pretreatment Coordinator shall take immediate steps to terminate water/sewer service. The Pretreatment Coordinator shall notify his immediate supervisors and then, with approval of the Bureau of Utilities Chief and/or Director of Public Works, shall notify the Bureau of Utilities' Operations Manager to commence with the immediate termination of service. The Industrial User will be required to submit a report within 15 days from the date of termination, and shall describe the cause of the discharge and measures taken to prevent any future occurrence. The County will inform the user of these reporting requirements immediately following the service disconnect.

Prior to reconnection, the user, at a minimum, will be required to pay a fine and/or conform to the terms of a compliance schedule. If after the County has allowed a reconnection of service, the industrial user fails to implement corrective measures or if the harmful discharge is continued or repeated, the Pretreatment Coordinator shall immediately initiate measures to permanently disconnect the user's service.

5.5.6. Publicizing Offenders -

The Pretreatment Coordinator shall arrange for a legal notice publication in the daily newspaper serving the metropolitan district, of a list of significant industrial users who were in Significant Non-compliance violations during the previous calendar year. The legal notice shall mention the violation and corrective measures taken by the SIU during the previous year and shall arrange for a publication by March 15th of each year.

6.0. APPEALS

Any permit, notice of violation, citation, administrative order, penalty, decisions, or the imposition of any requirement for corrective action may be appealed in accordance with established appeal procedures. Initially, administrative appeals shall be made within 30 days to the Pretreatment Coordinator and his immediate supervisors. If the user does not agree with the decision of this initial appeal, the appeal may be continued in writing to the Bureau of Utilities Chief and/or the Director of Public Works within 15 days of the first decision.

An industrial user may appeal an enforcement action or other administrative decision directly to the Director of Public Works within 15 days. If an appeal is scheduled, the user shall be afforded an opportunity to present his grievance to the Director of Public Works at an informal conference. The Director, may modify, reverse, or affirm (wholly or partly) the action previously taken. If the user remains aggrieved after being notified of the Director's decision, then the user may file an appeal with the Board of Appeals as provided by law, within 30 days of notification of the Director's decision. The board shall have the power to modify, reverse, or affirm (wholly or partly) the action of the Director. However, in either case the appeal decision shall not waive, set aside or change any specific provision of Federal/State laws or regulations, or any specific provision of Howard County Code, or any re or regulation promulgated pursuant these laws and regulations.

If enforcement action, involves a discharge prohibition, termination of water/sewer service or other decision by the Director of Public Works, the appeal process begins with the County's Board of Appeals. Use of the public sewerage system shall be prohibited pending resolution of an appeal of actions taken to terminate or prohibit service. Where the user is allowed to continue to discharge, the industrial user's permit shall remain in full force pending resolution of appeal. Rules of Procedures of the Board of Appeals can be found in Howard County Code, Title 2, Subtitle 2.

7.0 ENFORCEMENT PROCEDURES FOR SPECIFIC VIOLATIONS

Given below are detailed enforcement procedures for specific types of violations. These violations will likely be the most frequently encountered by the enforcement agencies. Although the Pretreatment Coordinator must be given flexibility in dealing with a particular violation, enforcement actions must follow the general guidelines presented in this plan.

7.1. MINOR VIOLATIONS

The following procedures apply to enforcement of minor violations as defined previously.

Examples are:

- a.) a monitoring/compliance report not submitted on time;
- b.) maintenance deficiencies such as failure to clean grease trap or oil separator;
- c.) an inaccessible sampling location (inaccessible due to reasons other than access refusal by the owner); and/or,
- d.) records that are not accessible for review by inspectors.

Upon observance of a minor violation, the Pretreatment Coordinator will attempt to verbally resolve the issue with a person authorized to represent the industrial user in such matters, and shall document this contact in a memo to file. If this fails, then a formal Notice of Violation (via-certified mail) will be issued to the industrial user, which will specify three weeks by which the user must respond with an explanation of the violation and a plan for corrective action. The Pretreatment Coordinator will monitor compliance with any action required to be taken by the industrial user, filing reports of all conversations, sampling visits, site visits, inspections, etc. If monitoring indicates that the industrial user has come to compliance, then no further action will be taken. However, if compliance does not occur, additional enforcement action will be taken, which may include: a notice of violation, criminal/civil citation, compliance schedule, revised permit, or other administrative document specifying requirements to correct the violation, etc. (all enforcement documents are to be issued by certified mail to the industrial user). If subsequent monitoring indicates that the user has achieved compliance, no further action is taken. However, if the industrial user remains in violation, or has failed to implement corrective actions, or has failed to comply with requirements established as a result of the violation, then additional enforcement measures shall be initiated. As appropriate, the Pretreatment Coordinator may seek to issue additional fines, prohibit the discharge of the industry's wastewater, terminate water/sewer service, seek judicial action, revoke the industry's permit, etc.

7.2. ACCESS REFUSAL

In the event that a county inspector or sampling Compliance Inspector is refused access to an industry's facility in the performance of on-site monitoring activities, the County representative will request a reason for the denial in a polite, non-objectionable manner. He will then report the problem

to his supervisor in a written site visit report, who will in turn attempt to verbally contact a company manager or other high level representative to gain the required access. If access cannot be obtained, and the situation is not an emergency, then the enforcing agent will send a Notice of Violation by certified mail to the owner with a fine assessed and a deadline for compliance. If compliance is not attained by the deadline, then the enforcing agent will contact his direct supervisor and/or the Bureau of Utilities Chief who will then contact the Office of Law to initiate court action to force compliance. This will be done with consent of the Director of Public Works.

The enforcement agency will proceed in accordance with the court's decision and refer the matter back to the Office of Law in the event of non-compliance. When access is permitted, the inspector will perform the inspection and complete and file a report.

In an emergency situation when access is critical, such as investigating a hazardous discharge, the Pretreatment Coordinator may directly contact the Office of Law to request a court order to allow County personnel to conduct tile inspection.

7.3. UNREPORTED CHANGES IN WASTEWATER CHARACTERISTICS

As a result of new equipment installation, a change in process operation, or an upset, bypass, spill etc., an industrial user's waste stream may undergo a significant change in its character or volume. The County Code requires such a change to be reported. An unreported change may be discovered by County personnel from information provided with self monitoring reports, compliance monitoring reports, or by tracing the non-conforming waste to its industrial source, or through other means such as inspections or complaints. Where the Pretreatment Coordinator has discovered an unreported change, he will contact the industry and request information to determine the nature of the discharge. The Pretreatment Coordinator will also initiate preliminary monitoring activities, including: site inspections, records inspections, and wastewater sampling as required to verify information furnished by the industry. After the Pretreatment Coordinator has determined the characteristics of the wastewater, he will determine the potential harm to the POTW, and, if necessary, prohibit the discharge. If the Pretreatment Coordinator does not prohibit the discharge, the Industrial User's permit may be revised. In addition, a fine may be assessed. If appropriate, a damage assessment will be performed and the county may seek remuneration from the industry.

7.4. INTENTIONAL HARMFUL DISCHARGE

When a discharge is discovered that is dangerous, potentially damaging, or disruptive to the public sewerage system, timely enforcement action is required. The source of such a discharge may be identified in accordance with procedures outlined in Demand Sampling and Inspections (see Section 2.3.6). When such a discharge is discovered, the Pretreatment Coordinator will attempt to confirm the source (if necessary) by contacting representatives from potential IUs. The Pretreatment Coordinator will obtain information on the IU's discharge activities, and may arrange inspections and/or sampling visits. When the source is confirmed, the Pretreatment Coordinator will give the owner or plant manager immediate notification by certified letter (if time permits), or verbally in emergencies, to cease the harmful discharge by a certain time and date. The notification will include a provision such that failure to cease the harmful discharge will result in termination of water and/or sewer service. All verbal notifications and subsequent actions will be documented as soon as time permits, with copies to all involved parties and the industry's correspondence file.

An administrative order to cease the discharge of harmful waste will be monitored by the Pretreatment Coordinator. If compliance does not occur, the Pretreatment Coordinator may proceed to terminate water/sewer service with approval of the Bureau of Utilities Chief and/or the Director of Public Works. The non-compliant industry will be notified by certified letter that their water/sewer service will be (or has been) terminated on a specified date. In case of an emergency, a verbal notice followed by a certified letter will suffice.

As an alternative approach judicial action may be sought. An injunction may be issued by a court, which will order the IU to cease the harmful discharge or be subject to termination of water/sewer service by the County. In order to initiate the injunctive relief, the Pretreatment Coordinator will contact the Office of Law in writing requesting their assistance in obtaining injunctive relief. In an emergency, the essential information required to obtain an injunction may be communicated to the Office of Law verbally, followed by a letter.

To effect termination, the, Pretreatment Coordinator will notify the Bureau of Utilities' Operations Manager with a request to proceed with disconnecting the service. The IU's sewer service will be plugged, if possible, or the water supply shut off. A notice of termination sent to the IU may request a written report from the owner specifying the source of the discharge and the measures taken to prevent future occurrence. The notice of termination may also include requirements such as the payment of fines or conformance with permit requirements, compliance schedule, or other administrative order. Service may be reestablished upon a satisfactory response.

If an acceptable report is submitted to the Pretreatment Coordinator and other requirements are met, then the Pretreatment Coordinator will inform the owner by certified mail of the date of reconnection, and will request the Bureau of Utilities' operations manager to complete the reconnection. If revisions to the industry's wastewater discharge permit are needed, the Pretreatment Coordinator shall issue a revised permit. In any case, the Pretreatment Coordinator will continue to monitor the industry for compliance with all applicable pretreatment requirements.

At the discretion of the Pretreatment Coordinator, a citation may be issued with the initial notice of termination, or at the time of disconnect, or both. In addition, remuneration for any damage to the system, caused by the harmful discharge, and for monitoring/enforcement activities associated with the incident will be recovered by, the County as specified below.

7.5. REMUNERATION FOR DAMAGES

In a situation where a non-conforming discharge has caused damage, obstruction, or harm to the public sewerage system (conveyance system, personnel, or treatment plant), the County will seek reparations for the cost to implement corrective measures, or for any other cost resulting from the non-conforming discharge; these costs may include: the cost of monitoring and enforcement activities, the cost associated with tracing and confirming the discharge, the cost associated with disconnecting and reconnecting water or sewer service, etc.

A record of expenses incurred for all aspects of damage repair, obstruction removal, tracking programs and enforcement activities will be maintained, in detail, by the Bureau of Utilities' operations manager, as appropriate to their individual efforts. The industry in violation is responsible for all costs incurred as a result of the violation. If the industry in violation is a Minor Industrial User, the Compliance Inspector will coordinate with the Bureau of Utilities Operations Manager to gather all related expenses. If the industry in violation is an SIU, the Pretreatment Coordinator will coordinate with the operations manager.

In either case, the industry's owner will be notified by certified mail of the total assessment, requiring payment within 30 days. If all costs are not known, as in the case of extended system repairs, an estimate of future expenditures will be made and included in the assessment. When the exact costs for extended repairs are known, the County will reimburse the owner for the difference if the costs exceed the estimate. Where damage assessments are applicable, the Pretreatment Coordinator will monitor the SIU in violation for compliance and the Compliance Inspectors for MIU compliance.

If payment is not received by the due date, then the matter will be referred to the Office of Law for recovery of costs by civil suit, with the consent of the Bureau of Utilities Chief and the Public Works Director (at the Bureau Chief's discretion). Adherence with the court's ruling will also be monitored by the Pretreatment Coordinator.

System "damage" by discharges from minor industries would in most instances occur in the conveyance system such as blockages and Sanitary Sewer Overflows. These will be handled by the Pretreatment Coordinator in the same manner as described above for SIU's. Usually, recovery for these damages would be limited to maintenance expenses incurred by the Bureau of Utilities in cleaning obstructions (such as grease) from the conveyance system.

7.6. ACCIDENTAL SPILLS

The source of an accidental spill of non-conforming waste maybe discovered through the submission of a notification by an industry as required in their permit. Also, field maintenance and operation personnel may detect such a discharge in the conveyance system or treatment plant. When this occurs, the Pretreatment Coordinator will institute a trace program to identify the violator. Upon identification, the Pretreatment Coordinator will contact the industry to determine the nature of the spill and obtain background information regarding it.

If an unreported spill has caused damage to the public sewerage system, or has resulted in non-routine maintenance or operations activities, the industry will be billed for associated costs, as specified previously, and will be assessed a fine for not reporting the incident. A notice of violation may also be issued which shall include a requirement for the owner to submit a written report within 15 days describing the nature of the spill and corrective action taken, or to be taken, to prevent future occurrences. The Pretreatment Coordinator will review the report to determine the adequacy of the preventative measures specified, and may require revision in writing if deemed necessary to properly address the problem. If appropriate, the industry's permit will be revised to include the approved preventive measures. If there is a recurrence of the spill, the above process is repeated. Failure to comply with any compliance date established in a notice of violation, citation, or permit will result in the establishment of a new compliance date and the assessment of additional fines, the issuance of an administrative order, or referral to the Office of Law for court action (such as injunctive relief) with the consent of the Bureau Chief, and Director at Bureau Chief's discretion.

In the case when a spill is reported to the County by a user, both Pretreatment Coordinator and the LPWRP Process Engineer will take whatever actions necessary to minimize the impact to the conveyance system and treatment plant. The procedures outlined above are also followed except a fine is not levied if there is no damage to the sewerage system.

7.7. WASTE HAULERS

When a violation by a waste hauler continues after the initial notice of violation, then a second and final notice of violation with a fine and an order to cease the violation will be issued. Civil or criminal court action and/or permit revocation may result from continued non-compliance.

7.8. FALSIFICATION OF DATA OR INTENTIONAL VIOLATION

When information, submitted by an industrial user, is suspected of being falsified, the Pretreatment Coordinator will initiate appropriate action to confirm the suspicion including unscheduled site inspections and/or sampling visits with assistance from the Bureau of Utilities as necessary.

When evidence has been obtained to confirm the falsification, the Pretreatment Coordinator will contact the owner, by certified letter, to explain the apparent discrepancies. If further enforcement action is warranted, after the Pretreatment Coordinator reviews the industry's response, the Pretreatment Coordinator will refer the matter to the Office of Law to initiate criminal prosecution in cooperation with the State Attorney's Office (at the Bureau Chief's discretion).

For other intentional violations, similar procedures should be followed to confirm the infraction and the "intentional" nature. For significant intentional violations or for repeat offenders, criminal prosecution would be sought as specified above.

7.9. LACK OF COOPERATION

When an industrial user is requested to supply operating data or other information to the County, and fails to provide this information (complete and accurate), or otherwise makes it difficult for the County to obtain desired information, the enforcement action is warranted.

County personnel will document this lack of cooperation in detailed reports of their investigation and contacts with the industry. The Pretreatment Coordinator will contact the industry owner or other authorized representative to make him aware of the problem. This notification may be verbal but will be followed up in writing unless the initial contact resolves the problem. The enforcement agency will monitor the industry's success at resolving the problem. If compliance is not adequate, then a fine will be assessed with a Notice of Violation which specifies a compliance date. If compliance does not follow, then the Office of Law may be contacted to pursue an injunction from the court to force compliance, with approval of the Bureau of Utilities Chief and Director of Public Works (at Bureau Chief's discretion).

7.10. SIGNIFICANT VIOLATION (NOT DISRUPTIVE OR DAMAGING)

Significant violations that are not potentially damaging or disruptive to the public sewerage system may include, but are not limited to, discharge standards violations, compliance schedule violations, failure to submit reports, non-compliance with approved operating procedures that affect wastewater quality, and failure to replace or repair damaged equipment required to control wastewater quality. When such a violation is confirmed (through monitoring activities or through other sources), and if informal discussions with industry's authorized representative does not resolve the problem, then the Pretreatment Coordinator will inform the owner by certified mail of the

violation, setting a deadline for correcting the problem, and/or requesting a plan/schedule for returning to compliance. The Pretreatment Coordinator will review any proposed plan and/or schedule for correcting the problem and shall make revisions if necessary. In some cases, a revised permit may be issued with the plan and schedule of compliance included; in addition, a schedule may be included for submission of compliance progress reports. The Pretreatment Coordinator will monitor compliance through inspections, industry compliance reports, monitoring activity, etc. If compliance occurs, no further action is taken.

However, if compliance does not occur, a second notice of violation will be sent to the owner specifying a new compliance deadline, or requesting a revised plan and schedule of compliance. For most repeat violations, a fine will also be assessed in accordance with the Civil Penalties Procedures Manual.

If the industry remains in violation after a fine has been assessed, the matter will be referred to the Office of Law for civil and/or criminal court action with the consent of the Bureau of Utilities Chief (and at Bureau Chief's discretion) with the consent of the Director of Public Works. Pretreatment Coordinator will monitor for compliance with any court decision, as appropriate. If the industry does not abide by the court order, then the matter will again be referred to the Office of Law.

7.11. REPETITIVE VIOLATION; INJUNCTIVE RELIEF

Violations which are chronic or repetitive will be identified by the appropriate enforcing agents, the Pretreatment Coordinator and Compliance Inspectors, by reviewing the industry's compliance status and the county's enforcement records on the industrial user. The enforcing agent will assess the need to terminate service based on the extent and severity of previous violations.

If termination of service is appropriate, the enforcing agent will contact the owner by certified mail, stating the County's intention to file for an injunction to force compliance or face termination of water/sewer service. The termination notice will include a request for the owner to show cause for not proceeding with the injunction. If the owner does not respond adequately, then the enforcing agent will contract the Office of Law with the Bureau Chief's consent (and the Director's consent at the Bureau Chief's discretion) to file for the injunction. If the injunction is issued, monitoring activities will be intensified to determine compliance with the injunction, if a subsequent violation is observed, the Pretreatment Coordinator will notify the Bureau of Utilities' operations manager to commence with service disconnection.

Prior to reconnecting a service which has been disconnected, the owner will be required to submit a report acceptable to the enforcement agency specifying how the violation will be prevented in the future. If the report is acceptable, the owner will be informed by certified mail that reconnection will occur by a specific date. The reconnection will be completed by the Bureau of Utilities. Monitoring activities may be increased, to insure continued compliance. Once a permanent injunction is obtained, a repetition of the violation may result in immediate service disconnection. Advance notice will be given to the owner in this situation.

A certified letter notifying the Industrial User of the discharge prohibition and the date in which the prohibition shall commence. The notice may include a request describing the cause of the prohibition and corrective actions implemented by the industrial user to eliminate future non-compliance; approximately fifteen (15) days shall be given for the IU to respond.

If the industry's response is acceptable to the enforcement agent, the discharge prohibition will be removed. If a repeat offender continues to violate provisions of the County Code after the offender is allowed to resume discharging prohibited wastewater to the public sewerage system, the discharge will be permanently prohibited and the industry's permit revoked. A certified letter, notifying the user of the permanent prohibition and revocation of the permit, will be sent to the industrial user.

If the industrial user discharges prohibited wastewater after it has been permanently prohibited and/or the permit revoked, the Bureau of Utilities will be notified to disconnect the water and/or sewer service to the building. The water/sewer service will remain terminated during appeal to the Board of Appeals.

8.0 LIST OF KEY PERSONNEL

Listed below are the key personnel involved in the chain of command for implementing enforcement actions.

KEY PERSONNEL

PC - Pretreatment Coordinator
CI - Compliance Inspector
BC - Bureau of Utilities Chief
LPE - LPWRP Process Engineer
BOP - Operations Manager, Bureau of Utilities
DP - Director of Public Works
OL - Office of Law

9.0 ENFORCEMENT RESPONSE GUIDE

The Enforcement Response Guide below shows the corresponding enforcement responses that will be taken by the key personnel for a particular type of violation.

Enforcement Response Guide

UNAUTHORIZED DISCHARGES (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	PC, CI
	IU unaware of requirement; harm to POTW	- NOV; fine - Civil action	PC, CI, BC
	Failure to apply continues after notice by the POTW	- Civil action - Criminal investigation - Terminate service	PC, CI, BOP, BC, DP,
2. Non-permitted discharge (expired permit)	IU has not notified County of expired permit.	- Phone call; NOV	PC, CI
3. Non-permitted discharge (permit revoked)	IU continues to discharge after permit has been revoked.	- Civil action - Criminal investigation - Terminate service	PC,BC, DP, CI, BOP
DISCHARGE LIMIT VIOLATION			
1. Discharges exceeding Local or Federal Pretreatment Standards (permit limit)	Isolated, not significant	- NOV	PC, CI
	Isolated Significant (no harm)	- NOV	PC, CI
	Isolated, harm to POTW or environment	- NOV; fine - Civil action	PC, CI, LPE, BC
	Recurring, no harm to POTW/environment	- NOV; escalating fines - Civil action - Compliance Schedule	PC, CI, BC
	Recurring; significant (harm)	- NOV; fines per day - Prohibition - Civil action - Terminate service	PC, CI, LPE, BC, DP, BOP

Enforcement Response Guide

MONITORING AND REPORTING VIOLATIONS			
NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
1. Reporting Violations	Report is improperly signed or certified	- Phone call or NOV	PC, CI
	Report is improperly signed or certified after notice by POTW	- NOV - Civil Action	PC, CI, BC
	Isolated, not significant (e.g., 5 days late)	- Phone call; NOV	PC, CI
	Significant (e.g., report 30 days or more late)	- NOV - Civil action (increase fine every 3 weeks)	PC, CI BC
	Reports are always late or no reports at all	- Civil action - Prohibition - Terminated service	PC, CI, BC, BOP, DP
	Failure to report spill or changed discharge (no harm)	- NOV	PC, CI
	Failure to report spill or changed discharge (results in harm)	- Civil action - Prohibition - Terminate service	PC, CI, BC, BOP, DP
	Repeated failure to report spills	- Civil action - Prohibition - Terminate service	PC, CI, BC, BOP, DP
Falsification	- Criminal investigation - Terminate service	PC, CI, BC, BOP, DP	

Enforcement Response Guide

MONITORING AND REPORTING VIOLATIONS (Continued)			
NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
2. Failure to monitor correctly	Failure to monitor all pollutants as required by permit	- NOV	PC, CI
	Recurring failure to monitor	- NOV - Civil action - Prohibition - Terminate service	PC, CI, BC, BOP, DP
3. Improper sampling	Evidence of intent	- Criminal investigation - Civil action - Prohibition - Terminate service	PC, CI, BC, BOP, DP
4. Failure to install monitoring equipment	Delay of 30 days or less	- NOV	PC, CI
	Delay of 30 days or more	- Civil action (increase fine for each additional 3 week delay)	PC, CI
	Recurring delay of 30 days or more	- Civil action - Criminal investigation - Prohibition - Terminate service	PC, CI, BC, BOP, DP

Enforcement Response Guide

MONITORING AND REPORTING VIOLATIONS (Continued)			
NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
5. Compliance Schedules (in permit)	Missed milestone by less than 30 days, or will not affect final milestone	- NOV	PC, CI
	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	- NOV; fines	PC, CI
	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	- Nov - Civil action	PC, CI, DP
	Recurring violation or violation of schedule in compliance schedule	- NOV - Criminal investigation - Prohibition - Terminate service	PC, CI, BC BOP, DP

Enforcement Response Guide

OTHER PERMIT VIOLATIONS (Continued)			
NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
1. Waste streams are diluted in lieu of treatment	Initial violation	- NOV	PC, CI
	Recurring	- Civil action - Compliance schedule - Prohibition - Terminate service	PC, CI, BC, BOP, DP
2. Failure to mitigate noncompliance or implement corrective action	Does not result in harm	- NOV - Civil action	PC, CI, BC
	Does result in harm or recurring	- Civil action - Prohibition - Terminate service	PC, CI, LPE, BC, BOP, DP
3. SIUs failing to properly operate and maintain pretreatment facility	Does not result in harm	- NOV; fine	PC
	Does result in harm or recurring	- NOV; escalating fines - Civil action - Criminal investigation - Prohibition - Terminate service	PC, CI, LPE, BC, BOP, DP, OL,
4. Food Service Establishments failing to properly operate and maintain grease interceptors	Does not result in harm	- NOV	PC, CI
	Recurring	- NOV; escalating fines	PC, CI
	Does result in blockages or Sanitary Sewer Overflows	- NOV; escalating fines - Civil Action - Prohibition - Terminate Service	PC, CI BC, BOP DP, OL

Enforcement Response Guide

VIOLATIONS DETECTED DURING SITE VISITS			
1. Entry Denial	Entry denied, consent withdrawn, or copies of records denied	- Obtain warrant and return to IU	PC, CI, BC, DP, OL
2. Illegal Discharge	No harm to POTW or environment	- NOV; fines - Civil action - Compliance schedule	PC, CI, BC
	Discharges causes harm or evidence of intent/negligence or recurring	- Civil action - Criminal investigation - Prohibition - Terminate service - Compliance schedule	PC, CI, LPE BC, DP, OL, ECU BOP

Enforcement Response Guide

VIOLATIONS DETECTED DURING SITE VISITS (Continued)			
NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
3. Improper sampling	Unintentional sampling at incorrect location	- NOV	PC
	Unintentionally using incorrect sample type	- NOV	PC
	Unintentionally using incorrect sample collection techniques	- NOV	PC
	Recurring	- NOV; escalating fines - Civil action	PC, CS
4. Inadequate record keeping	Inspector finds files incomplete or missing (no evidence of intent)	- NOV	PC, CI
	Recurring	- NOV; escalating fines - Civil action	PC, CI, CS
5. Failure to report additional monitoring	Inspection finds additional files	- NOV	PC, CI
	Recurring	- NOV; escalating fines - Civil action	PC, CI, CS