

Canton Pretreatment Program Enforcement Response Plan - 2011

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Description of Abbreviations

AO -	Administrative Order
CA -	Control Authority
DS -	Director of Public Service
IWI -	Industrial Waste Inspector
IWS -	Industrial Waste Supervisor
IU -	Industrial User
JP -	Judicial Proceedings (Civil and/or Criminal) in appropriate local court
NOV -	Notice of Violation
POTW -	Publicly-Owned Treatment Works
S -	Superintendent of Canton WRF (or Assistant Superintendent in his absence)
SV -	Significant Violation
WRF -	Water Reclamation Facility

Description of Terms

Criminal Prosecution -	Pursuing punitive measures against an individual and/or organization through a court of law.
Fine -	Monetary penalty assessed by Control Authority officials. Fines will be assessed by Director of Public Service or by the WRF Superintendent per the Administrative Penalty Schedule.
Meeting -	Informal compliance meeting with the Industrial User to resolve recurring noncompliance.
Show Cause -	Formal meeting requiring the Industrial User to appear and to demonstrate why the City of Canton should not take proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules to bring the Industrial User's discharge back into compliance.

*It is the general practice of the Canton Pretreatment program, at the discretion of the WRF Superintendent, that NOV's are issued for initial violations, and escalated enforcement action including fines are issued for subsequent violations.

Definition of Significant Non-Compliance per 40 CFR 403.8

The Service Director and/or WRF Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section.

- (a). Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous, daily and average limits.
- (b). Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous, daily and average limits. (TRC equals 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).
- (c). Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Service Director and/or WRF Superintendent 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 the public 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 ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, attaining final compliance or for any other compliance schedule milestone.
- (f). Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- (g). Failure to accurately report noncompliance.
- (h). Any other violation(s), which may include a violation of Best Management Practices, which the Service Director and or WRF Superintendent determines will or has adversely affected the operation or implementation of the City's pretreatment program.

Unauthorized Discharges (Un-permitted & Non-permitted)

<u>Noncompliance</u>	<u>Nature of Violation(s)</u>	<u>Available Enforcement Response(s)</u>	<u>Personnel</u>
1. Un-permitted Discharge	A. IU unaware of permitting requirement (no harm to POTW / environment).	1. Informal notices (verbal and written). 2. NOV and permit application form.	IWS, IWI S, IWS
	B. IU unaware of permitting requirement (harm to POTW / environment).	1. AO and Fine	S
	C. IU failed to apply for permit and discharge continues after NOV by POTW (no harm to POTW / environment).	1. AO and Fine 2. Show Cause Hearing 3. Service Revocation 4. JP	S DS, S DS, S DS, S
	D. IU failed to apply for permit and discharge continues after NOV by POTW (harm to POTW / environment).	1. Show Cause Hearing 2. Service Revocation 3. JP	DS, S DS, S DS, S
2. Non-permitted Discharge (failure to renew permit)	A. IU failed to submit permit renewal form by due date.	1. Informal notices (verbal and written) 2. NOV and Fine 3. see 1.C. or 1.D. as appropriate	IWS, IWI S
	B. IU failed to submit permit renewal fee by due date.	1. NOV and/or Fine 2. AO 3. Service Revocation	S S DS, S

Discharge Limit Violations

<u>Noncompliance</u>	<u>Nature of Violation(s)</u>	<u>Available Enforcement Response(s)</u>	<u>Personnel</u>
1. Exceedance of Local or Federal Standard	A. Isolated exceedance, less than 25% over limit (no harm to POTW).	1. NOV	S, IWS
	B. Isolated exceedance, 25% or more over limit (no harm to POTW).	1. NOV and/or Fine	S
	C. Isolated exceedance (harm to POTW).	1. Fine 2. Show Cause Hearing 3. JP	S DS, S DS, S
	D. Recurring exceedance (no harm to POTW).	1. NOV and/or Fine 2. AO	S S
	E. Recurring exceedance (harm to POTW).	1. Service Revocation 2. Show Cause Hearing 3. JP	DS, S DS, S DS, S

Reporting Violations

<u>Noncompliance</u>	<u>Nature of Violation(s)</u>	<u>Available Enforcement Response(s)</u>	<u>Personnel</u>
1. Reporting Violation(s)	A. Report is improperly signed or certified.	1. NOV 2. Fine 3. AO 4. Show Cause Hearing	S, IWS S S DS, S
	B. Report is improperly completed.	1. NOV and/or Fine	S
	C. Report is late.	1. NOV and/or Fine	S
	D. Report is chronically late (greater than 45 days) or no report.	1. AO 2. Show Cause Hearing 3. JP	S DS, S DS, S
	E. Failure to report spill or change in discharge (no harm to POTW).	1. NOV and/or Fine	S
	F. Failure to report spill or change in discharge (harm to POTW).	1. Fine 2. Show Cause Hearing 3. Service Revocation 4. JP	S DS, S DS, S DS, S
	G. Falsification.	1. Show Cause Hearing 2. Service Revocation 3. JP	DS, S DS, S DS, S

Monitoring, Orders & Schedules Violations

<u>Noncompliance</u>	<u>Nature of Violation(s)</u>	<u>Available Enforcement Response(s)</u>	<u>Personnel</u>
1. Monitoring Violation(s)	A. Failure to monitor all pollutants as required by permit.	1. NOV 2. Fine 3. AO 4. JP	S, IWS S S DS, S
	B. Improper sampling and no evidence of intent.	1. NOV and/or Fine 2. AO	S S
	C. Improper sampling and evidence of intent.	1. Show Cause Hearing 2. Service Revocation 3. JP	DS, S DS, S DS, S
2. AO Violation(s)	A. Failure to install monitoring equipment or comply with AO.	1. Fine	S
		2. Show Cause Hearing	DS, S
		3. Service Revocation	DS, S
		4. JP	DS, S
3. Compliance Schedule(s)	A. Missed milestone (delay of less than 30 days and will not affect final completion date).	1. NOV	S, IWS
	B. Missed milestone (delay of 30 days or more and will not affect final completion date).	1. Fine	S
	C. Missed milestones (with delays affecting final completion date).	1. Fine 2. Show Cause Hearing 3. Service Revocation 4. JP	S DS, S DS, S DS, S

Miscellaneous Violations

<u>Noncompliance</u>	<u>Nature of Violation(s)</u>	<u>Available Enforcement Response(s)</u>	<u>Personnel</u>
1. Diluted wastestreams in lieu of treatment	A. Initial wastestream dilution violation.	1. AO and Fine	S
	B. Recurring wastestream dilution violation.	1. Show Cause Hearing 2. Service Revocation 3. JP	DS, S DS, S DS, S
2. Failure to take corrective action or halt discharge (including operating upset).	A. Isolated failure to correct noncompliance or halt discharge (no harm to POTW).	1. NOV and/or Fine	S
	B. Failure to correct noncompliance or halt discharge (harm to POTW).	1. AO and Fine 2. Show Cause Hearing 3. Service Revocation 4. JP	S DS, S DS, S DS, S
3. Failure to properly operate and/or maintain pretreatment facility.	A. Failure to operate and/or maintain pretreatment facility (no harm to POTW).	1. NOV and/or Fine 2. AO	S S
	B. Failure to operate and/or maintain pretreatment facility (harm to POTW).	1. AO and Fine 2. Show Cause Hearing 3. Service Revocation 4. JP	S DS, S DS, S DS, S
4. Failure to properly operate and/or maintain monitoring equipment.	A. Failure to operate and/or maintain monitoring equipment.	1. NOV 2. Fine 3. AO 4. Show Cause Hearing 5. Service Revocation 6. JP	S, IWS S S DS, S DS, S DS, S

Violations Detected during Facility Inspections

<u>Noncompliance</u>	<u>Nature of Violation(s)</u>	<u>Available Enforcement Response(s)</u>	<u>Personnel</u>
1. Entry Delay, Denial and/or Records Refusal	A. Entry delayed beyond 15 minutes.	1. Informal notices (verbal and written) 2. NOV and /or Fine	IWS, IWI S
	B. Entry denied; or consent withdrawn; or refusal to provide copies of records.	1. Obtain warrant and return to IU 2. AO and Fine 3. Show Cause Hearing 4. Service Revocation 5. JP	IWS, IWI S DS, S DS, S DS, S
2. Unauthorized Discharge	A. Occurrence with no evidence of intent or negligence (no harm to POTW / environment).	1. NOV and/or Fine	S
	B. Occurrence with evidence of intent or negligence (no harm to POTW / environment).	1. Fine 2. AO 3. Show Cause Hearing 4. Service Revocation 5. JP	S S DS, S DS, S DS, S
3. Improper Sampling	A. Unintentional sampling at incorrect location.	1. NOV and/or Fine	S
	B. Unintentional sampling by incorrect method, technique and/or procedure.	1. NOV and/or Fine	S
4. Inadequate Records	A. File review with incomplete or missing records and no evidence of intent.	1. NOV and/or Fine	S
	B. Incomplete or missing records and evidence of intent (see above Entry Denial 1-B).	1. Obtain warrant and return to IU 2. AO and Fine 3. Show Cause Hearing 4. Service Revocation 5. JP	IWI, IWS S DS, S DS, S DS, S
5. Additional Monitoring	A. File review reveals unreported records.	1. NOV and/or Fine	S
		2. AO	S

Timeframes for Enforcement Responses

- A. All reports on compliance are to be reviewed by the pretreatment personnel responsible for identification of noncompliance, and violation(s) are to be documented within five (5) working days of receiving the information.
- B. Initial enforcement actions involving contact with the IU and requesting information on corrective action or preventive action(s) are to occur within 15 working days of violation identification.
- C. Follow-up actions for continuing or recurring violations are to be taken within 60 days of the initial enforcement action. For recurring violations, WRF Superintendent may issue administrative order(s) which may also include but is limited to issuance of compliance schedule(s).
- D. Violations which threaten health, property or environment quality are to be considered emergencies and are to be handled with immediate responses such as halting of the noncompliant discharge and/or revocation of services.
- E. All violations meeting the criteria for SNC will be published annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW.