

SPARTANBURG SANITARY SEWER DISTRICT

ENFORCEMENT RESPONSE GUIDE

Introduction:

The Enforcement Response Guide (ERG) defines a range of appropriate enforcement actions based on the nature and severity of noncompliance events and other relevant factors. The legal basis for the ERG is the Spartanburg Sanitary Sewer District Sanitary Sewer Use Rules and Regulations, South Carolina law, and applicable pretreatment program regulations. Definitions in the Rules and Regulations apply to the terms used in the ERG. The terms “violation” and “noncompliance” have the same meaning and are used interchangeably throughout the ERG.

The District may initially utilize enforcement actions such as the Letter of Violation (LOV) or Notice of Violation (NOV) when the violation is not significant noncompliance or when the user is cooperative in promptly resolving its problems. However, if the user is in significant noncompliance or when the user fails to undertake prompt and sufficient corrective action, then the District shall respond with more severe enforcement actions including judicial remedies. Similarly, when the user fails to return to compliance following the initial enforcement response, or noncompliance recurs, the District shall follow up with progressively more severe enforcement actions, including termination of sewer service.

The District may also evaluate appropriate enforcement responses in the context of the user's compliance history. For example, if a user continues its noncompliance, however minor, despite initial enforcement measures (LOV/NOV), then the District shall adopt a more stringent approach. Similarly, if a user has committed several types of violations, then the District response shall address each violation and may escalate enforcement more quickly than otherwise for a single violation.

The enforcement response selected shall be appropriate to the violation. This determination is frequently a matter of common sense. For example, a telephone call or LOV/NOV may be an appropriate response to an isolated late report, while interference or pass through shall merit a more immediate and severe response. The District may consider the following criteria when selecting an appropriate response:

- Magnitude of the violation
- Duration of the violation
- Effect of the violation on the receiving water
- Effect of the violation on the POTW
- Compliance history of the user
- Good faith of the user in reporting, and responding to, violation

At least once per year, the District shall publish, in the largest local newspaper of daily circulation, the names of industrial users that were in significant noncompliance. A copy of this notice shall be sent to the DHEC. If no instances of significant noncompliance have occurred, then no publication shall be required.

Progressive Enforcement Response:

The District shall begin its enforcement response by identifying a user's violation or responding to the user's report of a violation. Once a violation is identified, the District shall determine whether the violation represents significant noncompliance. When a violation has occurred, whether or not it represents significant noncompliance, the District shall determine the appropriate enforcement response. The selected response shall be that which is deemed proportionate to the severity of the violation, adequate to promote compliance in a timely manner, and authorized under South Carolina law and the Rules and Regulations.

The enforcement responses typically utilized by the District are described briefly in the following paragraphs.

1. *Notice of Violation (NOV) and Letter of Violation (LOV)*

The NOV or LOV are official communications from the District to a non-compliant user that inform the user that a violation has occurred and normally requires some action on the part of the user (e.g. submitting an explanation of how a violation occurred and what the user will do to prevent future violations). NOV may be made verbally, either in person or via telephone, or may take the form of a LOV. Users may expect that a LOV, at a minimum, will be issued to document every detected instance of noncompliance.

The NOV or LOV are appropriate initial responses when the violation is not significant noncompliance. It may be the only response necessary in cases of isolated, infrequent, and generally minor violations. However, if the user does not return to compliance following the receipt of a NOV or LOV, the District shall escalate enforcement actions. The LOV may be issued in instances of significant noncompliance. It may be issued prior to or concurrent with other enforcement responses such as issuing an AO, assessing civil penalties, or pursuing judicial remedies.

The LOV may be physically delivered to the user by the District or via the United States Postal Service or other delivery service. Communication of the content of a LOV verbally or by other than physical means (e.g. by telephone, facsimile, or e-mail) may occur, but it shall be followed by physical delivery of the original.

2. *Administrative Order (AO)*

An AO is an enforcement document that directs a user to undertake or to cease specified activities. The terms of an AO may or may not be negotiated with the user. An AO may incorporate compliance schedules, penalties, suspension or termination of service orders, or other requirements. The most common types of AO include, but are not limited to, the following:

A. *Cease and Desist Order*

A cease and desist order directs a noncompliant user to cease illegal or unauthorized discharges immediately or to terminate its discharge altogether. A cease and desist order is generally used in cases where the discharge is causing or could cause interference or pass through, or otherwise cause an emergency situation.

A cease and desist order may be issued immediately upon discovery of the problem or subsequent to an adjudicatory hearing. If necessary, the District may order cessation of any discharge to its collection system, regardless of the user's compliance status. A cease and desist order may be used to suspend or permanently revoke wastewater discharge permits or discharge authorizations or the user's coverage under a general permit.

If the user fails to comply with a cease and desist order, then the District may take independent action to halt the user's discharge such as plugging or physically disconnecting the user's connection to the sanitary sewer.

B. *Show Cause Order*

A show cause order directs the user to appear before an adjudicatory hearing officer selected by the District, explain its noncompliance, and show cause why enforcement actions against the user should not be escalated. The show cause order is normally issued in cases where a user has not complied with all or part of an AO requiring corrective action, reimbursement of costs to the District, payment of penalties, or other requirements. However, the show cause order may also be used when enforcement actions such as the LOV have failed to resolve the noncompliance.

During an adjudicatory hearing, the District may explore the circumstances surrounding the noncompliance and evaluate the sufficiency of evidence for civil or criminal actions. The District shall determine whether escalated enforcement response is warranted and, if so, its nature and extent. A show cause order or adjudicatory hearing shall not be a prerequisite for taking any other enforcement action or to suspend or terminate sewer service. The results of an adjudicatory hearing, along with any data and testimony (recorded by electronic or mechanical means or by stenographer) submitted as evidence, are generally available to the public and may also serve as evidentiary support for enforcement actions.

Generally, the objectives of the show cause order and adjudicatory hearing should be a consent order and prompt return to compliance by the user. However, the District may use whatever enforcement remedies are available. Should a user fail to comply with a show cause order (for example, fail to appear for the scheduled hearing), fail to comply with the orders of the hearing officer, or should an impasse be reached between the District and the user in negotiating a consent order, the District may follow up the adjudicatory hearing by issuing a compliance order, including a compliance schedule, imposing civil penalties, or referring the case for civil litigation or criminal prosecution.

C. *Compliance Order*

A compliance order directs the user to achieve or restore compliance by a date specified in the order. It is issued unilaterally by the District and its terms need not be discussed with the user in advance. A compliance order may be issued when a user has violated or continues to violate the Rules and Regulations, wastewater discharge permit, discharge authorization, general permit, or orders issued by the District or any other pretreatment standard or requirement. The District may issue an order requiring actions including, but not limited to, any one or more of the following:

1. Comply with the provisions of the Rules and Regulations, any applicable permit or discharge authorization, pretreatment requirement or standard, or order issued pursuant to the Rules and Regulations, or other provision of applicable regulation or law in accordance with a time schedule set forth in the order;
2. Take appropriate preventive or remedial action(s) in the event of a continuing or threatened violation of the Rules and Regulations, permit or discharge authorization, pretreatment requirement or standard, or order issued pursuant to the Rules and Regulations, or any other provision of applicable regulation or law;
3. Pay a civil penalty or cost recovery for violating any provision the Rules and Regulations, permit or authorization, pretreatment requirement or standard, or order issued pursuant to the Rules and Regulations, or any other provision of applicable regulation or law.

Compliance orders may also contain other requirements to address the noncompliance, including additional monitoring or management practices designed to minimize the amount of pollutants discharged to the sanitary sewer.

D. *Suspension or Termination of Sanitary Sewer Service*

Suspension or termination of service is the revocation, temporarily or permanently, of a user's privilege to discharge wastewater into the POTW. Termination of service may be accomplished by issuance of an AO directing the user to cease its discharge, by a court ruling (e.g. injunctive relief), or by physical plugging or severing the user's connection to the POTW.

Suspension or termination of service or cease and desist orders are an appropriate response when the District must act immediately to halt or prevent a discharge which presents a threat to human health, the environment, or the POTW. Thus suspension or termination of service may be used as an initial response to noncompliance that causes or threatens to cause an emergency situation.

Suspension or termination of service is an appropriate escalated response to users in significant noncompliance or who have failed to respond to previous enforcement actions. Types of violations that warrant termination of service include, but are not limited to, those listed in Section 6 and Section 9 of the Rules and Regulations.

Unlike civil or criminal proceedings, termination of service is an administrative response that may be implemented directly by the District.

Since suspension or termination of service may force a user to halt production or force closure of the user's business, the District shall carefully consider all of the legal and operational implications of service suspension or termination before using this enforcement response. It is likely that forcing a user to halt production will damage the user's economic position.

The circumstances of a user's noncompliance frequently influence the type of order needed to achieve an early return to compliance. No single type of AO is appropriate to all situations. The District may, at its discretion, combine elements of different order types into a single AO,

or issue more than one type of order when responding to a particular instance of noncompliance. For example, the District may issue an order to a user discharging a slug load that requires the user to immediately terminate its discharge (cease and desist element), to implement a spill control plan (compliance element) and to show cause why cost recovery and penalties should not be assessed (show cause element).

3. Consent Order

The consent order combines the directive authority of an AO with the flexibility of a negotiated settlement. The consent order is an enforceable agreement between the District and the user, and normally includes the following elements:

1. Stipulated penalties and remedial actions;
2. Compliance schedules;
3. Signatures of the District and an authorized representative of the user.

A consent order is appropriate when the user assumes responsibility for its noncompliance and is willing in good faith to correct its cause(s). The user need not admit to noncompliance in the text of the consent order. Thus, signing the order is neither an admission of liability for purposes of civil litigation, nor a plea of guilty for purposes of criminal prosecution.

A consent order may be an outcome of any show cause order and adjudicatory hearing. The District shall assure that the conditions of the consent order are adequate to prohibit future violations and provide for corrective action on the part of the user.

4. Civil Litigation

Civil litigation is the formal process of filing lawsuits against users to secure court ordered action to correct noncompliance, to secure damages for violations including recovery of costs of the noncompliance to the POTW, and to secure other legal remedies. The term civil litigation also includes enforcement measures that require involvement or approval by the courts, such as injunctive relief and settlement agreements.

Civil litigation may be pursued when corrective action for noncompliance is costly and complex, the damages to the District exceed that which the District can assess administratively, or the user is considered to be recalcitrant and unwilling to cooperate. Civil litigation is an appropriate enforcement response in several general situations:

1. emergency situations where injunctive relief is necessary to halt or prevent discharges which threaten human health or the environment, or interfere with the POTW;
2. when efforts to restore compliance through cooperation with the user have failed and a court supervised settlement (consent decree) is necessary to enforce program requirements;
3. to enforce civil penalties and recover losses incurred due to noncompliance.

Successfully concluded civil litigation helps to deter future noncompliance through establishment of favorable judicial precedent. In addition, the awareness that litigation is a viable enforcement option will influence users to respond promptly to less severe enforcement measures such as a LOV or an AO. Civil litigation is similar to criminal prosecution in that it requires the full cooperation of the District's attorney and may result in court trials of users and in the assessment of penalties. However, civil litigation is conducted for different purposes than criminal prosecution, and requires a less stringent burden of proof in order for the District to prevail.

Civil litigation may be brought prior to, concurrent with, or subsequent to, criminal prosecution.

5. Criminal Prosecution

Criminal prosecution is the formal process of charging individuals or corporations or other legal entities, their employees, representatives, and agents with violations of rules, regulations, statutes or other provisions of law that are punishable, upon conviction, by fines or imprisonment. The purposes of criminal prosecution are to punish noncompliance established through court proceedings and to deter future noncompliance.

Criminal prosecution is appropriate when the District has adequate evidence of noncompliance that shows criminal intent, criminal negligence, willfulness of violation(s), or nature and seriousness of offense. It is an option in cases involving repeated violations or aggravated violations (for example, but not limited to, discharges which endanger the life or health of POTW employees, cause or contribute to pass through or interference at the POTW, etc.) and when less severe enforcement responses such as the LOV or AO have failed. The District, by internal policy, refers all cases of a potentially criminal nature to the Enforcement Division of the DHEC or the Enforcement Division of the EPA, Region IV, who have broader powers and fines to discourage such acts.

Criminal prosecution may be brought prior to, concurrent with, or subsequent to, civil litigation.

6. Supplemental Enforcement Responses

Supplemental or innovative enforcement responses may be used to complement the more traditional enforcement responses described in the preceding sections. Application of supplemental enforcement responses is generally, as the name implies, used in conjunction with more traditional approaches for the purpose of reinforcing the compliance obligations of users. The application of supplemental approaches is determined on a case-by-case basis.

Many supplemental responses require actions on the part of noncompliant users. To ensure that users are legally bound to perform these actions, supplemental responses should be included as terms of an AO or settlement agreements. Some supplemental enforcement responses are listed below. The District is not limited to the listed responses, and may develop additional responses that may be effective on a case by case basis.

A. Public Notices

Publication of a list of users in significant noncompliance is required annually by federal regulations. At least once per year, the District shall publish, in the largest local newspaper of daily circulation, the names of users in significant noncompliance. The

user shall be given written notice of being in significant noncompliance prior to publication, and a copy of this notice will also be sent to the DHEC.

The District may choose to publish more frequently as a more effective means of encouraging compliance. While public notice is not a direct enforcement action against a noncompliant user, awareness that significant noncompliance will result in public notice may deter users concerned with their public image.

B. *Increased Self-Monitoring, Reporting, and Surveillance*

Generally, users demonstrating a history of noncompliance should be subject to increased self-monitoring requirements or increased surveillance (more frequent inspections and monitoring) by the District. Recurring violations indicate the existence of at least one chronic problem at the user's facility, and the potential for others. Increased self-monitoring and surveillance for chronic violators provides an incentive to return to compliance.

ENFORCEMENT RESPONSE MATRIX

The Enforcement Response Matrix suggests a range of appropriate enforcement responses to various types of noncompliance, and appropriate District personnel to implement those responses. The suggested responses are guidelines, and do not limit the District in its response to any given instance of noncompliance. Personnel listed are suggested. Manager level personnel may delegate their role and authority in any enforcement action as deemed appropriate.

NATURE OF NONCOMPLIANCE	TYPICAL ENFORCEMENT RESPONSES	DISTRICT PERSONNEL
Discharge without permit or authorization		
First offense, user unaware of requirement, no damage to POTW or environment	Phone call, LOV , AO, application for permit or authorization.	IWWS, OM
First offense, user unaware of requirement, damage to POTW or environment	LOV , AO, application for permit or authorization, civil penalty/cost recovery, judicial action.	IWWS, OM, GM/DTS
First offense, user aware of requirement	LOV , AO, application for permit or authorization, civil penalty/cost recovery, judicial action.	IWWS, OM, GM/DTS
Continuing violation (user fails to apply for permit after notice of requirement by District)	LOV, AO, civil penalty/cost recovery, judicial action, suspension/termination of service.	IWWS, OM, GM/DTS
Failure to submit required documentation for permitting or renewal	LOV, AO, civil penalty/cost recovery, judicial action, suspension/termination of service.	IWWS, OM, GM/DTS
Exceeding permitted limits		
Infrequent or isolated minor violations, no damage to POTW or environment	Phone call, LOV	IWWS, OM

NATURE OF NONCOMPLIANCE	TYPICAL ENFORCEMENT RESPONSES	DISTRICT PERSONNEL
Infrequent or isolated major violations, no damage to POTW or environment.	LOV, AO	IWWS, OM
Infrequent or isolated major violations, damage to POTW or environment	LOV , AO, civil penalty/cost recovery, judicial action	IWWS, OM, GM/DTS
Recurring or significant noncompliance, no damage to POTW or environment.	LOV, AO, civil penalty/cost recovery, judicial action	IWWS, OM, GM/DTS
Recurring or significant noncompliance, damage to POTW or environment.	LOV, AO, civil penalty/cost recovery, judicial action, suspension/termination of service.	IWWS, OM, GM/DTS
Reported slug load		
Isolated occurrence, no damage to POTW or environment.	LOV, AO, civil penalty/cost recovery	IWWS, OM
Isolated occurrence, damage to POTW or environment.	LOV, AO, civil penalty/cost recovery, judicial action	IWWS, OM, GM/DTS
Recurring slug loads	LOV, AO, civil penalty/cost recovery, judicial action, suspension/termination of service.	IWWS, OM, GM/DTS
Failure to monitor, sample or report		
Isolated or infrequent failure to monitor, sample, or report all parameters in permit	Phone call, LOV, AO	IWWS, OM
User does not respond	LOV, AO, civil penalty, judicial action	IWWS, OM, GM/DTS
Recurring noncompliance	LOV, AO, civil penalty, judicial action, suspension/termination of service	IWWS, OM, GM/DTS

NATURE OF NONCOMPLIANCE	TYPICAL ENFORCEMENT RESPONSES	DISTRICT PERSONNEL
Failure to report slug, spill, or changed discharge, no damage to POTW or environment	LOV, AO, civil penalty/cost recovery	IWWS, OM
Failure to report slug, spill, or changed discharge, damage to POTW or environment	LOV, AO, civil penalty/cost recovery, judicial action, suspension/termination of service	IWWS, OM, GM/DTS
Recurring failure to report slug, spill, or changed discharge	LOV, AO, civil penalty/cost recovery, judicial action, suspension/termination of service.	IWWS, OM, GM/DTS
Improper sampling, no evidence of intent	LOV, AO	IWWS, OM
Improper sampling, evidence of intent	LOV, AO, civil penalty/cost recovery, judicial action, request criminal investigation, suspension/termination of service.	IWWS, OM, GM/DTS
Failure to install monitoring equipment, delay of 30 days or less	LOV, AO	IWWS, OM
Failure to install monitoring equipment, delay of more than 30 days	LOV, AO, civil penalty	IWWS, OM
Recurring failure to install monitoring equipment or violation of AO to install	LOV, AO, civil penalty/cost recovery, judicial action, request criminal investigation, suspension/termination of service.	IWWS, OM, GM/DTS
Monitoring, sampling and reporting deficiencies		
Minor reporting errors (clerical error)	Phone call, LOV	IWWS, OM

NATURE OF NONCOMPLIANCE	TYPICAL ENFORCEMENT RESPONSES	DISTRICT PERSONNEL
Report not properly signed or certified, first offense.	Phone call, LOV	IWWS, OM
Report not properly signed or certified after notice by District	LOV, AO, civil penalty	IWWS, OM, GM/DTS
Late reports (30 days or less past due date)	Phone call, LOV	IWWS, OM
Late reports (more than 30 days past due date)	LOV, AO, civil penalty	IWWS, OM, GM/DTS
Late reports (more than 90 days past due date)	LOV, AO, civil penalty/cost recovery, judicial action, suspension/termination of service.	IWWS, OM, GM/DTS
Recurring late reports	LOV, AO, civil penalty/cost recovery, judicial action, suspension/termination of service.	IWWS, OM, GM/DTS
Reporting false information	LOV, AO, civil penalty/cost recovery, judicial action, request criminal investigation, suspension/termination of service.	IWWS, OM, GM/DTS
Major deficiency (for example missing information), isolated occurrence	Phone call, LOV, AO	IWWS, OM
Major deficiency (for example missing information), recurring	LOV, AO, civil penalty, judicial action	IWWS, OM, GM/DTS
Failure to notify District of noncompliance		
Isolated or infrequent, no damage to POTW or environment.	Phone call, LOV, AO	IWWS, OM

NATURE OF NONCOMPLIANCE	TYPICAL ENFORCEMENT RESPONSES	DISTRICT PERSONNEL
User does not respond	LOV, AO.	IWWS, OM
Recurring noncompliance	LOV, AO, civil penalty, judicial action	IWWS, OM, GM/DTS
Damage to POTW or environment.	LOV, AO, civil penalty/cost recovery, judicial action, suspension/termination of service	IWWS, OM, GM/DTS
Compliance schedules		
Missed milestone by 30 days or less, no effect on final date	Phone call, LOV	IWWS, OM
Missed milestone by 30 days or less, negatively affects final date, good cause for delay	LOV, AO, civil penalty/cost recovery	IWWS, OM, GM/DTS
Missed milestone by 30 days or less, negatively affects final date, no good cause for delay	LOV, AO, civil penalty/cost recovery, judicial action	IWWS, OM, GM/DTS
Missed milestone by more than 30 days, whether or not negatively affects final date, good cause for delay	LOV, AO, civil penalty/cost recovery, judicial action	IWWS, OM, GM/DTS
Missed milestone by more than 30 days, whether or not negatively affects final date, no good cause for delay	LOV, AO, civil penalty/cost recovery, judicial action, suspension/termination of service	IWWS, OM, GM/DTS
Recurring violation or violation of schedule in AO	LOV, AO, civil penalty/cost recovery, judicial action, request criminal investigation, suspension/termination of service	IWWS, OM, GM/DTS

NATURE OF NONCOMPLIANCE	TYPICAL ENFORCEMENT RESPONSES	DISTRICT PERSONNEL
Reporting false information		
Any occurrence	LOV, AO, civil penalty/cost recovery, judicial action, request criminal investigation, suspension/termination of service.	IWWS, OM, GM/DTS
Other violations		
Waste stream diluted in lieu of treatment, first offense	LOV, AO, civil penalty	IWWS, OM, GM/DTS
Waste stream diluted in lieu of treatment, recurring offense	LOV, AO, civil penalty/cost recovery, judicial action, request criminal investigation, suspension/termination of service	IWWS, OM, GM/DTS
Failure to mitigate noncompliance or curtail production, no damage to POTW or environment	LOV, AO, civil penalty/cost recovery	IWWS, OM
Failure to mitigate noncompliance or curtail production, damage to POTW or environment	LOV, AO, civil penalty/cost recovery, judicial action, suspension/termination of service	IWWS, OM, GM/DTS
Failure to properly operate and maintain pretreatment system, no damage to POTW or environment	LOV, AO, civil penalty/cost recovery	IWWS, OM
Failure to properly operate and maintain pretreatment system, damage to POTW or environment	LOV, AO, civil penalty/cost recovery, judicial action, suspension/termination of service	IWWS, OM, GM/DTS

NATURE OF NONCOMPLIANCE	TYPICAL ENFORCEMENT RESPONSES	DISTRICT PERSONNEL
Bypassing pretreatment system	LOV, AO, civil penalty/cost recovery, judicial action, request criminal investigation, suspension/termination of service	IWWS, OM, GM/DTS
Noncompliance detected through inspections, site visits, or field investigations		
Minor noncompliance with approved analytical procedure	LOV	IWWS, OM
Major noncompliance with approved analytical procedure, no evidence of negligence or intent	LOV, AO, civil penalty	IWWS, OM
Major noncompliance with approved analytical procedure, evidence of negligence or intent	LOV, AO, civil penalty, judicial action	IWWS, OM, GM/DTS
Improper sampling: unintentional sampling at incorrect location	LOV	IWWS, OM
Improper sampling: unintentional use of incorrect sample collection techniques	LOV	IWWS, OM
Inadequate record keeping: inspection finds files incomplete or missing, no evidence of intent	LOV, AO	IWWS, OM
Inadequate record keeping, recurring	LOV, AO, civil penalty/cost recovery	IWWS, OM, GM/DTS

NATURE OF NONCOMPLIANCE	TYPICAL ENFORCEMENT RESPONSES	DISTRICT PERSONNEL
Improper sampling: unintentional use of incorrect sample type	LOV	IWWS, OM
Failure to report additional monitoring: inspection finds additional files or data	LOV	IWWS, OM
Failure to report additional monitoring: recurring	LOV, AO, civil penalty/cost recovery	IWWS, OM, GM/DTS
Entry denied or consent withdrawn; copies of records denied; permission to photograph, videotape or electronically record image denied	LOV, AO, civil penalty/cost recovery, judicial action, request criminal investigation, suspension/termination of service, obtain court order and return.	IWWS, OM, GM/DTS
Illegal discharge, no damage to POTW or environment	LOV, AO, civil penalty, judicial action	IWWS, OM, GM/DTS
Illegal discharge, damage to POTW or environment	LOV, AO, civil penalty/cost recovery, judicial action, suspension/termination of service	IWWS, OM, GM/DTS
Illegal discharge, recurring violation	LOV, AO, civil penalty/cost recovery, judicial action, request criminal investigation, suspension/termination of service	IWWS, OM, GM/DTS
Minor violation of any permit condition, no evidence of negligence or intent	LOV	IWWS, OM
Minor violation of any permit condition, evidence of negligence or intent	LOV, AO, civil penalty/cost recovery	IWWS, OM, GM/DTS
Major violation of any permit condition, no evidence of negligence or intent	LOV, AO, civil penalty/cost recovery	IWWS, OM, GM/DTS

NATURE OF NONCOMPLIANCE	TYPICAL ENFORCEMENT RESPONSES	DISTRICT PERSONNEL
Major violation of any permit condition, evidence of negligence or intent	LOV, AO, civil penalty/cost recovery, judicial action, request criminal investigation, suspension/termination of service.	IWWS, OM, GM/DTS

IWWS = Industrial Wastewater Specialist

OM = Operations Manager

DTS = Director of Technical Services

GM = General Manager

TIME FRAMES FOR RESPONSE

Typical time frames for various enforcement responses are given below. The time frames listed are guidelines and do not in any way limit the period in which the District may make any enforcement response.

1. Violations shall normally be identified and documented within 10 working days of receipt of all pertinent compliance information.
2. Follow up actions for the initial or recurring violations identified in the initial enforcement response shall normally be taken within 20 working days of violation detection.
3. Follow up actions for continuing or recurring violations will normally be taken within 60 days of the initial enforcement response. Multiple actions, whether with one or multiple users, may be prioritized by severity of noncompliance, impact to POTW, or other criteria as required.
4. Violations that pose a threat to human health, property, or the environment represent emergency situations, and shall normally receive immediate attention.

ASSIGNMENT OF RESPONSIBILITIES

The IWWS is designated by the GM to implement the industrial pretreatment program and to enforce compliance with permits/authorizations and regulations. It is the responsibility of the IWWS or person designated by the IWWS to coordinate the collection of evidence for use in enforcement actions, possible civil litigation, or criminal investigations. The IWWS may employ the services of any District personnel in the collection of evidence. Due to the nature of the situation, it is conceivable that an illegal activity could be observed, sampled, or documented by any District employee, either through purposeful investigation or in the normal course of duties performed. In the case of spills, slugs, bypasses, or other discharges of a short or non-continuous nature,

whichever District employee is in a position to do so may be used to collect evidence of the violation. The IWWS may also employ the services of outside laboratories or consultants in the collection of evidence.

District personnel, outside laboratories or consultants may be called upon to collect wastewater samples for analysis, perform laboratory analyses, prepare visual evidence (examples include but are not limited to analytical data, graphs, photos, videotapes, drawings, diagrams, or models which illustrate the operation of facilities or systems and demonstrate the effects of unauthorized discharges), compile and copy records, provide statements, or in any other way assist the IWWS and the District's attorney(s) in preparing and executing enforcement actions.

To insure that all necessary evidence may actually be used against defendants in court, District officials may wish to solicit the assistance of the District's attorney and/or local Sheriff's department, and obtain court orders before entering the industrial user's premises.