

**11.7 ENFORCEMENT RESPONSE GUIDE**

[This guide is essentially for use by the staff and is not an absolute requirement. ReWa reserves its right to vary or make exceptions for its general responses as in its discretion may serve the best interest of ReWa.]

**A. UNAUTHORIZED DISCHARGES (NO PERMIT)**

<b><u>Noncompliance</u></b>	<b><u>Circumstances</u></b>	<b><u>Range of Response</u></b>	<b><u>Significant Non-Compliance</u></b>	<b><u>Personnel</u></b>
1. Discharge without a permit, or approval.	One time when discharger is unaware of permit requirement, no known POTW damage.	NOV	No	Coordinator, Regulatory Services Manager
2. Non-permitted discharge (expired permit).	Failure to apply for permit <u>renewal</u> within ten (10) days of due date.	NOV	No	Coordinator, Regulatory Services Manager
3. Discharge without a permit or approval.	Which results in interference or pass through of POTW or continuing violation of categorical or local limitations.	NOSN, Show Cause Hearing (Enforcement Order, Cease and Desist Order, and/or seek injunctive relief and damages).	Yes	CEO or authorized representative
4. Dilution in lieu of treatment.	Deliberately increase the use of process or other water to dilute a discharge as a partial or complete substitute for treatment.	NOSN, Show Cause Hearing, (Enforcement Order).	Yes	CEO or authorized representative

**A. UNAUTHORIZED DISCHARGES (NO PERMIT) (CONTINUED)**

<b><u>Noncompliance</u></b>	<b><u>Circumstances</u></b>	<b><u>Range of Response</u></b>	<b><u>Significant Non-Compliance</u></b>	<b><u>Personnel</u></b>
5. Recurring dilution in lieu of treatment.	Continue to deliberately increase the use of process water or other water to dilute a discharge as a partial or complete substitute for treatment.	NOSN, NOR Show Cause Hearing (Enforcement Order).	Yes	CEO or authorized representative

**B. APPLICABLE PRETREATMENT LIMITATIONS**

<b><u>Noncompliance</u></b>	<b><u>Circumstances</u></b>	<b><u>Range of Response</u></b>	<b><u>Significant Non-Compliance</u></b>	<b><u>Personnel</u></b>
1. Exceeding final limitations (categorical or local).	Infrequent or isolated violation greater than applicable pretreatment standards or less than TRC.	WOMV, NOV	No	Coordinator, Regulatory Services Manager
2. Exceeding final limitations (categorical or local).	Violation(s) which place an Industrial User in SNC.	NOSN, Show Cause Hearing (Enforcement Order).	Yes	Regulatory Services Manager, CEO
3. Exceeding interim limitations.	Without known interference or pass through but which places Industrial User in SNC with limit.	NOSN, Show Cause Hearing (Enforcement Order).	Yes	Regulatory Services Manager, CEO
4. Exceeding interim limitations.	With interference or pass through.	NOSN, NOR, Show Cause Hearing (Enforcement Order, Cease and Desist Order, and/or seek injunctive relief and damages).	Yes	CEO or authorized representative

**C. SAMPLING, MONITORING AND REPORTING**

<b><u>Noncompliance</u></b>	<b><u>Circumstances</u></b>	<b><u>Range of Response</u></b>	<b><u>Significant Non-Compliance</u></b>	<b><u>Personnel</u></b>
1. Failure to sample, monitor or report (routine reports, BMRs).	Isolated or infrequent.	WOMV, NOV	No	Coordinator, Regulatory Services Manager
2. Failure to provide reports for compliance schedules, self-monitoring data or categorical standards or to resubmit incomplete, inaccurate or improper reports returned to User by the Authority within 45 days from the due date or the date the report was returned to the User for resubmission.	Reports not submitted or properly resubmitted for 45 days or more after their due date.	NOSN, Show Cause Hearing (Enforcement Order).	Yes	Regulatory Services Manager, CEO
3. Failure to sample, monitor, report, or notify.	User does not respond to letters, does not follow through on verbal or written agreement.	NOSN, Show Cause Hearing (Enforcement Order).	Yes	Regulatory Services Manager, CEO

**C. SAMPLING, MONITORING AND REPORTING (CONTINUED)**

<b><u>Noncompliance</u></b>	<b><u>Circumstances</u></b>	<b><u>Range of Response</u></b>	<b><u>Significant Non-Compliance</u></b>	<b><u>Personnel</u></b>
4. Failure to notify of applicable pretreatment standard violation as a result of self-monitoring within 24 hours of becoming aware.	Isolated or infrequent. No interference or pass through.	WOMV, NOV requiring report within 10 days.	No	Regulatory Services Manager, CEO
5. Minor sampling, monitoring or reporting deficiencies (computations or typographical errors).	Isolated or infrequent.	WOMV, NOV	No	Coordinator, Regulatory Services Manager
6. Major or gross sampling, monitoring or reporting deficiencies (missing information, late reports).	Isolated or infrequent.	NOV	No	Regulatory Services Manager
7. Major or gross reporting deficiencies.	Continued. Remains uncorrected for 30 days or more.	NOSN, Show Cause Hearing (Enforcement Order).	Yes	Regulatory Services Manager, CEO
8. Failure to notify of slug discharge.	Isolated or infrequent. No interference or pass through.	NOV	No	Regulatory Services Manager

9. Failure to notify of slug discharge.	Known interference or pass through or threat to human safety.	NOSN, NOR, Show Cause Hearing, (Enforcement Order, Cease and Desist Order, and/or seek injunctive relief and damages).	Yes	CEO or authorized representative
---	---	--	-----	----------------------------------

**C. SAMPLING, MONITORING AND REPORTING (CONTINUED)**

<b><u>Noncompliance</u></b>	<b><u>Circumstances</u></b>	<b><u>Range of Response</u></b>	<b><u>Significant Non-Compliance</u></b>	<b><u>Personnel</u></b>
10. Reported slug load.	Isolated or infrequent without known interference or pass through.	NOV	No	Regulatory Services Manager
11. Reported slug load.	Isolated or infrequent with known interference, or pass through with threat to human safety.	NOSN, Show Cause Hearing (Enforcement Order).	Yes	Regulatory Services Manager, CEO
12. Reported slug load.	Recurring with known interference or pass through or threat to human safety.	NOSN, NOR, Show Cause Hearing (Enforcement Order, Cease and Desist Order, and/or seek injunctive relief and damages).	Yes	CEO or authorized representative
13. Failure to report changed discharge.	Isolated or infrequent with no interference or pass through.	NOV	No	Coordinator, Regulatory Services Manager
14. Failure to report changed discharge.	With known interference and/or pass through or threat to human safety.	NOSN, Show Cause Hearing (Enforcement Order, Cease and Desist Order, and/or seek injunctive relief and damages).	Yes	CEO or authorized representative
15. Reporting false information.	Any instance.	NOSN, NOR, Show Cause Hearing (Termination of Service).	Yes	CEO or authorized representative

**D. COMPLIANCE SCHEDULES AND INTERIM LIMITS FOUND IN PERMITS**

<b><u>Noncompliance</u></b>	<b><u>Circumstances</u></b>	<b><u>Range of Response</u></b>	<b><u>Significant Non-Compliance</u></b>	<b><u>Personnel</u></b>
1. Missed Interim Date.	Will not cause late final or other interim dates.	NOV, WOMV	No	Coordinator, Regulatory Services Manager
2. Missed Interim Date.	Will result in other missed interim dates. Violation for good and valid cause.	NOV	No	Regulatory Services Manager
3. Missed Interim Date.	Will result in other missed interim dates. No good or valid cause.	NOSN, Show Cause Hearing (Enforcement Order).	Yes	Regulatory Services Manager, CEO
4. Missed Final Date.	Violation due to <u>force majeure</u> (beyond control of User).	Letter	No	Regulatory Services Manager
5. Missed Final Date.	30 days or more outstanding. Failure or refusal to comply without good or valid cause.	NOSN, NOR, Show Cause Hearing (Enforcement Order).	Yes	Regulatory Services Manager, CEO
6. Failure to install monitoring facilities.	Failure to or refusal to comply with requirements of Regulation.	NOSN, NOR, Show Cause Hearing (Enforcement Order).	Yes	Regulatory Services Manager, CEO



**E. NONCOMPLIANCE DETECTED THROUGH SAMPLING AND/OR FIELD INSPECTIONS AND INVESTIGATIONS.**

<b><u>Noncompliance</u></b>	<b><u>Circumstances</u></b>	<b><u>Range of Response</u></b>	<b><u>Significant Non-Compliance</u></b>	<b><u>Personnel</u></b>
1. Minor violation of permit condition.	No evidence of negligence or intent.	WOMV	No	Coordinator, Regulatory Services Manager
2. Minor violation of permit condition.	Evidence of negligence or intent.	NOSN, Show Cause Hearing (Enforcement Order).	Yes	Regulatory Services Manager
3. Major violation of permit condition.	Evidence of negligence or intent.	NOSN, Show Cause Hearing (Enforcement Order, Cease and Desist Order, and/or suit for injunction for relief and damages).	Yes	CEO or authorized representative
4. Entry Denial.	Failure or refusal to comply with requirements of Regulation.	NOSN, obtain search warrant, Show Cause Hearing (Enforcement	Yes	CEO or authorized representative

11.8

**RESPONSE REQUIREMENTS**

- A. ReWa will respond to violations of the Regulation in accordance with the following:
1. All violations shall be identified and documented within 10 days of receiving compliance information.
  2. Initial Enforcement responses involving contact with the Industrial User, and requesting information on corrective or preventative action(s), shall occur within 30 days of violation detection.
  3. Follow up action for continuing or reoccurring violation shall be taken within 60 days of the initial enforcement response. For all continuing violations the response will include a compliance schedule.
  4. Violations which threaten health, property, or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
  5. All violations meeting the criteria for Significant Noncompliance shall be addressed with an enforceable Order within 30 to 60 days of the identification of Significant Noncompliance.

B. Industrial User response to noncompliance:

1. Any instance of Industrial User noncompliance must be reported within 24 hours of knowledge of the noncompliance to the CEO or his authorized representative followed by a written report, when required, within five working days.

The report of noncompliance shall include:

- a. A description of the characteristics of the noncompliance.
- b. A statement of the cause of noncompliance.
- c. An account of the time and duration of noncompliance including dates and times; or if not corrected, the anticipated time the noncompliance is expected to continue, and activities being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
- d. For noncompliance of permit limitations repeat sampling event and submit test results to ReWa within 30 days. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

**Attachment C – Enforcement Management Strategy**

2. Industrial dischargers requiring a permit, but found to be unpermitted, shall submit a completed industrial application within 15 days of receipt.
3. All Enforcement Orders shall be implemented upon receipt by the industry.
4. All schedules of compliance shall be implemented upon receipt of the final schedule by the industry.
5. Notice of Violation (NOV) and Notice of Significant Noncompliance (NOSN) shall be responded to within 15 days of the receipt of the Notice.
6. All other activities required of the Industrial User in accordance with the Regulation shall be implemented as specified.