

Industrial Pretreatment Program

Enforcement Response Plan

12/10/2019

This document has been developed so that all Users of the City of Terre Haute wastewater treatment system can be aware of the procedures that the Wastewater Utility will follow in enforcing the provisions of the local Sewer Use Ordinance, the Indiana Administrative Code and the Federal Code of Regulations.

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INTRODUCTION

The Terre Haute City Council adopted Ordinance Number 8, 2012 on September 14, 2012. This Ordinance amended Terre Haute's previous Chapter 9, Articles 2, 3, 4, and 5 Sewer Use Ordinance and included EPA Streamlining Rules. The primary objectives of Terre Haute's Industrial Pretreatment Program are:

- To protect the public health of all Terre Haute citizens and, in particular, the Wastewater Utility staff who operate and maintain the wastewater collection and treatment system;
- To protect the environment in and around Terre Haute;
- To protect the wastewater collection and treatment infrastructure investment;
- To prevent the introduction of pollutants into the wastewater system that could interfere with its operation;
- To prevent the introduction of pollutants into the wastewater system that could pass through the system inadequately treated; and
- To prevent the introduction of pollutants into the wastewater system that could upset the operation of the treatment facility.

The Sewer Use Ordinance required the Director of Wastewater Operations to develop procedures to enforce the pretreatment program. Accordingly, the following guide has been developed so that all users of the wastewater system can be aware of the procedures that will be followed by the Terre Haute Wastewater Utility (THWU) in enforcing the provisions of Terre Haute's industrial pretreatment program.

INDUSTRIAL USER INVENTORY

The general pretreatment regulations found in 40 CFR 403.8(f) (2) require all Publicly Owned Treatment Works (POTWs) to identify industrial users subject to the requirements of the pretreatment program and to identify the volume and character of pollutants that are or may be discharged by the industrial users. Terre Haute's first industrial survey was conducted in 1999 and a review of current users is conducted on an annual basis.

In order to implement an effective Enforcement Response Program/Guide, all local industries subject to Terre Haute's pretreatment regulations must be identified and controls applied, as required. Accordingly, the Terre Haute Wastewater Utility (THWU) developed and implemented a systematic approach through an industrial pretreatment questionnaire to confirm existing users and initiated that approach. The questionnaire is also used when a proposed or new user is identified.

The existing users were initially identified from several sources, as follows.

- Existing water or wastewater account(s) with the City of Terre Haute
- Telephone yellow pages
- Sewer connection permits
- Information from Vigo County Health Department
- Permits issued by the Indiana Department of Environmental Management

The existing users were sent the questionnaire and provided ample time for completion and return to the designated THWU Pretreatment Coordinator. The questionnaire was then screened to determine which users would be required to be permitted, based upon the following.

- If the industry was a categorical or non-categorical user;
- If the industry was a significant user (based on flow volume); and
- If the industry discharged process wastewater or sanitary wastewater only.

After the initial screening, the respondents were notified in writing that they would be required to be permitted or that they would not be required to be permitted. Those that did not require a permit were informed that their information would be periodically reviewed to evaluate their status and that if any substantive changes were made to their facilities that could have an effect on their discharge(s) to the Terre Haute wastewater system that they would be required to notify the THWU of such changes. Those that required a permit were then sent a draft Terre Haute wastewater program (THWU) permit and after a defined period of time for review, a meeting was held with each potential permittee to review the permit and to answer any questions that may have resulted because of the permit. A THWU Permit was issued in final form after resolution of any questions. The categorical industries identified through this process all received THWU permits.

All new industries subject to the pretreatment requirements are issued a THWU permit and added to the THWU master list of regulated facilities. This list will be provided to the Approval Authority (US EPA) and to the Indiana Department of Environmental Management on an annual basis, as part of the annual pretreatment program. Any modifications to the master list of permitted facilities will be provided to US EPA and IDEM as part of the routine reporting program (e.g., quarterly, if required).

An additional requirement associated with the industrial user inventory is maintenance of accurate information related to the type, volume and quality of the discharge from the regulated users. This is accomplished by several ongoing activities.

- Scheduled annual inspections at each permitted facility
- Unscheduled inspections
- Requirement for industries to report changed discharges

COMPLIANCE MONITORING

Compliance monitoring activities conducted by the THWU are necessary to identify and document violations that can be presented as admissible and irrefutable evidence in administrative actions and legal proceedings. Industrial compliance with applicable regulations is determined and evaluated through several mechanisms.

- Self-monitoring data from the industrial users
- Inspections conducted by the THWU
- Surveillance sampling and analysis completed by the THWU
- Special studies completed by the THWU
- Evaluation of information provided to the THWU

Self-monitoring data is required by all THWU permitted users. The forms used are prescribed and provided to the users by the THWU. Each report must also be signed by an authorized representative of the user. This data can be considered “prima facie” evidence if violations are identified.

Inspections by THWU staff are conducted to verify compliance and to identify any potential problems such as the need for a plan to control slug discharges or violations. A standard inspection form is used to ensure all areas are evaluated. The form is signed and dated by the THWU inspector and by the designated representative of the user inspected. Any noncompliance situations are noted, either on the form or in a separate report, and follow-up is conducted with the inspected industry.

Surveillance sampling and / or special studies completed by the THWU are critical components of THWU’s compliance monitoring. Standard sampling and analytical procedures are followed. The THWU staff are trained in proper sampling techniques for collection of industrial samples. Field and laboratory chain of custody forms accompany all samples collected during the surveillance and / or special study. Analyses are completed at the Terre Haute WWTP laboratory or by a contract laboratory that has documented standard operating procedures and a THWU approved quality assurance / quality control program.

IDENTIFICATION OF VIOLATIONS

The identification of a violation of pretreatment requirements, regardless of the severity will initiate the enforcement process. Discovery of a violation may occur as a result of any number of activities. The following represent the most common sources of identifying violations.

- Review of THWU sampling results
- Review of industrial user self-monitoring results
- Spill / accidental discharge / slug release reports from industrial users
- 24-hour notification of violations by an industry to the THWU
- Site visits / inspections
- Information provided by industrial user employees
- Observations by THWU staff
- Information provided by the public
- Review of compliance schedule requirements
- Review of agreed orders or judgment conditions
- Information provided by other regulatory agencies (e.g., US EPA, IDEM, Vigo County Health Department)

Once violations are identified, it is the responsibility of the Director or the delegated Pretreatment Coordinator to implement the appropriate enforcement response as described and required in this document. Specific procedures described in the Enforcement Response section of this document must be followed when determining an appropriate response, particularly when an action may involve the imposition of an administrative or civil penalty. However, additional criteria may be applied in determining the appropriate response, including the following.

- Magnitude of the violation
- Duration of the violation
- Effect of the violation on the WWTP processes and equipment
- Effect of the violation on the WWTP's receiving stream
- Compliance history of the industrial user
- Good faith of the industrial user
- Pollutants of concern or importance to the WWTP

NONCOMPLIANCE CATEGORIES

Categories of noncompliance of permitted industrial users, which shall be subject to enforcement proceedings initiated by the Director or delegated Pretreatment Coordinator, are:

- Failure to submit required reports (e.g., Baseline Monitoring Report, Self-Monitoring Reports, Compliance Schedule Reports, and Monthly Reports)
- Failure to meet interim or final compliance schedule dates
- Violations of pollutant limitation(s) (maximum or average) for industry specific categories (categorical standards)
- Violations of prohibited discharges under the National Pretreatment Standards (40 CFR 403.5)
- Violations of local limits defined in Terre Haute Sewer Use Ordinances as amended
- Violations of a Major Permit
- Industrial user's falsification of information submitted to the WWTP
- Wastewater Treatment Plant upsets and/or interference tracked to an industrial user

ENFORCEMENT PROCEDURES

Generally, all violations identified by the THWU will be reviewed, evaluated and addressed by the appropriate enforcement response. The responses fall within the guidelines established in the Enforcement Response Guide, a section of this document.

The majority of enforcement actions begin with the issuance of an initial Notice of Violation (NOV). The NOV describes the nature of the violation and informs the industrial user that any additional violations may result in escalated enforcement action.

Once the industrial user has been notified of a violation or has knowledge of a condition which is a violation, the industrial user may be allowed up to thirty (30) calendar days to correct the noncompliance before escalation of the enforcement process occurs. This thirty (30) day period applies only to an initial violation. Any violation occurring after this period will be evaluated according to the plan procedures.

(Note: A repeat occurrence does not necessarily indicate the same parameter, condition or procedural requirement was found in violation.)

An industry receiving results of self-monitoring or THWU surveillance sampling that are in violation has thirty (30) days to correct whatever condition exists or existed which contributed

to the violation. Thereafter, each violation is evaluated for enforcement action. In addition, if a violation occurred during the thirty (30) day correction period, the industry must demonstrate good faith was exercised to prevent or mitigate further violations during that period.

STAFF RESPONSIBILITIES

THWU staff that may participate in the collection and screening of data, organization of enforcement actions, review of actions taken and general management of the enforcement response procedures include, but are not necessarily limited to, the following.

THWU Staff	Primary Responsibilities
Director	Manages THWU activities including the industrial pretreatment program; insures that all procedures are properly followed; insures that staffing / equipment is adequate; insures that industrial inventory is accurate and up to date; insures that all reports are completed / submitted on time to City Council and regulatory agencies
Pretreatment Coordinator	Coordinates / manages all aspects of the pretreatment program; supervises staff in collection of samples and information; reviews industrial questionnaires and permit information; drafts / issues permits; reviews / evaluates self-monitoring reports and data; initiates enforcement procedures
Operator/Technician	Collects samples / information w/direction from Pretreatment Coordinator; performs maintenance on sampling equipment
Laboratory Technician	Performs routine analyses per THWU Laboratory procedures; transcribes data into reports for Pretreatment Coordinator and / or Director

TRACKING SYSTEM

Industrial users are required to submit various reports and information as a result of a number of compliance activities. It is important that the THWU has reliable procedures to ensure that industrial users submit the required information by the specified dates. Reports or information required to be submitted by industrial users on a regular basis that is tracked and filed by the THWU are as follows.

- Self-monitoring reports
- Industrial discharge questionnaires / permit applications
- Compliance schedule progress reports
- Follow-up information subsequent to industrial inspections
- Written reports following spills, accidental or slug discharges
- Special discharge permit applications
- Written response to notices of violations
- Scheduled inspection dates
- Reports or information received relating to Best Management Practices

- Required certification statement
- MSDS Sheets

The reports, forms and correspondence required by a specific date are tracked by the THWU Pretreatment Coordinator. These documents are submitted periodically and are usually tracked by noting the submission dates in the industrial pretreatment file. This file is reviewed periodically by the Pretreatment Coordinator or Director to determine if a form, report or correspondence is due. The file remains open until the schedule is complete and all documents submitted. A comparable tracking method is utilized for tracking responses to inspection activities and notices of violation.

CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Gen. Ord. No. 8, 2012; 9-13-12)

SCHEDULING INSPECTIONS

Each facility permitted by the THWU pretreatment program must be inspected at least annually. However, facilities may require numerous inspections / site visits during a given year to track compliance schedules activities, evaluate the need for a plan to control slug discharges, verify changes in discharge or processes, maintain a regulatory presence or to scrutinize facilities with discharges most likely to impact the Terre Haute POTW / WWTP.

Scheduling regular annual inspections will be done on a random basis by reviewing the current industry list and noting a day and time in a monthly planning log for the facilities to be inspected. Advanced notice by telephone or letter may or may not be given, dependent on the industry and prior history of the facility. At the time of the inspection, the date will be noted in the tracking system to ensure that each facility is inspected at least once during each calendar year as required by the pretreatment program.

Other inspections or site visits will be conducted according to need. Facilities operating under a compliance schedule will be assigned a higher priority for follow-up visits to verify progress and

to document that the required activities are being accomplished. Inspections at these facilities may take place at regular intervals by noting inspection dates in a planning log in advance of the planned visit. Inspections may also be scheduled at the request of an industrial user to verify compliance with certain requirements or to identify potential problems.

Some inspections will not be scheduled in advance but may be conducted as the result of a spill, accidental or slug discharge, surveillance sampling or other unusual event. These will be identified as “demand inspections” and will be accomplished as the need arises. The industrial facilities with THWU permits will be inspected at annually. Facilities that do not have THWU permits will be inspected at least once every three (3) years.

ENFORCEMENT STEPS

Data Collection

This involves the collection of all available information from inspections, monitoring, reporting, plant upsets, and private complaints.

Compliance Screening

This involves the review of all available information and monitoring data to identify noncomplying dischargers for appropriate enforcement response. This initial review will assess, as appropriate, compliance with required schedules, compliance with reporting features and/or compliance with applicable categorical standards and local limitations ordinance.

Emergency Response

If evaluation of the data reveals an Emergency Condition, the Pretreatment Coordinator will take whatever means appropriate to bring the discharger into compliance, through immediate telephone contact with the discharger identifying the problem specifics and requesting immediate corrective measures. If more formal measures, such as cease and desist orders, are required, injunctive relief or termination of the service shall be placed into effect so as to achieve compliance or eliminate the problem occurrence.

Enforcement Evaluation for Noncompliance

The violations and conditions identified during the screening processes are reviewed to make a determination relative to the nature of the violation and the type of enforcement necessary. This is accomplished by using the criteria outlined in the Enforcement Response Guide. On at least an annual basis, the names of all industrial users that have been in Significant Noncompliance from the previous twelve months will be published in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by THWU.

Insignificant Noncompliance

This consists of notifying the industrial user by letter of violation, (mailed certified with return receipt requested). The letter of violation will outline the specifics of the incident and will seek remedial action and response of the discharger. The Pretreatment Coordinator will evaluate the

reply to the letter of violation and make a determination as to whether the discharger has returned to compliance. If compliance is not achieved, the incident will return to Enforcement Evaluation for further action.

Significant Noncompliance

This consists of notifying the industrial user by telephone and letter of violation (mailed certified, return receipt requested). The letter of violation will outline the specifics of the incident (more serious, chronic types of noncompliance as set out in the attached Enforcement Response Guide) and will seek remedial action and response of the discharger. The Director or delegated Pretreatment Coordinator will evaluate the reply to the letter of violation and make a determination as to whether the discharger has returned to compliance. If compliance is not achieved, the Director or delegated Pretreatment Coordinator will initiate Formal Enforcement Action.

Formal Action

COMPLIANCE SCHEDULES

When the Director or delegated Pretreatment Coordinator finds that a discharge of wastewater has occurred in violation of the requirements prescribed in the sewer use ordinance or the provision of an Industrial User Permit, the Director or delegated Pretreatment Coordinator may require the discharger, through written notification, (mailed certified, return receipt requested), to submit, for approval, a detailed compliance schedule of specific actions, which the discharger shall take in order to prevent or correct a recurrence of said violations, including but not limited to milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the discharger to comply with the requirements of the ordinance, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, filing interim progress reports, completing construction and all other necessary related acts. The response reply to this directive will then be evaluated to determine whether the discharger has returned to compliance. If compliance is not achieved, the enforcement action will proceed to Cease and Desist procedures.

ADMINISTRATIVE FINES

When the Director finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such user in an amount not to exceed \$1,000.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be

returned to the user. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

CEASE AND DESIST

When the Director or delegated Pretreatment Coordinator finds that a discharge of wastewater has taken place in violation of the requirements of the sewer use ordinance, or the provisions of an Industrial User's Permit, the Pretreatment Coordinator, following a discovery meeting with the Industrial User, may issue an order to cease or desist and direct that the discharger:

- Comply forthwith;
- Comply in accordance with a compliance schedule set forth by the City; or
- Take appropriate remedial or preventive action in the event of a threatened violation.

The reply to this directive will then be evaluated as to whether the discharger has returned to compliance. If compliance is not achieved, the enforcement action will proceed to the courts requesting injunctive relief and the imposition of Civil Penalties.

INJUNCTION

When the Director or delegated Pretreatment Coordinator finds that a discharge of wastewater is in violation of requirements of the sewer use ordinance or the provisions of an Industrial User Permit, or otherwise causes or threatens to cause a condition of pollution or nuisance, the Director or delegated Pretreatment Coordinator, following a discovery meeting with the Industrial User, may petition the court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such a discharge. Such dischargers having significantly violated their Industrial User's Permit, the terms of City Ordinance Chapter 9, Article 2, as amended, any prior enforcement proceedings are further subject to fines imposed by the City, in amounts of not less than one thousand dollars (\$1,000.00) per day for each offense cited.

CIVIL PENALTIES

Any discharger who is found to have significantly violated or fails to comply with any enforcement action of the ordinance, and the orders, rules, regulations, and permits issued hereunder, may be fined not less than one thousand dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have significantly violated the ordinance or the orders, rules, regulations, and permits issued.

The response reply to this directive will then be evaluated as to whether the discharger has returned to compliance. If compliance is not achieved, the enforcement action will proceed to Show Cause considerations.

SHOW CAUSE

When a violation of the ordinance or applicable pretreatment regulation occurs and is not corrected by timely compliance, the Director or delegated Pretreatment Coordinator may order a discharger to show cause, stating why the proposed enforcement action should not be taken. A written notice shall be served on the discharger by a personal service, certified or registered mail, specifying the time and place of said hearing to be held by the Terre Haute Board of Public Works and Safety. The hearing will consider the violation, proposed enforcement action, and reasons why the proposed enforcement action should not be taken. The notice of the hearing shall be served not less than ten (10) days before the scheduled hearing.

The response reply to this directive will then be evaluated as to whether the industry has returned to compliance. If compliance is not achieved, the enforcement action will proceed toward revocation of the Industrial Users Discharge Permit and subsequent termination of service.

REVOKE PERMIT

Finally, the Director or delegated Pretreatment Coordinator may, for good cause, suspend the wastewater treatment service and the Wastewater Discharge Permit of a discharger when it is evident to the Director or delegated Pretreatment Coordinator that an actual or threatened discharge presents or threatens an imminent or substantial danger to the environment, interference with the operation of the WWTP, violate any pretreatment limits imposed by the ordinance or any Wastewater Discharge Permit issued pursuant to the ordinance. Any discharger notified of the suspension of the City's wastewater treatment service and/or the discharger's Wastewater Discharge Permit, shall within a reasonable period of time, as determined by the Director or delegated Pretreatment Coordinator, terminate all discharges.

ENFORCEMENT RESPONSE GUIDE

This guide is designed to address a broad range of industrial user violations of monitoring, reporting, and treatment requirements that may range from relatively minor problems to very serious major violations.

Each instance of noncompliance is considered a violation and sound enforcement policy will be to review each and respond appropriately. The following four (4) items will be considered when determining whether a violation is significant or insignificant. The attached Enforcement Procedures outline the available types of enforcement responses.

1. Duration of the Violation and Compliance History of the Industrial User

The Pretreatment Coordinator will review the violation summary to evaluate the duration of the violation and the compliance history of the industrial user. Any exceedance of an applicable effluent limit or failure to meet the deadlines and conditions for reporting, monitoring, or treatment is a violation. The violation summary will be reviewed for at least six months to determine if the particular types of violations are isolated or recur in some type of pattern. The

Pretreatment Coordinator will also consider the enforcement response that was offered for the previous violation.

Isolated violations will usually be attributed to a relatively simple problem that can be easily corrected. However, when several minor exceedances occur, either consecutively or several months apart, it may suggest that operating practices are inadequate to meet the limits and further pretreatment measures are needed.

More aggressive enforcement actions will be taken against facilities that frequently exceed numerical pretreatment standards than those that report isolated exceedances (unless the isolated exceedances are large and troublesome).

2. Apparent Good Faith of Responsible Industrial User Personnel

If industrial user personnel appear to be attempting in good faith to comply with pretreatment requirements, enforcement actions will obviously be on a more cooperative level than if industrial user personnel do not appear to be attempting to comply.

Wastewater Department personnel are aware that the Clean Water Act requires extraordinary efforts to comply with its requirements in a timely way. Good faith will be measured against this standard.

The Act requires industry to take extraordinary efforts if the vital and ambitious goals of the Congress are to be met. This means that business-as-usual is not enough. Prompt, vigorous, and in many cases, expensive pollution control measures must be initiated and completed as promptly as possible. In assessing the good faith of a discharger, the discharger is to be judged against these criteria. Moreover, it is an established principle, which applies to this act, that administrative and judicial reviews are sought on the discharger's own time. (Legislative History of the Clean Water Act No. 95-14, Vol. 3, p. 463)

3. Definition of Significant Noncompliance

- A. Violations of wastewater discharge limits will be evaluated based on the magnitude and/or frequency of the violations of maximum average limits over a six-month period. These violations will be evaluated on the basis of individual parameters and monitoring locations.

1. Chronic Violations

Sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l), for the same pollutant parameter.

2. Technical Review Criteria

Thirty-three percent (33%) or more of all of the measurements taken during a six (6) month period for the same pollutant parameter equals or exceeds the product of the wastewater measurement (daily maximum limit or the average limit) multiplied by the applicable TRC factor.

There are two groups of TRC factors:

- Group I: For conventional pollutants (BOD, TSS, fats, oil, grease, and pH). TRC factor = 1.4 x parameter limitation value.
 - Group II: For all other pollutants. TRC factor = 1.2 x parameter limitation value (except pH and temperature).
3. Any other violation of a Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative schedule) which the Pretreatment Coordinator determines has the potential to cause or has caused interference with the POTW performance capability (e.g., sludge loads) or passes through the plant in unacceptable quantities (e.g., exceeds water quality standards or impairing beneficial uses).
 4. 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 under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge.
- B. Violations of compliance schedule milestones, for planning, engineering, starting construction, completing construction and attaining final compliance by 60 days or more after the schedule date.
 - C. Failure to provide reports for compliance schedules, self-monitoring data, baseline monitoring reports, or permit application data within 30 days from the due date specified in the ordinance, permit, or enforcement order.
 - D. Reporting inaccurate information or falsifying data or failing to accurately report noncompliance.
 - E. Any other violation or group of violations which the Pretreatment Coordinator considers to be significant.

4. The Harm Caused by the Violation

Violations are evaluated to determine the suspected or measured adverse environmental impact and rated accordingly.

TYPES/TIMING OF ENFORCEMENT RESPONSES

Type of Response	Acronym	THWU Target Timing
Verbal Telephone Notice	VTN	Within 24 Hours
Noncompliance Notification Form	NNF	Within 24 Hours
Written Report	WR	Within 5 Days
Site Visit	SV	Within 2 Days
Notice of Violation	NOV	Within 7 Days
Show Cause Hearing	SCH	Within 2 Days
Administrative Hearing	AH	Within 7 Days
Administrative Fine	AF	Within 7 Days
Enforcement Compliance Schedule	ECS	Within 7 Days
Corrective Action Plan	CAP	Within 10 Days
Litigation	LTG	ASAP (When Necessary)
Consent Decree	CD	
Significant Noncompliance	SNC	
Technical Review Criteria	TRC	
Administrative Order	AO	

RANGE OF POTENTIAL RESPONSES

	Noncompliance Issue	Circumstances	Range of Responses
1.	Failure to sample, monitor or report (routine reports, MMRs)	Isolated or infrequent	VTN if isolated incident w/NNF to NOV if frequent occurrence requiring a CAP w/in 5 days. Lack of response leads to SNC, then formal action, assessment of AF
2.	Failure to sample, monitor, report or notify	Frequent occurrence and no response to NOVs; no follow through on verbal or written agreements or AOs	AF; injunctive relief; show cause hearing; termination of service
3.	Failure to report additional monitoring	Isolated incident; recurring problem	Same as #1 above
4.	Document improperly signed or certified	Isolated or infrequent; Recurring problem	VTN if isolated incident w/NNF to NOV if frequent occurrence. Lack of response leads to SNC
5.	Failure to notify of effluent limit violation or slug discharge	Isolated or infrequent; no known effect	VTN for First occurrence w/ NNF; subsequent occurrences NOV; request CAP w/in 5 days; if reoccurring assess AF
6.	Failure to notify of effluent limit violation or slug discharge	Frequent occurrence and Environment or POTW affected or damaged	Same as # 2 above; may accelerate if emergency exists; SV
7.	Minor sampling, monitoring or reporting deficiencies (computational or typographic errors)	Isolated or infrequent	VTN, NNF to NOV; corrections made on resubmittal or next submittal
8.	Major or gross sampling, monitoring or reporting deficiencies (missing information, late reports)	Isolated or infrequent	VTN, NNF to NOV; followed by formal action and assessment of AF if continues
9.	Major or gross reporting deficiencies	Continual; remain uncorrected 30 days or more	Initial action at NOV and AF; SV; if uncorrected elevate to SCH or judicial action
10.	Reporting false information	Any instance	Same as #7 above
11.	Missed interim date	Will not cause final date or other interim dates to be missed	NOV
12.	Missed interim date(s)	Will cause other interim dates to be missed; good or valid cause	Same as #3 above

	Noncompliance Issue	Circumstances	Range of Responses
13.	Missed interim date	Will cause other interim dates to be missed; no good or valid cause	VTN; NOV; formal action; AF
14.	Missed final date	Caused by outside forces (labor problems, act of God, etc.)	VTN and require valid documentation
15.	Missed final date	90 days or more; failure or refusal to comply without good or valid cause	Same as 7 above
16.	Failure to install required equipment		VTN; NOV; SV; formal action w/ECS; continued noncompliance leads to termination of service
17.	Failure to properly operate and maintain pretreatment equipment		Same as 14 above
18.	Exceed final limits (categorical, local or prohibited)	Infrequent or isolated	VTN with NNF on first occurrence; NOV for subsequent occurrences; AF
19.	Exceed final limits	Infrequent or isolated major violations exceed the limits by TRC of a single effluent limit	Same as #6 above
20.	Exceed final limits	4 or more violations of the same effluent limits or 2 violations which exceed TRC	VTN; NOV; SV; formal action AF; w/ECS and if necessary, CD with recommended civil penalty
21.	Exceed interim limits	Result is environmental or POTW damage	Same as #17 above and could include accelerated action if emergency created leading to termination of service
22.	Reported slug load	Isolated and no damage	VTN and WR
23.	Reported slug load	Isolated with interference, pass through or damage	VTN, WR or NOV; SV; AF
24.	Reported slug discharge	Recurring	Phone call or NOV; SV; AF; require CAP and ECS
25.	Discharge w/out a permit or approval	One time occurrence; no environmental or POTW damage	VTN; NOV; formal action; CD (if necessary)
26.	Discharge w/out permit or approval	One time and environmental or POTW damage	Same as above w/AF; SV; could include emergency provisions and accelerated actions leading to termination of service

	Noncompliance Issue	Circumstances	Range of Responses
27.	Discharge w/out a permit	Continuing violation w/environmental and POTW damage	TVN; NOV; followed by formal action and assessment of AF if continues look into criminal prosecution; refer to State; turn over to local prosecutor
28.	Minor violation of analytical procedure	Any instance	TVN; NOV; followed by formal action and assessment of AF if continues
29.	Major violation of analytical procedure	No evidence of intent	TVN; NOV; followed by formal action and assessment of AF if continues
30.	Major violation of analytical procedure	Evidence of negligence or intent	TVN; NOV; SV; followed by formal action and assessment of AF; turn over to local prosecutor if continual
31.	Minor violation of permit condition	No evidence of negligence or intent	TVN and/or WR
32.	Minor/Major violation of permit	Evidence of negligence or intent	NOV; possible formal action if continues; possible referral for criminal investigation
33.	Entry denied	Any instance	Obtain warrant and return