

SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT

PRETREATMENT PROGRAM

ENFORCEMENT RESPONSE PLAN

June 2011

WASTEWATER SOURCE CONTROL SECTION

TABLE OF CONTENTS

Introduction and Purpose	1
Enforcement Authority	2
Definitions and Abbreviations	3
SECTION 1. PERSONNEL RESPONSIBLE FOR USER COMPLIANCE AND ENFORCEMENT ACTIVITIES	9
Section 1.1 General Administration Upper Level	9
Section 1.2 Wastewater Source Control Section (WSCS).....	9
Section 1.3 WSCS Staff Responsibilities	10
Section 1.4 Levels of Responsibility for Instances of Noncompliance	12
SECTION 2. IDENTIFICATION AND INVESTIGATION OF INSTANCES OF NONCOMPLIANCE	13
Section 2.1 Inspections.....	13
Subsection 2.1.1 Inspections used as a means of identifying noncompliance and follow-up to noncompliance.....	13
Subsection 2.1.2 Responsible personnel.....	14
Subsection 2.1.3 Time frames	14
Subsection 2.1.4 Inspection procedures.....	14
Section 2.2 Sampling.....	17
Subsection 2.2.1 Sampling used as a means of identifying noncompliance and follow-up to noncompliance.....	17
Subsection 2.2.2 Responsible personnel.....	18
Subsection 2.2.3 Time frames	18
Subsection 2.2.4 Sampling procedures.....	18
Section 2.3 Data Management.....	19
Subsection 2.3.1 Sewer use inventory	20
Subsection 2.3.2 Permitted user inventory	20
Subsection 2.3.3 Maintaining current information on permitted users.....	21
Subsection 2.3.4 Processing and tracking user submissions.....	21
Subsection 2.3.5 Processing user noncompliance.....	21
SECTION 3. ENFORCEMENT RESPONSE AND PROCEDURES	23
Section 3.1 Minor Enforcement.....	24
Subsection 3.1.1 Informal notices	24
Subsection 3.1.2 Notices of violation.....	24
Section 3.2 Intermediate Enforcement (Administrative Orders)	26
Subsection 3.2.1 Consent order (CO).....	26
Subsection 3.2.2 Compliance order (CMO)	26
Subsection 3.2.3 Cease & desist order (C&D)	26
Section 3.3 Show Cause Order	28
Section 3.4 Major Enforcement.....	28
Subsection 3.4.1 Enforcement order (permit revocation and termination of service)	28
Subsection 3.4.2 Civil action/Criminal action/Injunctive relief	28
Section 3.5 Emergency Enforcement (Suspension Order)	29
Section 3.6 Nonemergency Suspension.....	29
Section 3.7 Administrative Civil Liability (ACL).....	29
Section 3.8 Annual Publication of Significant Violators.....	30
Section 3.9 Noncompliance Costs	30
SECTION 4. ENFORCEMENT RESPONSE GUIDE	31
APPENDIX 1. RULES OF PROCEDURE FOR ADMINISTRATIVE HEARINGS	

**SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT
ENFORCEMENT RESPONSE PLAN
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INTRODUCTION AND PURPOSE

Federal regulation set forth in 40 CFR 403.8(f)(5) requires the development and implementation of an Enforcement Response Plan (ERP) which contains procedures indicating how a Publicly Owned Treatment Works (POTW) will investigate and respond to instances of user noncompliance. This plan is to include, at a minimum, 1) the indication of the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, 2) the identification of the officials responsible for each type of response, 3) a description of how instances of noncompliance will be investigated, and 4) a description of the types of escalating enforcement that will be taken and the associated time periods.

The Sacramento Regional County Sanitation District (SRCSD) Wastewater Source Control Section (WSCS) regulates discharges to the sewer system to prevent harm to the collection system and treatment facilities and to ensure that biosolids disposal, effluent discharge, and air emissions meet all applicable requirements. This document contains procedures used by WSCS to investigate and respond to instances of discharger (user) noncompliance. This document is meant to fulfill the requirements prescribed under the Federal pretreatment program as implemented by SRCSD. Further, it is meant to provide the procedural framework for conducting enforcement response for programs adopted at the local level.

The procedures in the ERP are primarily focused on dischargers subject to the requirements of the Federal pretreatment program (typically referred to as industrial users); however, the document presents identification of noncompliance and response procedures that can generally be applied to all users of the sewer system in conformance with the SRCSD Consolidated Sewer Use Ordinance (SUO), Wastewater Discharge Permit (WDP) requirements, and the SRCSD policies governing wastewater disposal. The ERP outlines procedures that will be used to identify, document, track, and respond to noncompliance and to select the enforcement action most appropriate for a given violation. The ERP ensures that consistent, timely, fair, and equitable enforcement procedures are implemented for instances of noncompliance.

ENFORCEMENT AUTHORITY

SRCSO provides sanitary sewer and wastewater collection, conveyance, and treatment within the Sacramento County area. In addition, SRCSD serves the wastewater conveyance (large interceptors), wastewater treatment, and disposal needs of the Sacramento Area Sewer District (SASD) and the Cities of Sacramento, Folsom, and West Sacramento (contributing agencies). These services are governed under a Master Interagency Agreement and/or by separate service agreements.

SRCSO owns and operates the Sacramento Regional Wastewater Treatment Plant which discharges under California Regional Water Quality Control Board (CRWQCB), Central Valley Region, and National Pollutant Discharge Elimination System (NPDES) permit CA0077682. SRCSD implements and enforces its approved pretreatment program in accordance with the requirements of the CRWQCB and Federal Clean Water Act (40 CFR Part 403.8(f)) as well as requirements of the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems as they apply to sewer interceptors.

SRCSO exists under the provisions of the County Sanitation District Act (Section 4700) of the California Health and Safety Code. SRCSD has adopted a Consolidated Sewer Use Ordinance (SUO) which establishes regulations for the implementation of those provisions and those required under Federal regulation 40 CFR 403. The SUO includes conditions for enforcement and penalties for violations of established regulations. The purpose of the SUO is to regulate wastewater to protect the public health and safety, the SRCSD facilities and personnel, and the environment. The SRCSD SUO and operating agreements provide for regulatory authority within the contributing agencies for any user subject to the requirements of the Federal pretreatment program or for discharges that could impact the SRCSD sewer system.

To document compliance with the SUO, SRCSD staff and agents have the authority to enter and inspect the premises, processes, and records of any user; to install and operate any required sampling and monitoring equipment on the premises; to sample or monitor the discharge; and to copy all records relating to pretreatment, chemical and waste storage, and waste discharge to the SRCSD sewer system.

DEFINITIONS AND ABBREVIATIONS

ADMINISTRATIVE CIVIL LIABILITY (ACL): The process of assessing and collecting an administrative penalty. The ACL process is administered directly by SRCSD and does not require proceedings in a court of law.

ADMINISTRATIVE COMPLAINT: A formal complaint issued by SRCSD under the ACL process to any person found in violation of any requirement adopted or ordered by SRCSD to meet the standards established to protect the SRCSD sewer system or to prevent the entry of any wastewater found or suspected to be in violation of any State, Federal, or local limit, Wastewater Discharge Permit, or any provisions of the SRCSD Consolidated Sewer Use Ordinance. The administrative complaint alleges the act or failure to act that constitutes the violation of SRCSD requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty.

ADMINISTRATIVE ORDER (AO): An enforcement document which directs users to implement corrective or remedial measures. Such order may incorporate compliance schedules and time frames and specify noncompliance costs to be paid by the user.

ADMINISTRATIVE PENALTY (AP): A civil penalty assessed in conjunction with an administrative complaint, issued pursuant to California Government Code Section 54740.5 and in accordance with SRCSD rules and procedures.

AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER: The person signatory to documents required to be submitted to SRCSD as defined in Code of Federal Regulations 40 CFR 403.12(l)(1-4).

BEST MANAGEMENT PRACTICES (BMPs): Schedule of activities, prohibitions of practices, maintenance procedures, and management practices which can include wastewater treatment and operating procedures and practices that reduce the generation of pollutants or prevent them from being released to the sewer system. BMPs, when incorporated in a Wastewater Discharge Permit, may be used as alternative means of complying with, or in place of certain established Categorical Pretreatment Standards, and/or administered as Pretreatment Requirements. BMPs shall be subject to all requirements and enforcement actions contained in the SRCSD Consolidated Sewer Use Ordinance.

CATEGORICAL PRETREATMENT STANDARDS OR CATEGORICAL STANDARDS: Any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency (EPA) in accordance with Sections 307 (b) and (c) of the Act (33 U.S.C. Section 1317) that applies to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

CATEGORICAL USER: Any user subject to a Categorical Pretreatment Standard or Categorical Standard.

CEASE AND DESIST ORDER (C&D): An Administrative Order issued by SRCSD requiring a discharger to halt the discharge of wastewater in violation of the provisions of the SRCSD Consolidated Sewer Use Ordinance.

CIVIL ACTION: Civil litigation against a user, seeking equitable relief, monetary penalties, and actual damages.

CLASS I USER: A user requiring a Wastewater Discharge Permit that is classified as a Significant (Industrial) User or Non-Significant Categorical User.

CLASS II USER: A user requiring a Wastewater Discharge Permit which is not included within the definition and parameters of Class I.

COLLECTION SYSTEM: The pipelines, pump stations, manholes, and other similar facilities which are owned and operated by any of the contributing agencies discharging to the SRCSD interceptors and/or treatment plant.

COMPLIANCE ORDER (CMO): An Administrative Order directing the user to achieve or restore compliance by a specified date. A CMO may include a compliance schedule with specific milestones for achieving steps toward compliance, for tracking progress, and for reporting progress. The CMO is issued unilaterally by SRCSD when noncompliance cannot be resolved without construction, repair, or process changes and/or when the user is not making good faith efforts to achieve compliance.

CONSENT ORDER (CO): An Administrative Order establishing an agreement with any user responsible for noncompliance and specifying action to be taken by the user to correct the noncompliance within a specified time period.

CONTRIBUTING AGENCY: Any public agency, except for contracting agencies, that contributes wastewater from its system to the SRCSD sewer system.

CRIMINAL ACTION: The pursuit of punitive measures against a user through a court of law.

DISCHARGER: Any person who discharges or causes or allows the discharge of waste directly or indirectly to the sewer system. This term includes any user who is a potential source of discharge. Discharger shall mean the same as user.

DISTRICT ENGINEER: The Engineer appointed by the SRCSD Board of Directors to oversee the operations of the Sacramento Regional County Sanitation District.

FEDERAL PRETREATMENT REGULATIONS: Any regulations promulgated by EPA in accordance with Sections 307(b) and (c) and 402(b)(8) of the Act (33 U.S.C. 1317) for the implementation, administration, and enforcement of pretreatment standards.

HAZARDOUS WASTE: Any waste classified as hazardous waste under 40 CFR 261 or as otherwise defined by State statute or regulation.

INSTANTANEOUS LIMIT: The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the flow rate and the duration of the sampling event.

INTERFERENCE: Any discharge which, alone or in conjunction with a discharge or discharges from other sources, 1) inhibits or disrupts the SRCSD treatment processes or operations or its biosolids processes, use, or disposal; or 2) is a cause of a violation of the SRCSD NPDES permit or of the prevention of biosolids use or disposal in compliance with any of the following statutory or regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act (SWDA) including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

LOCAL LIMITS: Specific discharge limits developed and enforced by SRCSD upon users to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1)(b).

NONCOMPLIANCE: Any violation of the SRCSD Consolidated Sewer Use Ordinance, a Wastewater Discharge Permit, or EPA Pretreatment Standards or requirement.

NONCOMPLIANCE COST (NCC): A cost issued to the noncompliant user to recover any costs incurred by SRCSD as a result of noncompliance by the user.

NOTICE OF VIOLATION (NOV): An official communication from SRCSD to a noncompliant user informing the user that a violation has occurred. The NOV can specify corrective measure to be implemented by the user.

PASS THROUGH: A discharge that exits the SRCSD sewer system into the waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the SRCSD NPDES Permit, including an increase in the magnitude or duration of a violation, or which causes water quality standards established by the State or EPA to be exceeded. Pass through shall also include any discharge which exits the SRCSD sewer system into the SRCSD land disposal system in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes SRCSD to violate the SRCSD CVRWQCB Waste Discharge Requirements for land disposal including an increase in the magnitude of the violation. A pass through is further defined as a discharge of pollutants from a user that results in a measurable increase in quantities or concentrations in SRCSD's final discharge to receiving water or land disposal system.

PERSON: Any individual, firm, company, association society, partnership, corporation, organization, group, contributing agency, contracting agency, or public agency, including the State of California and the United States of America. The singular shall include the plural.

POLLUTANT: Any constituent or characteristic of wastewater which is prohibited or limited within the SRCSD Consolidated Sewer Use Ordinance and on which a discharge

limit may be imposed either by SRCSD or the regulatory bodies empowered to regulate SRCSD. This may include, but not be limited to, solid, medical, chemical, biological, municipal, agricultural, and industrial wastes, garbage, radioactive materials, and certain characteristics of wastewater (including, but not limited to, pH, salinity, temperature, total suspended solids, turbidity, color, biochemical oxygen demand, toxicity, or odor).

PREMISES: A parcel of real property, or portion thereof, including any improvement thereon, which is determined by the SRCSD Engineer to be a single unit for purposes of receiving, using, and paying for sewage disposal service. In making this determination, the SRCSD Engineer shall take into consideration such factors as whether the unit could reasonably be subdivided, the number and location of laterals, whether the unit is being used for a single activity, and if being used for more than one activity, what the principal activity is for sewage disposal services; in any case, the SRCSD Engineer's determination shall be final.

PRETREATMENT FACILITY: Any works or device for treatment, control, or flow limitation of wastewater prior to discharge into the sewer system.

PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed upon a user.

PRETREATMENT STANDARDS OR STANDARDS: Pretreatment Standards shall mean prohibited discharge standards, Categorical Pretreatment Standards, and Local Limits. This term includes prohibitive discharge limits established pursuant to Title 40 CFR Section 403.5 or under the authority of the SRCSD Consolidated Sewer Use Ordinance.

SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT (SRCSD): The Sanitation District serving the areas of Sacramento County including the City of Folsom and the City of Sacramento, and including the City of West Sacramento in Yolo County, California.

SELF-MONITORING: Wastewater sampling performed by a discharger in accordance with the SRCSD pretreatment program. Self-monitoring requirements are specified in the user's Wastewater Discharge Permit.

SEWER: A pipe or conduit (including pumping facilities, in-line treatment, and control facilities appurtenant thereto) which receives and carries wastewater.

SHOW CAUSE ORDER (SCO): An Order requiring a user to appear before the SRCSD Engineer to explain any noncompliance and why specified enforcement actions should not be taken. The SRCSD Engineer may designate a hearing officer to hear testimony for the hearing.

SIGNIFICANT NONCOMPLIANCE (SNC): A significant user is in significant noncompliance if its violations meet one or more of the following criteria: 1) Chronic violations of Wastewater Discharge Permit limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a 6-month

period exceed by any magnitude a numeric Pretreatment Standard or Requirement, including instantaneous limits; 2) Technical review criteria (TRC) violations, defined here as 33 percent or more of all of the measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, multiplied by the applicable criteria [1.4 for conventional pollutants and 1.2 for all other pollutants except pH]; 3) Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that SRCSD determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of the SRCSD personnel or the general public; 4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in SRCSD's exercise of emergency authority to halt or prevent such a discharge; 5) 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, or attaining final compliance; 6) 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; 7) Failure to accurately report noncompliance or provide compliance data; or 8) Any other violation(s), which may include a violation of Best Management Practices, which SRCSD determines will adversely affect the operation or implementation of the local pretreatment program.

SIGNIFICANT USER (SU): Except as provided in paragraphs (3) and (4) of this definition,

- (1) A user subject to Categorical Pretreatment Standards; or
- (2) A user that
 - (a) Discharges an average of twenty-five thousand (25,000) gallons per day (GPD) or more of process wastewater to the sewer system (excluding domestic, noncontact cooling, and boiler blowdown wastewater);
 - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the SRCSD treatment plant; or
 - (c) Is designated as such by SRCSD on the basis that it has a reasonable potential for adversely affecting the SRCSD sewer system or for violating any Pretreatment Standard or Requirement.
- (3) SRCSD may determine that a user subject to Categorical Pretreatment Standards is a Non-Significant Categorical User rather than a Significant User on finding that the user never discharges more than 100 GPD of total Categorical wastewater (excluding domestic, non-contact cooling, and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - (a) The user, prior to the SRCSD's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
 - (b) The user annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and
 - (c) The user never discharges any untreated concentrated wastewater.

- (4) Upon finding that a user meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting SRCSD's operation or for violating any Pretreatment Standard or Requirement, SRCSD may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a Significant User.

Significant User shall mean the same as Significant Industrial User as defined in 40 CFR 403.3(v).

SLUG: Any discharge of waste which in flow rate, concentration, or quantities of any given constituent could cause a violation of the SRCSD Consolidated Sewer Use Ordinance; or any discharge of a non-routine episodic nature, including, but not limited to, an accidental spill or non-customary batch discharge.

SRCSD SEWER SYSTEM: All SRCSD facilities used for collecting, conveying, pumping, treating, and disposing of wastewater and biosolids.

USER: Any person who discharges or causes or allows the discharge of waste directly or indirectly to the sewer system. This term includes any person who is a potential source of discharge. User shall mean the same as Discharger.

WASTE HAULER: Any person carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for the purpose of discharging said waste into the SRCSD sewer system.

WASTEWATER: The liquid and water-carried nondomestic or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which are contributed into or permitted to enter SRCSD facilities. This term also includes ground, surface, and storm waters as may be present in the sewer system.

WASTEWATER DISCHARGE PERMIT (WDP): A control mechanism issued to any person discharging to the sewer system that the SRCSD Engineer determines needs a permit, to regulate its discharge of toxic, organic, or hydraulic loading to the SRCSD sewer system.

SECTION 1. PERSONNEL RESPONSIBLE FOR USER COMPLIANCE AND ENFORCEMENT ACTIVITIES

1.1 General Administration Upper Level

Sacramento Regional County Sanitation District (SRCSD)

SRCSD owns and operates nearly 150 miles of interceptor pipes (varying in size from 36 to 144 inches) and a series of pump stations that convey wastewater to the Sacramento Regional Wastewater Treatment Plant (SRWTP) for treatment prior to discharge to the Sacramento River. SRCSD is governed by a 17-member Board of Directors (Board) representing Sacramento and Yolo counties, as well as the cities of Citrus Heights, Elk Grove, Folsom, Rancho Cordova, Sacramento, and West Sacramento.

District Engineer

The Sacramento Sanitation Districts Agency of the County of Sacramento provides the workforce for two districts: Sacramento Regional County Sanitation District (SRCSD) and the Sacramento Area Sewer District (SASD). The District Engineer is jointly appointed by the governing Boards of each District to oversee the operations of each District. The District Engineer is the signatory for show cause orders and all major enforcement actions (as defined by this Enforcement Response Plan) including emergency suspensions. The District Engineer is responsible for conducting show cause hearings in the matter of major enforcement actions. The District Engineer may appoint alternate staff to act as hearing officer for show cause hearings. When it is determined that enforcement will be a civil action or involve criminal prosecution, the District Engineer will refer action to the County Counsel. When it is determined that enforcement will involve criminal prosecution, the County Counsel will refer action to the County District Attorney.

County Counsel

The Sacramento County Counsel (Counsel) will provide consultation as requested by SRCSD staff for issues needing legal clarification and for procuring search warrants. The Counsel will act as lead on all referrals by SRCSD staff for civil litigation or SRCSD-initiated criminal investigations.

1.2 Wastewater Source Control Section (WSCS)

The WSCS is the section responsible for administration of Federal, State, and local pretreatment programs and enforcement of the SRCSD Consolidated Sewer Use Ordinance.

The WSCS is responsible for the following:

- Maintaining a user inventory to identify potentially regulated dischargers
- Issuing Wastewater Discharge Permits to users of the sewer system that require regulation by means of a permit or other control mechanisms

- Monitoring, inspecting, and controlling wastewater discharges from users of the sewer system
- Preparing compliance reports for regulatory agencies
- Conducting enforcement actions

In addition, WSCS is responsible for the following:

- Administering the permitted user rate and fee program
- Providing technical support in evaluation of wastewater disposal to the sewer and waste minimization opportunities
- Conducting business and public outreach in the area of pollutant source reduction
- Conducting pollutant accounting measures necessary to determine sources of pollutants to the sewer and to evaluate the need for local limits or other pollutant control or reduction strategies

1.3 WSCS Staff Responsibilities

Environmental Program Manager (EPM II, I)

The EPM is responsible for the overall management of WSCS. The EPM II position is responsible for long-range planning and projecting section goals and objectives. The EPM I is responsible for the day-to-day management of WSCS. The EPM position is responsible for ensuring that WSCS meets all Federal, State, and local pretreatment program requirements and the SRCSD Consolidated Sewer Use Ordinance (SUO) and policies. The EPM oversees the issuance of and signs administrative complaints and presents the case at an administrative hearing if necessary. The EPM prepares documentation of noncompliance for major enforcement actions, including emergency suspension and termination of service. These duties can be administered by either the EPM II or I.

Supervising Environmental Specialist (SES)

The SES is responsible for general oversight and planning of all activities pertaining to user compliance. The SES supervises the identification and characterization of any instances of noncompliance by users. This includes documentation of all inspection and monitoring activities necessary to determine the compliance or noncompliance of a discharger with the SRCSD SUO, Wastewater Discharge Permits (WDPs), and Federal Pretreatment Standards and Requirements. The SES is responsible for development of an overall inspection and sampling plan, including resource scheduling and standard operating procedures. The SES is responsible for the day-to-day oversight of staff implementation of all activities pertaining to user compliance, including administering user inspection and monitoring programs. As necessary, the SES reviews inspection reports and sampling and quality control/quality assurance documentation prepared by staff prior to filing. The SES is responsible for ensuring that time frames for conductance of sampling, inspections, user compliance, and filing of documentation are achieved in accordance with the requirements of the ERP and WSCS policies.

The SES has signatory responsibility for issuance of minor level enforcement (warning letters and notices of violation) and intermediate level enforcement (administrative orders) and assists

in documentation for assessment of administrative civil liability and preparation for major enforcement actions.

Environmental Specialist (ES)

The ES (classification may also include Wastewater Source Control Inspector) is responsible for conducting the user monitoring and inspection program. The ES has routine, direct contact with the various users of the sewer system. The ES prepares inspection reports for review and submittal to users. In addition, the ES is responsible for implementing the general monitoring program in accordance with WSCS policies and required quality control procedures. The ES reviews all sampling and monitoring data. Based on site inspections and review of user reports and sampling and monitoring data, the ES is responsible for determining any instance of user noncompliance. The ES drafts warning letters and notices of violation where appropriate.

1.4 Levels of Responsibility for Instances of Noncompliance

The following table summarizes staff level of responsibility for enforcement actions. Staff is listed by level of signatory responsibility. It is acknowledged that subordinate staff will assist as necessary in compilation and documentation of noncompliance at all levels of enforcement.

Enforcement Level	Staff Responsible	Action
Minor (Informal Notice, Notice of Violation)	Environmental Specialist	Determine and document noncompliance. Draft appropriate enforcement action. Track enforcement follow-up and recommend closure.
Intermediate (Administrative Order)	Supervising Environmental Specialist	Oversee determination and documentation of noncompliance. Draft appropriate enforcement action. Track enforcement follow-up and recommend closure. Sign and issue enforcement actions. Sign closure actions.
Administrative Civil Liability	Supervising Environmental Specialist	Oversee determination and documentation of noncompliance. Draft administrative complaint and supportive documentation. Track enforcement follow-up and recommend closure.
	Environmental Program Manager	Sign and issue administrative complaint. Sign closure actions. Present case at administrative hearing.
Major (Show Cause Order, Permit Revocation, Emergency Suspension, Termination, and Judicial Proceedings)	Environmental Program Manager	Oversee determination and documentation of noncompliance. Draft appropriate enforcement action. Track enforcement follow-up and recommend closure. Prepare notification to the District Engineer and SRCSD Board for actions involving termination of service.
	District Engineer	Sign and issue show cause order or enforcement orders including emergency suspensions. Conduct show cause hearing or assign hearing officer. Refer to County Counsel for noncompliance involving civil action. Refer to County District Attorney for noncompliance involving criminal prosecution.

SECTION 2. IDENTIFICATION AND INVESTIGATION OF INSTANCES OF NONCOMPLIANCE

The Wastewater Source Control Section (WSCS) is responsible for the identification and characterization of any instances of noncompliance with applicable Federal or State requirements for wastewater discharge to the sewer system, the Sacramento Regional County Sanitation District (SRCSD) Consolidated Sewer Use Ordinance (SUO), or user Wastewater Discharge Permits (WDP). The WSCS may become aware of violations through various screening procedures including the following:

- Inspection and sampling activities
- Review of permitted user reports
- Sampling of plant influent/effluent/biosolids
- Evaluation of treatment plant upsets
- Evaluation of collection system upsets
- General incident response
- Review of information from other County department or agency staff or the general public

There are multiple activities associated with the identification and investigation of noncompliance. The following presents a summary of these activities as they generally relate to permitted user programs. Time frames detailed throughout are those that apply to the Federal pretreatment program.

2.1 Inspections

2.1.1 Inspections used as a means of identifying noncompliance and follow-up to noncompliance

The facility or field inspection is the basic element for determining user compliance, taking enforcement actions, and following up on user noncompliance.

The WSCS conducts the following types of inspections:

A. Routine inspections

A routine inspection is a detailed compliance inspection primarily of a user holding a WDP, or a facility under evaluation for the need of a WDP. In general, routine inspections are conducted when the facility is in normal operations.

B. Demand inspections

A demand inspection is initiated in response to known or suspected violations. Demand inspections are not limited to permitted users but can be performed throughout the service area as appropriate to identify the source of the potential violation. Demand inspections can be initiated as follow-up to public or worker complaint, Sacramento Regional Wastewater Treatment Plant (SRWTP) or collection system operating difficulties, unusual influent conditions at SRWTP, or emergency situations (e.g., sewer line blockages, odors, or explosive conditions) throughout the collection system.

C. Spot inspections

A spot inspection is typically an unscheduled facility inspection. The most common, a sample point inspection, is typically conducted in conjunction with permitted user self-monitoring events. During these inspections emphasis is placed on evaluation of the user's sampling equipment and protocols.

2.1.2 Responsible personnel

Environmental Specialists (ES) are responsible for conducting inspections, entering results of inspections into a file, and recommending follow-up or enforcement actions.

2.1.3 Time frames

The following table outlines the basic time frames for entering results of an inspection into a file and issuing formal notice to the user. The time frame can be shortened depending on the severity of the noncompliance.

Finding	Time Schedule
No Problems	20 working days
Evident Noncompliance	5 working days

2.1.4 Inspection procedures

The following summarizes inspection procedures which can be generally applied to all classifications of users.

A. Criteria for determining inspection frequency

The Federal Pretreatment Regulations require inspection and sampling of permitted Significant Industrial Users (SIU, including Categorical Users) at least once each year (40 CFR 403.8(f)(2)(v)). Inspection frequencies for all permitted users are based on the following criteria:

- Federal minimum requirements for SIUs
- The user's potential to adversely affect the SRWTP or collection system operations (e.g., the type and/or concentration of pollutants in the user's discharge, the type and reliability of control measures used to achieve compliance)
- The volume and variability of the discharge
- The compliance history of the user
- SRWTP or collection system problems known or suspected to have been caused by the user
- Special considerations or circumstances such as seasonal production schedules or batch discharges

B. Pre-inspection preparation

In addition to establishing the scope of the inspection and development of an inspection plan, the following information (when available) is reviewed by the ES prior to conducting the inspection:

- Facility background information
- Permit requirements, regulations, and limitations including implementation of Best Management Practices and sampling waivers
- Facility compliance and enforcement history
- Pretreatment or wastewater treatment systems
- Slug control and solvent management plans

C. Entry procedures including response to refusal

Legal Basis for Entry

SRCSU SUO provides the authority to enter a user's premises to conduct an inspection. In addition, the SRCSU general pretreatment program has been approved by the Federal EPA and the State Regional Water Quality Control Board thus granting the necessary authority to implement all facets of the program including inspections.

Denial of Consent to Enter

If an ES is refused entry into a facility to conduct an inspection, the following procedural steps are taken. These steps also apply if withdrawal of consent occurs during the performance of the inspection or if denial of access to parts of the facility occurs:

1. Present identification
2. Tactfully discuss the reason for denial
3. Carefully record the following observations in the inspection report:
 - Facility name and exact address
 - Name, title, and authority of the person who refused entry
 - Date and time of refusal
 - Reason for the denial
 - Facility appearance (e.g., neat and orderly, or chaotic)
4. Leave premises and contact immediate supervisor
5. Conduct sampling in response to denial of entry (e.g., if possible, a sample should be obtained at a manhole immediately downstream of the facility)

D. Acquiring a search warrant

The Environmental Program Manager (EPM) will determine if a search warrant is necessary to complete a compliance investigation. This will be done in consultation with the County Counsel and/or the County District Attorney office. If a search warrant is deemed necessary, the EPM will take necessary actions in obtaining an inspection warrant and making arrangements for conducting a warrant inspection. In some instances, the assistance of law enforcement personnel may be required

E. Elements of a facility inspection

The type of information to be collected during an inspection will depend, in part, on the objective of the site visit. Pre-inspection preparation comprises the majority of the information to be evaluated and confirmed during the actual inspection. The following

list outlines conductance of the major components of the routine user inspection. This general approach is applied, with appropriate modifications, when conducting inspections of any user.

- Entrance interview
- Physical site review (include chemical inventory review)
- Sampling and monitoring review (makes up the majority of the sampling or spot inspection)
- Exit interview

F. Data collection and documentation

The inspection report contains pertinent information to be used as a basis for future permitting, compliance, and enforcement decisions. The WSCS has developed specific inspection report forms for different types of users (e.g., Significant Industrial User, groundwater remediation, dry cleaner, etc.).

The inspection report accomplishes the following three objectives:

1. To organize and coordinate all information in a comprehensive manner for use by WSCS to determine compliance
2. To clearly identify areas that require follow-up activity
3. To provide significant background information on the facility that can be reviewed prior to conducting subsequent inspections at the facility

All documentation that is produced or collected by the ES to provide evidence of suspected violations is included as part of the inspection report. This type of documentation may include the following: the inspector's field notes, statements, photographs, drawings, maps, and copies of records. In general, the type of information contained in the report reflects the type of information collected during the inspection.

G. Evaluation of findings

Information gathered during the inspection is evaluated to determine compliance with the discharge permit or other relevant requirements in accordance with the time frames presented in section 2.1.3.

2.2 Sampling

2.2.1 Sampling used as a means of identifying noncompliance and follow-up to noncompliance

The WSCS sampling and monitoring program is conducted to ensure the following objectives are satisfied:

- To verify the quality of both WSCS sampling and user self-monitoring data
- To verify that sampling locations specified in the WDP are adequate and representative
- To verify compliance with WDP effluent limits (local limits or Categorical Standards) including equivalent concentrations limits for flow-based standards as well as equivalent mass limits applied for concentration limits if applicable
- To support enforcement actions
- To support local limits development
- To support user investigations and permit development and revision
- To ensure consistent and accurate assessment of rates

The following presents a general summary of sampling and monitoring activities. The policies and procedures summarized refer to the permitted users in the pretreatment program but generally apply to all sampling performed by WSCS. Detailed discussions and procedures for the activities can be found in WSCS pretreatment program policies and procedure documentation.

WSCS conducts the following types of sampling:

A. Compliance monitoring

Compliance monitoring is performed to determine the permitted user's compliance with its WDP limits. The majority of this program involves those users subject to Federal (Categorical) Standards. Compliance monitoring is conducted by the user (self-monitoring) and WSCS.

B. Rate monitoring

Rate monitoring is performed as a means of rate recovery for treatment of wastewater flow and conventional pollutants (Biochemical Oxygen Demand and Total Suspended Solids).

C. Pollutant accounting monitoring program

Pollutant accounting monitoring is performed as a means of assessing the contribution of pollutants of concern to the SRWTP from permitted users as well as other categories of users (residential, commercial, hauled liquid waste, urban runoff, etc.). Information obtained from this program is used as an aid to evaluate the need for local limits and as a means of focusing resources toward reduction of the most problematic pollutants.

D. Specific discharge evaluations

Sampling is an integral component of the evaluation of facilities potentially requiring a WDP. Sampling is also applied as follow-up to incident referrals where a determination of the characteristics of a facility wastewater discharge is required.

2.2.2 Responsible personnel

Environmental Specialists (ES) are responsible for conducting sampling and monitoring, ensuring the results are entered into a file (including electronic filing), and recommending any follow-up or enforcement actions. Sampling and monitoring is conducted in accordance with the WSCS general sampling plan prepared by the Supervising Environmental Specialist.

2.2.3 Time frames

The following table outlines the basic time frames for review of results and for responding to noncompliance identified as a result of compliance sampling.

Sampler	Sample Results Receipt	Determining Compliance	Respond to Noncompliance	Total Elapsed Time
WSCS	Within 15 working days	5 working days	5 working days	25 working days
User	10th of the month following the sampling month	5 working days	5 working days	The user must notify WSCS within 24 hours of becoming aware of a violation of the WDP. Sampling must be repeated and reported within 30 days of notifying WSCS.

2.2.4 Sampling procedures

A. Criteria for establishing frequency

The Federal Pretreatment Regulations require SRCSD to sample all Significant Industrial Users (SIUs) at least once per year (40 CFR 403.8(f)(2)(v)). In addition, the regulations require, at a minimum, that all SIUs self-monitor and report their compliance status at least twice per year (40 CFR 403.12(e)(g)(h)). The criteria applied by WSCS for determining the frequency of sampling is based on the same elements as those used for inspections:

- The user's potential to adversely affect the SRWTP or collection system operations (e.g., the type and/or concentration of pollutants in the user's discharge, the type and reliability of control measures used to achieve compliance)
- The volume and variability of the discharge
- The compliance history of the user

- SRWTP or collection system problems known or suspected to have been caused by the user
- Special considerations or circumstances such as seasonal production schedules or batch discharges

Self-monitoring sampling requirements are contained in each WDP. The permit specifies the frequency of sampling, location of sampling, type of sample, parameters for analysis, and quality assurance, quality control submittal requirements.

B. Pollutants not present

For any Categorical User granted a sampling waiver under Federal Pretreatment Regulations, SRCSD must sample once during the permit term or more frequently according to WSCS policy.

C. Description of sampling collection techniques

The quality of the data resulting from the WSCS sampling and monitoring program is ensured by using the following procedures and techniques:

- Collecting representative samples
- Maintaining the integrity of samples through proper handling and preservation
- Adhering to appropriate chain-of-custody and sample identification procedures
- Practicing quality assurance and quality control activities

D. Description of chain-of-custody techniques

"Chain-of-custody" refers to the documented account of changes in possession that occur for a particular sample or set of samples. The chain-of-custody documents the step-by-step path of sample handling from its origin to delivery to the laboratory. Every sample is accompanied by a chain-of-custody sheet which is properly signed and transferred to each person in the chain, from the original sampler to the person documenting receipt of the sample prior to testing.

E. Evaluation of findings

Information obtained as a result of a sampling event is evaluated to determine compliance with the discharge permit or other relevant requirements in accordance with the time frames presented in section 2.2.3.

2.3 Data Management

The WSCS overall database management system (DBMS) is dynamic and continues to evolve in response to changes in technology. The guiding principle for program data management is to automate and integrate information to the maximum degree possible. Tracking of inspections, sampling activities and test results, and enforcement actions (from initiation to closure) are performed through the use of electronic database filing whenever possible. The following presents a general summary of data management activities. Detailed discussions and procedures for the activities can be found in WSCS database management strategic plan and program documentation.

2.3.1 Sewer use inventory

An essential step of the pretreatment program is identifying users discharging nondomestic waste to the sewer system that might be subject to SRCSD permitting. The SRCSD SUO requires users with a potentially regulated discharge to file a Sewer Use Questionnaire (SUQ) or permit application to become part of the WSCS inventory. The SUQ or application provides a declaration of business activities and the type and amount of waste to be discharged. The WSCS may conduct site visits and interviews, or gather further information from a business. The WSCS determines whether or not the user will be required to receive a Wastewater Discharge Permit. Information received from businesses is entered into a tracking database.

A. Responsible personnel

Potential industrial or commercial sewer user information is processed through both WSCS Federal and Local program sections. Staff process SUQ and application information, conduct site visits, determine if a permit is required, and ensure information is filed and tracked in the WSCS inventory database. These actions are performed primarily at the ES level.

B. Time frames

Businesses typically have 30 days to fill out and return an SUQ, application, or other request for information. If a business has not returned the requested information, staff follows up by either a phone call or site visit as appropriate. The SRCSD SUO requires a new business of interest to submit an SUQ 90 days prior to discharge.

C. Procedures for updating the inventory database

The WSCS implements a number of different procedures for updating the inventory database and identifying potential users that might be subject to the WSCS pretreatment program. Updating the inventory database is a continuous process. The following sources of information are used to establish and update the user inventory:

- Contributing agency business license listings supplied to WSCS
- Agency billing and permit services contacts
- Business listings including, but not limited to, Sacramento area phone books, Sacramento area business journals, and internet listings
- General referrals
- Self-reporting

2.3.2 Permitted user inventory

Permits are issued to users based on criteria listed in the SRCSD SUO, EPA Pretreatment Regulations, and local regulatory programs. The WSCS currently maintains an inventory of permitted users in a database which contains appropriate permit, user, and facility information. Permitted user inventories are also tracked in semi-annual and annual reports.

2.3.3 Maintaining current information on permitted users

The WSCS maintains current information on permitted users by means of inspections, SRCSD and user sampling activities (refer to Sections 2.1 and 2.2), monthly compliance report forms including monitoring data and self-certifications, and receipt of any notifications from the permitted user. The files are updated within 30 days of noted change and are filed in the user folder, binder, and/or electronically, as applicable.

Users classified as Class I (Categorical or Significant) or Class II have individual folders or binders containing hard copies of all correspondence with the user generally covering a two- or three-year period. Historic documents are eventually filed electronically in a master repository (FileNET).

2.3.4 Processing and tracking user submissions

In general, it is the responsibility of the ES to ensure all user monitoring and reporting requirements are met in accordance with the WDP or other applicable rules and regulations. In addition, the ES evaluates information submitted for completeness and accuracy and ensures that all user reports are processed in accordance with established WSCS time frames.

The standard procedure for processing user submittals is as follows:

Official reports submitted by the permitted user are received and date-stamped by WSCS administrative support. Information is then routed to the responsible ES for review to verify accuracy and completeness. The review includes an evaluation of compliance with report due dates, numerical standards, sample handling and analysis requirements, signatory certification requirements, monitoring frequency, and other requirements as specified by the user's WDP.

The time frame for complete processing is dependent on the nature of the report. Informational reports (e.g., baseline monitoring, permit renewal applications, notices of changed discharge, notices of potential problems) and compliance reports (e.g., periodic, 30-day noncompliance follow-up, 90-day compliance report, compliance schedule progress report) which demonstrate compliance will be processed in accordance with the time frame established by WSCS. Reports demonstrating noncompliance or identifying the discharge of hazardous waste will be processed within the time frames specified in sections 2.1.3 and 2.2.3.

User compliance histories are continually tracked and officially updated in semi-annual and annual reports submitted to the appropriate regulatory agencies.

2.3.5 Processing user noncompliance

Users demonstrating noncompliance are typically issued a warning letter or a notice of violation. Along with issuance of appropriate enforcement action, an Enforcement Action Summary (EAS) document is generated. Actions related to the enforcement action are tracked using this document and the database management system. Unresolved enforcement

actions (at the minor level) are maintained in an enforcement file (hard copy and/or electronic) by the assigned ES. Once enforcement actions are resolved, the enforcement packet (enforcement action, supporting data, evidence of compliance, closure letter, EAS) are forwarded to the SES for final approval of closure. If enforcement actions are unresolved at the minor enforcement level, the next level of enforcement is initiated (intermediate). Upper level enforcement time frames and activities will be dependent on the severity of the violation. For cases of intermediate or major enforcement activities, the EAS file is expanded accordingly to include escalated enforcement, and actions are tracked in the section database. Upon resolution of noncompliance, all associated documents including the complete EAS is filed in the user's general file. This process includes determination and tracking of significant noncompliance (SNC; for definition of SNC refer to Definitions section of this document). Reporting of SNC is accomplished through the SRCSD Semi-Annual and Annual Reports submitted to the State and EPA.

SECTION 3. ENFORCEMENT RESPONSE AND PROCEDURES

The Sacramento Regional County Sanitation District (SRCSD) enforcement procedures are based on three levels of enforcement responses: minor, intermediate, and major. Although the following procedures are primarily directed at permitted users, they can generally apply to any user violating SRCSD rules and regulations.

User violations of monitoring, reporting, BMPs, and treatment requirements may range from relatively minor violations (e.g., late reports without effluent discharge limit violation) to major violations resulting in treatment plant or collection system upsets. Each instance of noncompliance is a violation and as such is reviewed and appropriately addressed. Selection of the appropriate enforcement response will relate to whether the violation is major or minor, and other factors such as the following:

- Duration and magnitude of the violation
- Compliance history of the user
- Good faith effort of the violator to resolve noncompliance
- Degree of harm caused by the violation

The following table presents an outline of escalating levels of enforcement.

Enforcement Level	Response	Types
Minor	Informal notice	Warning letter Correction notice Telephone call Meeting
	Notice of violation	
Intermediate	Administrative order	Consent Compliance Cease & desist
Major	Emergency Suspension	
	Revoke permit	
	Terminate service	
	Judicial proceedings	Civil Criminal

Upon learning of a violation, the Wastewater Source Control Section (WSCS) will determine the appropriate enforcement action. All compliance notifications at the level of a notice of violation or above will be in writing but may be initiated by verbal notification. Notification of major, intermediate, and notice of violation enforcement actions will be delivered to the user by certified mail or in person.

3.1 Minor Enforcement

The general procedures and time frames for minor enforcement actions are presented in Figure 1. Failure to resolve noncompliance through minor enforcement will escalate the enforcement level to intermediate.

Minor enforcement actions include informal notices or warning letters, corrective notices, informal meetings, and notices of violation.

3.1.1 Informal notices

The informal notice may consist of a telephone call, electronic notice, meeting, warning letter, or corrective notice with a requirement for the user to complete a compliance action. Such informal notice may be used to correct minor, inadvertent noncompliance and to demonstrate that WSCS will note and follow up all instances of noncompliance. Such informal notice may be used to

- Correct minor violations and seek an explanation;
- Require the exercise of more due diligence; and/or
- Notify the violator that subsequent violations of the same type may be dealt with more severely.

3.1.2 Notices of violation

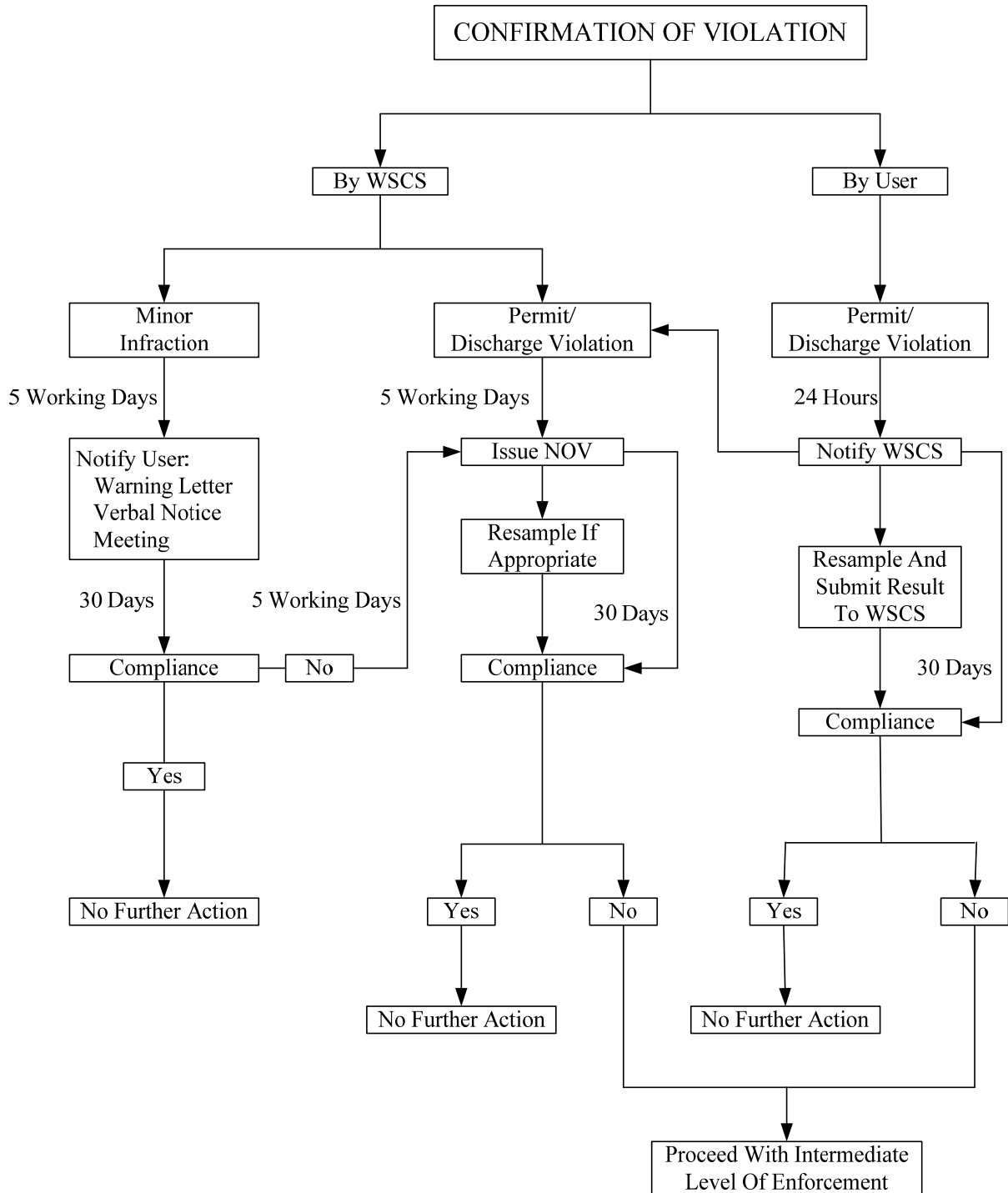
A notice of violation (NOV) is written notice to the user that a violation of a Wastewater Discharge Permit (WDP) limit, Consolidated Sewer Use Ordinance (SUO), or other applicable requirement has occurred, and that non-compliance must be corrected and explained in a timely manner. An NOV is issued for failure to achieve compliance following an informal notice.

When an NOV is issued to a noncompliant user, the user must respond to the NOV within the time period specified in the NOV. The user's timely response to the NOV and acceptable completion of any corrective actions included in the NOV will be considered in determining the need for and type of subsequent enforcement penalties.

Typically, all enforcement actions for the violations set forth in the NOV will terminate when corrective actions have been completed to the satisfaction of WSCS. If a subsequent violation occurs, the process may start over or may continue on to an escalated enforcement action depending on the factors involved.

Figure 1

Procedures for Processing Minor Enforcement Actions



3.2 Intermediate Enforcement (Administrative Orders)

Intermediate enforcement actions may be taken against any user found in noncompliance of the SRCSD SUO, any California State, Federal, or local law or regulation, or a WDP. An Administrative Order (AO) is issued when compliance is not achieved through minor enforcement actions or when egregious violations occur. The WSCS can issue three types of AOs (Figure 2). The time frame for issuance of an AO is a maximum of 30 days from the time of determination of continued noncompliance (e.g., failure to resolve NOV within specified time frame). The circumstances of noncompliance will dictate the appropriate AO to issue. The time frame for compliance after issuance of an AO will vary depending on the circumstances. The following types and guidelines for AO issuance are applied:

3.2.1 Consent order (CO)

A CO is an agreement between SRCSD and the user which contains a compliance schedule for remedial actions and signatures of SRCSD and user representatives. In the CO, the user acknowledges responsibility for its noncompliance and willingness to take remedial action.

3.2.2 Compliance order (CMO)

A CMO is an order directing the user to achieve or restore compliance by a specified date. It is issued unilaterally and contains a schedule with specific milestones used to verify progress. The CMO is typically issued when noncompliance can not be resolved without construction, repair, or process changes, or when the user is not making good faith efforts to achieve compliance.

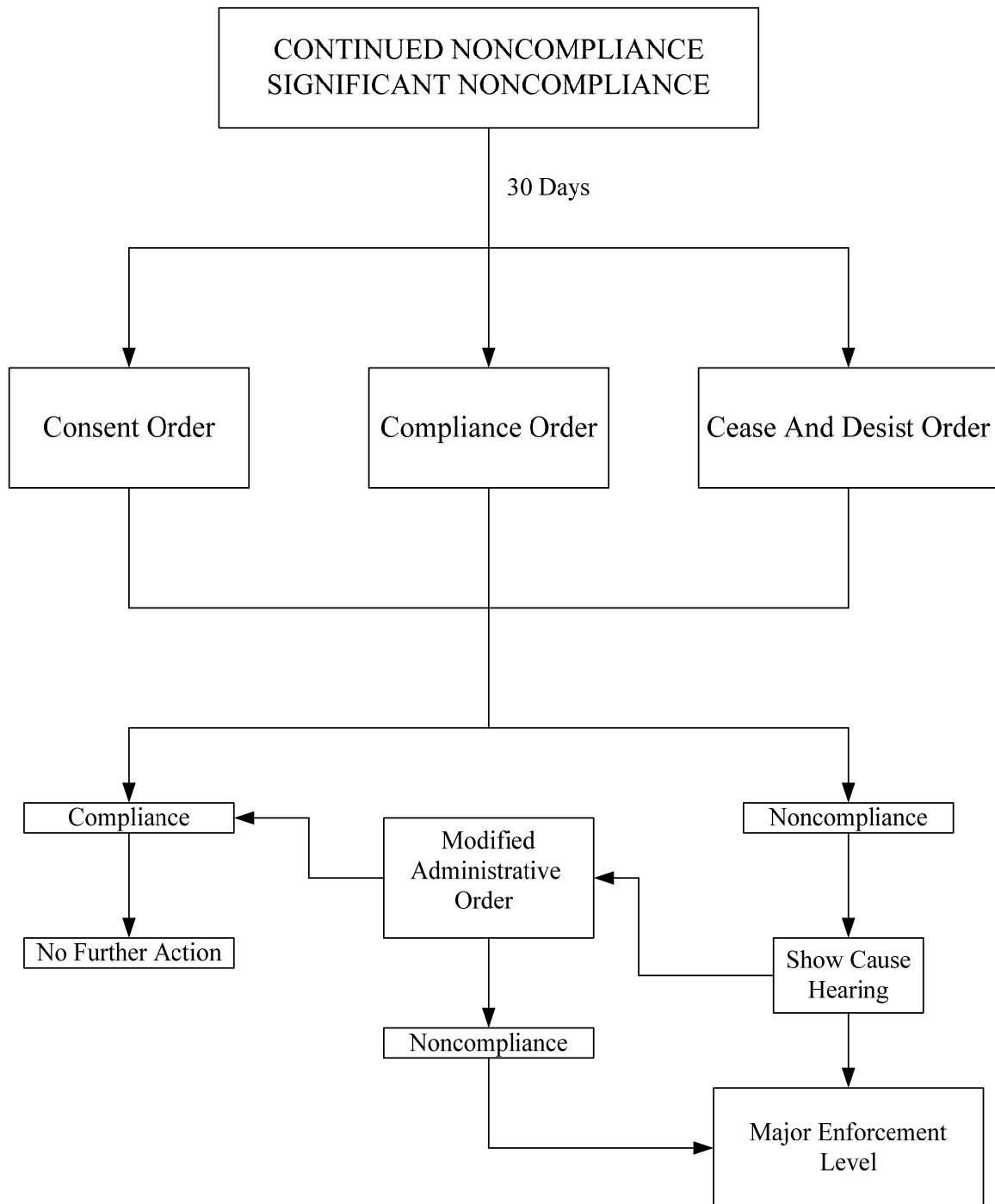
3.2.3 Cease & desist order (C&D)

A C&D is an order directing a noncompliant user to cease illegal discharges or terminate discharges altogether. The C&D must specify a time for illegal discharge to stop (e.g., 24 hours, 5 days, etc.). A C&D is issued when violations continue to recur and/or the discharge could cause problems in the collection system or interference or pass through at the treatment plant.

Failure to resolve noncompliance through intermediate enforcement will escalate the enforcement to a major level.

Figure 2

Procedures for Processing Intermediate Enforcement Actions



3.3 Show Cause Order

Failure to resolve noncompliance through the administrative order process will result in consideration of major enforcement. Prior to initiating a major enforcement action, the user will be issued a show cause order. The order will specify the time and place for a show cause hearing, the proposed enforcement action, and the reasons for such action. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the user. Immediate enforcement action may be pursued following the hearing date whether or not the user appears as ordered. A show cause hearing shall not be a prerequisite for taking any other action against the user. A show cause hearing will not be required in cases where SRCSD elects to pursue civil, criminal, or injunctive actions. These actions will be referred to County Counsel for administration.

3.4 Major Enforcement

Failing all attempts at compliance through intermediate enforcement, SRCSD may pursue major enforcement actions including WDP revocation, service termination, and/or judicial proceedings (civil litigation, criminal prosecution, or action for injunction). Due to the complexities of each case, specific time frames for conducting major enforcement can not be predetermined.

3.4.1 Enforcement order (permit revocation and termination of service)

A user that fails to resolve noncompliance or present adequate information at a show cause hearing is subject to an enforcement order specifying discharge permit revocation and/or termination of service. An order to revoke the WDP will remove the user's right to use the sewer system. Termination may be accomplished by physical severance (or plug) of the user's connection to the collection system. A termination of service order will specify the method and date for termination.

3.4.2 Civil action/Criminal action/Injunctive relief

Any user whose discharge causes damage or harm to the SRCSD sewer system, the public, or the environment or who fails to comply with any enforcement action issued by SRCSD, including decisions by an administrative law judge, shall be held liable, and such action shall be punishable by pursuit of civil action regardless of intent, negligence, an emergency event, or accidental discharge. A civil action can be sought to obtain compliance and/or civil penalties and to recover damages. Civil liability for violation of the SRCSD SUO or WDP or any other law or requirement adopted or ordered by SRCSD may be up to \$25,000 a day for each violation as set forth in California Government Code Section 54740.

SRCSD may seek criminal prosecution for any person who willfully or negligently violates the SUO or WDP with criminal or malicious intent; knowingly makes any false statements, representations, or certifications; or tampers with a monitoring device or method. This includes disposal of waste to the sewer without authorization, misrepresenting or concealing

discharge information, allowing pretreatment equipment to deteriorate through neglect, or failing to prevent anticipated spills.

If it is determined that enforcement action delay has the potential for irreparable harm or the user refuses to comply with issued enforcement actions, SRCSD may seek injunctive relief by petitioning the Superior Court for the issuance of a temporary or permanent injunction as appropriate to restrain or compel the user to achieve compliance.

3.5 Emergency Enforcement (Suspension Order)

In the event of an emergency, the District Engineer or agent has the authority to immediately halt or suspend a wastewater discharge to the sewer system. An emergency suspension order differs from a cease and desist order in the determination that immediate suspension of discharge is necessary to stop an actual or threatened discharge which reasonably appears to present or cause imminent and substantial endangerment to the environment or to the health or safety of persons, or that threatens to interfere with the operation of the SRCSD sewer system. A user notified either verbally or in writing of a suspension of discharge must immediately stop or eliminate the discharge. In the event of the user's failure to immediately comply voluntarily, the District Engineer or agent will take such steps as deemed necessary, including immediate severance of the sewer connection. When the period of endangerment has passed and the District Engineer or agent determines that the user has returned to a state of compliance, the order to terminate discharge may be lifted and the user may resume discharging unless termination proceedings are initiated against the user.

3.6 Nonemergency Suspension

SRCSD may temporarily suspend a WDP for users that are not directly connected to the sewer system (e.g., waste haulers, groundwater dischargers, temporary permits) for violation of WDP requirements or the SUO. The duration of the suspension will be dependent on the nature of the violation and responsiveness of the user. Notification of temporary WDP suspension will be delivered to the user by certified mail or in person and sent by fax and/or email.

3.7 Administrative Civil Liability (ACL)

The process of administrative civil liability allows the SRCSD to directly assess a monetary penalty. The ACL process is handled within SRCSD authority and is independent of civil actions involving court proceedings, although it may require a hearing before an administrative law judge. The penalty amount is determined on an individual case basis.

An administrative complaint is the document issued to the noncompliant user which states the violation and proposed administrative penalty. An administrative complaint may be issued to any user found to be in violation of any requirement adopted or ordered by SRCSD.

Administrative civil penalties may be pursued as follows, under the provisions of the SRCSD SUO:

- Up to \$2,000 a day for each day of failure or refusal to submit technical or monitoring reports
- Up to \$3,000 a day for each day for failure or refusal to timely comply with any compliance schedule issued by SRCSD
- Up to \$5,000 a day for each day for each discharge in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by SRCSD
- Up to \$10 per gallon for each discharge in violation of any suspension, cease and desist order, or other orders or prohibition issued, reissued, or adopted by SRCSD

Rules of Procedure for pursuing administrative civil liability are presented in Appendix 1.

3.8 Annual Publication of Significant Violators

A list of all users found to be in significant noncompliance or issued intermediate enforcement action or higher during a calendar year will be published annually in a local area newspaper prior to March 31 each year for the previous year. A user will be considered in significant noncompliance if its violations meet one or more of the criteria set forth in 40 CFR 403.8(f)(2)(vii) and as described under "Definitions" in this document.

3.9 Noncompliance Costs

In addition to civil and criminal liability, a user violating any of the provisions of the SRCSD SUO or WDP or causing damage to or otherwise inhibiting the SRCSD sewer system is liable for any expense, loss, or damage caused by such violation or discharge. This includes any fines or costs associated with enforcement actions levied against SRCSD including environmental fines and cleanup costs arising out of, pertaining to, or resulting from user noncompliance as well as any related cost of defense, settlement, arbitration, and attorney fees. SRCSD will levy a noncompliance cost to recover costs incurred as a result of user noncompliance. These costs may include, but are not limited to, all costs associated with inspections and sampling activities, analytical laboratory fees, transportation, equipment use, and labor and administrative costs resulting from time spent to investigate and resolve user noncompliance.

SECTION 4. ENFORCEMENT RESPONSE GUIDE

Noncompliance identified by WSCS is reviewed to determine the appropriate level of enforcement. This determination is facilitated by use of the Enforcement Response Guide (ERG). The ERG is a Table which lists the types of noncompliance ("Nature of Violation") and the range of enforcement responses to be taken for each type ("Enforcement Option"). The ERG is to be used as a guide, showing the typical range of responses to be taken for specific violations.

For the purpose of interpretation, a violation is classified as resulting in "harm" if the violation was wholly or partly responsible for one or more of the following:

- Pass through (presence of pollutant in treatment plant effluent) or interference at the treatment plant, or interference, blockage, or obstruction of flow in the collection system contributing to a sewer overflow or backup
- Violation of the SRCSD NPDES permit or any other laws, permits, or regulations applicable to SRCSD
- Damage to structures (including collection system pipes) or equipment of the sewer system
- Endangerment of the health and/or safety of SRCSD personnel or of the public
- Damage to the environment

When addressing a particular instance of noncompliance, WSCS will select an "Enforcement Option" listed in the Table after the pertinent type of violation. When selecting a response, WSCS will consider the following:

- Negative effects of the violation and the circumstances surrounding the violation
- The compliance history and demonstrated good faith of the violator to resolve noncompliance
- Previous enforcement actions taken by SRCSD against the violator
- Anticipated effectiveness of each enforcement option in assuring timely and continuing compliance

There is some overlap in the categorization of noncompliance in the ERG. In such cases, WSCS will consider various enforcement options when determining the response to the incident. If an incident includes more than one type of noncompliance, the most serious type of noncompliance involved in the incident will be the primary determinant of the enforcement response. The WSCS may conduct sampling, monitoring, and inspections as deemed appropriate to resolve noncompliance. Through all levels of enforcement, WSCS may assess noncompliance fees as defined in this document.

ENFORCEMENT RESPONSE GUIDE ABBREVIATIONS

AO = Administrative Order
AP = Administrative Penalty
IN = Informal Notice
NOV = Notice of Violation
SCO = Show Cause Order

A. Non-Permitted Discharge (User requires permitting under pretreatment program)		
Item	Nature of Violation	Enforcement Option
1	User not classified as Significant or Categorical. No harm.	IN Deadline for application submittal not to exceed 30 days.
2	User classified as Significant or Categorical. No harm.	NOV Deadline for application submittal not to exceed 15 days. Issue interim permit within 30 days.
3	Results in harm.	Invoke emergency enforcement as necessary to abate discharge. Deadline for application submittal not to exceed 15 days. Proceed with any of the following: a) Emergency suspension b) NOV c) AO d) Assess AP e) SCO f) Terminate service g) Civil action
4	Evidence of intentional discharge of regulated or toxic pollutants of concern (corrosive materials, metals, and/or priority organics). No harm.	AO Deadline for application submittal not to exceed 15 days. Assess AP
5	Evidence of intentional discharge of regulated or toxic pollutants of concern (corrosive materials, metals, and/or priority organics). Results in harm.	Invoke emergency enforcement as necessary to abate discharge. Proceed with any of the following: a) Emergency suspension b) AO c) Assess AP d) SCO e) Terminate service f) Civil/Criminal action
6	Failure to submit acceptable permit application by specified deadline.	NOV Deadline for application submittal not to exceed 15 days.
7	Permit expires or significant change in discharge has occurred. Failure to submit acceptable renewal application or notification of change.	NOV Deadline for application submittal not to exceed 30 days.
8	Failure to submit acceptable permit application by NOV deadline (A2, 3, 6, 7)	AO
9	Failure to comply with AO (A3, 4, 5, 8)	Proceed with any of the following: a) Assess AP b) SCO c) Terminate service d) Civil/Criminal action

B. Non-Permitted Discharge (Any user)		
Item	Nature of Violation	Enforcement Option
1	Discharge (volume or content) of prohibited substances and/or to prohibited locations and/or resulting in prohibited effects. No harm.	IN or NOV If evidence of intentional discharge, failure to comply with any provisions of the IN or NOV, or repeat violation(s), proceed with any of the following: a) AO b) Assess AP c) SCO d) Terminate service e) Civil action
2	Discharge (volume or content) of prohibited substances and/or to prohibited locations and/or resulting in prohibited effects. Results in harm.	Invoke emergency enforcement as necessary to abate discharge. If evidence of intentional discharge, failure to comply with NOV, or repeat violation(s), proceed with any of the following: a) Emergency suspension b) NOV c) AO d) Assess AP e) SCO f) Terminate service g) Civil/Criminal action

C. Reporting Violations (Any user)		
Item	Nature of Violation	Enforcement Option
1	Report is unacceptable: improper signature, illegible, incomplete, unintentional error, failure to report additional monitoring at point of compliance, or other deficiency.	IN Deadline for complete report submittal not to exceed 30 days.
2	Failure to report permit change of ownership.	IN Deadline for complete report submittal not to exceed 30 days.
3	Acceptable report not submitted within time frame (C1).	NOV Deadline for complete report submittal not to exceed 15 days.
4	Late report (e.g., TTO statement, certification report, technical report, failure to monitor for all constituents, etc.). Permit-required report determined to be late by 45 days will be considered as significant noncompliance for users classified as Categorical or Significant.	NOV Deadline for complete report submittal not to exceed 15 days.
5	Chronically late or unacceptable reports.	Proceed with any of the following: a) AO b) Assess AP c) SCO d) Terminate service/revoke permit
6	Intentional falsification of statement or report.	Proceed with any of the following: a) AO b) Assess AP c) SCO d) Terminate service/revoke permit e) Civil/Criminal action
7	Failure to properly report slug loading, spill, batch discharge, treatment bypass, or emergency event. No harm.	NOV (may require development or modification of slug control plan)
8	Repeated failure to properly report slug loading, spill, batch discharge, treatment bypass, or emergency event or to comply with NOV (C3, 4, 7).	AO
9	Failure to properly report slug loading, spill, batch discharge, treatment bypass, or emergency event resulting in harm and/or evidence of intentional discharge.	Invoke emergency enforcement as necessary to abate discharge. Proceed with any of the following: a) Emergency suspension b) AO c) Assess AP d) SCO e) Terminate service/revoke permit f) Civil/Criminal action
10	Failure to comply with AO (C5, 6, 8, 9).	Proceed with any of the following: a) Assess AP b) SCO c) Terminate service/revoke permit d) Civil/Criminal action

D. Permit Limit /BMP/Monitoring Violations (As applicable)		
Item	Nature of Violation	Enforcement Option
1	Discharge exceeds permit limit or failure to implement BMP. No harm. Exceedance of Technical Review Criteria values as defined in 40 CFR 403 will be considered as significant noncompliance for users classified as Categorical or Significant (D3).	NOV (follow-up sampling as appropriate)
2	Discharge exceeds permit limit or failure to implement BMP resulting in harm, or discharge contains substance that is defined as hazardous waste by State or Federal agencies.	Invoke emergency enforcement as necessary to abate discharge. Proceed with any of the following: a) Emergency suspension b) NOV c) AO d) Assess AP e) SCO f) Terminate service/revoke permit g) Civil/Criminal action
3	Discharge determined to be in significant noncompliance.	Publish in local newspaper a minimum of once annually.
4	Improper monitoring procedures, failure to take representative sample, or failure to sample.	NOV Require follow-up sampling. If evidence of tampering with equipment or samples, proceed with any of the following: a) AO b) Assess AP c) SCO d) Terminate service/revoke permit e) Civil/Criminal action
5	Failure to install, operate, and/or maintain pretreatment, sampling, or monitoring equipment.	NOV
6	Failure to meet requirements specified in NOV (D1, 2, 4, 5), or discharge exceeds permit limit based on resampling or recurring violations. No harm.	AO
7	Failure to meet requirements specified in NOV (D1, 2, 4, 5), or discharge exceeds permit limit based on resampling or recurring violations. Results in harm.	Proceed with any of the following: a) AO b) Assess AP c) SCO d) Terminate service/revoke permit e) Civil/Criminal action
8	Failure to comply with AO (D2, 4, 6, 7)	Proceed with any of the following: a) Assess AP b) SCO c) Terminate service/revoke permit d) Civil/Criminal action

E. Miscellaneous Violations (Any user)		
Item	Nature of Violation	Enforcement Option
1	Inadequate record keeping (incomplete or missing); minor.	IN
2	Significant record keeping errors or omissions.	NOV
3	Denial of entry or adequate access for inspection of facility or records.	IN
4	Continued denial of entry or adequate access for inspection of facility or records and/or reasonable suspicion that a violation is occurring.	Proceed with any of the following: a) Obtain and conduct inspection under warrant b) NOV c) AO d) Assess AP e) SCO f) Terminate service/revoke permit g) Civil/Criminal action
5	Violations of permit requirements not listed elsewhere in this table.	NOV
6	Failure to implement mandatory Best Management Practices.	IN (for initial violation) NOV (for continued violation)
7	Dilution of waste discharge in lieu of treatment.	Proceed with any of the following: a) NOV b) AO c) Assess AP d) SCO e) Terminate service/revoke permit f) Civil/Criminal action
8	Concealment of violations.	Invoke emergency enforcement as necessary to abate discharge. Proceed with any of the following: a) Emergency suspension b) SCO c) Terminate service/revoke permit d) Civil/Criminal action
9	Failure to meet requirements specified in NOV (E2, 4, 5, 6, 7), or discharge exceeds permit limit based on resampling or recurring violations. No harm.	AO
10	Failure to meet requirements specified in NOV (E2, 4, 5, 6, 7), or discharge exceeds permit limit based on resampling or recurring violations. Results in harm.	Invoke emergency enforcement as necessary to abate discharge. Proceed with any of the following: a) Emergency suspension b) AO c) Assess AP d) SCO e) Terminate service/revoke permit f) Civil/Criminal action
11	Failure to mitigate noncompliance or halt production. No harm.	Proceed with any of the following: a) NOV b) AO c) Assess AP d) SCO e) Terminate service/revoke permit f) Civil/Criminal action

E. Miscellaneous Violations (Any user)		
Item	Nature of Violation	Enforcement Option
12	Failure to mitigate noncompliance or halt production. Results in harm.	Invoke emergency enforcement as necessary to abate discharge. Proceed with any of the following: a) AO b) Assess AP c) SCO d) Terminate service/revoke permit e) Civil/Criminal action
13	Failure to respond to SCO (E4, 7, 8, 10, 11, 12).	Proceed with any of the following: a) Terminate service/revoke permit b) Civil/Criminal action