ENFORCEMENT RESPONSE PLAN
Pretreatment Program

SALT LAKE CITY DEPARTMENT OF PUBLIC UTILITIES
SALT LAKE CITY CORPORATION

September 2026

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ERP History and Modifications

The purpose of this sheet is to document changes made to the ERP and provide a history of changes and resolutions. Due to the nature of the ERP updates may occur from time to time.

April 22, 2021 *(revised by RCM)*

- *Updated Table 1 and Section XII Responsibility of Pretreatment Personnel to include updated position titles.*

August 13, 2024 *(revised by RCM)*

- *Updated the Enforcement Response Guide to include interference and passthrough.*

September 30, 2026 (revised by RCM)

- *Updated job titles and other minor formatting.*

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I. INTRODUCTION, PURPOSE AND OBJECTIVES

Federal [40 CFR 403.8(f)(5)] and State [R317-8-8.8(6)(b)11] Pretreatment regulations require that each Publicly Owned Treatment Works (POTW) with an approved Pretreatment Program develop and implement an Enforcement Response Plan (ERP). This plan contains procedures indicating how the POTW investigates and responds with timely and effective enforcement actions against Industrial Users (IUs) for failure to comply with Pretreatment Standards and Requirements.

This ERP reflects Salt Lake City Corporation's (City's) primary responsibility for enforcing all applicable Pretreatment Standards and Requirements. By regulation, this ERP must:

(1) Describe how the POTW will investigate instances of noncompliance;

(2) Define the range of appropriate escalating enforcement responses the POTW will take based on the nature and severity of all anticipated types of IU violations and the time periods within which responses will take place in accordance with 40 CFR 403.8(f)(1)(vi)(A & B);

(3) Identify by title the official(s) responsible for each type of response; and

(4) Adequately reflect the POTW's primary responsibility to enforce all applicable Pretreatment Standards and Requirements, as detailed in 40 CFR 403.8(f)(1) and (f)(2).

In addition, the purpose of this ERP is:

(1) To outline the procedures used to identify, document, track, and respond to noncompliance;

(2) To provide guidance for consistently selecting the most appropriate enforcement responses for similar violations and circumstances; and

(3) To promote consistent and timely use of enforcement remedies.

II. LEGAL AUTHORITY

The City is required under federal law to operate a Pretreatment Program. Chapters 17.32, 17.36, 17.52, 17.68 and 17.69 of the City's Wastewater Control and Sewer System Ordinances (Ordinance) provide the Pretreatment Standards and Requirements for operating the Pretreatment Program and the legal authority for the enforcement of the Pretreatment Program and the development of this ERP. The Ordinance outlines procedures for the implementation of the Federal Regulations (40 CFR 403), which create Pretreatment Standards, and Section R317-8-8 of the Utah Administrative Code governing the responsibilities of municipalities and owners of POTWs. The Ordinance also includes an outline of the administrative enforcement procedures and civil and criminal penalties for violations. The ownership responsibilities are exercised by the City headed by the Director of the Salt Lake City Public Utilities Department (Director).

III. ESTABLISHMENT OF RULES AND REGULATIONS

Under Ordinance Section 17.36.010, the Director (or his or her designated representative) is responsible for supervising and directing all operations at the POTW. Ordinance Section 17.32.030 authorizes and empowers the Director to adopt such rules, regulations, and policies as shall be reasonably necessary to implement the provisions of the Ordinance and administer the wastewater treatment program of the City. The Director may, from time to time, as the Director deems necessary, prepare additional rules and regulations pertaining to the quality of sewage or non-domestic or liquid waste discharges to the sewerage facilities of the City, and act to modify or amend such existing rules and regulations.

IV. ADMINISTRATION AND JURISDICTION

All IUs discharging non-domestic wastewater to the POTW are subject to the provisions of this ERP. The Control Authority (City) should consistently administer and implement the elements of this ERP. This ERP does not preclude the City from taking any, all, or a combination of actions against a non-compliant IU.

The Pretreatment Program/Regulatory Compliance Manager (RCM) routinely exercises the authority of the Director and the Water Reclamation Manager (WRM) as his or her designated representative in all activities concerning the Pretreatment Program. Reporting to the WRM the RCM plans, schedules and coordinates daily work tasks for the Pretreatment Program Staff. Under the Pretreatment Program Coordinator, Pretreatment Program Permit Writers/Inspectors (PI) and Samplers (PS) are responsible for full implementation of the inspection, sampling, and documentation activities leading to the activation of enforcement actions for noncompliance. The primary responsibilities of PIs and PSs are to coordinate and maintain the processes necessary to ensure that Significant Industrial Users (SIUs) comply fully with the Ordinance. This ERP is designed to assist all responsible parties to understand and enforce the City's industrial wastewater control requirements and policy. The parties involved include Water Reclamation Division Management and other Salt Lake City Department of Public Utilities personnel, City Attorney (CA), SIUs, designated third-party participants, and members of the community of stakeholders.

V. DEFINITIONS[1]

Administrative Orders: Administrative Orders (AOs) are enforcement documents that direct IUs to undertake or cease specified activities by specified dates. Administrative Orders may incorporate compliance schedules, timeframes, administrative penalties, and termination of service orders. Administrative Orders include:

a) **Consent Orders** – Written documents prepared by the City that itemize noncompliance and include specific action to be taken by the IU to correct the noncompliance within a time period specified by the Order. Consent Orders are generally developed as a result of Departmental Meetings between the City and the IU, and both parties have agreed to the terms and conditions.

b) **Compliance Orders** – Written documents prepared by the City that itemize noncompliance or continued noncompliance and direct the IU to achieve or restore compliance within a specific time period (usually 30 to 90 calendar days) specified in the Order. Compliance Orders may also contain other requirements to address noncompliance, including additional self-monitoring, a compliance schedule, the payment of monetary penalties, or cost recovery for and the imposition of fines when milestones are not met and management practices designed to minimize the amount of pollutants discharged to the POTW are not implemented. Compliance Orders may be issued as First or Final Compliance Orders and are often issued by the City with the agreement of the IU concerned but agreement is not necessary.

c) **Cease and Desist Orders** – Written documents prepared by the City that itemize noncompliance or continuing noncompliance and direct a non-compliant user to cease and desist all such violations and immediately comply with all requirements and take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

d) **Termination of Discharge or Permit Revocation** – A written notice prepared by the City and delivered to an IU serving notification of the City's intent to revoke the wastewater discharge permit (Permit) or terminate the IU's wastewater discharge. The notice may include an

1 Many of the definitions reported here are directly related to items defined or described in Ordinance Chapters 17.32 and 17.68.

opportunity for the IU to show cause, under Ordinance Section 17.68.030, why the proposed action should not be taken.

Administrative Fines: Monetary penalties imposed by a court or the City on IUs who are found to have violated or continue to violate any provision of the Ordinance, a Permit, Order issued thereunder, or any other Pretreatment Standard or Requirement.

Best Management Practices: "Best Management Practices" or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Ordinance Section 17.36.060.A and B. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established Categorical Pretreatment Standards and effluent limits.

Civil Action: An Order, hearing, or other action taken before a presiding court.

City: Salt Lake City Corporation.

Compliance Schedule: A timetable contained in an Administrative Order or other enforcement document for the implementation of corrective actions by an IU in order to achieve consistent compliance.

Control Authority: The Control Authority is Salt Lake City Corporation.

Criminal Action: Similar to civil action, but the charges are for criminal conduct.

Departmental Meeting: A scheduled informal meeting between the City and the IU held to determine actions to be taken when there is noncompliance, continuing noncompliance, or the potential of environmental damage as a result of illegal discharges. The meeting may result in the development of any type of Administrative Order depending on the extent and severity of the noncompliance.

Director: The Director of Salt Lake City Department of Public Utilities or his or her designated representative.

Good Faith Effort: Prompt and vigorous pollution control measures undertaken by the IU, which show that extraordinary efforts have been made to achieve compliance. Good faith may also be defined as the user's honest intention to remedy its noncompliance, coupled with actions, which give support to this intention.

Industrial User (IU) or User: "Industrial User or User" means a source of indirect discharge.

Interference: A discharge that, alone or in conjunction with a discharge or discharges from other sources, either inhibits or disrupts the POTW, its treatment processes, or operations or its sludge process use or disposal and therefore is a cause of a violation of any requirement of the POTW's UPDES Permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder or more stringent State or local regulations; Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); State regulations contained in any Utah 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.

Noncompliance: Any level of violation that exceeds a Federal or State Regulation, an Ordinance requirement, a Permit limitation, BMP or Pretreatment Standard or Requirement, reporting requirement, or compliance deadline. Noncompliance will usually be a first or second offense and will not be severe or meet the definition of Significant Noncompliance.

Notice of Significant Noncompliance NOSNC: A Notice of Significant Noncompliance (NOSNC) is a written document that is issued to IUs that have been determined to be in significant noncompliance as defined below. The procedure for issuing this document is contained in the body of this ERP.

Notice of Violation (NOV): A Notice of Violation (NOV) is a written document that is issued to IUs that have violated, or is violating, any provision of the Ordinance, a Permit or Order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement. Within ten (10) calendar days after the receipt of such notice, an explanation for the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions, shall be submitted by the IU to the Director. Submission of this plan in no way relieves the IU of liability for any violations occurring before or after receipt of the NOV. The procedure for issuing this document is contained in the body of this ERP.

Publicly Owned Treatment Works (POTW): Publicly Owned Treatment Works (POTW) means a treatment works, as defined by Section 212 of the Act (33 USC 1292), or its successor, which is owned by Salt Lake City Corporation having statutory authority to collect and treat sewage. This definition includes any sewers, pumping stations, and appurtenances used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. Building and sewer laterals are not included in this definition.

Show Cause Hearing: A Hearing between the City and the IU during which the IU is requested to show cause why proposed enforcement action should not be taken. A written meeting notice shall be served on the IU at least seven (7) calendar days prior to the hearing and the notice shall specify the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the User show cause why this proposed enforcement action should not be taken.

Significant Noncompliance: "Significant Noncompliance" "(SNC)" shall be applicable to all SIUs (or any other IU that violates paragraphs (c), (d) or (h) of this definition) and shall mean a condition created by a violation, or set of violations, which meets one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats oils and grease [Hexane Extractible Material (HEM) and Silica Gel Treated-HEM (SGT-HEM)], and TRC equals 1.2 for all other pollutants except pH);

(c) Any other violation of a Pretreatment Standard or Requirement, (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) calendar days of the scheduled date, a compliance schedule milestone contained in a Permit or enforcement Order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within forty-five (45) calendar days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment

Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of BMPs, which the Director determines will adversely affect the operation or implementation of the local Pretreatment Program.

Termination of Discharge: means an order (in concert with Permit revocation) for the revocation of an IU's privilege to discharge non-domestic wastewater into the sewer system. Termination of discharge may be used when an IU commits any of the acts or omissions included in Ordinance Section 17.68.080 A-G,. The User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause as to why the proposed action should not be taken. Termination of discharge may be accomplished by any or all of the following:

(a) Physical severance of the IU's connection to the collection system,

(b) Issuance of a Cease and Desist Order that compels the IU to immediately terminate its discharge,

(c) Revocation of the IU's Permit, or

(d) A court ruling.

Verbal Notification: Verbal notifications by telephone or in person provide an immediate notification of violations (e.g., notification of permit limitation exceedance based on results from City performed sampling). In general, verbal notifications are separate from the actual enforcement action. Verbal notifications are documented and placed in the respective IU file.

Verbal Warning: A warning communicated to the IU orally, by telephone call, or by e-mail with acknowledgement, which provides notification that future noncompliance may be subject to escalated enforcement.. The warning is usually issued for minor isolated violations or as an initial step leading to an escalated enforcement response. Verbal warnings related to enforcement or the investigation of suspected violations are documented in writing and placed in the respective SIU's file.

Violation: A violation is derived when assessment of noncompliance finds an infringement of a specific Pretreatment law, regulation or Permit condition, actions, inactions, or discharge from an IU have exceeded a federal, state, or city wastewater regulation including but not limited to: impact on the POTW, pretreatment discharge standard or requirement, BMP standard, reporting requirement, or compliance deadline.

Warning Letter: A Warning Letter is issued under the same circumstances as a Verbal Warning. The letter may be issued as a follow-up letter to the Verbal Warning or in lieu of a Verbal Warning.

VI. ABBREVIATIONS

The following abbreviations, when used in this ERP, shall have the designated meanings:

BMP – Best Management Practice
CA – City Attorney
CFR – Code of Federal Regulations
DDPU – Deputy Director of Public Utilities
DPU – Director of Public Utilities
EPA – U.S. Environmental Protection Agency
ERG – Enforcement Response Guide

ERP – Enforcement Response Plan
FOG – Fats, Oils, and Grease
IU – Industrial User
IWS – Industrial Waste Survey
NOSNC – Notice of Significant Noncompliance
NOV – Notice of Violation
PI – Pretreatment Program Permit Writer/Inspector
POTW – Publicly Owned Treatment Works
RCM – Pretreatment Program Manager
PPC – Pretreatment Program Senior Staff Technician
PS – Pretreatment Program Inspector/Sampler
SIU – Significant Industrial User
SNC – Significant Noncompliance
UPDES – Utah Pollutant Discharge Elimination System
USC– United States Code
WL – Warning Letter
WRM – Water Reclamation Administrator

VII. PROCEDURES TO IDENTIFY NONCOMPLIANCE

To identify initial noncompliance of IUs, the Pretreatment Program may utilize the following methods:

Industrial Waste Survey

Essential steps for identifying noncompliance is knowing who is discharging non-domestic wastewater to the POTW, where they are located, and the nature of the non-domestic wastewater being discharged. The Pretreatment Program maintains an inventory of non-domestic sources of wastewater to the POTW. The City implements controls on IUs by conducting an industrial waste survey (IWS) which identifies the non-domestic users contributing wastewater to the system, including the types and amounts of pollutants they manage and discharge. (Refer to Section 2A of the Pretreatment Program Submission for a detailed description of the implementation and maintenance of the inventory of non-domestic sources of wastewater and the IWS.) Violations detected during IWS site visits are documented in the IU's files and are evaluated using this ERP.

Field Inspections

Permitted SIUs and other IUs are inspected by Pretreatment Program Staff prior to Permit issuance or as otherwise deemed necessary by the Director. Pretreatment Program staff perform inspections at each permitted SIU not less than once a year to evaluate compliance with Pretreatment Standards and Requirements and the Permit. In the case of SIUs subject to reduced reporting requirements under 40 CFR Part 403.12(e)(3), the Control Authority conducts inspections at least once every two (2) years [40 CFR 403.8(f)(2)(v)(C)]. During the facility's site inspection, Pretreatment Program staff gather data necessary for the evaluation of SIU compliance. This data includes facility observations, employee statements, analytical documents, physical evidence, and other information that may lead to enforcement action resulting from noncompliance. Types of noncompliance include but are not limited to the identification of un-permitted or illegal discharges, bypass plumbing, pretreatment equipment malfunction, documentation irregularities, and changed production processes. Pretreatment Program staff are responsible for evaluating compliance with these requirements and documenting any violations. The PPC or RCM will assess the severity of the violation and the enforcement action to be taken.

Screening of SIU Self-Monitoring Data

Pretreatment correspondence arriving at the Pretreatment Program office is opened and date stamped. The United State Postal Service (USPS) or other postmark date on the envelope is

recorded with the correspondence. Envelopes or an electronic facsimile/copy of the envelope are retained to determine postage dates, where required (e.g. to show noncompliance with due date). Periodic compliance reports must be addressed or hand delivered to the Pretreatment Program at the Water Reclamation Facility as required by the user's Permit. In general, Pretreatment Program staff will review and assess periodic compliance reports within five (5) business days from its receipt at the Pretreatment Program office. NOV responses, compliance schedule milestones, baseline-monitoring reports, and any other information pertaining to the permitted facility may be similarly assessed. All instances of noncompliance are reviewed and appropriate enforcement procedures initiated. Copies of the correspondence are retained in the IU's file. Pretreatment Program staff evaluate compliance with Pretreatment limitations (e.g., Permit Limits and other regulatory limits) each time data is received, and at the end of each annual reporting period.

Noncompliance with monitoring occurs when an SIU fails to conduct the self-monitoring required by its Permit. The severity of the violations depends on how much required self-monitoring was actually completed. All sampling and analysis must be performed in accordance with 40 CFR 136 methodology. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the 40 CFR 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses must be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA. All analytical data submitted by an SIU must be collected from the permitted monitoring point and analyzed by a laboratory certified to perform the analyses by the Utah Bureau of Laboratory Improvements or approved by the Director. Each time a periodic compliance report is received from an SIU, it is the responsibility of the Pretreatment Program staff to compare the report to the Permit requirements and evaluate compliance with monitoring requirements.

Reporting violations occur when an SIU fails to provide information that is required by the Permit within the time period stated in the Permit, or when the information is incomplete or false. Reports required by the Permit or regulation include but not be limited to self-monitoring reports, slug discharge control plans, baseline monitoring reports, 90-day compliance reports (calendar days) and sludge handling plans. In the case of late or incomplete reports, the severity of the violation depends on the length of time the report is late. If a complete report is not submitted within forty-five (45) calendar days of the due date, the violation is considered SNC. Knowingly submitted false information is always considered as SNC. Pretreatment Program staff are responsible for tracking the report due dates included in Permits and for evaluating compliance in terms of the tardiness and completeness of the submissions.

Screening of Compliance Data Collected by the City

Regulatory sampling is carried out by trained personnel collecting representative samples of the SIU/IU discharge to the City's sewer collection system (POTW), preparing the samples, and delivering them to the appropriate analytical laboratory for analysis according to regulatory requirements. Within five (5) business days of analytical report receipt, compliance-monitoring data collected by the City is compared with pollutant concentration or mass limitations and other discharge requirements contained in a Permit and Ordinance. Any instances of noncompliance will be acted upon. Appropriate enforcement action should commence according to the procedures included in this ERP. Copies of monitoring activities and analytical data are retained in the Pretreatment Program files. Severity depends on many factors including whether the noncompliance meets the definition of SNC. Pretreatment Program staff evaluate compliance each time data is received, and at the end of each SNC evaluation rolling six (6)-month period.

Review of Enforcement Documents

Any SIU noncompliance is subject to some type of enforcement action as outlined in this ERP. Enforcement documents such as NOVs, NOSNC, AOs, etc. are issued according to the severity of the violation(s). Violations of the requirements of these documents are similar to Permit noncompliance, in that they often but not always occur as limit violations, monitoring violations, and reporting violations. Violations of enforcement Orders can also include missing milestone dates, and noncompliance with final limits or requirement once the Order has expired. However, all violations of AOs, with the possible exception of interim limits violations and minor delays in submission of required reports, may be considered SNC. Pretreatment Program staff track compliance with each current enforcement document issued and assess escalating enforcement actions with respect to the Enforcement Response Guide (ERG).

Screening of Telephone and Fax Data

Analytical data and other messages relayed to the Pretreatment Program office by telephone, electronic mail, or facsimile copy are documented and maintained in the IU's file. The documentation, as applicable, includes the name of the person taking the call, the name of the caller, the date of the message, the name of the IU, and the details or results of the message. These records are only used for identifying the date and time of required noncompliance reporting by an IU or notification of a violation to the IU by the City. The date and time recorded automatically on fax-transmitted analytical data is only used to record the receipt of a periodic compliance report or omitted data, provided that an original copy of the complete report is received after the fax.

Response to Complaints

When complaints from sewer customers, sewer maintenance staff, or other persons are received by the Pretreatment Program office, Pretreatment Program staff or other City personnel respond to these complaints and investigate the source of any suspected discharge violations. The complaints may include, but are not limited to, excessive grease in sewer lines or lift stations, suspected illegal connections, and suspected improper discharges. The investigation may include consulting sewer line diagrams and tracking back to possible sources of the discharge. Other complaints may come from other users, agencies, or citizens. All complaints received should be investigated as soon as practicable. All complaint responses should be documented. Violations identified as a result of investigation of a complaint will be processed in accordance with this ERP.

VIII. ERP ACTIVATION

An enforcement response is initiated when the City becomes aware of any of the following events:

a) Any violation of Ordinance requirements.
b) Violation of any federal, state, or municipal requirements pertaining to wastewater discharge or BMP based standards that the City has the duty to enforce.
c) Any violation of any Permit requirements issued by the City.
d) Any violation of monitoring and reporting requirements issued by the City.
e) Failure of a discharger to comply with any enforcement document or AO.
f) Failure of a discharger to meet a compliance milestone/deadline.
g) Failure of a discharger to report a violation as defined herein.
h) Failure of a discharger to keep required records of self-monitoring reporting activities.

IX. FILE REVIEW AND ENFORCEMENT CLASSIFICATION

Upon discovery of any violation, the SIU's file is reviewed. Based on the new violation, history of violations, and efforts to maintain compliance, the severity level of noncompliance may be classified as noncompliance or SNC.

a) **Noncompliance:** any level of violation that exceeds a Federal or State Regulation, an Ordinance requirement, a City Permit limitation, BMP or Pretreatment Standard or Requirement, reporting requirement or compliance deadline. Noncompliance will usually be a first or second offense and will not be severe or meet the definition of significant noncompliance.

b) **SNC**: a level of violation as described in the definitions section of this ERP.

X. ENFORCEMENT PROCEDURES

The City uses a progressive enforcement policy designed to maintain a fair and equitable system for enforcement of environmental laws to ensure that fines and penalties are proportionate to the violations, to provide maximum flexibility and effectiveness in enforcement actions, and to provide a system of escalating fines and penalties to encourage prompt compliance. Generally, enforcement follows the enforcement sequence in Table 1 below. However, other enforcement options may be pursued directly, bypassing the use of the initial procedures, depending upon the severity of the violations as outlined below in the ERG. This allows for a large degree of enforcement flexibility and a wide range of enforcement options to most efficiently gain compliance. Therefore, as deemed necessary, an enforcement action may be upgraded or escalated depending on the circumstances of the case. In the unlikely event that the RCM deems that enforcement action less severe than described in this ERP is warranted, the justification will be documented and reviewed with the WRM. Table 1 also identifies the person that generally will take the enforcement action. Section II provides details with respect to each enforcement action.

Table 1
OUTLINE OF ESCALATING ENFORCEMENT ACTIONS

LEVEL	SUMMARY	COMMENT	PERSON*
I	Verbal Warning or Warning Letter	A Verbal Warning or Warning Letter may be issued for minor violations or activities that may lead to a violation. Warning Letters may be issued as follow-up, or in lieu of Verbal Warnings.	PS, PI, PPC, RCM
II	Notice of Violation (NOV) or Notice of Significant Noncompliance (NOSNC), if applicable)	A single NOV (or NOSNC, if applicable) may be issued for each noncompliance with a numerical limit or BMP, or for a series of consecutive daily exceedances of the same numerical limit or BMP, which constitute an event. Over longer periods, separate NOVs (or NOSNCs, if applicable) may be issued for separate exceedances of a numerical limit for a single pollutant or multiple pollutants or BMPs. NOVs or NOSNCs may also be issued for noncompliance with regulations or requirements of the Permit or the Pretreatment Program, as decided on a case-by-case basis. Administrative fines may be assessed at this level of enforcement.	RCM, WRM
III	Departmental Meeting & Consent Order	If after the issuance of a NOV (or NOSNC, if applicable) an IU fails to attain compliance, a Departmental Meeting with the IU may be held. A Consent Order, including a compliance schedule may be issued by the WRM to the IU documenting the agreement. The Consent Order should generally be agreed on by both parties. Administrative fines may be assessed at this level of enforcement.	WRM
IV	Compliance Order	In cases where the NOV (or NOSNC, if applicable) and/or Consent Order does not result in compliance, or there have been multiple NOVs or NOSNCs and restoration of compliance for the same parameter or BMP, the City may develop and issue, without necessarily first consulting the non-compliant IU, a First Compliance Order. Administrative fines may also be assessed at this level of enforcement.	WRM
V	Show Cause Hearing and Final Compliance Order	This step is typically taken after a First Compliance Order fails to achieve compliance. A Show Cause Hearing may be held where the discharger explains to the City why compliance cannot be achieved and/or compliance cannot be achieved in the time frame specified and why a proposed enforcement action should not be taken. The City will then develop and issue a Final Compliance Order containing necessary actions and a time schedule for return to compliance, including reporting dates and requirements. This Order will also inform the IU that this is the last action before possible termination of discharge and/or revocation of the Permit. The City may require extensive modification or upgrading of pretreatment equipment. Administrative fines may also be assessed at this level of enforcement.	WRM, DDPU
VI	Emergency Suspension, Termination of Discharge, Revocation of Permit, Water Supply Severance	Final actions taken when compliance is not achieved at the end of the Final Compliance Schedule time period. Causes the IU to cease wastewater discharge, temporary or permanent, as determined on a case-by-case basis. Show Cause Hearings are held in conjunction with Termination of Discharge and Revocation of Permit. Administrative fines may also be assessed at this level of enforcement.	DDPU, DPU, CA
VII	Cease & Desist Order/Injunctive Relief/Search Warrant	Order for serious violation(s) possibly causing damage or bodily harm to the employees, the general public or the POTW. Causes the IU to cease wastewater discharge, temporary or permanent, as determined on a case-by-case basis. Administrative fines may also be assessed at this level of enforcement. Search warrant for refused entry for inspection/sampling.	City Legal Department, WRM, DDPU, & DPU
VIII	Civil Action	City initiates Court action against the IU. Generally issued to recover costs.	City & Court System
IX	Criminal Action	Culminating activity with possible jail terms and cost recovery.	City & Court System
*	The pretreatment program personnel titles may differ from those listed herein; however, the roles and responsibilities are consistent within the program and this ERP (see Section XII).		

XI. TYPES OF ENFORCEMENT ACTIONS

Whenever the Director finds that any SIU has violated or is violating any prohibition, limitation, BMP standard or requirement contained herein, or finds that any IU is in SNC with wastewater discharge regulations, the Director or his or her designated representative, may serve upon such SIU or IU:

a) A Verbal Warning or Warning Letter
b) An NOV
c) A Departmental Meeting and Consent Order
d) A NOSNC
e) A First Compliance Order
f) A Show Cause Hearing and Final Compliance Order
g) Emergency Suspension
h) Final Show Cause Hearing and Termination of Sewer Service/Permit Revocation
i) Cease and Desist Order
j) Reference to the appropriate Court for injunctive relief, search warrant, civil or criminal action

Generally, enforcement follows the sequence listed above. However, depending on the severity and duration of the violation, enforcement may begin at any step. Any notice given under this ERP must be in writing and served in person or by registered or certified mail, return receipt requested. Ordinance Chapter 17.68 describes the enforcement remedies available to the Director at and above the NOV action level.

Verbal Warning or Warning Letter: The Verbal Warning can be by telephone call, email with acknowledgement, or in-person communication. Verbal Warnings will not be used when SNC or previous enforcement action has occurred for a particular type of violation in the previous twelve (12) months. The Pretreatment Program keeps a written record of communications for future reference. The Verbal Warning is usually issued for minor isolated violations or as an initial step leading to an escalated enforcement response. A Warning Letter is issued under the same circumstances as a Verbal Warning. The letter may be issued as a follow-up letter to the Verbal Warning or in lieu of a Verbal Warning.

Written Notice of Violation: When an IU has violated, or continues to violate, any provision of the Ordinance, a Permit, or Order issued thereunder, or any other Pretreatment Standard or Requirement that is considered to meet the definition of "violation" given in this ERP, the RCM may serve upon that IU a written NOV. A single NOV may be issued for each noncompliance with a numerical limit or BMP, or for a series of consecutive daily exceedances of the same numerical limit or BMP, which constitute an event. Over longer periods, separate NOVs may be issued for separate exceedances of a numerical limit for a single pollutant or multiple pollutants or BMPs. In general, a pattern of separate exceedances (i.e., recurring violation of the same parameter) would lead to escalated enforcement. NOVs may also be issued for noncompliance with regulations or requirements of the Permit or the Pretreatment Program, as decided on a case-by-case basis. Within ten (10) calendar days of the receipt of such notice, a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the IU to the RCM. Submission of such a plan in no way relieves the SIU/IU of liability for any violations occurring before or after receipt of the NOV. Nothing shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a NOV. Administrative fines may be assessed at this level of enforcement.

Notification of SNC (NOSNC): The RCM assesses all permitted SIUs at the end of each Pretreatment quarter (usually by the 15th of the month following the end of the quarter) to determine if the SIUs are in SNC for the previous six (6) month period using the criteria for SNC defined above and in Ordinance Section 17.32.580. In most cases a NOSNC will be issued to an affected SIU within thirty (30) calendar days of the end of the period, if not already issued. The SIU will be designated in SNC and reported in the Annual Pretreatment Program Report. In addition, the SIU will be subject to the procedures outlined in Ordinance Section 17.52.260 of the Ordinance (Publication of Users in SNC). These procedures include provisions to provide public notification. (Refer to Section 2H of the Pretreatment Program Submission for

details of the public notification process.) Any non-permitted IU which violates paragraphs (c), (d) or (h) of the criteria defining SNC (see above) is subject to enforcement action and will be issued a NOSNC.

Departmental Meeting and Consent Order: After an NOV or multiple NOVs have been issued to an SIU and consistent compliance has not been achieved, a Departmental Meeting between the IU and the City may be held at either the IU's facility or the City's facilities. If necessary, a teleconference can be held. At the Departmental Meeting, a written Consent Order may be developed, and the conditions may be agreed upon by both parties. The Order itemizes the noncompliance or the series of noncompliance events and includes specific action to be taken by the IU to correct the noncompliance within a time period specified by the Order, including specific reporting dates and requirements. Follow-up sampling and/or inspections may be performed by the City to verify corrective actions have been taken and are successful. Administrative fines may be assessed at this level of enforcement.

First Compliance Order: In cases where the NOV and Consent Order fails to achieve compliance within the time period indicated, or multiple NOVs have been issued for the same pollutant or BMP, a First Compliance Order containing further required actions together with a new compliance schedule, including specific reporting dates and requirements may be developed and issued, without necessarily first consulting the non-compliant IU. The First Compliance Order will also detail the escalating enforcement options the City may pursue if compliance is not achieved within the time schedule specified. Follow-up sampling and/or inspections may be performed by the City to verify corrective actions have been taken and are successful. Administrative fines may be assessed at this level of enforcement.

Show Cause Hearing and Final Compliance Order: The Director may order an SIU which has violated, or continues to violate, any provision of a First Compliance Order, the Ordinance, a Permit, or Order issued thereunder, or any other Pretreatment Standard or Requirement, to appear before the City and show cause why the proposed enforcement action contained in a Final Compliance Order should not be taken. The Final Compliance Order should contain requirements for adequate treatment facilities, devices, or other related appurtenances to be installed and properly operated by the SIU to return to compliance. The Final Compliance Order should also contain compliance time schedules, including specific reporting dates and requirements, and will inform the SIU that this is the last enforcement action before sewer service may be discontinued and the Permit may be revoked. Final Compliance Orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. Follow-up sampling and/or inspections may be performed by the City to verify corrective actions have been taken and are successful. A Final Compliance Order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a Final Compliance Order relieve the SIU of liability for any violation, including any continuing violation. Notice is served on the SIU specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the SIU show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served in person on any Authorized Representative of the User, or by certified mail, return receipt requested, at least seven (7) calendar days prior to the Show Cause Hearing. Whether or not the User appears as ordered, immediate enforcement action may be pursued following the hearing date. A Show Cause Hearing shall not a bar against, or prerequisite for, taking any other action against the SIU.

Emergency Suspensions: The Director may order the immediate suspension or shutoff of a User's discharge (after informal notice to the User), whenever such suspension or shutoff is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause a risk of an imminent or substantial: a) damage to the POTW, b) endangerment to the health or welfare of any residents of the POTW, c) Interference with the operation of the POTW, or d) endangerment to the environment. Any User notified of a suspension of its discharge must immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the Suspension Order, the Director may take such steps, as deemed necessary, including immediate severance of the sewer connection, to enforce the Suspension Order. The Director may allow the User to recommence discharge when the User has demonstrated to the satisfaction of the POTW that the period of endangerment has passed. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment, shall submit to the Director a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, prior to the date of any Show Cause Hearing or termination of discharge under Ordinance Sections 17.68.030 and 17.68.080.

Water Supply Severance: Whenever a User has violated or continues to violate the provisions of the Ordinance, or; any Permit; or Order, rule or regulation issued or promulgated hereunder; or any other Pretreatment Standard or Requirement, water service to the User may be discontinued. Service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

Show Cause Hearing and Termination of Discharge: In concert with the Permit revocation provisions in Ordinance Section 17.52.120, the Director may issue a Termination of Discharge Order to any IU when the discharge from an IU violates any of the criteria listed in Ordinance Section 17.68.080 which present imminent endangerment to the health or welfare of persons, the environment, or threaten to interfere with the POTW's operations. In addition, termination of discharge may also be an escalating enforcement action to a significant violation or set of violations when a non-compliant IU fails to respond adequately to previous enforcement actions. Termination of discharge may be accomplished by:

(a) Physical severance of the IU's connection to the collection system,

(b) Issuance of a Cease and Desist Order that compels the IU to immediately terminate its discharge,

(c) Revocation of the SIU's Permit, or

(d) A court ruling.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Ordinance Section 17.68.030why the proposed action should not be taken. Exercise of this option by the Director is not a bar to, or a prerequisite for, taking any other action against the User.

Cease and Desist Order: When the Director finds that a User has violated, or continues to violate, any provision of the Ordinance, a Permit, rule, Order or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Director may issue an Order to the User directing it to cease and desist all such violations and directing the User to:

(a) Immediately comply with all requirements; and

(b) Take such appropriate remedial or preventive actions as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the User.

Administrative Fines:

(a) When the Director finds that a User has violated, or continues to violate, any provision of the Ordinance, or a Permit, or Order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, the Director in his or her reasonable discretion, may fine such User in an amount not to exceed ten thousand dollars ($10,000) per day. Such fines shall be assessed on a per day, per violation 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. In determining the amount of civil liability, the Director shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

(b) The POTW may charge a User for the costs of preparing administrative enforcement actions, such as Notices and Orders, which charge may be assessed whether or not a fine under subsection (a) of this section is also imposed. The POTW may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred.

(c) Assessments for fines and/or administrative costs may be added to the User's next scheduled sewer service charge, and the Director shall have such other collection remedies as may be available for other service charges and fees.

(d) Unpaid charges, fines, assessments, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance. Thereafter, interest on any unpaid balances, including penalties, shall accrue at a rate of one percent (1%) per month. A lien against the individual User's property will be sought for unpaid charges, fines, and penalties.

(e) Users desiring to dispute such fines or assessments must file a written request for the Director to reconsider the fine or assessment, along with full payment thereof within thirty (30) calendar days of being notified of the fine or assessment. The Director may convene a hearing on the matter within fourteen (14) calendar days of receiving the request from the User. In the event the User's appeal is successful, any amounts paid by the User to the POTW shall be returned to the User, without interest.

(f) The imposition of an administrative fine, assessment or other charge shall not be a prerequisite for or bar against taking any other action against the User.

Injunctive Relief: When the Director finds that a User has violated, or continues to violate, any provision of the Ordinance, a Permit, or Order issued thereunder, or any other Pretreatment Standard or Requirement, the Director may petition the Third District Court of the State of Utah, through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Permit, or Order, rule, regulation or other requirement imposed by the Ordinance on activities of the User. In addition, the City may recover reasonable attorney fees, court costs, and other expenses of litigation by appropriate legal action against the User found to have violated any provision hereof, or of any Permit, or Order, or any other rule or regulation issued or promulgated hereunder. Such other action as appropriate for legal and/or equitable relief may also be sought by the Director including a requirement for the User to conduct environmental remediation. A petition for injunctive relief need not be filed as a prerequisite to or a bar against taking any other action against a User.

Search Warrant: If the Director or duly authorized officer or agent of the POTW has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of the Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with the Ordinance or any Permit or Order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Director may seek issuance of a search warrant from the Third District Court of the State of Utah.

Civil Penalties:

(a) A User who has violated, or continues to violate, any provision of the Ordinance, a Permit, or Order issued hereunder, or any other Pretreatment Standard or Requirement may be liable to the City for a maximum civil penalty of $10,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(c) In determining the amount of civil liability, the Court may take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

(d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

Criminal Prosecution:

(a) A User who willfully or negligently violates any provision of the Ordinance, a Permit, or Order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than twenty five thousand dollars, ($25,000), per violation, per day, or imprisonment for not more than six (6) months, or both.

(b) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a Class B misdemeanor and be subject to a penalty of at least twenty five thousand dollars ($25,000), or be subject to imprisonment for not more than six (6) months or both. This penalty may be in addition to any other cause of action for personal injury or property damage available under State law.

(c) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to the Ordinance, Permit, or Order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under the Ordinance shall, upon conviction, be punished by a fine of not more than fifty thousand dollars ($50,000), per violation, per day, or imprisonment for not more than six, (6) months, or both.

(c) In the event of a second conviction, a User may be punished by a fine of not more than fifty thousand dollars ($50,000), per violation, per day, or imprisonment for not more than six, (6) months or both.

Supplemental Enforcement:

Supplemental enforcement actions may be in addition to the major enforcement actions listed above. The Director may require an IU to be subject to one or more of the supplemental enforcement actions listed in Sections 17.68.120 through 160 of the Ordinance at his/her discretion, depending on the circumstances surrounding each case.

XII. DUTIES OF PRETREATMENT PROGRAM PERSONNEL

This section identifies pretreatment personnel/position titles, in some cases the actual or current job title may differ from that listed herein. However, the roles and responsibilities (i.e., duties) of pretreatment personnel remains consistent.

Regulatory Compliance Manager - Enforcement related
The RCM reports to the WRM and is responsible for providing direction and oversight of the requirements of the Pretreatment Program and the implementation of this ERP. The primary enforcement role of the RCM is to confirm the identification of noncompliance assembled by the PPC, or confirm noncompliance identified by Pretreatment Program Staff in a timely manner and take the lead in initiating basic enforcement actions. In addition, the RCM may be involved, together with the WRM, the CA, the DDPU and DPU in the processing of higher-level enforcement actions up to Level VI, (see Table 1 above). To achieve this, the RCM performs the following functions:

(a) Reviews all recorded IU noncompliance of the provisions of the Ordinance, any Permit, or Order, rule or regulation issued or promulgated hereunder; or any other Pretreatment Standard or Requirement, and makes a final determination on the level of enforcement response to pursue, according to the requirements of this ERP;

(b) Reviews all enforcement options identified by the PPC, the PIs and the PSs, to ensure that timely enforcement activity is performed according to the requirements of this ERP;

(c) Ensures that compliance actions taken are consistent and timely;

(d) Issues Verbal Warnings and/or Warning Letters and prepares and signs routine enforcement documents (e.g., NOVs and NOSNCs) The WRM may choose to sign routine enforcement documents.;

(e) Reviews SIU's response letters to ensure the response adequately addresses compliance issues;

(f) Coordinates and moderates Departmental Meetings and the preparation of Administrative Orders and compliance schedules;

(g) Attends Show Cause Hearings and is actively involved with upper management in Emergency Suspensions, Termination of Discharge, and Revocation of Permit actions;

(g) Reviews SIU compliance history reports; and

(h) Compiles compliance reports for the Annual Pretreatment Program Report to the State, including the publication of IUs in SNC in the local newspaper.

Pretreatment Program Coordinator (PPC) - Enforcement related
The PPC reports to the RCM and provides support for the identification of noncompliance identified by Pretreatment Program Staff in a timely manner, processes enforcement actions approved by the RCM up to and including Level V activities (see Table 1 above), and assists the program with tracking of compliance issues and schedules. To achieve this, the PPC performs the following functions:

(a) Assembles and records IU noncompliance of the provisions of the Ordinance, any Permit, or Order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, and makes initial determinations on the level of enforcement response to pursue for review by the RCM, according to the requirements of this ERP;

(b) Assembles all enforcement options identified by the PIs and PSs, to ensure that timely enforcement activity is performed according to the requirements of this ERP;

(c) Ensures that assembly and subsequent review of compliance actions taken are consistent and timely;

(d) Prepares and may carry out Verbal Warnings.

(e) Prepares Warning Letters and routine enforcement documents. (e.g., NOVs and NOSNCs) for review and signature by the RCM;

(f) Assembles and comments on SIU's response letters for RCM review to ensure the response adequately addresses compliance issues;

(g) Assists with and attends compliance hearings and the preparation of Administrative Orders and compliance schedules; and

(h) Tracks enforcement actions and compliance status of IUs.

Pretreatment Program Permit Writer/Inspector (PI) – Enforcement related
The PI reports to the RCM and are responsible for reviewing routine industrial submittals for compliance, including self-monitoring reports, Permit renewal applications, 90-day reports, and slug control plans. PIs may prepare correspondence for RCM's signature relative to the review of documents. PIs may also provide records of potential violations to the PPC for enforcement determination and implementation.

Pretreatment Program Sampler/Inspector (PS) – Enforcement related
The PS reports to the RCM and reviews laboratory reports and IU self-monitoring reports. They may identify potential violations of Permit pollutant or BMP limits or requirements and potential violations of sampling and analytical procedures on reports. PSs also may provide records of potential violations to the PPC for enforcement determination and implementation.

Water Reclamation Facility Administrator (WRM) – Enforcement related
The WRM reports to the DDPU and is in charge of the day-to-day operation of the POTW. All enforcement actions above the NOV and NOSNC level are referred to the WRM by the RCM. WRM is involved with Departmental Meetings, Show Cause Hearings, and signs all types of Administrative Orders, including Consent Orders and First and Final Compliance Orders. The WRM may choose to sign routine enforcement documents (e.g., Warning Letters, NOVs and NOSNCs), at his discretion. Participates in Emergency Suspension, Termination of Discharge, and Revocation of Permit activities. May be required to act as a witness in civil and criminal court proceedings.

Deputy Director of Public Utilities (DDPU) - Enforcement related
The DDPU reports to the DPU and is involved in the processing of higher-level enforcement actions at Level V and above (see Table 1 above).

Director of Public Utilities (DPU) - Enforcement related
The DPU is in charge of the Public Utilities Department. The DPU may be informed of all higher-level enforcement actions by the DDPU at and above Level V. The DPU becomes directly involved with enforcement actions at and above Level VII (see Table 1 above).

City Attorney (CA) - Enforcement related
The CA may be consulted at any level of enforcement action but becomes involved with higher enforcement actions involving Emergency Suspension, Termination of Service, Revocation of Permits and Civil and Criminal-related actions. These include all Level VI and above activities, (see Table 1 above).

XIII. TIMEFRAMES FOR ENFORCEMENT RESPONSES

Violations which threaten health, property, or environmental quality are considered emergencies and will receive immediate response such as halting the discharge or terminating service.

Violations will be identified and documented as soon as practicable, generally within five (5) business days of receiving the compliance information.

Generally, the initial enforcement responses (informal or formal) will occur within 15 business days of identifying a violation. In the case of Level III and higher additional time may be required to obtain final approval based on departmental meetings etc.

Notices of Significant Noncompliance will be issued within 30 days of the identification of the SNC.

XIV. ENFORCEMENT RESPONSE GUIDE

The Enforcement Response Guide (ERG) lists the routine types of noncompliance and enforcement actions taken. These routine actions are listed in Table 1 and described in Section XI.

The ERG is a matrix, which describes violations and indicates minimum enforcement actions.

Prior to taking enforcement action, beyond NOVs and NOSNCs (Level II), the RCM will notify the WRM. The WRM ensures that the type of enforcement action proposed is consistent with the enforcement response guide and is appropriate to the level of violation.

If multiple violations for one or more parameters occur during a calendar day or series of days that equate to one event, the SIU may be issued one enforcement action with all the violations listed. If during an inspection, multiple violations are discovered, over a number of days, those violations will be grouped by day, and each group of violations may be issued an enforcement action or the entire group of violations may be grouped and one enforcement action issued.

When considering the type of enforcement action to be taken, the ERG serves as a minimum standard. EPA's Guidance for Developing Control Authority Enforcement Response Plans Chapter 4.1 discusses the six (6) criteria that the Control Authority should consider when determining a proper enforcement response. Enforcement action may be escalated when considering the six (6) criteria for evaluating the degree of noncompliance. When an enforcement action is increased over the minimum, written documentation which details the reasons for the increased enforcement action should be included in the IU's file. The EPA six (6) criteria for evaluating the degree of noncompliance are:

a) **Magnitude of the Violation**
Generally, an isolated instance of noncompliance can be met with an enforcement response listed in the ERG. However, since even an isolated violation could threaten public health and the environment, damage public and private property, or threaten the integrity of the City's Pretreatment Program, the enforcement response to this type of violation must be escalated to:
- Mitigate the violation quickly,
- Prevent a reoccurrence of violation(s),
- Provide an appropriate level of response, and
- Provide for cost recovery as appropriate.

b) **Duration of the Violation**
Violations (regardless of severity), which continue over prolonged periods, should subject the SIU to escalated enforcement actions. The POTW's response to these situations must prevent extended periods of noncompliance from recurring.

c) **Effect of the Violation on the Receiving Water**
One of the primary objectives of the Pretreatment Program is to prevent pollutants from "passing through" the POTW and entering the receiving waters. Consequently, any violation, which results in environmental harm, should be met with an escalated enforcement response. Environmental harm will be presumed whenever an industry discharges a pollutant into the sanitary sewer which:
a) Passes through the POTW
b) Causes a violation of the POTW's UPDES Permit limits
c) Has a toxic effect on the plant processes or receiving waters

A minimum response to these types of violations would be an Administrative Order and referral to the attorney. In addition, the response should ensure the recovery from the IU of any UPDES fines and penalties paid by the POTW. Termination of service may also be considered for repeat violations.

d) **Effect of the Violation on the POTW**
Some violations may have negative impacts on the POTW's operations or personnel. These violations can result in increased treatment cost, upsets to treatment processes, interfere, or harm POTW personnel or equipment. A minimum response to these types of violations should ensure the recovery from the IU of any costs by the POTW to correct the problem.

e) **Compliance History of the IU**
When evaluating the level of enforcement action to be taken for a violation, the last twelve (12) months compliance history of the SIU should be reviewed. If a pattern of recurring violations for the same parameter is noted, then an escalated enforcement action may be warranted. As an example: if two (2) NOVs have been issued in the past two months for pH discharge violations, and the SIU has another violation at the same level, then it would be appropriate to escalate the enforcement action to a Consent Order. Details for the increased enforcement action should be documented.

f) **Good Faith of the IU**
The SIU's "good faith" effort in correcting its noncompliance is a factor in determining which enforcement action to take. "Good faith" may be defined as the user's honest intention to remedy its noncompliance, coupled with actions, which give support to this intention. However, good faith does not eliminate the necessity of an enforcement action (which documents the event and respective response and corrective actions).

In the unlikely event that the RCM deems that enforcement action less severe than described in this ERP is warranted, the justification will be documented and reviewed with the WRM.

XV. USING THE ENFORCEMENT RESPONSE GUIDE:

The following are actions that may be taken by the City to enforce the Ordinance and any applicable provisions of federal, state, or local regulation regarding non-domestic discharges to the POTW.

Descriptive Use

a) Locate the type of noncompliance in column one (column labeled Noncompliance) and identify the description of the violation in column two (column labeled Specific Nature of Noncompliance).

b) Assess the appropriateness of the recommended response(s) in column four (column labeled Range of Enforcement Response) . First offenders or users demonstrating good faith efforts may merit the more lenient response. Repeat offenders, or those demonstrating negligence may require a more stringent response.

c) Apply the enforcement response to the IU. Specify corrective action or other responses required of the IU, if any.

d) Follow-up the response with escalated enforcement action if the IU's response is not received or violation continues.

NONCOMPLIANCE	SPECIFIC NATURE OF NONCOMPLIANCE	ENFORCEMENT LEVEL	RANGE OF ENFORCEMENT RESPONSE	RESPONSIBLE PERSON (TYPICAL)	EXPECTED ACTION FROM USER
(a). Permit Violations					
A. SIU discharging without a Permit	1. SIU is unaware of the requirement; no harm to system, workers, POTW, or the environment.	**I - II**	Telephone call, and complete a site survey to determine if a Permit is warranted. Site visit, give application for Permit / NOV (no fine).	PI, PS, PPC, RCM	Submit application within 30 calendar days
	2. SIU is unaware of the requirement; however, harm occurs to system, workers, POTW, and/or environment.	**II - VII**	NOSNC (possible fine) / Cease & Desist Order of the discharge causing harm. Further administrative / legal action / termination of service / publish in newspaper.	RCM, WRM, DDPU, DPU, CA	Cease discharge of harmful wastewater and submit application ASAP. Attend Hearing
	3. Failure to comply within 30 calendar days after application is received from POTW.	**II**	NOV (no fine). Case by case enforcement including severity and perception of intent	RCM	Submit application
	4. Discharge without a permit (due to failure to renew).	**II - III**	NOV (possible fine) / Departmental Meeting with Consent Order / and/or further administrative action.	RCM, WRM	Submit application within 30 calendar days.
B. Newly identified source (SIU or non-SIU)	1. Failure to submit baseline-monitoring report (CIUs).	**II**	NOV (no fine).	RCM	Submit baseline monitoring report within 90 calendar days
	2. Failure to submit permit application within required (30-calendar day) time limit.	**II**	NOV (no fine). Case by case enforcement including severity and perception of intent.	RCM	Submit application.
	3. Continued failure after notified (no harm to POTW).	**II - III**	NOV (no fine) / Departmental Meeting with Consent Order.	RCM, WRM	Submit baseline monitoring and or Permit application. Attend Departmental Meeting.
	4. Continued failure after notified (harm to POTW).	**IV**	First Compliance Order and NOSNC (possible fine) / and/or further administrative action / termination of service/ publish in newspaper.	RCM, WRM	Cease discharge. Submit baseline monitoring and or Permit application.
(b). Effluent or BMP Violations by Permitted User (Per Parameter Basis)					
A. Exceedance of Local, Federal, or State standards for SIU including BMPs & Permits – No harm to system, workers, POTW, and/or environment.	1. First occurrence during previous 12-month period, not a slug load.	**I**	Verbal Warning / Warning Letter / NOV.	PI, PS, PPC, RCM	Correct violation, provide results of repeat sampling. Provide letter describing cause and corrective action, if requested.
	2. Second occurrence during previous 12-month period, not a slug load.	II	NOV/Consent Order (no fine)	RCM, WRM	Correct violation, provide results of repeat sampling and letter describing cause and corrective action
	3. Third and any succeeding occurrence during previous 12-month period, not a slug load.	**III**	Departmental Meeting with Consent Order (no fine).	RCM, WRM	Correct violation, provide results of repeat sampling and letter describing cause and corrective action .
		IV	NOSNC, when applicable with First Compliance Order (possible fine) and/or further administrative action / publish in newspaper if NOSNC.		
B. Exceedance of local, federal, or state standards for SIU including BMPs & Permits – Harm to system, workers, POTW, and/or environment.	Any occurrence, which harms system, workers, POTW, and/or environment.	**IV - VII**	Site visit. NOSNC (possible fine), with First Compliance Order. Further administrative/legal action / termination of service / publish in newspaper.	RCM, WRM, DDPU, DPU	Correct violation; provide results of repeat sampling and letter describing cause and corrective action. Attend Hearing, as applicable.
C. Exceedance of local, federal or state standards or BMPs while on compliance schedule	1. First occurrence during previous 12-month period.	**II-IV**	NOV (no fine) / First Compliance Order.	RCM, WRM	Correct violation; provide results of repeat sampling and letter describing cause and corrective action.
	2. Second and all succeeding occurrences.	**IV - VI**	First or Final Compliance Order (possible fine).	WRM, DDPU	Correct violation; provide results of repeat sampling and letter describing cause and corrective action. Attend Hearing, as applicable

NONCOMPLIANCE	SPECIFIC NATURE OF NONCOMPLIANCE	ENFORCEMENT LEVEL	RANGE OF ENFORCEMENT RESPONSE	RESPONSIBLE PERSON (TYPICAL)	EXPECTED ACTION FROM USER
D Reported Slug Load Discharge	1. Reported slug load, no impact on POTW	**II- III**	NOV (no fine) / Departmental Meeting with Consent Order.	RCM, WRM	Provide report within 5 business days describing cause and corrective actions. Attend Departmental Meeting, as applicable
	2. Reported slug load, impact on POTW or second occurrence of reported slug load, with no impact on POTW	**III - VII**	NOSNC (possible fine) with Departmental Meeting and Consent Order or First Compliance Order. Further administrative/legal action / termination of service / publish in newspaper	RCM, WRM, DDPU	Provide report within 5 business days describing cause and corrective actions. Attend Departmental Meeting, as applicable
E. Significant Noncompliance	Exceeds significant noncompliance criteria for any 6-month period. • Chronic violations (66%) • Technical review criteria (33%) • Any other SNC criteria (see ERP)	**II - III**	NOSNC (possible fine) / Departmental Meeting with Consent Order / publish in newspaper.	RCM, WRM	Provide letter describing causes, results of additional sampling, and corrective actions. Attend Department Meeting, as applicable
(c). Self-monitoring and Reporting Violations					
A. Compliance report late or not submitted	1. 1st occurrence during previous 12-month period	**I**	Verbal Warning/Warning Letter >5 calendar days late.	PI, PS, PPC, PM	Submit report
	a. Disregard for Verbal Warning.	**II**	NOV (no fine)	RCM	Submit report and letter describing cause and corrective actions
	b. Disregard for NOV.	**III**	Departmental Meeting with Consent Order (no fine).	RCM, WRM PPC,	Submit report and letter describing cause and corrective actions. Attend Departmental Meeting.
	c. Disregard for NOV or +45 calendar days late)	**II - IV**	NOSNC (possible fine) / First Compliance Order / publish in newspaper / legal action.	RCM, WRM	Submit report and letter describing cause and corrective actions
	2. 2nd occurrence during previous 12-month period.	**II**	NOV (no fine) <	RCM	Submit report and letter describing cause and corrective actions
	a. Disregard for Notice.	**III**	Departmental Meeting with Consent Order(no fine).	WRM	Submit report and letter describing cause and corrective actions. Attend Departmental Meeting
	b. Disregard for NOV or +45 calendar days)	**IV**	NOSNC (possible fine) with First Compliance Order/ publish in newspaper / legal action.	WRM	Submit report and letter describing cause and corrective actions
	3. 3rd and all succeeding occurrences during previous 12-month period.	**IV**	NOSNC (possible fine) with First Compliance Order/ publish in newspaper / legal action.	WRM	Submit report and letter describing cause and corrective actions.
	a. Disregard for NOSNC	**VII**	Cease & Desist Order/Revocation of permit / legal action	DDPU, DPU or CA	Submit report and letter describing cause and corrective actions.
B. Incomplete report	1. 1st occurrence during previous 12-month period.	**I**	Verbal Warning/Warning Letter.	PI, PS, PPC	Resubmit report with missing information
	a. Disregard for Verbal Warning.	**II**	NOV (no fine).	RCM	Resubmit report with missing information and provide letter with cause and corrective actions
	b. Disregard for NOV	**III**	Departmental Meeting with Consent Order (no fine).	WRM	Resubmit report with missing information and provide letter with cause and corrective actions. Attend Departmental Meeting
	c. Disregard for Consent Order	**IV**	NOSNC (possible fine) with First Compliance Order / publish in newspaper / legal action.	WRM	Resubmit report with missing information and provide letter with cause and corrective actions
	2. 2nd occurrence during previous 12-month period.	**II**	NOV (no fine)	RCM	Resubmit report with missing information and provide letter with cause and corrective actions
	a. Disregard for Notice	**III**	Departmental Meeting with Consent Order (no fine).	WRM	Resubmit report with missing information and provide letter with cause and corrective actions. Attend Departmental Meeting
	b. Disregard for NOV	**IV**	NOSNC (possible fine) with First Compliance Order / publish in newspaper / legal action.	WRM	Resubmit report with missing information and provide letter with cause and corrective actions
	3. 3rd and all succeeding occurrence during previous 12-month period.	**III**	Departmental Meeting with Consent Order (no fine).	WRM	Resubmit report with missing information and provide letter with cause and corrective actions. Attend Departmental Meeting
	a. Disregard for NOV	**V**	NOSNC (possible fine) with First Compliance Order / publish in newspaper / legal action.	WRM, DDPU	Resubmit report with missing information and provide letter with cause and corrective actions. Attend Hearing

SALT LAKE CITY CORPORATION ENFORCEMENT RESPONSE GUIDE

NONCOMPLIANCE	SPECIFIC NATURE OF NONCOMPLIANCE	ENFORCEMENT LEVEL	RANGE OF ENFORCEMENT RESPONSE	RESPONSIBLE PERSON (TYPICAL)	EXPECTED ACTION FROM USER
C Failure to monitor all pollutants as required by Permit	1. 1st occurrence during previous 12 month period	**I**	Verbal Warning / Warning Letter / repeat sampling.	PI, PS, PPC, RCM	Monitor pollutants, submit results
	a. Disregard for Verbal Warning	**II**	NOV (no fine).	RCM	Monitor pollutants, submit results and provide letter with cause and corrective actions
	b. Disregard for Notice	**III**	Departmental Meeting with Consent Order (no fine).	WRM	Monitor pollutants, submit results, and provide letter with cause and corrective actions. Attend Departmental Meeting
	c. Disregard for NOV	**IV**	NOSNC (possible fine) with First Compliance Order / publish in newspaper / legal action.	WRM	Monitor pollutants, submit results, and provide letter with cause and corrective actions.
	2. 2nd occurrence during previous 12-month period.	**II**	NOV (no fine)	RCM	Monitor pollutants, submit results and provide letter with cause and corrective actions
	a. Disregard for NOV	**III**	Departmental Meeting with Consent Order (no fine)	WRM	Monitor pollutants, submit results, and provide letter with cause and corrective actions. Attend Departmental Meeting
	b. Disregard for NOV	**IV**	NOSNC (possible fine) with First Compliance Order / publish in newspaper / legal action.	WRM	Monitor pollutants, submit results, and provide letter with cause and corrective actions.
	3. 3rd and all succeeding occurrences during previous 12-month period.	**III**	Departmental Meeting with Consent Order (no fine)	WRM	Monitor pollutants, submit results, and provide letter with cause and corrective actions. Attend Departmental Meeting
	a. Disregard for NOV	**IV**	NOSNC (possible fine) with First Compliance Order / publish in newspaper / legal action.	WRM, DDPU, CA	Monitor pollutants, submit results, and provide letter with cause and corrective actions.
D Failure to respond when required - Not addressed elsewhere in this section	1. Requested action not completed on due date	**I**	Verbal Warning / Warning Letter.	PI, PS, PPC, RCM	Complete required action
	a. Disregard for Verbal Warning	**II**	NOV (no fine).	RCM	Complete required action and provide letter with cause and corrective actions
	b. Disregard for NOV	**III**	Departmental Meeting with Consent Order (no fine).	WRM	Complete required action and provide letter with cause and corrective actions. Attend Departmental Meeting
	c. Disregard for Consent Order	**IV**	NOSNC (possible fine) with First Compliance Order / publish in newspaper / legal action.	WRM	Complete required action and provide letter with cause and corrective actions.
E. Failure to report process changes	1. No harm to system, workers, POTW, or environment	**I**	Verbal Warning /Warning Letter / unannounced inspection.	PI, PS, PPC, RCM	Provide letter with process changes
	2. Potential created to harm system, workers, POTW and/or environment	**III**	Departmental Meeting with Consent Order (no fine). / unannounced inspection.	WRM	Provide letter with process changes, cause, and corrective actions. Attend Departmental Meeting
	3. Harm to system, workers, POTW and/or environment	**IV - VII**	NOSNC (possible fine) with First Compliance Order / unannounced inspection / further administrative/legal action / termination of service / publish in newspaper.	WRM, DDPU, DPU, CA	Change process to prevent harm to POTW. Provide letter with corrective actions to stop harm and corrective actions to prevent recurrence. Attend Show Cause Hearing, as applicable.
F. Non reported slug load. No harm to system, workers, POTW, and/or environment. (no harm)	Any Occurrence	**III**	Departmental Meeting with Consent Order (no fine). / unannounced inspection.	WRM	Provide slug-loading report with process changes, cause, and corrective actions. Attend Departmental Meeting
G. Non reported slug load. Harm to system, workers, POTW, and/or environment.)	Any Occurrence	**IV - VI**	NOSNC (possible fine) with First or Final Compliance Order / required report / inspection and cost determination / publish in newspaper.	WRM, DDPU, CA	Provide slug-loading report with process changes, cause, and corrective actions. Attend Show Cause Hearing, as applicable.

SALT LAKE CITY CORPORATION ENFORCEMENT RESPONSE GUIDE

NONCOMPLIANCE	SPECIFIC NATURE OF NONCOMPLIANCE	ENFORCEMENT LEVEL	RANGE OF ENFORCEMENT RESPONSE	RESPONSIBLE PERSON (TYPICAL)	EXPECTED ACTION FROM USER
H. Failure to obtain proper sample type/container type/ preservation/ holding time/ COC completion	1. 1st occurrence during previous 12-month period.	**I**	Verbal Warning / Warning Letter / repeat sampling.	PI, PS, PPC, RCM	Obtain proper sample, provide results
	a. Disregard for Verbal Warning.	**II**	NOV (no fine).	RCM	Obtain proper sample, provide results. Provide letter with cause and corrective actions.
	b. Disregard for NOV	**III**	Departmental Meeting with Consent Order (no fine).	WRM	Obtain proper sample, provide results. Provide letter with cause and corrective actions. Attend Departmental Meeting
	c. Disregard for Consent Order	**IV**	NOSNC (possible fine) with First Compliance Order / publish in newspaper / legal action.	WRM	Obtain proper sample, provide results. Provide letter with cause and corrective actions.
	2. 2nd occurrence during previous 12-month period.	**II**	NOV (no fine)	RCM	Obtain proper sample, provide results. Provide letter with cause and corrective actions.
	a. Disregard for NOV	**III**	Departmental Meeting with Consent Order (no fine)	WRM	Obtain proper sample, provide results. Provide letter with cause and corrective actions. Attend Departmental Meeting
	b. Disregard for Consent Order	**IV**	NOSNC (possible fine) with First Compliance Order / publish in newspaper / legal action.	WRM	Obtain proper sample, provide results. Provide letter with cause and corrective actions.
	3. 3rd and all succeeding occurrences during previous 12-month period.	**III**	Departmental Meeting with Consent Order (no fine).	WRM	Obtain proper sample, provide results. Provide letter with cause and corrective actions. Attend Departmental Meeting
	a. Disregard for Consent Order	**IV**	NOSNC (possible fine) with First Compliance Order / publish in newspaper / legal action.	WRM	Obtain proper sample, provide results. Provide letter with cause and corrective actions.
I. Falsification of data	Any data, which is submitted bearing an untruthful account of results or events.	**VII- VIII**	NOSNC (possible fine) with Emergency Suspension or Cease & Desist Order / legal action / publish in newspaper / termination of discharge / revocation of Wastewater Discharge Permit.	WRM, DDPU, DPU, CA	Provide correct data and letter describing action taken. Attend Show Cause Hearing, as applicable.
J. Failure to report additional monitoring	1. 1st occurrence	**I**	Verbal Warning / Warning Letter.	PI, PS, PPC, RCM	Provide monitoring results
	a. Disregard for Verbal Warning.	**II**	NOV (no fine).	RCM	Provide monitoring results and letter describing cause and corrective actions.
	b. Disregard for NOV	**III**	Departmental Meeting with Consent Order (no fine).	RCM, WRM RCM,	Provide monitoring results and letter describing cause and corrective actions. Attend Departmental Meeting
	c. Disregard for Consent Order	**IV**	NOSNC (possible fine) with First Compliance Order / publish in newspaper / legal action.	WRM	Provide monitoring results and letter describing cause and corrective actions.
	2. 2nd and subsequent occurrence	**II**	NOV (no fine).	RCM	Provide monitoring results and letter describing cause and corrective actions.
	a. Disregard for NOV	**III**	Departmental Meeting with Consent Order (no fine)..	WRM	Provide monitoring results and letter describing cause and corrective actions. Attend Departmental Meeting
	b. Disregard for Consent Order	**IV**	NOSNC (possible fine) with First Compliance Order / publish in newspaper / legal action.	WRM	Provide monitoring results and letter describing cause and corrective actions.
	c. Disregard for NOSNC	**V**	NOSNC (possible fine) with Final Compliance Order. Further administrative action / publish in newspaper.	WRM	Provide monitoring results and letter describing cause and corrective actions. Attend Show Cause Hearing.
K. Failure to install monitoring equipment	1. 1st occurrence	**I**	Verbal Warning / Warning Letter.	PI, PS, PPC, RCM	Install monitoring equipment
	a. Disregard for Verbal Warning.	**II**	NOV (no fine).	RCM	Install monitoring equipment and letter describing cause and corrective actions
	b. Disregard for NOV	**III**	Departmental Meeting with Consent Order (no fine)..	WRM	Install monitoring equipment and letter describing cause and corrective actions. Attend Departmental Meeting
	c. Disregard for Consent Order	**IV**	NOSNC (possible fine) with First Compliance Order / publish in newspaper / legal action.	WRM	Install monitoring equipment and letter describing cause and corrective actions.
	2. 2nd and subsequent occurrence	**II**	NOV (no fine).	RCM	Install monitoring equipment and letter describing cause and corrective actions
	a. Disregard for NOV	**III**	Departmental Meeting with Consent Order (no fine).	WRM	Install monitoring equipment and letter describing cause and corrective actions. Attend Departmental Meeting
	b. Disregard for Consent Order	**IV**	NOSNC (possible fine) with First Compliance Order / publish in newspaper / legal action.	WRM	Install monitoring equipment and letter describing cause and corrective actions.
	c. Disregard for NOSNC	**V**	NOSNC (possible fine) with Final Compliance Order. Further administrative action/ publish in newspaper.	WRM	Install monitoring equipment and letter describing cause and corrective actions. Attend Show Cause Hearing.
(d). Compliance Order/Schedule Violations					
A. Missed milestone or progress report (no effect on final milestone scheduled date)	1. Missed milestone is < 90 calendar days late. Progress report is < 14 calendar days late.	**III**	Departmental Meeting with Consent Order (no fine).	WRM	Provide letter with revised schedule/progress report and explanation of why milestone schedule date was not met. Attend Departmental Meeting
	2. Missed milestone deadline is > 90 calendar days late. Progress report is > 14 calendar days late.	**IV - V**	NOSNC (possible fine) with First or Final Compliance Order. Further administrative/legal action/ publish in newspaper.	WRM	Provide letter with revised schedule/progress report and explanation of why milestone schedule date was not met. Attend Show Cause Hearing, as applicable.
	3. Recurring violations of schedule	**VI - VII**	NOSNC (possible fine) with Emergency Suspension / Cease & Desist Order / termination of service / publish in newspaper.	DDPU, DPU, CA	Provide letter with revised schedule/progress report and explanation of why milestone schedule date was not met. Attend Show Cause Hearing, as applicable.

NONCOMPLIANCE	SPECIFIC NATURE OF NONCOMPLIANCE	ENFORCEMENT LEVEL	RANGE OF ENFORCEMENT RESPONSE	RESPONSIBLE PERSON (TYPICAL)	EXPECTED ACTION FROM USER
B. Missed milestone (affecting the final milestone scheduled date)	1. Missed milestone is < 90 calendar days late	**III**	Departmental Meeting with Consent Order (no fine).	WRM	Provide letter with revised schedule/progress report and explanation of why milestone schedule date was not met. Attend Departmental Meeting
	2. Missed milestone is > 90 calendar days late	**IV**	NOSNC (possible fine) with First Compliance Order / publish in newspaper	WRM	Provide letter with revised schedule/progress report and explanation of why milestone schedule date was not met.
	3. Recurring violations of schedule	**V**	NOSNC (possible fine) with Final Compliance Order. Further administrative action/ publish in newspaper	WRM	Provide letter with revised schedule/progress report and explanation of why milestone schedule date was not met. Attend Show Cause Hearing.
	4. Refusal to enter into a Consent Order	**VII**	NOSNC (possible fine) with Cease & Desist Order/ further administrative/legal actions / termination of service.	DDPU, DPU, CA	Provide letter with revised schedule/progress report and explanation of why milestone schedule date was not met. Attend Show Cause Hearing, as applicable.
C. Failure to meet compliance schedule after final milestone scheduled date	1. Exceed final milestone scheduled date (< 30 calendar days)	**VI**	Emergency suspension, Termination of Service/Revocation of Permit.	DDPU, DPU, CA	Attend Show Cause Hearing
	2. Continues to exceed final milestone scheduled date (> 30 calendar days)	**VII**	Cease & Desist Order / Permit revocation / termination of service. Injunctive relief	DDPU, DPU, CA	Attend Show Cause Hearing, as applicable
(e). Violations Found During Inspection					
A. Facility Entry	Entry denied	**VII**	Leave area - consult WRM / seek warrant/ revocation of permit.	WRM, DDPU, DPU, CA	Allow entry. Attend Show Cause Hearing, as applicable
C. Prohibited materials/ substances discharged to sanitary sewer system	1. First occurrence - No harm to system, workers, POTW and / or environment	**II**	NOV (no fine	RCM	Discontinue discharge of prohibited substance. Provide letter describing cause and corrective actions.
	2. Second and subsequent occurrences - No harm to system, workers, POTW and / or environment	**III - IV**	Departmental Meeting with Consent Order (no fine). Upgrade to First Compliance Order for subsequent occurrences.	WRM	Discontinue discharge of prohibited substance. Provide letter describing cause and corrective actions. Attend Departmental Meeting, as applicable.
	3.. Any occurrence with potential created to harm system, workers, and/or environment	**IV**	NOSNC (possible fine) with First Compliance Order / publish in newspaper	WRM	Discontinue discharge of prohibited substance. Provide letter describing cause and corrective actions.
	4. Any occurrence with harm to system workers, POTW, and/or environment	**V - VI**	NOSNC (possible fine) with Final Compliance Order / further administrative/legal action / termination of service / publish in newspaper.	WRM DDPU, CA	Discontinue discharge of prohibited substance. Provide letter describing cause and corrective actions. Attend Show Cause Hearing
D. Sampling at incorrect location	1. 1st occurrence	**II**	NOV (no fine)	RCM	Sample at correct location, provide results, and letter describing cause and corrective actions.
	2. 2nd occurrence	**III**	Departmental meeting with Consent Order (no fine).	WRM	Sample at correct location, provide results, and letter describing cause and corrective actions. Attend Departmental Meeting
	3. 3rd and subsequent occurrence	**IV - V**	NOSNC (possible fine) with First Compliance Order / further administrative action.	WRM, DDPU	Sample at correct location, provide results, and letter describing cause and corrective actions. Attend Show Cause Hearing, as applicable
E. Record Keeping	1. Records found to be incomplete	**I**	Verbal Warning/Warning Letter.	PI, PS, PPC, RCM	Update records
	2. Recurring	**II - III**	Departmental Meeting with Consent Order (no fine).	WRM	Update records; provide letter describing cause and corrective actions. Attend Departmental Meeting.
	3. Consent withdrawn to review/copy records	**VII**	Leave area - consult WRM / seek warrant / revocation of Permit.	WRM, DDPU, DPU, CA	Allow review/copy of records. Attend Show Cause Hearing, as applicable
F. Waste streams are diluted to meet limits in lieu of treatment	1. 1st occurrence	**III**	Departmental Meeting with Consent Order (no fine).	WRM	Stop dilution; provide letter describing cause and corrective actions. Attend Departmental Meeting.
	2. 2nd occurrence	**IV**	NOSNC (possible fine) with First Compliance Order / publish in newspaper	WRM	Stop dilution; provide letter describing cause and corrective actions.
	3. 3rd and subsequent occurrence	**VI - VII**	NOSNC (possible fine) with Emergency Suspension / Cease & Desist Order / termination of service/ publish in newspaper.	DDPU, DPU, CA	Stop dilution; provide letter describing cause and corrective actions. Attend Show Cause Hearing, as applicable..

NONCOMPLIANCE	SPECIFIC NATURE OF NONCOMPLIANCE	ENFORCEMENT LEVEL	RANGE OF ENFORCEMENT RESPONSE	RESPONSIBLE PERSON (TYPICAL)	EXPECTED ACTION FROM USER
G. Failure to properly operate/ maintain pretreatment equipment	1. First occurrence during previous 12 month period - No harm to system, workers, POTW, and/or environment - Could cause potential for violation of Permit limits	**II**	NOV (no fine)	RCM	Maintain equipment
	2. Second occurrence during previous 12 month period, or potential created to harm system, workers, POTW, and/or environment	**III**	Departmental Meeting with Consent Order (no fine)..	WRM	Maintain equipment and provide letter describing cause and corrective actions. Attend Departmental Meeting
	3. Third and all succeeding occurrences during previous 12 month period with no harm or potential created for harm,	**IV – V**	NOSNC (possible fine) with First Compliance Order / further administrative action. Final Compliance Order for succeeding occurrences.	RCM, WRM	Maintain equipment and provide letter describing cause and corrective actions. Attend Show Cause Hearing, as applicable.
	4. Any occurrence with harm to system, workers, POTW, and/or environment	**V – VII**	NOSNC (possible fine) / Final Compliance Order / Cease & Desist Order/ further enforcement, as required/ publish in newspaper.	RCM, WRM, DDPU, DPU, CA	Maintain equipment and provide letter describing cause and corrective actions. Attend Show Cause Hearing, as applicable
H. Failure to mitigate noncompliance (or to halt discharge)	1. No harm to system, workers, POTW or the environment	**III**	Departmental Meeting with Consent Order (no fine).	WRM	Mitigate noncompliance and provide letter describing cause and corrective actions. Attend Departmental Meeting
	2. Potential created to harm system, workers, POTW and/or environment	**IV**	NOSNC (possible fine) with First Compliance Order / further administrative action/publish in newspaper.	WRM	Mitigate noncompliance and provide letter describing cause and corrective actions.
	3. Harm to system, workers, POTW, and/or environment	**V - VII**	NOSNC (possible fine) with Final Compliance Order or Cease & Desist Order/ further enforcement, as required/ publish in newspaper.	WRM, DDPU, DPU, CA	Mitigate noncompliance and provide letter describing cause and corrective actions. Attend Show Cause Hearing, as applicable.
(f). Discharge of Inorganic Toxic Pollutants in excessive concentrations					
Interfering Substances (Maximum Concentration)	Less than 1.5 times the limit	**I - II**	Verbal Warning / Warning Letter / NOV (no fine)	PPC, RCM	Restore discharge to within limit. Provide letter describing cause and corrective actions, as applicable.
Mass Equivalent Concentration and Flow	1.5 to 2.5 times the limit	**I - II**	Verbal Warning / Warning Letter / NOV (no fine)	PPC, RCM	Restore discharge to within limits. Provide letter describing cause and corrective actions, as applicable.
Average Annual Concentration Limit	Greater than 2.5 times the limit	**III**	Departmental Meeting with Consent Order (no fine).	WRM	Restore discharge to within limit and provide letter describing cause and corrective actions. Attend Departmental Meeting.
Average Daily Concentration Limit -	Greater than 5 times the limit	**IV**	NOV / NOSNC (possible fine) with First Compliance Order / further administrative action/publish in newspaper.	WRM	Restore discharge to within limit and provide letter describing cause and corrective actions.
(g). Discharge of Organics, in excessive concentrations:					
Discharge of TTO; Federal	1. Less Than 3 times the Federal Limit	**III**	Departmental Meeting with Consent Order (no fine).	WRM	Review TTO sources and reduce discharge to sewer. Attend Departmental Meeting.
	2. Greater than 3 times the Federal Limit or 2 violations in a 6 month period	**IV**	NOSNC (possible fine) with First Compliance Order / further administrative action/publish in newspaper.	WRM	Review TTO sources and reduce discharge to sewer. Submit written report on findings and develop reduction plan.

NONCOMPLIANCE	SPECIFIC NATURE OF NONCOMPLIANCE	ENFORCEMENT LEVEL	RANGE OF ENFORCEMENT RESPONSE	RESPONSIBLE PERSON (TYPICAL)	EXPECTED ACTION FROM USER
(h). Best Management Practices:					
Local: BMPs not implemented:	1. First occurrence during previous 12 month period	**I – II**	Verbal Warning/Warning Letter / NOV (no fine)	PI, PS, PPC, RCM	Implement Local BMP
	2. Second occurrence during previous 12 month period	**II**	NOV (no fine).	RCM	Implement Local BMP and provide letter describing cause and corrective actions.
	3. Third and all succeeding occurrences during previous 12 month period	**III**	Departmental Meeting with Consent Order (no fine). Upgrade to First Compliance Order for succeeding occurrences.	WRM	Implement Local BMP and provide letter describing cause and corrective actions. Attend Departmental Meeting, as applicable.
(i). Bypass					
Wastewater diverted from monitoring devices or pretreatment equipment	1. First occurrence	**III**	Departmental Meeting with Consent Order (no fine).	WRM	Restore discharge to pass through monitoring devices and pretreatment equipment as applicable. Provide letter describing cause and corrective actions. Attend Departmental Meeting.
	2. Second occurrence	**IV**	NOSNC (possible fine) with First Compliance Order / further administrative action/publish in newspaper.	WRM	Restore discharge to pass through monitoring devices and pretreatment equipment as applicable. Provide letter describing cause and corrective actions.
	3. Recurring offense	**V - VII**	NOSNC (possible fine) with Final Compliance Order / Cease & Desist Order/ further enforcement, as required/ publish in newspaper.	WRM, DDPU, DPU, CA	Restore discharge to pass through monitoring devices and pretreatment equipment as applicable. Provide letter describing cause and corrective actions. Attend Show Cause Hearing.
(j). Violation of SNC criteria by non SIUs					
Non SIUs violating sections C, D or H of the SNC criteria (see definition of SNC)	1. Any occurrence	**III -VI**	NOSNC with case by case decision by RCM, WRM, DDPU, CA	WRM, DDPU, CA	User to cease discharge until corrective action has been taken. Attend Show Cause Hearing as applicable.
(k). Interference or Passthrough					
IU cause interference or passthrough (see definitions in City Code 17.32)	1. Any occurrence	**III -VI**	NOSNC with case by case decision by RCM, WRM, DDPU, CA	WRM, DDPU, CA	User to cease discharge until corrective action has been taken. Attend Show Cause Hearing as applicable.