

**DISCHARGE LIMIT VIOLATION**

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	ENFORCEMENT RESPONSE	AUTHORITY
Exceedance of Local or Federal Discharge Limit	TYPE A - exceed one or more daily or average parameter limit(s) by equal or less to a factor of 1.5. (Does not apply to pH)	0	NOV detailing violation and requiring correction within 30 business days. If exceedance occurs on IU self-monitoring report, industry must repeat sampling and analysis on parameter within 30 days of becoming aware of the exceedance and submit results to Control Authority.	PTC
	TYPE B -exceed one or more daily or average parameter limit(s) by a factor greater than 1.5 but no more than a factor of 3.0. (Does not apply to pH)	1	NOV detailing violation and requiring correction within 30 business days. If exceedance occurs on IU self-monitoring report, industry must repeat sampling and analysis on parameter within 30 days of becoming aware of the exceedance and submit results to Control Authority. Subject to assessment of penalties by Administrative Order.	PTC/ Director
	TYPE C - exceed one or more daily or average parameter limit(s) by a factor greater than 3.0 but no more than a factor of 10.0. (Does not apply to pH)	2	NOV detailing the violation and requiring correction within 30 days. Subject to assessment of penalties by Administrative Order.	PTC/ Director
	TYPE D - pH which is above upper limit or below lower limit	1	NOV detailing violation and requiring correction within 30 business days. If exceedance occurs on IU self-monitoring report, industry must repeat sampling and analysis on parameter within 30 days of becoming aware of the exceedance and submit results to Control Authority. Subject to assessment of penalties by Administrative Order.	PTC/ Director

**DISCHARGE LIMIT VIOLATION - cont.**

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	ENFORCEMENT RESPONSE	AUTHORITY
	Type E- exceed one or more daily or average parameter limit(s) by a factor of greater than 10.0 (Does not apply to pH). Magnitude always 1.0.	3	NOV detailing the violation and requiring correction within 30 days. Subject to assessment of penalties by Administrative Order.	Director

\*\*\* Check for significant non-compliance with each offense.

**MONITORING AND REPORTING VIOLATIONS**

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	ENFORCEMENT RESPONSE	AUTHORITY
1. Reporting Violations	Report improperly signed or contains errors	0	Return Report	PTC
	Report is improperly signed or contains errors (2nd occurrence within 24 months)	0	NOV requiring correction of report.	PTC
	Report is improperly signed or contains errors after issuance of NOV by POTW (3rd occurrence within 24 months)	1	Administrative Order assessing \$250.00 penalty. \$500.00 penalty for 4th occurrence.	Director
	Report late <5 days	0	Phone call.	PTC
	Report late <30 days	1	NOV requiring report submittal within 15 calendar days of NOV receipt. AO assessing \$250/day until report received.	PTC
	Report late 30 calendar days (includes BMR, applications and all other required correspondence) <b>(Significant Noncompliance)</b>	2	AO assessing penalty of \$500/day until report received.	PTC
	Report late 45+ calendar days <b>(Significant Noncompliance)</b>	3	AO assessing penalty of \$1000/day until report received.	PTC

**MONITORING AND REPORTING VIOLATIONS (cont.)**

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	ENFORCEMENT RESPONSE	AUTHORITY
1. Reporting Violations (cont.)	Failure to report spill or changed discharge (no harm to the POTW or environment).	0	NOV requiring User to develop and implement a spill prevention plan by a specified deadline.	PTC
	Failure to report spill or changed discharge (harm to the POTW or environment). <b>(Significant Noncompliance)</b>	2	Cease and Desist Order requiring User to discontinue noncompliance or terminate discharge altogether. Issuance of a Compliance Order assessing a penalty per day of violation (\$1-\$1000) and recovering costs incurred by the Dept. (Cost recovery). Possible civil or criminal penalties.	PTC
	Repeated (within five year period) failure to report spills. <b>(Significant Noncompliance)</b>	3	Cease and Desist Order requiring User to discontinue noncompliance or terminate discharge altogether. Compliance Order assessing a penalty per day of violation (\$1-\$10,000). Cost recovery, civil, criminal penalties possible.	Director
2. Falsification	First occurrence <b>(Significant Noncompliance)</b>	2	Show Cause Order requiring User to appear before the Director to show cause why further enforcement action should not be pursued. AO with fine (\$1-\$1000)/day, Termination of Service possible.	Director
	Subsequent (within five year period) occurrences <b>(Significant Noncompliance)</b>	4	Civil/Criminal litigation. TS possible.	Director
3. Failure to monitor correctly.	Failure to monitor all pollutants as required by User's permit.	0	NOV requiring correction on next report.	Inspector

## MONITORING AND REPORTING VIOLATIONS (cont.)

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	ENFORCEMENT RESPONSE	AUTHORITY
	Failure to monitor all pollutants as required by User's permit. (Second occurrence within five year period)	1	NOV requiring complete sampling and analysis with report due no later than 30 calendar days from receipt of NOV. AO, fine (\$1-\$500) possible.	PTC
	Recurring failure to monitor properly. (Third occurrence within five year period)	2	Show Cause Order requiring User to appear before the Director to show cause why further enforcement action should not be pursued. AO, fine (\$1-\$1000)	Director
4. Improper sampling. (incorrect location, sample type, or collection technique)	No evidence of intent.	0	NOV explaining correct procedure and requiring proper sampling for the next self-monitoring report.	PTC
	Improper sampling continues (Second occurrence within five years)	0	Informal meeting with User to review proper sampling criteria.	PTC
	Improper sampling with evidence of intent (Failure to sample properly after informal meeting is viewed as evidence of Intent.) <b>(Significant Noncompliance)</b>	2	Compliance Order assessing a penalty. Show Cause. Terminate Service. Civil/Criminal penalties possible.	Director
5. Failure to install monitoring Equipment.	Delay of <30 days.	0	NOV	PTC
	Delay of 30+ days.	2	AO, fine. AO to install.	PTC
	Recurring, violation of AO	3	AO, fine/day. SC. TS. Civil/Criminal penalties.	Director

## UNAUTHORIZED DISCHARGES (No Permit)

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	ENFORCEMENT RESPONSE	AUTHORITY
1. Unpermitted Discharge	User unaware of discharge requirements; No harm to the POTW/environment.	0	NOV with Permit Application form attached. Application to be completed and returned within 30 calendar days. Application deadline to be specified in the NOV.	PTC
	User unaware of discharge requirements; harm to the POTW/environment <b>(Significant Noncompliance)</b>	3	Cease and Desist Order requiring User to halt violations immediately or terminate discharge altogether. Issuance of Compliance Order assessing any penalties and recovering any costs incurred by the Department.	PTC/ Director
	User fails to submit permit application Within deadline specified in NOV. <b>(Significant Noncompliance)</b>	1	Compliance Order assessing any penalties and requiring application submittal within 15 calendar days.	PTC
	Failure to comply continues after notice by authority <b>(Significant Noncompliance)</b>	3,4	AO, C&D order requiring User to halt violation immediately or terminate discharge altogether. Issuance of Compliance Order assessing more Stringent penalties (AO with Fine Cat. 3 per day) and recovering any costs Incurred by the Department. Issuance of Show Cause Order. May lead to Civil/Criminal penalties.	PTC/ Director
2. Unpermitted Discharge (Failure to renew)	IU has not submitted application within 10 days of Due Date.	0	Phone call, NOV	PTC
	Failure to renew after deadline specified in NOV.		See above.	PTC/ Director

## COMPLIANCE VIOLATIONS

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	ENFORCEMENT RESPONSE	AUTHORITY
1. Compliance Schedules (as detailed in a Permit or Order)	Missed interim milestone date by less than 30 calendar days; will <u>not</u> affect final compliance deadline.	0	NOV which restates any remaining milestone deadlines.	PTC
	Missed interim milestone date by less than 90 calendar days; will delay final compliance. <b>(Significant Noncompliance)</b>	1	Compliance Order detailing revised compliance schedule. Order may assess penalties if delay was avoidable or may stipulate penalties for delays in final compliance.	PTC
	Missed interim milestone date by more than 90 calendar days; will <u>not</u> affect final compliance deadline. <b>(Significant Noncompliance)</b>	2	Compliance Order detailing revised compliance schedule. Penalties may be assessed for each day of delay and publication for significant non-compliance.	PTC
	Missed interim milestone date by more than 90 calendar days; will affect final compliance deadline. <b>(Significant Noncompliance)</b>	3	Compliance Order assessing penalties for each day of delay and stipulating penalties for each day final compliance deadline is not met and publication for significant non-compliance. SC, TS possible.	PTC
	Missed interim milestone date by more than 120 calendar days. <b>(Significant Noncompliance)</b>	3	Compliance Order assessing penalties for each day past interim deadline. TS.	Director
2. Missed Final Compliance Deadline	Failure to comply with an Administrative Order. <b>(Significant Noncompliance)</b>	4	Civil/Criminal Litigation	Director
	Failure to reduce the severity of violations and/or failure to comply with a Cease and Desist Order. <b>(Significant Noncompliance)</b>	4	Civil/Criminal Litigation	Director

**OTHER VIOLATIONS**

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	ENFORCEMENT RESPONSE	AUTHORITY
1. Wastestreams are diluted	Dilution of regulated wastestreams with non-polluted water.	0	NOV citing regulatory prohibition against dilution and requiring correction within 30 calendar days of receipt of the NOV.	Inspector
	Recurring (within five year period) violations of the dilution prohibitions (after NOV receipt)	2	Compliance Order assessing penalties per day past correction deadline. Compliance Order contains a schedule of compliance for corrective actions.	Director
2. Failure to mitigate Noncompliance Or halt production	Does not result in harm	1	NOV, AO, fine, SC, TS	PTC/ Director
	Does result in harm	3,4	AO, fine/day, SC, TS, Cost recovery Civil/Criminal penalties.	PTC/ Director
3. Failure to properly operate and maintain pretreatment facility.	See number 2 above			

**VIOLATIONS DETECTED DURING A SITE INSPECTION**

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	ENFORCEMENT RESPONSE	AUTHORITY
1. Entry denial	Entry denied, copies of records denied.	3,4	NOV, AO, fine/day, seek injunction, TS	Director
2. Illegal Discharge (Violation of the E.P.A. General Prohibited Discharge Standards.)	No harm to POTW or environment. No interference or Pass-Thru at the POTW.	0	NOV listing the General Prohibited Discharge Standards as contained in 40 CFR 403.5, (Code of Federal Regs)	PTC
	Discharge causes harm, pass-thru and/or interference in POTW. <b>(Significant Noncompliance)</b>	3	Cease and Desist Order requiring the User to halt the discharge immediately. Issuance of a Compliance Order assessing any penalties and/or costs deemed appropriate by the Department.	Director

**VIOLATIONS DETECTED DURING A SITE INSPECTION – cont.**

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	ENFORCEMENT RESPONSE	AUTHORITY
3. Improper sampling	Sampling at an incorrect location, using improper technique, or wrong sample type. (Unintentional)	0	NOV explaining correct procedures or location.	PTC
4. Inadequate record keeping	Inspector finds files incomplete or missing. (No evidence of Intent)	0	NOV explaining record keeping and documentation requirements.	PTC
	Re-occurrence of Inadequate Record keeping <b>(Significant Noncompliance)</b>	3	Compliance Order requiring proper maintenance of records. Assessment of penalty to be based on severity of violation.	Director
5. Failure to report additional sampling and monitoring	Inspector finds additional sampling and monitoring data.	0	NOV requiring submittal of all sampling and monitoring data.	PTC
	Recurring (within five year period) report violations. (Considered Falsification of Information) <b>(Significant Noncompliance)</b>	3	Compliance Order requiring submittal of all additional sampling and monitoring data. Assessment of penalty to be based on the severity of the violation.	Director