

BOROUGH OF CONSHOHOCKEN AUTHORITY
MUNICIPAL INDUSTRIAL PRETREATMENT
PROGRAM

ENFORCEMENT RESPONSE PLAN

BOROUGH OF CONSHOHOCKEN AUTHORITY

APPENDIX 1

ENFORCEMENT RESPONSE PLAN

TABLE OF CONTENTS

<u>1.0 INTRODUCTION</u>	5
<u>2.0 COORDINATION WITH OTHER MUNICIPALITIES</u>	133
<u>3.0 CIVIL PENALTY ASSESSMENT/INJUNCTIVE RELIEF POLICY</u>	144
<u>4.0 SAMPLING, MONITORING, AND REPORTING VIOLATIONS</u>	19
<u>5.0 EFFLUENT LIMITS VIOLATIONS</u>	244
<u>6.0 COMPLIANCE SCHEDULE VIOLATIONS</u>	266
<u>7.0 INCIDENT RESPONSE</u>	288
<u>8.0 UNAUTHORIZED DISCHARGE</u>	299
<u>9.0 NONCOMPLIANCE VIOLATIONS DETECTED THROUGH FIELD INSPECTIONS</u>	31

1.0 INTRODUCTION

The following report presents guidelines for the Borough of Conshohocken Authority (Authority) to follow in determining an appropriate enforcement response to specific violations of local permits and state, and federal pretreatment regulations by the Industrial Users of the Authority's sewer system, including those located within the jurisdictions of any municipality that is contributing flow to the Borough of Conshohocken Authority Wastewater Treatment Plant.

The enforcement actions given herein, when applicable, will be considered the minimum actions to be administered when responding to violations from Industrial Users who discharge into the Borough of Conshohocken Authority Sewer System. Some of the terms used herein to describe the various violations are defined below.

DEFINITIONS

1. **Best Management Practice (BMP):** Best management practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollutants in discharges, to implement the prohibitions listed in National Pretreatment Standards pursuant to 40 CFR 403.5(a)(1) and (b), and prevent the discharge of substances that may contribute to sanitary sewer overflows. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may also include other information required by the Authority.
2. **Incident:** Any pollutant released in a discharge, spill, or changed discharge that causes an upset, pass-through, interference at the Authority's wastewater treatment facilities, or has the potential to affect the Authority's sewer system.
3. **Industrial User:** Any non-domestic source of discharge of the Authority's sewage collection and treatment system, including all Categorical Industrial Users and Significant Dischargers
4. **Interference:** A discharge, which alone or in conjunction with a discharge or discharges from other sources, whether or not separate violations, inhibits or disrupts the wastewater collection and treatment system treatment processes, operations, or its biosolids processes, use or disposal, and therefore is a cause of a violation of any requirement or condition of the Authority's treatment plant NPDES permit. It will also be considered an interference when there is an increase or duration of the violation. The term includes prevention of biosolids use, biosolids processes, or disposal by the Authority in accordance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state

Borough of Conshohocken Authority
Enforcement Response Plan

or local permits): Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, Marine Protection Research and Sanctuaries Act or more stringent State criteria, including those contained in any State biosolids management plan prepared pursuant to Title IV of SWDA applicable to the method of disposal or use employed by the Authority.

5. **National Pretreatment Standard, Pretreatment Standard, or Standard:** Any regulation or requirement containing specific or general pollutant discharge limitations established in accordance with sections 307 (b) and (c) of the Clean Water Act, or 40 CFR Part 403, which applies to all non-domestic users of the sewer system.
6. **Pass-Through:** A discharge which exits the Authority's wastewater treatment plant into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources contributing to the Authority's system, is a cause of a violation of any requirement of the Authority's NPDES permit (including an increase in the magnitude and duration of the violation).
7. **Severe Violation:** Any discharge whether isolated or continual that could or would cause an upset or pass-through at the Authority's treatment plant in the wastewater treatment process or sludge treatment processes, use, or disposal.
8. **Significant Industrial User (SIU):** Any Industrial/Commercial User of the Authority's or Contributing Municipality's wastewater collection system who:
 - a. is subject to Categorical Pretreatment Standards;
 - b. discharges an average of 25,000 gallons per day or more of process wastewater to the Authority's collection and treatment system.
 - c. contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the Authority's treatment plant.
 - d. is designated as such by the Authority on the basis that the User has a reasonable potential for adversely affecting the Authority's treatment plant operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8(f).
9. **Significant Noncompliance:** A non-domestic User is in significant noncompliance if his violations meet one or more of the following criteria:

Chronic violations of wastewater discharge limits, defined as those in which 66

Borough of Conshohocken Authority
Enforcement Response Plan

percent or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(1)

Technical Review Criteria (TRC) violations, defined as those violations in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6 month period equal or exceed the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC= 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

Any other violation or group of violations , which may include a violation of Best Management Practices, that the Authority determines in its sole discretion will adversely affect the overall implementation of its industrial pretreatment program, or cause damage to the Authority's WWTP or interfere with the Authority's compliance with its permits.

Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the Authority exercising its emergency authority under 40 CFR 403.8 paragraph (f)(1)

It will additionally be considered a significant violation if any of the following criteria occurs:

- 1) The non-domestic user fails to meet, within ninety (90) days after the scheduled date, a compliance schedule date, or a compliance schedule milestone contained in a local control mechanism or enforcement action for starting construction, completing construction, or attaining final compliance;
- 2) The non-domestic user fails to provide within 30 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules; or
- 3) Failure to accurately and timely report incidents of noncompliance;

- 10. Upset:** A condition in which the stability of the biological mass of organisms used to treat the wastewater or wastewater solids is disrupted or negatively affected in any way.

All Significant Industrial Users which contribute to the Authority sewerage system are required to obtain Wastewater Discharge Permits from the Authority. It is the responsibility of the Authority's Industrial Pretreatment Program (IPP) Coordinator to implement all aspects of the IPP with regard to these permits and take appropriate action as described in this ERP when a User is in noncompliance.

Discharge limits set forth in the Wastewater Discharge Permits for Industrial Users are the basis for determination of noncompliance. The Authority will identify instances of noncompliance

Borough of Conshohocken Authority
Enforcement Response Plan

through periodic monitoring, the frequency of which is listed in each SIU's permit and subject to modification by the Authority. Unannounced inspections of each SIU will be performed annually.

Both physical and mechanical monitoring of the treatment plant will be implemented at the Authority's sole discretion to determine if any interference or pass-through has occurred. All such occurrences which have a negative effect on the treatment plant and/or receiving stream will be thoroughly investigated to determine the cause and origin of such upset. The IPP Coordinator will take appropriate steps, including temporary revocation of discharge permits when necessary, to ensure that the discharge causing interference at the treatment plant ceases immediately and that the User responsible for said discharge implement a plan to prevent future occurrences.

The guidelines have been separated into six typical categories of pretreatment violations:

1. Sampling, Monitoring, and Reporting Violations
2. Effluent Limit Violations
3. Compliance Schedule Violations
4. Incident Response
5. Unauthorized Discharge
6. Noncompliance Violations Detected through Inspections or Field Investigations

In each category, noncompliance situations of varying circumstances are listed with the appropriate enforcement response and a specific time frame for initiation and completion of the response. Circumstances vary from isolated to continued violations. Enforcement responses range from sending a notice of violation to termination of services. These responses are listed in Table 1.

In all noncompliance situations, the Industrial User will be required to respond within a noted time frame to avoid further escalation of the Authority's enforcement. The Authority may also seek civil penalties or injunctive relief against non-complying dischargers as described in subsequent chapters of this Plan. Figure 1 depicts the possible sequencing of enforcement actions by the Authority.

Identification and documentation of all violations will be made by the Authority's Industrial Pretreatment Program Coordinator as soon as possible after receiving compliance information from the Industrial User. Enforcement actions taken by the Authority's Industrial Pretreatment Program Coordinator must be performed as soon as possible after detection of the violation. In some cases, where Administrative Orders, compliance schedules, suspension or termination of service, or civil and/or criminal penalties are involved, the enforcement response may originate from the Authority Solicitor.

Borough of Conshohocken Authority
Enforcement Response Plan

The Authority's Industrial Pretreatment Program Coordinator will investigate instances of industrial user noncompliance through the use of the following methods. First, the Authority's Industrial Pretreatment Program Coordinator will review each Industrial Users' files once a year regarding industrial processes, wastewater flows, quarterly sampling data, and any additional wastewater sampling data for compliance with the local, state, and federal pretreatment regulations. Second, the Authority's Industrial Pretreatment Program Coordinator will perform unscheduled facilities investigations and maintain open channels of communication with all Industrial Users, especially Significant Industrial Users, to monitor compliance with all regulations of the Industrial Pretreatment Program.

TABLE 1

**BOROUGH OF CONSHOHOCKEN AUTHORITY
ENFORCEMENT ACTIONS**

1. **NOTICE OF VIOLATION:** An official communication from the Authority to the Industrial User documenting that a pretreatment violation has occurred.
2. **SHOW-CAUSE HEARING:** An official meeting between the Authority and an Industrial User to resolve conditions of continued violations. The Hearing may also result in the Authority granting a Compliance Schedule or issuing an Administrative Order to the Industrial User.
3. **COMPLIANCE SCHEDULE:** A schedule of required activities (or milestones) necessary for an Industrial User to achieve compliance with all pretreatment program requirements.
4. **ADMINISTRATIVE ORDER:** An official enforcement document which directs an Industrial User to undertake or to cease specific activities and which carries specific legal actions for continued noncompliance.
5. **LEGAL ACTION:** Depending on the circumstance of the violation(s), the term "legal action" refers to either civil or criminal penalties as described below and is in addition to any other remedy provided for in the Authority's Rules and Regulations:
 - **Civil Penalties:** Where warranted, the Authority may impose civil penalties, pass through fines the Authority receives, and/ or legal and engineers costs and fees on MIPP users who fail to comply with the Borough of Conshohocken Authority rules and regulations, or a federal, state, or local pretreatment regulation. These fines will be no less than \$500 per day per violation up to a maximum of \$25,000 per day per violation for continued or severe violations, or which result in damage to the Authority's wastewater treatment facilities. The Authority's Civil Penalty Assessment Policy is described in Section 3.0 of this Plan. In situations where an imminent danger to the treatment plant, Authority personnel, or the environment results from a violation, the Authority may seek Injunctive Relief as described in Section 3.0 of this Plan.
 - **Criminal Penalties:** Any Industrial User who willfully or negligently violates any provisions of the Borough of Conshohocken Authority rules and regulations or a federal, state, or local pretreatment regulation may be subject to criminal prosecution. Criminal prosecution may also be commenced where it is determined that an Industrial User/ commercial user has falsified information in connection with the pretreatment requirements.

Borough of Conshohocken Authority
Enforcement Response Plan

6. **TERMINATION OF SERVICES:** The issuance of a formal notice of termination by the Authority to an Industrial User for continued or severe violations, or for Significant Noncompliance (SNC).

Borough of Conshohocken Authority
Enforcement Response Plan

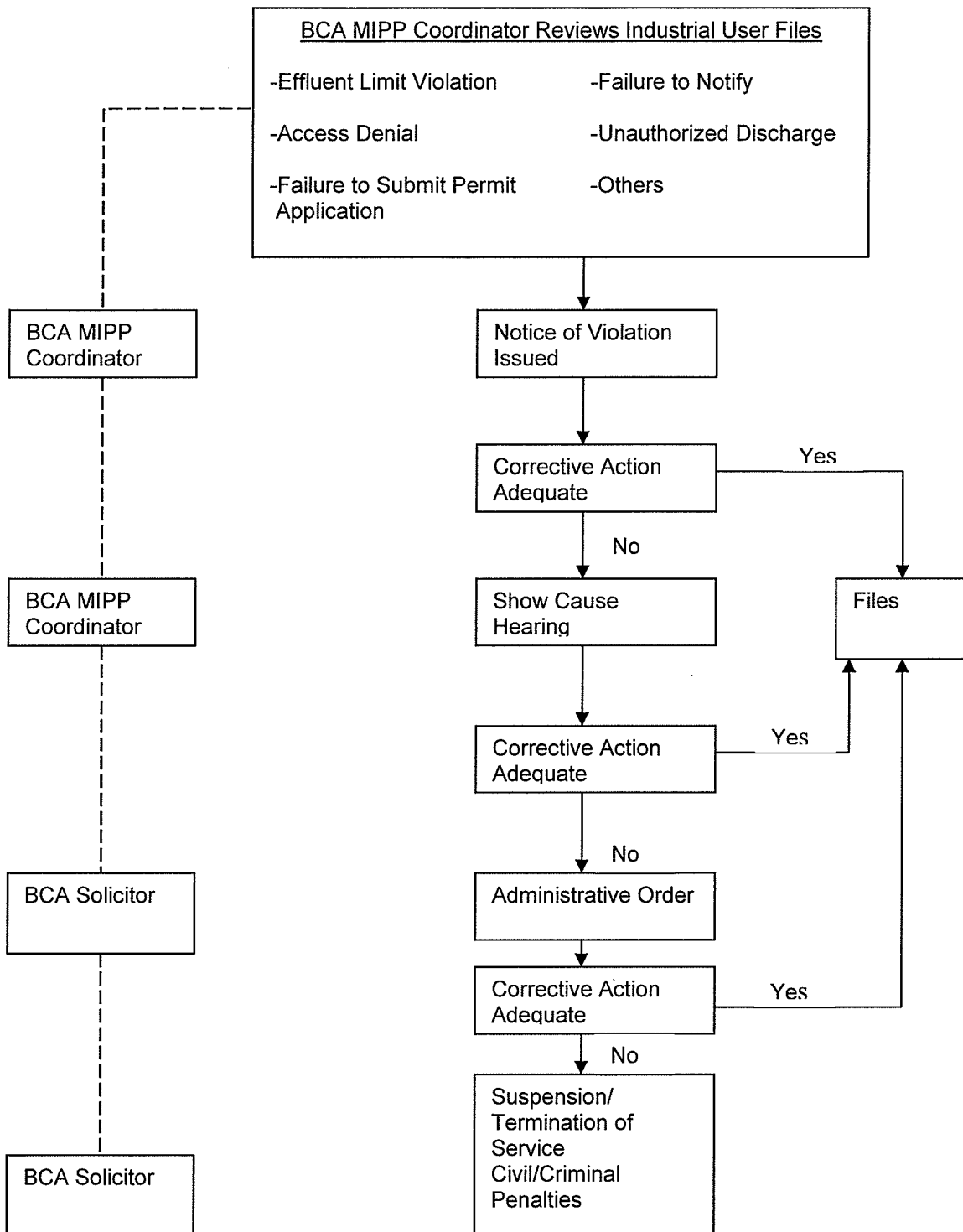


Figure 1
Compliance Enforcement Schedule

2.0 COORDINATION WITH OTHER MUNICIPALITIES

For the following Enforcement Response Plan (ERP) to be effective, the Borough of Conshohocken Authority must have total cooperation from all contributing municipalities.

When necessary in the Authority's sole discretion, the Authority solicitor will be responsible for coordinating enforcement actions taken by the Authority for all pretreatment violations by Industrial/Commercial Users that discharge into the Borough of Conshohocken Authority sewer system. All enforcement actions must be at least as stringent as those shown in the enclosed ERP. The Authority Solicitor shall provide the Borough of Conshohocken Authority Industrial Pretreatment Program Coordinator with copies of all enforcement actions taken against these Industrial Users.

The Authority's Industrial Pretreatment Program Coordinator may decide to pursue enforcement of the non-complying Industrial/Commercial Users where violations have gone undetected or previous enforcement actions have not been sufficient. This system will help protect the Borough of Conshohocken Authority Wastewater Treatment Plant against discharges which may cause pass-through or interferences and will ensure that the Borough of Conshohocken Authority pretreatment program meets all federal and state requirements.

3.0 CIVIL PENALTY ASSESSMENT/INJUNCTIVE RELIEF POLICY

3.1 CIVIL PENALTY ASSESSMENT

In addition to the other enforcement actions described within this guide or otherwise provided for in the Authority's rules and regulations, the Authority may seek civil penalties and/or injunctive relief against non-complying industrial users. Civil penalties vary from \$500 up to \$25,000 per day, per violation, depending on the severity of the violation, and other factors.

In civil penalty assessment, the Authority will consider all of the following factors:

- Damage to the Authority's treatment plant or collection system, the environment, or collection system personnel, resulting from the violation;
- The Industrial User's compliance history;
- The level of cooperation obtained from the Industrial User;
 - The economic benefit gained by the Industrial Users as a result of the noncompliance;
 - Other relevant factors;

The general Civil Assessment Policy of the Borough of Conshohocken Authority is given in Table 2. All fines listed will be assessed on a per day per violation basis, as provided for under Pennsylvania Law. These fines shall be in addition to all pass through fines and/ or penalties and in addition to all legal and engineering fees the Authority incurs as a result of the violation, which shall be the sole responsibility of the violating user. The fines shown are maximum penalties, which the Authority has the right to reduce or waive in certain circumstances, in the Authority's sole discretion.

The Authority's ability to seek civil penalties against non-complying users shall apply to all industrial users of the Authority's wastewater collection and treatment system regardless of political boundary. The civil penalties may be sought in the Montgomery County Court of Common Pleas, and to that end a jurisdiction is hereby conferred in law and equity upon such courts.

3.2 INJUNCTIVE RELIEF

Where necessary, the Authority shall also have the power to obtain injunctive relief against any Industrial Users in violation of a Pretreatment Standard. Injunctive relief will be granted pursuant to Pennsylvania Law, if any of the following conditions can be determined to be true:

- A discharge from an Industrial User presents an imminent or substantial danger to the environment;
- A discharge from an Industrial User causes the Authority to violate any condition of its NPDES permit, sludge application standards, or other state or federal requirement;
- A discharge from an Industrial User presents an imminent or substantial danger to the Authority's treatment plant or collection system, Authority personnel, or the general public;
- The industrial user has shown a lack of ability or intention to comply with a Pretreatment Standard;

However, this section shall not be interpreted to limit the Authority's available equitable relief under Pennsylvania law.

Injunctive relief may also be issued against a non-complying Industrial User if the court determines that other enforcement actions available to the Authority would not be adequate to affect prompt correction of the condition or violation. In addition to injunctive relief, the Authority may also be granted civil penalties according to Section 3.1 of this report.

The Authority's power to seek injunctive relief against non-complying Industrial User shall apply to all industrial users of the Authority's wastewater collection and treatment system regardless of political boundary. The injunctive relief may be sought in the Montgomery County Court of Common Pleas, and to that end a jurisdiction is hereby conferred in law and equity upon such courts.

3.3 RIGHT TO APPEAL

The industrial user charged with any penalty previously described shall have 30 days from the date of the notice to pay the proposed penalty in full, or, if the industrial/commercial user wishes to contest either the amount of the penalty or the fact of the violation, the industrial user must file an appeal of the action within 30 days of receiving notice of the violation.

Table 2: Civil Penalty Assessment Schedule

ERP Reference Number	Description	Circumstance	Fines, per day per violation		Damages to WWTP Resulting from Violation
			Adequate Response From User	Inadequate Response From User	
<u>Sampling, Monitoring or Reporting Violations</u>					
Section 4.1	Failure to sample, report, or monitor	Isolated	No Penalty	\$500	Either up to \$25,000; or equal to cost to repair damage to the WWTP
Section 4.2	Failure to sample, report, or monitor	Occurring twice in one year	\$500	Up to \$1000	Either up to \$25,000; or equal to cost to repair damage to the WWTP
Section 4.3	Slug discharge w/out proper notification to the Authority	Isolated w/ no known effects	No Penalty	\$500	N/A
Section 4.4	Slug discharge w/out proper notification to the Authority	Continued or SNC w/ no known effects	Up to \$500	Up to \$1000	N/A
Section 4.5	Slug discharge w/ out prior notification to the Authority	Isolated w/ known effects	Up to \$1,000	Up to \$2,000	Either up to \$25,000; or equal to cost to repair damage to the WWTP
Section 4.6	Reporting or sampling deficiencies	Isolated	No Penalty	\$500	N/A
Section 4.7	Reporting or sampling deficiencies	Continued/SNC	\$500	Up to \$1,000	N/A
Section 4.8	Falsification of reported sampling, monitoring or reporting information	Evidence of intent	Up to \$5,000	Up to \$25,000	Either up to \$25,000; or equal to cost to repair damage to the WWTP
Section 4.9	Inadequate record keeping	Isolated	No Penalty	\$500	N/A
Section 4.10	Inadequate record keeping	Continued/SNC	\$500	Up to \$1,000	N/A
ERP Reference Number	Description	Circumstance	Fines, per day per violation Response From User		Damages to WWTP

Borough of Conshohocken Authority
Enforcement Response Plan

<u>Effluent Limits Violations</u>			Adequate	Inadequate	Resulting from Violation
Section 5.1	Violations of local or categorical standards	Isolated w/no known effects	No Penalty	\$500	N/A
Section 5.2	Violations of local or categorical standards	Continued w/no known effects	\$500	Up to \$1000	N/A
Section 5.3	Violations of local or categorical standards	SNC or known effects	Up to \$1,000	Up to \$2,000	Either up to \$25,000; or equal to cost to repair damage to the WWTP
<u>Compliance Schedule Violations</u>					
Section 6.1	Missed interim or major milestone date	Will not cause lateness in compliance	No Penalty	\$500	N/A
Section 6.2	Missed interim or major milestone date	Will cause lateness in compliance	Up to \$1,000	\$1,000 - \$25,000*	*Calculated using EPA Guidance on Economic Cost of Non-compliance
<u>Reported Incident or Slug Discharge</u>					
Section 7.1	Slug discharge with prior notification to the Authority	Isolated w/ known damage to the WWTP	\$750	Up to \$1,500	Either up to \$25,000; or equal to cost to repair damage to the WWTP

Borough of Conshohocken Authority
Enforcement Response Plan

ERP Reference Number	Description	Circumstance	Fines, per day per violation		Damages to WWTP Resulting from Violation
			Adequate	Response From User Inadequate	
<u>Unauthorized Discharge</u>					
Section 8.1	Discharge without permit or Authority approval	Isolated w/no known effects	Up to \$1,000	Up to \$25,000	N/A
Section 8.2	Discharge without permit or Authority approval	Continued w/no known effects	Up to \$10,000	Up to \$25,000	N/A
Section 8.3	Discharge without permit or Authority approval	Any instance w/ known effects	Up to \$25,000	Up to \$25,000	Either up to \$25,000; or equal to cost to repair damage to the WWTP
Section 8.4	Failure to submit permit application	Delayed response; no known effect	Up to \$1,000	Up to \$5,000	N/A
<u>Violations Detected Through Sampling or Inspection Visits</u>					
Section 9.1	Entry, sampling, or record review denial	Any instance	Up to \$1,000	Up to \$2,000	Either up to \$25,000; or equal to cost to repair damage to the WWTP
Section 9.2	Unintentional sampling, reporting, or monitoring violations	Any instance	\$500	Up to \$1,000	Either up to \$25,000; or equal to cost to repair damage to the WWTP
Section 9.3	Proven intentional sampling, reporting, or monitoring violations	Any instance	Up to \$5,000	Up to \$25,000	Either up to \$25,000; or equal to cost to repair damage to the WWTP
Section 9.4	Unintentional violation of the Best Management Practices (BMP), including failure to follow Standard Operating Procedure (SOP)	Any instance	\$500	Up to \$1,000	Either up to \$25,000; or equal to cost to repair damage to the WWTP

4.0 SAMPLING, MONITORING, AND REPORTING VIOLATIONS

The following text provides specific noncompliance scenarios and the corresponding official response(s).

4.1 NONCOMPLIANCE - Failure to sample, monitor, or report required information during specified time frames;

CIRCUMSTANCES - Isolated violation; or delayed response which is received after notification of the Industrial User by the Authority;

RESPONSE - An Notice of Violation (NOV) is mailed via certified mail by the Authority's Industrial Pretreatment Program Coordinator to the Industrial User requiring a written explanation for the violation along with the missing report within thirty (30) calendar days of the certified receipt of the NOV.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties of up to \$500 per day per violation, may also be commenced.

4.2 NONCOMPLIANCE - Failure to sample, monitor, or report required information during specified time frames;

CIRCUMSTANCES - Continued violation; and/or failure to respond to a previous NOV;

RESPONSE - An NOV is mailed via certified mail by the Authority's Industrial Pretreatment Program Coordinator to the User requiring attendance at a Show-Cause Hearing. The User is required to respond in writing to the hearing notice.

If no response is received within fifteen (15) calendar days of the certified receipt of the NOV, an Administrative Order is issued to the Industrial User by the Authority ordering an immediate halt to such violation(s) along with the requirement that the User provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties of up to \$1,000 per day per violation, may also be commenced.

- 4.3 NONCOMPLIANCE** - Failure to notify the Authority of a slug discharge or significant change in operating and/or discharge conditions;

CIRCUMSTANCES - Isolated violation with no known effects on the Authority's wastewater treatment facilities;

RESPONSE - An NOV is mailed via certified mail by the Authority's Industrial Pretreatment Program Coordinator to the Industrial User requiring a written explanation for the violation within five (5) calendar days of the certified receipt of the NOV.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties of up to \$500 per day per violation, may also be commenced.

- 4.4 NONCOMPLIANCE** - Failure to notify the Authority of a slug discharge or significant change in operating and/or discharge conditions;

CIRCUMSTANCES - Continued violation with no known effects on the Authority's wastewater treatment facilities; and/or delayed or inadequate response to previous NOV;

RESPONSE - An NOV is mailed via certified mail by the Authority's Industrial Pretreatment Program Coordinator to the Industrial User requiring attendance at a Show-Cause Hearing. The User must respond in writing requesting a hearing or they must provide a written corrective action plan within five (5) days.

If no response is received within five (5) calendar days of the certified receipt of the NOV, an Administrative Order is mailed via certified mail by the Authority to the Industrial User ordering an immediate halt to such violation(s) along with the requirement that the User provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties of up to \$1,000 per day per violation, may also be commenced.

- 4.5 NONCOMPLIANCE** - Failure to notify the Authority of a slug discharge or significant change in operating and/or discharge conditions;

CIRCUMSTANCES - Severe violation with known upset or damages to the Authority's wastewater treatment facilities and/or the environment;

Borough of Conshohocken Authority
Enforcement Response Plan

RESPONSE - An Administrative Order is mailed via certified mail by the Authority, or other authorized individual, to the Industrial User ordering an immediate halt to such violation(s) along with the requirement that the User provide a written explanation for the violation and how it will be corrected, within five (5) calendar days of the certified receipt of the Order.

Depending on the circumstances of the violation, proceedings to initiate a civil legal action, including penalties of up to \$2,000 per day per violation, or monetary costs equal to those needed for repairing any damage incurred to the Authority's wastewater treatment facilities as a result of the violation will also be commenced by the Solicitor.

- 4.6 **NONCOMPLIANCE** - Deficiencies in reporting, sampling, or monitoring such as missing information, incomplete reports, uncertified data, etc.;

CIRCUMSTANCES - Isolated violation;

RESPONSE - An NOV is mailed via certified mail by the Authority's Industrial Pretreatment Program Coordinator to the Industrial User requiring a written explanation for the delinquency along with the corrections within thirty (30) calendar days of the certified receipt of the NOV.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties of up to \$500 per day per violation, may also be commenced.

- 4.7 **NONCOMPLIANCE** - Deficiencies in reporting, sampling, or monitoring, such as missing information, incomplete reports, uncertified data, etc.;

CIRCUMSTANCES - Continued violation; or delayed or inadequate response to previous NOV;

RESPONSE - An NOV is mailed via certified mail by the Authority's Industrial Pretreatment Program Coordinator to the Industrial User requiring attendance at a Show-Cause Hearing. The User must respond in writing requesting a hearing or they must provide a written corrective action plan.

If no response is received within thirty (30) calendar days of the certified receipt of the NOV, an Administrative Order is mailed via certified mail by the Authority ordering an immediate halt to such violation(s) along with the requirement that the User provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order.

Borough of Conshohocken Authority
Enforcement Response Plan

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties of up to \$1,000 per day per violation, may also be commenced.

- 4.8 NONCOMPLIANCE** - Falsification of information in sampling, monitoring, or reporting submittals;

CIRCUMSTANCES - Evidence of intent or negligence;

RESPONSE - An Administrative Order is mailed via certified mail by the Authority to the Industrial User requiring a written explanation for the violation along with the correct information within five (5) calendar days of the certified receipt of the Order.

If conditions are not adhered to, or if it is determined that the User's response is unsatisfactory, proceedings to initiate a civil or criminal legal action, including fines of up to \$25,000 per day per violation, and possible termination of services will be commenced.

- 4.9 NONCOMPLIANCE** - Inadequate record keeping, files missing or incomplete;

CIRCUMSTANCES - Isolated violation;

RESPONSE - An NOV is mailed via certified mail by the Authority's Industrial Pretreatment Program Coordinator to the Industrial User requiring an immediate written explanation for the violation(s) and how it will be corrected within thirty (30) calendar days of the certified receipt of the NOV.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties of up to \$500 per day per violation, may also be commenced.

- 4.10 NONCOMPLIANCE** - Inadequate record keeping, files missing or incomplete;

CIRCUMSTANCES - Continued violation; or delayed or inadequate response to previous NOV;

RESPONSE - An NOV is mailed via certified mail by the Authority's Industrial Pretreatment Program Coordinator to the Industrial User requiring attendance at a Show-Cause Hearing. The User must respond in writing requesting a hearing or they must provide a written corrective action plan.

Borough of Conshohocken Authority
Enforcement Response Plan

If no response is received within fifteen (15) calendar days of the certified receipt of the NOV, an Administrative Order is mailed via certified mail by the Authority to the Industrial User ordering an immediate halt to such violation(s) along with the requirement that the User provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order. Proceedings to initiate a civil or criminal legal action, including penalties of up to \$1,000 per day per violation, may also be commenced.

5.0 EFFLUENT LIMITS VIOLATIONS

The following text provides specific noncompliance scenarios and the corresponding official response(s).

5.1 NONCOMPLIANCE - violation of local or categorical pretreatment limits;

CIRCUMSTANCES - Isolated violation;

RESPONSE - A Notice of Violation (NOV) is mailed via certified mail by the Authority's Industrial Pretreatment Program Coordinator to the Industrial User requiring an immediate written explanation for the violation along with the requirement that the User immediately resample the discharge and submit these results within thirty (30) calendar days of the certified receipt of the NOV.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties of up to \$500 per day per violation, may also be commenced.

5.2 NONCOMPLIANCE - Violation of local or categorical pretreatment limits;

CIRCUMSTANCES - Continued violation/ Significant Noncompliance (SNC); or inadequate response to previous NOV;

RESPONSE - An NOV is mailed via certified mail by the Authority's Industrial Pretreatment Program Coordinator to the Industrial User requiring attendance at a Show-Cause Hearing. The User must respond in writing requesting a hearing or they must provide a written corrective action plan.

If no response is received within thirty (30) calendar days of the certified receipt of the NOV, proceedings to initiate a civil legal action, including penalties of up to \$1,000 per day per violation, and possible termination of services will be commenced by the Solicitor. The user shall also be responsible for any and all penalties assessed by any state or federal governmental agency as a result of the violation by the user.

5.3 NONCOMPLIANCE - Violation of local or categorical limits;

CIRCUMSTANCES - Violation(s) classified as Significant Noncompliance (SNC) or which are otherwise considered a severe violation;

RESPONSE - An Administrative Order is mailed via certified mail by the Authority to the Industrial User ordering an immediate halt to such violation(s) along with the requirement that the User provide an immediate written explanation for said violation(s) and how it will be corrected within fifteen (15) calendar days of the certified receipt of the NOV.

If conditions are not adhered to, the Authority's Solicitor shall initiate civil proceedings seeking penalties of up to \$25,000 per day per violation, or equal to the cost of repairing any damages to the treatment facilities, and possible termination of services will be commenced by the Solicitor.

6.0 COMPLIANCE SCHEDULE VIOLATIONS

The following text provides specific noncompliance scenarios and the corresponding official response(s).

6.1 NONCOMPLIANCE - Missed interim or major milestone date;

CIRCUMSTANCES - Reporting violation which will not cause lateness in other interim dates;

RESPONSE - An Notice of Violation (NOV) is mailed via certified mail by the Authority's Industrial Pretreatment Program Coordinator to the Industrial User requiring an immediate written explanation for the delinquency along with the items required.

If no response is received by the Authority within thirty (30) calendar days of the certified receipt of the NOV, an Administrative Order is mailed via certified mail by the Solicitor to the Industrial User ordering an immediate halt to such violation(s) along with the requirement that the User provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties of up to \$500 per day per violation, may also be commenced.

6.2 NONCOMPLIANCE - Missed interim or major milestone date;

CIRCUMSTANCES - Reporting violation, or delayed or inadequate response to previous NOV, or delays which will cause lateness in other interim dates;

RESPONSE - An NOV is mailed via certified mail by the Authority's Industrial Pretreatment Program Coordinator to the Industrial User requiring an immediate written explanation for the delinquency along with the items required within fifteen (15) calendar days of the certified receipt of the NOV. In this response, the User must also provide a specific date when the elapsed date will be met and the probability of meeting the next scheduled requirement.

Borough of Conshohocken Authority
Enforcement Response Plan

If no response is received within fifteen (15) calendar days of the certified receipt of the NOV proceedings to initiate a civil or criminal legal action, including penalties of up to \$25,000 per day per violation, or calculated using EPA's Guidance for Calculating the Economic Benefit of Non-compliance, and possible suspension/termination of services will be commenced by the Solicitor.

6.3 NONCOMPLIANCE - Missed interim or major milestone date

CIRCUMSTANCES - Reporting violation exceeds 90 days and the industrial user, therefore, is considered in significant noncompliance (SNC)

RESPONSE - An Administrative Order is mailed via certified mail by the Authority to the Industrial User ordering an immediate halt to such violation(s) along with the requirement that the User provide a written explanation for the violation and how it will be corrected within fifteen days (15) of the certified receipt of the Order. In the response, the User must also provide a specific date when the elapsed date will be met and the probability of meeting the next scheduled requirement.

If no response is received within fifteen (15) calendar days of the certified receipt of the Order proceedings to initiate a civil or criminal legal action, including penalties of up to \$25,000 per day per violation, or calculated using EPA's Guidance for Calculating the Economic Benefit of Non-compliance, and possible suspension/termination of services will be commenced by the Solicitor.

7.0 INCIDENT RESPONSE

The following text provides specific noncompliance scenarios and the corresponding official response(s).

7.1 NONCOMPLIANCE - Reported incident or slug discharge;

CIRCUMSTANCES - Isolated violation with known upset or damages to the Authority's wastewater treatment facilities and/or environment;

RESPONSE - An Administrative Order is mailed via certified mail by the Solicitor to the Industrial User ordering an immediate halt to such violation(s) along with the requirement that the User provide a written explanation for the violation and how it will be corrected within five (5) calendar days of the certified receipt of the Order.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties of up to \$25,000 per day per violation or monetary costs equal to those for repairing any damage done to the wastewater collection or treatment facilities, or the receiving stream, will also be commenced by the Solicitor.

8.0 UNAUTHORIZED DISCHARGE

The following text provides specific noncompliance scenarios and the corresponding official response(s).

8.1 NONCOMPLIANCE - Discharge without a permit or Authority approval;

CIRCUMSTANCES - Isolated violation with no known upset or damages to the Authority wastewater treatment facilities and/or the environment;

RESPONSE - A sewer discharge permit application is issued to the Industrial User by the Authority's Industrial Pretreatment Program Coordinator that is to be completed and submitted to the Authority for approval within thirty (30) calendar days of discovery of the unauthorized discharge.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties of up to \$25,000 per day per violation, may also be commenced.

8.2 NONCOMPLIANCE - Discharge without a permit or Authority approval;

CIRCUMSTANCES - Continued violations with no known upset or damages to the Authority's wastewater treatment facilities and/or environment; or inadequate response to previous NOV;

RESPONSE - An NOV along with a sewer discharge permit application is mailed via certified mail to the Industrial User by the Authority's Industrial Pretreatment Program Coordinator that is to be completed and submitted to the Authority for approval within fifteen (15) calendar days of the certified receipt of the NOV. Proceedings to initiate a civil or criminal legal action, including penalties of up to \$25,000 per day per violation, may also be commenced.

8.3 NONCOMPLIANCE - Discharge without a permit or Authority approval;

CIRCUMSTANCES - Isolated or continued violation with known interference or damage to the Authority's wastewater treatment facilities and/or the environment;

RESPONSE - An Administrative Order is mailed via certified mail by the Solicitor to the Industrial User within five (5) calendar days of the incident requiring an immediate written explanation for the unauthorized discharge.

Borough of Conshohocken Authority
Enforcement Response Plan

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties of \$25,000 per day per violation or monetary costs equal to the damages incurred at the Authority's wastewater treatment facilities, will also be commenced by the Solicitor. Sewer discharge privileges in the form of a sewer discharge permit are also delayed until proper application forms are submitted and approved by the Authority and all fines are paid in full by the violator. The Solicitor shall also determine if criminal charges are warranted.

8.4 NONCOMPLIANCE - Failure to submit a sewer discharge permit application;

CIRCUMSTANCES - Reporting violation; Industrial User has failed to submit a sewer discharge permit application within the allotted thirty (30) calendar days. There is no known interference or damage to the Authority's wastewater treatment facilities and/or the environment;

RESPONSE - An Administrative Order is mailed via certified mail by the Authority to the Industrial User. If no application is received within fifteen (15) calendar days of the certified receipt of the Order, proceedings to initiate a civil or criminal legal action, including penalties of up to \$5,000 per day per violation, will commence.

9.0 NONCOMPLIANCE VIOLATIONS DETECTED THROUGH FIELD INSPECTIONS

The following text provides specific noncompliance scenarios and the corresponding official response(s).

9.1 NONCOMPLIANCE - Entry denial, copying of records denied;

CIRCUMSTANCES - Any instance;

RESPONSE – The matter will be referred to Montgomery County’s District Attorney Office for possible criminal prosecution.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties of up to \$2,000 per day per violation, may also be commenced.

9.2 NONCOMPLIANCE - Unintentional violation of sampling procedures, including failure to follow proper sampling location, type, or collection techniques;

CIRCUMSTANCES - Any instance;

RESPONSE - An NOV is mailed via certified mail by the Authority's Industrial Pretreatment Program Coordinator to the Industrial User requiring an immediate written explanation for the violation and a plan of action to amend the violation within thirty (30) calendar days of the certified receipt of the NOV.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties of up to \$1,000 per day per violation, may also be commenced.

- 9.3 NONCOMPLIANCE** - Proven intentional violation of procedures, including failure to follow proper sampling location, type, or collection techniques;

CIRCUMSTANCES - Any instance;

RESPONSE - An Administrative Order is mailed via certified mail by the Authority to the Industrial User ordering an immediate halt to such violation(s) along with the requirement that the User provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order. There shall be proceedings to initiate a civil legal action, including penalties of \$25,000 per day per violation, or equal to the cost of repairing any damages to the treatment facilities as a result of the violation(s), will be commenced. The User shall be responsible for fines and/or penalties in addition to other remedies sought.

- 9.4 NONCOMPLIANCE** – Unintentional violation of the Best Management Practices (BMP), including failure to follow standard operating procedure (SOP)

CIRCUMSTANCES – Any instance;

RESPONSE – A NOV is mailed via certified mail by the Authority's Industrial Pretreatment Program Coordinator to the Industrial User requiring an immediate written explanation for the violation and a plan of action to amend the violation within thirty (30) calendar days of the certified receipt of the NOV.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties of up to \$25,000 per day per violation may also be commenced.