

City of Greeley, Colorado
Industrial Pretreatment Program
Non-Substantial Modification Submittal

1.1.5. Revised Enforcement Response Plan

SECTION 5

PROGRAM PROCEDURES – ENFORCEMENT RESPONSE PLAN

Procedures to ensure compliance with Industrial Pretreatment Program (IPP) objectives have been developed by the City. The following elements have been incorporated into City procedures to implement its Pretreatment Program:

- IU Inventory and Characterization
- Permit program for SIUs, CIUs, Domestic Waste Haulers, and BMP-required IUs;
- Sector control programs;
- Notification of requirements to IUs;
- Monitoring and inspections by City Pretreatment personnel;
- Self-monitoring reports by IUs;
- Compliance enforcement;
- Public notification of significant noncompliance; and
- Public outreach and education.

5.1 Permit Process

All industries classified as SIUs, CIUs, BMP Required IUs, or Domestic Waste Haulers are required to have a Wastewater Discharge Permit. Through processes described in previous sections, Greeley will determine if an IU is a significant contributor. If the City classifies an industry as one of the categories above, information about the Pretreatment Program's requirements will be provided to the industry electronically. The City's Pretreatment website provides access to the Industrial Pretreatment Article of the City Code (Industrial Pretreatment Article), a Wastewater Discharge Permit application form, and

Federal Pretreatment related documents.

Permit conditions will be based upon discharge characteristics and limitations imposed by the Industrial Pretreatment Article. Permit conditions will be developed to ensure the proper operation of the wastewater collection and treatment system. As new Federal or local requirements are promulgated, affected IUs will be notified, and their permits will be modified.

Wastewater Discharge Permits must be renewed every three (3) years. Updated applications will be used, in part, to detect any modifications in processes or Wastewater characteristics. Additionally, permitted industries must notify the IPP of any new or increased contribution of pollutants that were not initially indicated in former permit applications.

5.1.1 Permit Limit Development

Where applicable, permittees shall have limits developed for their discharge to be protective of the POTW. The City will allocate the daily Maximum Allowable Industrial Loading (MAIL) among SIUs through Wastewater Discharge Permits. The total mass of pollutants allocated to SIUs shall not exceed the MAIL. Allocation of the POTW's MAIL among all SIUs shall be based upon discharge volume, flow rate, or equitable and feasible distribution. Limits may be allocated from the MAIL based upon IU historical averages plus two (2) standard deviations, where reasonable. Limits developed in this fashion shall not exceed 5% of the WTRF's design capacity for a single User. Alternatively, parameters for which local limits exist, an IU's average flow in million gallons per day (MGD) may be multiplied by a parameter's respective Uniform Concentration Limit (UCL) and the pounds per gallon conversion factor of 8.34. The resulting value shall act as a mass limit for the respective parameter.

All permit limits are based on the Director's best judgement and are subject to change or restriction as needed to protect the POTW.

5.2 BMP Required IUs and Sector Control Programs

Any IU not classified as Significant/Categorical is still subject to general and specific prohibitions regarding pollutants being introduced into a POTW. According to 40 CFR 403.5(a)(1), a User may not introduce any pollutant(s) into a POTW that cause pass through or interference. Further, 40 CFR 403.5(b)(3) indicates that solid or viscous pollutants shall not be introduced to the POTW in amounts that would cause obstruction to the flow in the POTW resulting in interference. Solid or viscous pollutants would include Fats, Oils, and Grease (FOG) generated by Food Service Establishments (FSEs).

The IPP has developed BMPs to address specific limits on waste streams, such as FSE FOG. A new FSE is required to complete an initial Food Service Establishment BMP Certification/Survey and must submit the Certification Form every three (3) years thereafter. Existing FSEs must complete and return the Certification Form every three (3) years. FSEs are required to track grease trap/interceptor waste removed from their business to its final disposal site. Any FSE that has a grease trap/interceptor must keep an interceptor maintenance file with copies of cleaning manifests or receipts from grease haulers on-site,

for a minimum of three (3) years, and provide them to the City upon request.

Additionally, IPP has developed BMPs for Breweries and Distilleries. These users are required to fill out the Brewery/Distillery Compliance Report to describe their processes along with production values, discharge values, and practices for disposing of bad batches or solid wastes such as spent grain generated during production. BMPs regarding spills are also requested through the Compliance report. Like FSEs, Breweries and Distilleries are required to complete an initial Certification/Survey and submit the Certification Form every three (3) years thereafter. In the event that IPP feels that production volumes or poor BMP implementation warrants a permit, IPP reserves the right to permit Users as needed.

Another recent change to POTW wastewater compliance includes regulation of amalgam discharges from dental facilities. Excluding certain exceptions detailed in 40 CFR 441, all dental offices are subject to the Dental Amalgam Rule requiring facilities to minimize mercury discharges to POTWs.

Dental facilities established after July 14, 2017 are considered new sources. New sources must install an amalgam separator that meets the ISO 11143 standard prior to discharge of any process wastewater. Additionally, new sources must submit a One-time Compliance Report within 90 days of wastewater discharges.

Dental Facilities established prior to July 14, 2017 are considered existing sources. Existing sources must submit a One-time Compliance Report prior to October 12, 2020. Existing sources with an existing amalgam separator that does not meet the ISO 11143 standard must install a compliant separator by June 14, 2027 or when replacement is necessary, whichever is sooner. Existing sources that did not have an amalgam separator installed prior to June 14, 2017, must install an ISO compliant separator by July 14, 2020.

Sector control programs may be implemented for other businesses such as those classified in Section 4.3. The Industrial Pretreatment Article provides enforcement authority with BMPs and general permitting authority for sector control programs, if needed.

5.3 Industrial Users Notification Requirement

The City will notify all IUs subject to the Pretreatment Program of any applicable pretreatment standards as well as any regulations under Sections 204(b) and 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act (RCRA) that may be pertinent. In order to remain current with Federal Pretreatment Standards, the IPP regularly reviews the Federal Register for items regarding the program.

5.4 Monitoring and Inspection

5.4.1 Monitoring

The monitoring portion of the Pretreatment Program is the greatest source of industrial discharge data

available to IPP.

Compliance monitoring is used to determine IU compliance with the Industrial Pretreatment Article, to develop User charges, and to provide data needed for required reports. The IPP conducts compliance monitoring to assure that data collected by an industry is accurate when self-monitoring is required. Samples are taken at least annually during operational hours and up to 24 hours a day. Where flow-proportioning is not practical, time-proportioned samples may be collected. In addition, flow rates will be measured to detect any possible dilution of waste, and to determine mass based loading limits. Random compliance monitoring may be used to help determine compliance between required annual monitoring and to investigate additional sources of industrial discharge.

Demand monitoring is required in the form of re-test monitoring after a detected violation. Demand monitoring is also used to seek out causes of disruptions in the POTW such as corrosive materials, solvents, or gases. For this purpose, grab sampling is primarily used during demand monitoring.

SIUs may be required to install a monitoring station in the discharge line, which includes all, or regulated-only, wastestreams from the industry. Monitoring stations are to be equipped with a flow-measuring device, such as a Palmer-Bowlus flume or magnetic flow meter, which is used in conjunction with flow meters and samplers operated by the City.

Self-monitoring sampling and analysis is conducted by an industry when required by the facility's wastewater discharge permit. Self-monitoring will be performed at least semi-annually. Self-monitoring report guidelines are presented later in this section.

The U.S. EPA Treatability Manuals (1981) and additional references are used to help determine what laboratory analyses should be performed on samples taken from various industries. All laboratory analyses performed at the City's wastewater laboratory follow procedures from the most current edition of Guidelines Establishing Test Procedures for the Analysis of Pollutants: Final Rule; 40 CFR 136. Laboratory analyses, which are not performed by the City, are conducted by an approved contract laboratory.

The majority of samples collected during a sampling period will be flow-proportioned 24-hour composites. In certain instances, however, grab samples will be taken. For example, analyses for pH, Hexavalent Chromium, and Cyanide will be performed on grab samples. Grab composite samples for Oil and Grease, Cyanide and Volatile Organic Compounds may be collected for some SIUs following specific collection methods approved by EPA. The appropriate type of sampling will be performed for each pollutant type (composite, grab, or grab composite).

Sampling equipment and sample containers are prepared using appropriate cleaning protocols. Documentation of cleaning events is traceable via a database and labeling program.

Sample handling is an important aspect of the monitoring/sampling program. Once a representative sample has been obtained, several steps will be taken to ensure that the validity and objectivity of the

monitoring program is maintained. All samples will be properly preserved in accordance with 40 CFR 136. Once a sample is obtained and preserved, it is essential that possession of the sample be properly documented. In particular, the person completing the field sampling will maintain a log containing pertinent information such as date, time, and location of the sampling activity. Caution in the handling and transfer of samples stems from the need to maintain sample integrity as part of any potential enforcement activity.

5.4.2 Inspection

Inspections of an SIU's or CIU's/NSCIU's processes and pretreatment facilities are conducted to provide additional information at least annually. Inspections will be used to determine compliance with wastewater discharge permit requirements, maintenance of pretreatment facilities and/or spill prevention devices, and to identify any inconsistencies between observations and reported information. Additional inspections may be initiated on-demand in cases of suspected noncompliance with the facility's wastewater discharge permit.

Routine inspections are coordinated with the appropriate facility contact to ensure the authorized representative(s) are present to lead walk-throughs. Upon arrival, IPP conducts an initial conference to update (existing facility) or complete (new facility) an inspection report. Typical conference questions request: facility contact information, reporting information, facility specifics (operations, production rates, wastewater discharges, etc.), spill prevention information, hazardous waste storage and handling practices, etc. Following the initial conference, a facility walk-through is conducted to closely inspect processes and pretreatment equipment. IPP further questions the authorized representative(s) during the walk-through while taking notes and photographs. Adequacy of spill equipment and prevention, record-keeping, sampling procedures, and hazardous materials storage are reviewed at this time as well. When the walk-through is complete, a closing conference is held to discuss any additional information needed to complete the inspection. Deficiencies noted during the inspection are discussed at this time and are provided as follow-up items with deadlines in the final inspection report; follow-up items are subject to the City's Enforcement Response Guide (**Table 5.1**). An electronic and hard copy version of the final inspection report is provided to the authorized representative(s) within fifteen (15) calendar days of the inspection. Paper and electronic copies of inspection reports and digital copies of inspection photographs are maintained by IPP at the WTRF.

For the remaining Industrial/Commercial Users, BMP Required IUs, or sector controlled programs, inspections and sample collection will be initiated on-demand or when there is reason to believe sampling is needed (i.e. slug loads, solvents detected in collection system, etc.). Restaurants, service stations, dental offices, and car washes, which have caused previous problems, may be inspected as often as time permits.

5.5 Self-Monitoring Reports and Other Notices

IPP personnel will receive and analyze self-monitoring reports submitted by IUs according to the reporting requirements in the Federal Pretreatment regulations. The regulation specifically states that

all SIUs shall submit, at least once every six months or more frequently as needed, self-monitoring reports describing the nature, concentration, and estimated average and maximum flows of pollutants in its discharge. Certain IUs may submit BMP certification reports in lieu of self-monitoring reports. All values reported by IUs are compared to discharge standards as prescribed in the Industrial Pretreatment Article. Violators shall be subject to enforcement action as outlined in the City's Enforcement Response Guide (**Table 5.1**). The City has a record-keeping system, which provides easy access to all monitoring reports. All records will be maintained in a manual filing type system as well as electronically in the Linko CTS Pretreatment Program data management system (Linko). The frequency of sampling and list of pollutants to be analyzed by the IU will be stated in their wastewater discharge permit and will be based upon the strength and flow rate of discharge.

The IPP may consider a self-monitoring laboratory report invalid if:

- The analysis is incomplete and the IU does not submit supplemental analysis within thirty (30) days of being notified of the deficiency;
- Guidelines Establishing Test Procedures for the Analysis of Pollutants: Final Rule; 40 CFR 136 procedures are not used;
- Results of self-monitoring laboratory analyses cannot be verified by the City; or
- It is discovered that the monitoring equipment has been tampered with or adjusted, or the wastewater loadings and/or flow have been adjusted or changed to reflect an atypical situation.

If any of these conditions occur, or if it is found that false information is supplied to the IPP, staff will notify the IU of the violation and the IU may be liable for administrative, civil or criminal enforcement.

All laboratory data reported to the IPP for self-monitoring and compliance monitoring purposes must be accurate, and defensible in a court of law in the event of a civil or criminal enforcement proceeding. To ensure that monitoring laboratory analyses and procedures meet these criteria, audits of the contract laboratories may be performed. Laboratory audits will be a systems audit focusing on facilities, equipment, personnel and Quality Assurance/Quality control (QA/QC) processes in place at the lab. A third-party consultant will perform the audits. The City reserves the right to disapprove of any laboratory employed by IUs for self-monitoring analyses.

Industries subject to Federal Categorical Pretreatment Standards will be notified, as explained in Section 5.3. If applicable, industries must submit a series of five (5) reports to the IPP including the following:

1. Baseline Monitoring Report to be filed within one hundred and eighty (180) days of the effective date of a Federal Categorical Standard containing:
 - a. Name, address, owner and operator of facility;
 - b. List of any environmental control permits held by facility;

- c. Description of facility's operation;
 - d. Flow-measurement data;
 - e. Certified statement indicating whether or not pretreatment standards are being met on a consistent basis; and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required; and
 - f. Schedule of compliance, if additional O&M and/or pretreatment are required to meet pretreatment standards.
2. Progress reports for compliance schedule milestones in the wastewater discharge permit.
 3. Compliance data report indicating compliance with categorical standards deadlines.
 4. Semi-annual reports on continued compliance.
 5. Notice of slug loading.

Section 20-478 of the Industrial Pretreatment Article requires that accidental discharges be reported by the IU(s) experiencing the spill or discharge to the City's WTRF at: (970) 350-9363, 9365, 9360, or (970) 352-8680 Monday through Friday 7:30 a.m. to 4:00 p.m. If IU(s) are unable to reach IPP at the numbers above, they are encouraged to call the WTRF paging system at (970) 350-9361. The caller must ask for the plant operator on duty to pick up line 5. The caller should be prepared to give an estimate of the expected duration of the discharge as well as the name and telephone number of a contact person capable of providing further information about the situation.

5.6 Compliance Enforcement

The City utilizes a series of tiered responses to address noncompliance with wastewater discharge permit requirements.

The initial step involves manually screening all applicable information. This review verifies that submitted reports are on schedule and that all information reported is correct. The reported parameters are reviewed to determine compliance with wastewater discharge permit limits. Analysis methods, sampling procedures and signatory requirements are also checked for validity. All discrepancies will be reviewed for permit violations and noncompliance. Noncompliance, including accidental slug discharge notices and inspection violations, will be followed up with appropriate enforcement actions.

IPP addresses noncompliance from BMP Required IUs (e.g. FSEs, breweries, distilleries), sector control programs (e.g. dentists), domestic waste haulers, as well as Commercial/Industrial Users. Noncompliance from these types of IUs could potentially include reporting violations (e.g. failure to return a BMP survey/certification form, or Commercial/Industrial survey), failure to notify, falsification, unpermitted discharges, or inadequate record keeping (e.g. failure to maintain grease interceptor cleaning manifests on-site for three (3) years). FSEs that fail to properly maintain FOG equipment may cause blockages, backups, or sanitary sewer overflows.

Formal enforcement actions against any noncompliant IU will be recorded in an enforcement log. As a check, the data is also entered into Linko, which is reviewed regularly to track violations.

Generally, the seriousness of a violation determines the response. Application of the Enforcement Response Guide (**Table 5.1**) is dictated by the following:

- Nature of the violation;
- Severity of the violation;
- Duration;
- Past compliance history; and
- Significant Noncompliance (SNC) status.

All enforcement actions are issued electronically as well as in writing. Hard copies are served through the U.S. Postal Service or by courier. Unless the mail is returned, the hard copy is considered delivered and received.

Issuance of an Administrative Order, Show Cause Hearing, Administrative Penalties, or Civil Penalties may occur without first issuing a Notice of Violation.

The City's Enforcement Response Guide is outlined in Table 5.1 below.

**Table 5.1
ENFORCEMENT RESPONSE GUIDE**

UNAUTHORIZED DISCHARGES (No permit)			
NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
Unpermitted Discharge	IU unaware of requirement; no harm to POTW/environment	Phone call; NOV	PS
	IU unaware of requirement; harm to POTW/environment	SC	PS, D
		AO with possible AP	PS, D
		Civil Penalty	D, A
	IU aware of requirement	SC	PS, D
		AO with possible AP	PS, D
		Civil Penalty	D, A
		Criminal Investigation	D, A
	Failure to comply continues after notice by the POTW or evidence of intent	Civil Penalty	D, A
		Criminal Investigation	D, A
		Terminate Service	D, A

DISCHARGE LIMIT VIOLATION

NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
Exceedance of local or Federal Standard (permit limit including BMPs)	Isolated, not significant	Phone call; NOV, Retest	PS
	Isolated, significant, resulting in SNC	NOV, Retest	PS
		AO with possible AP	PS, D
		SC	PS, D
	Recurring, not significant	NOV, Retest	PS
		AO with possible AP	PS, D
	Recurring, significant, resulting in SNC	NOV, Retest	PS
		AO with possible AP	PS, D
		SC	PS, D
	Any other SNC violation of a Pretreatment Standard or Requirement (Daily Maximum, long-term average, Instantaneous Maximum Allowable Discharge 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 City personnel or the general public)	AO with possible AP	PS, D
		Report as SNC in Public Notice	PS
		SC	PS, D
		Civil Penalty	D, A
		Terminate Service	D, A
	Any Discharge that caused imminent endangerment to human health or welfare or the environment, or resulted in the Director's exercise of his or her emergency authority under section 20-520 of the Industrial Pretreatment Article to halt or prevent such a Discharge	AO with possible AP	PS, D
		Report as SNC in Public Notice	PS
		SC	PS, D
		Civil Penalty	D, A
Terminate Service		D, A	

MONITORING AND REPORTING VIOLATIONS

NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
Reporting violation (includes BMP IUs/ sector control programs, commercial/ industrial users, and IWS reports)	Report is improperly signed or certified	Phone call and training	PS
	Report is improperly signed or certified after notice by POTW	NOV	PS
		SC	PS, D
		AO with possible AP	PS, D
	SNC Failure to provide, within 30 days after the due date, any required reports such as baseline monitoring reports, 90-day baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, reports related to compliance schedules	AO with possible AP per each additional day	PS, D
		Report as SNC in Public Notice	PS
		SC	PS, D
		Civil Penalty	D, A
	SNC Failure to accurately report noncompliance	AO with possible AP per each additional day	PS, D
		Report as SNC in Public Notice	PS
		SC	PS, D
		Civil Penalty	D, A
	Any other SNC violation, including a violation of a Sector Control Program or other BMP, that the Director determines will adversely affect the operation or implementation of the local Pretreatment program	AO with possible AP per each additional day	PS, D
		Report as SNC in Public Notice	PS
		SC	PS, D
		Civil Penalty	D, A
		Terminate Service	D, A
	Failure to notify (24-hr limit violation, slug/potential problems, changed discharges, hazardous waste, upset, bypass, permit transfer)	AO with possible AP	PS, D
		SC	PS, D
		Civil Penalty	D, A
		Terminate Service	D, A
Repeated failure to notify (24-hr limit violation, slug/potential problems, changed discharges, hazardous waste, upset, bypass,	Civil Penalty	D, A	
	Terminate Service	D, A	

	permit transfer)		
	Falsification	Criminal Investigation	D, A
		Terminate Service	D, A
	Failure to monitor pollutants as required by permit	NOV	PS
		AO with possible AP	PS, D
	Recurring failure to monitor pollutants as required by permit	AO with possible AP	PS, D
		SC	PS, D
		Civil Penalty	D, A
	Evidence of intent	Criminal Investigation	D, A
		Terminate Service	D, A
Improper sampling (improper preservation: inadequate cooling; improper container; improper collection or analytical method; improper calibration; incorrect location; analytical deficiency)	First time, isolated event; training provided; Result not valid	Phone call or NOV	PS
Improper sampling (improper preservation: inadequate cooling; improper container; improper collection or analytical method; improper calibration; incorrect location; analytical deficiency)	Recurring, after NOV or violation of AO	AO with possible AP for each parameter	PS, D
		SC	PS, D
		Civil Penalty	D, A

Tampering with monitoring equipment or methods	Evidence of intent	Criminal Investigation	D, A
		Terminate Service	D, A
Failure to install monitoring equipment		NOV	PS
Compliance Schedules	Missed milestone (< 30 days late)	AO with possible AP for each parameter	PS, D
	Missed milestone (> 30 days late or will affect final milestone; good cause for delay)	SC	PS, D
	SNC Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or compliance order for starting construction, completing construction, or attaining final compliance	AO with possible AP for each additional day	PS, D
		Report as SNC in Public Notice	PS
		Civil Penalty	D, A
		Terminate Service	D, A
	Recurring violation or violation of schedule in AO	Civil Penalty	D, A
		Criminal Investigation	D, A
		Terminate Service	D, A

OTHER PERMIT VIOLATIONS

NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
Wastestream is diluted in lieu of treatment	Initial violation (no harm to POTW/ environment)	NOV	PS
	Recurring (harm to POTW/environment)	AO with possible AP	PS, D
		SC	PS, D
		Civil Penalty	D, A
		Terminate Service	D, A
Failure to mitigate noncompliance or halt production	Initial violation (no harm to POTW/ environment)	NOV	PS
	Recurring (harm to POTW/environment)	AO with possible AP	PS, D
		SC	PS, D
		Civil Penalty	D, A
		Terminate Service	D, A
Failure to properly operate and maintain pretreatment facility	Initial violation (no harm to POTW/ environment)	NOV	PS
	Recurring (harm to POTW/environment)	AO with possible AP	PS, D
		SC	PS, D
		Civil Penalty	D, A
		Terminate Service	D, A

TRUCKED AND HAULED WASTE VIOLATIONS

NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
Unpermitted Discharge (includes discharge to non-designated discharge point or prohibited discharges (O&G from restaurants, septage, fracking waste, etc.))	IU aware of requirement	SC	PS, D
		AO with possible AP	PS, D
		Civil Penalty	D, A
		Criminal Investigation	D, A
	Failure to comply continues after notice by the POTW or evidence of intent	Civil Penalty	D, A
		Criminal Investigation	D, A
		Terminate Service	D, A
Exceedance of local or Federal Standard (permit limit)	REFER TO DISCHARGE LIMIT VIOLATION SECTION		
Reporting violation	REFER TO MONITORING AND REPORTING VIOLATIONS SECTION		
Improper sampling	REFER TO MONITORING AND REPORTING VIOLATIONS SECTION		
Compliance schedules	REFER TO MONITORING AND REPORTING VIOLATIONS SECTION		

VIOLATIONS DETECTED DURING SITE VISITS

NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
Entry denial	Entry denied, consent withdrawn, copies of records denied	Obtain warrant and return to IU	D, A
Illegal discharge	No harm to POTW/ environment	NOV	PS
	Discharge causes harm or evidence of intent/negligence	Civil Penalty	D, A
		Criminal Investigation	D, A
		Terminate Service	D, A
Improper sampling (i.e., location type, collection techniques)	Sampling at incorrect location	NOV	PS
	Recurring violation after notification	AO with possible AP	PS, D
		SC	PS, D
		Civil Penalty	D, A
		Criminal Investigation	D, A
Terminate Service	D, A		
Inadequate record-keeping	Inspector finds files incomplete or missing (no evidence of intent)	NOV	PS
		AO with possible AP	PS, D
		SC	PS, D
Failure to report additional monitoring	Inspection finds additional files	NOV	PS
	Recurring discoveries	AO with possible AP	PS, D
		SC	PS, D

Key of Terms					
A	Attorney	AP	Administrative Penalty	AO	Administrative Order
D	Director or their Designees	IU	Industrial User	NOV	Notice of Violation
PS	Pretreatment Staff	SC	Administrative Show Cause Hearing		

Time Frame for Responses

- A. All violations will be identified and documented within ten (10) business days of reviewing compliance information.
- B. Initial written enforcement responses [involving contact with the industrial user and requesting information on corrective or preventative action(s)] will occur within fifteen (15) business days of violation detection.
- C. Violations which threaten health, property, or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

All correspondence performed during the enforcement response procedure is recorded in telephone conversation logs and user files. **The procedures for requesting administrative review are provided with all enforcement responses where appropriate and in the Industrial Pretreatment Article, Section 20–520.**

5.7 Administrative Penalties

Administrative penalties are an additional enforcement tool accessible to IPP. Penalties are assessed using a matrix, which is provided below (**Table 5.2**). This matrix is only a guide; the determination of an individual penalty may be subject to the Director’s discretion. An Administrative Penalty Evaluation Form will be used to document the decision of the penalty amount. The evaluation form is shown before the matrix. Civil Penalties are incurred to recover costs associated with noncompliance from damages or Permit related fines. The City Attorney's office may be consulted prior to all formal enforcement actions and any other escalated enforcement actions. Payment of penalties will be collected through the sewer billing process.

Table 5.2
ADMINISTRATIVE PENALTY EVALUATION FORM

Violating Party: _____

IPP Staff Member & Date of Evaluation: _____

DEGREE OF NEGLIGENCE

- 1. The IU is unaware of any negligence due to deficient training or education.
- 2. The IU has received some prior training or education.
- 3. The IU has received adequate training or education.
- 4. The IU has repeatedly received training or education.
- 5. The IU is knowingly and consciously negligent.

IMPACT ON HEALTH, SAFETY, AND ENVIRONMENT

- 1. The IU potentially impacts health, safety, or environment. No harm caused.
- 2. The IU accidentally impacts health, safety, or environment causing minimal harm.
- 3. The IU impacts health, safety, or environment causing illness, damage, or POTW upset.
- 4. The IU seriously impacts health, safety, or environment causing serious illness, damage or POTW inhibition.
- 5. The IU extremely impacts health, safety, or environment causing potential life threatening illness, extraordinary damage and/or POTW Pass Through.

MAGNITUDE OF SEVERITY

- 1. The least amount of magnitude of severity. No harm caused.
- 2. The magnitude of severity causes minimal harm.
- 3. The magnitude of severity causes harm (illness, damage, or POTW upset) OR the discharge results in numeric SNC Criteria or the non-compliance meets the narrative SNC criteria.
- 4. The magnitude of severity causes serious harm (serious illness, damage or POTW inhibition).
- 5. The magnitude of severity causes extreme harm (potential life threatening illness, extraordinary damage, and/or POTW Pass Through).

PAST COMPLIANCE HISTORY (THREE YEAR PERIOD EVALUATED)

- 1. No previous violations.
- 2. Second violation for same issue.
- 3. Third violation for same issue.
- 4. Violation results in SNC.
- 5. Chronic violations of SNC.

COST RECOVERY

- 1. Costs incurred are \$0 to \$49.
- 2. Costs incurred are \$50 to \$249.
- 3. Costs incurred are \$250 to \$499.
- 4. Costs incurred are \$500 to \$750.
- 5. Costs incurred are greater than \$750.

ADMINISTRATIVE PENALTY MATRIX

Transfer ratings from Administrative Penalty Evaluation Form to the table below.

Area of Evaluation	Weight	Rating	Weighted Rating
Degree of Negligence	5	6	30
Impact on Environment & Health	5	5	25
Magnitude / Severity	4	5	20
Past Compliance History	4	5	20
Cost Recovery	2	5	10
Total Penalty Rating	105		

Calculated rate per violation

105	multiply by 10	1000
Total Penalty Rating		Rated fee per violation

Number of violations
1

Number of days in violation
2

Total violation penalty

1000	x 2	\$ 2000
Rated fee per violation	Magnitude of Violation-Days	Total violation penalty

Violations are as listed below:

Date	Parameter	Limit (lbs/day)	Report (lbs/day)
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Additional monetary penalties, if applicable:

5.8 Confidential Information

Information and data furnished to the Control Authority with respect to the nature and frequency of discharge shall be available to the public or other governmental agency upon written request, subject to the restrictions of Colorado Revised Statutes (CRS), section 24-72-201 to 206.

5.9 Significant Noncompliance and Public Notification

The public notification requirements imposed by 40 CFR 403.8(f)(2)(vii) concerning the enforcement of National Pretreatment Standards will be followed by the IPP. A list of IUs which, at any time during the previous calendar year, were in Significant Noncompliance with applicable Pretreatment Standards or Requirements, will be published in the Greeley Daily Tribune. The City will apply the 1997 EPA Region VIII Guidance Policy on SNC to determine significant violators. Linko is used to determine SNC for Chronic and Technical Review Criteria (TRC) calculations. SNC for reporting and other violations are addressed following 40 CFR 403.8(f)(2)(vii)(C-H). Instances of SNC are violations, which meet one or more of the following criteria:

1. Chronic violations of any Wastewater Discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the Wastewater measurements taken for the same pollutant parameter during a six-month period exceed by any magnitude, a numeric Pretreatment Standard or Requirement, including Instantaneous Maximum Allowable Discharge Limits;
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the Wastewater measurements taken for the same Pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including the Instantaneous Maximum Allowable Discharge Limit, multiplied by the applicable TRC (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other Pollutants except pH);
3. Any other violation of Pretreatment Standards or Requirements (daily maximum, long-term average, Instantaneous Maximum Allowable Discharge 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 City personnel or the general public;
4. Any Discharge that caused imminent endangerment to human health or welfare or the environment, or resulted in the Director's exercise of his or her emergency authority under Section 20-520 of the Industrial Pretreatment Article to halt or prevent such a Discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or compliance order for starting construction, completing construction or attaining final compliance;
6. Failure to provide within thirty (30) 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 related to compliance schedules;
7. Failure to accurately report noncompliance; or

8. Any other violation, including a violation of a Sector Control Program or other BMP that the Director determines will adversely affect the operation or implementation of the local Pretreatment program.

End ERP