

**NEENAH MENASHA SEWERAGE COMMISSION  
INDUSTRIAL PRETREATMENT ENFORCEMENT RESPONSE GUIDE  
4/1/15**

**Sampling, Monitoring and Reporting Violations**

<b>Non-Compliance</b>	<b>Nature of Violation</b>	<b>Enforcement Response</b>	<b>Personnel</b>	<b>Rules or Permit Section</b>
1. Reporting Violation	Report is improperly signed or certified.	- Phone Call or NOV	PC	Industrial Pretreatment Rules and Regulations (Rules) Enforcement is found in Sections 9, 10, 11 and 12 Section 6.14, 12.1  Permit, Part 3 Permit, Part 5
	Report is improperly signed or certified after notice by NMSC.	-AO and/or fine	PM	
	Report submitted late (e.g., 5 days late, isolated) (More than 45 days, [SNC])	-Phone Call  -AO to submit and/or with fine per additional day -Publish in Newspaper	PC  PM PC	
	Reports are usually late or no reports at all [SNC]	-Publish in Newspaper -AO with fine -Show Cause Order -Civil Action	PM PC A	
	Failure to report spill, slug discharge or changed discharge (no harm)	-NOV and or fine -Re-evaluate for need for slug control	PC	
	Failure to report spill, slug discharge or changed discharge (result in harm)	-AO with fine -Civil Action/Injunctive Relief -Requirement for slug control plan -Publish in Newspaper	PM A	
	Repeated failure to report spills, slug or changed discharge	-Fine and or Show Cause Order -Terminate Services	PM A	Rules, Section 6.6  Permit, Part 3

**Sampling, Monitoring and Reporting Violations (Continued)**

Non-Compliance	Nature of Violation	Enforcement Response	Personnel	Rules or Permit Section
<p>1. Reporting Violation  (cont.)</p>	<p>Failure to notify NMSC of effluent limit violation or slug discharge (isolated and no known effects and submitted before due date).</p>	<p>- Phone Call or NOV -Meeting</p>	<p>PC</p>	<p>Rules, Section 6.8</p>
	<p>(Submitted after due date [SNC]).</p>	<p>-Publish in Newspaper</p>	<p>PC</p>	<p>Permit, Part 3</p>
	<p>(Repeated failure or known environmental or POTW damage results)</p>	<p>-AO with fine -Civil Action -Terminate Service</p>	<p>PM A</p>	
	<p>Falsification</p>	<p>-AO with fine -Criminal Investigation -Terminate Service</p>	<p>PM A</p>	<p>Permit, Part 5</p>
	<p>Failure to report relevant additional monitoring Recurring</p>	<p>-NOV -AO with Fine</p>	<p>PC</p>	
<p>2. Failure to Monitor Correctly</p>	<p>Failure to monitor all parameters as required by permit (isolated)</p>	<p>-NOV /Re-sample for missed parameters.</p>	<p>PC</p>	<p>Permit, Part 3 A.</p>
	<p>Recurring failure to monitor (more than one time per year and/or SNC) or failure to install monitoring equipment</p>	<p>-Meeting/Compliance Schedule -AO with Fine -Publish in Newspaper -Civil Action -Criminal Investigation -Terminate Service</p>	<p>PM, PC A</p>	

**Sampling, Monitoring and Reporting Violations (Continued)**

Non-Compliance	Nature of Violation	Enforcement Response	Personnel	Rules or Permit Section
3. Failure to perform Analysis in accordance with 40 CFR 136	Isolated/or minor no intent. Persistent [SNC] Evidence of negligence or intent. [SNC]	-NOV, resample -Additional monitoring -AO, Publish in Newspaper -Publish in Newspaper -AO with fine -Civil Action	PC PC PC/PM PC PM A	Rules, Section 6.11 Permit, Part 2 A.
4. Compliance Schedules (in Permit)	Missed milestone by less than 30 days or will not affect final milestone Missed milestone by more than 30 days or will affect final milestone (good cause for delay) (No good cause for delay [SNC]) Violation of terms of AO or compliance schedule [SNC] (Recurring)	-NOV -AO and/or fine -Publish in Newspaper -Show Cause Order -Injunctive Relief -Terminate Service -Publish in Newspaper -Civil Action -Criminal Investigation -Injunctive Relief -Terminate service	PC PC PC PM A PM/A	Rules, Section 6.2 Permit, Part 4 C.

**Discharge Limit Violations**

Non-Compliance	Nature of Violation	Enforcement Response	Personnel	Rules or Permit Section
<p>1. Exceed local or categorical limits.</p> <p>(IU will be required to repeat analysis and submit the results to the Control Authority within 30 days for any parameter which exceeds limits)</p>	Isolated, not significant (no harm)	- NOV and repeat analysis	PC	Rules, Section 6.8
	Isolated, SNC (no harm)	-Meeting and/or AO -Additional monitoring	PC PM	
	Isolated, [SNC] and/or harm.	-Meeting and or AO -Publish in Newspaper	PM PC	Permit, Part 3 B.
	<p>Recurring, no harm to POTW/environment (more than one time per year)</p> <p>Recurring, harm to POTW/environment and/or [SNC] (more than one time per year)</p>	<p>-AO with fine/Meeting/ additional analysis/Injunctive Relief</p> <p>-AO with fine/repeat analysis/compliance schedule</p> <p>-Publish in Newspaper</p> <p>-Show Cause Order</p> <p>-Civil Action/Criminal/Injunctive</p> <p>-Terminate Service</p>	<p>PC/PM PM/A</p> <p>PC/PM A</p> <p>PC/PM/A</p>	
<p>2. Best Management Practices (BMPs)</p>	Failure to document compliance	-NOV	PC	Rules, 2.4 C
	Failure to install, operate or maintain treatment equipment	<p>-Compliance Schedule</p> <p>-Publish in Newspaper</p> <p>-Impose Numeric Limits</p>	PM/PC	Permit, Part 3 E

**Other Permit Violations**

Non-Compliance	Nature of Violation	Enforcement Response	Personnel	Rules or Permit Section
1. Waste-streams are diluted in lieu of treatment	Initial Violation unaware/no harm  Recurring [SNC]	-Meeting and or AO with fine  -Show Cause Order -Publish in Newspaper -Fine and or Civil Action/Criminal Investigation	PC, PM  PM/PC  A	Rules, Section 2.6 Permit, Section 5
2. Discharge without a permit or approval	IU unaware of requirement; no harm to POTW/environment  IU unaware/harm  Failure to submit permit application (5 days past due)  (45 DAYS PAST DUE)	-Phone call; NOV with application form  -NOV with application -AO with fine -Civil Action/Injunctive Relief  -Phone call  -AO with Fine -Civil Action -Terminate Service	PC  PM  A  PM  PC PM A	Rules, Section 4

**Other Permit Violations (Continued)**

Non-Compliance	Nature of Violation	Enforcement Response	Personnel	Rules or Permit Section
3. Failure to mitigate noncompliance or halt production	Does not result in harm [SNC]	- Compliance Schedule -Publish in Newspaper	PC/PM	Permit, Part 5 A
	Does result in harm [SNC]	-Publish in Newspaper -Order to Show Cause -Fine -Injunctive Relief -Terminate Service	PC/PM  A	
4. Failure to properly operate and maintain pretreatment facility	Does not result in harm	- NOV	PC	Rules, Section 3.1 Permit, Part 5 B
	Does result in harm	-AO with Fine -Civil Action -Compliance Schedule -Injunctive Relief	PM A	

**Violations Detected During Facility Inspections**

<b>Non-Compliance</b>	<b>Nature of Violation</b>	<b>Enforcement Response</b>	<b>Personnel</b>	<b>Rules or Permit Section</b>
1. Entry denial	Entry denied or consent withdrawn. Copies of records denied.  Entry denied upon return with warrant	-Obtain a warrant and return to IU  -Terminate service	PC/PM A  PM/A	Rules, Section 7 Permit, Part 5 C
2. Improper Sampling	Unintentional sampling at incorrect location.  Unintentional use of incorrect sample type or collection technique.  Evidence of intent.	-NOV/Compliance schedule -Additional monitoring  -NOV/AO -Additional monitoring  - Additional monitoring/Fine - Show Cause Hearing	PC/PM  PC/PM  PC/PM	Rules, Section 6.11 Permit, Part 2
3. Inadequate Recordkeeping	Incomplete or missing (no evidence of intent)  Recurring/SNC	-NOV/AO  -AO and/or fine -Publish in Newspaper	PC/PM  PC/PM	Rules, Section 6.13  Permit, Part 5 C.
4. Illegal Discharge	No harm to POTW or environment  Discharge causes harm or evidence of negligence [SNC]  Recurring, violation of AO	-AO and/or fine  -Publish in Newspaper -AO -Civil Action/Injunctive Relief -Criminal Investigation  -Terminate Service	PM  PC/PM A  PM/A	Rules, Section 2 Permit, Part 5

## TIME FRAMES FOR RESPONSES

- A. All violations will be identified and documented within ten days of receiving compliance information.
- B. Initial enforcement responses [involving contact with Industrial User and requesting information on corrective or preventative action(s)] will occur within 15 days of violation detection.
- C. Follow-up actions for continuing or reoccurring violations will be taken within 60 days of the initial enforcement response.
- D. Health or environmental threatening violations may warrant an immediate halt of discharge or termination of service.



MATRIX FOR ASSESSING PENALTY AMOUNTS AND ESCALATION OF FINES

<u>Noncompliance</u>	<u>Nature of the Violation</u>	<u>Penalty/Fine</u>
Recurring	Exceed Discharge Limit  (Any Event- Harm to environment or POTW)	Compliance Schedule \$100-1000/day if schedule fails Remediation cost
Recurring	Reporting Violation (more than 45 days late or no report at all)	\$500/day
Any Event	Falsifying data	\$500/event (Escalated if repeated)
Recurring	Repeated Failure to Report Spill	\$100-10,000/event
Recurring	Failure to Monitor	\$100/day until results are reported
Any Event	Dilution of Discharge	\$500 initial event (Escalated if repeated)
Any Event	Illegal Discharge (harm or evidence of negligence)	\$1,000-10,000
Recurring	Failure to Notify NMSC of Violation	\$100-10,000
Missed Milestone	Milestone more than 90 days late	\$100-10,000
Any Event	Failure to mitigate noncompliance	\$100-10,000
Any Event	Failure to properly operate and maintain pretreatment facility	\$100-10,000
Recurring	Incomplete or missing records after AO	\$500