



**CITY OF CASA GRANDE**

**WASTEWATER PRETREATMENT PROGRAM**

**ENFORCEMENT RESPONSE PLAN**

## 1. Objectives:

This Enforcement Response Plan (ERP) has the following objectives:

- (a) To define the range of appropriate enforcement actions based on the nature and severity of the violation and other relevant factors.
- (b) To promote consistent and timely use of enforcement remedies on a strict liability basis. Strict liability in this context is taken to mean that every instance of noncompliance (regardless of fault, negligence, or intent on the part of the industrial user) is a violation of the City of Casa Grande Code and subjects the user to enforcement.

## 2. Enforcement responses:

The implementation of a particular enforcement response should be determined by evaluating the following factors:

- (a) The magnitude and duration of the violation.
- (b) The effect of the violation on the wastewater facility (WWF), its workers and the quality of its reclaimed water and residuals.
- (c) The compliance history and good faith rating of the industrial user concerned.

## 3. Definitions and abbreviations:

ADEQ - The Arizona Department of Environmental Quality

CA - City of Casa Grande Attorney (or her / his designee )

EPA - United States Environmental Protection Agency

IU - Industrial User

IWP - Industrial Wastewater Permit

NOV - Notification of Violation

POTW – Publicly Owned Treatment Works

SIU - Significant Industrial User

SNC - Significant Noncompliance

WWF - Wastewater Facility

## 4. Using the Enforcement Response Guide:

The following are actions that may be taken by the City of Casa Grande to enforce the pretreatment ordinance and any applicable provisions of federal, state, or local regulation regarding industrial discharges to the City of Casa Grande WWF.

- (a) Descriptive Use:
  - (1) Locate the type of noncompliance in column one, and identify the description of the violation in column two.
  - (2) Assess the appropriateness of the recommended response(s) in column three. First offenders or users demonstrating good faith efforts may merit a more lenient response. Repeat offenders, or those demonstrating negligence may require a more stringent response.
  - (3) Apply the enforcement response to the industrial user. Specify corrective action or other responses required of the industrial user, if any. Column four indicates the personnel authorized to take each response. If you cannot apply this response, refer it immediately to the person that can.
  - (4) Follow-up the response with escalated enforcement action if the industrial user's response is not received or violation continues.

(b) Severance of Service:

The City of Casa Grande may suspend the wastewater treatment service and/or an industrial wastewater permit (IWP) when such suspension is necessary, in the opinion of the City of Casa Grande, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the City of Casa Grande to violate any condition of the WWF wastewater permits. Any person notified of a suspension of the wastewater treatment service and/or the IWP shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City of Casa Grande shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City of Casa Grande shall reinstate the IWP and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contributions and the measures taken to prevent any future occurrence shall be submitted to the City of Casa Grande within fifteen (15) days of the date of occurrence.

(c) Revocation of Permit:

Any user who violates the following conditions of the City of Casa Grande ordinance, or applicable state or federal regulation, is subject to having their permit revoked in accordance with the procedures of the pretreatment ordinance:

- (1) Failure of a user to report factually the wastewater constituents and characteristics of his discharge;
- (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (4) Violation of conditions of the permit.
- (5) Discharging to the WWF any discharge that endangers public health or welfare, threatens the environment, or which threatens the operation of the POTW.

(d) Notification of Violation:

Whenever the City of Casa Grande finds that any user has violated or is violating the pretreatment ordinance, an IWP, or any prohibition or limitation of requirements contained therein, the City of Casa Grande may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City of Casa Grande by the user.

(e) Record of Conversation:

Whenever the City of Casa Grande finds that any user has filed an incomplete report, is less than fifteen days late in filing a report, or for other violations, the City of Casa Grande may contact such user by telephone or informal site visit. In cases of repeat violations or when an initial visit does not result in adequate resolution of the violation, the user may be visited by higher POTW authorities. A brief summary of conversations held concerning violations of user permits are to be placed in the user's file.

(f) Publication For Significant Noncompliance:

The City of Casa Grande shall publish annually within the daily newspaper with the largest circulation within its jurisdiction the names of industrial users which, at any time during the previous 12 months were in significant noncompliance (SNC). A user is in SNC if its violation meets one or more of the criteria set forth in 40 CFR 403.8(f)(2)(vii).

For the purposes of this ERP the definition of SNC is as follows. An industrial user is in SNC if its violation meets one of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- (2) Technical Review Criteria (TRC) violations, defined as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH.)
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTWs exercise of its emergency authority to halt or prevent such a discharge.
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- (6) Failure 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.
- (7) Failure to accurately report non-compliance.
- (8) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

#### **5. Legal Action:**

If any person discharges sewage, industrial wastes or other wastes into the City of Casa Grande's wastewater disposal system contrary to the provisions of the pretreatment ordinance, federal or state pretreatment requirements, or any order of the City of Casa Grande, the City of Casa Grande attorney may commence an action for appropriate legal and/or equitable relief in the circuit court of \_\_\_\_Pinal\_\_\_\_ County.

#### **6. Surcharge Invoice:**

The City of Casa Grande may establish a surcharge schedule for any user that is exceeding the limits of the following parameters: CBOD, oil and grease, TSS, and TKN. The purpose of the surcharge is to recoup the additional expense to the WWF for removing these excess discharges. The surcharge is based on a cost per pound discharged and is included in the users IWP.

#### **7. Notice of Ordinance Violation:**

If a violation is found during a site visit, a routine inspection, or any other visit, a notice of ordinance violation can be issued. The notice includes the specific nature of the violation and a time frame for correcting the violation. The notice is to be signed by the user and the inspector. Corrective actions in the notice of ordinance violation can include an order to cease and desist discharge if the violation discovered warrants immediate cessation of activities

#### **8. Consent Orders:**

If the City of Casa Grande finds that alterations must be made in an industrial user's pretreatment facility, the City of Casa Grande may issue an order to which the user shall consent in order to establish a compliance schedule. The consent order will include milestone dates to be met to bring the facility in compliance with the users IWP. The user will be allowed to continue discharging to the POTW as long as the schedule for compliance, established in the consent order, is followed. Violations of the compliance schedule can result in the revocation of the user's permit and severance of service.

## 9. Charges and Fees:

It is the purpose of this chapter to provide for the recovery of costs from users of the City of Casa Grande's wastewater disposal system for the implementation and continued operation of the program established herein. These fees relate solely to the matters covered by the pretreatment ordinance and are separate from all other fees chargeable by the City of Casa Grande. Charges and fees shall be for the recovery of actual costs of City of Casa Grande labor, materials and equipment (plus 25% overhead expenses and the invoiced charges by others for the above services).

The City of Casa Grande may adopt charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up and operating the City of Casa Grande's pretreatment program.
- (b) Fees for monitoring, inspections and surveillance procedures.
- (c) Fees for reviewing accidental discharge procedures and construction.
- (d) Fees for permit applications.
- (e) Fees for filing appeals.
- (f) Fees for consistent removal (by the City of Casa Grande) of pollutants otherwise subject to federal pretreatment standards.
- (g) Other fees as the City of Casa Grande may deem necessary to carry out the requirements contained herein.

## 10. Data screening procedures:

- (a) Screening of City of Casa Grande Monitoring Data:  
Laboratory analyses are performed by laboratories certified by the State of Arizona. Field sheets are filed in order of sample collection date and summary sheets listing all sampling activities are generated on a monthly basis. All data shall be compared with pollutant limits, and all instances of noncompliance shall be immediately detected. Appropriate enforcement action will commence as required. Hard copies of all monitoring activities shall be retained in the file established for each user.
- (b) Screening of Industrial Periodic Compliance Monitoring Data:  
All pretreatment correspondence arriving at the pretreatment office shall be opened and date stamped. Envelopes shall be retained to determine postage dates where required. Periodic compliance monitoring reports shall be addressed or hand delivered to the program administrator as required by the user's IWP. The program administrator shall review and assess the periodic compliance monitoring report of each industrial user within five days from its receipt at the pretreatment office. All instances of noncompliance shall be immediately be detected. Copies of the printouts shall be retained in the users file.
- (c) Screening of Telephone and Fax Data:  
Analytical data relayed to the pretreatment office shall be recorded and inserted in the user's file and shall include the name of the person taking the call, the name of the caller, the Industrial User, and the results. These records shall only be used for identifying the date and time of required noncompliance reporting by an industrial user. The date and time recorded automatically on fax transmitted analytical data shall be used to record the receipt of a periodic compliance monitoring report or omitted data, provided that an original copy of the complete report is received not more than 2 working days after the fax. Industrial users may use this procedure as a method of avoiding late reporting penalties. No data received by telephone shall be accepted for compliance.

## 11. Site Visits:

(a) Response to Complaints:

The sanitary sewer crews radio complaints when they encounter problems in the collections system that may be related to industrial users. The complaints include excessive grease in sewer lines or lift stations, suspected illegal connections, and suspected improper discharges. The IPP staff respond to these complaints and investigate for the source of any suspected discharge violations. The investigation may include consulting sewer line diagrams and tracking back to possible sources of the discharge. Other complaints may come from other users, agencies, or citizens. All complaints received are investigated as soon as possible. Complaint responses are documented on a complaint/emergency response report. Other documentation is also completed as needed.

(b) Site visits-non permitted Users:

(1) The program administrator maintains an Industrial Waste Program file to schedule periodic inspections on non-permitted users. These users include restaurants, garages, car washes and small laundries. The inspections include grease traps, oil water separators, and lint traps. The users are inspected for proper operation, maintenance and pumping of pretreatment devices. The City of Casa Grande Ordinance recommends that all grease traps be pumped on a bimonthly basis.

(2) Copies of the inspection reports are maintained in files, and are reviewed by the program administrator on a monthly basis. Violations detected during the site visits are documented.

(c) Site Visits - Permitted Users:

Permitted industrial users are inspected prior to permit issuance or renewal. Site visits for permits are conducted using the industrial inspection checklist. Any violations noted during an inspection are also documented for review prior to the issuance of any permit or permit renewal.

## 12. Violation Enforcement Tracking:

(a) Violation Tracking File:

The program administrator shall maintain a violation tracking file to track all enforcement action and violation responses. This file is checked at the beginning of each week to determine what user corrective actions are to be verified that week. As responses to violations and enforcement actions are received, the corresponding documentation is removed from the violation tracking file. If an adequate response to the violation is not received by the response due date, further enforcement action is initiated. Violations and enforcement actions that are tracked using the violation tracking file include but are not limited to the following:

(1) Notices of Violation (NOV) - A copy of all notices of violation that require a response from the user will be placed in the violation tracking file. If multiple due dates are listed on the NOV, a separate copy will be kept in the corresponding folders of the file.

(2) Grease Trap Inspection Reports - If a user has been required to pump out a grease trap within five days, a copy of the report is placed in the next week's file so that verification can be made that the trap was pumped.

(3) Industrial Monitoring Site Visit Report - If a violation is detected during a user site visit and a response due date is discussed with the user during the visit, a copy of the Site Visit Report is placed in the violation tracking file.

(4) Surcharge Invoices - If a surcharge invoice is issued, a copy of the invoice is placed in the next month's folder so that follow-up can be made to verify that the user is paying the surcharge in a timely fashion and that the client is not questioning the surcharges.

- (b) Publication File:  
Any time a user is found to be in SNC as out lined previously, a NOV shall be issued. A copy of the NOV will be placed in a file for publication. In January the program administrator will review the publication file and users that are found to warrant publication will be published as outlined previously.

### **13. Inspections:**

- (a) Inspections will be used to identify problem areas and IU noncompliance.
- (b) Noncompliance will be re-inspected within 1 to 90 days depending on the severity of the violation.
- (c) The delegated personnel will place the inspection report after identifying any problems into the discharger's file.
- (d) Any inspection problems will be documented and placed into a pending file which will be reviewed at a minimum of every 30 days or as needed. Any recommendations will be implemented.
- (e) Inspections that are unscheduled will be on a case by case basis or as needed.
- (f) Inspections will include:
  - (1) A pre-inspection preparation.
  - (2) Completion of an inspection form.
  - (3) Data collection and accompanying documentation.
  - (4) A post inspection evaluation.
- (g) When the sampling results are received, a review for completeness and accuracy will be performed. Any enforcement action will be initiated.

### **14. Sampling:**

- (a) Samples will be collected according to the Department of Environmental Protection standard operating procedures.
- (b) A chain-of-custody form will be filled out for all samples.

### **15. Show Cause Hearing:**

- (a) The City of Casa Grande may order any user who causes or allows an unauthorized discharge to enter the WWF to show cause before the City of Casa Grande Commission why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City of Casa Grande Commission regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City of Casa Grande Commission why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- (b) The City of Casa Grande Commission may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the City of Casa Grande to:
  - (1) Issue in the name of the City of Casa Grande Commission notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
  - (2) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City of Casa Grande Commission for action thereon.
  - (3) Take evidence
- (c) At any hearing held pursuant to the pretreatment ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

- (d) After the City of Casa Grande Commission has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

## 16. Enforcement Response Guide

### (a). Effluent limitation violations

NON COMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
A. Exceedance of local, state, or federal standards for SIU.	<ol style="list-style-type: none"> <li>I.U. is unaware of the requirement; no harm to system, workers, WWF, or the environment.</li> <li>I.U. is unaware of the requirement; however, harm occurs to system, workers, WWF and/or environment.</li> <li>Failure to comply after Notice is given by WWF.</li> <li>Discharge without a permit (Due to failure to renew)</li> </ol>	<p>Phone call, N.O.V. (no fine) and complete a site survey to determine if a permit is warranted.            Site visit, give application for Permit.            N.O.V. (With fine)            Further administrative / legal action / sewer severance            Legal Action            Case by case enforcement including severity and perception of intent. Minimum of N.O.V.            N.O.V. (with fine) and/or compliance schedule / and/or further administrative action</p>	<p>P.C.            P.C.            P.C. / DIR.            P.C. / DIR. /O.C.A.            P.C. / DIR. /O.C.A.            P.C. / DIR. /O.C.A.</p>
B. Exceedance of local, state, or federal standards for other than SIU.	<ol style="list-style-type: none"> <li>I.U. is unaware of requirement; no harm to system, workers, WWF or environment.</li> <li>I.U. is unaware of requirement; however, harm occurs to system, workers, WWF and/or environment.</li> <li>Failure to comply after Notice is given by WWF.</li> </ol>	<p>Phone call, N.O.V. (no fine) and complete a site survey to determine if Permit is warranted.            Site Visit, Give application or Permit            N.O.V. (with fine)            Further administrative/legal action/sewer severance            Legal Action            Criminal Investigation            Terminate Service</p>	<p>P.C.            P.C.            P.C. / DIR.            P.C. / DIR. /O.C.A.            P.C. / DIR. /O.C.A.            P.C. / DIR. /O.C.A.</p>
C. Exceedance of local, state, or federal standards for SIU, or non SIU, including permits	<ol style="list-style-type: none"> <li>First occurrence during previous 12 month period,(Not a slug load; no harm to system, workers, WWF and/or environment).</li> <li>Second occurrence during previous 12 month period (Not a slug load, no harm to system, workers, WWF and/or environment.</li> <li>Third and any succeeding occurrence during previous 12 month period, not a slug load, no harm to system, workers, WWF and/or environment.</li> </ol>	<p>Phone call              N.O.V. (no fine)              N.O.V. (with fine) and/or compliance schedule and/or further administrative action</p>	<p>P.C.              P.C.              P.C. / DIR..            P.C. / DIR.. /O.C.A.</p>

(b). Effluent violations by permitted user.

NON COMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
A. Exceedance of local, state, or federal standards for SIU, or non SIU, including permits	1. First occurrence during previous 12 month period,(Not a slug load; no harm to system, workers, WWF and/or environment). 2. Second occurrence during previous 12 month period (Not a slug load, no harm to system, workers, WWF and/or environment). 3. Third and any succeeding occurrence during previous 12 month period, not a slug load, no harm to system, workers, WWF and/or environment.	Phone call  N.O.V. (no fine)  N.O.V. (with fine) and/or compliance schedule and/or further administrative action	P.C.  P.C.  P.C. / DIR. P.C. / DIR. /O.C.A.
B. Exceedance of local, state, or federal standards for SIU, or non SIU, including permits	1. Any occurrence which harms system, workers, WWF and/or environment.	Site Visit N.O.V. (with fine) Further administrative/legal action/sewer severance	P.C. P.C. P.C. / DIR. /O.C.A.
C. Exceedance of local, state or federal standards while on compliance schedule	1. First occurrence during previous 12 month period. 2. Second and all succeeding occurrences.	N.O.V. (no fine) N.O.V. (with fine). The fine is based upon the industrial discharge loading and a percentage of the total fine amount will be assessed for payment upon discovery of the violation, with the remaining fine(s) to be held in abeyance pending timely and successful compliance with the compliance schedule.	P.C.  P.C. / DIR.
D. Significant Non Compliance	1. Exceeds significant non compliance criteria for any 6 month period. a. Chronic violations (66%) b. Technical review criteria (33%)	Publish in local newspaper Publish in local newspaper	P.C. / DIR. P.C. / DIR.

(c). Self-monitoring and reporting violations

NON COMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
<p>A. Monthly report late</p> <p><b>NOTE:</b> All reports &gt; 30 days late are considered significant noncompliance and a disregard for NOV</p>	<p>1. 1st occurrence during previous 12 month period.</p> <p>a. Disregard for phone call. b. Disregard for reminder letter. c. Disregard for N.O.V.</p> <p>2. 2nd occurrence during previous 12 month period.</p> <p>a. Disregard for reminder letter. b. Disregard for N.O.V.</p> <p>3. 3rd and all succeeding occurrences during previous 12 month period.</p> <p>a. Disregard for N.O.V.</p>	<p>Phone call on due date</p> <p>Reminder letter - 5 days N.O.V. (with fine) - 5 days Further administrative/legal action</p> <p>Reminder letter - 5 days</p> <p>N.O.V. (with fine) Further administrative/legal action</p> <p>N.O.V. (with fine)</p> <p>Further administrative/legal action</p>	<p>P.C.</p> <p>P.C. P.C. / DIR. P.C. / DIR. /O.C.A.</p> <p>P.C.</p> <p>P.C. / DIR P.C. / DIR. /O.C.A.</p> <p>P.C. / DIR</p> <p>P.C. / DIR. /O.C.A.</p>
<p>B. Report improperly signed or certified</p>	<p>1. 1st occurrence during previous 12 month period.</p> <p>a. Disregard for phone call. b. Disregard for N.O.V. c. Disregard for N.O.V.</p> <p>2. 2nd occurrence during previous 12 month period.</p> <p>a. Disregard for N.O.V. b. Disregard for N.O.V.</p> <p>3. 3rd and all succeeding occurrence during previous 12 month period.</p> <p>a. Disregard for N.O.V.</p>	<p>Phone call</p> <p>N.O.V. (no fine) N.O.V. (with fine) Further administrative/legal action</p> <p>N.O.V. (no fine)</p> <p>N.O.V. (with fine) Further administrative /legal action</p> <p>N.O.V. (with fine)</p> <p>Further administrative/legal action</p>	<p>P.C.</p> <p>P.C. P.C. P.C./ DIR. /O.C.A.</p> <p>P.C.</p> <p>P.C. P.C. / DIR /O.C.A.</p> <p>P.C.</p> <p>P.C. / DIR. /O.C.A.</p>

(c). Self-monitoring and reporting violations (cont.)

NON COMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
C. Failure to report process changes	<ol style="list-style-type: none"> <li>1. No harm to system, workers, WWF, or environment</li> <li>2. Potential created to harm system, workers, WWF and/or environment</li> <li>3. Harm to system, workers, WWF and/or environment</li> </ol>	<p>Unannounced inspection</p> <p>Unannounced inspection and N.O.V. (with fine)</p> <p>Unannounced inspection and Further administrative/legal action/sewer severance</p>	<p>P.C.</p> <p>P.C. P.C.</p> <p>P.C. P.C. / DIR. /O.C.A.</p>
D. Failure to respond when required	<ol style="list-style-type: none"> <li>1. Required documentation not submitted on due date</li> <li>a. Disregard for phone call</li> <li>b. Disregard for Final Notice</li> <li>c. Disregard for N.O.V.</li> </ol>	<p>Phone call on due date</p> <p>Final Notice 7 days past due date N.O.V. (with fine) Further administrative/legal action/sewer severance</p>	<p>P.C.</p> <p>P.C. P.C. / DIR. P.C. / DIR. /O.C.A.</p>
E. Failure to monitor all pollutants as required by Permit	<ol style="list-style-type: none"> <li>1. 1st occurrence during previous 12 month period.               <ol style="list-style-type: none"> <li>a. Disregard for phone call.</li> <li>b. Disregard for N.O.V.</li> <li>c. Disregard for N.O.V.</li> </ol> </li> <li>2. 2nd occurrence during previous 12 month period.               <ol style="list-style-type: none"> <li>a. Disregard for N.O.V.</li> <li>b. Disregard for N.O.V.</li> </ol> </li> <li>3. 3rd and all succeeding occurrences during previous 12 month period.               <ol style="list-style-type: none"> <li>a. Disregard for N.O.V.</li> </ol> </li> </ol>	<p>Phone call N.O.V. (no fine) N.O.V. (with fine) Further administrative/legal action</p> <p>N.O.V. (no fine) N.O.V. (with fine) Further administrative/legal action</p> <p>N.O.V. (with fine) Further administrative/legal action</p>	<p>P.C. P.C. P.C. / DIR. P.C. / DIR. /O.C.A.</p> <p>P.C. P.C. / DIR. P.C. / DIR. /O.C.A.</p> <p>P.C. / DIR. P.C. / DIR. /O.C.A.</p>

(c). Self-monitoring and reporting violations (cont.)

NON COMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
F. Failure to obtain proper sample type	1. 1st occurrence during previous 12 month period. a. Disregard for phone call. b. Disregard for N.O.V. c. Disregard for N.O.V.  2. 2nd occurrence during previous 12 month period. a. Disregard for N.O.V. b. Disregard for N.O.V.  3. 3rd and all succeeding occurrences during previous 12 month period. a. Disregard for N.O.V.	Phone call N.O.V. (no fine) N.O.V. (with fine) Further administrative/legal action  N.O.V. (no fine) N.O.V. (with fine) Further administrative/legal action  N.O.V. (with fine) Further administrative/legal action	P.C. P.C. P.C. P.C. / DIR. /O.C.A.  P.C. P.C. P.C. / DIR. /O.C.A.  P.C. P.C. / DIR. /O.C.A.
G. Falsification of data	1. Any data which is submitted bearing an untruthful account of results or events.	Administrative / Legal Action / Sewer Severance	P.C. / DIR. /O.C.A.
H. Failure to report additional monitoring	1. 1st occurrence a. Disregard for phone call. b. Disregard for N.O.V. c. Disregard for N.O.V.	Phone call N.O.V. (no fine) N.O.V. (with fine) Further administrative/legal action	P.C. P.C. P.C. P.C. / DIR. /O.C.A.
I. Failure to install monitoring equipment	1. 1st occurrence a. Disregard for phone call. b. Disregard for N.O.V. c. Disregard for N.O.V.	Phone call N.O.V. (no fine) N.O.V. (with fine) Further administrative/legal action	P.C. P.C. P.C. P.C. / DIR. /O.C.A.

(d). Compliance schedule violations

NON COMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
A. Missed milestone (no affect on final milestone)	<ol style="list-style-type: none"> <li>1. Missed milestone is &lt; 90 days late</li> <li>2. Missed milestone is greater than 90 days late</li> <li>3. Recurring violations of schedule</li> </ol>	<p>N.O.V. (No fine)                      N.O.V. (With fine) / SNC publication                      N.O.V. (With fine)                      Further administrative / Legal actions / sewer severance</p>	<p>P.C.                      P.C. / DIR.                      P.C. / DIR.                      P.C. /DIR. /O.C.A.</p>
B. Missed milestone (affecting the final milestone)	<ol style="list-style-type: none"> <li>1. Missed milestone is &lt; 90 days late</li> <li>2. Missed milestone is &gt; 90 days late</li> <li>3. Recurring violations of schedule</li> <li>4. Refusal to enter into a consent order</li> </ol>	<p>N.O.V. (No fine)                      N.O.V. (With fine)/ SNC publication                      N.O.V. (With fine)                      Further administrative / Legal actions / sewer severance</p>	<p>P.C.                      P.C. / DIR.                      P.C. / DIR.                      P.C. / DIR./O.C.A.</p>
C. Failure to meet compliance schedule after final milestone date	<ol style="list-style-type: none"> <li>1. Exceed final milestone deadline (&lt; 30 days)</li> <li>2. Continues to exceed final milestone deadline (&gt; 30 days)</li> </ol>	<p>Permit revocation / sewer severance                      N.O.V. (with fine). The fine is based upon the industrial discharge loading and a percentage of the total fine amount will be assessed for payment upon discovery of the violation, with the remaining fine(s) to be held in abeyance pending timely and successful compliance with the compliance schedule.                      Further administrative/legal action/sewer severance</p>	<p>P.C. / DIR./O.C.A.                      P.C. / Dir.</p>

(e). Violations found during inspection

NON COMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
A. Facility Entry	Entry Denied	Leave area - consult O.C.A.	P.C. /O.C.A.
B. Records Review	Consent withdrawn to review/copy records	Leave area - consult O.C.A.	P.C. /O.C.A.
C. Prohibited materials/substances discharged to sanitary sewer system	<ol style="list-style-type: none"> <li>1. No harm to system, workers, WWF and / or environment</li> <li>2. Potential created to harm system, workers, and/or environment</li> <li>3. Harm to system workers, WWF, and/or environment</li> </ol>	<p>N.O.V. (no fine), with letter</p> <p>N.O.V. (with fine)</p> <p>Further administrative/legal action/sewer severance</p>	<p>P.C.</p> <p>P.C./ DIR.</p> <p>P.C. / DIR. /O.C.A.</p>
D. Sampling at incorrect location	<ol style="list-style-type: none"> <li>1. 1st occurrence</li> <li>2. 2nd occurrence</li> <li>3. 3rd occurrence</li> </ol>	<p>Verbal Notice (Documented)</p> <p>N.O.V. (with fine)</p> <p>Further administrative/legal action/sewer severance</p>	<p>P.C.</p> <p>P.C.</p> <p>P.C. / DIR.</p>
E. Record Keeping	<ol style="list-style-type: none"> <li>1. Records found to be incomplete</li> <li>2. Recurring</li> </ol>	<p>N.O.V. (no fine), with letter</p> <p>N.O.V. (with fine), and/or further administrative/legal action/sewer severance</p>	<p>P.C.</p> <p>P.C. / DIR. /O.C.A.</p>
F. Waste streams are diluted in lieu of treatment	<ol style="list-style-type: none"> <li>1. Initial findings</li> <li>2. Recurring</li> </ol>	<p>N.O.V. (no fine), with letter</p> <p>N.O.V. (with fine), and/or</p> <p>Further administrative/legal action/sewer severance</p>	<p>P.C.</p> <p>P.C. / DIR. /O.C.A.</p>
G. Failure to properly operate/maintain pretreatment equipment results in:	<ol style="list-style-type: none"> <li>1. No harm to system, workers, WWF, and/or environment</li> <li>2. Potential created to harm system, workers, WWF, and/or environment</li> <li>3. Harm to system, workers, WWF, and/or environment</li> </ol>	<p>Phone call</p> <p>N.O.V. (with fine)</p> <p>Further administrative/legal action/sewer severance</p>	<p>P.C.</p> <p>P.C.</p> <p>P.C. / DIR. /O.C.A.</p>
H. Failure to mitigate noncompliance (or to halt discharge)	<ol style="list-style-type: none"> <li>1. No harm to system, workers, WWF or the environment</li> <li>2. Potential created to harm system, workers, WWF and/or environment</li> <li>3. Harm to system, workers, WWF, and/or environment</li> </ol>	<p>N.O.V. (With fine) / Further administrative action / sewer severance</p> <p>N.O.V. (With fine) / Further administrative action / sewer severance</p> <p>N.O.V. (With fine) / SNC publication / Further administrative action / sewer severance</p>	<p>P.C. / DIR.</p> <p>P.C. / DIR.</p> <p>P.C./ DIR.</p>
<p>Key:</p> <p>SIU = Significant Industrial User; IU = Industrial User; WWF = Waste-water Facility;</p> <p>NOV = Notice of Violation; SNC = Significant Non-Compliance</p> <p>PC = Pretreatment Coordinator; DIR = Director; OCA = Office of City/County Attorney</p>			

**17. Time frame for responses:**

- (a) All violations will be identified and documented within five (5) days of receiving compliance information.
- (b) Initial enforcement responses [involving contact with the industrial user and requesting information on corrective or preventive action(s)] will occur within thirty (30) days of violation detection.
- (c) Follow-up actions for continuing or recurring violations will be taken within sixty (60) days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.
- (d) Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
- (e) All violations meeting the criteria for SNC will be addressed with an enforceable order within thirty (30) days of the identification of SNC.

**18. Further administrative / legal actions:**

Administrative / Legal action may include, but shall not be limited to the following:

- (a) Petition for federal or state enforcement as may be provided by applicable federal or state laws to ensure compliance with applicable pretreatment standards by industrial users.
- (b) The City of Casa Grande may file a petition in the Circuit Court of Pinal County or any other courts having jurisdiction, seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this division or other applicable law or regulation.
- (c) The Director of Public Utilities reserves the right to assess fines on a case by case assessment. Suit may be brought to recover any and all damages suffered by the City of Casa Grande as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the WWF, or for any other expense, loss, or damage of any kind or nature suffered by the City of Casa Grande.