

**HOBART SANITARY DISTRICT BOARD OF COMMISSIONERS**

**Resolution No. 2025-01**

**A RESOLUTION IMPLEMENTING INDUSTRIAL USER PRETREATMENT ENFORCEMENT RESPONSE PLAN FOR PUBLICLY OWNED TREATMENT WORKS**

WHEREAS, the Hobart Sanitary District (“District”) provides wastewater disposal services to its users through an agreement with the Gary Sanitary District (“Gary”); and

WHEREAS, under the terms of the National Pollutant Discharge Elimination System (“NPDES”) Permit for Gary’s sewage treatment plant issued under the Federal Clean Water Act, Gary must not only implement an Industrial User Pre-Treatment Program (“IUTP”) for its own users, but must require that its contract communities, such as the District, likewise implement such a program; and establish enforcement procedures of the IUTP to address a broad range of enforcement responses: and

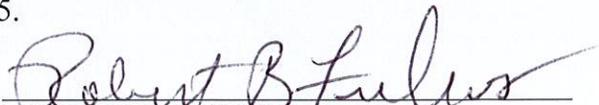
WHEREAS, the District has established an Enforcement Response Plan (“ERP”) regarding the provisions of the approved IUTP, attached hereto and made a part hereof as Exhibit “A,” to ensure compliance of the Industrial Users with pretreatment requirements; and

WHEREAS, the Board of Commissioners of the District desires to approve the ERP and to make it effective with respect to pretreatment violations of industrial users of the District through this Resolution.

BE IT, THEREFORE, RESOLVED by the Board of Commissioners of the Hobart Sanitary District that:

1. The “Industrial Pretreatment Program Enforcement Response Plan (*hereinafter*, “ERP”) attached hereto and made a part hereof as Exhibit “A,” is adopted, approved and made effective according to its terms, and that said Exhibit supplements the District’s Industrial Pretreatment Program (IUTP), regulations and resolutions governing sewer use and construction within the wastewater disposal service territory served by the District.

ALL OF WHICH is adopted as the Resolution of the Hobart Sanitary District Board of Commissioners on this 25 day of February, 2025.

  
ROBERT B. FULTON, President

ATTEST:   
ALEX METZ, City Engineer, Secretary

# INDUSTRIAL PRETREATMENT PROGRAM ENFORCEMENT RESPONSE PLAN

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*Prepared for the*



## **Hobart Sanitary and Stormwater District**

NPDES Permit No. IN0061344  
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Hobart, Indiana 46342

*Prepared by:*



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February 2025

**EXHIBIT A**

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## 1.0 INTRODUCTION

### 1.1 Regulatory Review

The Hobart Sanitary and Stormwater District (HSD) has been issued a National Pollutant Discharge Elimination System (NPDES) permit for the sanitary sewer collection system that discharges into the Gary Sanitary District's (GSD) collection system. Industrial discharges are regulated under GSD's NPDES Permit pretreatment program, the GSD & HSD Industrial Pretreatment Program Agreement, and the City of Hobart Sewer Use Ordinance. The Industrial Pretreatment Program (IPP) requires the development of an Enforcement Response Plan (ERP) to provide consistent enforcement actions for industrial users' similar violations and circumstances. All industrial users issued a Non-Domestic Waste Discharge Permit by HSD for discharging non-domestic waste to the HSD collection system are subject to the provisions in this ERP.

HSD, through the Industrial Pretreatment Coordinator, consistently administers and implements all the elements of this ERP. The ERP does not preclude HSD from taking any, all, or any combination of actions against any non-compliant user. A comprehensive and effective ERP must:

- Describe how HSD will investigate instances of noncompliance;
- Describe the types of escalating enforcement actions HSD will take in response to all anticipated types of industrial user violations;
- Identify (by title) the official(s) responsible for each type of action; and
- Adequately reflect HSD's primary responsibility to enforce all applicable pretreatment requirements and standards.

The ERP is a guidance or policy document and part of the IPP procedures. Although it coordinates with the Sewer User Ordinance (hereinafter "Ordinance"), it is not part of the Ordinance and shall not be made part of it. Terms used in this ERP are defined in the Ordinance.

### 1.2 IPP Review

#### 1.2.1 Identification of Industrial Users

HSD is responsible for identifying industrial users and characterizing the type, volume, and quality of discharge from those users. HSD maintains a list of industrial users and updates it regularly. New industrial users are identified using the following resources:

- Industrial User Surveys
- Industrial park tenant lists
- Sewer connection permits
- Referrals from other agencies
- Contact from potential industries
- Site visits and observations by field personnel
- Chamber of Commerce and telephone listings

- Internet searches

If a new industrial user is identified, HSD characterizes their wastewater through the following activities:

- Site inspections – random, scheduled, or unscheduled
- Information provided on Non-Domestic Wastewater Discharge Permit Application
- Review of industrial users’ self-monitoring reports and sampling data
- Observations from field personnel
- Requiring sampling and testing of the discharge

**1.2.2 User Surveillance**

As needed, HSD may conduct on-site inspections of facility operations, as well as sampling and analysis of the wastewater discharged by an industrial user, to determine compliance with a permit or the Sewer User Ordinance.

**1.2.3 Permitting**

If necessary, HSD shall issue Non-Domestic Wastewater Discharge Permits to industrial users. The permits will include self-monitoring and reporting requirements.

**1.2.4 Recordkeeping**

Self-monitoring reports and compliance schedules submitted by industrial users are reviewed by HSD and filed electronically. Action will be taken if required reports are not received or milestones are not reached. Compliance schedule files for each industrial user remain open for review pending completion of all activities and demonstration of final compliance.

**1.3 Responsibilities**

Implementing this ERP is the responsibility of the Industrial Pretreatment Coordinator (hereinafter “Coordinator”) with assistance from the HSD Board and the HSD Attorney when needed. HSD personnel involved include:

Title	Responsibilities
Industrial Pretreatment Coordinator	<p>The Coordinator is responsible for the implementation and enforcement of the industrial pretreatment program, delegating tasks to HSD employees, assigning pretreatment responsibilities to wastewater employee(s), and conducting industrial user monitoring, inspections, reporting, and recordkeeping. The Coordinator may initiate these enforcement actions:</p> <ol style="list-style-type: none"> <li>1. Written notices of violation</li> <li>2. Emergency suspension and/or Termination of service</li> <li>3. Administrative fines and cost recovery</li> <li>4. Referrals to the HSD Attorney for enforcement actions</li> </ol>

Title	Responsibilities
HSD Board	The HSD Board may initiate these enforcement actions: <ol style="list-style-type: none"> <li>1. Written notices of violation</li> <li>2. Emergency suspension and/or termination of service</li> <li>3. Administrative fines and cost recovery</li> <li>4. Referrals to the HSD Attorney for enforcement actions</li> </ol>
HSD Attorney	The Attorney will provide legal consultation as requested by the Coordinator or the HSD Board on notices of violation, administrative fines, agreed orders, administrative orders, hearings, compliance schedules, and cost recovery and will take the lead on all referrals for judicial action.

## 2.0 DESCRIPTION OF ENFORCEMENT ACTIONS

HSD may undertake the following types of enforcement actions as authorized in the Sewer Use Ordinance:

### 2.1 Notice of Violation

When HSD finds that an industrial user has violated the Ordinance, a wastewater discharge permit, or any other pretreatment standard or requirement, the Coordinator may issue a written Notice of Violation (NOV). A NOV may be issued in the form of a letter, email, or inspection documentation. Within fifteen (15) days of receiving the NOV, the user must provide a written response explaining the violation and outlining a plan to correct it and prevent its recurrence in the future. If necessary, HSD may take any action under the Ordinance without first issuing an NOV.

### 2.2 Administrative Orders

Administrative Orders (AO) come in various forms, each serving specific purposes and carrying different legal implications. An AO is a notification to the industrial user, requiring them to undertake or cease specified activities by a specified deadline. It is the first formal response to significant noncompliance (unless factors necessitate escalated enforcement actions). An AO may include compliance schedules, administrative fines, termination of service, and order for show cause hearings. Additionally, it specifies the name of the parties involved, a statement of the facts, the requirement to ensure compliance, and the enforcement actions associated with any future noncompliance. The types of AOs included in the Ordinance are outlined in this section.

#### 2.2.1 Show Cause Hearing

If a non-compliant industrial user disagrees with HSD’s enforcement action, HSD may order the industrial user to appear before the HSD Board and explain why the proposed enforcement action should not be taken. The HSD Board will issue a written notice to the industrial user specifying the time and place of the hearing, the proposed enforcement action,

the reasons for such action, and a request for the industrial user to show cause why the proposed enforcement action should not be taken. The hearing notice shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. The notice may also be served on any authorized representative of the industrial user.

### 2.2.2 Compliance Orders

HSD may issue a compliance order to industrial users who are not in compliance with the Ordinance, permit, or regulations. The compliance order directs the industrial user to achieve compliance within a specified period. If the industrial user fails to achieve compliance within the given timeframe, sewer service may be discontinued and other enforcement action taken by HSD. Compliance orders may also include additional requirements to address the noncompliance, such as further self-monitoring and best management practices designed to minimize the amount of pollutants discharged into the sewer. A compliance order may not extend the deadline for compliance established by a pretreatment standard or requirement.

### 2.2.3 Cease-and-Desist Orders

HSD may issue cease-and-desist orders when an industrial user continues to violate the Ordinance, permit, regulations, or an issued order. Cease-and-desist orders may also be issued if an industrial user's corrective actions have not prevented the recurrence of the violation. A cease-and-desist order directs the industrial user to:

1. Immediately comply with all requirements; and
2. Immediately take appropriate remedial or preventive actions to properly address a continuing or threatened violation, including halting operations, and/or terminating the discharge.

## 2.3 Administrative Fines

An administrative fine or penalty is a punitive monetary charge assessed by HSD, rather than a court, for an industrial user found to have violated provisions of the Ordinance, permit, regulations, or orders. Each day that non-compliance occurs or continues shall be deemed a separate and distinct violation. The purpose of the fine is to recover the economic benefit of non-compliance and to deter future violations.

When assessing an administrative fine, the following factors are considered:

1. Type and severity of the violation.
2. Number of violations cited.
3. Duration of non-compliance.
4. Impact of the violation on the GSD POTW, receiving water, sludge quality, and HSD operation and facilities.
5. Whether the violation threatened public health.
6. The economic benefit or savings the industrial user gained from the non-compliance.
7. Compliance history of the industrial user.
8. Whether the industrial user is making a good faith effort to comply.

The Coordinator and HSD will refer to the **Schedule of Fines** in **Section 5.0** for the recommended civil penalty for various types of noncompliance.

A user violating the Ordinance or permit may be assessed an administrative or civil penalty of not less than one thousand dollars (\$1,000.00) and not more than two thousand five hundred dollars (\$2,500.00) per violation. Each parameter violated shall constitute a separate violation. Furthermore, each day's violation shall constitute a separate violation.

Any person who violates any provision or discharge limit of the Ordinance or an issued discharge permit may be assessed a surcharge by HSD, not to exceed two thousand five hundred dollars (\$2,500.00) per violation.

## **2.4 Emergency Suspensions**

The Coordinator or HSD may immediately suspend an industrial user's discharge, after formal notice (e.g., written notice of violation), whenever such suspension is necessary to stop an actual or threatened discharge that reasonably appears to present, or cause, an imminent or substantial endangerment to the health or welfare of persons. The Coordinator or HSD may also immediately suspend an industrial user's discharge, after notice and opportunity to respond, if the discharge threatens to interfere with the operations of HSD's Sewer system, the GSD wastewater treatment plant, or may present an endangerment to the environment.

1. An industrial user notified shall immediately stop discharging.
2. If the industrial user refuses to immediately comply voluntarily with the emergency suspension, HSD may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage or endangerment to the sewer system, wastewater treatment plant, receiving stream, or individuals.
3. If the industrial user demonstrates to HSD's satisfaction the endangerment has passed, the industrial user may restart discharging (unless the termination proceedings in Section 2.5 are initiated).
4. An industrial user responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement within five (5) days to the Coordinator, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, before the date of any show cause hearing or termination of discharge under Sections 2.2.1 or 2.5.

## **2.5 Termination of Discharge**

Termination of discharge means ceasing the flow of a non-compliant waste stream to the sanitary sewer. This does not necessarily include severing the building connection to the sanitary sewer. Any user who violates the following conditions is subject to discharge termination:

1. Violation of wastewater discharge permit conditions;
2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics before discharge;

4. Refusal of reasonable access to the industrial user's premises for inspection, monitoring, or sampling; or
5. Violation of the pretreatment standards in the Ordinance.

HSD will provide notice (e.g., a written notice) to the industrial user stating the proposed termination of the non-compliant discharge and offering an opportunity for a show-cause hearing under Section 2.2.1 on why the termination should not be implemented.

## **2.6 Judicial Action**

Judicial action will be taken when it is deemed necessary to compel the industrial user to correct the violation and comply with the Ordinance, permit, or regulations. Judicial action may include civil penalties, restraining order, or other non-exclusive remedies at the discretion of the HSD Board and HSD Attorney.

HSD may recover reasonable attorney's fees, court costs, court reporter's fees, and other litigation expenses through an appropriate lawsuit against any person found to have significantly violated the Ordinance or the orders, rules, regulations, and permits issued.

## **2.7 Supplemental Enforcement Actions**

### **2.7.1 Enforcement Bonds**

A performance bond may be required as security for a user to implement corrective actions to achieve compliance within a predetermined period of time. The bond may be drawn upon by HSD for the user failing to timely complete corrective actions and achieve compliance.

### **2.7.2 Water Supply Severance**

As an alternative to permanently removing a sanitary sewer connection, HSD may sever or cease the user's water service until the user demonstrates compliance.

### **2.7.3 Public Nuisances**

Violations under the Ordinance are considered a public nuisance that requires the user to correct and abate the violations. If the user fails to abate the nuisance, HSD may do so at the user's expense. The person creating the public nuisance is responsible for reimbursing the HSD for costs incurred in removing, abating, or remediating the nuisance.

### **2.7.4 Contractor Listing**

If an industrial user is not compliant with the Ordinance, permit, or pretreatment standards and requirements, HSD shall not purchase goods or services from said industrial user.

## **3.0 DEFINITIONS OF VIOLATIONS**

This section describes the types of violations HSD may encounter.

### **3.1 Minor Sampling, Monitoring, or Reporting Deficiencies**

Violations include, but are not limited to, the following:

- Reports or correspondence submitted up to 10 business days late.
- Incomplete reports and/or chain-of-custody documentation: first offense.

- Transcription error.
- Improper sampling or analytical procedure: first offense.
- Late notification of violation to HSD: first offense.
- Failure to report any operational changes that affect the discharge flow rate but do not impact the permit: first offense.
- Any other violation categorized as a minor sampling, monitoring, or reporting deficiency by the Industrial Pretreatment Coordinator.

### **3.2 Major Sampling, Monitoring, or Reporting Deficiencies**

Violations include, but are not limited to, the following:

- Reports or correspondence late by 10 to 30 business days.
- Sampling point not accessible to HSD.
- Reports not certified.
- Failure to report any operational changes that affect the discharge flow rate and impact the permit: repeat offense.
- Incomplete report or chain-of-custody information: repeat offense.
- Failure to submit all necessary information required to determine the category of an industrial user.
- Failure to use appropriate analytical methods (40 CFR 136).
- Failure to sample for a required parameter.
- Failure to report slug load discharge, illegal discharges, or spills with no damage to HSD.
- Unacceptable explanation for violation.
- Improper sampling or analytical procedure: repeat offense.
- Any other violation categorized as a major sampling, monitoring, or reporting deficiency by the Coordinator.

### **3.3 Critical Sampling, Monitoring, or Reporting Deficiencies**

Violations include, but are not limited to, the following:

- Reports more than 30 days late (significant noncompliance).
- Complete failure to sample, monitor, or report as required by the industrial user's permit.
- Any deficiency in sampling, monitoring, or reporting procedure that places the industrial user in significant non-compliance (SNC).
- Failure to respond to a show cause hearing or other administrative order.
- Illegal or unauthorized discharge resulting in damage to HSD.
- Any violation of sampling, monitoring, or reporting procedures that directly or indirectly contributes to or is responsible for the violation of an NPDES Permit.
- Any other violation categorized as a critical sampling, monitoring, or reporting deficiency by the Coordinator.

### **3.4 Unauthorized Discharge**

Discharge of any pollutant(s) from a location, process, cleaning operation, source, or categorical operation that has not been previously approved, identified, or permitted.

### **3.5 Damages to HSD**

Occurs when the discharge from an industrial user causes:

- Harm to the collection system and its accessories;
- HSD to violate an NPDES Permit; or
- Impairment or damage to the GSD POTW.

### **3.6 Definition of Significant Noncompliance (SNC)**

Instances of significant noncompliance are defined as the status of an industrial user that has caused or allowed a violation that meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all the measurements taken during six (6) months 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 thirty-three percent (33%) or more of all the measurements for each pollutant parameter taken during six (6) months equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC equals one and four-tenths (1.4) for biochemical oxygen demand, total suspended solids, fats, oil, and grease and one and two-tenths (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 Coordinator determines has caused, alone or in combination with other discharges, interference, or pass-through, including endangering the health of HSD or GSD WWTP personnel or the public.
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in HSD's exercise of its emergency authority under 327 IAC 5-19-3(1)(G) to halt or prevent such a discharge.
5. Failure to meet, within ninety (90) days after the scheduled 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 thirty (30) days after the due date, required reports such as:
  - a. Baseline monitoring reports;
  - b. Ninety (90) day compliance reports;
  - c. Periodic self-monitoring reports; and
  - d. Reports on compliance with compliance schedules.
7. Failure to accurately report noncompliance.
  - a. Violations of compliance schedule milestones for planning, engineering, starting construction, completing construction, and attaining final compliance by sixty (60) days or more after the scheduled date.

- b. Failure to provide reports for compliance schedules, self-monitoring data, baseline monitoring reports, or permit application data within thirty (30) days from the due date specified in the ordinance, permit, or enforcement order.
  - c. Knowingly reporting inaccurate information or falsifying data.
8. Any other violation or group of violations that HSD considers to be significant.

Violations are evaluated to determine the suspected or measured adverse environmental impact and rated accordingly. Violations resulting in SNC will be addressed with formal administrative orders as described in the Ordinance, regardless of the response indicated in the Enforcement Response Guide (ERG). Additionally, the Coordinator must contact GSD within ten (10) days of becoming aware of any indirect discharger in SNC.

1. Detailed descriptions of the enforcement options are given in the Ordinance and this ERP. The level of enforcement applied will depend on the number and severity of the nonconformities, as well as the factors listed in this ERP.
2. This ERP is a decision-making process for escalating levels of enforcement that may be employed during a continuing period of noncompliance with a user.

## **4.0 ENFORCEMENT RESPONSE GUIDE**

This ERP designates several enforcement options for each type of noncompliance. The purpose of the ERP is to provide appropriate enforcement responses based on the specific circumstances of the industrial user. It also ensures consistent enforcement responses for user violations in similar situations. Factors to be evaluated when determining the appropriate response are outlined in this section.

Factors that will be evaluated when determining the appropriate response are as follows:

- Good faith of the user;
- Compliance history of the user;
- Previous success of the enforcement actions against the user (e.g., if NOVs have historically been ineffective in bringing the user to compliance in a reasonable period, an administrative order would be a more appropriate response);
- Effect of the violations on the environment and/or public health; and
- Effect of the violations on the sewer system or GSD WWTP.

Within each example of violation, the table identifies possible circumstances that could be expected during that non-conformance. Each circumstance then has different levels of enforcement actions available, depending upon the seriousness of the nonconformance and other factors, such as those listed in this section.

### **4.1 Standard Actions**

#### **4.1.1 Violations Resulting in Significant Noncompliance**

Any violation that results in SNC will be addressed through a written enforcement action regardless of the enforcement response otherwise dictated by the ERP.

#### 4.1.2 Escalating Enforcement Response

An escalating enforcement response will be used for recurring violations and for failure to achieve compliance after a written NOV. A recurring violation is one in which the same type of violation occurs in consecutive reporting periods, seasonally, or whenever a pattern of noncompliance is demonstrated.

#### 4.1.3 Violations Falling Under More Than One Category

Violations that fall under more than one category in the ERP will be addressed with the more severe enforcement response identified. All alleged violations will be handled under the more severe response.

#### 4.1.4 Timeframes for Enforcement Responses

The Coordinator shall review and respond within the following timeframes:

- All violations will be identified and documented within five (5) days of receiving compliance information (e.g., laboratory reports, monthly reports, self-reporting letters, etc.).
- Initial enforcement responses will occur within fifteen (15) days of identifying a violation.
- Follow-up actions by the user for continuing or recurring violations will be taken within sixty (60) days of the initial enforcement response.
- Violations threatening health, property, or environmental quality are considered emergencies and will receive an immediate response, such as emergency suspension or termination of service.
- All violations meeting the criteria for SNC will be addressed through formal enforcement within thirty (30) days of identifying SNC.

## 4.2 Enforcement Response Guide

The following table provides additional guidance on appropriate enforcement actions for specific situations. The ERG lists various categories and types of nonconformance. For each violation example, the table identifies possible circumstances that could arise during that nonconformance. Each circumstance is then linked to different levels of enforcement actions, depending on the seriousness of the nonconformance and other factors, such as those listed in this section.

### ENFORCEMENT RESPONSE PLAN ACTIONS

Nature or Frequency of Violation	Circumstance	Range of Responses
<b>4.3 Unauthorized/On-Permitted Discharge</b>		
	User unaware of requirements - No damage	NOV with Application Form

### ENFORCEMENT RESPONSE PLAN ACTIONS

Nature or Frequency of Violation	Circumstance	Range of Responses
1. Discharge without permit or approval.	User aware and notified of requirements	NOV; Compliance order; Termination of discharge
2. Failure to apply or reapply with intent to discharge.	Not submitted within 10 days of the due date	NOV
	Not applied for after notice from HSD	NOV; Compliance order; AO with fine; Termination of discharge; Show cause hearing; Judicial action
3. Unauthorized discharge through a manhole, septic receiving station, car wash, etc.	No damage/harm	NOV; Compliance order; AO with fine;
	HSD damage/harm	NOV; Compliance order; AO with fine; Public nuisance
	Recurring	Criminal investigation; Judicial action; Supplemental actions
4. Permitted/approved user discharging waste not authorized.	No damage/harm	NOV; Compliance order; AO with fine
	HSD damage/harm	NOV; Emergency suspension; Compliance order; AO with fine; Judicial action; Termination of discharge
	Recurring	Criminal investigation; Judicial action; Termination of discharge
5. Failure to provide information leading to an incorrect determination of a user's category.	Results in SNC	NOV; Compliance order; AO with fine; Judicial action; Termination of discharge
<b>4.4 Exceedance of Discharge Limitations or Prohibitions</b>		
1. Exceed permit limit, local limit, or prohibitions.	Isolated	NOV with resample and report in 30 days
	Recurring or 1/quarter or 4/calendar year	NOV with increased sampling frequency; compliance order
	Monthly or more	NOV with increased sampling frequency; compliance order; AO with fine; Show cause hearing; Judicial action; Termination of discharge

### ENFORCEMENT RESPONSE PLAN ACTIONS

Nature or Frequency of Violation	Circumstance	Range of Responses
2. Exceedance of TRC value by a frequency of 33% or more in 6 months.	Results in SNC	NOV with resampling; AO with fine; Show cause hearing; Judicial action; Termination of discharge
3. Chronic violations of discharge limits, by a frequency of 66% or more in 6 months.	Results in SNC	NOV with resampling; AO with increased sampling frequency and fine; Show cause hearing; Judicial action; Termination of discharge
4. Any instance with HSD damage or direct cause for violating a POTW NPDES permit.	Results in SNC	NOV and AO with increased sampling frequency and fine; Show cause hearing; Judicial action; Termination of discharge
<b>4.5 Sampling, Monitoring, or Reporting Deficiencies</b>		
1. Document/report is improperly signed or certified.	Isolated	NOV
	Not corrected after notice	NOV; Compliance order
	Recurring	NOV; Compliance order; AO with fine
2. Report/reply submitted up to ten (10) business days late.	Isolated	NOV
	10 – 30 days late	NOV; Compliance order
	30 days or more late	AO with fine
	Recurring	AO with fine; Show cause hearing; Judicial action
3. Report incomplete or inaccurate (analytical methods, chain-of-custody, sampling procedure, handling, etc.).	Isolated	NOV
	Recurring	NOV; Compliance order; AO with fine; Show cause hearing; Judicial action
4. Failure to report additional parameter monitoring.	Isolated	NOV
	Recurring	NOV; Compliance order; AO with fine; Show cause hearing; Judicial action
5. Unacceptable explanation or corrective actions for a violation.	Isolated	NOV
	Recurring	NOV; Compliance order; AO with fine; Show cause hearing; Judicial action

### ENFORCEMENT RESPONSE PLAN ACTIONS

Nature or Frequency of Violation	Circumstance	Range of Responses
6. Failure to report operational changes that affect discharge flow	First offense; No harm/damage	NOV
	Repeat offense; No harm/damage	NOV; Compliance order; AO with fine
	HSD harm/damage	NOV; Compliance order; AO with fine; Show cause hearing; Judicial action
7. Failure to sample for a parameter.	Isolated	NOV
	Recurring	NOV; Compliance order; AO with fine
8. Incorrect sampling locations.	Isolated	NOV
	Recurring	NOV; Compliance order; AO with fine; Show cause hearing; Judicial action
9. Failure to re-sample within the required period.	Isolated	NOV
	Repeat offense after notification	NOV; Compliance order with fine
	Recurring	NOV; Compliance order; AO with fine; Show cause hearing; Judicial action
10. Failure to report a violation, spill/sludge discharge, or other required notifications.	First offense; No harm/damage	NOV
	Repeat offense; No harm/damage	NOV; Compliance order; AO with fine
	HSD harm/damage	NOV; emergency suspension; Compliance order; AO with fine; Show cause hearing; Judicial action
	HSD harm/damage; repeat offense	NOV; emergency suspension; Compliance order; AO with fine; Show cause hearing; Judicial action
11. Falsification of information or data.	Any instance	NOV; Criminal investigation; Termination of discharge
<b>4.6 Compliance Orders/Compliance Schedules</b>		
1. Missed milestone.	Less than 30 days late or will not affect the final compliance date	NOV

### ENFORCEMENT RESPONSE PLAN ACTIONS

Nature or Frequency of Violation	Circumstance	Range of Responses
2. Not in compliance as of final compliance date.	Less than 30 days late	NOV; compliance order
	Greater than 30 days late with reasonable cause for delay	Compliance order; AO with fine
	Greater than 30 days late with no reasonable cause for delay	AO with fine; Show cause hearing; Judicial action; Termination of discharge
<b>4.7 Other</b>		
1. Tamper with monitoring equipment or sample.	Any instance	NOV; AO with fine; Show cause hearing; Judicial action; Termination of discharge
2. Inadequate recordkeeping.	Isolated	NOV
	Recurring	NOV; compliance order; AO with fine
3. Entry denied or consent withdrawn.	Any instance	Obtain warrant and return to user
4. Failure to install monitoring equipment or sample point.	Delay less than 30 days	NOV
	Delay greater than 30 days	Compliance order; AO with fine; Judicial action

NOV - Notice of Violation (written)

SNC - significant non-compliance

AO - Administrative Order (compliance order, show cause hearing, or cease-and-desist order)

Judicial action - includes civil penalties, criminal prosecution, and other nonexclusive remedies (all other actions deemed necessary but not specifically identified in the Ordinance).

## 5.0 SCHEDULE OF FINES

The table below identifies the amount of the fine that would be issued to ensure consistency.

Offense	First Offense	Second Offense	Recurring Offense(s)
<b>5.1 Discharges</b>			
1. Discharging wastewater containing pollutants above established limits.	\$200 (no damages) \$500 + Damages	\$300 (no damages) \$1,000 + Damages	\$400 (no damages) \$2,000 + Damages
2. Discharging wastewater with a pH of less than 5.5 S.U.	\$100 (no damages) \$500 + Damages	\$150 (no damages) \$1,000 + Damages	\$200 (no damages) \$1,500 + Damages
3. Discharging wastewater with a pH of greater than 9.0 S.U.	\$100 (no damages) \$500 + Damages	\$150 (no damages) \$1,000 + Damages	\$200 (no damages) \$1,500 + Damages
4. Discharging substances causing HSD to violate a permit.	\$1,750 + Violation Cost	\$2,000 + Violation Cost	\$2,500 + Violation Cost
5. Discharging substances causing sludge to be unsuitable for beneficial reuse.	\$1,000 + Lab cost and difference in disposal cost	\$1,750 + Lab cost and disposal cost	\$2,500 + Lab cost and disposal cost
6. Discharging a toxic pollutant.	\$200 (no damages) \$1,000 + Damages	\$500 (no damages) \$2,000 + Damages	\$1000 (no damages) \$2,500 + Damages
7. Discharging substances that obstruct the sewer.	\$50 (no damages) \$500 + Damages	\$100 (no damages) \$1,000 + Damages	\$300 (no damages) \$2,500 + Damages
8. Discharging noxious or malodorous substance that creates a public nuisance.	\$100 + Damages	\$500 + Damages	\$2,500 + Damages
9. Discharging noxious or malodorous substance that prevents entry into the sewer.	\$100 + Damages	\$500 + Damages	\$2,500 + Damages
10. Discharging explosive or flammable substances.	\$100 (no damages) \$500 + Damages	\$200 (no damages) \$1,000 + Damages	\$500 (no damages) \$2,500 + Damages
11. Discharging wastewater, containing pollutants, which passes through or interferes with HSD.	\$1,000 + Damages	\$1,750 + Damages	\$2,500 + Damages
<b>5.2 Process</b>			
1. Failure to calibrate the flow meter.	\$100	\$200	\$300
2. Refusal to allow HSD to inspect the user's premises.	\$2,500	\$2,500	\$2,500

Offense	First Offense	Second Offense	Recurring Offense(s)
3. Failure to provide, properly operate, or maintain pretreatment facilities.	\$1,000	\$1,750	\$2,500
4. Failure to report a hazardous materials spill.	\$500 (no damages) \$500 + Damages	\$1,000 (no damages) \$1,000 + Damages	\$2,500 (no damages) \$2,500 + Damages
5. Failure to comply with Orders (Section 2.0).	\$1,000	\$2,500	\$5,000
6. Providing false information.	\$1,000	\$2,500	\$5,000
<b>5.3 Administrative</b>			
1. Failure to file a written report of slug or accidental discharge.	\$100	\$500	\$1,000
2. Failure to conduct required self-monitoring (per parameter).	\$100	\$500	\$1,000
3. Failure to respond to a NOV.	\$100	\$500	\$1,000
4. Failure to report significant changes in operation, pretreatment facilities, wastewater constituents, or characteristics.	\$500	\$1,000	\$1,500
5. Failure to submit a self-monitoring report, resulting in SNC.	\$100	\$200	\$1,000
6. Failure to obtain a Non-Domestic Waste Discharge Permit or HSD approval, when required, before connecting to or discharging into the HSD sanitary sewer (one-time penalty per connection).	\$2,500	---	---
7. Failure to submit renewal application 180 days before permit expiration.	30 days late \$100	31-60 days late \$200	>60 days late \$1,000
8. Failure to maintain monitoring records.	\$300	\$600	\$900
9. Tampering with samples, sampling equipment, or measuring devices.	\$1,000	\$2,500	\$5,000