

# **ENFORCEMENT RESPONSE PLAN**

---

Waterloo Wastewater Treatment Plant  
120 South Best Street  
Town of Waterloo, Indiana

Prepared by:

**WESSLER**  
ENGINEERING

*More than a Project™*

6219 South East Street  
Indianapolis, IN 46237  
[www.wesslerengineering.com](http://www.wesslerengineering.com)

**August 2018**

## TABLE OF CONTENTS

<b>1.0</b>	<b>ENFORCEMENT RESPONSE PLAN .....</b>	<b>1</b>
1.1	Introduction .....	1
1.2	Responsibilities.....	1
<b>2.0</b>	<b>DESCRIPTION OF ENFORCEMENT ACTIONS.....</b>	<b>2</b>
2.1	Surcharges.....	2
2.2	Informal Notice .....	2
2.3	Notice of Violation .....	2
2.4	Administrative Fines .....	2
2.5	Administrative Orders .....	3
2.5.1	Consent Orders .....	3
2.5.2	Show Cause Hearing .....	3
2.5.3	Compliance Orders .....	3
2.5.4	Cease and Desist Order .....	3
2.6	Emergency Suspension .....	4
2.7	Termination of Service .....	4
2.8	Cost Recovery .....	4
2.9	Judicial Action .....	5
2.10	Referral to EPA or IDEM.....	5
<b>3.0</b>	<b>DEFINITIONS OF VIOLATIONS.....</b>	<b>5</b>
3.1	Minor Sampling, Monitoring or Reporting Deficiencies .....	5
3.2	Major Sampling, Monitoring or Reporting Deficiencies.....	5
3.3	Critical Sampling, Monitoring or Reporting Deficiencies .....	6
3.4	Unauthorized Discharge .....	6
3.5	Damages to the Town.....	6
3.6	Definition of Significant Noncompliance (SNC) .....	6
<b>4.0</b>	<b>ENFORCEMENT RESPONSE GUIDE (ERG).....</b>	<b>7</b>
4.1	Introduction .....	7
4.2	Enforcement Response Guide Table.....	7
<b>5.0</b>	<b>SCHEDULE OF FINES .....</b>	<b>13</b>

## 1.0 ENFORCEMENT RESPONSE PLAN

### 1.1 Introduction

The Waterloo Wastewater Treatment Plant (WWTP) developed this Enforcement Response Plan (ERP) to provide consistent enforcement responses for all similar violations and circumstances for industrial users. All industrial users, whether they are issued an Industrial Wastewater Pretreatment (IWP) Permit or not, discharging any non-domestic waste to the Town are subject to the provisions in this ERP. IWP Permits are issued by the Indiana Department of Environmental Management (IDEM). The WWTP, through the Town Manager and/or Superintendent, administers and implements all the elements of this ERP for all industrial users. The ERP does not preclude the Town from taking any, all or any combination of actions against any non-compliant user. A comprehensive and effective ERP must:

- Describe how the Town will investigate instances of noncompliance;
- Describe the types of escalating enforcement actions the Town 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 the Town's primary responsibility to enforce all applicable pretreatment requirements and standards.

The ERP is a guidance or policy document based on National Pretreatment standards. Although it coordinates with the sewer use ordinance (SUO), it is not part of the SUO and shall not be made part of the SUO. Terms used in the ERP are defined in the SUO.

### 1.2 Responsibilities

The responsibilities of implementing this ERP falls to the Town Manager and/or Superintendent with assistance from representative personnel, the Town Council, and the Town Attorney when needed. The Town's personnel involved include:

Title	Responsibilities
Town Manager and/or Superintendent	<p>The Wastewater Operations Manager is responsible for the implementation and enforcement of the ERP; delegating tasks to Town employees; designating pretreatment responsibilities to wastewater employee(s); and industrial user monitoring, inspections, reporting and recordkeeping. The Town Manager and/or Superintendent may initiate these enforcement actions:</p> <ul style="list-style-type: none"><li>• Informal notices (verbal and written) and Notices of violation</li><li>• Emergency suspension and/or Termination of service</li><li>• Administrative fines and cost recovery</li><li>• Administrative orders, including: compliance orders, consent orders, show cause hearings, and cease and desist orders</li><li>• Referrals to the State or the Environmental Protection Agency (EPA) for criminal action</li><li>• Emergency suspension and/or Termination of service</li><li>• Referrals to the Town Attorney for judicial action</li><li>• Referrals to the State or EPA for criminal action</li></ul>

Title	Responsibilities
Town Attorney	The Town Attorney will provide legal consultation as requested by the Town Manager and/or Superintendent on administrative fines, administrative orders, and cost recovery and will take the lead on all referrals for judicial action and Town-initiated criminal investigations.

## 2.0 DESCRIPTION OF ENFORCEMENT ACTIONS

The following are the types of enforcement action that may be undertaken by the Town:

### 2.1 Surcharges

Surcharges are described in the SUO and are implemented to recover costs associated with treating high-strength wastewater from industrial users. Surcharges are implemented for users exceeding compatible pollutant levels as described in the SUO. Surcharges are not an enforcement action unless the strength of the wastewater discharged impacts or causes harm to the sewerage system and/or the user has exceeded an agreed upon maximum loading. Due to the potential for high-strength wastewater from industrial users, the Town has implemented an escalation process that is described in the Enforcement Response Guide (ERG) Table.

### 2.2 Informal Notice

An informal notice may be a documented phone call, electronic mail, written warning, or a meeting notifying the industrial user of minor incidences that have occurred and that need to be corrected. Repeat performance of the same incident, or escalation of the incident will result in escalated enforcement action.

### 2.3 Notice of Violation

Whenever the Town Manager and/or Superintendent finds that any industrial user has violated or is violating the SUO or their IWP Permit, the Town Manager and/or Superintendent may issue the industrial user a written Notice of Violation (NOV). A NOV is the initial formal enforcement action for a violation. The certified letter notifies the industrial user signatory authority of the violation and requires the following:

1. An explanation of the violation;
2. Immediate corrective action or steps being taken to correct the problem;
3. Additional sampling of the parameter in violation within 30 days; and
4. Written response within ten business days of receipt of NOV.

### 2.4 Administrative Fines

An administrative fine is a punitive monetary charge assessed by the Town, rather than a court, for an industrial user who is found to have violated any provision of the sewer use ordinance, permits, or orders. Each day on which non-compliance shall occur or continue 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 receiving water, sludge quality, and WWTP operation.
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.

## **2.5 Administrative Orders**

An Administrative Order (AO) is notification to the industrial user to undertake or to cease specified activities by a specified deadline. It is the first formal response to significant noncompliance (unless factors necessitate escalated enforcement actions). It may contain compliance schedules, administrative fines, termination of service, and show cause orders. In addition, it specifies the name of the parties involved, statement of the facts, the requirement to ensure compliance, and the enforcement associated with any future non-compliance. The types of AOs are described in this section.

### **2.5.1 Consent Orders**

A consent order is an agreement with an industrial user responsible for non-compliance. Such documents shall include specific actions to be taken by the industrial user to correct the non-compliance within a time specified by the document.

### **2.5.2 Show Cause Hearing**

A Show Cause Hearing is when the industrial user and the Town meet to discuss the cause and effect of the violation, as well as, the enforcement action the industrial user will be subjected to. The industrial user may present its case as to why the violation occurred and why further enforcement should not be applied. Corrective actions to be undertaken by the industrial user can also be a part of this meeting.

### **2.5.3 Compliance Orders**

A Compliance Order is a formal time and management schedule contained in an enforcement order, established for the non-compliant industrial user to achieve compliance. It is established for existing industrial users to meet the categorical pretreatment standards or local standards. It contains increments of progress in the form of dates for the commencement and completion of major events leading to compliance. In addition, all compliance orders shall contain:

1. Monitoring requirements with the location for monitoring.
2. How the data will be used for evaluating compliance.
3. Enforcement associated with non-compliance.
4. Closure date after which the industrial user will be considered either non-compliant with the established compliance order or evaluated for compliance.

### **2.5.4 Cease and Desist Order**

The Town may issue an order to an industrial user that has violated, or continues to violate, any provision of the sewer use ordinance, an IWP permit, order, any other pretreatment standard or requirement, or that the industrial user's past violations are likely to reoccur, directing it to cease and desist all such violations and directing the industrial user to:

1. Immediately comply with all requirements.
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the

discharge. Issuance of a cease-and-desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

## **2.6 Emergency Suspension**

The Town may immediately suspend an industrial user's discharge, after informal notice to the industrial user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Town Manager and/or Superintendent may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the sewerage system, or which presents, or may present, an endangerment to the environment.

1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Town Manager and/or Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the sewerage system, damage to its receiving stream, or endangerment to any individuals. The Town Manager and/or Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Town Manager and/or Superintendent that the period of endangerment has passed.
2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Town Manager and/or Superintendent prior to the date of any show cause or termination.

## **2.7 Termination of Service**

Termination of service is the revocation of an industrial user's privilege to discharge non-domestic wastewater into the sewer system. Termination of service is used when the discharge from an industrial user presents imminent endangerment to the health or welfare of persons, or the environment; or threatens to damage the collection system or interfere with the sewerage system's operations; or as an escalating enforcement action to a significant violation when a non-compliant industrial user fails to respond adequately to previous enforcement actions. Termination of service may be accomplished by physical severance of the industrial user's connection to the collection system, issuance of an AO (cease-and-desist order) which compels the industrial user to immediately terminate its discharge, revocation of the industrial user's discharge permit, or a court ruling.

## **2.8 Cost Recovery**

In addition to administrative fines recommended by the Town Manager and/or Superintendent, the industrial user shall be responsible for paying the following (but not limited to) costs incurred by the Town for the industrial user's failure to comply:

1. Cost of mileage and labor incurred in detecting and correcting the violation.
2. Laboratory analysis costs associated with detecting and correcting the violation.
3. Additional treatment costs caused by the violation or associated with detecting and correcting the violation.
4. Costs of any additional equipment acquired or expended by the Town for detecting or correcting the violation.
5. Repair and/or replacement of any part of the sewerage system damaged by the violation.



6. Any liability, damages, fines, or penalties incurred by the Town because of the violation.
7. All expenses of outside professionals to include, but not limited to, engineers, scientists, and/or legal counsel.
8. Other costs associated with the detection and correction of the violations.

## **2.9 Judicial Action**

Judicial Action will be taken when it is deemed necessary to force the industrial user to correct the violation and comply with the permit. Judicial action may consist of civil prosecution; criminal prosecution; or an action for injunction, at the discretion of the Town and its counsel. As an alternative to judicial action, the Town and industrial user may agree to a voluntary zero discharge of industrial waste by the industrial user pending correction of the violation.

## **2.10 Referral to EPA or IDEM**

Where a Town does not rely on criminal prosecution for its enforcement authority, referral to IDEM or EPA may be made. For violations that may warrant criminal prosecution, the Town will refer the case to the EPA or the State for further action. Circumstances that trigger EPA or State referrals include (but not limited to) evidence of willfulness, evidence of negligence, and/or bad faith shown by the Industrial User.

# **3.0 DEFINITIONS OF VIOLATIONS**

This section provides a description of the types of violations the Town may encounter.

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

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

- Reports / correspondence submitted up to 10 business days late.
- Incomplete reports and / or chain-of-custody: first offense.
- Transcription error.
- Improper sampling or analytical procedure: first offense.
- Late notification of violation to the Town: first offense.
- Failure to report any operational changes which affect the discharge flow rate but do not impact the permit: first offense.
- Any other violation categorized as minor sampling, monitoring or reporting, deficiencies by the Town.

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

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

- Reports / correspondence late by 10 to 30 business days.
- Sampling point not accessible to the Town.
- Reports not certified by an EPA certified laboratory.
- Failure to report any operational changes which affect the discharge flow rate and impact the permit: repeat offense.
- Incomplete report or chain-of-custody information: repeat offense.
- Failure to submit all the information that leads to the determination of a category of an industrial user.

- Failure to use appropriate analytical methods (40 CFR 136).
- Failure to sample for a parameter.
- Failure to report slug load discharge, illegal discharges, or spills with no damage to the Town.
- Unacceptable explanation for violation.
- Improper sampling or analytical procedure: repeat offense.
- Any other violation categorized as "Major sampling, monitoring or reporting deficiencies" by the Town.

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

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

- Reports greater than 30 days late (significant noncompliance).
- Complete failure to sample, monitor or report per the requirements found in the industrial user's permit.
- Any deficiency of sampling, monitoring, or reporting procedure which places industrial user in Significant Non-Compliance (SNC).
- Failure to respond to a Show Cause or Administrative Order.
- Illegal or unauthorized discharge that results in damage to the WWTP.
- Any violation of sampling, monitoring or reporting procedures which directly or indirectly contributes to or is responsible for violation of Town's NPDES Permit.
- Any other violation categorized as critical sampling, monitoring or reporting deficiencies by the WWTP.

### **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 the Town**

Occurs when the discharge from an industrial user causes:

- Harm to the collection system, its accessories, and WWTP.
- Interference with the treatment operations of the WWTP.
- Deterioration of sludge quality.
- The Town to violate its NPDES Permit.

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

Instances of significant noncompliance is defined as the status of a significant 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 66% or more of all of 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 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 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 Town Manager and/or Superintendent determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of WWTP personnel or the public.
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment.
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:
  - a. Baseline monitoring reports;
  - b. 90-day compliance reports;
  - c. Periodic self-monitoring reports; and
  - d. Reports on compliance with compliance schedules.
7. Failure to accurately report noncompliance.
8. Any other violation or group of violations that the Town Manager and/or Superintendent determines will adversely affect the operation or implementation of the approved Town pretreatment program.

Violations resulting in SNC will be addressed with formal Administrative Orders as described in the SUO, regardless of the response that is indicated in the Enforcement Response Guide (ERG). In addition, the Town Manager and/or Superintendent must contact the IDEM within 10 days of becoming aware of any Indirect Discharger in SNC.

1. The detailed descriptions of the Enforcement Options are given in the SUO and this ERP. The level of enforcement applied will be dependent upon the number and severity of the nonconformance, as well as the factors listed in this section of the ERP.
2. The ERG Table is a decision process for escalating levels of enforcement that could be employed during a continuing period of noncompliance with a User.

## **4.0 ENFORCEMENT RESPONSE GUIDE (ERG)**

### **4.1 Introduction**

The ERG designates several enforcement options for each type of noncompliance. The intent of the ERG Table in this section, is to provide appropriate enforcement responses based on the circumstances of the industrial user. The ERG also provides consistent enforcement responses for user violations under similar situations. Factors that will be evaluated when determining the appropriate response are described in this section.

### **4.2 Enforcement Response Guide Table**

The following tables provide additional guidance on appropriate enforcement actions as they may apply to specific situations. The ERG Table lists various categories and types of nonconformance. Within each example of violation, the table identifies possible circumstances that could be expected during that nonconformance. Each circumstance then has different levels of enforcement actions available to be used, dependent upon the seriousness of the nonconformance and other factors, such as those listed in this section.

## ENFORCEMENT RESPONSE GUIDE TABLE

Violation	Nature or Frequency of Violation	Status	Range of Responses
Surcharges	Discharge above the ordinance limit with no system damage or violation of WWTP's NPDES permit.	Compliance with ordinance	Surcharge only
	Discharge above ordinance limit with impacts to WWTP operations.	Non-compliance	Surcharge, NOV & administrative fine
	Discharge above ordinance limit with significant impacts to system operations and damage or direct cause for violation of WWTP's NPDES permit.	Significant non-compliance	Surcharge, NOV, administrative fine, cost recovery & judicial action
Surcharges for Special Agreements	Discharge above ordinance limit, but below the agreement limit.	Compliance with ordinance	Surcharge only
	Discharge above the ordinance and agreement limits.	Non-compliance	Surcharge & NOV
	Discharge above the ordinance and agreement limits with impacts to WWTP operations.	Non-compliance	Surcharge, NOV & administrative fine
	Discharge above ordinance and agreement limits with significant impacts to system operations and damage or direct cause for violation of WWTP's NPDES permit.	Significant non-compliance	Surcharge, NOV, administrative fine, cost recovery & judicial action
Exceedance of discharge limits	Isolated, non-significant	Non-compliance	NOV
	Frequent, repeat offense, non-significant (ex: exceeding one per quarter or four per calendar year).	Non-compliance	I. NOV with increased sampling frequency II. Administrative fine
	Exceedance of TRC value by a frequency of 33% or more in 6 months and/or exceedance of permit limit by a frequency of 66% or more in 6-month span or as stated in 40 CFR 403.	Significant non-compliance	I. NOV/AO II. Administrative fine III. Cost recovery IV. Judicial action/terminate services

Violation	Nature or Frequency of Violation	Status	Range of Responses
Exceedance of discharge limits (continued)	Any instance with WWTP damage or direct cause for violation of WWTP's NPDES permit - SNC.	Significant non-compliance	I. NOV/AO II. Administrative fine III. Cost recovery IV. Judicial action/ terminate services
Waste stream dilution in lieu of treatment as described in the SUO for Industrial Waste Discharge	Isolated, non-significant	Non-compliance	I. Informal notice II. NOV
	Frequent, repeat offense, non-significant (exceeding one per quarter or four per calendar year).	Non-compliance	I. NOV II. AO
Slug load discharge	Isolated - with no damage to WWTP.	Non-compliance	NOV
	Frequent - more than one per calendar year with no damage to WWTP.	Significant non-compliance	AO and upgrading slug discharge control plan
	Any instance with WWTP damage or direct cause for violation of WWTP's NPDES permit - SNC.	Significant non-compliance	I. AO II. Administrative fine III. Cost recovery IV. Judicial action/ terminate services
Unauthorized/non-permitted discharge	Any instance with no damage to WWTP.	Non-compliance	NOV
	Any instance with WWTP damage or direct cause for violation of WWTP's NPDES permit - SNC.	Significant non-compliance	I. AO II. Administrative fine III. Cost recovery IV. Judicial action/ terminate services
Illegal/ RCRA hazardous waste discharge	Any instance.	Significant non-compliance	I. AO II. Administrative fine III. Cost recovery IV. Judicial action/ terminate services
Minor sampling, monitoring, or reporting deficiencies	Isolated or infrequent.	Non-compliance	I. Informal notice II. NOV
	Frequent, repeat offense, non-significant (exceeding one per quarter or four per calendar year).	Non-compliance	NOV

Violation	Nature or Frequency of Violation	Status	Range of Responses
Major sampling, monitoring, or reporting deficiencies	Isolated or infrequent.	Non-compliance	I. NOV II. NOV with increased sampling frequency
	Frequent, repeat offense (exceeding one per quarter or four per calendar year).	Non-compliance	I. NOV with increased sampling frequency II. AO
Critical sampling, monitoring, or reporting deficiencies	Any instance.	Significant non-compliance	I. AO II. Administrative fine III. Judicial action IV. Terminate services
Falsification of sampling, monitoring, or reporting requirements	Any instance.	Significant non-compliance	I. Administrative fine II. Judicial action – criminal prosecution III. Terminate services
Critical sampling, monitoring, or reporting deficiencies	Any instance.	Significant non-compliance	I. AO II. Administrative fine III. Judicial action IV. Terminate services
Falsification of sampling, monitoring, or reporting requirements	Any instance.	Significant non-compliance	I. Administrative fine II. Judicial action – criminal prosecution III. Terminate services
Failure to report changed discharge	Any instance with no impact on the permit.	Non-compliance	Informal notice
	Any instance with impact on the permit.	Non-compliance	NOV with show cause
Failure to obtain permit before discharge	Any instance.	Non-compliance	NOV with show cause
Failure to inform Town of the ownership change	Any instance.	Non-compliance	NOV
Failure to install monitoring equipment including a monitoring manhole as required	Any instance.	Non-compliance	NOV with the requirement to immediately initiate the installation of equipment
Tampering with monitoring equipment	Any Instance.	Significant non-compliance	I. AO with fines II. Judicial action

Violation	Nature or Frequency of Violation	Status	Range of Responses
Entry denial	Entry denied or consent withdrawn. Copies of records denied.	Non-compliance	Obtain search warrant and return to industrial user.
Inadequate record keeping	Incomplete or missing records.	Non-compliance	I. Informal Notice II. NOV
	Repeat offense.	Non-compliance	I. NOV II. AO with fine
Failure to properly operate and maintain pretreatment facility	Any instance.	Non-compliance	I. Informal notice II. NOV III. AO and immediate corrective action
Missed milestone date	Will not affect other milestone dates on compliance schedule. No valid cause for missing the deadline.	Non-compliance	I. Informal notice II. NOV
	Will disrupt compliance schedule timetable - Violation for valid cause.	Non-compliance	I. NOV with show cause hearing II. AO to re-establish timetable
	Will disrupt compliance schedule timetable - Violation not for valid cause.	Significant non-compliance	I. AO with fines II. Re-establish the compliance schedule
Missed final date of achieving compliance for which the schedule was established - the parameter was in violation at least once.	Violation after milestone final date due to strike, act of God, national crises, etc.	Non-compliance	I. Informal response II. AO to re-establish timetable
	Sampling or monitoring within 30 days of milestone final date yielded more than one violation for the compliance schedule parameter.	Significant non-compliance	NOV with show cause
	Sampling or monitoring after 30 days and before the closure date yielded more than one violation for the compliance schedule parameter.	Significant non-compliance	I. AO with fines II. Show cause III. Administrative fine/cost recovery IV. Judicial Action/zero discharge V. Terminate services

Violation	Nature or Frequency of Violation	Status	Range of Responses
Failure to meet reporting requirements	Did not submit report but did complete milestone.	Non-compliance	NOV
	Did not submit report, did not complete milestone.	Significant non-compliance	AO with fine
Reporting false information	Any instance.	Significant non-compliance	I. Terminate services II. Judicial action/ criminal prosecution



## 5.0 SCHEDULE OF FINES

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

Offense	First Offense	Second Offense	Third & Subsequent Offense(s)
<b>Discharges</b>			
Discharging wastewater containing metals above established limits per parameter when:			
a. No damage	\$200	\$300	\$400
b. Damage	\$500 + Damages	\$1,000 + Damages	\$2,000 + Damages
Discharging substance causing WWTP to violate permit	\$1,750 + Violation Cost	\$2,000 + Violation Cost	\$2,500 + Violation Cost
Discharging substance causing sludge to be unsuitable for beneficial reuse or disposal	\$1,000 + Lab cost and difference in disposal cost	\$1,750 + Lab cost and disposal cost	\$2,500 + Lab cost and disposal cost
Discharging a toxic pollutant when:			
a. No damage	\$200	\$500	\$1000
b. Damage	\$1,000 + Damages	\$2,000 + Damages	\$2,500 + Damages
Discharging substances which obstruct the sewer when:			
a. No damage	\$50	\$100	\$300
b. Damage	\$500 + Damages	\$1,000 + Damages	\$2,500 + Damages
Discharging noxious or malodorous substance that:			
a. Creates a public nuisance	\$50 + Damages	\$100 + Damages	\$150 + Damages
b. Prevents entry into the sewer	\$100	\$300	\$500
Discharging explosive or flammable substances when:			
a. No damage	\$100	\$200	\$500
b. Damage	\$500 + Damages	\$1,000 + Damages	\$2,500 + Damages
Discharging wastewater with a pH of less than 5.5 s.u. when:			
a. No damage	\$100	\$150	\$200
b. Damage	\$500 + Damages	\$1,000 + Damages	\$1,500 + Damages
Discharging wastewater with a pH of greater than 9.0 s.u. when:			
a. No damage	\$100	\$150	\$200
b. Damage	\$500 + Damages	\$1,000 + Damages	\$1,500 + Damages
Discharging wastewater, containing pollutants, that passes through or interferes with the WWTP	\$1,000 + Damages	\$1,750 + Damages	\$2,500 + Damages
Discharging wastewater containing parameters above established limits per parameter when:			
a. No damage	\$100	\$200	\$300
b. Damage	\$500 + Damages	\$1,000 + Damages	\$2,500 + Damages
Discharging slug loads or accidental discharges or slug loads of wastewater containing prohibited pollutants or above established limits per parameter when:			
a. No damage	\$500	\$750	\$1,000
b. Damage	\$500 + Damages	\$1,000 + Damages	\$2,500 + Damages

Offense	First Offense	Second Offense	Third & Subsequent Offense(s)
<b>Process</b>			
Failure to calibrate flow meter	\$100	\$200	\$300
Refusal to allow Town to inspect User's facility/premises	\$2,500	\$2,500	\$2,500
Failure to provide, properly operate, or maintain pretreatment facilities	\$1,000	\$1,750	\$2,000
Failure to report a hazardous materials spill:			
a. No damage	\$500	\$1,000	\$2,500
b. Damage	\$500 + Damages	\$1,000 + Damages	\$2,500 + Damages
Failure to comply with a Consent Order	\$1,000	\$1,750	\$2,500
Providing false information	\$500	\$1,500	\$2,500
Tampering with samples, sampling equipment, or measuring devices	\$500	\$1,000	\$1,500
<b>Administrative</b>			
Failure to file written report of slug or accidental discharge	\$100	\$200	\$400
Failure to conduct required self-monitoring (per parameter)	\$50	\$100	\$200
Failure to respond to Notice of Violation	\$100	\$200	\$500
Failure to report significant changes in operation, pretreatment facilities, wastewater constituents or characteristics	\$500	\$1,000	\$1,500
Failure to submit self-monitoring report, resulting in SNC	\$100	\$200	\$300
Failure to obtain an Industrial Wastewater Pretreatment Permit, when required, before connecting to or discharging into the Town (one-time penalty per connection)	\$1,500	---	---
Failure to submit renewal application 180 days prior to permit expiration	30 days \$50	31-60 days \$100	>60 days \$200
Failure to maintain monitoring records	\$300	\$600	\$900
Tampering with samples, sampling equipment, or measuring devices	\$500	\$1,000	\$1,500