

WATER AUTHORITY
OF DICKSON COUNTY

**PRETREATMENT PROGRAM
ENFORCEMENT
RESPONSE PLAN
(ERP)**

Approved by the State of Tennessee Department of Environment and Conservation

Date: 09/29/2021

Approved by the Water Authority of Dickson County Board of Commissioners

Date: 10/11/21

TABLE OF CONTENTS

SECTION	PAGE
1-101— PRETREATMENT ENFORCEMENT RESPONSE PLAN	3
1-101.1 Enforcement Response Plan Description	3
1-102— INSIGNIFICANT vs. SIGNIFICANT NONCOMPLIANCE	3
1-102.1 Insignificant (Minor) Noncompliance	3
1-102.2 Significant Noncompliance of Wastewater Discharge Limits	4
1-102.3 Notice Of Violation (NOV)	5
1-102.4 Schedule of Compliance	5
1-102.5 Administrative Penalties	5
1-102.6 Administrative Orders	5
1-102.6.1 Compliance Order	5
1-102.6.2 Show Cause Order	6
1-102.6.3 Cease and Desist Order	6
1-102.6.4 Agreed Order	6
1-102.7 Penalty Assessment	6
1-103— USING THE ENFORCEMENT RESPONSE TABLE	7
1-103.1 Use of Enforcement Response Table	7
1-103.2 Penalty Assessment Form	8
1-103.3 Enforcement Response Table	9
1-103.4 Discharge Limit Violation	9
1-103.5 Monitoring and Reporting Violations	9
1-103.6 Unauthorized Discharges (No Permit)	10
1-103.7 Compliance Violations	11
1-103.8 Other Violations	11
1-103.9 Violations Detected During a Site Inspection	11
1-104— SEVERABILITY	12
1-105— EFFECTIVE DATE	12

1-101— PRETREATMENT ENFORCEMENT RESPONSE PLAN**1-101.1 Enforcement Response Plan Description**

The Water Authority of Dickson County (WADC) Pretreatment Program has been approved by the State of Tennessee and, therefore, is responsible for the enforcement of all Federal, State, and Local Pretreatment regulations. To streamline this effort and promote fair and consistent enforcement, WADC has developed this Enforcement Response Plan. This plan describes violations and indicates a range of appropriate enforcement options. It outlines which responses are appropriate and identifies the personnel who must initiate those responses. It also outlines the effective timeframes for taking such actions.

1-102— INSIGNIFICANT vs. SIGNIFICANT NONCOMPLIANCE**1-102.1 Insignificant (Minor) Noncompliance**

Insignificant Noncompliance is defined as a relatively minor or infrequent violation of Pretreatment standards or requirements. Instances of Insignificant Noncompliance will result in a Notice of Violation (NOV). Examples of Insignificant Noncompliance that will be addressed by a NOV are:

- Failure to file a permit renewal application but continuing to comply with the expired permit.
- A reported spill with no known adverse effects.
- Isolated (once per six-month period and not in consecutive sampling events), insignificant exceedance (not more than 1.5 times the permit limit) of discharge permit limits.
- Inadvertent use of incorrect sample collection procedures.
- Failure to properly sign or certify monitoring reports (first instance within a two year period).
- Failure to notify of slug load, which has no known adverse effects.
- Missed interim or final compliance deadline by 30 days or less.
- Late submission of required report, including compliance schedule reports (less than 30 days late).
- Any other violation which:
 - a) Causes no known adverse conditions in the Publicly Owned Treatment Works (POTW);
 - b) Is deemed insignificant by WADC and is not defined as Significant Noncompliance by the Environmental Protection Agency (EPA) in the General Pretreatment Regulations, 40 CFR 403.

Violations are assigned a Category per the Enforcement Response Table found in Section 1-103.3 of this Enforcement Response Plan and associated Penalty Assessments are found in Section 1-102.11. Generally, an isolated instance of noncompliance or a Category 0 violation can be met with an informal response or a

NOV. Any Category 1 to Category 4 violations must be addressed with an enforceable order that requires a return to compliance by a specific deadline.

1-102.2 Significant Noncompliance of Wastewater Discharge Limits

The EPA has defined “significant noncompliance” as violations that meet one or more of the following criteria:

- Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment standard or requirement, including instantaneous limits as defined in WADC Pretreatment Program Resolution, Section 1-301.4;
- Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for the same pollutant parameter during a six-month period equals or exceeds the product of the numeric Pretreatment standard or requirement including instantaneous limits, as defined in WADC Pretreatment Program Resolution, Section 1-301.4 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH. The following compatible pollutants are exempt from TRC consideration if they exceed the surcharge level but do not exceed the upper ceiling: BOD, TSS, ammonia-nitrogen, oil and grease.
- Any other violation of a Pretreatment standard or requirement as defined by WADC Pretreatment Program Resolution, Section 1-301.4 (daily maximum, long-term average, instantaneous limit, or narrative standard) that WADC 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;
- Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in WADC’s exercise of its emergency authority to halt or prevent such a discharge (WADC Pretreatment Program Resolution, Section 1-309(d);
- Failure to meet, within 90 days after the due date of a compliance schedule, milestones contained in a local control mechanism or enforcement order for starting construction, completing construction, and attaining final compliance (WADC Pretreatment Program Resolution, Section 1-309(e);
- Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-days compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedule (WADC Pretreatment Program Resolution, Section 1-309(f);
- Failure to accurately report noncompliance (WADC Pretreatment Program Resolution, Section 1-309(g); or
- Any other violation or group of violations that WADC determines will adversely affect the operation or implementation of its Pretreatment Program (WADC Pretreatment Program Resolution, Section 1-309(h).

Violations are assigned a Category per the Enforcement Response Table found in Section 1-103.3 of this Enforcement Response Plan and associated Penalty Assessments are found in Section 1-102.11. Generally, an isolated instance of noncompliance or a Category 0 violation can be met with an informal response or a NOV. Any Category 1 to Category 4 violations must be addressed with an enforceable order that requires a return to compliance by a specific deadline.

1-102.3 Notice of Violation (NOV)

Generally issued by the inspector/field personnel, the Notice of Violation (NOV) is an official communication from the program to the non-compliant User that informs the User that the Pretreatment violation has occurred. The NOV is issued for relatively minor or infrequent violations of the Pretreatment standards or requirements and should be issued within five working days of the identification of the violation. An NOV does not contain assessment of penalties or cost recovery. The NOV provides the User with an opportunity to correct the noncompliance on its own initiative rather than according to a schedule of actions determined by WADC. The NOV documents the initial attempts of WADC to resolve the noncompliance. Authenticated copies of NOVs may serve as evidence in judicial proceedings.

1-102.4 Schedule of Compliance

A schedule of compliance is a detailed list of the steps to be taken by a non-compliant industry whereby compliance with all Pretreatment regulations will be achieved. This schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment standards (e.g., hiring an engineer, completing preliminary plans, executing contracts for components, commencing construction, etc.)

1-102.5 Administrative Penalties

An administrative penalty is a monetary penalty assessed by WADC for violations of Pretreatment standards or requirements. Administrative penalties are to be used as an escalated enforcement action and are punitive in nature and are not related to a specific cost born by WADC. Instead, the amount of the penalty should recapture any economic benefit gained by noncompliance and/or deter future violations. An administrative Order is to be used to assess an administrative penalty.

1-102.6 Administrative Orders

Administrative Orders are to be issued by the WADC Executive Director. Administrative Orders direct Users to undertake and/or to cease specific activities. Administrative Orders are to be used as the first formal response to significant noncompliance, and may incorporate compliance schedules, administrative penalties, assessments for costs incurred during investigation and/or corrective action, attorney's fees, assessments for damages and termination of service. The program has adopted four general types of Administrative Orders: Compliance Orders, Show Cause Orders, Cease and Desist Orders, and Agreed Orders.

1-102.6.1 Compliance Order

A Compliance Order directs the User to achieve compliance by a specific date and is the primary means of assessing penalties and costs. The Compliance Order will document the necessary compliance and State-required actions to be accomplished by specific dates and is issued by the Executive Director.

1-102.6.2 Show Cause Order

An Order to Show Cause directs the User to meet with program staff, explain its noncompliance, and show cause why more severe action should not be pursued. The hearing is open to the public and may be formal (i.e., conducted to the rules of evidence, with verbatim transcripts and cross-examination of witness) or informal. The results of the hearing, along with any data and testimony (recorded by tape machine or stenographer) submitted as evidence, are available to the public and may serve as evidentiary support for future enforcement actions.

1-102.6.3 Cease and Desist Order

A Cease and Desist Order directs a noncompliant User to cease illegal or unauthorized discharge immediately or to terminate discharge altogether. To preserve the usefulness of this order in emergency situations, penalties should not be assessed in this document. A Cease and Desist Order will be used in situations where the discharge is causing interference, pass through, environmental harm, or otherwise creating an emergency situation. The Cease and Desist Order may be issued immediately upon discovery of an emergency situation or following a hearing. In an emergency, the Cease and Desist Order may be given by telephone with a subsequent written order to be served by WADC before the close of business on the next working day. If the User fails to comply with the order, WADC may take independent action to halt the discharge.

1-102.6.4 Agreed Order

The Agreed order is an agreement between WADC and the User. The Agreed Order normally contains three (3) elements: (1) compliance schedule with specific milestone dates; (2) stipulated penalties, damages, and/or remedial actions; and (3) signature by the Executive Director and the User representative. An agreed Order is appropriate when the User assumes the responsibility for its noncompliance and is willing (in good faith) to correct the causes.

1-102.7 Penalty Assessment

The program has categorized the various types of violations, and assigned a penalty range to each category. Penalty categories are determined and signed by the Executive Director. Penalty amounts are determined by following the Penalty Assessment Form are considered to be an economic deterrent to the illegal activity. Penalty ranges have been designed to recover any economic benefit gained by the violator through noncompliance.

CATEGORY 0 = NOV Only

CATEGORY 1 = \$1-500.

CATEGORY 2 = \$1-1,000.

CATEGORY 3 = \$1-10,000.

CATEGORY 4 = DIRECT LEGAL ACTION – Any penalties and/or costs to be assessed at the maximum penalty allowed by applicable law and prosecuted through local District Attorney by WADC.

Assessments for damages or destruction of the facilities of the POTW, and any penalties, costs, and attorney's fees incurred by the Pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcement, are not part of this penalty assessment procedure.

1-103— USING THE ENFORCEMENT RESPONSE TABLE**1-103.1 Use of Enforcement Response Table**

The Enforcement Response Table is used as follows:

- (1) Locate the type of noncompliance in the first column, and identify the most accurate description of the violation in column 2.
- (2) Assess the appropriateness of the recommended response(s) in columns 3 and 4. Use the Penalty Assessment Form to determine any penalty amounts, using the criteria of:
 - (a) Magnitude of the Noncompliance
 - (b) Effects on the POTW and Receiving Stream
 - (c) Compliance History of the User
 - (d) Good Faith of the User
- (3) Apply the enforcement response to the User, specifying corrective actions, penalty amounts and/or other actions required of the User. Column 5 identifies the responsible WADC personnel.
- (4) Track the User's response and compliance status and follow-up with escalated action if a response is not received or violation continues.

Appropriate enforcement action shall be taken for all violations regardless of whether the specific violation is listed in the Enforcement Response Table.

The Knowledge, Intent and/or Negligence of the User should NOT be taken into consideration except when deciding to pursue criminal prosecution.

1-103.2 **Penalty Assessment Form**

- (1) Locate the type of noncompliance in the Enforcement Response Table (e.g. Discharge Limit; Monitoring; Compliance; Other etc.).
- (2) Select the most accurate description of "Nature of Violation".
- (3) Identify the corresponding Penalty Category and write it in the space provided below.
- (4) Evaluate the appropriateness of the recommended response(s) using the criteria of: **Magnitude, Effects, Compliance History, and Good Faith**. Assign a numerical value from between 0.0 to 1.0 to each criterion (in increments of 0.1) and write in the appropriate space below.
- (5) Average the **four** criteria ratings to obtain an AVERAGE CRITERION RATING (ACR) and enter it into the space provided.
- (6) Multiply the Average Criterion Rating by the maximum penalty allowed in the applicable penalty category selected in step #3.
- (7) Multiply the penalty amount by the number of violation days (e.g. monthly limit, multiply by 30).

USERS NAME _____ PERMIT NO. _____ PARAMETER _____
 PERMIT LIMIT _____ OBSERVED CONC. _____ LIMIT TYPE _____ (daily, monthly, etc.)
 DATE OF VIOLATION _____ CATEGORY OF THIS VIOLATION _____

MAGNITUDE 0.1 0.2 0.3 0.4 0.5 0.6 0.7 0.8 0.9 1.0 _____

This criterion considers the severity of the discharge. Magnitude is determined by assigning 0.1 to the lowest violation factor of the category and 1.0 to the highest violation factor of the category and then determining where the violation falls within the range.

(e.g. a category 1 violation that is 2.2 times the limit would be assigned a magnitude rating of 0.5)

EFFECTS 0.0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 0.8 0.9 1.0 _____

This criteria considers the effects of the discharge upon the quality of the receiving waters as well as adverse physical and operational effects experienced by the POTW. The Effects rating is a subjective determination within the following guidelines: no effect = 0.0; slight effect = 0.1-0.3; moderate effect = 0.4-0.6; heavy effect = 0.7-0.9; severe effect or damage = 1.0

COMPLIANCE HISTORY _____

This rating will generally follow the number of NOV's issued in the past 15 months (TRC and/or Chronic violations are factors in determination) (i.e. no violations = 0.0; 1 NOV = 0.1; 5 NOV's = 0.5)

GOOD FAITH _____

"The Clean Water Act requires industry to take extraordinary efforts if the vital and ambitious goals of the Congress are to be met. This means that business-as-usual is not enough. Prompt, vigorous, and in many cases expensive pollution control measures must be initiated and completed as promptly as possible"; (Legislative History of the Clean Water Act; No.95-14, Vol3, p.463). The criteria of GOOD FAITH should consider the rapidity and effectiveness of actions taken by the violator to cease or reduce the magnitude of the violation. Prompt, vigorous response = 0.0 Reluctant, minimal response = 0.5 No response, continued violation = 1.0

SUM _____

AVERAGE CRITERIA RATING = (Sum/4) _____

PENALTY AMOUNT (A.C.R X Category Maximum) = _____ x _____ = _____

1-103.3 Enforcement Response Table

1-103.4 Discharge Limit Violation

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	RESPONSE	AUTHORITY
Exceedance of Local or Federal Discharge Limits	Type A – exceed once or more daily or average parameter limit(s) by a factor of 1.5 or less. (Does not apply to pH)	0	NOV detailing violation and requiring correction within 30 business days. If exceedance occurs on IU self-monitoring report, industry must repeat sampling and analysis on parameter within 30 days of becoming aware of the exceedance and submit results to WADC.	Inspector
	Type B – exceed one or more daily or average parameter limit(s) by a factor of 1.6 or greater but no more than a factor of 3.0. (Does not apply to pH)	1	NOV detailing violation and requiring correction within 30 business days. If exceedance occurs on IU self-monitoring report, industry must repeat sampling and analysis on parameter within 30 days of becoming aware of the exceedance and submit results to WADC. Subject to assessment of penalties by Administrative Order.	Inspector/ Executive Director
	Type C – exceed one or more daily or average parameter limit(s) by a factor of 3.1 or greater but no more than a factor of 9.9. (Does not apply to pH)	2	NOV detailing violation and requiring correction within 30 business days. If exceedance occurs on IU self-monitoring report, industry must repeat sampling and analysis on parameter within 30 days of becoming aware of the exceedance and submit results to WADC. Subject to assessment of penalties by Administrative Order.	Inspector/ Executive Director
	Type D – pH that is above upper limit or below lower limit.	1	NOV detailing violation and requiring correction within 30 business days. If exceedance occurs on IU self-monitoring report, industry must repeat sampling and analysis on parameter within 30 days of becoming aware of the exceedance and submit results to WADC. Subject to assessment of penalties by Administrative Order.	Inspector/ Executive Director
	Type E - exceed one or more daily or average parameter limit(s) by a factor greater than 10.0. (Does not apply to pH)	3	NOV detailing violation and requiring correction within 30 business days. If exceedance occurs on IU self-monitoring report, industry must repeat sampling and analysis on parameter within 30 days of becoming aware of the exceedance and submit results to WADC. Subject to assessment of penalties by Administrative Order.	Inspector/ Executive Director

1-103.5 Monitoring and Reporting Violations

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	RESPONSE	AUTHORITY
Reporting Violation	Report is improperly signed or certified.	0	Return Report.	Inspector
	Report is improperly signed or certified. (2 nd occurrence within 24 months)	0	NOV requiring correction of report.	Inspector
	Report is improperly signed or certified after issuance of NOV by POTW. (3 rd occurrence within 24 months)	1	Administrative Order assessing \$250.00 penalty; \$500.00 penalty after 4 th occurrence.	Executive Director
	No notification within 24 hours of violation.	0	NOV detailing violation	Inspector
	No notification within 24 hours of violation. (2 nd occurrence within 24 months)	0	NOV detailing violation	Inspector
	No notification within 24 hours of violation. (3 rd occurrence within 24 months)	1	Administrative Order assessing \$250.00 penalty; \$500.00 penalty after 4 th occurrence.	Executive Director
	Report late 30 calendar days (includes BMR, applications and all other required correspondence) (Significant Noncompliance)	1	NOV requiring submittal within 15 calendar days of NOV receipt and publication for significant non-compliance.	Inspector
	Report late 45 calendar days. (Significant Noncompliance)	1	Informal meeting between User and WADC.	Inspector

Monitoring and Reporting Violations (cont.)

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	RESPONSE	AUTHORITY
Reporting Violation (cont)	Report late 60 calendar days. (Significant Noncompliance)	2	Administrative Order assessing penalty of \$250.00.	Executive Director
	Report late 90 calendar days. (Significant Noncompliance)	3	Administrative Order assessing penalty of \$500.00.	Executive Director
	Failure to report spill or changed discharge (no harm to POTW or environment).	0	NOV requiring User to develop and implement a spill prevention plan by specified deadline.	Executive Director
	Failure to report spill or changed discharge (harm to POTW or environment). (Significant Noncompliance)	1	Cease and Desist Order requiring User to discontinue noncompliance or terminate discharge altogether. Issuance of a Compliance Order assessing a penalty per day of violation and recovering costs incurred by WADC.	Executive Director
	Repeated (within 5-year period) failure to report spills. (Significant Noncompliance).	2	Compliance Order assessing penalty per day violation. Civil litigation.	Executive Director
Falsification	First occurrence (Significant Noncompliance).	1	Show Cause Order requiring User to appear before the Executive Director to show cause why further enforcement action should not be pursued.	Executive Director
	Subsequent (within 5-year period) occurrences. (Significant Noncompliance)	4	Civil litigation and disconnection of service.	Executive Director
Failure to Monitor Correctly	Failure to monitor all pollutants as required by the User's permit.	0	NOV requiring correction on next report	Inspector
	Failure to monitor all pollutants as required by the User's permit. (Second occurrence within 5-year period)	1	NOV requiring complete sampling and analysis with report due no later than 30 calendar days from receipt of NOV.	Inspector
	Recurring failure to monitor properly. (3 rd occurrence within 5-year period)	2	Show Cause Order requiring User to appear before the Executive Director to show cause why further enforcement action should not be pursued.	Executive Director
Improper Sampling (Incorrect location, sample type, or collection technique)	No evidence of intent.	0	NOV explaining correct procedure and requiring proper sampling for the next self-monitoring report.	Inspector
	Improper sampling continues. (2 nd occurrence within 5-year period)	0	Informal meeting with User to review proper sampling criteria.	Inspector
	Improper sampling with evidence of intent. (Failure to sample properly after informal meeting is viewed as evidence of intent) (Significant Noncompliance)	1	Compliance Order assessing penalty.	Executive Director

1-103.6 Unauthorized Discharges (No Permit)

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	RESPONSE	AUTHORITY
Unpermitted Discharge	User unaware of discharge requirements; no harm to POTW or environment.	0	NOV with Permit Application form attached. Application to be completed and returned within 30 calendar days. Application deadline to be specified in the NOV.	Inspector
	User unaware of discharge requirements; harm to POTW or environment. (Significant Noncompliance)	3	Cease and Desist Order requiring User to halt violations immediately or terminate discharge altogether. Issuance of a Compliance Order assessing a penalty per day of violation and recovering costs incurred by WADC.	Executive Director
	User fails to submit permit application within deadline specified in NOV. (Significant Noncompliance)	1	Compliance Order assessing any penalties and requiring application submittal within 15 calendar days.	Executive Director

1-103.7 Compliance Violations

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	RESPONSE	AUTHORITY
Compliance Schedules (as detailed in a Permit or Order)	Missed interim milestone date by less than 30 calendar days; will <u>not</u> affect final compliance deadline.	0	NOV which restates any remaining milestone deadlines.	Inspector
	Miss interim milestone date by less than 90 calendar days; will delay final compliance. (Significant Noncompliance)	1	Compliance Order detailing revised compliance schedule. Order may assess penalties if delay was avoidable or may stipulate penalties for delay in final compliance.	Executive Director
	Miss interim milestone date by more than 90 calendar days; will <u>not</u> affect final compliance. (Significant Noncompliance)	1	Compliance Order detailing revised compliance schedule. Penalties may be assessed for each day of delay and publication for significant noncompliance.	Executive Director
	Missed interim milestone date by more than 90 calendar days; will affect final compliance deadline. (Significant Noncompliance)	2	Compliance Order detailing revised compliance schedule. Penalties may be assessed for each day of delay and publication for significant noncompliance.	Executive Director
	Missed interim milestone date by more than 120 calendar days. (Significant Noncompliance)	2	Compliance Order assessing penalties for each day past interim deadline.	Executive Director
Missed Final Compliance Deadline	Failure to comply with an Administrative Order. (Significant Noncompliance)	4	Civil litigation and disconnection of service.	Executive Director
	Failure to reduce the severity of violations and/or failure to comply with Cease and Desist Order. (Significant Noncompliance)	4	Civil Litigation and disconnection of service.	Executive Director

1-103.8 Other Violations

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	RESPONSE	AUTHORITY
Wastestreams are diluted	Dilution of regulated wastestreams with non-polluted water.	0	NOV citing regulatory prohibition against dilution and requiring correction within 30 calendar days of receipt of NOV.	Inspector
	Recurring (within 5-year period) violations of the dilution prohibitions (after NOV receipt). (Significant Noncompliance)	2	Compliance Order assessing penalties per day past correction deadline. Compliance Order contains a schedule of compliance for corrective actions.	Executive Director
Any discharge causing harm to the POTW or environment not otherwise listed in this table	User unaware of potential for harm.	0	NOV with Permit Application form attached. Application to be completed and returned within 30 calendar days. Application deadline to be specified in the NOV.	Inspector
	User aware of potential for harm. (Significant Noncompliance)	3	Cease and Desist Order requiring User to halt violations immediately or terminate discharge altogether. Issuance of a Compliance Order assessing a penalty per day of violation and recovering costs incurred by WADC.	Executive Director

1-103.9 Violations Detected During a Site Inspection

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	RESPONSE	AUTHORITY
Illegal Discharge (Violation of the EPA General Prohibited Discharge Standards).	No harm to POTW or environment. No interference or pass-thru at the POTW.	0	NOV listing the General Prohibited Discharge Standards as contained in 40CFR 403.5 (Code of Federal Regulations)	Inspector
	Discharge causes harm, pass-thru, and/or interference at POTW.	3	Cease and Desist Order requiring the User to halt the discharge immediately. Issuance of a Compliance Order assessing any penalties and/or costs deemed appropriate by WADC.	Executive Director
Improper Sampling	Sampling at in incorrect location, using improper technique, or wrong sample type. (unintentional)	0	NOV explaining correct procedures or location	Inspector

Violations Detected During a Site Inspection (cont.)

NONCOMPLIANCE	NATURE OF THE VIOLATION	CATEGORY	RESPONSE	AUTHORITY
Inadequate Recordkeeping	Inspector finds files incomplete or missing. (no evidence of intent)	0	NOV explaining record keeping and documentation requirements.	Inspector
	Recurring (within a 5-year period) inadequate record keeping. (Significant Noncompliance)	1	Compliance Order requiring proper maintenance of records. Assessment of penalty to be based upon severity of violations.	Executive Director
Failure to Report Additional Sampling and Monitoring	Inspector finds additional sampling and monitoring data.	0	NOV requiring submittal of all sampling and monitoring data.	Inspector
	Recurring (within a 5-year period) reporting violations. (Significant Noncompliance)	3	Compliance Order requiring submittal of all additional sampling and monitoring data. Assessment of penalty to be based upon severity of violations.	Executive Director
Bypass	No harm to POTW or environment. No interference or pass-thru at the POTW.	0	NOV citing regulatory prohibition of bypassing.	Inspector
	Discharge causes harm, pass-thru, and/or interference at POTW.	3	Cease and Desist Order requiring the User to halt the bypass immediately. Issuance of a Compliance Order assessing any penalties and/or costs deemed appropriate by WADC.	Executive Director


1-104— SEVERABILITY

If any provision of this plan is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

1-105— EFFECTIVE DATE

This Enforcement Response Plan shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

Passed October 11, 20 21


 Todd Murphy
 Chairman, Board of Commissioners
 Water Authority of Dickson County