

ENFORCEMENT RESPONSE PLAN

BROWARD COUNTY

OFFICE OF ENVIRONMENTAL SERVICES

COMPLIANCE & MONITORING SECTION

PRETREATMENT PROGRAM

August 1998

ENFORCEMENT RESPONSE PLAN

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EXECUTIVE SUMMARY

This plan has been developed in accordance with; 40 CFR 403.8(f)(5); Florida Administrative Code(F.A.C.) 62-625.500(2)(d); and Broward County Sewer Use Ordinance Chapter 34, Article VI - Wastewater Discharge Standards (BCSUO).

Enforcement is an integral part of the Wastewater Facility's (WWF)'s Pretreatment Program (PTP). In the 1986 Pretreatment Compliance Enforcement Guidance, the EPA encouraged each WWF to develop an Enforcement Response Guide, which is a set of procedures describing how the WWF will investigate Industrial Users (IU) in violation, and which enforcement actions the WWF may take to respond to such violations. On November 23, 1988, the EPA proposed to require all WWFs with approved pretreatment programs to develop and implement an Enforcement Response Plan (ERP), and the Domestic Sludge Study (DSS) Regulations finalized the proposed rule in 40 CFR 403.8(f)(5).

This Enforcement Response Plan (ERP) shall be utilized in conjunction with the BCSUO. The purpose of the C&M ERP is two fold. First, to ensure IU compliance with pretreatment regulations. Second, to make certain that if and when it is necessary for the C&M to enforce pretreatment standards and permit requirements, all IUs are treated fairly and equitably.

Key elements for an ERP:

- C Description of how the WWF will investigate instances of noncompliance.
- C Description of the types of escalating enforcement response the WWF will take in response to all anticipated types of IUs violations and the time periods within which the responses will take place.
- C Identification by title of key personnel and their responsibility for implementing each type of enforcement response.
- C WWF PTP's primary responsibility to enforce all applicable pretreatment requirements and standards as provided in 40 CFR part 403 and F.A.C. 62-625.

In general the criteria used to evaluate pretreatment violations by IUs will be the following:

- C Nature of the violation;
- C Magnitude of violation;
- C Number of violations cited;
- C Duration of violation;
- C Effect on the receiving water;
- C Effect of violation on WWF, personnel and Broward County residents;
- C Compliance history of the IU;
- C Good faith efforts by the IU.

SECTION 1 - METHODS TO INVESTIGATE NONCOMPLIANCE

To investigate the compliance status of IUs, C&M may utilize the following methods:

1.1 Field Inspections - Field inspectors (I) shall inspect each IU not less than once a year to evaluate compliance. During the facility's site inspection, the inspector shall gather data necessary for the evaluation of IU compliance. This data includes facility observations, employee statements, analytical documents, physical evidences, and other information that may lead to enforcement action, resulting from noncompliance.

1.2 Regulatory Sampling - The regulatory sampling shall be carried out by trained Section personnel, collecting representative samples of the IU discharge to the Broward County's Sewer System (BCSS), preparing and delivering them to a certified laboratory for analysis according to Florida Department of Environmental Protection (FDEP) regulatory requirements.

1.3 Document Review - The C&M staff shall review and analyze IU documents, which are required by the IU Industrial Wastewater Discharge Permit (Permit), to determine compliance status, such as, Self-Monitoring Documents (SMD), NOV responses, Compliance Schedule Milestones, Baseline Monitoring Reports, and any other information pertaining to the permitted facility.

1.4 Meetings - Formal and informal meetings with IUs are utilized to obtain and share information related to any aspect of the Industrial Wastewater Discharge Permit, hereafter called "Permit," requirements and may be used to investigate compliance status and technical issues, such as, IU classification, additional sampling procedures or location, pretreatment requirements, laboratory analyses, and/or other requirements to ensure compliance.

1.5 Increased Monitoring - Increased Self-Monitoring and/or regulatory sampling may be required to monitor compliance status.

1.6 Interaction with other Agencies - FDEP, Department of Natural Resources Protection (DNRP), Broward County-County Attorney Office (BC-CAO), Environmental Protection Agency - Criminal Investigation Division (EPA-CID), Federal Bureau of Investigation (FBI) are agencies utilized to further investigate IU's compliance status.

1.7 Search for Nonpermitted IUs - All IUs, connected with the BCSS and discharging industrial wastewater, may require a Permit. The C&M staff shall search for unpermitted IUs by following the annually, updated "Enforcement Strategic Plan."

SECTION 2 - PERSONNEL FOR ENFORCEMENT

2.1 Field Personnel - Field personnel are the first line of enforcers for pretreatment standards and requirements. If an IU denies entry to the inspectors or withdraws this consent during an inspection, the Compliance and Monitoring Manager shall be contacted for access to the site. Documented telephone calls to IUs regarding compliance may be made by the inspector(s), as indicated in Section 5, Enforcement Response Guide. Inspectors under the BCOES Pretreatment Program may include Engineers, Environmental Compliance Officers, Natural Resource Specialists, or any other certified personnel.

2.2 Enforcement Coordinator - The duties of the Enforcement Coordinator include the preparation of enforcement action cases against noncomplying IUs. The actions taken by the Enforcement Coordinator include:

- C Issue Warning Notice.
- C Request of NOV.
- C Request for Cost Recovery.
- C Request for Fee.
- C Request for Show Cause Hearing.
- C Request for Compliance Order (Schedule).

The Enforcement Coordinator has a major role in the enforcement responses initiated by the C&M in order to achieve and maintain IUs in compliance.

2.3 Manager - C&M - The manager, as designated by the Director, has the full responsibility for the following enforcement actions taken against noncomplying IUs. These responsibilities include:

- C Fees Approval.
- C Issue NOV.
- C Show Cause Hearing.
- C Consent Order.
- C Compliance Order Request.
- C Cease and Desist Orders Request.
- C Emergency Suspensions Request.
- C Petition for Civil Penalties Request.
- C Performance Bond Determination Request.
- C Water Supply Severance Request.

2.4 Director - BCOES - The Director approves the following enforcement actions, which are severe in nature:

- C Compliance Order.
- C Cease and Desist Order.
- C Termination of Discharge.
- C Performance Bond.
- C Water Supply Severance.

Section 2 - Personnel for Enforcement (Contd.)

The Director requests the following enforcement actions, which are severe in nature:

- C Injunctive relief.*
- C Civil Penalties.*
- C Criminal Prosecution.*

The Director also acts as the arbitrator for initial appeals by the IUs regarding enforcement actions and fees.

2.5 Legal Counsel - County Attorney's Office - *Legal counsel for the C&M has a significant role to perform when it comes to formal enforcement actions against IUs who are in SNC. When enforcement actions, such as obtaining search warrants to inspect IU facilities, civil and/or criminal suits need to be filed, the legal counsel for the Control Authority charts out the strategy, gathers evidence, petitions the courts and argues the case for the Control Authority.*

2.6 Broward Sheriff's Office and Local Police - *If the C&M field personnel (inspectors) are denied access to a facility, which prevents investigation of potential environmental crimes, the inspector shall notify the Manager, C&M Section. The C&M Manager may request a search warrant in accordance with Chapter 34, Article VI, Section 34-146(B). The search warrant shall be served at reasonable hours by the control authority personnel in the company of a uniformed police officer of Broward County or the local municipality. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.*

SECTION 3 - ENFORCEMENT TOOLS, TRACKING, AND FOLLOW-UP

This section describes available enforcement actions utilized by the BCOES Pretreatment Program. The enforcement philosophy is escalating, that is, violations are addressed at the lowest level with the least formality and proceed to more formal levels with increasing actions and fees until compliance is achieved. However, it should be noted that the enforcement action is not contingent upon any sequence of prior enforcement actions and depending upon the scenario, any level of enforcement tools may be used for the initial action. Below is the list of available enforcement tools used by the BCOES Pretreatment Program.

3.1 Telephone Call - *A telephone call is an informal but very effective enforcement action. Depending on the circumstance, the Inspector or Enforcement Coordinator may take this action. Many IUs will consider the action seriously and try to comply immediately or at least as soon as practicable. If an IU continues to be in noncompliance, the enforcement action must be escalated.*

3.2 Warning Letter with Application - *The warning letter may be utilized by staff as an informal tool, which documents that the IU representative is aware and knowledgeable of requirements to achieve compliance. This document, which is hand delivered by staff, identifies the nature of noncompliance, time frames to comply, and requires signatures by the inspector and the IU representative.*

3.3 Warning Notice (WN) - *The WN enforcement action is taken by the Enforcement Coordinator for violations of conventional parameters Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS) and Oil & Grease (O&G), to enroll the IUs in the High Strength Surcharge Program to avoid the cost of pretreatment equipment.*

3.4 Compliance Meeting - *The Compliance Meeting is an informal tool for informing the IUs of their SNC status which results in a Corrective Action Agreement to achieve compliance in ninety (90) days or other enforcement action as necessary.*

ADMINISTRATIVE ENFORCEMENT

3.5 Notice of Violation (NOV) [Sec 34-149(A)] - *Whenever an IU has violated the BCSUO, Permit, any provision of 40 CFR Part 403 or 62-625 F.A.C., a Notice of Violation (NOV) may be requested by the Enforcement Coordinator.*

The NOV clearly states the noncompliance and requires the IU, within ten (10) working days of the receipt date of this Notice, to respond in writing to the violation. A written plan for the satisfactory correction and prevention thereof, including specific actions proposed to be taken may be required.

3.6 Consent Order [Sec 34-149 (B)] - *The Manager may enter into a Consent Order, Assurance of Voluntary Compliance, or other similar document establishing an agreement with any IU responsible for noncompliance.*

Section 3 - Enforcement Tools - Administrative Enforcement (Contd)

3.7 Show Cause Hearing [Sec 34-149(C)] - Any IU which allegedly causes or contributes to a violation of the BCSUO, Permit or orders issued hereunder, or any other pretreatment standard or requirement, may be ordered to appear before the Manager and show cause why a proposed enforcement action should not be taken.

3.8 Compliance Order (Schedule) [Sec 34-149(D)] - When an IU has violated or continues to violate the BCSUO, Permit, any order issued hereunder, other pretreatment standard or requirement, the Manager may issue an order to the IU responsible for the discharge, directing that the IU comes into compliance within ninety (90) days. If the IU does not come into compliance within ninety (90) days, more stringent actions may be taken.

3.9 Cease and Desist Order [Sec 34-149(E)] - When an IU is found violating the BCSUO, Permit, any order issued hereunder, or any other pretreatment standard or requirement, the IU may be issued an order to cease and desist all such violations.

This directs the IU to:

- 1. Immediately comply with all requirements; and*
- 2. Take such appropriate remedial or preventive action as may be necessary to properly address a continuing or threatened violation, including halting operation and/or terminating discharge.*

3.10 Administrative Fees and Penalties [Sec 34-149(F)] - Administrative Fees and Penalties are informal enforcement actions effectively used by C&M before taking formal enforcement action, such as, termination of service. Any IU found to have violated any provision of the BCSUO Permit, any order used hereunder, or any other pretreatment standard or requirement, may be penalized. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Assessments may be added to the IU's next scheduled sewer service bill.

3.11 Emergency Suspension [Sec 34-149(G)] - The Director may suspend an IU's Permit after formal notice to the IU whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to be an imminent or substantial endangerment to the health or welfare of persons. Any IU notified of a suspension of its Permit shall immediately stop or eliminate the wastewater discharge. If the IU fails to immediately comply with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWF, its receiving stream, or endangerment to any person. The Director may reinstate the Permit when the IU has demonstrated to the Director the elimination of the noncomplying discharge

Section 3 - Enforcement Tools - Administrative Enforcement (Contd)

3.12 Termination of Discharge [Sec 34-149(H)] - *An IU shall be subject to termination of discharge for the following actions or inactions:*

- C Violation of Permit conditions.*
- C Failure to accurately report the Wastewater Constituents and characteristics of its discharge.*
- C Failure to report significant changes in operations or Wastewater volume, constituents and characteristics prior to discharge.*
- C Refusal of access to the IU's premises for the purpose of inspection, monitoring, or sampling.*
- C Violation of the pretreatment standards in Section 34-139 of the BCSUO.*

Such IUs shall be notified of the proposed termination of their discharge and shall be entitled to a show cause hearing. This show cause hearing shall not be a bar to, nor a prerequisite for, taking any other action against the IU.

3.13 Judicial Enforcement [Sec 34-150] - *Any person discharging wastewater, industrial wastes, or any other wastes into the wastewater disposal system in violation of the provisions of the BCSUO or any order or permit issued hereunder after being ordered to discontinue such discharge as provided in Section 34-139, the Director, through the County Attorney, may commence an action in the name of the County for appropriate legal or equitable relief in the Circuit Court for Broward County.*

a. Injunctive Relief [Sec 34-150(A)] - *The Director, through the BC-County Attorney's Office, may commence an action in the name of the County for injunctive relief, which restrains or compels the specific performance of the provisions of the BCSUO.*

b. Civil Penalties [Sec 34-150(B)] - *Any IU who has violated or continues to violate the BCSUO, any order or Permit issued hereunder, or any other pretreatment standard or requirement shall be liable to the County to the maximum civil penalty permitted but not less than one-thousand dollars (\$1,000.00), plus actual damages incurred by the Control Authority per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the Director may recover court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Control Authority. The County, through the Director and County Attorney, shall petition the Court to impose, assess, and recover such sums. In determining the amount of liability, the County shall request that the Court take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the IU's violation, corrective actions by the IU, the compliance history of the IU, and any other factor as justice requires. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against an IU.*

Section 3 - Enforcement Tools - Administrative Enforcement (Contd)

*c. **Criminal Prosecution [Sec 34-150(C)]** - Any IU who willfully or negligently violates any provision of the BCSUO, Permit, or order issued hereunder, or any other pretreatment requirement shall, upon conviction, be punished by the maximum civil penalty permitted under State law per violation per day or imprisonment or both. Any IU who knowingly makes false statements, representations, or certifications in any application, record report, plan or other documentation filed, or required to be maintained, pursuant to the BCSUO, Permit, or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under the BCSUO, shall, upon conviction, be punished by the maximum civil penalty permitted under State law per violation per day or imprisonment or both.*

3.14 Supplemental Enforcement [Sec 34-151]

*a. **Performance Bond [Sec 34-151(A)]** - The Director may decline to reissue a Permit to any IU that has failed to comply with the provisions of the BCSUO, Permit, or order issued hereunder, unless such IU first files a performance bond, payable to the Control Authority,*

*b. **Water Supply Severance [Sec 34-151(B)]** - Whenever an IU has violated or continues to violate the provisions of the BCSUO, Permit, or order issued hereunder, water service to the IU may be severed and service will only recommence at the IU's expense, after the IU has satisfactorily demonstrated its ability to comply. The Control Authority shall not be responsible for any damages incurred by an IU caused by, or related to, the water supply being severed.*

*c. **Search Warrants [Sec 34-146 (B)]** - If the Control Authority personnel have been refused access to a building, structure or property or any part thereof, and if the control authority personnel have demonstrated probable cause to believe that there maybe a violation of this chapter or that there is a need to inspect as part of a routine inspection program of the Control Authority designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the County Attorney may appear before any magistrate empowered to issue warrants in criminal cases and provide an affidavit and apply for the issuance of a warrant in the manner provided by law.*

3.15 Significant Noncompliance [Sec 34-147 or F.A.C. 62-625.500(2)(b) 8.]

- a. Annual public notification of IUs in SNC in the daily newspaper with the largest circulation in Broward County.
- b. Significant Noncompliance is if the IU's noncompliance meets one or more of the following criteria:
 1. Chronic violations of wastewater discharge limits, defined here as those in which sixty six percent (66%) or more of the wastewater measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or average limits for the same Pollutant parameter,
 2. Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of the wastewater measurements taken for each Pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable TRC criteria (TRC = 1.4 for BOD, COD, TSS and O&G, and TRC = 1.2 for all other Pollutants except pH),
 3. Any other violation of a pretreatment effluent limit (daily maximum or long term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Wastewater personnel or the general public),
 4. Any discharge of Pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Control Authority's exercise of its emergency authority to halt or prevent such a discharge,
 5. Failure to meet, within ninety (90) days after a scheduled date, a compliance schedule milestone contained in a 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 baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules,
 7. Failure to accurately report compliance, or
 8. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation for the pretreatment program, except when the department is acting as the Control Authority.

3.16 Method of Tracking - Enforcement actions are maintained in computer programs. The date of the initial enforcement action begins the tracking of the IU's noncompliance. When compliance is achieved, this provides closure of the enforcement case.

After violation detection, requests for enforcement actions are prepared with appropriate documentation; an enforcement action is taken within 30 days. The enforcement action is then entered in the data base and monitored by due date.

3.17 Follow-Up Procedures - Failure to achieve compliance invokes the next level of enforcement. Generally, escalating enforcement proceeds as follows:

- a. Telephone logs, inspection reports, and/or other enforcement tools containing required actions having completion dates will be verified ten (10) days after their due date. Failure of the IU to achieve compliance will require a request for escalated enforcement actions.
- b. **Warning Notice (WN)** enrolls the IU in the High Strength Surcharge Program for violations of conventional parameters (Biochemical Oxygen Demand, Chemical Oxygen Demand, Total Suspended Solids and Oil & Grease) to avoid a NOV and fees.
- c. An issued **NOV** requires an IU response within ten (10) working days. The NOV shall be considered closed on the date when compliance is achieved.
- d. If compliance isn't achieved through the NOV process, the compliance meeting and/or the **Consent Order** may be utilized.
- e. **Show Cause Hearing** - If compliance is not achieved by a compliance meeting and/or the **Consent Order**, the **Show Cause Hearing** may result.
- f. If compliance isn't achieved by the IU utilizing the above tools, then the C&M Manager may request: **Cease and Desist Orders, Termination of Service, Water Supply Severance, or any Judicial Enforcement** as provided by the BCSUO.

SECTION 4 - TIME FRAMES FOR RESPONSES

4.1 Flexibility for C&M's Enforcement Time Frames - According to the EPA, one of the foundations of effective enforcement is the timely response upon discovery of a violation. Therefore, time frames are an important aspect of the C&M's ERP. However, the EPA does not specify time frames for various enforcement actions by WWF's Pretreatment Programs. The actual time frames to be incorporated into the ERP are left to the discretion of each WWF. By leaving this decision to the WWF's, the EPA and FDEP recognize the need for local flexibility in determining appropriate responses.

4.2 Identification and Documentation - The C&M shall identify and document all noncompliance events as soon as practical. Once the violation is detected, the initial enforcement action shall be issued within 30 days. The following internal procedures will support the 30-day time frame.

A Request for Enforcement Action form (REA) (Attachment #1) shall be completed within five (5) working days of receipt of Self-Monitoring Documents (SMDs), C&M sampling results, inspection reports or other documented violation. This REA shall include support documentation, i.e., copy of IU's Permit, report of analytical results, chain of custody, Industrial Self-Monitoring Report, Corporate Officers' list, inspection report, inspection site photos, or any other document to support the enforcement case file.

The C&M Section staff is responsible for preparation of the REA and case documentation. Once prepared, these case documents shall be submitted to the C&M Section "Enforcement Unit" for review and preparation of a draft enforcement action document. This draft shall be reviewed and approved within five (5) days of receipt by the Enforcement Coordinator.

The initiator of the REA shall review and approve the document by initialing the REA, and then shall return the case document to the Enforcement Coordinator for submittal to the C&M Manager.

Within five (5) days of receipt of an approved draft NOV, the Manager shall review, approve and sign the document (or return the case documents to the Enforcement Coordinator). These case documents are then submitted for certified mailing.

4.3 Initial Enforcement Action Response - The IU in violation shall respond in writing, within ten (10) working days of the receipt date of this notice, providing a written plan for the satisfactory correction and prevention thereof, including specific actions to be taken.

4.4 Follow-Up Actions - Within thirty (30) days of receipt of the initial enforcement action response by the IU, the C&M Section shall initiate follow-up action. This follow-up action may include penalty determination, escalated enforcement action, or case closure.

Section 4 - Time Frames for Responses (Contd)

4.5 Emergency Enforcement Actions - *Violations which threaten health, property and/or environmental quality, are considered emergencies and shall receive immediate responses, such as, halting the discharge or termination of service. The BCSUO has provisions for termination of both sewer and water services, if the situation warrants such drastic enforcement actions to be taken.*

4.6 Enforcement Actions for SNC - *All permitted IUs will be evaluated for SNC at the end of each quarter for the previous six (6) month period.*

SNC time frame will be as follows:

- a. The violations of all IUs will be evaluated at least once each quarter to determine the facility's compliance status.*
- b. The IU found in SNC will be issued a Notification of SNC status (NOSNC).*
- c. Within ten (10) days of receipt of the NOSNC, the IU shall contact the Compliance and Monitoring Section to schedule a compliance meeting within the next thirty (30) days.*
- d. The IU will be given a ninety (90) day period to achieve compliance.*
- e. Failure to achieve compliance in the above Item d will place the IU in a ninety (90) day enforceable compliance schedule.*
- f. All IU's determined to be in SNC for any period of the reporting year will be published in the daily newspaper with the largest circulation in Broward County.*

SECTION 5 - ENFORCEMENT RESPONSE GUIDE

5.1 Instructions for using the Enforcement Response Guide (ERG)

- a. Locate the type of noncompliance in the first column.*
- b. In column two, identify the most accurate description of the severity of the violation.*
- c. Assess the appropriateness of the recommended response(s) in column three. Document the rationale for selecting the particular enforcement response.*
- d. Apply the enforcement response to the IU. Specify corrective action and the response required from the IU.*
- e. Follow up with escalating enforcement action if the IU response is not received, received late or if the violation continues.*

ENFORCEMENT RESPONSE GUIDE

PERSONNEL CODES

I = Field Personnel

EC = Enforcement Coordinator

M = Manager, C&M

D = Director, BCOES

A = Broward County Attorney

5.2 PERMIT ADMINISTRATION

NONCOMPLIANCE	SEVERITY OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
<p>A. <i>Discharging without a Permit</i></p> <p><i>New Source</i></p> <p><i>[34-142 (A)2. and 3.]</i></p> <p><i>and</i></p> <p><i>Existing Connection</i></p> <p><i>[34-142(A)2. And 4.]</i></p>	<p>1. <i>Unaware of Permit requirements. Failure to apply*</i></p>	<p>1. <i>Telephone Call</i> <i>Warning Letter w/Permit Application</i></p>	<p>1. <i>I</i></p> <p><i>I</i></p>
	<p>2. <i>Failure to submit Baseline Monitoring Report (categorical IUs)* [34-143(A)]</i></p>	<p>2. <i>NOV w/Fee (Figure 1)</i></p>	<p>2. <i>EC</i></p>
	<p>3. <i>Failure to submit Permit Application* [34-142(A)5.]</i></p>	<p>3. <i>NOV w/Fee (Figure 1)</i></p>	<p>3. <i>EC</i></p>
	<p>4. <i>Failure to submit Wastewater Survey* [34-142(A)1.]</i></p>	<p>4. <i>NOV w/Fee (Figure 1)</i></p>	<p>4. <i>EC</i></p>
	<p>5. <i>Continued failure after notified*</i></p> <p><i>*No harm to the WWF and/or the Environment</i></p>	<p>5. <i>NOSNC w/\$500 Fee</i> <i>Compliance Meeting</i> <i>Show Cause Hearing</i> <i>Consent Order</i> <i>Compliance Order</i> <i>Cease and Desist Order</i> <i>Termination of Service</i> <i>Civil Penalties</i></p>	<p>5. <i>EC</i> <i>M</i> <i>M</i> <i>M</i> <i>M</i> <i>D</i> <i>D</i> <i>A</i></p>
	<p>6. <i>Harm to the WWF and/or the Environment</i></p> <p><i>Severity of violations 5 and 6 will place the IU in SNC; besides the penalty imposed, the IU will be publicized in a local newspaper and may be assessed escalating enforcement</i></p>	<p>6. <i>NOSNC w/\$10,000 Fee</i> <i>Show Cause Hearing</i> <i>Consent Order</i> <i>Compliance Order</i> <i>Cease and Desist Order</i> <i>Termination of Service</i> <i>Performance Bond</i> <i>Water Supply Severance</i> <i>Civil Penalties</i> <i>Criminal Prosecution</i></p>	<p>6. <i>EC</i> <i>M</i> <i>M</i> <i>M</i> <i>D</i> <i>D</i> <i>D</i> <i>D</i> <i>A</i> <i>A</i></p>

5.2 PERMIT ADMINISTRATION (Contd)

NONCOMPLIANCE	SEVERITY OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
<p><i>B. Discharging without renewing Permit</i></p> <p><i>[34-142(B)1.]</i></p> <p><i>[34-142(B)7.]</i></p>	<p><i>1. Application not received 180 days before the permit expiration date</i></p> <p><i>2. Failure to provide documents before the expiration date</i></p> <p><i>3. Failure to respond within 30 days after the expiration date</i></p> <p><i>Severity of violation 3 will place the IU in SNC; besides the penalty imposed, the IU will be publicized in a local newspaper and may be assessed escalating enforcement</i></p>	<p><i>1. Telephone Call</i> <i>Warning Letter w/Permit Application</i></p> <p><i>2. NOV w/Fee (Figure 1)</i></p> <p><i>3. NOSNC w/\$500 Fee</i> <i>Compliance Meeting</i> <i>Show Cause Hearing</i> <i>Consent Order</i> <i>Compliance Order</i> <i>Cease and Desist Order</i> <i>Termination of Service</i> <i>Performance Bond</i> <i>Water Supply Severance</i> <i>Civil Penalties</i> <i>Criminal Prosecution</i></p>	<p><i>1. I</i> <i>I</i></p> <p><i>2. EC</i></p> <p><i>3. EC</i> <i>M</i> <i>M</i> <i>M</i> <i>M</i> <i>D</i> <i>D</i> <i>D</i> <i>D</i> <i>A</i> <i>A</i></p>

5.3 MONITORING VIOLATIONS

NONCOMPLIANCE	SEVERITY OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
<p>A. <i>Failure to provide Pretreatment</i></p> <p> [34-140(A) & (B)]</p> <p> [34-142(B)1. (b)(5)]</p> <p> <i>Failure to install monitoring equipment</i></p> <p> [34-145]</p>	<p>1. <i>Milestone missed, no effect on final milestone</i></p> <p>2. <i>Missed final milestone</i></p> <p>Severity of violation 2 will place the IU in SNC, besides the penalty imposed, the IU will be publicized in a local newspaper and may be assessed escalating enforcement</p>	<p>1. NOV w/Fee (Figure 1)</p> <p>2. NOSNC w/\$500 Fee Compliance Meeting Show Cause Hearing Consent Order Compliance Order Cease and Desist Order Termination of Service Civil Penalties</p>	<p>1. EC</p> <p>2. EC M M M D D A</p>
<p>B. <i>Sample Collection violation</i></p> <p> [34-143(4)]</p>	<p>1. <i>Failure to collect sample as required by Permit</i></p> <p>2. <i>Failure to collect samples as required more than once in the same quarter</i></p>	<p>1. NOV w/\$100 Fee</p> <p>2. NOV w/\$500 Fee Compliance Meeting Show Cause Hearing Consent Order Compliance Order Cease and Desist Order</p>	<p>1. EC</p> <p>2. EC M M M D</p>
<p>C. <i>Permit limit violation; Daily limits and Categorical limits (Non-conventional)</i></p> <p> [34-139(B), (C), (D)]</p> <p> [34-142(B) 1. (a)(3)]</p>	<p>1. <i>Any violation, no harm to the WWF and/or the Environment</i></p> <p>2. <i>Recurring violation in the same reporting year, no harm to the WWF and/or the Environment</i></p> <p>3. <i>Any violation resulting in harm to the WWF and/or the Environment, Interference and/or pass through</i></p> <p>Severity of violation 2 will place the IU in SNC; besides the penalty imposed, the IU will be publicized in a local Newspaper and may be assessed escalating enforcement</p>	<p>1. NOV w/Fee (Figure 2)</p> <p>2. NOV w/Fee (Figure 2) doubled</p> <p>3. NOSNC w/\$10,000 Fee Show Cause Hearing Consent Order Compliance Order Cease and Desist Order Performance Bond Water Supply Severance Termination of Service Civil Penalties Criminal Prosecution</p>	<p>1. EC</p> <p>2. EC</p> <p>3. EC M M D D D D A A</p>

5.3 MONITORING VIOLATIONS (contd)

<i>NONCOMPLIANCE</i>	<i>SEVERITY OF VIOLATION</i>	<i>ENFORCEMENT ACTION</i>	<i>PERSONNEL</i>
<p><i>D. Conventional Pollutants</i> <i>[34-153]</i></p>	<p>1. <i>Conventional Pollutant violation</i></p> <p>2. <i>Failure to comply with the High Strength Surcharge Program</i></p>	<p>1. <i>WN-No Fee (IU enrolled in the High Strength Surcharge Program)</i></p> <p>2. <i>NOV w/Fee (Figure 2) Show Cause Hearing Consent Order Compliance Order Cease and Desist Order</i></p>	<p>1. <i>EC</i></p> <p>2. <i>EC M M M D</i></p>
<p><i>E. Compliance Schedule violation</i> <i>[34-142(A) 5. (j)]</i> <i>[34-143(A)11.]</i> <i>[34-149(D)]</i></p>	<p><i>Failure to meet a milestone date:</i></p> <p>1. <i>Less than 30 days late from the due date, without affecting the final milestone date</i></p> <p>2. <i>30 days or more late from the due date affecting the final milestone date</i></p> <p><i>Severity of violation 2 will place the IU in SNC, besides the penalty imposed, the IU will be publicized in a local newspaper and may be assessed escalating enforcement</i></p>	<p>1. <i>NOV w/Fee (Figure 1)</i></p> <p>2. <i>NOSNC w/\$500 Fee Compliance Meeting Show Cause Hearing Consent Order Compliance Order Cease and Desist Order Civil Penalties</i></p>	<p>1. <i>EC</i></p> <p>2. <i>EC M M M D A</i></p>
<p><i>F. pH violation</i> <i>[34-139(A)3]</i></p>	<p>1. <i>Any pH less than 5.0 or greater than 10.0</i></p> <p>2. <i>Any violation in level "D" on Table 1 (Fees for pH violations)</i></p> <p>3. <i>Repeat violation in level "D" on Table 1 (Fees for pH violations)</i></p> <p><i>Any pH violation in the level "D" for Daily Permit Limits will place the IU in SNC, besides the penalty imposed, the IU will be publicized in a local newspaper and may be assessed escalating enforcement</i></p>	<p>1. <i>NOV w/Fee (Table 1)</i></p> <p>2. <i>NOSNC w/\$500 Fee Compliance Meeting Show Cause Hearing Consent Order Compliance Order Cease and Desist Order Civil Penalties</i></p> <p>3. <i>NOSNC w/\$1,000 Fee Show Cause Hearing Consent Order Compliance Order Cease and Desist Order Performance Bond Water Supply Severance Civil Penalties Criminal Prosecution</i></p>	<p>1. <i>EC</i></p> <p>2. <i>EC M M M D A</i></p> <p>3. <i>EC M M D D D A A</i></p>

5.3 MONITORING VIOLATIONS (contd)

<i>NONCOMPLIANCE</i>	<i>SEVERITY OF VIOLATION</i>	<i>ENFORCEMENT ACTION</i>	<i>PERSONNEL</i>
<p><i>G. Hauled Wastewater</i></p> <p><i>[34-140(E)1. - (E)5.]</i></p>	<p>1. <i>Failure to comply with the Waste Hauler Discharge Permit requirements</i></p> <p>2. <i>Failure to comply with the Waste Hauler Discharge Permit requirements more than once in the same quarter</i></p>	<p>1. <i>NOV w/\$100 Fee</i></p> <p>2. <i>NOV w/\$500 Fee Compliance Meeting Show Cause Hearing Consent Order Compliance Order Cease and Desist Order Civil Penalties Criminal Prosecution</i></p>	<p>1. <i>EC</i></p> <p>2. <i>EC M M M D A A</i></p>
<p><i>H. Dilution of Industrial Wastewater Discharge</i></p> <p><i>[34-139(F)]</i></p>	<p>1. <i>Industrial Wastewater discharge is diluted in lieu of pretreatment</i></p> <p>2. <i>Industrial Wastewater discharge is diluted in lieu of pretreatment again in the same quarter</i></p> <p><i>Severity of violation 2 will place the IU in SNC; besides the penalty imposed, the IU will be publicized in a local newspaper and may be assessed escalating enforcement</i></p>	<p>1. <i>NOV w/\$100 Fee</i></p> <p>2. <i>NOSNC w/ \$500 Fee Compliance Meeting Show Cause Hearing Consent Order Compliance Order Cease and Desist Order Termination of Service Civil Penalties</i></p>	<p>1. <i>EC</i></p> <p>2. <i>EC M M M D D A</i></p>

5.3 MONITORING VIOLATIONS (contd)

NONCOMPLIANCE	SEVERITY OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
<p>I. <i>Slug Load/Spill occurrence, prohibited discharge or other not otherwise specified</i></p> <p>[34-139(A)]</p> <p>[34-140(C)]</p> <p>[34-143(E)]</p>	<p>1. <i>No harm to the WWF and/or the Environment</i></p> <p>2. <i>The violation is repeated in the reporting year, with no harm the WWF and/or the Environment</i></p> <p>3. <i>Harm to the WWF and/or the Environment</i></p> <p><i>Severity of violation 2 or 3 will place the IU in SNC, besides the penalty imposed, the IU will be publicized in a local newspaper and may be assessed escalating enforcement</i></p> <p><i>Severity of violation 3 is considered a severe violation, which might place the WWF in SNC with the FDEP or cause severe damage to the system. The IU will be assessed a \$10,000 Fee and/or escalating enforcement</i></p>	<p>1. <i>NOV w/\$500 Fee Compliance Meeting Show Cause Hearing Consent Order Compliance Order</i></p> <p>2. <i>NOSNC w/\$1,000 Fee Show Cause Hearing Consent Order Compliance Order Cease and Desist Order Termination of Service Civil Penalties</i></p> <p>3. <i>NOSNC w/\$10,000 Fee Show Cause Hearing Consent Order Compliance Order Cease and Desist Order Termination of Service Performance Bond Water Supply Severance Civil Penalties Criminal Prosecution</i></p>	<p>1. <i>EC M M M M</i></p> <p>2. <i>EC M M M D D A</i></p> <p>3. <i>EC M M M D D D D A A</i></p>

5.4 REPORTING VIOLATIONS

NONCOMPLIANCE	SEVERITY OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
<p>J. <i>Failure to mitigate noncompliance or halt production</i></p> <p style="padding-left: 40px;"><i>[34-149(E)2.]</i></p>	<p>1. <i>No harm to the WWF and/or the Environment</i></p> <p>2. <i>The violation is repeated in the reporting year, with no harm the WWF and/or the Environment</i></p> <p>3. <i>Harm to the WWF and/or the Environment</i></p> <p><i>Severity of violation 2 or 3 will place the IU in SNC, besides the penalty imposed, the IU will be publicized in a local newspaper and may be assessed escalating enforcement</i></p> <p><i>Severity of violation 3 is considered a severe violation, which might place the WWF in SNC with the FDEP or cause severe damage to the system. The IU will be assessed a \$10,000 Fee and/or escalating enforcement</i></p>	<p>1. <i>NOV w/\$500 Fee</i> <i>Compliance Meeting</i> <i>Show Cause Hearing</i> <i>Consent Order</i> <i>Compliance Order</i></p> <p>2. <i>NOSNC w/\$1,000 Fee</i> <i>Show Cause Hearing</i> <i>Consent Order</i> <i>Compliance Order</i> <i>Cease and Desist Order</i> <i>Termination of Service</i> <i>Civil Penalties</i></p> <p>3. <i>NOSNC w/\$10,000 Fee</i> <i>Show Cause Hearing</i> <i>Consent Order</i> <i>Compliance Order</i> <i>Cease and Desist Order</i> <i>Termination of Service</i> <i>Performance Bond</i> <i>Water Supply Severance</i> <i>Civil Penalties</i> <i>Criminal Prosecution</i></p>	<p>1. <i>EC</i> <i>M</i> <i>M</i> <i>M</i> <i>M</i></p> <p>2. <i>EC</i> <i>M</i> <i>M</i> <i>M</i> <i>D</i> <i>D</i> <i>A</i></p> <p>3. <i>EC</i> <i>M</i> <i>M</i> <i>M</i> <i>D</i> <i>D</i> <i>D</i> <i>D</i> <i>A</i> <i>A</i></p>

5.4 REPORTING VIOLATIONS

<i>NONCOMPLIANCE</i>	<i>SEVERITY OF VIOLATION</i>	<i>ENFORCEMENT ACTION</i>	<i>PERSONNEL</i>
<p>A. <i>Self-Monitoring reports or other enforcement document response received late or not received</i></p> <p>[34-143(C)]</p> <p>[34-149(A)]</p>	<p>1. <i>Documents are received less than 30 late</i></p> <p>2. <i>Documents are received greater than 30 days late or not received</i></p> <p><i>Severity of violation 2 will place the IU in SNC, besides the penalty imposed, the IU will be publicized in a local newspaper may be assessed escalating enforcement</i></p>	<p>1. <i>NOV w/Fee (Figure 1)</i></p> <p>2. <i>NOSNC w/\$500 Fee Compliance Meeting Show Cause Hearing Consent Order Compliance Order Cease and Desist Order Termination of Service Civil Penalties</i></p>	<p>1. <i>EC</i></p> <p>2. <i>EC M M M M D D A</i></p>
<p>B. <i>Self Monitoring Reports are not properly documented</i></p> <p>[34-144(A)]</p>	<p>1. <i>Failure to submit all the required documents with Self-Monitoring Report (SMR, COC, report of analyses, etc.)</i></p> <p>2. <i>The above violations are repeated in consecutive quarters</i></p>	<p>1. <i>Telephone Call NOV w/\$100 Fee</i></p> <p>2. <i>Telephone Call NOV w/\$200 Fee Show Cause Hearing Consent Order Compliance Order Cease and Desist Order Termination of Service</i></p>	<p>1. <i>I EC</i></p> <p>2. <i>I EC M M M D D</i></p>
<p>C. <i>Failure to report correctly</i></p> <p>[34-138(C)3.]</p> <p>[34-142(A)6.]</p> <p>[34-143(D)]</p>	<p>1. <i>SMR not signed or certified as required by Permit</i></p> <p>2. <i>Data improperly reported or not reported</i></p> <p>3. <i>Incorrect method of analysis used</i></p> <p>4. <i>Violation is repeated in consecutive quarters</i></p>	<p>1. <i>Telephone Call NOV w/\$100 Fee</i></p> <p>2. <i>Telephone Call NOV w/\$100 Fee</i></p> <p>3. <i>Telephone Call NOV w/\$100 Fee</i></p> <p>4. <i>Telephone Call NOV w/\$200 Fee Show Cause Hearing Consent Order Compliance Order Cease and Desist Order Termination of Service Civil Penalties</i></p>	<p>1. <i>I EC</i></p> <p>2. <i>I EC</i></p> <p>3. <i>I EC</i></p> <p>4. <i>I EC M M M D D A</i></p>

5.4 REPORTING VIOLATIONS (contd)

NONCOMPLIANCE	SEVERITY OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
<p>D. Notification of violation</p> <p>[34-143(G)]</p>	<p>1. Failure to notify of parameter violation within 24 hours</p> <p>2. Violation is repeated in the reporting year</p> <p>Severity of violation 2 will place the IU in SNC, besides the penalty imposed, the IU will be publicized in a local newspaper and may be assessed escalating enforcement</p>	<p>1. Telephone Call NOV w/\$100 Fee</p> <p>2. NOSNC w/\$500 Fee Compliance Meeting Show Cause Hearing Consent Order Compliance Order Cease and Desist Order Termination of Service Civil Penalties</p>	<p>1. I EC</p> <p>2. EC M M M M D D A</p>
<p>E. Reporting false information</p> <p>[34-150(C)]</p>	<p>1. Reports were falsified in lieu of compliance</p> <p>2. Violation is repeated in the reporting year</p> <p>Severity of violation 2 will place the IU in SNC, besides the penalty imposed, the IU will be publicized in a local newspaper and may be assessed escalating enforcement</p>	<p>1. NOSNC w/\$500 Fee Compliance Meeting Show Cause Hearing Consent Order Compliance Order Cease and Desist Order Termination of Service Civil Penalties</p> <p>2. NOSNC w/\$1,000 Fee Show Cause Hearing Consent Order Compliance Order Cease and Desist Order Termination of Service Performance Bond Water Supply Severance Civil Penalties Criminal Prosecution</p>	<p>1. EC M M M M D D A</p> <p>2. EC M M M D D D D A A</p>

5.5 FIELD VIOLATIONS

NONCOMPLIANCE	SEVERITY OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
<p>A. Facility inspection/ Vandalism</p> <p>[34-146(A)]</p> <p>[34-144(B)]</p> <p>[34-146(A)]</p> <p>[34-143(C)6.]</p> <p>[34-143(F)]</p> <p>[34-152(C)4.]</p> <p>[34-140(F)]</p>	1. Facility access is denied	1. NOV w/\$100 Fee	1. EC
	2. Facility access is denied again within the same reporting year	2. NOSNC w/\$1,000 Fee Compliance Meeting Show Cause Hearing Consent Order Compliance Order Cease and Desist Order Termination of Service Performance Bond Water Supply Severance Civil Penalties Criminal Prosecution	2. EC M M M D D D D D A A
	3. Inadequate record keeping or copies of records are denied	3. NOV w/\$100 Fee	3. EC
	4. Sample Collection is denied	4. NOV w/\$100 Fee	4. EC
	5. Failure to report additional Self Monitoring	5. NOV w/\$100 Fee	5. EC
	6. Failure to report changes in discharge	6. NOV w/\$100 Fee	6. EC
	7. Detection of an unauthorized bypass	7. NOV w/\$100 Fee	7. EC
	8. Equipment used by C&M personnel found damaged, tampered, etc., while monitoring the IU	8. NOV w/\$100 Fee	8. EC
	9. Violations 3 through 8 recurring within the same reporting year	9. NOSNC w/\$500 Fee Compliance Meeting Show Cause Hearing Consent Order Compliance Order Cease and Desist Order Termination of Service Civil Penalties Criminal Prosecution	9. EC M M M M D D A A
<p>Recurring violations 2 and 9 will place the IU in SNC, besides the penalty imposed the IU will be publicized in a local newspaper and may be assessed escalating enforcement</p>			

ENFORCEMENT RESPONSE GUIDE

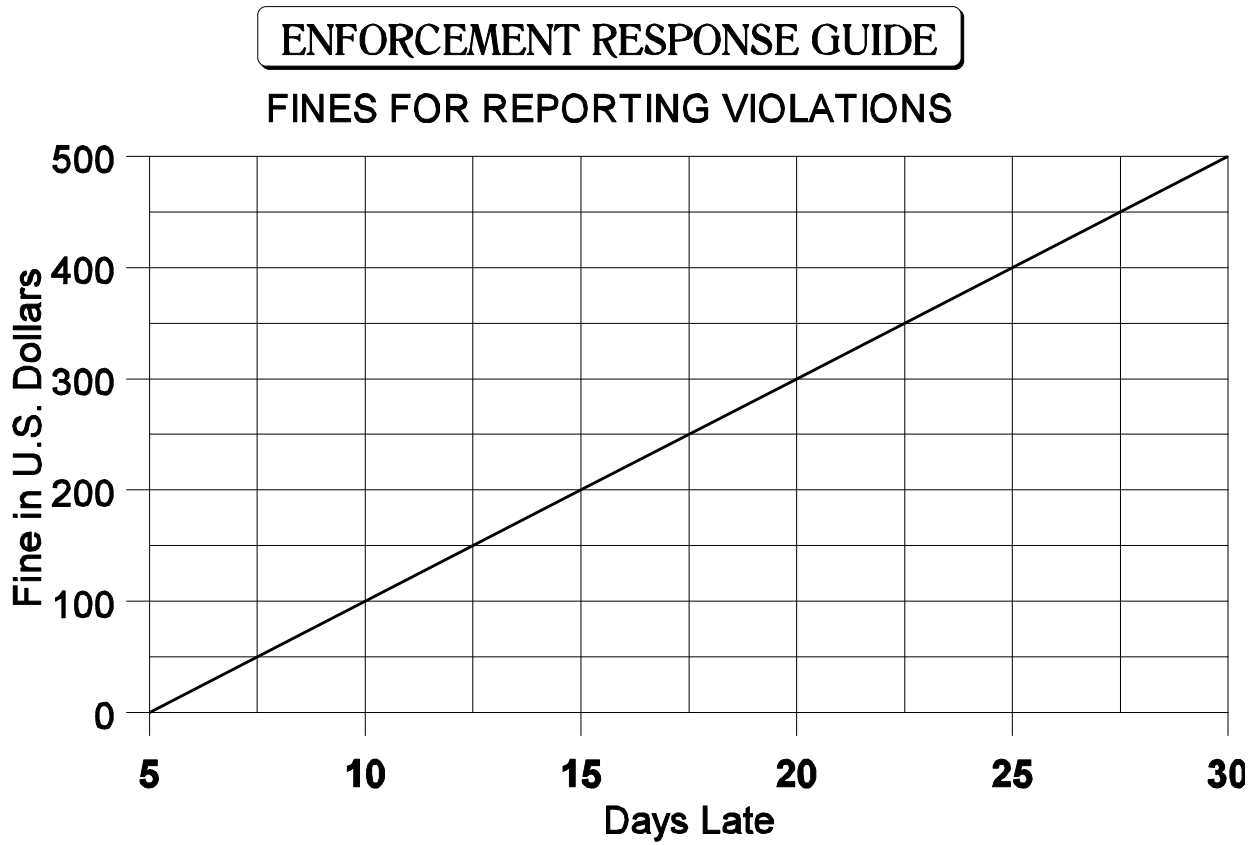
TABLE 1

FEEES FOR pH VIOLATIONS

<i>Penalty Level</i>	<i>Low pH Violation</i>	<i>High pH Violation</i>	<i>Applied Fee</i>
A	4.1 < 5.0	10.1 > 11.0	\$100.00
B	3.1 < 4.0	11.1 > 12.0	\$200.00
C	2.1 < 3.0	12.1 > 13.0	\$300.00
D¹	< 2.0	> 13.0	\$500.00

¹ A discharge with pH violation in the “D” level, or recurring violation at any level, will place the IU in SNC. Any IU in “SNC” for low pH or high pH, besides the penalty imposed, shall be publicized in the local Newspaper and may be assessed escalating enforcement.

Figure 1



$$Y = 20 (X) - 100$$

Where,

Y = Penalty in Dollars

X = Number of Days Late

ENFORCEMENT RESPONSE GUIDE

FIGURE 2

FEEES FOR PERMIT LIMIT VIOLATIONS

Fees for Permit Limit Violations can be calculated by utilizing the following formula:

$$Y = \frac{100}{\text{Permit} \quad \& \quad \text{Limit}} \times (X) \& 100$$

Where,

Y = Penalty in Dollars,

X = Reported Concentration Level, expressed in same dimensions as 'Permit Limit'.

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