

ANTRIM TOWNSHIP  
NATIONAL PRETREATMENT STANDARDS

**ENFORCEMENT RESPONSE PLAN**

The Code of the Township of Antrim; Chapter 111, Pretreatment; has been developed to meet the requirements of the Environmental Protection Agency as codified in 40 Code of Federal Regulations (CFR), Part 403. The heart of the article is the Discharge Requirements and the National Pretreatment Standards. The Chapter consists of several sections which includes Prohibited Wastewater Discharges, Categorical and Authority Standards for discharges, Pretreatment, Discharge Permits and monitoring and reporting requirements, and Violations, Enforcement and Penalties. This Enforcement Response Plan (ERP) summarizes the administrative tasks for measuring compliance of Nonresidential Establishments with their permits, discharge and reporting requirements. It also summarizes the administrative and enforcement tools available to encourage compliance and to correct noncompliance.

While this ERP is directed towards the objective of assuring User compliance with applicable pretreatment requirements, the process of meeting these objectives is to be flexible and dynamic. This ERP establishes a system for identifying priorities and directing the flow of enforcement actions consistent with these priorities and available resources.

Reference notes refer to either Federal citations (40 CFR) or to the Township Ordinance (Code of the Township of Antrim).

**I. ADMINISTRATION**

The Antrim Township Municipal Authority (ATMA) shall implement, administer and enforce the provisions of the Code of the Township of Antrim, Chapter 111, Pretreatment acting by and through its Board or the Antrim Township Board of Supervisors (ATBOS) or, in appropriate cases, acting by and through its authorized representatives.

Reports, notifications, sampling and analysis, and other documentation; as required by 40 CFR § 403 and/or the Code of the Township of Antrim; shall be properly certified, signed and submitted to the Township.

Enforcement is only one aspect of administration. Enforcement may take place when a violation of program requirements occurs. Enforcement requires that the violation be detected, the perpetrator be identified, and the proper action selected. This ERP is intended primarily to serve as a guidance for enforcing the requirements of Nonresidential Establishments. However, it should be kept in mind that enforcement actions may be appropriate for violations by other Users.

Nonresidential Establishments are issued Wastewater Discharge Permits (WWDP) and are required to monitor their discharges to ensure compliance with both prohibited and regulated standards. In addition to discharge limitations, the WWDP contains various reporting and recordkeeping requirements and may contain additional operation requirements, pretreatment requirements or compliance requirements. These also may be subject to enforcement.

## **II. PERMITS**

The WWDP is the primary enforcement document. The WWDP should notify the User of its obligations. These obligations include, but are not limited to, prohibitions on certain discharges, local limits on specific pollutants, reporting requirements, recordkeeping requirements, and possibly operational requirements for Pretreatment or other facilities. The WWDP also informs the permittee of the enforcement actions that are available to the Township, so that the permittee is informed of the possible consequences of Noncompliance.

The WWDP is an enforceable document. WWDP's are not contracts and are issued at the discretion of the Township. WWDP's can be revoked or suspended, and the Township has the right to refuse to issue a WWDP. Although the conditions in a WWDP may be negotiated with a Nonresidential Establishment, it is not necessary to obtain the approval or acceptance of the Nonresidential Establishment to issue a WWDP. The Nonresidential Establishment may appeal the conditions of a WWDP if they object. They may not, however, ignore the WWDP.

## **III. INSPECTIONS AND SAMPLING**

### **A. PURPOSE**

Nonresidential Establishment inspections and sampling are undertaken to confirm the accuracy and completeness of information received from the Nonresidential Users. Inspections are used to detect any changes from past practices and compliance with the requirements imposed by the WWDP, written directions and the regulations. Violations observed during an inspection, if not immediately resolved while the inspection is taking place, may be cause for an enforcement action. Serious violations, even if immediately corrected, may be a cause for enforcement action.

Sampling may take place during an inspection or at any other time. Samples should be of the type (composite or grab) specified in the WWDP so that their results can be applied to WWDP conditions. Samples shall be taken at the point of discharge.

## B. INVESTIGATING NONRESIDENTIAL USER NONCOMPLIANCE

Noncompliance can be divided into several broad categories as shown on the Enforcement Response Guide (ERG), Table 1, attached to this ERP. Investigation of Noncompliance can be divided similarly, depending on the type of Noncompliance:

1. Sampling, monitoring and reporting Noncompliance consists primarily of failure to do the required sampling or to provide the required reports. Investigation of these instances generally will consist of determining if the action actually took place and the report was not received through the fault of some third party (e.g., report lost in the mail), or if the deficiency in fact exists (e.g., sample never taken for analysis). Such an investigation can often be conducted in conjunction with an initial enforcement response (e.g., phone call, visit, or letter to the User). Inspections or sampling may also be used as investigative tools.
2. Effluent Limits Noncompliance is normally detected through comparison of laboratory results with WWDP limits. All self-monitoring reports are submitted by the Nonresidential User. If a result indicates a violation of a permit limit, immediate resampling (within 24 hours of becoming aware of the violation) and reporting of the results within thirty (30) days of the original violation are required. The results of such further investigations could significantly impact the POTW's enforcement response decision.
3. Compliance Schedule Noncompliance is failure to adhere to an established and enforceable schedule. Investigation of these events can be undertaken in conjunction with an initial enforcement response and may consist of contacting the Nonresidential User to determine the reason for the Noncompliance, in order to determine whether subsequent enforcement action should be taken. Such a contact may be in person, by telephone or in writing. In rare instances, a visit or inspection may be undertaken to thoroughly investigate a compliance schedule Noncompliance.

## IV. DETERMINING NONCOMPLIANCE

The determination of a Noncompliance consists of comparing reported conditions of discharge, monitoring and reporting with those required by the Code of the Township of Antrim, a WWDP, written directions, or schedule issued by the Township. The determination and recording of Noncompliance is a separate activity from determination of enforcement action.

The nature and frequency of Noncompliance often determines the appropriate enforcement response to be taken. Therefore, to enable program administrative personnel to respond in a consistent manner, the following categories of Noncompliance are defined.

#### A. SIGNIFICANT NONCOMPLIANCE (SNC)

A Nonresidential User is in Significant Noncompliance if one or more of the following criteria is satisfied (40 CFR 403.8(f)(2)(viii)).

##### 1. Wastewater Discharge Limits Violations.

- a. Chronic Violations (frequent violations). Sixty-six percent or more of all of the measurements taken for the same pollutant parameter equal or exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l), in a six month period.
- b. Technical Review Criteria (TRC) Violations (magnitude violations). During a six month period, thirty-three percent or more of all of the measurements taken for the same pollutant parameter equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC factor for that parameter. TRC criteria are not applied to pH.

The TRC factors are:

Group I, Conventional Pollutants (BOD, TSS, FO&G): TRC = 1.4

Group II, Toxic and all other Pollutants (except pH): TRC = 1.2

[Example: If the instantaneous limit for a toxic pollutant is 2.0, a reported value of 2.4 or higher will be a significant violation if it occurs in thirty-three percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period.]

In determining whether to undertake an enforcement response, and when considering the scope of any enforcement response, the Township may consider the extent to which the TRC was exceeded.

- c. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the Township 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). See the

definitions section of the Code, Chapter 111.4, for Pass Through and Interference definitions.

- d. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment or has required the Township to exercise its emergency authority to halt or to prevent such a discharge.
2. Violations of compliance schedule milestones for beginning construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.
3. Failure to provide any and all required reports within forty-five (45) days of due date. This includes; but is not limited to; compliance schedule reports, self-monitoring reports, baseline monitoring reports, 90-day compliance reports, sampling reports and spill or slug loading reports.
4. Failure to accurately report Noncompliance.
5. Any other violation or series of violations, including a violation of BMPs, which the Township determines will adversely affect the operation or implementation of the Township's Pretreatment Program.

NOTE: Determination of Significant Noncompliance (SNC) for magnitude and frequency criteria, as shown in 1a and 1b above, is to be made for a six (6) month period. To the extent allowed by law, the Township of Antrim reserves the right to base the six-month period upon a “rolling quarter” basis or any other interpretation of 40 CFR § 403.8(f)(2)(viii) utilized or approved by EPA Regions.

## B. OTHER NONCOMPLIANCE

Other Noncompliance includes any Noncompliance with the WWDP or the Pretreatment Program Requirements which does not meet any of the criteria for SNC. The principal differences between SNC and other Noncompliance lies in the requirement to annually publish the names of Significant Violators.

This ERP provides a process for reviewing and screening Nonresidential User violations to assure that enforcement resources are concentrated on the most serious violations. This ERP places priority on response to instances of Nonresidential User SNC, especially by Significant Industrial Users (SIU). Non-SIU discharges of concern and other instances of Noncompliance also may be subject to enforcement responses. This ERP is intended to provide the Township of Antrim as much flexibility as allowed by applicable Federal, Commonwealth and Local laws and requirements in responding to Nonresidential User violations.

As such, deviations from this ERP may occur depending upon the facts of a specific case.

#### **IV. ENFORCEMENT OPTIONS**

The Antrim Township Municipal Authority, (or its authorized representative) and the Solicitor, where such assistance is deemed necessary, are responsible for initiating whatever enforcement actions are determined to be appropriate.

As all circumstances cannot possibly be foreseen, these guidelines allow a certain amount of flexibility in determining what enforcement actions are to be taken. Such factors as a violators history of compliance, degree of Noncompliance, the deterrent value of an action, amount of cooperation shown by the User, fairness, equity and extenuating circumstances all can affect an enforcement decision. A decision whether to enforce often involves a complicated balancing of a number of factors. One must not only assess whether a violation has occurred, but must also impartially assess the likelihood of success of a contemplated enforcement action. Notwithstanding the enforcement intentions of the Township, this ERP recognizes that the potential weakness of the Township's case, or ability based upon the facts to prove violations, may result in the forbearance of an enforcement response. Nothing herein, however, shall preclude the Township from commencing an enforcement action, in such instance, where subsequent information establishes a User violation.

The enforcement actions listed below are not mutually exclusive. It may be necessary to seek an injunction to stop a dangerous practice, issue an Administrative Order with a Compliance Schedule to correct the practice, and levy a civil penalty, all for the same Noncompliance. Civil penalties (fines) may be used in conjunction with other actions to reinforce the impact of the enforcement action.

##### **A. TELEPHONE CONTACTS**

A telephone call to a User official may be used to address violations, usually of a minor nature. The telephone call could serve to remind the User of its obligations, to notify the User that the Township is aware of and concerned about the violation, to obtain an explanation or a commitment to make corrections, and to suggest that subsequent violations of the same type may be dealt with more severely.

##### **B. MEETING**

An impromptu or informal meeting with a User official may be used to address violations, usually of a minor nature. The meeting, which could take place during a sampling or inspection visit, could serve to notify the User that the Township is concerned about the violation, to obtain an explanation, to discuss possible solutions, and to suggest that subsequent violations of the same type may be dealt with more severely.

### C. INCREASED MONITORING AND/OR REPORTING

Increased monitoring and/or reporting, beyond the Federal minimum, may be used as a means to address discharge or other violations by Users that have demonstrated a history of Noncompliance. The increased surveillance of a User associated with increased monitoring and reporting may provide an incentive for the User to return to compliance.

As the Township deems appropriate, the User could be required to undertake the increased monitoring or it can be undertaken by the Township. If undertaken by the Township, costs of this increased monitoring will be charged to the User. Given the significant expense involved in monitoring, the increased costs to the User could serve to deter future violations.

Increased monitoring can be imposed as a modification to the WWDP or in conjunction with another enforcement response, as appropriate. Furthermore, increased monitoring, as an enforcement response, can be automatically triggered by language in a WWDP at the time of issuance or reissuance.

### D. MODIFICATION OF WWDP TO INCLUDE ADDITIONAL MONITORING, REPORTING, EFFLUENT LIMITATIONS OR TO PROVIDE FOR A WWDP OF SHORT DURATION

Increased monitoring and/or reporting beyond the Federal minimum requirements may be used to address discharge or other violations by Users that have demonstrated a history of Noncompliance. Additional effluent limitations, such as daily maximums for Users that only have monthly average requirements, may provide the User the necessary incentive to avoid WWDP violations, particularly those associated with significant fluctuations in discharge characteristics.

Furthermore, the WWDP renewal process provides an opportunity to evaluate a User's pretreatment and compliance status, and provides that the User will compile and submit relevant information. This process may be beneficial in reminding the User of the various concerns that the Township considers in administering the Pretreatment Program. Federal regulations provide that WWDP's can be issued for a duration of five years. WWDP's of shorter duration, however, may provide the Township with additional leverage to foster User compliance.

### E. PUBLIC NOTICE OF NONCOMPLIANT USERS

Federal regulations (40 CFR 403.8(f)(2)(viii)) allow annual publication of the Significant Noncompliance (SNC) list in any paper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW. To comply with the public participation requirements of 40 CFR part 25 in the

enforcement of National Pretreatment Standards, the Township intends to publish, on an annual basis, a list of IUs whose discharge violations equal or exceed the criteria established for SNC. The Township also reserves its rights, as an additional enforcement response, to provide public notice of IU Noncompliance more frequently than once a year or based upon violations which do not meet the SNC threshold. The Township further reserves its rights to implement other special community awareness steps, as an enforcement response, to deter IU Noncompliance.

#### F. SUSPENSION OR REVOCATION OF WWDP AND SERVICE (Chapter 111.28)

Suspension of a WWDP can be used to stop an actual or threatened Unauthorized Discharge. Suspension is used when immediate action is necessary, or when an Unauthorized Discharge is continuing in spite of enforcement efforts. Suspension is not normally used to enforce other Pretreatment Requirements, such as reporting violations.

A WWDP can be revoked for neglect or failure to correct or cure a Noncompliance of any provision, term, standard, schedule, condition, requirement or safeguard of the WWDP, applicable Ordinance, or other governmental regulation; if the User fails to eliminate a Discharge of Wastewater which is subject to a Stop Discharge Order; or if access to the facility for inspection or sampling is denied. In addition to revocation of the WWDP, the Township can plug or sever the points of connection to the Collection System as a means of suspension of treatment services.

A revocation is intended to permanently stop all Discharge and normally is considered a final action. A suspension is intended to require the remedy of the Noncompliance, with the intention of resuming service once the situation is corrected. Because suspension and revocation are intended to force the Discharge to stop, they may have an economic impact on the User, and therefore can be considered penalties as well as enforcement actions.

Normally, these enforcement measures are reserved for use when other reasonable enforcement measures have proved unsuccessful, or when extenuating circumstances exist which would warrant these more drastic measures.

#### G. NOTIFICATION OF VIOLATION (Chapter 111.48)

A written notice, stating the nature of the violation, and, where deemed appropriate, requiring that a plan for correction be submitted within thirty (30) days, is provided for in the Ordinance. If the plan for correction is acceptable, it should be monitored for compliance. Failure to respond to the Notice of



Violation, and failure to comply with the plan for correction may require additional enforcement actions.

#### H. SHOW-CAUSE HEARING (Chapter 111.50)

A hearing may be conducted, at which the User must show why further enforcement actions should not be taken. A show-cause hearing is an enforcement action that is used to illustrate the seriousness of violations so that Users are encouraged to comply with the Townships requests.

#### I. WRITTEN DIRECTIONS

Written directions may be issued independently, or following a show-cause hearing. Written directions are official notifications which specify actions and deadlines which the User must meet. Written directions may incorporate a Compliance Schedule, or require that a Compliance Schedule be provided by the User. Such written directions may specify that service will be terminated, or other penalties will be imposed, or both, if their conditions are not met.

#### J. CIVIL PENALTIES (Chapter 111.56)

Civil penalties for violation of a Pretreatment Requirement or Township Ordinance can be assessed for each violation. In addition to its authority under the Code of the Township of Antrim, the Township also has the power to assess penalties under Pennsylvania law (35 P.S. § 752, enacted as Act 9 of 1992 – the Publicly Owned Treatment Works Penalty Law).

#### K. INJUNCTIVE RELIEF (Chapter 111.55)

The Township can file a civil suit requesting the court to order (“enjoin”) a User to refrain from specific action (i.e. stop a Prohibited Discharge). The civil suit for injunctive relief may be used when the User has shown that the appropriate measures necessary to achieve or maintain compliance are not likely to be undertaken, or when the danger presented by a Noncompliance does not allow lengthy negotiation of a settlement.

#### L. CONSENT ORDER

The Consent Order is an order entered into between the Township and a User regarding, e.g., significant corrective action implementation or pretreatment equipment installation. The Consent Order may be appropriate when the User assumes responsibility for its Noncompliance and is willing to correct the cause(s) to potentially avoid escalated enforcement action being taken. A Consent Order

may include a detailed compliance schedule and signatures of both the Township and User management.

#### **M. COURT ACTION CRIMINAL PENALTIES**

Criminal penalties can be sought against individuals who falsify records or interfere with sampling. This plan provides for the initiation of criminal investigations, and the filing of criminal actions, where deemed appropriate by the Township.

#### **N. REFERRAL TO EPA AND/OR DEP**

For any instance(s) if Noncompliance, the Township, as it deems appropriate, may refer the case to EPA and/or DEP so as to subject the noncomplying User to the penalties available to such agencies under applicable law. The Township may join in the lawsuit or otherwise assist EPA and/or DEP.

#### **O. NO ACTION RESPONSE**

For some violations, appropriate response may be determined to be “No Action necessary at this time” (“NA”). A decision by the Township not to initiate an enforcement response for particular User violation(s) does not absolve the User from any liability or damages should the Township, EPA, DEP, the Commonwealth, or any other person, as appropriate, seek to initiate an enforcement action for such, or any other, violation(s) by the User. The “No Action” response is not intended to allow the Township to ignore the violation(s), but is an appropriate option available for selection.

### **V. ENFORCEMENT RESPONSE GUIDELINES**

#### **A. LEVELS OF ENFORCEMENT ACTION**

The Township, or its authorized representatives, should evaluate Noncompliance to determine whether an enforcement response is appropriate and the severity of any enforcement response, if applicable. Factors which may be considered include severity of the Noncompliance; potential effects to the POTW, receiving stream, and public health/welfare; frequency of occurrence; likelihood of success in initiating the enforcement response; potential counterclaims or cross-claims to be raised by the other parties; and such other factors as may be deemed appropriate.

The assistance of the Township’s solicitor may be necessary when certain formal actions are contemplated or when significant legal issues appear to be involved.

If an enforcement response is deemed appropriate, enforcement options include both informal and formal responses. These enforcement responses include, but are not limited to:

1. Phone Call (PC)
2. Meeting (MTG)
3. Increased Monitoring (IM)
4. Notice of Violation (NOV) – which may require a compliance schedule or other response
5. Modification (MOD) of the WWDP to include additional monitoring, reporting, effluent limitations or to provide for permit of short duration
6. Written Directions (WD) – which may contain a compliance schedule
7. Public Notice (PUBNOT) of User Noncompliance beyond the minimum required by Federal regulations; or other special community awareness programs
8. Show-Cause Hearing (SCH) – which may be followed by written directions
9. Consent Order (CO) – which may contain a compliance schedule, penalties, or both
10. Civil Suit for Injunctive (INJ) or other equitable relief
11. WWDP Revocation (PR) or suspension
12. Severance or Plugging of Service Lateral (SS) – in conjunction with WWDP revocation
13. Suit for Damages (DAM) or other equitable relief
14. Civil Penalties (CIV) – may be assessed concurrently with other actions
15. Criminal Investigation (CRIM)
16. Referral (REF) to EPA and/or DEP for Federal and/or Commonwealth enforcement action

The appropriate enforcement response will depend upon the specifics of each case. Moreover, the identified enforcement responses are not mutually exclusive; the Township may combine any enforcement responses provided for by law, as it deems appropriate.

The enforcement responses in Table 1 are generally set forth in an order of escalation (although a number of enforcement actions may involve a comparison of “apples and oranges” and, therefore, cannot accurately be compared in terms of stringency). Escalation would be determined on a case-by-case basis. What may be an escalated response for one User may not be for another User. Responses are generally categorized on whether the specific Noncompliance is frequent and routine. Instances of intermittent Noncompliance with any Pretreatment Requirement(s) may be subject to escalated or initial enforcement responses, as deemed appropriate by the Township.

## B. APPROPRIATE RESPONSE RANGES

A summary of response ranges to be considered for various levels of Noncompliance is included as the Enforcement Response Guide (ERG), Table 1. The ERG compares the Noncompliance with the circumstances surrounding the violation, and suggests the appropriate response or range of responses available to the Township. For clarity, Table 1 summarizes Noncompliance by the following categories:

1. Sampling, Monitoring and Reporting Violations
2. Effluent Limit Violations
3. Compliance Schedule Violations

### C. PROMPT RESPONSE

The compliance status of a Noncomplying User will be assessed at least semi-annually, but may be assessed more frequently should periodic reports on compliance be submitted more frequently. Violations should be acted on within a reasonable time. Generally, the time frame for responses will be based upon the nature of the violation and competing Pretreatment Program priorities. Violations which threaten human health, the POTW or the environment will be given priority. Except as otherwise provided; an enforcement response, including determination of a “No Action” response, will usually be initiated within five (5) days of the Township undertaking a review of a User file. This, however, does not preclude the Township from responding to a violation in a shorter period of time as it deems appropriate.

Of course, the Township must become aware of a violation before a response can be made. Therefore, this plan provides for response time subsequent to learning of a violation through a report, inspection, or other means. This plan is not intended to provide a fixed schedule for responding to all situations, because all circumstances cannot be foreseen. The time periods discussed herein are intended to serve as a guideline only; response within a “reasonable time” may be subject to a longer period of time for good cause, based upon the underlying circumstances. Instances requiring the input of the Solicitor or other professional assistance, or other such time-consuming activities could be deemed good cause, and may significantly impact the time frame in which the Township can reasonably be expected to initiate an enforcement response. Examples include, but are not limited to, consultation with EPA or DEP, or where laboratory results are questionable and the laboratory’s assistance is required to confirm the validity of data.

In developing this document, the Township has identified a broad range of enforcement options. Moreover, the Township may be presented with new or novel situations that may be subject to a learning curve. Thus it is recognized that initiation of some of these activities may be time consuming and result in the commencement of an enforcement action beyond a time period otherwise anticipated.

The Township's goal in implementing this ERP is to work towards responding to instances of User Noncompliance in a manner similar to that undertaken by the EPA and the Commonwealth in implementing similar permit programs (e.g., NPDES). Such an approach would promote consistency with Federal and Commonwealth programs and provide the Township with the opportunity to benefit from the experiences of its Federal and Commonwealth partners in the implementation of its Pretreatment Program.

#### D. RESPONSE MANAGEMENT GUIDELINES

Reasonable time frames for response and for compliance will be established for Users on a case-by-case basis, as appropriate. Generally, if a verbal response such as answering questions is requested, a time limit of ten (10) working days from receipt of the notification may be appropriate, unless the Township determines that additional time is warranted. If development of a compliance schedule is being required, it is usually appropriate to provide the User at least ten (10) days to submit a written commitment to comply, if applicable, and at least thirty (30) days for development and submission of the schedule

#### E. COMPLIANCE MONITORING

If a User fails to comply with the requirements set forth in a Township enforcement action, or with other User commitments set forth in a User's response to a Township enforcement action, or the User remains in continuous Noncompliance with the requirement(s) for which the prior enforcement action was initiated, the Township reserves its right to take additional enforcement actions based upon new violations, as well as the original violations. This includes escalation of enforcement where deemed necessary by the Township.

User compliance with the requirements set forth in the Township's enforcement action or with User commitments made in response to a Township's enforcement action shall not be a defense, unless provided by Commonwealth law, to any subsequent enforcement action which the Township, subject to its exclusive discretion, may decide to commence. Nothing herein, however, shall be deemed to require the Township to commence a subsequent enforcement action under such circumstances.

**TABLE 1 ---- ENFORCEMENT RESPONSE GUIDE**

<b>TABLE 1-A: SAMPLING, MONITORING AND REPORTING NONCOMPLIANCE</b>				
NONCOMPLIANCE	CIRCUMSTANCES INVOLVING INFREQUENT, NON-ROUTINE OR ISOLATED VIOLATIONS	RANGE OF RESPONSE  (see page 21 for key to response codes)	CIRCUMSTANCES INVOLVING FREQUENT AND ROUTINE VIOLATIONS OR RESULTS IN KNOWN HARM	RANGE OF RESPONSE  (see page 21 for key to response codes)
Failure to sample, monitor, or report as required by Permit or Ordinance	Infrequent, non-routine or isolated violations	NA,PC,MTG,IM,NOV, MOD,WD (which may establish a deadline for submitting information),SCH	Continuous and routine violations or results in injury, environmental or POTW damage	MTG,IM,NOV,MOD,W D,PUBNOT,SCH,CO,I NJ,PR,SS,DAM,CIV,C RIM,REF
Failure to sample, monitor or report as legally mandated by the Township	Infrequent, non-routine or isolated violations	NA, PC, MTG, IM, NOV, MOD, WD, SCH, PR	Repeated failure to comply with same order or results in injury, environmental or POTW damage	IM, MOD, PUBNOT, SCH, CO, INJ, PR, SS, DAM, CIV, CRIM, REF
Failure to notify of effluent violation detected through self-monitoring (24-hour report)	Infrequent, non-routine or isolated violations	NA, PC, MTG, NOV, MOD, WD (which may require resampling if not already scheduled)	Continuous and routine violations	MTG, NOV, MOD, PUBNOT, WD, SCH, CO, PR, CIV, CRIM
Failure to resample and report within 30 days when violation detected through self-monitoring	Infrequent, non-routine or isolated violations	NA, PC, MTG, IM, NOV, MOD, WD (which may require resampling if not already scheduled)	Continuous and routine violations or discharge results in injury, environmental or POTW damage	IM, NOV, MOD, PUBNOT, WD, SCH, CO, INJ, PR, CIV, CRIM, REF

**TABLE 1 ---- ENFORCEMENT RESPONSE GUIDE (Cont'd)**

<b>TABLE 1-A: SAMPLING, MONITORING AND REPORTING NONCOMPLIANCE</b>				
NONCOMPLIANCE	CIRCUMSTANCES INVOLVING INFREQUENT, NON-ROUTINE OR ISOLATED VIOLATIONS	RANGE OF RESPONSE  (see page 21 for key to response codes)	CIRCUMSTANCES INVOLVING FREQUENT AND ROUTINE VIOLATIONS OR RESULTS IN KNOWN HARM	RANGE OF RESPONSE  (see page 21 for key to response codes)
Failure to notify of substantial change in Discharge (30 days in advance or as soon as known)	Infrequent, non-routine or isolated violations	NA, PC, MTG, NOV, MOD, WD (which may require written plan to prevent future occurrence), SCH	Continuous and routine violations or discharge results in injury, environmental or POTW damage	NOV, MOD, WD, PUBNOT, SCH, CO, INJ, PR, CIV, CRIM, REF
Failure to immediately notify of Spill or Slug Load	Infrequent, non-routine or isolated violations	NA, PC, MTG, NOV, MOD, WD (which may require corrective plan – SPCC Plan)	Continuous and routine violations or discharge results in injury, environmental or POTW damage, Pass Through or Interference	NOV, MOD, WD, PUBNOT, SCH, CO, INJ, PR, CIV, CRIM, REF
Failure to submit written report on Spill or Slug Load	Isolated, non-routine or infrequent events	NA, PC, MTG, NOV, MOD, WD (which may require report and plan to prevent recurrence), PUBNOT	Continuous and routine violations or discharge results in injury, environmental or POTW damage, Pass Through or Interference	PC, MTG, NOV, MOD, WD, PUBNOT, SCH, CO, INJ, PR, DAM, CIV, CRIM, REF
Reports incomplete, not signed or certified	Isolated, non-routine or infrequent events	NA, PC, MTG, NOV (may return and require corrections), WD	Continuous and routine failure to complete, sign or certify reports	MTG, NOV (may return and require corrections), WD, SCH, CO, INJ, CIV, CRIM

**TABLE 1 ---- ENFORCEMENT RESPONSE GUIDE (Cont'd)**

<b>TABLE 1-A: SAMPLING, MONITORING AND REPORTING NONCOMPLIANCE</b>				
NONCOMPLIANCE	CIRCUMSTANCES INVOLVING INFREQUENT, NON-ROUTINE OR ISOLATED VIOLATIONS	RANGE OF RESPONSE  (see page 21 for key to response codes)	CIRCUMSTANCES INVOLVING FREQUENT AND ROUTINE VIOLATIONS OR RESULTS IN KNOWN HARM	RANGE OF RESPONSE  (see page 21 for key to response codes)
Information Falsified – does not agree with laboratory reports	Isolated, non-routine or infrequent events and does not appear to be intentional	NA, PC, MTG, NOV, MOD, WD, SCH	Continuous and routine violations or evidence of intentional falsification is present	MTG, NOV, MOD, WD, SCH, CO, PR, CIV, DAM, REF, CRIM
BMR or 90-day reports late	Less than 45-days	NA, PC, MTG, NOV, WD (establishing a deadline for submission of report), PUBNOT	45-days or more	PC, MTG, NOV, MOD, WD, PUBNOT, SCH, CO, PR, CIV, CRIM, REF to EPA
Minor monitoring or reporting deficiencies (e.g., sampling time not noted, typographical or math errors, etc.)	Isolated, non-routine or infrequent events	NA, PC, MTG, NOV, MOD, WD (may require corrections to be made on next submittal)	Continuous and routine violations	PC, MTG, NOV, MOD, WD (may require corrections to be made on next submittal), PUBNOT, SCH
Minor violation of analytical or sampling procedures. No significant affect on validity of test results	Any instance	NA, PC, MTG, NOV, MOD, WD (may require response describing corrective measures), SCH	-----	-----



**TABLE 1 ---- ENFORCEMENT RESPONSE GUIDE (Cont'd)**

<b>TABLE 1-A: SAMPLING, MONITORING AND REPORTING NONCOMPLIANCE</b>				
NONCOMPLIANCE	CIRCUMSTANCES INVOLVING INFREQUENT, NON-ROUTINE OR ISOLATED VIOLATIONS	RANGE OF RESPONSE  (see page 21 for key to response codes)	CIRCUMSTANCES INVOLVING FREQUENT AND ROUTINE VIOLATIONS OR RESULTS IN KNOWN HARM	RANGE OF RESPONSE  (see page 21 for key to response codes)
Major violation of analytical or sampling procedures. Test results significantly affected	Infrequent, non-routine or isolated violations. No evidence of negligence or intent	PC, MTG, NOV, MOD, WD, SCH (may require written response describing corrective measures and/or submit resampling within specified time frame), CO, INJ, CIV	Continuous and routine violations or evidence of negligence or intent	MTG, NOV, MOD, WD, SCH, CO, INJ, PR, DAM, CIV, CRIM, REF
Sampling not complete, all parameters not analyzed, or not at proper frequency	Infrequent, non-routine or isolated violations	NA, PC, MTG, IM, NOV, MOD, WD (may require correction), PUBNOT	Continuous and routine violations or results in injury, environmental or POTW damage	MTG, IM, NOV, MOD, WD, PUBNOT, SCH, CO, INJ, PR, DAM, CIV, CRIM, REF
SIU SPCC plan not implemented or developed	No spills or slug loads resulted	NA, PC, MTG, NOV, MOD, WD (may require written intent to comply and submission of plan within specified time), PUBNOT	Spills or Slug Loads occurred	MTG, NOV, MOD, WD, PUBNOT, SCH, CO, INJ, PR, DAM, CIV, CRIM, REF
Hazardous waste discharge – not reported	Minor quantity, no pass through or interference, infrequent	NA, PC, MTG, IM, NOV, MOD, WD	Pass through or interference results	MTG, IM, NOV, MOD, WD (may require written report and corrective action plan), PUBNOT, SCH, CO, INJ, PR, DAM, CIV, CRIM, REF

**TABLE 1 ---- ENFORCEMENT RESPONSE GUIDE (Cont'd)**

<b>TABLE 1-A: SAMPLING, MONITORING AND REPORTING NONCOMPLIANCE</b>				
NONCOMPLIANCE	CIRCUMSTANCES INVOLVING INFREQUENT, NON-ROUTINE OR ISOLATED VIOLATIONS	RANGE OF RESPONSE  (see page 21 for key to response codes)	CIRCUMSTANCES INVOLVING FREQUENT AND ROUTINE VIOLATIONS OR RESULTS IN KNOWN HARM	RANGE OF RESPONSE  (see page 21 for key to response codes)
Failure to apply for permit renewal	Less than 30-days overdue	NA, PC, MTG, NOV, WD (requiring submission)	More than 30-days overdue	PC, NTG, NOV, WD (requiring submission), SCH, INJ, SS, DAM, CIV, CRIM, REF
Other violation of sampling, monitoring or reporting permit conditions not covered above	Infrequent, non-routine or isolated violations	NA, PC, MTG, IM, NOV, MOD, WD (may require written response and/or corrective action plan within a specified time), PUBNOT, SCH, CO, INJ, PR, SS, DAM, CIV, CRIM, REF	Continuous and routine violations or results in injury, environmental or POTW damage or User denies entry to inspectors	PC, MTG, IM, NOV, MOD, WD PUBNOT, SCH, CO, INJ, PR, SS, DAM, CIV, CRIM, REF (may require court order to gain access to property for denial of entry)

**TABLE 1 ---- ENFORCEMENT RESPONSE GUIDE (Cont'd)**

<b>TABLE 1-B: EFFLUENT LIMITS NONCOMPLIANCE</b>				
NONCOMPLIANCE	CIRCUMSTANCES INVOLVING INFREQUENT, NON-ROUTINE OR ISOLATED VIOLATIONS	RANGE OF RESPONSE  (see page 21 for key to response codes)	CIRCUMSTANCES INVOLVING FREQUENT AND ROUTINE VIOLATIONS OR RESULTS IN KNOWN HARM	RANGE OF RESPONSE  (see page 21 for key to response codes)
Discharge without a WWDP by an IU; or discharge by a non-IU after notification that discharge is prohibited	Isolated, non-routine or infrequent events without known environmental or POTW damage	PC, MTG, NOV, WD (to require proper application for WWDP), SCH, SS, CO, CIV	Continuous or routine violations after notification; or Non-compliance results in injury, environmental or POTW damage	WD, PBUNOT, SCH, CO, INJ, SS, DAM, CIV, CRIM, REF
Exceeding final limit (Categorical, Local Limit or Prohibited) or discharge of a Spill or Slug Load	Isolated, non-routine or infrequent violations	NA, PC, MTG, IM, NOV (may require report submitted within 10-days showing cause and providing a plan for corrective action), MOD, WD, PUBNOT	Continuous or routine violations, or results in injury, environmental or POTW damage	NOV, MOD, WD, PUBNOT, SCH, CO, INJ, PR, DAM, CIV, CRIM, REF
Exceeding interim limits (Categorical or Local Limits)	Isolated, non-routine or infrequent violations	NA, PC, MTG, IM, NOV (may require report submitted within 10-days showing cause and providing a plan for corrective action), MOD, WD, PUBNOT	Continuous or routine violations, or results in injury, environmental or POTW damage	NOV, MOD, WD, PUBNOT, SCH, CO, INJ, PR, DAM, CIV, CRIM, REF

**TABLE 1 ---- ENFORCEMENT RESPONSE GUIDE (Cont'd)**

<b>TABLE 1-C: COMPLIANCE SCHEDULE NONCOMPLIANCE</b>				
RANGE OF RESPONSE  (see page 22 for key to response codes)	CIRCUMSTANCES INVOLVING INFREQUENT, NON-ROUTINE OR ISOLATED VIOLATIONS	RANGE OF RESPONSE  (see page 21 for key to response codes)	CIRCUMSTANCES INVOLVING FREQUENT AND ROUTINE VIOLATIONS OR RESULTS IN KNOWN HARM	RANGE OF RESPONSE  (see page 21 for key to response codes)
Reporting false information regarding compliance progress	Isolated, non-routine or infrequent events and does not appear to be intentional	NA, PC, MTG, IM, NOV, MOD, WD, SCH	Continuous and routine violations or evidence of intentional falsification is present	MTG, IM, NOV, MOD, WD, SCH, CO, PR, SS, DAM, CIV, CRIM, REF
Missed interim date(s) (Includes, e.g., failure to undertake planning, order necessary equipment, install equipment or meet interim limits)	Good cause existed for missing interim date (e.g., force majeure) or is not expected to affect final date	NA, PC, MTG, NOV, MOD, WD (may require submittal of revised compliance schedule)	No good cause existed and is expected to affect compliance with final date	NOV, MOD, WD, PUBNOT, SCH, CO, INJ, DAM, CIV, CRIM
Missed final date (e.g., failure to install or operate Pretreatment facilities, institute management plan, etc.)	Good cause existed for missing final date (e.g., force majeure)	NA, PC, MTG, NOV, MOD, WD (may require submittal of revised compliance schedule)	-----	-----
Missed final date (e.g., failure to install or operate Pretreatment facilities, institute management plan, etc.)	No good cause existed and is less than 90 days	NA, PC, MTG, NOV, MOD, WD, PUBNOT, SCH, CO, INJ, DAM, CIV, CRIM	No good cause existed and is 90 days or more outstanding	NOV, MOD, WD, PUBNOT, SCH, CO, INJ, PR, DAM, CIV, CRIM, REF

**TABLE 1 ---- ENFORCEMENT RESPONSE GUIDE (Cont'd)**  
**KEY TO ENFORCEMENT RESPONSE CODES**

<b>NA</b>	No Action (NA) deemed necessary
<b>PC</b>	Phone Call (PC)
<b>MTG</b>	Meeting (MTG)
<b>IM</b>	Increased Monitoring (IM)
<b>NOV</b>	Notice of Violation (NOV) – which may require a compliance schedule or other response
<b>MOD</b>	Modification (MOD) of the WWDP to include additional monitoring, reporting, effluent limitations or to provide for permit of short duration
<b>WD</b>	Written Directions (WD) – which may contain a compliance schedule
<b>PUBNOT</b>	Public Notice (PUBNOT) of User Noncompliance beyond the minimum required by Federal regulations; or other special community awareness programs
<b>SCH</b>	Show-Cause Hearing (SCH) – which may be followed by written directions
<b>CO</b>	Consent Order (CO) – which may contain a compliance schedule, penalties, or both
<b>INJ</b>	Civil Suit for Injunctive (INJ) or other equitable relief
<b>PR</b>	WWDP Revocation (PR) or suspension
<b>SS</b>	Severance or Plugging of Service Lateral (SS) – in conjunction with WWDP revocation
<b>DAM</b>	Suit for Damages (DAM) or other equitable relief
<b>CIV</b>	Civil Penalties (CIV) – may be assessed concurrently with other actions
<b>CRIM</b>	Criminal Investigation (CRIM)
<b>REF</b>	Referral (REF) to EPA and/or DEP for Federal and/or Commonwealth enforcement action