

ENFORCEMENT RESPONSE PLAN

for the

Pretreatment Program

prepared for the

WASTEWATER TREATMENT FACILITY
TOWN OF KOUTS, INDIANA



More than a Project™

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1.0 ENFORCEMENT RESPONSE PLAN

1.1 Introduction

The Town of Kouts (Town) is required to develop an Enforcement Response Plan (ERP) per Part III.C.6. of their Wastewater Treatment Facility's National Pollutant Discharge Elimination System (NPDES) permit and with the Code of Federal Regulations (CFR) Section 403.8 (f) (5). The purpose of this ERP is to provide consistent enforcement responses for all similar violations and circumstances for industrial users. Industrial users include significant industrial users (SIU) issued an Industrial Wastewater Pretreatment (IWP) Permit by the Indiana Department of Environmental Management (IDEM) and industrial users issued an approval to discharge from the Town (Wastewater Discharge Permit). The ERP does not preclude the Town from taking any, all or any combination of actions against any non-compliant User. A comprehensive and effective ERP must:

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

The ERP is part of the pretreatment program procedures as a guidance and/or policy document. Although it corresponds with the sewer use ordinance (SUO), it is not part of the SUO and shall not be made part of the SUO. Terms used in the ERP are defined in the SUO.

1.2 Responsibilities

The responsibility of implementing this ERP falls to the Town or its designee with assistance from the Town Council and the Town Attorney when needed. The Town's personnel involved include:

Title	Responsibilities
Town of Kouts or its designee	Responsible for the implementation and enforcement of the Pretreatment Program; delegating tasks to Town and wastewater employees; and completing SIU monitoring, inspections, reporting and recordkeeping. The Town may initiate these enforcement actions: <ul style="list-style-type: none">• Administrative adjustments• Administrative fines and cost recovery• Emergency suspension of service• Requesting/referring administrative orders to Town Attorney• Referrals to the Town Attorney for judicial action.• Referrals to the State or EPA for criminal action

Title	Responsibilities
Town Attorney	Provide legal consultation as requested by the Town or designee on administrative fines, administrative orders, and cost recovery. Take the lead on all referrals for administrative orders, judicial actions, and Town-initiated criminal investigations.

2.0 DESCRIPTION OF ENFORCEMENT ACTIONS

The following are the types of enforcement action that may be undertaken by the Town. Refer to the **Enforcement Response Guide Table** in **Section 4.2** to determine the appropriate enforcement actions as they may apply to specific situations.

2.1 Surcharges

Surcharges are described in the SUO and are implemented to recover costs associated with treating high-strength wastewater from industrial users. Surcharges are implemented for users exceeding compatible pollutant levels as described in the SUO. Surcharges are not an enforcement action unless the strength of the wastewater discharged impacts or causes harm to the Town and/or the user has exceeded an agreed upon maximum loading. The Town has chosen to develop an escalation process for high-strength wastewater from IUs that impact the operations of the wastewater treatment plant (WWTP).

2.2 Administrative Enforcement Actions

2.2.1 Informal Notification of Violation

An informal notice may be a documented phone call, email, written warning, or a meeting notifying the IU of minor incidences that have occurred and that need to be corrected. The informal notice to the IU should explain the violation and the outcome desired by the Town or its designee. The IU should respond on their implemented corrective actions within 10 days of the informal notice. The response by the IU should address all issues identified by the Town or its designee with a plan of action and method to prevent further similar violations. Repeat performance of the same incident, or escalation of the incident will result in escalated enforcement action.

2.2.2 Notice of Violation

Whenever the Town or its designee finds that any IU has violated or is violating the SUO or IWP Permit, the Town or its designee may issue the IU a written Notice of Violation (NOV). A NOV is the initial formal enforcement action for a violation. The written notice to the IU should explain the violation, the outcome desired by the Town or its designee, and the items to be included in the IU's response. The certified letter notifies the IU signatory authority of the violation and requires the following:

1. Immediate corrective action or steps being taken to correct the problem.
2. Increased sampling of the parameter in violation within 30 days (as applicable).
3. Written response within 10 business days of receipt of NOV.

The IU should respond within 10 days of the informal notice and at a minimum include a plan of action, proposed schedule, and method to prevent further similar violations. After corrective actions have been implemented, the Town or its designee will determine if the violation has been corrected satisfactorily.

2.2.3 Administrative Fines

An administrative fine is a punitive monetary charge assessed by the Town, rather than a court, for an IU who is found to have violated any provision of the SUO, a permit, and any orders. Each day on which non-compliance shall occur or continue shall be deemed a separate and distinct violation. The purpose of the fine is to recover the economic benefit of non-compliance and to deter future violations.

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

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

Suggested administrative fines are provided in the **Schedule of Fines** in **Section 5.0** of this document.

2.3 Administrative Orders

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

2.3.1 Consent Orders

A consent order is an agreement with an IU responsible for non-compliance to correct a violation after other enforcement actions have failed. Such documents shall include specific actions to be taken by the IU to correct the non-compliance within a time specified by the document.

2.3.2 Show Cause Hearing

A show cause hearing occurs when a violation is not corrected by timely compliance by means of previous enforcement actions. The IU and the Town meet to discuss the cause and effect of the violation, as well as the enforcement action the IU will be subjected to. The IU may present its case as to why the violation occurred and why the proposed (likely cease and desist order) or further enforcement action should not be applied. Corrective actions to be undertaken by the IU may also be discussed at this meeting.

2.3.3 Compliance Orders

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

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

2.3.4 Cease and Desist Order

The Town may issue an order to an IU after a show cause hearing that has violated, or continues to violate, any provision of the sewer use ordinance, an individual wastewater discharge permit, order, or any other pretreatment standard or requirement, or that the IU's past violations are likely to recur, directing it to cease and desist all such violations and directing the IU to:

1. Immediately comply with all requirements.
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease-and-desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

2.4 Emergency Suspension of Service

The Town may immediately suspend an IU's nondomestic wastewater discharge and discharge permit, with good cause, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons, substantial danger to the environment, interference with the operations of the wastewater treatment plant, or a violation of any pretreatment or ordinance limits.

1. Any User notified of a suspension of service shall immediately stop or eliminate all discharges to the sewer system.

2. In the event of a User's failure to immediately comply voluntarily with the suspension within the specified time, the Town shall commence judicial proceedings immediately to compel the User's compliance.
3. The Town or its designee may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Town or its designee that the period of endangerment has passed.
4. The Town or its designee should request that the User submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.

2.5 Termination of Discharge

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

2.6 Cost Recovery

In addition to other penalties imposed or remedies available for violations of the provisions of the SUO, any IU who discharges or causes a discharge that produces a deposit or obstruction, or causes damage to or impairs the sanitary sewer system or WWTP shall be liable to the Town for any one or more of the following which may be billed to the discharger by the Town in its ordinary course of business and which shall be paid to the Town within 30 days of the billing:

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

7. All expenses of outside professionals to include, but not limited to, engineers, scientists, and/or legal counsel.
8. Other costs associated with the detection and correction of the violations.

2.7 Judicial Enforcement Remedies

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

2.8 Referral to EPA or the State

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

3.0 DEFINITIONS OF VIOLATIONS

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

3.1 Minor Sampling, Monitoring or Reporting Deficiencies

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

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

3.2 Major Sampling, Monitoring or Reporting Deficiencies

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

- Reports / correspondence late by 10 to 30 business days.
- Sampling point not accessible to the Town.
- Reports not certified.

- Failure to report any operational changes which affect the discharge flow rate and impact the permit: repeat offense.
- Incomplete report or chain-of-custody information: repeat offense.
- Failure to submit all the information that leads to the determination of a category of an IU.
- Failure to use appropriate analytical methods (40 CFR 136).
- Failure to sample for a parameter.
- Failure to report slug load discharge, illegal discharges, or spills with no damage to the Town.
- Unacceptable explanation for violation or failure to submit a response to a NOV.
- Improper sampling or analytical procedure: repeat offense.
- Any other violation categorized as "Major sampling, monitoring or reporting deficiencies" by the Town.

3.3 Critical Sampling, Monitoring or Reporting Deficiencies

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

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

3.4 Unauthorized Discharge

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

3.5 Damages to the Town

Occurs when the discharge from an IU cause:

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

3.6 Definition of Significant Noncompliance (SNC)

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

1. Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all the measurements taken during a six-month period exceed, by any magnitude, the daily maximum limit, or the average limit for the same pollutant parameter.
2. Technical review criteria (TRC) violations, defined as those in which 33% or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC equals one and four-tenths (1.4) for biochemical oxygen demand, total suspended solids, fats, oil, and grease and one and two-tenths (1.2) for all other pollutants except pH).
3. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Town or its designee determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of Town personnel or the public.
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the Town's exercise of its emergency authority under 327 IAC 5-19-3(1)(G) to halt or prevent such a discharge.
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
6. Failure to provide, within 30 days after the due date, required reports such as:
 - a. Baseline monitoring reports.
 - b. 90-day compliance reports.
 - c. Periodic self-monitoring reports.
 - d. Reports on compliance with compliance schedules.
7. Failure to accurately report noncompliance.
8. Any other violation or group of violations that the Town or its designee determines will adversely affect the operation or implementation of the approved Town pretreatment program.

Violations resulting in SNC will be addressed with formal Administrative Orders, regardless of the response that is indicated in the ERG. In addition, the Town must contact IDEM within 10 days of becoming aware of any Indirect Discharger in SNC.

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

4.0 ENFORCEMENT RESPONSE GUIDE

4.1 Introduction

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

4.2 Enforcement Response Guide Table

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

ENFORCEMENT RESPONSE GUIDE TABLE

Violation	Nature or Frequency of Violation	Status	Range of Responses
Surcharges	Discharge above the surcharge level with no system damage or violation of Town's NPDES permit.	Compliance with ordinance	Surcharge only
	Discharge above surcharge level with impacts to system operations.	Non-compliance	Surcharge NOV Administrative fine Show cause hearing
	Discharge above surcharge level with significant impacts to system operations and damage or direct cause for violation of Town's NPDES permit.	Significant non-compliance	Surcharge NOV Administrative fine AO Show cause hearing Cost recovery Judicial remedies
Surcharges for Special Agreements	Discharge above surcharge level, but below the agreement limit.	Compliance with ordinance	Surcharge only
	Discharge above the surcharge level and agreement limits.	Non-compliance	Surcharge Informal Notice
	Discharge above the surcharge level and agreement limits with impacts to system operations.	Non-compliance	Surcharge NOV Administrative fine
	Discharge above surcharge level and agreement limits with significant impacts to system operations and damage or direct cause for violation of Town's NPDES permit.	Significant non-compliance	Surcharge NOV Administrative fine Revoke agreement Cost recovery Judicial remedies
Exceedance of discharge limits	Isolated, non-significant	Non-compliance	Informal notice NOV
	Frequent, repeat offense, non-significant (ex: exceeding 1/quarter or 4/calendar year).	Non-compliance	NOV with increased sampling frequency Administrative fine

ENFORCEMENT RESPONSE GUIDE TABLE

Violation	Nature or Frequency of Violation	Status	Range of Responses
Exceedance of discharge limits (continued)	Exceedance of TRC value by a frequency of 33% or more in 6 months and/or exceedance of permit limit by a frequency of 66% or more in 6-month span or as stated in 40 CFR 403.	Significant non-compliance	NOV Administrative fine AO Cost recovery Judicial remedies Emergency suspension
	Any instance with Town damage or direct cause for violation of Town's NPDES permit - SNC.	Significant non-compliance	NOV/AO Administrative fine Cost recovery Judicial remedies Emergency suspension
Waste stream dilution in lieu of treatment	Isolated, non-significant	Non-compliance	Informal notice NOV
	Frequent, repeat offense, non-significant (exceeding 1/quarter or 4/calendar year).	Non-compliance	NOV AO Administrative fine
Slug load discharge	Isolated - with no damage to Town.	Non-compliance	Informal notice NOV
	Frequent - more than 1/calendar year with no damage to Town.	Significant non-compliance	NOV and upgrading slug discharge control plan AO Administrative fine
	Any instance with Town damage or direct cause for violation of Town's NPDES permit - SNC.	Significant non-compliance	AO Administrative fine Cost recovery Judicial remedies Emergency suspension
Unauthorized/non-permitted discharge	Any instance with no damage to Town.	Non-compliance	Informal notice NOV
	Any instance with Town damage or direct cause for violation of Town's NPDES permit - SNC.	Significant non-compliance	AO Administrative fine Cost recovery Judicial remedies Emergency suspension
Illegal/ RCRA hazardous waste discharge	Any instance.	Significant non-compliance	NOV AO Administrative fine Cost recovery Judicial remedies Emergency suspension

ENFORCEMENT RESPONSE GUIDE TABLE

Violation	Nature or Frequency of Violation	Status	Range of Responses
Minor sampling, monitoring, or reporting deficiencies	Isolated or infrequent.	Non-compliance	Informal notice NOV
	Frequent, repeat offense, non-significant (exceeding 1/quarter or 4/calendar year).	Non-compliance	NOV Administrative fine
Major sampling, monitoring, or reporting deficiencies	Isolated or infrequent.	Non-compliance	NOV NOV with increased sampling frequency
	Frequent, repeat offense (exceeding 1/quarter or 4/calendar year).	Non-compliance	NOV with increased sampling frequency Administrative fine AO
Critical sampling, monitoring, or reporting deficiencies	Any instance.	Significant non-compliance	NOV AO and fine Judicial remedies Emergency suspension
Falsification of sampling, monitoring, or reporting requirements	Any instance.	Significant non-compliance	Administrative fine Judicial remedies Emergency suspension
Critical sampling, monitoring, or reporting deficiencies	Any instance.	Significant non-compliance	AO and fine Judicial remedies Emergency suspension
Falsification of sampling, monitoring, or reporting requirements	Any instance.	Significant non-compliance	Administrative fine Judicial remedies – criminal prosecution Emergency suspension
Failure to report changed discharge	Any instance with no impact on the permit.	Non-compliance	Informal notice NOV
	Any instance with impact on the permit.	Non-compliance	NOV Administrative fine Show cause hearing
Failure to obtain permit before discharge	Any instance.	Non-compliance	NOV Administrative fine Show cause hearing

ENFORCEMENT RESPONSE GUIDE TABLE

Violation	Nature or Frequency of Violation	Status	Range of Responses
Failure to inform Town of the ownership change	Any instance.	Non-compliance	Informal notice NOV
Failure to install monitoring equipment including a monitoring manhole as required	Any instance.	Non-compliance	NOV with the requirement to immediately initiate the installation of equipment
Tampering with monitoring equipment	Any Instance.	Significant non-compliance	AO with fines Judicial remedies
Entry denial	Entry denied or consent withdrawn. Copies of records denied.	Non-compliance	Obtain search warrant and return to IU.
Inadequate record keeping	Incomplete or missing records.	Non-compliance	Informal notice NOV
	Repeat offense.	Non-compliance	NOV AO with fine
Failure to properly operate and maintain pretreatment facility	Any instance.	Non-compliance	NOV AO and immediate corrective action
Missed milestone date	Will not affect other milestone dates on compliance schedule. No valid cause for missing the deadline.	Non-compliance	NOV
	Will disrupt compliance schedule timetable - Violation for valid cause.	Non-compliance	NOV with show cause hearing AO to re-establish timetable
	Will disrupt compliance schedule timetable - Violation not for valid cause.	Significant non-compliance	AO with fines Re-establish the compliance schedule
Missed final date of achieving compliance for which the schedule was	Violation after milestone final date due to strike, act of God, national crises, etc.	Non-compliance	AO to re-establish timetable

ENFORCEMENT RESPONSE GUIDE TABLE

Violation	Nature or Frequency of Violation	Status	Range of Responses
established - the parameter was in violation at least once.	Sampling or monitoring within 30 days of milestone final date yielded more than one violation for the compliance schedule parameter.	Significant non-compliance	NOV with show cause hearing
	Sampling or monitoring after 30 days and before the closure date yielded more than one violation for the compliance schedule parameter.	Significant non-compliance	AO with fines Show cause hearing Administrative fine Cost recovery Judicial remedies Emergency suspension
Failure to meet reporting requirements	Did not submit report but did complete milestone.	Non-compliance	NOV
	Did not submit report, did not complete milestone.	Significant non-compliance	AO with fine
Reporting false information	Any instance.	Significant non-compliance	Administrative fine Emergency suspension Judicial remedies – criminal prosecution

5.0 SCHEDULE OF FINES

To provide enforcement consistency, the following table may be used as guidance. It identifies the amount of a fine that would be issued based on a variety of non-compliance circumstances.

Offense	1 st Offense	2 nd Offense	3 rd & Subsequent Offense(s)
Discharges			
Discharging wastewater containing pollutants above established SUO limits when:			
a. No damages to system	\$250	\$500	\$1,000
b. Damages to system	\$500 + Damages	\$1,000 + Damages	\$2,000 + Damages
Discharging substance causing Town to violate permit	\$1,750 + Violation Cost	\$2,000 + Violation Cost	\$2,500 + Violation Cost
Discharging substance causing sludge to be unsuitable for beneficial reuse	\$1,000 + Lab cost and difference in disposal cost	\$1,750 + Lab cost and disposal cost	\$2,500 + Lab cost and disposal cost
Discharging a toxic pollutant when:			
a. No damages to system	\$250	\$500	\$1,000
b. Damages to system	\$1,000 + Damages	\$2,000 + Damages	\$2,500 + Damages
Discharging substances which obstruct the sewer when:			
a. No damages to system	\$250	\$500	\$1,000
b. Damages to system	\$500 + Damages	\$1,000 + Damages	\$2,500 + Damages
Discharging noxious or malodorous substance that:			
a. Creates a public nuisance	\$250 + Damages	\$500 + Damages	\$1,000 + Damages
b. Prevents entry into the sewer	\$250	\$500	\$1,000
Discharging explosive or flammable substances when:			
a. No damages to system	\$250	\$500	\$1,000
b. Damages to system	\$500 + Damages	\$1,000 + Damages	\$2,500 + Damages
Discharging wastewater with a pH of less than 5.0 S.U. or greater than 9.5 S.U. when:			
a. No damages to system	\$250	\$500	\$1,000
b. Damages to system	\$500 + Damages	\$1,000 + Damages	\$1,500 + Damages
Discharging trucked or hauled pollutants to the system that is not approved by the Town:			
a. No damages to system	\$250	\$500	\$1,000
b. Damages to system	\$500 + Damages	\$1,000 + Damages	\$1,500 + Damages
Discharging wastewater, containing pollutants, that passes through or interferes with the Town	\$1,000 + Damages	\$1,750 + Damages	\$2,500 + Damages

Offense	1 st Offense	2 nd Offense	3 rd & Subsequent Offense(s)
Discharging wastewater containing other prohibited discharges (SUO §53.15) when:			
a. No damages to system	\$250	\$500	\$1,000
b. Damages to system	\$500 + Damages	\$1,000 + Damages	\$2,500 + Damages
Process			
Failure to calibrate flow meter	\$250	\$350	\$500
Refusal to allow Town to inspect User's facility/premises	\$2,500	\$2,500	\$2,500
Failure to provide, properly operate, or maintain pretreatment facilities	\$1,000	\$1,750	\$2,500
Failure to report a hazardous materials/waste spill:			
a. No damages to system	\$500	\$1,000	\$2,500
b. Damages to system	\$500 + Damages	\$1,000 + Damages	\$2,500 + Damages
Failure to comply with an Administrative Order or Special Agreement	\$1,000	\$1,750	\$2,500
Providing false information	\$500	\$1,500	\$2,500
Tampering with samples, sampling equipment, or measuring devices	\$500	\$1,500	\$2,500
Administrative			
Failure to file written report of slug or accidental discharge	\$250	\$500	\$1,000
Failure to conduct required self-monitoring (per parameter)	\$250	\$500	\$1,000
Failure to respond to Notice of Violation	\$250	\$500	\$1,000
Failure to report significant changes in operation, pretreatment facilities, wastewater constituents or characteristics	\$500	\$1,000	\$1,500
Failure to submit self-monitoring report, resulting in SNC	\$250	\$500	\$1,000
Failure to obtain an IDEM IWP Permit or Town Wastewater Discharge Permit, when required, before connecting to or discharging into the Town (one-time penalty per connection)	\$2,500	---	---
Failure to submit IWP Permit renewal application 180 days prior to expiration	30 days – \$250	31-60 days – \$500	>60 days – \$1,000
Failure to maintain monitoring records	\$250	\$500	\$1,000

Offense	1 st Offense	2 nd Offense	3 rd & Subsequent Offense(s)
Falsifying lab results, reports, or other documentation	\$500	\$1,500	\$2,500

Note: Damages may include cost recovery for lab analysis, equipment, fines to the Town, and other items described in the SUO.