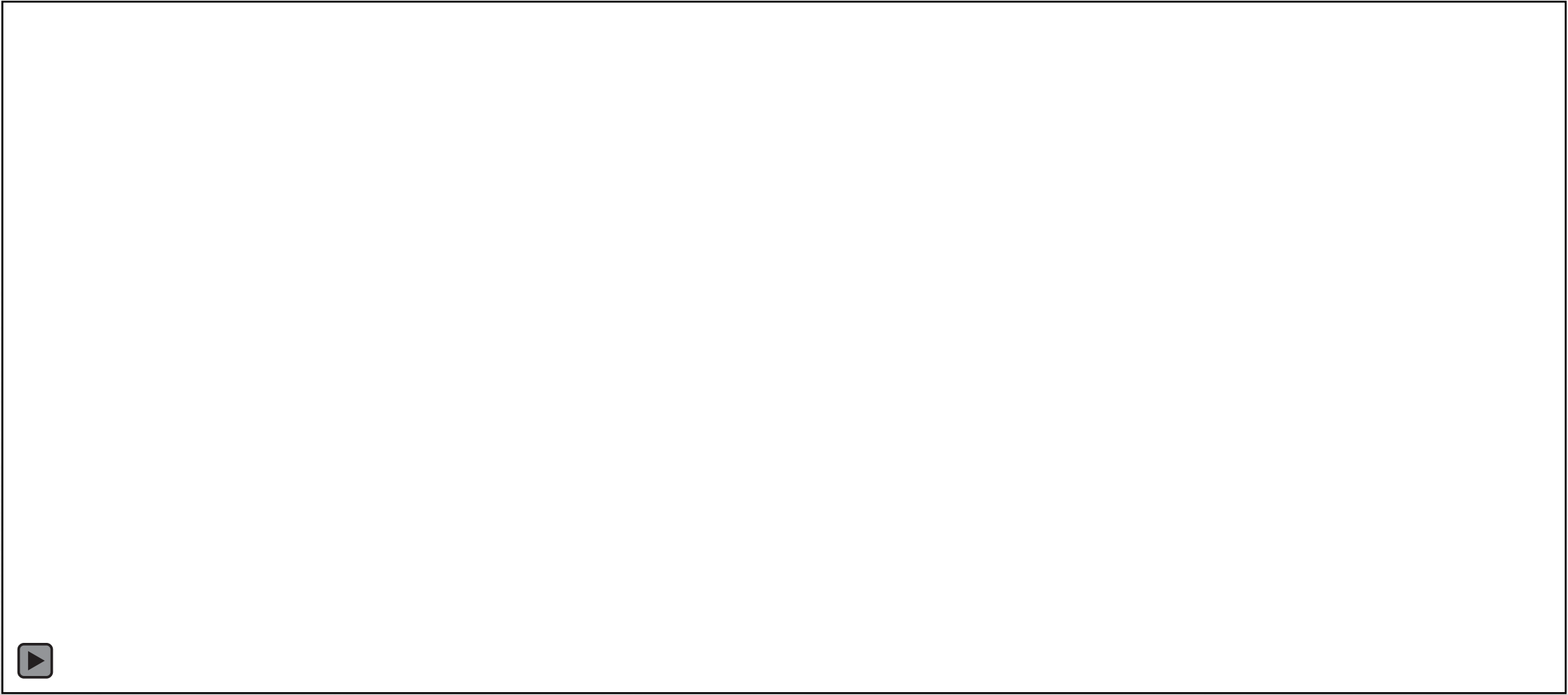


PRETREATMENT ETHICS

HOW TO NAVIGATE THE BUREAUCRACY!

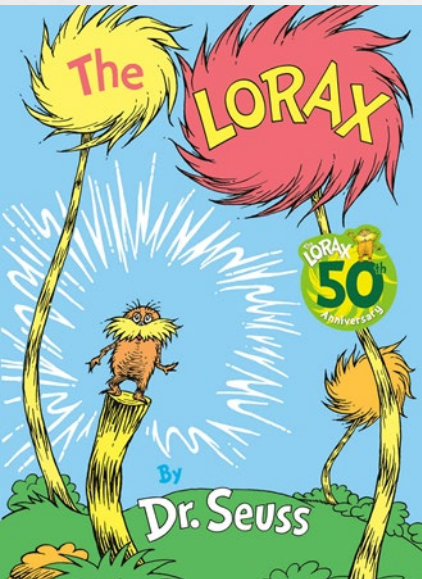




ETHICS DEFINITION

- **ETHICS- (ALSO CALLED MORAL PHILOSOPHY)**
 - **A SET OF MORAL PRINCIPLES : A THEORY OR SYSTEM OF MORAL VALUES**
 - **THE PRINCIPLES OF CONDUCT GOVERNING AN INDIVIDUAL OR A GROUP**
 - **A SET OF MORAL ISSUES OR ASPECTS (SUCH AS RIGHTNESS)**
 - **THE DISCIPLINE DEALING WITH WHAT IS GOOD AND BAD AND WITH MORAL DUTY AND OBLIGATION**

TERMS



- **CONFLICT OF INTEREST-** MEANS A PERSONAL INTEREST OF A DIRECTOR, EMPLOYEE OR ANY RELATIVE OF THE FOREGOING WHICH INTERFERES WITH OR INFLUENCES, OR MAY INTERFERE WITH OR INFLUENCE, OR WHICH MAY REASONABLY BE PERCEIVED BY THE PUBLIC AS INTERFERING WITH OR INFLUENCING, THE CONDUCT OF THE DUTIES OR THE EXERCISE OF THE POWERS OF THE DIRECTOR OR EMPLOYEE ON BEHALF OF THE DISTRICT.
- **DIRECT FINANCIAL INTEREST-** MEANS ANY INTEREST BY WHICH A PERSON, HIS OR HER RELATIVE, OR HIS OR HER DESIGNEE OR BUSINESS COULD GAIN OR LOSE MONEY OR ANYTHING OF VALUE OTHER THAN AS MAY NATURALLY ACCRUE GENERALLY TO ALL RESIDENTS OF THE DISTRICT BY REASON OF SUCH RESIDENCE IN THE DISTRICT.
- **INTEREST-** MEANS A PECUNIARY, PROPERTY, OR COMMERCIAL INTEREST, OR ANY OTHER INTEREST THE PRIMARY SIGNIFICANCE OF WHICH IS ECONOMIC GAIN OR THE AVOIDANCE OF ECONOMIC LOSS TO A DIRECTOR OR EMPLOYEE, OR HIS OR HER RELATIVE, OR HIS OR HER DESIGNEE; PROVIDED, HOWEVER, THAT "INTEREST" SHALL NOT INCLUDE ANY MATTER INVOLVING THE COMMON PUBLIC GOOD OR NECESSITY, OR ANY MATTER IN WHICH A SIMILAR BENEFIT IS CONFERRED TO ALL PERSONS OR PROPERTY SIMILARLY SITUATED; AND FURTHER, THAT OWNERSHIP INDIVIDUALLY OR IN A FIDUCIARY CAPACITY OF ANY SECURITIES, OR OF ANY BENEFICIAL INTEREST IN SECURITIES, OF A CORPORATION SHALL NOT BE DEEMED TO CREATE AN "INTEREST" IN THE CORPORATION UNLESS THE AGGREGATE AMOUNT OF SUCH SECURITIES, OR INTEREST IN SUCH SECURITIES, AMOUNT TO FIVE PERCENT (5%) OR MORE OF ANY CLASS OF THE SECURITIES OF THE CORPORATION THEN OUTSTANDING OR CONSTITUTES A CONTROLLING INTEREST IN THE CORPORATION.

TERMS

- **CONFIDENTIAL INFORMATION-** MEANS INFORMATION NOT AVAILABLE TO THE GENERAL PUBLIC UNDER APPLICABLE LAWS, ORDINANCES, AND REGULATIONS AND WHICH IS OBTAINED BY REASON OF THE DIRECTOR'S OR EMPLOYEE'S POSITION WITH THE DISTRICT.



CODE OF ETHICS

- **EVERY BOARD, CITY COUNCIL, ELECTED OFFICIAL, AND EVEN BUREAUCRATS SHOULD RECEIVE SOME FORM OF ETHICS TRAINING AT LEAST ANNUALLY**
 - **THIS IS ACTUALLY REQUIRED IN UTAH BY LAW**
- **ETHICS TRAINING SHOULD COVER “CONFLICT OF INTEREST”, “DIRECT FINANCIAL INTEREST”, “INTEREST”, AND “CONFIDENTIAL INFORMATION”**
- **EVERY CITY, SPECIAL SERVICE DISTRICT, OR OTHER INTERLOCAL GOVERNMENT BODY SHOULD ADOPT AN ETHICS POLICY**

ISSUES I HAVE FACED

- **CONTRACTOR RUNS TO THE BOARD CHAIRMAN TO CLAIM INAPPROPRIATE TREATMENT**
- **CITY COUNCIL MEMBER MAKES PROMISES TO BUSINESS OWNER THAT THEY CANNOT KEEP**
- **BUSINESS OPENED WITHOUT PRETREATMENT APPROVAL BUT WAS APPROVED BY THE CITY OFFICIALS**
- **OTHER STAFF MEMBERS HAVE STRONG OPINIONS ON HOW YOU SHOULD PERFORM ENFORCEMENT**
- **BUSINESS OWNER REQUESTED A MEETING WITH THE MAYOR TO CRY FOUL ABOUT PT REQUIREMENTS**

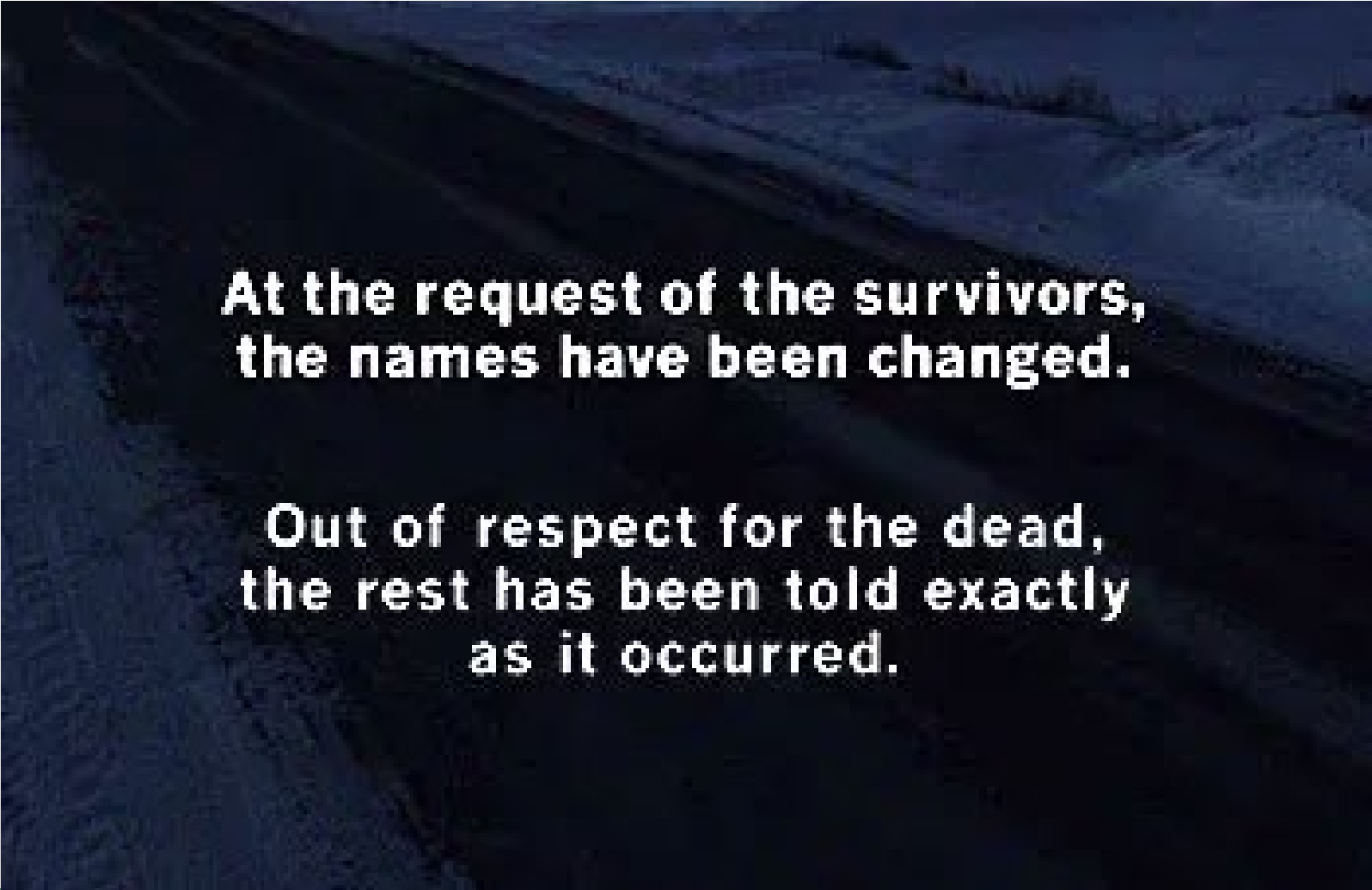


Dilbert.com DilbertCartoonist@gmail.com



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A dark, snowy landscape with a path leading through it. The scene is dimly lit, possibly at dusk or dawn, with a path of footprints or tracks leading from the foreground into the distance. The snow is dark, suggesting it might be wet or shadowed. The overall mood is somber and quiet.

**At the request of the survivors,
the names have been changed.**

**Out of respect for the dead,
the rest has been told exactly
as it occurred.**

SCENARIO #1

- **PRETREATMENT PROGRAM HAS A CLEAR AND CONSISTENT ENFORCEMENT RESPONSE PLAN (ERP) THAT HAS BEEN APPROVED BY THEIR APPROVAL AUTHORITY, BUT...**

THE ORGANIZATIONS LEADERSHIP CHOOSES TO NOT FOLLOW THE APPROVED ERP AND INSTEAD CHOOSE WHO THEY WILL ENFORCE ON AND IF THEY WILL ENFORCE THE ORDINANCE.

HOW DO YOU SUGGEST THIS BE ADDRESSED?

POTENTIAL SOLUTION #1

- **EXPLAIN THE NEED FOR CONSISTENT AND ESCALATING ENFORCEMENT TO THE LEADERSHIP;**
- **DISCUSS POTENTIAL ETHICAL ISSUES THAT CAN ARISE BY NOT FOLLOWING CONSISTENT ENFORCEMENT PROCEEDINGS BECAUSE BUSINESS OWNERS TALK TO EACH OTHER;**
- **ENSURE THAT YOUR LEADERSHIP UNDERSTANDS THE PRETREATMENT PROGRAM AND SHARE COPIES OF ALL YOUR DOCUMENTATION WITH THEM; AND LASTLY**
- **MAKE SURE THE LEADERSHIP UNDERSTANDS THAT THEY ARE ULTIMATELY LIABLE FOR ANY VIOLATIONS CAUSED BY UNETHICAL AND WILLFUL BEHAVIOR.**

SCENARIO #2

- **THE PT PROGRAM HAS ISSUED AN ENFORCEMENT ACTION AGAINST A LOCAL IU, IN ACCORDANCE WITH THEIR ERP AND CONSISTENT WITH SIMILAR ENFORCEMENT PROCEEDINGS AGAINST OTHER IU'S, BUT...
A CITY COUNCIL MEMBER ASKS YOU TO RESCIND OR MODIFY YOUR ENFORCEMENT ACTION AGAINST A LOCAL IU BECAUSE THE IU IS OWNED BY A GOOD CITIZEN.**

HOW WOULD YOU HANDLE THE SITUATION?

POTENTIAL SOLUTION #2

- **REMINDE THE CITY COUNCIL MEMBER THAT YOU ARE FOLLOWING ADOPTED AND PUBLICALLY NOTICED ORDINANCES;**
- **EXPLAIN TO THE COUNCIL MEMBER THAT TO NOT ENFORCE ON A VIOLATION IS UNETHICAL AND THAT TO TRY AND PERSUADE YOU TO NOT PERFORM YOUR DUTY IS A BREACH OF ETHICS FOR THEM; AND**
- **HAVE THEM MAKE THE REQUEST IN WRITING AND MAKE SURE THEY SIGN IT.**

SCENARIO #3

- **PRETREATMENT PROGRAM HAS AN ADOPTED ERP WITH ESCALATING DEGREES OF ENFORCEMENT TO FOLLOW AS PER ADOPTED POLICY, BUT...**

MANAGEMENT PREFERS TO HANDLE EACH ENFORCEMENT CASE ON AN INDIVIDUAL BASIS AND NOT FOLLOW THE ERP THAT WAS ADOPTED WITH THE RULES AND REGULATIONS. INSTEAD THEY ARE INCONSISTENT WITH THE ESCALATION OF ENFORCEMENT AND REFUSE TO IMPLEMENT ALTERNATIVE ENFORCEMENT METHODS.

WHAT SHOULD THIS FACILITY DO?

POTENTIAL SOLUTION #3

- **CONSISTENCY IS KEY IN ENFORCEMENT CASES BECAUSE BUSINESSES TALK TO EACH OTHER**
- **BY TAKING AWAY YOUR ABILITY TO FOLLOW YOUR ERP YOU ARE NOT FOLLOWING THE ADOPTED PENALTY POLICY AND THUS, MAY OPEN YOU UP FOR A LAWSUIT**
- **EXPLAIN THAT BEING CONSISTENT IN ENFORCEMENT SHOWS FAIRNESS AND NO CONFLICT OF INTEREST**
- **CONSISTENCY ALSO DISPROVES ANY CHARGES OF PROVIDING ECONOMIC BENEFIT TO A COMPETING BUSINESS**

SCENARIO #4

- **THE ERP LISTS THE INDIVIDUALS RESPONSIBLE TO INITIATE THE VARIOUS LEVELS OF ENFORCEMENT PROCEEDINGS AND THOSE PROCEEDINGS WERE FOLLOWED PROPERLY, BUT...**

A MEMBER OF THE DISTRICT'S MANAGEMENT RETRACTED THE ENFORCEMENT ACTION EVEN THOUGH THEY ARE NOT IN A POSITION AUTHORIZED TO ISSUE OR RETRACT ENFORCEMENT ACTIONS.

NOW WHAT DO WE DO?

POTENTIAL SOLUTION #4

- **INFORM EACH INDIVIDUAL LISTED IN THE ERP ABOUT THEIR ROLES AND DUTIES AS IT PERTAINS TO THE ENFORCEMENT RESPONSE PLAN**
- **PROVIDE MANAGEMENT A COPY OF SECTION 1.3 OF THE “GUIDANCE FOR DEVELOPING CONTROL AUTHORITY ENFORCEMENT RESPONSE PLANS”**
 - **THIS IS THE SECTION THAT EXPLAINS THE BENEFITS OF AN ADOPTED ERP**
- **EXPLAIN THAT ARBITRARILY ISSUING FINES CAN SEEM SUBJECTIVE AND UNREASONABLE TO THE IU AND CAN CAUSE ISSUES BECAUSE YOU ARE NOT FOLLOWING CONSISTENT ENFORCEMENT MEASURES**

SCENARIO #5

- **THE LOCAL PRETREATMENT PROGRAM ISSUES PRETREATMENT REQUIREMENTS ON A NEW COMMERCIAL DEVELOPMENT AS IS THEIR RESPONSIBILITY, BUT...**

THE DEVELOPER PLAYS GOLF WITH A CITY COUNCIL MEMBER AND THE CITY COUNCIL MEMBER SAYS THAT THE DEVELOPER IS GREAT GUY AND DOES NOT NEED THE PRETREATMENT EQUIPMENT. WHEN THE PT COORDINATOR RESPONDS THAT THESE ARE THE RULES... THEY ARE REMINDED WHO PAYS THEIR SALARY AND FEEL THEIR JOB IS BEING THREATENED.

WHAT WOULD YOU DO IN THIS CASE?

POTENTIAL SOLUTION #5

- **REMINDE THE CITY COUNCIL MEMBER THAT YOU WERE HIRED TO DO A SPECIFIC JOB AND THAT THEY HAVE A CONFLICT OF INTEREST IN THIS MATTER**
- **EXPLAIN TO THE CITY COUNCIL MEMBER THAT THREATENING TO FIRE YOU IF YOU DO NOT COMPLY WITH THEIR DEMANDS IS CONSIDERED “EXTORTION” AND EXTORTION IS ILLEGAL**
- **PROVIDE TRAINING ABOUT THE CLEAN WATER ACT AND THE ROLE OF PRETREATMENT TO THE GOVERNING BODY OF YOUR FACILITY TO FOREGO ANY OTHER ISSUES OF THIS MANNER**

SUGGESTIONS

- **KNOW YOUR ORDINANCE INSIDE AND OUT SO THAT YOU CAN BACK UP YOUR DECISIONS**
- **DO TOURS AND TRAINING FOR THE GOVERNING BODY SO THEY UNDERSTAND THE NEED FOR PRETREATMENT AND THE REASONS FOR ENFORCEMENT**
- **DEVELOP A RELATIONSHIP WITH THE MEMBERS OF THE GOVERNING BODY SO THAT THEY WILL BACK UP YOUR DECISIONS**
- **DISCUSS THE NEED FOR ETHICS TRAINING FOR YOUR FACILITY, THE CITY, AND THE GOVERNING BODY**

MORE SUGGESTIONS

- **DOCUMENT!**
- **DOCUMENT!!**
- **DOCUMENT!!!**
- **DOCUMENT!!!!**

QUESTIONS?



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