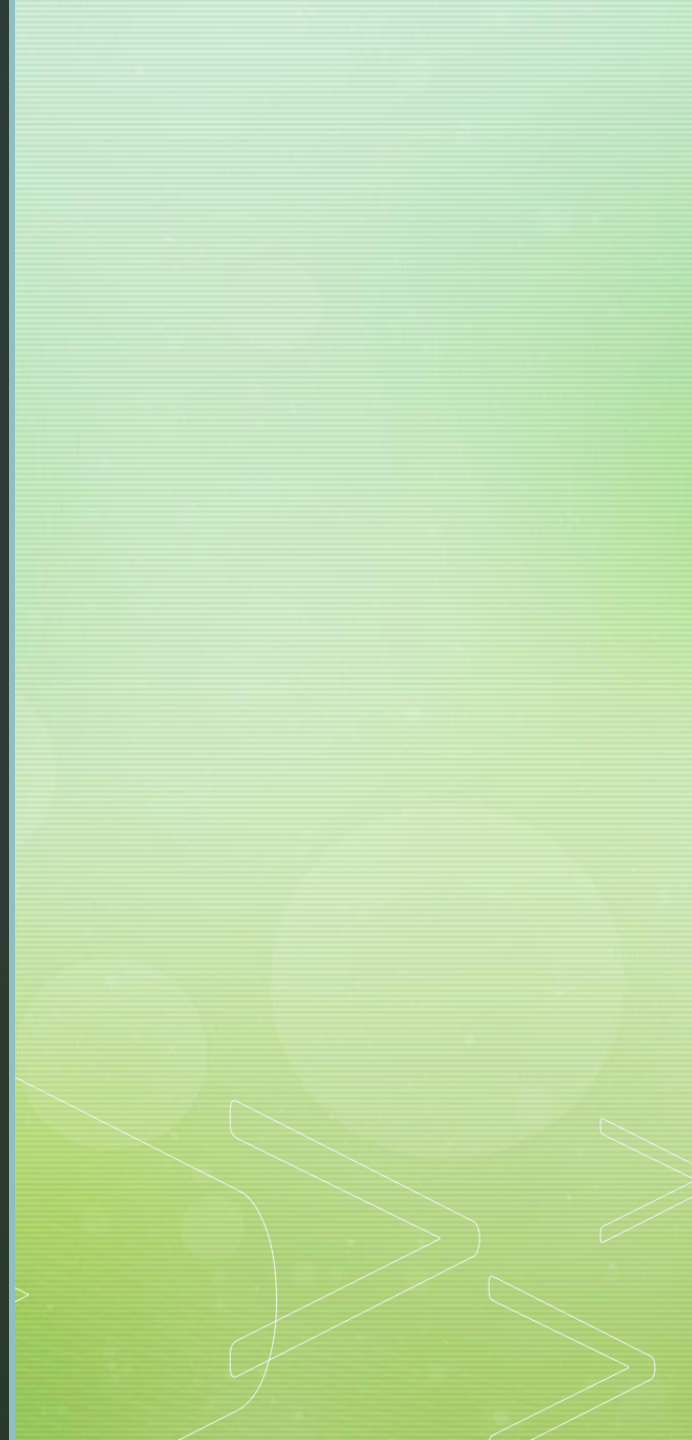


At the Local Level



Enforcement



What are we looking for?



Escalation Steps

- Follow your Enforcement Response Plan (ERP)
 - Phone Call
 - Notice of Violation (NOV)
 - Notice of Violation with a fine
 - Administrative Show Cause Order (AO)
 - Judicial Relief
 - Criminal Charges

Phone Call

- Just calling to remind the industry that they missed a deadline for a report or compliance schedule item.



Notice of Violation (NOV)

- Formal method of enforcement
- Needs to be written and explain what parameter the IU has violated
- Send the NOV certified or hand deliver it to the IU



Notice of Violation with a Fine

- Can be issued at any time there is a violation
- Issued when there are multiple exceedances for the same parameter
- Issued prior to an Administrative Show Cause Order (AO)



Administrative Show Cause Order (AO)

- Formal meeting where the IU is ordered to appear.
- This is the time to lay out the concerns with the IU and allow the IU the opportunity for rebuttal.
- Fines should be issued at this time
- Meeting notes should be kept



Judicial Relief

- Requires the involvement of the District or City Attorney.
- Looking for injunctive relief
 - Putting a stop to whatever the IU is doing to harm the POTW



Criminal Charges

- Involve EPA Criminal Investigation Division (CID)
- Share copies of your files, do not give them the original files



Unorthodox Methods of Compliance

- Remediation
 - Make the IU replace a sewer line or build some wetlands
- Build a treatment facility
 - Make them treat their own waste before discharging to the POTW
- Sever their sewer service



Significant Non-Compliance

- How do you calculate pollutant level SNC?
 - 40 CFR





SNC Determination Sheet



Calculating Penalties

- Develop an SOP to assist you in calculating penalties.
- Look at the economic benefit that the IU gained by not complying.
- Use the “Guidance for Developing Control Authority Enforcement Response Plans”



Questions?

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