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# **Pretreatment Program**

# **Enforcement Response Plan**

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October 15, 2013

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## 1.0 INTRODUCTION

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### A. IMPLEMENTATION OF PROGRAM

The Santa Ana Water Project Authority (SAWPA) Commissioners and the corresponding Member and Contract Agencies (see Section 1.0.D) are committed to effectively enforcing the 40 CFR 403 Pretreatment Regulations and the agreements with Orange County Sanitation District (OCSD) by:

- Establishing and adopting an ordinance which regulates the use and quality of discharges permitted to the Inland Empire Brine Line;
- Administering a permitting program to regulate industrial wastewater discharges from Industrial Users (IU's);
- Monitoring and tracking compliance through inspection of IU facilities and sampling industrial wastewater discharges;
- Evaluating and screening the results of inspection and sampling to identify pretreatment program violations;
- Consistently responding to pretreatment program violations to ensure long-term compliance; and
- Requiring IUs, as necessary, to treat their industrial waste and/or implement Best Management Practices (BMP's) prior to discharge in order to meet the established limitations.

The general procedures for implementing the above items are outlined in SAWPA's Pretreatment Program Policy Manual and Procedures Documents. Ordinance No. 7, Article 6, Section 601.0 (Enforcement Response Plan), states that, "To the extent required by law or agreement, SAWPA shall use an Enforcement Response Plan (ERP), as required by 40CFR 430.8(f) (5) and adopted by resolution, to coordinate progressive enforcement actions against Users and persons in noncompliance with this Ordinance." This document serves as the Enforcement Response Plan (ERP).

### B. CONTROL AUTHORITY

The ERP provides guidelines to ensure consistent and reasonable enforcement responses to noncompliance with the Ordinance and permits issued to IUs. **OCSD owns and operates the Publicly Owned Treatment Works (POTW) to which the Brine Line discharges and has been issued the National Pollution Discharge Elimination System (NPDES) permit by the Santa Ana Regional Water Quality Control Board (SARWQCB), and therefore serves as the Control Authority in accordance with the provisions established by the Federal Pretreatment Regulations (40 CFR 403).** The key to an effective ERP is to establish clear guidelines, with flexibility where it is needed, and procedures with clear lines of authority for carrying out the primary purpose and intent of the ERP which is to consistently meet water quality goals and compliance standards established by Federal, State, and local regulatory agencies.

A Memorandum of Understanding between County Sanitation District No. 1 of Orange County (now known as Orange County Sanitation District, OCSD) and the SAWPA was entered into on April 1, 1991 (1991 MOU). The 1991 MOU contains specific language related to retention of powers, water quality, permitting, inspection, monitoring, enforcement, and reporting processes related to

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wastewater discharges originating in the Upper Watershed of the Santa Ana Regional Interceptor Line (now known as the Inland Empire Brine Line or Brine Line).

The 1991 MOU, Section 6.C, states that SAWPA, each Member Agency and each Contract Agency are assigned the responsibility to develop, implement, and enforce a Pretreatment Program and assume all obligations set forth in Title 40, CFR Part 403.

SAWPA has a Multijurisdictional Pretreatment Agreement (MJPA) with the Member Agencies and the Contract Agencies to define the overall roles and responsibilities of all parties. The MJPA is being revised (2013) to include SAWPA issuing and executing dual signatory permits with the corresponding Member or Contract Agency to all dischargers.

In terms of 40 CFR 403, the RWQCB of the State of California's Environmental Protection Agency is the Approval Authority, and OCSD is the Control Authority. Per Section 1.E of the 1991 MOU, SAWPA retains the power to exercise jurisdiction and control in accordance with OCSD's ordinance related to the quality requirements to be met by all dischargers of wastewater tributary to OCSD's treatment and disposal facilities. SAWPA is considered a Delegated Control Authority and with its Member Agencies and Contract Agencies through the MJPA and Ordinance No. 7, administer the Program by performing permitting, inspections, monitoring, enforcement, and reporting duties as stated in the 1991 MOU.

The 1991 MOU between OCSD and SAWPA (Section 6.C) stipulates that each Member Agency and all other Contract Agencies that discharge to the Brine Line are to enter into an agreement with SAWPA that acknowledges their responsibility to develop, implement, and enforce an industrial pretreatment program and all obligations in 40 CFR 403.

The implementation of this ERP by SAWPA, Member Agencies, and Contract Agencies allows for compliance with the 1991 MOU and 40 CFR 403.

### **C. ERP OBJECTIVES**

The ERP works in conjunction with the Pretreatment Program Policy Manual, Procedures Document and Standard Operating Procedures (SOPs) to effectively administer the pretreatment program requirements. The overall pretreatment program provides a systematic way of determining whether IUs are complying with requirements specified in the control mechanisms and legal authorities. The ERP stipulates how and when to respond to noncompliance. All approved pretreatment programs are required by federal regulation 40 CFR 403.8(f)(5) to develop and implement an effective ERP. The ERP establishes progressive enforcement measures and may include a range of administrative penalties associated for each level of enforcement. The consistency in enforcement response (e.g. How Enforcement Actions are Implemented) is assured through the ERP. The ERP is designed to meet the following objectives:

- Identify (in conjunction with the monitoring and inspection portion of the Pretreatment Program) and investigate instances of noncompliance;
- Establish enforcement responses that are appropriate in relation to the nature and severity of the violation and the overall degree of noncompliance; and
- Provide a guide to encourage uniform application of enforcement responses for comparable levels and types of violations and to ensure adequate, consistent, and timely enforcement actions.

**D. MEMBER AND CONTRACT AGENCIES**

Member Agencies are agencies that are part of SAWPA joint powers authority and part of the SAWPA Pretreatment Program through a multijurisdictional agreement while Contract Agencies are part of the SAWPA Pretreatment Program through the same multi-jurisdictional agreement without being SAWPA members under the joint powers authority.

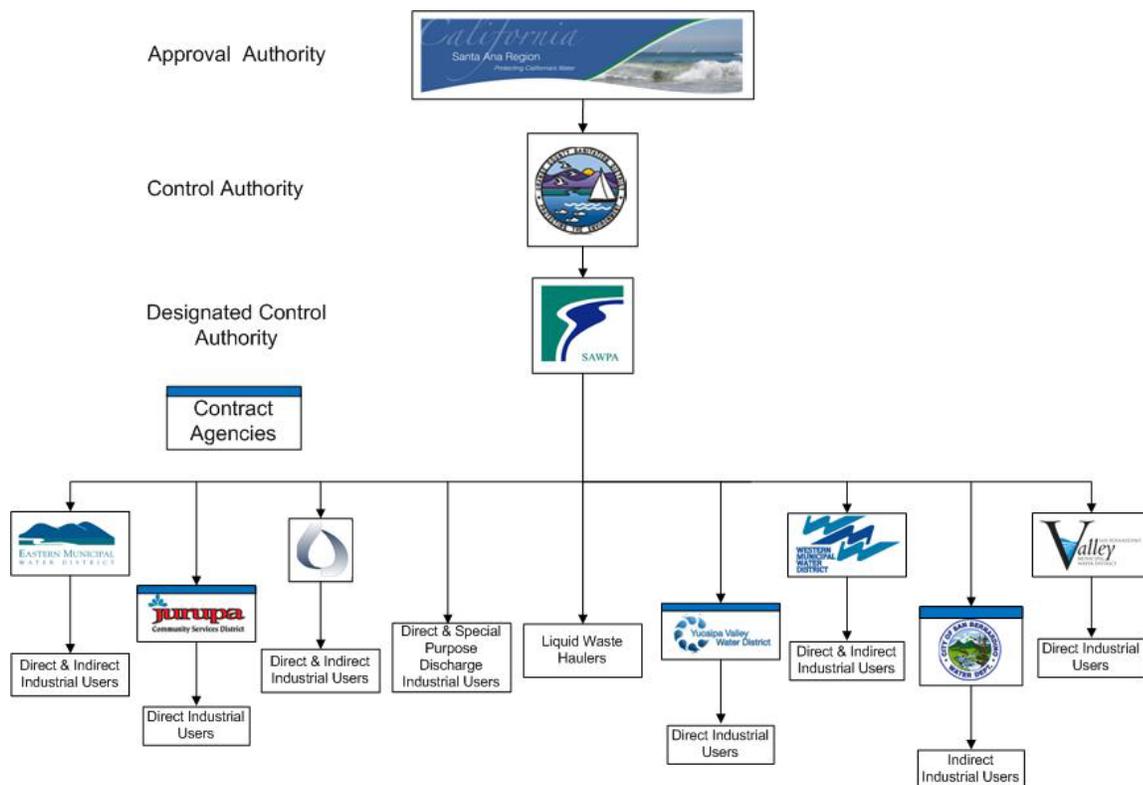
SAWPA’s five member agencies are:

- Eastern Municipal Water District
- Western Municipal Water District
- Inland Empire Utilities Agency
- San Bernardino Valley Municipal Water District
- Orange County Water District (not part of the Pretreatment Program)

As of September 2013, the Contact Agencies included in the SAWPA Pretreatment Program are San Bernardino Municipal Water Department, Yucaipa Valley Water District and Jurupa Community Services District (JCSD).

Regardless of the affiliation with SAWPA both Member and Contract Agencies have a role in the implementation of this ERP. Figure 1-1 illustrates the relationship between, OCSA, SAWPA, Member Agencies, and Contract Agencies.

**FIGURE 1-1. PRETREATMENT PROGRAM REGULATORY STRUCTURE**



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## 2.0 ERP - OVERVIEW

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### A. PRETREATMENT PROGRAM ELEMENTS

SAWPA's pretreatment program is administered through the Pretreatment Program Policy Manual and the Procedures Documents. The Program is a network of several interdependent elements of the Pretreatment Program Policy Manual and the Procedures Documents. Below is a general description of the particular elements interface with enforcement.

1. The Legal Authority (Ordinance and Local Limits resolution) establishes the general program requirements and the legal authority for the pretreatment program; defines discharge limitations and prohibitions; and establishes and defines IU classifications; and associated general monitoring and reporting requirements.
2. The permit contains specific IU requirements related to monitoring and reporting, discharge limitations, and establishes approved sampling location(s) and frequency for sampling wastewater discharges and monitoring flow rates.
3. Inspections are conducted to observe operation of the facility and ensure compliance. Routine inspections are comprehensive evaluations of the IUs' manufacturing processes and pretreatment equipment and monitoring devices. Other types of inspections can be performed to verify compliance.
4. IU self-monitoring and sampling conducted by the delegated control authority is used to provide a means to confirm compliance with the established limitations stated in the permit and legal authority.
5. Results review/compliance screening confirms compliance with the established limitations. Review of the results from the self-monitoring and sampling are compared against the established limitations. In addition, required reports from the IU are reviewed against established criteria, including timeliness.

Typically, when non-compliance is identified, it is compared to requirements established by regulation, the legal authority, or permit requirements. Non-compliance is typically identified during inspections or monitoring (sampling, reporting, etc.) results review/compliance screening.

### B. ENFORCEMENT RESPONSE PLAN - DETERMINATION OF RESPONSE

If violations or other discrepancies are identified during Inspections or the Results Review/Compliance Screening processes appropriate personnel evaluate the type of enforcement response needed by utilizing the ERP. The ERP provides an enforcement response plan and guide to assist in determining the appropriate enforcement response. These enforcement response implementation guidelines are provide in Tables 1-7 located at the end of the document. The ERP identifies the appropriate response based upon the:

- o Nature,
- o Frequency,
- o Magnitude,
- o Duration,
- o Potential Impact, and
- o Good Faith Efforts by the Violator to Eliminate the Noncompliance

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**C. CARRYING OUT OF ENFORCEMENT**

Once the appropriate enforcement action is identified, the implementation is assigned to specific personnel that have been identified in the ERP to have the authority to take that level of action. The ERP also stipulates the time frame for taking required actions.

**D. ENFORCEMENT CLOSURE**

Depending on the nature of the enforcement action, in some cases verification or follow-up is required. Minor/administrative enforcement action may be self-closing (e.g., provide the report with all the attachments). While other enforcement actions can involve installation of new equipment that must be tested, etc. Verification can include additional sampling or inspections.

**E. SIGNIFICANT NON-COMPLIANCE**

SAWPA and the Member/Contract Agencies are responsible for identifying, tracking and addressing significant non-compliance by IUs as a component of this ERP. Significant Non-Compliance (SNC) will be determined on a fiscal year defined as July 1 through June 30 to coincide with OCSD's annual reporting. Publication of the SNC as required by Pretreatment Program requirements will be lead by SAWPA.

SNC is defined in 40CFR403.3(l) as follows:

1. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements for each pollutant parameter taken during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l)
2. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all the measurements for each pollutant parameter taken during a 6-month period 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 (TRC = 1.4 for BOD, TSS, fats, oil, and grease and 1.2 for all other pollutants except pH)
3. 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 POTW determines has caused, alone or in combination with other dischargers, interference or pass through (including endangering the health of POTW personnel or the general 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 POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of 40 CFR 403.8 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 45 days<sup>2</sup> after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules
7. Failure to accurately report noncompliance
8. Any other violation or group of violations, which can include a violation of best management practices, that the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

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## 3.0 ERP SCREENING STEP

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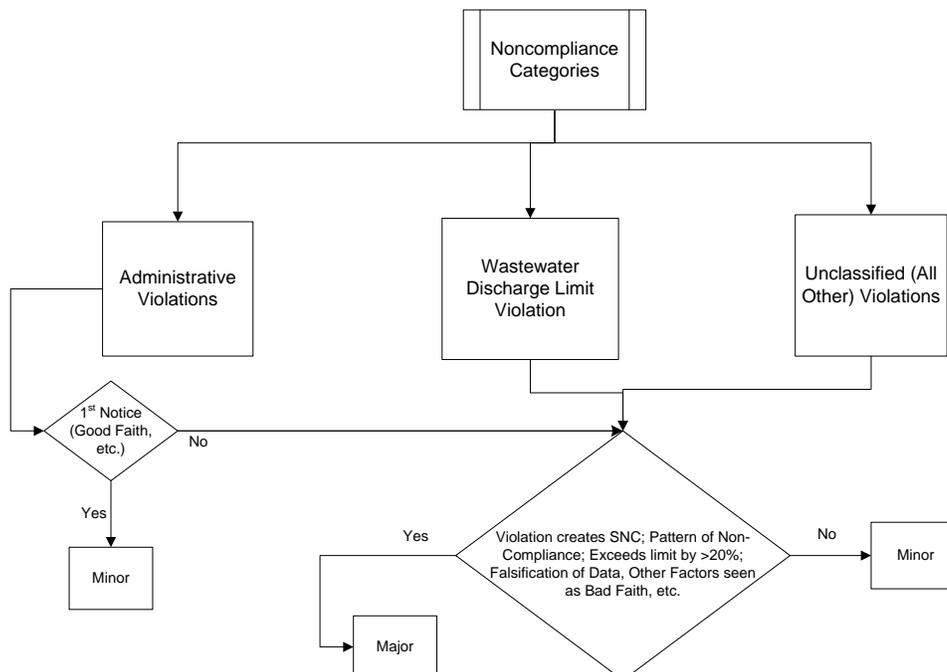
### A. IMPLEMENTATION OF ENFORCEMENT ACTIONS

The violations and discrepancies identified during the screening process are evaluated using the ERP. The ERP is used to:

- Determine the appropriate enforcement steps (initial and follow-up);
- Establish staff responsibilities for implementing the enforcement action(s); and
- Designate time frames for progressive actions.

*a. Categorizing Various Types of Violations:* The first step in developing the ERP was to prepare a list of typical violations. Categorizing the violations facilitates the organization of noncompliance into smaller subsets that allows for consistent treatment of all violations that fall within a specified area of concern. The organization also allows for a systematic guide to resolving noncompliance using a step-wise escalated enforcement approach. The first major differentiation comes from the segregation of noncompliance events into administrative violations, discharge quality violations, and unclassified (all other) violations as defined in Chapter 4, Section A. Each category is then subdivided into major and minor violations. Figure 3-1 provides an overview this concept.

**Figure 3-1. Violation Types Overview**



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**b. *Range of Enforcement Responses:*** To be effective, enforcement steps must produce the desired result – compliance. As such, each instance of noncompliance is handled with escalating enforcement remedies. Progressively more severe consequences occur when initial attempts are unsuccessful. Enforcement responses range from verbal (informal) warnings through written notices, administrative orders, permit revocations, civil actions, and criminal penalties. Because of the severe consequences associated with some of the administrative orders, SAWPA encourages timely responses to all instances of noncompliance. A concerted effort is made by the pretreatment program staff to resolve instances of noncompliance in a fair and equitable manner.

As stated in Chapter 2, the criteria for determining appropriate enforcement actions is related directly to the magnitude, duration and frequency of violation(s); the impact on public health, the environment, the Brine Line and OCSD facilities; the compliance history of the IU; and the good faith efforts of the IU to eliminate the noncompliance. Chapter 5, Section B below provides a comprehensive discussion of each enforcement response option.

Certain significant violations, because of the impact on public health and welfare, the environmental, or equipment operated by SAWPA or OCSD, produce an initial elevated enforcement response that is appropriate for the level of threat created by the noncompliance. These judgments are made at the sole discretion of the General Manager.

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## 4.0 VIOLATION TYPES

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This Chapter describes the three general areas of violation (Administrative, Discharge Limit, and other Unclassified). Each general area of violation is further subdivided into major and minor classifications. Examples are listed in each area to illustrate specific activities that enable SAWPA to classify, according to significance, the various types of violations.

### A. ADMINISTRATIVE VIOLATIONS

Administrative violations are described in Article 6, Section 602.0 of Ordinance No. 7, and are generally directly related to a failure to report in a timely manner or take a specified action (or take an inappropriate action).

1. **Minor Administrative Violations** – Most minor administrative violations are determined through records review or when due dates are missed. The *Minor Administrative Violations* include, but are not limited to:
  - a. Submission of incomplete reports or questionnaires;
  - b. Late Reports or failure to submit questionnaires by scheduled due date;
  - c. Missing a compliance milestone date without prior notification to SAWPA;
  - d. Failure to conduct sampling including self-monitoring when required;
  - e. Failure to notify SAWPA of a violation of permit conditions within one (1) working day of the discovery of the violation; or
  - f. Failure to pay required fees, penalties, or charges within forty-five (45) calendar days from the due date.
  
2. **Major Administrative Violations** – Major administrative violations, in general, are those violations that are related to recurring or prolonged noncompliance with reporting requirements or payment of required fees. Examples of *Major Administrative Violations* include, but are not limited to:
  - a. Failure to respond to previous requests for information or to administrative orders;
  - b. Missing a compliance date by more than forty-five (45) days;
  - c. Falsification of documents or attempting to mislead SAWPA or OCSD in any manner;
  - d. Failure to cooperate with SAWPA or contracted employees in the course of performing their assigned duties;
  - e. A pattern of minor administrative violations;
  - f. Refusal to allow entry to authorized SAWPA or contracted employees, in the course of performing their job, onto User's property;
  - g. Failure to produce records or accurately report noncompliance;
  - h. Failure to submit required reports (self-monitoring, baseline monitoring, 90-day compliance report, Compliance Schedule progress reports) or submitting such report more than forty-five (45) days late ;
  - i. Failure to pay, within sixty (60) calendar days of the due date, any required fee, penalty or charge as noticed by SAWPA;

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- j. Intentional discharge of a prohibited waste by a Liquid Waste Hauler into the Brine Line or tributaries thereto; or
  - k. Wastewater discharge without a valid Wastewater Discharge Permit after notification that a valid permit was not currently in place.

## **B. VIOLATIONS OF DISCHARGE LIMITATIONS**

Discharge violations occur when a limit, either specified in the Wastewater Discharge Ordinance or the IU permit, has not been achieved (refer to Article 6, Section 603.0 of Ordinance No. 7).

1. **Minor Violations** – Minor discharge violations are defined as those that, either alone or in combination with similar User discharge violations, pose, as determined by the General manager, *no significant* threat to the public health, safety or welfare, the environment, Brine Line or tributaries thereto, OCSD's POTW or to any SAWPA employee or contractor.
2. **Major Violations** – Major discharge violations include, but are not limited to the following:
  - a. Significant noncompliance (SNC) as defined in 40 CFR 403.3(1); see Section 3.E above;
  - b. Discharges which, either alone or in combination with other discharges pose, as determined by the General Manager, a significant threat to the public health, safety or welfare, the environment, safe and efficient operation of Brine Line or tributaries thereto, OCSD's POTW or to any SAWPA employee or contractor;
  - c. Cause or contribute to the additional treatment costs incurred by SAWPA or a violation of OCSD's NPDES permit, or cause or contribute to pass through, interference, or other known damages;
  - d. Discharging regulated pollutants to the Brine Line or tributaries thereto without a current discharge permit;
  - e. A pattern of minor discharge violations;
  - f. Failure to correct a minor discharge violation within a specified time period; or
  - g. Tampering with or purposely rendering inaccurate any monitoring device, method or record required to be maintained pursuant to the Wastewater Discharge Ordinance.

## **C. UNCLASSIFIED VIOLATIONS**

The General Manager reserves the right and shall have the discretion to treat any violation that is not otherwise classified, as a minor or major violation. The General Manager shall consider the magnitude of the violation, its duration, and its effect on receiving waters, the Brine Line or tributaries thereto, OCSD's POTW, the health and safety of SAWPA employees, contractors, Users, and the general public. The General Manager shall also evaluate the User's compliance history, good faith, and any other factors deemed relevant. (See Article 6, Section 604.0 of Ordinance No. 7).

## **D. SEPARATE VIOLATIONS**

Any User found to be in violation of SAWPA's Ordinance shall be charged with a separate violation for each day the same violation exists. Wastewater discharge pollutant violations shall be considered an individual violation for each pollutant in violation (See Article 6, Section 605.0 of Ordinance No. 7).

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## 5.0 BASIS FOR ERP & GUIDE

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The following types and patterns of violations represent those which are likely to occur. This preliminary list establishes an appropriate and consistent enforcement response and provides guidance for unclassified violations through the precedence set for similar types of classified violations. This Chapter first describes the different types of violations and then presents the range of enforcement responses as illustrated in Figure 5-2 found at the end of the ERP.

### A. VIOLATION CATEGORIES

The types of violations are organized in six discrete categories: Unauthorized Discharges, Discharge Limit Violations, Self-Monitoring Requirements, Permit Reporting Requirements, Violations of Administrative Mandates, and Violations of Ordinance or Permit Conditions. Specific criteria (e.g. deadlines for reporting, magnitude of violation, etc.) are described in Tables 2-7.

1. **Unauthorized Discharges** – All violations in this category are for discharges from an unpermitted source; however the violation can occur under different circumstances. The enforcement action for each case is dependent upon the harm caused or contributed to by the violation. The following violations may occur and enforcement responses are prepared for:
  - a. Discharging without a permit – The IU may be unaware of the requirements or is aware but has not obtained a wastewater discharge permit previously. For most of the SAWPA service area this is an unlikely occurrence for the Brine Line in that direct dischargers must physically make a connection to the Brine Line and indirect dischargers must haul their waste to a Collection Station that verifies the discharger has a permit. For the JCSD service area, illegal or illicit connections, or existing connections to the collection system are plausible; and IUs connecting without a wastewater discharge permit may take place.
  - b. Failure to inform change of ownership – Changes in ownership requires a new permit. The change in ownership may also change the nature of the discharge.
  - c. Discharging with an expired permit – Each IU is given sufficient notification to apply for renewal of a permit. Unauthorized discharge occurs when a permit expires and the IU continues to discharge.
  - d. Discharging with a suspended permit.
  - e. Discharging with a revoked permit – In this category the IU has been notified of the revocation and may be subjected to a higher level of enforcement relative to the others above.
  
2. **Exceedance of Discharge Limits** – General, specific, and prohibited discharge standards and limitations are expressed in the IU permit and in the Wastewater Discharge Ordinance. Any exceedance of those specified limits falls into this category. Violations to discharge limits may be either major or minor violations depending on the magnitude, frequency of occurrence, and the effect. The exceedance can be detected during any of the following:

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- a. Routine sampling (self-monitoring or delegated control authority monitoring)
  - b. Slug load discharge
  - c. Surveillance sampling
  - d. Compliance sampling (Under Compliance or Consent Order)

Enforcement responses are provided for: minor discharge violations, major discharge violations, and recurring discharge violations.

3. **Violation of Self-Monitoring Requirements** – All IUs that self-monitor have requirements for scheduled monitoring and reporting of the results. Violations which may occur and for which enforcement responses have been prepared include:
  - a. Failure to sample as described in the self-monitoring requirements of the permit
  - b. Failure to submit self-monitoring report within specified time frame
  - c. Submitting an incomplete or deficient self-monitoring report
  - d. Failure to resample following a violation based on self-monitoring results
  - e. Repeated failure to self-monitor correctly
  - f. Intentional falsification of self-monitoring reports
  - g. Selective Reporting
4. **Violation of Permit Reporting Requirements** - Each IU permits contains specific reporting requirements. Violations which may occur and for which enforcement responses have been prepared include:
  - a. Failure to accurately report effluent flow monitoring data
  - b. Failure to accurately report process flow monitoring data
  - c. Failure to accurately report process changes
  - d. Failure to accurately report batch discharge
  - e. Failure to accurately report spills and slug loads
5. **Violation of Administrative Mandates** – These violations are caused when an IU fails to respond to previously issued mandates, directives, administrative orders, compliance schedule agreements, etc. Violations which may occur and for which enforcement responses have been prepared include:
  - a. Failure to comply with a Correction Notice
  - b. Failure to comply with a Written Warning
  - c. Failure to comply with a Monitoring/Production Information Order (MPIO)
  - d. Failure to comply with a Notice of Violation
  - e. Failure to comply with a Consent Order
  - f. Failure to comply with a Compliance Order
  - g. Failure to comply with a Civil Penalty Order
  - h. Failure to comply with a Cease and Desist Order
  - i. Failure to comply with a Permit Revocation Order
6. **Violation of Ordinance and Permit Conditions** - These violations refer to an IU's failure to comply with Ordinance or Permit conditions regarding record keeping, maintenance of pretreatment equipment, BMPs, interfering or denying reasonable access

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to the facility, Ordinance prohibitions, etc. Violations which may occur and for which enforcement responses have been prepared include:

- a. Failure to install or maintain required BMPs, pretreatment equipment, spill containment, representative sample point, or flow monitoring equipment
- b. Failure to maintain records
- c. Failure to comply with Ordinance prohibitions
- d. Failure to allow reasonable access for the purpose of inspection

## **B. RANGE OF ENFORCEMENT RESPONSES**

A range of enforcement responses has been developed to ensure that reasonable and effective responses match the urgency for correcting the noncompliance. SAWPA pretreatment program personnel will follow the provisions of this Enforcement Response Plan and the Wastewater Discharge Ordinance to determine the appropriate steps to take when resolving noncompliance issues. The following enforcement actions represent the range of responses available to SAWPA for eliminating noncompliant activities. Nothing in any of the following enforcement actions shall be construed to limit any authority of SAWPA to issue any other order or actions which are deemed necessary to protect Orange County Sanitation District's Treatment Plant, Brine Line, personnel, the environment, or public health or safety. The following enforcement responses, except for Informal Notices and Correction Notice are included in Ordinance No. 7, Section 605.0.

1. **Informal Notice** – An Informal notice is for minor infractions only and may be verbal or written. The intent is to point out a problem and encourage compliance without taking formal compliance actions. The notice may come via telephone, e-mail, informal meetings, during an inspection, or with a reminder letter. All informal notices are documented and retained in case the IU fails to respond.
2. **Written Warning** - A Written Warning shall be given to a User identified to have a minor administrative violation of this Ordinance or permit condition or requirement. The written warning shall be served personally or by certified mail upon the User, and the written warning will state the provisions violated, the facts alleged to constitute the violation and may include a correction notice at the discretion of the General Manager.
3. **Correction Notice.** A correction notice shall be given to a User to require correction of minor violations noted during an inspection by the General Manager of the User's facility and may be issued in conjunction with a written warning.
  1. Compliance time extensions may be granted to Users who fail to correct minor violation required by a correction notice, upon showing of good cause by such User.
  2. For purposes of this Section, "good cause" means an unforeseeable and unavoidable event or series of events, over which User had no control, which prevented or significantly impaired the User's ability to comply with the correction notice.

A Correction Notice may require a written response within ten (10) business days of receipt; User shall provide a written explanation to the General Manager of the violation, including specific actions taken to correct the violation. Submission of such a response in no way relieves the User of liability for any violations occurring before or after receipt of the written warning and/or correction notice.

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4. **Monitoring/Production Information Order (MPIO)** - This type of enforcement response is warranted when an IU sample result, regardless of who collected the sample, indicates consecutive violations for the same pollutant or if determined to be in SNC. The MPIO may include the requirement for fourteen (14) consecutive production days of flow monitoring and sampling for the pollutant(s) in violation. The MPIO is applicable and may be issued to categorical users which have production based discharge limits.
  5. **Notice of Violation (NOV)** – The written NOV is issued to an IU that has violated, or continues to violate, any provision of this Ordinance, related resolution, an individual Wastewater Discharge Permit or any order issued under this Ordinance. The NOV shall be served personally or by certified mail upon the IU, and the NOV will state the provisions violated, the facts alleged to constitute the violation and may include any proposed corrective actions or monitoring. Within ten (10) business days of the receipt of the NOV, the IU shall provide a written explanation of the violation, a plan for the satisfactory correction and prevention thereof, including specific required actions. Submission of such a response and plan in no way relieves the IU of liability for any violations occurring before or after receipt of the NOV. .
  6. **Violation Meeting** - This meeting is required when an IU failed to achieve compliance after issuance of a NOV, or violation(s) resulting in SNC status. The purpose of the meeting is to determine the appropriate next step in the enforcement process. Options include drafting a Compliance Order, a Consent Order, or to determine if an extension in the compliance schedule is warranted. The meeting also offers the User an opportunity to propose solutions or file an appeal.
  7. **Consent Order** - The General Manager may enter into an agreement with a violating IU that contains a mutually agreed upon compliance schedule with interim compliance milestones for correcting noncompliance within a specified time period, for payment of damages, penalties, fines, or other remedies. The purpose of the Consent Order between SAWPA and the IU is to allow the IU who has demonstrated a willingness to correct violations a voice in the development of their Enforcement Compliance Schedule Agreement (ECSA). No element of ECSA shall exceed nine (9) calendar months in duration.
  8. **Compliance Order** – A Compliance Order shall be issued to an IU that has violated or continues to violate this Ordinance, the User’s Wastewater Discharge Permit, or any other order issued under this Ordinance. The Compliance Order is to be issued to the IU responsible for the violation(s) which shall specify the provisions violated and the facts constituting the violation(s), and shall direct that adequate treatment facilities, devices, or other related appurtenances be installed and properly operated by a specified time period. Compliance Orders may also contain such other requirements deems reasonably necessary and appropriate to assure timely compliance with this Ordinance and to address the noncompliance. Such Order may require the installation of pretreatment technology, additional self-monitoring, management practices, adherence to a compliance schedule with milestones, submission of action plans, appearance by the IU at a specific time and place for a compliance meeting, or other measures necessary to achieve and maintain compliance. The Compliance Order is developed by the General Manager without comment from the User and may include a civil penalty pursuant to Ordinance Section 610.H.

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If no public hearing on the alleged violation(s) has been previously conducted, the alleged violating IU may either submit a written explanation or other response to the Order or request the General Manager to conduct either an informal meeting or a hearing. Such submission or request shall be in writing and filed with the General Manager no later than ten (10) calendar days after receipt of the Order. The request shall not stay the Order.

A Compliance Order may be enforced by an Administrative Complaint under Ordinance Section 610 or by court action.

9. **Civil Penalty Order** - This Order is issued by the General Manager or SAWPA Counsel. The Order is used to assess penalties as required by the Ordinance and to cover other costs incurred by SAPWA in the investigation, monitoring, administrative, legal, enforcement, cleanup and repairs which are related to the IU's violation(s). This Order may be issued independently or included with any other Administrative Order.
10. **Cease and Desist Order** - Cease and Desist Orders are issued to gain immediate compliance from an IU when violations pose a threat to the Brine Line or tributaries thereto, OCSD's POTW, SAWPA employees or contractors, the environment, or the public. Cease and Desist Order may also be issued to an IU who continue to discharge wastewater to the Brine Line or tributaries thereto, without a valid Wastewater Discharge Permit or in violation of such permit. The Cease and Desist Order shall include the deadline for suspending the violating discharge or condition and shall include pertinent facts that support the Cease and Desist Order. Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for taking any other action against the IU.
11. **Show Cause Hearing** - An IU which has violated, or continues to violate, any provision of this Ordinance, an individual Wastewater Discharge Permit, or any Order issued under this Ordinance, or any other pretreatment standard or requirement adopted by resolution or otherwise, may be required to appear before the General Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the IU specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the IU show cause why the proposed enforcement action should not be taken. The notice of hearing shall be served personally or by certified mail at least thirty (30) days prior to the hearing. The hearing shall be in the nature of a meet and confer meeting. A show cause hearing shall not be a bar against, or prerequisite for, taking any enforcement action against the IU.
12. **Wastewater Discharge Permit Revocation** - A permit may be revoked for any violation of any provision of the Ordinance. The violations can include: falsification of required information, refusing to allow entry to facility for the purpose of inspection, failure to re-apply for a wastewater discharge permit, failure to pay required fees or charges, or for other reasons deemed appropriate to protect the interests of SAWPA. Upon determination that there are reasonable grounds for permit revocation, the General Manager may issue a permit revocation notice (written and sent by certified mail) with a minimum notification of fifteen (15) days. The General Manager shall make a hearing available to the User. The show cause hearing as to why the revocation should not be issued. See the Show Cause Hearing section above for additional information.
13. **Emergency Suspension Order** - The General Manager may immediately issue a Suspension Order of the User's discharge, after notice to the User, in response to an actual or threatened

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discharge which reasonable appears to be present, or cause an imminent or substantial endangerment to health and welfare; the environment; a discharge that causes or contributes to a violation of OCSD's permit limits; interference with the Brine Line; or an endangerment to OCSD or Brine Line personnel. Failure to comply with the Emergency Suspension Order may lead to Termination of Service.

14. **Termination of Service** - The General Manager may immediately terminate all wastewater disposal services to any User in order to stop an actual or potential discharge which presents an imminent or substantial endangerment to health and welfare of persons or the environment, or which cause interference to the Brine Line or tributaries thereto, OCSD's POTW, or cause OCSD to violate any condition of its NPDES permit. Service may also be terminated for Users who fail to obtain a valid Wastewater Discharge Permit. If the User fails to terminate the discharge to the Brine Line and OCSD's POTW, the General Manager shall take such steps as deemed necessary, including immediate severance of sewer service lateral connections, to prevent or minimize damage.
15. **Annual Publication for Significant Noncompliance** - The names of all Significant Industrial Users (SIUs) which are found to be in significant noncompliance or SNC with established requirements will be published annually in the largest daily circulating newspaper within the jurisdiction of SAWPA or within the location of the IU in accordance with 40 CFR 403.8(f)(2) (viii).
16. **Administrative Complaint** - The General Manager of SAWPA may issue an Administrative Complaint to any User who violates the Ordinance, a Wastewater Discharge Permit, or an Administrative Order. Administrative Complaints are used to assess civil liability and to propose a civil penalty. The Administrative Complaint is served by personal delivery or certified mail on the IU. It informs the IU served that a hearing is to be conducted within sixty (60) days after the IU has been served. The hearing and waiver procedures are found in the Ordinance, Section 610.0.

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At SAWPA's discretion, Civil Penalties may be imposed in accordance with Government Code, Section 54740.5(d) as follows:

- In an amount not exceeding \$2,000.00 for each day an IU fails or refuses to furnish technical or monitoring reports;
- In an amount not exceeding \$3,000.00 for each day an IU fails or refuses to timely comply with any compliance schedule established by the General Manager;
- In an amount not exceeding \$5,000.00 per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by SAWPA;
- In an amount not exceeding \$10.00 per gallon for discharges in violation of any suspension, cease and desist, or other order(s) issued, reissued or adopted by the General Manager.

Any user aggrieved by a final order issued by SAWPA, under the Administrative Complaint, may obtain review of the order of the Commission in the Superior Court by filing a petition for writ of mandate within thirty (30) days following the service of a copy of said order.

17. **Civil Liability** - Civil liability may be assessed to those IUs as deemed appropriate by SAWPA's General Manager and Legal Counsel. SAWPA's Legal Counsel is authorized to petition the Superior Court to impose, assess, and recover a sum, not to exceed \$25,000.00 a day for each violation. The General Manager of SAWPA may also seek to recover reasonable attorney fees, court costs, and all other costs associated with the enforcement activities.
18. **Criminal Penalties** - Criminal provisions are included for any User that willfully or knowingly violates provisions of the Ordinance, Orders, or Permit. If convicted, the User is guilty of a misdemeanor which includes punishment by a fine not to exceed \$1,000.00 per day or imprisonment for not more than six months, or both, for each violation.
19. **Supplemental Enforcement Actions** - The General Manager may decline to issue or reissue a Wastewater Discharge Permit for cause, unless the User files a satisfactory performance bond payable to SAWPA, in a sum not to exceed a value determined by the General Manager to be necessary to ensure consistent compliance.

The General Manager may decline to issue or reissue a Wastewater Discharge Permit for cause, unless the User first submits proof of *liability insurance* in a sufficient amount to restore or repair damage to the Brine Line or tributaries thereto or OCSD's POTW.

Water supply severance may also be used in response to a violation or continued violations by an IU as described in Ordinance Section 615.0.C.

### **C. CRITERIA FOR DETERMINING APPROPRIATE ENFORCEMENT ACTIONS**

The previous two sections of this Chapter described the types of violations likely to occur and the range of enforcement responses available to SAWPA. This section presents the criteria used in determining the most appropriate response for each violation. In general, all enforcement responses are determined by the following criteria: magnitude of the violation, duration and/or frequency of the violation, effect on the environment or public health, effect on the Brine Line or tributaries

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thereto, effect on OCSD's POTW and their compliance status, the IU's compliance history, and the good faith efforts of the IU to return to compliance.

1. **Magnitude of the Violation** - Violations must be evaluated against the potential or actual threat created by the noncompliance. While some violations are isolated and insignificant others, even as a single isolated event, require higher level enforcement because of the magnitude of the impact created by the violation.
2. **Duration and/or Frequency of the Violation** - Regardless of the magnitude, the duration of the violation must be considered in determining the enforcement response. Escalating enforcement actions are available to discourage repeat (frequent) or long duration violations.
3. **The Effect of the Violation on Public Health or the Environment** - The actual or potential effect of a violation on public health or the environment is a significant factor in determining the appropriate level of response. Enforcement responses needed to correct violations that endanger public health or the environment is elevated to a higher level of significance in order to correct the situation in a timely manner. The response includes provisions for recovering costs incurred by SAWPA or OCSD as a result of the noncompliance.
4. **The Effect of the Violation on the Brine Line, OCSD's POTW, or Agency Personnel** - Violations which jeopardize the Brine Line, OCSD's POTW, or agency personnel requires a level of response that minimizes the extent of the damage and returns the User to compliance immediately. The response includes provisions for recovering costs incurred by SAWPA or OCSD as a result of the noncompliance.
5. **Compliance History of the IU** - In determining the appropriate level of enforcement response, the compliance history of the IU is taken into consideration. This history of compliance also includes the IU's efforts in maintaining pretreatment equipment and the development and implementation of pollution prevention and waste minimization programs.
6. **Good Faith Efforts of the IU to Eliminate Noncompliance** - Efforts by the IU to eliminate noncompliance are factored into the enforcement response decision. Good faith efforts is defined in the Clean Water Act (No. 95-14, Vol.3) as prompt and vigorous pollution control measures undertaken by the discharger which shows that extraordinary efforts (not a "business-as-usual" approach) have been made to achieve compliance.

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#### **D. PERSONNEL RESPONSIBILITIES**

Specific personnel have been identified for implementing the various enforcement activities and responses. The General Manager of SAWPA has delegated responsibilities for each of the enforcement responses as identified in Section B of this Chapter. The following abbreviations are used in the ERP and Guide to indicate designated personnel:

AA: Administrative Assistant  
IN : Inspector  
OM: Eng. & Operations Manager  
EN: Engineer/Permit Writer  
MP: Manager of Permitting & Pretreatment  
GM: General Manager  
LC: Legal Counsel

SAWPA and the Member/Contract Agencies should designate the specific positions by job title or classification that are assigned the responsibilities listed above. Table 8 found at the end of the ERP should be completed for that designation to be documented. The designation should be by job title and not the person's name.

#### **E. ENFORCEMENT RESPONSE TIMELINESS**

Enforcement responses must be implemented as soon as violations are identified during the screening process. Table 1 presents the guidelines established by SAWPA to ensure timely responses to all noncompliance. The timelines are intended as guidelines and as a target for responses under normal situations. As such, the actual response time, depending upon extenuating circumstances, may be shorter or longer. SAWPA recognizes that unforeseen circumstances may interfere in the implementation of the enforcement response which may result in the completion of the required response beyond a time period otherwise anticipated or set forth in Table 1. An example or overview of progressive response to noncompliance is illustrated in Figure 2 – ERP Overview.

**Table 1: ERP and Guide Timeframes**

<b>Enforcement Response Implementation Guidelines</b>		
<b>Enforcement Response</b>	<b>Implementation Guidelines</b>	
	<b>Goal (work days)</b>	<b>From</b>
Informal Notices	5 Days	Date the violation was identified
Correction Notice	5 Days	Date the violation was identified
Written Warning	10 Days	Date the violation was identified
Compliance Follow-up Inspection	30 Days	Date the violation was identified
Compliance Audit	90 Days	Date the NOV was transmitted
MPIO	10 Days	Date the violation was identified
NOV	15 Days	Date the violation was identified
Violation Meeting	30 Days	Date of compliance follow-up inspection
Consent Order	30 Days	Date of Compliance Meeting
Compliance Order	30 Days	Date of Compliance Meeting
Complaint to Recover Incurred Costs	90 Days	Date when harm identified
Cease and Desist Order	10 Days 5 Days 2 Days 1 Day 10Days	Date IU fails to submit required permit application Date IU's permit expired Date IU's permit suspended Date when IU was known to have caused harm Date for other appropriate unspecified violations
Show Cause Hearing	60 Days	Date of Violation Meeting
Suspension Order	1 Day	Date of Findings
Permit Revocation	30 Days	From Hearing Date
Physical Termination of Service	10 Days 10 Days 10 Days	Date when IU notified of unpermitted discharge Date when IU failed to comply with administrative mandate Date for other appropriate unspecified conditions
Notify Industry of SNC Status	10 Days	Date from which SNC Status verified
SNC Publication	Annually	Published during 1st Quarter of each Calendar Year
Administrative Complaint/Fine	60 Days	Date from NOV
Civil Action to Recover Civil Penalties	90 Days	Date from NOV

The tables that follow summarize the anticipated violations, enforcement responses and the personnel responsible for implementing the enforcement action(s). The guidance listed in each table provides the necessary remedies to ensure a consistent approach with escalating enforcement actions being implemented by progressively higher levels of authority.

**ENFORCEMENT RESPONSE PLAN AND GUIDE**

**Table 2: Unauthorized Discharge Violations**

<b>Nature of Violation</b>	<b>Circumstances</b>	<b>Range of Enforcement Response</b>	<b>Personnel</b>
<b>Discharging without a Permit</b>	●No Harm to Brine Line or OCSD	<ul style="list-style-type: none"> <li>▶NOV with Notice to submit permit application</li> <li>▶Cease &amp; Desist Order</li> <li>▶Administrative Complaint/Fine</li> <li>▶Physical Termination of Service</li> </ul>	<p align="center">IN, EN OM,MP OM, MP, LC IN/OM/MP, LC, GM</p>
	●Harm to Brine Line or OCSD	<ul style="list-style-type: none"> <li>▶NOV with Notice to submit permit application</li> <li>▶Cease &amp; Desist Order</li> <li>▶Complaint for Recovery of SAWPA Incurred Costs</li> <li>▶Administrative Complaint/Fine</li> <li>▶Physical Termination of Service</li> <li>▶Criminal Penalties</li> </ul>	<p align="center">IN, EN OM,MP  MP, LC OM, MP, LC IN/OM/MP, LC, GM</p>
<b>Failure to Inform Change of Ownership</b>	●No Harm to Brine Line or OCSD	<ul style="list-style-type: none"> <li>▶NOV with Notice to submit permit application</li> <li>▶Cease &amp; Desist Order</li> <li>▶Administrative Complaint/Fine</li> <li>▶Physical Termination of Service</li> </ul>	<p align="center">IN, EN  OM,MP OM,MP, LC IN/OM/MP, LC, GM</p>
	●Harm to Brine Line or OCSD	<ul style="list-style-type: none"> <li>▶NOV with Notice to submit permit application</li> <li>▶Cease &amp; Desist Order</li> <li>▶Complaint for Recovery of SAWPA Incurred Costs</li> <li>▶Administrative Complaint/Fine</li> <li>▶Physical Termination of Service</li> <li>▶Criminal Penalties</li> </ul>	<p align="center">IN, EN OM,MP  MP, LC OM, MP, LC IN/OM/MP, LC, GM</p>
<b>Discharging with Expired Permit</b>	●IU fails to renew permit on time after proper notice - Discharge has not caused harm to Brine Line or OCSD	<ul style="list-style-type: none"> <li>▶Cease &amp; Desist Order</li> <li>▶Administrative Complaint/Fine</li> <li>▶Physical Termination of Service</li> </ul>	<p align="center">OM,MP OM, MP, LC  IN/OM/MP, LC, GM</p>
	●IU fails to renew permit on time after proper notice - Discharge has caused harm to Brine Line or OCSD	<ul style="list-style-type: none"> <li>▶Cease &amp; Desist Order</li> <li>▶Complaint for Recovery of SAWPA Incurred Costs</li> <li>▶Administrative Complaint/Fine</li> <li>▶Physical Termination of Service</li> <li>▶Criminal Penalties</li> </ul>	<p align="center">OM,MP  MP, LC OM, MP, LC IN/OM/MP, LC, GM</p>
<b>Discharging with Suspended Permit</b>	●No Harm to Brine Line or OCSD	<ul style="list-style-type: none"> <li>▶Cease &amp; Desist Order</li> <li>▶Administrative Complaint/Fine</li> <li>▶Permit Revocation Proceedings</li> </ul>	<p align="center">OM,MP OM, MP, LC IN/OM/MP, LC, GM</p>
	●Harm to Brine Line or OCSD	<ul style="list-style-type: none"> <li>▶Cease &amp; Desist Order</li> <li>▶Administrative Complaint/Civil Penalties</li> <li>▶Complaint for Recovery of SAWPA Incurred Costs</li> </ul>	<p align="center">IN, EN OM,MP, LC  OM,MP, LC</p>

**Table 2: Unauthorized Discharge Violations (Cont'd)**

Nature of Violation	Circumstances	Range of Enforcement Response	Personnel
Discharging with Suspended Permit (Cont')	<ul style="list-style-type: none"> <li>●Harm to Brine Line or OCSD</li> </ul>	<ul style="list-style-type: none"> <li>▶ Permit Revocation Proceedings</li> <li>▶ Criminal Penalties</li> </ul>	IN/OM/MP, LC, GM
Discharging with Revoked Permit	<ul style="list-style-type: none"> <li>●No Harm to Brine Line or OCSD</li>   <li>●Harm to Brine Line or OCSD</li> </ul>	<ul style="list-style-type: none"> <li>▶ Cease &amp; Desist Order/Court Injunction</li> <li>▶ Administrative Complaint/Civil Penalties</li>   <li>▶ Court Injunction</li> <li>▶ Administrative Complaint/Civil Penalties</li> <li>▶ Complaint for Recovery of SAWPA Incurred Costs</li> <li>▶ Physical Termination of Service</li> <li>▶ Criminal Penalties</li> </ul>	<p>IN/OM/MP, LC, GM OM, MP, LC</p> <p>IN/OM/MP, LC, GM OM,MP, LC</p> <p>OM,MP, LC IN/OM/MP, LC, GM</p>

**Table 3: Violations of Discharge Limits**

Nature of Violation	Circumstances	Range of Enforcement Response <sup>1</sup>	Personnel
<p><b>Permit Limit Exceedance</b></p>	<p>● Isolated or first violation within a six-month period - Minor Violation</p>	<p>▶ Written Warning, NOV ▶ Compliance Follow-up Inspection &amp; Verification</p>	<p>AA, IN, OM IN</p>
	<p>● Isolated or first violation within a six month period - Major Violation</p>	<p>▶ NOV ▶ Compliance Follow-up Inspection &amp; Verification ▶ Compliance Audit ▶ Compliance Meeting ▶ Consent/Compliance Order</p>	<p>AA, IN, OM IN IN, OM IN.OM,MP OM, MP</p>
	<p>● Recurring, 2 or more within a six-month period, Major or Minor</p>	<p>▶ NOV with monetary penalty MPIO ▶ Compliance Follow-up Inspection &amp; Verification ▶ Compliance Audit ▶ Violation Meeting ▶ Consent/Compliance Order</p>	<p>AA, IN, OM IN IN, OM IN.OM,MP IN.OM,MP</p>
<p><b>BMP Requirements Not Met</b></p>	<p>● Isolated or first violation within a six-month period - Minor Violation</p>	<p>▶ Written Warning, NOV ▶ Compliance Follow-up Inspection &amp; Verification</p>	<p>AA, IN, OM IN</p>
	<p>● Isolated or first violation within a six month period - Major Violation</p>	<p>▶ NOV ▶ Compliance Follow-up Inspection &amp; Verification ▶ Compliance Audit ▶ Compliance Meeting ▶ Consent/Compliance Order</p>	<p>AA, IN, OM IN IN, OM IN.OM,MP OM, MP</p>
	<p>● Recurring, 2 or more within a six-month period, Major or Minor</p>	<p>▶ NOV ▶ Compliance Follow-up Inspection &amp; Verification ▶ Compliance Audit ▶ Violation Meeting ▶ Consent/Compliance Order</p>	<p>AA, IN, OM IN IN, OM IN.OM,MP IN.OM,MP</p>
<p><b>Slug Load Discharge</b></p>	<p>● Isolated or first violation within a six-month period - No Harm to Brine Line or OCSD</p>	<p>▶ Issue Cease &amp; Desist Order ▶ Compliance Follow-up Inspection &amp; Verification ▶ Administrative Complaint/Fine</p>	<p>OM,MP IN OM, MP, LC</p>
	<p>● Isolated or first violation within a six-month period - Harm to Brine Line or OCSD</p>	<p>▶ Issue Cease &amp; Desist Order ▶ Compliance Follow-up Inspection &amp; Verification ▶ Complaint for Recovery of SAWPA Incurred Costs ▶ Administrative Complaint/Civil Penalties</p>	<p>OM,MP IN MP, LC OM,MP, LC</p>

<sup>1</sup> May include monetary fines or penalties at SAWPA's discretion.

**Table 3: Violations of Discharge Limits (Cont'd)**

Nature of Violation	Circumstances	Range of Enforcement Response <sup>2</sup>	Personnel
<b>Slug Load Discharge (Cont')</b>	<ul style="list-style-type: none"> <li>●Recurring, 2 or more within a six-month period - No Harm to Brine Line or OCSD</li> </ul>	<ul style="list-style-type: none"> <li>▶ Cease &amp; Desist Order</li> <li>▶ Compliance Follow-up Inspection &amp; Verification</li> <li>▶ Permit Suspension Proceedings</li> <li>▶ Administrative Complaint/Fine</li> </ul>	<p>OM,MP</p> <p>IN</p> <p>OM/MP, LC, GM</p> <p>OM, MP, LC</p>
	<ul style="list-style-type: none"> <li>●Recurring, 2 or more within a six-month period - Harm to Brine Line or OCSD</li> </ul>	<ul style="list-style-type: none"> <li>▶ Cease &amp; Desist Order</li> <li>▶ Compliance Follow-up Inspection &amp; Verification</li> <li>▶ Permit Suspension Proceedings</li> <li>▶ Complaint for Recovery of SAWPA Incurred Costs</li> <li>▶ Administrative Complaint/Fine</li> </ul>	<p>OM,MP</p> <p>IN</p> <p>OM/MP, LC, GM</p> <p>MP, LC</p> <p>OM, MP, LC</p>
<b>Surveillance (Downstream) Sampling</b>	<ul style="list-style-type: none"> <li>●IU in Violation of Discharge Limits - Minor</li> </ul>	<ul style="list-style-type: none"> <li>▶ Cease &amp; Desist Order</li> <li>▶ Compliance Meeting</li> <li>▶ Administrative Complaint/Fine</li> <li>▶ Issue Compliance/Consent Order</li> </ul>	<p>OM,MP</p> <p>IN,OM,MP</p> <p>OM, MP, LC</p> <p>OM, MP</p>
	<ul style="list-style-type: none"> <li>●IU in Violation of Discharge Limits - Major</li> </ul>	<ul style="list-style-type: none"> <li>▶ Cease &amp; Desist Order</li> <li>▶ Compliance Meeting</li> </ul>	<p>IN,OM,MP</p>
	<ul style="list-style-type: none"> <li>●IU in Violation of Discharge Limits - Major</li> </ul>	<ul style="list-style-type: none"> <li>▶ Administrative Complaint/Fine</li> <li>▶ Permit Suspension Proceedings</li> <li>▶ Issue Compliance/Consent Order</li> </ul>	<p>OM, MP, LC</p> <p>OM,MP, LC, GM</p> <p>OM, MP</p>
<b>Permit Limit Exceedance While Under Compliance or Consent Order</b>	<ul style="list-style-type: none"> <li>●First Violation - Major or Minor</li> </ul>	<ul style="list-style-type: none"> <li>▶ Written Warning, NOV</li> <li>▶ Issue Cease &amp; Desist Order</li> <li>▶ Compliance Follow-up Inspection &amp; Verification</li> </ul>	<p>AA, IN, OM</p> <p>OM,MP</p> <p>IN</p>
	<ul style="list-style-type: none"> <li>●Recurring, 2 or more within the duration of the Compliance or Consent Order</li> </ul>	<ul style="list-style-type: none"> <li>▶ NOV</li> <li>▶ Administrative Complaint/Fine</li> <li>▶ Compliance Follow-up Inspection &amp; Verification</li> <li>▶ Permit Suspension Proceedings</li> </ul>	<p>AA, IN, OM</p> <p>OM, MP, LC</p> <p>IN</p> <p>OM,MP, LC, GM</p>

<sup>2</sup> May include monetary fines or penalties at SAWPA's discretion.

**Table 4: Violations of Self-Monitoring Requirements**

Nature of Violation	Circumstances	Range of Enforcement Response	Personnel
<b>Failure to Perform Self-Monitoring</b>	<ul style="list-style-type: none"> <li>• First Occurrence</li> <li>• Subsequent Occurrences</li> </ul>	<ul style="list-style-type: none"> <li>▶ NOV to Submit SMR within 10 days</li> <li>▶ NOV with Written Warning of Administrative Fine/SNC Notification/Publication</li> <li>▶ SNC Notification/Publication</li> <li>▶ Administrative Complaint/Fine</li> </ul>	<p>AA,IN</p> <p>AA,IN</p> <p>OM, MP</p> <p>OM, MP, LC, GM</p>
<b>Failure to Submit Self-Monitoring Report</b>	<ul style="list-style-type: none"> <li>• Report is past Due (10 Days)</li> <li>• Report is past Due (10 Days) past Informal Late Notice</li> <li>• Report is past Due (10 Days) past Written Warning</li> <li>• Failure to Submit SMR (&gt;30 Days) late from 1st Notice</li> </ul>	<ul style="list-style-type: none"> <li>▶ Informal Notice or Written Warning to Submit SMR within 10 days</li> <li>▶ Issue Written Warning of Administrative Fine/SNC Notification/Publication</li> <li>▶ SNC Notification/Publication</li> <li>▶ Administrative Complaint/Fine</li> </ul>	<p>AA,IN</p> <p>AA,IN</p> <p>OM, MP</p> <p>OM, MP, LC, GM</p>
<b>Deficient SMR - Incomplete/Incorrect</b>	<ul style="list-style-type: none"> <li>• Initial Failure - SMR is incomplete or has incorrect information, is not signed by authorized person or indicate incorrect monitoring procedures (Resampling Required)</li> <li>• Subsequent Violation(s)</li> </ul>	<ul style="list-style-type: none"> <li>▶ Notify IU immediately regarding deficiencies and that report will be considered past due if revised SMR is not submitted within 10 days from the original due date</li> <li>▶ Issue NOV</li> </ul>	<p>AA, IN</p> <p>OM, MP</p>
<b>Failure to Resample Following a Self-Monitoring Violation</b>	<ul style="list-style-type: none"> <li>• Report is past due (10 Days)</li> <li>• Report is past due (30 Days)</li> </ul>	<ul style="list-style-type: none"> <li>▶ Issue Written Warning</li> <li>▶ SNC Notification/Publication</li> <li>▶ Administrative Complaint/Fine</li> </ul>	<p>IN, OM</p> <p>OM, MP</p> <p>OM, MP, LC, GM</p>
<b>Repeated Failure to Self-Monitor Correctly</b>	<ul style="list-style-type: none"> <li>• Second Violation</li> <li>• Subsequent Repeat Violation</li> </ul>	<ul style="list-style-type: none"> <li>▶ Issue Written Warning</li> <li>▶ Administrative Complaint/Fine</li> </ul>	<p>IN, OM</p> <p>OM, MP, LC, GM</p>
<b>Intentional Falsification of Self-Monitoring Reports</b>	<ul style="list-style-type: none"> <li>• First Occurrence</li> <li>• Subsequent Occurrences</li> </ul>	<ul style="list-style-type: none"> <li>▶ Issue Notice Informing IU of Allegation</li> <li>▶ Administrative Complaint/Fine</li> </ul>	<p>OM, MP</p> <p>OM, MP, LC, GM</p>

**Table 4: Violations of Self-Monitoring Requirements (Cont'd)**

Nature of Violation	Circumstances	Range of Enforcement Response	Personnel
		▶ Permit Revocation Proceedings	IN/OM/MP, LC, GM
<b>Failure to Report All Self-Monitoring Results (selective reporting)</b>	• First Occurrence	▶ Issue NOV - Requiring submission of all unreported results within 45 days - Warning of Administrative fine/SNC Publication if not resolved	OM, MP
	• Subsequent Occurrences	▶ Issue NOV - Requiring submission of all unreported results within 45 days - Warning of Administrative fine/SNC Publication if not resolved	OM, MP, LC
		▶ Administrative Complaint/Fine	OM, MP, LC, GM
		▶ SNC Notification/Publication	OM, MP

**Table 5: Violations of Permit Reporting Requirements**

Nature of Violation	Circumstances	Range of Enforcement Response <sup>3</sup>	Personnel
<b>Failure to Comply with Flow Meter Data Reporting Requirements</b>	<ul style="list-style-type: none"> <li>•Report is Past Due (10 Days)</li> <li>•Report is Past Due (30 Days)</li> </ul>	<ul style="list-style-type: none"> <li>▶ Correction Notice and SNC Publication if Report Late by 45+ Days</li> <li>▶ SNC Notification/Publication</li> <li>▶ Administrative Complaint/Fine</li> </ul>	<p>IN, OM</p> <p>OM, MP OM, MP, LC</p>
<b>Failure to Report Production Data or Changes in Production</b>	<ul style="list-style-type: none"> <li>•Report is Past Due (10 Days)</li> </ul>	<ul style="list-style-type: none"> <li>▶ Correction Notice and SNC Publication if Report Late by 45+ Days</li> <li>▶ SNC Notification/Publication</li> <li>▶ Administrative Complaint/Fine</li> </ul>	<p>IN, OM</p> <p>OM, MP OM, MP, LC</p>
<b>Failure to Report Process Changes</b>	<ul style="list-style-type: none"> <li>•First-Time Violation</li> <li>•Subsequent Violations</li> </ul>	<ul style="list-style-type: none"> <li>▶ Issue NOV</li> <li>▶ Issue NOV for Repeat Violation</li> <li>▶ Administrative Complaint/Fine</li> </ul>	<p>OM,MP</p> <p>OM, MP OM, MP, LC</p>
<b>Failure to Report Batch Discharge</b>	<ul style="list-style-type: none"> <li>•First-Time Violation</li> <li>•Subsequent Violations</li> </ul>	<ul style="list-style-type: none"> <li>▶ Issue NOV</li> <li>▶ Issue NOV for Repeat Violation</li> <li>▶ Administrative Complaint/Fine</li> </ul>	<p>OM,MP</p> <p>OM, MP OM, MP, LC</p>
<b>Failure to Report Spills or Slug Loads</b>	<ul style="list-style-type: none"> <li>•First-Time Violation</li> <li>•Subsequent Violations</li> </ul>	<ul style="list-style-type: none"> <li>▶ Issue NOV</li> <li>▶ Issue NOV for Repeat Violation</li> <li>▶ Administrative Complaint/Fine</li> </ul>	<p>OM,MP</p> <p>OM, MP OM, MP, LC</p>

<sup>3</sup> May include warning of monetary fines or penalties at SAWPA's discretion.

**Table 6: Violations of Administrative Mandates**

Nature of Violation	Circumstances	Range of Enforcement Response	Personnel
<p><b>Failure to Comply with Monitoring Production Information Order (MPIO)</b></p>	<ul style="list-style-type: none"> <li>●IU does not comply with all Provisions of the MPIO but is not in SNC</li>   <li>●Failure results in SNC Status</li> </ul>	<ul style="list-style-type: none"> <li>▶ Compliance Inspection - Verification</li> <li>▶ Increase Self-Monitoring Requirements</li> <li>▶ Consent or Compliance Order</li> <li>▶ Administrative Complaint/Fine</li>   <li>▶ NOV with Notice to Comply with Discharge Limits</li> <li>▶ Administrative Complaint/Fine</li> <li>▶ SNC Notification/Publication</li> <li>▶ Permit Suspension Proceedings</li> </ul>	<p>IN OM, MP OM,MP OM, MP, LC</p> <p>IN, EN OM, MP, LC OM,MP OM/MP, LC, GM</p>
<p><b>Failure to Comply with Consent Order</b></p>	<ul style="list-style-type: none"> <li>●Missed Milestone in Schedule</li>   <li>●Failure to Submit Reports Required by the Consent Order</li>   <li>●Failure to Comply with Consent Order Provisions (30 days past due)</li> </ul>	<ul style="list-style-type: none"> <li>▶ NOV</li> <li>▶ Monetary fines and penalties</li>   <li>▶ NOV</li> <li>▶ Warning Notice for SNC Publication for Continued Failure</li> <li>▶ Monetary fines and penalties</li>   <li>▶ Administrative Complaint/Fine</li> <li>▶ SNC Notification/Publication</li> <li>▶ Permit Suspension Proceedings</li> </ul>	<p>OM, MP</p> <p>OM/MP</p> <p>OM, MP, LC OM,MP OM/MP, LC, GM</p>
<p><b>Failure to Comply with Compliance Order</b></p>	<ul style="list-style-type: none"> <li>●Missed Milestone in Schedule</li>   <li>●Failure to Submit Reports Required by the Consent Order</li>   <li>●Failure to Comply with Consent Order Provisions (30 days past due)</li> </ul>	<ul style="list-style-type: none"> <li>▶ NOV</li> <li>▶ Monetary fines and penalties</li>   <li>▶ NOV</li> <li>▶ Warning Notice for SNC Publication for Continued Failure</li> <li>▶ Monetary fines and penalties</li>   <li>▶ Administrative Complaint/Fine</li> <li>▶ SNC Notification/Publication</li> <li>▶ Permit Suspension Proceedings</li> </ul>	<p>OM, MP</p> <p>OM/MP</p> <p>OM, MP, LC OM,MP OM/MP, LC, GM</p>
<p><b>Failure to Comply with Cease &amp; Desist Order</b></p>	<ul style="list-style-type: none"> <li>●IU Continues to Discharge in Violation of Limits - No Harm to Brine Line or OCSD</li> </ul>	<ul style="list-style-type: none"> <li>▶ Issue NOV for Failure to Comply with Cease &amp; Desist Order</li> <li>▶ Compliance Inspection - Verification</li> <li>▶ Increase Self-Monitoring Requirements</li> <li>▶ Administrative Complaint/Civil Penalties</li> <li>▶ Permit Suspension Proceedings</li> </ul>	<p>OM,MP</p> <p>IN OM, MP OM,MP, LC IN/OM/MP, LC, GM</p>
	<ul style="list-style-type: none"> <li>●IU Continues to Discharge in Violation of Limits - Harm to Brine Line or OCSD</li> </ul>	<ul style="list-style-type: none"> <li>▶ Issue NOV for Failure to Comply with Cease &amp; Desist Order</li> <li>▶ Administrative Complaint/Civil Penalties</li> <li>▶ Complaint for Recovery of SAWPA Incurred Costs</li> </ul>	<p>OM,MP</p> <p>OM,MP, LC OM,MP, LC</p>

**Table 6: Violations of Administrative Mandates (Cont'd)**

Nature of Violation	Circumstances	Range of Enforcement Response	Personnel
<p><b>Failure to Comply with Cease &amp; Desist Order (Cont')</b></p>	<p>●IU Continues to Discharge in Violation of Limits - Harm to Brine Line or OCSD (Cont')</p>	<ul style="list-style-type: none"> <li>▶ Permit Revocation Proceedings</li> <li>▶ Criminal Penalties</li> </ul>	<p>IN/OM/MP, LC, GM</p>
<p><b>Failure to Comply with Permit Suspension or Revocation Order</b></p>	<p>●IU does not Comply with Directives of the Suspension or Revocation Order</p>	<ul style="list-style-type: none"> <li>▶ Issue NOV for Failure to Comply with Permit Suspension or Revocation Order</li> <li>▶ Administrative Complaint/Civil Penalties</li> <li>▶ Physical Termination of Service</li> <li>▶ Complaint for Recovery of SAWPA Incurred Costs</li> <li>▶ Criminal Penalties</li> </ul>	<p>OM,MP</p> <p>OM,MP, LC</p> <p>IN/OM/MP, LC, GM</p> <p>OM,MP, LC</p>

**Table 7: Violations of Ordinance or Special Permit Conditions**

Nature of Violation	Circumstances	Range of Enforcement Response	Personnel
<p><b>Failure to Implement any Required Action</b>  <b>Need to: Install Treatment or Spill Containment, a Representative Sample Point or Flow Monitoring Equipment</b></p>	<ul style="list-style-type: none"> <li>●Initial failure - Initiated action but missed due date(s)</li> <li>●Repeated Failure - Missed Correction Notice Compliance Dates</li> <li>●Complete Failure - Did Not initiate actions or failure to complete within 30-days after NOV Issued</li> </ul>	<ul style="list-style-type: none"> <li>▶ Issue Correction Notice with New Compliance Dates</li> <li>▶ Issue NOV with Notice to Complete in 30-days</li> <li>▶ Compliance Meeting</li> <li>▶ Administrative Complaint/Fine</li> <li>▶ Consent/Compliance Order</li> </ul>	<p style="text-align: center;">IN</p> <p style="text-align: center;">OM, MP, LC</p> <p style="text-align: center;">IN,OM,MP OM, MP, LC IN,OM,MP</p>
<p><b>Failure to Submit Required Drawings &amp; Information</b></p>	<ul style="list-style-type: none"> <li>●Required Submittal Past Due</li> <li>●Complete Failure - Did Not Submit Required Information within 30-days of Written Warning</li> </ul>	<ul style="list-style-type: none"> <li>▶ Issue Written Warning of Administrative Fine &amp; SNC Publication if not Resolved in 30-days</li> <li>▶ SNC Notification/Publication</li> <li>▶ Administrative Complaint/Fine</li> </ul>	<p style="text-align: center;">IN, OM</p> <p style="text-align: center;">OM,MP OM, MP, LC</p>
<p><b>Failure to Comply with Wastewater Treatment Operator Requirement</b></p>	<ul style="list-style-type: none"> <li>●Initial failure - No Qualified Pretreatment System Operator Employed</li> <li>●Continued Failure - Does Not Employ Qualified Treatment System Operator within Time Frame Established in Correction Notice</li> <li>●Complete Failure - Does Not Employ Qualified Treatment System Operator within 30-Days of NOV</li> </ul>	<ul style="list-style-type: none"> <li>▶ Issue Correction Notice with New Compliance Dates</li> <li>▶ Issue NOV with Notice to Complete in 30-days</li> <li>▶ Administrative Complaint/Fine</li> </ul>	<p style="text-align: center;">IN</p> <p style="text-align: center;">OM, MP, LC</p> <p style="text-align: center;">OM, MP, LC</p>
<p><b>Failure to Comply with Record-Keeping Requirements</b></p>	<ul style="list-style-type: none"> <li>●First-time Violation</li> <li>●Failure to Correct Problem</li> </ul>	<ul style="list-style-type: none"> <li>▶ Issue Written Warning with Compliance Deadlines</li> <li>▶ Compliance Follow-up Inspection/Verification</li> <li>▶ Issue NOV Requiring Correction within 30-Days</li> </ul>	<p style="text-align: center;">IN, OM IN</p> <p style="text-align: center;">IN, OM</p>
<p><b>Failure to Comply with Prohibitions</b></p>	<ul style="list-style-type: none"> <li>●Initial Violation - Detected During Inspection</li> <li>●Failure to Correct Problem</li> </ul>	<ul style="list-style-type: none"> <li>▶ Issue NOV Requiring Immediate Correction</li> <li>▶ Compliance Follow-up Inspection/Verification</li> <li>▶ Issue NOV Requiring Immediate Correction</li> <li>▶ Compliance Audit/Inspection</li> <li>▶ Compliance Meeting</li> </ul>	<p style="text-align: center;">IN, OM IN</p> <p style="text-align: center;">IN, OM IN IN, OM, MP</p>

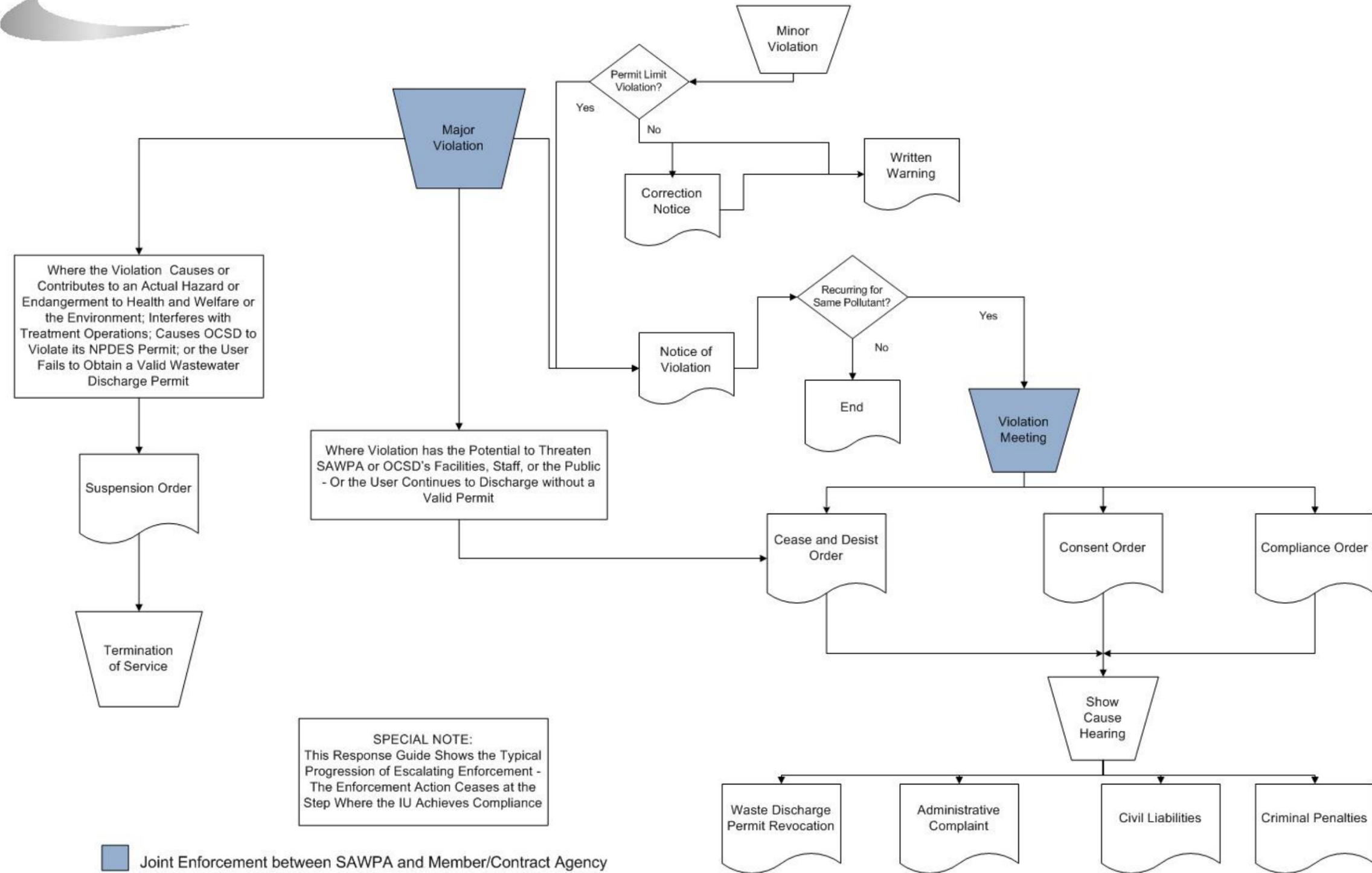
**Table 7: Violations of Ordinance or Special Permit Conditions (Cont'd)**

Nature of Violation	Circumstances	Range of Enforcement Response	Personnel
<p><b>Failure to Comply with Prohibitions</b></p>	<ul style="list-style-type: none"> <li>● Failure to Correct Problem</li> </ul>	<ul style="list-style-type: none"> <li>▶ Consent or Compliance Order</li> <li>▶ Administrative Complaint/Fine</li> </ul>	<p>OM,MP OM, MP, LC</p>
<p><b>Entry Denial</b></p>	<ul style="list-style-type: none"> <li>● Initial Refusal to Allow Inspection of Facility</li> <li>● Subsequent Denial</li> </ul>	<ul style="list-style-type: none"> <li>▶ Written Notice - Informing IU of SAWPA Authority to Conduct Inspections/Sampling</li> <li>▶ Permit Revocation Proceedings</li> </ul>	<p>IN, OM  OM/MP, LC, GM</p>
<p><b>Failure to Submit Permit Application</b></p>	<ul style="list-style-type: none"> <li>● Initial Failure</li> <li>● Repeatedly Ignores Notice to Submit Application</li> </ul>	<ul style="list-style-type: none"> <li>▶ Issue NOV Requiring Immediate Correction</li> <li>▶ Physical Termination of Service</li> </ul>	<p>IN, OM  OM, MP, LC, GM</p>

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**ERP OVERVIEW PROCESS  
FLOW DIAGRAM**  
**Figure**

SANTA ANA WATER PROJECT AUTHORITY  
ENFORCEMENT RESPONSE GUIDE (OVERVIEW)



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**Table 8: Personnel Responsibilities**

**ENFORCEMENT RESPONSE PLAN PERSONNEL ASSIGNMENT BY ROLE**

<b>Agency:</b>		<b>Date Completed:</b>
<b>Code</b>	<b>General Title</b>	<b>Agency Job Title</b>
<b>AA</b>	Administrative Assistant	
<b>IN</b>	Inspector	
<b>OM</b>	Engineering & Operations Manager	
<b>EN</b>	Engineer/Permit Writer	
<b>MP</b>	Manager of Permitting & Pretreatment	
<b>GM</b>	General Manager	
<b>LC</b>	Legal Counsel	