

**TRINITY RIVER AUTHORITY OF TEXAS
CENTRAL REGIONAL WASTEWATER SYSTEM**

ENFORCEMENT RESPONSE PLAN

CITY OF KELLER

[Insert Date]

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1.	Trinity River Authority-Contracting Party NOV Request Example
2.	Contracting Party NOV Example
3.	Contracting Party Cease and Desist Order Example
4.	Contracting Party Consent Order Example
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I. OVERVIEW AND PURPOSE

- A. The United States Environmental Protection Agency (EPA) promulgated regulations to require all Publicly Owned Treatment Works (POTWs) to adopt an Enforcement Response Plan (ERP) as part of their Approved Pretreatment Program. These regulations are found in Title 40 of the Code of Federal Regulations (CFR) §403.8(f)(5). The purpose of the ERP is to provide consistent enforcement responses for similar violations and circumstances. The ERP describes violations, defines a range of appropriate enforcement actions based on the nature and severity of the violation and other relevant factors, and identifies personnel responsible for finalizing enforcement responses. All users discharging non-domestic waste to the POTW are subject to the provisions of this ERP.
- B. Definitions are found in the City of Keller (City) Code of Ordinances, Chapter 19, Article V, Section 19-603 or defined in the text. Titles and formats of forms and reports currently in use or in the City's files may vary from those herein, but the functions will be consistent with the terminology and definitions in this document.

C. List of Acronyms

- AO Administrative Order
- BMP Best Management Practices
- CA Control Authority
- CFR Code of Federal Regulations
- CIU Categorical Industrial User
- CRWS Central Regional Wastewater System
- EPA United States Environmental Protection Agency
- ERG Enforcement Response Guide
- ERP Enforcement Response Plan
- EMNR Executive Manager Northern Region
- GPD Gallons per Day
- IU Industrial User
- IUMI Industrial User Master Inventory
- NOV Notice of Violation
- NPDES National Pollutant Discharge Elimination System
- NSCIU Non-significant Categorical Industrial Users
- POTW Publicly Owned Treatment Works
- RSC Regulatory Services Contract
- SA Staff Attorney
- SIU Significant Industrial User
- SNC Significant Noncompliance
- TAC Texas Administrative Code
- TCEQ Texas Commission on Environmental Quality
- TPDES Texas Pollutant Discharge Elimination System
- TRA Trinity River Authority of Texas
- TSM Technical Services Manager

II. IDENTIFICATION OF RESPONSIBLE PERSONNEL

A. CONTROL AUTHORITY

The Control Authority (CA) is the Trinity River Authority of Texas (TRA) as the operator of a multi-jurisdictional regional wastewater facility, Central Regional Wastewater System (CRWS), which provides wastewater transportation and treatment, by contract, to individual Contracting Parties. The CA also implements an Approved Pretreatment Program as part of its existing Texas Pollutant Discharge Elimination System (TPDES) or National Pollutant Discharge Elimination System (NPDES) permit requirements. TRA's enforcement capabilities originate from the contractual obligations of the Contracting Party. The Contracting Party will initiate and pursue any enforcement actions against an Industrial User (IU).

1. Executive Manager Northern Region

The Executive Manager Northern Region (EMNR), or designated representative, is responsible for the operation and maintenance of the receiving wastewater treatment plant. The EMNR, or designated representative is also responsible for meeting TPDES or NPDES requirements.

2. Staff Attorney

The Staff Attorney (SA) is responsible for both the review of and commentary on any potential or ongoing judicial proceedings that the CA may become involved in pertaining to the pretreatment program. The Staff Attorney also supplies legal counsel as needed on other issues, such as the CA's legal obligations and rights.

3. Technical Services Manager

The Technical Services Manager (TSM) is responsible for the overall staffing and funding of the CA's pretreatment program. The TSM is responsible for the development and implementation of the Approved Pretreatment Program and appoints designated personnel for ongoing duties and tasks.

B. CONTRACTING PARTY

A Contracting Party is a member city that contracts with the CA for services. The City of Keller is a Contracting Party of the CA. All contracts include wastewater treatment. Pursuant to this wastewater contract, Contracting Parties are responsible for the overall implementation of the Approved Pretreatment Program within their jurisdiction. The Contracting Party is responsible for maintaining a City Ordinance that grants adequate legal authority to maintain, implement, and enforce the Approved Pretreatment Program. This Ordinance must contain current local limits. The Contracting Party must provide to the CA, in a timely manner, all relevant documents pertaining to the current IU's, as well as newly identified IU's. The CA shall receive from the Contracting Party a copy of all significant industrial users' (SIUs) and non-significant categorical industrial users' (NSCIUs) permit applications and industrial wastewater permits. Further, the Contracting Party shall furnish to the CA all documents and records as necessary, when required by the CA to demonstrate compliance by all IUs. The Contracting Party must initiate and follow

through with all IU enforcement.

1. Director of Public Works

The Director of Public Works (DIRECTOR) or the duly authorized representative of the DIRECTOR, is the designated official that is responsible for ongoing implementation and monitoring of the Approved Pretreatment Program within the City's jurisdiction. The DIRECTOR, or the duly authorized representative of the DIRECTOR, will also serve as the contact for the CA.

2. TRA-Contracting Party Regulatory Services Contract

The TRA may assist the Contracting Party through a Regulatory Services Contract (RSC) that delineates pretreatment services, and/or laboratory services provided to assist the Contracting Party with certain implementation aspects of the Approved Pretreatment Program within their jurisdiction. This includes such things as IU survey activities, reviewing IU permit applications, assistance with drafting wastewater permits, conducting IU inspections, sampling, and reviewing IU reports. TRA will provide support services for legal activities; however, the TRA will rely, through contractual obligations, upon the Contracting Parties to bring legal action and enforcement against noncompliant IUs. The TSM and associated TRA staff will initiate the RSC and its subsequent renewals with the Contracting Party. Both the TRA and the Contracting Party sign the RSC contract.

III. INDUSTRIAL USER INVENTORY

A. Industrial User Master Inventory

Contracting Parties shall maintain an Industrial User Master Inventory (IUMI) list that contains existing and potential IUs. The Contracting Party will conduct ongoing updates to the IUMI to allow for the identification of new IUs. The CA will periodically request a copy of the IUMI. The TRA, through the RSC, can conduct the procedures for maintaining the IUMI for the Contracting Party. IU identification procedures shall consist of a combination of the following:

1. Review of City water use records,
2. Review of building permits issued in commercial/industrial areas,
3. Review of area phone books and online directories,
4. Review of the industrial list service for manufacturing facilities within the Contracting Party's jurisdiction,
5. On-site inspections of commercial/industrial areas to detect and define any new industries; and
6. An IU Survey, performed by the Contracting Party a minimum of once every five (5) years.

B. Coordination of IU Information

In order to form a close association with the Contracting Party and to receive the appropriate information required to maintain a current IUMI, it is necessary to designate personnel responsible for the transfer of data. A TRA representative will coordinate with the DIRECTOR, or the duly authorized representative of the DIRECTOR, to obtain information concerning new IU's.

IV. COMPLIANCE MONITORING PROCEDURES

It is the intent and purpose of the CRWS's Approved Pretreatment Program that compliance monitoring activities be established to identify noncompliance with pretreatment standards. Compliance monitoring and its results must be done appropriately as to ensure it can be used as admissible evidence in any judicial proceedings that may result due to noncompliance. Sample monitoring and inspections assist in determining the compliance status of an IU.

A. Sample Monitoring

Sampling requirements, analytical methods, time schedules for submission of data to the Contracting Party, certification statement requirements, and other reporting requirements are established and set forth in the issued permits of IUs. Regardless of the permitted IU self-monitoring, the Contracting Party has legal authority to conduct sampling events to evaluate and verify compliance. Sample collection and analysis shall be in accordance with the City's Code of Ordinances, Chapter 19, Section 19-643 and 40CFR §136 unless otherwise specified in an applicable Categorical Pretreatment Standard. All analytical results submitted to demonstrate compliance shall meet the requirements of Title 30 of the Texas Administrative Code Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

1. Submitting Monitoring Data

The DIRECTOR, or the duly authorized representative of the DIRECTOR, and the CA, receives monitoring data in the following ways:

- a. The permitted IU collects self-monitoring data and forwards the data to the Contracting Party. The Contracting Party, if required, will forward the self-monitoring data to the CA as required. Additionally, with the RSC, the TRA can receive self-monitoring data directly from the permitted IU; and/or
- b. The DIRECTOR, or the duly authorized representative of the DIRECTOR, samples the permitted IU. The Contracting Party, if required, will forward the monitoring data to the CA as required. Additionally, with the RSC, the TRA can sample the permitted IU to assist the Contracting Party.

2. Sample Frequency Requirements

The DIRECTOR, or the duly authorized representative of the DIRECTOR, identifies in the permit self-monitoring requirements for the IU. In some

instances, the permit directs the IU to sample parameters at different frequencies with additional independent verification sampling by the Contracting Party. Optionally, an IU's permit can indicate the Contracting Party will conduct the sampling. This allows the Contracting Party to fulfil sample requirements for the IU as well as independent verification sample requirements for the Contracting Party. The following details the minimum requirements for SIUs and NSCIUs.

a. SIU Requirements

i. Permit Requires the SIU to Conduct Self-Monitoring

1) SIU Monitoring Requirements

The SIU will self-monitor for the parameters at the frequency identified in their permit if the permit requires the SIU to conduct its own self-monitoring. At a minimum, the permit will direct an SIU to conduct self-monitoring semiannually for some or all parameters. Semiannual monitoring means sample collection occurs once in the first six months of the Pretreatment Year and once in the second six months of the Pretreatment Year. Some SIUs may have been approved through the permit to have a reduction in sampling frequency for certain parameters to once per permit cycle. In this instance, the SIU samples once per permit cycle for those identified parameters.

2) Contracting Party Monitoring Requirements

The DIRECTOR, or the duly authorized representative of the DIRECTOR, will sample the SIU's effluent, at minimum, annually for parameters in the permit with a frequency designation of semiannual or greater. Annual monitoring means sample collection will occur once in the Pretreatment Year. The DIRECTOR, or the duly authorized representative of the DIRECTOR, will sample the SIU's effluent once per permit cycle for parameters identified in the permit with this frequency designation. The TRA, through the RSC, can conduct the sample monitoring for the Contracting Party.

ii. Permit Identifies that the Contracting Party Conducts Self-Monitoring in lieu of the SIU ("Sampling in lieu of")

1) SIU Monitoring Requirements

The SIU does not sample. The permit identifies the Contracting Party with all monitoring responsibilities.

2) Contracting Party Monitoring Requirements

The DIRECTOR, or the duly authorized representative of the DIRECTOR, will sample for the parameters at the frequency identified in the SIU's permit. At a minimum, the permit will identify semiannual sampling for some or all parameters. As stated above, semiannual monitoring means sample collection occurs once in the first six

months of the Pretreatment Year and once in the second six months of the Pretreatment Year. Some SIUs may have been approved through the permit to have a reduction in sampling frequency for certain parameters to once per permit cycle. In this instance, the DIRECTOR, or the duly authorized representative of the DIRECTOR, samples once per permit cycle for those identified parameters. The TRA, through the RSC, can conduct the sample monitoring for the Contracting Party.

b. NSCIU Requirements

i. Permit Identifies only Self-Monitoring for Contracting Party

1) NSCIU Monitoring Requirements

The NSCIU does not sample. The permit will identify the Contracting Party has sample monitoring responsibilities. The NSCIU will have to meet a flow restriction of <100 gallons per day (gpd) of categorical wastewater.

2) Contracting Party Monitoring Requirements

The DIRECTOR, or the duly authorized representative of the DIRECTOR, will sample the NSCIU's effluent once per permit cycle. This monitoring allows the Contracting Party to verify the NSCIU is not discharging untreated concentrated wastewater. Untreated concentrated wastewater means wastewater discharges over the categorical limit. If representative sampling is unachievable at the permitted outfall(s) due to no flow or insufficient flow, sampling personnel documents such conditions on the chain of custody. In this instance, the NSCIU is compliant with its effluent limitations. The TRA, through the RSC, can conduct the sample monitoring for the Contracting Party.

3. Sample Data Review

The DIRECTOR, or the duly authorized representative of the DIRECTOR, is responsible for reviewing all sampling data to determine its validity and the IU's compliance status. Also, the TRA, through the RSC, can review all sampling data for the Contracting Party. In this instance, TRA will inform the DIRECTOR, or the duly authorized representative of the DIRECTOR, of the compliance status of the IU based on the data.

4. Resample Requirements for Violations

Violations may result in increased sampling frequency. Within thirty (30) calendar days of becoming aware of a discharge limit violation, the SIU or NSCIU will be resampled for the parameter in question. Resampling will not be required if sampling is already being performed at a frequency of at least once per month or additional sampling has already been conducted between the time when the

initial sampling was conducted and the time when the sampling results were received.

B. Inspections

The CA's Approved Pretreatment Program provides procedures for conducting inspections at permitted IUs.

1. Contracting Party Inspection Frequency for SIU and NSCIU

The DIRECTOR, or the duly authorized representative of the DIRECTOR, shall conduct inspections at each of the permitted IUs at a minimum frequency of one inspection event per year. In addition, the TRA through the RSC, can conduct the inspection at permitted IUs for the Contracting Party.

Additionally, the DIRECTOR, the duly authorized representative of the DIRECTOR, or the TRA, if contracted to conduct pretreatment services, will conduct inspections more often if deemed necessary. Other reasons to conduct an inspection can be for purposes of reviewing IU construction activities, and/or to investigate noncompliance issues.

2. Documentation of an Inspection

For each inspection, the Contracting Party will complete the inspection form approved under the CA's Approved Pretreatment Program. During inspections, the Contracting Party will commonly review the following:

- a. Manufacturing processes and waste treatment units;
- b. Chemical storage areas and amounts of chemicals kept on site;
- c. Comparison of water usage with semi-annual reports, permit applications, and/or water use records;
- d. Need for development or update of a slug control plan;
- e. Need for the development of a Toxic Organic Management Plan or assessment of how well the current plan is implemented; and
- f. Need for or adherence to best management practices (BMPs) required by the DIRECTOR, or the duly authorized representative of the DIRECTOR, or Categorical Pretreatment Standard.

3. Addressing Deficiencies

The DIRECTOR, or the duly authorized representative of the DIRECTOR, will inform the IU of any deficiencies identified in the inspection process and will follow proper enforcement action identified in the Enforcement Response Guide (ERG).

4. Access Denied

The DIRECTOR, the duly authorized representative of the DIRECTOR, CA, State and/or Federal agent will obtain a warrant if the IU does not allow entry/access or denies copies of records after displaying the proper credentials.

V. PROCEDURES TO SCREEN AND TRACK COMPLIANCE DATA

A. Contracting Party and Control Authority Responsibilities for Screening Data

The methods and designated personnel responsible for tracking the compliance status of IUs are defined in this ERP. The Contracting Party and/or CA will have responsibilities associated with screening all notices, reports, and data from the IUs. The Contracting Party will address identified violations with appropriate responses as required by this ERP and ERG.

1. Contracting Party Responsibilities

The Contracting Party is responsible for complying with the CA's Approved Pretreatment Program requirements including, issuing permits, conducting inspections, sample monitoring, receiving required reports, and the evaluation of incidents of noncompliance. The role of the DIRECTOR, or the authorized representative of the DIRECTOR, will vary based on whether the Contracting Party has entered a RSC with the TRA to assist with implementation of the CA's Approved Pretreatment Program.

a. Contracting Party Without a RSC

The DIRECTOR, or the duly authorized representative of the DIRECTOR, will screen data and reports for violations as soon as possible after receipt of the data and/or report, in order to initiate any necessary enforcement action in the timeframe identified in the ERG. As part of this evaluation process, the DIRECTOR, or the duly authorized representative of the DIRECTOR, will track non-discharge violations, such as reporting deficiencies or falsification. In addition, the DIRECTOR, or the duly authorized representative of the DIRECTOR, will address incomplete or inaccurate reports with an appropriate response and follow-up enforcement actions if necessary. All enforcement actions undertaken by the Contracting Party will follow the guidelines of this ERP and the ERG. The Contracting Party will submit, as required, reports to the CA in a timely manner.

i. SNC Tracking and Public Notice Responsibilities

The Contracting Party shall publish IUs in the month specified in the CA's TPDES or NPDES permit using the criteria for determining Significant Noncompliance (SNC) found in the Contracting Party's Ordinance or at 40 CFR §403.8(f)(2)(viii)(A)-(H), whichever is more stringent.

1) Determining SNC

SNC status of permitted IUs for criteria at 40 CFR §403.8(f)(2)(viii)(A) and (B) shall be determined quarterly in accordance with the following EPA Memorandums:

- Cook, M. (September 9, 1991), *Application and Use of the Regulatory Definition of Significant Noncompliance for Industrial Users*.
- Charles, M. (January 17, 1992), *Determining Industrial User Significant Noncompliance – One Page Summary*

2) Documenting SNC

- a) The DIRECTOR, or the duly authorized representative of the DIRECTOR, will document the calculation of the criteria at 40 CFR §403.8(f)(2)(viii)(A) and (B) each quarter and retain this documentation with the SIU file system.
- b) The DIRECTOR, or the duly authorized representative of the DIRECTOR, will evaluate the SNC status of permitted IUs for criteria at 40 CFR §403.8(f)(2)(viii)(C)–(H) at the time of each violation. The Contracting Party will document the reports associated with the qualifying violations and retain this documentation in the SIU file system.
- c) The DIRECTOR, or the duly authorized representative of the DIRECTOR, will evaluate the SNC status of unpermitted IUs for criteria at 40 CFR §403.8(f)(2)(viii)(C)(D)and/or(H) at the time of each violation. The Contracting Party will document the reports associated with the qualifying violation and retain this documentation in the SIU file system.

3) SNC Notification to CA and SNC Public Notice

- a) Each quarter, the DIRECTOR, or the duly authorized representative of the DIRECTOR, shall submit an update on the SNC status of each permitted SIU and if applicable, any unpermitted IUs, to the CA.
- b) The Contracting Party shall publish in the month specified in the CA's TPDES or NPDES permit those IUs which are in SNC. Once published, the DIRECTOR, or duly authorized representative of the DIRECTOR, shall forward to the CA an original newspaper publication of the public notice or copy of the newspaper publication with official affidavit of the list of IUs that meet the criteria of SNC. The newspaper publication provided to the CA must include the name of the newspaper and the publication date of the list.

b. Contracting Party With an Existing RSC

If the TRA is providing contractual pretreatment services to the Contracting Party, the TRA will screen data and reports for violations as soon as possible after receipt of the report/data. When the TRA detects a violation of an IU permit condition and/or the violation qualifies for SNC, TRA will notify the DIRECTOR, or duly authorized representative of the DIRECTOR. Exhibit 4 provides a notification example. The DIRECTOR, or duly authorized representative of the DIRECTOR, will initiate any necessary enforcement action in a timely manner by following the guidelines of this ERP and the ERG.

i. SNC Tracking and Public Notice Responsibilities

Although the TRA will conduct the evaluation of SNC, the Contracting Party is responsible for publishing IUs in the month specified in the CA's TPDES or NPDES permit. SNC will be determined using the criteria for determining SNC found in the Contracting Party's Ordinance or at 40 CFR §403.8(f)(2)(viii)(A)-(H), whichever is more stringent.

1) Determining SNC

The TRA will evaluate SNC status of permitted IUs for criteria at 40 CFR §403.8(f)(2)(viii)(A) and (B) quarterly in accordance with the following EPA Memorandums:

- Cook, M. (September 9, 1991), *Application and Use of the Regulatory Definition of Significant Noncompliance for Industrial Users*.
- Charles, M. (January 17, 1992), *Determining Industrial User Significant Noncompliance – One Page Summary*.

2) Documenting SNC

- a) The TRA will document the calculation of the criteria at 40 CFR §403.8(f)(2)(viii)(A) and (B) each quarter, and the TRA will retain this documentation with the TRA Contracting Party's file system.
- b) The TRA will evaluate the SNC status of permitted IUs for criteria at 40CFR §403.8(f)(2)(viii)(C)–(H) at the time of each violation. The TRA will document the reports associated with qualifying violations, and the TRA will retain this documentation in the TRA Contracting Party's SIU file system.
- c) The TRA will evaluate the SNC status of unpermitted IUs for criteria at 40 CFR §403.8(f)(2)(viii)(C)(D) and/or (H) at the time of each violation. The TRA will document the reports associated with qualifying violations, and the TRA will retain this documentation in the TRA Contracting Party's file system.

3) SNC Notification to the Contracting Party and SNC Public Notice

- a) The TRA will identify and notify the DIRECTOR, or the duly authorized representative of the DIRECTOR, when IUs are in SNC. The DIRECTOR, or the duly authorized representative of the DIRECTOR, will then notify the IUs of their SNC status. At the end of the Pretreatment Year, the TRA will submit a list of IUs that are considered to be in SNC to the DIRECTOR, or the duly authorized representative of the DIRECTOR, for publication.
- b) The Contracting Party shall publish in the month specified in the CA's TPDES or NPDES permit, the IUs who are in SNC. Once published, the DIRECTOR, or the duly authorized representative of the DIRECTOR, shall forward an original newspaper publication of the public notice or copy of the newspaper publication with an official affidavit of the list of IUs that meet the criteria of SNC to the CA. The newspaper publication provided to the CA must include the name of the newspaper and the publication date of the list.

2. CA Responsibilities

The Contracting Party is responsible for submitting to the CA all IU documents required by the wastewater contract and the CA's Approved Pretreatment Program. The CA is responsible for screening these documents received from the Contracting Party in a timely manner and notifying the DIRECTOR, or the duly authorized representative of the DIRECTOR, of any deficiencies. The CA will file documents from the Contracting Party in the TRA Contracting Party IU file system. The CA will submit required reports on compliance to the Approval Authority. The CA may also provide pretreatment and laboratories services to the Contracting Party on a contractual basis to assist the Contracting Party in its compliance verification activities identified in this ERP. The Contracting Party will be responsible for conducting enforcement actions.

B. Contracting Party and Control Authority Responsibilities for Submission of Data

1. Contracting Party Responsibilities

a. Contracting Party Without a RSC

The DIRECTOR, or the duly authorized representative of the DIRECTOR, is responsible for maintaining complete files on each permitted IU and applicable unpermitted IUs. The Contracting Party will note the date of receipt on all notices, reports, and data received from IUs. The DIRECTOR, or the duly authorized representative of the DIRECTOR, will submit to the CA copies of documents required by the wastewater contract or the CA's Approved Pretreatment Program as necessary.

b. Contracting Party with a RSC

If the TRA is providing contractual pretreatment services to the Contracting Party, the TRA will directly receive and review notices, reports and data

submitted by permitted IUs and unpermitted IUs. The TRA will maintain complete files on each permitted IU and applicable unpermitted IUs. The DIRECTOR, or the duly authorized representative of the DIRECTOR, will forward any enforcement documents, signed wastewater permits, and other documents related to IUs which were not sent directly to TRA. The TRA will note the date of receipt on all notices, reports, and data received from IUs. The TRA is responsible for reviewing incoming notices, reports, and data from Contracting Parties and/or IUs. The TRA will address incomplete reports in accordance with procedures outlined in this ERP.

2. CA Responsibilities

The CA will note the date of receipt on all notices, reports, and data from Contracting Parties. All notices, data, and reports sent and received by the CA are kept in a file system that contains additional delineated IU files. The CA will adhere, at minimum, to document review as stipulated in the wastewater contract. The CA will notify the DIRECTOR, or the duly authorized representative of the DIRECTOR, of any reporting deficiencies. The Contracting Party will address incomplete reports according to procedures outlined in this ERP and the CA's Approved Pretreatment Program.

3. Tracking Information

The CA and/or Contracting Party will track dates associated with IU notices, data, and reports with a computer, a monthly update log, and/or the IU files. The CA and/or Contracting Party will address incomplete reports according to procedures outlined in this ERP. The following notices and reports require date tracking:

- a. Notification of a violation from a permittee within twenty-four (24) hours of the permittee becoming aware of the violation;
- b. Compliance schedule progress reports;
- c. Baseline monitoring reports, including required BMP compliance information (Categorical Industrial User CIU and NSCIU only);
- d. Ninety (90) day compliance reports, including required BMP compliance information (CIU and NSCIU only);
- e. Periodic reports on continued compliance, including any applicable self-monitoring and required BMP compliance information (SIU and NSCIU);
- f. NSCIU annual reports and certification statement;
- g. Notifications of changed discharge;
- h. Permit applications;
- i. Notices of potential problems, including slug loading;

- j. Notices of changes at the permitted facility affecting the potential for slug discharge;
- k. Notifications of hazardous waste discharge;
- l. Requested inspection follow up reports;
- m. Thirty (30) day re-sampling for effluent related noncompliance, and
- n. Other reports as required by permit and/or requested by the DIRECTOR, or the duly authorized representative of the DIRECTOR, from permitted IUs and unpermitted IUs.

VI. RESPONSE CRITERIA

This ERP establishes a proper range of enforcement responses that identify many common discharge and non-discharge violations. The Contracting Party will often choose from between several applicable responses. The Contracting Party will consider, among other factors, the following criteria when determining a proper response to IU violations:

- A. Magnitude of the violation;
- B. Duration of the violation;
- C. Effect on the receiving water;
- D. Effect on the POTW, its treatment processes or operations, or its sludge processes, use or disposal;
- E. Compliance history of the IU,
- F. Economic benefit to the IU of noncompliance; and
- G. Good Faith of the IU

“Good Faith” means the Contracting Party’s perception of the IU’s honest intention to remedy any noncompliance, combined with actions that reflect this intention. An IU’s demonstrated willingness to comply may predispose the Contracting Party to select less stringent enforcement responses. “Good Faith” will not eliminate the necessity for enforcement action. Compliance with any previous enforcement orders will not necessarily demonstrate “Good Faith”.

VII. ENFORCEMENT RESPONSES

- A. Severity of Violation

The Contracting Party may initially rely on informal actions such as telephone calls or

Notices of Violation (NOVs) where violations are not significant, or do not result in immediate harm. However, when the violation is significant, or when the IU does not promptly undertake corrective action, the Contracting Party shall respond with more severe enforcement actions. In either case, enforcement response will promote a return to compliance in a timely manner.

For Contracting Parties with a RSC, the TRA can provide enforcement guidance based on the requirements of this ERP, but the DIRECTOR, or the duly authorized representative of the DIRECTOR, must conduct formal enforcement actions.

1. Determining Magnitude of the Violation

The DIRECTOR, or the duly authorized representative of the DIRECTOR, will determine if IU violations are significant or not significant. In addition, the DIRECTOR, or the duly authorized representative of the DIRECTOR, will assess the severity of the violation for impact on the POTW and receiving stream. Finally, the DIRECTOR, or the duly authorized representative of the DIRECTOR, will evaluate the frequency in regards to the same type of violation.

a. Significant Violations

A significant violation meets the criteria for classifying an IU as in SNC, as defined in the City's Ordinance, and requires additional supplemental enforcement action of public notice. The DIRECTOR, or the duly authorized representative of the DIRECTOR, will respond to significant violations based on severity, which requires evaluating the violation for harmful impact to the POTW.

b. Harm

An IU violation is considered to cause harm if it has negative impacts on the POTW that interfere, harm, or damage POTW personnel, equipment, processes, operations, or cause biosolids contamination resulting in increased disposal costs. Additionally, an IU violation that has the potential to affect the receiving stream, impact the receiving stream, and/or contributes to a violation of the CA's TPDES or NPDES permit is considered harmful.

c. Recurring Violations

Recurring violations indicate that chronic problem(s) exist(s) at the IU. The DIRECTOR, or the duly authorized representative of the DIRECTOR, will escalate its enforcement response when follow-up activities indicate either the violation persists or the IU is not achieving satisfactory progress.

Recurring, for purposes of this ERP, means three noncompliant events for each separate parameter or non-effluent violation over a twelve (12) month period from the date of the initial same type violation. For example, three recurring zinc violations would be evaluated separately from other recurring effluent violations and other recurring non-effluent violations. The DIRECTOR, or the duly authorized representative of the DIRECTOR, shall increase enforcement on the third violation for the same type of noncompliant

event, unless the second violation qualifies as a significant violation and/or a violation that will harm the POTW.

2. Consistent Compliance

The DIRECTOR, or the duly authorized representative of the DIRECTOR, conducts enforcement actions to remedy IU violations of the CA's Approved Pretreatment Program and return the IU to consistent compliance in a timely manner. For purposes of this ERP, consistent compliance means no IU violations of the same type in a twelve (12) month period.

B. Enforcement Response Evaluation

The Contracting Party may use several initial and follow-up actions in responding to noncompliance issues. Which response, or combination of responses the Contracting Party uses will depend on the violation's severity, event duration, effect on the environment and/or POTW, the IU's economic benefit received from remaining in noncompliance, and the IU's compliance history including past "Good Faith" in taking corrective action. The DIRECTOR, or the duly authorized representative of the DIRECTOR, may assess penalties to IUs committing significant violations based upon the economic benefit received. The following document may be used to calculate the amount of the penalty.

- United States Environmental Protection Agency. *Guidance Manual for POTW's to Calculate the Economic Benefit of Noncompliance*, Office of Water Enforcement and Permits. (September 1990)

C. Enforcement Response Actions

The DIRECTOR, or the duly authorized representative of the DIRECTOR, will use the ERG to determine an appropriate enforcement action. When the IU fails to return to compliance following the initial enforcement response, the Contracting Party will escalate its enforcement in a follow-up action in response to subsequent noncompliance within the guidelines provided in this ERP. Possible enforcement actions are as follows:

1. Informal Notice

This is an informal communication between the Contracting Party with the IU to discuss noncompliance. This discussion is a starting point for situations that are not a significant violation. This can be a verbal or written notification. For Contracting Parties with a RSC, the TRA can provide informal notice, but must also inform the DIRECTOR, or the duly authorized representative of the DIRECTOR, of the notification.

2. Notice of Violation (See Exhibit 2)

The NOV is an official communication from the Contracting Party to the noncompliant IU informing the IU of a pretreatment violation. The purpose of the NOV is to notify the IU of the violation(s) and to request a response within a given time period, usually within ten (10) business days.

3. Review meeting

A review meeting is a meeting between the IU and Contracting Party usually preceding an increased enforcement action. This meeting can be at the request of the IU and/or Contracting Party. The meeting serves as an avenue for discussion of the current situation and/or the sequence of events on impending action. For Contracting Parties with a RSC, the DIRECTOR, or the duly authorized representative of the DIRECTOR, can have the TRA conduct a review meeting on behalf of the Contracting Party. In this instance, the TRA will provide a summary of the meeting to the DIRECTOR, or the duly authorized representative of the DIRECTOR.

4. Compliance Schedule

A compliance schedule is a schedule that contains increments of progress in the form of milestones and corresponding dates for the commencement and completion of those milestones. Milestones are often major events leading to the construction and operation of additional pretreatment required for the IU to meet an applicable Pretreatment Standards. Such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation. An IU's permit or an administrative order (AO) may contain a compliance schedule. In addition, the DIRECTOR, or the duly authorized representative of the DIRECTOR, can require a standalone compliance schedule.

5. Administrative Order

An Administrative Order (AO) is an enforcement documents that direct an IU to undertake and/or cease specific activities. The DIRECTOR, or the duly authorized representative of the DIRECTOR, may or may not negotiate the terms of the AO with the IU. The AO may incorporate compliance schedules, civil or criminal penalties, and termination of service orders. There are four types of AOs that the Contracting Party may utilize alone or in combination.

a. Cease and Desist Order (See Exhibit 3)

A Cease and Desist Order directs an IU to cease illegal unauthorized discharges immediately or terminate its discharge altogether. The DIRECTOR, or the duly authorized representative of the DIRECTOR, uses this order in situations where the discharge could cause harm such as interference or pass-through at the treatment plant, or otherwise causes an emergency at the treatment plant or in the collection system. The Contracting Party can order immediate cessation of any discharge to its collection system, regardless of an IU's compliance status and may revoke any wastewater discharge permits held by the IU. If the user fails to comply with the order, the Contracting Party may take independent action to halt the discharge, such as terminating water service, conducting physical severance, or blocking the IU's connection point.

b. Consent Order (See Exhibit 4)

A Consent Order is an agreement between the Contracting Party and the IU normally containing three elements:

- i. Compliance schedule(s);
- ii. Stipulated fines or remedial actions; and
- iii. Signatures of the Contracting Party and IU representatives.

c. Show Cause Order (See Exhibit 5)

A Show Cause Order directs the IU to appear before the Contracting Party to explain its noncompliance, and show cause as to why more severe enforcement actions against the IU should not be pursued. The CA may be present during the hearing. The DIRECTOR, or the duly authorized representative of the DIRECTOR, can use this order to investigate violations of previous AOs.

d. Compliance Order (See Exhibit 6)

A Compliance Order directs the IU to achieve or restore compliance by a date specified in the order. The DIRECTOR, or the duly authorized representative of the DIRECTOR, need not discuss the terms of this order with the IU prior to issuance. The Contracting Party may use this order to require an IU to develop management practices, spill prevention programs, and any other Approved Pretreatment Program requirements.

6. Civil Litigation

Civil litigation is the formal process of filing a lawsuit(s) against an IU to secure court ordered actions to correct violations and to secure penalties for violations including the recovery of costs to the POTW impacted by the noncompliance. Civil litigation also includes enforcement measures that require involvement or approval by the courts, such as injunctive relief and settlement agreements. The Contracting Party can pursue civil litigation when the corrective action required is costly and complex, or when the IU is unmanageable and/or unwilling to cooperate.

- a. The following three general situations demonstrate when civil litigation is an appropriate enforcement action:
 - i. Situations in which injunctive relief is necessary to halt or prevent discharges which threaten human health or the environment, or interfere with the POTW;
 - ii. Situations in which efforts to restore compliance through cooperation with the IU have failed and a court supervised settlement (consent decree) is necessary to enforce Approved Pretreatment Program requirements;
 - iii. Situations in which it is necessary to impose civil penalties and/or to recover losses incurred due to the noncompliance.
- b. The Contracting Party will utilize three types of civil litigation either alone or in conjunction. They are as follows:

- i. Consent Decree

A consent decree is an agreement between the Contracting Party and the IU reached after the Contracting Party files a lawsuit. The consent decree is signed by the judge assigned to the case. The Contracting Party uses a consent decree when the violator is willing to acknowledge and correct the noncompliance and the Contracting Party and the violator agree on the penalty. The agreement can be formalized prior to a full hearing on the issue(s).

- ii. Injunction

An injunction is a court order that directs parties to follow an established procedure and/or to refrain from specific actions. A Contracting Party uses an injunction if the delays involved in filing a suit would result in irreparable harm. A cease and desist order may be used in place of injunctive relief.

- iii. Civil Penalties and Cost Recovery

Civil penalties and cost recovery are forms of reimbursement to the Contracting Party and/or the CA by the IU to pay for all expenses incurred while responding to noncompliance. This may include restoration of the physical treatment plant and collection system, payment for medical treatment of injured personnel, and indemnification for all fines assessed for NPDES or TPDES permit violations. Civil penalties and cost recovery may be court ordered.

7. Criminal Prosecution

Criminal prosecution is the formal process of charging individuals and/or organizations with violations of Ordinance provisions that are punishable, upon conviction, by citation/fines and/or imprisonment. The purpose is to punish

established noncompliance through court proceedings and to deter future noncompliance.

a. Citations

City Ordinance allows the Contracting Party to issue citations as court summons for Class C Misdemeanors. Maximum fines should be the maximum allowed by state law, currently \$2,000 per day, per violation. If applicable, the Contracting Party can pursue higher charges under the appropriate state law, which could result in higher fines or imprisonment.

8. Termination of Wastewater Services

Termination of wastewater service is the revocation of an IU's privilege to discharge industrial wastewater into the Contracting Party's wastewater system. Termination may be accomplished by physical severance or blocking of the industry's connection to the collection system, by issuance of an AO that requires the IU to terminate its discharge, or by a court ruling. The Contracting Party should consider termination of wastewater service as an appropriate response to IUs that have not responded adequately to previous enforcement remedies. The Contracting Party issues a notice to the IU, when possible, to fulfill the due process requirements associated with service termination and enables the IU to halt production in time to avoid backflows, spills, and other harm to the IU's facility, as well as time to look for alternative means of wastewater disposal.

9. Supplemental Enforcement Actions

The DIRECTOR, or the duly authorized representative of the DIRECTOR, shall determine on an individual basis to use supplement enforcement responses to reinforce the compliance obligations of IUs. The three categories below identity these supplemental actions:

a. Public Notice

As a requirement of 40 CFR §403.8(f)(2)(viii) there will be an annual publication of a list of IUs which were in SNC. The DIRECTOR, or the duly authorized representative of the DIRECTOR, shall evaluate IUs for SNC four times a year, in accordance with EPA guidelines as shown in the "rolling" quarter's method for SNC criteria at 40 CFR §403.8(f)(2)(viii)(A) and (B). In addition, he DIRECTOR, or the duly authorized representative of the DIRECTOR, shall evaluate IUs for SNC at the time of the qualifying violation for criteria 40 CFR §403.8(f)(2)(viii)(A)-(H). Publication of the list satisfies the public's right to know of violations affecting the immediate environment and causing additional expenditures of public funds to operate and maintain the POTW. Additionally, publication discourages IUs from committing pretreatment violations.

b. Increased Monitoring and Reporting

The DIRECTOR, or the duly authorized representative of the DIRECTOR, may increase surveillance activities (i.e., sampling and inspections) when an

IU demonstrates a history of noncompliance. Additionally the DIRECTOR, or the duly authorized representative of the DIRECTOR, may require the IU to conduct more self-monitoring and reporting until the problem is corrected and consistent compliance is demonstrated. Increased monitoring should be ordered for a specified time period or until a compliance milestone is achieved.

c. Cost Recovery for Damages, Abatement, and Remediation

Users or responsible persons may be required to make reimbursement to the Contracting Party and/or CA to pay for all expenses incurred in responding to violations. This may include restoration of the physical treatment plant and collection system, repairs or replacement of equipment, payment for medical treatment of injured personnel, and indemnification for all fines assessed for NPDES or TPDES permit violations. This may also include costs for abatement, cleanup, or remediation from prohibited discharges to the sanitary sewer or any area that drains to the sanitary sewer. The Contracting Party may conduct cost recovery through administrative action or court ordered civil penalties.

VIII. ENFORCEMENT RESPONSE GUIDE

The ERG shall serve as a matrix describing violations and indicates a range of appropriate enforcement options. It defines the range of enforcement actions based on the nature and severity of the violations and other relevant factors and will promote consistent and timely use of enforcement remedies. The guide allows the Contracting Party to select from several alternative initial and follow-up actions. When an IU fails to return to compliance following enforcement response, the Contracting Party shall escalate its enforcement response.

- A. The Contracting Party shall consider the following criteria when determining a proper enforcement action:
1. Magnitude of the violation;
 2. Duration of the violation;
 3. Effect of the violation on the receiving water;
 4. Effect of the violation on the POTW processes and sludge disposal;
 5. Compliance history of the IU;
 6. Economic benefit to the IU of noncompliance; and
 7. . Good Faith of the IU.
- B. The attached ERG identifies types of common violations the Contracting Party anticipates, determines which responses are appropriate for many of the common discharge and non-discharge violations, identifies initial and follow-up responses to

the violations, and designates personnel responsible for administering each of these responses. The following guidelines are a tool and will be used as follows:

1. Locate the type of violation in the first column and identify the most accurate description of the violation in the second column.
2. Assess the appropriateness of the recommended response(s) in the second column. First offenders or IUs demonstrating "Good Faith" efforts may merit a more lenient response. Similarly, repeat offenders or those demonstrating negligence may require an escalated response.
3. Apply the chosen enforcement action to the IU from the third column. Specify if any supplemental enforcement actions are chosen.
4. Determine appropriate personnel for the enforcement action. The fourth column indicates personnel responsible for delivery each response.
5. Follow-up with escalated enforcement action if the IU does not respond or violations continue.

**ENFORCEMENT RESPONSE GUIDE
SUMMARY OF ACTION**

Violation	Nature of the Violation	Enforcement Action	Personnel
1. Failure to apply for discharge permit <u>Applies to:</u> Unpermitted Users	Not Significant, if classified as SIU-non CIU	<ul style="list-style-type: none"> - Informal Notice with Application - NOV with Application 	DIRECTOR ^e
	Significant, if classified as CIU	<ul style="list-style-type: none"> - NOV with Application - Review Meeting with Application 	
	Recurring	<ul style="list-style-type: none"> - AO - Civil Litigation - Criminal Prosecution - Terminate Service 	
2. Failure to apply for renewal discharge permit <u>Applies to:</u> Permitted Users	Not Significant; Has not submitted application within specified time frame required in permit	<ul style="list-style-type: none"> - Informal Notice 	DIRECTOR ^e
	Significant; >45 days late in submitting application in regards to specified time frame required in permit	<ul style="list-style-type: none"> - NOV - Review Meeting - AO - Criminal Prosecution 	
	Significant Permit is expired; IU continues to discharge	<ul style="list-style-type: none"> - Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service 	
3. Late reports <u>Applies to:</u> Permitted Users	Not Significant; <45 days	<ul style="list-style-type: none"> - Informal Notice - NOV 	DIRECTOR ^e
	Significant; >45 days	<ul style="list-style-type: none"> - NOV - Review Meeting 	
	Recurring; Not Significant; > 45 Days	<ul style="list-style-type: none"> - AO - Civil Litigation - Criminal Prosecution - Terminate Service 	
	Recurring; Significant; > 45 Days	<ul style="list-style-type: none"> - AO - Civil Litigation - Criminal Prosecution - Terminate Service 	

**ENFORCEMENT RESPONSE GUIDE
SUMMARY OF ACTION**

Violation	Nature of the Violation	Enforcement Action	Personnel
4. Failure to properly sign reports with certification statement. Designated signatory must sign required report, or report is incomplete. <u>Applies to:</u> Permitted Users Dental Dischargers	First and Second Occurrence	- Informal Notice	DIRECTOR ^e
	Recurring	- NOV - Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
5. Failure to report changed discharge or changed conditions <u>Applies to:</u> Permitted Users	Significant; No Harm	- NOV - Review Meeting	DIRECTOR ^e
	Recurring; Significant; No Harm	- Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Significant; Harm	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Recurring; Significant; Harm	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	

**ENFORCEMENT RESPONSE GUIDE
SUMMARY OF ACTION**

Violation	Nature of the Violation	Enforcement Action	Personnel
6. Failure to report discharge of hazardous waste <u>Applies to:</u> Unpermitted Users Permitted Users	Significant; No Harm	- NOV - Review Meeting	DIRECTOR ^e
	Recurring; Significant; No Harm	- Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Significant; Harm	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Recurring; Significant; Harm	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	
7. Missed dates in compliance schedules <u>Applies to:</u> Unpermitted Users undergoing permit process Permitted Users	Missed milestone by < 45 days; Not Significant	- Informal Notice - NOV	DIRECTOR ^e
	Recurring; Not Significant	- NOV - Review Meeting - Civil Litigation - Criminal Prosecution - Terminate Service	
	Missed milestone by >45 days; Significant	- NOV - Review Meeting	
	Recurring; Significant; Missed final milestone with no reasonable cause for delay	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	

ENFORCEMENT RESPONSE GUIDE SUMMARY OF ACTION			
Violation	Nature of the Violation	Enforcement Action	Personnel
8. Falsification of Information to POTW <u>Applies to:</u> Unpermitted Users Permitted Users	Good Faith; No intent; No Harm	<ul style="list-style-type: none"> - Informal Notice - Review Meeting 	DIRECTOR ^e
	Proven; No Harm	<ul style="list-style-type: none"> - Review Meeting - AO - Civil Litigation - Criminal Prosecution 	
	Proven; Harm	<ul style="list-style-type: none"> - AO - Civil Litigation - Criminal Prosecution - Terminate Service 	
9. Violation of pretreatment standards (effluent limitations, BMPs, etc) <u>Applies to:</u> Permitted Users	Not Significant; No Harm	<ul style="list-style-type: none"> - Informal Notice - NOV - Compliance Schedule 	DIRECTOR ^e
	Significant; No Harm	<ul style="list-style-type: none"> - NOV - Review Meeting - Compliance Schedule 	
	Recurring; Not Significant or Significant; No Harm	<ul style="list-style-type: none"> - Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service 	
	Significant; Harm	<ul style="list-style-type: none"> - AO - Civil Litigation - Criminal Prosecution - Terminate Service 	
	Recurring; Significant; Harm	<ul style="list-style-type: none"> - Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service 	

**ENFORCEMENT RESPONSE GUIDE
SUMMARY OF ACTION**

Violation	Nature of the Violation	Enforcement Action	Personnel
10. Failure to sample or monitor correctly if IU is required to conduct self-monitoring <u>Applies to:</u> Permitted Users	Failure to monitor all pollutants as required by permit	<ul style="list-style-type: none"> - Informal Notice and require retest - NOV and require retest 	DIRECTOR ^e
	Recurring, Failure to monitor all pollutants as required by permit	<ul style="list-style-type: none"> - NOV - Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service 	
	Improper sampling procedure and/or improper analysis method	<ul style="list-style-type: none"> - Informal Notice and require retest - NOV and require retest 	
	Recurring, improper sampling procedure and/or improper analysis method	<ul style="list-style-type: none"> - NOV - Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service 	
	Failure to monitor in correct location	<ul style="list-style-type: none"> - Informal Notice and require retest - NOV and require retest 	
	Recurring, failure to monitor in correct location	<ul style="list-style-type: none"> - NOV - Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service 	
11. Failure to report required or voluntary monitoring of any	Not Significant	<ul style="list-style-type: none"> - Informal Notice - NOV 	DIRECTOR ^e

regulated pollutant at permitted sampling location <u>Applies to:</u> Permitted Users	Significant or Recurring	- NOV - Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
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**ENFORCEMENT RESPONSE GUIDE
SUMMARY OF ACTION**

Violation	Nature of the Violation	Enforcement Action	Personnel
12. Failure to develop and or implement BMP required by permit <u>Applies to:</u> Permitted Users	Not Significant; No Harm	- Informal Notice - NOV	DIRECTOR ^e
	Significant; No Harm	- NOV - Review Meeting	
	Recurring; Not Significant or Significant; No Harm	- Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Significant; Harm	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Recurring; Significant; Harm	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	
13. Violates prohibited discharge criteria or specific discharge prohibitions <u>Applies to:</u> Permitted Users	Not Significant; No Harm	- NOV	DIRECTOR ^e
	Significant; No Harm	- NOV - Review Meeting	
	Recurring; Not Significant or Significant; No Harm	- Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	

	Significant; Harm	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Recurring; Significant; Harm	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	

**ENFORCEMENT RESPONSE GUIDE
SUMMARY OF ACTION**

Violation	Nature of the Violation	Enforcement Action	Personnel
14. Slug load discharges <u>Applies to:</u> Unpermitted Users Permitted Users	No Harm	- Informal Notice - Slug Control Plan	DIRECTOR ^e
	Recurring; No Harm	- NOV and Slug Control Plan - Review Meeting and Slug Control Plan - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Harm	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Recurring; Harm	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	
15. Violation of local limit or prohibited discharge criteria <u>Applies to:</u> Unpermitted Users	No Harm	- Informal Notice - Permit Application	DIRECTOR ^e
	Recurring; Not Significant or Significant; No Harm	- NOV and Permit Application - Review Meeting and Permit Application	
	Significant; Harm	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	

	Recurring; Significant; Harm	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	
16. Failure to allow access to the facility, facility area, or facility records <u>Applies to:</u> Unpermitted Users Permitted Users	Entry denied or consent withdrawn; Copies of records denied	- Obtain warrant and return to IU	DIRECTOR ^e

**ENFORCEMENT RESPONSE GUIDE
SUMMARY OF ACTION**

Violation	Nature of the Violation	Enforcement Action	Personnel
17. Failure to install and/or maintain monitoring equipment <u>Applies to:</u> Permitted Users	Not Significant	- Informal Notice - NOV	DIRECTOR ^e
	Significant	- NOV - Review Meeting	
	Recurring Not Significant	- NOV - Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Recurring; Significant	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
18. Failure to properly operate and/or maintain treatment equipment <u>Applies to:</u>	Not Significant; No Harm	- Informal Notice - NOV	DIRECTOR ^e
	Significant; No Harm	- NOV - Review Meeting	

Permitted Users	Recurring; Not Significant or Significant; No Harm	- Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Significant; Harm	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Recurring; Significant; Harm	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	

ENFORCEMENT RESPONSE GUIDE SUMMARY OF ACTION			
Violation	Nature of the Violation	Enforcement Action	Personnel
19. Wastestreams are diluted in lieu of proper treatment <u>Applies to:</u> Permitted Users	Good Faith; No intent; No Harm	- Informal Notice - NOV	DIRECTOR ^e
	Recurring or Proven; No Harm	- Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Proven; Harm	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	
20. Failure to maintain sample point that allows for and does not interfere with representative sample collection <u>Applies to:</u> Permitted Users	First and Second Occurrence	- Informal Notice	DIRECTOR ^e
	Recurring	- NOV - Review Meeting - AO - Citation - Civil Litigation - Criminal Prosecution - Terminate Service	

21. Inadequate recordkeeping <u>Applies to:</u> Permitted Users	IU's recordkeeping/files are incomplete and/or missing documents, Good Faith	- Informal Notice - NOV	DIRECTOR ^e
	IU's recordkeeping/files continue to be incomplete and/or missing documents or No Good Faith	- NOV - Review Meeting - AO - Citation - Civil Litigation - Criminal Prosecution - Terminate Service	

ENFORCEMENT RESPONSE GUIDE SUMMARY OF ACTION			
Violation	Nature of the Violation	Enforcement Action	Personnel
22. Failure to mitigate noncompliance or halt production <u>Applies to:</u> Permitted Users	Good Faith effort demonstrated	-Review Meeting -AO	DIRECTOR ^e
	Recurring or No Good Faith	- AO - Citation - Civil Litigation - Criminal Prosecution - Terminate Service	
23. Any other violation not elsewhere described in the Enforcement Response Guide	Any	- NOV - Review Meeting - AO - Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	DIRECTOR ^e

a. All violations may be subject to supplemental enforcement actions as defined in this ERP and include public notice, increased monitoring and reporting, and cost recovery for damages, abatement and remediation.

- | |
|--|
| b. All violations will be identified and documented within approximately ten (10) business days of receiving compliance information. |
| c. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or termination of service. |
| d. The city's enforcement actions will include specified date(s) at which the city expects a response from a user that has violated provisions of the ordinance. All violations will normally be addressed by the user within ten (10) to thirty (30) business days of the identification of noncompliance. The city will pursue users return to compliance as quickly as seems practical, taking into account as many factors as appropriate for the situation. |
| e. Director of Public Works or the duly authorized representative of the Director of Public Works. |

[Insert TRA File Number]

[Insert Date]

[Insert Contract Party Pretreatment Representative Name]

[Insert Contract Party Pretreatment Representative Title]

City of [Insert name of City]

[Insert Street Address]

[Insert City], Texas [Insert Zip Code]

Dear [Mr./Ms.] [Insert Contracting Party Representative Last Name]:

Monitoring activities were conducted at [Insert name of SIU as it appears on Permit]. The enclosed analysis indicates noncompliance with the [Insert name of SIU as it appears on Permit]'s "Permit to Discharge Industrial Wastewaters to the Sanitary Sewer" at the time of the monitoring activity. [Note this opening paragraph can be adjusted to accommodate or explain other types of violations besides a violation(s) of a numeric permit limit.]

The City of Keller (City) is responsible for the administration and enforcement of Ordinance No. [Insert all current Ordinance Nos. that were approved for the City under the TRA-CRWS Pretreatment Program]. The City and the Trinity River Authority (TRA) must also comply with the Environmental Protection Agency's (EPA) General Pretreatment Regulations (40CFR §403) and the Ordinance.

Therefore, a Notice of Violation (NOV) should immediately be sent to the industry with a request to submit within ten (10) business days of receiving this notice a report containing the following :

1. The problems(s) per the NOV issued.
2. The possible cause(s) of the problem(s).
3. The steps being taken to minimize or curtail the reoccurrence of the problem(s).

A copy of the NOV issued to the industry and the industry's report must be sent to the TRA's Pretreatment Division within one (1) month of the City's receipt of the TRA monitoring report.

The NOV must also be addresses by the City as to what its actions against the industry may be. This may entail a progressive enforcement, a fine, etc. Progressive enforcement is an essential part of the pretreatment enforcement program as required by the General Pretreatment Regulations.

[Insert Contract Party Pretreatment Representative Name]

[Insert Date of Letter]

[Insert TRA File Number]

Page 2

It is not the intent of the TRA to cause undue hardship for the industries in your City; however, enforcement of Ordinance No. *[Insert all current Ordinance Nos. that were approved for the City under the TRA-CRWS Pretreatment Program]* is a requirement of the TRA Central Regional Wastewater System's (CRWS) Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010984001.

Sincerely,

[Insert Name of TRA Environmental Specialist]

Environmental Specialist

Enclosure *[Enclose a copy of the summary of the results identifying noncompliance and lab report if needed]*

cc: *[Insert Name]*, Manager, CRWS

[Insert Name], Environmental Supervisor, CRWS

[Insert Date]

[Insert SIU's Designated Signatory's Name]

[Insert SIU's Designated Signatory's Title]

[Insert name of SIU as it appears on the City's issued permit]

[Insert Street Address]

[Inset City], Texas [Insert Zip Code]

Re: Noncompliant Wastewater Discharge

Dear [Mr./Ms.] [Insert SIU's Designated Signatory's Last Name]:

Monitoring activities were conducted on [insert date(s) of sample collection event that is in noncompliance] at [Insert name of SIU as it appears on the City's issued permit] "Permit to Discharge Industrial Wastewater to the Sanitary Sewer" at the time of the monitoring activity.

This letter shall serve as an OFFICIAL NOTICE OF VIOLATION

[Note the opening paragraph and the "To Wit:" section can be adjusted to accommodate or explain other types of violations besides a violation(s) of a numeric permit limit.]

To Wit:

<u>Date</u>	<u>Parameter</u>	<u>Outfall</u>	<u>Result (mg/L)</u>	<u>Daily Limit (mg/L)</u>	<u>Monthly Limit (mg/L)</u>
01/02/2014	Oil and Grease	001	205	200	NA

A report addressing the following must be submitted within ten (10) business days of the receipt of this letter:

1. Nature of the violation;
2. Cause(s) or possible cause(s) of problem(s) which resulted in the violation(s), and
3. Corrective action(s) taken to ensure compliance.

This notification shall not relieve the user of any expense, loss, damage, or other liability which may have incurred as a result of damage to the City's collection line, POTW, or any other damage to person(s) or property, nor shall this notification relieve the user of any fine, civil penalties, or other liabilities which may be imposed.

[Insert SIU's Designated Signatory's Name]

[Insert Date of Letter]

Page 2

It is not the intent of the City or the Trinity River Authority (TRA) to cause undue hardship for its industries; however, enforcement of Ordinance No. *[Insert all current Ordinance Nos. that were approved for the City under the TRA-CRWS Pretreatment Program]* is a requirement of the TRA Central Regional Wastewater System's (CRWS) Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010984001.

Sincerely,

[Insert Contract Party Pretreatment Representative Name]

[Insert Contract Party Pretreatment Representative Title]

Enclosure *[Enclose a copy of the summary of the results identifying noncompliance and lab report if needed]*

cc: *[Insert Name of Normal onsite contact],[Insert Title of this contact], [Insert Name of SIU]*
[Insert Name], Environmental Specialist, TRA

on the quality of the wastewater it discharges to the sanitary sewer.

- 4a. [Insert name of Industry] is subject to the City Industrial Wastewater Ordinance, [Insert all current Ordinance Nos. that were approved for the City under the TRA-CRWS Pretreatment Program] which contains prohibitions, restrictions and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
5. Pursuant to the ordinance [Insert "and the above-referenced permit" if the User is permitted], data is routinely collected or submitted on the compliance status of [Insert name of Industry].
6. This data shows that [Insert name of Industry].has violated the Industrial Wastewater Ordinance in the following manner:

[Note the violations could vary from examples provided below]

- a. [Insert name of Industry] has continuously violated its [Insert either "permit limits" if user is permitted or "ordinance limits" if user is not permitted] for [Insert Pollutant Type; e.g., copper and zinc] in each sample collected from [Insert Date] to [Insert Date].
- b. [Insert name of Industry] has also failed to comply with an administrative compliance order requiring the installation of a pretreatment system and the achievement of compliance with its permit limits by [Insert Date].
- c. [Insert name of Industry] has failed to appear at a show cause hearing pursuant to an order requiring said attendance.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [INSERT NAME OF INDUSTRY] IS HEREBY ORDERED TO:

1. Within 24 hours of receiving this order, cease all non-domestic discharges into the City's sanitary sewer. Such discharges shall not recommence until such times as [Insert name of Industry] is able to demonstrate that it will comply with its current [Insert "permit limits" if the User is permitted or "ordinance limits" if not permitted].
2. Failure to comply with this order may subject [Insert name of Industry] to having its connection to the sanitary sewer sealed by the City and assessed the costs therefore.
3. Failure to comply with this order shall also constitute a further violation of the Industrial

Exhibit 3 - Contracting Party Cease and Desist Order Example

Wastewater Ordinance and may subject [*Insert name of Industry*] to civil or criminal penalties or such other enforcement response as may be appropriate.

4. This order, entered this ____ day of _____ 20____, shall be effective upon receipt by [*Insert name of Industry*].

Signed: _____

[*Insert Name of Director of Public Works*]

Director of Public Works

City of Keller

[*Insert address of Director of Public Works*]

CITY OF KELLER

IN THE MATTER OF * CONSENT ORDER

*

[INSERT NAME OF INDUSTRY]

* Director of Public Works

[INSERT ADDRESS OF INDUSTRY]

* [INSERT ADDRESS OF PUBLIC WORKS

* DIRECTORDIRECTOR]

CONSENT ORDER

WHEREAS, the City of Keller pursuant to the powers, duties and responsibilities vested in and imposed upon the Director of Public Works by provisions of the City's Industrial Wastewater Ordinance, have conducted an ongoing investigation of [Insert name of Industry] and has determined that:

1. The City of Keller (hereafter, "City") discharges wastewater to the Trinity River Authority Central Regional Wastewater Treatment System which has implemented a pretreatment program to control industrial discharges in accordance with the Texas Pollutant Discharge Elimination System Permit No. WQ0010984001.
2. [Insert name of Industry] discharges non-domestic wastewater containing pollutants into the sanitary sewer system of the City of Keller and is an industrial user as defined by the City's Industrial Wastewater Ordinance.
3. [Insert name of Industry] is subject to the City Industrial Wastewater Ordinance, [Insert all current Ordinance Nos. that were approved for City under the TRA-CRWS Pretreatment Program] which contains prohibitions, restrictions and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
4. [Insert name of Industry] has consistently violated the pollutant limits in its wastewater discharge permit as set forth in Exhibit I, attached hereto.
5. Therefore, to insure that [Insert name of Industry] is brought into compliance with its permit limits at the earliest possible date, IT IS HEREBY AGREED AND ORDERED, BETWEEN [INSERT NAME OF INDUSTRY] AND THE DIRECTOR OF PUBLIC WORKS, FOR THE CITY OF KELLER, that [Insert name of Industry] shall:

[Note, the tasks that an industrial user will need to accomplish to return to compliance can vary

and the City may have additional requirements. The contents of a Consent order are going to be unique depending on the situation. The City can also choose to add additional penalties if steps are not completed; Two Example formats are given below. First example addresses the use of a compliance schedule. The second example places specific milestones/requirements in the body of the Consent Order].

Example 1:

- a. By *[Insert Date]*, submit a Compliance Schedule to the City with detailed timely increments of progress (hereafter, milestone) for the purpose of bringing *[Insert name of Industry]* into compliance with its wastewater discharge permit. Each milestone will need to have a specific start and completion date.
- b. Within *[Insert milestone report due dates, due date cannot be more than 14 days]* working days after each date, *[Insert name of Industry]* must submit to the City, in writing, a process report detailing the measures taken to comply with the requirements of the milestone.
- c. Beginning in *[Insert Month, Year]*, *[Insert name of Industry]* shall self-monitor at *[Identify location; e.g. Outfall 001]* for *[Insert parameter(s); e.g. copper and zinc]* using 40 CFR Part 136 approved methodologies at least *[insert frequency, e.g., once a month]*, and submit those results by *[Insert a timeframe of submittal]* for a period of *[insert duration]*.
- d. By *[Insert Date]*, *[Insert name of Industry]* must achieve compliance with the limits set forth in the industry's permit to discharge industrial wastewater to the sanitary sewer system.
- e. *[Insert name of Industry]* shall pay a maximum of One Thousand Dollars (\$1000.00) for each and every day it fails to comply with the schedule set out in items a through d above. *[Insert how payment shall be made, to whom, and by what timeframe within the City, e.g., The \$1,000 per day penalty shall be paid to the cashier of the City's Water Department within 5 days of being demanded by the City].*

Example 2:

- a. By *[Insert Date]*, obtain the services of a registered professional engineer specializing in wastewater treatment for the purposes of designing a pretreatment system, which will bring *[Insert name of Industry]* into compliance with its wastewater discharge permit.

Exhibit 4 – Contracting Party Consent Order Example

- b. By *[Insert Date]*, submit plans and specifications for the proposed pretreatment system to the City for review.
 - c. By *[Insert Date]*, install the pretreatment system in accordance with the plans and specifications submitted in item b above.
 - d. Beginning in *[Insert Month, Year]*, *[Insert name of Industry]* shall self-monitor at *[Identify location; e.g. Outfall 001]* for *[Insert parameter(s); e.g. copper and zinc]* using 40 CFR Part 136 approved methodologies at least *[insert frequency]*, and submit those results by *[Insert a timeframe of submittal]* for a period of *[Insert duration]*.
 - e. By *[Insert Date]*, *[Insert name of Industry]* must achieve compliance with the limits set forth in the industry’s permit to discharge industrial wastewater to the sanitary sewer system.
 - f. *[Insert name of Industry]* shall pay a maximum of One Thousand Dollars (\$1000.00) for each and every day it fails to comply with the schedule set out in items a through e above. *[Insert how payment shall be made, to whom, and by what timeframe within the City, e.g., The \$1,000 per day penalty shall be paid to the cashier of the City’s Water Department within 5 days of being demanded by the City.]*
4. In the event *[Insert name of Industry]* fails to comply with any of the deadlines set forth. *[Insert name of Industry]* shall within *[Specify number of days]* working day(s) after expiration of the deadline, notify the City in writing. This notice shall describe the reasons for *[Insert name of Industry]* failure to comply, the additional amount of time needed to complete the remaining work, and the steps to be taken to avoid future delays. This notification in no way excuses *[Insert name of Industry]* from its responsibility to meet any later milestones required by this Consent Order.
 5. Compliance with the terms and conditions of this Consent Order shall not be construed to relieve *[Insert name of Industry]* of its obligation to comply with its wastewater discharge permit, which remains in full force and effect. The City reserves the right to seek any and all remedies available to it under Section *[List applicable Ordinance Section Numbers]* of the City's Industrial Wastewater Ordinance for any violation cited by this order.
 6. Violation of this Consent Order shall constitute a further violation of the City's Industrial Wastewater Ordinance and subjects *[Insert name of Industry]* to all penalties described by Section *[List applicable Ordinance Section Numbers]* of the Industrial Wastewater Ordinance.

Exhibit 4 - Contracting Party Consent Order Example

7. Nothing in this Consent Order shall be construed to limit any authority of the City to issue any other orders or take any other action which it deems necessary to protect the wastewater treatment plant, the environment or the public health and safety.

SIGNATORIES

FOR *[INSERT NAME OF INDUSTRY]*

Date *[Insert Designated Signatory's Name]*
[Insert Name of Industry]

FOR CITY OF KELLER

Date *[Insert Name of Director of Public Works]*
Director of Public Works
City of KELLER
[Insert address of DIRECTOR Director of Public Works]

CITY OF KELLER

IN THE MATTER OF *
* ADMINISTRATIVE
[INSERT NAME OF INDUSTRY] * SHOW CAUSE ORDER
[INSERT ADDRESS OF INDUSTRY] *

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the powers, duties and responsibilities vested in and imposed upon the Director of Public Works by provisions of the City's Industrial Wastewater Ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under the City's Industrial Wastewater Ordinance.

FINDINGS

1. The City of Keller (hereafter, "City") discharges wastewater to the Trinity River Authority Central Regional Wastewater Treatment System which has implemented a pretreatment program to control industrial discharges in accordance with the Texas Pollutant Discharge Elimination System Permit No. WQ0010984001.
2. [Insert name of Industry] discharges non-domestic wastewater containing pollutants into the sanitary sewer system of the City of Keller.
3. [Insert name of Industry] is a "significant industrial user" as defined by the City's Industrial Wastewater Ordinance.
4. [Insert name of Industry] was issued a wastewater discharge permit on [Insert the issuance date on the current wastewater permit] which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
5. Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of [Insert name of Industry].
6. This data shows that [Insert name of Industry] has violated its wastewater discharge permit in the following manner: [Note the following are examples]
 - a. [Insert name of Industry] has violated its permit limits for [Insert Pollutant Type; e.g., copper and zinc] in each sample collected on [Insert Date] for a total of [Insert number

of violations] separate violations of this permit.

- b. *[Insert name of Industry]* has failed to submit a periodic compliance report due *[Insert Date]*.
- c. All of these violations satisfy the City's definition of significant violation.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, *[INSERT NAME OF INDUSTRY]* IS HEREBY ORDERED TO:

- 1. Appear at a meeting with the Director of Public Works to be held on *[Insert Date]*, at *[Insert Time]* in *[Insert Description of meeting location, e.g., the Water Department Conference Room at the City of Keller Municipal Building]*.
- 2. At this meeting, the industry must demonstrate why the City should not pursue judicial enforcement action against the industry at this time.
- 3. This meeting will be closed to the public.
- 4. Representatives of *[Insert name of Industry]* may be accompanied by legal counsel if they so choose.
- 5. Failure to comply with this order shall also constitute a further violation of the Industrial Wastewater Ordinance and may subject *[Insert name of Industry]* to civil or criminal penalties or such other appropriate enforcement response as may be appropriate.
- 6. This order, entered this ____ day of _____ 20____, shall be effective upon receipt by *[Insert name of Industry]*

Signed: _____

[Insert Name of Director of Public Works]

Director of Public Works

City of Keller

[Insert address of DIRECTOR Director of Public Works]

CITY OF KELLER

IN THE MATTER OF *
*
[INSERT NAME OF INDUSTRY] * ADMINISTRATIVE
[INSERT ADDRESS OF INDUSTRY] * COMPLIANCE ORDER

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the powers, duties and responsibilities vested in and imposed upon the Director of Public Works by provisions of the City's Industrial Wastewater Ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under the City's Industrial Wastewater Ordinance.

FINDINGS

1. The City of Keller (hereafter, "City") discharges wastewater to the Trinity River Authority Central Regional Wastewater Treatment System which has implemented a pretreatment program to control industrial discharges in accordance with the Texas Pollutant Discharge Elimination System Permit No. WQ0010984001.
2. [Insert name of Industry] discharges non-domestic wastewater containing pollutants into the sanitary sewer system of the City of Keller.
3. [Insert name of Industry] is a "significant industrial user" as defined by the City's Industrial Wastewater Ordinance.
4. [Insert name of Industry] was issued a wastewater discharge permit on [Insert the issuance date on the current wastewater permit] which contains prohibitions, restrictions and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
5. Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of [Insert name of Industry].
6. This data shows that [Insert name of Industry] has violated its wastewater discharge permit in the following manner: [Note the following are examples]
 - a. [Insert name of Industry] has violated its permit limits for [Insert Pollutant Type; e.g., copper and zinc] in each sample collected on [Insert Date] for a total of [Insert number

of violations] separate violations of this permit.

- b. [*Insert name of Industry*] has failed to submit a periodic compliance report due since [*Insert Date*].
- c. All of these violations satisfy the City's definition of significant violation.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [*INSERT NAME OF INDUSTRY*] IS HEREBY ORDERED TO:

[Note, the tasks that an industrial user will need to accomplish to return to compliance can vary and the City may have additional requirements. The contents of a Compliance Order are going to be unique depending on the situation.]

1. Within [*Insert a specific number of days, e.g. 180*] days, install pretreatment technology which will adequately treat [*Insert name of Industry*]'s wastewater to a level which will comply with its wastewater discharge permit.
2. Within [*Insert a specific number of days, e.g. 5*] days submit all periodic compliance reports due since [*Insert Date*].
3. Within [*Insert a specific number of days, e.g. 10*] days, pay to the cashier's office of the Municipal Court, City of Keller, a fine of \$2,000.00 for the above-described violations in accordance with [*List applicable Ordinance Section Number from Industrial Wastewater Ordinance*], of the Industrial Waste Ordinance.
4. Report, on a monthly basis, the wastewater quality and the corresponding flow and production information as described on Page [*Insert appropriate page number of permit*] of the wastewater discharge permit, [*Insert Permit No.*] for a period of one year from the effective date of this order.
5. All reports and notices required by this order shall be sent in writing to the City and copied to the Trinity River Authority of Texas at the following addresses:

[*Insert Name of Director of Public Works*] [*Insert Name of TRA Environmental Specialist*]

Exhibit 6 - Contracting Party Compliance Order Example

Director of Public Works

Environmental Specialist

City of Keller

Trinity River Authority of Texas

[Insert address of DIRECTOR Director of Public Works]

6500 W. Singleton Blvd.

Dallas, Texas 75212

6. This order does not constitute a waiver of the wastewater discharge permit which remains in full force and effect. The City of Keller reserves the right to seek any and all remedies available to it under Section [List applicable Ordinance Section Number from Industrial Wastewater Ordinance] of the Industrial Wastewater Ordinance for any violation cited by this order.
7. Failure to comply with the requirements of this order shall constitute a further violation of the Industrial Wastewater Ordinance and may subject [Insert name of Industry] to civil or criminal penalties or such other appropriate enforcement response as may be appropriate.
8. This order, entered this ____ day of _____ 20____, shall be effective upon receipt by [Insert name of Industry]

Signed: _____

[Insert Name of Director of Public Works]

Director of Public Works

City of Keller

[Insert address of Director of Public Works]