

Compliance Evaluation and Enforcement

Building Blocks of a Pretreatment Program

40 CFR Part 403.8(f) (1-6)

- **Legal Authority**
- **Implementation Procedures**
- **Funding/Resources**
- **Local Limits**
- **Enforcement Response Plan**
- **Industrial Waste Inventory**



Regulatory Framework

Pretreatment Regulations

40 CFR Part 403.8(f)(1)

Compliance Evaluation

- (ii)-Require compliance with applicable Pretreatment Standards and Requirements by Industrial Users;
- (v)-Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by Industrial Users.

Pretreatment Regulations

40 CFR Part 403.8(f)(2)

Compliance Evaluation

- (iv)-Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements;
- (v)-Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards;
- (vii)-Investigate instances of noncompliance with Pretreatment Standards and Requirements,

Pretreatment Regulations

40 CFR Part 403.8(f)(5)

Enforcement Response Plan

- The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

Pretreatment Regulations-ERP

- (i) Describe how the POTW will investigate instances of noncompliance;
- (ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
- (iii) Identify (by title) the official(s) responsible for each type of response;
- (iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2).

Pretreatment Regulations

40 CFR Part 403.8(f)(1)(vi)(A)

Enforcement Remedies

- Obtain **remedies for noncompliance** by any Industrial User with any Pretreatment Standard and Requirement. All POTW's shall be able to seek **injunctive relief** for noncompliance by Industrial Users with Pretreatment Standards and Requirements.
- All POTWs shall also have authority to seek or assess **civil or criminal penalties in at least the amount of \$1,000 a day for each violation** by Industrial Users of Pretreatment Standards and Requirements.

Pretreatment Regulations

40 CFR Part 403.8(f)(1)(vi)(B)

Enforcement Remedies

- The POTW shall have authority and procedures (after informal notice to the discharger) immediately and effectively to **halt or prevent** any discharge of pollutants to the POTW which reasonably appears to present an **imminent endangerment** to the health or welfare of persons, to the environment or which threatens to interfere with the operation of the POTW.

Pretreatment Regulations

40 CFR Part 403.8(f)(1)(vi)(B)

Enforcement Remedies

- The Approval Authority shall have authority to seek judicial relief and may also use administrative penalty authority when the POTW has sought a monetary penalty which the Approval Authority believes to be insufficient.

Compliance Assistance

Different than Technical Assistance

- Outreach
- Education
- Engaging the IU
- Active Listening

Practical Exercise

- x Evaluate Permit Compliance
 - x 6 months of DMRs
 - x Monthly sampling
 - x Continuous pH/flow monitoring
 - x Quarterly Reporting

- x Compliance Checklist - recommended