

Appendix G.
EMWD's Enforcement Management System
(Nonreclaimable Waste Line)



EMWD's Enforcement Management System

***A Program for Implementing Adequate and Consistent
Enforcement Response to Assure Compliance with
EMWD's Nonreclaimable Waste Line Ordinance No. 91.3***

May 2, 2018

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1.0 INTRODUCTION

A. IMPLEMENTATION OF PROGRAM. Eastern Municipal Water District is committed to effectively enforcing the General Pretreatment Regulations by:

- Establishing and adopting an Ordinance which regulates the use and quality of discharges permitted to the Nonreclaimable Waste Line (NWL);
- 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 pretreat their industrial waste prior to discharge in order to meet the established limitations.

EMWD has long recognized the need to control the quality of wastewater discharges in the basin as well as to the NWL and adopted Ordinance No.91 in May 2002 to accomplish that purpose. More recently, EMWD adopted Ordinance No. 91.3, establishing "Regulations Nonreclaimable Waste Line Use" on May 2, 2018 (hereinafter sometimes referred to as "Ordinance No. 91.3" or the "NWL Ordinance"). Article 6, Section 601.0 (Enforcement Response Plan), states that, "To the extent required by law or agreement, EMWD shall use The Eastern Municipal Water District Enforcement Management Plan as amended as it's 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."

B. CONTROL AUTHORITY. The Enforcement Management System described herein contains all provisions, including the ERP, that provide adequate guidelines to ensure consistent and reasonable enforcement responses to noncompliance with the Ordinance and permits issued to IUs. *The ERP provided herein, is patterned after and is consistent with the ERP adopted by The Santa Ana Watershed Authority (SAWPA,) who owns and operates the Inland Empire Brine Line (Brine Line) and Orange County Sanitation District (OCSD), who owns and operates the Publicly Owned Treatment Works (POTW) and therefore serves as the Control Authority in accordance with all provisions established by Federal Pretreatment Regulations (40 CFR 403).* The key to an effective Enforcement Management System 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.

2.0 THE ENFORCEMENT MANAGEMENT SYSTEM

WHY IT IS NEEDED

A. EMS OBJECTIVES. An enforcement management system (EMS) is necessary to effectively administer all requirements of the pretreatment program. It provides a systematic way of determining whether IUs are complying with requirements specified in the control mechanisms and legal authorities. The EMS also includes an enforcement response plan (ERP) that 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 the range of administrative penalties associated for each level of enforcement.

The EMS has been established to accomplish the following objectives:

- Issue control mechanism to significant IUs (SIUs);
- Implement pretreatment program requirements;
- Maintain a complete and accurate inventory of IUs;
- Create and maintain a systematic and well documented history of IU inspections and sampling results;
- Ensure an effective compliance screening of all relevant data;
- Ensure a consistent approach to enforcement evaluations; and
- Establish responsibilities, procedures and timeframes for compliance actions.

B. ERP OBJECTIVES. The consistency in enforcement response (e.g. How Enforcement Actions are Implemented) is assured through the ERP and Guide (See Chapter 8). The ERP and Guide are designed to meet the following objectives:

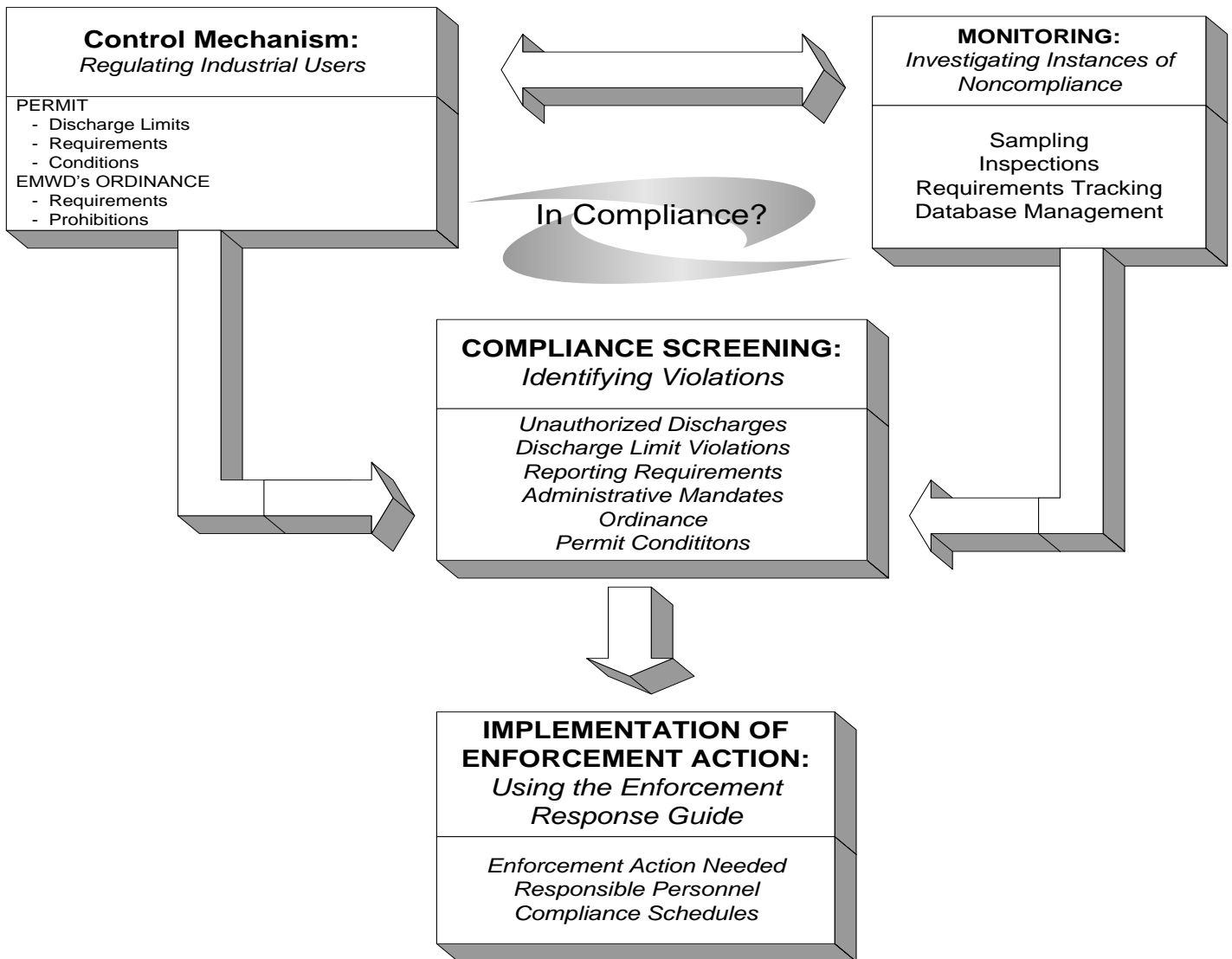
- Identify and investigate instances of noncompliance;
- Establish enforcement responses that are appropriate in relation to the nature and severity of the violation and the overall degree of noncompliance; and
- Provide a guide to encourage uniform application of enforcement responses for comparable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

3.0 EMS - OVERVIEW

HOW IT WORKS

A. EMS COMPONENTS. EMWD's NWL pretreatment program is administered through the Enforcement Management System. The system is a network of four interdependent components:

Enforcement Management System



- Control Mechanisms (ordinance and permits) – Establishing program authority
- Monitoring Program (inspections and sampling) – Verification of compliance
- Compliance Screening – Identification of noncompliance
- Enforcement – Progressive remedies to correct noncompliance

These components work together as shown in Figure 1 to ensure an effective pretreatment program. Each component is implemented through established written policies and procedures that provide clear guidance for carrying out the provisions of the program.

1. Control Mechanisms. Control Mechanisms are the foundation of the EMS. IUs are regulated through permits and the NWL Ordinance. The Ordinance describes general program requirements and establishes the legal authority for the pretreatment program; defines discharge limitations and prohibitions; and establishes and defines IU classifications; and associated monitoring and reporting requirements.

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.

2. Monitoring. IU compliance with ordinance and permit requirements is determined through a monitoring program that

FIGURE 1 - ENFORCEMENT MANAGEMENT SYSTEM

includes: routine inspections; self-monitoring and reporting program; EMWD administered compliance sampling; and investigations of suspected noncompliance. Routine inspections are comprehensive evaluations of the IUs' manufacturing processes and pretreatment equipment and monitoring devices. All inspections are documented on approved inspections forms and input to the EMWD pretreatment program database.

The pretreatment program database is an integral part of the EMS. The database electronically tracks key information needed to fully implement the program including information on industrial permits, sampling data, discharge limitations, compliance history, and automated reporting. Each IU is tracked in the database against requirements established in the permit, ordinance, or through a compliance directive (e.g. NOV, administrative order, etc.). Violations of discharge limits are automatically identified by the database and the appropriate enforcement response letter is generated. Quality assurance is performed manually by Pretreatment Program staff on a regular basis to ensure database system integrity and to upgrade the system with new information as needed.

3. COMPLIANCE SCREENING. The compliance screening process involves a review of available information against established requirements. Violations and other discrepancies that are identified during the compliance screening process are reviewed by the appropriate personnel to evaluate the type of enforcement response needed. The ERP provides the guidance in determining the appropriate enforcement response for all instances of non-compliance. Flow charts have been established to illustrate the process decision-making and action steps for each type of violation (See ERP Flow Charts in Section 8). The ERP identifies the appropriate response based upon the:

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

4. Enforcement. Once the appropriate enforcement action is identified, the implementation of said action 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.

The EMS enables pretreatment program staff members to take reasonable, consistent, and timely actions to control the quality of discharges to the NWL.

4.0 EMS COMPONENTS

PROGRAM ELEMENTS

A. EMS PROGRAM GOALS. The basic components of the program, outlined in Chapter 3, work together to provide the necessary program structure to achieve the goals stated in Article I of EMWD's Ordinance No. 91.3, Section 101.0 – Purpose and Policy. The goals include:

- To prevent the introduction of pollutants into the NWL that will interfere with the operation of SAWPA's Brine Line, and the Orange County Sanitation District's (OCSD) publicly owned treatment works (POTW);
- To prevent the introduction of pollutants into OCSD's POTW which will pass through the treatment works, inadequately treated, to the receiving water or otherwise be incompatible with such works;
- To improve opportunities to recycle and reclaim municipal and industrial wastewaters and biosolids;
- To comply with USEPA, State of California Water Resources Control Board, OCSD, SAWPA, and other federal and state laws to which EMWD, SAWPA and/or OCSD's POTW is subject;
- To enable SAWPA EMWD to control the privileges to any use of the SARI System and tributaries thereto; and
- To protect and preserve the health and safety of the citizens and personnel of SAWPA, OCSD, and contracted agencies.

B. COMPONENTS

1. Control Mechanism: Collectively, the NWL Ordinance and the Industrial User Permits represent the "Control Mechanism". The enforcement responses described in this document are implemented under the authority established by the Ordinance.

- **Ordinance** - Ordinance No. 91.3, adopted May 2, 2018 sets forth uniform requirements for all users of the SARI System. The Ordinance authorizes the issuance of Wastewater Discharge Permits, monitoring and enforcement activities, administrative procedures, IU reporting, and provides language which authorizes the setting of fees for the equitable distribution of costs resulting from the implementation of the pretreatment program.
- **Permit** – The Ordinance prohibits the discharge of wastewater to the NWL without a Permit. Permits are assigned to IUs based upon classifications established in the Ordinance. The classifications are related to the potential significance of the discharge. The classifications are as follows:
 - i. Class I User:** Any user connected directly to the Brine Line or tributaries thereto, except Special Purpose Discharge Users
 - ii. Class II User:** Any user that enlists a liquid waste hauler to transport their wastewater to a designated Brine Line disposal site.
 - iii. Class III User:** Special Purpose Discharges (direct or indirect) Wastewater origins are from unpolluted groundwater, stormwater runoff, subsurface drainage, or similar unpolluted source.

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- iv. **Class IV User:** Liquid Waste Hauler that hauls wastewater from Class II or Class III users for disposal at a Brine Line designated disposal site.
 - v. **Class V User:** Temporary disposal of domestic wastewater to the Brine Line or tributaries thereto. The duration of discharge shall be from one to one hundred eighty (180) days or as established by the General Manager.

The permitting process allows EMWD to categorize IUs based upon the characteristics of the discharge and assign adequate monitoring and inspection frequencies to each discharger. Permits contain discharge prohibitions, specific pollutant limitations, schedules for self-monitoring and reporting, sample location requirements, duration of permit, and enforcement provisions.

The classification and specific provisions adopted in each permit is based upon information provided in a permit application that is submitted by each potential user. EMWD or an Authorized Representative conducts a thorough review of the application and evaluates the IU's manufacturing and treatment processes. The permit issued to each IU authorizes the discharge to the Brine Line under well defined conditions and describes the duties and obligations of the permittee regarding pretreatment standards and other requirements.

2. Monitoring Industrial Users – Methods of Investigating Instances of Noncompliance: EMWD's monitoring program is used to evaluate the compliance status of each IU in relation to applicable standards defined in the permit and Ordinance. The monitoring program consists of:

- **Sampling**
- **Inspections**
- **Data Management**

EMWD implements the pretreatment program and monitors all users of the SARI System. The users are routinely inspected and monitored for compliance. IUs are also required to self-monitor and report the analysis on a specified timeline. All instances of noncompliance are reported and resolved using the progressive enforcement provisions described in the ERP. All sampling and inspection results are input into a database to facilitate compliance screening.

3. Compliance Screening: Compliance screening involves the review of all available information generated by monitoring activities in comparison with established standards. The screening process is used to identify a wide range of compliance requirements related to discharge limits, scheduled monitoring and reporting, and other permit requirements. The screening process is one of identification rather than one that determines the appropriate response. The database is extremely valuable in the screening process as it automatically flags exceedances with discharge limitations.

4. Implementation of Enforcement Actions: The violations and discrepancies identified during the screening process are evaluated using the ERP and Guide. The ERP and Guide are 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 and Guide 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. Each category is then subdivided into major and minor violations. For specific examples of each please refer to Chapter 6. Figure 2 illustrates this concept.

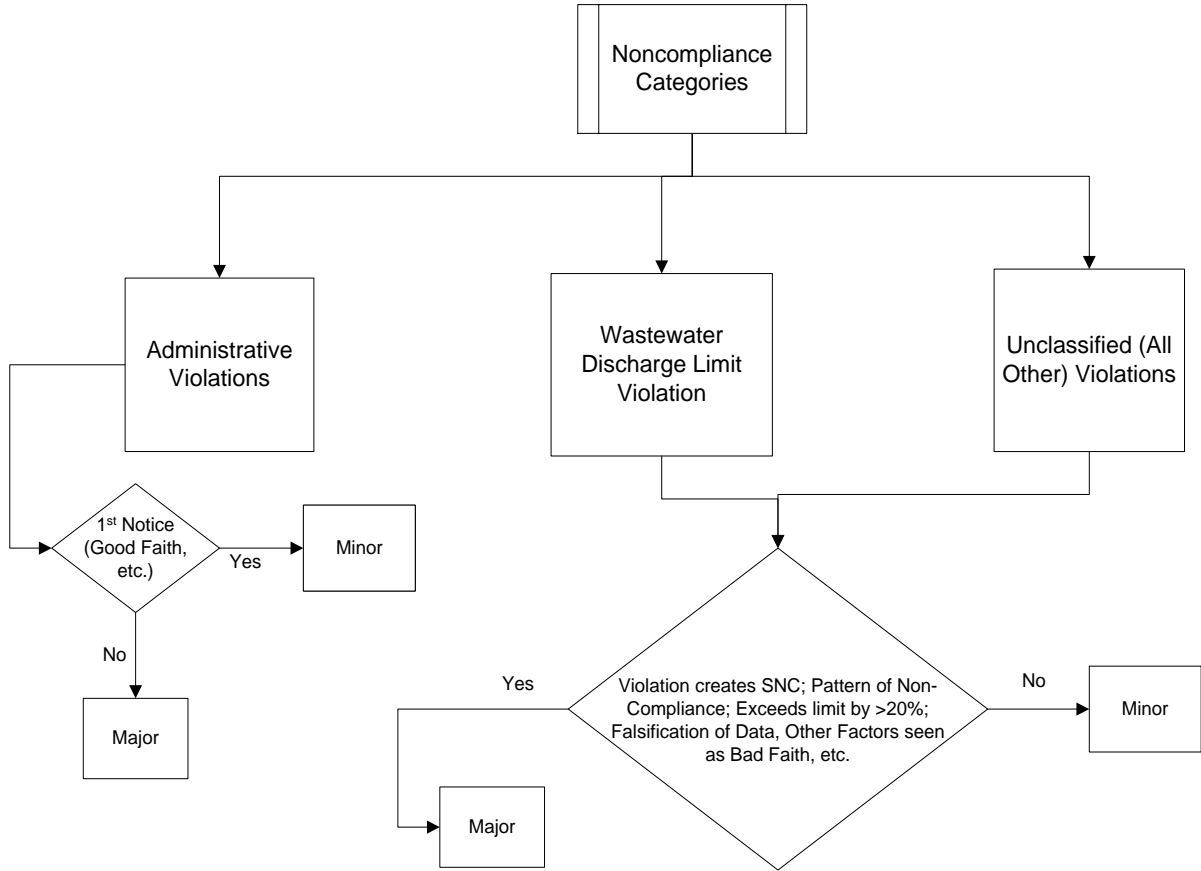


FIGURE 2 - CATEGORIES OF VIOLATIONS

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 remedies, EMWD encourages quick 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 3, 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 NWL, Brine Line, and OCSF facilities; the compliance history of the IU; and the good faith efforts of the IU to eliminate the noncompliance. Chapter 7, 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 EMWD, SAWPA or OCSD, produce an initial 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.

5.0 MONITORING INDUSTRIAL USERS

INSPECTION & SAMPLING PROGRAMS

This Chapter describes the monitoring and tracking activities performed by EMWD and the IU self-monitoring program that are used to ensure continued compliance with all pretreatment requirements.

A. SAMPLING PROGRAM

1. EMWD Sampling: EMWD performs routine and non-routine monitoring of the IUs' wastewater discharges to verify compliance with existing standards identified in the IU permit and NWL Ordinance. All sampling is performed using standard collection methods (e.g. 24-hr composite or grab). Sampling activities for direct discharges are collected at approved sample locations that are representative of the discharge from each IU using a composite automated sampler that is programmed to collect a time-weighted 24-hour composite sample. All samples are preserved and analyzed using approved laboratory techniques and test methods. In addition, flow rates are collected to determine actual mass loading of pollutants. EMWD also collects grab samples, as appropriate, to determine compliance with certain parameters (oil and grease, sulfides, volatile organics, etc.).

Sample data is input to the EMWD database system that accurately compares the results against existing limitations. Noncompliant results are flagged and the appropriate notice of noncompliance is generated. All reports of noncompliance are verified by responsible personnel to insure accuracy before final release of the notice of noncompliance. Once verified, the results become part of the IU's permanent file and compliance history.

2. Self-Monitoring: EMWD requires all direct dischargers to self-monitor and report the results to the pretreatment program department. Permittee's subject to federal categorical standards (Categorical IUs) are required to monitor all regulated heavy metal constituents at least once per quarter. Categorical IUs are also required to sample a minimum of twice per year for cyanide and Total Toxic Organics (TTOs). Monitoring frequencies for all other dischargers are determined on a case-by-case basis depending on the pollutants likely to be discharged, the potential mass loading of pollutants, and the relative consistency of the discharge. All self-monitoring is required to be performed using approved sampling techniques, methods of analysis and preservation, and at a pre-approved sample location. The results of self-monitoring efforts are evaluated for compliance in the same manner as agency monitoring results. When self-monitoring results indicate a violation, the IU is required to immediately resample to verify a return to compliance.

B. INSPECTIONS EMWD conducts routine and non-routine inspections of all Class I (Direct Dischargers) and Class II (Indirect) users. The various types of inspections include:

1. Routine Inspections: EMWD conducts routine inspections on a semi-annual basis at each Class I IU site. The Class II Users receive up to four inspections per year based upon discharge volume and/or wastestream characteristics. The inspections are randomly scheduled during each inspection cycle. The inspection includes an interview with IU representatives, inspection of the IU's sampling location, review of hazardous material/waste handling records,

and visual inspection of the pretreatment and manufacturing processes that pertain to wastewater generation.

2. Follow-up Inspection and Verification: The inspection follows essentially the same process as described for routine inspections except with an emphasis on the suspected area of concern. The inspection typically requires a verification of any required modifications in process or procedures that may have contributed to the noncompliance.

3. Compliance Audit: The compliance audit occurs after a series of repeat violations and follow-up inspections have not served to correct the noncompliance. The purpose is to take a more critical look at the adequacy of pretreatment processes, waste management practices, pollution prevention options, etc.

4. Annual Permit Renewal: This inspection is a comprehensive site and manufacturing process survey designed to verify permit application information, sample point suitability, changes in processes that may contribute differently regarding wastewater generation, review of hazardous waste/material handling practices and procedures, significant changes in personnel responsible for maintaining compliance, etc.

C. DATA MANAGEMENT: EMWD maintains accurate and up-to-date pretreatment program information using three data bases to manage the pretreatment program for input, retrieval, and processing of information pertaining to permits, sample data, reporting, and compliance tracking. These data bases are capable of tracking the following program information:

- IU Information – mailing and business addresses, site contact and responsible party, telephone numbers, NAICS number(s), etc.
- Permit Information – IU Classification, flow rates, pollutants of concern, reporting and monitoring requirements, permit expiration date, process information, chemicals stored on site, sample point location, wastewater and process flow diagrams, etc.
- Sample Data Tracking – History of all sample analysis results, flows, for both self-monitoring and agency sample data.
- Compliance Tracking – The database tracks historical compliance, significant noncompliance (SNC) status, and other monitoring and reporting requirements, progress reports, compliance schedules, etc.
- Self-monitoring Requirements – The database generates reminder letters to conduct self-monitoring, generates Notices of Violation, Notices to Resample, and tracks the submission of resampling results.
- Permit Renewals – The database handles permit application information, tracks and generates new permits, and renewals of existing permits.

6.0 COMPLIANCE SCREENING

HOW VIOLATIONS ARE IDENTIFIED & CLASSIFIED

EMWD has developed procedures for identifying and determining the classification of violations with permits and the Wastewater Discharge Ordinance. This Chapter describes the three general areas of violation (Administrative, Discharge Limit, and other Unclassified) and how the violations are identified. 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 EMWD 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. 91.3, and are generally directly related to a failure to report or take a specified action in a timely manner.

1. Minor Violations: Most minor administrative violations are determined through records review or are automatically flagged by the Pretreatment Program Database 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 initial due date;
- c. Missing a compliance milestone date without prior notification of EMWD;
- d. Failure to conduct sampling when required;
- e. Failure to notify EMWD of a violation of permit conditions within one 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 Violations: Major administrative violations, in general, are those violations that are related to recurring or prolonged noncompliance with reporting or payment of required fees. Samples 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 30 days;
- c. Falsification of documents or attempting to mislead EMWD, SAWPA, or OCSD in any manner;
- d. Failure to cooperate with EMWD or contracted employees in the course of performing their assigned duties;
- e. A pattern of minor administrative violations;
- f. Refusal to admit authorized EMWD or contracted employees, in the course of performing their job, to User's property;
- g. Failure to produce records or accurately report noncompliance;
- h. Greater than 45 days late in submitting required reports;
- i. Failure to pay, within 30 days of the due date, any required fee, penalty or charge as noticed by EMWD;
- j. Intentional discharge of a prohibited waste 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 (see Article 6, Section 603.0 of Ordinance No. 91.3).

- 1. **Minor Violations:** Minor discharge violations are defined as those which, 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, the NWL, Brine Line, or tributaries thereto, OCSD's POTW or to any EMWD employee or contractor. A minor violation is typically a discharge that exceeds a permit limit by less than 20%.
- 2. **Major Violations:** Major discharge violations include, but are not limited to the following:
 - a. Significant noncompliance;
 - b. Discharges which, either alone or in combination with other discharges pose, as determined by the General Manager, a significant threat;
 - c. Discharges that exceed a permit limit by more than 20%;
 - d. Discharging regulated pollutants to the Brine Line or tributaries thereto with a current discharge permit;
 - e. A pattern of minor 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 NWL 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 EMWD, SAWPA, or OCSD 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. 91.3.)

7.0 BASIS FOR ERP & GUIDE

HOW THE ENFORCEMENT RESPONSES ARE DERIVED

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.

A. TYPES OF VIOLATIONS: 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 1-7 and the Flow charts included in Appendix A.

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 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.
- 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 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.

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:

- a. Routine sampling
- 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 required to 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 submit self-monitoring report within specified time frame
 - b. Submitting an incomplete or deficient self-monitoring report
 - c. Failure to resample following a violation based on self-monitoring results
 - d. Repeated failure to self-monitor correctly
 - e. Intentional falsification of self-monitoring reports
 - f. Selective Reporting

4. Violation of Permit Reporting Requirements: Each IU permit contains specific reporting requirements. Violations which may occur and for which enforcement responses have been prepared include:

- a. Failure to report effluent flow monitoring data
- b. Failure to report process flow monitoring data
- c. Failure to report process changes
- d. Failure to report batch discharge
- e. Failure to 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, interfering or denying reasonable access 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 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. EMWD pretreatment program personnel shall follow the provisions of this Enforcement Response Plan and Guide 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:

-
1. **Informal Notices:** Informal notices are 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. **Correction Notice:** The Correction Notice is the first step in the range of Administrative Orders and is used only to resolve minor violations.
 3. **Written Warning:** The Written Warning is used to notify the IU of a minor violation or to follow-up on an unresolved noncompliance where a Correction Notice was issued. This Written Warning shall state the nature of the noncompliance, the provisions which have been violated, and may include any proposed corrective actions or monitoring requirements.
 4. **Monitoring/Production Information Order (MPIO):** This type of enforcement response is warranted when an IU sample result indicates a second consecutive violation for the same pollutant. The MPIO includes the requirement for 14 consecutive production days of flow monitoring and sampling for the pollutant(s) in violation.
 5. **Notice of Violation (NOV):** The NOV shall be issued to an IU for violations of Written Warnings, wastewater discharge permit violations, violation of the NWL Ordinance, or an MPIO that has resulted in significant noncompliance (SNC). NOVs may carry monetary penalties, depending on severity of violation and the IU's history, as established by EMWD resolution. NOVs are served in person or sent by certified mail. All NOVs require a response by the IU within ten calendar days of receipt of the NOV. The response shall be in writing and contain, at a minimum, a plan for correcting or preventing further violations.
 6. **Violation Meeting:** This meeting is called when an IU failed to achieve compliance after issuance of a NOV or at the conclusion of an MPIO that has resulted 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 IU will be responsible for paying a monetary penalty for the Violation Meeting as established by resolution.
 7. **Consent Order:** The General Manager may enter into an agreement with an 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 Order shall also be accompanied by a monetary penalty as established by resolution.
 8. **Compliance Order:** A Compliance Order shall be issued to a user that has violated or continues to violate the Ordinance, Permit, or an Administrative Order. Provisions of the Compliance Order include, but are not limited to, installation of adequate treatment equipment, additional self-monitoring requirements, development of best management practices, an order to attend compliance meetings, or other requirements deemed reasonable and necessary to assure timely compliance. The Compliance Order is developed by the General Manager and is accompanied by a monetary penalty established by resolution.
 9. **Civil Penalty Order:** This Order is issued by the General Manager or EMWD Counsel. The purpose of the Order is to assess penalties as required by the Ordinance and to cover other

costs incurred by EMWD 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 when violations pose a threat to the Brine Line or tributaries thereto, OCSD's POTW, SAWPA, or EMWD employees or contractors, or the public. The Order shall include the deadline for suspending the violating discharge or condition and shall include pertinent facts that support the Cease and Desist Order. The Cease and Desist has a monetary penalty established by resolution.

11. Show Cause Hearing: Show Cause Hearings are public hearings to determine all the facts and findings related to a failure by an IU to comply with previously issued Consent, Compliance, or Cease and Desist Orders. The proceedings will be conducted in accordance with procedures adopted in the Wastewater Discharge Ordinance.

12. Wastewater Discharge Permit Revocation: A permit may be revoked for continued violations of the NWL Ordinance or Permit, 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 EMWD. Upon determination that there are reasonable grounds for permit revocation, the General Manager shall require the IU to attend a Show Cause Hearing. The hearing is held within 15-45 days after the notice is transmitted. The hearing is conducted by the General Manager or his designee. Should the General Manager find that grounds exist for permit revocation, the decision and order is issued in writing within 30 days of the Hearing date.

13. Suspension Order: The General Manager may immediately issue a Suspension Order in response to an actual threat 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, Brine Line, or EMWD personnel.

14. Termination of Service: The General Manager may immediately suspend all wastewater treatment 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 suspend the discharge, 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 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 if the facility is located outside SAWPA's boundaries, in accordance with 40 CFR 403.8(f) (2) (vii).

16. Administrative Complaint: The General Manager of EMWD may issue an Administrative Complaint to any User who violates the Ordinance, Wastewater Discharge Permit, or Administrative Order. Administrative Complaints are used to assess civil liability and to propose a civil penalty. The hearing and waiver procedures are detailed in the Wastewater Ordinance.

Civil Penalties may be imposed in accordance with Government Code, Section 54740.5(d) as follows:

- In an amount not exceeding \$2,000.00 per day for each day an IU fails or refuses to furnish technical or monitoring reports;
- In an amount not exceeding \$3,000.00 per day for each day an IU fails or refuses to comply with any compliance schedule established by the General Manager;
- In an amount not exceeding \$5,000.00 per day for each day an IU 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 EMWD, 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 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 EMWD's General Manager and Legal Counsel. EMWD Legal Counsel is authorized to petition the Superior Court to impose, assess, and recover a sum, not to exceed \$25,000.00 per day for each violation. The General Manager of EMWD 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. Probationary Periods: All Users issued a Written Warning shall be on probation for a period of time not to exceed six months. All Users issued a NOV shall be on probation for a period of time not to exceed 12 months. If the User commits the same violation within the probation period, enforcement proceeds to the next appropriate level.

20. 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 EMWD, 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.

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 EMWD. 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 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 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 are 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 EMWD, SAWPA, or OCSD as a result of the noncompliance.
4. **The Effect of the Violation on the NWL, Brine Line, OCSD's POTW, or Agency Personnel:** Violations which jeopardize the NWL, 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 EMWD, 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 are compared against those established in the Clean Water Act which states:

“The Act requires industry to take extraordinary efforts if the vital and ambitious goals of the Congress are to be met. This means that business-as-usual is not enough. Prompt, vigorous, and in many cases, expensive pollution control measures must be initiated and completed as promptly as possible. In assessing the good faith of a discharger, the discharger is to be judged against these criteria.” (Legislative History of the Clean Water Act No 95-14, Vol. 3, p463)

8.0 ENFORCEMENT RESPONSE PLAN & GUIDE

HOW THE ENFORCEMENT RESPONSES ARE IMPLEMENTED

This Chapter describes how the enforcement responses are implemented and who has the authority and responsibility to take specific actions. Appropriate enforcement responses have been prepared for the range of violations presented in Chapter 7(Section A) and summarize below

A. ENFORCEMENT EVALUATION: An evaluation is performed to determine an appropriate enforcement response that is identified during the screening process. The evaluation is normally conducted by pretreatment program staff with input from management and legal counsel as appropriate. EMWD uses the following Enforcement Response Plan (ERP) and Guide to assist in the evaluation. The ERP and Guide describes the specific range of enforcement responses for each of the following types of violations:

- Unauthorized Discharges
- Exceedance of Discharge Limits
- Self-Monitoring Requirements
- Permit Reporting Requirements
- Failure to Adhere to Administrative Mandates
- Failure to Comply with Ordinance or Special Permit Conditions

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

IN – Inspector	EO- Source Control Enforcement officer
SM- Source Control Manager	GM – General Manager
LC – Legal Counsel	

C. ENFORCEMENT RESPONSE IMPLEMENTATION: Enforcement responses must be implemented as soon as violations are identified during the screening process. Table 1 presents the guidelines established by EMWD 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. EMWD 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. The progressive response to noncompliance is illustrated in Figure 3 – ERP Overview.

Enforcement Response Implementation Guidelines

Enforcement Response	Implementation Guidelines	
	Within (working days)	From
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

Table 1 – ERP and Guide Timeframes

The tables that follow represent the ERP and Guide which summarize all 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

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

Table 2: UNAUTHORIZED DISCHARGE VIOLATIONS (Cont')

Nature of Violation Discharging with Suspended Permit (Cont')	Circumstances ●Harm to NWL, Brine Line, or OCSD	Range of Enforcement Response ► Permit Revocation Proceedings ► Criminal Penalties	Personnel IN/EO/SM, LC, GM
Discharging with Revoked Permit	●No Harm to NWL, Brine Line, or OCSD ●Harm to NWL, Brine Line, or OCSD	► Cease & Desist Order/Court Injunction ► Administrative Complaint/Civil Penalties ► Court Injunction ► Administrative Complaint/Civil Penalties ► Complaint for Recovery of EMWD Incurred Costs ► Physical Termination of Service ► Criminal Penalties	IN/EO/SM, LC, GM EO, SM, LC IN/EO/SM, LC, GM EO, SM, LC EO, SM, LC IN/EO/SM, LC, GM

Table 3: Violations of Discharge Limits

Nature of Violation	Circumstances	Range of Enforcement Response	Personnel
<p>Permit Limit Exceedance</p>	<ul style="list-style-type: none"> Isolated or first violation within a six-month period - Minor Violation 	<ul style="list-style-type: none"> NOV Compliance Follow-up Inspection & Verification 	<p>IN, EO IN</p>
	<ul style="list-style-type: none"> Isolated or first violation within a six month period - Major Violation 	<ul style="list-style-type: none"> NOV with monetary penalty MPIO Compliance Follow-up Inspection & Verification Compliance Audit Compliance Meeting Consent/Compliance Order 	<p>IN, EO, SM IN IN, EO IN, EO, SM EO, SM</p>
	<ul style="list-style-type: none"> Recurring, 2 or more within a six-month period, Major or Minor 	<ul style="list-style-type: none"> NOV with monetary penalty MPIO Compliance Follow-up Inspection & Verification Compliance Audit Violation Meeting Consent/Compliance Order 	<p>IN, EO, SM IN IN, EO IN, EO, SM IN, EO, SM</p>
<p>Slug Load Discharge</p>	<ul style="list-style-type: none"> Isolated or first violation within a six-month period - No Harm to NWL, Brine Line, or OCSD 	<ul style="list-style-type: none"> Issue Cease & Desist Order Compliance Follow-up Inspection & Verification Administrative Complaint/Fine 	<p>EO, SM IN EO, SM, LC</p>
	<ul style="list-style-type: none"> Isolated or first violation within a six-month period - Harm to NWL, Brine Line, or OCSD 	<ul style="list-style-type: none"> Issue Cease & Desist Order Compliance Follow-up Inspection & Verification Complaint for Recovery of SAWPA Incurred Costs Administrative Complaint/Civil Penalties 	<p>EO, SM IN SM, LC EO, SM, LC</p>
	<ul style="list-style-type: none"> Recurring, 2 or more within a six-month period - No Harm to NWL, Brine Line, or OCSD 	<ul style="list-style-type: none"> Cease & Desist Order Compliance Follow-up Inspection & Verification Permit Suspension Proceedings Administrative Complaint/Fine 	<p>EO, SM IN EO/SM, LC, GM EO, SM, LC</p>
	<ul style="list-style-type: none"> Recurring, 2 or more within a six-month period - Harm to NWL, Brine Line, or OCSD 	<ul style="list-style-type: none"> Cease & Desist Order Compliance Follow-up Inspection & Verification Permit Suspension Proceedings Complaint for Recovery of EMWD Incurred Costs Administrative Complaint/Fine 	<p>EO, SM IN EO/SM, LC, GM SM, LC EO, SM, LC</p>
<p>Surveillance (Downstream) Sampling</p>	<ul style="list-style-type: none"> IU in Violation of Discharge Limits - Minor 	<ul style="list-style-type: none"> Cease & Desist Order Compliance Meeting Administrative Complaint/Fine Issue Compliance/Consent Order 	<p>EO, SM IN, EO, SM EO, SM, LC EO, SM</p>
	<ul style="list-style-type: none"> IU in Violation of Discharge Limits - Major 	<ul style="list-style-type: none"> Cease & Desist Order Compliance Meeting 	<p>IN, EO, SM IN, EO, SM</p>

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

Nature of Violation Surveillance (Downstream) Sampling (Cont')	Circumstances	Range of Enforcement Response	Personnel
Permit Limit Exceedance While Under Compliance or Consent Order	<ul style="list-style-type: none"> ●IU in Violation of Discharge Limits - Major ●First Violation - Major or Minor ●Recurring, 2 or more within the duration of the Compliance or Consent Order 	<ul style="list-style-type: none"> ▶ Administrative Complaint/Fine ▶ Permit Suspension Proceedings ▶ Issue Compliance/Consent Order ▶ NOV with monetary penalty ▶ Issue Cease & Desist Order ▶ Compliance Follow-up Inspection & Verification ▶ NOV with monetary penalty ▶ Administrative Complaint/Fine ▶ Compliance Follow-up Inspection & Verification ▶ Permit Suspension Proceedings 	<p>EO, SM, LC EO, SM, LC, GM EO, SM</p> <p>IN, EO, SM EO, SM IN</p> <p>IN, EO, SM EO, SM, LC IN EO, SM, LC, GM</p>

Table 4: Violations of Self-Monitoring Requirements

Nature of Violation	Circumstances	Range of Enforcement Response	Personnel
Failure to Submit Self-Monitoring Report	<ul style="list-style-type: none"> ● Report is past Due (10 Days) ● Report is past Due (10 Days) past Informal Late Notice ● Report is past Due (25 Days) past Written Warning ● Failure to Submit SMR (>25 Days) late from 2nd Notice 	<ul style="list-style-type: none"> ▶ Informal Notice to Submit SMR within 10 days ▶ Issue Written Warning of Administrative Fine ▶ SNC Notification/Publication ▶ Administrative Complaint/Fine 	<p>IN, EO</p> <p>IN, EO, SM</p> <p>EO, SM</p> <p>EO, SM, LC, GM</p>
Deficient SMR - Incomplete/Incorrect	<ul style="list-style-type: none"> ● Initial Failure - SMR is incomplete or has incorrect information, is not signed by authorized person or indicate incorrect monitoring procedures (Resampling Required) ● Subsequent Violation(s) 	<ul style="list-style-type: none"> ▶ 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 ▶ Issue NOV 	<p>IN, EO</p> <p>EO, SM</p>
Failure to Resample Following a Self-Monitoring Violation	<ul style="list-style-type: none"> ● Report is past due (10 Days) ● Report is past due (45 Days) 	<ul style="list-style-type: none"> ▶ Issue Written Warning ▶ SNC Notification/Publication ▶ Administrative Complaint/Fine 	<p>IN, EO</p> <p>OM, EM, GM</p> <p>EO, SM, LC, GM</p>
Repeated Failure to Self-Monitor Correctly	<ul style="list-style-type: none"> ● Second Violation ● Subsequent Repeat Violation 	<ul style="list-style-type: none"> ▶ Issue Written Warning ▶ Administrative Complaint/Fine 	<p>IN, EO</p> <p>EO, SM, LC, GM</p>
Intentional Falsification of Self-Monitoring Reports	<ul style="list-style-type: none"> ● First Occurrence ● Subsequent Occurrences 	<ul style="list-style-type: none"> ▶ Issue Notice Informing IU of Allegation ▶ Administrative Complaint/Fine ▶ Permit Revocation Proceedings 	<p>EO, SM</p> <p>EO, SM, LC, GM</p> <p>IN/OM/EM, LC, GM</p>
Failure to Report All Self-Monitoring Results (selective reporting)	<ul style="list-style-type: none"> ● First Occurrence ● Subsequent Occurrences 	<ul style="list-style-type: none"> ▶ Issue NOV - Requiring submission of all unreported results within 45 days - Warning of Administrative fine/SNC Publication if not resolved ▶ Issue NOV - Requiring submission of all unreported results within 45 days - Warning of Administrative fine/SNC Publication if not resolved ▶ Administrative Complaint/Fine ▶ SNC Notification/Publication 	<p>EO, SM</p> <p>EO, SM, LC</p> <p>EO, SM, LC, GM</p> <p>EO, SM</p>

Table 5: Violations of Permit Reporting Requirements

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

Table 6: Violations of Administrative Mandates

Nature of Violation	Circumstances	Range of Enforcement Response	Personnel
<p>Failure to Comply with Monitoring Production Information Order (MPIO)</p>	<ul style="list-style-type: none"> ●IU does not comply with all Provisions of the MPIO but is not in SNC ●Failure results in SNC Status 	<ul style="list-style-type: none"> ▶ Compliance Inspection - Verification ▶ Increase Self-Monitoring Requirements ▶ Consent or Compliance Order ▶ Administrative Complaint/Fine ▶ NOV with Notice to Comply with Discharge Limits ▶ Administrative Complaint/Fine ▶ SNC Notification/Publication ▶ Permit Suspension Proceedings 	<p>IN EO, SM EO, SM EO, SM, LC</p> <p>IN, EO EO, SM, LC EO, SM EO/SM, LC, GM</p>
<p>Failure to Comply with Consent Order</p>	<ul style="list-style-type: none"> ●Missed Milestone in Schedule ●Failure to Submit Reports Required by the Consent Order ●Failure to Comply with Consent Order Provisions (45 days past due) 	<ul style="list-style-type: none"> ▶ NOV and fine of \$200/day for each day late up to a maximum of \$1000 (5 days) ▶ NOV and fine of \$200/day for each day late up to a maximum of \$1000 (5 days) and Warning Notice for SNC Publication for Continued Failure ▶ Administrative Complaint/Fine ▶ SNC Notification/Publication ▶ Permit Suspension Proceedings 	<p>EO, SM</p> <p>EO/SM</p> <p>EO, SM, LC EO, SM EO/SM, LC, GM</p>
<p>Failure to Comply with Compliance Order</p>	<ul style="list-style-type: none"> ●Missed Milestone in Schedule ●Failure to Submit Reports Required by the Consent Order ●Failure to Comply with Consent Order Provisions (45 days past due) 	<ul style="list-style-type: none"> ▶ NOV and fine of \$200/day for each day late up to a maximum of \$1000 (5 days) ▶ NOV and fine of \$200/day for each day late up to a maximum of \$1000 (5 days) and Warning Notice for SNC Publication for Continued Failure ▶ Administrative Complaint/Fine ▶ SNC Notification/Publication ▶ Permit Suspension Proceedings 	<p>EO, SM</p> <p>EO/SM</p> <p>EO, SM, LC EO, SM EO/SM, LC, GM</p>
<p>Failure to Comply with Cease & Desist Order</p>	<ul style="list-style-type: none"> ●IU Continues to Discharge in Violation of Limits - No Harm to NWL, Brine Line, or OCSD 	<ul style="list-style-type: none"> ▶ Issue NOV for Failure to Comply with Cease & Desist Order ▶ Compliance Inspection - Verification ▶ Increase Self-Monitoring Requirements ▶ Administrative Complaint/Civil Penalties ▶ Permit Suspension Proceedings 	<p>EO, SM</p> <p>IN EO, SM EO, SM, LC, IN/EO/SM, LC, GM</p>
	<ul style="list-style-type: none"> ●IU Continues to Discharge in Violation of Limits - Harm to NWL, Brine Line, or OCSD 	<ul style="list-style-type: none"> ▶ Issue NOV for Failure to Comply with Cease & Desist Order ▶ Administrative Complaint/Civil Penalties ▶ Complaint for Recovery of EMWD Incurred Costs 	<p>EO, SM</p> <p>EO, SM, LC, EO, SM, LC</p>

Table 6: Violations of Administrative Mandates (Cont.)

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

Table 7: Violations of Ordinance or Special Permit Conditions

Nature of Violation	Circumstances	Range of Enforcement Response	Personnel
<p>Failure to Implement any Required Action Need to: Install Treatment or Spill Containment, a Representative Sample Point or Flow Monitoring Equipment</p>	<ul style="list-style-type: none"> ●Initial failure - Initiated action but missed due date(s) ●Repeated Failure - Missed Correction Notice Compliance Dates ●Complete Failure - Did Not initiate actions or failure to complete within 30-days after NOV Issued 	<ul style="list-style-type: none"> ▶ Issue Correction Notice with New Compliance Dates ▶ Issue NOV with Notice to Complete in 30-days ▶ Compliance Meeting ▶ Administrative Complaint/Fine ▶ Consent/Compliance Order 	<p style="text-align: center;">IN</p> <p style="text-align: center;">EO, SM, LC</p> <p style="text-align: center;">IN, EO, SM EO, SM, LC IN, EO, SM</p>
<p>Failure to Submit Required Drawings & Information</p>	<ul style="list-style-type: none"> ●Required Submittal Past Due ●Complete Failure - Did Not Submit Required Information within 45 -days of Written Warning 	<ul style="list-style-type: none"> ▶ Issue Written Warning of Administrative Fine & SNC Publication if not Resolved in 45-days ▶ SNC Notification/Publication ▶ Administrative Complaint/Fine 	<p style="text-align: center;">IN, EO</p> <p style="text-align: center;">EO, SM EO, SM, LC</p>
<p>Failure to Comply with Wastewater Treatment Operator Requirement</p>	<ul style="list-style-type: none"> ●Initial failure - No Qualified Pretreatment System Operator Employed ●Continued Failure - Does Not Employ Qualified Treatment System Operator within Time Frame Established in Correction Notice ●Complete Failure - Does Not Employ Qualified Treatment System Operator within 30-Days of NOV 	<ul style="list-style-type: none"> ▶ Issue Correction Notice with New Compliance Dates ▶ Issue NOV with Notice to Complete in 30-days ▶ Administrative Complaint/Fine 	<p style="text-align: center;">IN</p> <p style="text-align: center;">EO, SM, LC</p> <p style="text-align: center;">EO, SM, LC</p>
<p>Failure to Comply with Record-Keeping Requirements</p>	<ul style="list-style-type: none"> ●First-time Violation ●Failure to Correct Problem 	<ul style="list-style-type: none"> ▶ Issue Written Warning with Compliance Deadlines ▶ Compliance Follow-up Inspection/Verification ▶ Issue NOV Requiring Correction within 30-Days 	<p style="text-align: center;">IN, EO IN</p> <p style="text-align: center;">EO, SM</p>
<p>Failure to Comply with Prohibitions</p>	<ul style="list-style-type: none"> ●Initial Violation - Detected During Inspection ●Failure to Correct Problem 	<ul style="list-style-type: none"> ▶ Issue NOV Requiring Immediate Correction ▶ Compliance Follow-up Inspection/Verification ▶ Issue NOV Requiring Immediate Correction ▶ Compliance Audit/Inspection ▶ Compliance Meeting 	<p style="text-align: center;">IN, EO IN</p> <p style="text-align: center;">IN, EO IN IN, EO, SM</p>

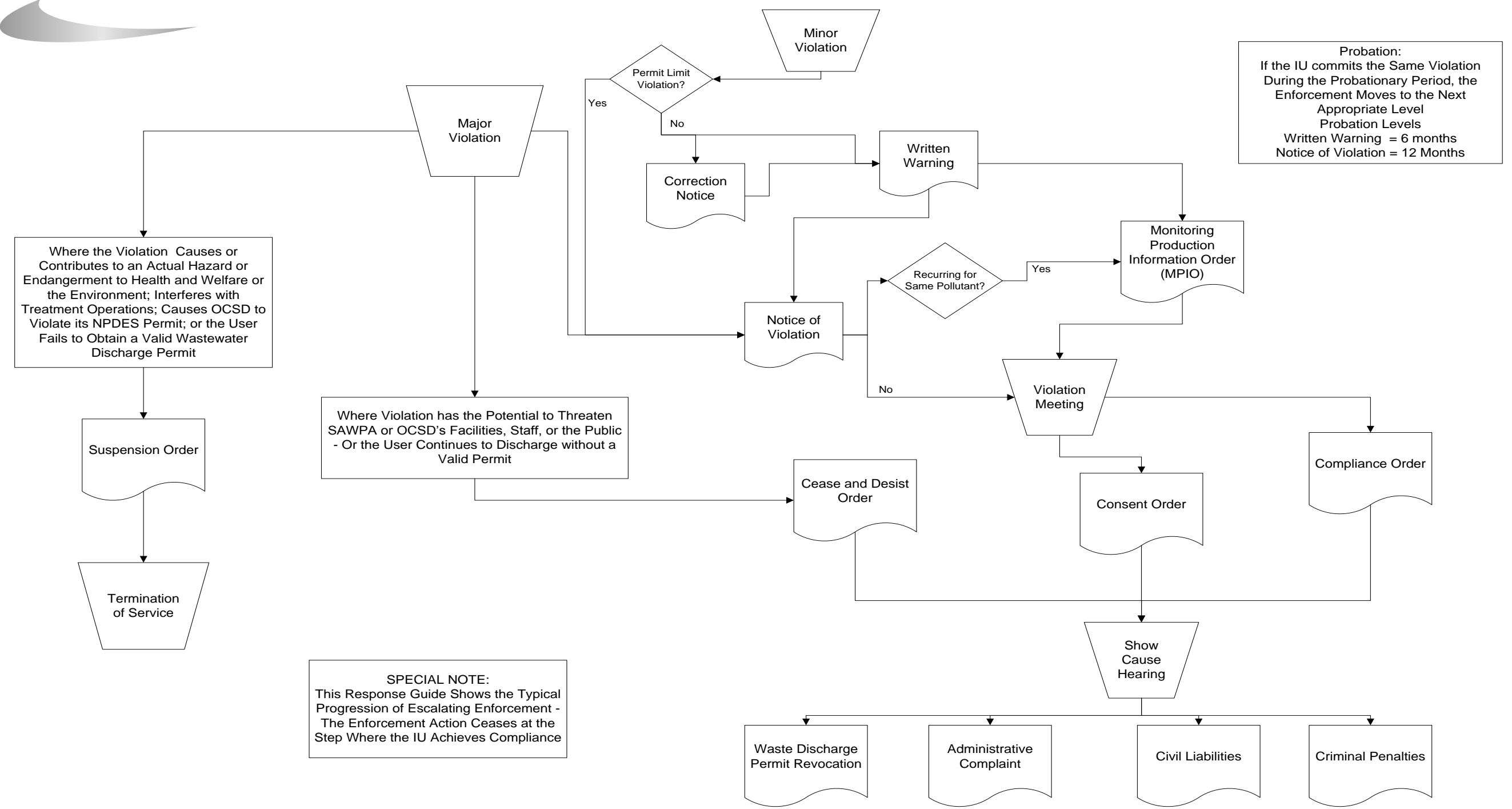
Table 7: Violations of Ordinance or Special Permit Conditions (Cont')

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

**ERP OVERVIEW PROCESS
FLOW DIAGRAM**
Figure 3

FIGURE 3 - ERP OVERVIEW

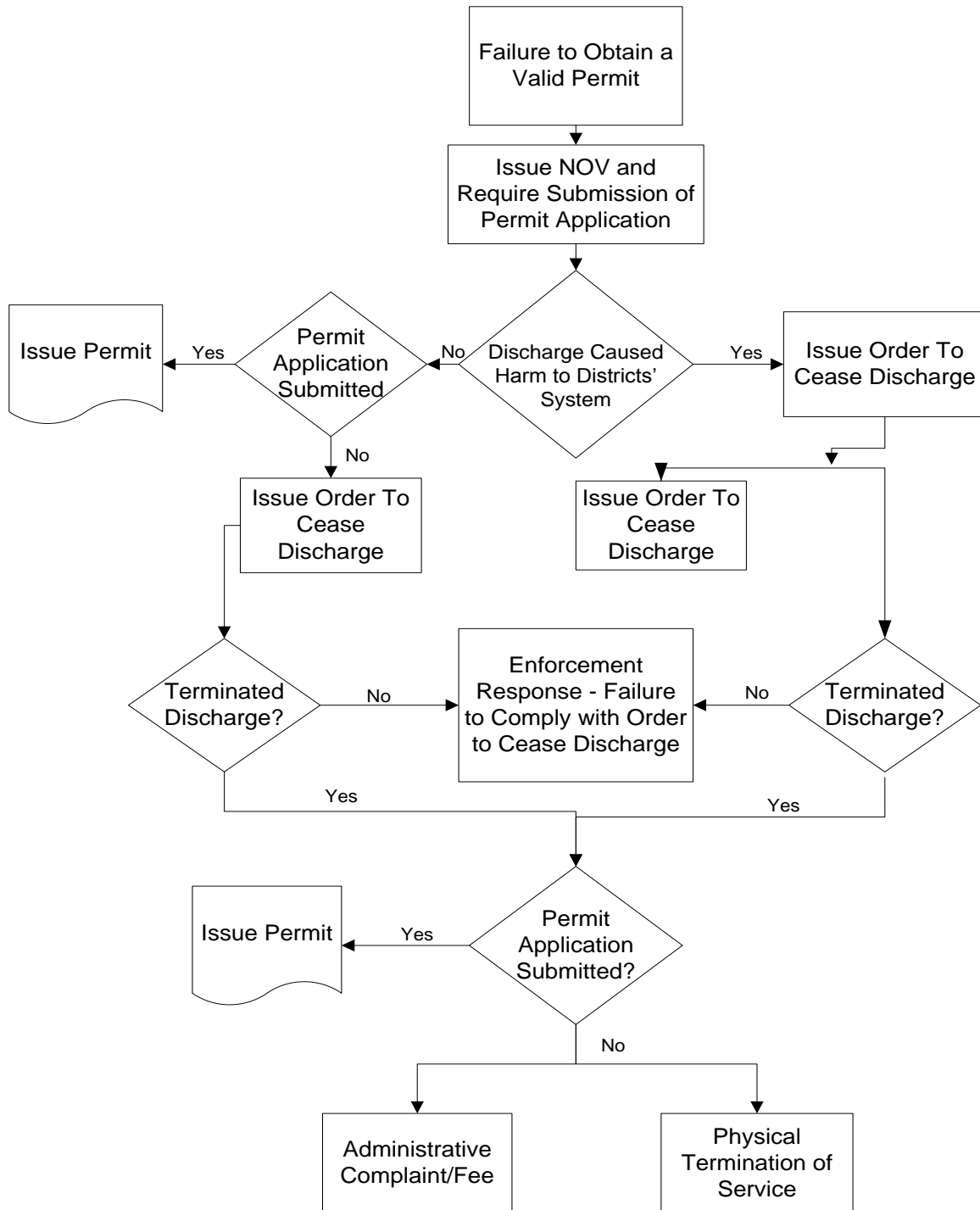
SANTA ANA WATER PROJECT AUTHORITY
ENFORCEMENT RESPONSE GUIDE (OVERVIEW)



APPENDIX A – ERP FLOW CHARTS

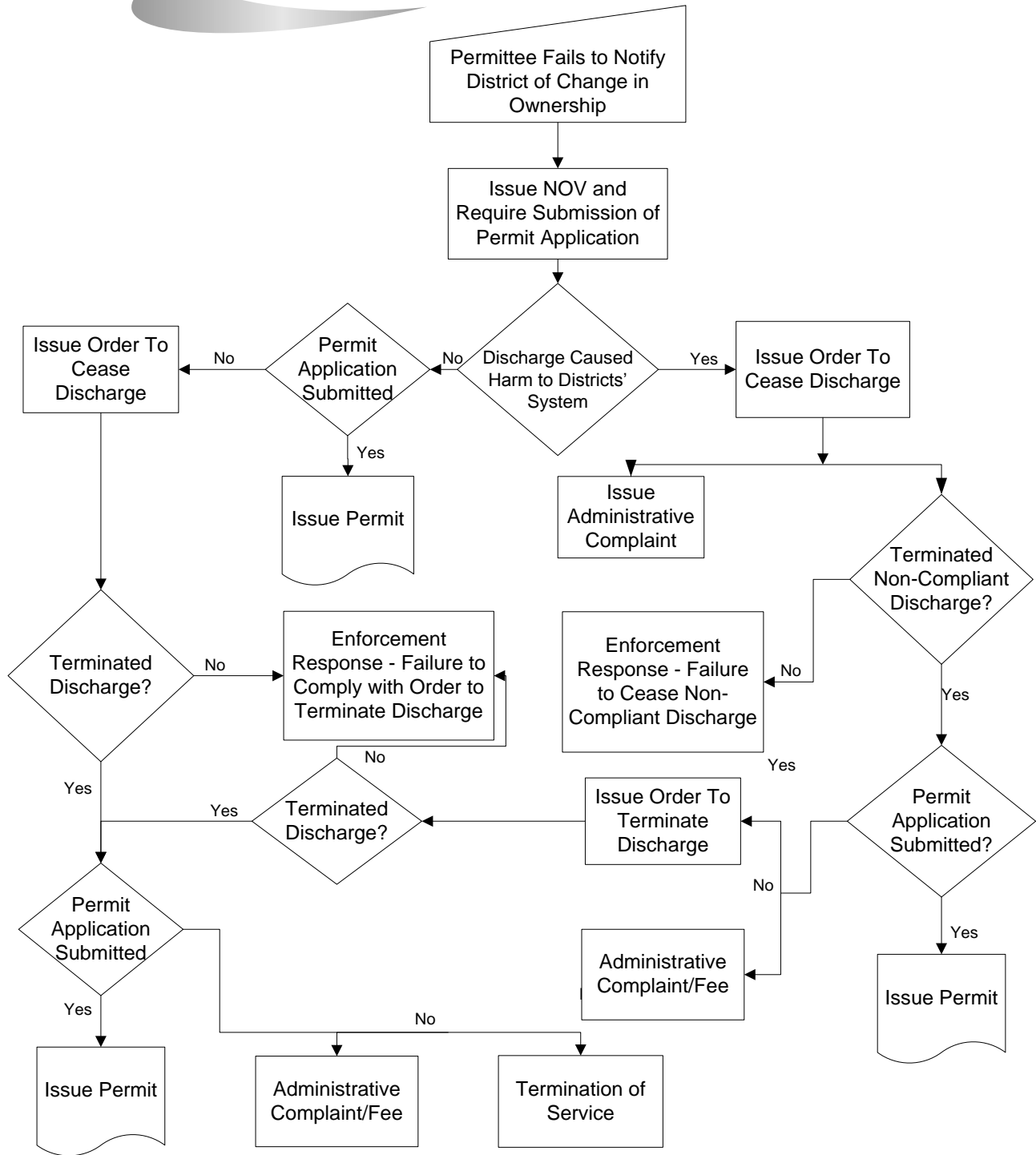
DISCHARGING WITHOUT A PERMIT

ERP Flow Chart #1



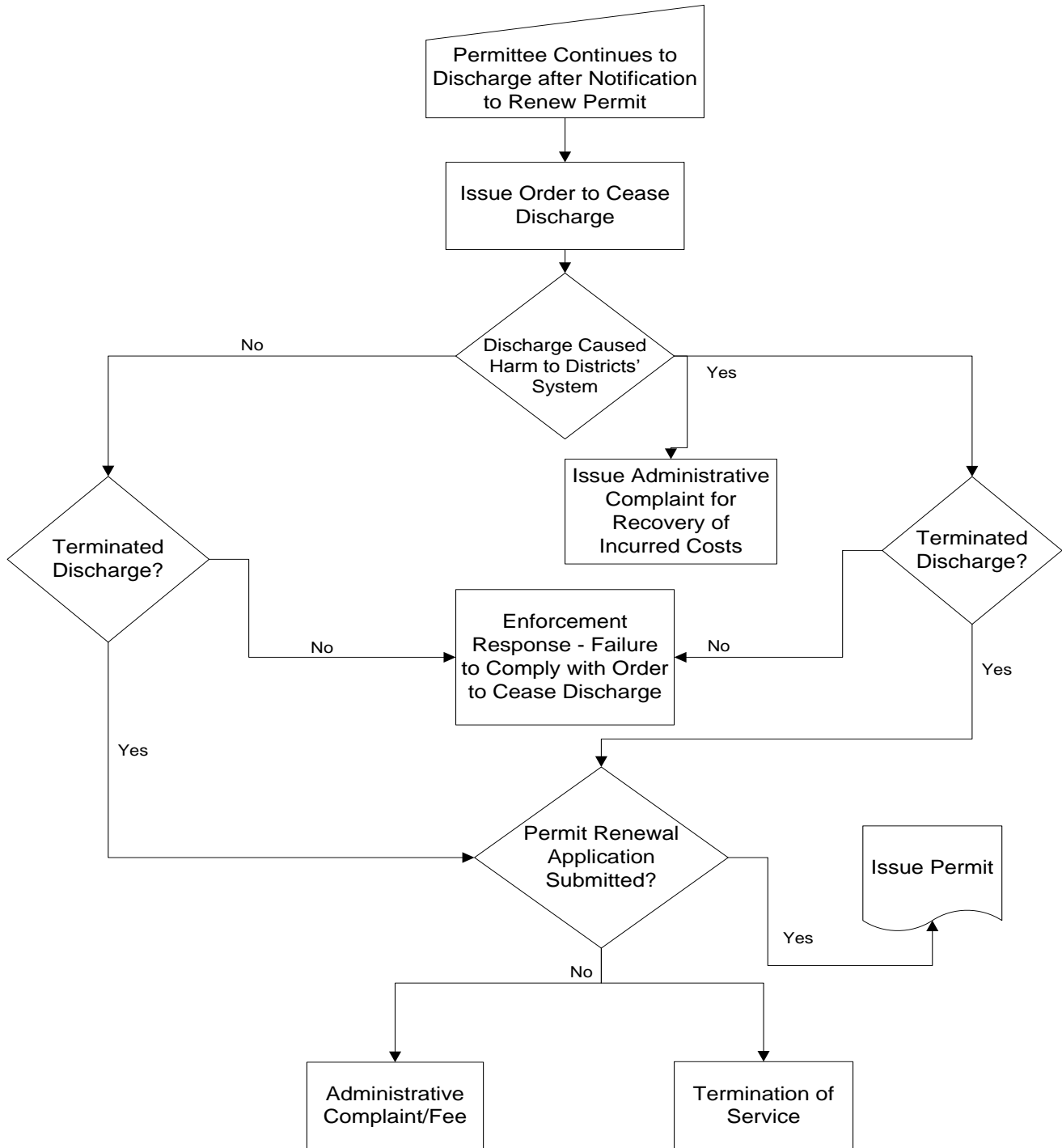
FAILURE TO INFORM CHANGE OF OWNERSHIP

ERP Flow Chart #2



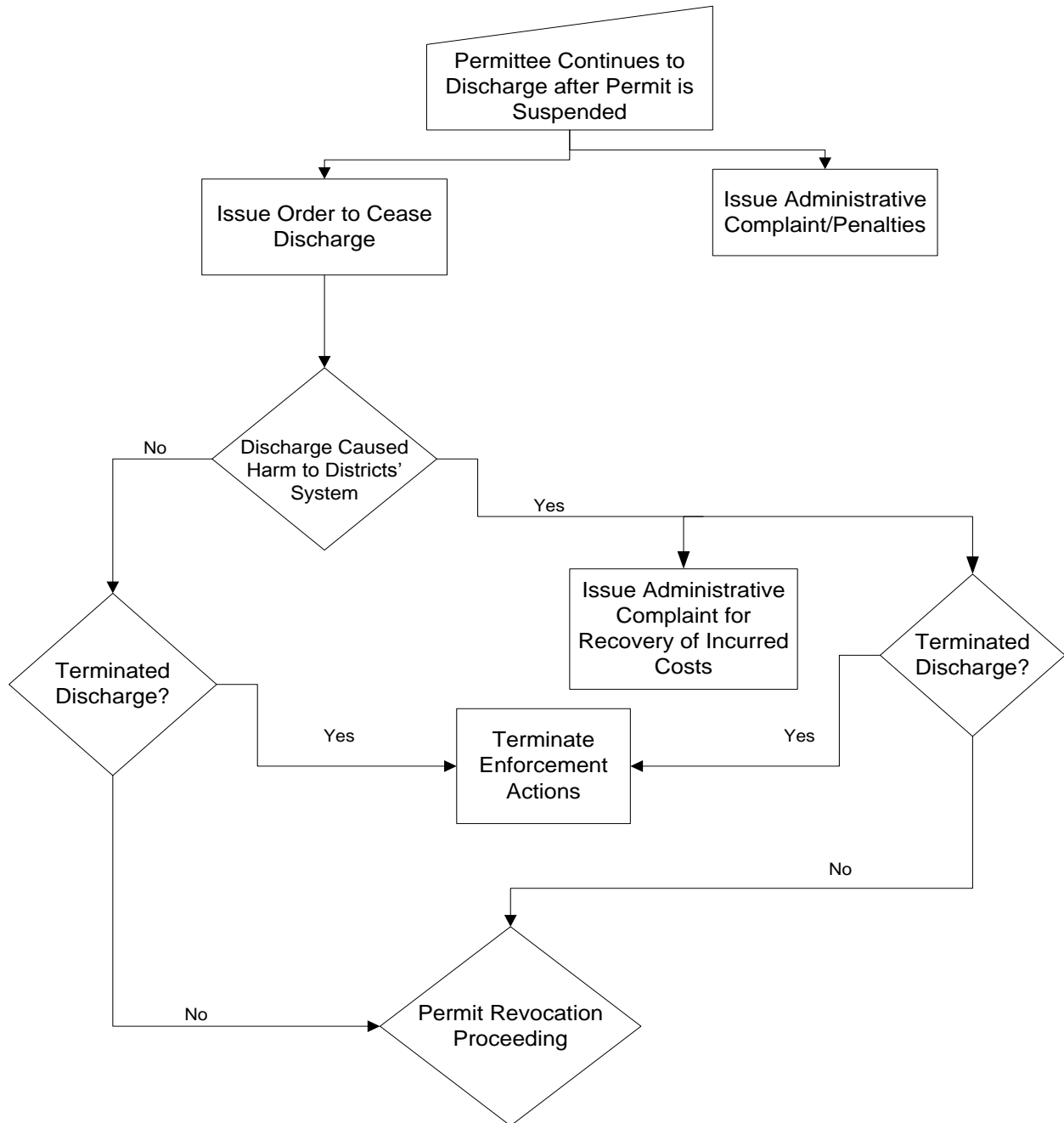
DISCHARGING WITH EXPIRED PERMIT

ERP Flow Chart #3



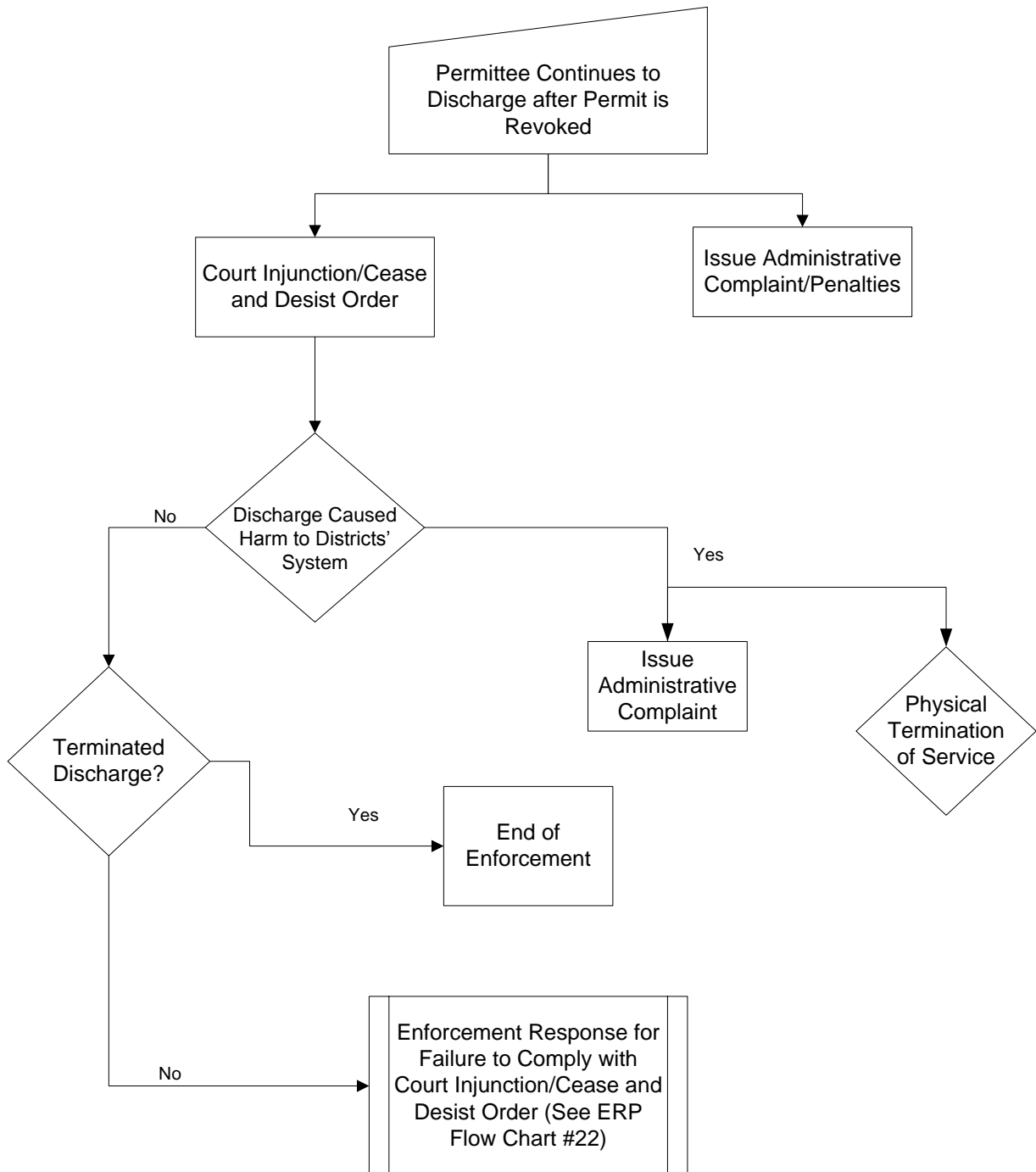
DISCHARGING WITH A SUSPENDED PERMIT

ERP Flow Chart #4



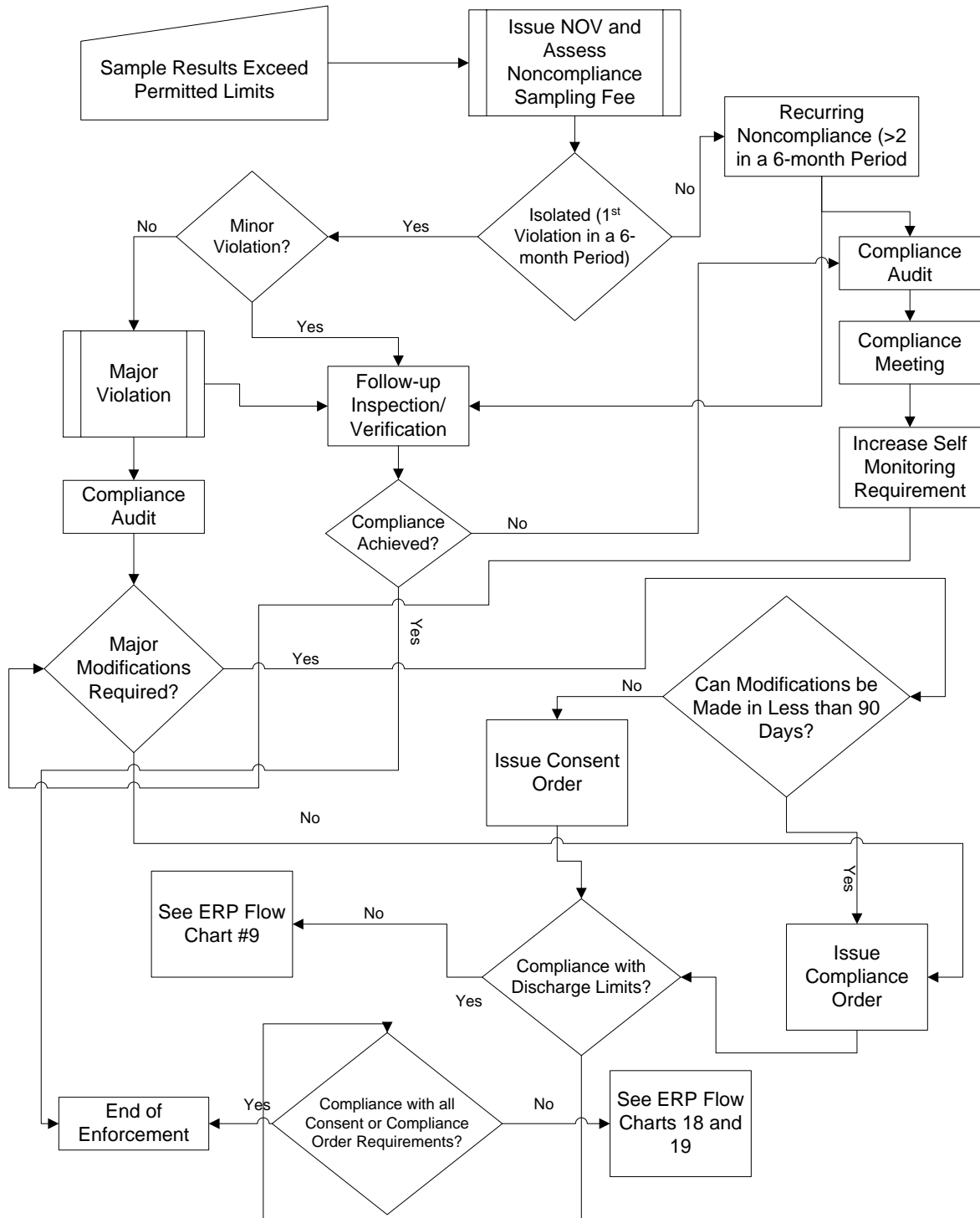
DISCHARGING WITH A REVOKED PERMIT

ERP Flow Chart #5



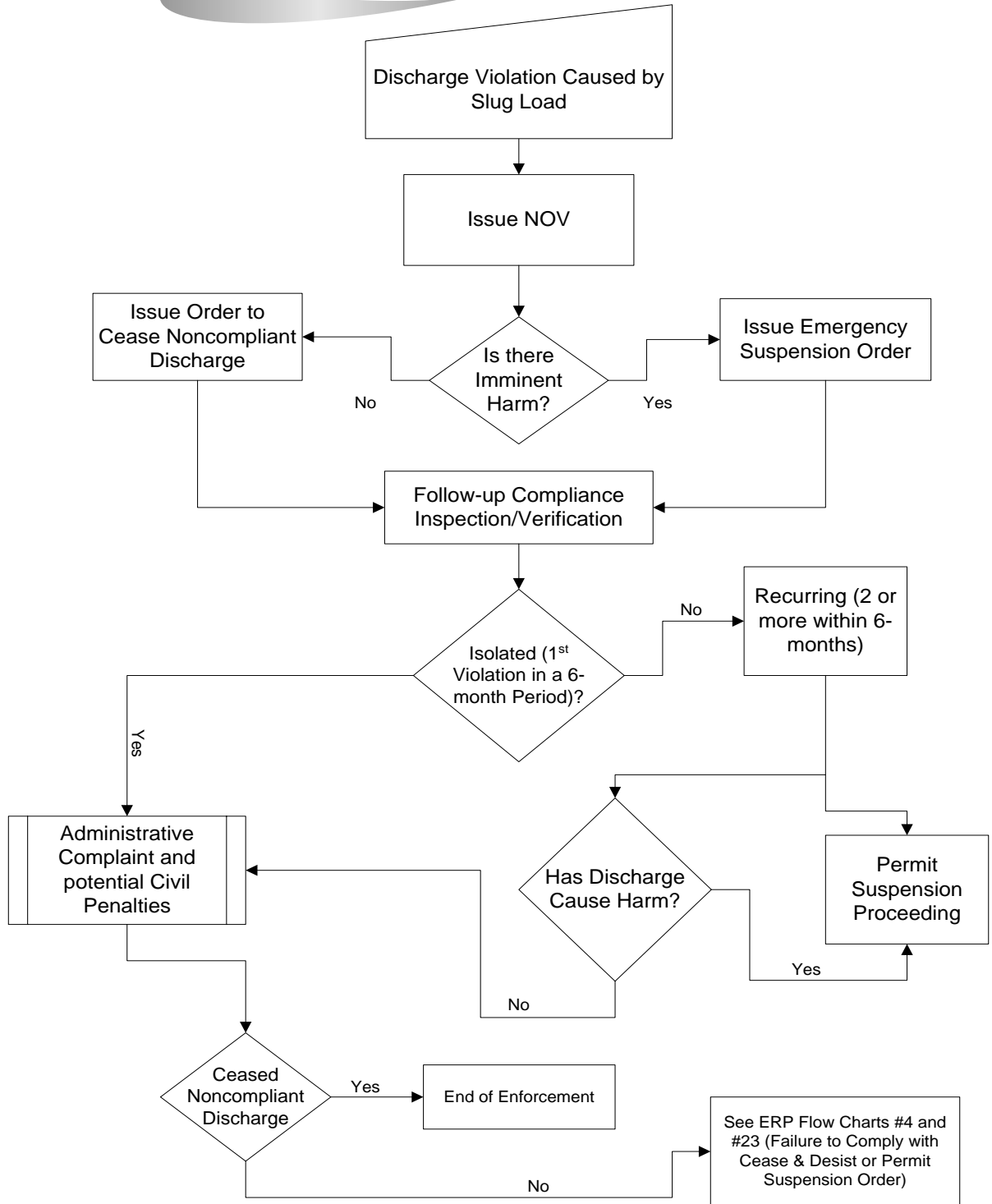
PERMIT LIMIT EXCEEDANCE

ERP Flow Chart #6



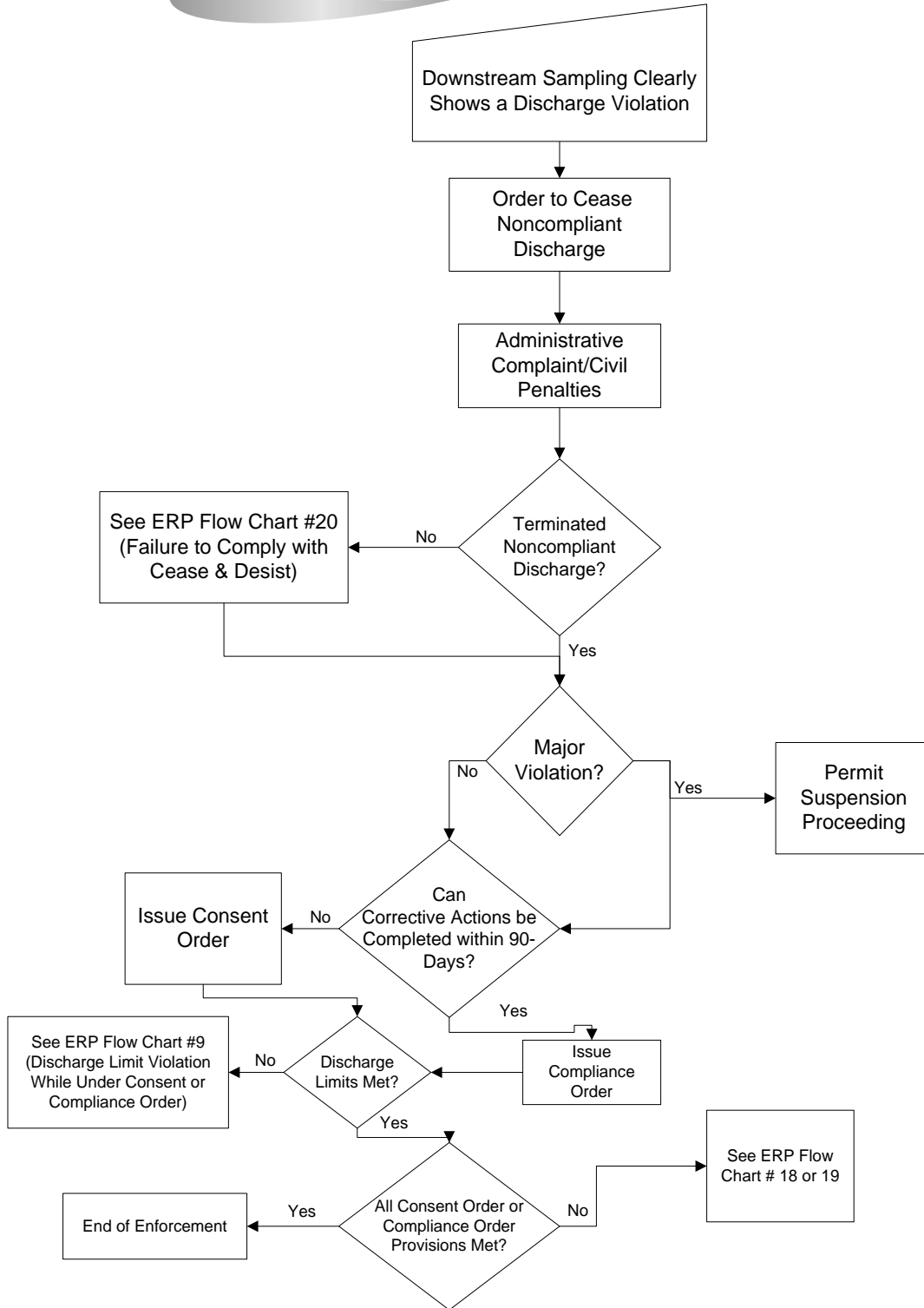
DISCHARGE VIOLATION FROM SLUG LOAD

ERP Flow Chart #7



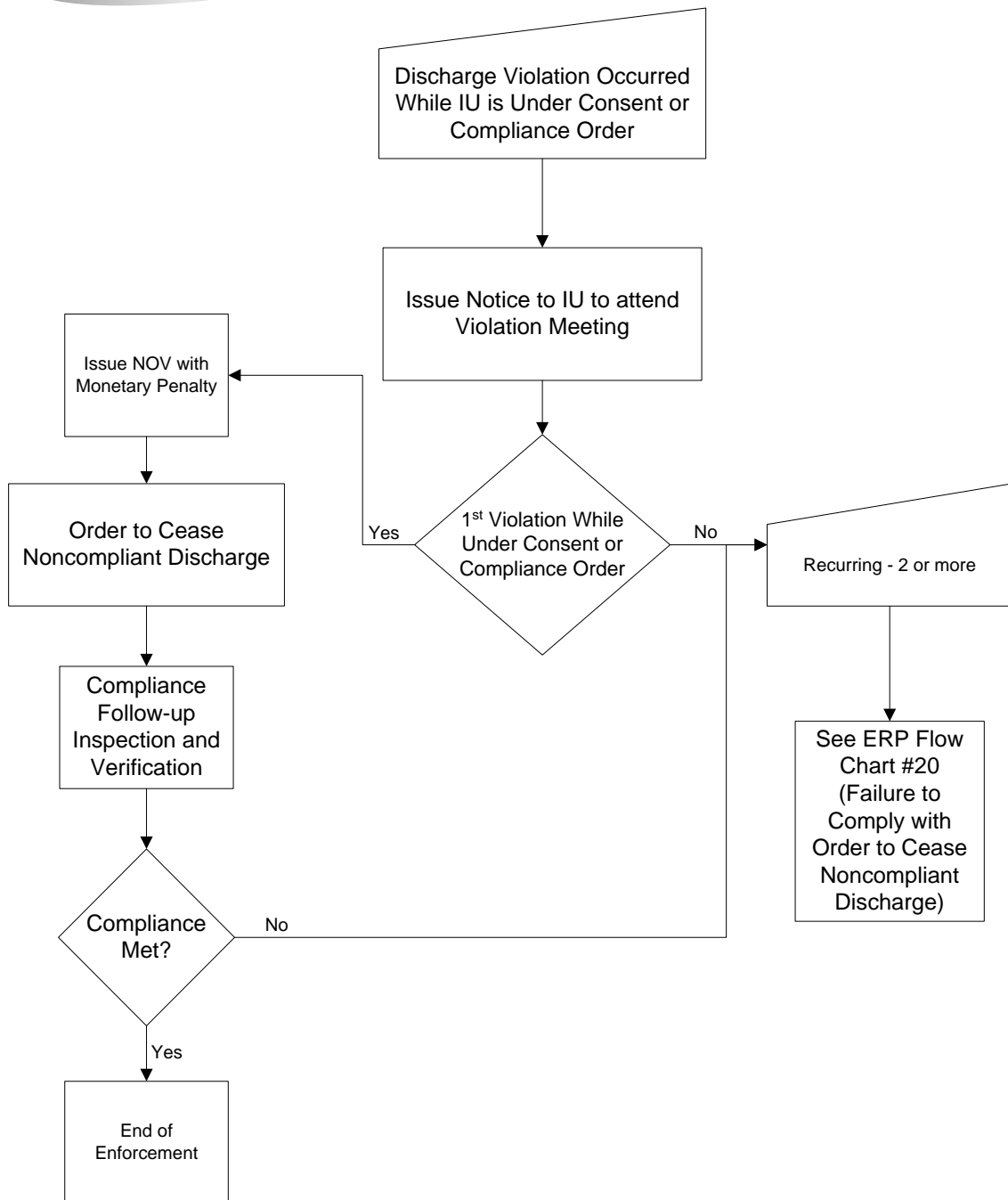
DISCHARGE VIOLATION BASED ON DOWNSTREAM SAMPLE

ERP Flow Chart #8



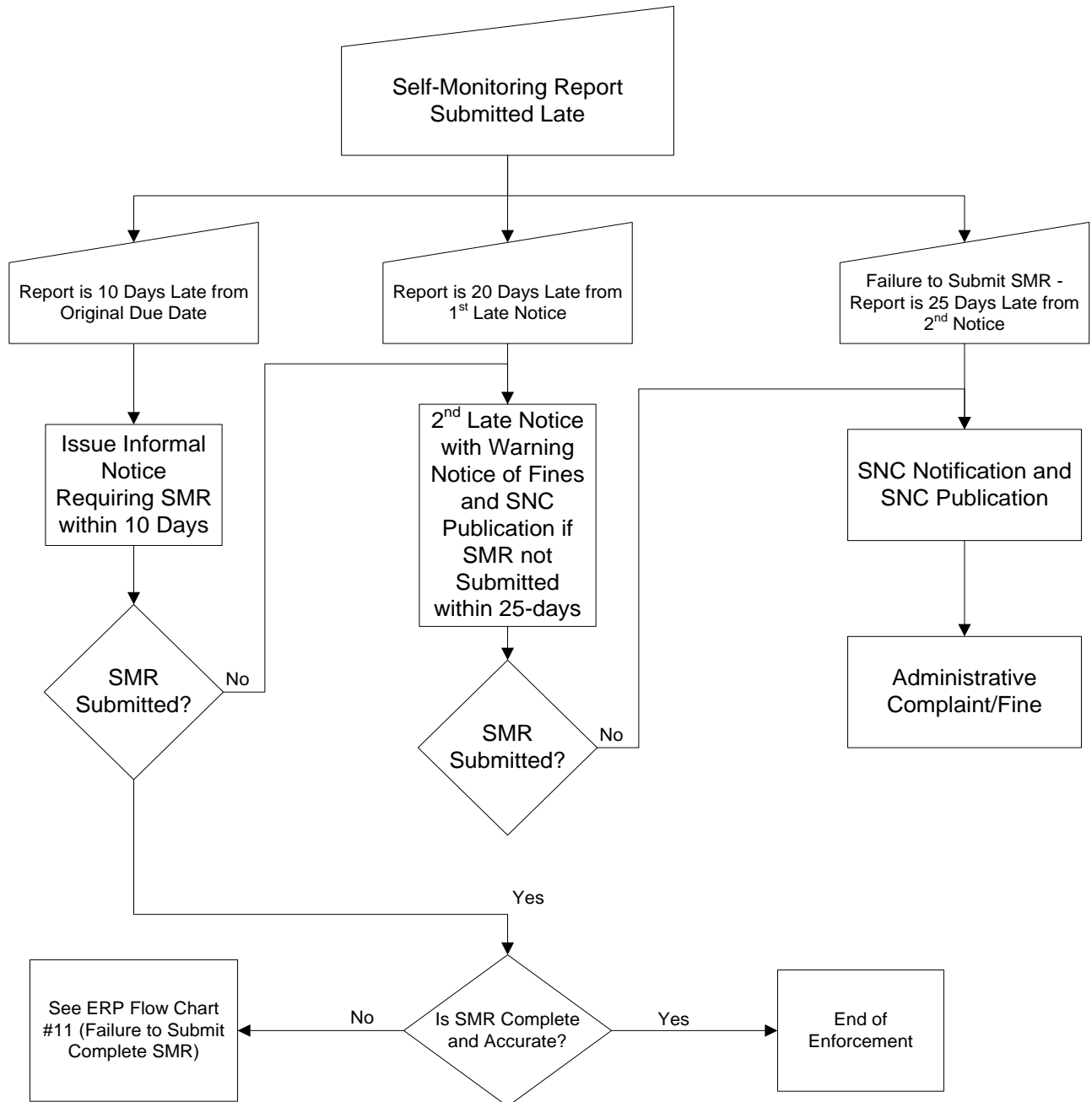
PERMIT LIMIT EXCEEDANCE WHILE UNDER CONSENT OR COMPLIANCE ORDER

ERP Flow Chart #9



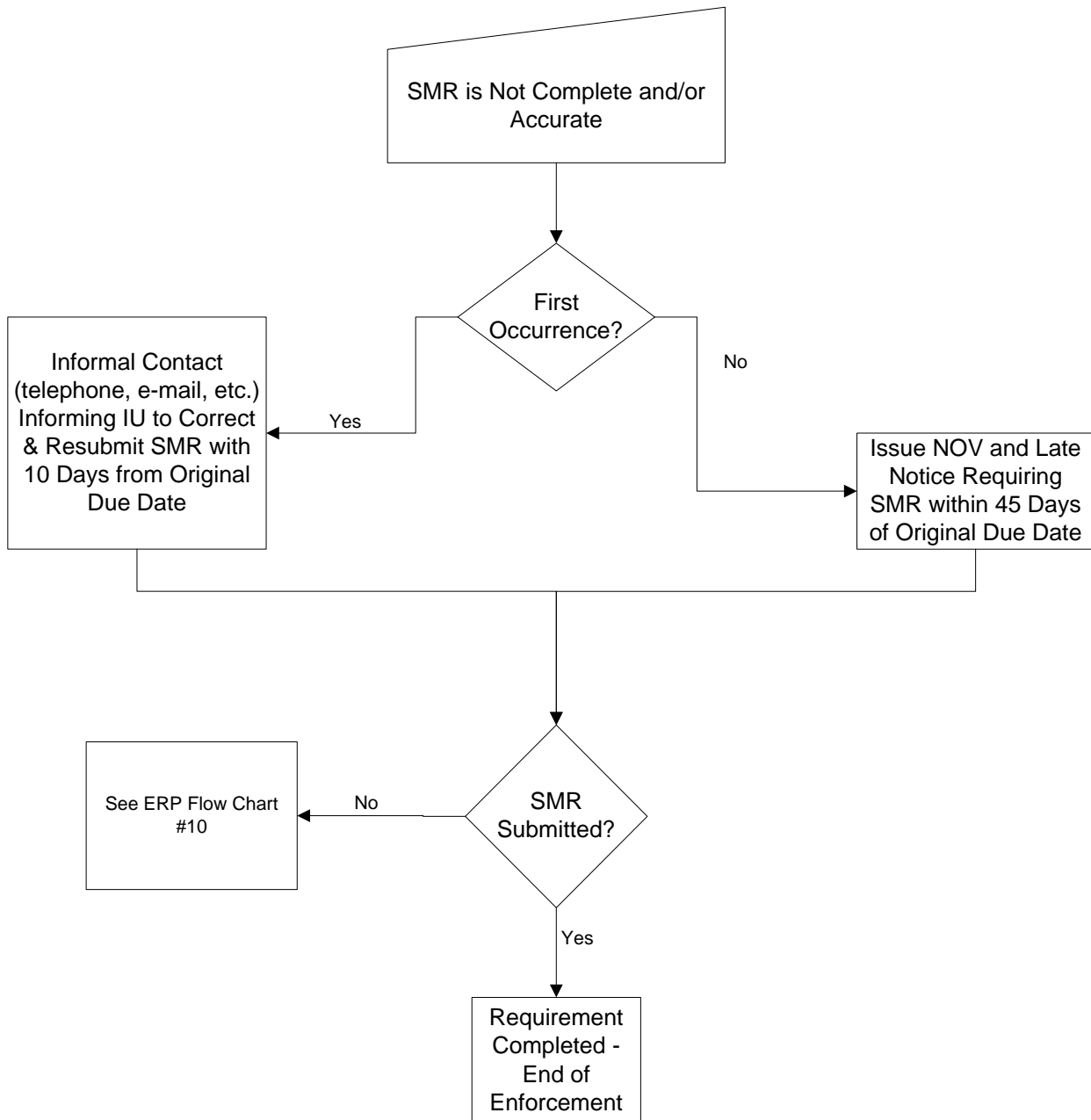
FAILURE TO SUBMIT SELF-MONITORING REPORT

ERP Flow Chart #10



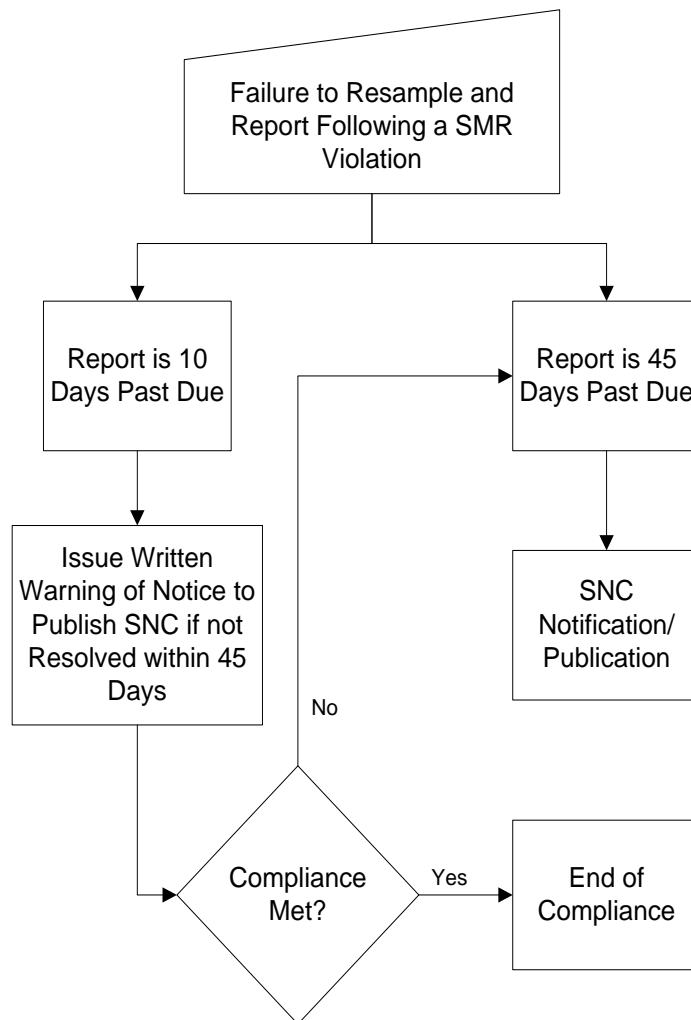
FAILURE TO SUBMIT A COMPLETE SELF-MONITORING REPORT

ERP Flow Chart #11



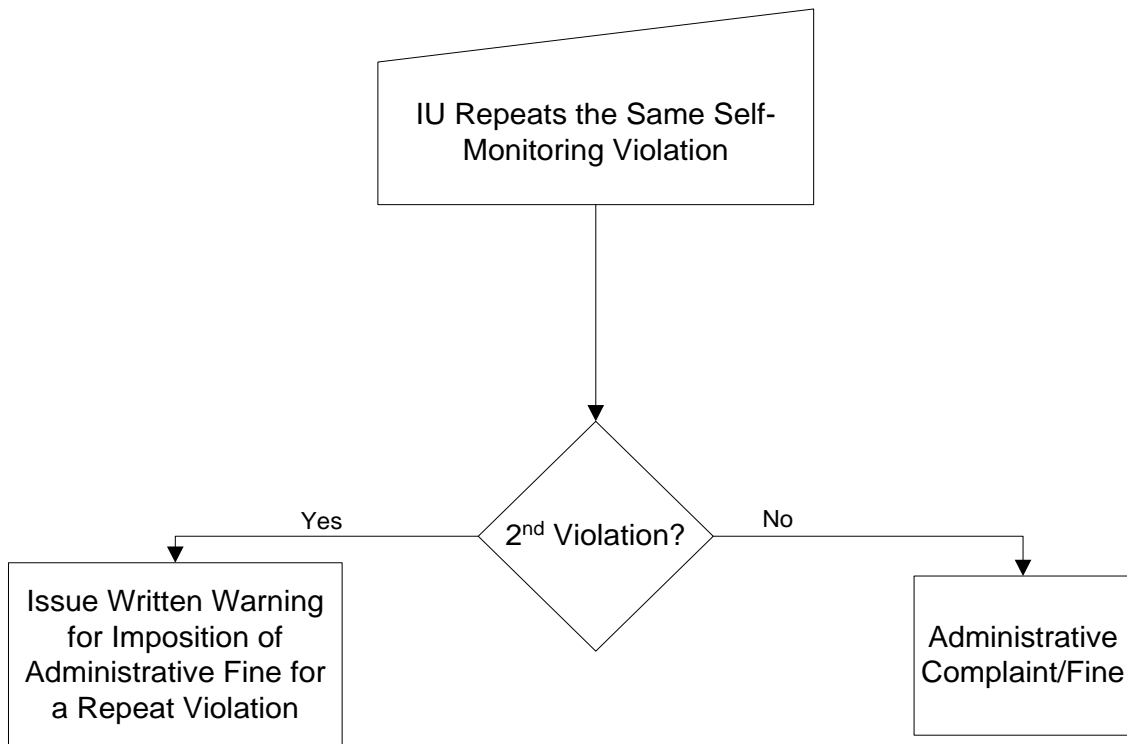
FAILURE TO RESAMPLE FOLLOWING SELF-MONITORING REPORT VIOLATION

ERP Flow Chart #12



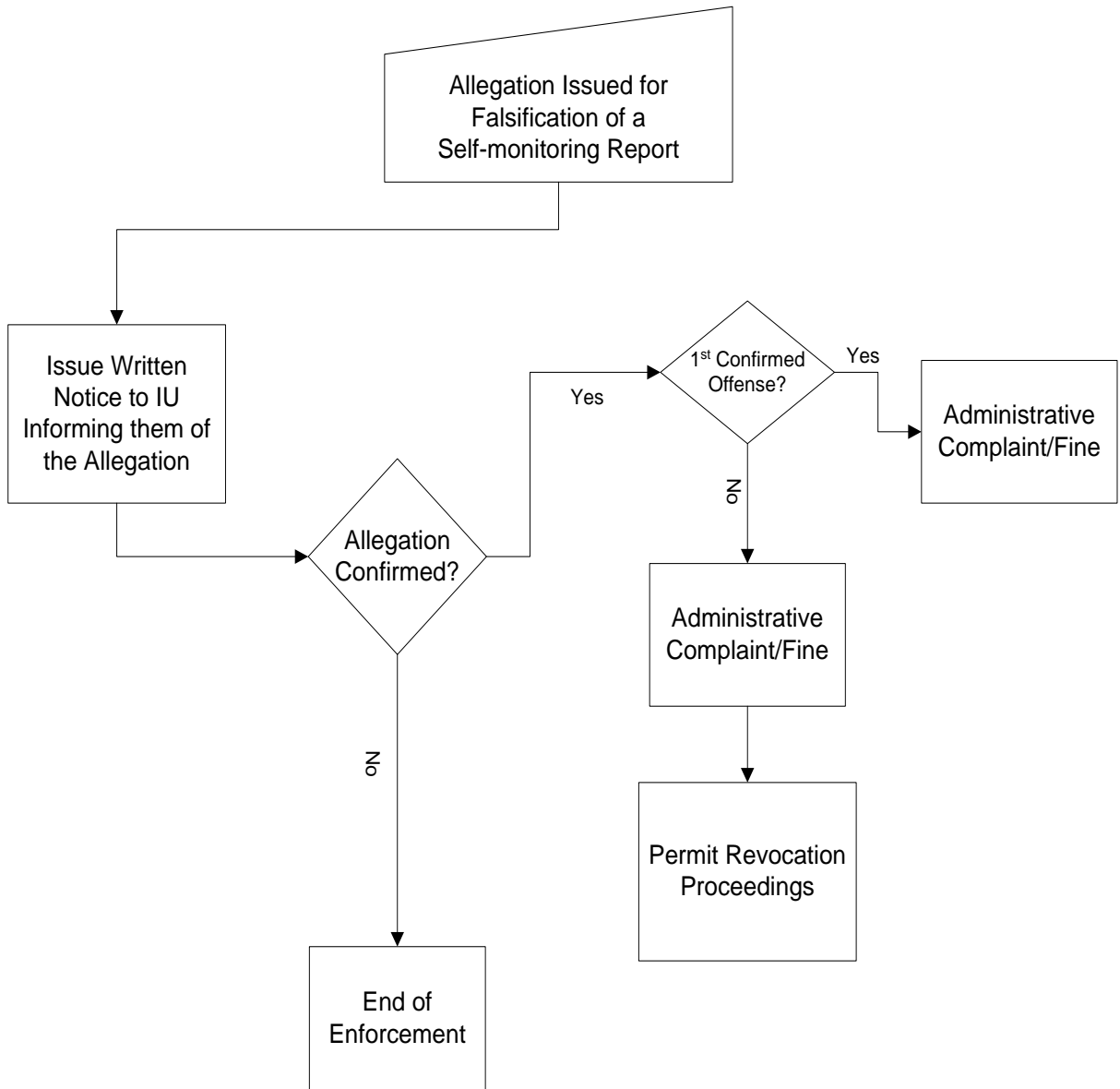
REPEATED FAILURE TO SELF-MONITORING CORRECTLY

ERP Flow Chart #13



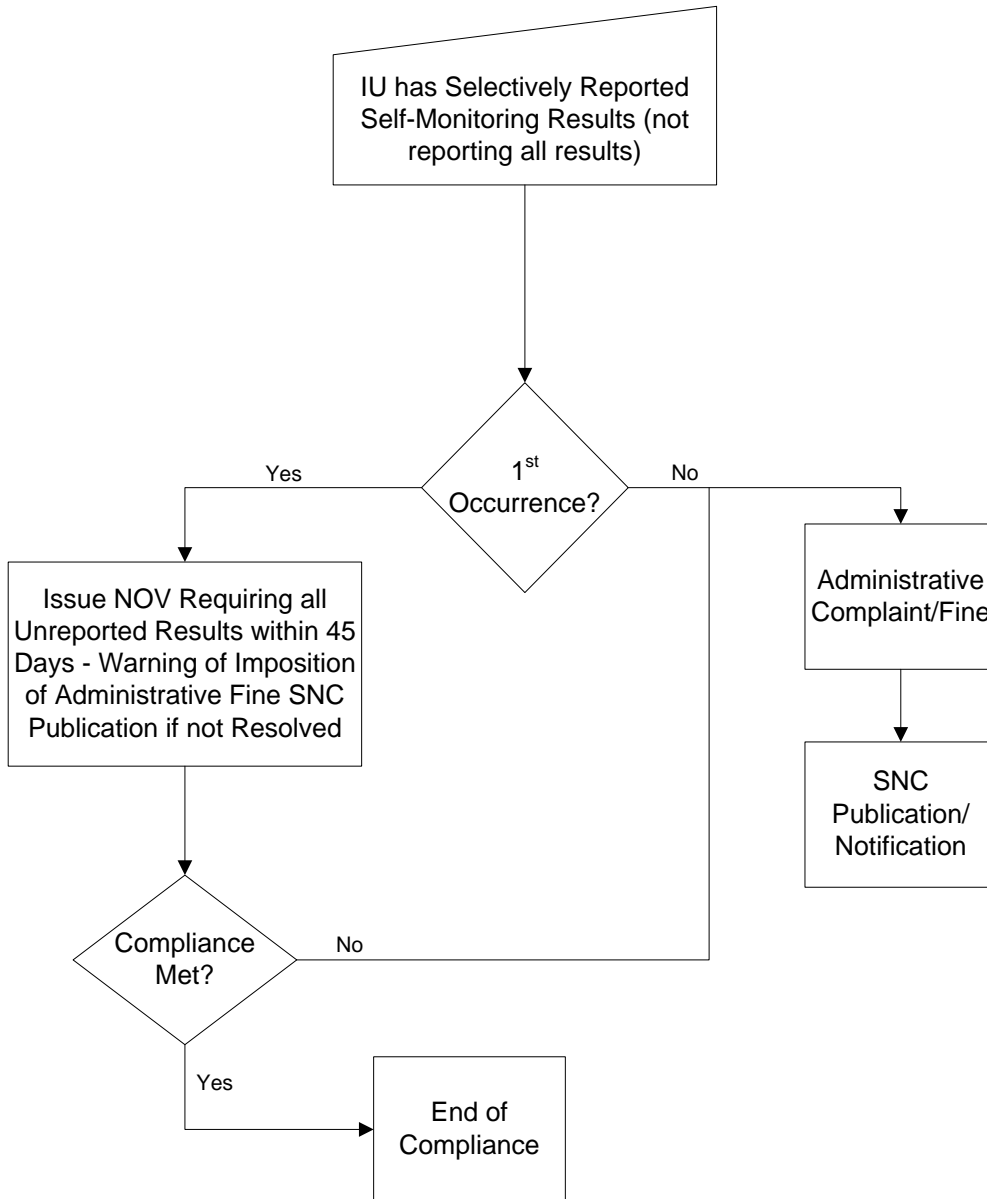
INTENTIONAL FALSIFICATION OF SELF-MONITORING REPORTS

ERP Flow Chart #14



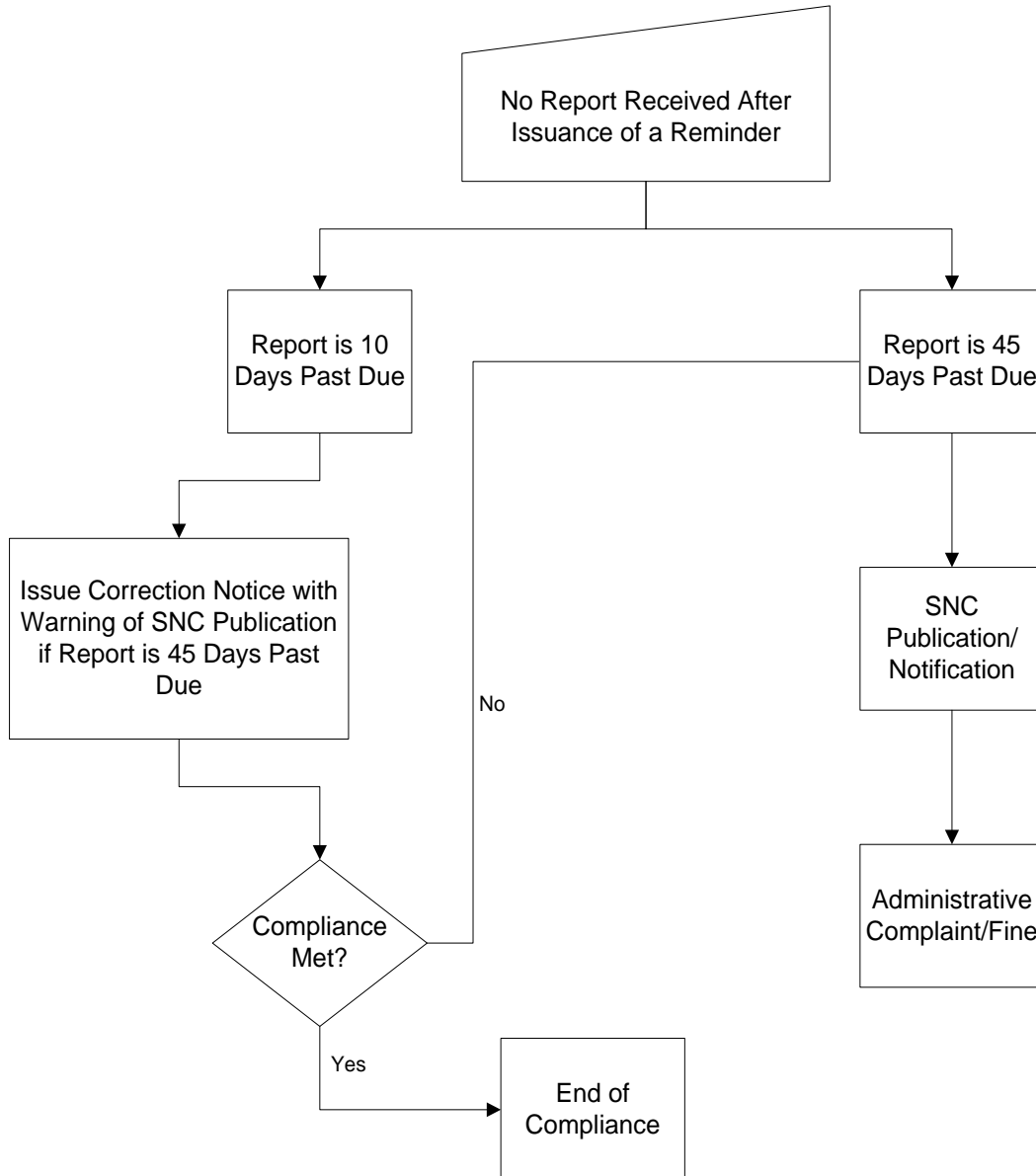
FAILURE TO REPORT ALL SELF-MONITORING RESULTS

ERP Flow Chart #15



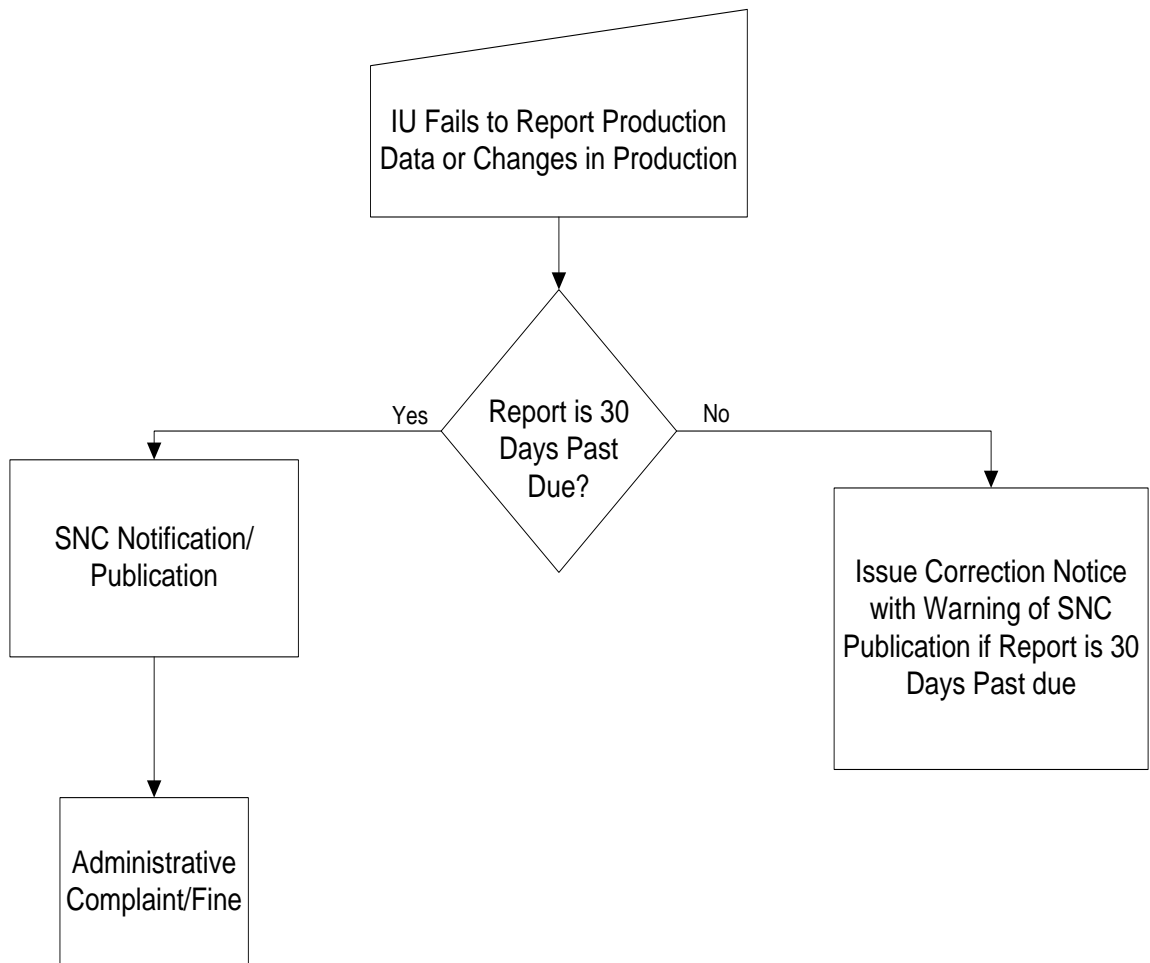
FAILURE TO COMPLY WITH FLOW METER DATA REPORTING REQUIREMENTS

ERP Flow Chart #16



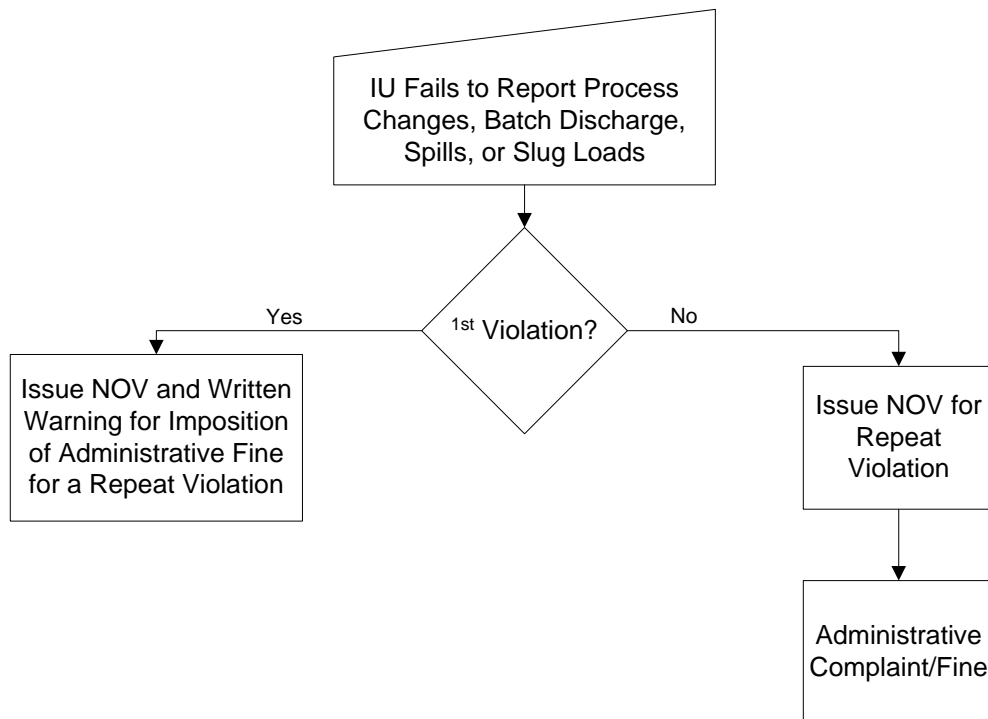
FAILURE TO REPORT PRODUCTION DATA OR PRODUCTION CHANGES

ERP Flow Chart #17



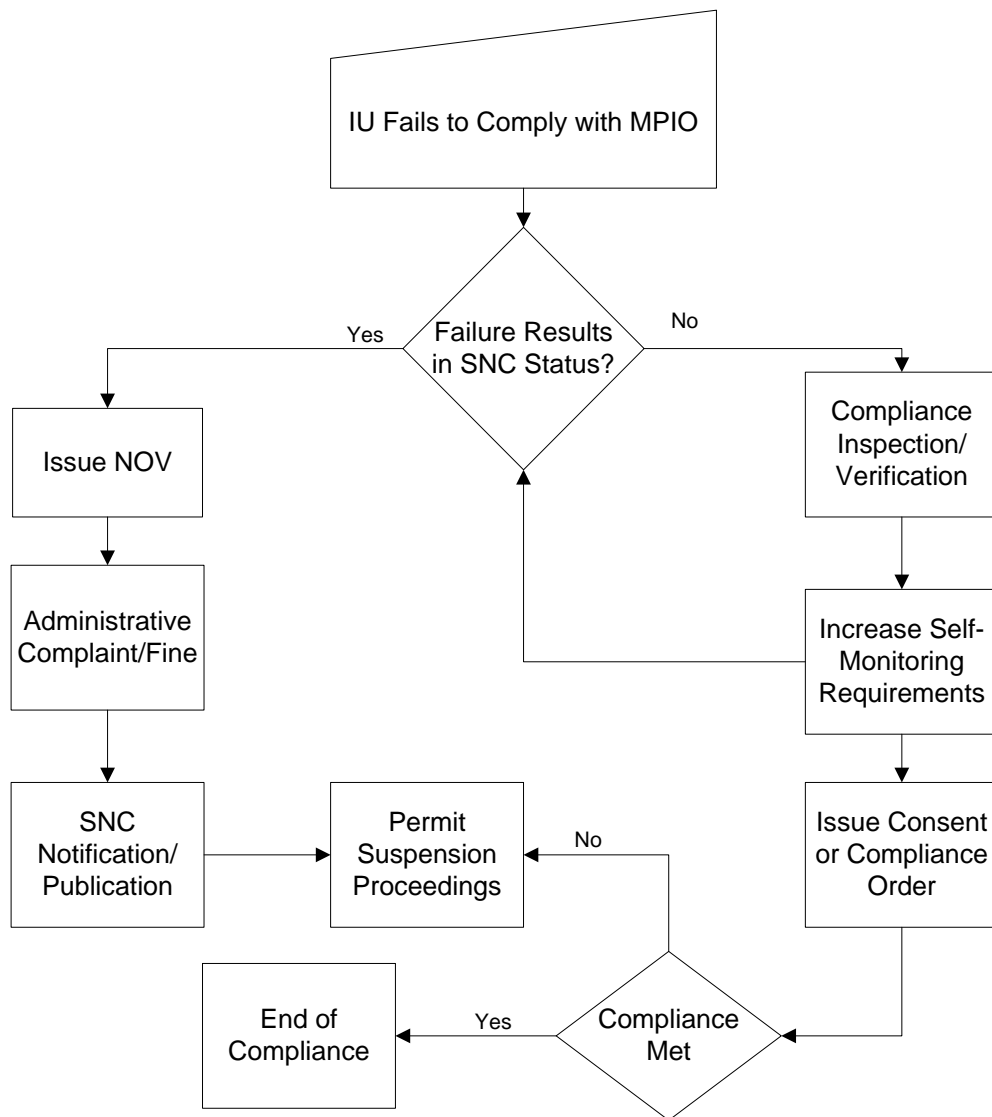
FAILURE TO REPORT OR NOTIFY: PROCESS CHANGES; BATCH DISCHARGES SPILLS OR SLUG LOADS

ERP Flow Chart #18



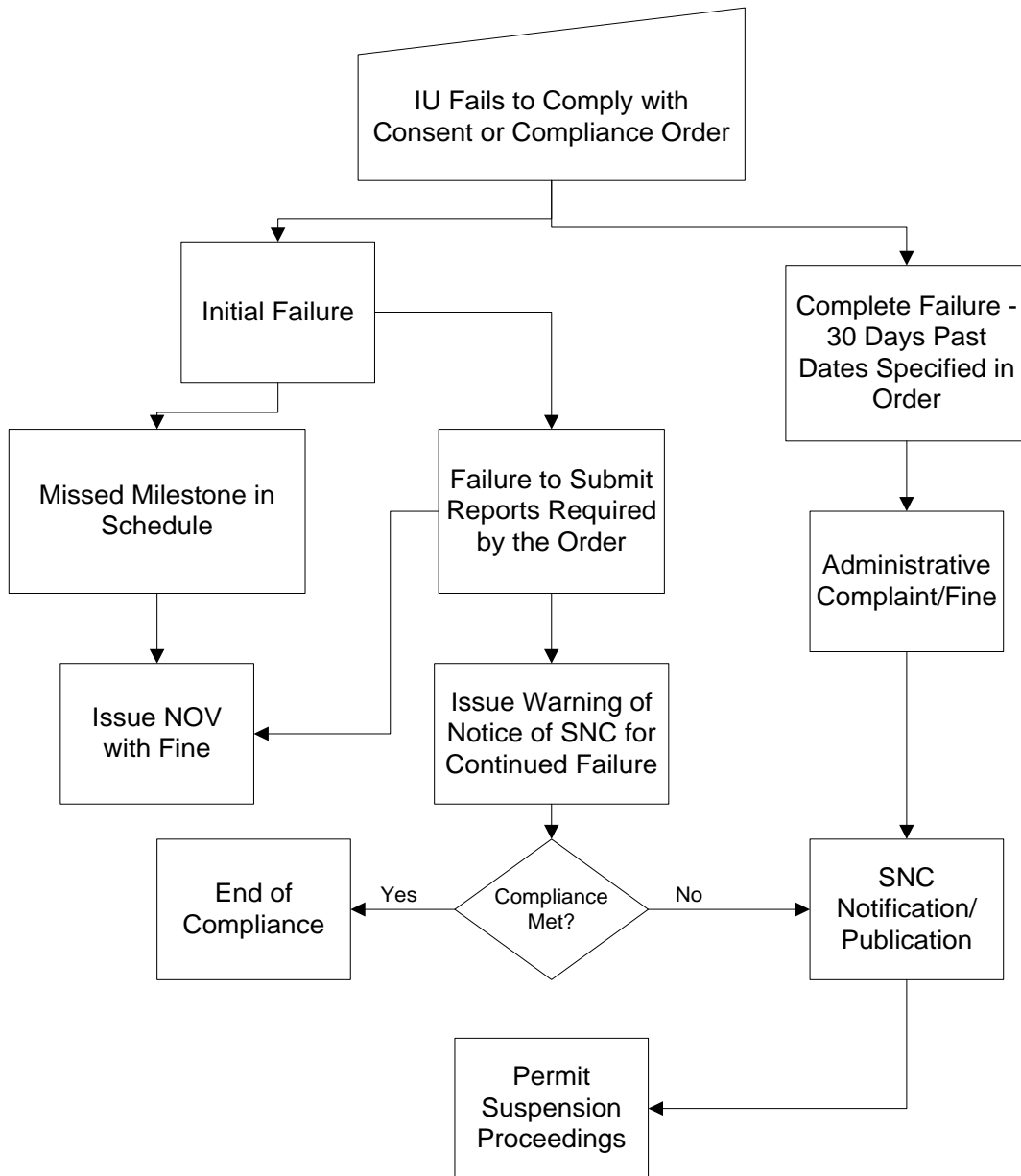
FAILURE TO COMPLY WITH MONITORING PRODUCTION INFORMATION ORDER (MPIO)

ERP Flow Chart #19



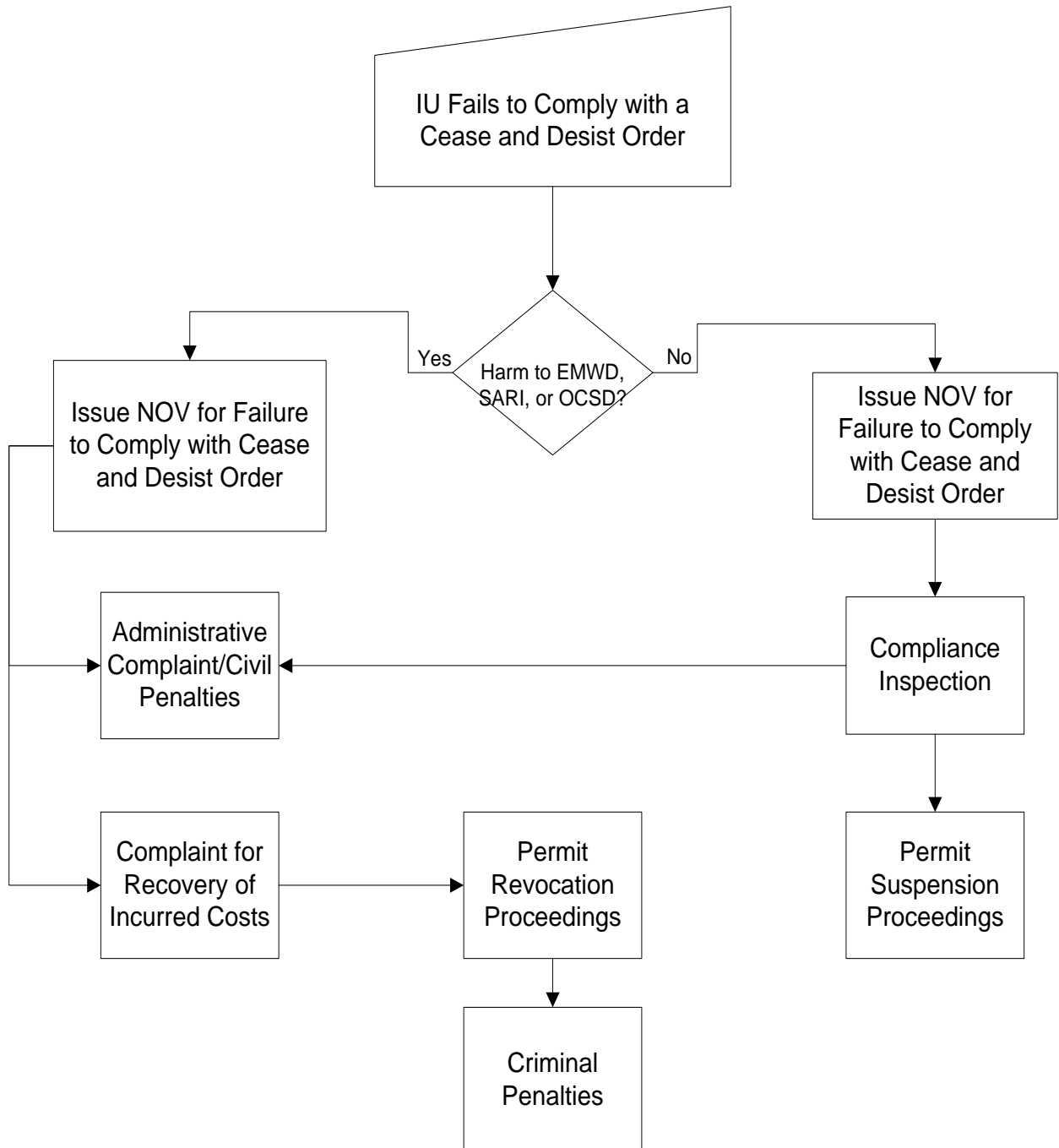
FAILURE TO COMPLY WITH CONSENT OR COMPLIANCE ORDER

ERP Flow Chart #20



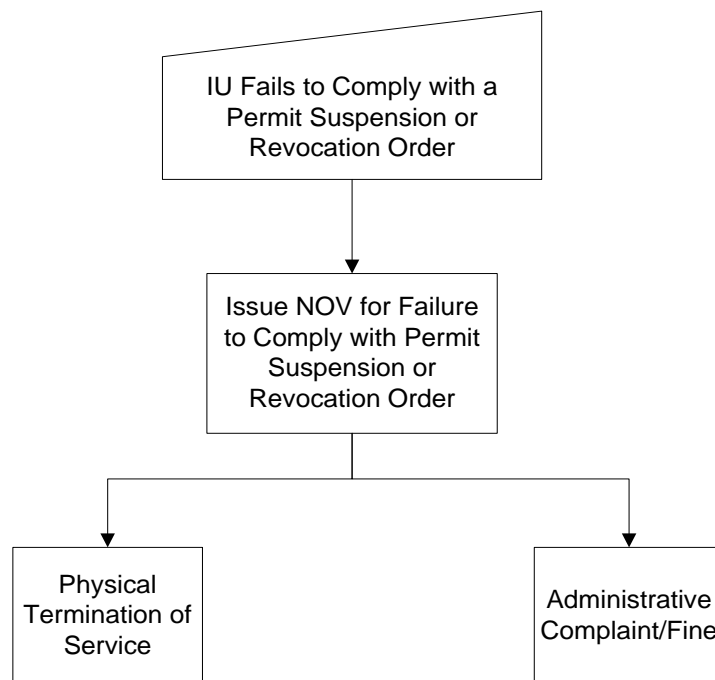
FAILURE TO COMPLY WITH CEASE AND DESIST ORDER

ERP Flow Chart #21



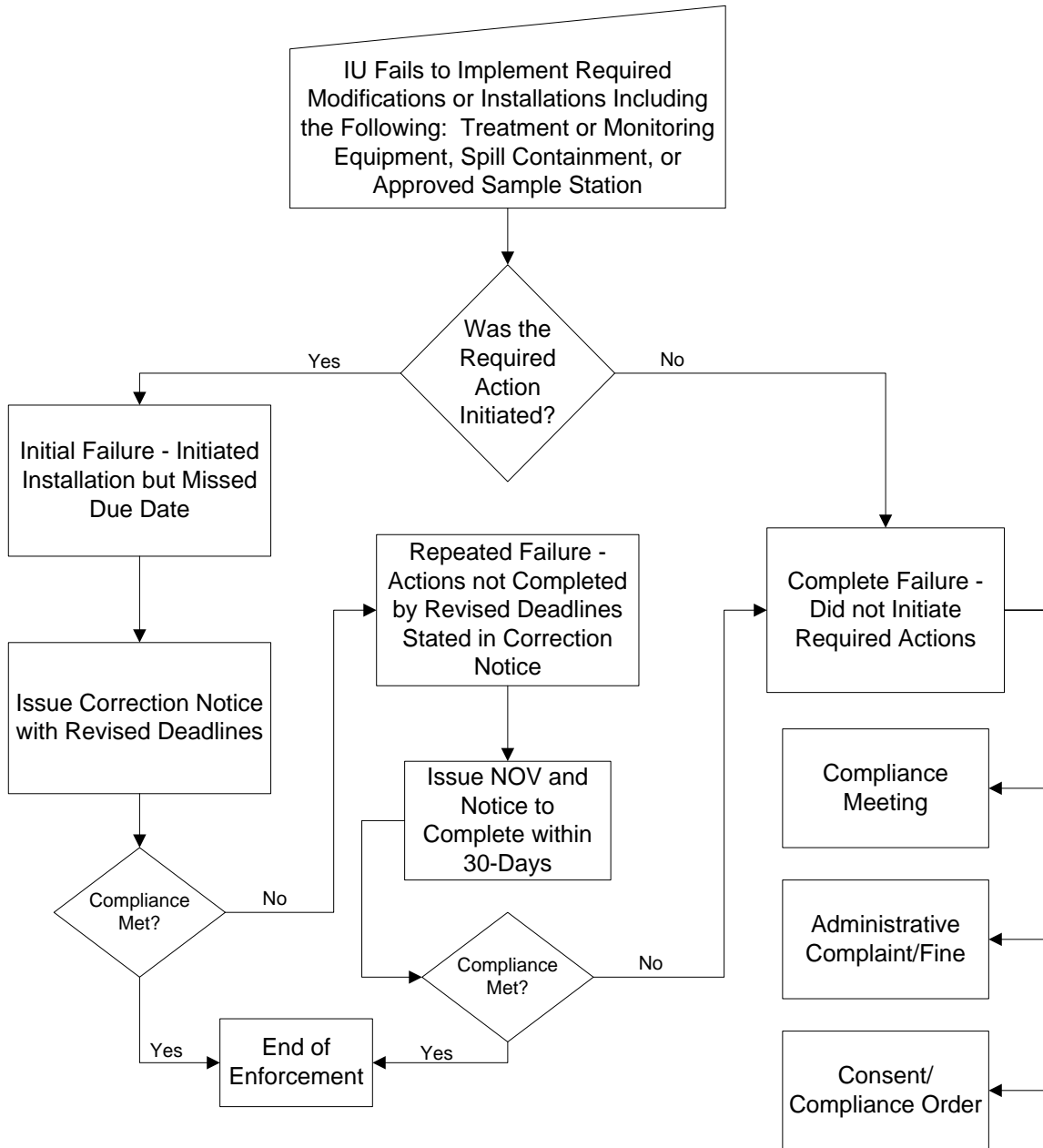
FAILURE TO COMPLY WITH PERMIT SUSPENSION OR REVOCATION ORDER

ERP Flow Chart #22



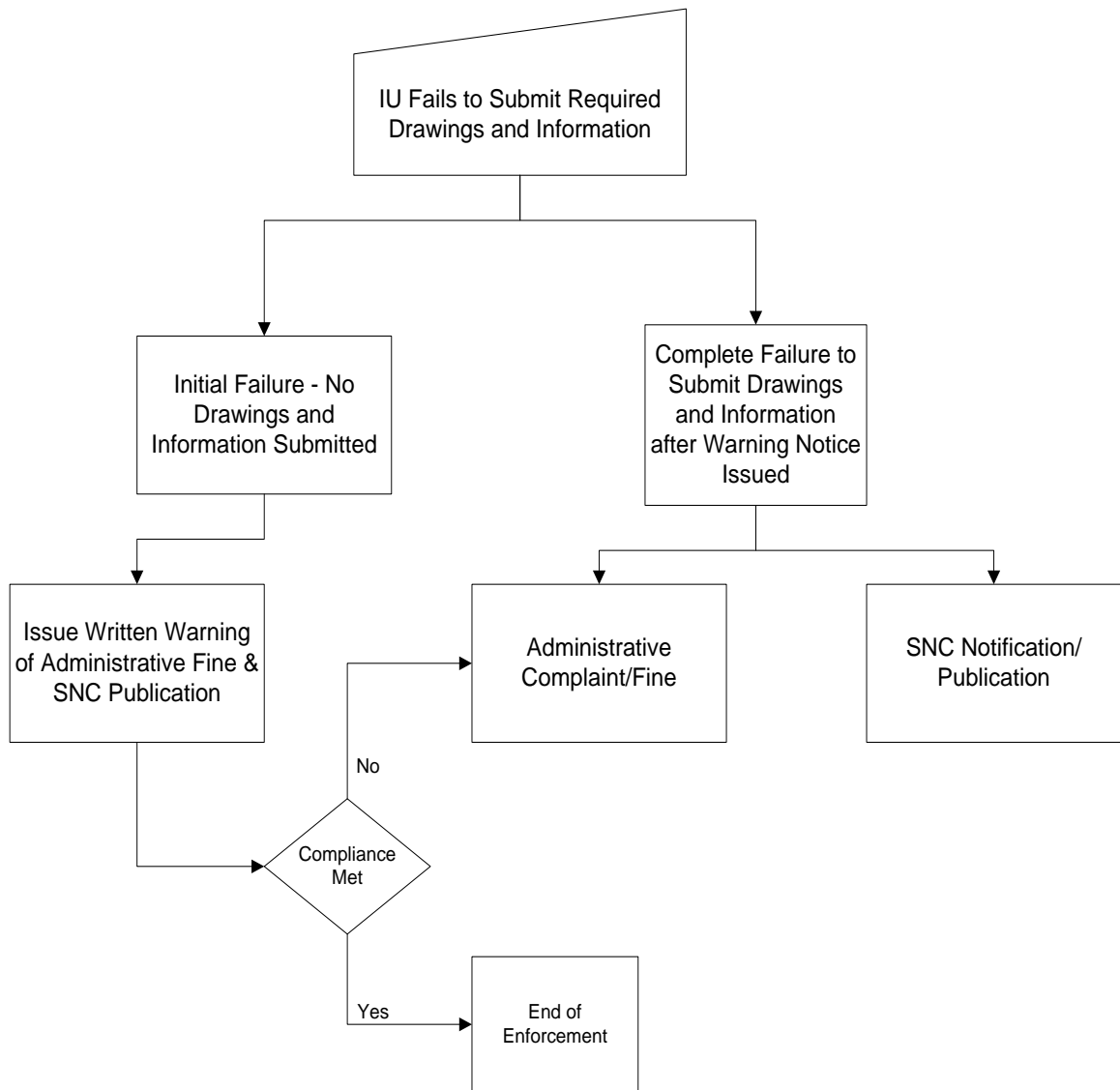
FAILURE TO IMPLEMENT REQUIRED MODIFICATIONS/INSTALLATIONS

ERP Flow Chart #23



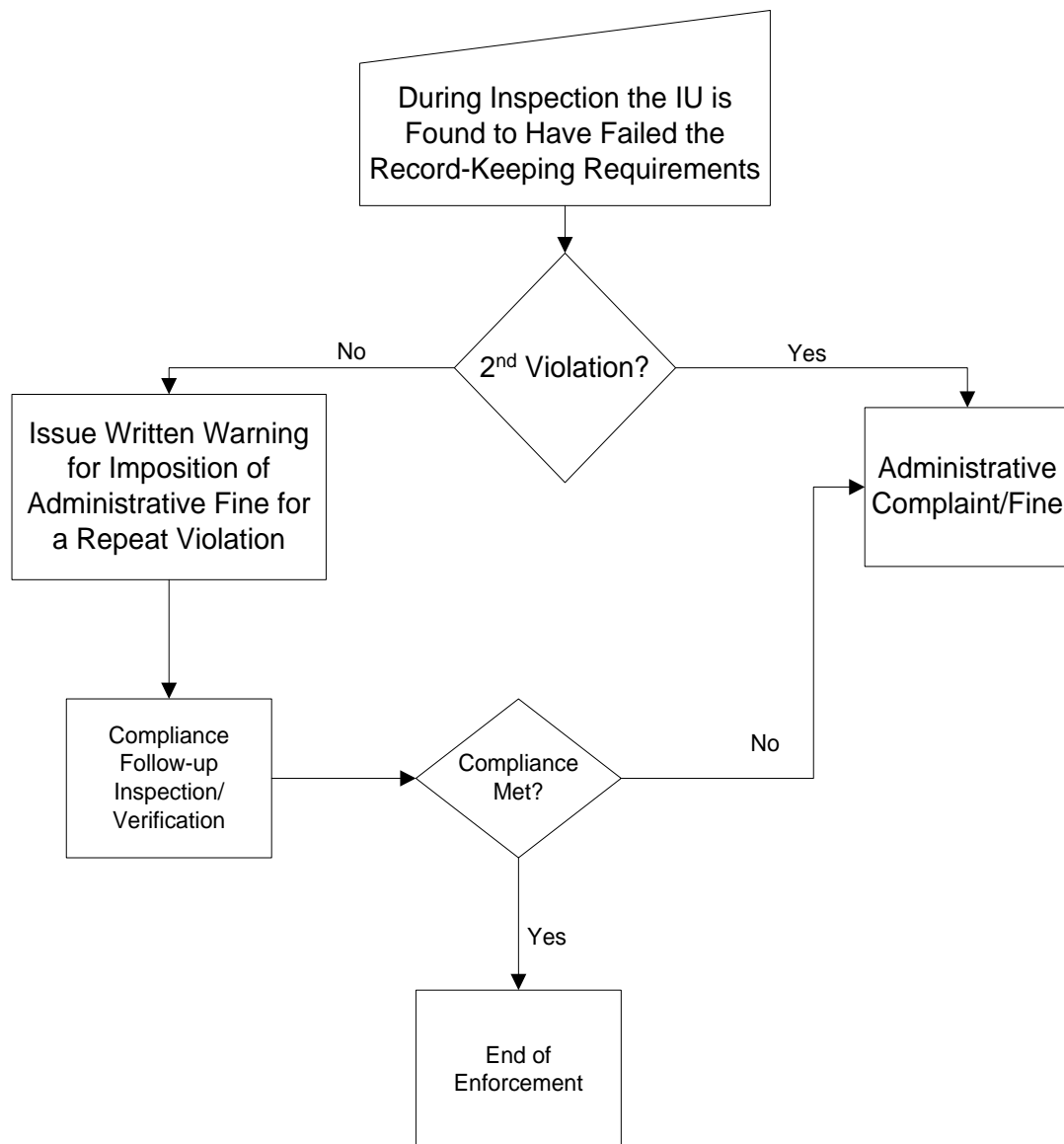
FAILURE TO SUBMIT REQUIRED DRAWINGS AND INFORMATION

ERP Flow Chart #24



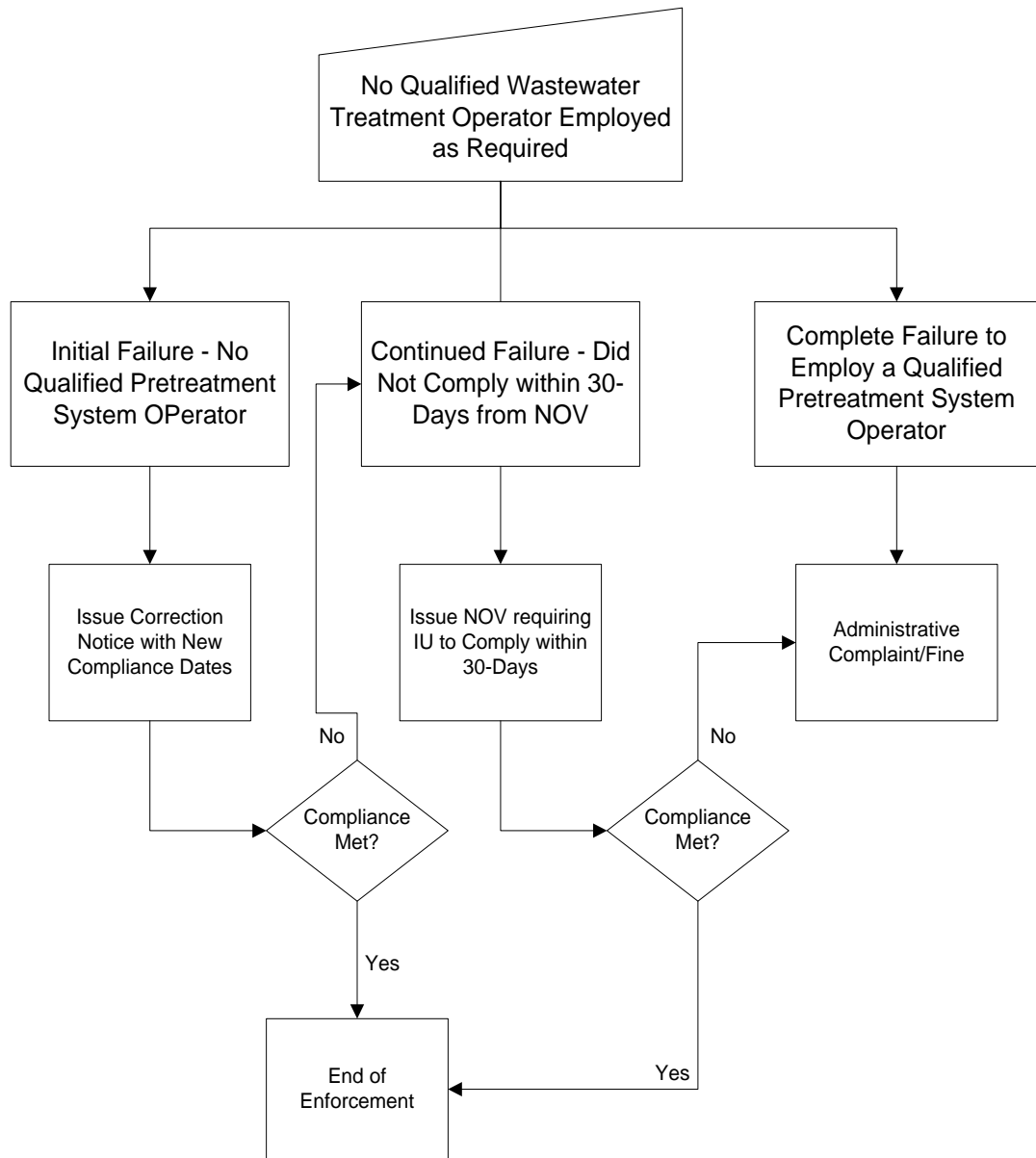
FAILURE TO COMPLY WITH RECORD-KEEPING REQUIREMENT

ERP Flow Chart #25



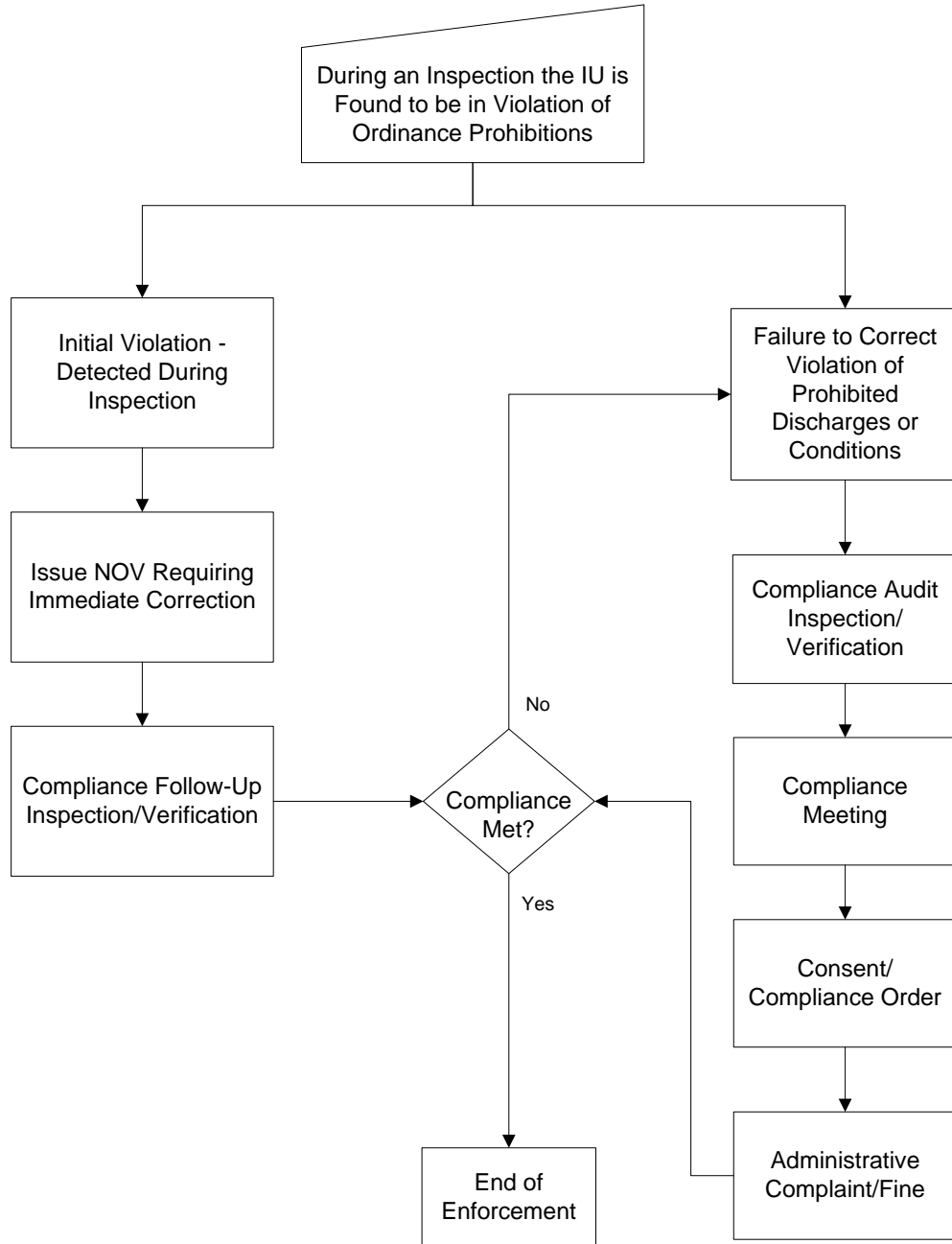
FAILURE TO COMPLY WITH WASTEWATER TREATMENT OPERATOR REQUIREMENT

ERP Flow Chart #26



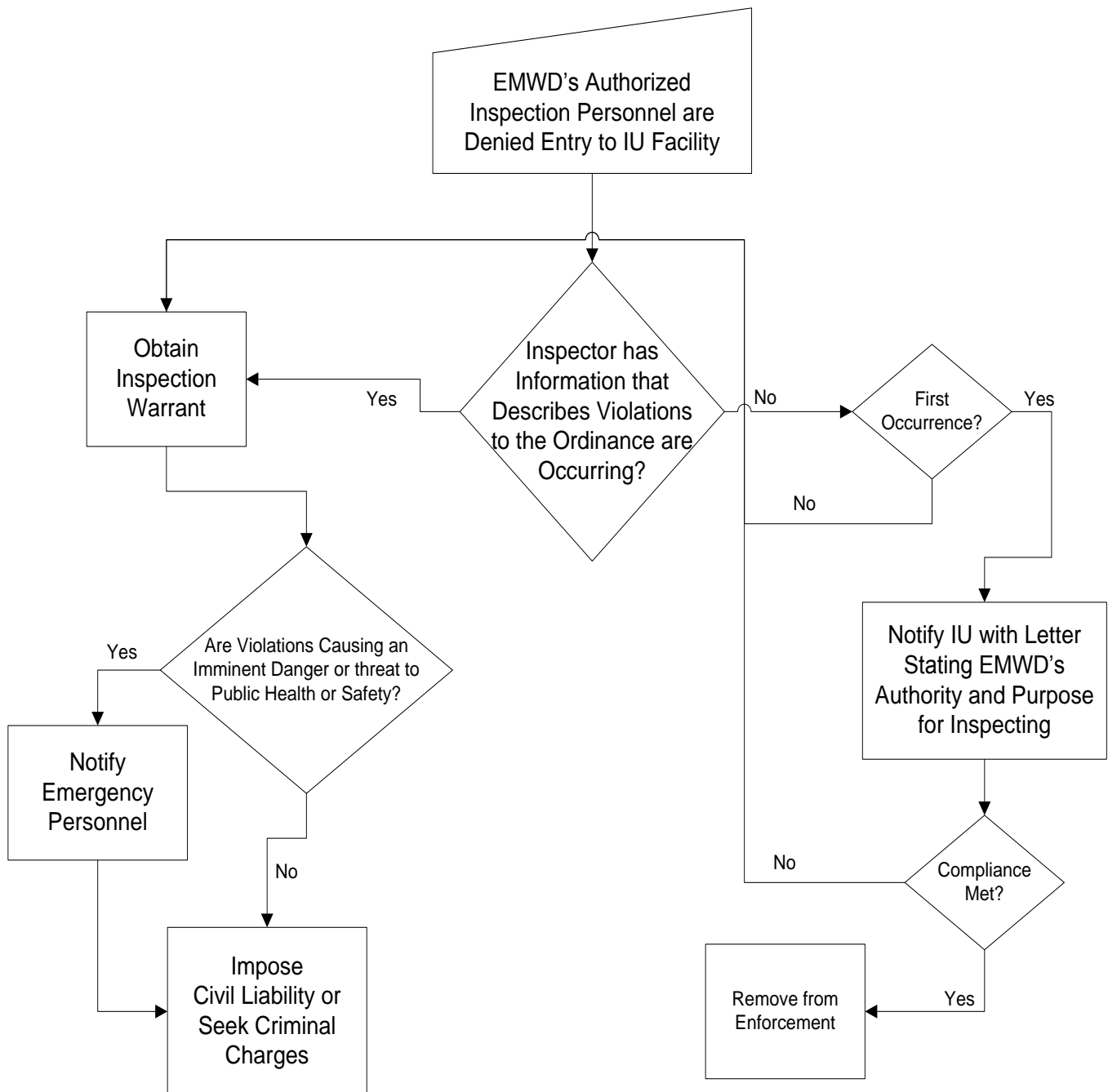
FAILURE TO COMPLY WITH ORDINANCE PROHIBITIONS

ERP Flow Chart #27



ENTRY DENIAL

ERP Flow Chart #28



FAILURE TO SUBMIT PERMIT APPLICATION

ERP Flow Chart #29

