

CITY OF BANGOR WWTP ENFORCEMENT RESPONSE GUIDE

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE; FOLLOW UP</u>	<u>PERSONNEL</u>
<u>A. ILLEGAL DISCHARGE</u>			
1) Unpermitted discharge (no permit)	Discharger unaware of permit requirement; no harm to POTW or to the environment.	NOV and application, or AO issued within 14 days of identifying the violation; requires a permit application within 30 days and the results of wastewater analysis within 60 days; proposed fine of \$300-\$500.	PC
	Results in violation of POTW NPDES permit, or dangerous situation- SNC	AO issued as soon as possible, but in any case within 5 days to immediately halt discharge. Fine or civil litigation seeking penalties of \$1000 to \$2500 per day. Terminate service.	PC S
2) Non-permitted discharge (expired permit)	Failure to apply for permit renewal. No damage to POTW or environment.	Telephone call and NOV should be made within 5 days of detection.	PC
	Results in violation of POTW NPDES permit, or dangerous situation- SNC	AO issued as soon as possible, but in any case within 5 days to immediately halt discharge. Fine or civil litigation seeking penalties of \$1000 to \$2500 per day. Terminate service.	PC S
<u>B. DISCHARGE PERMIT VIOLATIONS</u>			
1) Exceedance of discharge limits (local or categorical)	Isolated, non-significant	Telephone call and NOV issued within 5 days of receipt of laboratory results requiring written report with corrective and preventative action taken to prevent recurrence. (1st/2nd offense)	PC
	Frequent, non-significant (repeated offense)	Meeting with violator or show cause hearing requested within 14 days of detection of violation. Meeting will be held within 30 days of detection of the violation. Proposed fine of \$300-\$500.	PC
	SNC	AO issued within 5 days with compliance schedule; fine of \$1000 per day of violation, or civil litigation seeking	PC S

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penalties of \$1000 to \$2500 per day.

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	Caused known damage to POTW or environment, or worker health hazard	AO issued within 5 days to immediately halt discharge; fine, civil litigation, or criminal prosecution.	PC S
2) Slug load discharge	Isolated without known damage.	NOV; AO issued within 14 days to develop a Spill Control Plan within 30 days.	PC
	Isolated with known damage, interference, pass-through. SNC	Fine or civil litigation seeking penalties of \$500 to \$700 per day and recovery of costs. Terminate service.	PC S
	Recurring SNC.	Fine or civil litigation seeking penalties of \$1000 to \$2500 per day and recovery of costs. Terminate service.	PC S
<u>C. SAMPLING, MONITORING, AND REPORTING VIOLATIONS</u>			
1) Minor sampling, monitoring or reporting deficiencies.	Isolated or infrequent (1st/2nd offense)	Telephone call and NOV issued within 14 days of detection.	PC
	Frequent or continuous	NOV issued within 5 days; proposed fine \$100-\$300.	PC
2) Major sampling, monitoring or reporting deficiencies.	Isolated or infrequent (1st /2nd offense)	NOV issued within 5 days of detection; meeting with violator requested within 14 days. Proposed fines of \$300 to \$500.	PC
	Frequent or continuous; SNC	Meeting with Show Cause Hearing requested within 14 days of detection. Fine or civil litigation seeking penalties of \$500.	PC S
3) Complete failure to sample, monitor, or report is more than 30 days late.	SNC	AO with compliance schedule issued within 5 days of detection; civil litigation and/or criminal prosecution seeking penalties of \$1000-\$2500 per day. Terminate service.	PC S

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4) Failure to submit schedule of compliance.	Violation of AO.	Fine; civil litigation and/or criminal prosecution seeking penalties of \$1000-\$2500 per day until schedule is filed.	S
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5) Failure to notify of discharge limit violation or slug discharge.	Isolated or infrequent, no known effects.	NOV; AO issued within 14 days of detection.	PC
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Frequent or continued violation- SNC	Show Cause Hearing requested within 14 days; AO issued within 5 days of detection; civil litigation seeking penalties of \$1000 per day per violation; criminal prosecution.	PC S
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6) Failure to install monitoring equipment.	Continued SNC	AO issued within 5 days of detection; temporarily suspend service if agreed upon compliance date is exceeded by 30 days.	PC S
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D. COMPLIANCE SCHEDULE VIOLATIONS

1) Missed milestone date	Will not effect other milestone dates, or final date.	Telephone call and NOV issued within 5 days of milestone date passage.	PC
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Will effect other milestones or final date.	Meeting requested within 14 days or prior to next milestone date; AO issued within 5 days of missed milestone date.	PC S
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Will effect other milestones or final date. Violation not for good cause.	Show Cause Hearing requested within 14 days or prior to next milestone date; fine or seek civil penalties of \$500-\$2500 per day of violation.	PC S
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2) Failure to meet compliance schedule reporting requirements.	Did not submit report, but did complete milestone.	Telephone call and NOV issued within 14 days of detection.	PC
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	Did not submit report or complete milestone.	NOV; AO issued within 5 days of missed milestone date; proposed fines of \$300-\$500.	PC S
3) Missed final date	Good cause	Telephone call and NOV issued within 5 days of missed date.	PC

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	30 days or more outstanding; failure or refusal to comply without good cause.	Show Cause Hearing requested within 14 days of detection; AO with fines; judicial action.	PC S
4) Reporting false information	Any instance SNC.	Referral to prosecutor for criminal investigation; civil litigation and/or criminal prosecution seeking maximum penalties allowed by State law (at least \$1000 per day per violation); Termination of service.	S

E. SPILL INCIDENTS

1) Spill incident	Reported and investigated	NOV issued at time of inspection; meeting requested within 14 days of detection; AO	PC
	Failure to report spill	NOV; meeting within 14 days of detection; AO with proposed fines of \$300-\$500.	PC
2) Repeated spills	Failure to develop or upgrade Spill Prevention Plan.	NOV; AO with fines; Show Cause Hearing to be held within 30 days of notification.	PC
	Failure to act on a decision of compliance meeting and results in known damage to POTW or environment.	Judicial action; terminate service.	

F. VIOLATIONS DETECTED DURING FIELD INSPECTIONS/INVESTIGATIONS

1) Minor violation of analytical procedures	Any instances	Telephone call and NOV issued within 14 days of receipt of monitoring results.	PC
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2) Major violation of analytical procedures	No evidence of negligence or intent.	NOV; meeting to be held within 30 days of notification. AO issued within 14 days of receipt of monitoring results.	PC
	Evidence of negligence or intent-SNC	AO or civil action and penalty; possible criminal prosecution.	PC S
3) Minor violation of permit condition	No evidence of negligence or intent	NOV; AO for immediate corrective action required.	PC

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	Evidence of negligence or intent	AO or civil litigation and penalties; possible criminal prosecution. Terminate service.	PC S
4) Major violation of permit condition	Evidence of negligence or intent-SNC	AO or civil litigation and penalties; possible criminal prosecution. Terminate service.	S

G. OTHER PERMIT VIOLATIONS

1) Wastestreams are diluted in lieu of treatment	Initial violation	AO with fines	PC
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H. VIOLATIONS ASSOCIATED WITH GREASE CONTROL DEVICES

1) Failure to adequately maintain system	No evidence of intent, no known damage	NOV; submit proof of maintenance and plan within 30 days	PC
	No evidence of intent, known damage	AO for immediate corrective action; submit proof of maintenance and plan within 30 days, possible fines	PC
	Evidence of intent or neglect, no known damage	AO; submit proof of maintenance and plan within 30 days; proposed fine of \$500-\$1,000	PC
	Evidence of intent or neglect, known damage	AO for immediate corrective action required; fines possible civil action	PC S
2) System inadequately sized	No evidence of intent, no known damage	NOV; compliance schedule	PC

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No evidence of intent, known damage	AO for immediate corrective action required; compliance schedule	PC
Evidence of intent, no known damage	AO; compliance schedule; proposed fine of \$1,000-\$1,500, possible civil prosecution	PC S
Evidence of intent, known damage	AO for immediate corrective action; fines; possible civil action. Terminate service	PC S

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3) No system in place	No evidence of intent, no known damage	AO; compliance shedule	PC
	No evidence of intent, known damage	AO for immediate corrective action required; compliance schedule; possible fines	PC S
	Evidence of intent, no known damage	AO; compliance schedule; proposed fine of \$1,000-\$2,500; possible civil action	PC S
	Evidence of intent, known damage	AO for immediate corrective action required; compliance schedule; proposed fines of \$2,000-\$2500; possible civil action. Terminate service.	
4) Withholding or reporting false information	No evidence of intent, no known damage	AO; compliance schedule	PC
	No evidence of intent, known damage	AO for immediate corrective action required; compliance schedule; possible fines	PC/S
	Evidence of intent, no known damage	AO; compliance schedule; proposed fines of \$1,000-\$2,500; possible civil/criminal action	PC/S

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Evidence of intent; known damage	AO for immediate action required; compliance schedule; proposed fines of \$2,000- \$2,500, possible civil/criminal action. Terminate service.	PC/S
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