



# **Washington Suburban Sanitary Commission**

## **REGULATORY SERVICES GROUP INDUSTRIAL DISCHARGE CONTROL PROGRAM**

### **ENFORCEMENT RESPONSE PLAN**

**EFFECTIVE: DECEMBER 1, 1993**

**Modified:** December 22, 1993  
March 10, 2003  
May 1, 2007  
December 13, 2010  
April 22, 2013



# Washington Suburban Sanitary Commission

## REGULATORY SERVICES GROUP INDUSTRIAL DISCHARGE CONTROL PROGRAM ENFORCEMENT RESPONSE PLAN

### ATTORNEY STATEMENT

I, Wm. Carl Isler, II, Staff Counsel for the Washington Suburban Sanitary Commission, hereby certify that the Washington Suburban Sanitary Commission has the legal authority to implement and apply the methods, procedures, and penalties set forth in the attached Enforcement Response Plan.

Wm. Carl Isler, II  
Staff Counsel  
Washington Suburban Sanitary Commission

4/23/13  
Date

Attachments: Enforcement Response Plan  
Enforcement Response Guide

## **INTRODUCTION**

The Enforcement Response Plan (ERP) contained herein provides a framework for determining the appropriate response for violations of the Washington Suburban Sanitary Commission's (WSSC's) Industrial and Special Waste Regulations. This ERP is not intended to cover all violations or responses.

As a general rule, all noncompliances will be addressed through the issuance of a Notice of Violation (NOV). Repeat Industrial User or single wastehauler violations may subject the violator to WSSC citations carrying fines of \$250.00, \$500.00, \$750.00, or \$1,000.00, increasing in cost with each violation until compliance has been demonstrated. Continued violations will result in escalated enforcement action.

Continuing violations, which cause the violator to be in significant noncompliance (SNC), or those violations which in any one instance constitute SNC, will subject the violator to a NOV, public notice in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by WSSC, and depending on the type of violation, increased self-monitoring.

In circumstances where an Industrial User is in SNC for two consecutive evaluation periods, they will be subject to formal enforcement action in the form of an Administrative Order.

In those instances where standard enforcement responses are ineffective in compelling compliance, a referral will be made to the WSSC's General Counsel's Office or to the appropriate state or federal law enforcement agency for appropriate legal action.

This ERP will be reviewed and revised every five years, and the Maryland Department of the Environment's (MDE's) approval will be sought prior to implementation of the revised plan.

## **I. PROCEDURES FOR INVESTIGATING/ASSESSING COMPLIANCE**

### **A. Scheduling of Investigations and Compliance Monitoring**

An Industrial User (IU) is a Significant Industrial User (SIU) if they meet one or all of the criteria as defined in the WSSC's Plumbing and Fuel Gas Code, Chapter-8, and the Code of Federal Regulations (40 CFR 403.3).

Four criteria are used to determine investigation and compliance monitoring frequencies for SIUs. These criteria are:

- The minimum frequency outlined in the Maryland Department of the Environment (MDE) Pretreatment Delegation Agreement;
- Volume of water consumed and wastewater discharged, and types and amounts of chemicals used;
- Compliance history of the IU; and
- Management practices of the IU including pretreatment operations, waste management, and spill control.

Comprehensive facility investigations are conducted annually on all SIUs. The investigations focus on all processes generating waste, associated chemical usage and storage, pretreatment operations, and spill and/or slug control plans (where applicable). The results are recorded on the "Industrial Investigation Reports," which include general administrative information such as contact name, addresses, account number, number of employees, work hours, inspection dates, and investigation results.

In addition to an annual inspection, follow-up investigations are also conducted. Follow-up investigations generally focus on verifying IU activities regarding completion or progress on a corrective measure, and take place within fourteen (14) days of a final compliance date. These investigations are recorded on "Follow-Up Industrial Investigation Reports," which briefly describe the reason for the investigation and the observations pertinent to specific areas of interest or concern.

Compliance monitoring is scheduled annually or semi-annually, without advance notice to the IU. This method of scheduling provides the Industrial Investigator flexibility to plan compliance monitoring based on information obtained during previous inspections, and also allows the consolidation of resources to a geographic region for purposes of scheduling monitoring and investigation activities (e.g., monitoring several SIUs located in the same industrial park).

Routine monitoring of SIUs includes collecting samples for all parameters regulated in the IU's Discharge Authorization Permit and annual monitoring for all parameters subject to local limitations. Flow measurements or estimations are recorded for the duration of all sampling trips.

Follow-up compliance monitoring generally consists of monitoring for all regulated parameters, but may consist of monitoring only for those parameters for which the IU was



found to be in violation. Follow-up compliance monitoring is conducted within thirty (30) days after the final compliance date.

Sample collection methods and frequencies are as follows:

<b><u>Parameter</u></b>	<b><u>Method</u></b>	<b><u>Sample Frequency</u></b>
Metals	Composite	aliquot/15 minutes or flow proportioned
Base Neutral/Acid Extractable Organics	Composite	aliquot/15 minutes or flow proportioned
VOA	Grab	40 mls/sampling session
Cyanide	Grab	1 liter/sampling session
pH	Continuous	1 minute intervals
Oil and Grease	Grab	1 liter/sampling session

Minimum inspection and monitoring frequencies are assigned as follows:

<b><u>Industry Classification</u></b>	<b><u>Inspection Frequency</u></b>	<b><u>Monitoring Frequency</u></b>
Categorical SIU > 5,000 gpd	1 inspection/year	1 event/year
Categorical SIU < 5,000 gpd	1 inspection/year	1 event/year
Non-Categorical SIU > 25,000 gpd	1 inspection/year	1 event/year
Non-Categorical SIU < 25,000 gpd	1 inspection/year	1 event/year

Increases in investigation and compliance monitoring frequencies are determined based on the IU's compliance status. Violations are generally addressed with increased compliance monitoring. The degree to which frequencies are increased is determined by the IU's compliance history and current management practices as observed by the Industrial Investigator.

## **B. Monitoring and Tracking Compliance**

### **1. Review of Compliance Monitoring Data**

A chain of custody form accompanies all samples delivered to the Consolidated Laboratory. Typically, the white copy of the computer generated chain of custody form

accompanies the sample(s) and the Investigator retains the signed pink copy. Upon delivery, each sample container receives an integrity check by the Inventory Control Technician for bottle breaks, leaks, and proper number assignments on chain of custody forms. Once the integrity of the sample has been checked, each sample receives a unique lab work order number designating the parameter(s) to be analyzed.

The following information pertaining to each sampling trip is currently entered into the Industrial Discharge Program (hereinafter “Program”) database:

- industry;
- sampling location;
- investigator ID;
- observations of simultaneous monitoring by industry;
- field readings such as pH readings/calibrations, flow, and temperature;
- sample ID numbers;
- sample collection date;
- collection method;
- analysis specified; and
- comments concerning unusual conditions or observations made while sampling.

After analysis, data for each sample parameter is downloaded directly from the instrumentation to the laboratory database under the appropriate laboratory work order number. The completed laboratory work orders are reviewed and signed-off by designated laboratory personnel. The resulting hard copies of analytical data are sent to the Industrial Investigations Supervisor. Laboratory analytical data is also downloaded electronically.

Analytical data from the lab is distributed by the Industrial Investigations Supervisor to the appropriate Industrial Investigator(s). Distributed data is verified by the Industrial Investigator(s) into the Program’s database and compiled onto a Sample Results Report. The data is then reviewed by the Investigator for compliance with applicable discharge limitations. The compliance status of the data is noted on the Sample Results Report indicating:

- the reviewer’s name;
- the date of the review;
- whether the sample was in “compliance” or “violation;” and
- a reference to any issued NOVs.

The completed Sample Results Report and supporting analytical data are forwarded to the Industrial Investigations Supervisor where it receives a second review for compliance with applicable limitations. The hard copy reports are returned to the Industrial Investigator and filed in the industry file.

Copies of the resulting enforcement action are given to the Industrial Investigations Supervisor.



## **2. Review of Industry Self-monitoring Reports**

SIUs are required to submit self-monitoring reports, zero discharge certifications, Best Management Practices reports, and other required certifications on a quarterly basis.

All self-monitoring reports are stamped with the date that they are received in the Industrial Discharge Control Unit and logged-in on the Compliance Report Summary Log. Any SIU or IU that does not submit a report by close of business on the due date will be issued a NOV. This NOV will document the lateness of the report and will serve as notice to the SIU or IU that if their report is not received within thirty (30) days the IU will be in SNC.

Industrial Investigators are assigned to review self-monitoring reports and a final review is conducted by the Industrial Investigations Supervisor. Depending on the number of reports received and the timeliness of submission, the total review process may take up to thirty (30) days to complete. If a deficient report is submitted or a violation exists on the report, the IU is sent a Periodic Compliance Report Review form and/or a NOV. Once reviewed by the Industrial Investigator, the Compliance Report Summary Log is completed by filling in the date the report was reviewed and indicating the compliance status of the report. The Compliance Report Summary Log is used for purposes of recording and tracking compliance report submission and the number of self-monitoring events. Copies of relevant review forms are attached to the self-monitoring report and designated for data input into the Program database. Once the report data has been input and initialed, the report, any review form, and a copy of any resulting NOV's are filed in the SIU or IU's file for future reference. All NOV's are logged into the Enforcement Log book for input into the Program database.

Copies of all NOV's are sent monthly to the MDE.

## **3. Investigation/Incident Reports**

Investigation reports are not used to identify instances of noncompliance since the report is generally filed after enforcement measures have been implemented. Violations observed during investigations may be addressed verbally in the field and followed-up with a written NOV, or the investigator may consult with the Industrial Investigations Supervisor first and then formally address the noncompliance with a written NOV or Directive. Investigation reports are used to document routine or abnormal observances, or corrective measures implemented in response to a violation or Directive. However, the latter is generally documented on a Follow-up Industrial Investigation Report form. These reports are reviewed by the Industrial Investigations Supervisor for consistency and accuracy of the recorded observations. Incidents of unusual flow characteristics detected at the wastewater treatment plant (WWTP) or in the collection system are recorded in the incident notebook. An incident report is filled out which contains follow-up information on the conditions at the WWTP during and after each event; whether interference upsets, or NPDES Permit violations occurred; and any observations made

from source investigations and sample analysis. These reports are reviewed by the Industrial Investigations Supervisor, Unit Coordinator and Regulatory Services Group Leader before being sent to the respective Treatment Plant Group Leader. All incident reports are filed by treatment plant basin for future reference and analysis of patterns.

### **C. Tracking Compliance Status**

Industry noncompliance is tracked in the Program database. From the database, the Monthly Compliance Log is generated and posted in the office. The Monthly Compliance Log consists of a list of SIUs in noncompliance required to meet a milestone date. Each Industrial Investigator is responsible for noting the date of SIU compliance or noncompliance with milestone dates on the Log. All analytical data (self-monitoring and WSSC) is input into the Program database for purposes of generating reports.

As required by the MDE Pretreatment Delegation Agreement, an evaluation of each SIU's compliance status with pretreatment standards, reporting requirements, and self-monitoring requirements is conducted on a quarterly basis to cover the six-month period prior to the end of the quarter. Each SIU is identified as being in significant noncompliance (SNC), noncompliance (NC), or consistent compliance (C). An SIU is classified as being in SNC if they meet any of the following criteria:

- a. Violations of wastewater discharge limits:
  - (1) Chronic violations, defined here as those in which 66 percent or more of the measurements taken for the same pollutant parameter during a 6 month period (by any magnitude) exceed a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l).
  - (2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH.
- b. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the WSSC determines has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through (including endangering the health of WSSC personnel or the general public);
- c. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- d. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, certification statements, plans, representative data and reports on compliance with compliance schedule milestones or other information requested by the WSSC; or failure



to notify the WSSC of modifications to processes, wastewater constituents, and pretreatment systems;

- e. Failure to accurately report noncompliance; and
- f. Any other violation or group of violations, which may include a violation of Best Management Practices, which the WSSC determines will adversely affect the operation or implementation of the local pretreatment program.

An SIU is in noncompliance if it has one or more violations during the reporting period that does not meet the SNC criteria. An SIU is in consistent compliance if no violations have occurred during the reporting period.

In the event an SIU is in SNC during a six-month evaluation period, the Industrial Investigator will notify the SIU. Once notified:

- SIUs are required to conduct an additional five (5) days of self-monitoring during the next reporting period for the parameters for which they are in SNC.
- SIUs subject to monthly-average discharge limitations must sample one (1) day per month for five (5) months.
- SIUs subject to 4-day average discharge limitations must sample for twenty (20) days or five (5) 4-day averages (SIUs in this group may use their normal periodic compliance monitoring toward the twenty (20) days of required monitoring). Additional monitoring will continue until the SIU demonstrates consistent compliance, or has no violations of the parameter for which they were in SNC, for a reporting period.

## **II. PROCEDURES FOR RESPONDING TO NONCOMPLIANCE**

### **A. Documenting Noncompliance**

An Enforcement Action Summary (EAS) is used to maintain the chronology of industry responses to violations as well as to document the WSSC's rationale for the enforcement action taken in response to a specific violation.

Each EAS contains the following information:

- industry name;
- status of the enforcement action;
- violations being cited and dates;
- anticipated defenses by the industry (if known or suspected);
- referenced documents including letters or plans; and
- additional notes or comments including the proposed enforcement action should another violation occur.

The proposed enforcement action is circulated to the Industrial Investigations Supervisor(s), and to the Unit Coordinator for review before issuance. A copy of the enforcement action and EAS is kept in a chronological file specific to each industry.

All violations are documented on an NOV, which informs the IU that a violation has occurred. Each NOV specifies the date the violation occurred, a description and location of the violation, and instructions for follow-up measures. The original NOV is sent via certified mail to the IU. A yellow copy is made of the NOV for the IU's file, and a pink copy is given to the Industrial Investigations Supervisor to be placed in the Enforcement Log book.

Generally, an NOV will direct the violator to submit a written explanation within seven (7) working days from the date of the NOV. In certain circumstances where an explanation has already been received, a plan of corrective measures may be requested from the IU. If the plan is accepted, a written Directive containing established compliance dates is then issued. If the plan is not accepted, a written Directive requesting additional information is issued.

## **B. Additional Enforcement Action**

- **Administrative Orders**

Administrative Orders are enforcement documents issued in conjunction with a Complaint which direct IUs to undertake or to cease specified activities. An administrative penalty may be assessed up to \$1,000.00 for each violation of any provision of the pretreatment program stated in the Administrative Order or Complaint, not to exceed \$50,000.00. Penalty assessments will be made with consideration given to:

- the extent to which the existence of the violation was known to the violator, but uncorrected by the violator, and the extent to which the violator exercised reasonable care;
- any actual or potential harm to human health or to the environment, including injury to or impairment of the WSSC sewage collection and treatment systems or the natural resources of the State;
- the degree of interference with or injury to the general welfare, health, or property rights of the public;
- the extent to which the geographic location of the system creates the potential for harm to the environment or to human health or safety;
- the cost of cleanup and the cost of restoration of natural resources;
- the available technology for controlling, reducing, or eliminating the conditions that caused the violation; and
- the extent to which the current violation is part of a recurrent pattern of the

same or similar type of violation committed by the violator.

The WSSC has the authority to subpoena any person or evidence that is essential for proper consideration at an administrative hearing.

### **Authority**

Md. Public Utilities Code Ann. §29-103

### **Applicability**

An Administrative Order may be issued when:

- a violation is persistent and more severe enforcement needs to be taken; or
- an IU is in SNC; and must be issued if
- an IU is in SNC for two consecutive evaluation periods for the same type of violation.

### **Required Action**

An Administrative Order will be drafted by the Unit Coordinator and forwarded to the Regulatory Services Group Leader for review. Once reviewed internally, a draft will be sent to the WSSC's General Counsel's Office for review. The MDE may request a joint review of an Administrative Order after they review the quarterly SNC list. If WSSC escalates enforcement action to an Administrative Order prior to submittal of the list, WSSC will notify the MDE in writing of the intent to issue an Order. The MDE may request joint review and WSSC must forward the requested draft within thirty (30) business days of the MDE's request. If comments are not received from the MDE within thirty (30) business days, the draft Order may be forwarded to the industry. If the MDE does not request a joint review and the WSSC's General Counsel's Office has reviewed the Order, then the draft Order may be forwarded to the industry.

Any Complaint or Order issued by WSSC will be served upon the person to whom the Complaint or Order is directed. This is to be accomplished in the following manner:

- personally
- by publication; or
- by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the person's last known address as listed in WSSC's records.

A WSSC employee or an agent acting on behalf of the WSSC may serve any Complaint or Order.

### **Response Time Frame**

Response time frames may vary depending on the urgency of the situation; however, drafting an Order should not exceed thirty (30) days from determining that an Order is warranted.



Once a determination is made to issue an Administrative Order, the WSSC may cite any and all unresolved violations in the content of the Complaint and Order. The person being served may request, in writing, a hearing; however, the request must be made within ten (10) days of service of the Order. This right may be waived if the IU enters into an agreement or Consent Order.

- **Civil Citation**

A citation issued by the WSSC and enforced by a court of competent jurisdiction, commanding a person named to appear on a day to answer charges of a violation or pay a fine. Associated fines are \$250.00, \$500.00, \$750.00, and \$1,000.00. Each day a violation remains uncorrected is a separate infraction and subject to additional citations and fines.

**Authority**

Md. Public Utilities Code Ann. §29-101

**Applicability**

A civil citation may be issued for a violation of any provision of the WSSC Plumbing and Fuel Gas Code, including but not limited to:

- a violation of the Waste Hauler Discharge Permit;
- three (3) or more violations of the same parameter within a 12-month period, including self-monitoring effluent violations. If twelve (12) months elapse without a violation and new violations occur, the citation amount will revert to the minimum level;
- an IU violating any provision of the WSSC Plumbing and Fuel Gas Code where such a violation presents an imminent threat to the public health, welfare, or safety of WSSC's workers; or
- an IU in SNC during a six-month evaluation period.

**Required Action**

A civil citation will be drafted by the individual responsible for identifying the violation, or their supervisor, and served upon the person to whom the citation is directed. This is to be accomplished in the following manner:

- personally; or
- by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the person's last known address as shown on WSSC's records.

An authorized WSSC employee may serve a civil citation. If service is made by certified mail, the person who mails the document shall attach the proof of mailing



(the green card) to the file.

### **Response Time Frame**

Response time frames may vary depending on the urgency of the violation; however, issuance of a citation should not exceed thirty (30) days from the date of determining a violation exists.

- **Civil Litigation**

The process of filing a civil action against an IU in Court. If the Court rules that the defendant violated the law, the Court may impose civil penalties, injunctions, or other equitable remedies and/or cost recovery.

### **Authority**

Md. Public Utilities Code Ann. §17-201

### **Applicability**

Civil litigation may be pursued when:

- all reasonable means have been exhausted to seek reimbursement for costs or potential costs incurred by WSSC; or
- all reasonable means to compel compliance by the IU have been exhausted.

### **Required Action**

The Regulatory Services Group will refer the matter to WSSC's General Counsel's Office, which will take the appropriate action.

### **Response Time Frame**

Referral to WSSC's General Counsel's Office within ninety (90) days of becoming aware of a violation meeting the applicability criteria listed above.

- **Cost Recovery (Compliance Determination)**

The actual recovery of costs incurred by the WSSC for actions associated with noncompliance. These actions may be, but are not limited to, monitoring, sampling, enforcement actions, reviewing reports, and conducting research.

### **Authority**

WSSC Plumbing and Fuel Gas Code § 812.2

## **Applicability**

Cost recovery may be pursued:

- to recover all costs associated with bringing a noncompliant IU or waste hauler/bus into compliance; and
- to recover all costs associated with determining continued compliance status on a prescribed frequency.

## **Required Action**

As needed, a detailed breakdown of all costs accumulated will be requested from the Accounting Group. After reviewing and approving the charges and costs accumulated, the Unit Coordinator will request that the WSSC Accounting Group generate and issue an invoice for payment to the affected industry.

## **Response Time Frame**

A request will be made to the Accounting Group as needed.

### **• Cost Recovery (Damages)**

The actual recovery of costs incurred by WSSC for any work or repair made necessary by the neglect or action of a property owner, tenant, waste hauler, or IU resulting from the discharge of an industrial waste.

## **Authority**

WSSC Plumbing and Fuel Gas Code § 812.1

## **Applicability**

Cost recovery may be pursued to recover costs associated with, but not limited to, damages to WSSC's property and upsets at treatment works which collect flow from WSSC's IUs.

## **Required Action**

The Regulatory Services Group will prepare a package containing necessary evidence and documentation identifying the contributing source(s) and forward it to WSSC's General Counsel's Office.

## **Response Time Frame**

Investigation into the source of damages will take place as soon as possible following notification that damages exist. Preliminary findings will be compiled within ninety

(90) days.

- **Directive**

A written document establishing a schedule containing a milestone date for increments of progress towards a final compliance date.

**Authority**

WSSC Plumbing and Fuel Gas Code, § 810.5

**Applicability**

A written directive may be issued when a compliance date is necessary to ensure that the IU implements corrective measures in a timely manner.

**Required Action**

A written directive may be issued by an Industrial Investigator after review by the Industrial Investigations Supervisor and Unit Coordinator.

**Response Time Frame**

A written directive may be issued within thirty (30) days of determining that corrective measures are necessary.

- **Increased Monitoring**

The actual increase in monitoring conducted by WSSC or an IU prompted by noncompliance.

**Authority**

WSSC Discharge Authorization Permit, § I.B.2. (f) ; WSSC Plumbing and Fuel Gas Code § 806.2.4, 809, and 808.1.8.

**Applicability**

Increased monitoring may be initiated when:

- an IU is in SNC necessitating an additional five days of self-monitoring by the IU; or
- a pattern of noncompliance persists necessitating increased compliance monitoring by WSSC or self-monitoring by the IU.

### **Required Action**

Once it is determined that an IU is in SNC, the IU will be notified. Upon notification, the IU shall self-monitor an additional five (5) days in the next reporting period.

The Industrial Investigator will make the determination that increased compliance monitoring is warranted. This determination will be made based on the IU's compliance history and the nature of the violation.

### **Response Time Frame**

Notification to IUs in SNC will be made within two (2) weeks of the determination that an IU is in SNC.

- **Injunction**

A court order directing a party to perform or refrain from performing a certain action.

### **Authority**

Md. Public Utilities Code Ann. §29-103(h) and §29-104

---

### **Applicability**

An injunction may be indicated when:

- all appropriate administrative remedies have been exercised and the violation continues;
- irreparable injury, loss, damage, or an immediate or threatened violation of WSSC regulations occurs; or
- any violation of the Pretreatment Program or an Administrative Order.

### **Required Action**

Referral to WSSC's General Counsel's Office by the Regulatory Services Group Leader accompanied by supporting documentation

### **Response Time Frame**

Response time frames may vary depending on the urgency of the matter; however, referral should not exceed ninety (90) days from the date of the occurrence that prompted the action.

- **Notification to Appropriate Authorities**

A notification including, but not limited to, the following authorities: Environmental Protection Agency, Regional Waste Management Division Director; MDE, Waste



Management Administration; County Health Departments; Fire Departments; Environmental Crimes Task Forces; and organizational units within the WSSC.

### **Applicability**

The appropriate authorities may be notified when:

- an IU fails to report the disposal of a waste into the sewer system, which, if otherwise disposed of, would be classified as a hazardous waste under 40 CFR 261;
- an IU is discharging wastes or wastewater directly to the waters of the State or to a stormwater conveyance system without possessing the appropriate permit or discharging in violation of existing regulations;
- a spill occurs to the sanitary sewer that may create a hazardous condition or harm to human health or the environment; or
- it appears to WSSC that there may be criminal conduct.

### **Required Action**

The level of Unit personnel that respond will depend on the agency and level of notification required. All verbal contact with an outside agency, pertaining to a violation, will be documented and filed in office files. Suspected criminal offenses may be referred to the Environmental Crimes Task Forces.

### **Response Time Frame**

The response time frame will depend on the urgency of the matter; however, notification should not exceed two weeks from the date WSSC becomes aware of the occurrence that prompted the notification.

- **Public Notice**

An annual notification in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by WSSC

### **Authority**

WSSC Plumbing and Fuel Gas Code §811; WSSC Discharge Authorization Permit, § I.B.13

### **Applicability**

This publication shall consist of the names of IUs which, at any time during the previous 12 months, were in SNC as defined in 40 CFR 403.8(f)(2)(vii).

### **Required Action**

SNC will be determined on a quarterly basis. Once the compliance status of WSSC's

SIUs has been determined for a calendar year, the Unit Coordinator will forward the written determination to the Regulatory Services Group Leader with a request for publication. Upon review completion, the Unit Coordinator will forward the request to WSSC's Public Communications Office for publication. Publication must occur no later than May 1 and a certified copy provided to the MDE within thirty (30) days of the publication.

### **Response Time Frame**

Publication of a list of Industrial Users in SNC is required annually. Within thirty (30) days of making a determination, the Unit Coordinator will forward the list to WSSC's Public Communications Office for publication in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by WSSC.

- **Termination or Suspension of Permit**

A revocation or suspension of a WSSC Discharge Authorization Permit or Waste Hauler Discharge Permit.

### **Authority**

WSSC Plumbing and Fuel Gas Code, § 806.4, and §810; WSSC Discharge Authorization Permit, § I.B.11.

### **Applicability**

Grounds for permit suspension or termination are:

- violation of any terms or conditions of the permit;
- misrepresentation or failure to disclose fully all relevant facts during the permit application process or subsequent to permit issuance; or
- information indicating that a discharge poses a threat to the collection treatment system, the general public, WSSC personnel, or the receiving waters.

### **Required Action**

The IU will receive written notification by personal delivery or certified mail of the proposed permit termination or suspension. The written notification will indicate the reason(s) for termination, and advise the permittee of the opportunity to be heard on the proposed action

### **Response Time Frame**

The Regulatory Services Group will send out notification within thirty (30) days of determining that termination or suspension is warranted. If an imminent

endangerment exists, notification will occur as soon as possible after the action is taken and may include a summary suspension of the permit pursuant to applicable State law.

- **Termination of Service**

The physical disconnection or plugging of a sewer line from the collection system. Termination of service may also include, or be replaced by, the termination of water service.

**Authority**

Md. Public Utilities Code Ann. §17-403(a) (2) (i); WSSC Plumbing and Fuel Gas Code, § 810.2.

**Applicability**

Termination of service is indicated when:

- an IU discharges or threatens to discharge a waste which poses a threat to human health, the environment, or the POTW;

---

**Required Action**

A verbal request will be made by the Chief Engineer, Engineering and Construction Team, to the Customer Care Support Services Group to terminate water or sewer service and followed-up with a written request. IUs will be given notice and an opportunity to respond prior to termination except in the case of immediate endangerment to the health or welfare of persons, in which case informal notice will be provided.

**Response Time Frame**

If termination of service is necessary to halt or prevent the discharge of a waste capable of creating a dangerous situation, action should be taken immediately or as soon as practical. Otherwise, action should occur within thirty (30) days of the violation.

## **GLOSSARY OF ACRONYMS**

BOD	Biological Oxygen Demand
CFR	Code of Federal Regulations
EAS	Enforcement Action Summary
ERP	Enforcement Response Plan
IU	Industrial User
MDE	Maryland Department of the Environment
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SIU	Significant Industrial User
SNC	Significant Noncompliance
TRC	Technical Review Criteria
TSS	Total Suspended Solids
VOA	Volatile Organic Analysis
VioLog	Violation Log
WSSC	Washington Suburban Sanitary Commission
WWTP	Wastewater Treatment Plant



# ENFORCEMENT RESPONSE GUIDE

PROHIBITED SUBSTANCE DISCHARGE		
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE <sup>1</sup>
Discharge of Prohibited Substances	Isolated, does not present an imminent endangerment to health, welfare, the environment, Persistent, does not present an imminent endangerment. (SNC)	NOV - Submit Explanation with Plan Written Directive Additional Self-monitoring <b>Administrative Order</b> Citation Increased Compliance Monitoring with Cost Recovery <b>NOV</b> Written Directive <b>Public Notice</b> Additional Self-monitoring Administrative Order Citation Increased Compliance Monitoring with Cost Recovery <b>NOV</b> <b>Public Notice</b> Referral to Appropriate Authorities Referral to Legal Office Revoke/Suspend Permit Terminate Service Written Directive Additional Self-monitoring <b>Administrative Order</b> Citation Cost Recovery (Damages) Increased Compliance Monitoring with Cost Recovery <b>NOV</b> <b>Public Notice</b> Referral to Appropriate Authorities Referral to Legal Office Revoke/Suspend Permit Terminate Service Written Directive
	Isolated, causes an imminent endangerment to human health, welfare, the environment, or POTW. (SNC)	UC I I CE I I I UC I UC I UC RSGL CE I I CE I UC UC I UC I UC UC RSGL CE I
	Persistent, causes an imminent endangerment. (SNC)	UC I CE I UC UC I UC RSGL CE I I CE I UC UC I UC I UC RSGL CE I

<sup>1</sup> Required responses are in **bold**. The remaining responses are optional; however, assess the appropriateness before using. First offenders or users demonstrating good faith effort may merit a more lenient response depending on the severity of the violation. Repeat offenders or those demonstrating unwillingness to comply may require a more stringent response.

<sup>2</sup> Lowest ranking level authorized to take the action:

CE - Chief Engineer  
 RSGL - Regulatory Services Group Leader  
 UC - Coordinator  
 I – Industrial Investigator

# ENFORCEMENT RESPONSE GUIDE

PERMIT VIOLATIONS			
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE <sup>1</sup>	PERSONNEL <sup>2</sup>
1. Failure to allow right of entry.	Entry denied or consent withdrawn	Citation	I
		Increased Compliance Monitoring w/Cost Recovery	UC
		NOV	I
		Referral to Legal Office	UC
		Revoke/Suspend Permit	RSGL
		Terminate Service	CE
		Written Directive	I
2. Failure to provide requested information.	Required information not provided.	Additional Self-Monitoring	I
		Citation	I
		Increased Compliance Monitoring w/Cost Recovery	UC
		NOV	I
		Revoke/Suspend Permit	RSGL
		Terminate Service	CE
		Written Directive	I
3. Failure to retain records for a minimum of three years.	Records not retained for three years.	NOV	I
		Written Directive	I
4. Failure to dispose of sludge and spent chemicals in accordance with the Clean Water Act (CWA).	Disposal of sludge and chemicals in an unlawful manner.	Referral to Appropriate Authorities	I
		Written Directive	I
		NOV	I

# ENFORCEMENT RESPONSE GUIDE

DISCHARGE STANDARD			
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE <sup>1</sup>	PERSONNEL <sup>2</sup>
Exceedance of local or federal permit limitations.	Isolated, no harm to POTW/environment, not significant.	NOV-Submit Explanation/Plan	I
	Isolated, harm to POTW/environment. (SNC)	Written Directive	I
		Additional Self-monitoring	I
		Administrative Order	CE
		Citation	I
		Cost Recovery (Damages)	UC
		Increased Compliance Monitoring w/Cost Recovery	UC
		NOV	I
		Public Notice	UC
		Referral to Appropriate Authorities	I
		Referral to Legal Office	UC
		Revoke/Suspend Permit	RSGL
		Terminate Service	CE
		Administrative Order	CE
		Citation (Third Offense)	I
		Increased Compliance Monitoring w/Cost Recovery	UC
Persistent, no harm to POTW/environment, not significant:	NOV	I	
	Revoke/Suspend Permit	RSGL	
	Terminate Service	CE	
	Written Directive	I	
	Additional Self-monitoring	I	
	Administrative Order*	CE	
	Citation	I	
	Increased Compliance Monitoring w/Cost Recovery	UC	
	NOV	I	
	Public Notice	UC	
	Revoke/Suspend Permit	RSGL	
	Terminate Service	CE	
	Written Directive	I	
	Additional Self-monitoring	I	
	Administrative Order	CE	
	Persistent, harm to POTW/environment. (SNC)	Citation	I
Increased Compliance Monitoring w/Cost Recovery		UC	
NOV		I	
Public Notice		UC	
Revoke/Suspend Permit		RSGL	
Terminate Service		CE	
Written Directive		I	
Additional Self-monitoring		I	
Administrative Order		CE	
Citation		I	
Cost Recovery (Damages)		UC	
Increased Compliance Monitoring w/Cost Recovery		UC	
NOV		I	
Public Notice		UC	
Referral to Legal Office		UC	
Revoke/Suspend Permit		RSGL	
Terminate Service	CE		

\* Applicable to two consecutive instances of SNC.



# ENFORCEMENT RESPONSE GUIDE

REPORTING VIOLATION		
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE <sup>1</sup>
1. Failure to submit required report, certification statement, or failure to submit complete report.	Isolated, report not received by due date. Report received more than 30 days after due date. (SNC)	NOV-Submit Report within 30 Days
		Additional Self-monitoring
		Administrative Order
		Citation
		Increased Compliance Monitoring w/Cost Recovery
		NOV
		Public Notice
		Revoke/Suspend Permit
		Terminate Service
		NOV
2. Failure to submit report in specified format.	Isolated-one reporting period. Persistent.	Citation (Third Offense)
		NOV
		Additional Self-monitoring
		Administrative Order
		Citation
3. Failure to accurately report noncompliance.	Any instance. (SNC)	Increased Compliance Monitoring w/Cost Recovery
		NOV
		Public Notice
		Revoke/Suspend Permit
		Terminate Service
		Written Directive
		NOV-Submit Information within 30 Days
		Administrative Order
		Citation
		Increased Compliance Monitoring w/Cost Recovery
4. Failure to report waste stream changes, additional sampling, permit transferability, and hazardous waste discharge notification.	Isolated. Persistent. (SNC)	NOV
		Public Notice
		Revoke/Suspend Permit
		Terminate Service
		Written Directive
		NOV-Submit Information within 30 Days
		Administrative Order
		Citation
		Increased Compliance Monitoring w/Cost Recovery
		NOV
		Referral to Appropriate Authorities
		Revoke/Suspend Permit
		Terminate Service
		Written Directive
		Public Notice
		NOV
		Increased Compliance Monitoring w/Cost Recovery
		Citation
		Administrative Order
		NOV-Submit Report within 30 Days

ENFORCEMENT RESPONSE GUIDE

REPORTING VIOLATION (Continued)			
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE <sup>1</sup>	PERSONNEL <sup>2</sup>
5. Failure to provide notification of a spill.	Any instance. (SNC)	Additional Self-monitoring	I
		Administrative Order	CE
		Citation	I
		Increased Compliance Monitoring w/Cost Recovery	UC
		NOV	I
		Public Notice	UC
		Referral to Appropriate Authorities	I
		Referral to Legal Office	UC
		Revoke/Suspend Permit	RSGL
		Terminate Service	CE
		Written Directive	I

# ENFORCEMENT RESPONSE GUIDE

MILESTONE VIOLATION			
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE <sup>1</sup>	PERSONNEL <sup>2</sup>
Failure to meet compliance schedule milestone.	Milestone not met.	Additional Self-monitoring	I
		Administrative Order	CE
		Citation	I
		Increased Compliance Monitoring w/Cost Recovery	UC
		<b>NOV</b>	I
		Revoke/Suspend Permit	RSGL
		Terminate Service	CE
		Written Directive	I
	Milestone not met within 90 days of the schedule date. (SNC)	Additional Self-monitoring	I
		Administrative Order	CE
		Citation	I
		Increased Compliance Monitoring w/Cost Recovery	UC
		<b>NOV</b>	I
		<b>Public Notice</b>	UC
		Revoke/Suspend Permit	RSGL
		Terminate Service	CE
	Violation of terms in Administrative Order.	Referral to Legal Office	UC
		Revoke/Suspend Permit	RSGL
		Terminate Service	CE
		<b>Administrative Penalty</b>	RSGL
		<b>NOV</b>	I



# ENFORCEMENT RESPONSE GUIDE

SELF-MONITORING			
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE <sup>1</sup>	PERSONNEL <sup>2</sup>
1. Failure to perform required monitoring.	No analytical data provided. (SNC)	Additional Self-monitoring	I
		Administrative Order	CE
		Citation	I
		Increased Compliance Monitoring w/Cost Recovery	UC
		NOV	I
		Public Notice	UC
		Revoke/Suspend Permit	RSGL
2. Failure to perform analyses in accordance with 40 CFR 136.	Isolated. Persistent. (SNC)	Terminate Service	CE
		NOV	I
		Additional Self-monitoring	I
		Administrative Order	CE
		Citation	I
		Increased Compliance Monitoring w/Cost Recovery	UC
		NOV	I
3. Failure to provide suitable monitoring point.	Any instance.	Public Notice	UC
		Revoke/Suspend Permit	RSGL
		Terminate Service	CE
		Administrative Order	CE
		Citation	I
		Increased Compliance Monitoring w/Cost Recovery	UC
		NOV	I
4. Failure to monitor in accordance with permit conditions (specified frequency, etc.).	Isolated. Persistent. (SNC)	Revoke/Suspend Permit	RSGL
		Terminate Service	CE
		Written Directive	I
		NOV	I
		Additional Self-monitoring	I
		Administrative Order	CE
		Citation	I
		Increased Compliance Monitoring w/Cost Recovery	UC
		NOV	I
		Public Notice	UC
		Revoke/Suspend Permit	RSGL
		Terminate Service	CE
		Written Directive	I
		NOV	I

# ENFORCEMENT RESPONSE GUIDE

CRIMINAL ACTIONS			
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE <sup>1</sup>	PERSONNEL <sup>2</sup>
1. Tampering with Commission property (sampling equipment, etc.).	Any instance. (SNC)	Additional Self-monitoring	I
		Administrative Order	CE
		Citation	I
		Cost Recovery (Damages)	UC
		Increased Compliance Monitoring w/Cost Recovery	UC
		NOV	I
		Public Notice	UC
		Referral to Appropriate Authorities	I
		Referral to Legal Office	UC
		Revoke/Suspend Permit	RSGL
2. Theft of service.	Any instance. (SNC)	Terminate Service	CE
		Administrative Order	CE
		Citation	I
		Cost Recovery (Damages)	UC
		Increased Compliance Monitoring w/Cost Recovery	UC
		NOV	I
		Public Notice	UC
		Referral to Appropriate Authorities	I
		Referral to Legal Office	UC
		Revoke/Suspend Permit	RSGL
3. False statements, representations, or certifications.	Any instance. (SNC)	Terminate Service	CE
		Written Directive	I
		Additional Self-monitoring	I
		Administrative Order	CE
		Citation	I
		Increased Compliance Monitoring w/Cost Recovery	UC
		NOV	I
		Public Notice	UC
		Referral to Appropriate Authorities	I
		Referral to Legal Office	UC
		Revoke/Suspend Permit	RSGL
		Terminate Service	CE
		Written Directive	I
		Additional Self-monitoring	I
		Administrative Order	CE
		Citation	I
		Increased Compliance Monitoring w/Cost Recovery	UC
		NOV	I
		Public Notice	UC
		Referral to Appropriate Authorities	I
		Referral to Legal Office	UC
		Revoke/Suspend Permit	RSGL
		Terminate Service	CE
		Written Directive	I
		Additional Self-monitoring	I
		Administrative Order	CE
		Citation	I
		Increased Compliance Monitoring w/Cost Recovery	UC
		NOV	I
		Public Notice	UC

# ENFORCEMENT RESPONSE GUIDE

WASTE HAULER VIOLATIONS			
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE <sup>1</sup>	PERSONNEL <sup>2</sup>
1. Permitted and non-permitted discharges.	Does not present an imminent endangerment to human health, welfare, the environment, or POTW.	Administrative Order	CE
		Citation	I
		NOV	I
		Referral to Appropriate Authorities	I
		Referral to Legal Office	UC
		Revoke/Suspend Permit	RSGL
		Written Directive	I
		Administrative Order	CE
		Citation	I
		Cost Recovery (Damages)	UC
2. Failure to obtain a WSSC Waste Hauler permit for each vehicle used in discharging wastes at the designated waste disposal sites.	Causes or could potentially cause an imminent endangerment to human health, welfare, the environment, or POTW.	NOV	I
		Public Notice	UC
		Referral to Appropriate Authorities	I
		Referral to Legal Office	UC
		Revoke/Suspend Permit	RSGL
		Written Directive	I
		Administrative Order	CE
		Citation	I
		NOV	I
		Referral to Appropriate Authorities	I
	Single instance	Referral to Legal Office	UC
		Revoke/Suspend Permit	RSGL
		Written Directive	I



# ENFORCEMENT RESPONSE GUIDE

WASTE HAULER VIOLATIONS (Continued)			
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE <sup>1</sup>	PERSONNEL <sup>2</sup>
3. Misconduct toward a WSSC code official, or Commission personnel, while they are performing their official duties.	Use of abusive language	Administrative Order	CE
		Citation	I
		NOV	I
		Referral to Appropriate Authorities	I
		Referral to Legal Office	UC
		Revoke/Suspend Permit	RSGL
		Written Directive	I
	Threats, mischievous or criminal acts	Administrative Order	CE
		Citation	I
		Cost Recovery (Damages)	UC
		NOV	I
		Public Notice	UC
		Referral to Appropriate Authorities	I
		Referral to Legal Office	UC
		Revoke/Suspend Permit	RSGL
		Administrative Order	CE
		Citation	I
4. Failure to render monetary payment to WSSC for judgments obtained by WSSC against Waste Haulers.	Any Instance	Cost Recovery (Damages)	UC
		NOV	I
		Public Notice	UC
		Referral to Appropriate Authorities	I
		Referral to Legal Office	UC
		Revoke/Suspend Permit	RSGL
		Administrative Order	CE