

**INDUSTRIAL PRETREATMENT PROGRAM  
ADMINISTRATIVE RULE 4.0503**

**Appendix A  
Enforcement Response Guide**

<b>Effluent Limitations or General Discharge Prohibitions</b> (See Notes 2,3,4,5,6,7,8,11 and 12)			
<b>Nature of Violation</b>	<b>Response</b>	<b>Penalty</b>	<b>Personnel</b>
First month with violation(s) in a 12-month period	Notice of Noncompliance	None	City Manager
Second month with violation(s) in a 12-month period	Notice of Violation	\$100 per pollutant per day	City Manager
Third month with violation(s) in a 12-month period	Notice of Violation	\$200 per pollutant per day	City Manager
Fourth month with violation(s) in a 12-month period	Notice of Violation	\$300 per pollutant per day	City Manager
Fifth month with violation(s) in a 12-month period	Notice of Violation Administrative Compliance Order	\$500 per pollutant per day	City Manager
Sixth to twelfth month with violation(s) in a 12-month period	Notice of Violation (Administrative Compliance Order remains in effect)	\$500 per pollutant per day	City Manager
Any series of violations of effluent limitations which meet the definition of Significant Noncompliance	Administrative Compliance Order	See Note 5	City Manager
Any exceedance of effluent limitations which causes danger, interference, pass-through, or sludge contamination	Administrative Compliance Order or civil litigation or terminate service	\$2500 per pollutant per day	City Manager

<b>Failure to Report Noncompliance</b> (See Note 12)			
<b>Nature of Violation</b>	<b>Response</b>	<b>Penalty</b>	<b>Personnel</b>
Failure to immediately report any slug load, spill or discharge that could cause interference or pass-through, (no harm)	Notice of Violation	\$200	City Manager

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Failure to immediately report any spill, slug load, or discharge causing interference or pass-through, or other harm	Administrative Compliance Order	\$2500	City Manager
Failure to provide a written report within 5 days of a spill, slug load, or discharge that could cause interference or pass through.	Notice of Violation	\$300	City Manager
Failure to report a violation of a permit effluent limitation within 24 hours	Notice of Noncompliance	None	City Manager
Failure to report a violation of a permit effluent limitation within 3 days	Notice of Violation	\$200	City Manager
Failure to provide a certified laboratory report and written report within 5 days of a permit effluent limitation violation	Notice of Violation	\$200	City Manager
Failure to provide a written report of an effluent limitation violation as required by a Notice of Violation	Notice of Violation	\$300	City Manager
Any noncompliance report late by more than 30 days (SNC)	Administrative Compliance Order	\$500	City Manager

<b>Failure to Submit Other Required Reports</b>			
<b>Nature of Violation</b>	<b>Response</b>	<b>Penalty</b>	<b>Personnel</b>
Failure to notify the City of a substantial change in volume or character of pollutants in discharge	Notice of Violation	\$200	City Manager
Failure to notify the City of a batch discharge	Notice of Violation	\$500	City Manager
Failure to report a slug discharge within 24 hours	Notice of Violation	\$200	City Manager
Failure to notify the City of the disposal of over 500 gallons of wastewater to any other person in a period of 12 consecutive months	Notice of Violation	\$200	City Manager

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<b>Failure to Submit Other Required Reports</b>			
<b>Nature of Violation</b>	<b>Response</b>	<b>Penalty</b>	<b>Personnel</b>
Failure to obtain prior written permission for discharge of any hazardous waste, subject to exemptions in City Code	Notice of Violation	\$1000	City Manager
Failure to report the discharge of any hazardous waste within 180 days, subject to exemptions in City Code	Notice of Violation	\$200	City Manager
Two or more failures to submit required reports or notifications in a 12-month period	Administrative Compliance Order (See Note 2)	\$500	City Manager
Failure to report all monitoring data	Notice of Violation	\$200	City Manager

<b>General Reporting Requirements</b>			
<b>Nature of Violation</b>	<b>Response</b>	<b>Penalty</b>	<b>Personnel</b>
Any report (other than a non-compliance report) late by more than 5 days but less than 15 days	Telephone Call	None	City Manager
Any report (other than a non-compliance report) late by 15 to 30 days	Notice of Noncompliance	None	City Manager
Any report (other than a non-compliance report) late by more than 30 days (SNC)	Administrative Compliance Order	\$200	City Manager
Any incomplete or inaccurate report, or any report improperly signed or certified	Telephone Call	None	City Manager
Any incomplete or inaccurate report, or any report improperly signed or certified after telephone notice by City	Notice of Violation	\$100	City Manager

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<b>Pollution Management Practices</b>			
<b>Nature of Violation</b>	<b>Response</b>	<b>Penalty</b>	<b>Personnel</b>
Failure to implement required pollution management practices (first notice)	Notice of Noncompliance	None	City Manager
Failure to implement required pollution management practices (second notice)	Notice of Violation	\$200 per month	City Manager

<b>Record Keeping</b>			
<b>Nature of Violation</b>	<b>Response</b>	<b>Penalty</b>	<b>Personnel</b>
Failure to maintain required records for three years	Notice of Violation	\$200	City Manager

<b>Monitoring</b>			
<b>Nature of Violation</b>	<b>Response</b>	<b>Penalty</b>	<b>Personnel</b>
Failure to conduct self-monitoring as required in permit	Notice of Violation	\$200 per sample day and conduct monitoring	City Manager
Improper sampling or analytical procedures used, no intent	Notice of Noncompliance	None	City Manager
Improper sampling or analytical procedures used, intent	Administrative Compliance Order (See Note 10, Page 12)	\$2500	City Manager
Failure to install required monitoring equipment or facilities, delay less than 30 days	Notice of Noncompliance	None	City Manager
Failure to install required monitoring equipment or facilities, delay more than 30 days	Notice of Violation	\$200	City Manager
Failure to install required monitoring equipment or facilities, delay more than 90 days	Administrative Compliance Order	\$500	City Manager

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<b>Falsification</b>			
<b>Nature of Violation</b>	<b>Response</b>	<b>Penalty</b>	<b>Personnel</b>
Making any false statement, representation, or certification in any application, record, report, plan or other document; or falsifying, tampering with or rendering inaccurate any monitoring device	Notice of Violation (See Note 9)	\$2500	City Manager

<b>Unpermitted Discharge</b>			
<b>Nature of Violation</b>	<b>Response</b>	<b>Penalty</b>	<b>Personnel</b>
Industrial User unaware of requirement; no harm	Telephone call. Permit application sent	None	City Manager
Industrial User unaware of requirement; results in harm	Administrative Compliance Order	\$500	City Manager
Failure to apply for permit within 30 days after notice from City	Notice of Violation	\$200	City Manager
Failure to apply for permit within 30 days after Notice of Violation	Terminate Service	None	City Manager
Industrial User aware of requirement; no harm	Notice of Violation	\$300	City Manager
Industrial User aware of requirement, results in harm	Administrative Compliance Order	\$2500	City Manager

<b>Permit Reissuance</b>			
<b>Nature of Violation</b>	<b>Response</b>	<b>Penalty</b>	<b>Personnel</b>
Application for permit reissuance late by more than 15 days (due 90 days prior to expiration date)	Notice of Violation	\$100	City Manager

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<b>Dilution</b>			
<b>Nature of Violation</b>	<b>Response</b>	<b>Penalty</b>	<b>Personnel</b>
Waste stream diluted in lieu of treatment; initial violation	Notice of Violation	\$300	City Manager
Waste stream diluted in lieu of treatment; recurring	Administrative Compliance Order	\$2500	City Manager

<b>Entry Denial</b>			
<b>Nature of Violation</b>	<b>Response</b>	<b>Penalty</b>	<b>Personnel</b>
Entry to premises or access to sampling location denied	Notice of Violation	\$2500	City Manager

<b>Compliance Schedules</b>			
<b>Nature of Violation</b>	<b>Response</b>	<b>Penalty</b>	<b>Personnel</b>
Compliance date missed by less than 30 days	Notice of Noncompliance	None	City Manager
Compliance date missed by more than 30 days	Notice of Violation	\$200	City Manager
Compliance date missed by more than 90 days (SNC)	Administrative Compliance Order	\$500	City Manager
Failure to meet a compliance date listed in an Administrative Compliance Order	Administrative Compliance Order in effect	\$500 per day	City Manager

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<b>Mobile Waste Hauler (See Note 10)</b>			
<b>Nature of Violation</b>	<b>Response</b>	<b>Penalty</b>	<b>Personnel</b>
Discharge of wastes at unpermitted discharge point (first violation)	Notice of Violation	\$1000	City Manager
Discharge of wastes at unpermitted discharge point (second violation)	Notice of Violation, Permit revoked; unauthorized to discharge at WPCF; letter of notification to hauler; copy of letter to DEQ	\$2500	City Manager
Discharge of wastes at unpermitted time (first violation in 12 months)	Notice of Noncompliance	None	City Manager
Discharge of wastes at unpermitted time (second and subsequent violations in 12 months)	Notice of Violation	None	City Manager
Failure to submit or properly complete manifest at time of disposal	Notice of Noncompliance	None	City Manager
Failure to submit or properly complete manifest within 10 days of Notice of Noncompliance	Notice of Violation	\$50 per manifest	City Manager
Failure to submit or properly complete manifest at time of disposal two or more times in one calendar month	Notice of Violation	\$200	City Manager
Discharge of other than domestic or septage wastes without prior approval	Notice of Violation	\$500	City Manager
Failure to supply copies of required documents to City by due date	Notice of Violation	\$200	City Manager
Failure to clean up spilled material at disposal site	Notice of Violation	Twice cost to City of labor and materials to clean up site	City Manager
Mobile Waste Hauler discharging without a permit	Notice of Violation	\$1000	City Manager

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<b>Mobile Waste Hauler</b> (See Note 10)			
Failure to pay waste disposal charges within 30 days of mailing date	Letter regarding delinquent account with copy of billing	\$5.00 or 5% of past due amount, whichever is greater	City Manager
Failure to pay waste disposal charges within 60 days of mailing date	Certified letter, demanding payment within 10 days; cash, money order, cashiers check only	\$5.00 or 5% of past due amount, whichever is greater	City Manager
Failure to pay waste disposal charges within 10 days of mailing date of above certified demand letter	Permit revoked, unauthorized to discharge at WPCF; letter of notification to hauler; copy of letter to DEQ	Unauthorized to discharge at WPCF (See Note 10)	City Manager

<b>Other Violations</b>			
<b>Nature of Violation</b>	<b>Response</b>	<b>Penalty</b>	<b>Personnel</b>
Failure to comply with any other condition or requirement of a Wastewater Discharge Permit or Mobile Waste Hauler Permit not included above (no intent)	Notice of Noncompliance	None	City Manager
Failure to comply with any other condition or requirement of a Wastewater Discharge Permit or Mobile Waste Hauler Permit (intent)	Notice of Violation	\$200	City Manager

**NOTES**

- Definitions (for other definitions see Springfield City Code 4.004):  
 City Manager: City of Springfield City Manager  
 SNC: Significant Noncompliance (Springfield City Code 4.068)  
 WPCF: Eugene/Springfield Water Pollution Control Facility  
 DEQ: Oregon Department of Environmental Quality  
 POTW: Publicly Owned Treatment Works
- Where used in this guide, a twelve-month period means a moving twelve-month window, including the month for the current violation and the preceding eleven months. The enforcement response for violations of effluent limitations varies according to the past compliance history of the industrial user. The number of months containing violations in the twelve-month window is determined, and the enforcement response and penalty assessed accordingly.



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3. Analytical results between 3 and 9 times the limitation will be subject to a multiplier of 2. Analytical results 10 times the limitation or greater will be subject to a multiplier of 3. For example, for a discharge with an effluent limitation of 0.5 mg/L, and an analytical result of 5.1 mg/L, the multiplier is 3,  $(5.1/0.5) = 10.2$ .
4. For violations of effluent limitations where the analytical result is less than or equal to 1.2 times the permitted effluent limitation, or is less than 0.2 pH units above or below a permitted effluent pH range, the City will not assess an administrative penalty for that violation. The violation will, however, be recorded and treated as a permit violation for all other purposes, including the calculation of Significant Noncompliance.
5. For any series of violations of effluent limitations which meet the definition of Significant Noncompliance, the enforcement response will be the issuance of an Administrative Compliance Order. The penalty assessed will be as listed above, according to the number of months with violations, or as specified in the Order.
6. Penalties listed for effluent violations are per pollutant per day, and apply to results obtained from City or industrial user monitoring. The City may conduct monitoring as often as necessary to determine compliance. For the purposes of assessing an administrative civil penalty for a violation of effluent limitations, general discharge prohibitions, or specific restricted substance limitations, the term "day" shall have one of the following meanings:
  - a. If the violation is determined from data obtained from a grab sample, or a series of grab samples, day means calendar day.
  - b. If the violation is determined from data obtained from an automatic pH recording instrument, day means calendar day.
  - c. If the violation is determined from data obtained from a composite sample collected by an automatic sampling device, day means the 24-hour period beginning at the time sampling is initiated.
7. A violation of a monthly average, weekly average, or 4-day average effluent limitation will be considered as one violation for the purpose of calculating the administrative penalty, or other enforcement response.
8. Other enforcement orders available besides those listed in the guide above include: Stipulated Enforcement Order; Cease and Desist Order; and Termination and Revocation Order. These orders can be issued separately or in conjunction with any other order in the guide.
9. In addition to the enforcement response listed above, the matter will be referred for criminal prosecution where deemed appropriate by the City Manager.
10. A Mobile Waste Hauler Permit may be reinstated when account is made current; only cash, money order, or cashiers check will be accepted for six month period following permit revocation. A \$50.00 reconnection fee will be charged.

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11. For industries with more than one regulated waste stream, the escalated response to effluent violations is applied separately. For example, if an industry has three consecutive months of violations at one waste stream and then the following month a violation occurs at a separate waste stream, this would count as the industry's first violation for that waste stream assuming there were no other violations at this location during the past 12 months.
12. For slug discharges, notification to the POTW shall occur within 60 minutes of the industrial user becoming aware of it.