

Standard Operating Procedure
Significant Industrial Users
Communication and Compliance Enforcement

INTRODUCTION

On July 24, 1990 (55 Fed. Reg. 30082), the Environmental Protection Agency promulgated regulations to require all Publicly Owned Treatment Works (POTWs) to adopt an enforcement response plan (ERP) as part of their approved pretreatment programs. The regulation as stated in 40 CFR 403.8(f)(5) is as follows:

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

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

The City of Valdosta Industrial Pretreatment Program Enforcement Response Plan outlines the procedures that will be used to identify, document, track, and respond to noncompliance. The Enforcement Response Plan also provides guidance for selecting the enforcement action most appropriate for a given violation. The Enforcement Response Plan was approved by the Environmental Protection Division in 2022.

The purpose of this standard operating procedure is to reinforce the Enforcement Response Plan by clearly defining the procedures to be followed and the responsibilities of the various personnel involved in communicating compliance and enforcement issues with the industries that participate in the Industrial Pretreatment Program.

COMPLIANCE MONITORING PERSONNEL RESPONSIBILITIES

Environmental Technician

Screening of Self-monitoring reports

The Environmental Technician is responsible for screening all compliance reports from permitted significant industrial users to identify any violations of the pretreatment permit or the sewer use

ordinance. The Environmental Technician also screens all laboratory reports from City conducted compliance monitoring activities. The Environmental Technician will report any violations identified to the Environmental Manager for action.

Screening Procedure

The Environmental Technician receives all self-monitoring reports from industrial users either directly from the industry or from the Environmental Manager. Within five days of receiving the self-monitoring report, the Environmental Technician will screen the report to identify any compliance issues which may require enforcement action. If the industry uses a contract laboratory a full laboratory report including quality control and chain of custody is required to be submitted with the self-monitoring report. In this case the Environmental Technician must also screen the laboratory report for compliance with the issued permit. A screening form, currently titled IU Checklist, is provided to aid in this process. This form must be completed and attached to the report when the report is filed. The Environmental Technician will determine:

- If the report was received on time
- If any permit limit was exceeded
- If the industrial user reported any exceedance and resampled if required
- If all required parameters were reported
- If sample types (composite or grab) were correct
- If the chain of custody is properly completed
- If approved analytical methods are used
- If appropriate preservation is used
- If hold times are acceptable
- If correct containers are used
- If pH was analyzed within 15 minutes of sampling
- If any seasonal or annual reports are due from the industry
- If the required certification statement was included

Any issues identified with the industrial self-monitoring report are to be noted on the IU Checklist form.

Identification of any permit exceedance:

The Environmental Division currently has an Excel spreadsheet used to monitor the results of all sampling performed by both the industrial user and the Control Authority. (Currently titled Compliance Summary all SIU). This spreadsheet has a page dedicated to each permitted Significant Industrial User which lists the permit limits specific to that SIU. Laboratory results from each sampling event will be entered into the spreadsheet and compared to the permit limit to identify any permit exceedance.

The Environmental Technician is responsible for entering laboratory results into the Compliance Summary spreadsheet and identifying any exceedance. Having received the self-monitoring report from the industry or any laboratory report from Control Authority sampling, the technician enters the appropriate data into the spreadsheet. Any exceedance that is identified from a self-monitoring report

must be documented on the IU Checklist form that will be attached to the report. A copy of this form will be forwarded to the Environmental Manager once the screening process is complete. Any exceedance identified from Control Authority sampling must be reported to the Environmental Manager in a timely manner, normally within five days of becoming aware of the exceedance.

Monitoring for Significant Non-Compliance:

The Environmental Division has an Excel spreadsheet (currently titled Significant noncompliance worksheet) which is used to identify any SIU that should be considered to be in significant non-compliance. Maintaining the information in this spreadsheet will be the responsibility of the Environmental Technician.

The significant non-compliance worksheet contains a page dedicated to each permitted significant industrial user. Each page contains areas to document both the number of permit exceedances and the number of results above the technical review criteria for each parameter reported, along with an area to report the total number of analyses performed for each parameter. The spreadsheet is designed to calculate the percentage of analysis results above permit limits and/or above technical review criteria over a rolling six-month period following EPA guidance. Once all information for a particular month is received and evaluated, the Environmental Technician will enter the number of results outside of permit limits, the number of results above technical review criteria, and the total number of analyses performed into the appropriate cells. This will ensure a monthly update of the spreadsheet. Screening for significant non-compliance will take place quarterly.

Each quarter the Environmental Technician will use the information in the Significant Non-compliance worksheet to evaluate the status of each SIU in relation to significant non-compliance. The Environmental Division has a Microsoft Word document to be used in this evaluation and report (currently titled SNC evaluation). Each quarter the Environmental Technician will prepare an SNC evaluation report for each significant industrial user and deliver these to the Environmental Manager for final determination of significant non-compliance. The Industrial Pretreatment Program year runs from April through March. Therefore, the quarterly significant non-compliance reports should be prepared during the months of July, October, January, and April.

Summary of Environmental Technician responsibilities regarding compliance monitoring

- Screen self-monitoring reports
- Update the Compliance Summary spreadsheet.
- Identify any permit exceedance from self-monitoring reports.
- Complete the IU Checklist and forward to the Environmental Manager
- Receive Control Authority sampling results and update the Compliance Summary spreadsheet
- Report any exceedance from Control Authority sampling to the Environmental Manager
- Update the Significant Non-compliance worksheet monthly.
- Complete a SNC evaluation form for each SIU and deliver to the Environmental Manager quarterly.
- Maintain files of all reports, industry communications, etc.

Environmental Manager

The Environmental Manager is responsible for the day-to-day implementation and enforcement of the industrial pretreatment program. The enforcement responses initiated by the Environmental Manager are:

- Informal notices (written and verbal)
- Notices of violation
- Informal meetings
- Referrals to the Utilities Director for more severe enforcement responses
- Emergency Suspensions
- Referrals to the City Attorney for civil or criminal action
- Publication of users in significant non-compliance

Upon receiving the screening report from the Environmental Technician, the Environmental Manager will make a final determination regarding non-compliance and initiate enforcement action following the guidelines established in the Enforcement Response Plan. This may include making recommendations to the Utilities Director for escalated enforcement responses.

The Environmental Manager is responsible for evaluating the compliance status of industrial users in relation to the definition of Significant Noncompliance. Upon receiving the SNC evaluation from the Environmental Technician, the Environmental Manager will make a final determination of the status of the industrial user in relation to the definition of significant non-compliance. Any industrial user identified as being in significant non-compliance will be notified by formal letter. The Utilities Director will also be notified so that the industrial user can be included in the annual publication of SIUs in significant non-compliance.

Utilities Director:

The Utilities Director has the responsibility to monitor the actions of the Environmental Manager and to initiate escalating enforcement responses at the recommendation of the Environmental Manager. The enforcement responses initiated by the Utilities Director are:

- Consent orders
- Show cause hearings.
- Administrative compliance orders
- Cease and desist orders.
- Administrative fines
- Emergency suspensions
- Referrals to the City Attorney for civil or criminal action
- Termination of service

City Attorney:

The City Attorney will provide legal consultation as requested by the Utilities Director or the Environmental Manager on escalating enforcement responses and will take the lead on all referrals for civil litigation and criminal investigations.

COMMUNICATION OF COMPLIANCE AND ENFORCEMENT ACTIONS:

The following enforcement responses are available to the City of Valdosta.

- Informal notice
- Informal meeting
- Notification of violation
- Consent Orders
- Show cause hearing
- Administrative compliance orders
- Cease and desist orders
- Administrative fines
- Emergency suspensions
- Termination of service
- Civil and criminal action
- Publication of users in significant non-compliance

Informal notice

- 1) Verbal Notification: Verbal notifications by telephone or in person provide an immediate notification of violations. In general, verbal notifications are used for minor isolated violations or as an initial step leading to an escalated enforcement response. All verbal notifications related to enforcement, or the investigation of suspected violations are documented in writing and placed in the respective Industrial User file. E-mail notifications may be used in lieu of verbal notifications for minor, isolated violations or as an initial step leading to an escalated enforcement response. E-mail notifications will be printed and placed in the respective industrial user file.
- 2) Warning Letters: Warning letters are issued under the same circumstances as verbal notifications. They may be issued as follow-up letters to verbal notifications or in lieu of verbal notifications. Warning letters will be delivered to the industrial user through U.S. mail and a copy will be placed in the respective industrial user file.

Informal Meeting

An informal meeting is used to gather information concerning noncompliance, discuss steps to alleviate noncompliance, and determine the commitment level of the industrial user. All informal meetings are documented in the Industrial User file.

Notification of violation.

When the director of utilities or his designated representative finds that a user has violated or continues to violate any provision of the sewer use ordinance, a wastewater discharge permit, or order issued under the sewer use ordinance, or any other pretreatment standard or requirement, the director or his representative may serve upon that user a written notice of violation. A written notice of violation is a formal letter and will be delivered to the industrial user through U.S. mail. A written notice of violation will require the industrial user to respond with an explanation of the violation and a plan for the satisfactory correction and prevention thereof. Both the notice of violation and the industrial user's response will be placed in the respective industrial user file.

Consent orders.

The director of utilities may enter consent orders, assurance of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time specified by the document. Once agreed upon, a consent order will be signed by authorized representatives of both parties and will be delivered to the industrial user through U. S. mail.

Show cause hearing.

The city may order a user which has violated, or continues to violate, any provision of the sewer use ordinance a wastewater discharge permit or order issued under the sewer use ordinance or any other pretreatment standard or requirement, to appear before the director of utilities and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any authorized representative of the user. At any show cause hearing held pursuant to the sewer use ordinance, testimony must be under oath and recorded stenographically. The transcript will be placed in the appropriate industrial user file and will be made available to any member of the public or any party to the hearing upon payment of the usual charges. The show cause hearing procedure is documented in the Enforcement Response Plan.

Administrative compliance orders.

When the city finds that a user has violated, or continues to violate, any provision of the sewer use ordinance a wastewater discharge permit or order issued under the sewer use ordinance, or any other pretreatment standard or requirement, the director of utilities may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. Any administrative compliance order will be delivered to the industrial user by registered or certified mail, return receipt requested.

Cease and desist orders.

When the city finds that a user has violated, or continues to violate, any provision of the sewer use ordinance, a wastewater discharge permit or order issued under the sewer use ordinance, or any other

pretreatment standard or requirement, or that the user's past violations are likely to recur, the director of utilities may issue an order to the user directing it to cease and desist all such violations and directing the user to: (1) Immediately comply with all requirements; and (2) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Any cease-and-desist order issued will be delivered to the industrial user by registered or certified mail, return receipt requested.

Administrative fines.

When the director of utilities finds that a user has violated or continues to violate any provision of the sewer use ordinance, a wastewater discharge permit or order issued under the sewer use ordinance or any other pretreatment standard or requirement, the director of utilities may fine such user in an amount not to exceed \$100.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. If the Director of Utilities issues an administrative fine, notification of the fine will be delivered to the industrial user by registered or certified mail, return receipt requested. Users desiring to dispute such fines must file a written request for the Director of Utilities to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Additional information concerning this action is included in the Enforcement Response Plan.

Emergency suspensions.

The director of utilities or his designated representative may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The director or his representative may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment. An emergency suspension is an action taken to immediately stop a discharge and will be delivered either in person or by telephone.

Termination of service.

The city may terminate water and waste disposal service and disconnect the user from the system when:

(1) A government agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment.

(2) The user:

- a. Discharges industrial wastewater that is in violation of the permit issued by the city.
- b. Discharges wastewater which has a deleterious effect upon the city's sewer system.
- c. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause imbalance in the wastewater treatment system.

- d. Fails to accurately report the wastewater constituents and characteristics of its discharge or fails to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge.
- e. Refuses reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.
- f. Fails to pay monthly bills for water and sanitary sewer services when due.
- g. Repeats a discharge of prohibited wastes to public sewers.
- h. Is in violation of federal pretreatment requirements set forth in 40 CFR 403.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause why the proposed action should not be taken. Notification of proposed termination of service will be delivered to the industrial user personally or by certified or registered mail, return receipt requested.

Publication of users in significant noncompliance.

Each quarter the Environmental Technician will prepare an SNC evaluation report for each significant industrial user and deliver these to the Environmental Manager for final determination of significant non-compliance. Any industrial user found to be in significant non-compliance will be informed by formal letter delivered by certified or registered mail, return receipt requested. Annually, the Environmental Manager will prepare a list of any SIU identified as being in significant non-compliance and deliver this to the Director of Utilities. The Director of Utilities will ensure that the annual publication of users in significant non-compliance is completed as required. Publication will be in the Valdosta Daily Times.

NOTIFICATION OF SIGNIFICANT CHANGE IN DISCHARGE

Each significant industrial user participating in the industrial pretreatment program has been issued a discharge permit. All industrial discharge permits contain the following language requiring notification of any significant change in discharge.

- I. Each user must notify the Utilities Department of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change.
- II. The Utilities Department may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.
- III. The Utilities Department may issue a wastewater discharge permit or modify an existing discharge permit in response to changed conditions or anticipated changed conditions.

- IV. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20 percent or greater or the discharge of any previously unreported pollutants or any change to qualify as a significant industrial user.

If an industrial user notifies the Control Authority of a planned change, the Control Authority will investigate the proposed change and determine if a change to the permit is required. Documentation of the change and any decisions regarding changes to the permit will be documented and added to the industrial user file.

Annual inspections of each permitted industry are to be conducted using the updated inspection form. These inspections are typically performed by the Environmental Manager and at least one Environmental Technician. The inspectors will verify that no significant change in discharge has occurred since the previous inspection. If an unreported significant change has occurred, the industrial user will be issued a notice of violation and the change will be investigated to determine if a change to the permit is required. Documentation of the change and any decisions regarding changes to the permit will be documented and added to the industrial user file.