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1. Introduction

This Enforcement Response Plan (ERP) provides guidelines for City of Lompoc (City) staff to detect, investigate, and respond to instances of user noncompliance encountered in the pretreatment program. The City owns and operates the Lompoc Regional Wastewater Reclamation Plant, a wastewater treatment plant (WWTP) that operates under California Central Coast Regional Water Quality Control Board (RWQCB) Order No. R3-2011-0211 and National Pollutant Discharge Elimination System (NPDES) permit No. CA0077682. The City implements and enforces its approved Pretreatment Program in accordance with the requirements of its NPDES permit, RWQCB requirements, and the federal pretreatment regulations specified in Title 40 of the *Code of Federal Regulations* (CFR) Part 403.

The City's authority for enforcement is specified in its Sewer Use Ordinance (SUO), also known as the "Sewer System Ordinance of the City of Lompoc," Chapter 13.16 of the Lompoc Municipal Code, which incorporates applicable local, California State, and Federal pretreatment regulations. The purpose of the SUO is to regulate wastewater to protect public health and safety, City facilities and personnel, and the environment. All nondomestic dischargers into the City sewerage system, including both commercial and industrial facilities, are considered users subject to the enforcement procedures outlined therein. Users violating conditions of the SUO and other municipal requirements; wastewater discharge permit provisions; and City, State, and Federal requirements and policies governing wastewater disposal must resolve instances of noncompliance in a timely manner. Accordingly, this ERP was developed to provide consistent, timely, fair and equitable enforcement responses; to eliminate economic advantages for violations; and to ensure that the City recovers expenses attributable to violations. In general, enforcement actions are meant to focus the efforts of dischargers on correcting violations and are intended as restorative, not punitive, measures.

To document compliance with applicable requirements, City staff and agents have the authority, as provided in the City's SUO, to enter and inspect the premises, processes, and records of any user; to sample or monitor a user's discharge; and copy all records relating to pretreatment, chemical and waste storage, and waste discharge to the City's sewerage system. The City also has the authority to install and operate any required sampling and monitoring equipment on the premises of the user to document compliance, as well as requiring users to conduct sampling and monitoring of their discharge as deemed necessary.

Per the required elements of the ERP as set forth at 40 CFR 403.8(f)(5), this document:

- Contains procedures for the City to identify and characterize instances of noncompliance;
- Identifies enforcement authority and personnel responsible for enforcement responses;
- Presents a range of enforcement actions the City may take to respond to instances of noncompliance, as well as the procedures for implementation; and
- Complies with specific City policies and procedures for implementing the pretreatment program in accordance with the SUO and other applicable local, state, and federal requirements.

2. Pretreatment Program Administration

The City of Lompoc Utility Department is the public agency governing wastewater services within the City's sewerage jurisdiction. The Utility Department Wastewater Division is responsible for direction, administration, and operation of the City sewerage conveyance system, as well as the WWTP. The Utility Director (who reports to the City Manager) directs the WWTP's administration, operations (includes laboratory and pretreatment program), and maintenance staff.

Pretreatment program staff are responsible for administration of the City's pretreatment program, which is responsible for monitoring, inspecting, and controlling wastewater discharges from users of the sewerage system; preparing compliance reports to regulatory agencies; enforcing the City's SUO; administering the industrial wastewater rate program; and providing technical support in evaluation of wastewater disposal to the sewer and waste minimization opportunities.

The pretreatment program's overall administrative operation is carried out by the Utility Director. The Utility Director's main duties include, but are not limited to, the supervision of operations and personnel at the WWTP and collection system. To fulfill these duties, the Utility Director is assisted by other City personnel that are assigned specific duties, including implementation of the pretreatment program. Wherever the Utility Director is called for or cited in this ERP, it shall be understood to include any City employee designated by the Utility Director to serve in an enforcement or oversight capacity under the Utility Director's direction.

The Pretreatment Coordinator, as designated by the Utility Director (PC) assists the Utility Director in administering the pretreatment program. The PC is responsible for supervising user monitoring and inspections, sample collections conducted by the City, user reporting, data assimilation, and identification of noncompliance with user requirements. As the Utility Director's designated representative, the PC is authorized to initiate specific enforcement proceedings as needed to protect the WWTP, the environment, and the health and welfare of the general public.

Additional personnel are available at the WWTP to assist the PC as needed. Duties of these personnel include sampling, equipment inspection and maintenance, and laboratory analysis. Treatment plant personnel are also available to assist in emergency situations as conditions may require.

The Utility Director and PC may, from time to time, procure the assistance of the City Attorney for any legal services needed in enforcement proceedings. The City Attorney advises program staff on proper enforcement actions and orchestrates any judicial actions deemed necessary by the Utility Director and/or the PC.

2.1 Enforcement Responsibilities

Minor Enforcement Activities

The PC is responsible for planning, performing, and documenting all inspection and sampling activities necessary to determine the compliance or noncompliance of a user with the City SUO and other municipal requirements, wastewater discharge permits, and State and Federal pretreatment standards and requirements. The PC identifies and characterizes any instances of noncompliance by users, and issues verbal warnings, warning letters, and Notices of Violation (NOVs) which are considered the minor level of enforcement response. The PC is responsible for

scheduling of enforcement sampling, compliance meetings, and assessing the potential for continued noncompliance.

Intermediate Enforcement Activities

Where appropriate, the Wastewater Superintendent with the assistance of the PC, is responsible for preparing staff reports and drafting Enforcement Orders (EOs), considered the intermediate level of enforcement response. Such orders are signed by the Utility Director.

Major Enforcement Activities

The Utility Director is responsible for administering the major level of enforcement response, in instances of continued noncompliance or violations of an EO, requiring termination of service, or the imposition of administrative penalties. Preparation of staff reports in incidents of major noncompliance is the responsibility of the PC and the Wastewater Superintendent. Where the Utility Director determines that termination of service and/or civil action may be the appropriate response, it is the Utility Director's responsibility to inform the City Manager and refer action to the City Attorney. In instances where criminal prosecution appears to be an appropriate enforcement response, the Utility Director shall notify the City Attorney.

3. Identifying and Investigating Instances of Noncompliance

Pretreatment program staff are responsible for identifying and characterizing any instances of noncompliance with the City SUO, as well as other municipal requirements; wastewater discharge permit provisions; or applicable Federal or State requirements. Program staff may become aware of violations through various screening procedures including, but not limited to, the following:

- Industrial waste survey activities;
- Sampling and inspection activities;
- Sampling of plant influent/effluent/sludge or throughout the collection system;
- Review of user reports;
- Evaluation of treatment plant upsets and other conditions; *and*
- Information from workers, citizens, or published materials.

Specific discussions and procedures for these activities are found in other relevant sections of the approved pretreatment program document. In general, the activities that facilitate the identification and investigation of noncompliance fall into the following categories. All violations or potential violations should receive appropriate enforcement response as described later in this plan.

3.1 Industrial Waste Survey

To properly implement the program and identify instances of noncompliance, pretreatment staff must know who is discharging nondomestic waste to the WWTP, where they are located, and the nature of the nondomestic waste being discharged. Pretreatment staff maintain a current inventory (the industrial waste survey or IWS) of all nondomestic sources of waste to the WWTP. In the course of continually updating the IWS, pretreatment staff may identify both regulated and unregulated facilities that are not adequately complying with applicable program requirements.

3.2 Inspections

To identify new facilities subject to the pretreatment program and evaluate ongoing operations at existing facilities, Pretreatment staff conduct user and potential user site inspections. Note that potential users include all facilities with a connection to the City sewerage system, including facilities without known industrial or commercial discharges. Specifically, these inspections allow the City to determine facilities' regulatory status under the pretreatment program; to determine facility compliance with applicable regulations and requirements; to verify information submitted in user applications and reports; and to evaluate onsite practices and procedures, including best management practices and pollution prevention measures. As such, inspections are mechanisms for identifying instances of noncompliance and conducting follow-up to oversee resolution of such noncompliance. Inspectors document their findings and evaluate observations for potential violations.

3.3 Sampling

Both City staff and users conduct sampling of the potential user's or user's wastewater discharge to determine compliance with discharge limitations for specific pollutants. The City may also

conduct investigative sampling at any location within the City sewerage system. Sampling for additional pollutants not regulated by the City SUO, facility wastewater discharge permit, or State or Federal requirements may be conducted at the discretion of pretreatment program staff. Sampling and analytical procedures must be properly documented and program staff shall evaluate reported results for compliance with applicable standards and requirements.

3.4 Information Evaluation

City staff screen reports and data for potential instances of noncompliance with applicable pretreatment program standards and requirements. Information sources include, but are not limited to, user notifications, applications, and reports; City-collected data including inspection and sampling results and WWTP conditions and concerns; and information received from outside program sources. City staff also review submitted data for accuracy and completeness. Other evaluations include verification that required notifications and reports are submitted on schedule, cover the intended time period, include all required information and signatures, and that reported results indicate compliance with applicable standards. Compliance schedule milestones and other due dates for reports are also regularly tracked. Findings of noncompliance or potential noncompliance must be documented and enforcement procedures as outlined in this ERP shall be initiated, as appropriate. City staff shall endeavor to keep accurate records of all compliance information to ensure accurate and prompt enforcement responses. Records should be kept of each enforcement action taken (including verbal enforcement actions) in response to evidence of noncompliance. Such enforcement action records should be retained indefinitely in City records as long as the facility's file is active.

4. Responses to Instances of Noncompliance

City enforcement procedures are based on three levels of enforcement responses: minor, intermediate, and major. User violations of monitoring, reporting, and treatment requirements may range from relatively minor violations (e.g., late reports without an effluent discharge limit violation) to major violations resulting in treatment plant upsets. Each instance of noncompliance is a violation and should be reviewed and appropriately addressed. Selection of the appropriate enforcement response relates to the severity of the violation (i.e., whether the noncompliance is classified major, intermediate, or minor) and other factors as described below.

4.1 Considerations for Enforcement Escalation

To help determine specific responses to various types, the City must first evaluate important aspects surrounding the violations. The criteria that should be considered prior to enforcement include, but are not limited to the following factors:

- *Magnitude of the violation(s)* – Generally, an isolated instance of noncompliance can be met with an informal enforcement response. More serious violations such as those that could threaten public health or damage the public owned treatment works (POTW) must be responded to with more severity. All instances of Significant Noncompliance (SNC) should be responded to with an enforceable order (i.e., at minimum, a notice of violation) that requires a return to compliance by a specific deadline. A facility is defined as being in SNC when it meets one or more of the criteria at 40 CFR 403.8(f)(2)(viii) and the definition in Appendix A of this document.
- *Duration of the violation(s)* – Violations, regardless of severity, which continue over a prolonged period of time should be subject to a formal enforcement action. Enforcement orders are appropriate remedies for chronic violations. If the user fails to comply with the enforcement order, administrative fines and/or judicial action should be initiated. If prolonged violations result in serious harm to the POTW, termination of service should be considered immediately.
- *Effect on receiving stream* – Any violation which results in environmental harm should be met with a severe enforcement response. Environmental harm should be evaluated whenever a user is shown to discharge pollutants into the sanitary sewer system which are known to pass through the POTW, cause a violation of the POTW's NPDES permit and/or have a toxic effect on the receiving stream (i.e., toxicity test failure, fish kill, etc.). The result of the discharge should dictate the severity of the enforcement response, including payment for damages accrued.
- *Effect on the POTW* – Violation(s) can cause harm to the POTW, ranging from increased cost of treatment (i.e., needing additional treatment chemicals) to actual destruction of equipment or harm to POTW personnel. Response to the violation(s) should be determined based on the seriousness of the harm caused and the cost to the City.
- *Compliance history of the user* – A pattern of recurring violations may indicate inadequate pretreatment equipment at the facility or a casual approach to operation and maintenance of said equipment. Users exhibiting recurring instances of significant noncompliance should be addressed with an appropriately severe response.
- *Economic benefit to the user* – The economic benefit received by the user for not installing pretreatment equipment or taking other necessary action(s) to ensure that consistent compliance is achieved should be considered when selecting an enforcement response.

- *Good faith of the user* – A user’s efforts to remedy violations, coupled with actions which support the user’s intention to cease all violations, should be considered in the enforcement response initiated; however, good faith does not automatically eliminate the necessity of an enforcement action and should be considered along with other criteria as described above.

Given consideration of the factors listed above, suggested levels of enforcement escalation by the City is outlined in the following table and detailed in the subsequent text.

Table 1: Enforcement Levels

Enforcement Level	Range of Responses	Examples of Responses
Minor	Informal notice	Verbal warning, phone call, warning letter, or meeting
	Formal notice	Notice of violation, cost recovery fee
Intermediate	Enforcement order, including applicable administrative fines	Cease and desist, consent, or compliance orders
	Administrative hearing	
Major	Judicial proceedings	Civil or criminal complaint
	Terminate permit	
	Terminate service	

Selection of the appropriate level of enforcement response incorporates the following criteria:

- The issuance of penalties will generally follow those guidelines in Table 2 of this ERP and will increase for repeated violations or violations in multiple categories.
- If an industrial user has a violation or violations that result in a determination of SNC, the City will generally issue a formal enforcement action.
- An informal response may precede another enforcement response.
- The City may pursue a variety of monetary penalties, depending on the severity of the violation and the level of effort the City must incur to resolve the violations. Administrative fines, cost-recovery fees, civil penalties, and/or criminal penalties may be pursued in concert, depending on consideration of the escalation factors above.
- Violations that cause or contribute to the damage or harm to the City sewerage system, the public, or to the environment shall, at a minimum, be held liable through pursuit of a civil or criminal action.

For substantially similar types of violations, with consideration of the weighting factors and criteria listed above, enforcement staff will generally select commensurate enforcement responses. For enforcement responses that are not in accordance with similar past occurrences, enforcement staff shall document the rationale used in selecting the response.

4.2 Minor Enforcement Actions

Minor enforcement actions include informal communications or warning letters, informal meetings, and notices of violation (NOVs).

Informal Notices

Informal notices may consist of a phone call or email, meeting, or a warning letter with a request for the user to complete a compliance action. Such informal notice can be used to seek correction of minor, inadvertent, non-recurring noncompliance and demonstrate that the City will note and follow-up with all instances of noncompliance. Such informal notice may be used to:

- Seek an explanation for a minor violation;
- Request corrective actions for minor violations;
- Suggest users exercise more due care; *and*
- Notify the violator that subsequent violations of the same type may be dealt with more severely.

Formal Notices

If the informal notice action does not result in compliance or if a permit limit violation occurs, an NOV is issued. An NOV is written notice to the user that a violation of a wastewater discharge permit requirement, SUO, or pretreatment standard has occurred and that instance of noncompliance must be corrected and explained in a timely manner. When an NOV is issued to a noncompliant user, the user must respond to the NOV within the time period specified in the NOV. The user's timely response to the NOV and acceptable completion of corrective actions, if any, included in the NOV will be considered in determining the need for and type of subsequent enforcement penalties.

Following a review of the violation response, the City will follow-up with the violator to resolve or continue enforcement for the instance of noncompliance. The follow-up activity may include a facility inspection conducted by pretreatment program staff. Depending on the review of the response and applicable inspection observations, additional corrective action and/or enforcement action might be implemented. As specified in the City's Master Fee Schedule the City may assess a fee to recover costs of enforcement activities taken (e.g., inspector time; cost recovery for City sampling). These cost recovery fees can be assessed in addition to applicable administrative fines and civil/criminal penalties.

Typically, all enforcement actions for the violations identified in the NOV will terminate when corrective actions have been completed to the satisfaction of the City. If a subsequent violation occurs, the process starts again. As such, a user may be issued additional NOVs for a reoccurrence of the same violation, though the City has discretion to waive issuance of additional NOVs for the same violation, depending on extenuating circumstances and/or remedial actions taken by the user.

4.3 Intermediate Enforcement Actions

Enforcement Orders

Formal enforcement actions may be taken against any user found in noncompliance with the City SUO and other municipal requirements, wastewater discharge permits, and State and Federal pretreatment standards and requirements. Formal enforcement actions include any of the

following Enforcement Orders: Consent Order, Compliance Order and schedule, and/or Cease and Desist Order. The issuing of a formal action may be accompanied by the assessment of noncompliance cost recovery fees and an administrative fine.

Administrative Fines

An administrative fine is a monetary penalty assessed by the Utility Director for violations of pretreatment standards and requirements. When there is a violation, administrative fines may be issued at the Utility Director's discretion and the amount of the fine may be determined on a case-by-case basis, up to the maximum allowed by the Municipal Code. Legal authority for administrative fines has been established in the City's SUO.

Administrative fines differ from civil penalties in that they do not require court intervention unless the user contests the action or refuses to pay the fine. Administrative fines are punitive in nature and separately and additionally assessed from any cost-recovery efforts related to a specific cost incurred by the City to resolve the violation. Administrative fines are also assessed separately from, and may be assessed in addition to, any penalties that may be collected as a result of civil or criminal legal action(s) against the user.

The Utility Director or his agent has the authority to assess administrative fines at any time. Such fines are appropriate when: 1) the user remains in violation after receiving repeated NOV's from the City and has made no attempt to remedy the situation; or 2) when the user violates the terms of an enforcement order. The initial amount of the fine, as with other enforcement responses, shall depend on the categorization of the violation's severity. Escalation of the fine up to the maximum allowed by the ordinance may take place if the violation is not addressed to the Utility Director's satisfaction. Administrative fines shall be assessed through enforcement orders and in amounts according to the guide below (pursuant to California Government Code Section 53069.4 and subdivision (b) of Government Code Section 36900):

- A fine not exceeding one hundred dollars (\$100) for a first violation;
- A fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year;
- A fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year.

Note that these fine amounts are assessed on a *per-violation, per-day basis*, as authorized by the City's ordinance. For example, the City may assess an administrative fine of \$25 *a day for each day* of a first-time failure or refusal to submit technical or monitoring reports; for failure or refusal to timely comply with any compliance schedule issued by the City; or for each discharge in violation of any waste discharge limitation, permit condition, or requirement that has been issued, reissued, or adopted by the City.

Administrative Hearing

Failure to resolve noncompliance to the administrative order will result in consideration of major enforcement. Prior to initiating a major enforcement action and/or administrative fine, the user may be issued an administrative hearing order (AHO) to attend an administrative hearing. The order directs the user to appear before the City and explain its noncompliance and show cause why major enforcement action against the user should not go forward.

4.4 Major Enforcement Actions

For instances of continued noncompliance, failure to follow an enforcement order, or pay severely delinquent service fees and/or administrative fines, the City may respond with any or any combination of the following actions:

- Administrative fines;
- Terminate user discharge permit;
- Terminate service;
- Pursue civil action and penalties;
- Pursue criminal action and penalties.

Any user whose discharge causes damage or harm to the City sewerage system, the public, or to the environment shall be held liable and such action shall be punishable by pursuit of civil action regardless of intent, negligence, an emergency event, or accidental discharge. Civil action may also be pursued for other major violations (see Table 2). In pursuing civil action, the City shall consider the type and circumstances of the violation, the extent of harm caused by the violation, the economic benefit derived by the user as a result of the violation, the persistence and length of time of the violation, and the actions of the user to correct the noncompliance. A civil action can be sought to obtain compliance, civil penalties, and to recover damages. Civil liability for violation of the SUO and other municipal requirements; wastewater discharge permit provisions; and applicable City, State, and Federal requirements may be of a sum not to exceed \$25,000 a day for each violation, as set forth in California Government Code Section 54740(a).

Criminal prosecution may be sought for any person who willfully or negligently violates the SUO and other municipal requirements, wastewater discharge permit provisions, and applicable City, State, and Federal requirements; or knowingly makes any false statements, representations or certifications; or tampers with monitoring device or methods.

4.5 Emergency Enforcement

In the event of an emergency, the Utility Director or designee, has the authority to immediately halt or suspend a wastewater discharge to the sewerage system (terminate service). This authority is provided pursuant to Section 13.16.430 of the SUO. Failure to comply with an emergency order to terminate a discharge shall be enforceable by pursuit of civil action and penalties. Penalties shall not exceed \$25,000 for each day that the violation occurs. When the period of endangerment has passed and the Utility Director, or designee, determines that the user has returned to a state of compliance, the order to terminate discharge may be lifted and the user may resume discharging unless termination proceedings are initiated against the user.

5. Enforcement Procedures

Upon learning of a violation, pretreatment program staff will determine the applicable enforcement action. The Enforcement Response Guide in Section 6 will be used to determine the necessary enforcement actions and/or penalties available. In general, the type of enforcement response will be determined based on the severity and duration of the violation and the user's history of compliance. All compliance notifications at the level of an NOV or above will be in writing but may be initiated by verbal notification. Notification of intermediate and major enforcement actions will be delivered to the user by certified mail or in person.

5.1 Time Frames for Enforcement

In general, enforcement actions should be taken in keeping with the guidelines below.

- All violations should be identified and documented within five (5) *working* days of receiving compliance information.
- Initial enforcement responses (involving contact with the industrial user and requesting information on corrective or preventative actions) should occur within thirty (30) days of violation detection.
- All violations meeting the criteria for SNC will be addressed with an enforceable order within thirty (30) days of the identification of SNC.
- Follow-up actions for continuing or reoccurring violations (e.g., subsequent NOV's) should be taken within sixty (60) days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.
- Follow-up actions requiring issuance of an EO should be within thirty (30) days from the time of determination of continued noncompliance.
- Scheduling of an administrative hearing/issuance of an administrative hearing order should take place within thirty (30) days of unsatisfactory resolution/continuation of an EO.
- Violations which threaten health, property or environmental quality are considered emergencies and should receive immediate responses such as halting the discharge or terminating service.

Note that these are guidelines only, and exceptional circumstances can arise that necessitate actions that do not accord with these timeframes.

5.2 Minor Enforcement

The general procedures for informal and formal minor enforcement actions are presented in Section 6. Verbal warnings may be given immediately for violations noticed while onsite at a Facility and other similar situations. Failure to resolve noncompliance through minor enforcement will elevate the enforcement level to intermediate.

5.3 Intermediate Enforcement

The City can apply three types of enforcement orders (EOs). The time frame for issuance of an EO should be a maximum of 30 days from the time of determination of continued noncompliance (e.g., failure to resolve a minimum of 2 NOV's issued for the same violation or noncompliance

with compliance schedule requirements). The circumstances of noncompliance will dictate the appropriate EO to issue. The timeframe for compliance after issuance of an EO will vary depending on the circumstances. The following guidelines for EO issuance apply:

- *Cease & Desist Order (CDO)* – A CDO is an order directing a noncompliant user to cease illegal discharges (or terminate discharges altogether). The CDO must specify the time for illegal discharge to stop (immediately, 24 hours, 5 days, etc.). A CDO is issued when violations continue to recur and/or the discharge could cause interference or pass through at the POTW.
- *Consent Order (CO)* – A CO is an agreement between the City and the user which contains a compliance schedule, stipulated fines or remedial actions, and signatures of the City and user representatives. In the CO the user acknowledges responsibility for its noncompliance and willingness to take remedial action.
- *Compliance Order (CPO)* – A CPO is an order directing the user to achieve or restore compliance by the date specified. It is issued unilaterally and contains a schedule with specific milestones used to verify progress. The CPO is issued when noncompliance cannot be resolved without construction, repair or process changes and the user is not making good faith efforts to achieve compliance.

The issuing of an EO may be accompanied by the assessment of noncompliance cost recovery fees and/or an administrative fine. Failure to resolve noncompliance through intermediate enforcement will elevate the enforcement to a major level. Prior to initiating a major enforcement action, an administrative hearing order may be issued to the user. The order will specify the time and place for an administrative hearing, the proposed enforcement action, and the reasons for such action. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. An administrative hearing shall not be a prerequisite for taking any other action against the user.

5.4 Major Enforcement

Pursuing minor or intermediate enforcement is not a prerequisite for initiating major enforcement, although progression of enforcement may be appropriate in some circumstances. In those circumstances where major enforcement is not immediately necessary, after failing all attempts at compliance through intermediate enforcement, the City may pursue major enforcement actions including permit revocation and service termination or judicial proceedings (civil litigation or criminal prosecution). Due to the complexities of each case, specific timeframes for conducting major enforcement cannot be predetermined.

5.5 Significant Noncompliance Determination and Publication

A user is considered in significant noncompliance if its violations meet one or more of the criteria set forth in 40 CFR 403.8(f)(2)(viii) and as described in Appendix A of this document. Pretreatment program staff should track the compliance status of each user by reviewing all available discharge data at the end of each quarter on a rolling six (6) month basis to determine

whether any user discharge violations meet the definition of SNC. Other types of SNC (e.g., late reporting) should be evaluated on a continual basis.

The City shall publish, at least annually, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of users which, at any time during the previous 12 months (on a calendar year basis), were in significant noncompliance with applicable pretreatment requirements. For each user in SNC, every instance and type of SNC should be indicated in the publication notice.

Note that significant noncompliance is a designation under the federal pretreatment regulations and a user can, but may not necessarily, resolve a case of significant noncompliance within the “minor” level of enforcement, as denoted in Table 1. Further note that the City has established criteria for evaluating SNC for users’ wastewater discharge pH violations (see definition of SNC in Appendix A).

6. Enforcement Response Guide

Pretreatment program staff review violations to determine the appropriate level of enforcement. This determination is facilitated by the Enforcement Response Guide (ERG) table below which lists the types of noncompliance (“Nature of Violation”), the range of enforcement responses to be taken for each type of noncompliance (“Enforcement Option”). The ERG is a guide, showing the typical range of responses to be taken for specific types of violations, and is not intended to be an exhaustive list of every possible violation. User violations not specified in the ERG should be met with responses in keeping with violations of similar type and magnitude.

For the purpose of interpretation, a violation is classified as resulting in “damage to the sewerage system or environment” if the violation was wholly or partly responsible for one or more of the following:

- Pass-through or interference at the treatment works;
- Violation of the City’s NPDES permit, or any other laws, permits, or regulations applicable to the City;
- Damage to structures or equipment of the sewerage system;
- Endangerment of the health and/or safety of the City personnel, or of the public.

When addressing a particular instance of noncompliance, City personnel will note the **minimum** severity of the enforcement response required to address the violation (Table 2, Column 1) and consider the “Enforcement Options” listed in Table 2 after the pertinent type of violation. Recurrences of any particular violation or other extenuating factors (see Section 4.1) can necessitate escalation of violation response severity (e.g., from minor to intermediate). When selecting a response, the City will, at a minimum, consider the following:

- Negative effects of the violation and the circumstances surrounding the violation;
- The compliance history and demonstrated good faith of the violator;
- Previous enforcement actions taken by the City against the violator; and
- Anticipated effectiveness of each enforcement option in assuring timely and continuing compliance.

The enforcement options (Table 2, Column 3) first list the minimum required enforcement response to the violation (denoted in bold type). If the minimum required enforcement response is not taken, enforcement staff must document the rationale for the response selected.

The recommended responses for enforcement escalation are subsequently listed in order of equivalent or increasing strength of response. Enforcement staff do not need to select enforcement responses in the order listed as necessary, stronger responses may be chosen to address the circumstances of the individual violation. Each enforcement case should include a written rationale for selection of escalating enforcement actions, particularly when enforcement actions are taken outside of the recommended order of escalation.

There is some overlap in the categorization of noncompliance in the ERG. In such cases, the City will consider various enforcement response options when determining the response to the incident. If an incident includes more than one type of noncompliance, the most serious type of noncompliance involved in the incident will be the primary determinant of the enforcement

response. In general, incidents with more than one type of noncompliance should include a written rationale for selection of base and escalating enforcement responses.

ERG Abbreviations:

AF	Administrative Fine	M	Meeting
AHO	Administrative Hearing Order	NOV	Notice of Violation
CDO	Cease & Desist Order	P/E	Phone call or email communication
CA	City Attorney	PC	Pretreatment Coordinator
CO	Consent Order	WWS	Wastewater Superintendent
CPO	Compliance Order	UD	Utility Director
CRF	Cost Recovery Fee	VW	Verbal Warning
EO	Enforcement Order	WL	Warning Letter

Table 2: Enforcement Response Guide

Item # / Minimum Response Severity	Description of Violation	Enforcement Options Minimum Response (in bold), then Recommended Order of Escalating Response(s)	Personnel
1. Non-Permitted Discharge Violations			
1A Minor	Industrial waste discharge without a permit (no harm to POTW or environment; user unaware of requirements)	M and issue WL with time schedule. Deadline for permit application submittal not to exceed 30 days.	PC, WWS
1B Major	Industrial waste discharge without a permit resulting in damage, interference, or pass through of the sewerage system or environment	a) Emergency suspension of discharge; b) Issue EO and may assess CRF and/or AF; c) Civil/criminal action. Proceed with the following as necessary: d) Issue EO and may assess AF; e) Terminate service/revoke permit.	UD, CA
1C Minor	Industrial waste discharge without a permit and evidence of intentional dumping or discharge of toxic pollutants of concern (metals and/or priority organics)	Issue NOV with time schedule. Deadline for application submittal not to exceed 15 days. Conduct sampling, monitoring, and/or inspections as appropriate. May assess CRF.	PC, WWS
1D Minor	Failure to submit acceptable permit application by deadline	Issue NOV with time schedule. Deadline for application submittal not to exceed 15 days. Conduct sampling, monitoring, and/or inspections as appropriate. May assess CRF.	PC, WWS
1E Intermediate	Failure to submit acceptable permit application (including renewals) by NOV deadline (follow-up to 1D)	Issue EO and may assess CRF and/or AF.	PC, WWS, UD
1F Minor	Permit expires or significant change in discharge has occurred, with failure to submit acceptable renewal application	Issue NOV with time schedule. Deadline for application submittal not to exceed 30 days. Conduct sampling, monitoring, and/or inspections as appropriate. May assess CRF.	PC, WWS
1G Intermediate	Failure to comply with EO	a) Schedule hearing and issue AHO. May assess CRF and/or AF. Proceed with any of the following: b) Civil/criminal action; c) Terminate service.	UD, CA
1H Minor	Discharge of substance prohibited by permit or other pretreatment requirement (i.e., volume, concentration, or content)	a) P/E or M and/or issue WL. Proceed with any of the following: b) Issue NOV. Conduct sampling, monitoring, and/or inspections as appropriate and may assess CRF; c) Modify permit as necessary; d) Issue EO. May assess AF; e) Issue AHO; f) Civil/criminal action; g) Terminate service/revoke permit.	PC, WWS, UD, CA
II Major	Discharge of substance prohibited by permit or other pretreatment requirement (i.e., volume, concentration, or content) resulting in damage to the sewerage system or environment	a) Emergency suspension of discharge; b) Issue EO. May assess CRF and/or AF; c) Civil/criminal action. Proceed with any of the following: d) Issue AHO; e) Terminate service/revoke permit.	UD, CA

2. Reporting Violations			
2A Minor	Report/notification is unacceptable (e.g., improper signature, incomplete, or other deficiency)	VW, P/E, or M and/or issue WL with time schedule for submittal of complete report (not to exceed 30 days).	PC, WWS
2B Minor	Acceptable report/notification not submitted within time frame (follow-up to 2A)	Issue NOV with time schedule (not to exceed 15 days). May assess CRF.	PC, WWS
2C Minor	Late report/notification (e.g., self-monitoring report, TTO statement, discharge violation notification, technical report, etc.) – first occurrence and non SNC	VW or P/E and/or issue WL or NOV with time schedule for submittal of complete report (not to exceed 30 days).	PC
2D Minor	Late report – SNC (≥ 30 days late)	Issue NOV with time schedule (not to exceed 15 days). Public notice of SNC. May assess CRF.	PC
2E Intermediate	Violation of WL or NOV (follow-up to 2A, 2B, 2C, 2D)	Issue EO and may assess CRF and/or AF.	UD
2F Intermediate	Recurring late or unacceptable reports	a) Issue EO and may assess CRF and/or AF. Proceed with any of the following: b) Issue AHO; c) Civil action; d) Terminate service/revoke permit.	UD, CA
2G Minor	Failure to properly report slug loading, spill, batch discharge, or other accidental or emergency event	Issue NOV (may require development or modification of slug control plan). Conduct sampling, monitoring, or inspections as appropriate, and may assess CRF.	PC, WWS
2H Minor	Failure to properly report slug loading, spill, batch discharge, or emergency event resulting in damage to the sewerage system or environment	a) Emergency suspension of discharge; b) Issue NOV. Conduct sampling, monitoring, or inspections as appropriate and may assess CRF; Proceed with any of the following: c) Issue EO and may assess AF; d) Issue AHO; e) Civil/criminal action; f) Terminate service/revoke permit.	PC, WWS, UD, CA
2I Intermediate	Failure to properly report slug loading, spill, batch discharge, or emergency event and evidence of intentional illegal dumping	a) Emergency suspension of discharge; b) Issue EO and may assess CRF and/or AF. Proceed with any of the following: c) Issue AHO; d) Civil/criminal action; e) Terminate service/revoke permit.	UD, CA
2J Intermediate	Falsification of a report/notification	a) Issue EO and may assess CRF and/or AF. Proceed with any of the following: b) Issue AHO; c) Civil/criminal action; d) Terminate service/revoke permit.	UD, CA
3. Discharge Limit Violations / Monitoring Violations			
3A Minor	Discharge exceeds permit or other discharge limit	Issue NOV. Require follow-up sampling. Conduct monitoring or inspections as appropriate and may assess CRF.	PC, WWS
3B Major	Discharge exceeds permit or other discharge limit resulting in damage to the sewerage system or environment	a) Emergency suspension of discharge; b) Issue NOV. Conduct sampling, monitoring, or inspections as appropriate and may assess CRF; c) Civil/criminal action. Proceed with the following as necessary: d) Issue EO and may assess AF; e) Terminate service/revoke permit.	PC, WWS, UD, CA
3C Minor	Improper sampling/analysis procedures or failure to sample or sample correctly	Issue NOV. Require follow-up sampling/analysis. Conduct monitoring or inspections as appropriate and may assess CRF.	PC

3D Minor	Failure to report additional monitoring	Issue NOV. Conduct monitoring or inspections as appropriate and may assess CRF.	PC, WWS
3E Minor	Discharge is in SNC	Issue NOV. Require follow-up sampling. Public notice of SNC. Conduct monitoring or inspections as appropriate and may assess CRF.	PC, WWS
3F Intermediate	Failure to meet requirements specified in NOV (follow-up to 3A, 3C, 3D, 3E)	Issue EO and may assess CRF and/or AF.	UD
3G Major	Discharge contributes to damage of the sewerage system or environment (e.g., FOG discharges resulting in unscheduled sewer maintenance)	a) Issue NOV and may assess CRF. b) Civil/criminal action. Proceed with any of the following: b) Issue/modify permit; c) Issue EO and may assess AF; d) Issue AHO; e) Terminate service/revoke permit.	PC, WWS, UD, CA
4. Administrative Order Violations			
4A Intermediate	Failure to comply with CO or CPO	If milestone date missed by 30 days or less and will not affect final compliance date: P/E or M and issue WL. If milestone date missed by more than 30 days and/or violation will affect final compliance date: a) Issue modified EO; may assess CRF and/or AF. Proceed with any of the following: b) Issue AHO; c) Civil/criminal action; d) Terminate service/revoke permit;	PC, WWS, UD, CA
4B Intermediate	Failure to comply with CDO	a) Issue modified CDO and may assess CRF and/or AF. Proceed with any of the following: b) Issue AHO; c) Civil/criminal action; d) Terminate services/revoke permit.	UD, CA
4C Major	Failure to Respond to AHO	a) Assess CRF/AF; Proceed with any of the following: b) Civil action; c) Terminate service/revoke permit.	UD, CA
5. Violations Detected During Site / Field Visits			
5A Minor	Denial of entry or adequate access for inspection of facility or records.	Issue NOV and may assess CRF.	PC, WWS
5B Intermediate	Continued denial of entry or adequate access for inspection of facility or records and/or City has reasonable suspicion that a violation is occurring	a) Obtain and conduct inspection under warrant; b) Issue NOV. Conduct sampling, monitoring and additional inspections as appropriate and may assess CRF; Proceed with any of the following: c) Issue EO and may assess AF; d) Issue AHO; e) Civil/criminal action; f) Terminate service/revoke permit.	PC, WWS, UD, CA
5C Intermediate	Concealment of violations, equipment tampering, intentional falsification of statements or reports	a) Issue EO and may assess CRF and/or AF. Proceed with any of the following: b) Issue AHO; c) Emergency suspension of discharge; d) Civil/criminal action; e) Terminate service/revoke permit.	UD, CA

5D Minor	Dilution of waste discharge in lieu of treatment	<p>a) M/VW and/or issue WL. Proceed with any of the following:</p> <p>b) Issue NOV. Conduct sampling, monitoring, or inspections as appropriate and may assess CRF;</p> <p>c) Issue EO and may assess AF;</p> <p>d) Issue AHO;</p> <p>e) Civil/criminal action;</p> <p>f) Terminate service/revoke permit.</p>	PC, WWS, UD, CA
5E Minor	Illegal discharge <i>not</i> resulting in damage to the sewerage system or environment	<p>Issue NOV with time schedule. Deadline for compliance not to exceed 30 days. Conduct sampling, monitoring, and/or inspections as appropriate. May assess CRF.</p>	PC
5F Major	Illegal discharge resulting in damage to the sewerage system or environment	<p>a) Issue EO and may assess CRF/AF;</p> <p>b) Civil/criminal action. Proceed with any of the following:</p> <p>c) Emergency suspension of discharge;</p> <p>d) Terminate service/revoke permit.</p>	UD, CA
5G Minor	Improper sampling – unintentional (e.g., sampling at incorrect location, use of incorrect sample type or collection technique, etc.)	<p>a) M and/or issue WL. Proceed with any of the following:</p> <p>b) Issue NOV. Conduct sampling, monitoring, and/or inspections as appropriate and may assess CRF;</p> <p>c) Modify permit as necessary.</p>	PC
5H Intermediate	Recurring improper sampling or improper sampling with evidence of intent	<p>a) Issue EO and may assess CRF and/or AF. Proceed with any of the following:</p> <p>b) Issue AHO;</p> <p>c) Civil/criminal action;</p> <p>d) Terminate service/revoke permit.</p>	UD, CA
5I Minor	Inadequate recordkeeping – inspector finds files incomplete and/or missing; isolated; no evidence of intent	<p>a) M and/or issue WL. Proceed with any of the following:</p> <p>b) Issue NOV. Conduct follow-up inspections as appropriate and may assess CRF;</p> <p>c) Modify permit as necessary.</p>	PC
5J Intermediate	Recurring inadequate recordkeeping or inadequate recordkeeping with evidence of intent	<p>a) Issue EO and may assess CRF and/or AF. Proceed with any of the following:</p> <p>b) Issue AHO;</p> <p>c) Civil/criminal action;</p> <p>d) Terminate service/revoke permit.</p>	UD, CA
5K Minor	Failure to install, properly operate, and/or maintain pretreatment equipment or facility <i>not</i> resulting in damage to the sewerage system or environment	<p>Issue NOV with time schedule. May assess CRF.</p>	PC, WWS
5L Major	Failure to install, properly operate, and/or maintain pretreatment equipment or facility resulting in damage to the sewerage system or environment	<p>a) Emergency suspension of discharge;</p> <p>b) Issue NOV with time schedule (not to exceed 15 days). May assess CRF;</p> <p>c) Civil/criminal action. Proceed with any of the following:</p> <p>c) Issue EO and may assess AF/CRF;</p> <p>e) Terminate service/revoke permit.</p>	UD, CA
5M Minor	Failure to install, operate, and/or maintain sampling and monitoring equipment.	<p>Issue NOV with time schedule and may assess CRF.</p>	PC

5N Minor	Failure to implement required best management practices (e.g., specified in a permit, pretreatment program letter, City ordinance, etc.)	<p>a) Issue WL. Proceed with any of the following:</p> <p>b) Issue NOV. Conduct sampling, monitoring, or inspections as appropriate and may assess CRF;</p> <p>c) Issue EO and may assess AF;</p> <p>d) Issue AHO;</p> <p>e) Civil/criminal action;</p> <p>f) Terminate service/revoke permit.</p>	PC, WWS, UD, CA
5O Minor	General onsite concerns (e.g., poor housekeeping, chemical management, etc.) – first occurrence and no evidence of intent	<p>a) VW and/or issue WL. Proceed with any of the following:</p> <p>b) Issue NOV with time schedule. Conduct follow-up inspections as appropriate and may assess CRF;</p> <p>c) Modify permit/requirements as necessary.</p>	PC
5P Intermediate	General onsite concerns – recurring and/or evidence of intent	<p>a) Issue EO and may assess CRF and/or AF. Proceed with any of the following:</p> <p>b) Issue AHO;</p> <p>c) Civil/criminal action;</p> <p>d) Terminate service/revoke permit.</p>	UD, CA
6. Miscellaneous Violations			
6A Minor	SNC not listed elsewhere	<p>a) Issue NOV and public notice of SNC. Conduct sampling, monitoring, or inspections as appropriate and may assess CRF. Proceed with any of the following:</p> <p>b) Issue EO and may assess AF;</p> <p>c) Issue AHO;</p> <p>d) Civil/criminal action;</p> <p>e) Terminate service/revoke permit.</p>	PC, WWS, UD, CA
6B Minor	Failure to meet compliance schedule requirements/milestone(s)	<p>Missed milestone by less than 30 days and/or will not affect final milestone: a) NOV with time schedule and may assess CRF.</p> <p>Missed milestone by more than 30 days or will affect final milestone; good cause for delay; proceed with any of the following: a) NOV with time schedule and may assess CRF. b) Issue EO and may assess AF; c) Issue AHO.</p> <p>Missed milestone by more than 30 days or will affect final milestone; no good cause for delay: a) Issue EO and may assess CRF and/or AF; b) Civil action; c) Terminate service.</p> <p>For chronic violations, proceed with any of the following: a) Issue EO and may assess CRF and/or AF; b) Civil/criminal action; c) Terminate service.</p>	PC, WWS, UD, CA
6C Minor	Violations of permit, ordinance, or other pretreatment program requirements not listed elsewhere	<p>a) PC/M and/or issue WL. Proceed with any of the following:</p> <p>b) Issue NOV with time schedule. Conduct sampling, monitoring, and/or inspections as appropriate and may assess CRF;</p> <p>c) Issue/modify permit as necessary.</p>	PC, WWS

6D Intermediate	Failure to comply with conditions of NOV (any above)	a) Issue EO and may assess CRF and/or AF. Proceed with any of the following: b) Issue AHO; c) Civil/criminal action; d) Terminate service/revoke permit.	UD, CA
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7. ERP Review

This ERP is intended to be a dynamic document and shall be revised as necessary to ensure that its framework of enforcement actions is effective for enabling violators to return to compliance. City staff should periodically reassess this document's effectiveness in accomplishing pretreatment program goals. At a minimum, this document shall be reviewed for necessary amendments each time the City's sewer use ordinance is revised or updated. This review should be conducted in light of the primary objectives for developing an ERP:

- To ensure that violators return to compliance as quickly as possible;
- To penalize noncompliant users for pretreatment violations;
- To deter future noncompliance; and
- To recover any additional expenses incurred by the City attributable to the noncompliance.

When the City identifies aspects of the guide which require improvement or adopts innovations to increase its effectiveness, it should promptly incorporate these amendments. For example, if the City revises its ordinance to increase its administrative fine penalty authority, this guide should be revised accordingly.

Appendix A: Definitions and Abbreviations

Administrative Fine: A fine assessed in conjunction with an enforcement order; issued pursuant to California Government Code Section 53069.4. An enforcement order may be issued to any person found in violation of any requirement adopted or ordered by the City to meet the standards established to protect the City's wastewater treatment plant and the City's sewerage system or to prevent the entry of any wastewater found or suspected to be in violation of any California State, Federal, or local limit, the industrial wastewater discharge permit, or the City's Sewer Use Ordinance.

Administrative Hearing: A due process hearing at a specified time, date, and place at which a user, authorized representatives of the user, and/or interested persons shall have the opportunity to submit statements, documentary evidence, and/or arguments orally and/or in writing.

Administrative Hearing Order (AHO): A formal order requiring a user to appear before the City's authorized representative to explain any noncompliance and why specified enforcement actions should not be taken. The City may designate a hearing officer to hear testimony for the hearing.

Categorical Pretreatment Standards or National Categorical Standards: Any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency (EPA) in accordance with Section 307, subdivisions (b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

City: City of Lompoc, California.

Cease and Desist Order (CDO): An order directing a noncompliant user to cease illegal discharges (or terminate discharges altogether). The CDO must specify the time for illegal discharge to stop (immediately, 24 hours, 5 days, etc.). A CDO is issued when violations continue to recur and/or the discharge could cause interference or pass through at the POTW.

Civil Action: Civil litigation against a user seeking equitable relief, monetary penalties, and actual damages.

Compliance Order (CPO): An order directing the user to achieve or restore compliance by the date specified. It is issued unilaterally and contains a schedule with specific milestone used to verify progress. The CPO is issued when noncompliance cannot be resolved without construction, repair or process changes and the user is not making good faith efforts to achieve compliance.

Consent Order (CO): An agreement between the City and the user which contains a compliance schedule, stipulated fines or remedial actions, and signatures of the City and user representatives. In the CO the user acknowledges responsibility for its noncompliance and willingness to take remedial action.

Cost Recovery Fee (CRF): A fee issued to the noncompliant user to recover costs incurred by the City as a result of noncompliance by the user. These fees may include, but are not limited to, inspection and sampling fees and transportation, equipment, and labor costs incurred by the City to investigate and/or demonstrate user compliance as well as administrative time spent in resolution of noncompliance.

Criminal Action: The pursuit of punitive measures against a person and/or organization through a court of law.

Domestic Wastewater: Wastewater generated from the ordinary living processes of humans or household operations, and of such character as to allow satisfactory disposal to, and treatment in, the POTW, including dialysate and the liquid waste or byproduct of dialysis.

Enforcement Order (EO): An enforcement document which directs a user to implement corrective or remedial measures.

Enforcement Response Guide (ERG): A matrix that identifies violations and specifies the associated enforcement action City personnel may administrate.

Enforcement Response Plan (ERP): A plan which describes how the City will investigate and take appropriate enforcement actions against users of the sewerage system for instances of noncompliance.

Industrial Waste: Any solid, liquid or gaseous substance discharged or permitted to flow into a City sewer from any industrial, manufacturing, agricultural, commercial, or business establishment or process, or from the development, recovery, or processing of any natural resource, other than domestic wastewater.

Interference: Any discharge which, alone or in conjunction with a discharge or discharges from other sources, 1) inhibits or disrupts the Lompoc WWTP, its treatment processes or operations, or its biosolids processes, use or disposal; or 2) is a cause of a violation of the City's NPDES permit, or of the prevention of biosolids use or disposal in compliance with the Federal and/or State statutory or regulatory provisions or permits issued thereunder.

Local Limit: Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement general and specific discharge prohibitions.

Noncompliance or violation: Any violation of any part the Sewer Use Ordinance and other municipal requirements; wastewater discharge permit provisions; and City, State, and Federal requirements and policies governing wastewater disposal.

Notice of Violation (NOV): An official communication from the City to a noncompliant user informing the user that a violation has occurred. The NOV can specify corrective measure to be implemented by the User.

Person: Any individual, firm, partnership, company, association, society, partnership, corporation, organization, group, or public agency, including the State of California and the United States of America. The singular shall include the plural.

Sewerage System: All of the City's systems of sewers and appurtenances for the collection, transportation, and pumping of sewage.

Sewer Use Ordinance (SUO): Chapter of the Lompoc Municipal Code regulating the collection, treatment, and disposal of waste to its sewerage system.

Significant Noncompliance (SNC): A user is in significant noncompliance if its violations meet one or more of the following criteria:

- 1) Violations of wastewater discharge limits:
 - a. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.
 - b. 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 numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
 - c. Any other violation(s) of a pretreatment standard or requirement that the Director determines has caused, alone or in conjunction with other discharges, interference or pass-through; or endangered the health of the general public or employees of the wastewater system.
 - d. Any discharge that has caused imminent endangerment to human health or, welfare, or the environment, resulting in the exercise of emergency authority to halt or prevent such a discharge.
 - e. For pH:
 - i. Any exceedance that results in a $\text{pH} \leq 2.0$ or ≥ 12.5 at any time during the calendar day;
 - ii. The exceedance results in a pH that is outside the limits established by EPA in an applicable categorical pretreatment standard at any time during a calendar day;
 - iii. The exceedance causes interference, worker health or safety concerns, and/or corrosive structural damage to the POTW; and
 - iv. Where pH is continuously monitored, chronic SNC is calculated using the number of violation days out of the total number of days monitored. If 66 percent or more of the total days during the SNC assessment period (i.e., total days monitored) were violation days, the facility is in SNC for pH (e.g., assuming 7-day-per-week operation, 120 days or more of daily violations per 6-month period). The definition of violation day is as follows: “A violation day will have occurred when the pH value is measured outside the local pH limits established by the POTW for any duration during a calendar day.”
- 2) Violations of permit compliance schedule milestones by 90 days or more after the schedule date;
- 3) Failure to provide required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules, or any other reports required by this Chapter or established as a facility requirement (e.g., in a permit or by other means), by 30 days or more from the due date;
- 4) Failure to accurately report noncompliance;
- 5) Any other violation(s), which may include a violation of best management practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

User: Any person or entity contributing, causing, or permitting the contribution of wastewater to the wastewater system; any source of indirect discharge.

Wastewater Discharge Permit or Permit: A control mechanism issued to an industrial user, or any person discharging to the sewerage system that the City determines needs a permit, to regulate its discharge of toxic, organic, or hydraulic loading to the wastewater collection, conveyance, and treatment system; a wastewater discharge permit issued by the City, unless otherwise indicated by context.

Appendix B: Example Enforcement Actions



Regional Wastewater Reclamation Plant
1801 W. Central Ave., Lompoc, CA 93436
(805) 736-5083
wwtp-info@ci.lompoc.ca.us

Date

Addressee
Mailing Address

Notice of Violation

NOTICE IS HEREBY GIVEN to the owner and/or responsible party of the [Addressee] that the facility is in violation of its wastewater permit and the sewer use ordinance of the City of Lompoc. The City of Lompoc Wastewater Division issued the [Addressee] wastewater discharge permit number [Permit Number] which, in Section I.A, contains numeric effluent limits for pollutants discharged to the City sewer. These local limits are also specified at Chapter 13.16.340 of the Lompoc Municipal Code (LMC). Analytical results from the sampling event on [Date], revealed that [Addressee] wastewater exceeded its permitted discharge limits for the following parameters:

Table with 3 columns: Parameter, Effluent Limit, Sampling Result

This Notice of Violation is issued pursuant to the authority vested in the Utility Director at Chapter 13.16.450 of the LMC. This notice is based on findings of violation of the facility's wastewater discharge permit and LMC Chapter 13.16.340.

In response to the above violation, the [Addressee] is required to:

- 1. Ensure that pollutant parameters in the facility's wastewater discharge do not exceed permitted limits.

You may file for reconsideration of this NOV to the Utility Director in writing within 15 working days. The Director shall render a decision within 15 working days after receipt of your request. After that, if you are dissatisfied with the ruling of the Director, then you may, within 10 working days after the Director's ruling, file a written appeal with the City Clerk. This appeal shall be heard and decided by the City Council within 60 days after receipt of the request and Council's ruling shall be final (LMC 13.16.140).

Please call the Wastewater Division at (805) 875-8406 if you have any questions or concerns.

Sincerely,

[Signature, Name, and Title of responsible city official]



Regional Wastewater Reclamation Plant
1801 W. Central Ave., Lompoc, CA 93436
(805) 736-5083
wwtp-info@ci.lompoc.ca.us

Addressee

Date

Notice of Violation

NOTICE IS HEREBY GIVEN to the owner and/or responsible party of the [Addressee] that the facility is in violation of the City of Lompoc municipal code (LMC). The LMC **prohibits** the use of self-regenerating water softeners unless they comply with the requirements at LMC 13.16.320 Water Softening Waste.

The City of Lompoc's Wastewater Division received an anonymous complaint about potential use of a self-regenerating water softener at [Location] on [Date]. Staff inspected the facility on [Date] and determined that the complaint was valid. [Insert findings details].

This Notice of Violation is issued pursuant to the authority vested in the Utility Director at Chapter 13.16.450 of the LMC. In response to the above violation, [Addressee] is required to:

1. Remove the current water softening apparatus and/or have the discharge pipe(s) capped;
2. Provide manifests of brine hauling and disposal, as applicable; and
3. Submit a plan for ongoing water use.

If [Addressee] does not comply with the requirements in this notice within **30 days**, the City will may take enforcement actions in accordance with LMC 13.16 Article 7.

You may file for reconsideration of this NOV to the Utility Director in writing within 15 working days. The Director shall render a decision within 15 working days after receipt of your request. After that, if you are dissatisfied with the ruling of the Director, then you may, within 10 working days after the Director's ruling, file a written appeal with the City Clerk. This appeal shall be heard and decided by the City Council within 60 days after receipt of the request and Council's ruling shall be final (LMC 13.16.140).

Please call the Wastewater Division at (805) 875-8406 if you have any questions or concerns.

Sincerely,

[Signature, Name, and Title of responsible city official]



Regional Wastewater Reclamation Plant
1801 W. Central Ave., Lompoc, CA 93436
(805) 736-5083
wwtp-info@ci.lompoc.ca.us

Addressee

Date

Notice of Violation

NOTICE IS HEREBY GIVEN to the owner and/or responsible party of [Addressee] that the facility is in violation of its wastewater permit and the sewer use ordinance of the City of Lompoc. The City of Lompoc Wastewater Division issued [Addressee] wastewater discharge permit number [#] which, in Section III.A, requires monitoring reports to be submitted by specified dates. The facility failed to submit its monthly processing season report for [Reporting Period], which was due by [Date].

This Notice of Violation is issued pursuant to the authority vested in the Utility Director at Chapter 13.16.450 of the Lompoc Municipal Code (LMC). This notice is based on findings of violation of the facility's wastewater discharge permit and LMC Chapter 13.16.180.

In response to the above violation, [Addressee] is required to:

1. Sample for pH every month during processing and submit reports to the Wastewater Division by the due dates specified in the wastewater discharge permit.

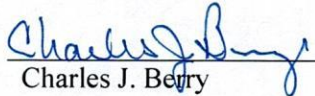
You may file for reconsideration of this NOV to the Utility Director in writing within 15 working days. The Director shall render a decision within 15 working days after receipt of your request. After that, if you are dissatisfied with the ruling of the Director, then you may, within 10 working days after the Director's ruling, file a written appeal with the City Clerk. This appeal shall be heard and decided by the City Council within 60 days after receipt of the request and Council's ruling shall be final (LMC 13.16.140).

Please contact the Wastewater Division at (805) 875-8406 if you have any questions or concerns.

Sincerely,

[Signature, Name, and Title of responsible city official]

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



Charles J. Berry

Utility Director

July 22, 2021

Date