

**DRAFT RESOLUTION NO. SRRRA-2019-Y-Y**

**RESOLUTION OF THE SANTA ROSA REGIONAL RESOURCES AUTHORITY  
ADOPTING AN ENFORCEMENT RESPONSE PLAN FOR RESPONSE TO  
VIOLATIONS OF PRETREATMENT, WASTE DISCHARGE, AND SEWER USE  
REGULATIONS**

WHEREAS, federal and state law and associated regulations relating to Authority's SRWRF including the Clean Water Act (33 U.S.C. Section 1251 et seq.), require the Authority to maintain a pretreatment program to protect the SRWRF against harmful wastewater discharges and spills; and

WHEREAS, the Authority currently owns and operates facilities for the collection, metering, pumping, conveyance, treatment and disposal of wastewater including the SRWRF; and

WHEREAS, pursuant to Section 1.4.14 of the Joint Exercise of Powers Agreement of the Santa Rosa Regional Resources Authority, the Board of Directors has the power to implement all requirements of the pretreatment regulations and all aspects of the Authority's service area pretreatment program, including permitting, inspection, monitoring, reporting, and enforcement activities; and

WHEREAS, pursuant to Section 1.4.15 of the Joint Exercise of Powers Agreement of the Santa Rosa Regional Resources Authority, the Board of Directors has the power to charge and bill the industrial dischargers for their respective share of the Authority's cost to implement the pretreatment regulations, including application review, permit issuance, sampling, monitoring, inspection and enforcement costs; and

WHEREAS, Section 5.0200 of the Authority's Regulations for Waste Discharge and Sewer Use, Ordinance No. SRRRA-2019-Z-Z, authorizes the Administrator to take enforcement actions and federal regulations (40 CFR 403.8) require the Authority to develop and implement an enforcement response plan which details enforcement procedures, including the investigation and response to instances of non-compliance; and

WHEREAS, each member agency is required to comply with all applicable laws, rules and regulations including their regulatory obligations associated with the discharge of wastewater into the Authority-owned collections system and the SRWRF; and

WHEREAS, each member agency is responsible for enforcing their agency's industrial discharge rules and source control programs for all dischargers in their jurisdiction; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Santa Rosa Regional Resources Authority as follows:

Section 1. Pursuant to Sections 1.4.12 and 1.4.14 of the Joint Exercise of Powers Agreement of the Santa Rosa Regional Resources Authority, the Authority adopts the Enforcement Response Plan, in the form attached hereto as Exhibit A and incorporated herein by this reference.

Section 2. Pursuant to Section 1.4.13 of the Joint Exercise of Powers Agreement of the Santa Rosa Regional Resources Authority, the Board of Directors will review and amend these industrial pretreatment regulations from time to time as the need arises, including but not limited to, with respect to waste discharge and sewer use, enforcement response plan, and “local limits.”

Section 3. Pursuant to Section 1.4.15 of the Joint Exercise of Powers Agreement of the Santa Rosa Regional Resources Authority, the Authority will charge and bill the Authority’s industrial dischargers for their respective share of the Authority’s cost to implement the pretreatment regulations, including application review, permit issuance, sampling, monitoring, inspection and enforcement costs.

Section 4. Public Hearing. The Board of Directors called a public hearing for July 9, 2019 at 9:00 a.m. at the office of the Rancho California Water District for the purpose of receiving public comments on this Ordinance. The Board of Directors authorized and directed the Administrator to give notice of the public hearing, and notice was given by publication in a newspaper of general circulation within the District once a week for two successive weeks commencing at least fourteen (14) days prior to the public hearing, and by giving mailed out notice to each person that so requested. The Authority Administrator was further authorized and directed to make available for public inspection at least ten (10) days prior to the public hearing, this Ordinance adopting regulations for waste discharge and sewer use, enforcement response plan, and “local limits”. On July 9, 2019, at the time and place set for public hearing, this Ordinance was considered and the Board of Directors heard and considered the comments of all persons appearing at the hearing and all written comments submitted prior to the time of the hearing.

Section 5. This Resolution shall take effect immediately upon its adoption.

ADOPTED, SIGNED, and APPROVED this 9th day of July 2019.

SANTA ROSA REGIONAL RESOURCES AUTHORITY

By \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Richard R. Aragon  
Secretary-Treasurer

**Santa Rosa Regional  
Resources Authority**

**Enforcement  
Response Plan**

**PROPOSED REVISIONS  
May 2019 Version**

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## INTRODUCTION

The Source Control Division of the Member Agency appointed as Manager of the Santa Rosa Regional Resources Authority (Authority) maintains primary responsibility for implementing the Pretreatment Program, as described in 40 CFR 403 et seq., Government Code Sections 54739, 54740, and 54740.5, and Regulations for Waste Discharge and Sewer Use Ordinance No. **SRRRA-2019-Z-Z**. The goal of the Source Control Division is to maintain compliance through a proactive program of monitoring and education; however, noncompliance may occur. In order to deal with noncompliance in a just, efficient, and effective manner, the Authority has developed this Enforcement Response Plan (Plan).

Each Member Agency is responsible for continuing to enforce their individual agency's industrial discharge rules, sewer use ordinances, and source control programs. This includes compliance with all applicable laws, rules, and regulations, including each Member Agency's regulatory obligations associated with the discharge of wastewater into the Authority-owned collections system and the Santa Rosa Water Reclamation Facility (SRWRF). Only the issuance of a Waste Discharge Permit to a Significant Industrial User must be co-issued by the Administrator and the appropriate Member Agency, with all other elements of each Member Agency's source control program unaffected by the Authority's pretreatment program.

Pretreatment and source control programs are conducted by each Member Agency that has the appropriate jurisdiction. Routine inspections of Users' facilities are not performed by the Authority's Inspectors, as the responsibility to determine the compliance status of a User rests with the appropriate Member Agency. Excluding an emergency situation, the initial response of the Authority's Enforcement Response Plan is always informing the Member Agency with jurisdiction over a User and requiring the Member Agency to begin enforcement action. Only in the event that a Member Agency does not begin enforcement action within five (5) days of identifying Non-compliance, would the Authority proceed with additional enforcement response actions. Additionally, as all Users are under the jurisdiction of a Member Agency, Users will only receive bills directly from the appropriate Member Agency. Member Agencies are required to collect any necessary fees on behalf of the Authority.

It is the policy of the Source Control Division to:

- Identify and respond to noncompliance as quickly as possible in order to minimize impact on the Authority's collection system;
- Document all noncompliance in a Source Control Entry Log;
- Investigate noncompliance thoroughly and expeditiously;
- Ensure that enforcement actions are dictated by the severity of the violation.

Informal discussions between Inspectors and Dischargers to identify and correct noncompliance are encouraged and supported. Each Inspector is trained to select an enforcement response by considering and evaluating instances of noncompliance using the following criteria:

- Magnitude of the violation
- Duration of the violation
- Effect of the violation on Santa Rosa Water Reclamation Facility (SRWRF) compliance with Discharge Order
- Effect of the violation on the operation of the SRWRF and its collection system
- Compliance history of the Discharger
- Good faith of the Discharger

However, all instances of Significant Noncompliance (SNC) result in issuance of an Administrative Order of Compliance (AOC). The Inspector may initiate an Emergency Suspension [(Cease and Desist Order (CDO))] on his/her own authority, within the guidelines of this Plan;

- Take enforcement action in a timely manner.

All instances of noncompliance are reviewed and addressed within ten (10) working days of discovery. Initial enforcement responses (involving contact with the Member Agency in whose jurisdiction the User is located) will occur within twenty-four (24) hours of violation detection. In the event that the Member Agency fails to correct the User's noncompliance through the Member Agency's Plan within ten (10) days, the Authority may contact the User and request information on corrective or preventative action(s). In all instances of SNC, the Authority may elect to initiate enforcement actions directly with the Discharger immediately.

Follow-up actions for continuing or recurring violations will be taken within sixty (60) days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule. Violations that threaten health, property, or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within thirty (30) days of the identification of SNC; and

- Respond to noncompliance in a consistent and objective manner. The Enforcement Response Guide (ERG) (Table 2) is employed in order to realize this policy objective.

## DEFINITIONS

Terms in this Plan and the ERG are to be interpreted as follows:

Administrator shall mean the Administrator of the Santa Rosa Regional Resource Authority or their designee.

Administrative Order (AO) – document that orders the violator to perform a specific act or refrain from an act. For example, the order may require Users to attend a Show Cause meeting, Cease and Desist discharging, or undertake activities pursuant to a Compliance Order.

Authority/SRRRA – Santa Rosa Regional Resources Authority.

Best Management Practices (BMPs) – are management or operational procedures that are intended to prevent pollutants from entering the wastewater system or reaching a discharge point or draining from raw materials storage. BMPs may include a schedule of activities, required practices, prohibitions against practices, required maintenance or operational procedures, and any specific provisions required under 40 CFR 403.5(a)(1) and (b).

Board – Board of Directors of SRRRA.

Cease and Desist Order (CDO) – an AO directing a User to immediately halt illegal or unauthorized discharges.

Compliance Meeting – a formal meeting requiring the User to appear and explain the occurrence of a violation and present a plan to correct and prevent further occurrences. The meeting cost shall be the responsibility of the noncompliant User. Cost shall be determined by the fees established in Resolution No. **SRRRA-2019-Y-Y**, as amended.

Consent Order – an AO negotiated between the User and the Authority whereby a schedule of events is established.

Discharger – shall mean any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. All Dischargers to the Authority's collection system are within the jurisdiction of one of the member agencies. User shall mean the same as Discharger.

Enforceable/Enforcement Order – a formal enforcement action, including, but not limited to, a Notice of Violation (NOV), a Consent Order, an AO to Show Cause, an AOC, and an AO to Cease and Desist.

Enforcement Officer (EO) – an employee of the Member Agency which is appointed as Manager by the SRRRA, and is authorized by the Administrator to resolve noncompliance addressed by an NOV.

## DEFINITIONS (continued)

Exceedance – a discharge containing an amount of a regulated constituent that is more than the allowed amount as listed in a Waste Discharge Permit or AO or Ordinance No. **SRRRA-2019-Z-Z**.

Harm – a condition or event damaging the collection system, producing pass-through, or interference at the SRWRF, endangering Authority personnel or the public, causing a public nuisance, or causing adverse impacts to beneficial uses or the environment.

Hearing Officer (HO) – an employee of the Member Agency which is appointed as Manager by the SRRRA, and is authorized to resolve Noncompliance.

Informal – enforcement activity conducted by the Inspector where the violation is isolated and causing no harm and the User is cooperative in resolving its problems.

Inspector – an employee of the Member Agency which is appointed as Manager by the SRRRA, who is authorized to carry out the Authority's Pretreatment Program.

Isolated – a condition or event that has not occurred previously and has a minimum potential for recurrence.

Member Agency – one of the agencies that comprises the Authority, either Rancho California Water District, Elsinore Valley Municipal Water District, or Western Municipal Water District.

No harm – a condition or event with the potential to cause damage to the collection system, produce pass-through or interference at the SRWRF, endanger Authority personnel or the public, or cause a public nuisance.

Noncompliance – an event or condition by a User that is prohibited by Ordinance, Permit, or Order; a violation.

Noncompliance meeting – a meeting conducted by the EO. The User will be presented with the findings of noncompliance by the Inspector and will then explain the noncompliance and present a plan to correct and prevent such recurrence.

Notice of Violation (NOV) – a document notifying a User that he/she has violated Pretreatment Standards and requirements. Generally used when the violation is relatively minor and the Authority expects the violation to be corrected within a short period of time. (Recurring – a condition or event that has occurred previously or has not ended.)

Pretreatment Standard or Standards – prohibited discharge standards, categorical pretreatment standards, and local limits, including BMPs established as categorical pretreatment standards or local limits.

Show Cause Order – an AO to Show Cause why a proposed enforcement action should not be taken.

Significant Industrial User shall mean:

- A. A User subject to categorical Pretreatment Standards.
- B. A User that:
  - i. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the Authority's collection system (excluding sanitary, non-contact cooling, and boiler blow down wastewater).
  - ii. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the SRWRF.
  - iii. Is designated as such by the Authority on the basis that it has a reasonable potential for adversely affecting the SRWRF's operation or for violating any Pretreatment Standard or requirement.
- C. Upon a finding that a User meeting the criteria in subsection (b) has no reasonable potential for adversely affecting the SRWRFs operation or for violating any Pretreatment Standard or requirement, the Authority may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

Significant Noncompliance (SNC) – an event or condition by a User that meets one (1) or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken 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 thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken 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 of a pretreatment effluent limit (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of SRWRF personnel or the general public).
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the Authority's exercise

of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge.

- E. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a Waste Discharge Permit or Enforcement Order, for starting construction, completing construction, or attaining final compliance.
- F. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.
- H. Any other violation or group of violations that the Authority determines will adversely affect the operation or implementation of its pretreatment program.

Source Control Division – the Division or group duly designated by the Member Agency appointed as Manager by the SRRRA to direct source control.

Source Control Entry Log – a document (in electronic or printed format) for the EO/Inspector to summarize enforcement events, inspections, and follow-up inspections. This document is meant for quick reference of past and current enforcements.

Source Control Manager – an employee of the Member Agency which is appointed as Manager by the SRRRA, who is assigned and authorized to issue AOs and oversees the Authority's Pretreatment Program.

User – any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. All Users of the Authority's collection system are within the jurisdiction of one (1) of the Member Agencies. User shall mean the same as Discharger.

Violation – See Noncompliance.

## DUTIES OF SOURCE CONTROL PERSONNEL

### Inspector Responsibilities

1. Identifying noncompliance.

Routine inspections are conducted by each Member Agency that has the appropriate jurisdiction, in accordance with an inspection frequency established by the Member Agency. The routine inspection schedules of each Member Agency shall include at least annual inspection of all Significant Industrial Users, including Significant Industrial Users with zero discharge permits.

Routine inspections are not performed by the Authority's Inspectors, as the responsibility to determine the compliance status of a User rests with the appropriate Member Agency. In the event that a Member Agency does not begin enforcement action within five (5) days of identifying Non-compliance, the Inspector shall then determine the compliance status of a User. Practices that are out of the ordinary will receive particular attention to ensure they are within the conditions and limitations imposed by Ordinance, control mechanism, or Order. Inspectors document their observations in their Inspection Reports (IR) and may then refer to standards to establish the compliance status.

2. Documenting noncompliance in an IR.

Each Violation (of the Ordinance, control mechanism, or Order) uncovered during an inspection shall be documented in an IR and investigated. Each Violation shall be referenced on the IR to the standard setting forth the condition or limitation violated.

3. Investigating and documenting noncompliance.

When the Inspector receives an analysis report showing exceedance of an established pollutant discharge limit, it must be documented in the User's file and an investigation conducted.

If the exceedance is minor (does NOT result in Harm, NOT SNC) and an isolated incident, the Inspector shall draft an NOV (see below).

If the exceedance is not a minor and isolated incident, the Inspector shall forward the file to the EO.

On those occasions when the User elects to not cooperate with the Inspector in the conduct of the investigation, the Inspector may turn the case over to the EO.

4. Initiating enforcement activity.

If, upon investigation, a Violation presents an imminent hazard to: public health, safety, or welfare; the environment; the collection system; the SRWRF; or Authority personnel, the Inspector shall immediately inform the EO and prepare a CDO.

If any violation is immediately correctable, the Inspector will indicate such to the User and inspect (and document) an immediate return to compliance. If, upon investigation, the Violation is deemed serious (i.e., resulting in harm or SNC), even though immediately correctable, the Inspector will note the serious nature of the violation in the IR and inform both the User, the Member Agency that has jurisdiction over the User, and the EO as soon as possible.

For minor Violations not immediately correctable, after documenting them in an OR and completing a preliminary investigation, the Inspector shall prepare an NOV for issuance by the EO.

This NOV shall:

- A) Describe the Violation.
- B) Cite the appropriate authority.
- C) Provide the User an opportunity to file an objection contesting the finding of Violation.
- D) 1) Require an explanation, in writing, of the Violation along with a plan for correcting the violation and preventing its recurrence. Said explanation and plan to be submitted within ten (10) working days.

-or-

- 2) Require the violator to attend a compliance meeting at the Authority where the explanation and plan shall be presented. Said meeting costs to be defrayed by a fee specified in the Authority's Fee for Service assessed to the noncompliant User.
- E) Note that submission of the plan in no way relieves the Discharger of liability for any Violations.
- F) Include a timeframe for correction of the Violation and follow-up by the Inspector to verify the return to compliance (this will also be noted on the IR).

Upon completion of the investigation, the Inspector may determine informal enforcement is appropriate to return the User to compliance. Typical violations addressed by informal enforcement action include interceptor pumpings, misplaced manifests, inadequate spill containment, flow meter installation, and IWMP/IMP revisions.

The general criteria for informal enforcement activity is: Isolated, no Harm; corrective action is within the ability and authority of the site manager; **corrective action can be completed within thirty (30) days**, and the User shows good faith efforts toward returning to compliance.

## 5. Updating the database.

Whenever enforcement activity occurs, the Inspector shall update the enforcement section of the source control database upon his/her return to the office. This shall include the Source Control Entry Log.

An enforcement entry shall include the Name, Address, and ID# of the User, the level of enforcement (e.g., Informal [1], NOV [2], AO [3], CIVIL [4], CRIMINAL [5], SNC [6]), a summary of the noncompliance, and a summary of division activity in response to the noncompliance.

6. Follow-up noncompliance.

Inspectors shall note due dates for completion of actions by the User and conduct follow-up or compliance inspections to verify and document resolution of noncompliance.

If the Violation exceeds the discharge limit, compliance shall be verified by collecting a compliance sample. Compliance samples shall be analyzed solely for those parameters previously identified as exceeding the standards.

**Enforcement Officer Responsibilities**

1. Respond to enforcement activity initiated by Inspectors.

The EO shall review CDOs, and assume responsibility for the implementation.

The EO shall review reports of Violations causing Harm or that are SNC, and assume responsibility for their resolution.

The EO may, as appropriate, issue a CDO.

The Order shall:

- A) Cite the authority under which the Order is issued.
- B) State the findings of noncompliance.
- C) Order the User to cease and desist discharging to the Authority's collection system.
- D) Describe how the User may appeal the Order.
- E) Include provisions that:
  - 1) Compliance with the terms and conditions of the AO shall not relieve the User of their obligation to comply with applicable federal, state, or local law.
  - 2) Violation of the AO may subject the User to all penalties available under Ordinance No. **SRRRA-2019-Z-Z**.
  - 3) No provision of the AO shall limit the Authority's authority to issue supplementary or additional Orders or take other action deemed necessary to implement its pretreatment program.

4) The Order shall be binding upon the User, its officers, directors, agents, employees, successors, assigns, and all persons, firms, and corporations acting under, through, or on behalf of the User.

The EO shall review draft NOVS, issue them, and assume responsibility for its resolution.

2. Review findings of Non-compliance.

Upon notification by the Inspector and/or receipt of the compliance history, the EO may, if appropriate, prepare a Show Cause Order for issuance by the Source Control Manager.

The order shall:

- A) Cite the authority under which the Order is issued.
- B) State the findings of Non-compliance.
- C) Order the User to appear at a stated time and place.
- D) State the proposed enforcement action, including any proposed fines.
- E) Require the User to explain the findings of noncompliance and show cause why the proposed enforcement action should not occur.
- F) Include provisions that:
  - 1) Compliance with the terms and conditions of the AO shall not relieve the User of its obligation to comply with applicable federal, state, or local law.
  - 2) Violation of the AO may subject the User to all penalties available under Ordinance No. **SRRRA-2019-Z-Z**.
  - 3) No provision of the AO shall limit the Authority's authority to issue supplementary or additional orders or take other action deemed necessary to implement its pretreatment program.
  - 4) The Order shall be binding upon the User, their officers, directors, agents, employees, successors, assigns, and all persons, firms, and corporations acting under, through, or on behalf of the User.

3. Investigate and document any additional findings.

On those occasions when the User elects to not cooperate in the conduct of the investigation, the EO shall review all available data on the User and may authorize surveillance of the User, including upstream/downstream monitoring in the collection system.

The EO may obtain and, in cooperation with the appropriate police authority, exercise an Inspection Warrant from the appropriate authority.

The EO shall ensure that a compliance history is prepared, detailing events surrounding the Non-compliance, describing the Non-compliance, and setting out the findings of the investigation of the Non-compliance.

4. Initiate, continue, escalate, or terminate enforcement activity.

Upon receipt of the explanation and plan to correct and prevent recurrence required by an NOV, the EO will evaluate the plan, documenting the evaluation in the User's file.

- If the plan is acceptable (addresses the Non-compliance, mitigates its impact, describes reasonable preventative measures, and sets forth a reasonable implementation schedule), EO will inform the User and monitor progress in an appropriate manner.
- If the plan is unacceptable, EO will inform the User, identifying those elements that require modification, and direct the modifications be submitted within five (5) working days of notification. If the modifications are unacceptable, or the User does not accomplish the plan, the EO may prepare a compliance history and issue a Show Cause Order.

Should the User choose to attend a Non-compliance meeting, the EO will schedule and chair said meeting. The User will be presented with the findings of Non-compliance by the Inspector and will then explain the Non-compliance and present a plan to correct and prevent its recurrence.

- If the plan is acceptable, the EO will enter it into the file and schedule a compliance inspection to verify successful accomplishment.
- If the plan is unacceptable, the EO will, with the assistance of the Inspector, negotiate a Consent Order with the User.

The EO may, as a result of a Non-compliance meeting, negotiate a Consent Order, prepare an AOC containing specific actions required of the User, along with specific dates for their accomplishment, or initiate an Administrative Hearing.

5. Assist the HO at hearings.

The EO shall ensure the HO is consulted for availability prior to serving a User with a Notice to Appear at an administrative hearing. At the hearing, the EO shall present the findings of Non-compliance and state the proposed enforcement action, including an appropriate penalty.

At the conclusion of the hearing, the EO shall prepare and issue, at the direction of the HO, the appropriate AO, including assessment of fines, or initiate control mechanism revocation proceedings, termination of sewer services, or prepare the file for remission to counsel for legal action.

### **Source Control Manager Responsibilities**

1. Review objections to NOVs, schedule and chair a hearing of the objection, and make a determination of the validity of the objection, either rescinding the NOV or denying the objection.
2. Review and issue AOs (CDOs, Compliance Orders, Show Cause Orders, Consent Orders).
3. Oversee the implementation of AOs (CDOs, Compliance Orders, Show Cause Orders, Consent Orders).
4. Assist the HO.
5. Review inspection records and establish a schedule of minimum frequencies for Authority routine inspection of significant industrial Users (SIU) (including those with zero discharge permits) and non-SIUs. SIUs shall be inspected a minimum of annually. The Source Control Manager shall establish the inspection schedule for non-SIUs on the basis of type of discharger, flow, discharge characteristics, potential for noncompliance, spill risks, past Discharger compliance, and potential for slug discharge.
6. Maintain and supervise a system for tracking submittal of required self-monitoring reports, scheduled compliance order milestones, and pending enforcement actions, and coordinate with the Inspector to update compliance records within the scheduling system.
7. Review inspection records, determine violators who are in SNC and annually publish the names of the SNC Dischargers in the largest circulating newspaper within the Authority service area.

### **Hearing Officer Responsibilities**

The Member Agency appointed as the Authority's Manager shall designate an HO, (whose decisions may be reviewed, upon appeal, by the Board) who shall:

1. Conduct administrative civil hearings that may result in issuance of an AO, along with fines appropriate to the noncompliance, in accordance with state law.
  - The HO shall employ the same criteria as the Inspector and the EO to determine the appropriate response to the noncompliance brought before him.
  - The HO shall decide, based on the findings of noncompliance and the User's report of mitigating circumstances, the appropriate action the Authority shall take.

## **ENFORCEMENT RESPONSES**

### **Discharger Actions Triggering Enforcement**

Enforcement actions will be initiated by the Authority when any of the following occurs:

- Any violation of federal Pretreatment Standards established within Title 40, Section 403 of the Code of Federal Regulations;
- Any violation of discharge requirements, prohibitions, narrative standards, local limits (including applicable BMPs), or monitoring or reporting requirements established within the Authority's Regulations for Waste Discharge and Sewer Use, as set forth in Ordinance No. **SRRRA-2019-Z-Z**;
- Any unauthorized discharge to the Authority's sewer system or failure to report a spill or unauthorized discharge;
- Any violation of any provision of Control Mechanisms issued by the Authority, including exceedance of a numerical effluent standard, failure to monitor correctly, failure to submit or properly certify required reports, or failure to renew a Discharger permit;
- Failure of a User to conform to requirements or compliance milestones established in AO;
- Any discharge that causes Harm to Authority facilities or personnel;
- Failure of a User to report a Violation of its permit;
- Failures of a User to keep required records or failure to report all monitoring data;
- Violation by a User of any requirements of waste discharge imposed by the California Regional Water Quality Control Board; or
- Falsification of records or reports.

### **Escalating Range of Enforcement Responses**

As set forth in Ordinance No. **SRRRA-2019-Z-Z**, a graduated range of responses are available to the Authority to enforce pretreatment and sewer use requirements, including:

- informal contacts;
- NOV;
- AO;
- administrative fines;
- termination of water/sewer service;
- civil litigation; and/or
- criminal prosecution.

Ordinance No. **SRRRA-2019-Z-Z** describes each of the enforcement mechanisms and establishes the Authority's legal authority to implement the mechanisms. In assessing the applicability of the available enforcement mechanisms, the Authority's enforcement objectives include:

- ensuring that violators return to compliance as quickly as possible;
- encouraging voluntary Discharger cooperation and compliance;
- penalizing and discouraging Discharger non-cooperation;
- preventing Harm to Authority facilities and the environment;
- deterring recurring Non-compliance or future Non-compliance; and
- recovering Authority expenses associated with Discharger Non-compliance.

In accordance with these objectives, the Authority will implement enforcement actions in consideration of the:

- magnitude of the Violation;
- duration of the Violation;
- effect of the Violation on compliance with the Authority's waste discharge requirements;
- effect or harm of the Violation to Authority wastewater facilities or operations, Authority personnel, the receiving water and environment, or the public;
- compliance history of the User; and
- good faith of the User.

Table 1 summarizes (in order of escalating severity) graduated levels of enforcement actions the Authority will pursue to secure compliance. Table 1 also summarizes circumstances applicable to the respective escalating enforcement actions.

Ordinance No. **SRRRA-2019-Z-Z** provides that the Administrator may take more than one (1) enforcement action against any noncompliant User and the Authority will pursue a succeeding (enhanced) level of enforcement if a given level of enforcement fails to achieve the compliance objective.

### **Enforcement Response Guide**

As a guide to the Authority's selection of appropriate enforcement actions, Table 2 summarizes a range of potential Non-compliance circumstances, including Non-compliance associated with unauthorized discharges, discharge permit Violations, monitoring and reporting Violations, and site inspection Violations. Table 2 also lists the recommended range of enforcement actions given the nature of the Violation and impact of the Non-compliance.

**Table 1**  
**SUMMARY OF ENFORCEMENT ACTIONS**  
**In Order of Escalating Level of Enforcement**

Enforcement Action	Description	Application
Member Agency Notification	Informing a Member Agency with jurisdiction over a User and requiring the Member Agency to begin enforcement action.	<p>Applicable where:</p> <ul style="list-style-type: none"> <li>• Discharger is cooperating and noncompliance is minor and unintentional</li> <li>• Noncompliance can be immediately remedied by the Discharger upon notification</li> <li>• Not appropriate for Significant Non-Compliance</li> </ul>
Informal Contact	May consist of face-to-face meeting, phone call or message, email or text message, or memorandum.	<p>Applicable where:</p> <ul style="list-style-type: none"> <li>• Discharger is cooperating and Non-compliance is minor and unintentional</li> <li>• Noncompliance can be immediately remedied by the Discharger upon notification</li> <li>• Inspector finds conditions that may threaten a future Violation</li> </ul>
Notice of Violation (NOV)	Formal Violation notice documenting Violation and detailing steps Discharger must take to comply. Details the steps the Authority has taken to attempt to coordinate with the Discharger to resolve the Non-compliance. Also details the steps the Discharger may take in order to contest the Violation.	Formal means of notifying Discharger of isolated or minor instances of Non-compliance. For more serious Violations or instances where harm to the SRWRF or environment may occur, the NOV may also identify follow-up compliance actions that are being considered or implemented by the Authority.
Administrative Order (AO)	<p><b>Consent Order</b>  Identifies the Non-compliance and a schedule for implementing compliance tasks agreed upon by the Authority and Discharger.</p>	Applicable in instances where the Discharger provides assurance of voluntary compliance and agrees on a plan and schedule to achieve compliance or implement required corrective action.
	<p><b>Show Cause Order</b>  Identifies the Non-compliance and specifies: (1) the time, place, and protocols for a formal hearing to address the Non-compliance, and/or (2) information required of the Discharger to show cause why the proposed enforcement action should not be taken.</p>	<p>Applicable in instances where:</p> <ul style="list-style-type: none"> <li>• an NOV fails to secure Discharger cooperation</li> <li>• the Discharger has not submitted a compliance plan, has submitted an incomplete or inadequate plan, or fails to execute a submitted plan</li> <li>• Non-compliance is recurring</li> <li>• the Discharger is in SNC</li> <li>• the discharge results or threatens to result in harm to the SRWRF or environment</li> </ul>

**Table 1**  
**SUMMARY OF ENFORCEMENT ACTIONS**  
**In Order of Escalating Level of Enforcement**

Enforcement Action	Description	Application
	<p><b>Compliance Order</b>  Identifies the Non-compliance, compliance measures or requirements, required compliance schedule, any required self-monitoring, any required BMPs, and requirements to mitigate Harm associated with the Non-compliance.</p>	<p>Applicable in instances where:</p> <ul style="list-style-type: none"> <li>• an NOV fails to secure Discharger cooperation</li> <li>• the Discharger fails to show cause why the enforcement action should not be taken</li> <li>• the Discharger has not submitted a compliance plan, has submitted an incomplete or inadequate plan, or fails to execute a submitted plan</li> <li>• Non-compliance is recurring</li> <li>• the Discharger is in SNC</li> <li>• the discharge results or threatens to result in harm to the SRWRF or environment</li> </ul>
	<p><b>Cease and Desist Order (CDO)</b>  Directs the User to cease Non-compliance or terminate their discharge. Identifies actions the Authority will take to terminate service in the event of continued Non-compliance.</p>	<p>Applicable in instances where the non-compliance is chronic and/or may result in significant Harm to the SRWRF or the environment.</p>
<p>Administrative Fines</p>	<p>Administrative monetary penalty assessed by the Authority subsequent to a show cause hearing. The administrative fine (not to exceed \$5,000 per day, per violation) is to be based on: (1) severity of the Violation and resulting Harm; (2) economic benefits of Non-compliance; (3) Discharger cooperation; (4) Authority cost-recovery needs; and (5) payment penalties.</p>	<p>Applicable to circumstances where Violations continue after the show cause hearing, when Dischargers (without good cause) fail to make important AO schedules, or where the Non-compliance results in or threatens to result in harm to the POWTW or environment.</p>
<p>Service Termination</p>	<p>Terminating water and/or wastewater service.</p>	<p>Applicable in circumstances where:</p> <ul style="list-style-type: none"> <li>• Emergency conditions occur</li> <li>• Violations threaten health, safety, or the environment and the Discharger does not cooperate to terminate the discharge</li> <li>• Significant and recurring Discharger Non-compliance occurs, and the Discharger consistently (without good cause) fails to comply with applicable Authority requirements or AO provisions</li> </ul>

**Table 1**  
**SUMMARY OF ENFORCEMENT ACTIONS**  
**In Order of Escalating Level of Enforcement**

Enforcement Action	Description	Application
Civil Litigation	<p><b>Consent Decrees</b>            Court-enforced agreement between the User and Authority after the Authority has filed a civil lawsuit.</p>	<p>Applicable in instances where the Discharger is willing to acknowledge and correct the Non-compliance, commit to a compliance schedule, and agrees with the Authority on a civil monetary penalty.</p>
	<p><b>Civil Penalties</b>            Civil lawsuit brought by the Authority to compensate the Authority against damages caused by the noncompliant User, recover Authority costs, recover unpaid penalties, or enforce Authority compliance actions.</p>	<p>Applicable in circumstances where:</p> <ul style="list-style-type: none"> <li>• Authority facilities or operations suffer Harm or damage as a result of the User's Non-compliance,</li> <li>• the User's Non-compliance results in the Authority being assessed civil administrative liability by the Regional Water Quality Control Board or EPA</li> <li>• the User refuses to pay assessed administrative fines</li> <li>• the User consistently refuses to acknowledge or respond to Authority administrative enforcement actions</li> </ul>
Criminal Prosecution	<p>Authority requests District Attorney to pursue criminal prosecution and provides District Attorney with evidence of User's malfeasance.</p>	<p>Applicable in circumstances where Dischargers or their representative commit misdemeanors or felonies, including, but not limited to, report falsification, perjury, intentional negligence, etc.</p>

**Table 2  
ENFORCEMENT RESPONSE GUIDE**

**Unauthorized Discharges (No Control Mechanism)**

<b>Noncompliance</b>	<b>Nature of Violation</b>	<b>Impact of Violation</b>	<b>Range of Enforcement Responses</b>
Unauthorized/Unpermitted Discharge	Isolated instance of Non-compliance; User unaware of the requirement	No Harm to the SRWRF or the environment	Informal Authority communications with Discharger (INFORMAL)
		Potential Harm to the SRWRF or the environment	NOV
	Recurring discharge; Failure to apply for discharge permit continues after notice by the SRWRF	No Harm to the SRWRF or the environment	NOV, AO
		Potential Harm to the SRWRF or the environment	NOV, AO, Administrative Fines (FINES), Civil Lawsuit (CIVIL)
Failure to renew discharge permit	User has not submitted application within ten (10) days of due date	No Harm to the SRWRF or the environment	INFORMAL
	User does not submit application for renewal within thirty (30) days of receipt of notice from Authority	No Harm to the SRWRF or the environment	NOV, AO
	User does not submit application for renewal within thirty (30) days of receipt of NOV or AO	No Harm to the SRWRF or the environment	NOV, FINES
		Potential Harm to the SRWRF or the environment	FINES, CIVIL, Termination of Water or Sewer Service (TERMINATION)
Exceedance of local or federal standard (numerical permit limit, narrative standard, or BMPs)	Isolated Exceedance, not significant (reported value near permit limit)	No Harm to the SRWRF or the environment	NOV
		No Harm to the SRWRF or the environment	NOV
	Isolated but significant Exceedance (reported value significantly in excess of permit limit)	Potential Harm to the SRWRF or the environment	NOV, AO, FINES, CIVIL
		Recurring Exceedance	No Harm to the SRWRF or the environment
Potential Harm to the SRWRF or the environment	NOV, AO, FINES, CIVIL		
Noncompliance with discharge permit provisions or prohibitions	Initial Violation	No Harm to the SRWRF or the environment	NOV, AO
	Recurring Violation	Potential Harm to the SRWRF or the environment	AO, FINES, CIVIL, TERMINATION

**Table 2**  
**ENFORCEMENT RESPONSE GUIDE**  
**Unauthorized Discharges (No Control Mechanism)**

Noncompliance	Nature of Violation	Impact of Violation	Range of Enforcement Responses
Failure to mitigate Non-compliance or halt production in accordance with NOV or AO	Initial failure to comply	No Harm to the SRWRF or the environment	Revised AO, NOV
		Potential Harm to the SRWRF or the environment	Revised AO, FINES
	Recurring failure to comply	No Harm to the SRWRF or the environment	FINES, CIVIL, TERMINATION
		Potential Harm to the SRWRF or the environment	FINES, CIVIL, TERMINATION
Failure to operate and maintain pretreatment facility or equipment	Initial failure to comply	No Harm to the SRWRF or the environment	INFORMAL, NOV
		Potential Harm to the SRWRF or the environment	NOV
	Recurring failure to comply	No Harm to the SRWRF or the environment	NOV, AO
		Potential Harm to the SRWRF or the environment	AO, FINES, CIVIL, TERMINATION
Reporting Violation	Report is improperly signed or certified	Isolated delay in certifying report	INFORMAL, NOV
	Report is improperly signed or certified after notice by SRWRF	Delay in certifying report	AO, FINES
	Isolated instance of late report (e.g. less than five (5) days late)	Delay in Authority receipt of report	INFORMAL
	Report is significantly late (e.g. thirty (30) days or more late)	Significant delay in Authority receipt of report	NOV
	Reports are consistently late or no reports at all	Potential Harm to the SRWRF or the environment	AO, FINES, CIVIL
	Isolated failure to report spill or changed discharge	No Harm to the SRWRF or the environment	NOV
		Potential Harm to the SRWRF or the environment	NOV, AO to develop spill prevention plan, FINES, CIVIL
	Repeated failure to report spills	Potential Harm to the SRWRF or the environment	NOV, AO, FINES, CIVIL
	Falsification of reports or evidence of intent to submit incorrect information	Potential Harm to the SRWRF or the environment	NOV, FINES, CIVIL, CRIMINAL

**Table 2**  
**ENFORCEMENT RESPONSE GUIDE**  
**Unauthorized Discharges (No Control Mechanism)**

<b>Noncompliance</b>	<b>Nature of Violation</b>	<b>Impact of Violation</b>	<b>Range of Enforcement Responses</b>
Failure to monitor correctly	Isolated, unintentional failure to monitor required pollutants	No Harm to the SRWRF or the environment	INFORMAL, NOV
	Recurring failure to monitor	No Harm to the SRWRF or the environment	NOV, AO
		Potential Harm to the SRWRF or the environment	NOV, AO, FINES, CIVIL
	Evidence of intent for conducting improper sampling	Potential Harm to the SRWRF or the environment	NOV, FINES, CIVIL, CRIMINAL
Failure to install monitoring equipment	Isolated delay of less than thirty (30) days	No Harm to the SRWRF or the environment	INFORMAL
		Potential Harm to the SRWRF or the environment	NOV, AO
	Recurring delay of more than thirty (30) days after receipt of NOV	No Harm to the SRWRF or the environment	NOV, AO, FINES, CIVIL
		Potential Harm to the SRWRF or the environment	AO, FINES, CIVIL
	Recurring violation of AO	No Harm to the SRWRF or the environment	Revised AO, FINES, CIVIL
		Potential Harm to the SRWRF or the environment	FINES, CIVIL, TERMINATION
Compliance Schedules (in permit)	Isolated instance of missed milestone by less than thirty (30) days; final milestone not impacted	Isolated Non-compliance, no Harm to the SRWRF or the environment	NOV
	Missed milestone by more than thirty (30) days or will affect final milestone (good cause for delay)	No Harm to the SRWRF or the environment	NOV
		Harm to the SRWRF or the environment	AO
	Missed milestone by more than thirty (30) days or will affect final milestone (no good cause for delay)	No Harm to the SRWRF or the environment	NOV, AO, FINES
		Harm to the SRWRF or the environment	AO, FINES, CIVIL
		Recurring Non-compliance with schedule in AO	FINES, CIVIL, TERMINATION
Entry or records inspection denial	Initial failure to grant access	Inspection delayed less than one (1) hour	INFORMAL
		Inspection delayed more than one (1) hour or rescheduled	NOV
	Repeated failure to grant access	Inspection denied	Obtain Warrant, CIVIL, TERMINATION

**Table 2**  
**ENFORCEMENT RESPONSE GUIDE**  
**Unauthorized Discharges (No Control Mechanism)**

Noncompliance	Nature of Violation	Impact of Violation	Range of Enforcement Responses
Illegal Discharge	Isolated accidental discharge; no intent	No Harm to the SRWRF or the environment	NOV
		Harm to the SRWRF or the environment	NOV, AO
	Isolated intentional discharge	No Harm to the SRWRF or the environment	NOV, AO, CIVIL
		Harm to the SRWRF or the environment	NOV, AO, CIVIL, TERMINATION
	Recurring discharge with evidence of intent or negligence	No Harm to the SRWRF or the environment	AO, TERMINATION CIVIL,
		Harm to the SRWRF or the environment	AO, TERMINATION CIVIL,
Violation of AO	Unintentional Non-compliance or good cause for delay	No Harm to the SRWRF or the environment	INFORMAL
		Harm to the SRWRF or the environment	NOV, Revised AO
	No good cause for delay or Non-compliance	No Harm to the SRWRF or the environment	Revised AO, CIVIL
		Harm to the SRWRF or the environment	CIVIL, TERMINATION
Improper sampling	Isolated unintentional sampling using incorrect location, methods, or sampling types	No Harm to the SRWRF or the environment	INFORMAL, NOV
		Harm to the SRWRF or the environment	NOV, CIVIL
	Recurring improper sampling with evidence of intent	No evidence of intent	NOV, AO, CIVIL
		Evidence of intent	CRIMINAL
Inadequate record keeping	Isolated episode of incomplete or missing files (no evidence of intent)	No Harm to the SRWRF or the environment	INFORMAL, NOV
		Harm to the SRWRF or the environment	NOV, AO
	Recurring incomplete or missing files	No evidence of intent	NOV, AO, CIVIL
		Evidence of intent	CRIMINAL

**Table 2**  
**ENFORCEMENT RESPONSE GUIDE**  
**Unauthorized Discharges (No Control Mechanism)**

Noncompliance	Nature of Violation	Impact of Violation	Range of Enforcement Responses
Failure to report additional monitoring	Isolated accidental or unintentional failure	No Harm to the SRWRF or the environment	INFORMAL, NOV
		Harm to the SRWRF or the environment	NOV, AO
	Recurring or intentional failure	No Harm to the SRWRF or the environment	NOV, AO, CIVIL, CRIMINAL
		Harm to the SRWRF or the environment	NOV, AO, CIVIL, CRIMINAL

## **Enforcement Implementation Schedule**

The Authority will endeavor to implement enforcement actions in a timely manner. Table 3 presents a target schedule guide for implementing the escalating range of enforcement actions.

**Table 3**  
**ENFORCEMENT IMPLEMENTATION SCHEDULE GUIDE**

<b>Enforcement Action</b>	<b>Recommended Implementation Schedule</b>
Member Agency Notification	Immediate: The Authority will endeavor to contact the Member Agency with jurisdiction over the Discharger immediately (or as soon as practical) upon finding of Non-compliance or threatened Non-compliance. In any circumstance, notification should occur no more than twenty-four (24) hours after the finding of Non-compliance or threatened Non-compliance.
Informal Contact	Immediate: The Authority will endeavor to contact Dischargers immediately (or as soon as practical) upon finding of Non-compliance or threatened Non-compliance. In any circumstance, notification should occur no more than forty-eight (48) hours after the finding of Non-compliance or threatened Non-compliance.
NOV	Authority to issue NOV as soon as practicable. The Authority will endeavor to issue the NOV within ten (10) business days of the time the Authority becomes aware of the Non-compliance.
Show Cause Order	To be issued as soon as practicable and not later than thirty (30) days after the Authority determines that the issuance of a NOV is unlikely to result in the Discharger achieving compliance. Initial enforcement responses (involving contact with the User and requesting information on corrective or preventative action(s)) will occur within fifteen (15) days of Violation detection.
Compliance Order, CDO Order, or Administrative Fine	To be issued as soon as practicable, not later than thirty (30) days after the Show Cause hearing. Follow-up actions for continuing or recurring Violations will be taken within sixty (60) days of the initial enforcement response. All Violations meeting the criteria for significant Non-compliance will be addressed with an enforceable order within thirty (30) days of the identification of SNC.
Civil Litigation	Schedule to be addressed on a case-by-case basis in consultation with Authority legal representatives and the Authority Board.
Criminal Prosecution	Schedule to be addressed on a case-by-case basis in consultation with the Authority Board and County of Riverside District Attorney.
Publication of SNC Dischargers	In accordance with Authority Ordinance No. <b>SRRRA-2019-Z-Z</b> the Authority shall annually cause to be published the names of all Users in SNC. Said publication shall be made in the newspaper of the largest daily circulation published in the Authority's service area.

**Enforcement Implementation Responsibilities**

All Authority enforcement will be conducted under the direction of the Administrator, in consultation with the Authority’s Board. Table 4 summarizes enforcement authorities and responsibilities of each enforcement officer.

**Table 4  
Enforcement Matrix (showing Title and Action Allowed)**

Officer	Member Agency Notification	Informal	NOV	Administrative Orders (AO)				Civil Action	Criminal Complaint	Terminate Service
				CDO	Consent Order	Show Cause	Compliance Order			
Inspector	I, C	I, C	I	I						
Enforcement Officer (EO)			C, S	I, C	I, C	I, C	I, C			
Source Control Manager				S	S	S	S	I, C	I, C	I, C
Hearing Officer (HO)								S	S	S
Administrator			I, C, S							

I – initiate      S – sign      C – carry out actions