

## ENFORCEMENT RESPONSE PLAN

This Enforcement Response Plan provides broad guidelines for responses for noncompliance with the City of Columbia Wastewater Pretreatment Program. The City of Columbia may find it necessary to deviate from or make exceptions to the recommended range of responses for noncompliance as the circumstances may warrant.

Pursuant to Section 23-101 of the City of Columbia's Sewer Use Ordinance and 40 CFR 403.8(f)(2)(viii), any one of the following situations described below will be considered significant noncompliance (SNC). Where SNC is noted in the Enforcement Response Table, it may refer to any of the following items:

(1) Chronic violations in which 66 percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of exceedance) including instantaneous limits, as defined by 40 CFR 403.3(1);

---

(2) Technical review criteria violations in which 33 percent or more of the measurements exceed the same daily maximum limit or the same average limit including instantaneous limits, as defined by 40 CFR 403.3(1), b more than 1.4 or 40 percent fo\*\* conventional pollutants (BOD, TSS, and fat, oil and grease) or more than 1.2 or 20 percent for all other pollutants, in a six-month period;

---

(3) Any other violation of an effluent limit (average or daily maximum, instantaneous limit, or narrative standard) that the control authority believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through or endangered the health of sewage treatment personnel or the public;

---

(4) Any discharge of a public pollutant which has caused imminent endangerment to human health or welfare or to the environment and resulted in action by the approving authority to halt or prevent such a discharge;

---

(5) Violations of compliance schedule milestones contained in a local control mechanism or enforcement order for starting construction, completing construction and attaining compliance by 90 days or more after the schedule date;

---

(6) Failure to provide reports for compliance schedules, self-monitoring data or categorical standards (baseline monitoring reports, 90-day compliance reports and periodic reports) within 30 days from the due date;

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations which the approving authority considers to be significant.

~~Pursuant to 40 CFR 403.8(f)(2)(vii), a listing of regulated discharges in significant non-compliance is published annually in The State newspaper. Regulated dischargers in SNC are to be reported to DHEC and/or EPA under 40 CFR 403.12(i)(2) as well as being published in The State Newspaper pursuant to 40 CFR 403.8(f)(2)(viii).~~

\* Any reference herein to Operations Division Administrator (EOM) shall mean the Engineering Operations Manager or his/her designee.

\*\* Any reference herein to City Attorney (CA) shall mean the City Attorney of Columbia, South Carolina or his/her designee excepting, however, responses for any violations that occur within West Columbia's jurisdictional boundaries requiring legal authority provided for in the West Columbia Code of Ordinances will be in accordance with Joint Resolution and Agreement for Operation and Enforcement of Industrial Pretreatment Program between the City of Columbia and the City of West Columbia.

Noncompliance	Circumstances	Range of Responses	Responsible Personnel
I. Unauthorized Discharges			
Discharge without a permit <del>or approval</del>	<del>Discharger unaware of permit requirement, no apparent environmental impact or POTW damage.</del> All Circumstances.	Documented Phone Call (DPC); Notice of Violation (NOV)	Engineering Operations Manager (EOM); City Attorney (CA)

	<del>Discharger aware of permit requirement but willfully refuses to comply.</del>	<del>Informal Conference (IC); Termination of Service (TOS); Revocation of Permit (RP); Show Cause Hearing/Civil Penalties (CP); Criminal Prosecution (P)</del>	<del>EOM; CA</del>
	<del>Discharger results in environmental impact, violation of POTW NPDES permit or dangerous situation</del>	<del>Informal Conference (IC); Termination of Service (TOS); Revocation of Permit (RP); Show Cause Hearing/Civil Penalties (CP); Criminal Prosecution (P)</del>	<del>EOM; CA</del>
	Violation(s) that are Significant Non-Compliance (SNC)	<del>IC</del> ; Termination of Service (TOS); Revocation of Permit (RP); Show Cause Hearing/Civil Penalties (CP); Prosecution (P)	EOM; CA
Discharge without a current permit	Discharger fails to apply for permit renewal, no apparent environmental or POTW damage	DPC; NOV	EOM
	Discharger fails to apply for permit renewal, discharge results in environmental impact, violation of POTW NPDES Permit or dangerous situation	Informal Conference (IC); TOS; RP; CP; P	EOM; CA

	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA
II. Pretreatment Limitations Violations			
Discharger exceeds one or more permit limitations	Isolated violation which does not place discharger in SNC	DPC; NOV which requires Compliance Plan	EOM
	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA
	Violation results in apparent environmental impact, violation of POTW NPDES Permit or dangerous situation	NOV which requires formal Compliance Schedule; <del>IC</del> ; TOS; RP; CP; P	EOM; CA
	<del>Violation(s) that are SNC</del>	<del>IC; TOS; RP; CP; P</del>	
Slug Load Discharge	Isolated, no apparent environmental or POTW damage	DPC; NOV	EOM
	Recurring, no apparent environmental or POTW damage	NOV; IC; TOS;	EOM; CA
	Discharge results in environmental impact, violation of POTW NPDES Permit or dangerous situation	<del>IC</del> ; TOS; RP; CP; P	EOM; CA

	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA
Dilution in lieu of treatment	Isolated case with no apparent willful attempt	DPC; NOV	EOM
	Deliberate and/or continued use of dilution as a substitute for treatment	IC; TOS; RP; CP; P	EOM; CA
	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA
III. Sampling, Monitoring and Reporting Violations			
Failure to sample, monitor, report or notify	Isolated or Infrequent	DPC; NOV; <del>IC; TOS; RP; CP; P</del>	EOM
	Frequent or Continuous	IC; TOS; RP; CP; P	EOM; CA
	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA
Failure to sign or certify reports	Isolated or Infrequent	DPC; NOV	EOM
	Frequent or continuous	DPC; NOV; IC; TOS; RP	EOM; CA
	Violation(s) that are SNC	IC; TOS; RP; CP; P	EOM; CA
Failure to provide reports within 30 days after due date or the date the report was returned to the IU for resubmission	Report not submitted within 30 days after due date	NOV; IC; TOS; CP	EOM; CA

	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA
Failure to monitor, analyze, report or notify	IU does not respond to specific actions required by control authority	IC; TOS; CP	EOM
	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA
Failure to notify of non-compliance detected during self monitoring activities	Isolated or infrequent no impact to POTW or environment	DPC; NOV	EOM
	Frequent or continuous	NOV; IC; TOS	EOM; CA
	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA
Minor sampling, monitoring, analysis, reporting or notification deficiencies (calculations; quantitative detection levels greater than permit limitation, data recording errors)	Isolated or infrequent	NOV	EOM
	Frequent or continuous	NOV; IC; TOS	EOM; CA
	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA

Major or gross sampling, monitoring, analysis, reporting or notification deficiencies	Isolated or infrequent	NOV	EOM
	Frequent or continuous	NOV; IC	EOM
	Remains uncorrected for 30 days or more	TOS; RP	
	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA
Failure to notify or slug discharge	Isolated or infrequent no impacts to POTW, environment or public safety	NOV	EOM
Failure to notify of slug discharge	Frequent or continuous impact to POTW, environment or public safety	<del>IC</del> ; TOS; RP; CP; P	EOM; CA
	Violation(s) that are SNC	IC; TOS; RP; CP; P	EOM; CA
Failure to report Qualitative/Quantitative change in discharge	Isolated or, infrequent. No impact to POTW, environment or public safety	NOV	EOM
	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA
Failure to report Quantitative/Qualitative change in discharge	Frequent or continuous impact to POTW, environment, or public safety	<del>IC</del> ; TOS; RP; CP; P	EOM; CA

	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA
Intentional Falsification of Report.	<del>Isolated or Infrequent</del> All circumstances.	<del>IC; TOS; RP; CP; P</del>	EOM; CA
	<del>Frequent or Continuous</del>	<del>IC; TOS; RP; CP; P</del>	<del>EOM; CA</del>
	<del>Violation(s) that are SNC</del>	<del>IC; TOS; RP; CP; P</del>	
IV. Compliance Schedule Violations			
Failure to submit schedule of compliance	Violation of NOV requiring informal compliance plan	<del>NOV</del> ; IC; TOS; RP	EOM; CA
	Violation of NOV; AO or CPA requiring compliance schedule	TOS; RP; CP	EOM; CA
	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA
Missed interim date	Will not affect other interim dates or final date	DPC; NOV	EOM; CA
	Will affect other interim dates or final date for good cause	NOV	EOM
	Will affect other interim dates or final date not for good cause	NOV; IC; TOS; RP; CP	EOM; CA
	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA

Missed final date	With good cause	NOV	EOM
	Not with good cause or 30 or more days late but actively pursuing completion	NOV; IC; TOS; RP; CP	EOM; CA
	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP	EOM; CA
Full and willful failure to complete compliance schedule	Missed final date 30 or more days without good cause and not actively pursuing completion	IC; TOS; RP; CP; P	EOM; CA
	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA
V. Noncompliance detected through sampling and/or field inspections or investigations			
Minor violation of permit condition	No apparent evidence of negligence or intent	Documented Interview; DPC; NOV	EOM
	Evidence of negligence or intent	NOV; IC; TOS; RP	EOM; CA
	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA
Major violation of permit	No apparent evidence of negligence or intent	NOV	EOM

Full and willful failure to complete compliance schedule	Missed final date 30 or more days without good cause and not actively pursuing completion	IC; TOS; RP; CP	EOM; CA
	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA
Without good cause	All circumstances.	IC; Obtain Court Order	EOM; CA
	Violation(s) that are SNC	<del>IC</del> ; TOS; RP; CP; P	EOM; CA

Blue font are language provided by an outside engineering firm in January 2009

Red font are language / edits provided by EPA in August 2009

Green font are language City staff provided for clarification purposes.