

**CITY OF CRYSTAL LAKE  
ILLINOIS  
INDUSTRIAL PRETREATMENT PROGRAM  
ENFORCEMENT RESPONSE PLAN**

**INVESTIGATION METHODS OF NONCOMPLIANCE**

Industrial pretreatment staff for the City of Crystal Lake (City) uses several methods to investigate noncompliance by an industrial user. The methods include, but are not limited to:

1. Self-monitoring reports from industrial users
2. Unannounced monitoring reports
3. Site inspections
4. Discharge permit application review

Self-monitoring data is required of all permitted significant industrial users (SIUs) and all permitted industrial users. The periodic compliance reports (sample reports) are required a minimum of twice a year. Report due dates and sampling parameters are contained in the SIUs Discharge Permit (Permit). If violations are discovered in any sample report the SIU is to notify the City once becoming aware of such violations. The SIU is to review its operations and conduct resampling for those parameters found to be in violation of federal and local limits. A report containing an explanation of the violations(s), a plan to remedy the same and resampling data should be submitted to the City within 30 days. If the report indicates noncompliance still exists the City may initiate Administrative Proceedings in-order to bring about compliance.

Unannounced monitoring of an SIU or Industrial User (IU) is done by the City of Crystal Lake. The SIU or IU is not notified prior to the start of the sampling process. In many cases the SIU maybe unaware of such monitoring until the City sends the sample report to the Industrial User. If violations are found in reports, resampling becomes necessary. The unannounced monitoring is done a minimum of twice a year, but may be done more frequently if deemed necessary by the City. All costs associated with sampling and analysis will be charged to the Industrial User according to the City's fee schedule.

Site inspections are done for each permittee a minimum of once annually, although the City may conduct inspections at any industrial user's site at any time. A minimum of one announced inspection is conducted annually where the SIU is notified prior to the visit. The City is flexible in working with industry to schedule the inspections. The City also may, at its discretion, conduct an unannounced inspection. The inspections are used to verify progress status of compliance schedules, verify information contained in the permit applications, general operational procedures, observe any improper activity at the site, etc. If any noncompliant activity is discovered during the inspection, the City may address that issue at that time or may implement other formal enforcement actions (NOV, Administrative Order, Compliance Order, Cease and Desist Order, etc.) depending on the

severity of the violation. All inspections are documented in a standard inspection report form.

### **TYPES OF ESCALATING ENFORCEMENT RESPONSES**

The following are some types of enforcement options used to help bring a discharger into compliance:

Site Visit – A visit to the discharger to discuss a problem. A routine site inspection may also be done at this time.

Verbal Telephone Notice – This is used when a very minor infraction is encountered. A phone call is placed to the discharger’s pretreatment contact.

Notice of Violation – A Notice of Violation (NOV) is a written notice issued by the Superintendent or his designee stating that the POTW has observed the violation of discharge and or pretreatment standards or requirements and expects the non-compliance to be corrected and explained, together with a statement that additional enforcement action may be pursued if corrections are not accomplished in a timely manner. An NOV shall also state that an explanation of the violation does not excuse it of any previous violations. Nothing in this section shall limit the authority of the Superintendent or his designee to take any action, including emergency actions or any other enforcement action, without first issuing a NOV.

Consent Order – The Superintendent or his designee may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders and shall be judicially enforceable.

Show Cause Hearing – The Superintendent or his designee may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent or his designee and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered certified mail at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

Compliance Orders – When the Superintendent or his designee finds that a discharger has violated or continues to violate the Ordinance, Permit or Order issued hereunder, or any

other pretreatment standard of requirement, he may issue an order directing the discharger to come into compliance within a set date. If the industry does not come into compliance within that date, sewer service shall be disconnected unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance Orders may also contain other requirements to address noncompliance, including additional self-monitoring and best management practice plans designed to minimize the amount of pollutants discharged to the sewer.

Administrative Order- The Superintendent or his designee may require by Administrative Order that any Industrial User violating these Regulations, the terms of a Wastewater Discharge Permit, or any other pretreatment requirements, shall immediately correct the violation or shall submit a plan for the satisfactory correction of the violation. The Superintendent or his designee may order a suspension or limitation of service during any period necessary for such correction.

Cease and Desist Orders – When the Superintendent or his designee finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user’s past violations are likely to recur, The Superintendent or his designee may issue a order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements, and
- B. Take such appropriate remedial or preventative action, as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

Administrative Fines - Notwithstanding any other section of the Ordinance, any discharger found to have violated any provision of the Ordinance, Permit, Orders issued hereunder or any other pretreatment standards or requirement may be fined in a amount up to one thousand dollars (\$1,000.00) per day, per violation, per discharge limit. Fines shall be assessed for each day during the period of violation.

Litigation – Litigation is used to define other courses of action, including civil action or suits for injunctive relief and/or civil penalties, criminal suits, termination of service, etc. These types of actions would involve the court system would follow the procedures necessary for due process.

### **SIGNIFICANT NONCOMPLIANCE**

Instances of Significant Noncompliance (SNC) are Industrial User Violations that meet one or more of the following criteria:

1. Violations of wastewater discharge limits  
**Chronic Violations.** Sixty-six percent (66%) or more of the all measurements taken during a six month window exceed the daily maximum or the average limit for the same pollutant parameter.  
  
**Technical Review Criteria (TRC).** Thirty-three percent (33%) or more of all the measurements taken during a six month window exceed the product of the daily maximum limit or the average limit multiplied by the appropriate TRC. (TRC= 1.4 for BOD, TSS, fats oil and grease and 1.2 for all other pollutants except ph).
2. Any other violation or violations of an effluent limit (average or daily maximum) that the Superintendent believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass through; or endangered the health of the sewage treatment personnel or the public.
3. Any discharge of a pollutant which has caused imminent endangerment to human health/welfare or to the environment and results in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
4. Violation of compliance schedule milestones, contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.
5. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, and periodic compliance reports) within 30 days from due date.
6. Failure to accurately report noncompliance.
7. Any other violation or group of violations that the Superintendent considers to be significant.

The enforcement response actions previously mentioned are not exclusive remedies. The City reserves the right to take any, all, or a combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's Enforcement Response Plan (ERP). However, the City reserves the right to take other action against any user when the circumstances warrant.

Further, the City is empowered to take more than one enforcement action against any noncompliant discharger. These actions may be taken concurrently.

### **TYPES OF ENFORCEMENT RESPONSES**

**SV –Site Visit**

**VTN – Verbal Telephone Notice**

**NOV – Notice of Violation**

**CO – Consent Order**

**SCH – Show Cause Hearing**

**CDO – Cease and Desist Order**

**AF – Administrative Fines**

**LIT – Litigation**

**AO- Administrative Order**

### **STAFF DEFINITIONS**

**CM- City Manager**

**CA- City Attorney**

**PWD- Public Works Director**

**S- Wastewater Division Superintendent (or his designee)**

**PC- Pretreatment Coordinator**

### **INDUSTRIAL WASTEWATER SURVEY**

When requested by the Superintendent or his designee industrial, commercial and retail (food prep) users must submit information on the nature and characteristics of their

wastewater by completing a wastewater survey prior to commencing their discharge. The Superintendent is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete the survey shall be responsible grounds for terminating service to the industrial user and shall be considered a violation of the Ordinance.

The City may utilize a number of different resources in identifying new industrial discharges. Some resources may include: listing in the yellow pages, inquires/complaints from citizens, referrals from other agencies, new billing accounts for water/sewer user, newspaper articles, previous survey results.

Once a discharger of interest is discovered a phone call to the user is made explaining the pretreatment program. A discharge permit application is given to the industry and an initial site inspection is conducted. If the inspection or application indicates the need to be monitored/permitted due to federal categorical, state or local discharge criteria the permitting process is implemented.

Effective Date: June 5, 2007

28-Mar-07

City of Crystal Lake  
Enforcement Response Plan

UNAUTHORIZED DISCHARGE			
Noncompliance	Nature of violation	Range of enforcement action(s)	Personnel
1. Unpermitted discharge (permit required)	IU unaware of requirement No harm to POTW and, or environment.	SV, NOV application form.	PC, S
	Harm to POTW/ environment	CO, CDO, Apply fine up to \$1,000.00 day/violation application form LIT (cost recovery) Public Notice	S PWD, PC CA, CM
	Noncompliance with order to submit application.	CO, AO, SCH Apply fine up to \$1,000.00 day/violation	S PWD, PC
2. Failure to renew	Failure to submit application 180 days prior to expiration of current permit.	Notice of Violation (NOV)	PC, S
	Failure to apply continues after notice by the POTW	NOV with fine,AO, CO Apply fine up to \$1,000.00 day/violation Public Notice	S PWD, PC
3. Slug Flow	No harm to POTW, environment or human health	Notice of Violation (NOV)	PC, S
	Harm to POTW, environment or human health.	NOV with fine up to \$1000.00 day/violation CO, CDO LIT (cost recovery), Criminal investigation Public Notice	S PWD, PC CA, CM

DISCHARGE LIMIT VIOLATION			
Noncompliance	Nature of violation	Range of enforcement action(s)	Personnel
1. Exceedance of local or Federal Standard (permit limits)	Individual or monthly No harm to POTW, environment human health.	Notice of Violation (NOV). Corrective action plan if needed. NOV with fine up to \$1,000.00 day/violation	PC, S
	Harm to POTW, environment human health.	CO, CDO, Apply fine up to \$1,000.00 day/violation NOV with fine up to \$1,000.00 day/violation LIT (cost recovery), Criminal investigation Public Notice	S PWD, PC CA, CM
	Significant Noncompliance. IU meets SNC criteria under 40CFR Part 403.	Public Notice AO, CDO, SCH, LIT Apply fine up to \$1,000.00 day/violation	S PWD, PC CA, CM

MONITORING AND REPORTING VIOLATIONS			
Noncompliance	Nature of violation	Range of enforcement action(s)	Personnel
1. Reporting Violation.	Report is improperly signed or certified.	Phone contact or Notice of Violation (NOV)	PC, S
	Report is improperly signed or certified after notice by POTW	NOV with fine up to \$1,000.00 day/violation	S PWD, PC
	Late 5 days or less, isolated incident	Phone contact or Notice of Violation (NOV)	PC, S
	Late 5 days or less Not isolated incident Reports are repeatedly late even after notification by POTW.	NOV NOV with fine up to \$1,000.00 day/violation Public Notice	S PWD, PC
	Late 31 days or more after due date.	NOV with fine up to \$1,000.00 day/violation Public Notice	S PWD, PC
	Reports are continually late more than 31 days or failure to submit reports	AO, CO NOV with fine up to \$1,000.00 day/violation Public Notice Civil action	S CA, PWD, PC CM

MONITORING AND REPORTING VIOLATIONS			
Noncompliance	Nature of violation	Range of enforcement action(s)	Personnel
	Incomplete for discharge parameter omission (isolated)	Notice of Violation (NOV). Phone call	PC, S
	Incomplete data or omission continues after notification or (IU meets SNC criteria under 40 CFR Part 403)	Public Notice AO, CDO, SCH, LIT Apply fine up to \$1,000.00 day/violation	S PWD PC CM, CA
	Falsification	NOV, AO, CO refer to City Attorney for criminal investigation Possible termination of service or revocation of discharge permit Public Notice	S CA, CM, PWD, PC
2. Failure to adhere to compliance schedule. (in control document, permit or order)	Missed milestone by less than 30 days	NOV	PC, S
	Missed milestone by more than 30 days	NOV, CO Public Notice Apply fine up to \$1,000.00 day/violation	S PWD, CM, PC
	Failure to meet final compliance date	CO, AO, SCH NOV with fine up to \$1,000.00 day/violation Public Notice LIT	S PWD, CM, PC CA
3. Failure to notify	Failure to report spill or change in discharge	CO, AO NOV with fine up to \$1,000.00 day/violation SCH, LIT	PC, S CM, CA, PWD
4. Failure to monitor correctly	Incorrect sample location, incorrect sample type, incorrect sample collection techniques or incorrect sample analysis	NOV with proper resampling including sample analysis NOV with fine up to \$1,000.00 day/violation	PC, S
5. Failure to report additional monitoring	POTW inspections finds additional monitoring files	Notice of Violation (NOV) with request to submit additional monitoring data.	PC, S

OTHER PERMIT VIOLATIONS			
Noncompliance	Nature of violation	Range of enforcement action(s)	Personnel
1. Wastestreams are diluted to achieve discharge limits	Dilution	NOV, CO, AO, SCH, LIT \$1000.00 per violation, per day.	S PWD, CM, PC CA
2. Continuing failure to halt or prevent a discharge which caused or causes imminent endangerment to human health, welfare, or environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B)	Refusal to discontinue activity upon notification	CDO, SCH NOV with fine up to \$1,000.00 day/violation  LIT(civil action) Initiate Criminal investigation Public Notice	S CA, PWD, CM PC
3. Failure to maintain in good working order and properly operate any facilities or systems of control installed to achieve compliance with the terms and conditions of the permits	Violation of operating requirements	NOV, CO, AO, SCH, LIT, CDO Public Notice NOV with fine up to \$1,000.00 day/violation	PC, S  PWD, CA, CM
4. Entry denial	Entry denied or consent withdrawn. Copies of records denied.	Obtain search warrant NOV with fine up to \$1,000.00 day/violation Public Notice Initiate criminal investigation	S PC, PWD, CM, CA
5. Inadequate record keeping	POTW inspector finds files incomplete or missing	NOV, CO, AO Apply fine up to \$1,000.00 day/violation	PC, S