



City of American Canyon
Environmental Compliance Group

Enforcement Response Plan

DECEMBER 2009

Table of Contents

I. INTRODUCTION	3
II. PURPOSE	3
III. ADMINISTRATION AND JURISDICTION	3
IV. ABBREVIATIONS	4
V. DEFINITIONS	5
VI. PERSONNEL RESPONSIBILITIES RELATED TO THE ENFORCEMENT	7
<i>ENVIRONMENTAL SPECIALIST I, II, III.....</i>	<i>7</i>
<i>WATER QUALITY/LABORATORY MANAGER.....</i>	<i>7</i>
<i>WASTEWATER SYSTEMS MANAGER.....</i>	<i>7</i>
<i>PUBLIC WORKS DIRECTOR.....</i>	<i>7</i>
<i>CITY MANAGER.....</i>	<i>7</i>
<i>CITY OF AMERICAN CANYON CITY COUNCIL.....</i>	<i>7</i>
<i>CITY OF AMERICAN CANYON LEGAL COUNSEL.....</i>	<i>7</i>
VII. IDENTIFYING AND INVESTIGATING INSTANCES OF NONCOMPLIANCE.....	8
A. INDUSTRIAL USER INVENTORY.....	8
B. MONITORING AND INSPECTION PLAN.....	8
C. COMPLIANCE SCREENING.....	8
VIII. DESCRIPTION OF ENFORCEMENT ACTIONS.....	9
A. INFORMAL RESPONSE.....	9
B. FORMAL RESPONSE.....	10
C. TIMEFRAMES FOR ENFORCEMENT RESPONSES.....	13
D. ENFORCEMENT RESPONSES.....	13
E. ENFORCEMENT RESPONSE GUIDE TABLE.....	15
<i>Unauthorized.....</i>	<i>15</i>
<i>Discharge Limit.....</i>	<i>15</i>
<i>Reporting Violations.....</i>	<i>16</i>
<i>Sampling Violations.....</i>	<i>16</i>
<i>Compliance Schedules.....</i>	<i>17</i>
<i>Inadequate Recordkeeping.....</i>	<i>17</i>
<i>Other Violations.....</i>	<i>17</i>
F. ENFORCEMENT FLOWCHART.....	18
G. ENFORCEMENT TEMPLATES.....	21
<i>WARNING NOTICE.....</i>	<i>22</i>
<i>NOTICE OF VIOLATION.....</i>	<i>23</i>
<i>ADMINISTRATIVE ORDER - CONSENT ORDER.....</i>	<i>25</i>
<i>SHOW CAUSE HEARING.....</i>	<i>29</i>
<i>CEASE AND DESIST ORDER.....</i>	<i>31</i>

I. Introduction

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

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

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

The ERP outlines the procedures that will be used to identify, document, track and respond to noncompliance. The ERP also provides guidance for selecting the enforcement action most appropriate for a given violation.

This ERP serves as an update to the City's previous ERP, dated 1993.

II. Purpose

The purpose of this ERP is to provide consistent enforcement responses for similar violations and circumstances. The ERP describes violations, defines a range of appropriate enforcement actions based on the nature and severity of the violation and other relevant factors, and identifies personnel responsible for finalizing enforcement responses.

III. Administration and Jurisdiction

All entities discharging nondomestic waste to the POTW are subject to the provisions of the ERP. The ERP does not preclude the control authority from taking any, all, or any combination of actions against a noncompliant industrial user.

IV. Abbreviations

AO	Administrative Order
Atty.	Attorney
CA	City Attorney
CC	Consistent Compliance
C&D	Cease and Desist
CFR	Code of Federal Regulations
CL	Civil Litigation
CM	City Manager
CO	Consent Orders
CP	Criminal Prosecution
CS	Compliance Schedule
ECG	Environmental Compliance Group
EL	Effluent Limit
ERP	Enforcement Response Plan
ES	Environmental Specialist
F	Fine
Int-Agen.	Interagency (e.g. RWQCB, EPA, SWRCB, Fish & Game, DEH)
IU	Industrial User
JA	Judicial Action
M w/IU	Meeting with Industrial User
MNC	Minor Noncompliance
NC	Noncompliance
NOV	Notice of Violation
OPV	Other Permit Violations
PV	Permit Violations
POTW	Publicly Owned Treatment Works
SMR	Self Monitoring Report
SCH	Scheduled
SC	Show Cause
SIU	Significant Industrial User
SNC	Significant Noncompliance
SUO	Sewer Use Ordinance
WL	Warning Letter

V. Definitions

Administrative Action – An enforcement action authorized by the Control Authority's legal authority which is taken without the involvement of a court.

Administrative Fine – A punitive monetary charge unrelated to actual treatment costs, which is assessed by the Control Authority rather than a court.

Administrative Order – A document which orders the violator to perform a specific act or refrain from an act. For example, the order may require Industrial Users to attend a show cause meeting, cease and desist discharging, or other activities pursuant to a compliance schedule. There are four common types of Administrative Orders:

1. *Cease and Desist Order* – An Administrative Order directing an IU to immediately halt illegal or unauthorized discharges or to terminate its discharge altogether

2. *Consent Orders* – An Administrative Order embodying a legally enforceable agreement between the City and the noncompliant IU designed to restore the user to compliant status.

3. *Show Cause Orders* – An Administrative Order directing a noncompliant IU to appear before the City, explain its noncompliance, and show cause why more severe enforcement actions against the user should not go forward.

4. *Compliance Orders* – An Administrative Order directing a noncompliant industrial user to achieve or restore compliance by a date specified in the order.

City – The City of American Canyon, CA

Control Authority – A POTW with an approved pretreatment program or the Approval Authority in the absence of a POTW pretreatment program.

Day – Except when otherwise provided, the time within which an action is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

Environmental Compliance Group (ECG) – Consisting of the Water Quality/Laboratory Manager and Environmental Specialists working for the wastewater division at the City of American Canyon.

Fees – A schedule of charges imposed to recover treatment costs (not punitive in nature).

Fine – A punitive monetary charge for a violation of the law. Often used synonymously with “penalty”, although the term “fine” generally implies the use of administrative rather than civil (judicial) procedures.

Industrial User – Any source that introduces pollutants into a POTW from any non-domestic source.

Manifest – A manuscript identifying and tracking all hauled wastes. This includes, but is not limited to, IU identification, type and volume of waste, destination, required signatures, etc.

Notice of Violation (NOV) – Official communication from the City notifying an IU that it has violated pretreatment standards and/or requirements.

Publicly Owned Treatment Works (POTW) – Devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances if they convey wastewater to a POTW treatment plant.

Self Monitoring – Sampling and analysis of wastewater performed by an IU to ensure compliance with the permit or other regulatory requirements.

Significant Noncompliance – Criteria used by the City and Approval Authorities to identify important violations and/or patterns of noncompliance. The full definition of Significant Noncompliance, as defined by the Environmental Protection Agency, as be found in 40 CFR §403.8(f)(2)(vii).

Warning Letter – Official communication from the City notifying an IU that it may be violating or has the imminent potential to violate pretreatment standards and/or requirements.

VI. Personnel Responsibilities Related to the Enforcement Response Plan

Environmental Specialist I, II, III

- Perform inspections, sample collections and analyses
- Prepare informal notices (verbal and written) to IUs on behalf of the City
- Screen compliance monitoring data
- Manage the industrial permitting process (applications, permits, renewals, etc.)
- Inform Water Quality/Laboratory Manager of any IU violations
- Assist Water Quality/Laboratory Manager with regulatory reports

Water Quality/Laboratory Manager

- Supervise activities and enforcement measures of Environmental Specialists
- Inform Wastewater System Manager, Public Works Director or City Manager of any pertinent information regarding Industrial Users, violations, etc.
- Monitor need for changes, incorporating new regulations and requirements impacting the City's Sewer Use Ordinance and pretreatment program
- Issue informal notices
- Recommend and prepare enforcement actions (NOV, AO, etc.)
- Prepare all regulatory reports (pretreatment, pollution prevention, etc.)

Wastewater System Manager

- Issue IU permits and enforcement actions (NOV, AO, etc.)

Public Works Director

- Address first appeals of IU enforcement actions (NOV, AO, etc.)

City Manager

- Conduct Show Cause Hearings, initiate judicial proceedings, initiate termination of service, manage supplemental enforcement remedies
- Address second appeals of IU enforcement actions
- Final decision of IU fine assessment
- Final decision of all ERP matters
- Referrals to the state or EPA for criminal action

City of American Canyon City Council

- Approval of City's Ordinances, Resolutions, and pretreatment program

City of American Canyon Legal Counsel

- Provide legal consultation and handle judicial responses deemed necessary by the City Manager
- Advise legal Interpretation of the Sewer Use Ordinance and Enforcement Response Plan

VII. Identifying and Investigating Instances of Noncompliance

There are many activities associated with the identification and investigation of noncompliance. A brief description of these activities is provided in this ERP. The activities that facilitate the identification and investigation of noncompliance are as follows:

A. Industrial User Inventory

The Environmental Compliance Group maintains a list of all IUs in American Canyon. In order to keep this list current, it is updated regularly. Sources for updates to the IU list are:

- Business license applications copied to the Environmental Compliance Group for approval by the Planning Department
- New and Updated Facility Plan Diagrams copied to the Environmental Compliance Group by the Engineering Department
- Regular inspection and monitoring of commercial and industrial areas by the Environmental Compliance Group for new business operations
- Regular inspections of Industrial facilities to verify process categorization of SIUs as well as zero-discharge facilities and nonresidential dischargers

B. Monitoring and Inspection Plan

At least once per year, all IU facilities are sampled by the Environmental Compliance Group in accordance with 40 CFR Part 136. Proper sampling procedures are followed to maximize sample integrity.

A comprehensive, full facility inspection of each IU facility by the Environmental Compliance Group will also be conducted at least once per year. General inspection procedures are followed to ensure consistent, thorough, and well documented inspections.

Information gathered during IU monitoring and inspections conducted by the Environmental Compliance Group are used to verify IU compliance status and determine if enforcement response must be initiated or continued.

Commercial users are monitored and inspected as needed, depending on current pollutants of concern or regulatory activities. Commercial users include: medical facilities, dental facilities, restaurants, auto businesses, and car washes.

C. Compliance Screening

All IUs discharging to the City of American Canyon's Wastewater Treatment Facility are required to submit monthly self-monitoring reports to the Environmental Compliance Group. Details of the requirements for these reports are included in the individual

discharge permits. Self-monitoring reports will be reviewed for timeliness, completeness and accuracy. The screening process includes an evaluation of compliance with report due dates, numerical standards, sample handling and analysis requirements, signatory/certification requirements, monitoring frequency, etc.

VIII. Description of Enforcement Actions

The following are some enforcement options available to the City in order of increased severity of noncompliance. Once a violation is identified, the City will determine whether the violation is significant (major) or non-significant (minor). A major violation is one in which there was, or could have been, a negative effect on the environment, POTW and/or public health or is a recurring water quality violation. Minor violations include, but are not limited to, infrequent water quality violations not considered as major violations, incorrect analytical methods, sampling or monitoring deficiencies, or reporting deficiencies. In determining the type of response or combination of responses to be used, the EPA recommends considering the following:

- The severity of the violation(s)
- Number of violations cited
- Duration of noncompliance
- Impact of the violation(s) on the environment and the POTW
- Whether or not the violation impacted public health
- Economic benefit or savings the IU gained from the noncompliance
- Compliance history
- Whether the IU is making a good faith effort to comply

A. Informal Response

1. *Verbal Notification* – Verbal notifications by telephone, email or in person provide an immediate notification of violations. In general, verbal notifications are used for minor and isolated violations or as an initial step leading to an escalated enforcement response. All verbal notifications related to enforcement or the investigation of suspected violations are documented in writing and placed in the respective Industrial User file.

2. *Warning Letter* – Warning letters are used under the same circumstances as verbal notifications. They may be issued as follow-up letters to verbal notifications or in lieu of verbal notifications.

3. *Informal Meeting* – An informal meeting is used to gather information concerning noncompliance, discuss steps to alleviate noncompliance, and determine the commitment level of the Industrial User. All informal meetings are documented in the City files.

B. Formal Response

1. *Notice of Violation (NOV)* – An NOV is a written notice to the noncompliant Industrial User that a pretreatment violation has occurred. An NOV includes a statement detailing the legal authority under which the Control Authority issued the NOV, a description of the violation(s), and the date(s) the violation(s) occurred. The NOV requires a response from the Industrial User that details the causes of the violation(s), and the corrective actions taken to correct the violation and prevent similar violations from occurring. In general, NOV's are considered to be more stringent enforcement responses than warning letters, and are accompanied by a fine.

2. *Administrative Order (AO)* – An AO is an enforcement document that directs Industrial Users to undertake and/or to cease specified activities by specified deadlines. The terms of an AO may or may not be negotiated with Industrial Users. AOs may incorporate compliance schedules, administrative penalties, termination of service and show cause orders. An Administrative Order is the minimum level of enforcement used to address Significant Noncompliance, and is accompanied by a fine.

3. *Administrative Fines* - Any Industrial User who is found to have violated any provisions of the Sewer Use Ordinance (SUO), or permits and orders issued under the SUO, shall be fined an amount of at least one thousand dollars (\$1,000) per day. Each day on which noncompliance occurs or continues to occur shall be deemed a separate and distinct violation. Separate instances of noncompliance occurring on the same day may also be deemed as separate and distinct violations, resulting in a fine assessed for each violation.

4. *Judicial Remedies*

- Injunctive Relief
- Civil Penalties (Fine and/or Imprisonment): Any Industrial User who has violated or continues to violate the SUO or any order or permit issued under the SUO, shall be liable to the City Manager or his designee for a civil penalty of not more than twenty-five thousand dollars, but not less than one thousand dollars, plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the City Manager or his designee may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses. (SUO§14.24.130)
- Criminal Prosecution (Fine and/or Imprisonment)

5. *Termination of Permit* -. Any user who violates the following conditions or a wastewater discharge permit or order, or any applicable state and federal law, is subject to permit termination:

- Violation of permit conditions
- Failure to accurately report the wastewater constituents and characteristics of its discharge, including baseline monitoring report, within the required time frame
- Failure to report significant changes in operations or wastewater constituents and characteristics
- Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.
- Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause (as set forth in Section 14.24.030 of this chapter) why the proposed action should not be taken

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause (as set forth in Section 14.24.030 of this chapter) why the proposed action should not be taken. (Ord. 98-07 § 2 (part), 1998; Ord. 93-01 § 513.01.9, 1993)

6. *Disconnection from Sewer* - The city manager or his designee shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the city. Upon disconnection the city manager or his designee shall estimate the cost of disconnection from and reconnection to the system, and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The city manager or his designee shall refund any part of deposit remaining after payment of all costs of disconnection and reconnection.

7. *Emergency Suspension*

- The city manager or his designee may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.
- Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city manager or his designee shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the individuals. The city manager or his designee shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings are initiated against the user.

8. Supplemental Enforcement Remedies:

- Annual publication: The City will publish annually in the *Vallejo Times Herald* a list of all Industrial Users that were subject to enforcement proceedings and considered to be in Significant Noncompliance during the 12 (twelve) previous months.
- Performance Bonds: The City Manager or his designee may decline to reissue a permit to any Industrial User which has failed to comply with the provisions of this Ordinance or any order or previous permit issued hereunder unless such User first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the City Manager or his designee to be necessary to achieve consistent compliance.
- Liability Insurance: The City Manager or his designee may decline to reissue a permit to any Industrial User which has failed to comply with the provisions of this Ordinance or any order or previous permit issued hereunder, unless the Industrial User first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.
- Water Supply Severance Request: Whenever an Industrial User has violated or continues to violate the provisions of the Sewer Use Ordinance or an order or permit issued hereunder, water service to the Industrial User may be severed by the water purveyor upon request by the City and service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.
- Public Nuisance Declaration: Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulation of the City of American Canyon is grounds for declaration of a Public Nuisance.
- Contractor Listing Eligibility: Industrial Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City of American Canyon. Existing contracts for the sale of goods or services to the City of American Canyon held by an Industrial User found to be in significant violation with pretreatment standards may be terminated at the discretion of the City

9. *Referral to the EPA or the State* – Referral to the State or EPA may be made. For violations that may warrant criminal prosecution, the Control Authority will refer the case to EPA or the State for further action. Circumstances that trigger EPA or State referrals include evidence of willfulness, evidence of negligence, and bad faith shown by the Industrial User.

C. Timeframes for Enforcement Responses

- All violations will be identified and documented within **five days** of receiving compliance information
- Initial enforcement responses (informal or formal) will occur within **15 days** of identifying a violation.
- Follow up actions for continuing or recurring violations will be taken within **60 days** of the initial enforcement response
- Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate response such as halting the discharge or terminating service
- Any violations meeting the criteria for Significant Noncompliance will be addressed through formal enforcement within **30 days** of the identification of significant noncompliance

Enforcement responses may extend beyond the timeframes listed above for the POTW to gather the appropriate information to ensure a complete and thorough response to suspected violations.

D. Enforcement Responses

The Enforcement Response Flow Chart designates the typical enforcement process. The flow chart does not include all possible options, which are detailed in the Municipal Code. The Enforcement Response Guide designates several enforcement options for each type (or pattern) of noncompliance. The intent of this guide is to provide direction for appropriate enforcement response and to ensure consistent enforcement for similar violations and circumstances. Factors suggested by the EPA that may be evaluated when determining the appropriate response are as follows:

- Good faith of the Industrial User
- Compliance history of the Industrial User
- Previous success of the enforcement actions against the Industrial User (e.g. if historically NOV's have not been effective in returning the User to compliance in a reasonable period of time, an administrative order would be a more appropriate response)
- Violations effect on the environment and/or public health
- Violations effect on the POTW (pass-through, interference, upset, corrosion, etc.)

1. *Violations resulting in Significant Noncompliance*

Any violation that results in Significant Noncompliance will be addressed through formal enforcement action, regardless of the enforcement response otherwise dictated by the enforcement response guide. The minimum level of enforcement used to address Significant Noncompliance is an AO.

2. Escalating Enforcement Responses

It is the City's policy to issue the minimum fine for first or infrequent violations (one violation or less in six months). Escalating enforcement responses and fines will be issued for recurring violations, failure to achieve compliance subsequent to informal or formal enforcement, or for major violations. A recurring violation is one in which the same type of violation occurs on consecutive reporting periods, the violation occurs seasonally, or any other pattern of noncompliance is shown.

3. Violations falling under more than one Category

Violations that fall under more than one category in the enforcement guide will be addressed through the more severe enforcement response. All alleged violations will be included in the more severe response.

E. Enforcement Response Guide Table

Unauthorized

TYPE OF NONCOMPLIANCE	CIRCUMSTANCES	SUGGESTED ENFORCEMENT
Discharge without a permit	IU unaware of requirement; no harm to POTW or environment	Phone call; WL; NOV with Application Form
Failure to Submit Permit Application or Reapplication with Intent of Discharge	IU has not submitted application within 10 days of due date	Phone call; WL
	IU has not submitted application within 10 days after notice by the POTW	NOV; AO
	Failure to submit application	Refer to discharge without a permit (below)
Unauthorized Discharge Through Manhole, Septic Only Receiving Station, Car Wash, Etc.	No harm to POTW or environment	NOV; AO; Civil Action; Criminal Investigation
	Harm to POTW or environment	AO; Civil Action; Criminal Investigation
	Recurring	Criminal Investigation
Permitted User Discharging Waste Not Authorized by Permit, Spills or Inadvertent Discharges, Slug Loads/Discharges	No harm to POTW or environment	NOV; AO; Civil Action; Criminal Investigation
	Harm to POTW or environment	AO; Civil Action; Criminal Investigation; Termination of Service
	Recurring	Criminal Investigation; Termination of Service

Discharge Limit

TYPE OF NONCOMPLIANCE	CIRCUMSTANCES	SUGGESTED ENFORCEMENT
Minor violation of analytical procedures	Isolated incident	Phone call; WL; NOV
	Recurring, negligence or intent	NOV; AO
Major violation of analytical procedures	Isolated incident	NOV; AO
	Recurring, negligence or intent	AO; Civil Action; Criminal Investigation
Minor violation of permit condition	Isolated incident	NOV; AO
	Recurring, negligence or intent	AO; Civil Action; Criminal Investigation
Major violation of permit condition	Isolated incident	AO; Civil Action; Criminal Investigation
	Recurring, negligence or intent	AO; Civil Action; Criminal Investigation; Termination of Service

Reporting Violations

TYPE OF NONCOMPLIANCE	CIRCUMSTANCES	SUGGESTED ENFORCEMENT
Document is improperly signed or certified	Isolated incident	Phone call; WL; NOV
	Recurring problem	NOV; AO
Document is incomplete or inaccurate	Isolated incident	Phone call; WL; NOV
	Recurring problem	AO
Document is late	1-29 days	WL; NOV
	30 days or more	AO
	Documents are repeatedly late	AO; Civil Action
Failure to report violation, spill/slug or changed discharge	No actual or potential harm to POTW or environment	NOV; AO
	Actual or potential harm to POTW or environment	AO; Civil Action; Criminal Investigation
	Recurring problem	AO; Civil Action; Criminal Investigation; Termination of Service
Failure to report additional monitoring	Isolated incident	WL, NOV
	Recurring problem	AO
Falsification of Information of Data	Any instance	Criminal Investigation; Termination of Service
Failure to notify POTW that pretreatment facility is inoperative or malfunctioning	No actual or potential harm to POTW	NOV; AO
	Actual or potential harm to POTW or environment	AO; Civil Action; Criminal Investigation

Sampling Violations

TYPE OF NONCOMPLIANCE	CIRCUMSTANCES	SUGGESTED ENFORCEMENT
Failure to monitor for all required parameters	Isolated incident	WL; NOV
	Recurring problem	AO; Civil Action
Improper sample handling/analytical procedures or COC paperwork	Isolated incident	Phone call; WL; NOV
	Recurring problem	NOV; AO; Civil Action
Failure to resample within required timeframe	Isolated incident	Warning Letter; NOV
	Recurring problem	AO; Civil Action
Failure to install monitoring or sampling equipment	Less than 30 days late	NOV
	30 days or more late	AO; Civil Action
Tampering with industry or City monitoring equipment or sample	Any incident	Civil Action; Criminal Investigation; Termination of Service
Sampling at incorrect location	Isolated incident	NOV; AO
	Recurring problem	AO; Civil Action; Criminal Investigation

Compliance Schedules

TYPE OF NONCOMPLIANCE	CIRCUMSTANCES	SUGGESTED ENFORCEMENT
Missed milestone	Less than 10 business days late, reasonable cause for delay or will not affect final compliance date	NOV; AO
	Greater than 10 business days late. Unreasonable cause for delay or will affect final compliance date	AO; Civil Action; Termination of Service
Not in compliance as of final compliance date	Less than 30 days late	NOV; AO
	Greater than 30 days late; reasonable cause for delay	AO
	Greater than 30 days late, no reasonable cause for delay	AO; Civil Action; Termination of Service

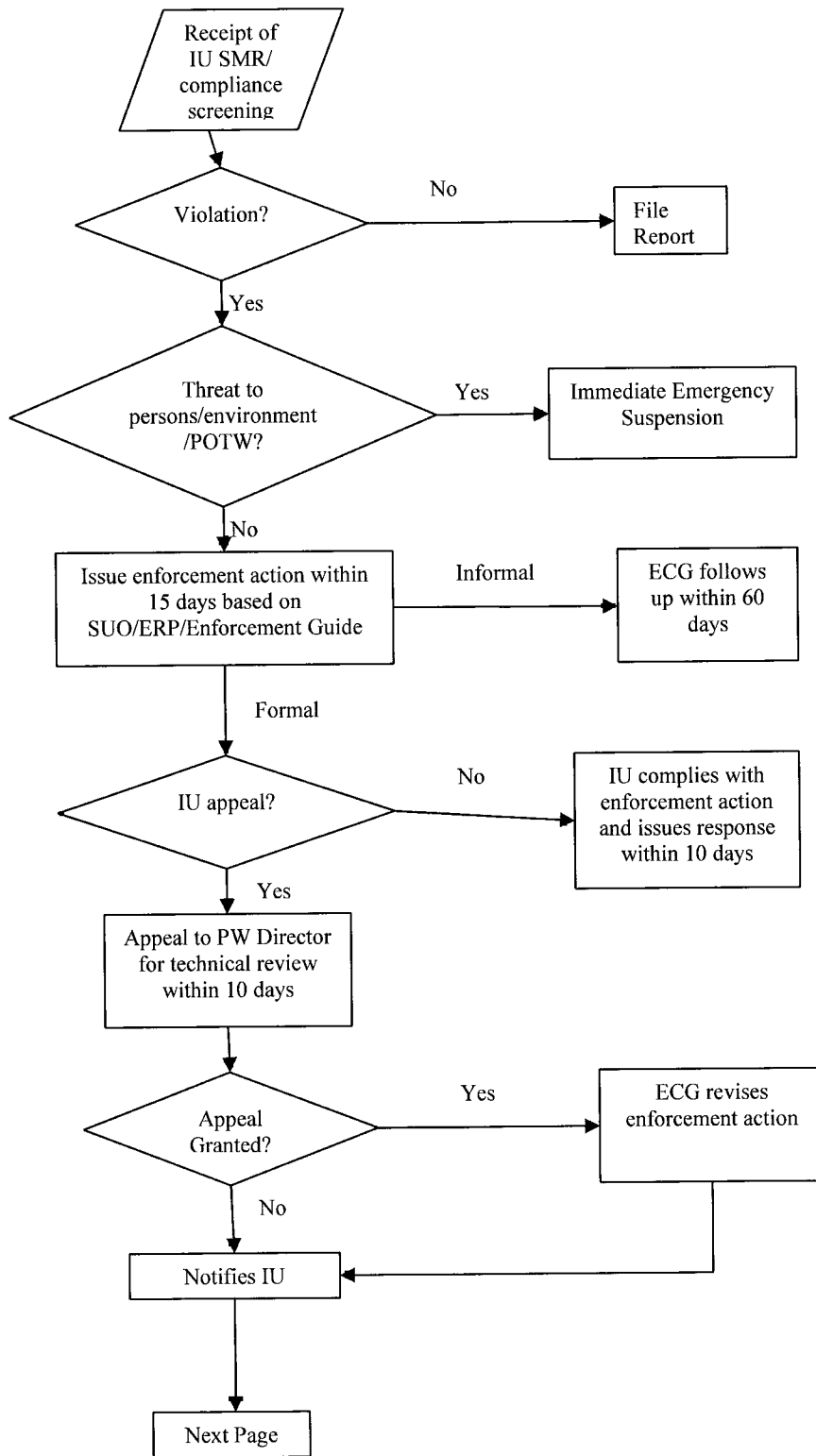
Inadequate Recordkeeping

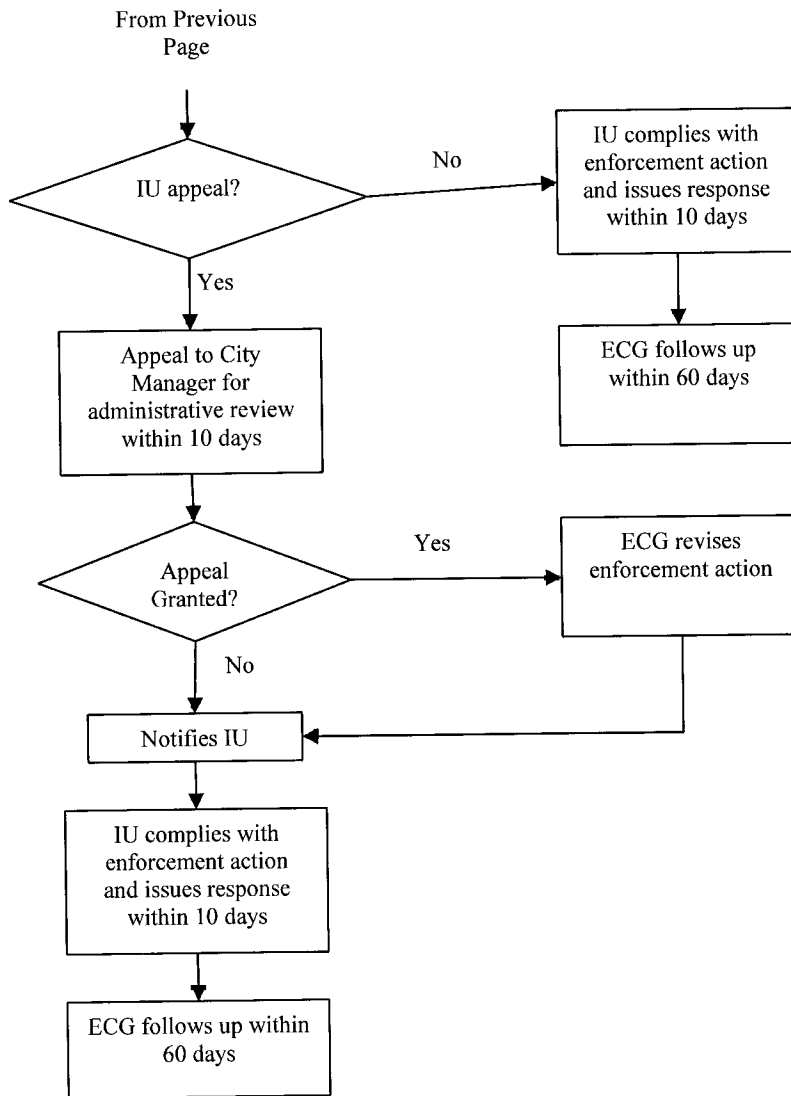
TYPE OF NONCOMPLIANCE	CIRCUMSTANCES	SUGGESTED ENFORCEMENT
Files incomplete or missing (no evidence of intent)	Isolated incident	NOV
	Recurring problem	AO

Other Violations

TYPE OF NONCOMPLIANCE	CIRCUMSTANCES	SUGGESTED ENFORCEMENT
Waste streams are diluted in addition to or in lieu of treatment	Isolated incident	AO; Civil Action; Criminal Investigation
	Recurring problem	Civil Action; Criminal Investigation; Termination or Service
Failure to mitigate noncompliance or halt production	No actual or potential harm to POTW or environment	AO; Civil Action; Criminal Investigation
	Actual or potential harm to POTW or environment	Civil Action; Criminal Investigation; Termination of Service
Entry denied or consent withdrawn	Any instance	Obtain warrant and return to IU; Termination of Service

F. Enforcement Flow Chart





F. Enforcement Templates



City of American Canyon

Wastewater Division

151 Mezzetta Court
American Canyon, CA 94503
(707) 647 - 4522

WARNING NOTICE

DATE OF NOTICE:
DATE OF VIOLATION:
BUSINESS OR INDIVIDUAL:
BUSINESS ADDRESS:
PERSON NOTIFIED / TITLE:
PERMIT NO.:

The City of American Canyon issued BUSINESS Industrial Wastewater Discharge Permit PERMIT #, which provides conditions and limitations for discharge of industrial wastewater. This permit was issued under Section 504 of the City of American Canyon's Sewer Use Ordinance.

BODY OF WARNING NOTICE

Your cooperation is appreciated. If you have any questions or comments, please contact me at 707-647-4542.

Sincerely,

Stacey Ambrose
Water Quality / Lab Manager
Environmental Compliance Group
151 Mezzetta Court
American Canyon, CA 94503



City of American Canyon

Wastewater Division

151 Mezzetta Court
American Canyon, CA 94503
(707) 647 - 4522

NOTICE OF VIOLATION

DATE OF NOTICE:
DATE OF VIOLATION:
BUSINESS OR INDIVIDUAL:
BUSINESS ADDRESS:
PERSON NOTIFIED / TITLE:
PERMIT NO.:

LEGAL AUTHORITY

The following findings are made and notice is issued pursuant to the authority vested in the City Manager under Section §14.24.010 of the City of American Canyon's Municipal Code. This order is based on the findings of violation of the conditions of the Ordinance, Municipal Code or the wastewater discharge permit issued under Section 504 of the City of American Canyon's Sewer Use Ordinance. **YOU MUST RESPOND TO THESE FINDINGS IN WRITING WITHIN 10 CALENDAR DAYS OF RECEIPT OF THIS NOTICE.**

FINDINGS

FILL IN AS NEEDED

NOTICE

THEREFORE, BASED ON THE ABOVE FINDINGS, **BUSINESS** IS HEREBY NOTIFIED THAT: It is in violation of its discharge permit and the CITY OF AMERICAN CANYON'S Sewer Use Ordinance.

Your cooperation is appreciated. If you have any questions or comments, please contact Stacey Ambrose, Water Quality/Lab Manager at 707-647-4542.

Signed: _____ Date: _____

Peter Lee
Wastewater System Manager
151 Mezzetta Court
American Canyon, CA 94503



City of American Canyon

Wastewater Division

151 Mezzetta Court
American Canyon, CA 94503
(707) 647 - 4522

**CITY OF AMERICAN CANYON
Notice of Issuance of an Administrative Fine**

**DATE OF NOTICE:
DATE OF VIOLATION:
BUSINESS OR INDIVIDUAL:
BUSINESS ADDRESS:
PERSON NOTIFIED / TITLE:
PERMIT NO.:**

LEGAL AUTHORITY

Pursuant to Section 513.01.6 of the City's Sewer Use Ordinance an Administrative Fine shall be assessed to accompany the NOV issued on the above listed date.

Sec. 513.01.6 Administrative Fines

Notwithstanding any other section of this ordinance, any User who is found to have violated any provision of this Ordinance, or permits and orders issued hereunder, shall be fined an amount of at least one thousand dollars (\$1,000) per day per violation. Each day on which non-compliance shall occur or continue shall be deemed a separate and distinct violation.

**Violation:
Fine Amount:**

TOTAL FINE:

Per the City of American Canyon's Enforcement Response Plan, Industrial Users desiring to dispute such fines must file a request for the Public Works Director to reconsider the fine within ten days of being notified of the fine. Industrial Users not satisfied with the findings of the Public Works Director must file a request for the City Manager to reconsider the fine within tens days of receiving the appeal response from the Public Works Director.

Per Section 14.24.060 of the Municipal Code, the fine will be added to the User's next scheduled sewer service charge and the City Manager shall use other collection remedies available to him in order to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual User's property.



City of American Canyon

Wastewater Division

151 Mezzetta Court
American Canyon, CA 94503
(707) 647 - 4522

ADMINISTRATIVE ORDER - CONSENT ORDER

DATE OF NOTICE:
DATE OF VIOLATION:
BUSINESS OR INDIVIDUAL:
BUSINESS ADDRESS:
PERSON NOTIFIED / TITLE:
PERMIT NO.:

LEGAL AUTHORITY

The following findings are made and notice is issued pursuant to the authority vested in the City Manager under Section §14.24.020 of the City of American Canyon's Municipal Code. This order is based on the findings of violation of the conditions of the Ordinance, Municipal Code or the wastewater discharge permit issued under Section 504 of the City of American Canyon's Sewer Use Ordinance. **YOU MUST RESPOND TO THESE FINDINGS IN WRITING WITHIN 10 CALENDAR DAYS OF RECEIPT OF THIS NOTICE.**

FINDINGS

- **BUSINESS** discharges nondomestic wastewater containing pollutants into the City of American Canyon's sewer system
- **BUSINESS** was issued a wastewater discharge permit on **DATE** which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer
- **BUSINESS** has violated the Sewer Use Ordinance in the following manner:

NOTICE

THEREFORE, BASED ON THE ABOVE FINDINGS, **BUSINESS** IS HEREBY ORDERED TO:

1. Pay the required fines and take the required actions as listed below:

A. **FINDING #1**

Associated Fine: \$

Required Action:

B. FINDING #2

Associated Fine: \$

Required Action:

2. Failure to comply with this order will constitute a further violation of the Sewer Use Ordinance and may subject **BUSINESS** to further civil or criminal penalties or other such enforcement response as may be appropriate.
3. This Order, entered this **DATE** day of **MONTH**, will be immediately effective upon receipt by **BUSINESS**.

Implementation requirements contained in this Administrative Order are in addition to the obligations of Wastewater Discharge Permit **#PERMIT NUMBER** and will remain effective until a new Wastewater Discharge Permit has been issued.

Your cooperation is appreciated. If you have any questions or comments, please contact Stacey Ambrose, Water Quality/Lab Manager at 707-647-4542.

Signed: _____ Date: _____

Peter Lee
Wastewater System Manager
151 Mezzetta Court
American Canyon, CA 94503

Required Actions Summary

Within 30 days BUSINESS must submit to the City:

-

Within 60 days BUSINESS must submit to the City:

-

Within 90 days BUSINESS must submit to the City:

-



City of American Canyon

Wastewater Division

151 Mezzetta Court
American Canyon, CA 94503
(707) 647 - 4522

**CITY OF AMERICAN CANYON
Notice of Issuance of an Administrative Fine**

**DATE OF NOTICE:
DATE OF VIOLATION:
BUSINESS OR INDIVIDUAL:
BUSINESS ADDRESS:
PERSON NOTIFIED / TITLE:
PERMIT NO.**

LEGAL AUTHORITY

Pursuant to Section 513.01.6 of the City's Sewer Use Ordinance an Administrative Fine shall be assessed to accompany the NOV issued on the above listed date.

Sec. 513.01.6 Administrative Fines

Notwithstanding any other section of this ordinance, any User who is found to have violated any provision of this Ordinance, or permits and orders issued hereunder, shall be fined an amount of at least one thousand dollars (\$1,000) per day per violation. Each day on which non-compliance shall occur or continue shall be deemed a separate and distinct violation.

**Violation:
Fine Amount:**

TOTAL FINE:

Per the City of American Canyon's Enforcement Response Plan, Industrial Users desiring to dispute such fines must file a request for the Public Works Director to reconsider the fine within ten days of being notified of the fine. Industrial Users not satisfied with the findings of the Public Works Director must file a request for the City Manager to reconsider the fine within tens days of receiving the appeal response from the Public Works Director.

Per Section 14.24.060 of the Municipal Code, the fine will be added to the User's next scheduled sewer service charge and the City Manager shall use other collection remedies available to him in order to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual User's property.

(City Hall Letterhead)

SHOW CAUSE HEARING

DATE OF NOTICE:
BUSINESS OR INDIVIDUAL:
BUSINESS ADDRESS:
PERSON NOTIFIED / TITLE:
PERMIT NO.:

LEGAL AUTHORITY

The following findings are made and notice is issued pursuant to the authority vested in the City Manager under Section §14.24.030 of the City of American Canyon's Municipal Code. This order is based on the findings of violation of the conditions of the Ordinance, Municipal Code or the wastewater discharge permit issued under Section 504 of the City of American Canyon's Sewer Use Ordinance.

FINDINGS

FILL IN AS NEEDED

NOTICE

THEREFORE, BASED ON THE ABOVE FINDINGS, **BUSINESS** IS HEREBY ORDERED TO:

1. Appear at a meeting with the City Manager of American Canyon to be held on **DATE** at **TIME** at City Hall, located on 4381 Broadway, Ste. 201.
2. At this meeting, **BUSINESS** must demonstrate why the City should not pursue administrative and/or judicial enforcement action against **BUSINESS** at this time.
3. This meeting will be closed to the public.
4. Representatives of **BUSINESS** may be accompanied by legal counsel if they so choose
5. Failure to comply with this Order shall also constitute a further violation of the Sewer Use Ordinance and may subject **BUSINESS** to civil or criminal penalties or other such enforcement response as may be appropriate.

6. This order, entered **DATE DELIVERED**, shall be immediately effective upon receipt by **BUSINESS**.

Signed: _____ Date: _____

Richard Ramirez
City Manager
CITY OF AMERICAN CANYON
4381 Broadway
American Canyon, CA 94503

(City Hall Letterhead)

CEASE AND DESIST ORDER

DATE OF NOTICE:
BUSINESS OR INDIVIDUAL:
BUSINESS ADDRESS:
PERSON NOTIFIED / TITLE:
PERMIT NO.:

LEGAL AUTHORITY

The following findings are made and notice is issued pursuant to the authority vested in the City Manager under Section §14.24.050 of the City of American Canyon's Municipal Code. This order is based on the findings of violation of the conditions of the Ordinance, Municipal Code or the wastewater discharge permit issued under Section 504 of the City of American Canyon's Sewer Use Ordinance.

FINDINGS

- **BUSINESS** discharges nondomestic wastewater containing pollutants into the City of American Canyon's sewer system
- **BUSINESS** was issued a wastewater discharge permit on **DATE** which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer
- **BUSINESS** has violated the Sewer Use Ordinance in the following manner:

NOTICE

THEREFORE, BASED ON THE ABOVE FINDINGS, **BUSINESS** IS HEREBY ORDERED TO:

1. Within 24 hours of receiving this order, cease all nondomestic discharges into the City's sanitary sewer. Such discharges shall not recommence until the City deems that **BUSINESS** is able to demonstrate that it can and will comply with its permit.
2. Failure to comply with this Order may subject **BUSINESS** to having its connection to the sanitary sewer sealed by the City, and assessed the costs therefore.
3. Failure to comply with this order shall also constitute a further violation of the Sewer Use Ordinance and may subject **BUSINESS** to civil or criminal penalties or such other enforcement response as may be appropriate.
4. This Order, entered this **DATE**, shall be immediately effective upon receipt.

Signed: _____ Date: _____

Richard Ramirez
City Manager
CITY OF AMERICAN CANYON
4381 Broadway
American Canyon, CA 94503