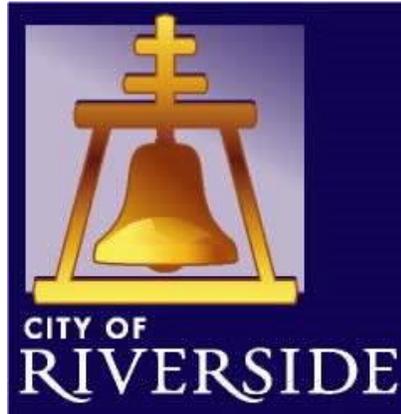


City of Riverside



Public Works Department
Environmental Compliance Section
Pretreatment Program
Enforcement Response Plan

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Introduction

The City of Riverside's Environmental Compliance Section implements an approved Pretreatment Program as required by the City's NPDES Permit No. CA0105350 and 40 CFR Part 403.8(f)(5)(i-iv). The program's legal authority and enforcement capabilities are codified in Chapter 14.12 of Riverside Municipal Code (RMC) and associated resolutions dealing with fees, charges, pollutant limitations, and user permits. The primary purpose of the City's Pretreatment Program is to protect the City's Publicly Owned Treatment Works (POTW) collection system, storm drain system, and personnel from harmful or detrimental wastewater discharges and accidental and negligent spills of industrial, commercial and hazardous waste and to insure the beneficial recycling and reclamation of wastewater and biosolids. The City accomplishes these tasks by permitting, inspecting, monitoring industrial users, taking appropriate enforcement actions and data management.

The City of Riverside's Environmental Compliance Section implements a stormwater protection program as required under its MS4 permit. The program's legal authority is established in the Riverside Municipal Code.

The Public Works Director (Director) oversees the pretreatment and stormwater programs. The City Attorney's Office advises on legal issues and reviews regulations and enforcement documents. Authorized representatives of the Director include, but are not limited to: the Deputy Public Works Director – Wastewater, Wastewater Systems Manager, Wastewater Technical and Compliance Manager, Wastewater Operations Manager, Environmental Compliance Supervisor, and the Environmental Compliance Inspectors.

Enforcement actions are progressive in nature and will escalate commensurate with the violation and response from the industrial user (IU). Assistance in the preparation of major violation civil enforcement responses is provided by the City Attorney's Office. The City is also able to refer violations for enforcement to the California Regional Water Quality Control Board, Santa Ana Region. State of California criminal enforcement responses may be taken by either: 1) the Riverside County District Attorney's office with assistance from the City and the Riverside County Department of Environmental Health; or 2) the California Regional Water Quality Control Board, Santa Ana Region using the California State Attorney General or County District Attorney. Federal criminal enforcement responses may be taken by the United States Environmental Protection Agency, Criminal Investigation Division using the United States Department of Justice with support from the City's Environmental Compliance Section, Public Works Department, and City Attorney's Office.

The City uses permitting, inspection, wastewater monitoring, and public education to implement the requirements of the City's Pretreatment Program. The City has a permitting system for industrial users (IU) and liquid waste haulers. The various control instruments include Class I-VI Permitted Users, (Liquid Waste Haulers (LWH) are Class VI users), Wastewater Discharge Authorization Certificates (WDACs), De Minimis Coverage, and Group Permits. The City uses inspection, surveillance and monitoring activities to ensure IU compliance with Federal, State, and County Regulations, with the RMC, and in aid of the sewer rates and special billing procedures. Follow-up inspections are used to verify compliance with discovered violations. Inspection and monitoring activities are conducted in a scheduled and unscheduled manner. The majority of the inspections and monitoring visits are unannounced in order to provide a more realistic representation of business and production activities and wastewater discharge characteristics. The equipment used for these activities include:

- Portable automatic wastewater samplers with discrete or composite bottles

- Portable automatic wastewater samplers with pH and electrical conductivity meters that have computer data logging and data downloading capabilities
- Gas detectors
- Hand held electrical conductivity meters and pH meters
- Portable recording flow meters
- pH indicator strips
- Sulfide test kits
- Digital cameras and video cameras; and other equipment as needed
- Various computer systems, databases, and software

Inspection results, complaints, sample results, correspondence, and other data collected and generated by the Pretreatment Program are managed in accordance with the City's records retention policy and by a computerized relational database management system and a manual file system. Original paper documents for Class I-VI permitted are maintained in a secure file room. All other paper records for non-permitted users, Group Permits, WDACS, etc., are kept in electronic digital files, binders or file cabinets. Records are retained and destroyed in accordance with the City Records Retention Schedule, not less than three years, or as otherwise directed by civil or criminal investigations or court order. All documents, written or electronic are managed in accordance with the City's records retention policy. User blueprints, schematics, agreements, and plot plans are maintained for the life of the permit or non-permitted file.

The Director may occasionally promulgate or update guidelines for pretreatment systems, spill containment, centralized waste treatment facilities, pollutant and flow measurement and monitoring systems, and such other matters as deemed appropriate to facilitate the purpose of the pretreatment program. Such guidelines shall be available upon request.

Definitions

Unless otherwise defined herein, definitions of terms related to the Pretreatment Program, Industrial User Permits and this Enforcement Response Plan shall be those set forth in RMC Chapter 14.12 regulating the discharge of wastes into the sewer and storm drain systems of the City. In the event of an inconsistency between the definitions in RMC Chapter 14.12 and this Enforcement Response Plan, RMC Chapter 14.12 shall control.

40 CFR means Title 40 of the Code of Federal Regulations relating to the protection of the environment.

Administrative Order (AO) means an enforcement action authorized by RMC Section 14.12, which directs Industrial Users to perform a specific act or refrain from an act, such as corrective actions, plans or the cessation of activities or discharges, to correct violations.

Approval Authority (AA) means EPA or States with an EPA-Approved pretreatment program. The Approval Authority is responsible for approval and oversight of Control Authority pretreatment programs, including an evaluation of the effectiveness of local enforcement.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in RMC Section 14.12.335. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Categorical Pretreatment Standards means those final regulations promulgated and adopted by the Federal Environmental Protection Agency (EPA) containing pollutant discharge limits and prohibitions (as outlined in 40 CFR 403.6 and 40 CFR, Chapter I, Subchapter N) for each identified Standard Industrial Classification (S.I.C.), North American International Coding System (NAICS) or subcategory.

Categorical User means all industrial user categories subject to National Categorical Pretreatment Standards listed by the United States Environmental Protection Agency under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N.

Chapter 14.12 means Chapter 14.12 of the RMC as it currently exists and as hereafter amended. Chapter also refers to Chapter 14.12, unless otherwise specified.

City means the **City of Riverside**.

Code of Federal Regulations (CFR) means the codification of the general and permanent rules published in the United States Federal Register by the Executive departments and agencies of the Federal Government, including the Environmental Protection Agency.

Collection Agency means the City, or a public agency that the City has an interagency agreement covering the collection of sewage within such agency and the discharge of such collected sewage into the City's sewer system for transmission, treatment, and disposal.

Collection System means all wastewater conveyance systems owned and maintained by the City and tributary community services districts contracted to the City for sewer service, excluding sewer service lateral line connections.

Compliance Flow Limit Exceedance means an exceedance of the Permitted Maximum Daily Discharge Maximum by greater than 5%.

Compliance Limit means a measurable or narrative restriction that, if violated, is subject to progressive enforcement.

Compliance Order means an administrative order directing a noncompliant industry to achieve or restore compliance by a date specified in the order to correct violations of the Industrial User's wastewater discharge permit or RMC Chapter 14.12.

Compliance Schedule means a time schedule enforceable under this Chapter containing increments of progress, i.e. milestones, in the form of dates. These milestones shall be for the commencement and/or completion of major events leading to the construction and operation of additional pretreatment facilities or the implementation of policies, procedures or operational management techniques required for the user to comply with all applicable federal, state or local environmental regulations which may directly or indirectly affect the quality of the user's wastewater effluent.

Consent Order means a time schedule agreed upon between the City and an Industrial User that specifies corrective actions called milestones to be taken by the Industrial User to correct violations of the Industrial User's Wastewater Discharge Permit or RMC Chapter 14.12.

Control Authority means the entity with an approved local POTW program, directly administering and enforcing pretreatment standards and requirements against industrial users, which owns or operates the POTW; The City.

Corrective Action means a response, plan, action, or activity undertaken to correct a violation or deficiency.

De Minimis User means any user whose industrial wastewater discharge is less than 100 gallons per day and is not regulated by a federal categorical pretreatment standard and may be classified in the Director's discretion as de minimis and shall not be subject to permitting standards or local limits provided that such industrial wastewater discharge is not a hazardous substance, does not contribute to interference or pass through violations at the POTW or violations of the NPDES permit, and does not cause detrimental effects or damage to the City's collection system or POTW, or cause a threat of harm to City personnel, the public, or the environment.

Director means the Public Works Director of the City or an authorized representative, deputy, or agent appointed by the Public Works Director.

Discharge Requirements means the specific numerical limits, prohibitions, and reporting requirements as contained in an Industrial User Permit and RMC Chapter 14.12.

Enforcement Compliance Schedule Agreement (ECSA) means the written agreement between the City and an industrial user that contains a compliance schedule to correct the industrial user's violations of RMC Chapter 14.12.

Enforcement Policy means the current methods as outlined in the City's Enforcement Response Plan and utilized by the City to gain compliance from Industrial Users for violations of wastewater discharge permit conditions or RMC Chapter 14.12.

Facility Waste Management Plan means a written plan required by the City of all permitted Industrial Users including, as necessary: a Toxic Organic Management Plan; a Spill Prevention Control Plan; a Pretreatment System Operations and Maintenance Manual; and a Management of Hazardous Materials and Hazardous Waste Plan.

Fee means a charge imposed to recover a cost (not punitive in nature).

Fine means a punitive monetary charge for a violation of the law. Often used synonymously with “penalty”.

Group Permit means a control document issued to a group of industrial users that shall share common business identification as defined by the Federal NAICS codebook. Group permits shall not be issued to Categorical Users or Dry Categorical Users.

Industrial User (IU) means all persons and entities, public or private, industrial, commercial, governmental, or institutional which discharge or cause to be discharged, wastewater and waterborne waste into the collection system of the City or Collection Agency, or City POTW treatment plant, including liquid waste haulers.

Interference means any discharge from any User which, alone or in conjunction with discharges from other sources, inhibits or disrupts the City's collection system, treatment processes or operations, or sludge processes, use or disposal; and which is a cause of a violation of any requirement of the City's NPDES Permit (as per 40 CFR 403.3).

Legal Authority means the source of a control authority’s jurisdiction and regulatory powers as established by Federal, State, and Local regulations.

Liquid Waste Hauler (LWH) means any person engaged in the truck hauling of liquid wastes from gravity separation interceptors, septic tanks, seepage pits, cesspools, or any other private disposal system.

May means permissive.

Major Violation means those violations that involve an Administrative Orders (RMC Section 14.12.520 D-K), Civil/Criminal Penalties, Legal Action, Industrial User Permit Revocation, Termination of Service, or result in Significant Noncompliance.

Milestone means a time-based increment of progress in a compliance schedule, not to exceed nine months. Milestones may be set for construction, operations, repairs, the creation of policies and procedures, or other aspects of pretreatment and discharge.

Minor Violation means those violations that involve the issuance of correction notices or written warnings and cause no harm to the POTW or environment or endanger the public or City employees.

Non-Discharging Categorical Industrial User (NDCIU or sometimes termed Dry Categorical User) means Categorical Industrial Users which generate categorical wastewater, but do not have discharges to the City's collection system that are regulated by National Categorical Pretreatment Standards contained in 40 CFR Parts 405-471 and amendments thereto. These IUs shall not be considered Significant Industrial Users as defined by 40 CFR Part 403.

Non-Significant Categorical Industrial User means a user subject to categorical pretreatment standards under 40 CFR Part 403.6 and 40 CFR Chapter I, subchapter N and that never discharges more than 100 gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater), as measured from each individual categorical source at the facility, and has: 1) consistently complied with all applicable categorical Pretreatment Standards and Requirements; 2) has submitted a certification statement required by 40 CFR Part 403.12(q) together with any additional information necessary to support the certification statement; and 3) has never discharged any untreated concentrated wastewater.

Notice of Violation (NOV) means a document notifying an industrial user that it has violated a provision of the RMC or their Wastewater Permit.

Pass-Through means the discharge of pollutants through the POTW in quantities or concentrations that are a cause, in whole or in part, of a violation of any requirement of the City's NPDES Permit (pursuant to 40 CFR 403.3).

Person means any individual, firm, company, association, society, general or limited partnership, limited liability company, trust, corporation, governmental agency or group, and includes the plural as well as the singular.

Pollutant means anything which causes the deterioration of water quality such that it impairs subsequent and/or competing uses of the water. Also means conventional pollutants, domestic wastewater, hazardous substances, infectious waste, slug discharges, dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, medical waste, plastic waste, heat, rock, sand, dirt, dust, wood product, cleaning chemicals of any kind and industrial, municipal, and agricultural waste and wastewaters. Pollutants may also include, but are not limited to, paints, oil and other automotive fluids, soil, sand, sediment, dirt, rubbish, trash, garbage, debris, refuse, waste, fecal coliform, fecal streptococcus, enterococcus, other biological materials, radiological materials, suspended solids, heavy metals, hazardous waste, chemicals, fresh concrete, yard waste from commercial landscaping operations, animal waste, materials that result from the process of constructing a building or structure, nauseous or offensive matter of any kind.

Pollutant Exceedance Fee means a fee in addition to the sewer service charge, which is charged on those users whose wastewater discharge pollutants exceed permitted pollutant levels for COD, TSS, or maximum daily discharge volume.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration may be accomplished by physical, chemical or biological processes, process changes, waste minimization, or other legal means designed to remove or reduce pollutants in a wastestream, but not by dilution.

Pretreatment Facility means any structures, equipment, devices or processes for the reduction, elimination, or alteration of pollutants and/or flow control of wastewater prior to discharge to a collection system.

Publicly Owned Treatment Works or POTW means a wastewater treatment plant, e.g., the Riverside Regional Water Quality Control Plant (RWQCP). This definition includes the collection system, within the City and the Community Service Districts, which is the sewers, pipes and other conveyances of wastewater to a treatment plant, except for private sewer lateral connections. It also includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes.

POTW Treatment Plant means that portion of the City's POTW which is designated to provide treatment (including recycling and reclamation) of municipal sewage, permitted liquid waste hauler wastewater, or other wastewater authorized for delivery to the City's POTW treatment plant.

RMC means the **Riverside Municipal Code**.

Sanitary Sewer Overflow (SSO) means a release of untreated sewage from the sanitary sewer into the environment prior to reaching sewage treatment facilities.

Shall means mandatory.

Significant Industrial User (SIU) means all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; any industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the City's POTW (excluding sanitary, noncontact cooling water and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the City's POTW; or is designated by the City as such on the basis that the industrial user has a reasonable potential for adversely affecting the City's POTW operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8).

Significant Non-Compliance (SNC) means any Industrial User with violations that meet one or more of the following criteria:

- a) Chronic violations of wastewater discharge limits, which are defined as those in which sixty-six percent or more of all of the measurements taken during a consecutive six month period exceed (by any magnitude) the a numeric pretreatment standard, local limit, or requirement, including instantaneous limits;
- b) Technical Review Criteria (TRC) violations, which are defined as those in which thirty-three percent or more of all of the measurements taken during a consecutive six month period equal or exceed the product of the numeric pretreatment standard, local limit, or requirement, including instantaneous limits, multiplied by the applicable TRC (TRC=1.4 for BOD, COD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- c) Any other violation of a pretreatment standard or requirement, including daily maximum, long-term average, instantaneous limit or narrative standard that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

- d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- e) Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in an Administrative Order or enforcement order for starting construction, completing construction, or attaining final compliance;
- f) Failure to provide required reports such as baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within forty-five days of the due date;
- g) Failure to pay, within 30 days, all applicable industrial user application, permit, and enforcement penalty fees.
- h) Failure to accurately report non-compliance;
- i) Any other violations or group of violations that the City determines will adversely affect the operation and implementation of the City's pretreatment program.

Spill Containment means a protection system installed by an Industrial User to prevent the commingling of incompatible materials and/or accidental discharge of prohibited and/or incompatible pollutants to the collection system or storm drain.

Standard Operating Procedure (SOP) means an internal written procedure for the management and interpretation of the City's pretreatment program and is maintained in the City's Environmental Compliance Section Office of the Public Works Department.

Storm Drain or Stormwater Conveyance System means a system of open channels, lined and unlined channels, surface channels, impound basins, ground water recharge basins, storm water holding ponds, underground pipes, curb and gutter, cross gutters, storm water pump and lift stations, parking lots, streets, and natural water courses used to collect and direct storm precipitation and surface runoff to a receiving body of water or underground aquifer recharge basins.

Timeline means the date of completion for a compliance schedule, compliance plan, corrective action, submission of report, or other response required due to a detected violation or deficiency. This can also be called a benchmark or milestone.

User means any person or entity, public or private, residential, industrial, commercial, governmental, or institutional which discharges or causes to be discharged, wastewater or water borne wastes into the collection system of the City or a Collection Agency.

Waste means any and all discarded materials, liquid, solid, semi-solid, gaseous or radioactive.

Waste Minimization means a written summary of practices and site-specific technical and economic information used for selecting appropriate techniques to reduce the production of wastes.

Wastewater means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW or storm drain.

Wastewater Discharge Authorization Certificates (WDACS) are issued to any non-residential user desiring to discharge wastewater to the City's POTW that may qualify for an Industrial User Permit, but is determined that its discharge does not contain pollutants at concentrations of concern, or for whom a less-complex control instrument is deemed otherwise appropriate. WDACS are issued at the Director's discretion. The facility's discharged wastewater shall not have an adverse affect on the City's POTW. WDACS shall not be issued to Categorical Industrial Users. WDACS are issued for indefinite time periods, subject to periodic review and reconsideration by the Director.

Responsible City Personnel

The City staffs an Environmental Compliance Section for the implementation of the City's Pretreatment and Stormwater Protection programs and related affairs as needed. The Environmental Compliance Section is part of the Public Works Department, Wastewater Division, which designates positions that have a role in the implementation of these programs. The following is a listing and description of those positions. Those positions with an "*" are authorized representatives of the Public Works Director.

1. **City Attorney** is collectively comprised of attorneys employed by the City Attorney's Office that provide legal guidance and assistance to the staff of the Environmental Compliance Section on matters of enforcement actions, permits, and regulations.
2. **Public Works Director** is the individual responsible for the activities of all divisions and sections in the City's Public Works Department.
3. **Deputy Public Works Director – Wastewater** is the individual responsible for all the activities and personnel in the City's Wastewater Division.
4. **Wastewater Regulatory and Technical Manager** oversees the activities and personnel in the Environmental Compliance Section of the Sewerage Systems Division, and makes management-level determinations on enforcement, billing, and permitting issues; this position acts as Sewer Benefit Program Coordinator. Can act as Interim-Deputy Public Works Director - Wastewater.
5. **Environmental Compliance Supervisor** reports to the Wastewater Regulatory and Technical Manager and is responsible for the activities and personnel of the Environmental Compliance Section of the Wastewater Division, including quality assessment and quality control (QA/QC) of pretreatment program activities, regulatory reporting and interaction and enforcement actions. This individual is responsible for research, training, and special projects in the Environmental Compliance Section; acts as liaison to the laboratory and operations sections; signs all permits, NOV's and administrative orders. Can act as Interim-Wastewater Regulatory and Technical Manager.
6. **Senior Environmental Compliance Inspector** is the individual responsible for assisting the Environmental Compliance Supervisor as required. The Senior Inspectors' responsibilities include the administration and coordination of permitting, inspection, sampling, sewer rate reviews, plan checking, the Liquid Waste Hauler Permit Program and other of the activities of the Environmental Compliance Inspectors I and II as assigned. Additionally, Senior Inspectors manage Enforcement Responses as presented in Table 1; conduct training for the Environmental Compliance Section and Environmental

Compliance Inspectors; coordination with Customer Service Districts as needed; calculates and reviews special billing cases. Can act as Interim-Environmental Compliance Supervisor.

7. **Environmental Compliance Inspector II** is responsible for inspecting all classes of users, assisting with the execution of incident response, investigations, and special studies, and maintain the City’s sewer user survey and database. The position is responsible for Enforcement Responses as presented in Table 1. This individual may also be assigned to the activities of plan check, and complex plan check review; Liquid Waste Hauler Permit Program; IU permitting; assisting in the development of training materials; training Environmental Compliance Inspectors I; can assist with special billing, special studies and projects. Can act as Interim-Senior Environmental Compliance Inspector.
8. **Environmental Compliance Inspector I** is the individual responsible for the inspection of Class II and III industrial users, group permits, WDAC, and De Minimis users, non-significant industrial users (NSIUs), and restaurants; conducting wastewater monitoring activities; responding to complaints; assisting in special studies and projects; conducting sewer rate reviews and sewer use studies; enforcement responses as presented in Table 1; and database data input. Inspector I can assist in inspection of Class I, IV Users, and perform basic plan check review.

Enforcement Response Actions and Responsible Personnel

The City has codified certain enforcement responses in Riverside Municipal Code Chapter 14.12 that are generally escalating in nature; for minor violations, escalation is at the discretion of the Director. Eight personnel positions in the City are designated with authority to use these enforcement responses pursuant to RMC Section 14.12.200. Administrative Orders pursuant to RMC Section 14.12.520 are issued and enforced by the Public Works Director, or designee, and in some cases with preparation and consultation assistance from the City Attorney’s Office. The following is a summary of the enforcement responses and the personnel positions that are responsible for the specific enforcement response. Table 1. Enforcement Response Personnel Action Authorization summarizes response and enforcement actions available to each City representative.

Enforcement Response Actions

- | | |
|---|---|
| A. Phone Call | L. Civil Penalty Order |
| B. Stop Work Order | M. Cease and Desist Order |
| C. Correction Notice | N. Show Cause Order |
| D. Written Warning | O. Industrial User Permit Revocation |
| E. Informal Meeting | P. Termination of Service |
| F. Senior Mitigation Meeting | Q. Civil Penalties |
| G. Monitoring/Production Information Order (MPIO) | R. Criminal Penalties |
| H. Notice of Violation | S. Probation |
| I. Violation Meeting | T. Publication |
| J. Consent Order | U. Penalty Exceedance Fees (PEF) |
| K. Compliance Order | V. Referral to EPA, State, or County Agency |

Responsible Personnel

- | | |
|---|--|
| 1. City Attorney | 5. Environmental Compliance Supervisor |
| 2. Public Works Director | 6. Senior Environmental Compliance Inspector |
| 3. Deputy Director of Public Works – WW | 7. Environmental Compliance Inspector II |
| 4. WW Regulatory and Compliance Manager | 8. Environmental Compliance Inspector I |

Table 1. Enforcement Response Personnel Action Authorization

Enforcement Response	Authorized Personnel
A. Phone Call	2,3,4,5,6,7,8
B. Stop Work Order	5,6,7,8
C. Correction Notice	5,6,7,8
D. Written Warning	5,6,7,8
E. Informal Meeting	5,6,7,8
F. Senior Mitigation Meeting	5,6
G. Monitoring/Production Information Order	5,6,7
H. Notice of Violation*	1,2,3,4,5,6
I. Violation Meeting*	1,2,3,4,5,6
J. Consent Order*	1,2,3,4,5,6
K. Compliance Order*	1,2,3,4,5,6
L. Civil Penalty Order*	1,2,3,4,5
M. Cease and Desist Order*	1,2,3,4,5,6
N. Show Cause Order*	1,2,3,4,5
O. Industrial User Permit Revocation*	1,2,3,4,5
P. Termination of Service*	1,2,3,4,5
Q. Civil Penalties*	1,2,3,4,5
R. Criminal Penalties*	1,2,3,4,5
S. Probation	2,3,4,5,6
T. Publication	2,3,4,5
U. Penalty Exceedance Fees (PEF)	1,2,3,4,5,6,7,8
V. Referral to EPA, State, or County Agency	1,2,3,4,5,6,7,8

* these enforcement actions are undertaken with the advisement of the City Attorney’s Office.

A. Phone Calls are used to quickly communicate with a user to clarify issues, provide information, and remind users of due dates. Substantive phone calls shall be documented with a written memo to the user’s facility record in the database. Substantive phones calls may include those that provide information for permits, enforcement responses, violations, complaints, and sample results.

B. Correction Notice and Extensions. A Correction Notice is given to a user to require correction of minor violations noted during an inspection of the user’s facility. A copy of the Correction Notice is given to the IU at the conclusion of the inspection during which the deficiency is noted; it must include a clear timeline for correction. Compliance time extensions may be granted to a user who fails to correct a minor violation required by a Correction Notice, upon showing of good cause by such user. “Good Cause” means an unforeseeable an unavoidable event or series of events, over which the user had no control and which prevented, delayed, or significantly impaired the user’s ability to comply with the correction notice.

Extensions can be given at the compliance follow-up inspection or by letter and may be accompanied by an inspection fee, as they establish the necessity of an additional follow-up inspection. The IU is provided with a copy of the extension, with clearly stated updates to the timeline and consequences for noncompliance, at the conclusion of the inspection.

C. Written Warning is issued to notify a user of a minor violation and any violation that has not been corrected as required by a correction notice. The Written Warning shall state the provision(s) violated and the facts alleged to constitute the violation, and may include any proposed corrective actions or monitoring to be required. These warnings shall be documented in a written inspection report at the time of the inspection. A copy shall be given to the industrial user (IU) at the conclusion of the inspection, with a request for signature from a responsible party, with a compliance timeline for the violation clearly stated on the inspection report. The compliance timeline can range from immediate to 30 days depending on the severity of the violation. The inspector writing the Written Warning shall use best professional judgment in establishing compliance dates. Follow-up inspections shall be used to verify compliance on the due date stated in the inspection report. A Written Warning may also be sent to the IU within 5 days after the inspection. The issuance of a written warning may be accompanied by an inspection fee, as they establish the necessity of an additional follow-up inspection.

D. Informal Meeting is used to bring the user and the City into discussions to clarify any issue(s) related to the user's violation, permit, or conditions levied upon the user by the City. This meeting is for informational purposes only and does not carry any penalties, though it may be accompanied by an inspection fee.

E. Senior Mitigation Meeting may be used by the Environmental Compliance Supervisor or a Senior Environmental Compliance Inspector or when a user has been issued a Written Warning and has failed to achieve compliance. The purpose of the meeting is to discuss with the user their violation(s) and the potential consequences for not achieving compliance after the issuance of a Written Warning. This meeting provides an opportunity to educate the user about their violation(s) and affords an opportunity to present potential mitigative options to the user to achieve compliance before a Notice of Violation is issued. A Senior Mitigation Meeting may be accompanied by an inspection fee.

F. Stop Work Order is issued to any person engaged in performing or facilitating the activities of new construction, tenant improvements, alterations, or additions relative to the City's pretreatment program if:

1. City permits have not been obtained; or
2. Work has begun without prior written approval by the Director; or
3. Violations of RMC Chapter 14.12 are found at the site of the new construction, tenant improvements, alterations, or additions. Any user served a Stop Work Order pursuant to RMC Chapter 14.12, shall immediately stop such work until written authorization for such work is issued by the Director.

G. Monitoring/Production Information Order (MPIO) is issued to a user when two consecutive violations for the same pollutant are detected in City wastewater discharge samples, user samples or both. The MPIO is used to determine if discharge compliance has been achieved or if a detected violation is consistent. The MPIO requires a user to sample the user's wastewater discharge for the pollutant(s) in violation and record the daily effluent wastewater flow for all days with a fourteen consecutive day period that industrial wastewater is discharged to the City's POTW. Production information is required of all categorical users that have production-based wastewater discharge standards. If oil and grease is a pollutant required by the MPIO,

then the user shall take four grab samples for oil and grease in a twenty-four hour period on the same calendar day. Each sample shall be separated by a minimum of two hours. The four oil and grease samples shall be analyzed separately and the sample analytical results averaged for the purpose of reporting. The user shall be responsible for all costs incurred with the sampling, analysis, collection, and submittal of information.

H. Notice of Violation (NOV) is issued to a user for violation of a Written Warning, Stop Work Order, Industrial User Permit, RMC Chapter 14.12, an MPIO that has resulted in significant noncompliance (SNC), major violations, or any other violation that has resulted in SNC. When the Director is made aware of the user's violation(s), the Director may serve personally or by certified mail upon said user a written NOV. The NOV shall state the provision(s) violated and the facts alleged to constitute the violation, and may include any proposed corrective actions or monitoring to be required. The NOV requires a user to respond in writing to the Director, within ten calendar days from the date of receipt of the NOV, with a written explanation of or response to the violation(s) and a plan for the satisfactory correction or prevention thereof, including specific required corrective actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV. The user also has ten calendar days to appeal any findings made or actions required by the NOV. The NOV shall have a minimum monetary penalty according to the enforcement penalty schedule (Table 2).

I. Violation Meeting is required of all users who have failed to achieve compliance after the issuance of an NOV, at the conclusion of an MPIO that has resulted in significant noncompliance, or after a pattern of violations has been discovered. This meeting shall be for the City to draft a consent order or compliance order or for the user to propose solutions, request time extensions, draft a compliance schedule, or file an appeal. The Violation Meeting shall have a monetary penalty according to the enforcement penalty schedule (Table 2).

J. Consent Order is a written agreement between the City and a violating user and may be issued at any time after finding a violation of RMC Chapter 14.12. Such agreement may be in the form a compliance schedule with milestones, other specific actions to be taken by the user to correct or prevent the noncompliance within a specified time period, payment of damages, monetary penalties, fines, or other remedies. No milestone in the Consent Order shall exceed nine months in length. The Consent Order is developed between the user and City personnel authorized for this activity (Table 1). The minimum elements of an Enforcement Compliance Schedule Agreement (ECSA) generally are:

1. Hiring a consultant by the IU to identify the problems causing the violations and submitting the consultant's report.
2. Design and submittal by the IU of all pretreatment systems, equipment, facilities, and procedures to correct violations.
3. Review of the IU's submittals by the Environmental Compliance Section and other relevant City Departments.
4. Hiring of contractors by the IU.
5. IU obtains all necessary permits.
6. All necessary equipment is ordered by the IU and construction begins.

7. Construction is completed by the IU.
8. IU employees are trained by the IU.
9. An MPIO is conducted by the user, if the violations were due to permit discharge violations.
10. IU achieves compliance.

Written progress reports are required from the IU throughout the term of the ECSA. The minimum reporting frequency is every 30 days. A Consent Order has the same force and effect as any other administrative order issued pursuant to this RMC Chapter 14.12 and shall have a monetary penalty according to the enforcement penalty schedule (Table 2).

K. Compliance Order shall be issued to a user that has violated or continues to violate RMC Chapter 14.12, the user's industrial user permit, or order issued thereunder. The City may issue a compliance order to the user responsible for the violation(s) that shall specify the provisions violated and the facts constituting the violation(s). The Compliance Order shall direct adequate treatment facilities, devices, or other related appurtenances be installed and properly operated by qualified personnel for a specified time period. The Compliance Order is developed and written by City personnel authorized for this activity (Table 1) without input from the IU. The purpose of the Compliance Order is to compel uncooperative or non-compliant IUs to achieve compliance. Compliance Orders may also contain other requirements, as deemed reasonably necessary and appropriate, to assure timely compliance with RMC Chapter 14.12. and correct the noncompliance. A Compliance Order may require the installation of pretreatment technology, additional self-monitoring or management practices, compliance schedule with milestones, submission of action plans, appearance by the user at a specific time and place for a compliance meeting, or other measures necessary to achieve and maintain compliance. At no time, shall a Compliance Order contain a milestone that exceeds nine months in duration. The Compliance Order shall have a monetary penalty according to the enforcement penalty schedule (Table 2).

If no public hearing on the alleged violation(s) has been previously conducted, the alleged violating user may either submit a written explanation or other response to the Compliance Order or request that the Director conduct either an informal meeting or a hearing. Such submission or request shall be in writing and filed with the Director no later than ten calendar days after receipt of the Compliance Order. The submission or request shall not stay the Compliance Order.

L. Civil Penalty Order is issued to a user to assess penalties and any other costs incurred by the City in the investigation, monitoring, legal assistance, enforcement, cleanup or repair caused by the user's violation as authorized by RMC Chapter 14.12. The Civil Penalty Order may be included with any other administrative order. Any user violating any provision of Chapter 14.12, permit term or condition, or administrative order shall be liable to the City for a civil penalty of not less than one thousand dollars per violation per day for as long as the violation continues, plus actual damages incurred by the City pursuant to RMC Section 14.12.540(A).

M. Cease and Desist Order is issued to any user or person whose violation of RMC Chapter 14.12, industrial user permit, or any order issued under RMC Chapter 14.12, poses a threat to the City's collection system, storm drain, POTW, personnel, environment or the public. A Cease and Desist Order may also be issued to users who continue to discharge industrial wastewater to the City's POTW without a valid Industrial

User Permit. A Cease and Desist Order may be issued immediately upon discovering any such violation and direct those users or persons in noncompliance to take such appropriate remedial or preventive action as may be deemed necessary to eliminate a continuing or threatened violation, including halting operations and terminating a discharge. Such Cease and Desist Order shall include the provision violated and the facts constituting the violation. A Cease and Desist Order shall have a monetary penalty according to the enforcement penalty schedule (Table 2).

N. Show Cause Order is a hearing requiring a user to show cause why a proposed enforcement action should not be taken by the City, shall be conducted prior to City's imposition of such enforcement action against a user failing to achieve compliance with RMC Chapter 14.12 or user's industrial user permit, after issuance and conclusion of a consent order, compliance order, or cease and desist order. The Show Cause Hearing shall have a monetary penalty according to the enforcement penalty schedule (Table 2). The Show Cause Hearing shall be conducted pursuant to such written procedures as established by the Director from time to time, maintained for public review in the office of the Director, and provided to a user at the time of notice of such hearing. Such procedures shall provide user with notice and an opportunity to be heard, and may include the following procedures:

1. A Show Cause Order, issued by the Director, shall order the violating user to appear at a show cause hearing to show cause to the Director why a proposed enforcement action should not be taken;
2. The Show Cause Hearing shall be public;
3. A notice of the Show Cause Hearing and the Show Cause Order shall be served on the user specifying the time and place for the public hearing; the proposed enforcement action and the reasons for such action, including any alleged violation and the facts constituting the violation, and a request that the user show cause why the proposed enforcement action should not be taken;
4. The Director shall permit the alleged violating user to respond to the notice and order, to present evidence and argument on all relevant issues, and to conduct cross-examination of any witnesses necessary for the full disclosure of the facts;
5. The Director may request the attendance and testimony of witnesses and the production of evidence relevant to any matter, and may seek from the appropriate court the issuance of subpoena to compel the presence of prospective witnesses;
6. The testimony taken shall be under oath and recorded, with a transcript prepared and provided to any person upon payment of the usual charges for such transcript;
7. The notice of the hearing and the order to show cause shall be served upon user personally or by registered or certified mail (return receipt requested) at least fifteen calendar days prior to the hearing; except that the Director may set an earlier date for the hearing if the user requests the earlier date. Such notice may be served on any authorized representative of the user;
8. Upon review of the evidence, the Director shall make written findings of fact and decision in the nature of an order, which shall be served upon user; and

9. City may immediately impose an enforcement action after the hearing whether or not a duly notified user appears as noticed.

O. Industrial User Permit Revocation. The Director may revoke any industrial user permit if the user is in violation of any provision of RMC Chapter 14.12 or the industrial user permit. These violations include but are not limited to: falsification by user of information required by Chapter 14.12; user's denial to the City of the right of entry when conditioned in the industrial user permit; user's failure to re-apply for an industrial user permit or request a required permit modification; user's failure to pay required permit fees or charges; or user's discharges in violation of Chapter 14.12. Validity of the industrial user permit shall be conditioned upon industrial user's compliance with the provisions of Chapter 14.12. The Director may revoke the industrial user permit upon a minimum notice of fifteen calendar days when the Director finds that user violated any provision of Chapter 14.12 or industrial user permit. Within the fifteen days prior to the intended permit revocation, the Director shall make a hearing available to the industrial user. All costs for industrial user permit revocation and reissuance will be paid by the user.

P. Termination of Service. The Director may immediately order a user to cease discharge of wastewater to City's collection system and POTW, and may suspend wastewater disposal and treatment service for such user, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, or causes interference to the POTW or City's collection system, or causes the City to violate any condition of its NPDES permits, or if the user has failed to obtain a valid industrial user permit. If the user fails to comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer service lateral connection, to prevent or minimize damage to the POTW or collection system, or endangerment to any person or the environment. All costs for terminating service shall be paid by the user. All costs for reestablishing service shall be paid by the user.

Q. Civil Enforcement Remedies may include:

- A. Any user violating any provision of RMC Chapter 14.12, user's permit, or administrative order shall be liable to the City for a civil penalty of not more than one thousand dollars per violation per day for as long as the violation continues, plus actual damages incurred by the City pursuant to RMC Section 14.12.540(A). In addition to these penalties and damages, the Director may order user to pay City's costs, including reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including, but not limited to, sampling, monitoring, laboratory costs and inspection expenses.
- B. The Director shall petition an award of such penalties, damages and costs against such user by an appropriate court in the County of Riverside. In support of such petition and as a basis to determine the amount of such penalties, damages and costs, the Director shall cite to the court all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through a user's violation, corrective actions by a user, the compliance history of the user, good faith efforts to restore compliance, threat to human health, to the environment and to the POTW, and any other factor as justice requires. The purpose of any civil penalty is to encourage compliance and remedy unquantified damage to the POTW and environment, and not to impose criminal sanctions or retribution.

- C. If any user discharges wastewater into the City's collection system or POTW contrary to the provisions of this Chapter, federal or state pretreatment requirements, or any order of the City or permit issued under this Chapter, the Director may commence an action for appropriate legal and/or equitable relief in the appropriate court in the County of Riverside.
- D. All remedies provided for in Chapter 14.12 are nonexclusive. The Director may, with the assistance of the City Attorney's Office seek any available remedies provided by law.

R. Criminal Enforcement Measures may include:

- A. Any user which willfully or knowingly violates any provision of Chapter 14.12 of the RMC, or any orders or permits issued thereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars or imprisonment for not more than six months, or both, per violation per day. This penalty shall be consistent with the Federal Clean Water Act, 33 U.S.C. 1251, et seq. and amendments thereto, and shall apply to the exclusion of any other more lenient Chapter provision. A user shall be guilty of a separate violation for each day a violation of any provision of this Chapter or industrial user permit is committed or continued by such user.
- B. Any user that willfully or knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to Chapter 14.12 of the RMC or the user's industrial user permit, or which falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under Chapter 14.12 shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars per violation per day or imprisonment for not more than six months, or both, per violation per day. This penalty shall be consistent with the Federal Clean Water Act, 33 U.S.C. 1251, et seq. and amendments thereto, and shall apply to the exclusion of any other more lenient Chapter provision.
- C. Any other violation of Chapter 14.12 of the RMC may be prosecuted as a misdemeanor in accordance with Section 1.01.110 of the RMC.
- D. Any user that is discovered having committed violations of the Federal Clean Water Act, 33 U.S.C. 1251, et seq. may be referred to the United States Environmental Protection Agency – Criminal Investigations Division and the United States Department of Justice for investigation and criminal prosecution.

S. Probation. A user issued a Written Warning may be issued a maximum six-month probationary period for the violation stated in the written warning. All users issued a Notice of Violation may be issued a maximum twelve-month probationary period for the violation stated in the notice of violation. If the user commits the same violation within the probationary period, then enforcement will be escalated to the next appropriate level. If the user commits the same violation after the end of the probationary period, then the violation will be treated as a new violation for purposes of enforcement. Repeated same violations will only be granted two probationary periods. If the same violation occurs after two consecutive probationary periods for either a Written Warning or a Notice of Violation, then the enforcement actions will be escalated to the next appropriate level.

T. Publication. The names of all significant industrial users which are found to be in significant noncompliance with the RMC, the Industrial User Permit or required provisions of 40 CFR 403 shall be

published at least annually in a newspaper(s) of general circulation that provides meaningful public notice within the City, in accordance with 40 CFR 403.8(f)(2)(vii). The names of all industrial users shall also be published whose violation of a pretreatment standard or requirement or whose discharge that the City determines has:

- A. Caused, alone or in combination with other discharges, interference or pass-through at the POTW, including endangering the health of POTW personnel or the public;
- B. Posed imminent danger to human health, welfare or to the environment or resulted in the City exercising its emergency authority to stop or prevent a harmful discharge; or
- C. Adversely affected the operation or implementation of the City’s Pretreatment Program, including violation(s) of Best Management Practices.

All administrative orders, RMC 14.12.520 (H)–(K), are initiated by the Public Works Director, or designee, with the advisement of the City Attorney’s Office. If the user does not comply with the administrative order, then the enforcement action may be referred to the City Attorney’s office for review of additional available remedies.

Table 2 lists the monetary penalties the enforcement actions associated for each permit class.

Table 2. Enforcement Penalty Schedule

User Category	Written Warning	NOV	Compliance Order	Consent Order	Cease and Desist Order	Violation Meeting	Show Cause Order
Class I	\$500	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Class II, LWH	\$500	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Class III, IV, V, NSIU, Restaurant, Group, De Minimis, WDAC	\$500	\$750	\$750	\$750	\$1,000	\$1,000	\$1,000

Appeals

- A. Any user affected by and dissatisfied with any decision, order, or enforcement action, made by the Director interpreting or implementing the provisions of Chapter 14.12 of the RMC or industrial user permit, may file with the Director a written appeal requesting a hearing, reconsideration of such decision, order or enforcement action within ten calendar days from the receipt of the notice of such decision, order or enforcement action. The user shall state in detail the facts supporting the user's request for reconsideration. The Director shall render a ruling on the appeal to the user in writing within ten calendar days from receipt of the appeal. Submission of such a request in no way relieves the user of liability for any violations occurring before or after receipt of decision, order, or enforcement action, nor stays the requirements of achieving or maintaining compliance.

- B. If the Director’s ruling on the appeal is unsatisfactory to user, then the user may, within ten calendar days after receipt of notice of the Director's ruling, file a written appeal with the City Council, lodging such appeal with the City Clerk along with an appeals fee of one hundred dollars. The written appeal shall be heard by the City Council within thirty days from the date of filing. The City Council shall make a ruling on the appeal within forty-five days from the date of filing.

- C. City Council’s final ruling shall be deemed a final decision, order or action by City which any person adversely affected by such decision, order or action may appeal to the appropriate court in the County of Riverside. No person may obtain judicial review of any decision, order, or enforcement action by City under Chapter 14.12 of the RMC without first having exhausted his or her administrative remedies set forth therein.

Inspections

The Environmental Compliance Inspectors are required to know, implement, and enforce a wide spectrum of laws, regulations and policies. The City’s pretreatment program utilizes the skills and abilities of the Environmental Compliance Supervisor and the Environmental Compliance Inspectors (ECI) to conduct inspections. The majority of inspections are random and unannounced. Some inspections are scheduled due to the time required for the inspection or pre-arrangements necessary to ensure that a knowledgeable person will be available. The categories of users or events requiring an inspection are: permitted industrial users, nonsignificant industrial users (NSIUs), restaurants, de-minimis users, group permitted users, WDACs, liquid waste haulers, complaints, sewer rate reviews, plan check, and sewer use verification. The goals of the inspections are to:

1. Protect the City’s POTW from industrial waste discharges that could cause interference, pass through, or interfere with the reclamation of bio-solids;
2. Protect the City’s collection systems from damage or obstructions;
3. Protect the City’s storm drain system from illegal, illicit, or harmful discharges; and
4. Provide the user with regulatory updates and requirements, pollution prevention and waste minimization information, and storm water compliance information.

The Environmental Compliance Section maintains a training manual and a variety of Standard Operating Procedures (SOPs) used to document, train and remind employees of protocols, procedures, and inspection methods. Inspection frequencies are determined by permit class, user designation, user’s inspection/enforcement history, specific inspection need (e.g. permit class, sewer rate review, plan check, etc.). Table 3 lists the category of inspections, minimum inspection frequencies, and personnel authorized to conduct the inspection.

Table 3. Inspection Categories and Personnel

Permit Class	Inspection Frequency	EC Supervisor	Senior EC Inspector	EC Inspector II	EC Inspector I
Class I	4/yr	√	√	√	
Class II	2/yr	√	√	√	*
Class III	2/yr	√	√	√	√
Class IV	2/yr	√	√	√	√
Class V	as needed	√	√	√	*
Class VI, LWH	as needed	√	√	√	*
NSCIU	1-2/yr	√	√	√	*
NSIU	1 per 2yr	√	√	√	√
Restaurant	1-4/yr	√	√	√	√
Group	1-2/yr	√	√	√	√
De Minimis	as needed	√	√	√	√
WDAC	1 per 2yr	√	√	√	√
Complaint	as needed	√	√	√	√
Sewer Rate Review	as needed	√	√	√	*
Plan Check	as needed	√	√	√	*
Sewer Use Verification	as needed	√	√	√	*

* ECI I may conduct these activities providing the requisite training has been completed and with the approval of the Environmental Compliance Supervisor.

Permit fees for permit classes I and II may include up to four inspections per year; permit fees for permit classes III, IV, and NSCIU classes may include up to two inspections per year; and permit fees for permit classes V and VI may include site inspections as necessary. If additional inspections for any class of industrial users are necessary, a fee may be assessed per hour of additional inspection activity, as established by resolution. Inspection activity may include site visits, violation investigations, and the administration of the inspection related activities.

All required fees not paid by the required due date shall be assessed an additional 25% of the original fee for each thirty days of delinquency.

Permits

The City has developed several means of controlling the discharge of industrial wastewater into the POTW. These are Industrial User Permits Classes I-VI, NSCIU Certificates, Group Permits, Waste Discharge Authorization Certificates, and De-Minimis Categorizations. The Director issues Industrial User (IU) Permits with specific requirements including, but not limited to: minimum sampling and inspection frequencies, compliance schedules, reporting requirements, specific numerical limits for listed pollutants, and specific limitations for wastewater discharge volume (daily flow). The discharge limits are derived from applicable Federal standards and Local Limits. In the case of Federal categorical IUs whose wastestreams contain regulated, unregulated, and dilute wastestreams, the Combined Wastestream Formula (40 CFR 403.6) is used to determine fixed alternative discharge limits for end-of-pipe discharges. In cases where the Federal fixed alternative limit and the local limit for the same pollutant exist, the more stringent limit shall apply and will be written into the IU's discharge permit. In cases where the Combined Wastestream Formula is not applied, the Federal categorical limit shall apply at the end of process of the regulated wastestream. The IUs are

required to sample their wastewater discharges based upon the permit class. The following table, Table 4. Permit Classes and Descriptions, summarizes the various classes of permits, their effective durations, and provides a short description for each class.

Table 4. Permit Classes and Descriptions

Category	Duration	Description
Class I	1-2 years	Average wastewater discharge > or = 25,000gal/day, SIU, or Categorical User
Class II	1-3 years	Average wastewater discharge >10,000 and <25,000 gallons/day
Class III	1-3 years	Average wastewater discharge > 100 and <10,000 gallons/day
Class IV	1-3 years	Any user that stores hazardous substances on site or has a categorical process with no sewer discharge of categorical wastewater.
Class V	up to 180 days	Temporary User, permit shall be from 1 to 180 days
Class VI	1 year	Liquid Waste Hauler Permit
NSCIU	1-3	Discharges less than 100 gpd of categorical wastewater
NSIU	*	Non-Significant Industrial User
Restaurant	*	All food serving establishments
Group	1-3 years	All users sharing a common NAICS identification and agreeing to general permit requirements for that specific business or commercial activity.
De-Minimis	n/a	All users with less than one hundred gallons/day of wastewater discharge and are not subject to federal categorical pretreatment standards
WDAC	*	Waste Discharge Authorization Certificate may be issued to any user not regulated by a Class I-VI permit
Complaint	n/a	Inspections required in response to complaints received: sewer, odor, or storm drain, including hazardous material spills and sanitary sewer overflows (SSOs).
Sewer Rate Review	n/a	Inspections required in response to user's request for a sewer rate review
Plan Check	n/a	Inspections required in response to new construction and Tenant improvements
Sewer Use	n/a	Inspections required to determine the correct sewer use category

* Indefinite

The inspection is one method for determining compliance with permit conditions, Riverside Municipal Code Chapter 14.12, applicable regulations and limitations from 40 CFR 403-471, sewer use, and plan check requirements. The inspection is also used to verify compliance after a violation has been discovered. Conducting inspections is not without limitations and guidelines.

Inspection Preparation

The City's Environmental Compliance Section has the authority to inspect, conduct surveillance, and monitor all IUs to determine compliance with permit conditions, Federal, State, and local regulations, to independently verify information supplied by IUs and Participating Agencies, in accordance with the RMC, 40 CFR 403.8, and Multi-Jurisdictional Agreements. POTW inspectors must perform their duties with the highest degree of professionalism. In dealing with industry representatives, inspectors must be tactful, courteous, and diplomatic. The inspector is the representative of the POTW, and is often the primary POTW point of contact for the industrial user. A firm but responsive attitude should encourage cooperation and support a good working relationship with the facility. The inspector must not use threatening language. Inspectors should

avoid any negative comments regarding any product, manufacturer, or person while conducting the inspection. Inspectors should not accept gifts, favors, lunches, or any other benefits under any circumstances.

Pre-inspection activities are crucial for conducting efficient and effective inspections because they provide a focus for the on-site inspection activities. By carefully planning the inspection, the inspector will not waste time on-site deciding what needs to be accomplished and how to obtain all of the necessary information. This background work should be completed at the POTW so that inspectors can use their time efficiently when they arrive at the facility.

The inspector shall gain entry to the IU through the front office, guarded gate, or another pre-arranged agreed upon entry point. At no time shall an inspector enter the property of an IU without first securing the permission of a responsible IU official. The inspector shall provide proper identification (City business card and/or City photo ID) to the IU when claiming to be a City Environmental Compliance Inspector. The IU shall allow the inspector ready access at all reasonable times to all parts of the premises. When an IU has security measures in force, the IU shall make all necessary arrangements to allow ready access of properly identified City Environmental Compliance Inspectors.

Prior to inspecting a permitted IU, the Inspector shall review the IU's file to become familiar with the IU's business activities, processes, and permit conditions (including BMR, TOMP, and other periodically submitted material), any Federal categorical processes or applicable requirements, have a good knowledge of the City's waste discharge ordinance (as contained in Riverside Municipal Code Chapter 14.12) and discuss any pending or anticipated enforcement actions with the Senior Environmental Compliance Inspector or Environmental Compliance Supervisor.

These activities are critical to gaining an understanding of the user's production processes, wastestreams produced, pretreatment methodology, wastewater flow, waste disposal, permit class, and monitoring requirements. The enforcement history provides the inspector with the IU's violation history and focus the inspector to historical problem areas. An understanding of the company's processes and inspection history will add a level of confidence to the inspector that is necessary to adequately complete the inspection.

The Class V permit, or Temporary Use Permits, inspections are used to verify the information submitted in the permit application with the on-site equipment, conditions, and circumstances. Temporary Use Permits may be necessary for a remediation project lasting less than six months that generates wastewater or one time discharges of large volumes of wastewater.

The Class VI, or liquid waste hauler permit, inspections, entail verification of permit information with the company owner, vehicle inspections for license plate and County permit verification, and load inspections to verify load origination or any attempt to mix loads. Occasionally, joint inspections are conducted with the Riverside County Department Environmental Health at the permittee's truck yard or business office location.

Inspections for complaints entail a review of the site address, area sewers and storm drains, and consultation with a Senior Environmental Compliance Inspector, Environmental Compliance Supervisor, or Collection System Supervisor. Complaint inspections can be from a residential site to a large manufacturing site. Complaints can be initiated due to a spill or intentional discharge of a material or waste. An effective inspector will use their knowledge of pollutant migration, analytical methods, industrial processes, chemistry, and materials in order to assess the proper response for the complaint received. Depending on the nature of the

complaint, the inspector may be interfacing with the Regional Board, Riverside County Health Dept., City Fire Department, City Building Division, City Code Compliance, or City Street Division.

Plan Check inspections require a review of the plan check file for the site address and the plan check database for any pretreatment requirements or any other specific requirements for the project. These inspections typically review the construction site with the submitted approved blue prints. Deviations from the approved submitted blue print drawings must have approval from the City Planning Department and Building Division prior to implementation of the change. If any changes have been made without approval or any construction began without permits, the inspector may issue a Stop Work Order and/or notify the Building Division to take appropriate actions.

The sewer rate review requires research into water use history, the accounts sewer rate, and any file information for the site. Some sewer rate reviews are conducted for a sewer charge adjustment due to a water leak, high landscape water usage, water used in a product, and evaporative processes.

Sewer use verification inspections are generated by the Customer Information System (CIS), requests by users or third parties. These inspections are used to verify the user's sewer use code with the sewer use code assigned by the City's utility billing section.

Access Denial to an Inspector by an IU

The inspection activities performed by the City's Environmental Compliance Section comply with the Fourth Amendment to the United States' Constitution which states: "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Access to an inspection site must always be conducted through the main entrance, front door, gate, guarded entrance or other prearranged and approved entry point during normal business hours. The "normal business hours" may be overlooked in the case of emergencies, evasive users, or other unusual circumstances that would warrant an inspection outside of normal business hours. Once contact is made with the user, inspector must:

- 1) Present identification and ask for the person in charge, the known contact, or the authorized representative;
- 2) Clearly explain the purpose of the visit, e.g. inspection pursuant to RMC Chapter 14.12, permit inspection, bi-annual inspection, complaint, spill;
- 3) Ask for permission to begin the inspection.

The consent for inspection must be informed and voluntary. The IU must be clearly informed and understand the need for the inspection. The IU must also freely give consent to inspect the facility. This consent may not be obtained through trickery, deceit, coercion or threats. The absence of a denial of entry can be inferred to be the equivalent of consent.

An IU must give verbal consent for entry prior to routine inspection and monitoring activities. As long as the inspector is allowed to enter, entry is considered voluntary and consensual, unless the inspector is expressly

told to leave the IU's premises. Express consent is not necessary. Absence of express denial can constitute consent. If an inspector has been denied access, the following procedures are to be used, in accordance with the 1978 U.S. Supreme Court decision in Marshall v. Barlow's Inc., 436 U.S. 307 (1978):

1. The inspector is to provide proper identification.
2. The inspector is to tactfully ask the reasons for the denial without using any inflammatory words or statements. Any misunderstandings should be avoided.
3. If entry is still denied, the inspector must leave the premises and contact the Environmental Compliance Supervisor or Senior Inspector for instructions.
4. **Documentation.** The inspector must carefully write down all observations pertaining to the access denial. The minimum information in the documentation must be:
 - a. Exact name and title of person(s) approached, including initial contact with front office personnel.
 - b. Name, title, and authority of the person(s) who denied the access.
 - c. Date, time, and detailed reasons for the denial.
 - d. Physical description of the business.
 - e. Any reasonable suspicion that the denial was based on a desire to cover up regulatory or permit violations.
5. Under no circumstances shall an inspector discuss potential penalties or do anything in such a manner that may be construed or conceived as intimidating or threatening. Professional and polite notification that the permission to discharge wastewater to the POTW is conditioned upon the discharger expressly consenting to inspection of the discharging facility, as stated in the permit, and that such denial of entry could constitute non-compliance with permit conditions, is appropriate.
6. If the IU threatens the inspector in any way, verbal or physical, the Inspector shall document the event (date, time, circumstances) and report the event to the Environmental Supervisor. If the physical threat or abuse causes any bodily harm, the City Police Department shall be requested to respond.

If an IU refuses to allow the inspection, then the inspector must advise the IU that the refusal must be reported to the Environmental Compliance Supervisor who will then contact them. Under no circumstances is the inspector to threaten any punishment or retribution for an IU refusing entry. In Marshall v. Barlow's Inc. 436 U.S. 307 (1978), the United States Supreme Court issued a ruling that stated no sanction may be imposed upon an owner who declines to consent to inspection but instead insists upon a warrant.

If, during the inspection, the IU withdraws consent for the inspection and insists that the inspector leave, then the inspector must leave and take the same actions as in the case of entry denial. All evidence, records, written notes, samples and photographs up to the time the consent was withdrawn are legal and may be retained and not surrendered to the IU. In the case of entry denial and withdrawn consent, the inspector must write very detailed and specific observations about the circumstances involved with the entry denial or consent withdrawal. These observations include the name of the contact, what was specifically said, and any observations about the activities surrounding the entry denial or consent withdrawal. The withdrawn consent must be reported immediately to the Environmental Compliance Supervisor or Senior Environmental Compliance Inspector.

If the inspector is refused entry because they do not sign a release or liability waiver, they should leave and immediately report all pertinent facts to their supervisor and notification will be made to the POTW's legal

staff. All events surrounding the refused entry should be fully documented, and problems should be discussed cordially and professionally. Officials at the regulated facility must not be subjected to any form of intimidation or threats for their failure to allow an inspector entry to the premises. The inspector's authority to inspect should not be abused, nor should the industrial user's right to refuse entry be undermined. Keep in mind that the inspector is at the facility to conduct an inspection, not to see a specific individual. If the normal contact is not in, the inspection should generally not be postponed.

Inspection Warrants/Search Warrants

In the event an inspector is denied access or consent is withdrawn, an inspection warrant may be necessary. An Inspection Warrant is a legal remedy used to conduct administrative inspections in the absence of voluntary consent. If the inspector has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate cause to believe that there may be a violation of RMC Chapter 14.12, or that there is a need to inspect or sample the user's facilities as part of a routine inspection and sampling program of the City designed to verify compliance with Chapter 14.12 of the RMC or any permit or order issued thereunder, or to protect the overall public health, safety and welfare of the community, then the Director may seek issuance of an Inspection Warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the California Code of Civil Procedure and amendments thereto. However, in the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.

In the event an inspector is denied access or consent is withdrawn and criminal violations are suspected, then the inspector gathers and documents as much information as possible prior to the denial or withdrawn consent and notifies the Environmental Compliance Supervisor of the circumstances. The Environmental Compliance Supervisor then confers with the Wastewater Operations Manager, Wastewater Systems Manager, Public Works Director, and City Attorney's Office for direction. If a search warrant is believed necessary, then the City or the Riverside County District Attorney's Office may obtain the search warrant. The Environmental Compliance Supervisor will then contact the appropriate individuals from City Attorney's Office and/or the District Attorney's Office and the Riverside County Department of Environmental Health for procedures and instructions.

Elements of a Facility Inspection

When inspecting a user, there are five basic questions that must be asked to determine permit requirements and the impact of the user's discharge on the City's POTW. In addition to the five lead questions, many more questions are asked to clarify and expand the information obtained from the user.

This list of questions is by no means an absolute list for all inspection questions. There are as many questions as there are different processes and industries. The point is that the use of these five basic questions can be applied to any inspection. The pretreatment program inspector must be able to answer these basic questions at any inspection conducted.

The five questions are:

1. What does the industry make?
2. How does the industry make their product?
3. What wastes are generated by the production of this product?
4. How are the wastes treated prior to disposal?
5. How are the wastes disposed?

Given these five questions, a fairly-comprehensive, logical subset of questions can be used that will direct the inspector to a thorough examination of the industry or business.

Question #1, What does the industry make?

Subset

1. Is the company a categorical industrial user?
2. When did the company begin business?
3. What is the company's product used for?

Question #2, How does the industry make their product?

Subset

1. Does this company need a wastewater discharge permit?
2. Is the manufacturing process regulated by a categorical standard?
3. What is the production process flow?
 - a. How is the product produced from beginning to end?
 1. Describe each step or phase.
 - b. Can I explain the production processes?
4. What materials and quantities are used to make the product?
 - a. Raw materials
 - b. Hazardous materials
 - c. Chemicals
 - d. Coatings
 1. Paint, solvent or water based
 2. Powder, epoxy based
 3. Anodizing
 4. Phosphate coating
 5. Metal coloring
 6. Corrosion inhibition
5. Is spill containment or material separation necessary?
6. Are all materials and chemicals properly labeled?
7. Does the business have MSD Sheets for all the materials and chemicals used?

Question #3, What wastes are generated by the production of this product?

Subset

1. How much of each waste is generated?
2. Are the wastes hazardous?
 - a. Is the business aware of RCRA requirements?
 - b. Is the business aware of CA Title 22 requirements?
3. Are the wastes reclaimable and recyclable?
4. Are waste minimization and pollution prevention practices and procedures in place?
5. Is the waste stored?
 - a. Is spill containment necessary?
 1. Are incompatible wastes physically separated?
 2. Is the spill containment made of materials resistant to the waste being stored?
 - b. Are the waste storage areas properly labeled?
 1. Are the wastes easily identified?
 - c. Is a spill response plan on site?
 1. Have the employees been trained?
 - d. Is there a slug load control plan?

Question #4, How are the wastes treated prior to disposal?

Subset

1. What types of pretreatment are being used?
 - a. Physical
 - b. Chemical
 - c. Biological
2. Are the wastes being treated hazardous?
3. How much pretreatment waste is generated?
4. Do the pretreatment plant operators have sufficient training?
5. Are safeguards in place in the event of a failure in the pretreatment system?
6. Do any of the pretreatment operations require spill containment and segregation?
7. Be able to describe and diagram the pretreatment process from beginning to end.
8. Is the pretreatment in harmony with the pretreatment expectations from the EPA?
 - a. Review development document for the categorical industry.
9. Does the pretreatment system result in consistent compliance with the user's wastewater discharge limitations?
10. Does the pretreatment system generate waste that requires off site disposal?
11. Does the pretreatment system generate reclaimable and recyclable material?
12. Is the pretreatment system designed to significantly reduce or eliminated wastewater discharges to the POTW?
13. What is the condition of the pretreatment equipment?

Question #5, How are the wastes disposed?

Subset

1. Sewer, landfill, recycle, reclamation?

- a. Sewer use fees
- b. Sample location
- c. Effluent monitoring equipment
 1. Flow meter
 2. pH meter
 3. Electrical conductivity meter
 4. Explosimeters
2. Storm drain, illegal connections, buried, mid-night dumping, and clandestine disposal?
 - a. Do you have regulatory and law enforcement agency notification procedures and SOPs?
3. Are the waste disposal manifests available?
 - a. Are the manifests in order?
 - b. Correct dates
 - c. Correct waste identification
 - d. Waste origination
 - e. Waste disposal company identified
 - f. Waste disposal site identified
 - g. Does the delivered waste amount equal the waste amount that was picked up?
 - h. Are the generator's and wastehauler's EPA numbers on the manifest?

Storm Water Program Inspections

The Environmental Compliance Section is responsible for the inspection and investigation elements of the City's NPDES Storm Water Permit. These inspections are separate from the pretreatment inspections and are documented on storm water inspection forms. The storm water inspections may be performed by all members of the Environmental Compliance Section at all permitted and non-permitted users in the City. Storm water inspections are also conducted in response to complaints received about illegal or illicit discharges to the storm drain. The enforcement actions taken for storm drain violations follow the protocols and procedures for the pretreatment program.

Documentation, Data Collection, and Data Management

Documentation: As with all required activities, documentation of inspection activities is critical. The Environmental Compliance Section uses several means to document inspections of users. These are inspection forms, written memos to the user's file, photographs, and field tests for pollutants. The inspection forms are used to document the activities of field inspection personnel. Two of these forms are the Inspection Report (IR) form for permitted companies, NSIUs and restaurants. The permitted companies and NSIUs use the same form. The restaurant IR is the second form and requests information specific for restaurants. Both types of forms are used with the portable field database. The first page of the inspection form is used to identify the user, state inspection findings and list any violations noted during the inspection with the respective required corrective action(s) and due date(s). These forms are completed every time an inspection, visit, or meeting is performed at a permitted user, NSIU, or restaurant, WDAC user, De Minimis user, or Group permit user. Additional forms that are used for other types of inspections are for plan check,

sewer rate reviews, complaints and CIS inspections. All the permitted, NSIU, and restaurant inspection forms are recorded in the iPACS database, with a copy of the report presented to the facility contact; the contact is requested to sign reports that document changes at the facility, requirements or changes required by the inspector, or violations and enforcement actions; other activities that may not have an associated contact, i.e. plan check, sewer rate reviews, complaints and CIS activities are recorded in the database. Memos are written for the user's files as needed, and may act as supplements to the inspection report; thus, memo's written to the company shall have a corresponding task created in iPACS, with a scan of the document attached to the task. Phone conversations and IU personal visits (Meetings) are also documented in the database.

Photographs are taken occasionally at a user's site to document an activity, violation, pollution equipment, and effluent monitoring equipment locations. Prior to any photographic record being obtained within the facility during an inspection, the user must be informed and voluntarily grant permission for the use of the photographic device, except where photographs or recordings have been authorized by an inspection or search warrant. Should the permittee object to the City Representative inspector taking photo or video, the permittee can take video or photo as directed and provide that photo or video evidence to the City. Failure by a user to allow or provide means of photography, may be grounds for enforcement actions. Photographic records may be obtained from public right-of-way, or accessible areas near the user's facility without the consent of the user. The photographs taken must have a clear chain of record, and trackable whether by label, metadata, or uploading user profile in the database to the date and time that the photograph was taken, the IU name and address, location of the photograph, and the name of the Environmental Compliance Inspector that took the photograph. As with all other evidence, photographic and video evidence must be defensible in a court of law.

Field tests for pollutants are obtained by a variety of means. These are: sulfide test kits, pH test strips, portable pH meters, portable electrical conductivity/TDS meters, various heavy metal test kits, and portable gas detectors. The results from these field tests are documented in the inspection reports and recorded in the database.

Data Collection: Data is collected from inspection reports, interviews, meetings, phone conversations, electronic means (faxes and e-mails) sample data, digital pictures, videos, and complaint reports. The data can include inspecting findings, sample results from field tests and monitoring samples, photographs, field notes, and interview findings.

Data Management: All data and information gathered by the City's pretreatment program is managed with a relational database computer system, word processing and spreadsheet software, and a paper file system. The majority of all activities are managed and archived by the relational database. This includes all inspection reports, monitoring reports, enforcement actions, complaints and IU permits. The paper file system is used to store paper forms of permits, inspection reports, monitoring results, memos, correspondence and other miscellaneous reports and billings. The word processing, spreadsheet and other software are used to create permits, flow charts, diagrams, plot plans, aerial photos, store permit information, store digital pictures, enforcement documents, correspondence, memos, and SOPs.

Environmental Compliance Inspectors are responsible for the majority of the computer data entry into the database. Other database entries are occasionally performed by the clerical positions outside the Environmental Compliance Section (e.g. liquid wastehauler manifests). The inspection reports are entered by the end of the workday for review by the Senior Environmental Compliance Inspector within the following

week. After the reviews are complete, the Senior Environmental Compliance Inspector approves the inspection reports in the database. The computer data entry procedures are contained in several Standard Operation Procedures (SOPs) documents for the Environmental Compliance Section.

The Environmental Compliance Section uses several methods for updating the IU site inventory and tracking submission of required IU reports. The Environmental Compliance Inspectors routinely receive reports of new businesses from the City Business Tax License Bureau, and research local listings for possible new CIUs or SIUs or other facilities requiring a discharge permit. The City's Data Processing Department provides a Customer Information Systems (CIS) report on a periodic basis. These reports contain new service sites for sewer and water service. The report listing distinguishes between residential and commercial users. This list is reviewed by a Senior Environmental Compliance Inspector in charge of plan check activities, and other staff as assigned. If new commercial accounts are discovered that are not part of the Environmental Compliance Plan Check process, an Environmental Compliance Inspector is sent to the site to inspect the facility and require the completion of an industrial waste survey as needed. The survey must be completed and returned within 14 days of delivery. If the IU is identified as requiring an Industrial User Permit, then the Environmental Compliance Inspector assigned to that facility will initiate the Industrial User Discharge Permit Application process and track the IU's progress toward completing the permit.

As assigned, a Senior Environmental Compliance Inspector is responsible for the tracking of required IU submittals of notices and reports, including Baseline Monitoring Reports (BMR) and 90 Day Compliance Reports, slug load control plans and permit renewal applications. The Senior Environmental Compliance Inspector accesses the IU computer database on a quarterly basis to search for permit expiration dates. The Senior Environmental Compliance Inspector then sends out permit renewal applications to the IUs. This notification is sent 120 days prior to the expiration of the permit for Classes 1-IV, and 60 Days for Class VI.

Periodic compliance reports are required from SIUs as required by their Industrial User Permit. As part of the sample analysis submittal, all IUs are required to complete a City monitoring report form. This form requires: the IU to report the analytical results compared to the permit limits; the reporting of flow data for the sampling period; a signed certification statement acknowledging review of the sample data and possible penalties; complete chain of custody and other laboratory records.

As part of their permit conditions, the IUs are required to notify the City immediately in the event of slug discharges, accidental spills or negligent discharges; within 24 hours for discharge and flow violations; and 30 days prior to any changes in processes or equipment. The Environmental Compliance Inspectors are responsible for insuring that the IUs comply with their permit required reporting of these problems or changes. If violations are found during an inspection or site visit, the Environmental Compliance Inspectors shall document the violation in the field inspection report. The enforcement action taken will depend on the violation, the severity of the violation, and the history of the user.

Active enforcements are recorded in the database and discussed with the Environmental Compliance Section Staff minimally once per week at the Environmental Compliance Section's briefing. For violations with due dates, the users have until the end of the day that the correction is due to remedy the violation. A follow-up inspection is conducted as soon as is feasible after the due date, and may incur an inspection fee. More frequent briefings are conducted as an enforcement action warrants.

All documents, written or electronic are managed in accordance with the City and Department's Records Retention Schedule. In addition to the computer systems used for data management, the Environmental

Compliance Section uses and maintains a paper file system. All paper documents from the pretreatment program are stored in file cabinets, three ring binders, or archival bins. The file cabinets are used to store paper records for NSIU, restaurants, complaints, sewer rate reviews, plan check, liquid waste hauler pumping receipts, sewer use billings, and the various forms used by the section. The IU permits and Liquid Waste Hauler Permits paper records are kept in a secured file room. The archival bins are used to store past IU permit information. All information associated with an expired permit is placed into an archival bin that is kept in locked storage. The permit room contains IU permit information for the current permit and one archival binder. All other IU permit information will be destroyed in accordance with the City's policies and procedures for records retention and destruction. All IU permit blueprints, schematics, agreements or enforcement correspondence, and plot plans will be kept for as long as the permit is valid and for no less than three years.

Response to Violations

One of the responsibilities of the Environmental Compliance Section is to identify instances of noncompliance and to take appropriate enforcement action. Each inspector is trained to select an enforcement response commensurate with the violation detected as listed in the Enforcement Responses in Table 1. A matrix outlining minor and major violations and the corresponding levels of enforcement actions is found in Appendix 1. The inspectors use the following criteria in an effort to objectively evaluate and document instances of noncompliance and determine which level of enforcement action is appropriate.

- 1. Magnitude of the violation.** The severity of the enforcement action depends on the seriousness of the violation and/or harm caused to the City's POTW, personnel, public or the environment. Minor violations are issued correction notices and written warnings; repeat discharge violations are issued an MPIO or a Notice of Violation; repeat non-discharge Ordinance violations are issued a Notice of Violation or a Violation meeting; and chronic violations are issued Consent Orders or Compliance Orders. If an SIU has incurred Significant Non-Compliance, as defined in 40 CFR 403.8, then the enforcement response will include Publication in the local paper of record, a Notice of Violation, and possibly a Compliance Order, Cease and Desist Order, Civil Penalty Order, or a Show Cause Hearing.
- 2. Duration of the violation.** The length of time a violation has existed without being corrected will also impact the level of enforcement response. Violations that are not corrected 30 days after the IU has been required to comply shall result in the commencement of escalating enforcement beginning with a Notice of Violation. Reporting violations for Class I users more than 45 days late will result in a Notice of Violation, Significant Non-Compliance (SNC), and Publication. Violations that are easily and quickly corrected and are not major violations shall require minimum enforcement (e.g. correction notice or written warning). The longer a discharge violation remains uncorrected shall result in escalated enforcement actions up to and including termination of service and/or civil/criminal prosecution. The longer an RMC violation remains uncorrected shall result in the issuance of a consent or compliance order and civil and/or criminal actions.
- 3. Effect of the violation on compliance with discharge permit.** RMC and discharge violation(s) could place the SIU in Significant Non-Compliance (SNC) as defined in 40 CFR 403.8. If SNC is detected, an appropriate Administrative Order is issued and the SIU is published in the area's largest circulating newspaper on an annual basis. If the violation is serious enough, the industrial user permit

could be revoked, sewer service terminated, and penalties and fines levied pursuant to RMC Chapter 14.12.

- 4. Effect of the violation on the operation of the POTW and/or the collection system.** If a user's wastewater discharge affects the wastewater treatment ability of the POTW resulting in interference or pass through, the beneficial reuse of POTW sludge, the integrity of the collection system, or threatens the safety of City personnel and the public, then the user will be responsible for all damages incurred, including all penalties and fines that may be imposed on the City pursuant to RMC Chapter 14.12, and other by regulatory agencies as appropriate. The User will also be issued an Administrative Order commensurate with the violation including permit suspension or revocation, termination of service and civil and/or criminal actions.
- 5. Compliance history of the user.** The level of enforcement is also impacted by the compliance history of the user. A more severe enforcement action is warranted if the industrial user has a history of violations with ineffective corrections, repeated violations caused by negligence, and willful or negligent disregard for achieving compliance. A good compliance history achieved by the user's conscientious, expeditious, and determined efforts to achieve compliance may warrant a less strict enforcement action.
- 6. Good Faith by the User.** "Good Faith" is defined as the User's honest intention to remedy the noncompliance together with actions that give support to the intention, e.g. expenditures for pretreatment equipment or contracting of consultants to correct the noncompliance. Good Faith will not eliminate the necessity for an enforcement action to correct violation(s) but may have an effect on the severity of the enforcement action taken to achieve compliance.

The Environmental Compliance Section uses a variety of enforcement methods (Table 1) to solicit compliance from industrial users. The Correction Notice and Written Warning are issued to correct minor violations as defined in RMC 14.12.500 (A)(1)–(7). In addition, the Environmental Compliance Inspector, in coordination with the Supervisor, may grant a compliance extension for the same minor violation or issue sequential written warnings, and penalties, for the same minor offence instead of escalating to an NOV. The Correction Notice has a compliance due date which is left to the discretion of the Environmental Compliance Inspector, generally not to exceed fourteen calendar days. A Written Warning is given to a user who has failed to comply with a Correction Notice or failed to achieve compliance after one extension of the correction notice, or if the violation warrants the issuance of a Written Warning as the first enforcement response. A compliance extension is given at the discretion of the Environmental Compliance Inspector and shall be used only for good cause for not achieving compliance. An industrial user who simply forgot to correct or respond to the violation is not good cause.

The Written Warning is also used if any application, permit, or required report or correspondence is more than five days late. This Written Warning may be issued in a hand delivered letter by an Environmental Compliance Inspector. If an Environmental Compliance Inspector issues a Written Warning, then the Environmental Compliance Inspector must advise the user that a Notice of Violation may be issued if compliance is not achieved by the date specified in the Written Warning.

At no time shall a Notice of Violation for an uncorrected minor violation be issued without the approval of the Environmental Compliance Supervisor.

The general enforcement progression for observed minor violations by Environmental Compliance Inspectors is Correction Notice, Extension, Written Warning(s), and Notice of Violation. Major violations can directly result in a Notice of Violation with penalties. At no time shall an Environmental Compliance Inspector escalate the enforcement to a Notice of Violation for a minor violation without having first issued a Written Warning.

Evaluations of Findings

All inspection reports (IRs) are submitted to a Senior Environmental Compliance Inspector and/or Environmental Compliance Supervisor at the end of the work day. The reports are then reviewed and approved by a Senior Inspector by the end of the week. Questionable findings or actions are reviewed with the Environmental Compliance Inspector I-II or Senior Environmental Compliance for clarification. If the findings in the IR are still unclear, then a follow-up inspection will be conducted by the Environmental Compliance Supervisor to clarify the findings. A follow-up report is used to document the findings in the follow-up inspection and to randomly check the work of the Environmental Compliance Inspectors and Senior Environmental Compliance Inspector. The findings are reviewed with the user and any corrections, clarifications, or additions to inspection findings or previously instigated enforcement actions are made. Finally, a meeting is held with the Environmental Compliance Supervisor and the Environmental Compliance Inspector to review the findings in the follow-up inspection and recommend or require additional training, if necessary.

Wastewater Monitoring

The Environmental Compliance Section conducts wastewater monitoring events for a number of reasons:

1. Required periodic monitoring at permitted Industrial Users
2. Investigations into wastewater discharge violations
3. Special studies to evaluate wastewater sources
4. Sewer service charges
5. To gather evidence in the preparation of a civil or criminal action

The following table lists the minimum sampling frequency for permitted and non-permitted users.

Table 5. Permit Sampling Frequencies

Permit Class or Category	Minimum Sampling Frequency
1	4 per year
2	2 per year
3	1 per year
5	as needed

6	as needed
NSCIU	1 per year
Special Billing	as needed
NSIU	as needed
Restaurant	as needed
Group	as needed
De Minimis	as needed
WDAC	as needed
Complaints	as needed

The wastewater monitoring conducted at permitted IUs enables the City to determine compliance with applicable pollutant limitations. These limitations are found in the IU’s permit, the City’s local limits, applicable federal categorical standards, and applicable State of California standards.

The permitted IU is responsible for all permit required monitoring and all pollutant violation resampling required, both from IU samples and City samples. All resamples are in addition to any other scheduled monitoring. An IU cannot use a subsequent compliant City sample in lieu of a required resample. If two consecutive pollutant violations are detected at an IU, then a Monitoring Information Production Order (MPIO) is issued. An MPIO requires that an IU sample their wastewater discharge for the violating pollutant for all production days within a 14 consecutive day period and measure the discharge flow every day during the 14 consecutive days that wastewater is discharged to the sewer. If a company has violated limits for other pollutants in the past year, or has other pollutants that have presented an ongoing concern, they may be requested to sample and analyze for them during the MPIO.

Monitoring Personnel

The Environmental Compliance Supervisor and the Environmental Compliance Inspectors are all trained to obtain wastewater samples from industrial users. The EC Supervisor or Seniors may organize team-based sampling schedules or assign additional sampling tasks as needed. Prior to developing a sampling plan for an IU, sampling personnel review the Standard Operating Procedures for equipment use, sampler cleaning, sample and chain-of-custody forms, and permit monitoring requirements.

Monitoring Plan

The goal of the Environmental Compliance Section is to complete all required quarterly IU monitoring in the first month of each required quarter. This goal requires that sampling personnel review the IU’s permit files for required pollutants, sample locations, and any special circumstances or conditions necessary to

conduct a monitoring event. A monitoring calendar is created that uses an IU's geographical location as the main criteria for selecting a monitoring day. IUs that are in relatively close proximity are sampled on the same day. A secondary criterion is related to the IUs production schedule. Some IUs have seasonal or production constraints that will dictate the amount of wastewater discharged on any given day. A third criteria used is if the IU has their own monitoring event in place or scheduled for the day the City sampling team arrives, then the City's monitoring event is postponed. If the sampling team arrives to find a contract sampler already deployed, a brief review of the facility's processes and the condition of the contract sampler should be conducted, with special care taken to not disturb the equipment. The City's compliance sampling must be executed as an independent sampling event, and must therefore be conducted unannounced, on a day when the facility is not already conducting their own sampling. The sampling schedule typically has five to ten calendar days left open at the end of the month to reschedule a monitoring event that failed due to equipment malfunction or same day sampling problems.

Sample Data Management

An Environmental Compliance Inspector initially reviews the received sample data. The samples with pollutant violations are then segregated for priority treatment. Once the monitoring data is reviewed and validated, the results are entered into a computer relational database by an Environmental Compliance Inspector. The goal, after validation, is to enter the sample data into the database within three business days. The IU is notified of a pollutant violation in a City sample within twenty-four hours of confirming the violation by an Environmental Compliance Inspector. The confirmation of a violation entails reviewing the sample result for accuracy, compliance with pollutant holding times and analytical methods, and comparison of suspect violations to past IU sample history. If the result is questionable, then the laboratory is contacted to determine if the sample analysis can be repeated. Once the violation is confirmed, the IU is notified. This is accomplished by sending a resample notification by fax or email that has the sample date, pollutant violations, and the required due date for resubmitting a resample. A detailed summary report is then issued to the IU in person or via email within 5 business days.

Sample analysis data management is conducted by the Environmental Compliance Supervisor or Environmental Compliance Inspector to ensure that sampling enforcement actions are justified. All sample data received from both the IU and the City is reviewed. This review is performed prior to any written response being sent to the industrial user. In order to ensure that each sample is reviewed objectively, the following criteria are used:

1. **Submittal Date.** SMRs and compliance resampling due to noncompliance have a required submittal date. The required sample submittal date and the date the sample was submitted shall be compared. If the submittal date is exceeded, and prior to the 45 day past due date, the Environmental Compliance Inspector II responsible for the IU, shall contact the IU and inquire if the sample has been taken and remind the IU of the due date. If the submitted sample is more than 45 days past the required due date, this constitutes a major violation (including Significant Non-Compliance (SNC) for SIUs) and a Notice of Violation shall be issued by the Senior Environmental Compliance Inspector or the Environmental Compliance Supervisor.
2. **Required Information.** The sample submitted by an IU must have all the information and analyses required by the IU's discharge permit, including flow data. Failure to submit the required information may result in a SNC violation (40 CFR 403.8). A written warning is

issued by the Senior Environmental Compliance Inspector for a first-time omission of required information. If the IU has a history of not reporting all required information, an NOV is issued by the Senior Environmental Compliance Inspector or the Environmental Compliance Supervisor.

3. **Review of Analytical Data.** The analytical data shall be reviewed for accuracy. The pollutant analyses are reviewed for any signs of abnormalities or inconsistencies. If an inaccuracy is detected with the sample, a review of the analytical calculations or a repeat sample is requested. If the sample's holding time for the requested constituent has expired, a resample of the IU shall be performed. Enforcement action shall be suspended temporarily if the sample results cannot be verified and resampling is necessary. An entry to the user's site module in the database shall be made explaining the need for a resampling, with a report issued to the user ordering the resample.
4. **Database Entry.** After the sample has been verified as a legitimate sample, the sample information is entered into the sample data tracking module and then the results are entered into the sample results database within 3 days of verification by the Environmental Compliance Inspector assigned to this task. The Environmental Compliance Section's computer database management system evaluates the sample results for violations. The same system also compares the results to permitted pollutant limitations and uses past sample results to determine if Chronic or TRC violations exist. If a violation is detected in the sample, a six-month review is conducted to check for significant noncompliance (SNC).

Written Notifications shall be issued to the IU in person or via email after the sample data has been evaluated within five business days.

Pollutant Violation Notification, First Violation. If a pollutant violation is confirmed in a City sample result and the pollutant violation is not the second consecutive violation for the same pollutant, then a resample notification fax is sent to the IU within twenty-four hours. A resample letter shall be sent for the first violation by U.S. mail or hand delivered. An Environmental Compliance Inspector shall prepare the letter within three business days of confirming the violation. If the sample was an IU sample, then the IU shall notify the Environmental Compliance Section within 24 hours of confirming the sample violation. This notification can be accomplished by telephone call, email, personal visit, fax, or hand-delivered letter. Failure of the IU to report a confirmed pollutant violation shall be grounds for enforcement actions. All telephone calls and IU personal visits to report pollutant violations shall be documented by the Environmental Compliance Inspector receiving the report by a written memo to the IU's file.

Resampling Requirements. The IU is required to resample for violations in a City or IU sample and submit the completed results and all monitoring report forms within 30 days of becoming aware of the violation. The resampling is in addition to any other required monitoring. The IU shall not use any required permit sample as a substitute for the resample.

Resample Notifications, Second Violations, MPIO. If an IU or City sample has a second consecutive violation for the same pollutant, then a Monitoring Production Information Order (MPIO) is issued. An MPIO is an Administrative Order requiring an IU to determine the mass emission or concentrations of pollutants or other conditions specified in the user's permit in their industrial wastewater discharge for all production days within a fourteen consecutive day period and submit production and flow data for each day in that period.

Notification Failures, CIUs and SIUs. If a Categorical or Significant Industrial User fails to notify the Environmental Compliance Section of a pollutant violation within twenty-four hours of confirming the violation, then Significant Noncompliance shall result and a Notice of Violation (NOV) shall be issued to the CIU or SIU. The NOV shall be authorized by the Environmental Compliance Supervisor. The NOV shall be hand delivered to the CIU or SIU by an Environmental Compliance Inspector or mailed via certified mail. The resample results and all required forms shall be submitted within thirty days of the issuance of the NOV.

Notification Failures, Non –CIUs and Non-SIUs. For IUs that are not categorical or significant, a Written Warning for the first failure to properly notify shall be issued by an Environmental Compliance Inspector. Failure to notify the Environmental Compliance Section after the issuance of a Written Warning shall result in the issuance of a Notice of Violation (NOV). Both the Written Warning and the NOV shall require a resample to be taken and the results submitted within thirty days of the enforcement notice.

Responding to Pollutant Violations During a Sampling Event. If a pollutant violation is detected in an IU's sample during a City sampling event while the inspector is at the IU's site, then the inspector shall contact the IU and review the possible cause(s) for the violation(s). The findings from this investigation shall be contained in an Inspection Report. If hazardous material is being discharged or has been discharged, then the inspector shall immediately notify a Senior Environmental Compliance Inspector or the Environmental Compliance Supervisor. The Senior Environmental Compliance Inspector or the Environmental Compliance Supervisor shall notify the City's collection system supervisor, City Fire Department Hazardous Materials Unit, the Riverside County Department of Environmental Health, Hazardous Materials Division, and the Wastewater Regulatory and Technical Manager. If the hazardous waste is being discharged in view of the inspector, then the inspector shall require that the IU immediately cease and desist all wastewater discharges that contribute to the discharge of the hazardous material to the sewer. If the facility discharges material which would otherwise be considered hazardous waste, they must report this activity in accordance with 40 CFR 403.12(p)&(j).

Spills

All spill responses within the City are governed by the City's Incident Response Procedures as contained in the City's Sewer System Management Plan (SSMP). The procedures provide guidance and instructions for responding to a wide variety of spills, including sanitary sewer overflows (SSO), industrial waste, and hazardous waste.

Complaints

The Environmental Compliance Section responds to a wide variety of complaints. By the very name, this work will test interpersonal skills of the inspector. The emotional state of the complainant or reporting party can range from be quite calm to severely agitated. The emotional state of the person being reported can range from humble to extremely angry. Regardless of the temperament of the person, the inspector is expected to remain professional at all times. If the inspector receives threats, then the inspector should contact a Senior Environmental Compliance Inspector or the Environmental Compliance Supervisor. If the inspector receives

physical violence, then a request must be made to have the City's Police Department respond. The main objective for complaints is to determine if the complaint is valid and, if so, who is responsible, what is the threat to health, safety, or the environment, and what immediate or long-term response is necessary. The investigative process for all types of complaints is based upon the following questions: What is the situation at the site? What is the source of the complaint? Who is responsible? Do other regulatory agencies need notification? Is a clean-up necessary?

The three categories of complaints are sewer, surface discharge or storm drain, and odor:

Sewer complaints normally involve a blocked lateral, illegal discharges to sewer, and accidental or negligent discharges to sewer. Complaints received involving the City's sewer lines and/or a sewer lateral are referred to the City's Collection Systems Section. If the Collection System crew suspects an illegal discharge to sewer, then the crew reports the incident to the Environmental Compliance Section for response.

Surface discharge or stormwater complaints involve nuisance or pollutant discharges that originate as an active or potential surface release of pollutants or unauthorized non-stormwater discharge that can eventually flow to the stormwater conveyance system. The RMC Section 14.12.120(79) defines a storm drain as: "a system of open channels, lined and unlined channels, surface channels, impound basins, ground water recharge basins, storm water holding ponds, underground pipes, curb and gutter, cross gutters, storm water pump and lift stations, parking lots, paved areas, streets, and natural water courses used to collect and direct storm precipitation and surface runoff to a receiving body of water or underground aquifer recharge basins." This is quite a broad base definition and for good reason. Each one of the aforementioned areas can have access to the waters of the United States and therefore, could cause a Regional Board violation. The storm drain complaints must also be reported to the Public Works Department, Administration Division. This division is responsible for the City's NPDES storm water permit.

Odor complaints involve a wide range of conditions from sewer odors in a building to "chemical odors." Not everyone perceives an odor in the same manner. What may be objectionable to one person may not be to another. The investigation of odor complaints requires the use of a gas detector and common sense. An inspector is not permitted to enter an area when the gas detector alarms are sounding or if the area is a confined space. One of the most common odor complaints is a sewer odor in a building. These odors may have their basis in hydrogen sulfide, H₂S. This gas is colorless, heavier than air and the National Institute for Occupation Health and Safety (NIOSH) deems it Immediately Damaging to Life and Health (IDLH) at 100 PPM. Other odors may be caused by flammable liquids or gases. If the inspector discovers either of these conditions, or any other hazardous condition, then the inspector must leave the area and notify the Environmental Compliance Supervisor or Senior Environmental Inspector immediately, who will then notify the Fire Department. If possible, mitigate potential ignition sources without endangering the Environmental Compliance Inspector or the public.

APPENDIX 1

Escalating Enforcement Actions Matrix

Escalating Enforcement Actions Protocol

The use of the indicated enforcement responses does not limit the enforcement response to the violation pursuant to RMC Section 14.12.525 REMEDIES NONEXCLUSIVE

All pollutant and Ordinance violations that result in Significant Non-Compliance for Class I

Permitted Companies, shall result in the publication of that Class I permitted company pursuant to RMC Section 14.12.505 PUBLICATION NOTICE

RMC Chapter 14.12 Section	Violation Occurance			Enforcement Response Options
	First	Second	Third	
14.12.215 Inspection				A. Phone Call B. Stop Work Order C. Correction Notice C1. Extensions D. Written Warning E. Informal Meeting F. MPIO G. Notice of Violation H. Violation Meeting I. Consent Order J. Compliance Order K. Civil Penalty Order L. Cease and Desist Order M. Show Cause Order N. IU Permit Revocation O. Termination of Service P. Civil Penalties Q. Criminal Penalties R. Probation S. Publication T. Inspection Warrant
A. Ready access	A,C	D	G,H	
B. Knowledgeable person on site	C	C1,D	G,H	
C. Immediate access during an emergency	G	L	M	
D. Immediate access to pretreatment equipment	C	C1,D	G,H	
E. Interference, delay, refuse - no potential harm	D	G,H	T	
E. Interference, delay, refuse - potential harm	T			
F. Security measures	D	G,H	T	
G. Record copying	A,C	C1, D	G,H	
14.12.225 Monitoring				
A. Sampling/monitoring equipment required	D	G,H	J	
B. Sampling security closures	D	G,H	J	
C. City sampling equipment temporary installation	A,C	C1,D	G,H	
D. Monitoring equipment installation interference	D	G,H	J,T	
E. Sampling station/measuring device maintenance	C	C1,D	G,H	
F. Sample collection and analysis methodology	C	D	G,H	
G. Sampling records and information	C	D	G,H	
H. Reporting of monitoring equipment failures	D	G,H	J	
J. Sample violation reporting	D	G,H	J	
K. Flow exceedance reporting	D	G,H	J	
L. Requirement to resample and submit results within 30 days	G	H	J	
M. IU resampling responsibility	C	F,G,H	G,H,I,J	
N. IU self monitoring requirements	C	D	G,H	
O. Requirement to submit sample results	D,S	E,G	G,H	
P. Oil and Grease grab sample requirements	C	D	G,H	
14.12.230 Record Keeping	C	C1,D	G	
14.12.235 Flow Measurement	C	C1,D	G	
14.12.240 Infectious Waste Disposal	C	C1,D	G	
14.12.245 Water Softening Restrictions	D	G	J	
14.12.255 Gravity Separation Interceptor	D	G	J	
14.12.260 Interceptor Requirements				
A. Separate rings and covers; gas and watertight seal	C	C1,D,E	G,J	
B. Covers to expose inlet, mid-wall, and outlet tee.	C	C1,D,E	G,J	
C. Accessibility, immediate access	C,D	C1,D,E	G,J	
D. Effectiveness	C,D	D,E	G,J	
E. Drains and Openings, screens	C	C1,D,E	G,J	
F. Tee Specifications	C,D	D,E	G,J	
G. Sample box or wye required	C	C1,D,E	G,J	
H. No elbow or tee in sample box	C	C1,D,E	G,J	
I. Installation in confined spaces prohibited	C	D,E	G,J	
J. Drain lines free of debris	C,D	D,E	G,J	
K. Inadequate Performance of Interceptor	C,D	D,E	G,J	
14.12.265 Standard Interceptor Designs	C	D	G	
14.12.270 Interceptor Maintenance				
A. Adequate maintenance, Srucharging and Overflow, 25% capacity				
1. Operation as designed (25% loading max, capacity, Tees)	C,D	D,G	G,H	

RMC Chapter 14.12 Section	Violation Occurrence			Enforcement Response Options
	First	Second	Third	
14.12.270 Interceptor Maintenance (Continued)				A. Phone Call B. Stop Work Order C. Correction Notice C1. Extensions D. Written Warning E. Informal Meeting F. MPIO G. Notice of Violation H. Violation Meeting I. Consent Order J. Compliance Order K. Civil Penalty Order L. Cease and Desist Order M. Show Cause Order N. IU Permit Revocation O. Termination of Service P. Civil Penalties Q. Criminal Penalties R. Probation S. Publication T. Inspection Warrant
2. Sanitary Sewer Overflows	D,G	G,H	G,H,P,O	
B. Chemical or other materials for emulsification	C,D	D,G	G,H	
C. Microbiological product use prohibition	C	D,G	G,H	
D. Interceptor cleaning requirements, disposal of materials	C,D	D,G	G,H	
E. Mandatory Pumping Schedule	C,D,R	D,G,R	G,H,J,P	
F. Liability for failure to maintain interceptor	C	D,G	G,H	
14.12.275 Restaurants				
A. Discharge authorization	C,D	D,G	G,H	
B. Grease Interceptor Sizing	C,D	D,G	G,H	
C. Connections to grease interceptor, segregation of domestic waste	C,D	D,G	G,H	
D. FOG Storage Requirements	C	C1,D,G	G,H	
E. Screens	C,D	D,G	G,H	
F. Requirement to Maintain Interceptor	C,D	D,G	G,H	
G. Stub-Out requirement	C	D	G	
14.12.280 Prohibited Restaurant Surface Discharges				
A. Wastewater discharges to storm drain	C	C1,D	G	
B. Blocked sewer lateral or sewage lift station failure	D,G	G,H	G,H,J,P	
14.12.285 Conditional Waivers				
14.12.290 Wastewater Discharge Survey	C	D	G	
14.12.295 Liquid Waste Haulers				
A. Permit required	D	G,H	L	
B. LWH Permit Requirements	C	C1,D	G	
E. LWH Permit Term	C	C1,D	G	
F. Load inspection and analysis	D	G,N	N	
G. Hazardous waste disposal prohibition	N,P,Q	N,P,Q	N,P,Q	
H. LWH to remain on site if load is hazardous	G,N,Q	G,N,Q	G,N,Q	
I. Completed manifest forms	D	G	N	
J. Falsifying records	G	H	N	
K. Records retention	C	C1,D	G	
L. Payment of fees	N	N	N	
M. Approved wastes	D	G,H	L	
N. Vacuum Tank Cleaning Requirement, no industrial waste	D	G,H	L	
O. Prohibition against discharging Industrial Waste or mixing	G	L,N,R	L,N	
P. Waste origination, Manifest requirement	D	G,H	L	
Q. Rejected load legal disposal requirements	C	D	N	
R. Dilution prohibition for rejected loads	C	D	N	
S. Rejected load disposal prohibitions	G,N,Q	G,N,Q	G,N,Q	
T. Permit Revocation	N	N	N	
U. Permit Denial	C	D	N	
V. Revocation, Suspension, Probation	N	N	N	
X. Additional Enforcement Options	G,N,Q	G,N,Q	G,N,Q	
Y. Immediate Cease and Desist of Discharge to the POTW	L,R	L,G,N,R	L,G,N,Q	
Z. Permit non-transferable	D	G,H	L	
14.12.296 Mobile Wash Businesses	C,D,E,G	G,I	J	
14.12.305 Use of and Damage to City Equipment or Facilities	D,G	K,L,R	P,Q	
14.12.310 Spill Notification	C,D	G,I	J	
14.12.315 Surface Discharge Prohibitions, Minor	C,D	N,H,R	L,K	
14.12.315 Surface Discharge Prohibitions, Major	C,D,E,G	D,G,R	L,K,Q	
14.12.316 Reduction of Pollutants in Stormwater, Minor	C,D	N,H,R	L,K	
14.12.316 Reduction of Pollutants in Stormwater, Major	C,D,E,G	D,G,R	L,K,Q	
14.12.317 Authorized Non-Storm Water Discharges (NSWDs)	C,E	D	G	
14.12.318 Good Housekeeping Requirements and BMPs	C,D	G,I	J	
14.12.319 Post-Construction Requirements	B,C	C1,D	G,J	

RMC Chapter 14.12 Section	Violation Occurrence			Enforcement Response Options
	First	Second	Third	
14.12.320 Point of Discharge Limitation	C,D	G,I	J	A. Phone Call B. Stop Work Order C. Correction Notice C1. Extensions D. Written Warning E. Informal Meeting F. MPIO G. Notice of Violation H. Violation Meeting I. Consent Order J. Compliance Order K. Civil Penalty Order L. Cease and Desist Order M. Show Cause Order N. IU Permit Revocation O. Termination of Service P. Civil Penalties Q. Criminal Penalties R. Probation S. Publication T. Inspection Warrant
14.12.325 Time Limits	C,C1	C1,D	C1,D,G	
14.12.330 Separation of Domestic and Industrial Waste	B,C	C1,D	G,J	
14.12.335 Prohibited Waste Discharges, Minor	C,D,B	N,H,R	L,K	
14.12.335 Prohibited Waste Discharges, Major	C,D,E,G	D,G,R	L,K,Q	
14.12.340 Swimming Pool Discharge Requirements	C,D	G,I	J	
14.12.345 Limitation on Wastewater Strength	C,D,S	G,I,S	J,S	
14.12.350 Local Limits	C,D,S	G,I,S	J,S	
14.12.355 De Minimis Categorization	C,E	C1,D	G	
14.12.357 Dental Industrial User	C,E	C1,D	G	
14.12.360 Industrial Wastewater Pretreatment				
A. Pretreatment required	D,G,H	J	L,N,O,R	
B. Compliance with Federal and local pollutant limitations	D,G,H	J	L,N,O,R	
C. Pretreat wastewater recurring with no harm	D	G	V,J	
C. Pretreat wastewater recurring with harm	G,H,K	L,N	K,L,O	
D. Detailed pretreatment plans prior to implementation	D	G	I,J	
E. Pretreatment equipment in confined space prohibited	D,E	G,H	I,J	
G. Pretreatment equipment failure notification, minor	D	G	H	
G. Pretreatment equipment failure notification, major	G,H,K	L	M,N,Q	
14.12.365 Unauthorized Monitoring and Pretreatment Equipment Modifications, Minor	D	G	L	
14.12.365 Unauthorized Monitoring and Pretreatment Equipment Modifications, Major	D,G	G,H,J	L,M,N	
14.12.370 Pretreatment Equipment Bypass, Minor	D	G	L	
14.12.370 Pretreatment Equipment Bypass, Major	D,G	G,H,J	L,M,N	
14.12.375 Prohibited Discharge of Recovered Pretreatment Waste	D,G	G,H,L	L,K,Q	
14.12.380 Dilution Prohibited as a Substitute for Treatment	D	N,R	J,L	
14.12.385 Industrial and Commercial Stormwater Requirements	B,C	C1,D	G,J	
14.12.390 Industrial User Modifications	B,C,S	C1,D,S	G,J,S	
14.12.395 Spill Containment System	C,D,B	C1,E,G,I	H,J	
14.12.400 Slug Discharges, Minor	D	E,G	G,H	
14.12.400 Slug Discharges, Major	G,K,L,R	G,H,J,L	L,N,R	
14.12.405 Facility Waste Management Plan	C,D	C1,E,G,I	H,J	
14.12.410 Categorical Pretreatment Standards	C,D,S	G,I,S	J,S	
14.12.415 Commercial/Industrial Tenant Occupancy Notification	C,D,B	C1,E,G,I	H,J	
14.12.420 Notice of Potential Problems to the Director	C,D	C1,E,G,I	H,J	
14.12.425 Written Responses and/or Reports	C,D	C1,E,G,I	G,H,J	
14.12.430 Falsifying Information	G	H	Q	
14.12.435 Wastewater Discharge Authorization Certificate	C,E	D,E	G,H	
14.12.440 Industrial User Group Permits	C,E	D,E	G,H	
14.12.445 Industrial User Permits	C,E	D,E	G,H	
14.12.447 Baseline Monitoring Reports	C,D,S	G,I,S	J,S	
14.12.450 Permit Duration	C,E	D,E	G,H	
14.12.455 Duty to Comply	D,G	G,H,J	L,M,N	
14.12.460 Permit Renewal	C,E,D	D,G,H	L,M,N	
14.12.465 Permit Modifications	C,E,D	D,G,H	L,M,N	
14.12.467 Permit Revocation	N	N	N	
14.12.470 Permit Transfer	E,C,D	G,N	N,P,Q	
14.12.470 Fees and Charges	E,C,D	G,N	N,P,Q	
14.12.480 Assessment of Permit Fees and Charges	E,C,D	G,N	N,P,Q	
14.12.485 Payment of Fees, Charges and Penalties; Late Payment	E,C,D	G,N	N,P,Q	
14.12.490 Failure to Comply	E,C,D	G,N	N,P,Q	
14.12.495 Enforcement Response Plan				
14.12.500 Administrative Violations, Minor	C,E	D,E	G,H	

RMC Chapter 14.12 Section	Violation Occurance			Enforcement Response Options
	First	Second	Third	
14.12.500 Administrative Violations, Major	D,G	G,H,J	L,M,N	A. Phone Call
14.12.505 Violations of Discharge Limitations, Minor	C,E	D,E	G,H	B. Stop Work Order
14.12.505 Violations of Discharge Limitations, Major	D,G	G,H,J	L,M,N	C. Correction Notice
14.12.510 Unclassified Violations, Minor	C,E	D,E	G,H	C1. Extensions
14.12.510 Unclassified Violations, Major	D,G	G,H,J	L,M,N	D. Written Warning
14.12.515 Separate Violations				E. Informal Meeting
14.12.520 Administrative Orders				F. MPIO
14.12.525 Permit Revocation	N	N	N	G. Notice of Violation
14.12.530 Termination of Service	O	O	O	H. Violation Meeting
14.12.535 Notice Publication	S	S	S	I. Consent Order
14.12.540 Civil Penalties	P	P	P	J. Compliance Order
14.12.545 Criminal Penalties	Q	Q	Q	K. Civil Penalty Order
14.12.550 Probationary Periods	R	R	R	L. Cease and Desist Order
14.12.555 Remedies Nonexclusive				M. Show Cause Order
14.12.560 Judicial Collection				N. IU Permit Revocation
14.12.565 Damage to Facilities or Interruption of Normal Operations	G,L,K,P	G,L,K,P	L,N,P,Q	O. Termination of Service
14.12.570 Appeals				P. Civil Penalties
14.12.575 Alternative Enforcement Procedures				Q. Criminal Penalties
14.12.580 Invalidity				R. Probation
14.12.585 Interpretation - Intent				S. Publication
				T. Inspection Warrant