

RESOLUTION NO. 2006-460

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF THE PRETREATMENT ENFORCEMENT RESPONSE PLAN (ERP) TO DEFINE THE RANGE OF APPROPRIATE ENFORCEMENT ACTIONS FOR VIOLATIONS OF THE PRETREATMENT SECTIONS OF THE UTILITY SEWER USE ORDINANCE (SUO) AND THE ST. JOHNS COUNTY OIL AND GREASE MANAGEMENT ORDINANCE AND TO PROMOTE CONSISTANT AND TIMELY USE OF ENFORCEMENT REMEDIES ON A STRICT LIABILITY BASIS , AND AUTHORIZING THE COUNTY ADMINISTRATOR TO IMPLEMENT THE ENFORCEMENT RESPONSE PLAN ON BEHALF OF ST. JOHNS COUNTY

WHEREAS, the Florida Department of Environmental Regulations requires an approved ERP for all pretreatment programs; and

WHEREAS, the St. Johns County Utility Department will be in compliance with Federal, State, and local regulations; and

WHEREAS, the St. Johns County Pretreatment Department shall track SUO pretreatment violations and use the ERP as a guide for these violations; and

WHEREAS, the ERP shall determine the type of pretreatment non-compliance, appropriate responses and personnel to take each action; and

WHEREAS, this ERP includes details on objectives, enforcement responses, abbreviations, use of the guide, legal actions, surcharges, notification, consent orders, charges and fees, data screening, site visits, tracking, inspections, sampling, hearings, time frames, and further legal actions; and

WHEREAS, the County has reviewed the terms, provisions, conditions, and requirements of the ERP (attached hereto, and incorporated herein); and

WHEREAS, the County has determined that accepting the terms of the ERP will serve the interests of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AS FOLLOWS:

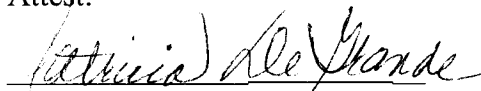
Section 1. The above Recitals are hereby incorporated into the body of this Resolution, and are adopted as Findings of Fact.

Section 2. The Board of County Commissioners hereby approves the terms, provisions, conditions, and requirements of the SJC Pretreatment Enforcement Response Plan, and authorizes the County Administrator to implement the Enforcement Response Plan on behalf of St. Johns County.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 28th day of November, 2006.

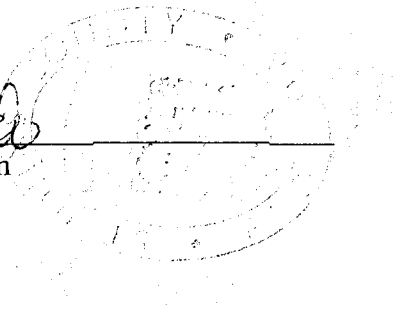
BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA

Attest:


Deputy Clerk

By:


Chairman



St. Johns County Utility Pretreatment Department
Enforcement Response Plan

August 28, 2006

1. OBJECTIVES:

This Enforcement Response Plan (ERP) has the following objectives:

- a) To define the range of appropriate enforcement actions based on the nature and severity of the violation and other relevant factors.
- b) To promote consistent and timely use of enforcement remedies on a strict liability basis. Strict liability in this context is taken to mean that every instance of noncompliance (regardless of fault, negligence, or intent on the part of the industrial user) is a violation of the St. Johns County Utility Sewer Use Ordinance and subjects the user to enforcement.

2. ENFORCEMENT RESPONSES:

The implementation of a particular enforcement response should be determined by evaluating the following factors:

- a) The magnitude and duration of the violation.
- b) The effect of the violation on the wastewater facility (WWF), its workers and the quality of its reclaimed water and residuals.
- c) The compliance history and good faith rating of the industrial user concerned.

3. DEFINITIONS AND ABBREVIATIONS:

CA – County Attorney (or his / her designee)
FDEP – Florida Department of Environmental Protection
EPA – United States Environmental Protection Agency
IU – Industrial User
IWDP – Industrial Wastewater Discharge Permit
NOV – Notice of Violation
SIU – Significant Industrial User
SNC – Significant Noncompliance
WWTP – Wastewater Treatment Plant

4. USING THE ENFORCEMENT RESPONSE GUIDE:

The following are actions that may be taken by the County to enforce the Sewer Use Ordinance and any applicable provisions of federal, state or local regulations regarding industrial discharges to a County WWTP:

- a) Descriptive Use:
 - 1) Locate the type of noncompliance in Column One and identify the description of the violation in Column Two.

- 2) Assess the appropriateness of the recommended response(s) in Column Three. First time offenders or users demonstrating good faith efforts may merit a more lenient response. Repeat offenders or those demonstrating negligence may require a more stringent response.
- 3) Apply the enforcement response to the Industrial User, if any. Column Four indicates the personnel authorized to take each response. If you cannot apply this response refer it immediately to the person that can.
- 4) Follow up the response with escalating enforcement action if the Industrial User's response is not received or the violation continues.

b) Severance of Service:

The County may suspend the wastewater treatment service and/or an Industrial Wastewater Discharge Permit (IWDP) when such suspension is necessary in the opinion of the County 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, the environment, causes interference to a County WWTP or causes the County to violate any condition of its WWTP Wastewater Permits. Any person notified of a suspension of the wastewater treatment service and/or the IWDP shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the County shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the WWTP system or endangerment to any individuals. The County shall reinstate the IWDP and/or the wastewater treatment service upon proof of the elimination of the noncompliant discharge. A detailed written statement submitted by the user describing the causes of the harmful contributions and the measures taken to prevent any future occurrence shall be submitted to the County within fifteen (15) days of the date of occurrence.

(c) Revocation of Permit:

Any user who violates the following conditions of the County Sewer Use Ordinance, or applicable state or federal regulation, is subject to having their permit revoked in accordance with the procedures of the Ordinance:

- (1) Failure of a user to report factually the wastewater constituents and characteristics of his discharge;
- (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (4) Violation of conditions of the permit.
- (5) Discharging to a County WWTP any discharge that endangers public health or welfare, threatens the environment, or which threatens the operation of a County WWTP.

- (d) **Notification of Violation:**
Whenever the County finds that any user has violated or is violating the Sewer Use Ordinance, an IWDP, or any prohibition or limitation of requirements contained therein, the County may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the County by the user.
- (e) **Record of Conversation:**
Whenever the County finds that any user has filed an incomplete report, is less than fifteen days late in filing a report, or for other violations, the County may contact such user by telephone or informal site visit. In cases of repeat violations or when an initial visit does not result in adequate resolution of the violation, the user may be visited by higher County authorities. A brief summary of conversations held concerning violations of user permits are to be placed in the user's file.
- (f) **Publication for Significant Noncompliance:**
The County shall publish annually within the daily newspaper with the largest circulation within its jurisdiction the names of industrial users which, at any time during the previous 12 months were in significant noncompliance (SNC). A user is in SNC if its violation meets one or more of the criteria set forth in Chapter 62-625.500 (2) (b) 8, F.A.C.

For the purposes of this ERP the definition of SNC is as follows. An industrial user is in SNC if its violation meets one of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- (2) Technical Review Criteria (TRC) violations, defined as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH.)
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of County WWTP personnel or the general public).
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the

WWTP's exercise of its emergency authority to halt or prevent such a discharge.

- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- (7) Failure to accurately report non-compliance.
- (8) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

5. LEGAL ACTION:

If any person discharges sewage, industrial wastes or other wastes into the County's wastewater disposal system contrary to the provisions of the Sewer Use Ordinance, Oil and Grease Management Ordinance, Federal or State pretreatment requirements, or any order of the County, the County Attorney (CA) or City Code Enforcement (CCE) may commence an action for appropriate legal and/or equitable relief in the circuit court of St. Johns County. Notwithstanding any other provisions in this section, to the extent permissible, a person may avail himself/herself of the show cause hearing procedure noted in Section 15 of this plan.

6. SURCHARGE INVOICE:

The County may establish a surcharge schedule for any user that is exceeding the limits of the following parameters: CBOD, Oil and Grease, TSS, and TKN. The purpose of the surcharge is to recoup the additional expense to the WWTP for removing these excess discharges. The surcharge is based on a cost per pound discharged and is included in the users IWDP.

7. NOTICE OF ORDINANCE VIOLATION:

If a violation is found during a site visit, a routine inspection, or any other visit, a notice of ordinance violation can be issued. The notice includes the specific nature of the violation and a time frame for correcting the violation. The notice is to be signed by the user and the inspector. Corrective actions in the notice of ordinance violation can include an order to cease and desist discharge if the violation discovered warrants immediate cessation of activities.

8. CONSENT ORDERS:

If the County finds that alterations must be made in an industrial user's pretreatment facility, the County may issue an order to which the user shall consent in order to establish a compliance schedule. The consent order will include milestone dates to be met to bring the facility in compliance with the user's IWDP. The user will be allowed to continue discharging to the WWTP as long as the schedule for compliance, established in the consent order, is followed. Violations of the compliance schedule can result in the revocation of the user's permit and severance of service.

9. CHARGES AND FEES:

It is the purpose of this chapter to provide for the recovery of costs from users of the County's wastewater disposal system for the implementation and continued operation of the program established herein. These fees relate solely to the matters covered by the St. Johns County Utility Ordinance and are separate from all other fees chargeable by the County. Costs of repairing any damage to County wastewater system or WWTPs and costs associated with additional treatment or additional disposal requirements that result from violations of this ordinance shall be passed on to and paid or reimbursed material and labor plus 25% by the User.

The County may adopt charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up, modifying and/or operating the County's pretreatment program.
- (b) Fees for monitoring, inspections and surveillance procedures.
- (c) Fees for reviewing accidental discharge procedures and construction.
- (d) Fees for permit applications.
- (e) Fees for filing appeals.
- (f) Fees for consistent removal (by the County) of pollutants otherwise subject to federal pretreatment standards.
- (g) Other fees as the County may deem necessary to carry out the requirements contained herein.

10. DATA SCREENING PROCEDURES:

- (a) Screening of County Monitoring Data:
Laboratory analyses shall be performed by laboratories certified by the Florida Department of Health. Field sheets are filed in order of sample collection date and summary sheets listing all sampling activities are generated on a monthly basis. All data shall be compared with pollutant limits, and all instances of noncompliance shall be immediately detected. Appropriate enforcement action will commence as required. Hard copies of all monitoring activities shall be retained in the file established for each user.
- (b) Screening of Industrial Periodic Compliance Monitoring Data:

All pretreatment correspondence arriving at the pretreatment office shall be opened and date stamped. Envelopes shall be retained to determine postage dates where required. Periodic compliance monitoring reports shall be addressed or hand delivered to the program coordinator, or his/her designee, as required by the user's IWDP. The program coordinator, or his/her designee, shall review and assess the periodic compliance monitoring report of each industrial user within five days from its receipt at the pretreatment office. All instances of noncompliance shall be immediately detected. Copies of the printouts shall be retained in the users file.

- (c) **Screening of Telephone and Fax Data:**
Analytical data relayed to the pretreatment office shall be recorded and inserted in the user's file and shall include the name of the person taking the call, the name of the caller, the Industrial User, and the results. These records shall only be used for identifying the date and time of required noncompliance reporting by an industrial user. The date and time recorded automatically on fax transmitted analytical data shall be used to record the receipt of a periodic compliance monitoring report or omitted data, provided that an original copy of the complete report is received not more than 2 working days after the fax. This procedure may be used as a method of avoiding late reporting penalties by industrial users. No data received by telephone shall be accepted for compliance.

11. SITE VISITS:

- (a) **Response to Complaints:**
The sanitary sewer crews radio complaints when they encounter problems in the collections system that may be related to industrial users. The complaints include excessive grease in sewer lines or lift stations, suspected illegal connections, and suspected improper discharges. The IPP staff responds to these complaints and investigates for the source of any suspected discharge violations. The investigation may include consulting sewer line diagrams and tracking back to possible sources of the discharge. Other complaints may come from other users, agencies, or citizens. All complaints received are investigated as soon as possible. Complaint responses are documented on a complaint/emergency response report. Other documentation is also completed as needed.
- (b) **Site visits to Non-regulated Users:**
 - (1) The IPP staff maintains Wastewater Program files and a software program to schedule periodic inspections on non-regulated users. These users include restaurants, garages, and car washes. The inspections include grease traps and oil water separators. The users are inspected for proper operation, maintenance and pumping of pretreatment devices. The County Oil and Grease Management Ordinance requires that these facilities obtain a wastewater discharge permit. All grease traps,

interceptors and separators shall be maintained and pumped as necessary to prevent carry over of oil and grease into the collection system. Records of pumping activities shall be kept.

- (2) Copies of the inspection reports are given to each facility and maintained in County files. They are reviewed by the IPP staff on a monthly basis. Violations detected during the site visits are documented. Return inspections are scheduled to verify correction of violation.
- (3) The County Wastewater Department maintains a sampling schedule for non-regulated waste haulers to assure compliance with its current Sewer Use Ordinance.

(c) Site Visits - Permitted Users:

Permitted industrial users are inspected prior to permit issuance or renewal. Site visits for permits are conducted using the industrial inspection checklist. Any violations noted during an inspection are also documented for review prior to the issuance of any permit or permit renewal.

12. VIOLATION ENFORCEMENT TRACKING:

(a) Violation Tracking File:

The IPP staff shall maintain a violation tracking file to track all enforcement action and violation responses. This file is checked at the beginning of each month to determine what user corrective actions are to be verified that month. As responses to violations and enforcement actions are received, the corresponding documentation is removed from the violation tracking file and placed in the discharger's file. If an adequate response to the violation is not received by the response due date, further enforcement action is initiated. Violations and enforcement actions that are tracked using the violation tracking file include but are not limited to the following:

- (1) Notices of Violation (NOV) - A copy of all notices of violation that require a response from the user will be placed in the violation tracking file. If multiple due dates are listed on the NOV, a separate copy will be kept in the corresponding folders of the file.
- (2) Industrial Monitoring Site Visit Report - If a violation is detected during a user site visit and a response due date is discussed with the user during the visit, a copy of the Site Visit Report is placed in the violation tracking file.

(b) Publication File:

Any time a user is found to be in SNC as outlined previously, a NOV shall be issued. A copy of the NOV will be placed in a file for publication. In June the program administrator will review the publication file and users that are found to warrant publication will be published as outlined previously (Sect. 4(f)).

13. INSPECTIONS:

- (a) Inspections will be used to identify problem areas and IU noncompliance.
- (b) Noncompliance will be re-inspected within 1 to 90 days depending on the severity of the violation.
- (c) The delegated personnel will place the inspection report after identifying any problems into the discharger's file.
- (d) Any inspection problems or violations will be documented and placed into the violations file which will be reviewed at a minimum of every 30 days or as needed. Any recommendations will be implemented.
- (e) Inspections that are unscheduled will be on a case by case basis or as needed.
- (f) Inspections will include:
 - (1) A pre-inspection preparation.
 - (2) Completion of an inspection form.
 - (3) Data collection and accompanying documentation.
 - (4) A post inspection evaluation.
- (g) When the sampling results are received, a review for completeness and accuracy will be performed. Any enforcement action will be initiated.

14. SAMPLING:

- (a) Samples will be collected according to the Department of Environmental Protection standard operating procedures.
- (b) A chain-of-custody form will be filled out for all samples.

15. SHOW CAUSE HEARING:

- (a) The County may order any user who causes or allows an unauthorized discharge to enter the WWF to show cause before the County Commission why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the County Commission regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the County Commission why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- (b) The County Commission may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the County to:

- (1) Issue in the name of the County Commission notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - (2) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the County Commission for action thereon.
 - (3) Take evidence.
- (c) At any hearing held pursuant to the Sewer Use Ordinance or Oil and Grease Management Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- (d) After the County Commission has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Abbreviations for Following Table Personnel

CA – County Attorney (or his / her designee)

DIR – Utilities Director or his designee

PC/PS – Pretreatment Coordinator or Pretreatment Specialist

16. ENFORCEMENT RESPONSE GUIDE:

(a) Effluent Limitation Violations:

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
1. Exceedance of local, state, or federal standards for non-permitted SIU.	IU unaware of requirement, no harm to system, workers, WWTP, or environment.	Phone call, site survey to determine if permit is warranted.	PC/PS
	IU unaware of requirement, harm occurs to system, workers, WWTP and/or environment.	Site visit, permit application, NOV (with fine) sent certified.	PC/PS + DIR + CA
	Failure to comply after NOV is issued.	Further legal/administrative action, case-by-case determined suspension of service based on intent and severity of violation.	PC/PS + DIR + CA
2. Exceedance of local, state, or federal standards for other than SIU.	Discharge without a permit, IU has not applied for or renewed permit.	NOV (with fine) sent certified, permit application, and/or compliance schedule, and/or administrative action	
	User unaware of requirement, no harm to system, workers, WWTP, or environment.	Phone call, NOV sent certified (no fine), site survey to determine if permit is warranted.	PC/PS
	User unaware of requirement; harm occurs to system, workers, WWTP and/or environment.	Site visit, permit application, NOV (with fine) sent certified.	PC/PS + DIR + CA
	Failure to comply after NOV is issued.	Further legal/administrative action, case-by-case determined suspension of service based on intent and severity of violation.	

(b) Effluent Violations by Permitted User:

<p>1. Exceedance of local, state, or federal standards for permitted SIU or non SIU.</p>	<p>First occurrence during previous 12 month period (not a slug load, no harm to system, workers, WWTP and/or environment). Second occurrence during previous 12 month period (not a slug load, no harm to system, workers, WWTP and/or environment). Third and any succeeding occurrence during previous 12 month period (not a slug load, no harm to system, workers, WWTP and/or environment).</p>	<p>Phone call, NOV sent certified (no fine). Written warning, NOV sent certified (no fine). NOV (with fine) sent certified, and/or compliance schedule and/or further administrative action</p>	<p>PC/PS PC/PS + DIR + CA</p>
<p>2. Exceedance of local, state, or federal standards for SIU or non SIU, including permits</p>	<p>Any occurrence which harms system, workers, WWTP and/or environment.</p>	<p>Site visit, NOV (with fine) sent certified, further legal/administrative action, case-by-case determined suspension of service based on intent and severity of violation.</p>	<p>PC/PS + DIR + CA</p>
<p>3. Exceedance of local, state, or federal standards while on compliance schedule</p>	<p>First occurrence during previous 12 month period. Second and all succeeding occurrences.</p>	<p>NOV sent certified (no fine) NOV (with fine) sent certified, further legal/administrative action, case-by-case determined suspension of service based on intent and severity of violation.</p>	<p>PC/PS PC/PS + DIR + CA</p>

(b) Effluent Violations by Permitted User (continued):

4. Significant Noncompliance	Exceeds significant noncompliance criteria for any 6 month period - Chronic violations (66%)	Publish in local newspaper	PC/PS + DIR
	Exceeds significant noncompliance criteria for any 6 month period – Technical review criteria (33%)	Publish in local newspaper	

(c) Self-monitoring and reporting violations:

1. Monitoring Report late	First occurrence during previous 12 month period.	Phone call on due date.	PC/PS	
	Disregard for phone call.	Reminder letter sent certified after 5 days.		
	Disregard for reminder letter.	NOV (with fine) sent certified after 5 days.		PC/PS + DIR + CA
	Disregard for NOV.	Further legal/administrative action.		

(c) Self-monitoring and reporting violations (continued):

2. Significant Noncompliance – Monitoring report > 30 days late.	Second occurrence during previous 12 month period.	Reminder letter sent certified after 5 days.	PC/PS
	Disregard for reminder letter.	NOV (with fine) sent certified after 5 days.	PC/PS + DIR + CA
	Disregard for NOV.	Further legal/administrative action.	
	Third and all succeeding occurrences during previous 12 month period.	Reminder letter sent certified after 5 days.	PC/PS
	Disregard for reminder letter.	NOV (with fine) sent certified after 5 days.	PC/PS + DIR + CA
	Disregard for NOV.	Further legal/administrative action.	
3. Report improperly signed or certified.	First occurrence during previous 12 month period.	Phone call on due date or receipt of report.	PC/PS
	Disregard for phone call.	NOV sent certified (no fine)	
	Disregard for first NOV.	NOV (with fine) sent certified.	PC/PS + DIR + CA
	Disregard for second NOV.	Further legal/administrative action.	
	Second occurrence during previous 12 months.	NOV sent certified (no fine).	PC/PS
	Disregard for first NOV.	NOV (with fine) sent certified.	PC/PS + DIR + CA
	Disregard for second NOV.	Further legal/administrative action.	
	8. Third and all succeeding occurrences during previous 12 month period.	NOV (with fine) sent certified.	
	9. Disregard for NOV.	Further legal/administrative action.	

(c) Self-monitoring and reporting violations (continued):

4. Failure to report process change.	No harm to system, workers, WWTP, or environment.	Unannounced inspection.	PC/PS
	Potential created to harm to system, workers, WWTP, and/or environment.	Unannounced inspection, NOV (with fine) sent certified.	PC/PS + DIR + CA
	Harm to system, workers, WWTP, and/or environment.	Unannounced inspection, further legal/administrative action.	
5. Failure to respond when required.	Required documentation not submitted on due date.	Phone call on due date.	PC/PS
	Disregard for phone call.	NOV sent certified (no fine)	
	Disregard for first NOV. Disregard for second NOV.	NOV (with fine) sent certified. Further legal/administrative action.	PC/PS + DIR + CA
6. Failure to monitor all pollutants as required by permit.	First occurrence during previous 12 month period.	Phone call on due date or receipt of report.	PC/PS
	Disregard for phone call.	NOV sent certified (no fine)	
	Disregard for first NOV. Disregard for second NOV.	NOV (with fine) sent certified. Further legal/administrative action.	PC/PS + DIR + CA
	Second occurrence during previous 12 months.	NOV sent certified (no fine).	PC/PS
	Disregard for first NOV. Disregard for second NOV.	NOV (with fine) sent certified. Further legal/administrative action.	PC/PS + DIR + CA
	Third and all succeeding occurrences during previous 12 month period.	NOV (with fine) sent certified.	
	Disregard for NOV.	Further legal/administrative action.	

(c) Self-monitoring and reporting violations (continued):

7. Failure to obtain proper sample type.	First occurrence during previous 12 month period.	Phone call on due date or receipt of report.	PC/PS	
	Disregard for phone call.	NOV sent certified (no fine)		
	Disregard for first NOV.	NOV (with fine) sent certified.		PC/PS + DIR + CA
	Disregard for second NOV.	Further legal/administrative action.		
	Second occurrence during previous 12 months.	NOV sent certified (no fine).		PC/PS
8. Falsification of Data.	Disregard for first NOV.	NOV (with fine) sent certified.	PC/PS + DIR + CA	
	Disregard for second NOV.	Further legal/administrative action.		
	Third and all succeeding occurrences during previous 12 month period.	NOV (with fine) sent certified.		
	Disregard for NOV.	Further legal/administrative action.		
	Any data which is submitted bearing an untruthful account of results or events.	Legal/administrative action, case-by-case determined suspension of service based on intent and severity of violation.		
9. Failure to report additional monitoring.	First occurrence.	Phone call.	PC/PS	
	Disregard for phone call.	NOV sent certified (no fine)		
	Disregard for first NOV.	NOV (with fine) sent certified.		PC/PS + DIR + CA
	Disregard for second NOV.	Further legal/administrative action.		
10. Failure to install monitoring equipment.	First occurrence.	Phone call.	PC/PS	
	Disregard for phone call.	NOV sent certified (no fine).		
	Disregard for first NOV.	NOV (with fine) sent certified.		PC/PS + DIR + CA
	Disregard for second NOV.	Further legal/administrative action.		

(d) Compliance Schedule violations:

1. Missed milestone (no affect on final milestone).	Missed milestone is < 90 days late.	NOV sent certified (no fine).	PC/PS
	Missed milestone is > 90 days late.	NOV (with fine) sent certified, publish in local paper.	PC/PS + DIR + CA
	Recurring violations of schedule.	Further legal/administrative action.	
2. Missed milestone (affecting final milestone).	Missed milestone is < 90 days late.	NOV sent certified (no fine).	PC/PS
	Missed milestone is > 90 days late.	NOV (with fine) sent certified, publish in local paper.	PC/PS + DIR + CA
	Recurring violations of schedule.	Further legal/administrative action.	
	Refusal to enter into a consent order	Legal/administrative action, case-by-case determined suspension of service based on intent and severity of violation.	
3. Failure to meet compliance schedule after milestone date.	Exceed final milestone deadline (< 30 days).	NOV (with fine) sent certified, legal/administrative action, case-by-case determined suspension of service based on intent and severity of violation.	PC/PS + DIR + CA
	Exceed final milestone deadline (> 30 days).	Permit revocation, case-by-case determined service termination, NOV (with fine) sent certified, further legal/administrative action.	PC/PS + DIR + CA

(e) Violations found during inspection:

1. Facility entry.	Entry denied.	Leave area – consult CA.	PC/PS + CA
2. Records review.	Consent withdrawn to review/copy records.	Leave area – consult CA.	PC/PS + CA
3. Prohibited materials/substances discharged to sanitary sewer system.	No harm to system, workers, WWTP, or environment.	NOV sent certified (no fine).	PC/PS
	Potential created to harm to system, workers, WWTP, and/or environment.	NOV (with fine) sent certified.	PC/PS + DIR + CA
	Harm to system, workers, WWTP, and/or environment.	NOV (with fine) sent certified, legal/administrative action, case-by-case determined suspension of service based on intent and severity of violation.	
4. Sampling at incorrect location.	First occurrence.	Written warning.	PC/PS
	Second occurrence.	NOV (with fine) sent certified.	PC/PS + DIR + CA
	Third and all succeeding occurrences.	Further legal/administrative action, case-by-case determined suspension of service based on intent and severity of violation.	
5. Record Keeping.	Records found to be incomplete.	NOV (no fine) sent certified.	PC/PS
	Repeat occurrences.	NOV (with fine) sent certified, legal/administrative action, case-by-case determined suspension of service based on intent and severity of violation.	PC/PS + DIR + CA

(e) Violations found during inspection (continued):

<p>6. Waste streams are diluted in lieu of treatment</p>	<p>Initial finding. Repeat occurrences</p>	<p>NOV (no fine) sent certified. NOV (with fine) sent certified, legal/administrative action, case-by-case determined suspension of service based on intent and severity of violation. Phone call.</p>	<p>PC/PS PC/PS + DIR + CA</p>
<p>7. Failure to properly operate. maintain pretreatment equipment</p>	<p>No harm to system, workers, WWTP, or environment. Potential created to harm to system, workers, WWTP, and/or environment. Harm to system, workers, WWTP, and/or environment.</p>	<p>NOV (with fine) sent certified. Further legal/administrative action, case-by-case determined suspension of service based on intent and severity of violation.</p>	<p>PC/PS PC/PS + DIR + CA</p>
<p>8. Failure to mitigate noncompliance (or to halt discharge).</p>	<p>No harm to system, workers, WWTP, or environment. Potential created to harm to system, workers, WWTP, and/or environment. Harm to system, workers, WWTP, and/or environment.</p>	<p>NOV (with fine) sent certified, legal/administrative action, case-by-case determined suspension of service based on intent and severity of violation. NOV (with fine) sent certified, legal/administrative action, case-by-case determined suspension of service based on intent and severity of violation. NOV (with fine) sent certified, publish in local newspaper, legal/administrative action, case-by-case determined service termination.</p>	<p>PC/PS + DIR + CA</p>

17. TIME FRAME FOR RESPONSES:

- (a) All violations will be identified and documented within five (5) days of receiving compliance information.
- (b) Initial enforcement responses [involving contact with the IU and requesting information on corrective or preventive action(s)] will occur within thirty (30) days of violation detection.
- (c) Follow up actions for continuing or recurring violations will occur within sixty (60) days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.
- (d) Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or suspending/terminating service.
- (e) All violations meeting the criteria for SNC will be addressed with an enforceable order within thirty (30) days of the identification of SNC.

18. FURTHER LEGAL/ADMINISTRATIVE ACTIONS:

Legal/administrative action may include, but shall not be limited to the following:

- (a) Petition for federal or state enforcement as may be provided by applicable federal or state laws to ensure compliance with applicable pretreatment standards by industrial users.
- (b) The County may file a petition in the Circuit Court of St. Johns County or any other courts having jurisdiction, seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this division or other applicable law or regulation.
- (c) The Director of the St. Johns County Utility Department reserves the right to assess fines on a case-by-case assessment. Suit may be brought to recover any and all damages suffered by the County as a result of any action or inaction of any user or other person who causes or suffers damage to occur to a WWTP, or for any other expense, loss, or damage of any kind or nature suffered by the County.