

VILLAGE OF CAROL STREAM
PUBLIC WORKS DEPARTMENT

INDUSTRIAL PRETREATMENT PROGRAM
ENFORCEMENT RESPONSE PLAN

INTRODUCTION:

The development of the local Industrial Pretreatment Program has required the Village to draft program compliance procedures necessary to successfully administering the program. The designation of the Village of Carol Stream as Control Authority requires the Village staff to adopt a structured approach to the administration of the Industrial Pretreatment Program. In order to effectively and uniformly enforce pretreatment regulations, all mandated program activities must comply with State and Federal regulatory expectations. The following procedure is an attempt to outline the details of an enforceable program, which will achieve the goal of controlling industrial discharges to the Carol Stream sanitary sewer system. The operating procedures are categorized into the following four areas:

I. Application of Standards

Because the goal of the pretreatment program is to control industrial wastewater, the Village at the outset must inventory its local industrial users and apply and enforce the various pollution reduction standards listed in the federal regulations.

II. Monitoring Compliance

Once the regulated industries have been identified and assigned their permit and reporting limitations, it is necessary for the POTW to track the compliance of each Industrial user to determine the timeliness of their report submissions.

III. Screening Information

The program requires each industrial user to sample and self-monitor wastewater discharge and to draft written reports documenting the sample results. All data received from the Industrial User and supplemental data generated by the Village's own field surveillance crews must be reviewed and screened for compliance with Local, State and Federal water pollution control standards.

IV. Enforcement Response

Enforcement action is essential to establishing the overall integrity of the program and necessary to assist in developing compliance schedules for those Industrial Users in chronic non-compliance with program requirements. Enforcement procedures also assist in identifying the appropriate type of enforcement response.

PROCEDURES FOR APPLICATION OF STANDARDS

Industrial Users are inspected and categorized according to Federal regulatory guidelines to ensure an equitable and effective enforcement response from the Village staff. During the program development stage, Village administrative staff surveyed and classified industrial users according to the manufacturing operation and composition of industrial wastes identified in their industrial wastewater discharge. The Village has implemented the following class code designation to assist in categorizing its local industrial users:

- H- Industrial Users without an industrial waste discharge, such as a warehouse.
- I- Industrial User without an industrial waste discharge, but with the potential to have a discharge, such as a chemical warehouse.
- J- Industrial User meeting definition of an SIU, but not covered by Federal categorical regulations.
- K- Industrial User classified as a SIU and covered by Federal Categorical Standards.
- L- Industrial User provided water by the Carol Stream water utility but provided sewer service is by the Wheaton Sanitary District.

A Significant Industrial User(SIU)- as defined in the Village of Carol Stream Sewer Use Ordinance is any Industrial User of the POTW's wastewater disposal system who

- (1) has a discharge flow of 25,000 gallons or more per average work day, or
- (2) whose process wastewater discharge constitutes 5% or more of the POTW plant capacity because of the nature of history of their wastewater contributions to the POTW plant capacity or because of the nature or history of their wastewater contributions to the POTW,
- (3) has in its wastewater incompatible pollutants as defined pursuant to Section 307 of the Federal Act, or by State statutes, or by applicable Federal or State rules and regulations, or
- (4) is found by the POTW, IEPA, or USEPA to have industries, on the wastewater treatment system, the quality of sludge, the system's effluent equality, of air emissions generated by the system or
- (5) is subject to any national categorical Pretreatment Standard.

All significant Industrial Users will be issued a Sewer Discharge Permit outlining their responsibilities under the Industrial Pretreatment Program. A listing of all Industrial Users is computerized at regular intervals. The data procedures is as follows:

1. Industrial Users applying for a building permit or a business license will be required to complete an Industrial Wastewater Application for review before a building permit or business issuance. The applicant will be instructed to complete and forward the form to the Public Works Director for his review.
2. The Public Works Pretreatment Coordinator will review the completed survey and contact the Industrial User if additional information is required to make a final classification.

3. Once the Program Coordinator has classified the Industrial User, he/she will update the computerized survey results.
4. If an industrial user is classified as a significant Industrial User (SIU) the Pretreatment Coordinator will then draft a Sewer Discharge Permit. In developing the permit, the Pretreatment Coordinator must review the pertinent categorical standards, baseline information contained in the Industrial Water Survey, or additional information as he might deem necessary from the applicant to determine if the combined waste stream formula must be utilized in the development of sewer discharge standards.
5. After permit issuance, the Pretreatment Coordinator, will key enter the essential permit information to keep computer records current.

INDUSTRIAL PRETREATMENT PROGRAM
ENFORCEMENT RESPONSE PLAN

COMPLIANCE TRACKING PROCEDURES

All SIU's discharging into receiving waters leading to the Village of Carol Stream Wastewater Reclamation Center will be issued a Sewer Discharge Permit by the Public Works Director of his/her designee.

A standard Industrial Discharge Permit details sample monitoring, reporting and submission requirements and their deadlines.

In order to monitor compliance with permit conditions, the following procedures have been developed:

1. After permit issuance, sampling and monitoring report submission dates will be entered in the Industrial User computerized compliance tracking spreadsheet. Compliance tracking entries will indicate the following:
 - a. required documents
 - b. document submission dates
 - c. document receiving dates

Most SIU's will be required to monitor monthly and submit reports monthly until a proven compliant history is compiled.

To effectively track compliance dates, the Industrial Pretreatment Coordinator will update the compliance tracking spreadsheet monthly to quarterly which IU's documents are due each month.

Pretreatment contacts who fail to submit required quarterly documents within five (5) calendar days of their submittal date will be contacted by phone and notified of the deadline expiration.

If reports are not sent within five days after receiving a telephone warning, local enforcement staff will issue a Notice of Violation detailing the extent of the reporting excursions.

INDUSTRIAL PRETREATMENT PROGRAM
ENFORCEMENT RESPONSE GUIDE

PROCEDURES FOR DATA VERIFICATION, SCREENING AND VIOLATION
SUMMARIES

Sample monitoring data report submissions must be reviewed for compliance with local program standards. Compliance data is typically provided from two separate sources: (1) the Industrial User, and (2) Village field sampling employees. The procedures set forth below are primarily designed to detect non-complying discharges, specifically to identify apparent violations, thirdly, to compile data summaries to conduct six month significant non-compliance reviews and finally, to provide detailed program information for the Village to assist in completing its own annual reports to the Approval Authority.

1. All compliance monitoring data is to be directed to the Public Works Department.
2. All report submissions must be stamped with the date of its receipt.
3. All compliance data is to be thoroughly reviewed by the Pretreatment Coordinator.
4. Industrial User compliance data is submitted on a monthly, quarterly or semi-annual basis and consists of sampling and self-monitoring report forms. Part 2 of each industrial user permit stipulates the frequency reports must be submitted. Industries that have had consistent problems in meeting the discharge standards specified should be required to submit reports monthly. This allows the Pretreatment Coordinator to make timely assessments on the industry's overall compliance.

Monitoring reports will be reviewed as follows:

- a. All report submissions must be proofed for completeness verifying required signatures, company names and the correct sampling period and compliance with submission deadlines.
- b. Results of sampling must be checked with permit constituents indicated on the form circling all daily maximum and monthly average violations.
- c. Circled violations should then be re-circled if the excursions meet the following criteria for a magnitude violation:
 1. 1.4 X the listed standard for pollutants for BOD, total suspended solids (TSS), Oils and Greases (FOG) and pH or
 2. 1.2 X the listed limit for all other pollutants.
Sampling excursions meeting criteria for magnitude violations must then be doubled circled.

- d. Daily maximum and monthly average violations (TAV) circled should be totaled and entered in the lower right-hand corner, followed by a slash with the total number of magnitude violations (MAG), (double circled).
- e. The above steps are repeated for each monthly report submitted by local pretreatment industries.
- f. The reviewer must then update the six-month compliance tracking spreadsheet indicating the total daily maximum and monthly average violations (TAV) and the total number of magnitude violations (MAG).
- g. Industrial User monthly reports containing specific violations must be forwarded to the Public Works Director for his/her review as to the appropriate enforcement response.
- h. Monthly reports which do not contain any apparent violations must be initialed by the reviewer indicating that the form has been reviewed and filed in the appropriate Industrial User's file.
- i. At the end of each six month period, the pretreatment Coordinator will review the compliance tracking spreadsheet to identify which Industrial Users have met the criteria for significant non-compliance status.
- j. Significant non-compliance criteria is as follows:
 - (1) A chronic violation of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken during a six-month period exceed (by an magnitude) the daily maximum or the average limit for the same pollutant parameter.
 - (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all 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, FOG, 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 POTW 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 POTW's exercise of its emergency authority under paragraph (f) (1) (vi) (B) of this section 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, 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.

INDUSTRIAL PRETREATMENT PROGRAM ENFORCEMENT RESPONSE PLAN

ENFORCEMENT PROCEDURES

Violations and discrepancies that have been identified during the review process are to be forwarded to the Public Works Pretreatment Coordinator for an evaluation of the appropriate type of enforcement response to be taken. To ensure equitable enforcement of violators and provide a stronger regulatory foundation in selecting enforcement responses, the following Enforcement Response Guide should be used.

The Enforcement Response matrix indicates specific instances of non-compliance which might vary the type of enforcement response taken, and the range of enforcement response that could possibly be initiated. The Enforcement Response Guide has been developed to accomplish the following objectives:

1. Enforcement responses are appropriate in relation to the nature and severity of the violation and degree of non-compliance.
2. The guide encourages uniform application of enforcement responses to comparable levels in types of violations, and it can be used as a mechanism to review the appropriateness of the response.

The Enforcement Response Guide groups various violations types into the following three categories:

1. Sampling, monitoring, and reporting.
2. Violations of compliance schedules
3. Violations of discharge limitations.

Acronyms are used for several types of responses. An explanation of the acronyms are provided and listed in order of their severity:

1. VTN- Verbal Telephone Notice- a response to minor violation where local enforcement staff verbally contact the industry program representative and appraise them of the situation. Reports which are 1-2 days late would trigger such a response with no follow-up required.
2. NOV- Notice of Violation- a written response to an industrial user indicates the specific violation usually requesting definitive corrective action within 10 days of receiving the violation notice, regulatory justification for the notice, and the actions necessary to abate the problem and regain compliance.
3. NOW- Notice of Warning- this notice similar to a notice of violation, contains stronger wording implying a serious violation which requires immediate corrective action. This response usually necessitates a show cause meeting and a field survey.

4. PEN- Notice- this informal written notice is the preceding step to beginning formal enforcement action. A pre-enforcement notice indicates violation types, an escalating history of violations and requests a Pre-Enforcement hearing to detail a corrective action plan to be adopted by the Industrial User as a stopgap measure to prevent the Village from initiating formal enforcement action.
5. AO- Administrative Order- Administrative Order issuance follows a Pre Enforcement Notice and is used when the Village believes the Industrial User has demonstrated a good faith effort to correct previous violations. An administrative Order specifically outlines the details of a compliance schedule and other supporting conditions such as additional sampling and monitoring. An Administrative Order time frames may be in force for six months to one year.
6. LIG- Litigation- Litigation is a broad category encompassing civil suits, (for injunctive relief), civil penalties, criminal suits, termination of service etc.. Serious actions of this kind would be litigated in courts of law and involve corporate counsel due process and appropriate action.

The Pretreatment Coordinator will use the ERG to initiate appropriate enforcement response and ensure that tracking files reflect recent enforcement activity. The Pretreatment Coordinator will also initiate any filed surveillance activity deemed necessary to the enforcement case and to substantiate the corrective action outlined in an agreement are complied with.

At the end of each six month period the Pretreatment Coordinator will review the compliance tracking file to identify those significant violators who meet technical review criteria or magnitude criteria for determining significant non-compliance status.

INDUSTRIAL PRETREATMENT PROGRAM

ENFORCEMENT RESPONSE GUIDE

I. Sampling, Monitoring, Reporting

	<u>Non-Compliance</u>	<u>Circumstance</u>	<u>Response</u>	<u>Staff</u>
1.	Failure to sample monitor or report (routine reports BMR's)	Isolated Frequent	VTN NOV Reprot required within 10days	PWPC/PWD
2.	Minor sampling monitoring or reporting deficiencies (computer or typing error).	Isolated/infrequent	VTN or NOV corrections to be made on next submittal	PWPC/PWD
3.	Major or gross sampling, non-monitoring or reporting deficiencies (missing info./late reports).	Isolated/infrequent	NOV Corrections to be made on the next submittal.	PWPC/PWD
4.	Failure to notify minor effluent limit violation or slug discharge.	Isolated/infrequent No known effects.	VTN or NOV If no response within 10 days issue a NOW	PWPC/PWD
5.	Failure to notify effluent limit violation or slug discharge.	Frequent/continued violation.	NOW/AO/PEN/LIG Including penalties.	PWPC/PWD
6.	Major or gross reporting deficiencies	Continued-remains uncorrected for 30-days or more.	NOW/AO/PEN/LIG If no response received.	PWPC/PWD
7.	Failure to notify effluent limit violation or slug discharge.	Known environmental POTW damage results-SNC	AO/LIG and penalties.	PWPC/PWD
8.	Failure to sample, monitor, report or notify.	IU fails to comply with verbal written agreement and frequent violation.	NOW/AO/PEN/LIG	PWPC/PWD

II. Compliance Schedules (Construction phases or planning)

	<u>Non-Compliance</u>	<u>Circumstance</u>	<u>Response</u>	<u>Staff</u>
1.	Reporting False Information	Any instance –SNC	LIG Penalties request for criminal investigation.	PWD/PWPC
2.	Missed Interim Date	Will not cause late final date or other interim date.	VTN	PWPC
3.	Missed Interim Date	Will result in other missed dates. Violation for good cause and IU is in good standing.	VTN/NOV	PWPC
4.	Missed Interim Date	Will result in other missed interim dates. Invalid Cause-SNC	NOV/NOW/LIG	PWPC
5.	Missed Final Date	Violation due to force majeure. IU in good standing.	VTN/NOV Contact permittee require documents of good or valid cause.	PWPC
6.	Missed Final Date	90 Days or more outstanding. Failure to comply w/o good or valid cause.	NOW/PEN/AO/LIG Including penalty.	PWPC/PWD
7.	Failure to Install	Continued-SNC	NOW/AO To begin monitoring (using outside contracts if necessary).	PWPC

III. Discharge Limitations

	<u>Non-Compliance</u>	<u>Circumstance</u>	<u>Response</u>	<u>Staff</u>
1.	Exceeds final limits (categorical limits or prohibited)	Infrequent/isolated major violations.	VTN/NOV	PWPC
2.	Exceeds final limits	Infrequent/isolated major violation exceeds the limits by TRC of a single effluent limit.	NOV/LIG	PWPC
3.	Exceeds final limits	Four or more violations of the same effluent limits or two violations which exceed TRC-SNC. Samples are within the rolling 6-month period.	NOV/PEN/LIG Increase sampling requirements by one or two monitoring days depending on severity of violations	PWPC
4.	Exceed Interim Limit	Unknown Damages	NOV/PEN	PWPC
5.	Exceed Interim Limit	Results in known environmental damages.	NOW/PEN/LIG Including penalty	PWPC/PWD
6.	Reproted Slug Load	Isolated w/known damage	NOV/SNC Notice and publication.	PWPC/PWD
7.	Reported Slug Load	Isolated w/known damage, pass through or interference.	AL/LIG SNC publication notice.	PWPC/PWD
8.	Reported Slug Load	Recurring	AO/LIG/SNC and publication notice. Issuance of Cease and Desist Order.	PWPC/PWD
9.	Discharge w/o Permit	One time with known POTW interference	NOV/NOW/AO	PWPC/PWD
10.	Discharge w/o approval/permit	One time resulting in known environmental damage or continued violation- SNC		