



City of Millbrae
Pretreatment Program

Enforcement Response Plan

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Appendix

City of Millbrae Ordinance Code [Chapter 8.20] – [Municipal Sanitary Sewer System]

I. INTRODUCTION

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

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

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

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

This ERP serves as an update to the City's previous ERP, dated 2008.

II. PURPOSE AND SCOPE

This plan satisfies Pretreatment Program requirements of the Code of Federal Regulations (CFR) Title 40 and establishes a defined procedure for enforcement responses to described levels and types of violations. This Enforcement Response Plan (ERP) can be used to detail the prescribed method for inspections and review the appropriateness of responses by the City.

III. AUTHORITY

The following ERP has been developed under the authority of the EPA General Pretreatment Regulations, the WPCP NPDES permit, and the City of Millbrae Sewer Ordinance section 8.20.020 Authority, purpose, and policy.

All entities discharging nondomestic waste to the POTW are subject to the provisions of the ERP. The Control Authority consistently administers and implements all elements of the ERP. The ERP does not preclude the Control Authority from taking any, all, or any combination of actions against a noncompliant industrial user.

IV. **ABBREVIATIONS**

AO	Administrative Order
BMP	Best Management Practice
CA	Control Authority
C&D	sCease and Desist
CFR	Code of Federal Regulations
CO	Compliance Order
CP	Criminal Penalty
ECI	Environmental Compliance Inspector
EL	Effluent Limit
ERG	Enforcement Response Guide
ERP	Enforcement Response Plan
IU	Industrial User
JA	Judicial Action
MSSO	Millbrae Sanitary Sewer Ordinance
NC	Noncompliance
NOV	Notice of Violation
POTW	Publicly Owned Treatment Works
SCG	Source Control Group
SCO	Show Cause Order
SIU	Significant Industrial User
SMR	Self Monitoring Report
SNC	Significant Noncompliance
SUO	Sewer Use Ordinance
ToS	Termination of Service
WL	Warning Letter

V. **DEFINITIONS**

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

Administrative Order (AO): A document that orders the violator to perform a specific act or to refrain from an act. Administrative Orders may incorporate compliance schedules, timeframes, administrative penalties, and termination of service orders. There are four common types of AO:

1. *Cease and Desist Order* – An Administrative Order directing an IU to immediately halt illegal or unauthorized discharges or to terminate its discharge altogether
2. *Consent Orders* – An Administrative Order embodying a legally enforceable agreement between the City and the noncompliant IU designed to restore the user to compliant status.
3. *Show Cause Orders* – An Administrative Order directing a noncompliant IU to

appear before the City, explain its noncompliance, and show cause why more severe enforcement actions against the user should not go forward.

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

Best Management Practices Permit (BMPP): Industrial local pretreatment limits expressed through conditions in the user's permit as narrative statements (typically prohibitions) such as those set forth in MSSO 8.20.290.

Civil Action: A lawsuit filed in a civil court. If the court rules that the defendant industrial user violated the law the court may impose civil penalties, injunctions, or other equitable remedies and/or cost recovery.

Chain of Custody (COC): A written record of sample possession for all persons who handle a sample, including name, dates, times, and procedures followed.

Criminal Penalties: A criminal charge brought by the Control Authority against an accused violator. The alleged criminal action may be a misdemeanor or a felony and is defined as willful, negligent, knowing and/or intentional violations. A court trial-by-jury is generally required and upon conviction, punishment may include a monetary penalty, imprisonment, or both.

Food Service Establishment (FSE): is defined as a restaurant, cafeteria, hotel kitchen, church kitchen, school kitchen, hospital cafeteria, bar, or any other commercial or industrial operation that discharges grease laden wastewater from food preparation areas into the sanitary sewer system.

Grade 1 discharge: means a discharge which poses no immediate harm or future threat to human health, and poses no immediate harm or future threat to the environment, and has no adverse effects on living organisms, and does not result in POTW upset, pass-through or interference, and does not result in damage to or increase maintenance of the city collection system or the POTW.

Grade 2 discharge: means a discharge which poses no immediate harm or future threat to human health, and results in minor and short-lived harm to the environment, and has minor and short-lived adverse effects on living organisms, and results in minimal and temporary POTW upset, pass-through or interference, and results in minimal damage to or increased maintenance of the city collection system or POTW.

Grade 3 discharge: means a discharge which results in the immediate harm or poses a future threat to human health, or results in significant or extended harm to the environment, or is lethal to living organisms, or has significant or long-term adverse effects on living organisms, or results in significant or extended POTW upset, pass-through or interference, or results in significant damage to or excessive maintenance of the city collection system or POTW.

Industrial User: Any source that introduces pollutants into a POTW from any non-domestic source. For the City of Millbrae, these include commercial users such as restaurants, food production facilities, retirement homes, auto businesses, and car washes.

Notice of Violation (NOV): A control authority document notifying an IU that it has violated pretreatment standards and requirements. Generally used when the violation is relatively minor.

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

Publish: To print in a local newspaper the names and addresses of IUs in SNC.

Show Cause Order: An administrative order directing a noncompliant user to appear before the Control Authority, explain its noncompliance, and show cause why more severe enforcement actions against the user should not go forward.

Significant Noncompliance: Criteria used by Control and Approval Authorities to identify important violations and/or patterns of noncompliance.

Source Control Group (SCG) - Consisting of the Laboratory Source Control Supervisor and Environmental Compliance Inspector working for the POTW at the City of Millbrae

Termination of Service: A physical blockage of the sewer connection to a noncompliant user or issuance of a formal notice of termination to the industrial user.

Warning Letter: Official communication from the City notifying the IU that it may be violating or has the imminent potential to violate a pretreatment standard and/or a requirement.

VI. PERSONNEL RESPONSIBILITIES

1. Environmental Compliance Inspector:
 - a. Perform IU inspections and prepare inspection reports.
 - b. Maintain and update the industrial and commercial user inventory list.
 - c. Manage the IU permit process (applications, permits, renewals).
 - d. Prepare informal (WL) and formal notices (Late Notices, NOV, etc).
 - e. Inform Laboratory Source Control Supervisor of IU Violations (NOV),
 - f. Assist Laboratory Source Control Supervisor with regulatory reports.
2. Laboratory/Source Control Supervisor:
 - a. Manage activities and enforcement measures of the Environmental Compliance Inspector.
 - b. Prepare all regulatory reports (pretreatment and pollution prevention).
 - c. Review and Issue NOV's.
 - d. Publishes IUs in significant non-compliance (SNC).
 - e. Recommend and prepare enforcement actions (AO, SCO, C&D Orders, etc.)
3. Superintendent of WPC:

- a. Issues IU permits and enforcement actions (AO, SCO, C&D Orders, etc.)
 - b. Hear IU appeals.
 - c. Suspend or revoke discharge permit
4. Director of Public Works:
- a. Conduct SC hearings for IU appeals.
 - b. Make final decision of IU fine for SC hearing.
 - c. Issue order to restrict, suspend or disconnect a user from the city's wastewater collection system.

VII. IDENTIFYING AND INVESTIGATING INSTANCES OF NONCOMPLIANCE

The activities associated with the identification and investigation of noncompliance will be influenced by the type and severity of the violation. For FSE's, most of the violations issued are identified during the inspection process. The activities that facilitate the identification and investigation of noncompliance are shown below.

A. INDUSTRIAL USER INVENTORY

The pretreatment program maintains an IU database of all permitted IUs within the City of Millbrae. The IUs consist of commercial users (FSE's, auto businesses, a car wash and the water utility SFPUC). The IU database is updated frequently to maintain organization and keep records up to date. The sources for updating IU database are:

1. The Finance Department sends copies of new business license applications to the Source Control Group for review. Source Control Group will determine from business license the type of business and if it needs to be added into the pretreatment inventory list.
2. New and updated plan diagrams from the Building Department are sent to Source Control Group. The Environmental Compliance Inspector and Source Control Supervisor will review the plan diagram and determine if needed to be added to the pretreatment program.
3. If the business license application does not contain sufficient information to conclude if they need to be regulated under the City's pretreatment program, the Environmental Compliance Inspector shall obtain the additional information necessary to make a determination. This may be done by conducting an inspection or in some cases, making a telephone call to clarify items.
4. The Environmental Compliance Inspector shall also conduct periodic inspections (every 6 months) of commercial and industrial sections of the City to identify any new businesses that may not have been detected through the tracking of business license applications.

B. MONITORING AND INSPECTION PLAN

1. At least once per year, all SIU facilities are inspected and sampled (in accordance with 40 CFR Part 136) by the Environmental Compliance Inspector to ensure that the facility is in compliance with their wastewater discharge permit issued by the City of Millbrae WPCP.
2. All commercial users in our pretreatment program are monitored and inspected yearly. Commercial users include Food Service Establishments (FSE), some auto businesses, and a car wash.
3. Information gathered during IU monitoring and inspections are used to verify IU compliance and if not, determine if any enforcement response is required to guide a facility back to compliance.
4. Some commercial users may be required to submit quarterly monitoring reports to the City of Millbrae WPCP. These quarterly reports may contain data regarding: pH, Oil & Grease content, and constituents (e.g. Zinc and Copper). Where applicable, local limits are applied.

C. COMPLIANCE SCREENING

All SIUs discharging to the City of Millbrae's Wastewater Treatment Facility are required to submit quarterly self-monitoring reports to the pretreatment program. Details of the requirements for these reports are included in the individual discharge permits given to the SIUs. The screening process includes an evaluation of compliance with report due dates, numerical standards, sample handling and analysis, proper calibration reporting, signature(s) by facility authority, etc.

Commercial users are not required to submit self-monitoring reports. The discharge permits given to these users is a BMPP as described in section (MSSO 8.20.555). Routine inspections verify whether the commercial business are implementing BMPs as required in their permit. In addition to routine inspections, FSEs may be inspected as a result of complaint, lateral backup, or SSO.

VIII. DESCRIPTION OF ENFORCEMENT ACTIONS

The following are some enforcement options available to the City in order of increased severity of noncompliance. The City will determine whether the violation is significant (major) or non-significant (minor). A major violation consists of the potential or presence of a negative effect on the environment, POTW and its workers, public health, or is a chronic (recurring) water quality violation. A minor violation are lesser infractions that do not pose a considerable threat to environmental and personnel safety. Minor violations include, violation of BMP permit, minor water quality violations, incorrect analytical methods, sampling or monitoring deficiencies, or reporting deficiencies. In determining the type of response or combination of responses to be used, the EPA recommends considering the following:

- Severity of violation(s)
- Number of violations cited
- Duration of noncompliance

- Impact of the violation(s) on the environment and the POTW
- Potential of violation to impact public health
- Economic benefit or savings the IU gained from noncompliance
- Compliance history
- Whether the IU is making a good faith effort to comply

A. INFORMAL RESPONSE

1. Verbal Notification – Verbal warning notifications by telephone, email or in person provide an immediate notification of violations. In general, verbal notifications are used for minor and isolated violations or as an initial step leading to an escalated enforcement response. All verbal notifications related to enforcement or the investigation of suspected violations are documented in writing and placed in the respective Industrial User file.
2. Warning Letter – Warning notice letters are used under the same circumstances as verbal notifications. They may be issued as follow-up letters to verbal notifications or in lieu of verbal notifications.
3. Informal Meeting – An informal meeting is used to gather information concerning noncompliance, discuss steps to alleviate noncompliance, and determine the commitment level of the Industrial User. All informal meetings are documented in the City files.

B. FORMAL RESPONSE

1. Notice of Violation (NOV) – An NOV is a written notice to the noncompliant Industrial User that a pretreatment violation has occurred. An NOV includes a statement detailing the legal authority under which the Control Authority issued the NOV, a description of the violation(s), and the date(s) the violation(s) occurred. The NOV requires a response from the Industrial User that details the causes of the violation(s), and the corrective actions taken to correct the violation and prevent similar violations from occurring. In general, NOVs are considered to be more stringent enforcement responses than warning letters, and are accompanied by a fine.
2. Administrative Order (AO) – An AO is an enforcement document that directs Industrial Users to undertake and/or to cease specified activities by specified deadlines. The terms of an AO may or may not be negotiated with Industrial Users. AOs may incorporate compliance schedules, administrative penalties, termination of service and show cause orders. An Administrative Order is the minimum level of enforcement used to address Significant Noncompliance, and is accompanied by a fine.
3. Administrative Fines – An administrative fine is a punitive monetary charge assessed by the Control Authority rather than a court. The penalty must be authorized in the POTW's local legal authority (MSSO and/or permit). The purposes of the fine are to recover the economic benefit of noncompliance and to deter future violations.
4. Judicial Remedies

- A. **Injunctive relief** – Any Industrial User who is found to have violated, or continues to violate, any provision of Sewer Use Ordinance, the user’s wastewater discharge permit or an order issued thereunder, or any other applicable state or federal regulations or pretreatment standard or requirement, the City of Millbrae may petition the Superior Court for San Mateo County through the city attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by applicable law on activities of the user. The City of Millbrae may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or be a prerequisite for, taking any other action against a user.
 - B. **Civil Penalties** – Any user who has violated, or continues to violate, any provision of the Sewer Use Ordinance, the user’s wastewater discharge permit or an order issued thereunder, or any other applicable state or federal regulations or pretreatment standard or requirement shall be liable to the city for a civil penalty of not more than twenty-five thousand dollars per violation per day but at least one thousand dollars per violation per day for each violation for as long as the violation(s) continues. In addition, the city may recover reasonable attorney’s fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
 - C. **Criminal Prosecution** – Any user who willfully and knowingly violates any provisions of the city sanitary sewer ordinance, any orders or permits issued hereunder, or any applicable state or federal regulations or pretreatment standard or requirement, or knowingly makes any false statements, representations or certifications in any application, report, record, plan, or other document filed or required to be maintained by the Millbrae sanitary sewer ordinance or wastewater discharge permit; or falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under the Millbrae sanitary sewer ordinance or wastewater discharge permit, is guilty of a misdemeanor for each separate offense and for each day the violation occurs.
5. **Revocation of Wastewater Discharge permit** – Any user who violates the Millbrae Sanitary Sewer Ordinance (MSSO), applicable state and federal regulations, the user’s wastewater discharge permit or an order issued thereunder is subject to having his/her permit revoked. Any discharger notified that their wastewater discharge permit has been revoked shall immediately cease and desist the discharge of all industrial wastewater to the city’s wastewater collection system. In the event of a failure of the discharger to comply voluntarily, the city shall take such steps as deemed necessary, including immediate severance of the sanitary sewer connection, to prevent discharge to the city’s wastewater collection system.
6. **Termination of Discharge by Disconnection** – In the event that a user violates any provisions of the MSSO, any applicable state or federal regulations, the user’s wastewater discharge permit or an order issued thereunder, the city may order the disconnection of the user from the city’s wastewater collection system through a permanent disconnection from the city’s water system. Upon disconnection, the city shall order the appropriate city personnel to estimate the cost of disconnection and reconnection to the system. The user shall deposit the cost of disconnection and reconnection, as estimated, before the user is reconnected to the system. The city shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection. Prior to disconnection, the city shall conduct a show-cause hearing.
7. **Emergency Suspension** – The city may suspend a wastewater discharge permit when such suspension is necessary to prevent discharges that may present an imminent or substantial threat to human health, the environment, the city’s wastewater collection system, or which may result in upset, pass-through, or interference at the POTW, or which may cause the POTW to

violate any condition of its NPDES permit. In such a situation, the city will not be required to conduct a show-cause hearing.

8. Referral to EPA or the State – Where a POTW does not rely on criminal prosecution for its enforcement authority, referral to the State or EPA may be made. For violations that may warrant criminal prosecution, the Control Authority will refer the case to EPA or the State for further action. Circumstances that trigger EPA or State referrals include evidence of willfulness, evidence of negligence, and bad faith shown by the Industrial User.

C. TIMEFRAMES FOR ENFORCEMENT RESPONSES

- All violations will be identified and documented within *five days* of receiving compliance information from the IU.
- Any violation documented during inspection of the IU (SIU or commercial), enforcement response will occur within **5 days**.
- Initial enforcement responses (informal or formal) will occur within **15 days** of identifying a violation.
- Follow up actions for continuing or recurring violations will be taken within **60 days** of the initial enforcement response.
- Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate response such as halting the discharge or terminating service.
- Any violations meeting the criteria for Significant Noncompliance will be addressed through formal enforcement within **30 days** of the identification of significant noncompliance.

Enforcement responses may extend beyond the timeframes shown above for the POTW to gather the appropriate information and ensure a complete and adequate response to compliance orders and written violations. Such factors include but are not limited to: compliance history of IU, severity of CO or noncompliance, and communication with IU contact.

D. ENFORCEMENT RESPONSES

The Enforcement Response Guide designates several enforcement options for each type (or pattern) of noncompliance. The intent of this guide is to provide direction for appropriate enforcement response and to ensure consistent enforcement for similar violations and circumstances. Factors suggested by the EPA that may be evaluated when determining the appropriate response are as follows:

- Good faith of the IU
 - Compliance history of the IU
 - Previous success or failure of the enforcement actions against the IU
 - Violations effect on the environment and/or public health.
 - Violations effect on the POTW (i.e. pass through, interference, etc.)
1. Violations resulting in Significant Noncompliance.
Any violation resulting in SNC will be addressed through formal enforcement action,

regardless of the enforcement response otherwise dictated by the enforcement response guide. The minimum level of enforcement used to address SNC is an AO. Additionally, any IUs found to be in SNC will also be published in the local newspaper.

2. Escalating Enforcement Responses

The City issues a minimum fine for the first violation or for infrequent violations (not repeating over a six month period). Escalating enforcement responses and fines will be issued for recurring violations, failure to achieve compliance despite formal or informal enforcement, or for major violations.

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

IX. ENFORCEMENT RESPONSE GUIDE TABLE

Unauthorized Discharge

TYPE OF NONCOMPLIANCE	CIRCUMSTANCES	SUGGESTED ENFORCEMENT
IU User unaware of discharge	Grade 1 discharge	Visit & inspect, NOV(optional), Permit Application
IU User aware of discharge	Grade 1 discharge	NOV, SNC (Publish), Fine (optional), Permit Application
IU User unaware of discharge	Grade 2 discharge	AO ordering cleanup SNC + Fine (optional), Pursue Civil Penalties, Permit Application
IU User aware of discharge	Grade 2 discharge	AO ordering cleanup SNC + Fine, Pursue Civil Penalties, Permit Application
IU User unaware of discharge	Grade 3 discharge	Cease and desist order + SNC + Fine, Compliance Schedule, Pursue Civil Penalties, Pursue Criminal Penalties (optional), Revoke discharge permit (optional), Disconnect from sewer (optional)
IU User aware of discharge	Grade 3 discharge	Cease and desist order + SNC + Fine, Pursue Civil Penalties, Pursue Criminal Penalties (optional), Revoke discharge permit (optional), Disconnect from sewer (optional)

Discharge Limit / BMP Violation

TYPE OF NONCOMPLIANCE	CIRCUMSTANCES	SUGGESTED ENFORCEMENT
Exceeds a local limit or BMP requirement specified in permit	Grade 1 discharge	Phone, order resampling and / or plan of action or compliance schedule, NOV
	Grade 2 discharge	NOV, issue an AO requiring a review of PT equipment and processes of monitoring instrumentation and compliance schedule for cleanup.
	Grade 3 discharge	Cease & Desist order+ fine, issue an AO requiring a review of PT equipment and processes of monitoring instrumentation and compliance schedule for cleanup, Pursue Civil penalties, Publish, Pursue criminal penalties(optional), Issue show cause order(optional)

Compliance Schedules

TYPE OF NONCOMPLIANCE	CIRCUMSTANCES	SUGGESTED ENFORCEMENT
Scheduled compliance date missed	<45 days	NOV or AO, Fine (optional)
	>45 days	AO, Fine (optional)

Monitoring and Reporting Violations

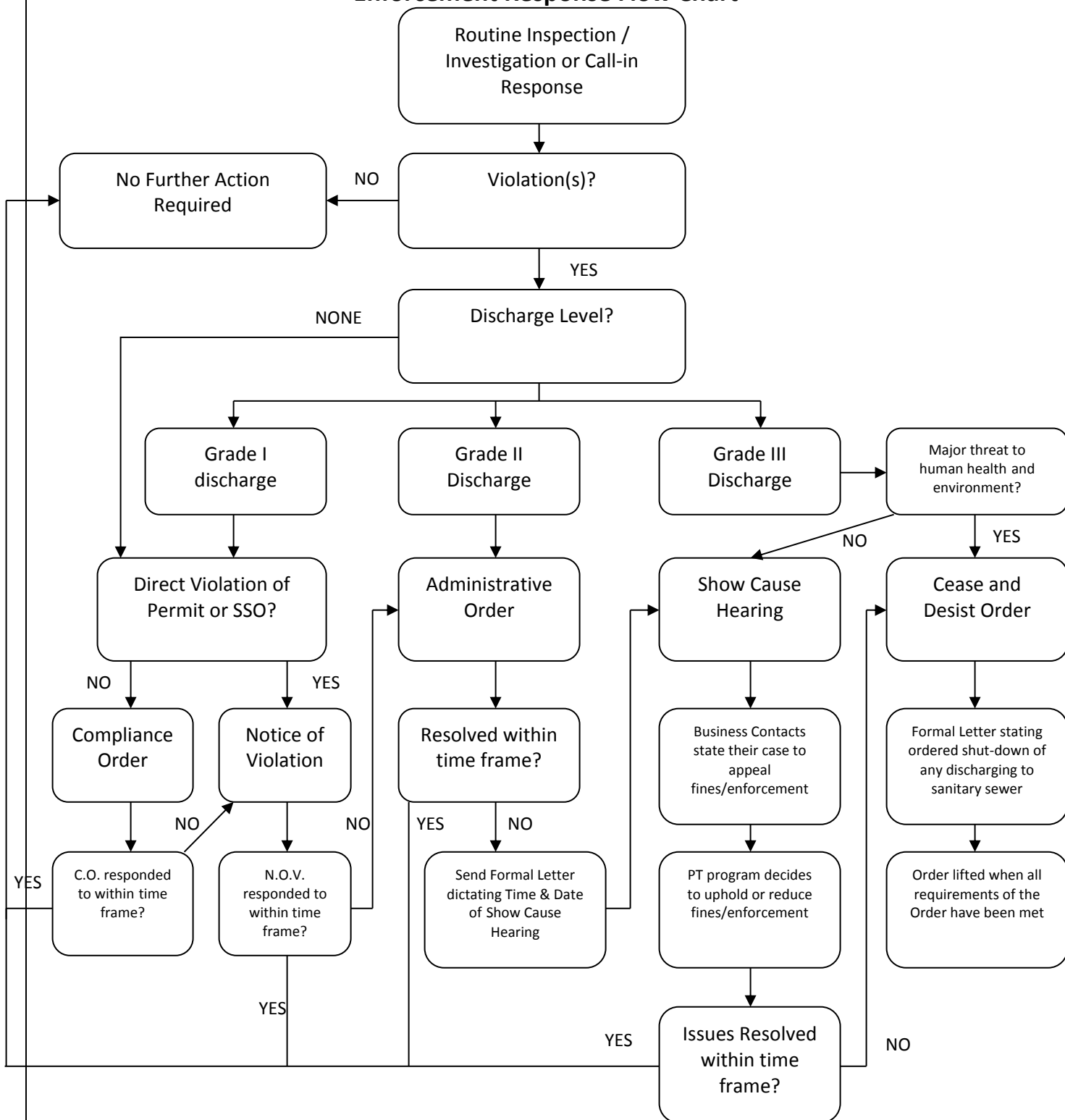
TYPE OF NONCOMPLIANCE	CIRCUMSTANCES	SUGGESTED ENFORCEMENT
Incomplete report	1 st offense of year	Incomplete report notice, NOV (optional)
	2 nd offense of year	NOV, schedule inspection
	3 rd offense of year	NOV + SNC, schedule inspection
Late reports	Late 2 days from report submittal date	NOV, WL request to submit report
	Late 45 days from original compliance date	SNC + Fine, inspect business to obtain reports
Failure to report spill or slug discharges	Grade 1 discharge	NOV, repeat offense NOV + Fine
	Grade 2 discharge	AO, penalties optional, repeat offense AO + Fine, Pursue Civil penalties(optional), Show Cause Order (optional)
	Grade 3 discharge	SNC + Cease & Desis Order, AO + Fine + compliance schedule, Pursue civil penalties, Pursue criminal penalties (optional), repeat offense disconnect from sewer, Pursue civil penalties, Pursue criminal penalties
Failure to report additional monitoring	Isolated incident	NOV
	Recurring incident	AO + Fine
Falsification of reports and documents	Any instance	AO, Fine, Pursue criminal penalties (optional), Revoke discharge permit
Failure to monitor all pollutants as required by permit	Isolated incident	NOV
	Recurring problem	AO + compliance schedule, Fine (optional), Civil actions, Publish if SNC
Improper sampling	Unintentional	NOV, Fine(optional)
	Intentional	AO + Fine, Criminal investigation (optional)

Other Violations

TYPE OF NONCOMPLIANCE	CIRCUMSTANCES	SUGGESTED ENFORCEMENT
Dilution of wastestreams	Grade 1&2 discharge	NOV, Fine (optional)
	Grade 1&2 discharge recurring	AO + Fine, pursue civil penalties, disconnect from sewer (optional), terminate permit (optional)
	Grade 3 discharges	SNC + Fine, Pursue civil penalties, Pursue criminal penalties
Failure to mitigate noncompliance	Results in Grade 1 discharge	NOV
	Recurring	AO + Fine
	Results in Grade 2 discharge	AO + Fine
	Recurring	AO + Fine, Pursue civil penalties, Pursue criminal penalties
	Results in Grade 3 discharge	SNC + Cease & desist order, Fine, (maximum), Pursue civil penalties, Pursue criminal penalties (optional)
	Recurring	Revoke discharge permit, Pursue criminal penalties, Fine (maximum), Disconnect from sewer
Entry denial	First time	NOV
	Recurring	NOV, Obtain warrant, Fine
Inadequate record keeping	First time	NOV
	Recurring	AO + Fine

X. ENFORCEMENT RESPONSE FLOW CHART AND TEMPLATES

Enforcement Response Flow Chart



Date of Notice

Facility Contact Name
Facility Name
Business Street Address
Business City Address

Subject: **Inspection Date – Compliance Order**

Dear **Contact Name**:

Thank you (and any associated contacts) for showing me through your facility. During my visit I inspected (the necessary areas of the facility). (Discussion of inspection findings and detailed descriptions).

(Requirements and conditions to be met based on findings).

This is a Compliance Order that must be fulfilled by **deadline date** (within ten (10) calendar days of this notice). I will return after this date to make sure that the requirements of the Compliance Order have been met. Failure to do so will result in a Notice of Violation.

Your continuing cooperation and efforts to help protect the public from sanitary sewer overflows, damaged property, and unnecessary costs due to negative impacts to the sanitation system are appreciated.

If you have any questions or if I can be of assistance, please contact me at 259-2397 or cly@ci.millbrae.ca.us.

Sincerely,

Cliff Ly
Environmental Compliance Inspector

c: files

Date of Notice

Contact Name
Facility Name
Business Street Address
Business City Address

Subject: **Date of Inspection – Notice of Violation**

Dear **Contact Name**:

Thank you for (and any associated contacts) for showing me through your facility. During my visit I inspected (the necessary areas of the facility). (Discussion of findings, detailed descriptions and reason(s) for Notice of Violation).

As a result of the inspection findings, we have enclosed Notice(s) of Violation requiring submittal of proof of completed work no later than **ten (10) business days of this notice**. I will return after this date to make sure that the requirements of this Notice of Violation have been met. Failure to do so will result in additional fines and/or enforcement.

Facility Name will be assessed unscheduled response fees totaling \$_____. Should the City be required to inspect more frequently, there will be additional charges.

Your continuing cooperation and efforts to help protect the public from sanitary sewer overflows, damaged property, and unnecessary costs due to negative impacts to the sanitation system are appreciated.

If you have any questions or if I can be of assistance, please contact me at 259-2397 or cly@ci.millbrae.ca.us.

Sincerely,

Cliff Ly
Environmental Compliance Inspector

c: files

Date of Notice

**Water Pollution Control Division
City of Millbrae**

IN THE MATTER OF

Business Name
Business Street Address
Business City Address

*
*
*
*
*

NOTICE OF VIOLATION

LEGAL AUTHORITY

The following findings are made and notice is issued pursuant to the authority invested in the Superintendent of Wastewater Services, under Section 8.20.740 of the Millbrae Sanitary Sewer Ordinance. This order is based on findings of violation of the conditions of Wastewater Discharge Permit # _____ issued under Section 8.20.550 of the Millbrae Sanitary Sewer Ordinance.

FINDINGS

- 1. The City of Millbrae is charged with construction, maintenance, and control of the sewer system and treatment works.*
- 2. To protect the sewer system and treatment works, the City of Millbrae administers a Pretreatment Program.*
- 3. Under the Pretreatment Program, Business Name was issued Wastewater Discharge Permit #_____.*
- 4. The discharge permit issued to Business Name includes _____ requirements. (Describe specific requirements pertaining to the Violation).*
- 5. On (inspection date), City Staff found (list all Violations found during inspection, with a separate bullet point for each violation).*

NOTICE

THEREFORE, BASED ON THE ABOVE FINDINGS, Business Name IS HEREBY NOTIFIED THAT:

1. *It is in violation of Wastewater Discharge Permit # _____, and the Millbrae Sanitary Sewer Ordinance, Section 8.20.680 for (list all Violations found during inspection, with a separate bullet point for each violation).*

REQUIREMENTS

1. *It must (fulfill stated requirements by taking appropriate corrective action, with a separate bullet point for each requirement).*
2. *It must provide evidence of (completed requirement(s)) no later than **(ten (10) calendar days of this notice)**.*
3. *It will be assessed an Unscheduled Response Surcharges totaling \$_____.*
4. *Continued failure to comply will result in escalated enforcement, including but not limited to administrative fines of up to three thousand dollars per day and disconnection from the sanitary sewer.*

Kevin Cesar
Laboratory/Source Control Supervisor

Cliff Ly
Environmental Compliance Inspector

Date of Notice

**Water Pollution Control Division
City of Millbrae**

IN THE MATTER OF

Business Name

Business Street Address

Business City Address

*
*
*
*
*

ADMINISTRATIVE ORDER

LEGAL AUTHORITY

The following findings are made and notice is issued pursuant to the authority invested in the Superintendent of Wastewater Services, under Section 8.20.740 of the Millbrae Sanitary Sewer Ordinance (MSSO). This order is based on findings of violation of the conditions of Wastewater Discharge Permit # _____ issued under Section 8.20.550 of the Millbrae Sanitary Sewer Ordinance.

FINDINGS

6. *The City of Millbrae is charged with construction, maintenance, and control of the sewer system and treatment works.*
7. *To protect the sewer system and treatment works, the City of Millbrae administers a Pretreatment Program.*
8. *Under the Pretreatment Program, (Business Name) was issued Wastewater Discharge Permit # _____.*
9. *The discharge permit issued to (Business Name) includes the following requirements:*
 - i. *(Describe specific requirements pertaining to the violation(s)) (Bullet point format)*
10. *On (inspection date), City Staff found (list all Violations found during inspection, with a separate bullet point for each violation).*

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NOTICE

THEREFORE, BASED ON THE ABOVE FINDINGS, Business Name IS HEREBY NOTIFIED THAT:

1. *It is in violation of Wastewater Discharge Permit # _____, and the Millbrae Sanitary Sewer Ordinance, Section (Appropriate Section Number(s)) for (list all Violations found during inspection, with a separate bullet point for each violation).*

REQUIREMENTS

- 1) *It shall immediately:*

- a) *(fulfill stated requirements by taking appropriate corrective action, with a separate bullet point for each requirement).*
- b) *(immediately contact the Pretreatment Program upon completion of requirements)*
- c) *(provide proof of completion of requirements)*

The City of Millbrae reserves the right to seek all remedies available to it under Section 8.20.760 of the MSSO for any violation cited by this order.

(if applicable ; Failure to meet specific requirements by appropriate deadline) will result in Significant Non-Compliance (SNC) per Section 8.20.030 of the MSSO. Federal Pretreatment Regulations (40 CFR § 703.8) require the City to publish the names of all dischargers found to be in SNC.

Failure to comply with the requirements of this order shall constitute a further violation of the sewer use ordinance and may subject (Business Name) to civil or criminal penalties or such other enforcement response as may be deemed appropriate by the City.

Continued failure to comply will result in escalated enforcement, including but not limited to administrative fines up to three thousand dollars per day and disconnection from the sanitary sewer.

This order shall be effective (Date).

If you have questions about this order, please contact Kevin Cesar at (650) 259-2392.

Kevin Cesar
Laboratory/Source Control Supervisor

Cliff Ly
Environmental Compliance Inspector

Date of Notice

**Water Pollution Control Division
City of Millbrae**

IN THE MATTER OF

Business Name
Business Street Address
Business City Address

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SHOW CAUSE HEARING

LEGAL AUTHORITY

The following findings are made and notice is issued pursuant to the authority invested in the Superintendent of Wastewater Services, under Section 8.20.740 of the Millbrae Sanitary Sewer Ordinance (MSSO). This order is based on findings of violation of the conditions of Wastewater Discharge Permit # _____ issued under Section 8.20.550 of the Millbrae Sanitary Sewer Ordinance.

FINDINGS

- 1. The City of Millbrae is charged with construction, maintenance, and control of the sewer system and treatment works.*
- 2. To protect the sewer system and treatment works, the City of Millbrae administers a Pretreatment Program.*
- 3. Under the Pretreatment Program, (Business Name) was issued Wastewater Discharge Permit # _____.*
- 4. The discharge permit issued to (Business Name) includes the following requirements:*
 - ii. (Describe specific requirements pertaining to the violation(s)) (Bullet point format)*
- 5. On (inspection date), City Staff found (list all Violations found during inspection, with a separate bullet point for each violation).*
- 6. On (Administrative Order date), an Administrative Order was issued to (Business Name) to address the violations listed above.*
- 7. As of this current date, the conditions and requirements set forth in the Administrative Order have not been completely and appropriately answered.*

NOTICE

THEREFORE, BASED ON THE ABOVE FINDINGS, Business Name IS HEREBY NOTIFIED THAT:

- 1) *It is in violation of Wastewater Discharge Permit # _____, and the Millbrae Sanitary Sewer Ordinance, Section (Appropriate Section Number(s)) for (list all Violations found during inspection, with a separate bullet point for each violation).*

REQUIREMENTS

- 2) *It shall:*
- a) *Attend a Show Cause Hearing on (chosen date) at (chosen time), in City Council Chambers, to present mitigating evidence concerning this Administrative Order.*
 - b) *Pay, when invoiced after the Show Cause Hearing, an Administrative Fine of \$ (amount).*
- 3) *After the Show Cause Hearing, comply with all requirements stated in previous enforcement letters AND any requirements discussed during the Show Cause Hearing.*

The City of Millbrae reserves the right to seek all remedies available to it under Section 8.20.760 of the MSSO for any violation cited by this order.

(if applicable ; Failure to meet specific requirements by appropriate deadline) will result in Significant Non-Compliance (SNC) per Section 8.20.030 of the MSSO. Federal Pretreatment Regulations (40 CFR § 703.8) require the City to publish the names of all dischargers found to be in SNC.

Failure to comply with the requirements of this Hearing shall constitute a further violation of the sewer use ordinance and may subject (Business Name) to civil or criminal penalties or such other enforcement response as may be deemed appropriate by the City.

Continued failure to comply will result in escalated enforcement, including but not limited to administrative fines up to three thousand dollars per day and disconnection from the sanitary sewer by way of a Cease and Desist Order.

This order shall be effective (Date).

If you have questions about this order, please contact Kevin Cesar at (650) 259-2392.

Kevin Cesar
Laboratory/Source Control Supervisor

Cliff Ly
Environmental Compliance Inspector

Date of Notice

**Water Pollution Control Division
City of Millbrae**

IN THE MATTER OF

Business Name
Business Street Address
Business City Address

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CEASE AND DESIST ORDER

LEGAL AUTHORITY

The following findings are made and notice is issued pursuant to the authority invested in the Superintendent of Wastewater Services, under Section 8.20.740 of the Millbrae Sanitary Sewer Ordinance (MSSO). This order is based on findings of violation of the conditions of Wastewater Discharge Permit # _____ issued under Section 8.20.550 of the Millbrae Sanitary Sewer Ordinance.

FINDINGS

- 1. The City of Millbrae is charged with construction, maintenance, and control of the sewer system and treatment works.*
- 2. To protect the sewer system and treatment works, the City of Millbrae administers a Pretreatment Program.*
- 3. Under the Pretreatment Program, (Business Name) was issued Wastewater Discharge Permit # _____.*
- 4. The discharge permit issued to (Business Name) includes the following requirements:*
 - iii. (Describe specific requirements pertaining to the violation(s)) (Bullet point format)*
- 5. On (Show Cause Hearing Date), a Show Cause Hearing was conducted to address plans to fulfill the requirements set forth in previous enforcement actions.*
- 6. As of this current date, the conditions and requirements set forth in the Hearing have not been completely and appropriately answered.*

NOTICE

THEREFORE, BASED ON THE ABOVE FINDINGS, Business Name IS HEREBY NOTIFIED THAT:

- 1) *It is in violation of Wastewater Discharge Permit # _____, and the Millbrae Sanitary Sewer Ordinance, Section (Appropriate Section Number(s)) and must immediately cease all nondomestic discharges into the City's sanitary sewer system until it can demonstrate immediate and continuing compliance with its discharge permit.*

REQUIREMENTS

- 1) *It must submit a written plan to the City's pretreatment program stating how it will achieve compliance with its permit and with the Millbrae Sanitary Sewer Ordinance.*
- 2) *Failure to comply with this Order may subject (Business Name) to being disconnected from the sanitary sewer and incurring the costs.*

The City of Millbrae reserves the right to seek all remedies available to it under Section 8.20.760 of the MSSO for any violation cited by this order.

Failure to comply with the requirements of this Hearing shall constitute a further violation of the sewer use ordinance and may subject (Business Name) to civil or criminal penalties or such other enforcement response as may be deemed appropriate by the City.

Continued failure to comply will result in escalated enforcement, including but not limited to administrative fines up to three thousand dollars per day and disconnection from the sanitary sewer by way of a Cease and Desist Order.

This order shall be effective (Date).

If you have questions about this order, please contact Kevin Cesar at (650) 259-2392.

Kevin Cesar
Laboratory/Source Control Supervisor

Cliff Ly
Environmental Compliance Inspector