

RESOLUTION 20-30

**A RESOLUTION APPROVING ADMINISTRATIVELY THE ENFORCEMENT
RESPONSE PLAN (ERP)**

WHEREAS, to discharge into Illinois waterways the Village is required to have a NPDES permit from the EPA, and

WHEREAS, a requirement of this permit is to modify and update the Village's approved Pretreatment Program to incorporate Federal revisions to the general pretreatment regulations, and

WHEREAS, the Sewer Use Pretreatment Ordinance (SUPO) has been updated for the modifications known as Streamlining and the ERP procedure has been updated consistent with the revised SUPO, to identify all Village options to investigate and respond to instances of IU non-compliance including escalation of enforcement, and

WHEREAS, failure of not adopting the SUPO, and endorsing the use of the procedures in the ERP could result in enforcement action and fines to the Village; and

WHEREAS, the Sewer Use Pretreatment Ordinance is approved separately by the Village Board;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE MAYOR AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, LAKE COUNTY, ILLINOIS, to approve administratively the Enforcement Response Plan (ERP).

APPROVED this 10th day of August 2020.

AYES: 6: Pierce, Macek, Yost, Dominiak, Poulos and Johnson.

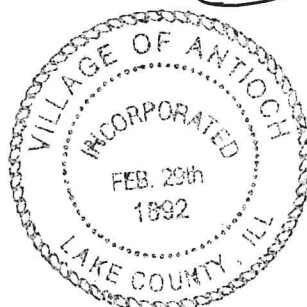
NAYS: 0.

ABSENT: 0.

ATTEST:


Lori K. Romine, Village Clerk


Lawrence M. Hanson, Mayor



Village of Antioch, Illinois

Enforcement Response Plan



Prepared by:

BAXTER & WOODMAN
Consulting Engineers

www.baxterwoodman.com

Administratively Approved By
Village of Antioch Board
August 10, 2020

Village of Antioch Enforcement Response Plan

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List of Attachments

- I IU Monitoring Frequency & Enforcement Criteria Plan
- II POTW Unusual Event Form
- III Accidental Discharge, Slug Load & Operational Difficulties Form
- IV Site Inspection Report Form
- V Semi-Annual Self-Monitoring Report (SASMR) Review Form and Enforcement Tracking for SNC
- VI Confidential Business Information Procedures
- VII USEPA Non-Compliance Evaluation Memos
- VIII Enforcement Response Guide and Timeframes
- IX Enforcement Tracking Log Template – Notice of Violations
- X USEPA Significant Non-Compliance Memos
- XI Notice of Violation (NOV) Template
- XII USEPA Show Cause Order Template
- XIII USEPA Compliance Order Template
- XIV USEPA Cease and Desist Order Template
- XV Reporting Violation Late Fees
- XVI Spill Prevention/Slug Control Plan Instructions & Form

VILLAGE OF ANTIOCH
ENFORCEMENT RESPONSE PLAN
INTRODUCTION

This document is the Enforcement Response Plan (ERP) of the Village of Antioch to effectively enforce the terms and conditions of the Village's Sewer Use & Pretreatment Ordinance, codified as Title 8, Chapter 2, referred to collectively as Ordinance in this ERP, in conformance with the requirements found in 40 CFR Section 403.8(f)(5). The Village's Pretreatment Program was originally approved on September 8, 1986.

The ERP outlines how the Village will obtain and evaluate information on User compliance, and identify and respond to instances of User non-compliance with federal, state and local pretreatment regulations. The ERP establishes a framework in which the Village will assess the degree of non-compliance by a User and select an appropriate enforcement action to resolve non-compliance in a timely, fair and consistent manner. Although the ERP identifies a range of enforcement options over a variety of pretreatment violations, it is not intended to cover all types of violations. Types of appropriate enforcement responses are identified based on the nature of a violation taking into account the duration of the violation; the frequency of the violation; the potential impact of the violation to the Village employees and POTW, the public and the environment; and the historical response of the User.

The ERP includes the type of escalating enforcement responses to be used by the Village, the time periods within which responses will take place and the officials responsible for each type of response. The ERP does not define a required action nor does it restrict the Village to only the options listed. If the nature of the violation requires it, the Village can, and will, pursue more severe penalties, including citations, revocation of Wastewater Discharge Permits and/or disconnection of service. Repeated violations, which are not eliminated by one level of response, will receive more severe penalties.

The Village has developed the ERP for guidance and it is not intended to create legal rights or obligations, or to limit the enforcement discretion of the Village.

I. COMPLIANCE INVESTIGATIONS

In order to assess the compliance of a Non-Residential User, the Village must first collect data to evaluate or screen for compliance. Central to these requirements, the Village identifies, classifies, inspects and samples Non-Residential Users thus providing the ability to inform other Village staff as well as the Users of its findings, which will define what pretreatment standards and requirements are applicable. Following is a description of the methods used to investigate compliance.

A. Non-Residential User Inventory Data

When the Pretreatment Program was formally established in 1986, the Village conducted an initial survey to develop its Significant Industrial User (SIU) Master List as required by 40 CFR Section 403.8(f)(2)(i). Village staff reviewed the surveys and classified industrial users according to the manufacturing operation and composition of industrial wastes identified in their industrial wastewater discharge. A survey of all commercial and industrial locations was also completed in 2005 with assistance of Environmental Consulting Firm (ECF).

The Pretreatment Coordinator or designee maintains its Non-Residential User inventory annually as required by the Village's current NPDES Permit. The Pretreatment Coordinator or designee will drive through the industrial and business park areas annually to determine if there are any new businesses. The Pretreatment Coordinator or designee in conjunction with the ECF will make a determination if an industrial user screening survey needs to be sent to the new business.

Upon receipt of the survey and any required additional information from site inspection classifications visits, the Pretreatment Coordinator recommends to either classify the User as a SIU, non-SIU (including Non-Significant CIU) or non-classified user. All SIUs are notified of applicable pretreatment standards and required to submit a wastewater discharge permit application that requires submittal of the character and volume of pollutants being discharged to the POTW. Notification of classification will be documented by sending a letter by Next Day Mail or Certified Mail – Return Receipt Requested. The Village will issue a wastewater discharge permit to all SIUs and Non-Significant CIUs. The Village's

SIU List is updated as additional SIUs are added or removed from the Pretreatment Program. These changes will be provided to EPA in the annual Pretreatment Program Report.

In the event that new pretreatment standards are promulgated, the Village will notify industrial users as advised by USEPA Region 5 and will be documented by sending a letter by Next Day Mail or Certified Mail – Return Receipt Requested.

B. Sampling of Users

The Village performs all sampling and analyses required by the wastewater discharge permits. The sampling and analyses frequency that is determined by the Village exceeds the level required by the national pretreatment program and is defined in the industry's wastewater discharge permit. At a minimum sampling is performed semi-annually for all permitted pollutants. However, pollutants deemed significant are generally sampled quarterly. Pollutants that have been determined to not be present in SIU's wastestream and are not a regulated categorical pollutant are sampled once per permit cycle to verify the pollutant is not present.

The Village has a two-tier approach to identify, independently from the SIU, noncompliance by a SIU. The first tier is that the Village performs all sampling at the SIUs. The Village schedules sampling randomly within the monitoring period and the SIUs are not notified when sampling is scheduled. As data is completed by the laboratory, it is emailed to the Pretreatment Coordinator or designee who will conduct compliance screening of the data prior to preparing data summaries and discuss with ECF. The Village will adjust sampling and analysis based on non-compliance or return to compliance status with the IU Monitoring Frequency & Enforcement Criteria Plan in Attachment I.

The second tier to independently confirm occasional non-compliance is the Village's ability to schedule additional sampling and analyses based on impacts identified at the POTW by Village staff or in the event that the SIU noticed operational difficulties, spill and/or slug load. These events will be documented by the Village on the POTW Unusual Event Form in Attachment II and by the IU on the Accidental Discharge, Slug Load & Operational Difficulties Form in Attachment III.

C. Inspection of Users

The SIU annual site inspections are conducted by the Pretreatment Coordinator or designee (and the Village's ECF). A checklist is completed during each site inspection that identifies key elements that need to be audited and summarizes deficiencies that need to be addressed by the SIU. Additional information and site layouts are added to the site inspection documentation as needed. All parties that participate in the site inspection sign the inspection checklist, a copy of which is included as Attachment IV.

The Pretreatment Coordinator or designee will evaluate all identified Non-Significant CIUs annually to verify they continue to meet the non-Significant CIU criteria in 40 CFR Section 403.3(v)(2). The evaluation will include conducting a site inspection and reviewing water/discharge records plus the annual certification submitted by the non-Significant CIU.

In addition to routine sampling, monitoring and site inspections, the Pretreatment Coordinator or designee (and the Village's ECF) may conduct additional non-routine investigations and/or site inspections in response to violations, technical problems or support for permit modification. In the event that access is denied or the investigation is specialized, a warrant may need to be obtained. In this type of case, the Village will consult its Village Attorney to seek assistance.

II. RECORDS, COMPLIANCE SCREENING / REVIEW

A. General Compliance Screening of IU Records and Submitted Reports

1. Records in General

There are IU specific records that are maintained in each IU file that are the result of the classification and discharge permit process. These records may be referred to in the review of reports and data. These records include (* issued by Village):

- Classification documentation *
- Permit *
- Original and modified application and fact sheet *, to include diagrams made with the submittal or a page directing a person to where diagrams are located
- Signatory authorizations and certification statements and
- Other plans, e.g., Toxic Organic Management Plan (TOMP), Solvent Management Plan, Best Management Practices Plan (BMP Plan), and Dental Office Compliance Reports.

2. Reports in General

The Pretreatment Coordinator or designee (Village's ECF) will review and screen reports and data for incidents of non-compliance with applicable standards and requirements within 45 calendar days of due date. Screening will occur for:

- Baseline Monitoring Reports,
- 90-Day Compliance Reports,
- Spill Prevention/Slug Control Plans and checklist,
- All SIU Self-Monitoring Reports (SMR),
- All reports required by the SIU's wastewater discharge permit,
- All instances of non-compliance for failure to report,
- Responses of Non-Compliance,
- Accidental Discharge, Slug Load and Operational Difficulties (see Attachment III), and/or
- Special investigations conducted as a result of an impact to the POTW works.

The Village will use the Industrial User Self-Monitoring Report Review form in Attachment V during the SIU SMR screening process that will verify that the report is submitted on schedule, cover the proper time-period, include all data and information required, and are properly signed and certified where appropriate. In addition, all reports will be screened to determine if the SIU made a claim of confidential business information. The procedure for this evaluation is also found in Attachment VI.

The 40 CFR Section 403.12(e) regulation requires Semi-Annual Self-Monitoring reports to be submitted in the months June and December; however, this regulation also allows the control authority to modify these deadlines. The Village has updated their Ordinance (Section 8-2-9-3.B.1) to require the SIU's Semi-Annual Self-Monitoring Report to be submitted in the months of July and January and that is also reflected in their wastewater discharge permit.

The 40 CFR Section 403.8(f)(2)(vi) regulation requires the Village to evaluate all SIUs whether a Spill Prevention/Slug Control Plan to the Village within one year of being designated a SIU. All existing SIUs were required to develop and maintain a Spill Prevention/Slug Control Plan. Every two years the Village will evaluate whether an update is needed. New SIUs are required to submit an evaluation and plan within 90 days of issuance of a new wastewater discharge permit. Instructions and checklist to assist the SIUs with preparing or updating their Spill Prevention/Slug Control Plan are provided in Attachment XVI.

3. Record Retention and Confidential Business Claims

All IU records are maintained for a minimum of three years in accordance with 40 CFR Section 403.12(o)(3) and the Village Ordinance. Some one time records/reports such as BMR and 90-Day Compliance Reports may be maintained for longer periods as appropriate. Record retention shall be extended during the course of any unresolved litigation regarding the IU or Village or when requested by the Director or the Regional EPA Administrator.

For any grant of a monitoring waiver provided in 40 CFR Section 403.12(e)(2) and Village Code Section 8-2-7-5.D, the records containing the reasons for the waiver and the revision to the wastewater discharge permit will be maintained for 3 years after the expiration

In addition, all reports will be screened to determine if the SIU made a claim of confidential business information. The procedure for this evaluation and record retention is found in Attachment VI.

4. Reports with Data

Reports containing sampling and analysis require confirmation of the use of procedures outlined in 40 CFR Section 136 and Sections 8-2-5-8 and 8-2-5-9 of the Ordinance. The analyses screening process will be conducted by the Pretreatment Coordinator or designee to confirm that the following items are complete and correct:

- Sampling procedure custody, sampling interval, sample type;
- Number of analyses, method of analyses;
- Bottle handling custody, bottle type, preservation technique;
- Parameters reported;
- Compliance with standard; and
- Whether SIU noticed Village within 24 hours of receipt of violation from their laboratory for any additional data analysis that was performed.

The following USEPA memos are included in Attachment VII to be used as a guidance resource for compliance determination. These procedures may not be used as part of the Village's current pretreatment program, however these memos are being provided as a resource in the event that they do:

- January 21, 1992 and April, 12, 1993 – Determining Industrial User Noncompliance Using Split Samples
- October 1, 1992 – Use of Grab Samples to Detect Violations of Pretreatment Standards
- May 13, 1993 – Compliance with Continuous Monitoring

B. General Compliance Screening of Village SIU Inspection and Sampling Data

1. Village Inspection Reports

The Pretreatment Coordinator or designee will review all SIU inspection reports within 45 calendar days of inspection to determine if enforcement actions are needed.

2. Village Sampling

Within 24 hours of receipt from the Village's contract laboratory, the Village will review the data and notify the SIU of any violations. A resample of the pollutant in violation will be taken within 30 days of the Village being notified of the violation from the contract laboratory.

III. ENFORCEMENT EVALUATION

A. Enforcement Actions by Pretreatment Coordinator and/or Designee

Once a violation has been identified, the Enforcement Response Guide (see Attachment VIII) will be consulted for enforcement options based on the violation's impact (magnitude and duration) on the receiving waters and environment, the violation's impact on the POTW staff and works, the compliance history of the User, previous enforcement actions taken against the particular User, and the good faith of the User. All of the enforcement actions designated in the matrix are considered appropriate but the Pretreatment Coordinator or designee will weigh each of the above factors in deciding whether to use a more or less stringent response.

Formal enforcement, including the issuance of a Notices of Violation (NOV), for violations reported to the Village by the User will be initiated within a 30 calendar day period from the receipt of all of the analyses from the sampling period. The exception to this procedure is when a Categorical Industrial User (CIU) is sampled multiple periods within the same month and has monthly standards. In this case, the formal enforcement for the monthly violations will be initiated within a 30 calendar day period from the receipt of all of the analyses in the month. The violations from the individual sampling events may be issued separately or held and issued with the monthly violations dependent on the specific circumstances of the sampling dates and violations.

The Village's ECF will prepare the NOV for the Village. The Pretreatment Coordinator will review the NOV, prepare tickets, as necessary, then sign and issue the NOV.

Formal enforcement for violations from Self-Monitoring Reports or other non-data reports will be initiated within a 60 calendar day period from the receipt of said report.

Notifying the User by telephone and/or email is considered non-formal enforcement actions but is normally the first action when a violation is identified.

B. Significant Non-Compliance Assessment

The Pretreatment Coordinator or designee (Village's ECF) will evaluate the compliance status of each SIU on a quarterly basis. The enforcement tracking spreadsheet template is provided in Attachment IX and the Significant Non-Compliance evaluation is provided in Attachment V. The evaluation will determine if the violations meet the definition of Significant Non-Compliance found in Section 8-2-12-2 of the Ordinance for the most recent rolling six (6) month period ending on the calendar quarter. Screening will be completed normally within 30 calendar days of the summarization of all the SIU data from the period assessed but no later than 60 calendar days from the receipt of data. The Pretreatment Coordinator or designee will make a determination within 30 calendar days, but no later than 60 calendar days of receipt of the screening results if further enforcement action other than annual publication should take place based on the circumstances of the non-compliance and the provisions found in the Enforcement Response Guide (see Attachment VIII).

The following USEPA memos are included in Attachment X to be used as a guidance resource for calculating SNC:

- September 9, 1991 – Application and Use of the Regulatory Definition of Significant Noncompliance for Industrial Users
- January 17, 1992 – Determining Industrial User Significant Noncompliance, One Page Summary

C. Escalated Sampling Due to Continued Non-Compliance

If violations continue, the Pretreatment Coordinator or designee may escalate the sampling frequency as outlined in Attachment I – IU Monitoring Frequency & Enforcement Criteria Plan. The increased sampling frequency will be dependent on the magnitude of the violations. Monitoring decreases will occur in conjunction with renewed compliance. The decrease in sampling is dependent on the modifications made and a demonstration that the 'fix' results in routine compliance that is sustainable.

D. Escalated Enforcement Actions

Escalated enforcement including those actions needing the Village Attorney will proceed in the event that the issue is not resolved in an appropriate timeframe. Violations recurring with impact or harm are likely those that will trigger this escalated enforcement action.

All enforcement responses that require action by the Village Attorney will be recommended by the Pretreatment Coordinator or designee within the time periods indicated in Attachment VIII. However, these deadlines will not prevent the Village from proceeding with the enforcement actions.

IV. TYPES OF ENFORCEMENT RESPONSES

Users found in non-compliance with any of the terms or conditions of the Ordinance are subject to enforcement under this ERP. The Pretreatment Coordinator or designee issues enforcement documents. The following types of enforcement responses are available to the Village in response to incidences of non-compliance within the Village's Ordinance.

A. Informal Notification

For Village sampling of the User, a telephone or email notification is used to inform the User of a violation, so that voluntary actions by the User can resolve the situation preventing more serious violations. The informal notification will be made by the Pretreatment Coordinator or designee (Village's ECF) within 24 working hours of receipt of the data from the laboratory.

B. Notice of Violation (NOV) – Ordinance Section 8-2-13-1

A NOV is a written notification that may be sent via Next Day Mail or Certified Mail - Return Receipt Requested, which is directed to an authorized agent of a User found to be in non-compliance of the conditions of the Ordinance or the User's Wastewater Discharge Permit. The NOV advises the User of the nature of the non-compliance, requires the User to investigate the incident and take measures to correct the non-compliance and to respond to the NOV within 10 working days of receipt of the NOV. The NOV should be issued by the Pretreatment Coordinator normally within 30 calendar days of discovery of the non-compliance but no later than 60 calendar days. NOV counts of 3 or more for a parameter are issued a ticket to appear at the Village Adjudication Hearing per Title 1, Chapter 6, Article C. Note in rare instances where timing does not coincide with the ticket window, NOVs may be issued outside of this time-period. NOV templates (including reporting NOVs) are provided in Attachment XI.

C. Pretreatment Review Meeting – Ordinance Section 8-2-9-1.A

A pretreatment review meeting is a formal meeting attended by the Pretreatment Coordinator and/or designee (Village's ECF) with an authorized agent of the User. It will occur when a violation (NOV #1) occurs for a specific parameter that has not been exceeded in more than 365 days. Pretreatment review meetings will be required for an NOV #1 for a specific parameter whether daily or monthly violations. A pretreatment review meeting may also be required when a User is found to be in continued non-compliance with the conditions of the Ordinance such as failing to respond to multiple violation notices, reporting requirements or failure to file follow-up material for a site inspection.

The meeting will be used to advise the User of its non-compliance, establish a timetable required to correct the non-compliance, and identify the next step of enforcement if non-compliance continues. The meeting should be held normally within 30 calendar days of the Village determination that a meeting is required but no later than 60 calendar days. The notice for the meeting as the result of a NOV #1 is normally issued with the NOV, but issuance may also be held until the violation response is received from the User. In the latter case, the notice will be issued within 30 calendar days of the receipt of the violation response. The User may be notified of the meeting by telephone, letter or certified mail.

D. Late Fees – Ordinance Section 8-2-15-1

The Pretreatment Coordinator may issue late fees for violations consistent with Section 8-2-15-1 (see Attachment XV) and the Enforcement Response Guide (see Attachment VIII).

E. Compliance Agreement (C.A.) – Ordinance Section 8-2-13-2

A C.A. is a written agreement between the Village and User who has violated, or continues to violate, any provision of the Ordinance, Wastewater Discharge Permit or order issued to the User. The C.A. includes timeframes agreed to by both parties within which the User will come into compliance, and may include penalties that will be incurred by the User for failure to meet compliance commitment dates. The written C.A. may be a stand-

alone document or become part of the User's Wastewater Discharge Permit. In no case where a categorical compliance date exists that has passed, will the C.A. become part of the User's Wastewater Discharge Permit. The written C.A. shall normally be documented within 30 calendar days of the Agreement but no later than 60 calendar days. Normally a C.A. would not be issued for those schedules established that are less than 90 calendar days in length.

F. Show Cause Order –Ordinance Section 8-2-13-3

A Show Cause Order is a written notification, served personally, by Next Day Mail or Certified Mail - Return Receipt Requested at least 10 working days prior to the Show Cause Hearing. The Order shall require attendance at a Show Cause Hearing before representatives of the Village by an authorized agent of a User that has violated, or continues to violate, any provision of the Ordinance, Wastewater Discharge Permit, or Order issued to the User. The User is offered the opportunity to show cause why the proposed enforcement action should not be taken. The Notice, issued by the Pretreatment Coordinator, shall specify the time and place for the hearing, the proposed enforcement action, the reasons for such action and a request that the User show cause why the proposed enforcement action should not be taken. The Show Cause Order shall normally be issued within 30 calendar days of the Village determination that a Show Cause Hearing is necessary but no later than 60 calendar days.

USEPA's Show Cause Order template is provided in Attachment XII.

G. Compliance Order (C.O.) – Ordinance Section 8-2-13-4

A C.O. is a written notification, sent via Next Day Mail or Certified Mail - Return Receipt Requested that is directed to an authorized agent of a User that has violated, or continues to violate, any provision of the Ordinance, Wastewater Discharge Permit, or Order issued to the User. The C.O., recommended by the Pretreatment Coordinator and issued by the Village Administrator, shall direct the non-compliant User to come into compliance within a specified time. The C.O. shall be issued normally within 30 calendar days of the Village determination that a C.O. is necessary but no later than 60 calendar days. A C.O. may be issued as a result of a Compliance Meeting and include a schedule

with milestone activities and dates. Normally a C.O. would not be issued for those schedules established that are less than 90 calendar days in length.

USEPA's Compliance Order template is provided in Attachment XIII.

H. Citations and Alternative Adjudication Hearing Process – Ordinance Section 8-2-14-2

The Village has the authority to issue a citation for a violation. The Village Adjudication Hearing then determines what civil fines and penalties shall be assessed when a User has violated, or continues to violate any provision of the Ordinance, a Wastewater Discharge Permit or Order issued to the IU. Citations will be issued within 60 calendar days of the Village determination that citations are appropriate. Citations are issued for data violations that occur within the same rolling 365 days with a violation count of three (3) or higher or for reporting violations in excess of 45 calendar days of the deadline as stated in Section VI.F below. Civil fines and penalties shall be assessed by the Adjudication Court consistent with the grant of powers given in Title I, Chapter 6, Article D of the Antioch Municipal Code in accordance with the seriousness of the violations.

I. Cease and Desist Orders – Ordinance Section 8-2-13-5

A Cease and Desist Order is a written notification, sent via Next Day Mail or Certified Mail - Return Receipt Requested that is issued when a User violated or continues to violate any provision of the Ordinance, Wastewater Discharge Permit or Order issued to the User. When recommended by the Pretreatment Coordinator and issued by the Village Administrator, the Order may require the User to cease and desist discharge.

USEPA's Cease and Desist Order template is provided in Attachment XIV.

J. Emergency Suspensions – Ordinance Section 8-2-13-6

The Pretreatment Coordinator in conjunction with the Village Administrator may immediately suspend a User's discharge, after Informal or Formal Notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Pretreatment Coordinator in conjunction with the Village

Administrator may also immediately suspend a User's Wastewater Discharge Permit, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

K. Injunctive Relief – Ordinance Section 8-2-14-2

Any activity or conduct of a User, who has violated or continues to violate any provision of the Ordinance, Wastewater Discharge Permit, or prior Order, may be referred to the Village Attorney for court proceedings. The Pretreatment Coordinator will make a recommendation to refer the User activity to the Village Attorney. The User may be subject to civil actions under Ordinance Section 8-2-14-3.

L. Termination of Discharge – Ordinance Section 8-2-13-7

The Village may terminate the discharge of a User if they violate one of the following conditions:

- Violation of Wastewater Discharge Permit conditions;
- Failure to accurately report the wastewater constituents and characteristics of its discharge;
- Failure to report substantial changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- Violation of the Pretreatment Standards in the Ordinance.

The User will be notified by Next Day Mail or Certified Mail – Return Receipt Requested regarding the termination date. The User may be offered the opportunity to present their case at a Show Cause Hearing (Ordinance Section 8-2-13-3).

M. Criminal Prosecution

In the event that the Village believes there is a potential case for criminal prosecution, it will request assistance from the IEPA and USEPA Criminal Investigation Division for potential action. The State of Illinois does not provide for criminal prosecution by municipalities.

V. PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE

The Pretreatment Coordinator or designee will prepare a list of SIUs that are in significant non-compliance for the Village. The Village will annually publish a notification in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the Village, a list of SIUs who, during the previous 12 months, were in significant non-compliance with Applicable Pretreatment Standards per Section 8-2-12-2 of the Village's Ordinance. The notification shall also summarize any enforcement actions taken against those Users during the same twelve months. The Village may send the User a draft of the proposed publication for review and verification of accuracy. If sent, the transmittal will contain a date by which the User must submit comments. Should the User not supply comments by the due date, the Village will continue with the publication procedure without additional input from the User. After consideration of the comments submitted by the User and any errors are resolved, the publication in its entirety will be forwarded to the Board of Trustees. After receipt by the Board of Trustees, the notice will then be forwarded to the newspaper for publication and a copy sent to the User for their records.

The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66 percent) or more of all the measurements taken for the same Pollutant parameter during a six-(6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits as Defined in Section 8-2-5;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33 percent) or more of wastewater measurements taken for each pollutant parameter during a six-(6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Article 5 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, Oils and Grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Article 5 (Daily Maximum, long-term average, Instantaneous Limit, or narrative Standard) that the Pretreatment Coordinator has determined caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Pretreatment Coordinator exercise of its emergency authority to halt or prevent such a discharge;

- E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual or general Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within 45 calendar days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, that the Pretreatment Coordinator determines will adversely affect the operation or implementation of the local Pretreatment program.

VI. APPEAL

Users found in non-compliance may, in the case of dispute as to the fairness of orders issued herein, seek an appeal. The User must notify the Village within 30 calendar days of receipt of said order of their intention to appeal and type of appeal desired. In no case shall a matter be appealed that presents or threatens an imminent or substantial danger to the health, safety, and welfare of the public, Village employees, POTW works and environment. The following types of appeal are available to the User:

A. Appeal to the Village Board

The appeal shall be determined by the Village Board. The Village Board or its designee shall at their convenience but not more than 45 calendar days from receipt of appeal notification schedule a 30-minute period during a regularly scheduled Board meeting or hold a special meeting to hear the User's appeal and an additional 30-minute period to allow the Village Administrator, Pretreatment Coordinator and/or other Village staff or designee an opportunity to rebut statements made by the User. A decision of the Village Board shall then be binding to both parties.

B. Appeal to the Lake County Circuit Court

A person aggrieved by the decision of the Village Board may appeal the decision to the Circuit Court of Lake County and any such appeal shall be governed by the Illinois Administrative Review Law (735 ILCS 5/3-101 et seq). Costs of such appeal shall be borne by the parties equally.

The Village shall provide written notification to USEPA, Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604, Attention NPDES Programs Branch and to Deputy Counsel for the Division of Water Pollution Control, IEPA, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 within five days of receiving notice that any Industrial User in the service area of its POTW is appealing to the Circuit Court any condition imposed by the Village in any permit issued by the Village. A copy of the Industrial User's appeal and all other pleading filed by all parties shall be mailed to the Deputy Counsel within five days of the pleadings being filed in Circuit Court.

Prepared by: Baxter & Woodman, Inc.

I:\Crystal Lake\ANTIV\130562 - Pretreatment Prog Mod\30 - Pretreatment Prog Mod\2017 ERP\Final Report\Individual ERP Components\2020-01 USEPA Resubmittal\Antioch Final ERP - UPDATED Feb 2020 - Resubmittal to USEPA.docx

**VILLAGE OF ANTIOCH
ENFORCEMENT RESPONSE PLAN**

ATTACHMENT I

IU MONITORING FREQUENCY & ENFORCEMENT CRITERIA

VILLAGE OF ANTIOCH

IU MONITORING FREQUENCY & ENFORCEMENT CRITERIA

PROGRAM REQUIREMENT: USEPA requires all Publicly Owned Treatment Works (POTW) with a design flow greater than 5 MGD and/or receiving from Industrial Users pollutants which Pass Through or Interfere with the operation of the POTW or are otherwise subject to Pretreatment Standards to establish an Approved USEPA Pretreatment Program for Significant Industrial Users (SIU) by federal regulation in the General Pretreatment Regulations - 40 CFR Section 403.8 (a). The State of Illinois in conjunction with USEPA Region V may require that a POTW with a design flow less than 5 MGD develop and implement a program when they find that the nature or volume of industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant in order to prevent Interference with the POTW or Pass Through of toxic pollutants. The regulations requires POTW Pretreatment Programs to issue a wastewater discharge permit to the SIU that include both Federal and local limits. The Federal limits include prohibitive discharge limitations and if applicable unique regulations promulgated for 57 categories and approximately 450 subcategories of industries that can discharge toxic pollutants to a POTW that could cause Interference and Pass Through to its operations.

The Village of Antioch is required to operate an approved Industrial Waste Program by its NPDES Permit issued by IEPA with review and concurrence of USEPA for the POTW in the Special Condition 11 (2014 permit). The program was first approved by USEPA Region V (the approval authority in Illinois) on September 8, 1986.

ROUTINE MONITORING: The Pretreatment Program requires that an IU self-monitor its discharge permit pollutants a minimum of twice per year (40 CFR Section 403.12(g)(1)) with the POTW sampling an additional one time per year. The regulation also allows in 40 CFR Section 403.12 (g)(1) that the POTW may perform the required sampling and analyses in lieu of the IU which is how Antioch's program is designed. The use of this alternative reduces required sampling to twice per year.

The wastewater discharge permit for each IU outlines their monitoring requirements. The Antioch monitoring frequency is typically on a quarterly basis however, there may be IUs with increased or decreased monitoring frequencies. Categorical pollutants are minimally sampled semi-annually unless the IU has sought a waiver consistent with 40 CFR Section 403.12(e)(2). The ECF screens all data during the permit process to define sample frequencies for local limit parameters and may limit sample frequencies to once a permit cycle for those local limit parameters that are not present or expected to be present in the discharge. IUs may be monitored at a higher frequency as a result of compliance issues or for more accurate and equitable surcharge determinations. Sampling will be increased to monthly, bi-weekly or weekly if their data is extremely variable as a result of production scheduling and cleaning operations. Industries, particularly those with pretreatment systems for toxic pollutants, may also be required to conduct process control testing internal to their operations that is based on their experience and correlation to discharge data and indicates proper operation of their pretreatment system.

ENFORCEMENT REQUIREMENTS:

IDENTIFY VIOLATIONS AND RESAMPLING: The General Pretreatment Regulations in 40 CFR Section 403.8 (g)(2) requires that an IU identify violations to a POTW within 24 hours of becoming aware of a violation (i.e. receiving a lab report by telephone, email or mail). Although the IU does not normally sample, if they do, they are required to abide by this requirement. Likewise, the Village as the Control Authority will notice the IU within 24 hours of becoming aware of a violation during Village sampling of the IU. Either entity that samples is required to repeat the sampling and analyses and submit it to the POTW (the Village) within 30 days after becoming aware of a violation. The exception to the repeat sampling occurs if:

1. The Control Authority or Village samples the IU at a frequency of once per month, or

2. The Control Authority or Village has already performed additional sampling at the IU between the time when the initial sampling was conducted and the time when the IU or the Control Authority received the results of the sampling.

Failure to notify the Village of a violation or repeat the sampling and analyses in a timely manner will result in the issuance of a Reporting Notice of Violation to the IU by the Village.

ROUTINE ENFORCEMENT ESCALATION:

Data Violation Evaluation: In the event that an IU has a violation of one of the parameters, the Village counts that as violation one. An NOV (count #1) is issued and a notice for the IU to attend a Pretreatment Review Meeting at POTW and/or Public Works to discuss the violation is also sent. During the meeting held with the Village and its Pretreatment Consultant and/or designee, the IU compliance history will be reviewed. The IU will explain what measures it took or plans it has to identify the cause of the violation, any studies that need to be performed, and identifies if additional data is needed to identify the source of the violation or progress in meeting compliance. Follow-up activities by the IU and the Village are identified. All participants in the meeting sign a summary of the meeting and the schedule to define the source of the problem and eliminate the violations.

If the IU does not have another violation for 365 days, the count returns to zero for that parameter. If the IU has a second violation of the same parameter within 365 days of the first violation, a NOV (count #2) is issued to the IU. This letter reminds the IU that the count is continuing and that the next violation may include a ticket.

When a third violation of the same parameter occurs, a NOV (count #3) is issued and it may include a ticket that includes a requirement to attend a hearing at the Village code enforcement court will be issued. The Village holds its adjudication court the first Thursday of the month at the Village Hall. The Village's Supervisor of Wastewater Operations and the Pretreatment Coordinator or designee will discuss the compliance issues with the IU and the Village attorney prior to the matter being heard. Since 2014, the State of Illinois has required

that the IU bring an attorney who is also part of the proceedings. Resolutions to the violation may include but are not limited to the following array of options:

- Increases in monitoring to assess compliance actions and changes being made;
- Schedules for evaluating and modifying the operations or pretreatment processes and equipment;
- Progress reports required; and
- Issuance of fines.

Tickets may be continued, issued fines or dismissed based on the actions determined by the court. The fines for a violation must include the potential to levy a minimum of \$1,000 per violation. Smaller amounts may also be issued taking into consideration the progress the IU is making, alternative steps the IU has taken to prevent additional violations in an interim period, a demonstration of the amount of money that is being spent to return to compliance as well as the cooperation of the industry in a timely fashion.

SIGNIFICANT NON-COMPLIANCE (SNC) STATUS:

As previously identified, EPA requires that a compliance evaluation be performed on a rolling 6-month basis to determine if an IU violation has achieved SNC status. A memo from EPA that includes a visual summary of rolling SNC calculations is provided as Attachment VII of the Enforcement Response Plan.

The definition of SNC is contained in 40 CFR Section 403.8(f)(2)(viii)(A) for Chronic SNC status and (B) for Technical Review Criteria SNC status as well being contained in the Village's Sewer Use and Pretreatment Ordinance (Section 8-12-2). Section (B) does not define a TRC level for pH, therefore the Village has set the pH TRC level as those measurements less than 4.0 pH units or greater than 10 pH units.

IUs that exhibit SNC status during one of the four rolling six-month calendar year evaluations are required to be published in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served. Please note that there are other reasons as outlined in 40 CFR Section 403(f)(2)(viii)(C-H) that could result in publication that do not deal with the above chronic and TRC assessments. These include:

- IU discharged a pollutant that caused interference or pass through at POTW;
- IU discharged a pollutant that endangered the health of POTW personnel or the general public;
- IU missed compliance schedule milestone by 90 days;
- IU submitted report was more than 45 days late;
- IU failed to accurately report non-compliance; or
- IU violated best management practice.

MONITORING MODIFICATIONS BASED ON COMPLIANCE:

The Pretreatment Staff is responsible for reviewing and evaluating data for changes in monitoring frequencies which are contained in the IU wastewater discharge permits. These permits are likely issued every four years. The permits can be issued up to every five years per the Village's ordinance, however the Village may choose a shorter time period to allow for permit extensions if needed. Permits will not extend longer than five years.

During the course of a monitoring year, monitoring is conducted as defined in the wastewater discharge permit. As previously noted in the Section Identifying Violations and Resampling on page 2, when a violation occurs, increased monitoring is automatically required by the Pretreatment regulation and the Village's ordinance. At minimum, a sample is required to be repeated within 30 days of identifying non-compliance. In the event that the non-compliance is for a monthly limit, 3 additional days will be required to be monitored for the violated parameter so that a single sample does not dictate monthly compliance status. If any of the resample analyses indicate continued non-compliance, sampling and analyses will be required to be repeated within 30 days of the notification of non-compliance from that date – a practice that will in a sense continue to increase the monitoring and analyses of the regulated discharger causing monthly rather than quarterly analyses. Additional analyses is an important tool in defining issues and assessing progress to compliance.

Beyond those increases, Sample frequencies may also be modified and increased including but not limited to, the following circumstances:

- IU requests increase in sampling and analyses to help identify compliance issues or more accurately assess surcharge;
- SNC status occurred for one pollutant but other pollutants are trending or were in violation that has yet to cause SNC status;
- SNC status occurred for multiple pollutants;
- SNC status occurred in multiple rolling 6-month periods (50% or more) in a calendar year or over a two year cycle (pattern of non-compliance);
- Pattern of violations followed by short term compliance over multiple sampling periods;
- Pattern of violations occur on a certain day of the week or at a specific time of day (grab samples required) routinely that would cause non-representative sampling;
- Addition of Chronic SNC status at an IU with TRC SNC;
- Increase of TRC SNC status to a range of 50-66%;
- FOG violations of 400 mg/l or more; or
- Defined interference or upset seen at POTW.

The above circumstances of violations will likely cause sampling to be increased to a higher frequency of 3 days per month for toxics and potentially weekly for FOG or pH. Increased frequencies will be defined in compliance meetings or at compliance meetings prior to Village adjudication actions.

Monitoring decreases will occur in conjunction with renewed compliance. The decrease in sampling is dependent on the modifications made and a demonstration that the 'fix' results in routine compliance that is sustainable. Monitoring will not be reduced until the IU has achieved complete compliance for two months. Reductions will be made at a more accelerated rate if the violation did not result in SNC status for the most recent 6-month rolling period. Reasons for monitoring reductions include:

- Return to complete compliance as a result of major equipment change coupled with voluntary interim measures that prevented violations during the modification;
- SNC status eliminated for 6-month period and overall violation rate (chronic violation) rate is less than 25% and TRC violations are less than 10%.

Monitoring that occurs at a frequency higher than once per month will be decreased in a staggered manner so that the reduction does not cause the industry to be SNC for a 6-month basis. Staff shall have the ability to evaluate rolling 6-month periods on a monthly basis

instead of a quarterly basis to impact compliance and compliance confirmation in a swifter fashion. Once compliance for a year has been achieved, the IU will return to its originally permitted monitoring frequency.

Prepared by: Baxter & Woodman, Inc.

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**VILLAGE OF ANTIOCH
ENFORCEMENT RESPONSE PLAN**

**ATTACHMENT II
POTW UNUSUAL EVENT FORM**



POTW UNUSUAL EVENT FORM

Village of Antioch, Illinois

Date_____Time_____

Village Rep Completing Report:_____

Title:_____

NPDES No. IL0020354

Telephone:_____

I. Event Location _____

II. Event Identified _____ Date_____Time_____

III. Source N/A – Unknown:_____

or Source Name:_____

Site Address:_____

Contact Name: _____

Title:_____

Telephone:_____

IV. Observations by Village Staff (Define specifics, where located and duration of impact.)

_____ pH Shift	_____ Odor	_____ Temperature
_____ Color	_____ LEL	_____ Physical objects
_____ Other _____		

V. Plant Conditions (Define the symptoms, location and duration of impact.)

_____ Oil sheen on tank top	_____ Odor of stage changes
_____ Foam (change in color or amount)	_____ Evacuate building
_____ Shift in DO levels	_____ Sludge changes
_____ Shift in MLSS	_____ Other _____

VI. Samples Taken (Obtain the most concentrated phase.) Yes _____ No _____

Plastic bottle (for observations, conventionals or metals)	_____
Glass bottle (for FOG)	_____
Organics (using special prepped organic bottles)	_____
Other	_____

VII. Outcome

Village Rep (if different than event initiator) _____

1. What was plant flow at time of event? _____

2. How long did event impact plant? _____

Describe: _____

3. Where there changes that you could observe in the final effluent that correspond to the treatment resonance time of the event? Yes _____ No _____

Describe: _____

4. Do you recognize this event as part of a cyclical pattern? Yes _____ No _____

Why? _____

5. Did the plant exceed a final effluent standard as a result of the event?

Yes _____ No _____

Describe: _____

VIII. Event Source Determination

_____ Industrial User _____ Other _____ Maintenance _____ Unknown

**VILLAGE OF ANTIOCH
ENFORCEMENT RESPONSE PLAN**

ATTACHMENT III

**ACCIDENTAL DISCHARGE, SLUG LOAD & OPERATIONAL
DIFFICULTIES FORM**



Village of Antioch
Accidental Discharge, Slug Load & Operational Difficulties Notification

- *The User shall immediately notice the Village Pretreatment Coordinator by telephone of any discharge of the following nature: accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the Village. This notification is required to include the location of the discharge, type of waste, concentration and volume, if known, and actions taken by the User.*
- *Within five (5) days following such a discharge, the User shall, unless waived by the Pretreatment Coordinator, submit a detailed written report describing the cause(s) of the discharge and the corrective measures to be taken by the User to prevent similar future occurrences.*
- *This form may be used to assist the User in filing an Initial Accidental Discharge Notification (page 1 and 2) and/or detailed written report (all three pages) consistent with the requirements of Pretreatment Ordinance. Please feel free to include SDS of materials spill, schedules for corrective actions or other materials as appropriate to adequately complete your filing.*

SECTION I: GENERAL

USER NAME: _____

Location Address: _____

Village, State and Zip Code: _____

Mailing Address (if different): _____

Village, State and Zip Code: _____

Telephone Number at Site: _____

Contact Person (filing out this form): _____

Contact Telephone Number (if different): _____

Please indicate the date and time of the spill and notification information.

INCIDENT ACTIVITY	Month	Date	Year	Time	Check whether a.m. or p.m.
Start of incident	_____	_____	_____	_____	_____ a.m. _____ p.m.
End of incident	_____	_____	_____	_____	_____ a.m. _____ p.m.
Incident Reported to Village	_____	_____	_____	_____	_____ a.m. _____ p.m.
Person at Village Incident Was Reported to: _____					
User Staff Name Reporting Incident: _____					
Title of User Staff Reporting Incident: _____					
Telephone Number of User Staff Reporting: _____					
Incident Reported to agencies (<i>circle</i>) (if quantity and chemical applicable)	Police Dept.	Fire Dept.	IL EPA	USEPA National	
				Hotline	
	Other Municipalities: _____		(800)782-7860	(800)424-8802	
Material Spilled: _____					

Estimated Volume Spilled (give units): _____					

The user should notice the Village of Antioch Pretreatment Coordinator at:
(847) 395-2599 or (847) 395-1000 during normal business hours (7 am – 5 pm) or (847) 395-1881 at night and on weekends.
Detailed report due 5 days after the incident sent to:
Village of Antioch, Wastewater Treatment Facility, 796 Holbek Drive, Antioch, IL 60002

DATE _____ USER NAME: _____

SECTION II: INCIDENT SPECIFICS

Chemical analysis of a representative sample of the spilled material. Show concentration of all compounds in the spilled material. If a sample of the spilled material is not available, list all known contents present in the discharged material. Attach additional sheets or MSDS if needed.

CAS Number	Compound Name	Concentration (mg/l)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Location of incident:

Plant Process Area: _____

In-Plant Transfer Area: _____

Shipping/Receiving Area: _____ Inside or Outside (*circle one*) Drum or Bulk (*circle one*)

Material Storage Area: _____ Inside or Outside (*circle one*) Drum or Bulk (*circle one*)

Other: _____

Explain the incident:

Describe what actions were taken at the time to control the spill (e.g. sealed floor drain, use of sorbants or foams, etc.)

Was the spill treated in a pretreatment system? Yes _____ No _____ If yes, describe:

Was any part of the spill discharged to the sanitary sewer? Yes _____ No _____ If yes, describe:

Was any part of the spill discharged to the storm sewer? Yes _____ No _____ If yes, describe:

DATE _____ USER NAME: _____

SECTION III: INCIDENT FOLLOW-UP

Disposal: Was any part of the spill contained and prevented from discharge to either a sanitary or storm sewer?

Yes _____ No _____ If yes, describe disposal:

Corrective Actions: Describe fully what measures will be taken to prevent similar incidents in the future.

Schedule: Anticipated date by which the above-stated measures will be completed:

Progress report: One or more reports that will be submitted by the date below that confirm completion of modification.

Final report: Report that will be submitted that confirm completion of modification.

For Village Use only:

Reviewer: _____ **Date:** _____

Comments: _____

**VILLAGE OF ANTIOCH
ENFORCEMENT RESPONSE PLAN**

**ATTACHMENT IV
SITE INSPECTION FORM**



Village of Antioch

Wastewater Treatment

884 Toft Street

Antioch, IL 60002

Ph (847) 395-0142 Fax (847) 395-9482

INDUSTRIAL USER INSPECTION (IU) CHECKLIST

Date: _____

Time: _____

1. Industry Name: _____
Permit/I.D. Number: _____
2. Site Address: _____
3. Correspondence Address: _____
4. Contact Name: _____
Title: _____
Telephone Number: _____
5. Fax Number: _____
6. Year the Industry established at site: _____
7. Number of Employees
per shift: 1/ _____ 2/ _____ 3/ _____ Total: _____
8. Applicable Standard Industrial
Classification(SIC) Codes: _____
9. Description of each discharge (including any batch discharges) including the amount, chemical
nature, frequency, and destination of each discharge:

10. Combined waste formula used: Yes _____ No _____ N/A _____
11. Sampling location(s): _____

12. Process flow diagram: (Particularly processes which may be subject to Federal Categorical Pretreatment Standards.)

13. Pretreatment Facilities: (Include operating data information.)

14. Certified Operator employed: Yes _____ No _____ N/A _____

15. B.M.R. submitted: Yes_____ No_____ N/A _____

16. I.U. on compliance schedule: Yes_____ No_____ N/A _____

17. Final Compliance Report submitted: Yes_____ No_____ N/A _____

18. Periodic Compliance Report submitted: Yes_____ No_____ N/A _____

19. Slug load/Accidental spill discharge notified to Control Authority: Yes_____ No_____ N/A _____

If yes, describe _____

20. Self-monitoring performed and reports submitted to Control Authority as required by Control document: Yes_____ No_____ N/A _____

21. T.T.O. Monitoring or Toxic Organic Management Plan submitted: Yes_____ No_____ N/A _____

22. Sampling and Analysis done by: I.U. _____

Control Authority _____

Commercial Lab _____

Name & Address _____

23. Sampling and Analysis Procedures in Conformance with 40 CFR 136.3: Yes_____ No_____ N/A _____

24. Sampling date, time, exact location, method and the name of person taking the sample(s) recorded: Yes_____ No_____ N/A _____

25. Analysis date(s), time, individual performing analysis and analytical techniques/methods used/recorded: Yes_____ No_____ N/A _____

26. Chain of custody Procedures employed: Yes_____ No_____ N/A _____

27. Q.A./Q.C. programs implemented: Yes_____ No_____ N/A _____

28. Required reports signed by an authorized representative of the I.U. Yes_____ No_____ N/A _____
29. Required reports retained for a minimum of three years: Yes_____ No_____ N/A _____
30. I.U. presently under an informal/formal (circle) enforcement action by Control Authority: Yes_____ No_____ N/A _____
31. Any other Environmental Control Permits held by I.U:
Air _____
Stormwater _____
Solid Waste _____
Other _____
32. Description of Air Pollution Control equipment that may generate a waste stream, pollutants which are likely to be found in the waste stream and the discharge or disposal method and location:

33. How waste residuals (solids) are handled, stored and/or disposed:

34. Proximity of chemical storage to floor drains and whether floor drains discharge to storm or sanitary sewers:

35. Spill control practices:
Drums _____

Bulk _____

Other _____

36. I.U. has a written and readily available Chemical Safety Contingency Plan (CSCP).

37. Employee education program been developed and implemented for all employees responsible for implementing the CSCP.

38. Chemical Safety Problems (specific hazards): _____

39. Operational Problems _____

40. Recent/Proposed Changes: _____

41. Analytical Violations since last site inspection:

[illegible]

42. Deficiencies/Recommendations (Compliance with waste water discharge limitations, reporting requirements, self-monitoring requirements, etc.):

Does deficiencies warrant issuance of NOV or RNOV? Yes_____ No_____

43. Items required to be submitted by IU:

44. Items that will be supplied by Village of Antioch

45. Does IU permit need to be updated? Yes_____ No_____

46. Does IU classification need to be changed? Yes_____ No_____

If yes, new classification _____

IU Staff Present	_____	Title_____
	_____	Title_____
	_____	Title_____
	_____	Title_____

Completed by: _____ Telephone _____

Village Rep: _____ Telephone _____
Village of Antioch

IU Rep: _____ Telephone _____
Title _____ Date_____

**VILLAGE OF ANTIOCH
ENFORCEMENT RESPONSE PLAN**

**ATTACHMENT V
INDUSTRIAL USER REPORT REVIEW FORM**

Village of Antioch
Self Monitoring Report and SNC Tracking Summary

Attachment V

IU Name	Local Limit Max. Conc (mg/l)	F R E Q	Permit 1 Day Max (mg/l)	Permit TRC 1 Day Max (mg/l)												
Category					1st Quarter			2nd Quarter			3rd Quarter			4th Quarter		
Pollutant					Compliance Status			Compliance Status			Compliance Status			Compliance Status		
5-day BOD		Q			In	Out		In	Out		In	Out		In	Out	
Total Suspended Solids		Q			In	Out		In	Out		In	Out		In	Out	
Phosphorus		Q			In	Out		In	Out		In	Out		In	Out	
Arsenic		Q			In	Out		In	Out		In	Out		In	Out	
Cadmium		Q			In	Out		In	Out		In	Out		In	Out	
Chromium, Hexavalent		Q			In	Out		In	Out		In	Out		In	Out	
Chromium, Total		Q			In	Out		In	Out		In	Out		In	Out	
Copper					In	Out		In	Out		In	Out		In	Out	
Cyanide		Q			In	Out		In	Out		In	Out		In	Out	
Lead		Q			In	Out		In	Out		In	Out		In	Out	
Mercury		Q			In	Out		In	Out		In	Out		In	Out	
Nickel					In	Out		In	Out		In	Out		In	Out	
Oil & Grease		Q			In	Out		In	Out		In	Out		In	Out	
Selenium					In	Out		In	Out		In	Out		In	Out	
Silver					In	Out		In	Out		In	Out		In	Out	
Zinc					In	Out		In	Out		In	Out		In	Out	
pH					In	Out		In	Out		In	Out		In	Out	
FLOW - DAILY Rpt		Q														
Max Ave Daily Flow																
Total Ave Daily Flow																
Max Process Daily Flow																
Total Process Daily Flow																
QTR Ending					1st			2nd			3rd			4th		
SNC EVALUATION																
Chronic SNC Determination	≥ 66%															
Violations																
Data Points																
TRC SNC Determination	≥ 33%															
Violations																
Data Points																
Chain of Custody (COC) Report Review																
COC for each sampling day?			Yes	No												
Are COCs complete?			Yes	No												
pH taken in the field and recorded on COC?			Yes	No												
Proper sample type for each pollutant?			Yes	No												
Proper containers used?			Yes	No												
Proper preservation used?			Yes	No												
Laboratory Report Review																
Pollutants analyzed within required holding time?			Yes	No												
40 CFR 136 analysis performed?			Yes	No												
Check Sheet Prepared by:	Name										Date					
Check Sheet Reviewed by:	Name										Date					


VILLAGE OF ANTIOCH
Industrial User Semi-Annual Self-Monitoring Report Review

Industry Name:	_____
Site Address:	_____
Permit Expiration:	_____

Monitoring Period: _____

Report Due Date: _____

Date Data Received: _____

Date of Review: _____

Reviewed by: _____

<input type="checkbox"/>	In Compliance
<input type="checkbox"/>	Data Entered
<input type="checkbox"/>	Scanned
<input type="checkbox"/>	Data Counted

Semi-Annual Self-Monitoring Report (SASMR) Review

<input type="checkbox"/>	SASMR submitted on time?	<input type="checkbox"/>	For CIUs, TTO Certification signed by AR?
<input type="checkbox"/>	Self Monitoring Report form signed by Authorized Rep (AR)?	<input type="checkbox"/>	For Zero CIUs, hauling manifests provided?
<input type="checkbox"/>	Water Meter Reading and Date provided?	<input type="checkbox"/>	Executive-In-Charge & Spill Plan Contact Information form completed and signed?
<input type="checkbox"/>	Discharge Certification form signed by AR?	<input type="checkbox"/>	

Additional Sampling Conducted By Industry?

Yes	No
-----	----

 If yes, complete Laboratory Report Review & Chain of Custody sections below.

Laboratory Report Review

<input type="checkbox"/>	All lab reports submitted with SASMR?	<input type="checkbox"/>	If pollutant in violation, did IU notify Village within 24 hours?
<input type="checkbox"/>	Pollutants analyzed within required holding time?	<input type="checkbox"/>	If pollutant in violation, was a resample taken within 30 days?
<input type="checkbox"/>	40 CFR 136 analysis performed?	<input type="checkbox"/>	

Chain of Custody (COC) Report Review

<input type="checkbox"/>	COC for each sampling day submitted with SASMR?	<input type="checkbox"/>	pH taken in the field and recorded on COC?
<input type="checkbox"/>	Are COCs complete?	<input type="checkbox"/>	Proper containers used?
<input type="checkbox"/>	Proper sample type for each pollutant (composite/grab)?	<input type="checkbox"/>	Proper preservation used?
<input type="checkbox"/>	Sampling done at permitted location?	<input type="checkbox"/>	

Violations - Follow ERP

<input type="checkbox"/>	Was all required data reported or any required monitoring not included? If no for one or both --> Consider reporting NOV.
<input type="checkbox"/>	Were there any DAILY data violations? If yes --> NOV
<input type="checkbox"/>	Were there any MONTHLY data violations? If yes --> NOV
<input type="checkbox"/>	Was the Village notified within 24 hours of the IU receiving data that was in violation? If no --> Consider reporting NOV.
<input type="checkbox"/>	For pollutants with a violation, was a resample done within 30 days of receiving the data? If no --> Consider reporting NOV.
<input type="checkbox"/>	Was report submitted on time? If no --> Consider reporting NOV.

Comments

**VILLAGE OF ANTIOCH
ENFORCEMENT RESPONSE PLAN**

**ATTACHMENT VI
CONFIDENTIAL INFORMATION PROCEDURES**

VILLAGE OF ANTIOCH

PRETREATMENT PROGRAM CONFIDENTIAL BUSINESS INFORMATION

PROGRAM REQUIREMENT:

The Village of Antioch's pretreatment program was first approved by USEPA Region V (the approval authority in Illinois) on September 8, 1986. The program is required to follow Confidential Business Requirements per 40 CFR Section 403.14 Confidentiality that incorporates by reference 40 CFR Section 2.302 as well as state code 35 IAC 310.105, 310.105 and 130 and in 8-2-11 of the Village Sewer Use and Pretreatment Ordinance code.

CLAIMS FOR REQUEST PER 40 CFR SECTION 2.302:

A claim of "Confidential Information" may be made for information that would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. The request must be asserted at the time of submission of the information or data. Specific instructions to mark documents/information may be found in 35 IAC 130.

DETERMINATIONS:

The claim of "Confidential Information" will be determined by the Pretreatment Coordinator and the Village attorney within the timeframe provided in 35 IAC 130.

FILES - SEGREGATION OF ARTICLES:

Any article, or any page or portion thereof, that is claimed or determined to represent a trade secret or other non-disclosable information, shall be kept segregated from articles that are open to public inspection, and shall be kept secure from unauthorized access. Secure access for Industrial Records will be maintained at the Village of Antioch STP, 796 Holbek Drive, Antioch, IL 60002. Routine Industrial Records will be flagged to indicate that "Confidential Records" exist for the IU.

AVAILABILITY TO THE PUBLIC:

Information not determined to be “Confidential” which is submitted to the State or the Village shall be available to the public at least to the extent provided by 40 CFR Section 2.302. Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR Section 2.302 will not be recognized as confidential information and will be available to the public without restriction. Requests for IU information will be filed consistent with Village procedures for the Illinois Freedom of Information Act.

AVAILABILITY TO GOVERNMENTAL AGENCIES:

Notwithstanding any procedures or exemptions of the Freedom of Information Act, all such information and data shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report.

DISPOSAL OF RECORDS:

Once an article is longer required to be maintained for the Pretreatment Program per 8-2-11 of the Village Code, the Village must dispose of an article that is claimed or determined to represent a trade secret or other non-disclosable information, and any copies made of that article, according to its application for authority to dispose of Village records approved by the State Records Commission.

Prepared by: Baxter & Woodman, Inc.

I:\Crystal Lake\ANTIV\130562 - Pretreatment Prog Mod\30 - Pretreatment Prog Mod\ERP\Final Report\Individual ERP Components\2020-07 Board Approval Final\Originals\Attachment 6 - Confidential Business Information Clean.docx

**VILLAGE OF ANTIOCH
ENFORCEMENT RESPONSE PLAN**

ATTACHMENT VII

USEPA NON-COMPLIANCE EVALUATION MEMOS

- January 21, 1992 & April 12, 1993 – Determining Industrial User Non-compliance Using Split Samples
- October 1, 1992 – Use of Grab Samples to Detect Violations of Pretreatment Standards
- May 13, 1993 – Compliance with Continuous Monitoring

Appendix F. EPA Memorandum, *Determining Industrial User Noncompliance Using Split Samples*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 21 1992

OFFICE OF WATER

MEMORANDUM

SUBJECT: Determining Industrial User Compliance Using Split Samples

FROM: Richard G. Kozlowski, Director *by Henry Hays*
Enforcement Division

TO: Mary Jo M. Aiello, Acting Chief
Bureau of Pretreatment and Residuals

This memo is a response to your letter of September 30, 1991, where you requested written clarification regarding the use of split samples for determining industrial user (IU) compliance under the Pretreatment Program. Specifically, you requested guidance on how to use the data from split samples for determining IU compliance in situations where split samples yield different analytical results. The fundamental question posed by your inquiry is whether all analytical results must be used when evaluating the compliance status of IUs and how to use those results for determining compliance. In situations where split samples exist and both samples were properly preserved and analyzed, POTWs should evaluate compliance with applicable Pretreatment Standards in the manner described below.

When evaluating the compliance status of an industrial user, the POTW must use all samples which were obtained through appropriate sampling techniques and analyzed in accordance with the procedures established in 40 CFR Part 136¹. The Environmental Protection Agency (EPA) has consistently encouraged Publicly Owned Treatment Works (POTWs) to periodically split samples with industrial users as a method of verifying the quality of the monitoring data. When a POTW splits a sample with an IU, the POTW must use the results from each of the split samples.

A legitimate question arises, however, when a properly collected, preserved and analyzed split sample produces two different analytical results (e.g., one which indicates compliance and the other shows noncompliance, or where both indicate either compliance or noncompliance but the magnitudes are substantially different). In these instances, questions arise regarding the compliance status of the IU, and what should be done to reconcile the results.

¹ See Memorandum, "Application and Use of the Regulatory Definition of Significant Noncompliance for Industrial Users," U.S. EPA, September 9, 1991.

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There is inherent variation in all analytical measurements, and no two measurements of the same analyte (even when drawn from the same sample) will produce identical results. When a split sample is analyzed using appropriate methods, there is no technical basis for choosing one sample result over the other for determining the compliance status of a facility. Since this is the case for all split samples which have been properly analyzed, the POTW should average the results from the split and use the resulting average number when determining the compliance status of an IU. Using the average of the two sample results avoids the untenable situation of demonstrating compliance and noncompliance from the same sample.

If the split sample produces widely divergent results or results which are different over a long period of time, then the cause of the discrepancy between the analytical results should be reconciled. When this happens, the POTW should investigate Quality Assurance and Quality Control (QA/QC) procedures at each laboratory involved. For example, the POTW could submit a spiked sample (i.e., a sample of known concentration) to the laboratories involved (preferably blind) to determine which laboratory may be in error.

In situations where one or both of the analytical results is determined to be invalid, there are compliance and enforcement consequences. If one of the analytical results is determined to be invalid, the average value for that sample is also invalid. In this situation, the value for this sample should be the value of the sample which was not determined to be invalid (e.g., if the IU's results are determined to be invalid, the POTW should use its sample for assessing compliance, and vice versa). If both samples are determined to be invalid, the averaged result from that sample should be discarded and not used for compliance assessment purposes. In either case, the POTW must recalculate the compliance status of the IU using all remaining valid sample results.

In summary, whenever split samples are taken and both are properly preserved and analyzed, the POTW should average the results from each sample and use the averaged value for determining compliance and appropriate enforcement responses. Where the sample results are widely divergent, the POTW should instigate QA/QC measures at each of the analytical laboratories to determine the cause of the discrepancy. If one or both of the samples are invalid, the POTW must recalculate the compliance status of the IU using all valid results.

If you have any further questions regarding these questions, please feel free to call me at (202) 260-8304. The staff person familiar with these issues is Lee Okster. Lee can be reached at (202) 260-8329.

cc: Cynthia Dougherty
Regional Pretreatment Coordinators
Approved State Pretreatment Coordinators
Bill Telliard



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 12 1993

OFFICE OF
WATER

Mr. Harold R. Otis
Chairman, Split Sampling Task Force
Greater Fort Wayne Chamber of Commerce
826 Ewing Street
Fort Wayne, IN 46802-2182

Re: Using Split Samples to Determine Industrial User Compliance

Dear Mr. Otis:

In response to your letter of January 12, 1993, and your phone conversation of February 9, 1993, with Lee Okster, I am providing a further discussion of the issues surrounding the use of split samples to determine industrial user (IU) compliance with Pretreatment Standards. In your letter and your phone conversation, you requested clarification from the Environmental Protection Agency (EPA) on three issues. First, you requested a firm definition of what constitutes "widely divergent results" when comparing split sample results. Second, when a publicly owned treatment works (POTW) splits a sample with an IU, you inquired whether a POTW must use the industrial user's data to determine compliance with pretreatment standards. Finally, you requested written authorization from the EPA to incorporate the language from our existing guidance memorandum on split samples into the Rules and Regulations of the Water Control Utility for the City of Fort Wayne.

What are Widely Divergent Results?

As you are aware, the EPA issued a memorandum on January 21, 1992, entitled "Determining Industrial User Compliance Using Split Samples." The "widely divergent results" criterion established in this memo is to be used as an indication that a problem exists with the laboratory analysis. We did not include an indication of what constitutes "widely divergent" in our memorandum because the amount of "normal" analytical variability depends on the pollutant parameter being tested and the method being used to analyze the sample. With appropriate QA/QC, this "normal" analytical variability is small. In general, though, metals analyses have a smaller variation than organics analyses, but the magnitude of the variability depends on the pollutants being tested. Therefore, no hard and fast rules exist for determining what is widely divergent. This determination is left to the discretion of the local authority.

Must the POTW Use All Sample Results?

In the January, 1992, memorandum we state that "the POTW must use all samples which were obtained through appropriate sampling techniques and analyzed in accordance with the procedures established in 40 CFR Part 136." The memo further states "[w]hen a POTW splits a sample with an IU; the POTW must use the results from each of the split samples."

The POTW is required to sample the IU at least once per year to determine, independent of information supplied by the IU, the compliance status of that facility. If the POTW does not wish to be in a position of comparing its own data with the IU when it samples the IU's discharge, it is not required to split its samples with the IU. Furthermore, we do not recommend that the POTW use a split sample with the industry to satisfy its annual sampling requirement. The POTW should pull its own sample so that it has data which are truly independent of the IU's results.

The POTW also has the primary responsibility to ensure compliance by the IU with all applicable pretreatment standards and requirements. One way the POTW can satisfy its requirement to ensure compliance is to split a routine sample taken by the IU. If a POTW splits a routine sample taken by the IU, it must use the IU's data, in conjunction with its own, to determine the compliance status of the facility (assuming all of the data are sampled and analyzed appropriately). We encourage POTWs to split samples in this manner to verify the IU's data. In a similar fashion, if the POTW chooses to split its own sample with the IU, it must use all of the data to determine the compliance status of the facility (assuming all of the data are appropriately analyzed).

When the POTW splits a sample with an IU (whether it is a routine sample by the IU or an annual sample by the POTW) the POTW has the responsibility to determine whether the IU's results from the split sample are valid. Where an IU's results are different than the POTW's, the burden is on the IU to show that all preservation, chain-of-custody, and analytical and QA/QC methods were followed. If the IU cannot make this showing, then the analytical results from the IU should be discarded when determining the compliance status of the facility. If the IU establishes that it followed all appropriate procedures, then the POTW should review its own QA/QC program. If both the IU and POTW have followed appropriate procedures, and there is still a wide divergence, then follow-up sampling should be conducted. If follow-up sampling consistently shows IU noncompliance, or if the POTW is otherwise satisfied with the validity of its own results, it should proceed to follow its enforcement procedures.

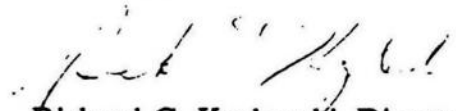
Authorization From the EPA

In regard to your final request, the City of Fort Wayne has the authority to incorporate these procedures into its Rules and Regulations without any authorization from the EPA. As long as the City has the minimum legal authorities to implement its

approved program, it has satisfied its requirements under the Federal regulations. As always, the City is encouraged to adopt the EPA's Pretreatment Guidance whenever possible.

I hope this letter responds to your questions and concerns. If you have any further questions, please feel free to call me at (202) 260-8304 or you can call Lee at (202) 260-8329.

Sincerely yours,



Richard G. Kozlowski, Director
Water Enforcement Division
U.S. Environmental Protection Agency

cc: Cynthia Dougherty
Regional Pretreatment Coordinators
Approved State Pretreatment Coordinators

Appendix D. EPA Memorandum, *The Use of Grab Samples to Detect Violations of Pretreatment Standards*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 1 1992

MEMORANDUM

OFFICE OF
WATER

SUBJECT: The Use of Grab Samples to Detect Violations of Pretreatment Standards

FROM: Michael B. Cook, Director *Michael B. Cook*
Office of Wastewater Enforcement & Compliance (WH-546)

Frederick F. Stiehl *Frederick F. Stiehl*
Enforcement Counsel for Water (LE-134W)

TO: Water Management Division Directors, Regions I - X
Environmental Services
Division Directors, Regions I - X
Regional Counsels, Regions I - X

The primary purpose of this Memorandum is to provide guidance on the propriety of using single grab samples for periodic compliance monitoring to determine whether a violation of Pretreatment Standards has occurred. More specifically, the Memorandum identifies those circumstances when single grab results may be used by Control Authorities, including EPA, State or publicly owned treatment works (POTW) personnel, to determine or verify an industrial user's compliance with categorical standards and local limits. Please be aware that the concepts set out below are applicable when drafting self-monitoring requirements for industrial user permits.

REGULATORY BACKGROUND

The General Pretreatment Regulations require Control Authorities to sample all significant industrial users (SIUs) at least once per year [see 40 CFR 403.8(f)(2)(v)]. In addition, the Regulations, at 40 CFR 403.12(e), (g) and (h) require, at a minimum, that all SIUs self-monitor and report on their compliance status for each pollutant regulated by a Pretreatment Standard at least twice per year unless the Control Authority chooses to conduct all monitoring in lieu of self-monitoring by its industrial users.

¹ The POTW should conduct more frequent sampling and/or require more frequent self-monitoring by an industrial user if deemed necessary to assess the industry's compliance status (e.g., a daily, weekly, monthly or quarterly frequency as appropriate).

- 2 -

The Regulations, at 40 CFR 403.12(g) and (h), also specify that pollutant sampling and analysis be performed using the procedures set forth in 40 CFR Part 136. Part 136 identifies the proper laboratory procedures to be used in analyzing industrial wastewater (including the volume of wastewater necessary to perform the tests and proper techniques to preserve the sample's integrity). However, with certain exceptions, Part 136 does not specifically designate the method to be used in obtaining samples of the wastewater. Rather, section 403.12(g) and (h) require sampling to be "appropriate" to obtain "representative" data; that is, data which represent the nature and character of the discharge.

DISCUSSION OF BASIC SAMPLING TYPES

Sampling may be conducted in two basic ways. Both types of sampling provide valid, useful information about the processes and pollutants in the wastewater being sampled. The first is an "individual grab sample." An analysis of an individual grab sample provides a measurement of pollutant concentrations in the wastewater at a particular point in time. For example, a single grab sample might be used for a batch discharge which only occurs for a brief period (e.g., an hour or less). Such samples are typically collected² manually but are sometimes obtained using a mechanical sampler.

The second type of sample is a "composite sample." Composite samples are best conceptualized as a series of grab samples which, taken together, measure the quality of the wastewater over a specified period of time (e.g., an operating day). Monitoring data may be composited on either a flow or time basis. A flow-proportional composite is collected after the passage of a defined volume of the discharge (e.g., once every 2,000 gallons). Alternatively, a flow-proportional composite may be obtained by adjusting the size of the aliquots to correspond to the size of the flow. A time-proportional composite is collected after the passage of a defined period of time (e.g., once every two hours).

Generally, composite samples are collected using a mechanical sampler, but may also be obtained through a series of manual grab samples taken at intervals which correspond to the wastewater flow or time of the facility's operations. In some cases, composite data is obtained by combining grab samples prior

² Mechanical samplers may not be used to sample for certain pollutants (e.g., those which could adhere to the sampler tubing, volatilize in the sampler, or pollutants with short holding times).

- 3 -

to transmittal to a laboratory. At other times, the samples remain discrete and are either combined by the laboratory prior to testing or are analyzed separately (and³ mathematically averaged to derive a daily maximum value).

DETERMINING APPROPRIATE COMPLIANCE SAMPLING METHODS

EPA policy on appropriate compliance sampling types has been articulated in several pretreatment guidance manuals and regulatory preambles, and continues to be as follows:

A. Compliance With Categorical Standards

- Most effluent limits established by categorical standards are imposed on a maximum daily-average and a monthly-average bases. Generally, wastewater samples taken to determine compliance with these limits should be collected using composite methods.
- There are exceptions to the general rule. Composite samples are inappropriate for certain characteristic pollutants (i.e., pH and temperature) since the composite alters the characteristic being measured. Therefore, analysis of these pollutants should be based on individual grab samples. Alternatively, continuous monitoring devices may be used for measuring compliance with pH and temperature limits. Any exceedance recorded by a continuous monitoring device is a violation of the standard.
- Sampling wastewater from electroplating facilities regulated under 40 CFR Part 413 may be conducted using single grab samples [(assuming that the grab samples are representative of the daily discharge for a particular facility); see also preamble discussion at 44 Fed. Reg. 52609, September 7, 1979]
- A series of grab samples may be needed to obtain appropriate composite data for some parameters due to the nature of the pollutant being sampled. Examples of this situation include:

³ Daily maximum discharge limits are controls on the average wastewater strength over the course of the operating day. They are not intended to be instantaneous limits applied at any single point during that operating day.

- 4 -

- Sampling for parameters which may be altered in concentration by compositing or storage. These pollutants include pH-sensitive compounds (i.e., total phenols, ammonia, cyanides, sulfides);⁴ and volatile organics such as purgeable halocarbons, purgeable aromatics, acrolein, and acrylonitrile.
- Sampling for pollutants with short holding times such as hexavalent chromium and residual chlorine; and
- Sampling for pollutants which may adhere to the sample container or tubing such as fats, oil and grease. Individual analysis for these parameters ensures that all the material in the sample is accounted for.

B. Compliance With Local Limits

- Local limits may be established on an instantaneous, daily, weekly or monthly-average basis. The sample type used to determine compliance with local limits should be linked to the duration of the pollutant limit being applied.
- Compliance with instantaneous limits should be established using individual grab samples. Exceedances identified by composite sampling are also violations.
- Compliance with daily, weekly or monthly average limits should be determined using composited sampling data, with the same exceptions noted in A, above.
- Measurements of wastewater strength for non-pretreatment purposes (e.g., surcharging) may be conducted in a manner prescribed by the POTW.

GRAB SAMPLING AS A SUBSTITUTE FOR COMPOSITE SAMPLING

EPA is aware that a number of Control Authorities currently rely on a single grab sample to determine compliance, particularly at small industrial users, as a way of holding down monitoring costs. It is EPA's experience that the process activities and wastewater treatment at many industrial facilities may not be sufficiently steady-state as to allow for routine use

⁴ Certain pH-sensitive compounds can be automatically composited without losses if the collected sample is only to be analyzed for a single parameter. Additionally, a series of grab samples may be manually composited if appropriate procedures are followed.

- 5 -

of single grab results as a substitute for composite results. Therefore, the Agency expects composited data to be used in most cases. However, there are several circumstances when a single grab sample may be properly substituted for a single composite sample. These situations are:

- Sampling a batch or other similar short term discharge, the duration of which only allows for a single grab sample to be taken;
- Sampling a facility where a statistical relationship can be established from previous grab and composite monitoring data obtained over the same long-term period of time;⁵ and
- Where the industrial user, in its self-monitoring report, certifies that the individual grab sample is representative of its daily operation.

Except for these circumstances, Control Authorities should continue to use composite methods for their compliance sampling.

GRAB SAMPLES AS A COMPLIANCE SCREENING TOOL

Control Authorities may consider using grab samples as a compliance screening tool once a body of composite data (e.g., Control Authority and self-monitoring samples obtained over a year's time), shows consistent compliance. However, in the event single grab samples suggest noncompliance, the Control Authority

⁵ Grab sampling may provide results that are similar to composite sampling. See for example, a March 2, 1989, Office of Water Regulations and Standards (OWRS) Memorandum to Region IX describing the results of a statistical analysis of sampling data from a single industrial facility. These sampling data included both individual grab and flow-proportional, composite sampling obtained during different, non-overlapping time periods. After reviewing the data, OWRS concluded that the composite and grab sample data sets displayed similar patterns of violation for lead, copper, and total metals. In fact, the analyses did not find any statistically significant difference in the concentration values measured between the grab and composited data. Furthermore, additional statistical tests of the two data sets indicated that the means and variances for each pollutant were similar. The statistical conclusion was that the plant was judged to be out of compliance regardless of what data were analyzed.

- 6 -

and/or the industrial user should resample using composite techniques on the industrial user's effluent until consistent compliance is again demonstrated.

Control Authorities may also rely on single grab samples, or a series of grab samples for identifying and tracking slug loads/spills since these "single event" violations are not tied to a discharger's performance over time.

Any time an SIU's sample (either grab or composite) shows noncompliance, the General Pretreatment Regulations, at 40 CFR 403.12(g)(2), require that the SIU notify the Control Authority within twenty four (24) hours of becoming aware of the violation and resample within 30 days. Furthermore, EPA encourages Control Authorities to conduct or require more intensive sampling in order to thoroughly document the extent of the violation(s). Of course, the use of grab samples should be reconsidered in the event the SIU changes its process or treatment.

SUMMARY

The collection and analysis of sampling data is the foundation of EPA's compliance and enforcement programs. In order for these programs to be successful, wastewater samples must be properly collected, preserved and analyzed. Although the Federal standards and self-monitoring requirements are independently enforceable, Control Authorities should specify, in individual control mechanisms for industrial users, the sampling collection techniques to be used by the industry. Generally, pretreatment sampling should be conducted using composite methods wherever possible, to determine compliance with daily, weekly or monthly average limits since this sampling technique most closely reflects the average quality of the wastewater as it is discharged to the publicly owned treatment works. Grab samples should be used to determine compliance with instantaneous limits. There are circumstances when discrete grab samples are also an appropriate, cost effective means of screening compliance with daily, weekly and monthly pretreatment standards.

⁶ Where grab samples are used as a screening tool only (i.e., consistent compliance has been demonstrated by composite data), the results should not be used in the POTW's calculation of significant noncompliance (SNC).

⁷ When POTWs choose to allow the SIU to collect single grab samples, the POTW should draft the SIU's individual control mechanism to clearly indicate that grab samples are to be obtained thereby preventing any uncertainty at a later date.

- 7 -

In summary, there are limited situations in which single grab sample data may be used in lieu of composite data. Assuming adequate quality control measures are observed, analyses of these grab samples can indicate noncompliance with Federal, State and Local Pretreatment Standards and can form the basis of a successful enforcement action. Grab sampling can also be useful in quantifying batches, spills, and slug loads which may have an impact on the publicly owned treatment works, its receiving stream and sludge quality.

Should you have any further comments or questions regarding this matter, please have your staff contact Mark Charles of OWEC at (202) 260-8319, or David Hindin of OE at (202) 260-8547.

cc: Frank M. Covington, NEIC
Thomas O'Farrell, OST
Regional and State Pretreatment Coordinators
Lead Regional Pretreatment Attorneys, Regions I - X
Approved POTW Pretreatment Programs

Appendix H. EPA Memorandum, *Compliance with Continuous Monitoring*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 13 1993

OFFICE OF
WATER

Mary Jo M. Aiello, Chief
Bureau of Pretreatment and Residuals
Wastewater Facilities Regulation Program (CN 029)
New Jersey Department of Environmental
Protection and Energy
Trenton, NJ 08625-0029

Dear Ms. Aiello:

Thank you for your letter of January 25, 1993, to Jeffrey Lape of my staff regarding the New Jersey Department of Environmental Protection and Energy's (the Department) proposed policy on waivers from pH limits applicable to industrial discharges to Publicly Owned Treatment Works (POTWs). Subject to the qualifications stated below, your proposed policy is consistent with the federal regulations.

Your letter relates to the application of 40 CFR 401.17, which allows facilities that employ continuous pH monitoring to exceed certain pH limits one percent of the time. Your letter correctly notes that 40 CFR 401.17 applies only to discharges to surface waters, but inquires whether an analogous policy could be applied to discharges to POTWs.

We believe an analogous policy could be applied to discharges to POTWs, subject to several restrictions. First, the federal pretreatment regulations contain a specific prohibition against discharges with a pH below 5.0, from which no waivers are allowed unless the treatment works is specifically designed to accommodate such discharges (40 CFR 403.5(b)(2)). Your letter correctly acknowledges that, except for such specifically designed treatment works, waivers below this minimum limit would not be consistent with federal regulations. Second, although federal pretreatment regulations do not include an upper pH limit applicable to all discharges, some categorical pretreatment standards do so. Waivers from the requirements of those categorical standards would not be allowed unless expressly permitted by the standards themselves.

Third, a POTW may not grant a waiver from a local limit if such waiver would cause pass through or interference. Since local limits are based on considerations at each POTW, it would not be appropriate to institute a waiver of local limits that applies statewide regardless of conditions at individual POTWs.

-2-

So long as POTWs act consistently with their obligations not to allow pass through or interference, however, they might implement waivers that apply either more or less frequently than the 1% you propose. Of course, if it wishes, the State could cap all waivers at 1% and thereby be more stringent than Federal law, which requires no cap.

We note that, if a POTW wishes to provide waivers from pH limits that are technically-based and are part of the POTW's Approved Pretreatment Program, the POTW will have to modify its Approved Pretreatment Program accordingly. The Department should consider for each POTW whether the adoption of this policy is a "change to local limits, which result in less stringent local limits" and therefore requires a formal modification under 40 CFR 403.18(c)(1)(ii), or whether it constitutes a clarification of the POTW's existing local limits.

I hope that this response addresses your concerns. If you have any questions or would like to discuss this further, please call me at (202) 260-5850 or Louis Eby at (202) 260-2991.

Sincerely,


Cynthia C. Dougherty, Director
Permits Division

**VILLAGE OF ANTIOCH
ENFORCEMENT RESPONSE PLAN**

**ATTACHMENT VIII
ENFORCEMENT RESPONSE GUIDE**

ENFORCEMENT RESPONSE GUIDE

PC - Pretreatment Coordinator		ECF - Environmental Consulting Firm	
VAd - Village Administrator		VA - Village Attorney	B - Village Board
<u>NON-COMPLIANCE</u>	<u>CIRCUMSTANCES</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
<u>REPORTING - UNAUTHORIZED DISCHARGES</u>			
Discharge without a Permit	IU unaware of requirement; no harm to POTW/environment	Phone call/Email warning	ECF or PC
		NOV with application form	ECF, PC
		Late Fee	ECF, PC
	IU unaware of requirement; results in harm to POTW/environment	NOV	ECF, PC
		Late Fee	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Compliance Agreement	ECF, PC
		Citation - Adjudication Court	ECF, PC, VA
		Cost Recovery	ECF, PC
		Show Cause Order	ECF, PC, VAd
		Compliance Order	ECF, PC, VAd
		Civil Prosecution	ECF, PC, VAd, VA
		Injunctive Relief	ECF, PC, VAd, VA
		Failure to apply after notice by POTW	NOV
	Late Fee		ECF, PC
	Show Cause Order		ECF, PC, VAd
	Compliance Order		ECF, PC, VAd
	Citation - Adjudication Court		ECF, PC, VA
	Civil Prosecution		ECF, PC, VAd, VA
	Emergency Suspension		ECF, PC, VAd
	Termination of Discharge		ECF, PC, VAd, VA
Non-permitted discharge - Failure to Re-new	IU has not renewed discharge permit within 10 calendar days of due date	Phone call/Email warning	ECF or PC
		NOV	ECF, PC
		NOV with Late Fee	ECF, PC
	IU has not renewed discharge permit within 30 calendar days of due date.	SNC status triggered at 45 days for Annual Publication	ECF, PC, VAd, B
		Citation - Adjudication Court	ECF, PC, VA
		Emergency Suspension	ECF, PC, VAd
		Termination of Discharge	ECF, PC, VAd, VA
<u>NON-COMPLIANCE</u>	<u>CIRCUMSTANCES</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
<u>OTHER REPORTS</u>			
Failure to conduct self-monitoring and to submit periodic reports by due date	Isolated occurrence	Phone call/Email warning	ECF or PC
		NOV	ECF, PC
		Late Fee	ECF, PC
	Repeated occurrence, 45 or more calendar days past due date, or failure to self-monitor and submit periodic reports, failure to comply with NOV	NOV	ECF, PC
		Late Fee	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Compliance Agreement	ECF, PC, VAd
		Show Cause Order	ECF, PC, VAd
		Compliance Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
		SNC status triggered at 45 days for Annual Publication	ECF, PC, VAd, B
Certification and/or signature	Report is improperly signed or certified, Isolated occurrence	Phone call/Email warning	ECF or PC
		NOV	ECF, PC
	Repeated occurrence to properly sign report or certify, failure to comply with NOV	NOV	ECF, PC
		Late Fee	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Compliance Agreement	ECF, PC, VAd
		Show Cause Order	ECF, PC, VAd
		Compliance Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA

ENFORCEMENT RESPONSE GUIDE

PC - Pretreatment Coordinator		ECF - Environmental Consulting Firm	
VAd - Village Administrator		VA - Village Attorney	B - Village Board
<u>NON-COMPLIANCE</u>	<u>CIRCUMSTANCES</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
<u>OTHER REPORTS</u>			
Timeliness	Report is late, Isolated occurrence or not significant (e.g., 5 working days late)	Phone call/Email warning	ECF or PC
		NOV	ECF, PC
		Late Fee	ECF, PC
	Repeated occurrence of late report or significant (e.g., report 45 calendar days or more late) or no reports at all	NOV	ECF, PC
		Late Fee	ECF, PC
		SNC status triggered at 45 days for Annual Publication	ECF, PC, VAd, B
		Compliance Meeting	ECF, PC, VAd
		Show Cause Order	ECF, PC, VAd
		Compliance Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
		Civil Prosecution	ECF, PC, VAd, VA
Modifications & Changes	Failure to report changed discharge (no harm to POTW/environment)	Phone call/Email warning	ECF or PC
		NOV	ECF, PC
		Late Fee	ECF, PC
	Failure to report changed discharge (results in harm)	NOV	ECF, PC
		Late Fee	ECF, PC
		Cost Recovery	ECF, PC
		Compliance Order	ECF, PC, VAd
		Show Cause Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
		Civil Prosecution	ECF, PC, VAd, VA
		Injunctive Relief	ECF, PC, VAd, VA
	Repeated failure to report changed discharge	NOV	ECF, PC
		Cost Recovery	ECF, PC
		Show Cause Order	ECF, PC, VAd
		Compliance Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
		Emergency Suspension	ECF, PC, VAd
		Injunctive Relief	ECF, PC, VAd, VA
		Termination of Discharge	ECF, PC, VAd, VA
Failure to Report Violation	Failure to report violation within 24-hour	NOV	ECF, PC
		Late Fee	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Compliance Agreement	ECF, PC, VAd
	Repeated failure to report violation	NOV	ECF, PC
		Late Fee	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Compliance Agreement	ECF, PC, VAd
Falsification	Falsification	Compliance Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
		Emergency Suspension	ECF, PC, VAd
		Termination of Discharge	ECF, PC, VAd, VA
		Civil Prosecution	ECF, PC, VAd, VA
		Referral for Criminal Prosecution	ECF, PC, VAd, VA

ENFORCEMENT RESPONSE GUIDE

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<u>NON-COMPLIANCE</u>	<u>CIRCUMSTANCES</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
<u>MONITORING AND SAMPLING</u>			
Failure to monitor correctly	Failure to monitor all pollutants as required by permit	Phone call/Email warning	ECF or PC
		NOV	ECF, PC
		Late Fee	ECF, PC
	Recurring failure to monitor	NOV	ECF, PC
		Late Fee	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Compliance Agreement	ECF, PC, VAd
		Show Cause Order	ECF, PC, VAd
		Compliance Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
		Civil Prosecution	ECF, PC, VAd, VA
Improper sampling	Lack or Evidence of Intent	NOV	ECF, PC
		Show Cause Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
		Emergency Suspension	ECF, PC, VAd
		Termination of Discharge	ECF, PC, VAd, VA
		Civil Prosecution	ECF, PC, VAd, VA
		Referral for Criminal Prosecution	ECF, PC, VAd, VA
Failure to install monitoring equipment	Delay of less than 30 days	NOV	ECF, PC
		Late Fee	ECF, PC
	Delay of 30 days or more	NOV	ECF, PC
		Late Fee	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Compliance Agreement	ECF, PC, VAd
		Compliance Order	ECF, PC, VAd
	Recurring, violation of compliance order	Show Cause Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
		Emergency Suspension	ECF, PC, VAd
		Termination of Discharge	ECF, PC, VAd, VA
		Civil Prosecution	PC, VA
Illegal Discharge	No harm to POTW/environment	NOV	ECF, PC
		Late Fee	ECF, PC
	Discharges causes harm to POTW/environment or evidence of intent/negligence	Cost Recovery	ECF, PC
		Show Cause Order	ECF, PC, VAd
		Citation - Adjudication Court	PC, VA
		Civil Prosecution	PC, VA
		Emergency Suspension	ECF, PC, VAd
		Injunctive Relief	ECF, PC, VAd, VA
		Termination of Discharge	ECF, PC, VAd, VA
		Referral for Criminal Prosecution	ECF, PC, VAd, VA
	Recurring, violation of Compliance Order	Show Cause Order	ECF, PC, VAd
		Emergency Suspension	ECF, PC, VAd
		Termination of Discharge	ECF, PC, VAd, VA

ENFORCEMENT RESPONSE GUIDE

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<u>NON-COMPLIANCE</u>	<u>CIRCUMSTANCES</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
<u>MONITORING AND SAMPLING</u>			
Compliance Schedules	Missed milestone by less than 45 days, or will not affect final milestone	NOV	ECF, PC
		Late Fee	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Compliance Agreement	ECF, PC, VAd
	Missed milestone by more than 45 days, or will affect final milestone (good cause for delay)	NOV	ECF, PC
		Late Fee	ECF, PC
		Compliance Order	ECF, PC, VAd
		Show Cause Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
		SNC status triggered at 45 days for Annual Publication	ECF, PC, VAd, B
	Missed milestone by more than 90 days, or will affect final milestone (no good cause for delay)	NOV	ECF, PC
		SNC status triggered at 45 days for Annual Publication	ECF, PC, VAd, B
		Show Cause Order	ECF, PC, VAd
		Compliance Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
		Civil Prosecution	ECF, PC, VAd, VA
		Termination of Discharge	ECF, PC, VAd, VA
	Recurring violation of schedule or violation of schedule in compliance order	NOV	ECF, PC
		Late Fee	ECF, PC
		Show Cause Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
		Civil Prosecution	ECF, PC, VAd, VA
		Emergency Suspension	ECF, PC, VAd
		Termination of Discharge	ECF, PC, VAd, VA

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<u>NON-COMPLIANCE</u>	<u>CIRCUMSTANCES</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
<u>DISCHARGE LIMIT VIOLATIONS</u>			
Exceedance of local or Federal Standard (permit limit)	Isolated, not significant	Phone call/Email warning	ECF or PC
		NOV	ECF, PC
		NOV (Count 3 & Greater) - Adjudication Court	ECF, PC, VA
	Isolated, significant (no harm to POTW/environment)	Phone call/Email warning	ECF or PC
		NOV	ECF, PC
		NOV (Count 3 & Greater) - Adjudication Court	ECF, PC, VA
		Late Fee	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Compliance Agreement	ECF, PC, VAd
		Compliance Order	ECF, PC, VAd
		Isolated (results in harm to POTW/environment)	Phone call/Email warning
	NOV		ECF, PC
	NOV (Count 3 & Greater) - Adjudication Court		ECF, PC, VA
	Late Fee		ECF, PC
	Cost Recovery		ECF, PC
	Show Cause Order		ECF, PC, VAd
	Compliance Order		ECF, PC, VAd
	Citation - Adjudication Court		ECF, PC, VA
	Injunctive Relief		ECF, PC, VAd, VA
	Recurring, chronic (no harm to POTW/environment)	NOV	ECF, PC
		NOV (Count 3 & Greater) - Adjudication Court	ECF, PC, VA
		Late Fee	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Compliance Agreement	ECF, PC, VAd
		Compliance Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
	Recurring; chronic, significant (results in harm to POTW/environment)	NOV	ECF, PC
		NOV (Count 3 & Greater) - Adjudication Court	ECF, PC, VA
		Late Fee	ECF, PC
		Cost Recovery	ECF, PC
		Show Cause Order	ECF, PC, VAd
		Compliance Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
		Emergency Suspension	ECF, PC, VAd
		Civil Prosecution	ECF, PC, VAd, VA
		Injunctive Relief	ECF, PC, VAd, VA
	Termination of Discharge	ECF, PC, VAd, VA	
<u>NON-COMPLIANCE</u>	<u>CIRCUMSTANCES</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
<u>VIOLATIONS LIKELY DETERMINED DURING SITE VISITS BUT NOT LIMITED TO</u>			
Entry Denial	Entry denied or consent withdrawn	Obtain warrant and return to IU	ECF, PC, Vad, VA
		NOV	ECF, PC
	Copies of records denied	NOV	ECF, PC
		Late Fee	ECF, PC
		Compliance Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA

ENFORCEMENT RESPONSE GUIDE

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<u>NON-COMPLIANCE</u>	<u>CIRCUMSTANCES</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
<u>VIOLATIONS LIKELY DETERMINED DURING SITE VISITS BUT NOT LIMITED TO</u>			
Improper Sampling - Incorrect location; Incorrect sample type; or Incorrect sample collection techniques	Isolated Occurrence Improper Sampling	NOV	ECF, PC
	Recurring Improper sampling	NOV	ECF, PC
		Late Fee	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Compliance Agreement	ECF, PC, VAd
		Compliance Order	ECF, PC, VAd
		Show Cause Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
Inadequate recording keeping	Inspector finds files incomplete to missing (no evidence of intent)	NOV	ECF, PC
	Recurring	NOV	ECF, PC
		Late Fee	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Compliance Agreement	ECF, PC, VAd
		Compliance Order	ECF, PC, VAd
		Show Cause Order	ECF, PC, VAd
Failure to report additional monitoring	Inspector finds additional files	NOV	ECF, PC
	Recurring	NOV	ECF, PC
		Late Fee	ECF, PC
		Compliance Order	ECF, PC, VAd
Waste streams are diluted in lieu of treatment	Initial violation	NOV	ECF, PC
		Late Fee	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Compliance Agreement	ECF, PC, VAd
		Show Cause Order	ECF, PC, VAd
		Compliance Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
	Recurring	NOV	ECF, PC
		Late Fee	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Compliance Order	ECF, PC, VAd
		Show Cause Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
		Emergency Suspension	ECF, PC, VAd
		Termination of Discharge	ECF, PC, VAd, VA
Failure to mitigate noncompliance or halt production	No harm to POTW/environment	NOV	ECF, PC
		Late Fee	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Compliance Agreement	ECF, PC, VAd
		Compliance Order	ECF, PC, VAd
		Show Cause Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
	Results in harm to POTW/environment	NOV	ECF, PC
		Late Fee	ECF, PC
		Citation - Adjudication Court	ECF, PC, VA
		Cost Recovery	ECF, PC
		Injunctive Relief	ECF, PC, VAd, VA
		Compliance Order	ECF, PC, VAd

ENFORCEMENT RESPONSE GUIDE

PC - Pretreatment Coordinator		ECF - Environmental Consulting Firm	
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<u>NON-COMPLIANCE</u>	<u>CIRCUMSTANCES</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
<u>VIOLATIONS LIKELY DETERMINED DURING SITE VISITS BUT NOT LIMITED TO</u>			
Failure to properly operate and maintain pretreatment facility	No harm to POTW/environment	NOV	ECF, PC
		Late Fee	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Compliance Agreement	ECF, PC, VAd
		Show Cause Order	ECF, PC, VAd
		Compliance Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
	Results in harm to POTW/environment	NOV	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Late Fee	ECF, PC
		Citation - Adjudication Court	ECF, PC, VA
		Cost Recovery	ECF, PC
		Injunctive Relief	ECF, PC, VAd, VA
		Compliance Order	ECF, PC, VAd

<u>NON-COMPLIANCE</u>	<u>CIRCUMSTANCES</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
<u>SPILLS AND OTHER VIOLATIONS</u>			
Failure to notify of spill slug load, bypass, or pretreatment malfunction	No known interference, pass through, or threat to human safety	NOV	ECF, PC
		Late Fee	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Compliance Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
	Known interference, pass through, or threat to human safety	NOV	ECF, PC
		Late Fee	ECF, PC
		Cost Recovery	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Show Cause Order	ECF, PC, VAd
		Compliance Order	ECF, PC, VAd
		Citation - Adjudication Court	ECF, PC, VA
		Emergency suspension	ECF, PC, VAd
		Injunctive Relief	ECF, PC, VAd, VA
		Civil Prosecution	ECF, PC, VAd, VA
		Termination of Discharge	ECF, PC, VAd, VA
Reported spill, slug load, bypass	Isolated without known interference or pass through	Phone call/Email warning	ECF or PC
		NOV	ECF, PC
		Citation - Adjudication Court	ECF, PC, VA
		Cost Recovery	ECF, PC
		Injunctive Relief	ECF, PC, VAd, VA
	Isolated with known interference or pass through	NOV	ECF, PC
		Pretreatment Review Meeting	ECF, PC
		Late Fee	ECF, PC
		Citation - Adjudication Court	ECF, PC, VA
		Compliance Order	ECF, PC, VAd
		Cost Recovery	ECF, PC
		Injunctive Relief	ECF, PC, VAd, VA
	Recurring with known interference pass through or threat of human safety	NOV	ECF, PC
		Late Fee	ECF, PC
		Citation - Adjudication Court	ECF, PC, VA
		Cost Recovery	ECF, PC
		Show Cause Order	ECF, PC, VAd
		Injunctive Relief	ECF, PC, VAd, VA
		Civil Prosecution	ECF, PC, VAd, VA

TIME-FRAMES FOR RESPONSES

The time frames for responses identified below are general in nature and may be altered at the discretion of the Control Authority with consideration of such factors as holidays, vacations, etc. Specific notation of exceptions may be found for each individual mechanism in the tables above. When those exceptions have been noted, the time frame identified will be followed rather than this more general time frame for response.

- A. Village sampling data of the SIU will be screened within 24 working hours of receipt from the contract laboratory and an informal notification made to the SIU by telephone or email.
- B. Initial enforcement actions (involving contact with the User and requesting information on corrective or preventive action(s)) will occur within 30 calendar days of violation detection but no later than 60 calendar days. Initial enforcement actions include but are not limited to: pretreatment review meeting, issuance of NOV, semi-annual report violations, and citations for reports that continue to be received late.
- C. Follow-up actions for continuing or reoccurring violations will occur within 60 calendar days of the initial enforcement response. Follow-up actions could include the issuance of compliance agreements, show cause orders, and compliance orders.
- D. Follow-up actions for missing pretreatment compliance schedule milestones by 90 calendar days will be taken normally within 30 calendar days but no later than 60 calendar days.
- E. Follow-up actions for recurring SNC status for specific analyses will include confirmation of SNC status, followed by an evaluation for the need to issue an enforceable order. If an order will be issued, it will be done normally within 30 calendar days but no later than 60 calendar days of the confirmation of SNC status.
- F. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating the service.

**VILLAGE OF ANTIOCH
ENFORCEMENT RESPONSE PLAN**

**ATTACHMENT IX
ENFORCEMENT TRACKING LOG TEMPLATE**

***Village of Antioch
NOV Tracking***

[illegible]

key

Needs CM

NOV Response > 5 working days late = RNOV

NOV Response >30 days late = RNOV w/fine

**VILLAGE OF ANTIOCH
ENFORCEMENT RESPONSE PLAN**

ATTACHMENT X

USEPA SIGNIFICANT NON-COMPLIANCE MEMOS

- September 9, 1991 – Application and Use of the Regulatory Definition of Significant Non-compliance for Industrial Users
- January 17, 1992 – Determining Industrial User Significant Non-compliance, One Page Summary

Appendix G. EPA Memorandum, *Application and Use of the Regulatory Definition of Significant Noncompliance for Industrial Users*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 9 1991

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Application and Use of the Regulatory Definition of Significant Noncompliance for Industrial Users

FROM: Michael B. Cook, Director *Michael B. Cook*
Office of Wastewater Enforcement and Compliance

TO: Water Management Division Directors, Regions I-X
Approved Pretreatment State Coordinators

Background:

On July 24, 1990, the Agency replaced the definition of "significant violation" with the definition of "significant noncompliance" (SNC) [see 40 CFR 403.8(f)(2)(vii) and 55 Fed. Reg. 30082]. This change eliminated the inconsistencies which arose in applying the significant violation criteria and established more parity in tracking violations committed by industrial users. The definition of SNC parallels the Pretreatment Compliance Monitoring and Enforcement Guidance (PCME) definition of SNC published in 1986.

This memorandum responds to several questions from States, publicly owned treatment works (POTWs), and industry regarding the application of the SNC definition. One frequently asked question is whether the time frame for determining SNC for technical review criteria effluent violations is a static six month period (i.e., a fixed six month calendar interval) or a rolling six month time frame (i.e., the current day minus six months). POTWs and industry have also inquired whether all data must be used to calculate SNC. The following discussion is provided to promote consistency in the application of this definition. Regions, States and POTWs should determine SNC in the manner prescribed below.

Pretreatment POTWs are required to notify the public of significant industrial users which meet the definition of SNC through publication in the newspaper. The POTW should also use the SNC criteria as the basis for reporting an industrial user's compliance status to the Approval Authority in its Pretreatment Performance Report. According to 40 CFR 403.12(i)(2), the POTW must report on the compliance status of its industrial user universe at the frequency specified by the State or EPA National Pollution Discharge Elimination System (NPDES) permit, but in no case less than once per year. Finally, the definition of SNC is used to determine whether a formal enforcement action against a user is warranted in accordance with the POTW's Enforcement Response Plan (ERP).

Applying the Definition: Use of the Six Month Time Frame:

There are seven criteria set forth in §403.8(f)(2)(vii). Two of these criteria concern violations evaluated over a six month time frame. The Agency intends for Control Authorities to evaluate these criteria on a rolling basis. The EPA's long established practice in the NPDES program is to evaluate SNC for direct dischargers each quarter using data from the previous six months. Similarly, Control Authorities should determine SNC for their universe of industrial users on the same rolling quarters basis using fixed quarters established by the Control Authority to correspond to its "pretreatment year" (e.g., March 31, June 30, September 30 and December 31).

At the end of each quarter, POTWs and States are to evaluate their industrial user's compliance status using the two criteria of the SNC definition which are evaluated on a six month time frame (i.e., the "A" and "B" criteria under the regulatory definition). Under this system, each industrial user is evaluated for SNC four times during the year, and the total evaluation period covers 15 months (i.e., beginning with the last quarter of the previous pretreatment year through the end of the current year). When the POTW is required to publish, it must list in the newspaper all industrial users which have been identified as SNC during the previous year (i.e., the SNC criteria were met during any of the previous four quarters).

If a facility has been determined to be in SNC based solely on violations which occurred in the first quarter of the 15 month evaluation period (i.e., the last quarter of the previous pretreatment year) and the facility has demonstrated consistent compliance in the subsequent four quarters, then the POTW is not required to republish the Industrial User (IU) in the newspaper if the IU was published in the previous year for the same violations.

Use of Industrial User and POTW Data in Determining SNC:

Several POTWs have inquired whether all data, including Control Authority sampling and industrial user self-monitoring, must be used in determining SNC. This question arises from the concern that an industrial user may choose to conduct its sampling efforts at times in which it knows that it is in compliance (e.g., during early morning start-up or during periods in which the industrial process is down). The concern is that use of these unrepresentative data will allow the industry to craft its compliance status such that it will never be in SNC.

The regulation defining SNC clearly requires that all measurements taken in the appropriate six month period must be used to determine a facility's SNC status. Therefore, any and all samples obtained through appropriate sampling techniques which have been analyzed in accordance with the procedures established in 40 CFR Part 136 must be used to determine whether the facility is in SNC.

The General Pretreatment Regulations further state that periodic compliance reports must be based on data obtained through appropriate sampling and analysis, and the data must be representative of conditions occurring during the reporting period [403.8(f)(1)(iv)]

and 403.12(g)(3)]. The Control Authority must require that frequency and scope of industrial user self-monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

The nature and scope of the sampling undertaken by an industrial user is under the control of the Control Authority through the issuance of an industrial user permit. These permits should specify the sampling locations and sample collection method necessary to ensure that representative samples are obtained for all regulated waste streams. By requiring industrial users to obtain representative samples, the Control Authority will ensure that industrial users do not evade noncompliance through selective sampling of their industrial processes.

Conclusion:

The Control Authority is required to screen all compliance data, whether generated through industrial user self-monitoring or by the Control Authority, to identify any violations of pretreatment requirements. Whenever there is a violation, the Control Authority must take appropriate enforcement action, as defined in its ERP. After this initial enforcement response, the Control Authority should closely track the industrial user's progress toward compliance by increasing the frequency of user self-monitoring, increasing the POTW's monitoring, or both.

When follow-up activity indicates that the violations persist or that satisfactory progress toward compliance is not being made, the Control Authority is required to escalate its enforcement response in accordance with the procedures established in its ERP. **At a minimum EPA expects POTWs to address SNC with an enforceable order that requires a return to compliance by a specific deadline.** When this enforceable order involves a compliance schedule, the industrial user remains in SNC during the period of the schedule (unless the facility returns to compliance prior to the end of the schedule). For example, if the duration of the schedule is two years, the facility should be published in both years. Of course, the POTW should explain in its publication that the violations have been addressed with a formal enforcement action (similar to a "resolved pending" listing on the Quarterly Noncompliance Report).

The definition of SNC provides a benchmark against which the compliance status of an industrial user and the enforcement activities of POTWs can be measured. The concept of significant noncompliance plays a pivotal role in the implementation and enforcement of the National Pretreatment Program. In order for the definition to succeed, it is critical that each Control Authority apply it on a consistent basis. If you have any further questions on this issue, please feel free to call me at (202) 260-5850. The staff person familiar with these issues is Lee Okster at (202) 260-8329.

cc: Cynthia Dougherty
Regional Water Compliance Branch Chiefs
Regional Pretreatment Coordinators
Lead Regional Pretreatment Attorneys



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 17 1992

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Determining Industrial User Significant Noncompliance - One Page Summary

FROM: Mark D. Charles, Chief *Mark D. Charles*
RCRA and Pretreatment Enforcement Section

TO: Regional Pretreatment Coordinators, Regions I-X

During a recent Pretreatment Coordinator's conference call with Headquarters pretreatment staff, a suggestion was made to prepare a one page visual summary of how to determine Significant Noncompliance (SNC) for Industrial Users (IUs). This request was made in response to the Agency's policy memorandum explaining the correct procedure for applying the SNC definition to IUs. As a result of that request, we have prepared such a visual summary and are now making it available for distribution to your Approved States and POTWs.

The summary presents a chronological example of the steps which a Control Authority should follow when evaluating the compliance status of an industrial user vis-a-vis the SNC definition. The example assumes a "Pretreatment Year" (or "Year") equal to the calendar year and brackets the "Year" with heavy black lines to separate it from the previous and subsequent "Years."

The example illustrates the rolling quarters concept by presenting the six month evaluation periods for SNC determination as coupled quarters. For the purpose of the attached example, the end of each relevant quarter (i.e., the date on which the SNC determination should be made) is March 30th, June 30th, September 30th, and December 31st. As outlined in the policy memorandum, the POTW must publish all IUs which were identified in SNC during the "Year," unless the IU was previously published for violations which occurred solely in the last quarter of the previous "Year."

If you have any questions regarding this summary or the application of the definition in general, please feel free to call Lee Okster or my staff at (FTS) 260-8329.

cc: Jeff Lape

Determination of Industrial User (IU) Significant Noncompliance (SNC)

1. The POTW (in conjunction with the Approval Authority) must establish its "Pretreatment Year."
2. At the end of each quarter, POTWs and States should evaluate their IU's compliance status for the two criteria which are evaluated on a six month time frame (i.e., the "A" and "B" criteria - 403.8(f)(2)(vii)(A) and (B)) as illustrated below. The example below assumes a "Pretreatment Year" equal to the calendar year.

FIRST EVALUATION PERIOD

Oct.	Nov.	Dec.
End of previous "Pretreatment Year"		
Jan.	Feb.	Mar.
Beginning of the current "Pretreatment Year."		

SECOND EVALUATION PERIOD

Jan.	Feb.	Mar.	Apr.	May	Jun
------	------	------	------	-----	-----

THIRD EVALUATION PERIOD

Apr.	May	Jun.	Jul.	Aug.	Sep
------	-----	------	------	------	-----

FOURTH EVALUATION PERIOD

Jul.	Aug.	Sep.	Oct.	Nov.	Dec
------	------	------	------	------	-----
3. At the end of the first quarter (March 30th in our example), the POTW must evaluate the data from an industrial user for the previous six months (e.g., beginning with October 1 of the previous "Pretreatment Year" as in our example). Likewise, the POTW must evaluate six months of data at the end of each subsequent quarter (e.g., June 30th, September 30th, and December 31st).
4. At the end of the "Pretreatment Year," the POTW must summarize the compliance status of its industrial users over the reporting period and report on this compliance status to the Approval Authority. The POTW must publish all industrial users which were identified in SNC during the "Pretreatment Year," unless the IU was previously published for violations which occurred solely in the last quarter of the previous "Year."

**VILLAGE OF ANTIOCH
ENFORCEMENT RESPONSE PLAN**

**ATTACHMENT XI
NOV & RNOV TEMPLATES**



ISSUED TO: (Add IU Name, Address & Contact Name)

ISSUE DATE: (Add Date)

NOTICE OF VIOLATION PURSUANT TO:

SECTION 8-2-13-1
SEWER USE AND PRETREATMENT ORDINANCE
REVISIONS ADOPTED THROUGH (Add Date)

NOTICE OF VIOLATION:

(Add Pollutant) #01

This report is written to officially notify (IU NAME) of a violation of the Village of Antioch – Sewer Use and Pretreatment Ordinance, codified in Chapter 8-2, herein referred to as Ordinance. On (ADD DATE) based on a (COMPOSITE/GRAB) sample of a (CONTINUOUS/BATCH) discharge at (ADD TIME) taken at the discharge monitoring location from the (IU NAME) plant, your facility exceeded the permitted (DAILY/MONTHLY) standard for (POLLUTANT). Laboratory results show that your firm had exceeded the permitted limit of (ADD LIMIT) for (POLLUTANT), the result was (ADD RESULT).

REQUIRED ACTIONS:

The Village of Antioch is requiring that your firm investigate this discharge violation and take steps to cease the practice or practices that caused this violation. It is your responsibility to correct the violation within the next 30 days.

You must report the results of an investigation relative to this violation and include a written corrective action plan to prevent future violations. The response to the Notice of Violation is due to the Village no later than 4 p.m. within ten (10) working days of the receipt of this notice at the following address:

Village of Antioch
Attn: James Keim
Village Administrator
874 Main Street
Antioch, Illinois 60002

Submission of the plan in no way relieves you of liability for any violation occurring before or after receipt of the Notice of Violation, Village Ordinance 8-2. Failure to respond to this notice will result in further enforcement action by the Village.

When the violation count for (ADD POLLUTANT) reaches #03 or greater, a fine or citation may be issued with the violation notice. The violation count for (ADD POLLUTANT) will restart once a period of 365 days has elapsed without a (ADD POLLUTANT) violation.

COMPLIANCE MEETING:

A mandatory Pretreatment Compliance Meeting has been scheduled for you on (ADD DATE) at (ADD TIME) with (ADD NAME AND/OR TITLE) at the (ADD LOCATION NAME), located at (ADD LOCATION ADDRESS) to discuss this violation.

FOR FURTHER INFORMATION, CONTACT:

Village of Antioch Engineering Department



ISSUED TO: (Add IU Name, Address & Contact Name)

ISSUE DATE: (Add Date)

NOTICE OF VIOLATION PURSUANT TO:

SECTION 8-2-13-1
SEWER USE AND PRETREATMENT ORDINANCE
REVISIONS ADOPTED THROUGH (Add Date)

NOTICE OF VIOLATION:

(Add Pollutant) #02

This report is written to officially notify (IU NAME) of a violation of the Village of Antioch – Sewer Use and Pretreatment Ordinance, codified in Chapter 8-2, herein referred to as Ordinance. On (ADD DATE) based on a (COMPOSITE/GRAB) sample of a (CONTINUOUS/BATCH) discharge at (ADD TIME) taken at the discharge monitoring location from the (IU NAME) plant, your facility exceeded the permitted (DAILY/MONTHLY) standard for (POLLUTANT). Laboratory results show that your firm had exceeded the permitted limit of (ADD LIMIT) for (POLLUTANT), the result was (ADD RESULT).

REQUIRED ACTIONS:

The Village of Antioch is requiring that your firm investigate this discharge violation and take steps to cease the practice or practices that caused this violation. It is your responsibility to correct the violation within the next 30 days.

You must report the results of an investigation relative to this violation and include a written corrective action plan to prevent future violations. The response to the Notice of Violation is due to the Village no later than 4 p.m. within ten (10) working days of the receipt of this notice at the following address:

Village of Antioch
Attn: James Keim
Village Administrator
874 Main Street
Antioch, Illinois 60002

Submission of the plan in no way relieves you of liability for any violation occurring before or after receipt of the Notice of Violation, Village Ordinance 8-2. Failure to respond to this notice will result in further enforcement action by the Village.

When the violation count for (ADD POLLUTANT) reaches #03 or greater, a fine or citation may be issued with the violation notice. The violation count for (ADD POLLUTANT) will restart once a period of 365 days has elapsed without a (ADD POLLUTANT) violation.

FOR FURTHER INFORMATION, CONTACT:

Village of Antioch Engineering Department



ISSUED TO: (Add IU Name, Address & Contact Name)

ISSUE DATE: (Add Date)

NOTICE OF VIOLATION PURSUANT TO:

SECTION 8-2-13-1
SEWER USE AND PRETREATMENT ORDINANCE
REVISIONS ADOPTED THROUGH (Add Date)

NOTICE OF VIOLATION:

(Add Pollutant) # (Add Violation Count)

This report is written to officially notify (IU NAME) of a violation of the Village of Antioch – Sewer Use and Pretreatment Ordinance, codified in Chapter 8-2, herein referred to as Ordinance. On (ADD DATE) based on a (COMPOSITE/GRAB) sample of a (CONTINUOUS/BATCH) discharge at (ADD TIME) taken at the discharge monitoring location from the (IU NAME) plant, your facility exceeded the permitted (DAILY/MONTHLY) standard for (POLLUTANT). Laboratory results show that your firm had exceeded the permitted limit of (ADD LIMIT) for (POLLUTANT), the result was (ADD RESULT).

REQUIRED ACTIONS:

The Village of Antioch is requiring that your firm investigate this discharge violation and take steps to cease the practice or practices that caused this violation. It is your responsibility to correct the violation within the next 30 days.

You must report the results of an investigation relative to this violation and include a written corrective action plan to prevent future violations. The response to the Notice of Violation is due to the Village no later than 4 p.m. within ten (10) working days of the receipt of this notice at the following address:

Village of Antioch
Attn: James Keim
Village Administrator
874 Main Street
Antioch, Illinois 60002

Submission of the plan in no way relieves you of liability for any violation occurring before or after receipt of the Notice of Violation, Village Ordinance 8-2. Failure to respond to this notice will result in further enforcement action by the Village.

FINES

In accordance with the Village's enforcement response plan, a fine of (ADD FEE) for reoccurring violations is being issued. The fine will be applied to (IU NAME) water bill. This fine can be contested in the Village's adjudication court by _____.

FOR FURTHER INFORMATION, CONTACT:

Village of Antioch Engineering Department

COMMON REPORTING NOVs

The following is a list of common reporting violations that requires a Reporting NOV to be issued to the User:

1. Failure to notify Village of a daily and/or monthly violation within 24 hours
2. Failure to respond to Notice of Violation
3. Failure to notify Village of pretreatment operating upset within 24 hours of becoming aware of issue
4. Failure to notify Village of substantial change within 30 calendar days
5. Failure to notify Village of change in authorized representative within 30 calendar days of change
6. Failure to submit Accidental Discharge Slug Control Plan or any other required report
7. Failure to notify Village of spill or slug discharge
8. Failure to submit written report for accidental spill or slug discharge within 5 working day of discharge



ISSUED TO: (ADD IU NAME, ADDRESS, & CONTACT NAME) **ISSUE DATE:** (ADD DATE)

NOTICE OF VIOLATION PURSUANT TO: SECTION 8-2-13-1
SEWER USE AND PRETREATMENT ORDINANCE
REVISIONS ADOPTED THROUGH (ADD DATE)

REPORTING NOTICE OF VIOLATION: **Failure to (ADD REASON FOR RNOV)**

This report is written to officially notify (IU NAME) of a violation of the Village of Antioch – Sewer Use and Pretreatment Ordinance, codified in Chapter 8-2, herein referred to as Ordinance. (ADD SENTENCE STATING REASON FOR RNOV AND WHEN THE ITEM WAS DUE) To date, we have not received (ADD WHAT REPORT IS MISSING AND THE ORDINANCE REFERENCE REQUIRING THE REPORT).

REQUIRED ACTIONS:

The Village of Antioch is requiring that your firm investigate this reporting violation and take steps to correct the practice or practices that caused this violation. It is your responsibility to correct the violation within the next 30 days.

You must report the results of an investigation relative to this violation and include a written corrective action plan to prevent future violations. The response to the Reporting Notice of Violation is due to the Village no later than 4 p.m. within ten (10) working days of this notice at the following address:

Village of Antioch
Attn: James Keim
Village Administrator
874 Main Street
Antioch, Illinois 60002

Submission of the plan in no way relieves you of liability for any violation occurring before or after receipt of the Notice of Violation, Village Ordinance 8-2. Failure to respond to this notice will result in further enforcement action by the Village.

LATE FEE

To date, we have not received (ADD MISSING REPORT). In accordance with the Village's enforcement response plan, a late fee of (ADD FEE) for reoccurring reporting violations is being issued. The late fee will be applied to (IU NAME) water bill.

FOR FURTHER INFORMATION, CONTACT:

Village of Antioch Engineering Department



ISSUED TO: (ADD IU NAME, ADDRESS, & CONTACT NAME) **ISSUE DATE:** (ADD DATE)

NOTICE OF VIOLATION PURSUANT TO: SECTION 8-2-13-1
SEWER USE AND PRETREATMENT ORDINANCE
REVISIONS ADOPTED THROUGH (ADD DATE)

REPORTING NOTICE OF VIOLATION: Failure to (ADD REASON FOR RNOV)

This report is written to officially notify (IU NAME) of a violation of the Village of Antioch – Sewer Use and Pretreatment Ordinance, codified in Chapter 8-2, herein referred to as Ordinance. (ADD SENTENCE STATING REASON FOR RNOV AND WHEN THE ITEM WAS DUE) To date, we have not received (ADD WHAT REPORT IS MISSING AND THE ORDINANCE REFERENCE REQUIRING THE REPORT).

REQUIRED ACTIONS:

The Village of Antioch is requiring that your firm investigate this reporting violation and take steps to correct the practice or practices that caused this violation. It is your responsibility to correct the violation within the next 30 days.

You must report the results of an investigation relative to this violation and include a written corrective action plan to prevent future violations. The response to the Reporting Notice of Violation is due to the Village no later than 4 p.m. within ten (10) working day of this notice at the following address:

Village of Antioch
Attn: James Keim
Village Administrator
874 Main Street
Antioch, Illinois 60002

Submission of the plan in no way relieves you of liability for any violation occurring before or after receipt of the Notice of Violation, Village Ordinance 8-2. Failure to respond to this notice will result in further enforcement action by the Village.

FOR FURTHER INFORMATION, CONTACT:
Village of Antioch Engineering Department

**VILLAGE OF ANTIOCH
ENFORCEMENT RESPONSE PLAN**

**ATTACHMENT XII
USEPA SHOW CAUSE ORDER TEMPLATE**

EXAMPLE SHOW CAUSE ORDER
DIVISION OF WATER AND WASTEWATER SERVICES
[NAME OF CITY]

IN THE MATTER OF	★	
	★	
[NAME OF INDUSTRY]	★	ADMINISTRATIVE
ADDRESS	★	
	★	SHOW CAUSE ORDER
	★	
	★	
	★	

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the authority vested in the Superintendent of Wastewater Services, under Section ____ of the City's Sewer Use Ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Section ____ of the City's Sewer Use Ordinance.

FINDINGS

1. *[Industry] discharges nondomestic wastewater containing pollutants into the sanitary sewer system of the City of ____ (hereafter, "City").*
2. *[Industry] is a "significant industrial user" as defined by Section ____ of the City's Sewer Use Ordinance.*
3. *[Industry] was issued a wastewater discharge permit on January 1, 1988, which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.*
4. *Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of [Industry].*
5. *This data shows that [Industry] has violated its wastewater discharge permit in the following manner:*
 - a. *[Industry] has violated its permit limits for copper and zinc in each sample collected between January, 1988, and January, 1989, for a total of 24 separate violations of the permit.*
 - b. *[Industry] has failed to submit a periodic compliance report due March 31, 1989.*
 - c. *All of these violations satisfy the City's definition of significant violation.*

FIGURE 5-3.3

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [INDUSTRY] IS HEREBY ORDERED TO:

1. *Appear at a meeting with the Superintendent of Sewer Services to be held on June 21, 1989, at 2:00 p.m., in room 211 of the Municipal Building.*
2. *At this meeting, [Industry] must demonstrate why the City should not pursue a judicial enforcement action against [Industry] at this time.*
3. *This meeting will be closed to the public.*
4. *Representatives of [Industry] may be accompanied by legal counsel if they so choose.*
5. *Failure to comply with this order shall also constitute a further violation of the Sewer Use Ordinance and may subject [Industry] to civil or criminal penalties or such other appropriate enforcement response as may be appropriate.*
6. *This order, entered this 19th day of May, 1989, shall be effective upon receipt by [Industry].*

Signed: _____

[Name]
Superintendent of Sewer Services
[Address]

**VILLAGE OF ANTIOCH
ENFORCEMENT RESPONSE PLAN**

**ATTACHMENT XIII
USEPA COMPLIANCE ORDER TEMPLATE**

EXAMPLE COMPLIANCE ORDER

DIVISION OF WATER AND WASTEWATER SERVICES

[NAME OF CITY]

IN THE MATTER OF

[NAME OF INDUSTRY]
[ADDRESS]

*
*
*
*
*
*
*

ADMINISTRATIVE

COMPLIANCE ORDER

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the authority vested in the Superintendent of Wastewater Services, under Section ___ of the City's Sewer Use Ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Section ___ of the City's Sewer Use Ordinance.

FINDINGS

1. *[Industry] discharges nondomestic wastewater containing pollutants into the sanitary sewer system of the City of _____ (hereafter, "City").*
2. *[Industry] is a "significant industrial user" as defined by Section ___ of the City's Sewer Use Ordinance.*
3. *[Industry] was issued a wastewater discharge permit on January 1, 1988, which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.*
4. *Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of [Industry].*
5. *This data shows that [Industry] has violated its wastewater discharge permit in the following manner:*
 - a. *[Industry] has violated its permit limits for copper and zinc in each sample collected between January, 1988, and January, 1989, for a total of 24 separate violations of the permit.*
 - b. *[Industry] has failed to submit all periodic compliance reports due since March 31, 1989.*
 - c. *All of these violations satisfy the City's definition of significant violation.*

FIGURE 5-3.4

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [INDUSTRY] IS HEREBY ORDERED TO:

1. *Within 180 days, install pretreatment technology which will adequately treat [Industry]'s wastewater to a level which will comply with its wastewater discharge permit.*
2. *Within 5 days, submit all periodic compliance reports due since March 31, 1989.*
3. *Within 10 days, pay to the cashier's office of the Division of Sewer Services, a fine of \$2,000.00 for the above-described violations in accordance with Section ___ of the Sewer Use Ordinance.*
4. *Report, on a monthly basis, the wastewater quality and the corresponding flow and production information as described on page 9 of the wastewater discharge permit for a period of one year from the effective date of this order.*
5. *All reports and notices required by this order shall be sent, in writing, to the following address:*

*Pretreatment Coordinator
Wastewater Treatment Plant
[Address]*

6. *This order does not constitute a waiver of the wastewater discharge permit which remains in full force and effect. The City of [Industry] reserves the right to seek any and all remedies available to it under Section ___ of the Sewer Use Ordinance for any violation cited by this order.*
7. *Failure to comply with the requirements of this order shall constitute a further violation of the sewer use ordinance and may subject [Industry] to civil or criminal penalties or such other appropriate enforcement response as may be appropriate.*
8. *This order, entered this 19th day of May, 1989, shall be effective upon receipt by [Industry].*

Signed: _____

[Name]
Superintendent of Sewer Services
[Address]

FIGURE 5-3.4 (Continued)

**VILLAGE OF ANTIOCH
ENFORCEMENT RESPONSE PLAN**

**ATTACHMENT XIV
USEPA CEASE AND DESIST ORDER TEMPLATE**

EXAMPLE CEASE AND DESIST ORDER
DIVISION OF WATER AND WASTEWATER SERVICES
[NAME OF CITY]

IN THE MATTER OF

NAME OF INDUSTRY
ADDRESS

*
*
*
*
*
*

CEASE AND DESIST ORDER

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the authority vested in the Superintendent of Wastewater Services, under Section ___ of the City's Sewer Use Ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Section ___ of the City's Sewer Use Ordinance.

FINDINGS

1. *[Industry] discharges nondomestic wastewater containing pollutants into the sanitary sewer system of the City of _____.*
2. *[Industry] is a "significant industrial user" as defined by Section ___ of the City's Sewer Use Ordinance.*
3. *[Industry] was issued a wastewater discharge permit on January 1, 1988 which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.*
4. *Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of [Industry].*
5. *This data shows that [Industry] has violated the Sewer Use Ordinance in the following manner:*
 - a. *[Industry] has continuously violated its permit limits for copper and zinc in each sample collected between January, 1986 and January, 1989.*
 - b. *[Industry] has also failed to comply with an administrative compliance order requiring the installation of a pretreatment system and the achievement of compliance with its permit limits by July 1, 1989.*
 - c. *[Industry] has failed to appear at a show cause hearing pursuant to an order requiring said attendance.*

FIGURE 5-3.1

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [INDUSTRY] IS HEREBY ORDERED TO:

1. *Within 24 hours of receiving this order, cease all nondomestic discharges into the City's sanitary sewer. Such discharges shall not recommence until such time as [Industry] is able to demonstrate that it will comply with its current permit limits.*
2. *Failure to comply with this order may subject [Industry] to having its connection to the sanitary sewer sealed by the City, and assessed the costs therefor.*
3. *Failure to comply with this order shall also constitute a further violation of the sewer use ordinance and may subject [Industry] to civil or criminal penalties or such other enforcement response as may be appropriate.*
4. *This order, entered this 12th day of August, 1989, shall be effective upon receipt by [Industry].*

Signed: _____

[Name]
Superintendent of Sewer Services
[City] Municipal Building
[Address]

FIGURE 5-3.1 (Continued)

**VILLAGE OF ANTIOCH
ENFORCEMENT RESPONSE PLAN**

**ATTACHMENT XV
REPORTING VIOLATION LATE FEES**

VILLAGE OF ANTIOCH – REPORTING VIOLATION LATE FEES

8-2-15 SUPPLEMENTAL ENFORCEMENT ACTION

8-2-15-1 *Failure to Report or Notify*

- A. Reports or Notifications required by non-Significant Industrial Users
Any non-Significant Industrial User who fails to file any report or notification so required by this chapter shall be subject to the following late filing fees:

1.	First Offense Citation	Issuance of Warning
2.	Recurring reporting violations	\$100.00
	NOV response noncompliance	\$250.00
	Cost per additional day past final request deadline	\$50.00
3.	Substantial changes No written notification of substantial changes whether Discharged or not:	
	At start-up or shutdown	\$500.00
	Per each additional 15 days in excess of 30 calendar days	\$100.00

- B. Reports or Notifications required by Significant Industrial Users
Any Significant Industrial User who fails to file any report or notification so required by this chapter shall be subject to the following late filing fees:

1.	First Offense Citation	Issuance of Warning
2.	Recurring reporting violations	\$250.00
	NOV response noncompliance	\$500.00
	Cost per additional day past final request deadline	\$100.00
3.	Substantial changes No written notification of substantial changes whether Discharged or not:	
	At start-up or shutdown	\$1000.00
	Per each additional 15 days in excess of 30 calendar days	\$200.00

- C. Notification Specific to Industrial Users With Wastewater Discharge Permits

1.	No written notification of change in ownership and/ or operation of facility, or any portion thereof.	\$1000.00
----	--	-----------

**VILLAGE OF ANTIOCH
ENFORCEMENT RESPONSE PLAN**

ATTACHMENT XVI

SPILL PREVENTION/SLUG CONTROL PLAN INSTRUCTIONS & FORM

VILLAGE OF ANTIOCH

ACCIDENTAL DISCHARGE AND SLUG CONTROL PLAN **EVALUATION / CHECKLIST**

This form is used to evaluate historical impact of past events; establish what items have been or should be addressed; and includes a checklist for the Spill Plan that is required of all Significant Industrial Users and other users as determined by the Pretreatment Coordinator under Section 8-2-6-3 of the Sewer Use and Pretreatment Ordinance.

If a section of the evaluation for your plan is not applicable – **print/type or check N/A in the section** so that it is clear that the item has been evaluated. This form should be submitted with the Spill Plan.

I. Site History:

A. Identify History of Spill Events at the site during the last two years.

Attach a copy of the spill report or summary for each event. Make sure your report answers all of the questions in the instructions.

B. Identify History of Slug Load Discharge Events (separate from above) at the site during the last two years.

Attach a copy of the spill report or summary for each event. You will need to be able to answer the following questions for each event:

- Was slug caused by a non-routine batch or is it an on-going problem?
- Is slug a result of highly variable production?
- Can slug be controlled through equalization?
- Did the slug cause the pretreatment system to overload?
- Did the slug interfere or upset a biological pretreatment system?
- Did the slug cause the pretreatment system to be bypassed?
- Was the slug a foreign waste that accidentally entered the pretreatment system and upset it?
- Did the slug impact the user's compliance?

II. Current Site Assessment

A. Material Storage

Identify if each of the below storage areas exist at the site and if spill control measures are adequate. The Spill Plan should identify the location of the storage, type of storage, chemicals stored including concentration, the CAS number if established and describe the control measures.

	Spill Control Assessment		
	N/A	OK	Needs Upgrade
1. <u>Drum storage</u> (areas with five or more 55-gallon drums).	_____	_____	_____
Areas (Number.) _____ Number of Drums _____			
Comment _____			

2. <u>Totes</u> (300 gallons or more).	_____	_____	_____
Areas (Number.) _____ Number of Totes _____			
Comment _____			

3. <u>Bulk storage.</u>	_____	_____	_____
Areas (Number.) _____ Number of Tanks _____			
Range of Sizes (gallons) _____ Location of Bulk storage tanks:			
Inside _____ Outside above ground _____ Outside below ground _____			
Comment _____			

4. <u>Treatment, Storage, Disposal Facility (TSDF).</u>	_____	_____	_____
Areas (No.) _____ Number of Drums _____ Number of Tanks _____			
Comment _____			

B. Material Handling

Define practices, procedures and site modifications made to prevent spills and slug loads in the following locations:

	Spill Control Assessment		
	N/A	OK	Needs Upgrade
1. <u>Loading at Docks.</u>	_____	_____	_____
Comment _____			

<u>Unloading at Docks.</u>	_____	_____	_____
Comment _____			

2. <u>Loading at Bulk Storage.</u>	_____	_____	_____
Comment _____			

<u>Unloading at Bulk Storage.</u>	_____	_____	_____
Comment _____			

3. <u>Transfer and Pumping Operations.</u>	_____	_____	_____
Comment _____			

4. <u>Convey waste to Pretreatment System.</u>	_____	_____	_____
Comment _____			

5. <u>Waste handling.</u>	_____	_____	_____
Comment _____			

C. Batch Discharges – Slug Load Potential

Spill Control Assessment

Needs

N/A

OK

Upgrade

1. Have separate form(s) been attached to describe each batch discharge and assess its spill/slug load potential?
2. In addition to evaluating primarily the slug load potential of the individual batches, also evaluate these questions for the site as a whole:
 - Can your firm maintain compliance consistently?
 - Are non-routine batches impacting the compliance effectiveness?
 - Is production highly variable?
 - Can slugs be controlled through equalization?

If there is pretreatment at the site:

- Is pretreatment subject to frequent overloads?
- Is biological pretreatment subject to interference or upset?
- Has pretreatment been bypassed at any time?
- Can foreign wastes accidentally enter the pretreatment system and upset it?

D. Spill Potential

1. Identify the spill potential to the environment. What areas are most likely to be the source of spills or slug loads? Identify the containment or diversionary structures used at each area using the following key:

- A. Dikes, berms, or retaining walls;
- B. Curbing;
- C. Culverts, gutters, other drainage systems;
- D. Weirs, booms, or other barriers;
- E. Sumps and collection systems;
- F. Sorbent material; and
- G. Dispersant material.

Spill/Slug Load Potential Area

Containment

This image shows a blank sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. On the right side, there is a vertical margin line, creating a narrow right margin. The paper appears to be from a notebook or a standard ruled document.

III. The Spill/Slug Loading Plan Checklist for:

Spill Control Plan		
N/A	Yes	No

A. Spill/Slug loading Control

1. Have you described pollution prevention, best management practices, and procedures that have been implemented to prevent or minimize any Spills? _____
2. Have you described pollution prevention, best management practices, and procedures that have been implemented to limit the potential for a Slug Load to be discharged? _____
3. Have you identified physical modifications or containment practices to minimize spills and slug load discharges? _____

B. Diagrams Required to be submitted.

1. Site layout showing storage locations.
Have you included a site map that shows the location of the liquid containers identified in Section II A 1-5? _____
2. Site layout showing direction of flow from site.
Have you included the site map that include storm and sanitary sewers, site contours or directional arrows that indicate the natural drainage direction from the site per Section II D? Indicate the direction that the storm and sanitary sewers flow. _____

C. Signs

1. Is a notice permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge or slug load? _____

D. Training

1. Describe the frequency of spill/slug loading prevention meetings?

2. What is (or will be) the date that your firm most recently completed training?

3. Is there a log of training that is signed and dated by the employees? _____

III. The Spill/Slug Loading Plan Checklist continued for:

Spill Control Plan		
N/A	Yes	No

E. Inspections

1. Are inspections performed as a part of the Spill/Slug Control Prevention Program?
2. Are the inspections signed and dated?
3. If the inspections are initialed, is there a master log of initials?
- 4.. Is there a procedure to maintain inspection records for a minimum of three years?

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

F. Notification

The Plan will identify that the notification system is in place for the following items:

1. Who is the Designated Spill Plan Manager? 24-hour telephone number

_____	_____

Title	

- Who is the Alternate Site Spill Plan Manager? 24-hour telephone number

_____	_____

Title	

2. Who is Employee Assigned to Make Notification? 24-hour telephone number

_____	_____

Title	

3. Does Notification procedure require immediate notice to the Village of Antioch Supervisor of Wastewater Operations or the Pretreatment Coordinator?

_____	_____	_____
-------	-------	-------

4. Does the Spill Plan include a list of agencies that could be contacted during an Event?

_____	_____	_____
-------	-------	-------

Does the Spill Plan contain a list of chemicals that have specific notification thresholds and the threshold amount?

_____	_____	_____
-------	-------	-------

III. The Spill/Slug Loading Plan Checklist continued for:

Spill Control Plan		
N/A	Yes	No

G. Follow-up

1. Does the Spill Plan have a procedure for filing the Written Report within 5 working days following a discharge of a Spill or Slug Load?

_____	_____	_____
-------	-------	-------

H. Certification

1. Is the Spill Prevention Containment and Countermeasure-Slug Control Plan signed by the Authorized Representative of the facility?
2. Does the Spill Plan contain the certification statement?

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I. Schedule

1. Does the Spill Plan identify a schedule of events to upgrade or modify site elements?
2. Does the schedule define progress dates for completion of the events?

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_____	_____	_____
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Comment _____

This evaluation / checklist is not meant to be all-inclusive for each site but provides a starting point / framework for an Accidental Discharge and Slug Control Plan. Modify your plan as needed to provide adequate protection from Spills or Slug Loads

Baxter & Woodman, Inc. JRS 2015-11-23

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VILLAGE OF ANTIOCH

ACCIDENTAL DISCHARGE AND SLUG CONTROL PLAN **EVALUATION / CHECKLIST INSTRUCTIONS**

The attached form is used to establish what items should be addressed and included in an Accidental Discharge and Slug Control Plan, normally referred to as a Spill Plan. A Spill Plan is required of all Significant Industrial Users and other users as determined by the Pretreatment Coordinator under Section 8-2A-6-8 of the Wastewater Treatment and Pretreatment Ordinance.

Note before you start your assessment that Spill Control and Slug Control are not necessarily the same. A slug load can occur as a result of a spill but slug loads can also occur as a result of production discharges that are not spills. Spill Plans traditionally protect worker health and safety and minimize material loss. The Village of Antioch Accidental Discharge and Slug Control Plan also requires slug control planning to protect the POTW Works (the collection system and wastewater treatment plant) plus the Village staff.

The following information contains some common-sense good-housekeeping and/or best management practices for spill and slug loading control. This information is not meant to be all-inclusive and you may make additions and deletions to these practices based on your experience or recommendations from management, consultants, suppliers, etc.

I. Site History:

A. Identify History of Spill Events at the site during the last two years.

Attach a copy of the spill report or summary for each event. You will need to be able to answer the following questions to effectively complete a Spill Plan for your site:

- What materials were involved?
- Where did the spill occur?
- Why did the spill occur?
- Was notification followed correctly?
- What was required to physically cleanup spill?
- Was waste hauled off-site classified as special or hazardous? Effect on cleanup costs?
- Were measures taken to prevent re-occurrence such as making site modifications or modifying operator training?
- Were the measures successful?

B. Identify History of Slug Loading Events at the site during the last two years.

Attach a copy of the spill report or summary for each event. You will need to be able to answer the following questions for the event to effectively complete a Spill Plan for your site for slug loading control:

- Was slug caused by a non-routine batch or is it an on-going problem?
- Is slug a result of highly variable production?
- Can slug be controlled through equalization?
- Did the slug cause the pretreatment system to overload?
- Did the slug interfere or upset a biological pretreatment system?
- Did the slug cause the pretreatment system to be bypassed?
- Was the slug a foreign waste that accidentally entered the pretreatment system and upset it?
- Did the slug impact the user's compliance?

II. Current Site Assessment

A. Material Storage

The spill plan requires a description of stored chemicals. Identify those chemicals that are stored in containers described in Sections II A 1-5 below. Include the name, concentration of the chemical and the CAS number if established.

No container should be used for the storage of raw or waste liquids unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature. The key evaluation for material storage after container integrity is whether there are any open floor drains in the area connected to the sanitary sewer. The next evaluation will then normally center on whether there is secondary containment for the largest tank volume plus 15% in the area. Identify and evaluate the spill potential in the following areas:

1. Drum storage in areas containing more than five 55-gallon drums
 - a. Drums used for storing small volumes of liquids (such as oil, chemicals or cleaning solvents) shall be inspected on a regular basis, and
 - b. Any storage area shall be protected from spills using items referenced in II.D.2.
2. Totes – capacity of 300 gallons or more
 - a. Totes used for storing liquids shall be inspected on a regular basis, and
 - b. Totes with valves used in everyday operations shall have a means of secondary containment that holds a minimum of the volume of the tote plus 15 %.
3. Bulk storage either inside or outside plant, i.e. tank farms.
 - a. All bulk storage installations should be constructed so that a secondary means of containment is provided for the entire contents of the largest single tank plus 15 % in all locations, plus additional freeboard to allow for precipitation if the tank is outside.
 - b. Above ground tanks should be subject to periodic integrity testing using such techniques as hydro-static testing, or a system of non-destructive shell thickness testing.
 - c. Underground storage tanks should be protected from corrosion, and pressure tested on a regular basis.
 - d. Consider the following control measures and tank check points;
 - High liquid level alarms with an audible or visual signal at a constantly manned operation or high liquid level pump cutoff device set to stop flow at a predetermined level. Liquid level sensing devices should be regularly tested to ensure proper operation,
 - Overflow equalizing lines between tanks should be considered. This makes it possible to overflow to adjacent tankage, if needed,
 - There should be adequate vacuum protection to prevent tank collapse during a pipeline run, and
 - Leaks which result from tank seams, gaskets, rivet and bolts should be promptly corrected.

4. Treatment, Storage, Disposal Facility (TSDF) permitted for hazardous waste. There should be no potential for discharge from a TSDF facility.

B. Material Handling

Material transfer is a primary cause of spills and slug loadings. Determine if there are open drains in the transfer area. As a first line of defense, determine if it is possible to plug any open drains during the transfer. Minimize the material handling and you will minimize the spills. Determine if equipment can be dedicated, i.e. some sites have transfer lines that are hard plumbed in lieu of hoses that need to be washed after each change in transfer chemical. While the hose washing operation may not cause a spill, it may cause a slug loading due to excess raw materials or products being washed to the sanitary sewer. Evaluate the following locations for spill and slug load impacts from material handling:

1. Loading and Unloading at Docks.
2. Loading and Unloading at Bulk Storage.

Tank car, tank truck, and truck loading/unloading procedures should meet the minimum requirements and regulations established by the Department of Transportation.

A quick drainage system should be used for tank truck loading and unloading where area drainage does not flow into a catch basin or treatment facility designed to handle spills. The containment system should be designed to hold at least the maximum capacity of any single compartment of a tank car or truck.

3. Transfer and Pumping Operations.
 - a. Buried piping installations should have a protective wrapping and coating. If a section of buried line is exposed for any reason, it should be carefully examined for deterioration.
 - b. When a pipeline is not in service, or in standby service, the terminal connection at the transfer point should be capped.
 - c. Vehicular traffic granted into the facility should be warned verbally or by appropriate signs to be sure that the vehicle will not endanger above ground piping.
 - d. All valves and pipelines should be subjected to regular inspections by operating personnel. Such an inspection should include: flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and periodic pressure testing.
4. Convey waste to Pretreatment System.

Identify whether the waste discharged has dedicated sewers or lines to the pretreatment system. Evaluate the handling practice and determine if there is the potential to impact the spill or slug potential.

5. Waste handling.

Identify any liquid wastes that are not discharged to the sanitary sewer or pretreatment system that are sent off-site for treatment, burned in a fuel blending program, etc. Evaluate the handling practices and determine if they have the potential to impact the spill or slug potential.

C. Batch Discharges

Include a description of batch discharges, especially non-routine discharges since those have the greatest potential to cause upset or interference to pretreatment operations, cause slug loadings or be involved in spills because the procedures are not performed as frequently. A separate form has been attached that can be used to describe each batch discharge and assess its spill/slug load potential.

D. Spill Potential

1. Identify the spill potential to the environment. Where a best management evaluation or experience indicates a reasonable potential for equipment failure (tank overflow, rupture, leakage, etc.); problem with materials transfer; or operator error; the plan should include a prediction of the potential to discharge to the sanitary system, or storm sewers that discharge to waterways. Determine the direction that the sewers flow once any sewer leaves the site so it is clear who will be impacted next if the spill is not controlled. Assess the distance involved for a spill to reach a waterway. Next, if the spill has the potential to flow over the land off the site, an assessment should be made whether there is potential to contaminate a residential, commercial or industrial area so that appropriate planning based on site use can take place to prevent such an impact.
2. Where it has been identified that a reasonable potential exists for spills or slug loads to be discharged, the plan should address means to eliminate or minimize this potential. Containment and/or diversionary structures or equipment to prevent discharges should be provided. Consider one or more of the following:
 - Dikes, berms, or retaining walls;
 - Curbing;
 - Culverts, gutters, other drainage systems;
 - Weirs, booms, or other barriers;
 - Sumps and collection systems;
 - Sorbent material; and
 - Dispersant material.

III. The Plan

A. Spill/Slug loading Control

1. Identify pollution prevention, best management practices and procedures that have been implemented to prevent or minimize the Spills at the User site from chemical storage, material handling, production or waste handling processes.
2. Identify pollution prevention, best management practices and procedures have been implemented to limit the potential for a Slug Load to be discharged from the User site.
3. Identify physical modifications or containment practices to minimize spills and slug load discharges.

B. Diagrams Required to be submitted.

1. Site layout showing storage locations. A site map is required to be submitted that shows the location of the liquid containers identified in Section II A 1-5. This provision can most easily be satisfied by modifying a fire exit diagram that shows the layout of the building. Eliminate the exit routes and add the location of the containers. Use the list you developed in Section II.A. as a starting point for a map key.

2. Site layout showing direction of flow from site. The site map should include storm and sanitary sewers, site contours or directional arrows that indicate the natural drainage direction from the site per Section II D. Indicate the direction that the storm and sanitary sewers flow.

C. Signs

A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge or slug load. Employers shall ensure that all employees are advised of the emergency notification procedure. The notice must include the appropriate User supervisory personnel to contact, and identify the Village of Antioch telephone numbers which are:

During normal business hours:

847 / 395-2599 or 847/395-1000

At night or on weekends:

847 / 561-1881

D. Training

Owners and operators should schedule and conduct spill/slug loading prevention meetings for their operating personnel at intervals frequent enough to assure adequate understanding of the User's Spill Plan for that facility. Such meetings should include a description of historical spill/slug loading events, typical failures or malfunctioning components, and recently developed precautionary measures. The training is required to be documented and must include a description of the meeting such as a copy of the agenda or minutes, and a log signed by the employees that were trained that includes the date of the training. At minimum, all operating employees are required to be trained annually.

E. Inspections

Inspections should be in accordance with written procedures developed for the facility by the owner or operator. These written procedures and a record of the inspections, signed by the appropriate supervisor or inspector, should be made a part of the Spill/Slug Control Prevention Program. Such records should be maintained for a minimum of three years. Examples of appropriate inspections are as follows:

- The outside of all bulk storage tanks should frequently be inspected by operating personnel for signs of deterioration, leakage or accumulation of leaked material inside the diked area, and
- Inspections of alarm systems or liquid level cut-off devices.

Include a copy of inspection documentation with your plan.

F. Notification

The Plan will identify that the notification system is in place for the following items:

1. Designated Spill Plan Manager – Each User should have a designated person who is accountable for spill/slug loading prevention and who reports to the Authorized Representative. An alternate should be assigned for the designated Spill Plan Manager to cover absences. The Spill Plan is required to include who is designated as well as 24-hour telephone numbers for these individuals.
2. Employee Assigned to Make Notification – The designated Spill Plan Manager or another person designated by the Authorized Representative will notice Agencies as required by the criteria of the event.
3. Notification Timeliness – The User shall immediately notice by telephone the Village of Antioch Supervisor of Wastewater Operations or the Pretreatment Coordinator of any discharge, including

but not limited to, accidental discharges, discharges of non-routine episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the Village. The requirements of the specifics can be found on the Spill Notification Form.

4. Agencies Contacted – The Spill Plan will include a list of agencies that will be contacted in the event of a accidental discharge or slug load. Included in this list will be names and phone numbers for (but not limited to) the Village of Antioch Fire Department, the Village of Antioch Treatment Works; USEPA; IEPA; the Lake County Local Emergency Planning Committee and other entities as the user may identify as appropriate based on the spill potential of the facility and the required reportable threshold of a particular material for some agencies.

G. Follow-up

1. Written Report – Within 5 working days following such a discharge, the User shall, unless waived by the Pretreatment Coordinator, submit a detailed written report describing the cause(s) of the discharge, the containment measures used to control the event and measures taken by the User to prevent similar future occurrences. The report should include the disposal method of any collected waste, including but not limited to whether the User will send waste off-site as special waste or hazardous waste, identification of the entity hauling the waste, and the location at which it is designated to remain.
2. Identify schedule events or modifications – The written report should include a schedule of remedial actions that will be made to prevent similar future occurrences. The Village may identify that the User file progress reports concerning the schedule events.
3. The User shall file confirmation with the Village of Antioch that the waste disposal was completed as well as file a separate report that identifies the completion of schedule events.

H. Certification

The Accidental Discharge and Slug Control Plan shall be signed by the Authorized Representative of the facility. The certification will contain the following statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Baxter & Woodman, Inc. JRS 2015-11-23, updated 2020-01

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