Enforcement Response
Plan Guide

SUPPLEMENT TO THE ENFORCEMENT RESPONSE PLAN

CITY OF FORT SMITH | 801 Carnall Ave. Suite 500, Fort Smith, Arkansas
### Enforcement Response Plan Guide

**PART I: Reporting (FLOW CHART #I-3)**

<table>
<thead>
<tr>
<th>Circumstances</th>
<th>Response</th>
<th>Personnel</th>
<th>Time Frame of Response</th>
<th>Compliance Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor deficiency (computational or typographical)</td>
<td>Written and e-mailed NOD requiring a corrected report within 5 days.</td>
<td>EMS, FC</td>
<td>5-Days from Discovery</td>
<td>Compliant</td>
</tr>
<tr>
<td>No response received for NOD.</td>
<td>Written and e-mailed NOV requiring a report within 10 days.</td>
<td>EMS, FC</td>
<td>5-Days from Discovery</td>
<td>NC</td>
</tr>
<tr>
<td>No response received for NOV.</td>
<td>SM called, AO issued.</td>
<td>DDO, EQPM, EMS, FC</td>
<td>20-Days from Initial Discovery</td>
<td>NC</td>
</tr>
<tr>
<td>Major deficiency - isolated or infrequent incident (missing info, late report)</td>
<td>Written and e-mailed NOV, requiring a report within 10 days. RM requested.</td>
<td>EMS, FC</td>
<td>5-Days from Discovery</td>
<td>NC</td>
</tr>
<tr>
<td>No response received for NOV.</td>
<td>SM called, AO issued.</td>
<td>DDO, EQPM, EMS, FC</td>
<td>20-Days from Initial Discovery</td>
<td>NC</td>
</tr>
<tr>
<td>Second major deficiency in a row - (missing info, late report)</td>
<td>Written and e-mailed FNOV, requiring a report within 10 days. RM requested.</td>
<td>EMS, FC</td>
<td>5-Days from Discovery</td>
<td>NC</td>
</tr>
<tr>
<td>No response received for FNOV.</td>
<td>SM called, AO issued.</td>
<td>DDO, EQPM, EMS, FC</td>
<td>20-Days from Initial Discovery</td>
<td>NC</td>
</tr>
</tbody>
</table>

**Abbreviations:**
- **DU** = Director of Utilities
- **NOD** = Notice of Deficiency
- **DDO** = Deputy Director of Operations
- **NO** = Notice of Violation
- **AP** = Administrative Penalties
- **EMS** = Environmental Monitoring Supervisor
- **FC** = FOG Coordinator
- **EQPM** = Environmental Qual. Program Manager
- **FNOV** = Final Notice of Violation
- **SM** = Standards Meeting
- **AO** = Administrative Order
- **RA** = Review Meeting
- **TS** = Terminate Permit & Service
- **NC** = Noncompliant
- **SNC** = Significant Noncompliance
- **SCH** = Show Cause Hearing
- **JA** = Judicial Action

*Rev 02/2017*
## Enforcement Response Plan Guide

### PART I: Reporting (FLOW CHART #I-6)

<table>
<thead>
<tr>
<th>Circumstances</th>
<th>Response</th>
<th>Personnel</th>
<th>Time Frame of Response</th>
<th>Compliance Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report false information</td>
<td>SCH called, JA (including civil penalties), TPS.</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>5-Days from Discovery</td>
<td>SNC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Circumstances</th>
<th>Response</th>
<th>Personnel</th>
<th>Time Frame of Response</th>
<th>Compliance Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failure to report</td>
<td>SCH called, JA (including civil penalties).</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>50-Days from Due Date</td>
<td>SNC</td>
</tr>
</tbody>
</table>
## Enforcement Response Plan Guide

### PART II: Effluent Limits & BMPs (FLOW CHART #II-1)

<table>
<thead>
<tr>
<th>Circumstances</th>
<th>Response</th>
<th>Personnel</th>
<th>Time Frame of Response</th>
<th>Compliance Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceedance caused known environmental (inhibition or pass-through) or POTW</td>
<td>SCH called, AO issued, AP assessed.</td>
<td>DU, DDO, EQPM, EMS, FC</td>
<td>5-Days from Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td>damage, 1-time event.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exceedance caused known environmental (inhibition or pass-through) or POTW</td>
<td>SCH called, JA (including civil penalties).</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>5-Days from Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td>damage, multiple times</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exceedance caused known environmental (inhibition or pass-through) or POTW</td>
<td>SCH called, TPS.</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>15-Days from Initial Discovery</td>
<td>NA</td>
</tr>
<tr>
<td>damage, continuous</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Isolated or infrequent exceedance, 1-time. &lt; TRC</td>
<td>Written and e-mailed NOV requiring a report within 10 days.</td>
<td>EMS, FC</td>
<td>5-Days from Discovery</td>
<td>NC</td>
</tr>
<tr>
<td>No response received for NOV.</td>
<td>SM called, AO issued.</td>
<td>DDO, EQPM, EMS, FC</td>
<td>20-Days from Initial Discovery</td>
<td>NC</td>
</tr>
<tr>
<td>Second exceedance in a row. &lt; TRC</td>
<td>Written and e-mailed FNOV, requiring a report within 10 days. RM</td>
<td>EMS, FC</td>
<td>5-Days from Discovery</td>
<td>NC</td>
</tr>
<tr>
<td>No response received for FNOV.</td>
<td>SM called, AO issued.</td>
<td>DDO, EQPM, EMS, FC</td>
<td>20-Days from Initial Discovery</td>
<td>NC</td>
</tr>
</tbody>
</table>

**Legend:**
- DU = Director of Utilities
- NO = Notice of Deficiency
- AP = Administrative Penalties
- DDO = Deputy Director of Operations
- NOV = Notice of Violation
- SCH = Show Cause Hearing
- EQPM = Environmental Qual. Program Manager
- FNOV = Final Notice of Violation
- JA = Judicial Action
- EMS = Environmental Monitoring Supervisor
- RM = Review Meeting
- TPS = Terminate Permit & Service
- FC = FOG Coordinator
- SM = Standards Meeting
- NC = Noncompliant
- LS = Legal Staff
- AO = Administrative Order
- SNC = Significant Noncompliance
## Enforcement Response Plan Guide

### PART II: Effluent Limits & BMPs (FLOW CHART #II-1: Continued)

<table>
<thead>
<tr>
<th>Circumstances</th>
<th>Response</th>
<th>Personnel</th>
<th>Time Frame of Response</th>
<th>Compliance Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>No response received for the SM or AO.</td>
<td>SCH called, JA (including civil penalties).</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>45-Days from Initial Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td>Working towards but not in compliance and not yet SNC</td>
<td>AP assessed until compliant or reached SNC</td>
<td>DDO, EQPM, EMS, FC</td>
<td>Ongoing</td>
<td>NC</td>
</tr>
<tr>
<td>Does not follow through on written agreement AO.</td>
<td>SCH called, JA (including civil penalties).</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>45-Days from Initial Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td>Not working towards compliance.</td>
<td>SCH called, TPS.</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>90-Days from Initial Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td>Isolated or infrequent exceedance, 1-time. &gt; TRC</td>
<td>Written and e-mailed NOV, requiring a report within 10 days. SM called.</td>
<td>EQPM, EMS, FC</td>
<td>5-Days from Discovery</td>
<td>NC</td>
</tr>
<tr>
<td>No response received for NOV.</td>
<td>SM called, AO issued.</td>
<td>DDO, EQPM, EMS, FC</td>
<td>20-Days from Initial Discovery</td>
<td>NC</td>
</tr>
<tr>
<td>Second exceedance in a row. &gt; TRC</td>
<td>Written and e-mailed FNOV, requiring a report within 10 days. SM called.</td>
<td>DDO, EQPM, EMS, FC</td>
<td>5-Days from Discovery</td>
<td>NC</td>
</tr>
<tr>
<td>No response received for FNOV.</td>
<td>SM called, AO issued.</td>
<td>DDO, EQPM, EMS, FC</td>
<td>20-Days from Initial Discovery</td>
<td>NC</td>
</tr>
</tbody>
</table>

**Acronyms:**
- DU = Director of Utilities
- NOD = Notice of Deficiency
- AP = Administrative Penalties
- NO = Notice of Violation
- SCH = Show Cause Hearing
- DDO = Deputy Director of Operations
- AO = Administrative Order
- EQPM = Environmental Qual. Program Manager
- FNOV = Final Notice of Violation
- SCH = Show Cause Hearing
- EMS = Environmental Monitoring Supervisor
- RM = Review Meeting
- TPS = Terminate Permit & Service
- FC = FOG Coordinator
- SM = Standards Meeting
- NC = Noncompliant
- LS = Legal Staff
- NC = Noncompliant
- SNC = Significant Noncompliance

Rev 02/2017
## Enforcement Response Plan Guide

### PART II: Effluent Limits & BMPs (FLOW CHART #II-1: Continued)

<table>
<thead>
<tr>
<th>Circumstances</th>
<th>Response</th>
<th>Personnel</th>
<th>Time Frame of Response</th>
<th>Compliance Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>No response received for the SM or AO.</td>
<td>SCH called, JA (including civil penalties).</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>45-Days from Initial Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td>FSE working towards but not in compliance and not yet SNC</td>
<td>SM called, AP assessed until compliant or reached SNC</td>
<td>DDO, EQPM, EMS, FC</td>
<td>Ongoing</td>
<td>NC</td>
</tr>
<tr>
<td>Does not follow through on written agreement AO.</td>
<td>SCH called, JA (including civil penalties).</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>45-Days from Initial Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td>Not working towards compliance.</td>
<td>SCH called, JA (including civil penalties), TPS.</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>90-Days from Initial Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td>Frequent or continued violation, puts FSE in SNC.</td>
<td>SM called, AO issued, AP assessed.</td>
<td>DDO, EQPM, EMS, FC</td>
<td>90-Days from Initial Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td>No response received for the AO or SM.</td>
<td>SCH called, JA (including civil penalties).</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>45-Days from Initial Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td>FSE working towards but not in compliance but in SNC</td>
<td>SM called, AP assessed until compliant or reached SNC, Consent Schedule in permit.</td>
<td>DDO, EQPM, EMS, FC</td>
<td>Ongoing</td>
<td>SNC</td>
</tr>
<tr>
<td>FSE refuses or will not come into compliance.</td>
<td>SCH called, JA (including civil penalties), TPS.</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>30-Days from Initial Discovery</td>
<td>SNC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DU = Director of Utilities</th>
<th>NOD = Notice of Deficiency</th>
<th>AP = Administrative Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO = Deputy Director of Operations</td>
<td>NOV = Notice of Violation</td>
<td>SCH = Show Cause Hearing</td>
</tr>
<tr>
<td>EQPM = Environmental Qual. Program Manager</td>
<td>FNOV = Final Notice of Violation</td>
<td>JA = Judicial Action</td>
</tr>
<tr>
<td>EMS = Environmental Monitoring Supervisor</td>
<td>RM = Review Meeting</td>
<td>TPS = Terminate Permit &amp; Service</td>
</tr>
<tr>
<td>FC = FOG Coordinator</td>
<td>SM = Standards Meeting</td>
<td>NC = Noncompliant</td>
</tr>
<tr>
<td>LS = Legal Staff</td>
<td>AO = Administrative Order</td>
<td>SNC = Significant Noncompliance</td>
</tr>
</tbody>
</table>
### Enforcement Response Plan Guide

**PART II: Effluent Limits & BMPs (FLOW CHART #II-3)**

<table>
<thead>
<tr>
<th>Circumstances</th>
<th>Response</th>
<th>Personnel</th>
<th>Time Frame of Response</th>
<th>Compliance Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discharge has no known environmental (inhibition or pass-through) or POTW damage, 1-time event.</td>
<td>SM called, AO issued.</td>
<td>DDO, EQPM, EMS, FC</td>
<td>5-Days from Discovery</td>
<td>NC</td>
</tr>
<tr>
<td>Discharge has no known environmental (inhibition or pass-through) or POTW damage, multiple times.</td>
<td>SCH called, JA (including civil penalties).</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>5-Days from Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td>Discharge has no known environmental (inhibition or pass-through) or POTW damage, continuous.</td>
<td>SCH called, TPS.</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>15-Days from Initial Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td>Discharge caused known environmental (inhibition or pass-through) or POTW damage, 1-time event.</td>
<td>SCH called, JA (including civil penalties).</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>5-Days from Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td>Discharge caused known environmental (inhibition or pass-through) or POTW damage, multiple times</td>
<td>SCH called, JA (including civil penalties).</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>5-Days from Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td>Discharge caused known environmental (inhibition or pass-through) or POTW damage, continuous</td>
<td>SCH called, TPS.</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>15-Days from Initial Discovery</td>
<td>SNC</td>
</tr>
</tbody>
</table>

**Definitions:**

- **DU** = Director of Utilities
- **DDO** = Deputy Director of Operations
- **EQPM** = Environmental Qual. Program Manager
- **EMS** = Environmental Monitoring Supervisor
- **FC** = FOG Coordinator
- **LS** = Legal Staff
- **NOD** = Notice of Deficiency
- **NOV** = Notice of Violation
- **FNOV** = Final Notice of Violation
- **RM** = Review Meeting
- **SM** = Standards Meeting
- **AO** = Administrative Order
- **SCH** = Show Cause Hearing
- **JA** = Judicial Action
- **NC** = Noncompliant
- **SNC** = Significant Noncompliance
- **TPS** = Terminate Permit & Service

**Notes:**

- Discharge without a permit or approval
- Discharge without a permit or approval
**Enforcement Response Plan Guide**

**PART III: Non-compliance Detected Through Inspection/Field Investigation**
*(FLOW CHART #III-2)*

<table>
<thead>
<tr>
<th>Violation of permit conditions</th>
<th>Circumstances</th>
<th>Response</th>
<th>Personnel</th>
<th>Time Frame of Response</th>
<th>Compliance Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No evidence of negligence or intent</strong></td>
<td>No evidence of negligence or intent</td>
<td>Verbal, written and e-mailed NOV requiring immediate correction and a report within 10 days.</td>
<td>EMS, FC</td>
<td>5-Days from Discovery</td>
<td>NC</td>
</tr>
<tr>
<td><strong>No response received for NOV.</strong></td>
<td>No response received for NOV.</td>
<td>SM called, AO issued.</td>
<td>DDO, EQPM, EMS, FC</td>
<td>20-Days from Initial Discovery</td>
<td>NC</td>
</tr>
<tr>
<td><strong>No response received for the SM or AO.</strong></td>
<td>No response received for the SM or AO.</td>
<td>SCH called, JA (including civil penalties).</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>45-Days from Initial Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td><strong>Does not follow through on written agreement AO.</strong></td>
<td>Does not follow through on written agreement AO.</td>
<td>SCH called, JA (including civil penalties).</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>45-Days from Initial Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td><strong>Evidence of negligence or intent (not deemed extreme)</strong></td>
<td>Evidence of negligence or intent (not deemed extreme)</td>
<td>SCH called, JA (including civil penalties).</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>5-Days from Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td><strong>Evidence of negligence or intent (deemed extreme)</strong></td>
<td>Evidence of negligence or intent (deemed extreme)</td>
<td>SCH called, TPS.</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>10-Days from Discovery</td>
<td>SNC</td>
</tr>
<tr>
<td><strong>FSE works towards compliance</strong></td>
<td>FSE works towards compliance</td>
<td>AP assessed until compliant.</td>
<td>DDO, EQPM, EMS, FC</td>
<td>Ongoing</td>
<td>Maybe SNC</td>
</tr>
<tr>
<td><strong>FSE refuses or will not come into compliance.</strong></td>
<td>FSE refuses or will not come into compliance.</td>
<td>SCH called, TPS.</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>90-Days from Initial Discovery</td>
<td>SNC</td>
</tr>
</tbody>
</table>
PART III: Non-compliance Detected Through Inspection/Field Investigation
(FLOW CHART #III-3)

<table>
<thead>
<tr>
<th>Circumstances</th>
<th>Response</th>
<th>Personnel</th>
<th>Time Frame of Response</th>
<th>Compliance Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refuse access to City Personnel</td>
<td>Refusal of access to City personnel for the purpose of inspection, sampling, or monitoring</td>
<td>Obtain search warrant, SCH called, TPS.</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>ASAP</td>
</tr>
</tbody>
</table>

PART III: Non-compliance Detected Through Inspection/Field Investigation
(FLOW CHART #III-4)

<table>
<thead>
<tr>
<th>Circumstances</th>
<th>Response</th>
<th>Personnel</th>
<th>Time Frame of Response</th>
<th>Compliance Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failure to comply with repeated requests</td>
<td>Failure to comply with repeated request</td>
<td>SCH called, TPS.</td>
<td>DU, DDO, EQPM, EMS, LS</td>
<td>ASAP</td>
</tr>
</tbody>
</table>
PART I: Reporting

FLOW CHART #1-3

Start

Sampling, monitoring, or reporting deficiencies

Minor (computation or typographical)

Yes

Written and e-mailed Notice of Deficiency requiring report corrected in 5 days.

(EMS, FC)

5-Days from Discovery

No

Major isolated (missing info, late report)

Yes

Written and e-mailed FNOV requiring report to be submitted in 10 days.

(EMS, FC)

5-Days from Discovery

No

Major 2nd continued (missing info, late report)

Yes

Written and e-mailed FNOV requiring report to be submitted in 10 days. RM requested.

(EQPM, EMS, FC)

5-Days from Discovery

No

Major continued, uncorrected for 45 days

Yes

SCH called, AO issued, JA (including civil penalties) (SNC)

(DU, DDO, EQPM, EMS, LS)

50-Days from Initial Discovery

No

End

End

Yes

Follow-up response report submit on time

No

Yes

Follow-up response report submit on time

No

Yes

SM called, AO issued (DDO, EQPM, EMS, FC)

20-Days from Initial Discovery

No

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End

Yes

End

Yes

End

End

No

Follow-up response report submit on time

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End

Yes

End

No

Follow-up response report submit on time

No

Yes

SM called, AO issued (DDO, EQPM, EMS, FC)

20-Days from Initial Discovery

No

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End

Yes

End

No

Follow-up response report submit on time

No

Yes

SM called, AO issued (DDO, EQPM, EMS, FC)

20-Days from Initial Discovery

No

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End

Yes

End

No

Follow-up response report submit on time

No

Yes

SM called, AO issued (DDO, EQPM, EMS, FC)

20-Days from Initial Discovery

No

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End

Yes

End

No

Follow-up response report submit on time

No

Yes

SM called, AO issued (DDO, EQPM, EMS, FC)

20-Days from Initial Discovery

No

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End

Yes

End

No

Follow-up response report submit on time

No

Yes

SM called, AO issued (DDO, EQPM, EMS, FC)

20-Days from Initial Discovery

No

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End

Yes

End

No

Follow-up response report submit on time

No

Yes

SM called, AO issued (DDO, EQPM, EMS, FC)

20-Days from Initial Discovery

No

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End

Yes

End

No

Follow-up response report submit on time

No

Yes

SM called, AO issued (DDO, EQPM, EMS, FC)

20-Days from Initial Discovery

No

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End

Yes

End

No

Follow-up response report submit on time

No

Yes

SM called, AO issued (DDO, EQPM, EMS, FC)

20-Days from Initial Discovery

No

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End

Yes

End

No

Follow-up response report submit on time

No

Yes

SM called, AO issued (DDO, EQPM, EMS, FC)

20-Days from Initial Discovery

No

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End

Yes

End

No

Follow-up response report submit on time

No

Yes

SM called, AO issued (DDO, EQPM, EMS, FC)

20-Days from Initial Discovery

No

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End

Yes

End

No

Follow-up response report submit on time

No

Yes

SM called, AO issued (DDO, EQPM, EMS, FC)

20-Days from Initial Discovery

No

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End

Yes

End

No

Follow-up response report submit on time

No

Yes

SM called, AO issued (DDO, EQPM, EMS, FC)

20-Days from Initial Discovery

No

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End

Yes

End

No

Follow-up response report submit on time

No

Yes

SM called, AO issued (DDO, EQPM, EMS, FC)

20-Days from Initial Discovery

No

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End

Yes

End

No

Follow-up response report submit on time

No

Yes

SM called, AO issued (DDO, EQPM, EMS, FC)

20-Days from Initial Discovery

No

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End

Yes

End

No

Follow-up response report submit on time

No

Yes

SM called, AO issued (DDO, EQPM, EMS, FC)

20-Days from Initial Discovery

No

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End

Yes

End

No

Follow-up response report submit on time

No

Yes

SM called, AO issued (DDO, EQPM, EMS, FC)

20-Days from Initial Discovery

No

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

No

Yes

AP assessed until compliant (SNC)

(DDO, EQPM, EMS, FC)

Ongoing from Initial Discovery

No

End
PART I: Reporting:

FLOW CHART #I-6

Start

Report false information (any instance)

SCH called, JA (including civil penalties), TPS (SNC) (DU, DDO, EQPM, EMS, LS) 3-Days from Discovery

End

FLOW CHART #I-7

Start

Failure to respond to request or submit any required report later than 45 days of the due date

SCH called, JA (including civil penalties), (SNC) (DU, DDO, EQPM, EMS, LS) 30-Days from Due Date

End
PART II: Effluent Limits & BMPs:

**FLOW CHART #II-1**

Start → Exceed permitted effluent limits or failed to follow BMPs (categorical, local, or prohibited)

- Yes: SCH called, JA (including civil penalties) (SNC) (DU, DDO, EQPM, EMS, LS) 5-Days from Discovery

- No → SCH called, AO issued, AO penalty assessed (SNC) (DU, DDO, EQPM, EMS, LS) 5-Days from Discovery

- Isolated or Infrequent - 1 time incident < TRC

  - Yes: Written and e-mailed NOV requiring report to be submitted in 10 days. (EMS, FC) 5-Days from Discovery

  - No: Follow-up response - report submit on time

  - Yes: SM called, AO issued (DDO, EQPM, EMS, FC) 20-Days from Initial Discovery

  - No → Written and e-mailed FNOV requiring report to be submitted in 10 days. RM requested. (EQPM, EMS, FC) 5-Days from Discovery

- Isolated or Infrequent - 1 time incident > TRC

  - Yes: Written and e-mailed NOV requiring report to be submitted in 10 days. RM requested. (EQPM, EMS, FC) 5-Days from Discovery

  - No: Second incident in a row < TRC

    - Yes: Written and e-mailed FNOV requiring report to be submitted in 10 days. SM called. (DDO, EQPM, EMS, FC) 5-Days from Discovery

    - No: Second incident in a row > TRC

      - Yes: Written and e-mailed NOV requiring report to be submitted in 10 days. SM called. (DDO, EQPM, EMS, FC) 5-Days from Discovery

      - No: Known environmental or POTW damage

        - Yes: Written and e-mailed NOV requiring report to be submitted in 10 days. RM requested. (EQPM, EMS, FC) 5-Days from Discovery

        - No: End

        - No: Written and e-mailed FNOV requiring report to be submitted in 10 days. SM called. (DDO, EQPM, EMS, FC) 5-Days from Discovery

        - No: SCH called, JA (including civil penalties) (SNC) (DU, DDO, EQPM, EMS, LS) 15-Days from Initial Discovery

        - No: TPS (SNC) (DU, DDO, EQPM, EMS, LS) 15-Days from Initial Discovery

End
PART II: Effluent Limits & BMPs:

FLOW CHART #II-1 (Continued)

A

Violation places FSE in SNC

Yes

SM called, AO issued, AP assessed (SNC)
(DDO, EQPM, EMS, FC)
3-Days from Discovery

No

AP assessed until compliant (SNC)
(DDO, EQPM, EMS, FC)
Ongoing from Initial Discovery

FSE working towards compliance

Yes

FSE working towards compliance

No

SCH called, TPS (SNC)
(DU, DDO, EQPM, EMS, LS)
30-Days from Initial Discovery

SCH called, JA (including civil penalties) (SNC)
(DU, DDO, EQPM, EMS, LS)
15-Days from Initial Discovery

End

B

Respond to SM & AO in 45 days

Yes

FSE adhered to written AO agreement

Yes

Penalties assessed until compliant or reach SNC (If SNC go to “X”)
(DDO, EQPM, EMS, FC)
Ongoing from Initial Discovery

No

No

FSE working towards compliance

Yes

SCH called, TPS (SNC)
(DU, DDO, EQPM, EMS, LS)
90-Days from Initial Discovery

End

SCH called, JA (including civil penalties) (SNC)
(DU, DDO, EQPM, EMS, LS)
45-Days from Initial Discovery

45-Days from Initial Discovery

Penalties assessed until compliant or reach SNC (If SNC go to “X”)
(DDO, EQPM, EMS, FC)
Ongoing from Initial Discovery

AP assessed until compliant (SNC)
(DDO, EQPM, EMS, FC)
Ongoing from Initial Discovery

Respond to SM & AO in 45 days

No

FSE working towards compliance

No

SCH called, TPS (SNC)
(DU, DDO, EQPM, EMS, LS)
90-Days from Initial Discovery

End

SM called, AO issued, AP assessed (SNC)
(DDO, EQPM, EMS, FC)
3-Days from Discovery

5-Days from Discovery

15-Days from Initial Discovery

30-Days from Initial Discovery

90-Days from Initial Discovery

45-Days from Initial Discovery

DU = Director of Utilities
NOJ = Notice of Deficiency
AP = Administrative Penalty
DDO = Deputy Director of Operations
NOV = Notice of Violation
SCH = Show Cause Hearing
EQPM = Environmental Quality Program Manager
TPS = Terminate Permit & Service
EMS = Environmental Monitoring Supervisor
SNC = Significant Noncompliance
FC = FOG Coordinator
SM = Standards Meeting
LS = Legal Staff
AO = Administrative Order
SNC = Significant Noncompliance
PART II: Effluent Limits & BMPs:

FLOW CHART #II-3

Start

Discharge without a permit or approval

Known environmental or POTW damage

Yes

No

SCH called, JA (Including civil penalties) (SNC)
(DU, DDO, EQPM, EMS, LS)
5-Days from Discovery

End

Yes

1 time event, not continuous

No

SCH called, JA (Including civil penalties) (SNC)
(DU, DDO, EQPM, EMS, LS)
5-Days from Discovery

End

Recurring event

Yes

No

SM called, AO issued
(DDO, EQPM, EMS, FC)
5-Days from Discovery

TPS (SNC)
(DU, DDO, EQPM, EMS, LS)
15-Days from Initial Discovery

Known environmental or POTW damage

End

No

Yes

5-Days from Discovery

5-Days from Discovery

5-Days from Initial Discovery
PART III: Non-compliance Detected Through Inspections/Field Investigations:

FLOW CHART #III-2

1. Start

Violations of permit conditions

2. Any evidence of negligence or intent
   - No
     - End
   - Yes
     - Deemed as extreme

3. Deemed as extreme
   - No
     - End
   - Yes
     - SCH called, TPS (SNC)
       (DU, DDO, EQPM, EMS, LS)
       10-Days from Discovery

4. SCH called, TPS (SNC)
   (DU, DDO, EQPM, EMS, LS)
   10-Days from Discovery

5. FSE working towards compliance
   - No
     - End
   - Yes
     - SCH called, JA (Including civil penalties) (SNC)
       (DU, DDO, EQPM, EMS, LS)
       45-Days from Initial Discovery

6. SCH called, JA (Including civil penalties) (SNC)
   (DU, DDO, EQPM, EMS, LS)
   45-Days from Initial Discovery

7. FSE adhered to written AO agreement
   - Yes
     - End
   - No
     - AP assessed until compliant (Maybe SNC)
       (DDO, EQPM, EMS, FC)
       Ongoing from Initial Discovery

8. Respond to SM & AO in 45 days
   - Yes
     - End
   - No
     - SCH called, TPS (SNC)
       (DU, DDO, EQPM, EMS, LS)
       90-Days from Initial Discovery

9. SCH called, TPS (SNC)
   (DU, DDO, EQPM, EMS, LS)
   90-Days from Initial Discovery

10. End

Symbols:
- DU = Director of Utilities
- NOVI = Notice of Violation
- AP = Administrative Penalties
- DDO = Deputy Director of Operations
- SCH = Show Cause Hearing
- EQPM = Environmental Quality Program Manager
- EMS = Environmental Monitoring Supervisor
- FC = FOG Coordinator
- SM = Standards Meeting

Legend:
- SNC = Significant Noncompliance
- NC = Noncompliant
- TPS = Terminate Permit & Service
- JA = Judicial Action
- AO = Administrative Order
- LS = Legal Staff
- RM = Review Meeting
- FSE = Facility Support Engineer

Revision: 10/2015
Page 14 of 15
PART III: Non-compliance Detected Through Inspections/Field Investigations:

FLOW CHART #III-3

Start

Refusal of access to City personnel for the purpose of inspection, sampling, or monitoring.

Obtain search warrant, SCH called, TPS (SNC) (DU, DDO, EQPM, EMS, LS) ASAP

End

FLOW CHART #III-4

Start

Failure to comply with repeated requests

SCH called, TPS (SNC) (DU, DDO, EQPM, EMS, LS) ASAP

End

Legend:

DU = Director of Utilities
DDO = Deputy Director of Operations
EQPM = Environmental Quality Program Manager
EMS = Environmental Monitoring Supervisor
FC = FOG Coordinator
LS = Legal Staff
AP = Administrative Penalties
NO = Notice of Deficiency
NOV = Notice of Violation
SCH = Show Cause Hearing
TPS = Terminate Permit & Service
Ao = Administrative Order
NC = Noncompliant
NC = Significant Noncompliance

Rev 10/2015