



CITY OF VALDOSTA, GEORGIA  
UTILITIES DEPARTMENT

---

DAVID FROST  
DIRECTOR OF UTILITIES

# City of Valdosta

## Utilities Industrial Pretreatment Enforcement Response Plan



---

Revised January 2022

P.O. Box 1125 | 1016 Myrtle St.  
Valdosta, Georgia 31603-1125



(229) 259-3592 | Fax (229) 241-8285  
An Equal Opportunity Employer



## I. INTRODUCTION

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

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

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

The City of Valdosta Industrial Pretreatment Program Enforcement Response Plan outlines the procedures that will be used to identify, document, track, and respond to noncompliance. The Enforcement Response Plan also provides guidance for selecting the enforcement action most appropriate for a given violation.

## II. PURPOSE

The purpose of the Enforcement Response Plan is to provide consistent enforcement responses for similar violations and circumstances. The Enforcement Response Plan describes violations, defines a range of appropriate actions based on the nature and severity of the violation and other relevant factors. The Enforcement Response Plan also identifies the personnel responsible for initiating enforcement responses.

## III. ADMINISTRATION AND JURISDICTION

All entities discharging non-domestic waste to the POTW are subject to the provisions of the Enforcement Response Plan. The City of Valdosta consistently administers and implements all elements of the Enforcement Response Plan. The Enforcement Response Plan does not preclude the City of Valdosta from taking any, all, or any combination of actions against a non-compliant industrial user.

## IV. DEFINITIONS

1. **Biochemical oxygen demand (BOD<sub>5</sub>).** Means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, (approved by EPA) five days at 20 degrees Centigrade expressed in milligrams per liter.
2. **Constituents.** Means the combination of particles, chemicals, or conditions which exist in the industrial wastes.





3. **Composite Sample.** Composite samples are samples collected over time, either by continuous sampling or by mixing discrete samples. Composite samples represent the average characteristics of the waste stream during the compositing period.
4. **Director of utilities.** Means the Director of Utilities for the City of Valdosta, or his authorized deputy, agent or representative.
5. **Effluent.** Means the discharge of flow of a treatment facility.
6. **Environmental Protection Agency or EPA.** Means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized officials of said agency.
7. **EPD** Means the Environmental Protection Division of the Georgia Department of Natural Resources.
8. **FOG.** Means fats, oils and grease as determined by EPA approved method 1664B, n-Hexane Extractable Material (HEM).
9. **Grab sample.** A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time. Grab samples are individual samples collected at a specific time not exceeding 15 minutes and are representative of the conditions at the time the sample is collected.
10. **Indirect discharge.** Means the discharge or the introduction of nondomestic pollutants from any source regulated under sections 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
11. **Industrial user.** Means a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act. (33 U.S.C. 1342).
12. **Industrial wastes.** Means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
13. **Influent.** Means the wastewaters arriving at the wastewater treatment plant for treatment and those structures associated with its initial treatment.
14. **"Interference" or "interfere"** Means a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts a POTW's sewer system, treatment processes or operations or its sludge processes, including use or disposal thereof; and such discharge is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation). The terms include prevention of sewage sludge use or disposal in accordance with Section 405 of the Federal Act, or any criteria, guidelines, or regulations developed pursuant to State or Federal laws.





15. **mg/l.** Means milligrams per liter, or the ratio by weight, interchanged with ppm.
16. **National Categorical Pretreatment Standard or pretreatment standard.** Means any regulations containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial user.
17. **National Pollution Discharge Elimination System or NPDES permit.** Means a permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).
18. **National prohibitive discharge standard or prohibitive discharge standard.** Means any regulation developed under the authority of section 307(b) of the Act and 40 CFR, Section 403.5.
19. **Person.** Means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
20. **ph.** Means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
21. **Pollutant.** Means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
22. **POTW treatment plant.** Means that portion of the POTW designed to provide treatment to wastewater.
23. **ppm.** Means parts per million, ratio by weight.
24. **Pretreatment or treatment.** Means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes or other means, except as prohibited by 40 CFR section 403.6(d).
25. **Pretreatment device.** Means any device, equipment or system designed to accomplish pretreatment.
26. **Pretreatment requirements.** Means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.





27. **Publicly owned treatment works (POTW).** Means a treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this article, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.
28. **Sewer Use Ordinance.** As used in this document means the Code of the City of Valdosta, Chapter 98 Utilities, Article III, Sewage Collection and Disposal
29. **Significant industrial user.** Means any industrial user of the city's wastewater disposal system who: (1) has a discharge flow of 25,000 gallons or more per average work day; or (2) has a flow greater than five percent of the flow in the city's wastewater treatment system, or (3) has in his wastes toxic pollutants as defined pursuant to section 307 of the Act (33 U.S.C. 1317 (a)(1) or State of Georgia statutes and rules; or (4) is found by the city, Georgia Environmental Protection Division (EPD) or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
30. **Slug.** Means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flow during normal operation.
31. **Suspended solids or total suspended solids. (TSS)** Means the solids that either float on the surface, or are in suspension in water, sewage, or other liquids, and which are removable by EPA approved methods.

#### V. AVAILABLE ENFORCEMENT RESPONSES

The following enforcement responses are available to the City of Valdosta.

##### Informal notice

- 1) **Verbal Notification:** Verbal notifications by telephone or in-person provide an immediate notification of violations. In general, verbal notifications are used for minor isolated violations or as an initial step leading to an escalated enforcement response. All verbal notifications related to enforcement, or the investigation of suspected violations are documented in writing and placed in the respective Industrial User file.
- 2) **Warning Letters:** Warning letters are issued under the same circumstances as verbal notifications. They may be issued as follow-up letters to verbal notifications or in lieu of verbal notifications.





### **Informal Meeting**

An informal meeting is used to gather information concerning noncompliance, discuss steps to alleviate noncompliance, and determine the commitment level of the industrial user. All informal meetings are documented in the Industrial User file.

### **Notification of violation.**

When the director of utilities or his designated representative finds that a user has violated or continues to violate any provision of the sewer use ordinance, a wastewater discharge permit, or order issued under the sewer use ordinance, or any other pretreatment standard or requirement, the director or his representative may serve upon that user a written notice of violation. Within 15 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action including emergency actions or any other enforcement actions, without first issuing a notice of violation.

### **Consent orders.**

The director of utilities may enter into consent orders, assurance of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to the sewer use ordinance and shall be judicially enforceable.

### **Show cause hearing.**

The city may order a user which has violated, or continues to violate, any provision of the sewer use ordinance a wastewater discharge permit or order issued under the sewer use ordinance or any other pretreatment standard or requirement, to appear before the director of utilities and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, 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 notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or a prerequisite for, taking any other action against the user.

#### Hearing procedure.

The director of utilities may conduct the hearing and take the evidence, or may designate any employee of the department to:





**CITY OF VALDOSTA, GEORGIA**  
**UTILITIES DEPARTMENT**

---

DAVID FROST  
DIRECTOR OF UTILITIES

- (1) Issue in the name of the director of utilities notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
- (2) Take the evidence.
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the director of utilities for action thereon.

**Hearing testimony.**

At any hearing held pursuant to the sewer use ordinance, testimony must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

**Order to be issued.**

After the director of utilities has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified period, the sewer service may be disconnected unless adequate treatment facilities, devices or other related appurtenances shall have been installed and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

**Administrative compliance orders.**

When the city finds that a user has violated, or continues to violate, any provision of the sewer use ordinance a wastewater discharge permit or order issued under the sewer use ordinance, or any other pretreatment standard or requirement, the director of utilities may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

**Cease and desist orders.**

When the city finds that a user has violated, or continues to violate, any provision of the sewer use ordinance, a wastewater discharge permit or order issued under the sewer use ordinance, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director of utilities may issue an order to the user directing it to cease and desist all such violations and directing the user to:





- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease-and-desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

**Administrative fines.**

- a) When the director of utilities finds that a user has violated or continues to violate any provision of the sewer use ordinance, a wastewater discharge permit or order issued under the sewer use ordinance or any other pretreatment standard or requirement, the director of utilities may fine such user in an amount not to exceed \$100.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- b) Unpaid charges, fines, and penalties shall after 30 calendar days be assessed an additional penalty of one percent of the unpaid balance, and interest shall accrue thereafter at a rate of one percent per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- c) Users desiring to dispute such fines must file a written request for the director of utilities to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the director of utilities may convene a hearing on the matter. If the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The director of utilities may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

Issuance of an administrative fine shall not be a bar against, or a prerequisite for taking any other action against the user.

**Emergency suspensions.**

The director of utilities or his designated representative may immediately suspend a user's discharge, after informal 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 director or his representative may also immediately suspend a user's discharge, 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.

- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city may take such steps as deemed necessary, including immediate severance of the sewer connection to prevent or minimize damage to the POTW, its receiving stream, or the endangerment to any individuals. The city may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director or his







**CITY OF VALDOSTA, GEORGIA**  
**UTILITIES DEPARTMENT**

DAVID FROST  
DIRECTOR OF UTILITIES

representative that the period of endangerment has passed unless the termination proceedings in the sewer use ordinance are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any further occurrence, to the director of utilities prior to the date of any show cause or termination hearing under the provisions of the sewer use ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

**Termination of service.**

The city may terminate water and waste disposal service and disconnect the user from the system when:

(1) A government agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment.

(2) The user:

- a. Discharges industrial wastewater that is in violation of the permit issued by the city.
- b. Discharges wastewater which has a deleterious effect upon the city's sewer system.
- c. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause imbalance in the wastewater treatment system.
- d. Fails to accurately report the wastewater constituents and characteristics of its discharge or fails to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge.
- e. Refuses reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.
- f. Fails to pay monthly bills for water and sanitary sewer services when due.
- g. Repeats a discharge of prohibited wastes to public sewers.
- h. Is in violation of federal pretreatment requirements set forth in 40 CFR 403.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause why the proposed action should not be taken. Exercise of this option by the director shall not be a bar against the user.





### Disconnection.

If service is disconnected pursuant to the sewer use ordinance, the city shall:

- 1) Disconnect the customer.
- 2) Supply the customer with the governmental agency's report and provide the customer with all pertinent information.
- 3) Continue disconnection until such time as the industrial customer provides additional pretreatment or other facilities designed to remove the objectionable characteristics from its industrial wastes.

### Civil and Criminal Liability

- 1) A permittee who has violated, or continues to violate, any provision of the City of Valdosta sewer use ordinance, a permit or order, or any other Pretreatment Standard or Requirement will be liable to the City of Valdosta for a maximum civil penalty of not less than \$1,000 per violation, per day. If a monthly or other long-term average discharge limit is in effect, penalties will accrue for each day during the period of the violation. The City of Valdosta may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Valdosta POTW.
- 2) In determining the amount of civil liability, the Court will consider all relevant circumstances, including the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the permittee's violation, corrective actions by the permittee, the compliance history of the permittee, and any other factor as justice requires.
- 3) Filing a suit for civil penalties will not be a bar against, or a prerequisite for, taking any other action against the permittee.
- 4) A permittee that willfully or negligently violates any provision of the City of Valdosta sewer use ordinance, permit, or any other Pretreatment Standard or Requirement will, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than six months, or both.
- 5) A permittee that willfully or negligently introduces any substance into the POTW that causes personal injury or property damage will, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than \$1,000.00 or be subject to imprisonment for not more than six months, or both. This penalty will be in addition to any other cause of action for personal injury or property damage available under state law.
- 6) A permittee that knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained,





- 7) pursuant to the City of Valdosta sewer use ordinance, permit, order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by the permit will, upon conviction, be punished by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than six months, or both.

**Publication of users in significant noncompliance.**

The director of utilities shall publish annually, in the largest daily newspaper published in the city, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant compliance" shall mean:

- 1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of wastewater measurements taken during a six-month period exceeded the maximum daily limit or average daily limit for the same pollutant parameter by any amount.
- 2) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equal or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH).
- 3) Any other discharge violation that the director of utilities believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.
- 4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment or has resulted in the director of utilities' exercise of its emergency authority to halt or prevent such discharge.
- 5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- 6) Failure to provide, within 30 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.
- 7) Failure to accurately report noncompliance; or
- 8) Any other violation which the director of utilities determines will adversely affect the operation or implementation of the local pretreatment program.





## **VI. PERSONNEL RESPONSIBILITIES**

### **Environmental Technician**

The Environmental Technician is responsible for screening all compliance reports from permitted significant industrial users to identify any violations of the pretreatment permit or the sewer use ordinance. The Environmental Technician also screens all laboratory reports from City conducted compliance monitoring activities. The Environmental Technician will report any violations identified to the Environmental Manager for action.

The Environmental Manager is responsible for evaluating the compliance status of industrial users in relation to the definition of Significant Noncompliance. Evaluation for significant noncompliance will be conducted quarterly following the EPA guidance memorandum issued January 17, 1992. Any industrial user found to be in significant noncompliance will be reported to the Environmental Manager within five working days of the determination.

### **Environmental Manager**

The Environmental Manager is responsible for the day-to-day implementation and enforcement of the industrial pretreatment program. The enforcement responses initiated by the Environmental Manager are:

- Informal notices (written and verbal)
- Notices of violation
- Informal meetings
- Referrals to the Utilities Director for more severe enforcement responses
- Emergency Suspensions
- Referrals to the City Attorney for civil or criminal action
- Publication of users in significant non-compliance

### **Utilities Director:**

The Utilities Director has the responsibility to monitor the actions of the Environmental Manager and to initiate escalating enforcement responses at the recommendation of the Environmental Manager. The enforcement responses initiated by the Utilities Director are:

- Consent orders
- Show cause hearings
- Administrative compliance orders
- Cease and desist orders
- Administrative fines
- Emergency suspensions
- Referrals to the City Attorney for civil or criminal action
- Termination of service





**City Attorney:**

The City Attorney will provide legal consultation as requested by the Utilities Director or the Environmental Manager on escalating enforcement responses and will take the lead on all referrals for civil litigation and criminal investigations.

**VII. INDUSTRIAL USER INVENTORY**

An essential step for identifying noncompliance is knowing who is discharging nondomestic waste to the POTW, where they are located, and the nature of the nondomestic waste being discharged. The Environmental Manager maintains a current inventory of nondomestic sources of waste to the POTW. This inventory describes the nature of the nondomestic source and identifies all industrial users that meet the definition of Significant Industrial User as defined in the sewer use ordinance. The industrial user inventory is continually updated using the following:

- Review of all business license applications for possible significant users
- Inspection of commercial and industrial areas to identify new tenants
- Internet searches for classes of industry
- Annual inspections of permitted industrial users
- Information sharing with the FOG Prevention Coordinator and the Backflow Prevention Coordinator
- Coordination with the billing department to identify high water users

**VIII. MONITORING AND INSPECTION**

**Monitoring:**

The Environmental Manager and the Environmental Technician have prepared an annual compliance monitoring schedule for all significant industrial users. The city monitors the discharge from each significant industrial user at least one time per year. The city requires all sampling and analysis to be performed in accordance with 40 CFR Part 136.

**Inspections:**

The Environmental Manager conducts a comprehensive inspection of each significant industrial user at least one time per year. An industrial user inspection checklist is used to ensure consistent, thorough, and well documented inspections. Completed checklists are placed in the industrial user files.

Information gathered during compliance monitoring and inspection activities is used to verify the industrial user's compliance status and to determine if any enforcement action needs to be initiated or continued.

**Screening Process**

All reports from Industrial Users and reports generated by the city are carefully reviewed, on an as-received basis for timeliness, completeness, and accuracy. The screening process includes an evaluation of compliance with report due dates, numerical standards, sample handling and analysis requirements, signatory/certification requirements, monitoring frequency etc. The screening process is the

P.O. Box 1125 | 1016 Myrtle St.  
Valdosta, Georgia 31603-1125



(229) 259-3592 | Fax (229) 241-8285  
An Equal Opportunity Employer



responsibility of the Environmental Technician. Screening of reports is conducted within five working days of receipt to promote timely enforcement response if any action is needed. The Environmental Technician reports all violations to the Environmental Manager for enforcement response.

#### IX. ENFORCEMENT RESPONSE GUIDE

The City of Valdosta has developed the following Enforcement Response Guide as an aid in selecting appropriate enforcement responses for anticipated violation types or patterns. The City enforces pretreatment program requirements on a strict liability basis. This means that every instance of noncompliance is a violation of the sewer use ordinance and subjects the noncompliant user to enforcement. The Enforcement Response Guide identifies possible violations and provides a range of enforcement options. The intent of the Enforcement Response Guide is to provide direction in selecting appropriate responses in relation to the nature and severity of the violation, and to ensure consistent enforcement for similar violations and circumstances. Factors that are considered when selecting the appropriate response are:

- Compliance history of the industrial user
- Magnitude of the violation
- Good faith of the industrial user
- Success of previous enforcement actions taken against the industrial user (if previous enforcement actions have not been successful in returning the user to compliance, then an escalated response would be more appropriate)
- Any harm caused to the environment or public
- Any harm caused to the POTW

#### Abbreviations used:

The following abbreviations are used in the Enforcement Response Guide.

Verbal	Verbal Notification
WL	Warning Letter
IM	Informal Meeting
NOV	Notification of Violation
CO	Consent Order
SCH	Show Cause Hearing
ACO	Administrative Compliance Order
C&D	Cease and Desist Order
AF	Administrative Fine
ES	Emergency Suspension
TS	Termination of Service
PUB	Publication of Significant Noncompliance
Env. Man.	Environmental Manager
CL	Civil Litigation
Crim	Criminal Investigation





Ut. Dir.            Utilities Director  
City AT            City Attorney

**Violations resulting in Significant Noncompliance:**

Any violation that results in Significant Noncompliance must be addressed through formal enforcement action regardless of the enforcement response otherwise dictated by the Enforcement Response Guide. The minimum level of enforcement used to address Significant Noncompliance is an Administrative Compliance Order.

**Escalating Enforcement Response**

Escalating enforcement response will be used for recurring violations and for failure to achieve compliance after informal or formal enforcement. A recurring violation is one in which the same type of violation occurs on consecutive reporting periods, the violation occurs seasonally, or any other pattern of noncompliance is shown.

**Violations falling under more than one category**

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

**Timelines for enforcement responses**

1. All violations will be identified and documented within five working days of receiving compliance information.
2. Initial enforcement responses (informal or formal) will occur within fifteen days of identifying a violation.
3. Follow up actions for continuing or recurring violations will be taken within sixty days of the initial enforcement response.
4. Violations which threaten health, property, or environmental quality are considered emergencies and will receive immediate response such as halting the discharge or terminating service.
5. All violations meeting the criteria for Significant Noncompliance will be addressed through formal enforcement within thirty days of the identification of Significant Noncompliance.





**Enforcement Response Guide**

**Unauthorized Discharges**

Noncompliance	Nature of Violation	Enforcement Responses	Personnel
Unpermitted Discharge	IU unaware of the requirement, no harm to POTW/environment	Verbal with application WL with application NOV with application	Env. Man.
Unpermitted Discharge	IU unaware of the requirement, harm to POTW/environment	ACO, C&D, AF, ES, TS, PUB	Env. Man. Ut. Dir. City AT
Unpermitted Discharge	Discharge continues after notification by control authority, failure to apply for required permit	ACO, CO, C&D, AF, ES, TS, PUB, CL	Env. Man. Ut. Dir. City AT
Illegal Discharge	Illegal discharge (i.e. hazardous material), no harm to POTW or environment	C&D, ES, TS, PUB, CL, Crim	Env. Man. Ut. Dir. City AT
Illegal Discharge	Illegal discharge (i.e. hazardous material), harm to POTW or environment	ES, TS, CL, Crim, PUB	Env. Man. Ut. Dir. City AT
Failure to re-apply	SIU has not submitted application for permit renewal by due date	WL, NOV, ACO, AF	Env. Man. Ut. Dir.

**Discharge Limit Violation**

Noncompliance	Nature of Violation	Enforcement Responses	Personnel
Violation of local or federal standard	Isolated, does not meet slug definition, no harm to POTW or environment	Verbal, WL, NOV	Env. Man.
Violation of local or federal standard	Isolated, meets slug definition, no harm to POTW or environment	Verbal, WL, NOV	Env. Man.
Violation of local or federal standard	Isolated, harms POTW or environment	C&D, ACO, AF, ES, TS, PUB	Env. Man. Ut. Dir. City AT
Violation of local or federal standard	Recurring, no harm to POTW or environment	ACO, CO, C&D, AF, ES, TS, PUB, CL	Env. Man. Ut. Dir. City AT
Violation of local or federal standard	Recurring, harms POTW or environment	ES, CL, TS, PUB	Env. Man. Ut. Dir. City AT







**Monitoring Violations**

Noncompliance	Nature of Violation	Enforcement Responses	Personnel
Failure to monitor pollutants	Failure to monitor all pollutants required by permit, isolated incident	Verbal, WL, IM, NOV	Env. Man.
Failure to monitor pollutants	Recurrent failure to monitor all pollutants required by permit	ACO, CO, AF, SCH, PUB, CL	Env. Man. Ut. Dir. City AT
Improper sampling	Failure to collect required sample type (grab/composite), isolated incident	Verbal, WL, IM, NOV	Env. Man.
Improper sampling	Recurring failure to collect required sample type after notification	ACO, CO, AF, SCH, PUB, CL	Env. Man. Ut. Dir. City AT
Improper sampling	Sample collected at incorrect location, isolated incident	Verbal, WL, IM, NOV	Env. Man.
Improper sampling	Sample collected at incorrect location, recurring after notification	ACO, CO, AF, SCH, PUB, CL	Env. Man. Ut. Dir. City AT
Improper sampling	Improper sampling with evidence of intent	ACO, CO, AF, SCH, PUB, CL, Crim	Env. Man. Ut. Dir. City AT
Improper preservation	Incorrect sample preservation, isolated incident	Verbal, WL, IM, NOV	Env. Man.
Improper preservation	Incorrect sample preservation, recurring incidents after notification	ACO, CO, AF, SCH, CL, PUB	Env. Man. Ut. Dir. City AT
Improper preservation	Preservation hold time exceeded, isolated incident	Verbal, WL, IM, NOV	Env. Man.
Improper preservation	Preservation hold time exceeded, recurring after notification	ACO, CO, AF, SCH, CL, PUB	Env. Man. Ut. Dir. City AT

**Reporting Violations**

Noncompliance	Nature of Violation	Enforcement Responses	Personnel
Reporting violation	Late reporting, isolated incident, less than 30 days late	Verbal, WL, IM, NOV	Env. Man.
Reporting violation	Late reporting, recurring after notification	ACO, CO, AF, SCH, PUB	Env. Man. Ut. Dir.





**CITY OF VALDOSTA, GEORGIA**  
**UTILITIES DEPARTMENT**

DAVID FROST  
 DIRECTOR OF UTILITIES

Reporting violation	Failure to report, no report after 45 days after notification	ACO, CO, AF, SCH, CL, TS, PUB	Env. Man. Ut. Dir. City AT
Reporting violation, improper certification	Report is improperly signed or certified, isolated incident	Verbal, WL, IM, NOV	Env. Man.
Reporting violation, improper certification	Report is improperly signed or certified, recurring after notification	ACO, CO, AF, SCH, PUB	Env. Man. Ut. Dir.
Reporting violation, incomplete report	Report is incomplete (e.g., missing complete laboratory report), isolated incident	Verbal, WL, IM, NOV	Env. Man.
Reporting violation, incomplete report	Report is incomplete (e.g., missing complete laboratory report), recurring after notification	ACO, CO, AF, SCH, PUB	Env. Man. Ut. Dir.
Reporting violation, limit exceedance	Failure to report permit exceedance, isolated incident, no harm to POTW or environment	Verbal, WL, IM, NOV	Env. Man.
Reporting violation, limit exceedance	Failure to report permit exceedance, isolated incident, harm to POTW or environment	ACO, CO, C&D, AF, SCH, PUB, CL,	Env. Man. Ut. Dir. City AT
Reporting violation, limit exceedance	Failure to report permit exceedance, recurring issue after notification, no harm to POTW or environment	ACO, CO, C&D, AF, SCH, PUB, CL,	Env. Man. Ut. Dir. City AT
Reporting violation, limit exceedance	Failure to report permit exceedance, recurring issue after notification, harm to POTW or environment	SCH, CL, Crim, PUB, TS	Env. Man. Ut. Dir. City AT
Reporting violation, slug load	Failure to report slug load, isolated incident, no harm to POTW or environment	Verbal, WL, IM, NOV	Env. Man.
Reporting violation, slug load	Failure to report slug load, isolated incident, harm to POTW or environment	ACO, CO, C&D, AF, SCH, PUB, CL,	Env. Man. Ut. Dir. City AT
Reporting violation, slug load	Failure to report slug load, recurring issue after notification, no harm to POTW or environment	ACO, CO, C&D, AF, SCH, PUB, CL,	Env. Man. Ut. Dir. City AT
Reporting violation, slug load	Failure to report slug load, recurring issue after notification, harm to POTW	SCH, CL, Crim, PUB, TS	Env. Man. Ut. Dir. City AT

P.O. Box 1125 | 1016 Myrtle St.  
 Valdosta, Georgia 31603-1125



(229) 259-3592 | Fax (229) 241-8285  
 An Equal Opportunity Employer



	or environment		
Reporting violation, change in discharge	Failure to report significant change in discharge	ACO, CO, C&D, AF, SCH, PUB, CL,	Env. Man. Ut. Dir. City AT

**Other Violations**

Noncompliance	Nature of Violation	Enforcement Responses	Personnel
Dilution	Waste streams are diluted in lieu of treatment	ACO, CO, C&D, AF	Env. Man. Ut. Dir.
Failure to operate or maintain system	Failure to properly operate and maintain pretreatment system, no harm to POTW or environment	NOV, ACO, CO, AF	Env. Man. Ut. Dir.
Failure to operate or maintain system	Failure to properly operate and maintain pretreatment system, harm to POTW or environment	C&D, AF, SCH, ES, TS, PUB, CL, Crim	Env. Man. Ut. Dir. City AT
Entry Denial	Inspector denied entry to industrial user's premises, production area, or pretreatment area for inspection or compliance sampling.	Obtain court order and return, CL, ES, TS	Env. Man. Ut. Dir. City AT
Records Denial	Inspector denied access to or copies of required records	Obtain court order and return, CL, ES, TS	Env. Man. Ut. Dir. City AT
Inadequate record keeping	Inspector finds incomplete or missing files, isolated incident	Verbal, WL, IM, NOV	Env. Man.
Inadequate record keeping	Inspector finds incomplete or missing files, recurring issue	ACO, CO, AF, SCH, PUB, CL	Env. Man. Ut. Dir. City AT

