



CLACKAMAS

WATER ENVIRONMENT SERVICES

Enforcement Response Plan

July 2025

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Revision History

Revision	Summary of Changes	Date Effective
0	Original Procedures Manual	March 1, 1999
1	Incorporate Rules Revision	December 28, 2001
2	Incorporate Rules Revision	March 1, 2002
3	Incorporate New Procedures	June 7, 2004
4	Incorporate adopted Streamlining provisions	December 15, 2011
5	Incorporate Rules Consolidation and OAR 190 WES partnership. Update several templates. Add details around permit termination, etc. Separate Enforcement Response Plan into its own document. Add details for enforcement of WES Stormwater section Rules.	MMMM DD, YYYY

Acronyms and Glossary

ABSOLVE - To excuse; to free from an obligation or the consequences of guilt or liability.

ADMINISTRATIVE ACTION (a fine or order) - An enforcement action authorized by the Control Authority's legal authority which is taken without the involvement of a court.

ADMINISTRATIVE FINE - A punitive monetary charge unrelated to actual treatment costs which is assessed by the Control Authority rather than a court.

ADMINISTRATIVE ORDER ("AO") - A document which orders the violator to perform a specific act or refrain from an act. For example, the order may require users to attend a show cause meeting, cease and desist discharging, or undertake activities pursuant to a compliance schedule.

ADMISSIBLE EVIDENCE - Evidence which can be presented in court.

AFFIDAVIT - A sworn statement in writing under oath before an authorized magistrate or officer.

APPROVAL AUTHORITY - EPA or States with an EPA-approved pretreatment program. The Approval Authority is responsible for approval and oversight of Control Authority pretreatment programs, including an evaluation of the effectiveness of local enforcement.

ARBITRARY OR CAPRICIOUS ALLEGATION - An assertion that a decision or action taken by the Control Authority was unreasonable or not founded upon sound judgment.

BURDEN OF PROOF - The duty of proving a disputed assertion or charge in court.

BUSINESS DAY - A calendar day between Monday through Friday, inclusive, excluding county holidays.

CEASE AND DESIST ORDER - An administrative order directing an industrial user to immediately halt illegal or unauthorized discharges.

CHAIN-OF-CUSTODY - A written record of sample possession for all persons who handle (collect, transport, analyze, dispose of) a sample, including names, dates, times, and procedures followed.

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

CIVIL PENALTY - A punitive monetary award granted by a court to the Control Authority against a noncompliant industrial user.

COMPLIANCE ORDER - An administrative order directing a noncompliant industry to achieve or restore compliance by a date specified in the order.

COMPLIANCE SCHEDULE - A schedule of required activities (also called "milestones") necessary for an industrial user to achieve compliance with all pretreatment program requirements.

CONSENT DECREE - A court supervised settlement agreement, the violation of which may be considered contempt of court.

CONSENT ORDER - An administrative order embodying a legally enforceable agreement between the Control Authority and the noncompliant industrial user designed to restore the user to compliance status.

CONTROL AUTHORITY - The entity directly administering and enforcing pretreatment standards and requirements against industrial users. For purposes of this manual, the Control Authority is Clackamas Water Environment Services.

CRIMINAL INTENT - A state of mind which is a necessary element of all crimes. Criminal intent may be general (intent to perform an act) or specific (intent to break a law).

CRIMINAL NEGLIGENCE - Negligence of such a character, or occurring under such circumstances, to as be punishable as a crime (such as a flagrant and reckless disregard of the safety of others or willful indifference to the injury likely to follow).

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

DAY - For the purposes of this Plan, a day refers to a complete calendar day.

DEFENDANT - The party against whom relief or recovery is sought.

DEPOSITION - A discovery device by which one party addresses verbal questions to the other party or to a witness for the other party. Depositions are conducted under oath outside the courtroom, usually in the office of an attorney. A transcript is made of the deposition which may be used as evidence at trial.

DETERRENT VALUE - A threat of reprisal which is sufficient to discourage the industrial user from future violations.

DISCOVERY - A variety of pre-trial devices used by one party to obtain relevant facts and information about the case from the other party.

DOUBLE JEOPARDY - The prohibition against a second prosecution after a trial for the same offense.

ENABLING LEGISLATION - A state law or charter which creates and empowers a Control Authority.

FELONY - A crime punishable by imprisonment for greater than one year (depending on state law).

FEES - A schedule of charges imposed to recover treatment costs (not punitive in nature).

FINE - A punitive monetary charge for a violation of the law. Often used synonymously with "penalty." although the term "fine" generally implies the use of administrative rather than civil (judicial) procedures.

GOOD FAITH EFFORT OR PROGRESS - Prompt and vigorous pollution control measures undertaken by the discharger which shows that extraordinary efforts (not a "business-as-usual" approach) have been made to achieve compliance.

GRAND JURY - A body of citizens whose duties consist of determining whether probable cause exists that a crime has been committed and whether an indictment should be returned against a named defendant.

INADMISSIBLE - Evidence not allowed to be presented in court.

INDUSTRIAL USER - A non-domestic user of WES public sewer or surface water system

INDICTMENT - A written accusation of criminal conduct by a grand jury.

INJUNCTION, INJUNCTIVE RELIEF - A court order which restrains or compels action by the industrial user.

INTERROGATORIES - A discovery device consisting of written questions submitted by one party to the other party or witness.

JUDICIAL ACTION OR CASE - An enforcement action that involves a court. (The action may either be civil or criminal in nature).

JURISDICTION - The extent of authority of a governmental entity's power to make and enforce laws.

LEGAL AUTHORITY - The source of a Control Authority's jurisdiction and regulator powers.

LITIGATION - An enforcement action brought in a judicial (court) forum.

MISDEMEANOR - A crime punishable by imprisonment of less than one year (depending on State law).

NOTICE OF VIOLATION ("NOV") - A Control Authority document notifying an industrial user that it has violated pretreatment standards and requirements. Generally used when the violation is relatively minor and the Control Authority expects the violation to be corrected within a short period of time.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM ("NPDES") - A permit system for the direct discharge of pollutants into U.S. waterways.

PENALTY - A monetary or other punitive measure, usually associated with a court action. For purposes of this manual, the term is used synonymously with fine.

PLAINTIFF - A person or organization seeking remedy from a court. For purposes of this manual, the plaintiff is the Control Authority.

PLEA BARGAIN - An agreement between a prosecuting attorney and a criminal defendant whereby the defendant pleads guilty to a lesser charge and/or a reduction of sentence in exchange for cooperation in investigating or prosecuting the crime (e.g., waiving a trial).

PRIORITY POLLUTANTS - A list of 126 pollutants established by EPA and considered hazardous to the environment and to humans.

RESPONDENT - The person to whom an enforcement action is issued.

PROPRIETARY INFORMATION - Information about a commercial chemical, product, or process which is considered to be confidential business information or a trade secret by an industrial user because if divulged, the information could be put the industrial user at an unfair competitive disadvantage with competitors in the same industry.

PUBLICLY OWNED TREATMENT WORKS ("POTW") - A system of conveyances and treatment for sewage and industrial wastes. Also refers to the government officials responsible for operation and maintenance of the collection system or treatment plant and the administration of the pretreatment program.

REPORTABLE NONCOMPLIANCE - Criteria for identifying when a Control Authority should be reported in the NPDES Quarterly Noncompliance Report for failure to implement its approved pretreatment program.

REQUEST FOR ADMISSION - A discovery device where a written statement of fact concerning the case is submitted to the adverse party and which that party is required to affirm or deny. Those statements that are admitted will be treated by the court as having been established and need not be proved at trial.

REQUEST FOR PRODUCTION - A discovery device which requests the opposing party to produce some document or thing which may tend to resolve an issue in dispute in the case.

SEARCH WARRANT - A document issued by a magistrate or judge which authorizes government entry into private premises to either observe compliance with applicable laws or collect evidence of noncompliance.

SELF MONITORING - Sampling and analysis of wastewater performed by the industrial user.

SHOW CAUSE ORDER - An administrative order directing a noncompliant user to appear before the Control Authority, explain its noncompliance, and show cause why more severe enforcement actions against the user should not go forward.

SIGNIFICANT NONCOMPLIANCE ("SNC") - Criteria used by Control and Approval Authorities to identify important violations and/or patterns of noncompliance. This criteria is used to establish enforcement priorities and comply with special reporting requirements.

STANDARD OF STRICT LIABILITY - Liability which attaches without regard to the user's "negligence" or "intent" to violate. Noncompliant industrial users will be found liable for pretreatment violations if the Control Authority proves that a violation occurred.

STATUTE OF LIMITATIONS - A law which prescribes the period within which an enforcement action may be pursued by the Control Authority.

STIPULATION - A voluntary agreement between opposing parties as to facts or issues in controversy.

SURCHARGE - The charge for treating excessive pollutant loadings.

TERMINATION OF SERVICE - A physical blockage of the sewer connection to a noncompliant user or issuance of a formal notice of termination to the industrial user.

TESTIMONY - A solemn declaration made by a witness under oath in response to interrogation by a lawyer or public official which is used as evidence.

Section 1 INTRODUCTION AND SCOPE

This Enforcement Response Plan (“ERP”) is for use by WES staff in achieving consistency in the enforcement response to violations of the WES’ Rules and Regulations (“Ordinance”) relating to industrial waste, industrial pretreatment, and private stormwater. The policies and procedures in this document are designed to provide guidance for timely and appropriate enforcement response to violations of the Ordinance and permits issued under the Ordinance. This document also is designed to:

1. Meet the provisions of 40 CFR 403.8 (f) (5) and DEQ requirements which require WES to develop and implement an enforcement response plan containing procedures for investigating and responding to industrial users non-compliance.
2. Comply with conditions in WES’ Phase I Municipal Separate Storm Sewer System permit (No. 101348), including, but not limited to, Illicit Discharge Detection and Elimination (Schedule A. 3. c.), Erosion Control (Schedule A. 3. d. *Construction Site Runoff Control*), and Post Construction Site Runoff for New Development and Redevelopment (Schedule A. 3. e.) activities.
3. Provide clear, reasonable, and appropriate procedures for issuing enforcement notices to users of WES’ system in violation of WES Rules and Regulations.

The policies and procedures set forth in this document are intended solely for the guidance of the WES’ employees, and represent WES’ interpretation of relevant Ordinance provisions. This ERP is referred to by other WES implementation documents. These policies and procedures are not intended to, and do not, constitute rule making by the District, and may not be relied upon to create a right or a benefit, substantive or procedural, enforceable at law or in equity, by any person.

Violations typically fall into one of two broad categories: 1) violations of WES Ordinance, and 2) violations of WES-issued permit conditions. Identifying violations of WES Ordinance is done through various avenues discussed in this ERP (e.g., on-site inspections) while violations of permit conditions require more thorough oversight such as Monitoring and Reporting, permit issuance/renewals, etc. A framework diagramming oversight and enforcement of these two categories of violations which could occur in WES staff’s day-to-day work is shown in **Figure 1** below.

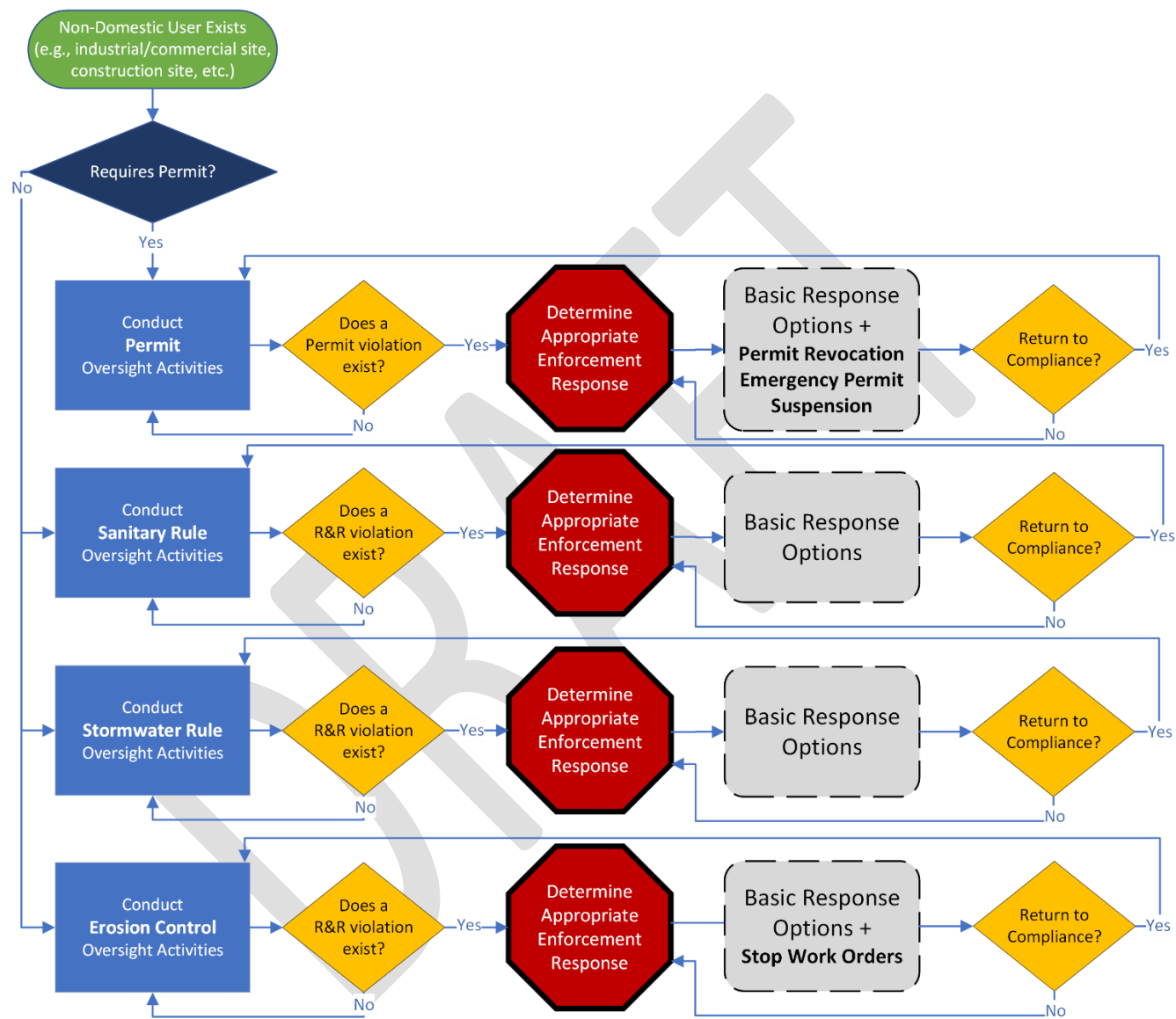


Figure 1. Framework distinguishing categories of WES Ordinance violations; those directly from provisions of WES Ordinance (i.e., Rules and Regulations, “R&R”) and those from WES-issued permits. Basic Response Options and additional options are described in Section 6.1 and 6.2, respectively.

1.0 How to Use this Plan

The following 7 sections of this Plan are structured to aid in describing important elements of WES' enforcement approach with its Industrial Users. While oversight activities for stormwater and erosion control activities are not detailed in this Plan, Industrial Pretreatment oversight activities are as required by provisions of 40 CFR 403.8(f)(5) (e.g., § 403.8(f)(5)(i). "Describe how the POTW will investigate instances of noncompliance").

Section 2 summarizes District authorities related to sanitary and stormwater requirements for industrial users. This section can be used as a cross-reference against WES' Ordinance and the contents of particular Ordinance sections. This section, and the ERP generally, fulfills the provision in 40 CFR 403.8(f)(5)(iv).

Section 3 describes enforcement responsibilities of WES staff as required in 40 CFR 403.8(f)(5)(iii). WES staff titles are grouped into categories. The organizational structure of WES could change in the future so these categories were chosen to capture WES' current structure while allowing for growth by defining tiers of staff with increasing level of responsibility for issuing enforcement actions.

Section 4 describes oversight activities of Industrial Users for their compliance with WES Ordinance and WES-issued permits as required in 40 CFR 403.8(f)(5)(i). These activities include reviewing required reports, reviewing monitoring data, and conducting investigations. For specific details and procedures of implementing these activities, a reader should refer to WES Procedures Manual.

Section 5 sets expectations about time frames or timelines for responding to the discovery of violations (either from the Ordinance or a Permit). The reader should consult this section when determining what kind of time frame is appropriate for responding to violations with actions, what an appropriate timeline is for reports, schedules, plans, or corrective actions to be completed by the violator, and timeliness expectations for violators to return to compliance.

Section 6 describes appropriate factors to consider in WES enforcement responses and descriptions of available enforcement actions. The appropriateness of different responses and factors to consider can be used by the reader when considering how to either a) issue an initial enforcement response or b) escalate enforcement with a non-compliant IU. It further addresses pertinent factors, such as Compliance History, to consider.

Section 7 offers a guide for WES staff to follow for hypothetical violation and response scenarios. The intention of including this guide is to assist WES staff in issuing appropriate enforcement to return Industrial Users to Compliance. The guidance is not prescriptive.

Finally, Section 8 describes the appeals process Industrial Users can follow when they disagree with an interpretation or decision by WES staff in implementing the Ordinance. This is included to prepare WES staff in the scenario that an appeal is made against WES.

Section 2 SUMMARY OF DISTRICT AUTHORITIES

Section 6 of the Ordinance establishes requirements applicable to direct and indirect discharges of industrial and non-domestic, commercial wastes (i.e., "Industrial Users") into WES' public sewage system.¹ These requirements will be implemented through the issuance of control mechanisms (e.g., industrial wastewater discharge permits, batch discharge authorizations, septic tank waste discharge permits etc.) to Industrial Users and through

¹ Section 6 of the Ordinance authorizes the District to comply with all applicable requirements under the enabling legislation of the Federal Clean Water Act, including the Environmental Protection Agency (EPA) General Pretreatment rules in 40 CFR Part 403.

enforcement of the Ordinance and of the control mechanisms issued to Industrial Users.

Section 7 of the Ordinance establishes requirements applicable to property that discharges or requests to discharge, via connection request, development permit, or change in use, to WES' public stormwater system, to groundwater, or to surface waters within WES' boundaries. Those boundaries are the same as those of Rate Zone 2 and 3. Related requirements regarding stormwater management, source control, and erosion control are described in this Section and have specific criteria such as a minimum activity or disturbance area. WES' authority in applying these Rules extend beyond its publicly-owned and operated stormwater system, but also to certain privately owned facilities and their associated conveyance systems.

The goals of WES' enforcement policy include: (1) obtaining and maintaining compliance with the applicable Federal, Oregon and local statutes, ordinances, rules, permits and orders; (2) protecting the public health and the environment; and (3) deterring future violators and violations, and (4) ensuring appropriate and consistent enforcement (Section 10.2). Except as provided in Section 10.7, WES shall endeavor by conference, conciliation, and persuasion to solicit compliance. WES shall address all documented violations in order of seriousness at the most appropriate level of enforcement necessary to achieve the goals set forth herein under the circumstances of each violation. The violators who do not comply with initial enforcement action shall be subject to increasing levels of enforcement until compliance is demonstrably achieved.

Sections 10.5 through 10.11 authorizes WES to use a variety of enforcement actions in response to violations of the Ordinance and to violations of permits issued by the District. These actions include:

- Suspension or Revocation of Permits, including termination of service (also located in Section 4. *Connection Rules*)
- Issuance of Citations for Violations, stop work orders, and Final Orders
- Assessment of civil penalties and recovery of civil penalty or cost of
- Issue Stop Work Orders
- Abatement
- Recovery of civil penalty and cost of abatement
- Referral of violators to proper authorities for investigation and enforcement as criminal matters, and
- Other action as WES deems appropriate allowable under local regulations.

Each day of each violation of the Ordinance or of a permit condition constitutes a separate violation. With regard to discharge limits, each parameter that exceeds a discharge limit constitutes a separate violation. In cases of monthly or other long-term average discharge limits, penalties shall accrue for each day during the period of violation.

Section 10.7 of the Ordinance clarifies the approach WES takes assessing civil penalties for specific types of violations. Except for those situations identified in Section 10.6, notice shall be given to a respondent in all cases, in the form of a citation, prior to assessing a civil penalty. These citations shall include corrective actions necessary to return the industrial user or public storm system user to compliance. Penalties are determined in two stages: (1) determination of the "base" penalty for the type of violation, and (2) the appropriate multiplier is applied depending on the duration of the violation, in instances of permit limit violations.

Section 3 ENFORCEMENT RESPONSIBILITIES

Defining roles and responsibilities of WES staff in any enforcement process is critical. Oftentimes, more than one individual, from more than one WES division, plays a part in the process. These roles can range from identifying a suspicious discharge to issuing complex final orders including schedules, capital upgrades, and civil penalties. The identification of staff's responsibilities in a typical enforcement process below are not meant to exclude cross-training, limit staff communication, or discourage collaboration. Rather, the list helps improve WES enforcement

effectiveness by identifying the breadth of steps necessary in a typical enforcement action, identifying the key personnel/position/title that is best situated (or required) to carry out that step, and improving communication between staff. Because staff titles may change, titles are generalized to broadly describe WES staff roles.

3.0 Technician-level staff

- Observe field conditions and record findings in asset management software
- Inform Specialist staff of potential violation or concern
- Collect compliance samples
- Assess grab sample compliance data when appropriate.
- Inform Specialist and Coordinator staff of field observations at industries
- Record observations and field measurements following WES Chain of Custody procedures.
- Conduct and assist Specialists with follow-up sampling or enforcement response activities.

3.1 Specialist-level staff

- Determine compliance status of industrial users based on reporting, sampling, and inspecting
- Inform Coordinator of potential violations
- Recommend and develop enforcement responses (e.g., citations for violations, corrective actions, etc.)
- When appropriate, calculate draft civil penalties and develop and oversee compliance schedules
- Determine compliance status of users of WES public stormwater system based on reporting, sampling, and inspecting
- Inform Coordinator of potential violations
- Recommend and develop enforcement responses (e.g., citations for violations, corrective actions, etc.)
- When appropriate, calculate draft civil penalties and develop and oversee compliance schedules
- Respond to questions from users regarding WES enforcement response
- Assess significant non-compliance for industrial users.

3.2 Coordinator-level staff

- Review enforcement response
- Inform the Environmental Services Manager of violations and recommended enforcement response
- Develop compliance schedules
- Lead significant non-compliance assessments and public notice requirements.
- Ensure enforcement actions requiring corrective actions with timelines are met by those in violation
- Lead monitoring activities of all sampling staff for compliance purposes
- Conduct Show Cause Proceedings
- Prepare for review: Final Orders, civil penalty assessments, and final Compliance Schedules.
- Refer applicable enforcement escalation to Environmental Services Manager

3.3 Supervisor or Manager-level staff

- Ensure consistency of program application
- Issue Administrative Orders and Compliance Schedules
- Attend Show Cause Proceedings
- Initiate termination of service
- Recommend criminal referrals be made
- Approve all civil penalties or abatement costs issued for violations

3.4 WES Attorney

- Provide assistance and counsel on program developments and changes
- Advise both technical and management staff on enforcement matters
- Manage civil litigation on behalf of WES
- Manage criminal referrals to state or federal authorities
- Attend Show Cause Proceedings
- Assist in preparing Final Orders and compliance schedules

3.5 WES Director, or designee

- Signs formal enforcement actions (e.g., citations, civil penalties, abatement notices, and final orders) and has authority to temporarily or permanently suspend or revoke permits in cases of emergencies or continued non-compliance.

Section 4 INDUSTRIAL USER COMPLIANCE MONITORING AND INVESTIGATION

WES Industrial Pretreatment monitors Industrial Users for compliance (and investigating instances of noncompliance (40 CFR 403.8(f)(5)(i)) with requirements established under the Ordinance and under permits issued to Industrial Users through (1) self-monitoring by the Industrial User, with results reported to WES², (2) monitoring data collected by WES, and (3) inspections performed by the district. WES Specialist staff also conduct inspections and collect monitoring data to determine compliance with WES' stormwater-specific Rules and Regulations, including post-construction stormwater standards and erosion control. Section 7, *Surface Water Rules*, of WES' Rules and Regulations describe these standards, limitations, and conditions.

Section 6.5.6 and 6.5.7. of the Ordinance establishes the requirements for Industrial User self-monitoring and reporting. For example in Section 6.5.6.C., at a minimum, each Industrial User that is required to have a discharge permit is required to submit a periodic report on compliance to WES during the months of June and December, unless required on other dates and/or more frequently by WES. The periodic report on compliance is required to include the nature of the effluent during the prior six month period.³ WES may require other dates or more frequent reporting based on site-specific circumstances, including the type of Industrial User, nature of the discharge, and the Industrial User's compliance history. The schedules for submitting self-monitoring reports are included in each Industrial Wastewater Discharge Permit. For determining compliance with permit limits, sample types (e.g., grab, 24-hr composite, etc.) are specified in the permit. Evaluation of sample results collected to determine compliance with permit limits must come from sample types collected as specified in the permit.

Section 6.5.7.A of the Ordinance also provides for WES to inspect the facilities of all Industrial Users to determine compliance with the Ordinance and permit requirements. WES is authorized to conduct sampling, inspections, compliance monitoring, metering operations, and records examination and copying. WES may also require reporting by Industrial Users not required to have a permit if information and/or data is need to establish a sewer charge, determine treatability of the Industrial Users effluent, or determine any other factor related to the operation and maintenance of the sewer system. Inspections and sampling by WES are to verify the accuracy of the Industrial User's self-monitoring data and to detect other non-compliance with the Ordinance or a permit issued under the Ordinance.

In conducting inspections of Industrial User facilities, WES follows the provisions of Section 6.5.7. of the Ordinance and its Industrial Pretreatment Manual (January, 2024). Guidance contained in the Environmental Protection Agency's (EPA) Industrial User Inspection and Sampling Manual, Section 2.0 (January 2017) EPA's Pretreatment Compliance Monitoring and Enforcement Guidance (July 1968) is also consulted for scheduling inspections and sampling activities, and for guidance in documenting site visits in a manner to preserve the findings as evidence.

² Under Ordinance Section 6.5.6.D., the Industrial User also is required to notify WES within 24 hours of becoming aware of or possessing monitoring data indicating a violation of the permit. An appropriate response is for the Industrial User to repeat the sampling and analysis and submit the results to the WES within 30 days of becoming aware or first possessing the data indicating the violation.

³ The compliance monitoring report must include, among other things, a record of the nature and concentrations (and mass if limited in the permit) for all samples of the limited pollutants measured, a record of all flow measurements taken or estimated average and daily maximum flows, and long term production data or actual production data if requested (WES Rules and Regulations Section 6.5.6.C.)

4.0 Reviewing Industrial User Reports and Compliance Monitoring Data

WES' industrial pretreatment staff who are familiar with the particular Industrial User, the relevant permit conditions, and WES' Ordinance requirements evaluate the Industrial User self-monitoring and the District's inspection and sampling activities. Pretreatment staff are responsible for identifying all violations, including any non-discharge violations, and alerting WES staff of the potential need for enforcement action. Technical Service Specialist staff are responsible for identifying all stormwater system related violations.

WES staff examine and evaluate the Industrial User's various reports as soon after receipt by WES as possible. WES targets a timeline for reviewing these reports and the data reported therein within five (5) business days after receipt. Common review actions that occur in WES' Environmental Services program and the procedures applied for this review are included in Table 1 below. These actions are not meant to limit WES' review practices in any way.

Table 1. Example review actions of IU Reports and Compliance Monitoring Data

Type of Report	Element(s) of report	Source document with standard, schedule, or rule
IU Self-monitoring report	Submittal timeliness	Industrial Wastewater Discharge Permit
	Pollutant sampling type, results, methods, minimum frequency	Industrial Wastewater Discharge Permit
Progress Reports on compliance (e.g., Compliance Schedules)	Report Timeliness	Initial schedule
	Progress made	Initial schedule
Initial Report on Compliance (i.e., Baseline Monitoring Report)	Report timeliness	Applicable pretreatment standard or Industrial Wastewater Discharge Permit
	Pollutant sampling type, results, methods, dates	Applicable pretreatment standard or Industrial Wastewater Discharge Permit
	Signatory Requirements (e.g., certified by qualified and licensed P.E.)	Applicable pretreatment standard or Industrial Wastewater Discharge Permit
90-day Report on Compliance	Regulated Pollutant nature and concentrations	Applicable Pretreatment Standard or Industrial Wastewater Discharge Permit
Total Toxic Organic Management Plan and Report	Certification statement	Industrial Wastewater Discharge Permit
Slug Control Plan	Discharge practices, stored chemicals on-site, notifying WES, preventing adverse impacts	Industrial Wastewater Discharge Permit WES Rules and Regulations Section 6.5.4.L.I.
Private storm sewer system maintenance reports	Drainage Diagram BMP maintenance records	WES Rules and Regulation Section 7 Surface Water Management Plan
Fats Oil and Grease Pump-out reports	Level of solids and grease at Pump-out Equipment in good repair	WES Rules and Regulations Section 6.5.1.
Erosion Prevention and Sediment Control Plan	Adequate Erosion Control methods	Erosion Prevention and Sediment Control Planning and Design Manual

Additional Reviews and Facility Investigations

WES' staff are responsible for gathering and reviewing information relevant to Industrial User compliance with the Ordinance, in addition to evaluating the Industrial User self-monitoring reports. These responsibilities are broad and varied, as they encompass evaluation of compliance with WES' entire Ordinance.

Table 2. Examples of other facility investigations and reviews.

Type of investigation	Purpose of Response/Review
Inspection assessing WES NPDES permit compliance.	Purpose is to confirm Users are in compliance with WES NPDES permit. Conditions. Example includes: Assess whether dental offices meet requirements of 40 CFR 441, an effluent guideline in the Pretreatment program.
Inspection/sampling in response to an operational concern in WES' facilities or contributing jurisdiction's facilities (i.e., complaints)	Verify if Industrial User's actions violated Rules and Regulations causing operational problem. This could include source tracking, "door knocking", on-site inspections, sampling, etc. Examples include: Failure to report spills, changes in process or discharge, delays or failures to install required monitoring equipment, improper sampling, inadequate record keeping, additional monitoring not being reported, dilution of waste streams in lieu of pretreatment, failure to stop/mitigate practices which result in non-compliance, prohibited discharges, report falsification.
WES Monitoring-caused permit exceedance root cause	Assist assessing Industrial User's practices which may have been the root cause of the permit limit violation. Ensure re-sampling occurs in a timely manner and IU returns to compliance. Appendix B outlines procedures and timelines for this type of investigation.
User Monitoring-caused permit exceedance root cause	Assist assessing Industrial User's practices which may have been the root cause of the permit limit violation. Ensure re-sampling occurs in a timely manner and IU returns to compliance.
Compliance Schedule investigation	Evaluate whether schedule is being followed in a timely manner (i.e., meeting milestones or reporting why not within 14 days, resolving delays, etc.). Also to assess if enforcement action is necessary to meet the schedule.
User question(s) on permit conditions WES Ordinance	Answer question(s) and conduct further investigation if needed to ensure IU is compliant with permit and Ordinance.
Erosion Control Inspection	Routine or on-demand inspections at active construction sites in WES' Surface Water Service Areas to determine compliance with WES Rules and Regulations
Private Storm System Inspections	Routine or on-demand inspections of privately-owned storm systems to determine proper BMPs are implemented, storm system owners are aware of WES Rules and Regulations regarding their system, etc.

4.1. Determining Industrial User Compliance Status

WES staff identifies and records all violations of the permit conditions and other areas of non-compliance with the WES' Ordinance. WES staff review reports or monitoring data circle, in red, each violation or other non-compliance on the submitted report and the information documenting the violation or non-compliance is entered in WES' compliance tracking system. WES' Laboratory Information Management System ("LIMS") and compliance tracking system are used to track, compile and tabulate all violations for each Industrial User.

WES staff conducting the compliance evaluation notify other pretreatment personnel of the identified violations or non-compliance, and jointly make a determination of the District's enforcement response within a timely manner as soon as reasonably feasible after identifying the violation (see Section 5 below for guidance on timelines). Every violation shall be documented with an enforcement response action.

When determining compliance with WES Rules, the property owner is typically the party responsible for ensuring it's own actions and actions of its contractors are responsible for compliance with WES Rules. For example, property owners may hire contractors that take actions that cause an illicit discharge constituting a violation of WES' Rules. Regarding issuing citations, requiring corrective actions, assessment of civil penalties, etc., WES has authority to issue citations to either the owner or operator of the source of the violation, the person in possession of the property where the violation originates, or the person otherwise causing or responsible for the violation. The citation should be issued first against the violator where the violator is not the property owner (e.g., tenant), unless the seriousness of violation demands filing against a property owner (Section 10.6)

Industrial Users found to be in violation of WES Rules and Regulations, permits, or schedules may remain out-of-compliance until corrective actions detailed in citations for violations are completed. Adequate follow-up, technical assistance, or other communication by pretreatment staff is critical to return the Industrial User to compliance. In addition to this, inspections and sampling will be used as a means to follow-up and evaluate an Industrial User's return to compliance. It is the Industrial User's responsibility to comply with WES Rules and Regulations but WES staff should strive to meet the goals of this ERP by providing appropriate assistance to Industrial Users to return them to compliance. Follow-up assistance can range from a simple reminder e-mail of an upcoming deadline to conducting additional site visits to clarify WES' required corrective actions. The degree of assistance provided should be commensurate with the available staff time resources and the broader goals discussed in Section 2.

Section 5. TIMELINES FOR ENFORCEMENT RESPONSE

WES' Ordinance establishes a system to define enforcement response priorities which support the goals of the District's requirements applicable to Industrial Users discharging into the District's public sewage system. Section 10 of the Ordinance was adopted to assist WES staff in directing enforcement resources against the violators who pose the greatest threat to protection of water quality, the environment, human health and welfare, and WES' treatment facilities (i.e., the POTW). In addition to the goal of protection through maintaining compliance, is the goal of penalizing non-compliance and the removal of the unfair economic advantage non-compliant facilities may enjoy or seek to enjoy over their competitors, by aggressive use of economic sanctions.

5.0 Time frames or Timelines

In order to meet the goals of this ERP, the table below was created to specify time frames or timelines for enforcement response. It is impossible to foresee every possible scenario that a violation could occur so while timeframes are specified here, extenuating circumstances may warrant longer response periods. For example, WES-issued permits may consider site-specific factors when requiring a longer timeline to return to compliance. Table 1 **Table 3** below details expectations around these responses.

Table 3. Timelines for Responses to Violations.

Category	Enforcement Response	Permit, R&R, or Both?	Timeline Start	Due Date *†
Sanitary	Initial Enforcement Response	Both	Violation Identified	15 Days
	Initiate Additional Enforcement Action beyond Initial Response	Both	Initial Enforcement Action Issued	30 Days
	Escalated Enforcement Response for Recurring or Continuing violations	Both	Initial Enforcement Action issued	12 Months
	Enforceable Order for SNC	Both	SNC identified	30 Days
	Emergency Permit Suspension or Revocation	Permit	Violation Identification	24 Hours
	<i>Report Required in Enforcement Response Action</i>	Both	Enforcement Action Issued	5 days
	<i>Schedule/Plan to Install additional Pretreatment Required in Enforcement Response</i>	Permit	Enforcement Action Issued	30 Days
	<i>Initiation or substantial completion of installation of Required Pretreatment (to include Monitoring) facilities</i>	Both	Enforcement Action Issued	90 Days
	<i>Sample or Re-sample Required in Enforcement Response</i>	Permit	Enforcement Action Issued	30 Days
	<i>Grease Removal Device needs cleaning, more frequent pumping</i>	R&R	Enforcement Action Issued	30 Days
	<i>Grease Removal Device requires repair(s)</i>	R&R	Enforcement Action Issued	60 Days
Stormwater	Respond to reported illicit spill	R&R	Incident reported	24 hours
	Remove source of confirmed illicit discharge	R&R	Violation Identified	5 W-Days
	Initial Enforcement Response for illicit spills involving cleaning up non-hazardous spills	R&R	Violation Identified	15 W-Days
	Stopping Illicit discharges requiring more than 15 days, first step of action plan	R&R	Violation Identified	20 W-Days
	Illicit discharge requires capital improvement of SW system	R&R	Violation Identified	36 Months
	Initiate Additional Enforcement Action beyond Initial Response	R&R	Initial Enforcement Issued	30 Days
	Escalated Enforcement Response for Recurring or Continuing violations	R&R	Initial Enforcement Action issued	12 Months
	<i>Corrective Actions for EPSC deficiencies</i>	R&R	Deficiency Identified	Varies based on several factors
	Initial Citation for Violation of Erosion Control Requirements	R&R	Violation Identified	Varies based on several factors
	Stop Work Order for threat to Human Health or the Environment	R&R	Violation Identified	24 Hours
	<i>Corrective Actions for stormwater management deficiencies</i>	R&R	Deficiency Identified	
	<ul style="list-style-type: none"> • <i>Improve BMP implementation</i> • <i>BMP Repair</i> • <i>Retrofit or conduct maintenance on stormwater pond</i> 	----- ----- -----	----- ----- -----	7 Days 60 Days 2 Dry Seasons

*Days refers to Calendar Days †W-Days refers to Working/Business Days "R & R" = WES Rules and Regulations

Normal Font indicates the Response and timeline apply to WES staff (i.e., the Due Date is the expectation for WES Staff to initiate an enforcement response from the Timeline Start). *Italicized Font* indicates the maximum timeline applies to the industrial user (i.e., it is the time frame in which the Required work is expected to occur to return to compliance.)

As referred to above, specific circumstances may warrant extension of issued deadlines given to IUs determined to be in violation of WES Rules and Regulations or issues Permits. As a general policy, extensions may be granted for both informal (e.g., Notice to Correct) and formal (e.g., Citation for Violation) enforcement actions when the Industrial User has shown progress in completing the stated corrective actions and can propose a plan to complete the remaining actions required. Other factors to consider when determining if an extension is warranted are detailed in Section 6.0 below. Whether informal or formal, the IU must solicit an extension of the prior deadline no sooner than five (5) days before the prior deadline. The request from the IU must include a) an explanation for why the original deadline can not be met, b) a specific plan to complete the required step(s), and c) a proposed new deadline. If the enforcement action is informal, the request may be made in writing and should be documented with the original enforcement action and reference the case/file/permit number. If WES determines that an extension is warranted, the extension may be made in writing. The length of the extension should consider elements included in the IU request but not be longer than is necessary.

For formal enforcement actions, the IU must solicit an extension in the same manner as above, except the request must be made in writing. If WES determines an extension is warranted, the extension must be made in writing and will be filed with the original enforcement action and reference the case/file/permit number. The length of the extension shall not be more than fifteen (15) business days. A business day is M-F, inclusive. In both cases, when issuing the extension, WES shall include in the extension a statement reserving the right for WES to escalate enforcement (e.g., with other actions like civil penalties) if the new deadline is not met.

For violations originating from monitoring, an Industrial User will be considered to have returned to compliance if compliance with all applicable Ordinance requirements and permit conditions is maintained for at least one sampling event after a violation is identified. However, if the Industrial User does not maintain compliance for two consecutive sampling events, the enforcement response action will escalate from the actions previously taken.

Section 6. APPROPRIATE ENFORCEMENT RESPONSE ACTIONS⁴

WES' Ordinance establishes a system to define enforcement response priorities which support the goals of the District's requirements applicable to Industrial Users discharging into the District's public sewage system. Section 10 of the Ordinance were adopted to assist WES staff in directing enforcement resources against the violators who pose the greatest threat to protection of water quality, the environment, human health and welfare, and WES' treatment facilities (i.e., the POTW). In addition to the goal of protection through maintaining compliance, is the goal of penalizing non-compliance and the removal of the unfair economic advantage non-compliant facilities may enjoy or seek to enjoy over their competitors, by aggressive use of economic sanctions.

In general, a violation is defined under Section 1.1 of the Ordinance as "an offense of any statute, rule, order, license, permit, or any part thereof and includes both acts and omissions." Section 10 generally, and Sections 10.2, 10.3, 10.5-10.11 specifically, further classifies authority, goals of enforcement, types of enforcement actions available (covered in detail in Section 6). Actions identified in Section 10 of the Ordinance are all considered formal enforcement responses. Informal enforcement responses are identified in Section 6 below, the authority to conduct such responses is given in Section 10.2. Informal enforcement typically takes the form of phone calls, compliance status meetings, or Notices to Correct.

In general, WES staff will make a determination on the severity of each identified violation based on the requirements of Section 10 of the Ordinance, and on the specific facts and circumstances concerning the violation

⁴ Appendix B (located in the back of this section) to this Enforcement Response Plan provides examples of initial enforcement responses to a broad range of potential violations, and examples of additional escalating enforcement responses to continuing non-compliance. The examples provided in Appendix B shall not be construed to bind or otherwise limit WES' enforcement responses to violations. Instead, actual enforcement responses will be taken in accordance with the Ordinance provisions and will be based on an evaluation of all circumstances, including the Industrial User's compliance history.

and the Industrial User. The purpose of this determination is to identify what **initial** enforcement action is most appropriate. In determining the appropriate action for initial violations, WES will consider the risk of harm presented by the violation. Section 5.1 below clarifies the specific factors WES should consider in determining the potential risk of harm associated with a violation.

6.0 Factors affecting appropriate enforcement response

6.0.1. Duration and Compliance History

WES staff should review the Industrial User's enforcement history and appropriate WES databases (e.g., Compliance Tracking databases) to evaluate the duration of the violation and the compliance history of the Industrial User. When evaluating the duration of a violation, Section 10.7 states "Each day that a violation occurs or continues shall be considered a separate violation. For violations of discharge limits, each parameter that exceeds a discharge limit shall be considered a separate violation." When evaluating an IU's compliance history, it should be assumed a violation is the first occurrence if no other available data or information demonstrates otherwise. Except in the case of evaluating Significant Non-Compliance, the past 12 months prior to the date of violation should be considered when assessing an IU's Compliance History to issue appropriate enforcement.

A violation occurs whenever an Industrial User:

- a) Exceeds an applicable effluent limit;
- b) Fails to meet the deadlines and conditions for treatment, operation, monitoring (sampling), implementation of required Best Management Practices, recordkeeping, or reporting; or
- c) Does not comply with any other Federal, State, or WES legal requirement.

WES staff should also consider the effectiveness of the enforcement response (e.g., did the action return the industrial user to compliance quickly? Were corrective actions effective?) that was used to address the previous violation in preparing its current enforcement action. Enforcement response should be progressive, or escalating in nature for repeat violations. Informal and formal actions should seek specific explanations and root cause analysis of repeat violations. If inadequate operating practices are found to be the cause, the Inspector should seek specific commitments and deadlines to improve operating practices. If additional treatment or long-term (i.e., ninety (90) days or more) actions are required, an enforceable Compliance Schedule should be issued to the Industrial User. More aggressive enforcement responses should be imposed upon an Industrial User that frequently violates, or if a particular violation is egregious.

6.0.2. Good Faith

If the Industrial User appears to be making a good faith effort to meet federal, state, and local requirements, then enforcement actions should be on a cooperative level. Staff should be aware that the Clean Water Act requires extraordinary efforts to comply with its requirements in a timely way. Good faith efforts must be measured against the following:

The Act requires industry to take extraordinary efforts if the vital and ambitious goals of the Congress are to be met. This means that business-as-usual is not enough. Prompt, vigorous, and in many cases, expensive pollution control measures must be initiated and completed as promptly as possible. In assessing the good faith of a discharger, the discharger is to be judged against these criteria. Moreover, it is an established principle, which applies to this act, that administrative and judicial reviews are sought on the discharger's own time.

Legislative History of the Clean Water Act No. 95-14, Vol. 3, p. 463

Thus, if a facility challenges a permit, enforcement corrective action, or applicable pretreatment standard and delays progress toward compliance, the facility assumes the risk that the permit or standard will be upheld on judicial review. If the facility begins to aggressively come into compliance only after a decision is made averse to its interests, it cannot be considered to have acted in good faith. Likewise, if a facility follows business-as-usual

procedures, it cannot be considered to have acted in good faith. Other questions to consider when assessing an Industrial Users' good faith efforts to comply with requirements or enforcement corrective actions include:

- a) Was there a strong institutional policy to comply with all environmental requirements?
- b) Had safeguards beyond those required by existing law been developed and implemented to prevent noncompliance from occurring?
- c) Were there regular procedures, including internal or external compliance and management audits, to evaluate, detect, prevent and remedy circumstances like those that led to the noncompliance?
- d) Does the Industrial User conduct periodic audits of its compliance with environmental laws?
- e) Were there procedures and safeguards to ensure the integrity of any audit conducted?
- f) Did the audit evaluate all applicable conditions of WES Rules and Regulations?
- g) Were the auditor's recommendations implemented in a timely fashion?
- h) Were adequate resources committed to the auditing program and to implementing its recommendations?
- i) Was environmental compliance a standard by which employee and corporate departmental performance was judged?
- j) When delays occurred in complying with an enforcement action deadline, did the Industrial User notify WES of the delay before the deadline?

If, however, efforts by the Industrial User at a facility appears to be acting in good faith to comply, WES may choose an enforcement response that is not as coercive as one it would choose against a facility not acting in good faith.

6.0.3. Non-compliance that causes Harm, Interference, or Pass Through

Industrial User noncompliance might cause harm or interference with the POTW including the Kellogg or Tri City Water Resource Recovery facilities. In addition, harm could occur to the Municipal Separate Storm Sewer System ("MS4") and the receiving streams this system discharges to. Interference can impact the performance of these facilities or allow pass-through of pollutants.

Interference is defined in WES Rules and Regulations (Section 1.1) and in the Federal Register (52 FR 1586) as "A discharge which, alone or in conjunction with a discharge from other sources, inhibits or disrupts the public sanitary sewer system, treatment processes or operations, or its biosolids processes, biosolids use or disposal, or which contributes to a violation of any requirement of the District's NPDES Permit or other permit issued to the District". Pass-through is also defined in WES Rules and Regulations as a discharge that exits the POTW into waters of the state in quantities or concentration, which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's NPDES permit (including an increase in the magnitude or duration of the violation) or any other permit issued to the District." Such violations should be addressed through formal enforcement action and penalties to ensure that adequate corrective action, pretreatment, and/or compliance is achieved promptly. In some cases, injunctive measures such as permit termination will also be appropriate.

6.0.4. Significant Non-compliance (for Pretreatment)

Significant Non-Compliance ("SNC") is defined in 40 CFR 403.8(f)(2)(viii), and applies to Industrial Users who meet one or more of the listed criteria. Appendix C includes definitions for SNC found in the Code of Federal Regulations. All SNCs require publishing in a local newspaper at least annually. Industrial Users in SNC will be addressed through formal enforcement action. A list of Industrial Users in SNC at any time during the previous 12 months will be published annually in a general circulation newspaper. WES uses the Public Notices section in The Oregonian or The Pamplin Media Group for this purpose, and publishes the list annually. Evaluations occur on a quarterly basis covering the prior rolling 6-month period. For example, Industrial Users are evaluated for SNC on July 1 for the January 1-June 30 assessment period. Recovery of Publication costs from the industry in SNC is authorized in WES Rules Section 5.5.7. *Surcharge*.

6.1 Initial Enforcement Response

The District pretreatment staff generally will make an initial enforcement response action for each documented violation within fifteen days of identifying a violation. For each violation, WES will issue a NTC or CV unless WES issues a CV and CPA or such other enforcement action permitted under the Ordinance, the Industrial User's permit, or other District order. Determination of the severity and appropriate response will generally be made at the Specialist level (i.e., Source Control or Technical Service Specialists). These determinations will be based on the requirements in the Ordinance, factors identified in this ERP, and the risk of harm presented by the violation.

Templates for issuing these response actions and others available in WES Rules and Regulations Section 10 are available in Appendix A. These templates serve to be used as example language which includes the minimum required elements for each response. The templates may be expanded or modified in their form to better address, explain, identify, or elaborate the details of a violation, the corrective actions requested, or other pertinent information about a violation. They are in no way intended to limit WES' authority or ability to issue informal or formal enforcement actions.

6.1.1. Phone Calls

Phone Calls are informal enforcement responses to minor violations, typically for reporting or recordkeeping related violations. A verbal phone call should be documented where possible. For example, a phone call could be documented with a short note including the date/time of the call, the person spoken to, and the issues/violations discussed. These notes can be preserved in either the compliance tracking system or filed in the industry binders.

6.1.2. Compliance Status Meetings

Compliance Status Meetings are used when an in-person or virtual meeting is useful in clarifying compliance expectations around Rules and Regulations, Permits, required corrective actions, or assessed civil penalties. These meetings can be helpful when potential confusion arises. For example, WES may need further clarification beyond what a site-walk or inspection reveals regarding an industries progress towards completing required corrective actions in response to Citations issued by WES. Or, an industry may be unclear regarding the contents of a report WES requires in Permit or Rule and due to this, the report is not submitted on time. A Compliance Status Meeting can serve to build rapport, clarify expectations, and return non-compliant industries to compliance.

Additionally, Compliance Status Meetings can be used in the event that more formal response actions are appealed and additional information is needed to resolve a dispute. For example, an industry may rightfully dispute a Citation and Civil Penalty Assessment and seek an approved settlement, proposing to carry out alternative actions to return the industry to compliance that may contribute a greater environmental benefit than the original corrective actions required by WES.

Notes should be taken during Compliance Status Meetings and include details such as the date and time, individuals present and their association, the discussion that occurred, and any actions or agreements made.

6.1.3. Notice to Correct ("NTC")

Notices to Correct are an alternative form of enforcement response appropriate for less severe (i.e., minimal magnitude and duration of environmental or POTW harm) violations, authorized in Section 10.2 as a "citation, which form shall vary..." Notices to Correct are informal enforcement response actions that inform the Industrial User of:

- the existence of a violation;
- the actions required to resolve the violation;
- the consequences of continued non-compliance;

- the time by which compliance is to be achieved;
- the process for evaluating formal enforcement action (i.e., in accordance with WES' Ordinance); and
- that they may be required to submit to WES a report describing in detail the violation event, the steps taken to correct the violation and the steps to be taken to prevent future violations.

If a report is required, the NTC should specify that the report must be submitted to the District within five (5) working days from the date the NTC is issued.

6.1.4. Citations for Violations ("CV")

Citations for Violations (CVs) are issued under WES Rules and Regulations Section 10.6 by the Director or their designee. Issuance of the CV constitutes WES' notice to the Industrial User of a violation and shall contain the following information:

- As applicable, the case number, file number, or permit number
- The street address when available and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located.
- A statement that the Director, or their designee, has found the person or entity to be in violation of the Rules and Regulations on the property, with a brief and concise description of the conditions found to be in violation.
- A statement of the corrective action required to be taken. If the Director has determined that corrective action is required, the order shall require that all required permits be secured, and the work physically commence within such time and be completed within such time as the Director shall determine is reasonable under the circumstances.
- A statement specifying the amount of any civil penalty that will be or is being assessed according to Section 10.7 on account of the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent. The civil penalty may be contingent on continued violation after an identified time period for corrective actions to be completed. Civil Penalties should be issued as a separate assessment response action after the CV. The time allowance for corrective action is not required if (a) the act or omission constituting the violation is intentional or (b) the violation has already ceased to exist or is not expected to continue for more than five (5) days.
- Statements advising that (a) if any required work is not commenced or completed within the time specified above, the Director may proceed to abate the violation as authorized by Section 10.9 and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation; and (b) if any assessed civil penalty is not paid, the Director will charge the amount of the penalty, and any costs of abatement undertaken pursuant to Section 10.9, as a lien against the property and as a joint and separate personal obligation of any person in violation.
- A statement advising that the CV shall become final unless, no later than ten (10) days after the citation is served, any person aggrieved by the order requests in writing an appeal before the Director or Hearings Officer.

6.1.5. Temporary Increase in Compliance Monitoring ("TICM")

In some circumstances, permitted industrial users submit monitoring data that shows a pattern non-compliant results. Alternatively, through collection system reports or other information sources, WES may suspect an industry is non-compliant with its permit discharge limits on a continuous basis. In these instances, WES may require an industry to temporarily increase compliance monitoring at one or more of their Points of Compliance to demonstrate compliance with their permit discharge limits. This monitoring is limited in scope and duration in the following ways:

- Additional monitoring conducted by the permittee will fulfill their permit monitoring obligations for the same parameter if the parameter monitoring frequency is less frequent than the frequency required in the TICM
- The duration of the temporary increase in monitoring must be no less than 4 weeks, but no longer than 3 months.

- The parameters chosen for increased monitoring must be either a) based on the parameter demonstrated through WES or industry monitoring as not meeting permit limits or b) based on a reasonable evaluation of potential pollutants adversely affecting the public POTW.

6.2 Additional Enforcement Response

After issuance of the NTC or CV, the District will evaluate if additional enforcement action is required. The District generally will initiate additional enforcement action within 30 days after detection of the violation or following the failure of the violator to complete corrective actions required in the initial enforcement response. Additional enforcement action may include a CPA, suspension or revocation of permits, permit modification or termination, and civil or criminal litigation. In the case of criminal matters, WES will refer cases to the proper authorities for further investigation.

In making the determination to take additional enforcement action and the nature of the action to be taken, WES will consider, among others, (a) those factors in Section 5.1 of this ERP and (b) the effect of the violation on the POTW and/or environment.

6.2.1. Show Cause Hearing

The purpose of a Show Cause Hearing is to bring pertinent parties together (WES, Industrial User, legal representation) together, along with evidence and violation claims, so that the Industrial User has an opportunity to show or demonstrate why WES should not proceed with other enforcement actions due to the evidence presented. This type of Hearing can occur at any time in an enforcement response but may be used in conjunction with other enforcement actions, such as issuing a CV and CPA. Notes should be kept at this hearing and kept with the industries file.

6.2.2. Civil Penalty Assessment (“CPA”)

Under Section 10.6.1, no advance notice, in the form of a CV, of the CPA is required; WES may issue a CPA under the following circumstances: (a) the act or omission constituting the violation is intentional or (b) the violation has already ceased to exist or is not expected to continue for more than five (5) days.

A CPA is a formal enforcement action issued under Ordinance Sections 10.7. The CPA shall identify the penalty to be assessed, which shall be calculated under the method for determining the amount of penalties under Section 10.7 of the Ordinance. Further instructions on determining CPAs are given in Appendix D. CPAs shall be issued by the District’s Director or the Director’s authorized designee. The District may issue a CPA for the occurrence of any documented violation, for any repeated or continuing documented violations or where a person has failed to comply with a CV or other Final Order.

The CPA shall be served on the Industrial User by personal service, office or substitute service (as those terms are defined in the Oregon Rules of Civil Procedure), or by certified or registered mail, return receipt requested. The CPA shall inform the Industrial User of:

- File number, Citation Number, or Permit Number
- Name of the person or business entity cited (“Respondent”)
- Name of the Property Owner
- Chapter and Section of the Rules and Regulations Violated
- A brief description of the violation of which the Respondent is charged in such manner as can be readily understood by a person making a reasonable effort to do so

- The date and place at which the violation occurred and the date on which the penalty was issued. The payment of the Civil Penalty must allow for no less than 21 days from the date the assessment was issued to allow the Respondent time to appeal the decision per Section 10.12.1.
- The place where the Respondent cited can appeal to the Director and the time within which such appeal must be filed
- The penalty assessed for the violation by schedule
- Statement to certify that there are reasonable grounds to believe that the Respondent cited committed a violation of the Rules and Regulations

The Director is also authorized to settle and compromise claims for civil penalties accruing pursuant to these Rules and Regulations where such settlement is clearly in the interests of WES provided that the Director shall periodically report such settlements and compromises to the Board. In determining whether a penalty should be compromised or settled, the Director may take into account the following:

- New information obtained through further investigation or provided by Respondent, which relates to the penalty determination factors.
- The effect of compromise or settlement on deterrence.
- Whether Respondent has or is willing to employ adequate means to correct the violation or maintain compliance.
- Whether Respondent has had any previous penalties that have been compromised or settled.
- Whether the compromise or settlement would be consistent with WES's goal of protecting the public health and environment as described in Section 2.1.
- The relative strength or weaknesses of WES' case.

6.2.3. Final Order ("FO")

An FO is an enforcement action which is in the form of a final order or consent order issued by the Director pursuant to Ordinance Section 10.10. An FO may be issued for any class of violation. The FO may be negotiated between the District and the Industrial User after or concurrent with the issuance of any other enforcement action. The FO shall set forth

- the action required by the Industrial User to return to compliance (including any mitigation required to protect human health or the environment)
- a schedule for compliance, and
- set the civil penalties to be paid.

Any order duly issued by the Director pursuant to the procedures contained in these Rules and Regulations shall become final ten (10) days after service of the citation unless a written request for hearing is received by the Director within the 10-day period. An order that is subjected to the appeal procedure shall become final twenty-one (21) days after a mailing of the Director's or Hearings Officer's decision.

Under Section 10.10.1, the Director may at any time add to, rescind in part, or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notices and orders and contained in the Rules and Regulations.

Under Section 10.10.2, if, after any order duly issued by the Director has become final, the Respondent to whom such order is directed fails, neglects, or refuses to obey such order, including refusal to pay a civil penalty assessed under such order, the Director may complete any or all of the following actions:

- Cause such Respondent to be prosecuted under the Ordinance
- Institute any appropriate action to collect a civil penalty assessed under the Ordinance
- Abate the violation using the procedures of the Ordinance
- File with the County Clerk a certificate describing the property and the violation and stating that the owner has been so notified
- Pursue any other appropriate remedy at law or in equity under the Rules and Regulations

6.2.4. Stop Work Orders

In addition to civil penalties described in Section 6.2.1, violations may be enforced by on-site control activities to mitigate existing violations of these rules including failure to follow approved plans and prevent future violations to the greatest extent possible. Initial violations will result in a written description of requirements for compliance and a specified period for compliance as included in the citation. If compliance is not achieved, or violations continue, the Director or designee may issue a stop work order on the project, which will remain in effect until the violation is repaired to the requirements stated in these Rules and Regulations. The District reserves the right to issue an immediate Stop Work Order if a threat is posed to human health or the environment. If the violation is not remedied or the person fails to commence diligently remedying the violation within 24 hours, the District may abate the violation in accordance with Section 6.2.4.

6.2.5. Abatement

In addition, or as an alternative to any other judicial or administrative remedy provided herein or by law, the Director may order a Rules and Regulations violation to be abated.

The Director may order any person in violation of the Rules and Regulations to commence corrective work and to complete the work within such time as a Director determines reasonable under the circumstances. The person, subject to the Director's order, shall either complete the corrective work or timely file an appeal. If the required corrective work is not commenced or completed within the time specified, the Director may proceed to abate the violation and cause the work to be done, upon receipt, by a court of competent jurisdiction, of an order authorizing the same. The Director or WES representative is expressly authorized to enter the property of the person committing the violation for the purpose of abatement of said violation. In addition, WES may perform tests on the property to trace sources of water quantity or quality related to the violation.

The actual cost of abatement, including incidental costs such as staff time, legal costs, costs of postage, and any other reasonable costs shall be included as abatement costs of twenty-five (25) percent of the total fine. The Director will charge the costs thereof as a lien against the property and as both a joint and separate personal obligation of any person who is in violation. All challenges to the reasonableness of the cost charged may be raised at such time as the District undertakes a lien foreclosure. Actions such as Lien Foreclosures shall be conducted pursuant to Ordinance Section 10.11.

6.2.6. Emergency Suspension of Permit

Under Section 10.5.1 of the Ordinance, notwithstanding any other provision of the Ordinance, whenever the Director finds that a violation of the Rules and Regulations has created or is creating an unsanitary, dangerous, or other condition which, in their judgment, constitutes an immediate and irreparable hazard, they may, without service of a written citation and order, suspend and terminate operations under the permit immediately.

The District may reinstate the permit and/or service of the Industrial User and, in its discretion, may terminate proceedings brought, upon proof by the User of the elimination of the non-complying discharge or conditions creating the threat of imminent or substantial danger.

6.2.7. Permit Suspension or Revocation

The Director may temporarily suspend any permit issued under the authority of these Rules and Regulations for (a) failure of the holder to comply with the requirements of the Rules and Regulations thereunder or (b) failure to comply with any notice, citation, or order issued pursuant to these Rules and Regulations.

Such permit suspension shall be carried out through the citation and order provisions of these Rules and Regulations, and the suspension shall be effective upon service of the citation and order upon the holder or operator. The holder or operator may appeal such suspension as provided by these Rules and Regulations.

In addition to the reasons cited in these Rules, the Director may permanently revoke any stormwater or sanitary sewer related permit issued by WES for any of the following reasons:

- Failure of the holder to comply with the requirements of these Rules and Regulations
- Failure of the holder to comply with any notice and order issued pursuant to the Rules and Regulations
- Interference with the District in the performance of their duties
- Discovery of WES that a permit was issued in error or on the basis of incorrect information supplied to WES
- Notice of noncompliance

Such permit revocation shall be carried out through the citation and order provisions of these Rules and Regulations, and the revocation shall be effective upon service of the citation and order upon the holder or operator, unless the emergency nature of the suspension makes service impracticable. The holder or operator may appeal such revocation, as provided by these Rules and Regulations.

A permit may first be suspended pending its revocation or a hearing relative thereto the date the Director renders its final decision. An Industrial User notified of the suspension of its permit and/or service shall, within the period of time specified by WES in the suspension notice, cease all discharges. If the Industrial User fails to comply with the notice, WES may immediately seek a temporary restraining order or other relief from the Circuit Court to compel compliance, and thereafter may proceed judicially or administratively to ensure compliance.

6.2.8. Civil Litigation and Criminal Referral

WES also may commence civil action in the Circuit Court for an injunction, other appropriate relief or the imposition of civil penalties if, in the judgment of WES, the Industrial User has refused to comply with applicable requirements of a permit or the Ordinance. Under Section 10.7 of the Ordinance, WES is also authorized to refer violations of these Rules and Regulations to the proper authorities for investigation and enforcement as criminal matters in enforcing any of the requirements of the Rules and Regulations or procedures adopted hereunder. Pursuant to ORS 198.600, each and any violation of WES Rules is a Class C misdemeanor.

Section 7. ENFORCEMENT RESPONSE GUIDE (“ERG”)

This Enforcement Response Guide is meant to assist WES staff in issuing appropriate enforcement to return Industrial Users to Compliance. The table provided (Appendix C) give examples of WES’ initial enforcement responses to a broad range of violations, in addition to examples of escalating enforcement to continuing non-compliance. This table references several federal and WES-specific guidance, policies, and rules including EPA’s Pretreatment Compliance Monitoring and Enforcement Guidance (July, 1986), EPA’s Model Pretreatment Ordinance (January 2007), Streamlining Rule (October 14, 2005), and Guidance for Developing Control Authority Enforcement Response Plans (September 1989)

The examples in this ERG are intended for illustrating implementation of the enforcement provisions under WES’ Rules and Regulations, and shall not be construed to bind or otherwise limit WES’ enforcement response to specific violations or to specific industrial users. Rather, actual enforcement responses shall be taken in accordance with WES’ Rules and Regulations and be based on evaluation of all circumstances, including the industrial user’s compliance history. This ERG is important in encouraging uniform application of enforcement responses to comparable levels and types of violations.

The Guide is intended as a quick, ready reference tool to address violations. It should be used in conjunction with the written material contained in the ERP as these materials further explain areas that are only

highlighted in the Guide. Staff should use the Guide to determine what enforcement actions are appropriate given varying situations of noncompliance. The Guide gives differing circumstances of noncompliance and outlines the ranges of enforcement actions which should be used to respond to the noncompliance. Instructions (Appendix C) for Using the Enforcement Response Guide lists the eight basic steps for using the Guide. When making a determination on the level of the enforcement response, WES staff should consider the degree of variance from the pretreatment standards or legal requirements, the duration of the violation, previous enforcement actions taken against the violator, and the deterrent effect of the response on similar facilities in the regulated community. Equally important are considerations of fairness, equity and consistency of application as well as the integrity of WES' Environmental Services Division.

7.1 Levels of Response

For all violations, staff must examine the violation and determine the appropriate response. All violations will be documented, either through informal or formal responses. The ERG includes a range of informal and formal responses for violations as guidance. WES' Rules and Regulations are clear on available levels of response. Responses that might necessitate more severe enforcement may include those that exceed permit limits frequently and/or by a large quantity (e.g., exceed the technical review criteria contained within the definition of SNC); impede the determination of compliance status; have the potential to cause or may have actually caused adverse environmental effects, health problems, or interfered with the POTW treatment capability, or were done willingly.

7.2 Enforcement Case Study Examples

A wide variety of real-world scenarios can occur requiring WES staff to respond to violations and return Industrial Users (or Persons) to compliance. To illustrate examples of these scenarios for WES staff to understand appropriate enforcement responses, the following five (5) tables below show hypothetical timelines of a violation discovered by or reported to WES staff and a single possible, but not only, response path taken to return the Industrial User to compliance. These examples are provided for aiding implementation of WES' Rules and Regulations and are in no way meant to limit WES' available enforcement actions.

Table 4. Permitted Industrial User Self-Monitoring Report submitted Late (i.e., late report).

Day	WES		Permitted Industrial User	
	Enforcement Action	Timeline Requirements	Action/Response	Timeline Requirements
0	Final Day Self-Monitoring Report (“SMR”) due.			
1	Informally notifies IU of late report by phone or e-mail		Fails to submit report on time. Response: They will submit ASAP.	
2	WES issues informal NTC to IU. Requires report to be submitted within 5 business days (by Day 7)	Action req’d within 15 days (Day 15)		Report req’d within 5 business days (Day 7)
...				
5	WES reviews Report, SMR acceptable.	Within 5 days of report receipt	Action: IU Submits report.	
	IU returns to Compliance. Violation Closed.			

Table 5. Permitted Industrial User's Self-Monitoring has high Zinc. (i.e., permit limit exceedance).

Day	WES		Permitted Industrial User	
	Enforcement Action	Timeline Requirements	Action/Response	Timeline Requirements
0	Informally notifies IU a CV will be issued for the violation and that corrective actions will be to re-sample and submit results.	Within 15 days of IU notice	Action: IU notifies WES that their self-monitoring result for Zinc is over their permit limit.	Within 24 hours of becoming aware
1			Confirms Zinc result from contract lab is accurate	
2	WES issues formal CV to IU. Re-sample results to be submitted as corrective action.	Within 30 days of violation		21 days to appeal.
...			IU may assess root cause of exceedance.	
10			Action: IU re-samples and submits for analysis	
...				
24	WES reviews and results are acceptable.	Within 5 days of report receipt	Action: IU submits re-sample results.	

Table 6. Unpermitted Industrial User Prohibited Discharge. (i.e., Discharge requiring a permit).

Day	WES		Industrial User	
	Enforcement Action	Timeline Requirements	Action/Response	Timeline Requirements
0	Prohibited sanitary sewer discharge discovered by WES staff. Minimal impact (caused no SSO) but surcharged system. Samples collected.			
1-7	Investigation into source and pollutant concentrations. High in metals, TSS, BOD. Inspection at Suspected IU.		Response: Suspected IU is cooperative, allows WES staff on-site for inspection. Action: Immediately ceases discharge.	
8	WES issues formal CV to IU. Corrective Actions are to immediately cease prohibited discharge, return NRQ/application, submit report.	CV within 15 days of violation App/report within 30 days of CV.	Response: IU receives CV.	21 days to appeal
...				
14	WES issues CPA (\$500) for one day of documented prohibited discharge.	Within 30 days of initial enforcement	Response: IU receives CPA.	21 days to appeal or pay
...			IU prepares application and reports	
30	WES reviews . Application incomplete. WES sends back	Within 5 days of report receipt	Action: IU submits NRQ/Application and report	
31	WES reviews and results are acceptable. Begins permitting development.	Within 5 days of report receipt	Action: IU resubmits.	
	IU returns to Compliance. Violation Closed.			

Table 7. Prohibited Discharge at industrial property during inspection (i.e., Prohibited Discharge).

Day	WES		Permitted Industrial User	
	Enforcement Action	Timeline Requirements	Action/Response	Timeline Requirements
0	Prohibited Discharge discovered during stormwater system inspection			
	Informally notifies IU of prohibited discharge during inspection		Action: Immediately ceases discharge.	
1	WES issues informal NTC to IU. Several corrective actions required. Longest time allowance is cleaning MS4 system.	CV within 15 days. Corr. Actions within 60 days.	Response: IU receives CV	
...			Action: IU completes some corrective actions	Refer to CV
61	WES issues new CV and re-states remaining corrective actions. Penalties begin accruing by day.	CV within 15 days.	Fails to complete all required corrective actions.	Remaining as soon as possible

...	WES inspects cleaning. Acceptable.		
65	WES issues CPA for 5 days of a Prohibited Discharge (\$500 x 5 = \$2500).	Time frame??	Action: IU completes cleaning.

Table 8. Industrial Facility fails to maintain stormwater retention pond (i.e., Failure to maintain private system).

Day	WES		Permitted Industrial User	
	Enforcement Action	Timeline Requirements	Action/Response	Timeline Requirements
0	Private system asset (i.e., stormwater pond) not maintained. Discovery during stormwater system inspection.			
	Informally notifies IU of deficiency			
5	WES issues formal CV to IU. Several corrective actions required. Longest time allowance is rehabbing pond.	CV within 15 days. Corr. Actions within 2 dry seasons	Response: IU receives CV	
...			Action: IU completes some corrective actions	Refer to CV
End of Second dry season	WES issues new CV and re-states remaining corrective actions. Penalties begin at start of next dry season.	End of next dry season	Action: Fails to complete pond rehabilitation.	
...				
20 days into third dry season	WES inspects pond rehabilitation. WES issues CPA for 20 days of a deficient Stormwater Control Facility (\$500 x 20 = \$10,000).	Time frame??	Action: Completes Rehabilitation of pond.	

Section 8. APPEALS TO ENFORCEMENT ACTIONS

Two primary avenues are available for industrial users aggrieved by a District decision or civil penalty assessment. These avenues are discussed below but are abbreviated to outline the overall process.

8.1 Appeals to District Ruling or Interpretations

WES Rules and Regulations Section 3.7 describes the Appeals process for parties aggrieved by the District's ruling or interpretation ("appellants") of the provisions of these Rules and Regulations. The primary steps are:

Step 1) Appeal:

Within fourteen (14) days after the ruling or interpretation is issued, the industrial user submits to WES' Director a written appeal.

Step 2) Decision by WES:

Within thirty (30) days from receipt of the written appeal, WES will issue written decision and notify the Industrial User.

Step 3) Appeal WES decision to Hearings Officer:

If the appellant is still unsatisfied, they may apply for an independent review by a Board-delegated Hearings Officer within thirty (30) days of WES' Director's written decision. The Hearings Officer will issue a final decision within thirty (30) days from the receipt of the appeal by the appellant.

Step 4) Circuit Court Review:

If the appellant is still unsatisfied, they may apply for review by the Circuit Court of the State of Oregon for Clackamas County under the provisions of ORS 34.010 to 34.100 or any successor statutes.

8.2 Appeals to District Decisions

District decisions, including civil penalty assessments determined by the District are sent to a user or person by First Class U.S. mail. This decision shall be final unless appealed using the procedures in Section 3.7.2 or ORS 34 relating to writ of review procedures.

The citation shall be final unless the respondent files a written Request for Hearing with the District within twenty-one (21) days from the date of the citation. The Request for Hearing shall contain the following information:

- A. The name of the Respondent.
- B. The citation number, the case file number, and/or permit number.
- C. The name and signature of the Respondent and a statement that if acting on behalf of a partnership or corporation, that the person executing the Request for Hearing is duly authorized to file such request and such person is the contact representative.
- D. The date that the citation was received by the Respondent.
- E. A detailed description of the disagreement with the citation. In the Request for Hearing, the party shall admit or deny all factual matters and shall affirmatively allege any affirmative claim and defense and the reasons, therefore.
- F. The request shall be limited to the issues raised in the citation.

Upon completion of the hearing process, the Hearings Officer will deliver, in accordance with Section 10.12.9 of WES Rules and Regulations, their Final Order within fourteen (14) days. That Order shall become final twenty-one (21) days after a mailing of the Director or Hearings Officer's decision.

Further actions and steps describing Abatement, Final Orders, and Recovery of Civil Penalty and Cost Abatement in Sections 10.9 through 10.11.

References

Pretreatment Compliance Monitoring and Enforcement Guidance (July, 1986). EPA

Model Pretreatment Ordinance (January 2007). EPA

Streamlining Rule (Publication Date: October 14, 2005, Effective Date: November 14, 2005) 70 FR 60133.

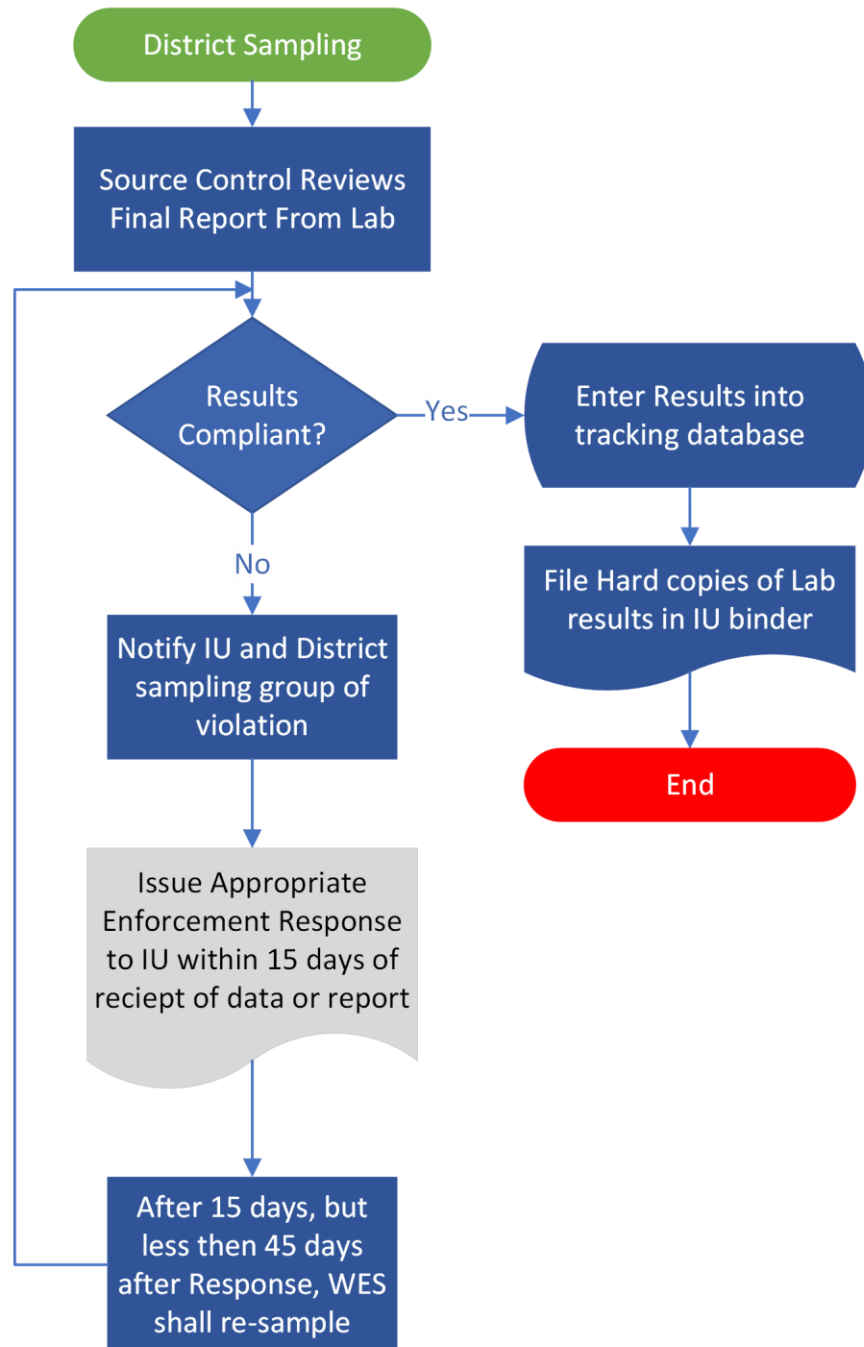
Guidance for Developing Control Authority Enforcement Response Plans (September 1989). EPA

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Appendix A. Informal and Formal Enforcement Response Templates

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Appendix B. District Re-sampling Procedures



District Resampling Procedures

1. Review of District sampling data reveals a violation.
2. The Industrial User and the District's Sampling Group are notified of the violation(s).
3. The District issues the appropriate enforcement action within 15 calendar days. The District's Sampling Group is notified of the action.
4. After 15 days, but not more than 45 days after issuance of the enforcement action, the District shall take a resample.
5. Within 5 days after availability of laboratory data, the District shall review the results for IU compliance.
6. If compliant, the data is entered into the District's pretreatment database (Linko) and hardcopies of the results are filed into the IU's binder file.
7. If review of the data reveals another violation, repeat steps 1 through 7.

Appendix C. Enforcement Response Guide Matrix and Instructions

Violation Type	Nature of Violation	Range of Initial Enforcement Responses	Staff
Without a Permit	Prohibited Discharge without a permit – No or minor harm to POTW	Notice to Correct Citation for Violation	S, C S, C, M
	Prohibited Discharge without a permit – Major harm to POTW	Citation for Violation Civil Penalty Assessment Abatement	S, C S, C, M, A C, M, A
	Failure to apply after notice by WES	Citation for Violation Civil Penalty Assessment Final Order	S, C, M S, C, M, A C, M, A
	Applicable construction activity without EPSC Permit	Stop Work Order Citation for Violation Civil Penalty Assessment	S S, C, M S, C, M, A
With a Permit	Discharge from significant new process, material, production rate, or volume without notice	Notice to Correct Citation for Violation Civil Penalty Assessment	S, C S, C, M S, C, M, A
	Failure to renew on-time, or within 90 days of permit expiration	Citation for Violation Civil Penalty Assessment	S, C, M S, C, M, A
	Expired permit, no application submitted	Citation for Violation Civil Penalty Assessment	S, C, M S, C, M, A
Exceedance of permit limit, federal standard, or prohibition	Isolated (i.e., not occurring in the last 12 months)	Citation for Violation Civil Penalty Assessment Compliance Schedule Temp. Increase in Comp. Monitoring Final Order	S, C, M, S, C, M, A S, C, M S, C, M C, M, A
	Recurring, 2 or more violations of the violations based on WES or IU monitoring of the same type	Citation for Violation Civil Penalty Assessment Compliance Schedule Temp. Increase in Comp. Monitoring Final Order	S, C, M, S, C, M, A S, C, M S, C, M C, M, A

Violation Type	Nature of Violation	Range of Initial Enforcement Responses	Staff
	Harm to the POTW, POTW staff, or environment	Citation for Violation Civil Penalty Assessment Final Order	S, C, M S, C, M, A C, M, A
	Use of Improper Sampling Procedures	Citation for Violation Civil Penalty Assessment Criminal Referral Final Order	S, C, M S, C, M, A C, M, A C, M, A
	Failure to implement BMPs (e.g., TOMP certification) in lieu of monitoring a pollutant	Citation for Violation Civil Penalty Assessment	S, C, M S, C, M, A
	Oil and Grease violation*	Citation for Violation Civil Penalty Assessment Compliance Schedule Final Order	S, C, M, S, C, M, A S, C, M C, M, A
	Continuous pH limit violation**	Citation for Violation Compliance Status Meeting Civil Penalty Assessment Compliance Schedule Final Order	S, C, M S, C, M S, C, M, A S, C, M C, M, A
Monitoring Techniques	Use of Improper Sampling Procedures	Citation for Violation Civil Penalty Assessment Criminal Referral Final Order	S, C, M S, C, M, A C, M, A C, M, A
	Failure to Monitor All Regulated Pollutants	Citation for Violation Civil Penalty Assessment	S, C, M S, C, M, A
	Failure to install monitoring equipment	Citation for Violation Civil Penalty Assessment Compliance Schedule Final Order	S, C, M, S, C, M, A S, C, M C, M, A
Slug Loads	Reported Slug Load without harm	Phone Call Notice to Correct	S S, C
	Reported Slug Load with harm	Citation for Violation Civil Penalty Assessment	S, C, M, S, C, M, A

Violation Type	Nature of Violation	Range of Initial	
		Enforcement Responses	Staff
		Compliance Schedule Final Order	S, C, M C, M, A
Certification/completeness	Report is improperly Signed or Certified	Phone Call Notice to Correct	S S, C
	Incomplete Report	Phone Call Notice to Correct Citation for Violation	S S, C S, C, M
	Failure to correct incomplete report with information or signature/certification	Citation for Violation	S, C, M
	Falsification of data	Citation for Violation Civil Penalty Assessment Criminal Referral	S, C, M S, C, M, A C, M, A
Report timeliness	Late Reporting	Notice to Correct Citation for Violation	S, C S, C, M
	Failure to Report sanitary sewer rules non-compliance within 24 hours	Citation for Violation Civil Penalty Assessment	S, C S, C, M
	Failure to properly report spills	Notice to Correct Citation for Violation	S, C S, C, M
	Recurring failure to report spills	Citation for Violation Civil Penalty Assessment Final Order	S, C S, C, M C, M, A
	Failure to report, within 30 days, planned changes to wastewater discharges	Notice to Correct Citation for Violation	S, C S, C, M
	Missed milestone of enforceable compliance schedule	Citation for Violation Compliance Status Meeting Civil Penalty Assessment	S, C, M S, C, M S, C, M, A
	Failure to start construction, complete construction, or achieve compliance within 90 days of the date specified in an enforceable order	Significant Non-Compliance (Publication in the Newspaper)	C, M
Wastestream-related	Wastestream diluted (i.e., violation of Dilution prohibition)	Citation for Violation Civil Penalty Assessment	S, C, M S, C, M, A

Violation Type	Nature of Violation	Range of Initial Enforcement Responses	Staff
	Inadequate pH calibration or monitoring	Notice to Correct Citation for Violation	S, C S, C, M
	Inadequate flow monitoring calibration or verifications	Notice to Correct Citation for Violation	S, C S, C, M
	Failure to mitigate noncompliance or halt production	Citation for Violation Civil Penalty Assessment Final Order	S, C, M S, C, M, A C, M, A
	Failure to operate and maintain pretreatment facilities	Citation for Violation Civil Penalty Assessment Final Order	S, C, M S, C, M, A C, M, A
	Non-representative sampling	Notice to Correct Citation for Violation Civil Penalty Assessment Final Order	S, C, M S, C, M S, C, M, A C, M, A
Permit Standard Conditions	Inadequate recordkeeping (duration or contents)	Phone call Notice to Correct	S S, C
	Failure to maintain a required slug control plan	Notice to Correct Citation for Violation	S, C S, C, M
	Failure to report hazardous waste discharge	Citation for Violation Civil Penalty Assessment Abatement	S, C, M S, C, M, A C, M, A
	Failure to seek prior written approval from WES for a permit transfer	Notice to Correct Citation for Violation	S, C S, C, M
	Bypass or Diversion – 1 st occurrence	Citation for Violation Civil Penalty Assessment	S, C, M S, C, M, A
	Bypass or Diversion - recurring	Citation for Violation Civil Penalty Assessment Criminal Referral	S, C, M S, C, M, A C, M, A
Denial of Entry/Inspection	Entry denied during Reasonable Times; Copies of records denied	Obtain Search Warrant Notice to Correct Citation for Violation	C, M, A S, C S, C, M

Violation Type	Nature of Violation	Range of Initial Enforcement Responses	Staff
	Copies of Records denied	Obtain Search Warrant Notice to Correct Citation for Violation	C, M, A S, C, S, C, M
	Access to relevant areas of facility prevented	Phone Call Notice to Correct	S S, C
Failure to report additional monitoring	Failure to report additional monitoring at Point of Compliance – 1 st occurrence	Notice to Correct Citation for Violation Civil Penalty Assessment	S, C S, C, M S, C, M, A
	Failure to report additional monitoring at Point of Compliance – recurring	Citation for Violation Civil Penalty Assessment Criminal Referral	S, C, M S, C, M, A C, M, A
Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement including instantaneous limits as defined in WES' Rules and Regulations; the daily maximum limit for the same pollutant parameter.		Citation for Violation Civil Penalty Assessment Criminal Referral Significant Non-Compliance (Publication in the Newspaper) Final Order	S, C, M S, C, M, A C, M, A C, M C, M, A
Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH)		Citation for Violation Civil Penalty Assessment Criminal Referral Significant Non-Compliance (Publication in the Newspaper) Final Order	S, C, M S, C, M, A C, M, A C, M C, M, A
Any other violation of a Pretreatment Standard or requirement (daily maximum or long-term average, instantaneous limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public)		Citation for Violation Civil Penalty Assessment Criminal Referral Significant Non-Compliance (Publication in the Newspaper) Final Order	S, C, M S, C, M, A C, M, A C, M C, M, A
Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under this chapter to halt or prevent such a discharge		Citation for Violation Civil Penalty Assessment Criminal Referral Significant Non-Compliance (Publication in the Newspaper)	S, C, M S, C, M, A C, M, A C, M

Violation Type	Nature of Violation	Range of Initial Enforcement Responses		Staff
		Final Order		
		Citation for Violation	C, M, A	
Failure to meet, within ninety days after the schedule date, a Compliance Schedule milestone contained in an individual wastewater discharge permit, a general permit, or enforcement order for starting construction, completing construction, or attaining final compliance		Civil Penalty Assessment	S, C, M	
		Criminal Referral	S, C, M, A	
		Significant Non-Compliance (Publication in the Newspaper)	C, M, A	
		Final Order	C, M	
			C, M, A	
Failure to provide, within forty-five days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with Compliance Schedules		Citation for Violation	S, C, M	
		Civil Penalty Assessment	S, C, M, A	
		Criminal Referral	C, M, A	
		Significant Non-Compliance (Publication in the Newspaper)	C, M	
		Final Order	C, M, A	
Failure to accurately report noncompliance		Citation for Violation	S, C, M	
		Civil Penalty Assessment	S, C, M, A	
		Criminal Referral	C, M, A	
		Significant Non-Compliance (Publication in the Newspaper)	C, M	
		Final Order	C, M, A	
Any other violation or group of violations, which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program		Citation for Violation	S, C, M	
		Civil Penalty Assessment	S, C, M, A	
		Criminal Referral	C, M, A	
		Significant Non-Compliance (Publication in the Newspaper)	C, M	
		Final Order	C, M, A	
SNC for violations with Continuous pH Monitoring, defined as either/or: SNC for chronic violations - Any six month period, as evaluated on a quarterly basis, in which daily violations occurred during 66 percent or more of the evaluation period (i.e., 120 daily violations during a six month period). SNC for TRC/Magnitutde Violations - Any six month period, as evaluated on a quarterly basis, in which daily violations exceeded the TRC range during 33 percent or more of the evaluation period (i.e. two monthly violations or 60 daily violations). The TRC range here is defined for those with continuous pH monitoring that exceed 5.0 or 12.5 for any measurable time in a calendar day.		Citation for Violation	S, C, M	
		Civil Penalty Assessment	S, C, M, A	
		Criminal Referral	C, M, A	
		Significant Non-Compliance (Publication in the Newspaper)	C, M	
		Final Order	C, M, A	

Violation Type		Nature of Violation	Range of Initial Enforcement Responses	Staff
Other ordinance violation			Phone call Notice to Correct Citation for Violation	S S, C S, C, M
Violation of Final Order			Criminal Referral	C, M, A
Erosion Control Failures	Beginning applicable construction activity without an Erosion Prevention and Sediment Control Permit		Stop Work Order	S
	Significant failures to maintain/implement erosion Controls		Stop Work Order	S
	Violation of Stop Work Order		Citation for Violation Civil Penalty Assessment Criminal Referral	S, C, M S, C, M, A C, M, A
Maintenance of adequate private stormwater measures	Failure to maintain - Initial violation identified		Notice to Correct Citation for Violation	S, C S, C, M
	Failure to maintain - Ongoing violation or harm		Citation for Violation Compliance Status Meeting Civil Penalty Assessment Abatement Final Order	S, C, M S, C, M S, C, M, A S, C, M, A C, M, A
	Failure to report maintenance to WES		Phone Call Notice to Correct	S S, C
Illicit or Prohibited discharges, connections or waste disposal	Failure to remove or disconnect illicit discharges/connections		Notice to Correct Citation for Violation	S, C S, C, M
	Prohibited Stormwater Discharge or Waste Disposal - initial		Notice to Correct Citation for Violation	S, C S, C, M
	Prohibited Stormwater Discharge or Waste Disposal – Ongoing or failure to correct		Citation for Violation Compliance Status Meeting Civil Penalty Assessment Abatement	S, C, M S, C, M S, C, M, A C, M, A
Management of Fats, Oils and Grease (“FOG”)	Prohibited Use of Additives		Notice to Correct	S,C

Violation Type	Nature of Violation	Range of Initial Enforcement Responses	Staff
	Prohibited discharge of waste cooking oil	Notice to Correct Citation for Violation Civil Penalty Assessment	S, C, M S, C, M S, C, M, A
	Failure to Maintain a Grease Removal Device	Notice to Correct Citation for Violation Civil Penalty Assessment	S, C, M S, C, M S, C, M, A

Key: S = Specialist-level staff, C = Coordinator-level staff, M = Manager-level staff, A = County Attorney

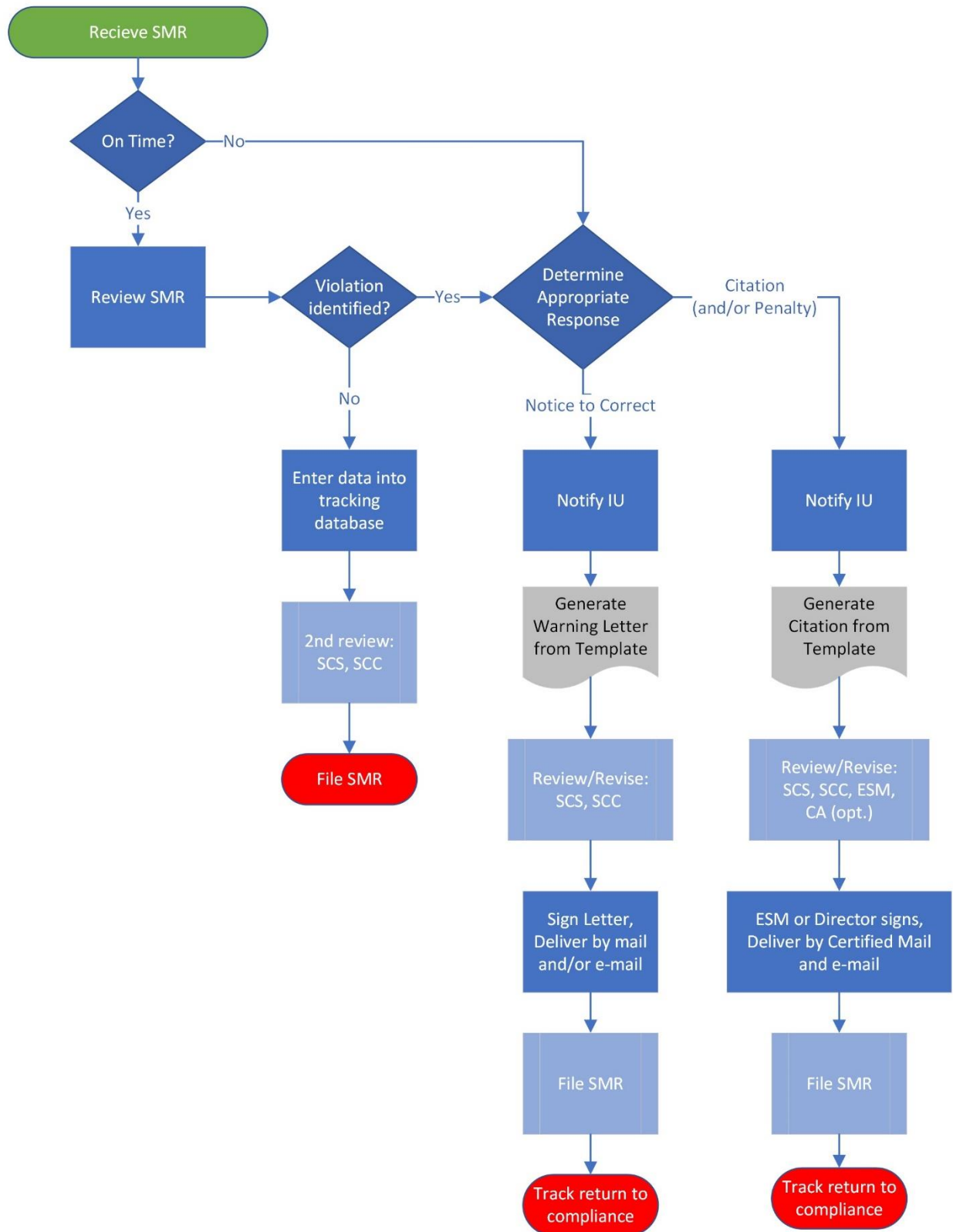
* When an O&G sample is analyzed and the Total O&G is greater than 100 mg/L, then the laboratory should fractionate the sample to determine polar and non-polar concentrations. If the Non-polar O&G results are greater than 100 mg/L the industry will receive a citation for exceeding WES' Local Limits for Non-Polar O&G. There will be no violation of Total O&G. If the Polar O&G results are greater than 300 mg/L the industry will receive a citation for exceeding WES' Local Limits for Polar O&G. There will be no violation of Total O&G. If the Total O&G results are greater than 100 mg/L but the laboratory fails to fractionate the sample to determine polar and non-polar concentrations, then a citation will be issued for exceeding WES' Local Limits for Total O&G. The Total O&G, Polar O&G, and Non-Polar O&G are considered separate violations and not linked together for escalated enforcement purposes.

**Facilities with continuous monitoring of pH shall not exceed the pH range of 5.5 S.U. to 11.5 S.U. more than a total of 15 minutes on any single day (cumulative duration of all excursions) provided that, at no time shall any discharge be lower than 5.0 S.U. or; greater than or equal to 12.5 S.U.

Instructions for Using the Enforcement Response Guide:

1. Locate the type of noncompliance in the first column.
2. Using column two, identify the most accurate description of the nature or circumstances of the violation.
3. Assess the appropriateness of the recommended response(s) in column three. First occurrence violations or those demonstrating good faith may merit a more lenient response. Similarly, repeat violations or those demonstrating willful conduct may require a more stringent response. WES may want to use what would normally be reserved as a follow-up response against Industrial Users unwilling to comply.
4. Document the rationale for selecting the particular enforcement response in the Notice to Correct, citation, civil penalty, etc. sent to the Industrial User.
5. Apply the enforcement response to the Industrial User. Specify corrective action or the response required from the Industrial User.
6. Document Industrial User responses and resolution of noncompliance (i.e., the return to compliance).
7. Follow-up with escalated enforcement action if the Industrial User's response is not received or if violations continue. WES will take escalating enforcement action within 60-90 days after initial enforcement action if violations continue unless the initial enforcement action included corrective actions which are due beyond 90 days.
8. Document closure of the enforcement action, at a minimum, in the Pretreatment Annual Report or SWMP Annual Report.

Self-Monitoring Report (“SMR”) review Flow Chart



Appendix D Civil Penalty Determination

In addition to or as an alternative to any other judicial or administrative remedy provided in this ERP or by law, any person who violates any portion of the Rules and Regulations, or by each act of commission or omission procures, aids or abets such violation, shall be subject to a civil penalty as provided in this section; however, civil infractions shall be subject to civil penalty as provided in ORS 455.895.

In addition to any liability, duty, or other penalty provided by law, the Director may assess a civil penalty for any violation pertaining to the District's regulations, permits, or orders by service of a written notice of assessment of civil penalty upon the owner or operator of the source of the violation, the person in possession of the property where the violation originates, or the person otherwise causing or responsible for the violation.

Each day that a violation occurs or continues shall be considered a separate violation.

For violations of discharge limits, each parameter that exceeds a discharge limit shall be considered a separate violation. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

In certain circumstances, corrections (i.e., a return to compliance) after a violation is identified may take significant time. When corrections require capital upgrades or equipment installation, it may take years to budget for, acquire, or install such equipment. In other circumstances, WES may restrict or limit the time periods when corrective actions can be made by a violator to mitigate additional environmental harm that could occur if a violator were to make a correction at another time. In these circumstances, WES shall use discretion to best determine final civil penalty amounts to reach the goals of WES Rules and Regulations Section 10.2 of this ERP and return the violator to compliance with WES Rules and Regulations.

The amount of civil penalties shall be determined based on those in Table 9 below as follows:

Table 9. Civil Penalties

Type of Violation	Civil Penalty, Per Day
Industrial Wastewater Discharge Permit Violations	\$1,000
Regulated Activity without a Permit	\$500
Prohibited Discharge	\$500
Erosion Control	\$500
Water Quality Buffers	\$500
Stormwater Control Facilities	\$500
Trespass and other use of property	\$100
All other Violations	\$1,000

No Civil Penalty issued by the Director pursuant to this matrix shall be less than \$100 or more than \$10,000 for each day of each violation.

Requirements of a Civil Penalty Assessment

All violations must be documented with a citation, at a minimum, prior to or in conjunction with a civil penalty assessment (depending on the severity and impact of the violation). A civil penalty assessment shall contain the following information and should be served by certified mail to the party in violation:

- 1. File number, citation number, and/or permit number.** For tracking purposes, WES staff drafting assessments should use the following conventions to identify separate civil penalty assessments: CPA-IIMMYYYY-## where "II" is the staff person's first and last initial, "MM" is the two-digit month the assessment was made, "YYYY" is the year the assessment was made, and "##" is a sequential numeric identifier beginning with "01" if more than one assessment is made in one month.
- 2. Name of the person or business entity cited ("Respondent").** The business entity may be found through Oregon's Business Registry database.

3. **Name of the property owner.**
4. **Chapter and Section of the Rules and Regulations Violated**
5. **A brief description of the violation of which the Respondent is charged in such manner as can be readily understood by a person making a reasonable effort to do so.** If a citation is associated with this assessment, that should be referred to in this description
6. **The date and place at which the violation occurred and the date on which the penalty was issued**
7. **The place where the Respondent cited can appeal to the Director and the time within such an appeal must be filed.** Appeals are described in Section 8 of this ERP.
8. **The penalty assessed for the violation by schedule.** If the penalty amount assessed includes multiple days of violation, then the math used to calculate the penalty amount should be shown.
9. **Statement to certify that there are reasonable grounds to believe that the Respondent cited committed a violation of the Rules and Regulations.**

CLACKAMAS COUNTY WATER ENVIRONMENT SERVICES

IN ACCORDANCE WITH:

**CLACKAMAS COUNTY WATER ENVIRONMENT SERVICES
EROSION PREVENTION & SEDIMENT CONTROL REGULATIONS**

ALL PERSONS ARE HEREBY ORDERED TO

STOP WORK

ON THIS PROJECT AT ONCE

**CONTACT: NICK DEGLANTONI
150 BEAVERCREEK RD
OREGON CITY, OR 97045**

**PHONE: 503-742-4632
971-804-1304**

POSTED _____

LOCATION _____

BY _____

DO NOT REMOVE

Fields in orange should be included, at a minimum. Follow instructions and customize content, as appropriate. Then delete this box before sending.



CLACKAMAS
WATER
ENVIRONMENT
SERVICES

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NOTICE TO CORRECT

Date: June 14, 2023 Case, File, or Permit Number: NTC-IIMMYYYY-##

General Site Information:

Business Name: Click or tap here to enter text.
Mailing Address: Click or tap here to enter text.

Contact Person: Click or tap here to enter text.
Phone: Click or tap here to enter text.
Email: Click or tap here to enter text.

Background:

This section is for stating all relevant facts associated with the violation. Example of relevant facts are:

- Site Location
- Activity being conducted by the violator (such as an inspection)
- Actions taken by the violator with Dates and Times
- Actions taken by WES with Dates and Times
- Results of samples taken on site
- References to Rules and Regulations or Permit Sections
- Communications between WES staff, violator, or 3rd parties (e.g., phone call, verbal, or e-mails).
- Actual Statement that a discharge occurred to WES' sanitary or MS4/stormwater system.

Do not include opinions or facts that can not be supported with evidence.

Violation(s):

Based on the facts identified above, the following violation(s) of the Water Environment Services Rules and Regulations (OR "Permit") occurred:

1. **WES Rules and Regulations, Section 6.4.... – Discharge Regulations.** Section 6.4.... which constitutes a violation of Section 6.4.... of WES' Rules and Regulations.
2. **WES Rules and Regulations, Section 6.6.... – Name of Section.** Section 6.6.... which constitutes a violation of Section 6.6 of WES' Rules and Regulations.

Use the format above to identify each violation by Rules or Permit Section. Describe 3 things for each item in the list: What the section states, what the violator did, and that the action of the violator constitutes a Violation of the Section.

Required Action(s):

1. Required permits shall be secured.

Due Date

1. MMM, DD, YYYY



NOTICE TO CORRECT

Please complete all required corrections within the specified timeframe. Failure to comply with the terms of this Notice to Correct may result in additional enforcement actions under Chapter 10 of WES' Rules and Regulations. These actions may include, but are not limited to, assessment of civil penalties up to \$500 per day per violation.	
Recommended Action(s):	Due Date
1. Conduct employee training on spill response and reporting.	1.

This Notice to Correct is issued pursuant to WES Rules and Regulations Section 10. WES' Rules and Regulations, are available for review on WES' website at the following address:

<https://www.clackamas.us/wes>.

Informal discussions about the Violations identified herein and this Notice to Correct may be addressed to the Inspector below.

Name, title	Telephone: phone number
Water Environment Services	e-mail: address
15491 S. Agnes Ave, Bldg B Oregon City, OR	
97045	

Name, title

CC: Chris Desiderati, Source Control Coordinator
Terrance Romaine, Environmental Services Manager

Fields in orange should be included, at a minimum. Follow instructions and customize content, as appropriate. Then delete this box before sending.



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CITATION FOR VIOLATION

Date: June 14, 2023 Case, File, or Permit Number: CV-IIMMYYYY-##

General Site Information:

Business Name: Click or tap here to enter text.
Mailing Address: Click or tap here to enter text.

Contact Person: Click or tap here to enter text.
Phone: Click or tap here to enter text.
Email: Click or tap here to enter text.

Background:

This section is for stating all relevant facts associated with the violation. Example of relevant facts are:

- Site Location
- Activity being conducted by the violator
- Actions taken by the violator with Dates and Times
- Actions taken by WES with Dates and Times
- Results of samples taken on site
- References to Rules and Regulations or Permit Sections
- Communications between WES staff, violator, or 3rd parties (e.g., phone call, verbal, or e-mails).
- Actual Statement that a discharge occurred to WES' sanitary or MS4/stormwater system.

Do not include opinions or facts that can not be supported with evidence.

Violation(s):

Based on the facts identified above, the following violation(s) of the Water Environment Services' Rules and Regulations (OR "Permit") occurred:

1. **WES Rules and Regulations, Section 6.4.... – Discharge Regulations.** Section 6.4.... which constitutes a violation of Section 6.4.... of WES' Rules and Regulations.
2. **WES Rules and Regulations, Section 6.6.... – Name of Section.** Section 6.6.... which constitutes a violation of Section 6.6 of WES' Rules and Regulations.

Use the format above to identify each violation by Rules or Permit Section. Describe 3 things for each item in the list: What the section states, what the violator did, and that the action of the violator constitutes a Violation of the Section.

Required Action(s):

1. Required permits shall be secured.

Due Date

1. MMMM, DD, YYYY



CITATION FOR VIOLATION

Please complete all required corrections within the specified timeframe. Failure to comply with the terms of this citation may result in additional enforcement actions under Chapter 10 of WES' Rules and Regulations. These additional actions may include, but are not limited to, assessment of civil penalties up to \$1000 per day per violation.	
Recommended Action(s):	Due Date
1. Conduct employee training on spill response and reporting.	1.

This Citation for Violation shall become final unless a **written appeal is received by the Director requesting a hearing no later than ten (10) days after service of this citation** pursuant to WES Rules and Regulations Section 10.10 *Final Order*. A written appeal must contain the information identified in Section 10.12.1 of WES' Rules and Regulations, which is available for review on WES' website at the following address: <https://www.clackamas.us/wes>.

Informal discussions about the Violations identified herein and this Citation may be addressed to the Inspector below.

Name, title Water Environment Services 15491 S. Agnes Ave, Bldg B Oregon City, OR 97045	Telephone: phone number e-mail: address
---	--

Greg Geist, Director

CC: [name], Source Control Coordinator
 [name], Environmental Services Manager
 [name], Assistant Director

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CITATION FOR VIOLATION AND CIVIL PENALTY ASSESSMENT

Date: June 14, 2023

Case, File, or Permit CVCPA-IIMMYYY-##
Number:

General Site Information:

Business Name: Click or tap here to enter text.

Mailing Address: Click or tap here to enter text.

Contact Person: Click or tap here to enter text.

Phone: Click or tap here to enter text.

Email: Click or tap here to enter text.

Background:

This section is for stating all relevant facts associated with the violation. Example of relevant facts are:

- Site Location
- Activity being conducted by the violator
- Actions taken by the violator with Dates and Times
- Actions taken by WES with Dates and Times
- Results of samples taken on site
- References to Rules and Regulations or Permit Sections
- Communications between WES staff, violator, or 3rd parties (e.g., phone call, verbal, or e-mails).
- Actual Statement that a discharge occurred to WES' sanitary or MS4/stormwater system.

Do not include opinions or facts that can not be supported with evidence.

Violation(s):

Based on the facts identified above, the following violation(s) of the Water Environment Services Rules and Regulations (OR "Permit") occurred:

1. **WES Rules and Regulations, Section 6.4.... – Discharge Regulations.** Section 6.4.... which constitutes a violation of Section 6.4.... of WES' Rules and Regulations.
2. **WES Rules and Regulations, Section 6.6.... – Name of Section.** Section 6.6.... which constitutes a violation of Section 6.6 of WES' Rules and Regulations.

Use the format above to identify each violation by Rules or Permit Section. Describe 3 things for each item in the list: What the section states, what the violator did, and that the action of the violator constitutes a Violation of the Section.

Assessment of Civil Penalty:

Based on the facts identified above, [name of violator] is assessed a civil penalty for each Violation based on the WES Rules and Regulations, Section 10.7.1. *Civil Penalty Matrix* as follows:



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CITATION FOR VIOLATION AND CIVIL PENALTY ASSESSMENT

1. For Violation 1 of Section 6.4... – Discharge Regulations identified above, [name of violator] shall pay **Five Hundred Dollars (\$500)** for the Prohibited Discharge.
2. For Violation 2 of Section 6.6.... – [name of Section] identified above, [name of violator] shall pay **Five Hundred Dollars (\$500)** for the Regulated Activity without a Permit.

Based on the facts stated in the background above, WES has reasonable grounds to believe that [name of violator] committed a Violation of the Rules and Regulations and hereby assesses [name of violator] a total **Civil Penalty of One Thousand Dollars (\$1,000)** for violations of WES' Rules and Regulations.

Use the format above to describe, itemize, and total the Civil Penalty assessed.

Required Action(s):	Due Date
<ol style="list-style-type: none">1. Required permits shall be secured.2. Payment of civil penalties by check or money order in the amount of \$1,000, made payable to "Water Environment Services," sent to Water Environment Services at 150 Beaver Creek Road Ste. 430, Oregon City, Oregon 97045. <p>Please complete all required corrections within the specified timeframe. Failure to comply with the terms of this citation may result in additional enforcement actions under Chapter 10 of WES' Rules and Regulations.</p>	<ol style="list-style-type: none">1. MMMM, DD, YYYY2. 10 Days after Service of this Citation
Recommended Action(s):	Due Date
<ol style="list-style-type: none">1. Conduct employee training on spill response and reporting.	<ol style="list-style-type: none">1.

This Citation for Violation and Civil Penalty Assessment shall become final unless a **written appeal is received by the Director requesting a hearing no later than twenty-one (21) days after service of this citation** pursuant to WES Rules and Regulations Section 10.10 *Final Order*. A written appeal must contain the information identified in Section 10.12.1 of WES' Rules and Regulations, which is available for review on WES' website at the following address:
<https://www.clackamas.us/wes>.

Informal discussions about the Violations identified herein, this Citation, or Civil Penalty Assessment may be addressed to the Inspector below.

Name, title

Water Environment Services

Telephone: phone number

e-mail: address



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SERVICES

CITATION FOR VIOLATION AND CIVIL PENALTY ASSESSMENT

15491 S. Agnes Ave, Bldg B Oregon City, OR
97045

Greg Geist, Director

CC: [name], Source Control Coordinator
[name], Interim Environmental Services Manager
[name], Assistant Director