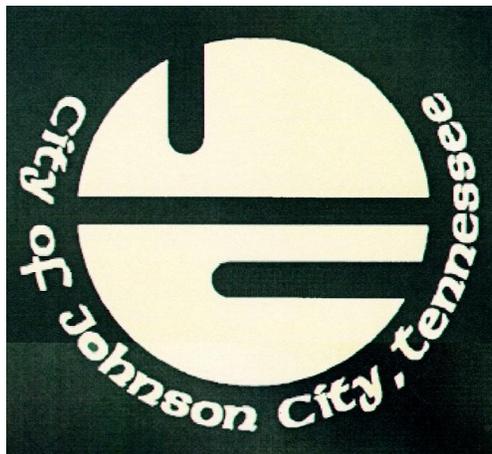


CITY OF JOHNSON CITY, TENNESSEE ENFORCEMENT RESPONSE PLAN

Department of Water and Sewer Services

January 6, 2011



City of Johnson City
901 Riverview Road
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I. INTRODUCTION

This Enforcement Response Plan (ERP) provides guidance to the City of Johnson City Department of Water and Sewer Services in resolving violations of the local pretreatment program. The ERP outlines, in a step-by-step approach procedures to be followed by staff to identify, document, and respond to pretreatment violations. The plan provides guidance in selecting initial and follow-up enforcement actions, indicates staff responsibilities for these actions, and specifies appropriate time frames.

To ensure that Publicly Owned Treatment Works (POTW's) develop and implement specific enforcement procedures, the U.S. Environmental Protection Agency (EPA) proposed regulations on November 23, 1988 (53 Fed. Reg. 47632), amending the General Pretreatment Regulations, paragraph 40 CFR 403.8(f)(5), (Regulations) requiring all POTW's with approved pretreatment programs to develop and implement enforcement response plans. The ERP specifies criteria by which POTW personnel will determine the enforcement action most appropriate to the nature of the violation.

A flexible and appropriate ERP tailored to the particular needs of the City is necessary in carrying out a successful pretreatment program. All enforcement actions should consider any unique or unusual aspects of a specific situation. Therefore, this is not intended to limit the judgment and flexibility of the City.

The 40 CFR Regulations, at a minimum, require the ERP to:

- (1) describe how the POTW will investigate instances of noncompliance;
- (2) describe types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user (IU) violations and the time periods which responses will take place;
- (3) identify the official(s) responsible for each type of response; and,
- (4) adequately reflect the POTW's primary responsibility in enforcing all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8(f)(1&2).

An effective enforcement response plan will help alleviate many difficulties that may arise in enforcing a pretreatment program. Adherence to the plan makes the POTW less likely to react inconsistently to similar instances of noncompliance or to arbitrarily select enforcement measures. Because the Control Authority is following documented enforcement procedures, industries will be less likely to view the enforcement action as subjective or unreasonable.

A. Available Personnel

- (1) City Commission,
- (2) City Manager,
- (3) Director of Water/Sewer Department,
- (4) Superintendent of Water and Wastewater Treatment,
- (5) Assistant Director of Water/Sewer Operations,
- (6) Environmental Auditor or Specialist,
- (7) Pretreatment Coordinator,
- (8) Cross Connection Control Inspector

B. Identification and Investigation of Instances of Non-Compliance

The City Water and Sewer Department Office of Pretreatment is to maintain records of all industrial users' compliance reports. Each industrial user is to submit regular reports as stipulated in the users permit. This data is entered into E.P.A. approved compliance tracking software. Field inspections by this office will be conducted as well as the method of determining compliance by use of computer tracking.

II. PRETREATMENT STREAMLINING RULE APPROVED

The Administrator of the USEPA signed the pretreatment streamlining rule on September 27, 2006. This rule was published in the *Federal Register* on October 14, 2005 and became effective November 13, 2005. This rule revises several provisions of 40 CFR part 403, the General Pretreatment Regulations that address requirements for, and oversight of, Industrial Users who introduce pollutants into Publicly Owned Treatment Works (POTW's).

As a result of the pretreatment streamlining rule, POTW's were required to modify their Sewer Use Ordinances (SUO) to reflect the changes required by the new rule. The City of Johnson City submitted their revised SUO based on the model ordinance provided by the USEPA and modified by the Tennessee Department of Environment and Conservation (TDEC) in June of 2008. Based on the revisions of the SUO, the City revised the Enforcement Response Plan (ERP) and submitted the completed document to TDEC in July of 2008.

III. POTW'S RESPONSIBILITY TO ENFORCE ALL PRETREATMENT REQUIREMENTS AND STANDARDS.

Johnson City's Pretreatment Program is based on the legal authority and includes procedures from the Federal Register. These procedures and legal authority have been written into the language of the Sewer Use Ordinance which is attached to this document.

IV. PROVISIONS FOR ENFORCEMENT IN EXISTING SEWER USE ORDINANCE

The most recently officially adopted Sewer Use Ordinance passed by the Johnson City Commission is attached. This includes all provisions which allow for the development and implementation of this program.

V. PROPOSED PROVISIONS FOR ENFORCEMENT IN SEWER USE ORDINANCE

The Sewer Use Ordinance attached includes the following which is required by State and Federal regulations.

- i. Definition of significant non-compliance (SNC);
- ii. Revised definitions of prohibited discharges;
- iii. Possible penalties of \$1000.00 a day for each violation by industrial users of pretreatment standards and requirements.