

DELCORA ENFORCEMENT RESPONSE PLAN

INTRODUCTION AND PURPOSE

Delaware County Regional Water Quality Control Authority (DELCORA), as the owner and operator of the publicly owned treatment works, has the primary responsibility for enforcing all pretreatment requirements found in the Clean Water Act, the regulations enacted thereto, DELCORA's Wastewater Control Regulations and the DELCORA wastewater discharge permit. (Hereinafter, all requirements and obligations found in these documents shall be referred to as "pretreatment requirements"). The purpose of this Enforcement Response Plan is to ensure that DELCORA's responsibility is carried out in a consistent, systematic, and timely fashion. The goals of this Enforcement Response Plan are as follows:

1. to identify all instances of non-compliance with the pretreatment requirements;
and
2. to ensure that the industrial user returns to compliance as quickly as possible
and to ensure its continuing compliance thereafter; and
3. to penalize industrial users for their violations of the pretreatment requirements;
and
4. to deter future violations of the pretreatment requirements; and
5. to recover any expenses incurred by DELCORA attributable to an industrial
user's non-compliance.

This Enforcement Response Plan consists of six (6) sections.

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1. SECTION I - IDENTIFYING NON-COMPLIANCE

This section will discuss how non-compliance will be investigated and identified. It will identify those individuals responsible for determining non-compliance and specify time frames for making non-compliance determinations.

2. SECTION II - ENFORCEMENT RESPONSES

This section will discuss the appropriate enforcement response for all anticipated types of industrial user pretreatment requirement violations. Individuals responsible for implementing the enforcement response will be identified and time frames for the initiation and completion of the enforcement response established.

3. SECTION III - CALCULATION OF FINES

This section will identify those instances of non-compliance which require DELCORA to seek fines against the industrial user (IU). Also, the method used to calculate these fines will be addressed. Mitigating factors, which may be considered by DELCORA in reducing the fine amount, will then be addressed.

4. SECTION IV - COMPLIANCE SCHEDULES

Compliance Agreements will be the standard method of bringing an IU back into compliance. The content of the document will be discussed in this section.

5. SECTION V - AMENDMENTS TO ENFORCEMENT RESPONSE PLAN

6. SECTION VI - SUMMARY OF ENFORCEMENT RESPONSE PLAN OBLIGATIONS OF DELCORA PERSONNEL

SECTION I - IDENTIFYING NON-COMPLIANCE

The pretreatment technician (PT), along with the Manager of the Pretreatment Unit (Manager) or his designee, have the responsibility of determining non-compliance with all pretreatment requirements. The PT will determine if violations of any pretreatment requirements have occurred by taking the following action:

- A. Review of Baseline Monitoring Reports (BMR), 90 Day Compliance Reports (90DCR), Periodic Compliance Reports (PCR), Spill or Slug Discharge Reports (oral and written), Responses to NOV's, Compliance Schedule Reports, and other Reporting Obligations as Contained in the IU's Permit

The Manager will determine when all reports are due. Failure to make timely reports should be discovered within 10 days after the report's due date and the appropriate enforcement response discussed in Section II should be initiated.

All reports should be reviewed within 30 days upon receipt to determine if they are complete and whether they indicate any violation of the pretreatment requirements.

- B. Independent Sampling Verification

The PT will independently sample all significant industrial users (SIU) at least twice per year and all industrial users (IU) at least once per year. The PT may sample an IU as many times per year as the Manager deems necessary in order to determine: 1) the potential for pretreatment violations; 2) the frequency, duration, and magnitude of the violations; 3) whether the IU is taking remedial actions to correct his violations of the pretreatment requirements; and 4) to ensure that the industrial user returns as quickly as possible to full compliance.

All samples shall be taken using standard chain of custody forms.

The DELCORA Central Laboratory or a designated contract laboratory will then analyze the sample for all parameters as designated by the PT and transmit its laboratory analysis to the Pretreatment Unit as follows: (1) for organics analysis: within 60 days of sample date; (2) for inorganics and conventional pollutants: within 30 days of sample date. Within 10 days thereafter, the laboratory's report will be reviewed by the PT for discharge violations. All lab results must be reproduced as a file copy to be attached to the chain of custody forms which will be placed in the IU's verification monitoring report (VMR) files. All IU's will be sent a copy of the lab results.

- C. Inspections

All SIU's shall undergo a formal (comprehensive) inspection at least once per calendar year. All IU's shall undergo an informal inspection by the pretreatment technician at least once per year. The Manager and/or PT may conduct as many inspections of an IU as the Manager deems necessary to determine: 1) the potential for pretreatment violations, 2) the frequency, duration, and magnitude of the violations, 3) whether the IU is taking the corrective action as promised or as agreed to in his permit agreement or consent order, and 4) to ensure to the Manager's satisfaction that the industrial user is using its best efforts to return to compliance or prevent future non-compliance.

Formal pretreatment inspection forms shall be completed for the annual inspection and may be utilized for each subsequent inspection occurring that year. All completed inspection forms shall be placed in the IU's correspondence file. All IU's will be sent a copy of the completed formal inspection form.

D. Screening Process for Identifying SIU's

The formalized screening process for identifying SIU's is carried out on a continuing basis by the pretreatment unit within the process group and the Manager or his designee. This process determines whether industries and/or other non-domestic dischargers should be considered SIU's. This is accomplished through the use of annually-generated industrial directories, water company sales records, sewer sales records, business license listings or any other information which may become available.

Where information indicates that an IU could be classified as an SIU, then that industry shall undergo a formal inspection prior to a final determination by the Manager. A copy of the formal inspection shall be kept on file in the Pretreatment Unit. From this information, a permit shall be drafted and publicly noticed. A final permit shall then be issued. Upon issuance, the Manager or his designee shall assign a PT to monitor the permit.

E. Compliance Schedules

Certain industries will be operating under compliance schedules. These compliance schedules will establish milestone dates for actions to ensure compliance with pretreatment requirements (for example, hire an expert, purchase equipment, have equipment on line, etc.). The compliance schedule will also require the industry to notify the PT at each step as to whether the action has been completed. Compliance schedules may be contained in compliance agreements, administrative orders, consent decrees or the permit.

The PT must carefully monitor these compliance schedules to determine if the action has been completed on a timely basis and whether the proper notifications have been submitted. Violation of any compliance schedule deadline or notification requirement should be identified within 15 days after the milestone or reporting date has passed and the appropriate enforcement response discussed in Section II.A. should be initiated.

F. Records

The PT shall maintain all supporting documentation regarding all pretreatment violations and enforcement activities in the IU's active file for three (3) years. After three (3) years, the records shall be placed in storage.

SECTION II – ENFORCEMENT RESPONSES

A. Enforcement Response Options and Selection

All violations of the pretreatment requirements are instances of non-compliance and will receive a specific enforcement response. Pretreatment requirements are a matter of strict liability. Hence, good faith or lack of negligence on the industrial user's part is no defense to a violation of the pretreatment requirements.

The enforcement responses will range from notices of violation to formal civil litigation and/or termination of service, depending on the severity of the violation. A list of the enforcement responses, along with the personnel who will be implementing these responses, are described in Section II.E.

While similar violations will receive similar enforcement responses, as outlined in Section II. F, there is some inherent discretion within each enforcement response selection. For example, some violations will trigger either administrative action, formal civil litigation or permit revocation. The selection of the specific enforcement response option shall be at DELCORA's sole discretion.

B. Significant Non-Compliance (SNC)

An Industrial User is in significant non-compliance if the violation meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Article 200 and Section 201 of DELCORA's Sewer Use Ordinance;
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Article 200 and Section 201 of DELCORA's Sewer Use Ordinance, multiplied by the applicable TRC value. The TRC values are:
 - a) TRC = 1.4 for BOD, TSS, fats, oils and grease;
 - b) TRC = 1.2 for all other pollutants except pH;

Note: The City of Philadelphia uses different criteria and their criteria will apply in the Eastern Service Area.

3. Any other violation of a Pretreatment Standard or Requirement as defined in Article 200, Section 201, and Section 401 of DELCORA's Sewer Use Ordinance (Daily, maximum or long-term average, Instantaneous limit, or narrative standard) that DELCORA 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);

4. 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 to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a User permit, control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within thirty (30) days after the due date, required reports including but not limited to baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, Significant Industrial User reports, and reports on compliance with compliance schedules;
7. Failure to accurately report non-compliance; and/or
8. Any other violation or group of violations, which may include a violation of Best Management Practices (BMPs), which DELCORA determines will adversely affect the operation or implementation of the local Pretreatment program.

C. Enforcement Response to SNC

Violations of the pretreatment requirements which constitute significant non-compliance are considered to be the most serious violations and therefore require a strong and immediate enforcement response. The enforcement response to any instance of significant non-compliance will be as follows:

1. All instances of significant non-compliance will be immediately called to the attention of the Manager or his designee.
2. If the SNC is such that imminent harm occurs to the DELCORA treatment plant, its employees or the environment, the Manager and, if required, the pretreatment attorney, will take immediate steps to cease the violation. This action may be either an immediate permit revocation, civil action with injunction or any other steps necessary to prevent the harm from continuing including the immediate termination of sewer service.
3. If the SNC is such that it will not cause imminent harm to the DELCORA treatment plant, its employees or the environment, then the Manager will promptly send the offending IU a Notice of Violation (as attached in Exhibit A) informing him that he is in significant non-compliance and that formal civil litigation and/or administrative action (which may include the revocation of the IU's wastewater discharge permit or termination of service) will be commenced if the matter cannot be resolved within 30 days from the date of that notice. DELCORA's Executive Director, at his discretion, should he decide to pursue civil litigation, may attach to this Notice of Violation a copy of a complaint in

equity which will be filed if a resolution does not occur within 30 days. The filing of this complaint or the initiation of administrative action may be delayed at the Executive Director's discretion and only in the following situations: (1) additional information needs to be gathered by DELCORA in order to frame the proper allegations and corrective measures asked for in the complaint or administrative order or; (2) where effluent violations result in SNC and the IU has agreed in writing to retain the services of a licensed, professional engineer specializing in wastewater pretreatment to design a pretreatment system. Additional time may be allowed for the engineer to prepare his report so that a compliance schedule can be formulated.

4. The pretreatment attorney, the Manager or his designee, and/or PT shall be available to meet with the offending industrial user during this 30 day period following the Notice of SNC.
5. If an agreement is reached involving the implementation of a compliance schedule, that compliance schedule shall be attached to, and become part of, the IU's Wastewater Discharge Permit.
6. SNC fines will be based on severity and/or duration.
7. If the SNC results in DELCORA being fined, damages to DELCORA or additional treatment costs being incurred by DELCORA, then the offending IU shall pay these costs to DELCORA.
8. At least once a year, DELCORA shall publish in the largest daily newspaper published in Delaware County, a notice to the public Industrial Users which were in significant non-compliance. This notice shall include the name(s) and address(es) of the User and may also include additional information such as the duration of the violation, nature of the violation, compliance action taken (if any), whether the User is currently complying with a compliance schedule and whether the User has returned to compliance. At the discretion of DELCORA, the type of enforcement action undertaken may also be reported. This provision does not prohibit the publication of the notice in more frequent intervals or by the City for Users in the Eastern Service Area.
9. In addition to utilizing the actions contained in numbers 1-8 immediately above, nothing shall preclude the pretreatment attorney, Executive Director or the Manager or his designee from taking additional actions to ensure an immediate return to compliance.

D. Enforcement Response Options

<u>Abbreviation</u>	<u>Response</u>
AO	Administrative Order
ATC	Additional Treatment Costs (Payment for all additional treatment costs incurred by DELCORA as a result of an IU's non-compliance with pretreatment requirements)
CL	Civil Litigation (which may include injunctive relief, if appropriate)
CR	Cost Recovery (Payment for all damages incurred by DELCORA as a result of an IU's non-compliance with pretreatment requirements)
CRIM	Referral for Criminal Prosecution
CS	Compliance Schedule
FD	Fine Discretionary
FM	Fine Mandatory
FR	Fine Recovery (The reimbursement of any fines levied against DELCORA by any other agency as a result of an IU's non-compliance with pretreatment requirements)
M	Meeting with IU to resolve non-compliance
NOV	Notice of Violation (Attached as Exhibit A)
R	Revocation of Wastewater Discharge Permit
SNC	Enforcement Response to Significant Non-Compliance (Section II.C)
T	Termination of Sewer Service

E. Enforcement Response Personnel

<u>Abbreviation</u>	<u>Personnel</u>
ATT	DELCORA's Pretreatment Attorney
M	Manager, Pretreatment Unit or Designee
L	Laboratory Personnel
PT	Pretreatment Technicians
ED	Executive Director or Director of Engineering (Designee)

F. Enforcement Responses

1. Effluent Limit Violation – by SIU

<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
a) Infrequent, no harm to DELCORA or environment	NOV	PT, M
b) Recurring, no harm to DELCORA or environment	level 1: NOV, M, FD level 2: CS, FM	PT, M M, ED
c) Violation causes harm to DELCORA or environment	SNC	M, ATT, ED
d) Chronic violations (see Section II. B.1)	SNC	M, ATT, ED
e) Accidental or slug discharge, isolated no harm	level 1: NOV, ATC level 2: CS, FD	PT, M M, ED
f) Accidental or slug discharge, recurring no harm	level 1: NOV, M, FD, ATC level 2: CS, FM, AO	PT, M M, ATT, ED
g) Accidental or slug discharge, harm to DELCORA	SNC	M, ATT, ED
h) Interference or pass through	SNC	M, ATT, ED
i) Any intentional violation without prior notice to and approval by DELCORA	level 1: CRIM, FM, AO, CL, FR, CR, ATC level 2: T	M, ATT, ED ED, ATT

2. POTW Verification Sampling Violation

<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
a) Effluent limit violation for any parameter	NOV, FD	PT, M
b) Resample, violations continue to be detected	level 1: NOV, M, CS, FD level 2: CL, AO, FM	PT, M M, ATT, ED

3. Self Monitoring (Sampling) Violation

<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
a) Failure to monitor as frequently as required in permit (1st violation)	NOV	PT, M
b) Recurring failure to monitor as required in permit after notification by DELCORA	level 1: NOV, M, FD level 2: AO, CL, FM	PT, M M, ATT, ED
c) Incomplete monitoring, monitoring fails to test for all permit parameters, 1st violation	NOV	PT, M
d) Incomplete monitoring, monitoring fails to test for all permit parameters, recurring violations	level 1: NOV, FD, M level 2: AO, CL, FM	PT, M M, ATT, ED
e) Failure to monitor in accordance with the procedures contained in the permit, 1st violation	NOV	PT, M
f) Failure to monitor in accordance with procedures contained in the permit, recurring	level 1: NOV, FD, M level 2: AO, CL, FM	PT, M M, ATT, ED

4. Reporting Violations

<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
a) Report is between 5 and 30 days late, isolated event	NOV, FD	PT, M

b) Report is between 5 and 30 days late, recurring events	NOV, M, FM	PT, M
c) Report is over 30 days late	SNC	M, ATT, ED
d) Report is improperly signed or certified (1st violation)	NOV	PT, M
e) Report is improperly signed or certified after notice by DELCORA	NOV, M, FD	PT, M
f) Failure to give one hour telephone notice to report accidental discharge, (spill or slug load) no harm (1st violation)	NOV	PT, M
g) Failure to give one hour telephone notice to report accidental discharge, (spill or slug load) no harm, recurring	level 1: NOV, M, FD level 2: AO, FM	PT, M M, ED
h) Failure to give one hour telephone notice to report accidental discharge, (spill or slug load), results in harm	SNC	M, ATT, ED
i) Failure to submit written report within five (5) days after accidental discharge (no harm) 1st violation	NOV	PT, M
j) Failure to submit written report within five (5) days after accidental discharge (recurring)	level 1: NOV, M, FD level 2: AO, FM	PT, M M, ED
k) Failure to notify DELCORA within 24 hours of becoming aware of a sample which violates the industrial user's effluent limits and to report the next sample that shows a return to compliance (1st violation)	NOV, FD	PT, M

l) Failure to notify DELCORA within 24 hours of becoming aware of a sample which violates the industrial user's effluent limits and to report the next sample that shows a return to compliance (recurring)	level 1: NOV, M, FD level 2: AO, CL, FM	PT, M M, ATT, ED
m) Failure to report non-compliance accurately	SNC, CRIM, T	M, ATT, ED

5. Compliance Schedule Violations ⁽¹⁾

<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
a) Missed milestone date by less than 45 days	NOV, FD	PT, M
b) Missed milestone date by 45 days or more ⁽²⁾	SNC, T	M, ATT, ED
c) Failure to give notice as required in the compliance schedule (initial violation)	NOV, FD	PT, M
d) Failure to give notice as required in the compliance schedule, recurring	level 1: NOV, M, FD level 2: AO, FM	PT, M M, ED

⁽¹⁾ Penalties for violation of compliance schedule milestone dates may be contained in the compliance schedule itself, administrative order or consent decree. Where these penalty provisions exist, penalties for those violations will be levied in accordance with those terms and conditions. If no such provisions exist then the penalties will be levied in accordance with the above enforcement responses.

⁽²⁾ If an IU wishes to avoid being in SNC, it must notify DELCORA in writing prior to being 45 days late and must explain its reasons for the delay. If DELCORA believes that the delay is caused by factors completely outside of the control of the industrial user then DELCORA may extend the milestone deadline. Such extension would therefore prevent the IU from violating its milestone date and therefore the IU would not be in SNC. DELCORA will not grant extensions unless the IU clearly establishes its entitlement in a timely manner.

6. Unauthorized Discharges (No Permit)

<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
a) IU unaware of requirement, no harm to DELCORA or environment	NOV, FD	PT, M
b) IU unaware of requirement, harm to DELCORA or environment	NOV, FM, AD	M, ATT, ED
c) Failure to apply for a permit continues after notice by DELCORA	level 1: NOV, FD level 2: AO, FM, T	PT, M M, ED
d) IU has failed to renew its wastewater discharge permit	level 1: NOV, FD level 2: AO, FM, T	PT, M M, ED

7. Other Permit Violations

<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
a) Waste streams are diluted in lieu of treatment, unintentional	level 1: NOV, FD, M level 2: CS, AO, CL, FD	PT, M M, ATT, ED
b) Waste streams are diluted in lieu of treatment, intentional	NOV, FM, CL, CRIM, T	M, ATT, ED
c) Inadequate record keeping, initial	NOV	PT, M
d) Inadequate record keeping, recurring, after notice by DELCORA	level 1: NOV, FD, M level 2: AO, FM	PT, M M, ATT, ED
e) Failure to mitigate non-compliance, initial	NOV, FD, ATC, CR	PT, M, ED
f) Failure to mitigate non-compliance after notice by DELCORA	level 1: NOV, FM, M, ATC, CR level 2: AO, CL, R, T	PT, M M, ATT, ED
g) Failure to allow inspector to inspect premises or to provide records as requested	level 1: NOV, FD, M level 2: AO, CL, FM, CRIM	PT, M M, ATT, ED

h) Failure to notify DELCORA in advance of any substantial change in volume or character of pollutants including any change in its hazardous waste notification	NOV, FD	PT, M
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8. Violations of Best Management Practices (BMP)

<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
a) Violations of BMPs	NOV, FD depending on the circumstances	PT, M

G. Time Frame for Responses

1. Initial Enforcement Response (level 1)

- | | |
|-----------------------------------|---|
| a) Late Reports - | Enforcement response should be initiated within 5 days after determination that report is late. |
| b) Report Review - | After a report has been reviewed and any non-SNC violation determined, the appropriate response shall be initiated within 5 days. |
| c) All other non-SNC - violations | Enforcement response of the pretreatment standards should be initiated within 10 days of discovery by DELCORA of the violation. |

2. Escalating Enforcement Response (level 2)

The level 2 enforcement response should be initiated within 30 days after it is judged by DELCORA personnel that the level 1 response is ineffective in correcting the violation.

3. Significant Non-Compliance

Enforcement responses should be initiated according to the time frames established in Section II. C.

H. Additional Responses

The enforcement responses contained in Section II.F. are general guidelines and do not limit or restrict DELCORA's ability to take any other or more severe enforcement actions where DELCORA, in its sole discretion, deems it appropriate.

SECTION III – CALCULATION OF FINES

- A. Section II. F., Enforcement Response, states those violations for which fines are mandatory or discretionary.
- B. For those violations for which fines are discretionary, DELCORA will consider the following factors in determining whether fines should be assessed:
1. Reasons for non-compliance
 2. Compliance History - DELCORA will examine the IU's history of compliance for the specific violation as well as for all other permit terms and conditions
 3. Good faith compliance efforts - Good faith compliance efforts consist of the following actions:
 - a) whether the IU has responded to the NOV within 30 days
 - b) the actions the IU has taken or will take to ensure a return to compliance
 - c) the timeliness of these corrective actions
- C. Where the violation of a pretreatment standard requires a fine, either where a fine is mandatory or DELCORA has determined that a fine is appropriate pursuant to Section II. F. and III. B., the fine shall be \$1,000 per violation per day. The \$1,000 per violation per day fine is subject to increase to the maximum amount as allowed by law.
- D. Calculation of Maximum Fines
The maximum amount of fines for pretreatment violations will be calculated as follows:
1. Fines for violations of the daily maximum effluent limit shall be \$1,000 per day, up to the maximum allowed by law, for each and every parameter violated.
 2. Violations of the monthly average effluent for any parameter shall be considered as violations for each and every day within that month and therefore a \$1,000 per day fine, up to the maximum allowed by law, for all days in that month will be assessed.
 3. For each day any report is late, a \$100 fine will be assessed.
 4. If an IU fails to self monitor then a fine of \$1,000, up to the maximum allowed by law, will be assessed for each parameter that the IU fails to monitor.
 5. Accidental Spill. A \$1,000 fine will be assessed for each of the following: 1) the accidental spill, 2) the failure to give DELCORA one hour notice, if appropriate, and 3) the failure to follow-up with a five day notice of the spill, if appropriate.
 6. All other violations will be assessed a penalty of \$1,000 per day, up to the maximum allowed by law, for each day that the violation continues.

E. Reduction of Maximum Fines

The calculations in Section III. D. 1. through 6. are the maximum fines which can be assessed against an IU for violating the pretreatment requirements.

DELCORA has the discretion to reduce the maximum fine in accordance with the general guidelines listed immediately below and contained in this section. In determining whether a fine reduction is warranted, DELCORA will consider the following factors ("factors"):

1. Reasons for violation
2. Magnitude of violation
3. Duration of violation
4. Effect of violation on receiving water or sludge
5. Effect of violation on the treatment plant or its employees
6. Compliance history of industrial user
7. IU's response to violation. How quickly IU has responded to NOV and timeliness of its remedial actions.

Where DELCORA has determined that a reduction in the maximum fine is warranted, DELCORA shall use the following general guidelines in reducing the fine:

1. First, the maximum fine shall always be calculated. The maximum fine is calculated in accordance with Section III. D. 1. through 6.
2. A "reduced fine amount" is next calculated. The reduced fine shall be the fine which the IU must pay to DELCORA within thirty (30) days, unless an appeal is properly filed. The reduced fine is calculated as follows:
 - a. All daily effluent violations are totaled and multiplied by \$1,000 per violation per day. A reduction in the amount per violation per day may be allowed based on the factors previously outlined in this section.
 - b. Each monthly average violation, which normally would be calculated as 30 days of violations, may be treated as low as one day of violation if DELCORA determines that such reduction is warranted given the factors previously outlined in this section.
 - c. Similarly, reporting violations are fined at \$100 per day for each day late. However, this may be reduced based on the factors previously outlined in this section
 - d. All violations of self-monitoring are assessed at \$1,000 per parameter not monitored. A reduction in the amount per violation per day may be allowed based on the factors previously outlined in this section.
 - e. The reduced fine will be the sum of a. through d.

- f. In certain situations, the reduced fine may be further reduced by up to 30% if all of the following conditions are met:
 - 1) DELCORA is convinced that the IU is using its very best efforts to immediately return to compliance; and 2) DELCORA is convinced that the violation will not recur; and 3) DELCORA determines that this additional reduction is warranted under the factors previously discussed in this section.

SECTION IV - COMPLIANCE SCHEDULES

A. Introduction

Some violations of the pretreatment requirements will require that a Compliance Schedule be entered into. The Compliance Schedule will have as its major goal the establishment of milestone dates for the completion of certain specified events leading the IU to full compliance with all pretreatment requirements as quickly as possible.

B. Compliance Schedules

1. While compliance schedules may be appropriate in other instances of non-compliance, they will most often be used to correct effluent limit violations. While precise milestone events may differ from case to case, as a general rule they should, at a minimum, contain the following events with a corresponding milestone completion date:
 - a. Hire a licensed professional engineer specializing in wastewater pretreatment to evaluate the industrial user's processes and to develop a pretreatment system designed to bring the IU into full compliance with all pretreatment requirements.
 - b. Licensed professional engineer must submit a detailed plan of the proposed pretreatment system to DELCORA for its review. The plan must state in detail all steps necessary for the IU to achieve full compliance with all pretreatment requirements.
 - c. Purchase all necessary pretreatment equipment. Along with the IU's standard compliance notification, the IU must attach copies of the purchase orders for the equipment.
 - d. Install all necessary pretreatment equipment.
 - e. Debug and test the pretreatment equipment and have it on line and in operation.
 - f. Test period - maintain a 95% compliance rate for a period of 90 consecutive days as to all pretreatment requirements.

2. Within ten (10) working days after the completion date for each milestone event, the IU must notify DELCORA in writing as to whether the event has been completed. If the event was not completed, the notice must state the reasons for the failure, the expected completion date of the event, and the steps to be taken to avoid further delays. This notice does not excuse the IU for its failure to meet the milestone dates.

SECTION V - AMENDMENTS TO ENFORCEMENT RESPONSE PLAN

The Enforcement Response Plan may be amended at any time and for any reason at the sole discretion of DELCORA.

SECTION VI - SUMMARY OF ENFORCEMENT RESPONSE PLAN OBLIGATIONS OF DELCORA PERSONNEL

This section briefly summarizes the obligations of the Pretreatment Group personnel found in Section I through V of the Enforcement Response Plan.

<u>Obligation</u>	<u>Time Frame</u>	<u>Personnel</u>
<u>I. Reports</u>		
A. determine timeliness of all reports	w/in 10 working days of due dates	PT
B. review all reports	w/in 10 working days of receipt	PT, M
C. initiate appropriate enforcement response for all non-SNC violations	a) w/in 10 working days after timeliness determination has been made b) w/in 10 working days after report has been reviewed	PT, M PT, M
D. initiate level 2 enforcement if necessary	w/in 30 days after level 1 has failed	M, ATT, ED
E. initiate appropriate enforcement response for any SNC violation	w/in 30 days after discovery of violation in accordance w/ Section II.C. of the Enforcement Response Plan	M, ATT, ED
<u>II. Independent Sampling</u>		
A. sample all SIU's	at least twice per year	PT
B. sample all IU's	at least once per year	PT

III. Analyze Samples

A. organics	w/in 60 days of sample event	Lab
B. inorganics & conventional pollutants	w/in 30 days of sample event	Lab
C. review lab results	w/in 10 working days of receipt from lab	PT, M

IV. Effluent Limits

A. initiate appropriate enforcement response for any effluent limit violation	a) w/in 10 working days of receipt of lab results b) if SNC, in accordance with Section II.C.	PT, M M, ATT, ED
B. initiate level 2 enforcement if necessary	w/in 30 days after level 1 enforcement has failed	M, ATT, ED

V. IU Self-Monitoring

A. initiate appropriate enforcement response for any self-monitoring violation	w/in 10 working days of discovery of violation	PT, M
B. initiate level 2 enforcement if necessary	w/in 30 days after level 1 has failed	M, ATT, ED

VI. Inspections

A. formal inspection of all SIU's	at least once per calendar year	M
B. informal inspection of all IU's	at least once per year	PT
C. initiate enforcement response	w/in 10 working days after discovery of violation through inspection	M

VII. Compliance Schedule

- | | | |
|--|---|------------|
| A. initiate appropriate enforcement response for any missed milestone dates | w/in 10 working days of any missed milestone date | M |
| B. initiate SNC enforcement if necessary for continuing missed milestone dates | w/in 60 days after any missed milestone date | M, ATT, ED |

VIII. All Other Permit Violations

- | | | |
|---|---|------------|
| A. initiate appropriate enforcement response | a) w/in 10 working days of discovery of violation | M |
| | b) if SNC, in accordance with Section II.C. | M, ATT, ED |
| B. initiate level 2 enforcement, if necessary | w/in 30 days after level 1 enforcement has failed | M, ATT, ED |

EXHIBIT A
NOTICE OF VIOLATION
SAMPLE LETTER

DATE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NAME
COMPANY
ADDRESS
CITY, STATE, ZIP CODE

Re: Notice of Violation

Dear _____:

In accordance with the Enforcement Response Guide, DELCORA is officially serving notice of the following violations of DELCORA's Standards, Rules and Regulations of 1991.

<u>DATE</u>	<u>VIOLATION</u>	<u>REFERENCE</u>
April 21, 2010	Failure To Monitor (BOD 5, TSS)	Permit #1DE-01-04 Part II A
April 29, 2010	Failure To Monitor (BOD 5, TSS)	Permit #1DE-01-04 Part II A
April 30, 2010	Failure To Monitor (TSS)	Permit #1DE-01-04 Part II A

The above information is based on composite and/or grab samples not taken by (PERMIT COMPANY NAME) personnel at (ADDRESS OF LOCATION).

This letter does not waive, either expressly or by implication, the power or authority of DELCORA to further prosecute for any and all violations arising prior to or after the issuance of this letter or the conditions upon which this letter is based.

If additional information regarding this matter is required, feel free to contact me at (610) 876-5523, extension 213.

Sincerely,

Laboratory & Pretreatment Manager

cc: Director of Engineering, DELCORA
File Copy