



Regulatory Services Division
Industrial Discharge Control Program

Enforcement Response Plan

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Attorney Statement

I, Charles Frederick, Associate Counsel for the Washington Suburban Sanitary Commission, hereby certify that the Washington Suburban Sanitary Commission has the legal authority to implement and apply the methods, procedures, and penalties set forth in the attached Industrial Discharge Control Program Enforcement Response Plan.

 19 March 2025

Charles Frederick

Date

Associate Counsel

Washington Suburban Sanitary Commission

Attachments: Enforcement Response Plan
Enforcement Response Guide

Introduction

The Enforcement Response Plan (ERP) contained herein provides a framework for determining the appropriate response by the Washington Suburban Sanitary Commission (WSSC) for violations of the Industrial and Special Waste Regulations found in the WSSC Plumbing and Fuel Gas Code. This ERP is not intended to cover all violations or responses.

In general, all noncompliance will be addressed through the issuance of a Notice of Violation (NOV). Industrial User (IU) or waste hauler violations may be subject to civil citations carrying fines of \$250, \$500, \$750, or \$1,000, which progressively increase in cost until compliance has been demonstrated. Continued violations will result in escalated enforcement action.

Continuing violations, which cause the IU to be in significant noncompliance (SNC), or those violations, which in any one instance constitute SNC, will subject the violator to an NOV; public notice in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by WSSC; and depending on the type of violation, increased self-monitoring.

In circumstances where an IU is in SNC for two consecutive evaluation periods, the IU may be subject to formal enforcement action in the form of an Administrative Order.

In those instances, where standard enforcement responses are ineffective in compelling compliance, a referral will be made to the WSSC General Counsel's Office or to the appropriate state or federal law enforcement agency for appropriate legal action.

In accordance with the Maryland Department of the Environment (MDE) delegation agreement, , WSSC shall review and revise, if necessary, this ERP every five years, seeking MDE's approval prior to implementation of the revised plan.

I. Procedures for Investigating/Assessing Compliance

A. Definitions

Industrial User (IU) means any place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable, that uses water in a product, process, or any manner that generates wastewater which is a source of indirect discharge (Section 801.2 WSSC Plumbing and Fuel Gas Code).

Significant Industrial User (SIU) means an IU that meets one or more of the criteria, as defined in Section 801.2 of the WSSC Plumbing and Fuel Gas Code and the Code of Federal Regulations (40 CFR 403.3).

Waste Hauler means companies, individuals or partnerships engaged in the business of transportation or disposal of domestic wastes or grease within the Commission service area (Section 814.1 WSSC Plumbing and Fuel Gas Code).

B. Scheduling of Investigations and Compliance Monitoring

The WSSC Industrial Discharge Control (IDC) Section team of Industrial Investigators, in accordance with 40 CFR 403.8(f)(1)(vi)(B), shall conduct all inspections, investigations, surveillance, and monitoring procedures necessary to determine, independent of information supplied by IUs, compliance or noncompliance with applicable Pretreatment Standards and Requirements of IUs.

WSSC Industrial Investigators shall investigate IUs and SIUs to assess compliance with Chapter 8 of the WSSC Plumbing and Fuel Gas Code.

A WSSC Industrial Investigator may use one or more of the following tools, among others, to investigate and assess compliance of an IU or SIU:

- Complaint investigations
- Industrial Wastewater Survey (IWS) reviews
- Plans review of new construction
- Pre-inspection research and surveillance (e.g., water bill review, collection system monitoring, industry type or regulation research, other facility documentation)
- Comprehensive routine facility inspections
- Follow-up facility inspections (targeted for enforcement response or documenting a change in process)
- Compliance monitoring

Four criteria are used to determine inspection and compliance monitoring frequencies for IUs. These criteria include:

- The minimum frequency outlined in the MDE Pretreatment Delegation Agreement;
- Volume of water consumed and wastewater discharged, and types and amounts of chemicals used;

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- Compliance history of the IU; and
- Management practices of the IU including pretreatment operations, waste management, and spill control.

The WSSC IDC Section shall conduct comprehensive facility inspections at least annually for all SIUs. The inspections shall focus on all processes generating waste, associated chemical usage and storage, pretreatment operations, and where applicable, spill or slug control plans. The WSSC IDC Section shall record its findings on an Industrial Inspection Report, which shall include contact name(s), addresses, permit dates, water bill account number, number of employees, work hours, inspection dates, and inspection findings.

In addition to an annual inspection, follow-up inspections may be conducted. Follow-up inspections focus on targeted SIU specific areas of interest or concern such as verification of industry process or staffing changes in response to enforcement action corrective measures, review of industry monitoring procedures, or obtaining more information in support of implementing the IDC pretreatment program. Follow-up inspections in response to an enforcement action to verify compliance or progress towards completion of corrective actions typically take place within fourteen (14) calendar days of a final compliance date. Follow-up inspections may also be conducted to determine the final compliance date for any necessary Directives. The WSSC IDC Section records these inspections on a Follow-Up Industrial Inspection Report, which describes the reason for the inspection and the observations pertinent to specific areas of interest or concern.

The WSSC IDC Section shall conduct routine compliance monitoring at least annually for all SIUs. Monitoring events may be scheduled with or without advance notice to the SIU. This method of scheduling provides the Industrial Investigator flexibility to plan compliance monitoring based on information gathered from investigations, and also allows the consolidation of resources to a geographic region for purposes of scheduling monitoring and inspection activities (e.g., monitoring several SIUs located in the same industrial park).

Routine compliance monitoring of SIUs includes collecting samples for all parameters which the SIU has an applicable effluent limit, as listed in the SIU's Discharge Authorization Permit. Routine compliance monitoring may also include collecting samples necessary to determine compliance or noncompliance with applicable pretreatment standards and requirements by SIUs. Flow measurements or estimations are recorded for each sampling event.

Follow-up compliance monitoring only includes those parameters for which the SIU was found to be in violation. The WSSC IDC Section typically conducts follow-up compliance monitoring within thirty (30) calendar days after the final compliance date.

All analyses, including sampling techniques, submitted in support of any application, report, evidence or required by any permit or order shall be performed in accordance with 40 CFR Part 136 and amendments thereto and in accordance with 40 CFR Part 403.12.

The minimum comprehensive inspection and routine monitoring frequencies are assigned as follows:

<u>Industry Classification</u>	<u>Category</u>	<u>Inspection Frequency</u>	<u>Monitoring Frequency</u>
Categorical SIU < 5,000 gpd	1A	1 inspection/year	1 event/year
Categorical SIU > 5,000 gpd	1B	1 inspection/year	1 event/year
Categorical Zero-Discharge	1C	1 inspection/year	No monitoring
Non-Categorical SIU < 25,000 gpd	2A	1 inspection/year	1 event/year
Non-Categorical SIU > 25,000 gpd	2B	1 inspection/year	1 event/year

Increases in inspection and compliance monitoring frequencies are determined based on the SIUs operations and compliance status. The degree to which monitoring frequencies are increased is determined by the SIU's compliance history and current management practices as observed by the Industrial Investigator.

C. Monitoring and Tracking Compliance

1. Review of Compliance Monitoring Data

IDC Compliance monitoring data are maintained both in the IDC Program database and Industrial Investigators compile the results into a Sample Results Report (SRR). Compliance monitoring data undergoes standard QA/QC procedures by WSSC laboratory personnel as well as IDC Investigators and management to verify the accuracy of the collected data. The IDC Program database will automatically compare any parameter data loaded into the database to the applicable limits for that industry and flag potential violations for Industrial Investigator review. The Industrial Investigator reviews the analytical data contained in the SRR for compliance with applicable discharge limitations. The Industrial Investigator records the compliance status of the analytical data on the SRR. The Industrial Investigations Supervisor reviews the completed SRRs for compliance with applicable limitations. Violations observed during compliance monitoring will be formally addressed with a written NOV, and additional enforcement if needed, in following the enforcement action process described in Section II.A.

2. Review of Self-Monitoring Reports

IUs are required to submit self-monitoring reports, zero discharge certifications, Best Management Practices reports, and other required certifications at a frequency specified in the permit issued to the IU.

IDC staff shall record the date that each self-monitoring report is received by the IDC Section.

An Industrial Investigator shall issue an NOV to any SIU or IU that does not submit a report by close of business on the due date. The NOV shall document the lateness of the report and the SIU will be in SNC if the report is not received within **thirty (30) calendar days**.

Industrial Investigators shall review self-monitoring reports to determine compliance. A second review is conducted by another Industrial Investigator or IDC management to verify compliance status. Depending on the number of reports received, the timeliness of submission, the completeness of the reports, and other issues, the total review process may take **up to thirty (30) calendar days** to complete. If a deficient report is submitted or a violation exists on the report, the IU is notified of the deficiency or issued an NOV as applicable.

3. Inspection Reports

The Industrial Investigator shall prepare a report for each inspection. The inspection report shall document routine, new, or unusual industry operations. If the inspection is conducted to verify corrective actions in response to an enforcement action, the inspection report will document corrective measures implemented or any deficiencies observed compared to Directive requirements. Violations observed during inspections will be formally addressed with a written NOV or Directive in following the enforcement action process described in Section II.A. The Industrial Investigations Supervisor shall review each inspection report for consistency and accuracy. The Industrial Investigator shall save a copy in the industry files.

D. Tracking Compliance Status

Industry noncompliance is tracked in the IDC Program database. Each Industrial Investigator is responsible for noting the date of IU or SIU compliance or noncompliance with milestone dates. All analytical data (self-monitoring and WSSC) is entered into the IDC Program database for purposes of tracking compliance.

As required by the MDE Pretreatment Delegation Agreement, the IDC shall evaluate each SIU's compliance status with pretreatment standards, reporting requirements, and self-monitoring requirements. The IDC shall summarize and submit the results to MDE on a quarterly basis to cover the six-month period prior to the end of the quarter. The IDC shall identify each SIU as being in compliance (C), noncompliance (NC), or significant noncompliance (SNC), including the reasons for the NC or SNC.

Compliance means the SIU committed no violations during the reporting period. Except when the SIU meets the criteria of SNC, noncompliance means the SIU had one or more violations during the reporting period.

An SIU (or any IU which violates criteria c., d., or h. below) is in SNC if its violation meets one or more of the following criteria in accordance with 40 CFR 403.8.f(2)(viii):

- a. Chronic violations, defined here as those in which 66 percent or more of the measurements taken for the same pollutant parameter during a 6-month period (by any magnitude) exceed a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);

- b. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH;
- c. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that WSSC determines has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through (including endangering the health of WSSC personnel or the general public);
- d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in WSSC's exercise of its emergency authority under paragraph 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;
- e. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, certification statements, plans, representative data, and reports on compliance with compliance schedule milestones or other information requested by WSSC; or failure to notify WSSC of modifications to processes, wastewater constituents, and pretreatment systems;
- g. Failure to accurately report noncompliance; and
- h. Any other violation or group of violations, which may include a violation of Best Management Practices, which WSSC determines will adversely affect the operation or implementation of the local pretreatment program.

If the IU is determined to be in SNC during a 6-month evaluation period, then the Industrial Investigator will notify the IU. If the SNC status is based on effluent violations, then the notification shall require the SIU to conduct additional monitoring for the parameter(s) for which they were in SNC as follows:

- SIUs in SNC for a daily maximum discharge limitation shall monitor five (5) additional days and submit the analytical data and supporting documentation to WSSC with a signed certification statement at the end of the next reporting period following notification of SNC status.
- SIUs in SNC for monthly average discharge limitation shall monitor one (1) additional day per month for five (5) months' and submit the analytical data and supporting documentation to WSSC with a signed certification statement at the end of the next two reporting periods.
- SIUs in SNC for 4-day average discharge limitation must monitor for five (5) 4-day

averages (or 20 days) and submit the analytical data and supporting documentation to WSSC with a signed certification statement at the end of the next two reporting periods. The SIU may use its self-monitoring report data in accumulating the five (5) 4-day averages.

The IDC shall require additional monitoring until the SIU demonstrates consistent compliance or has no discharge limitation violations for any parameter for which they were in SNC for a reporting period.

II. Procedures for Responding to Noncompliance

A. Documenting Noncompliance

IDC shall use an Enforcement Action Summary (EAS) to maintain the chronology of industry responses to violations as well as to document the rationale for the enforcement action taken by WSSC in response to a specific violation.

Each EAS contains the following information:

- EAS date;
- industry name;
- each violation being cited and dates;
- industry explanation for violation;
- anticipated defenses by the industry (if known or suspected);
- reference documents including letters, emails, telephone logs, or plans;
- rationale for the proposed enforcement action;
- determination of whether the violation will cause the industry to be in SNC; and
- additional notes or comments including the proposed enforcement action should another violation occur.

The Industrial Investigator shall submit the EAS along with the proposed enforcement action to the Industrial Investigations Supervisors and the IDC Section Manager for review before issuance of any enforcement action. The Industrial Investigator shall file a copy of the enforcement action and EAS in a chronological file specific to each industry.

The Industrial Investigator shall document violations with an NOV, which informs the IU that a violation or violations has occurred. Each NOV shall specify the date(s) the violation(s) occurred, a description and location of the violation(s), and instructions for any follow-up measures. The Industrial Investigator shall serve the original NOV on the IU by certified mail, restricted delivery. The Industrial Investigator shall log a copy of each NOV with the industry's file, as well as in the Enforcement Action logbook.

Unless IDC has already received a written explanation of the violation, the NOV shall require the violator to submit a written explanation of the violation within **seven (7) business days** from the date of NOV issuance. When appropriate, IDC may also require the violator to submit a plan of corrective measures. If IDC accepts the plan of corrective measures, then IDC shall issue a written Directive containing established compliance dates. If the plan is not accepted, then a written Directive requesting additional information may be issued.

IDC shall send copies of all enforcement actions issued to SIUs to MDE one time per month.

B. Additional Enforcement Actions

1. Administrative Orders

Administrative Orders are enforcement documents issued to direct IUs to undertake or to cease specified activities. An administrative penalty may be assessed up to \$1,000 for each violation of any provision of the pretreatment program stated in the Administrative Order not to exceed \$50,000. When assessing the amount of a penalty, IDC shall consider the following factors:

- the extent to which the existence of the violation was known to the violator, but uncorrected by the violator, and the extent to which the violator exercised reasonable care;
- any actual or potential harm to human health or to the environment, including injury to or impairment of the WSSC sewage collection and treatment systems or the natural resources of the State;
- the degree of interference with or injury to the general welfare, health, or property rights of the public;
- the extent to which the geographic location of the system creates the potential for harm to the environment or to human health or safety;
- the cost of cleanup and the cost of restoration of natural resources;
- the available technology for controlling, reducing, or eliminating the conditions that caused the violation; and
- the extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator.

WSSC has the authority to subpoena any person or evidence that is essential for proper consideration at an administrative hearing.

Authority

MD. CODE ANN., PUB. UTIL. § 29-103

MD. CODE ANN., PUB. UTIL. § 29-104

Applicability

An Administrative Order may be issued when:

- a violation is persistent and more severe enforcement needs to be taken; or
- an IU is in SNC.

Required Action

The Industrial Investigator shall draft an Administrative Order and forward it to the IDC Section Manager, the Regulatory Services Division Manager, and Chief Engineer for

review. Once reviewed internally, the draft Administrative Order shall be sent to the WSSC General Counsel's Office for review. MDE has the authority to request a joint review of an Administrative Order. If WSSC escalates enforcement action to an Administrative Order, WSSC shall notify MDE in writing of the intent to issue an Administrative Order. If MDE requests a joint review, WSSC shall forward the requested draft within thirty (30) business days of request by MDE. If comments are not received from MDE within thirty (30) business days, WSSC may finalize the draft Administrative Order and forward it to the industry. If MDE does not request a joint review and the WSSC internal review process has been completed, then the draft Administrative Order may be forwarded to the industry.

IDC shall serve any Administrative Order upon the person to whom the Administrative Order is directed. Service is to be accomplished in the following manner:

- personally;
- by certified mail, restricted delivery, following the current procedures of the United States Postal Service, to the person's last known address as listed in WSSC records; or
- if authorized by a court of competent jurisdiction, by publication.

A WSSC employee or an agent acting on behalf of WSSC may serve any Administrative Order.

Response Time Frame

Response time frames may vary depending on the urgency of the situation; however, drafting an Administrative Order should not exceed thirty (30) calendar days from determining that an Administrative Order is warranted.

Once a determination is made to issue an Administrative Order, WSSC may cite any and all applicable violations in the content of the Administrative Order. The person being served with an Administrative Order may request, in writing, a hearing before WSSC; however, the request must be made within ten (10) business days of service of the Administrative Order. This right may be waived if the industry enters into an agreement or Consent Order.

2. Civil Citation

A citation issued by WSSC and enforced by a court of competent jurisdiction shall command the person named to appear to answer charges of a violation or pay a fine. Associated fines are \$250, \$500, \$750, and \$1,000. Each day a violation remains uncorrected is a separate infraction and subject to additional citations and fines.

Authority

MD. CODE ANN., PUB. UTIL. § 29-101

Applicability

A civil citation may be issued for a violation of any provision of the WSSC Plumbing and

Fuel Gas Code, including:

- an IU with three (3) or more violations of the same parameter or type within a 12-month period. The civil citation fine for subsequent violations of the same parameter or type shall escalate from \$250 to \$500 to \$750 to \$1,000 and then remain at \$1,000 for each occurrence thereafter. Civil citation fine progression shall continue until the IU achieves consistent compliance for 12 consecutive months for the same violation type. Once twelve (12) consecutive months elapse from the date of the last violation, any subsequent violations of the same parameter or type will begin at the minimum level of enforcement;
- an IU violating any provision of the WSSC Plumbing and Fuel Gas Code where such a violation presents an imminent threat to the public health, welfare, the environment or POTW;
- an IU in SNC during a six-month evaluation period; or
- violations of the Waste Hauler Discharge Permit. Civil citations may be issued for a first offense. The civil citation fine for subsequent violations of the same type within a 12-month period shall escalate from \$250 to \$500 to \$750 to \$1,000, and then remain at \$1,000 for each occurrence thereafter. Civil citation fine progression shall continue until the waste hauler achieves consistent compliance for 12 consecutive months for the same violation type. Once 12 consecutive months elapse from the date of the last violation, any subsequent violations of the same violation type will begin at the minimum level of enforcement.

Required Action

A civil citation will be drafted by the individual responsible for identifying the violation, or a supervisor, and served upon the appropriate person.

Service is to be accomplished in the following manner:

- personally; or
- by certified mail, restricted delivery, following the current procedures of the United States Postal Service, to the IU's registered Resident Agent, or other person expressly or impliedly authorized to receive service of process, in the event attempts to serve the Resident Agent are unsuccessful.

An authorized WSSC employee may serve a civil citation. If service is made by certified mail, the person who mails the document shall attach the proof of mailing to the file.

Response Time Frame

Response time frames may vary depending on the urgency of the violation; however, issuance of a citation should not exceed thirty (30) calendar days from the date of determining a violation exists.

3. Civil Litigation

Civil litigation is the process of filing a civil action against an IU or waste hauler in court. If

the court rules that the defendant violated the law, the court may impose civil penalties, injunctions, or other equitable remedies, including cost recovery.

Authority

MD. CODE ANN., PUB. UTIL. § 17-201
MD. CODE ANN., PUB. UTIL. § 17-403
MD. CODE ANN., PUB. UTIL. § 29-101

Applicability

Civil litigation may be pursued when:

- all reasonable means have been exhausted to seek reimbursement for costs or potential costs incurred by WSSC; or
- all reasonable means to compel compliance by the IU have been exhausted.

Required Action

RSD shall refer the matter to the WSSC General Counsel's Office, which will take the appropriate action.

Response Time Frame

RSD shall refer the matter to the WSSC General Counsel's Office within ninety (90) calendar days of becoming aware of a violation meeting the applicability criteria listed above.

4. Cost Recovery (Compliance Determination)

The actual recovery of costs incurred by WSSC for actions associated with noncompliance. These actions include monitoring, sampling, enforcement actions, reviewing reports, and conducting research.

Authority

WSSC Plumbing and Fuel Gas Code Section 812.2

Applicability

Cost recovery may be pursued:

- to recover all costs associated with bringing a noncompliant IU or waste hauler/bus into compliance; and
- to recover all costs associated with determining continued compliance status on a prescribed frequency.

Required Action

As needed, a detailed breakdown of all costs accumulated will be requested from the WSSC Accounting Division. After reviewing and approving the charges and costs accumulated, the IDC Section Manager will request that the WSSC Accounting Division generate and issue an invoice for payment to the affected industry. RSD shall prepare a package containing the necessary evidence and documentation identifying the contributing source(s) of the costs and forward it to the WSSC General Counsel's Office for review.

Response Time Frame

A request will be made to the WSSC Accounting Division as needed.

5. Cost Recovery (Damages)

The actual recovery of costs incurred by WSSC for any work or repair made necessary by the neglect or action of a property owner, tenant, waste hauler, or IU resulting from the discharge of an industrial waste.

Authority

WSSC Plumbing and Fuel Gas Code Section 812.1

Applicability

Cost recovery may be pursued to recover costs associated with damages to WSSC property and upsets at treatment works which receive flow from an IU.

Required Action

RSD shall prepare a package containing the necessary evidence and documentation identifying the contributing source(s) of the damage and forward it to the WSSC General Counsel's Office for review.

Response Time Frame

IDC shall investigate the source of damages as soon as possible following notification that damage exists. Preliminary findings will be compiled within ninety (90) calendar days of the notification.

6. Directive

A written document establishing a schedule containing a milestone date for increments of progress towards a final compliance date.

Authority

WSSC Plumbing and Fuel Gas Code Sections 810.5 and 814.15

Applicability

IDC may issue a written Directive when a compliance date is necessary to ensure that the IU or waste hauler implements corrective measures in a timely manner.

Required Action

If a written Directive is used, the Industrial Investigator shall prepare the written Directive and submit it for review by the Industrial Investigations Supervisor and Section Manager. After approval, the Industrial Investigator shall serve the written Directive on the IU or waste hauler. Service is to be accomplished in the following manner:

- personally; or
- by certified mail, restricted delivery, following the current procedures of the United States Postal Service, to the person's last known address as listed in WSSC records.

Response Time Frame

If a written Directive is used, a written Directive should be issued within thirty (30) calendar days of WSSC receiving the IU or waste hauler plan of corrective action.

7. Increased Monitoring

The actual increase in monitoring conducted by WSSC, or an IU prompted by noncompliance.

Authority

WSSC Discharge Authorization Permit Section I.B.2.(f)
WSSC Plumbing and Fuel Gas Code Sections 806.2(d), 808.1.8, and 808.1.12.1

Applicability

Increased monitoring may be initiated when:

- an IU is in SNC necessitating additional self-monitoring; or
- a pattern of noncompliance persists necessitating increased compliance monitoring by WSSC or self-monitoring.

Required Action

Once the determination is made that an IU is in SNC, an Industrial Investigator shall notify the IU. Upon notification, the IU shall conduct additional self-monitoring in accordance with Section I.C of this ERP.

In circumstances where additional monitoring is necessary because of a pattern of persistent noncompliance (but not in SNC), the Industrial Investigator shall make the determination

whether increased compliance monitoring is warranted. When making the determination, the Industrial Investigator shall consider the IU's compliance history and the nature of the violation.

Response Time Frame

The Industrial Investigator shall serve notice upon an IU in SNC within two (2) weeks of the determination that the IU is in SNC.

8. Injunction

A court order directing a party to perform or refrain from performing a certain action.

Authority

MD. CODE ANN., PUB. UTIL. §§ 29-103(h) and 29-104

Applicability

An injunction may be pursued when:

- all appropriate administrative remedies have been exercised and the violation continues;
- irreparable injury, loss, damage, or an immediate or threatened violation of WSSC regulations occurs; or
- any violation of the requirements outlined in the Pretreatment Program or an Administrative Order occurs.

Required Action

The RSD Manager shall prepare a package containing the necessary evidence and supporting documentation and forward it to the WSSC General Counsel's Office.

Response Time Frame

Response time frames may vary depending on the urgency of the matter. However, the RSD Manager shall refer the package to the WSSC General Counsel's Office within ninety (90) calendar days after the date on which the occurrence that prompted the action was discovered.

9. Notification to Appropriate Authorities

A notification including the following authorities: Environmental Protection Agency, Regional Waste Management Division Director; MDE, Waste Management Administration; County Health Departments; Fire Departments; Environmental Crimes Task Forces; and organizational sections within WSSC.

Applicability

The appropriate authorities may be notified when:

- an IU fails to report the disposal of a waste into the sewer system, which, if otherwise disposed of, would be classified as a hazardous waste under 40 CFR 261;
- an IU discharges wastes or wastewater directly to the waters of the State or to a stormwater conveyance system without possessing the appropriate permit or discharges in violation of existing regulations;
- a spill or discharge occurs to the sanitary sewer that may create a hazardous condition or harm to human health or the environment; or
- WSSC suspects the activity may be criminal conduct.

Required Action

RSD shall notify the following authorities, as appropriate: Environmental Protection Agency, Regional Waste Management Division Director; MDE, Waste Management Administration; County Health Departments; Fire Departments; Environmental Crimes Task Forces; and organizational sections within WSSC. RSD may refer suspected criminal offenses to the Environmental Crimes Task Forces.

The level of response will depend on the agency and level of notification required. RSD shall document all verbal contact with an outside agency pertaining to a violation in office files.

Response Time Frame

The response time frame will depend on the urgency of the matter. However, RSD shall notify the appropriate authorities within two weeks after the date on which WSSC becomes aware of the occurrence that prompted the notification.

10. Public Notice

An annual notification in a newspaper of general circulation that provides meaningful public notice within the Washington Suburban Sanitary District.

Authority

WSSC Plumbing and Fuel Gas Code Section 811
WSSC Discharge Authorization Permit Section I.B.13

Applicability

This publication shall consist of the names of SIUs in SNC as defined by 40 CFR 403.8(f)(2)(viii) and any IU in SNC defined by 40 CFR 403.8(f)(2)(viii)(C), (D), or (H), at any time during the previous 12 months.

Required Action

IDC shall determine if each IU is in SNC on a quarterly basis. Once the compliance status of the WSSC IUs has been determined for a calendar year, the IDC Section Manager will forward the written determination for publication to the WSSC Office of Communications and Community Relations for publication.

Response Time Frame

Publication of a list of IUs in SNC is required annually. Upon making the SNC determination, publication must occur no later than May 1st and a certified copy provided to MDE within thirty (30) calendar days of the publication.

11. Termination or Suspension of Permit

Revocation or suspension of a WSSC Discharge Authorization Permit or Categorical Zero Discharge Permit and Waste Hauler Discharge Permit or Waste Hauler Zero Discharge Permit.

Authority

WSSC Plumbing and Fuel Gas Code Sections 806.5, 810.4, and 814.14
WSSC Discharge Authorization Permit Section I.B.11

Applicability

Grounds for permit suspension or termination include:

- failure to notify WSSC in advance of significant changes to industry processes, pretreatment modifications, or wastewater characteristics;
- misrepresentation or failure to fully disclose all relevant facts in the permit application;
- falsifying self-monitoring reports or certification statements;
- tampering with monitoring equipment;
- refusing to allow WSSC personnel timely access to the facility premises and records;
- failure to comply with permit conditions, requirements, or effluent limitations;
- failure to pay fines, permit renewal fees, or annual discharge fee;
- failure to meet compliance schedules;
- failure to complete a wastewater survey or the permit application;
- failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- violation of any pretreatment standard or requirement, any terms of the permit, or the WSSC Plumbing and Fuel Gas Code.

Grounds for Waste Hauler Discharge Permit or Waste Hauler Zero Discharge Permit suspensions or termination include:

- discharging non-compatible wastes;
- violating of any term or condition of the permit;
- obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- cleaning a grease interceptor or discharging any waste to the collection system without first securing the appropriate permit;
- discharging waste from non-domestic sources at a Commission disposal site without prior WSSC authorization;
- denying Commission personnel access to a vehicle or its contents for purposes of collecting a sampling or obtaining instrument readings (e.g., %LEL, pH, H₂S, etc.) or a combination of both;
- failing to provide proper records as described in Section 814.7 of the WSSC Plumbing and Fuel Gas Code;
- failing to obtain or maintain appropriate current hauling licenses or permits from Federal, State, or local agencies;
- discharging greasy wastewater at non-designated disposal sites;
- using abusive language, threats, mischievous, or criminal acts directed toward a WSSC Code Official, or Commission personnel, while they are performing their official duties; and
- failing to render monetary payment to WSSC for a settlement between the Commission or a judgement obtained by the Commission against a waste hauler.

Required Action

RSD shall serve the IU or waste hauler with written notification by personal delivery or certified mail, restricted delivery, of the proposed permit termination or suspension. The written notification shall indicate each reason for termination or suspension and advise the permittee of the opportunity to be heard on the proposed action.

Response Time Frame

RSD shall serve the written notification upon the IU or waste hauler within thirty (30) calendar days after determining that termination or suspension is warranted. If an imminent endangerment exists, the written notification shall be served as soon as possible after the action that justifies termination or suspension is taken and may include a summary suspension of the permit pursuant to applicable state law.

12. Termination of Service

Termination of service means the physical disconnection or plugging of a sewer line from the collection system. However, termination of service may also include the disconnection of water service.

Authority

MD. CODE ANN., PUB. UTIL. § 17-403(a) (2) (i)
WSSC Plumbing and Fuel Gas Code Section 810.2

Applicability

WSSC may terminate service if an IU discharges or threatens to discharge a waste that poses a threat to human health, the environment, or the Publicly Owned Treatment Works (POTW).

Required Action

The Chief Engineer, Engineering and Construction Department, may make a verbal or written request to the Customer Service Team to terminate water or sewer service. If the request is verbal, the Chief Engineer shall document the request in writing. Except in the case of immediate danger to the health or welfare of persons, WSSC shall give the IU notice and an opportunity to respond before termination. In the case of immediate danger to the health or welfare of persons, WSSC shall attempt to give the IU informal notice before termination and shall give the IU notice in writing as soon as practical thereafter.

Response Time Frame

If termination of service is necessary to halt or prevent the discharge of a waste capable of creating an immediate endangerment to the health or welfare of persons, WSSC shall terminate service to the IU immediately or as soon as practical. Otherwise, WSSC shall terminate service within thirty (30) calendar days of discovering the violation.

Glossary of Acronyms

CFR	Code of Federal Regulations
EAS	Enforcement Action Summary
ERP	Enforcement Response Plan
IDC	Industrial Discharge Control
IU	Industrial User
MDE	Maryland Department of the Environment
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SIU	Significant Industrial User
SNC	Significant Noncompliance
TRC	Technical Review Criteria
WRRF	Water Resource Reclamation Facility
WSSC or Commission	Washington Suburban Sanitary Commission

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PROHIBITED DISCHARGES ¹			
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE	PERSONNEL ²
1. Prohibited discharges* <i>*Additional non-permitted discharges apply specifically to waste haulers in the waste haulers section of the Enforcement Response Guide (Section 804 of WSSC Plumbing and Fuel Gas Code).</i>	Isolated, does not present an imminent endangerment to health, welfare, the environment, or POTW.	NOV	I
		Citation ³	I
		Written Directive	I
	Persistent, does not present an imminent endangerment. (SNC)	NOV	I
		Additional Self-monitoring, if applicable	I
		Public Notice of IUs	SM
		Administrative Order	CE
		Citation ³	I
		Written Directive	I
		Increased Compliance Monitoring with Cost Recovery	SM
	Isolated, causes an imminent endangerment to human health, welfare, the environment, or POTW. (SNC)	NOV	I
		Public Notice of IUs	SM
		Additional Self-monitoring, if applicable	I
		Citation ³	I
		Written Directive	I
		Referral to Appropriate Authorities	I
		Referral to Legal Office	SM
		Increased Compliance Monitoring with Cost Recovery	SM
		Revoke/Suspend Permit	DM
		Administrative Order	CE
		Terminate Service	CE
		Persistent, causes an imminent endangerment. (SNC)	NOV
	Public Notice of IUs		SM
	Administrative Order		CE
	Additional Self-monitoring, if applicable		I
	Citation ³		I
	Written Directive		I
Referral to Appropriate Authorities	I		
Referral to Legal Office	SM		
Cost Recovery (Damages)	SM		
Increased Compliance Monitoring with Cost Recovery	SM		
Revoke/Suspend Permit	DM		
Terminate Service	CE		

¹ Required responses are in **bold**. The remaining responses are optional; however, assess the appropriateness before using. First offenders or users demonstrating good faith effort may merit a more lenient response depending on the severity of the violation. Repeat offenders or those demonstrating unwillingness to comply may require a more stringent response. Multiple enforcement responses may be taken for any individual violation. Significant noncompliance (SNC) only applies to SIUs and IUs for [paragraphs 40 CFR 403.8.\(f\)\(2\)\(viii\)\(C\), \(D\), or \(H\)](#).

² Lowest ranking level authorized to initiate the action: **CE** - Chief Engineer; **DM** - Regulatory Services Division Manager; **SM** – IDC Section Manager; **I** – Industrial Investigator.

³ For IUs, civil citations will be issued for the third violation of the same parameter or type within a 12-month period and shall continue for each subsequent offense until the IU achieves consistent compliance for 12 consecutive months for the same violation type or on first offense for imminent endangerment. For waste haulers, civil citations may be issued on first offense.

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DISCHARGE AUTHORIZATION AND CATEGORICAL ZERO DISCHARGE PERMIT VIOLATIONS ¹			
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE	PERSONNEL ²
1. Failure to allow right of entry.	Entry denied or consent withdrawn.	NOV	I
		Citation ³	I
		Written Directive	I
		Referral to Legal Office	SM
		Increased Compliance Monitoring w/Cost Recovery	SM
		Revoke/Suspend Permit	DM
		Terminate Service	CE
2. Failure to provide requested information.	Required information not provided.	NOV	I
		Additional Self-Monitoring	I
		Citation ³	I
		Written Directive	I
		Increased Compliance Monitoring w/Cost Recovery	SM
		Revoke/Suspend Permit	DM
		Terminate Service	CE
3. Failure to retain records for a minimum of three years.	Records not retained for three years.	NOV	I
		Citation ³	I
		Written Directive	I
4. Failure to dispose of sludge and spent chemicals in accordance with the Clean Water Act (CWA).	Disposal of sludge and chemicals in an unlawful manner.	NOV	I
		Referral to Appropriate Authorities	I
		Citation ³	I
		Written Directive	I

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DISCHARGE STANDARDS ¹				
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE	PERSONNEL ²	
1. Exceedance of local limit or permit limitations.	Isolated, no harm to POTW/environment, not significant.	NOV	I	
		Citation ³	I	
		Written Directive	I	
	Isolated, harm to POTW/environment. (SNC)	NOV	Additional Self-monitoring, if applicable	I
			Public Notice of IUs	SM
			Citation ³	I
			Written Directive	I
			Referral to Appropriate Authorities	I
			Cost Recovery (Damages)	SM
			Increased Compliance Monitoring w/Cost Recovery	SM
			Administrative Order	CE
			Revoke/Suspend Permit	DM
			Terminate Service	CE
			Persistent, no harm to POTW/environment, not significant.	NOV
	Citation ³	I		
	Written Directive	I		
	Administrative Order	CE		
	Increased Compliance Monitoring w/Cost Recovery	SM		
	Revoke/Suspend Permit	DM		
	Terminate Service	CE		
	Persistent, no harm to POTW/environment. (SNC)	NOV	Additional Self-monitoring, if applicable	I
			Public Notice of IUs	SM
			Administrative Order	CE
			Citation ³	I
			Written Directive	I
			Increased Compliance Monitoring w/Cost Recovery	SM
			Revoke/Suspend Permit	DM
			Terminate Service	CE
	Persistent, harm to POTW/environment. (SNC)	NOV	Additional Self-monitoring, if applicable	I
			Public Notice of IUs	SM
			Administrative Order	CE
			Citation ³	I
			Referral to Legal Office	SM
Cost Recovery (Damages)			SM	
Increased Compliance Monitoring w/Cost Recovery			SM	
Revoke/Suspend Permit			DM	
Terminate Service			CE	

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REPORTING VIOLATIONS ¹			
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE	PERSONNEL ²
1. Failure to submit required report, certification statement, manifest, or complete report.* <i>*All Self-Monitoring Reports (including Compliance Reports) are counted as same offense for citation issuance.</i>	Report not received by due date.	NOV-Submit Report within 30 Days	I
		Citation ³	I
	Report received more than 30 days after due date. (SNC)	NOV - Submit Report Immediately	I
		Additional Self-monitoring, if applicable	I
		Public Notice of IUs	SM
		Citation ³	I
		Administrative Order	CE
		Increased Compliance Monitoring w/Cost Recovery	SM
		Revoke/Suspend Permit	DM
		Terminate Service	CE
2. Failure to submit report in specified format.	Any instance.	NOV	I
		Citation ³	I
3. Failure to accurately report noncompliance.	Any instance. (SNC)	NOV	I
		Public Notice of IUs	SM
		Additional Self-monitoring, if applicable	I
		Citation ³	I
		Written Directive	I
		Increased Compliance Monitoring w/Cost Recovery	SM
		Administrative Order	CE
		Revoke/Suspend Permit	DM
4. Failure to report IU waste stream changes, additional sampling, permit transferability, or hazardous waste discharge notification.	Isolated.	NOV-Submit Information within 30 Days	I
	Persistent, more than one violation of this type during a 12-month period. (SNC)	NOV	I
		Public Notice of IUs	SM
		Citation ³	SM
		Written Directive	I
		Referral to Appropriate Authorities	I
		Administrative Order	CE
		Increased Compliance Monitoring w/Cost Recovery	SM
		Revoke/Suspend Permit	DM
	Terminate Service	CE	

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REPORTING VIOLATIONS (Continued) ¹			
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE	PERSONNEL ²
5. Failure to provide notification of an accidental discharge or spill. <i>(See Waste Hauler Violations for waste hauler specific spills)</i>	Any instance. (SNC)	NOV	I
		Additional Self-monitoring, if applicable	I
		Public Notice of IUs	SM
		Citation ³	I
		Written Directive	I
		Administrative Order	CE
		Referral to Appropriate Authorities	I
		Referral to Legal Office	SM
		Increased Compliance Monitoring w/Cost Recovery	SM
		Revoke/Suspend Permit	DM
		Terminate Service	CE

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MILESTONE VIOLATION ¹			
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE	PERSONNEL ²
1. Failure to meet compliance schedule milestone.	Milestone not met.	NOV	I
		Additional Self-monitoring, if applicable	I
		Citation ³	I
		Written Directive	I
		Administrative Order	CE
		Increased Compliance Monitoring w/Cost Recovery	SM
		Revoke/Suspend Permit	DM
		Terminate Service	CE
	Milestone not met within 90 days of the schedule date. (SNC)	NOV	I
		Public Notice of IUs	SM
		Additional Self-monitoring, if applicable	I
		Citation ³	I
		Written Directive	I
		Administrative Order	CE
		Increased Compliance Monitoring w/Cost Recovery	SM
		Revoke/Suspend Permit	DM
	Violation of terms in Administrative Order.	NOV	I
		Administrative Penalty	DM
		Referral to Legal Office	SM
		Revoke/Suspend Permit	DM
		Terminate Service	CE

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IU SELF-MONITORING ¹			
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE	PERSONNEL ²
1. Failure to perform required monitoring.	No analytical data provided. (SNC)	NOV	I
		Additional Self-monitoring	I
		Public Notice	SM
		Citation ³	I
		Written Directive	I
		Administrative Order	CE
		Increased Compliance Monitoring w/Cost Recovery	SM
		Revoke/Suspend Permit	DM
		Terminate Service	CE
2. Failure to perform analyses in accordance with 40 CFR 136.	Isolated.	NOV	I
	Persistent. (SNC – Considered to adversely affect the operation or implementation of the Pretreatment Program)	NOV	I
		Additional Self-monitoring	I
		Public Notice	SM
		Citation ³	I
		Written Directive	I
		Administrative Order	CE
		Increased Compliance Monitoring w/Cost Recovery	SM
		Revoke/Suspend Permit	DM
		Terminate Service	CE
3. Failure to provide suitable monitoring point.	Any instance.	NOV	I
		Written Directive	I
		Citation ³	I
		Administrative Order	CE
		Increased Compliance Monitoring w/Cost Recovery	SM
		Revoke/Suspend Permit	DM
		Terminate Service	CE
4. Failure to monitor in accordance with permit conditions (specified frequency, etc.) or at designated monitoring point.	Isolated.	NOV	I
	Persistent. (SNC)	NOV	I
		Additional Self-monitoring	I
		Public Notice	SM
		Citation ³	I
		Written Directive	I
		Administrative Order	CE
		Increased Compliance Monitoring w/Cost Recovery	SM
		Revoke/Suspend Permit	DM
		Terminate Service	CE

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CRIMINAL ACTIONS ¹			
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE	PERSONNEL ²
1. Tampering with Commission property (sampling equipment, etc.).	Any instance. (SNC)	NOV	I
		Referral to Appropriate Authorities	I
		Referral to Legal Office	SM
		Public Notice of IUs	SM
		Additional Self-monitoring	I
		Citation ³	I
		Administrative Order	CE
		Cost Recovery (Damages)	SM
		Increased Compliance Monitoring w/Cost Recovery	SM
		Referral to Legal Office	SM
		Revoke/Suspend Permit	DM
		Terminate Service	CE
2. Theft of service.	Any instance. (SNC)	NOV	I
		Referral to Appropriate Authorities	I
		Referral to Legal Office	SM
		Public Notice of IUs	SM
		Citation ³	I
		Written Directive	I
		Administrative Order	CE
		Cost Recovery (Damages)	SM
		Increased Compliance Monitoring w/Cost Recovery	SM
		Revoke/Suspend Permit	DM
		Terminate Service	CE
		3. False statements, representations, or certifications.	Any instance. (SNC)
Referral to Appropriate Authorities	I		
Referral to Legal Office	SM		
Public Notice of IUs	SM		
Additional Self-monitoring	I		
Citation ³	I		
Written Directive	I		
Administrative Order	CE		
Increased Compliance Monitoring w/Cost Recovery	SM		
Revoke/Suspend Permit	DM		
Terminate Service	CE		

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WASTE HAULER VIOLATIONS¹

NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE	PERSONNEL ²
<p>1. Non-permitted discharges.*</p> <p><i>*The Prohibited Discharges section of the Enforcement Response Guide (Section 804 of WSSC Plumbing and Fuel Gas Code) also applies to all hauled waste disposed of at the waste disposal sites designated by the Commission.</i></p>	Any instance.	NOV	I
		Citation	I
		Written Directive	I
		Referral to Appropriate Authorities	I
		Referral to Legal Office	SM
		Administrative Order	CE
		Revoke/Suspend Permit	DM
		Cost Recovery (Damages)	SM
Public Notice	SM		
<p>2. Failure to obtain a WSSC Waste Hauler permit for each vehicle used in discharging wastes at the designated waste disposal sites or servicing an FSE.</p>	<p>Any instance.</p> <p><i>Due to the potential lag in identifying the violation, it is possible that multiple occurrences can be grouped into one NOV & citation. The amount of the fine for subsequent offenses shall be evaluated for escalation.</i></p>	NOV	I
		Citation	I
		Written Directive	I
		Referral to Appropriate Authorities	I
		Referral to Legal Office	SM
		Administrative Order	CE
		Revoke/Suspend Permit	DM
<p>3. Misconduct toward a WSSC code official, or Commission personnel, while they are performing their official duties.</p>	Use of abusive language.	NOV	I
		Citation	I
		Written Directive	I
		Referral to Appropriate Authorities	I
		Referral to Legal Office	SM
		Administrative Order	CE
		Revoke/Suspend Permit	DM
	Threats, mischievous or criminal acts.	NOV	I
		Citation	I
		Referral to Appropriate Authorities	I
		Referral to Legal Office	SM
		Revoke/Suspend Permit	DM
		Administrative Order	CE
		Cost Recovery (Damages)	SM
Public Notice	SM		

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WASTE HAULER VIOLATIONS (Continued) ¹			
NONCOMPLIANCE	NATURE AND/OR SEVERITY	ENFORCEMENT RESPONSE	PERSONNEL ²
4. Violation of Waste Hauler Permit conditions including: <ul style="list-style-type: none"> • Discharging without a hose. • Discharging waste at a WSSC waste disposal site outside of allowable hours. • Creating unsanitary conditions through the spillage of wastes. 	Any instance.	NOV	I
		Citation	I
		Written Directive	I
		Administrative Order	CE
		Referral to Legal Office	SM
		Revoke/Suspend Permit	DM
5. Failure to provide requested information or manifests within time frame stipulated in Waste Hauler Permit conditions.	Any instance.	NOV	I
		Citation	I
		Written Directive	I
		Administrative Order	CE
		Revoke/Suspend Permit	DM
6. Failure to render monetary payment to WSSC for judgments obtained by WSSC against Waste Haulers.	Any instance.	Referral to Legal Office	SM
		Revoke/Suspend/Deny Permit	DM
		NOV	I
		Citation	I
		Referral to Appropriate Authorities	I
		Cost Recovery (Damages)	SM
		Public Notice	SM