



PRETREATMENT PROGRAM ENFORCEMENT RESPONSE PLAN

November 2000

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SECTION 1

PRETREATMENT ENFORCEMENT PROGRAM

1.1 INTRODUCTION

Loudoun Water (aka Loudoun County Sanitation Authority) has responsibility for operating and maintaining a pretreatment program in accordance with the National Pretreatment Regulations (40 CFR Part 403) and the Loudoun County Codified Ordinance (Chapters 1064 and 1068 of the Streets, Utilities and Public Services Code for Loudoun County). The pretreatment program was established in 1989 to facilitate a Wastewater Pretreatment Agreement between the District of Columbia, County of Loudoun, and Loudoun Water. This agreement allows Loudoun Water to continue discharging wastewater to the Blue Plains Advanced Wastewater Treatment Plant (AWTP) if Loudoun Water maintains and enforces a pretreatment program to regulate industrial discharges to the sewer system in accordance with 40 CFR Part 403. Specific requirements of the Loudoun Water pretreatment program are outlined in the agreement. The Pretreatment Program Coordinator administers the pretreatment program.

The purpose of the enforcement program is to provide a framework for systematically investigating, documenting, and selecting appropriate enforcement actions, as well as conducting follow-up investigations to ensure industrial users (IUs) are in compliance with pretreatment standards and regulations.

This Enforcement Response Plan (ERP) is designed to provide information on the procedures that the Pretreatment Program Coordinator will use to investigate and respond to instances of noncompliance. The enforcement procedures included in the ERP have been developed to aid the Pretreatment Program Coordinator in responding to violations of pretreatment regulations and discharge standards in a consistent and

timely manner. Loudoun Water’s program allows for escalating enforcement actions and is also intended to be flexible to allow enforcement actions to be administered on a case-by-case basis. This ERP will be reviewed and revised as necessary to remain current with federal, state and local regulations.

1.2 LEGAL AUTHORITY

Ordinance 89-03, passed on March 20, 1989, established Chapter 1068 of the Loudoun County Streets, Utilities, and Public Services Code entitled “Pretreatment of Wastewater”. This regulation established the pretreatment program and provided Loudoun Water with the legal authority to enforce the pretreatment program. Subsequent amendments to Chapter 1068 were adopted in 1992 and 1993, and a new amendment is being proposed with expected adoption in 2013. The legal authority citations related to enforcement actions in Chapter 1068 of the code are provided in Table 1.1.

Table 1.1

Legal Authority Citations

LEGAL AUTHORITY	ORDINANCE CITATION
Authority to require IU's to comply with applicable pretreatment standards and requirements.	1068.2 1068.3
Authority to deny or condition the discharge of pollutants that cause pass-through, interference, contaminate sludge, or exceed categorical standards.	1068.4
Authority to regulate prohibited discharge standards.	1068.2
Authority to require compliance with categorical pretreatment standards as they are promulgated.	1068.2
Authority to establish and enforce deadlines for IU installation of pretreatment facilities or technology to meet pretreatment standards.	1068.3
Authority to require submission of all IU monitoring data and self-monitoring reports.	1068.6
Authority to require IUs to notify Loudoun Water of noncompliance from self-monitoring and submit results of repeat sampling within 30 days.	1068.6
Authority to enter, inspect, sample and monitor IUs to ensure compliance with standards.	1068.7
Authority to require a compliance schedule.	1068.6
Authority to issue an administrative order.	1068.10
Authority to suspend or revoke a wastewater discharge permit.	1068.5
Authority to halt discharges and seek injunctive relief.	1068.10 1068.11
Authority to suspend water service.	1068.12
Authority to seek judicial fines or penalties against IUs violating pretreatment standards and requirements.	1068.11

1.3 ORGANIZATION OF THE DOCUMENT

The legal authority and responsibility of Loudoun Water to enforce all pretreatment standards and requirements in a consistent and timely manner is discussed in Section 1. A description of how the Pretreatment Program Coordinator will identify and investigate noncompliance is presented in Section 2. Section 3 provides a description of each

enforcement action and a discussion of the criteria considered in selecting an appropriate enforcement action. Section 4 provides the enforcement response guide.

SECTION 2

IDENTIFYING NONCOMPLIANCE

Routine industrial user inspections and compliance monitoring are the primary means for identifying, investigating and confirming non-compliance. Investigating sources of increasing pollutant loadings in the influent and/or biosolids, upsets at the POTW, emergency conditions such as fire or explosion, and non-emergency situations such as sewer blockages can also be utilized to identify IU noncompliance.

2.1 INSPECTIONS

Inspections are conducted at least annually on all SIUs. Inspections can reveal violations resulting from suspected tampering with sampling equipment, falsification of information, noncompliance with construction schedules, illegal discharges, unreported spills, and unreported process changes or modifications to pretreatment facilities. The Pretreatment Program Coordinator must document any noncompliance observed during an inspection with photographs, notes, and/or supporting documentation. The nature of the noncompliance may be discussed with the IU representative(s) during the inspection. Following the inspection, the Pretreatment Program Coordinator shall review the inspection results, determine an appropriate enforcement action, and notify the authorized IU representative in writing within 30 days of the inspection date of the observed noncompliance and enforcement action taken. A follow up inspection may be conducted to verify the noncompliance, evaluate progress on a corrective measure, and/or confirm compliance status. Noncompliances identified during inspections must be documented in a manner which ensures information will be admissible as evidence in court, if needed.

2.2 COMPLIANCE MONITORING

Compliance monitoring is conducted by Loudoun Water at least annually on all SIUs for all parameters and monitoring locations identified in the users wastewater discharge permit. Where possible, advance notice is not provided to the SIU. SIUs are required to conduct self-monitoring of their permitted discharge at least semi-annually. Compliance monitoring can reveal violations of pretreatment standards.

A valid compliance monitoring event must adhere to the following procedures:

- Samples collected by the user must be from predetermined site(s) at the specified frequency as described in the permit and analyzed for all of the parameters listed in the permit, at a minimum. Additional samples may be collected but are not required to be analyzed for all of the parameters listed in the permit. Data from sites other than compliance locations are not subject to enforcement.
- Sample type and frequency must conform to permit requirements (e.g., grab or composite, four grabs over composite period, etc.).
- Proper documentation must be provided, including chain of custody forms, field calibration data and results, conformance to EPA-approved sample preservation and holding times, and QA/QC data (if applicable).

Repeat sampling must be conducted by the user where invalid compliance monitoring data is collected or when a pretreatment standard violation is detected. Repeat sampling results must be submitted to Loudoun Water within 30 days of a SIU becoming aware of a violation or invalid sampling event. If Loudoun Water conducted the sampling and a violation is identified, the repeat sampling can either be conducted by Loudoun Water or Loudoun Water can designate the SIU to conduct the repeat sampling.

2.3 REVIEW OF IU SELF-MONITORING REPORTS AND COMPLIANCE MONITORING DATA

IU noncompliance of pretreatment permit limits as a result of self-monitoring activities is identified through verbal notification, written correspondence, and submittal of self-monitoring reports. Permitted IUs are required to notify the Pretreatment Supervisor within 24-hours of becoming aware of a violation. When verbally notified, the date and location of the violation as well as the discharge concentration of the parameter violated is recorded in a phone logbook. This page is then copied for filing in the industrial user's correspondence file. When e-mail notification is made, the e-mail is printed for filing in the industrial user's correspondence file. In some cases, the user may not be aware that a violation has occurred or has failed to verbally notify Loudoun Water of the violation. In this case the violation would not be identified until the self-monitoring report is received and reviewed by pretreatment staff. Self-monitoring reports shall be date-stamped upon arrival to document compliance with report due dates. Review of self-monitoring reports shall be conducted within 30 days of receipt, when possible, to detect and respond to violations.

A Notice of Violation will be given to SIUs for late reports. The NOV will document the lateness of the report and serve as a notice to the SIU that if their report is not received within 45 days (of the original due date) that they will be listed in Significant Noncompliance.

Compliance monitoring samples collected by Loudoun Water shall be reviewed upon receipt from the laboratory. Laboratory reports should be received no more than 30 days after sample collection. Within 30 days following receipt of the laboratory report, the report shall be checked for accuracy and completeness and enforcement actions taken for any violations identified.

2.4 TRACKING COMPLIANCE STATUS

The compliance status of each IU is tracked on an ongoing basis as data is accumulated. The compliance determination is based on IU self-monitoring data, Loudoun Water sampling data, current inspection results, and whether due dates for

compliance schedules and report submittals were met. Data is tracked manually and entered into the Loudoun Water document retention database.

The following types of pretreatment violations may be identified:

- **Exceeds discharge standards** – Any exceedence of a permit limit is a violation. Significant noncompliance (SNC) occurs when 1.) 66% or more of samples during a six (6) month period exceed the numeric pretreatment standard or requirement, including instantaneous limits (chronic violation); or 2.) 33% or more of samples taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the technical review criteria (TRC) value. The TRC value is 1.4 times the permit limit for biochemical oxygen demand (BOD), total suspended solids (TSS), and fats, oil and grease, and 1.2 times the permit limit for all other pollutants except pH. SNC applies to SIUs only.
- **Causes interference or pass-through** – Any violation of a permit limit or pretreatment standard or requirement that causes interference, pass-through, endangers human health, or results in the emergency authority to halt or prevent discharge puts the IU in significant noncompliance. SNC applies to all SIUs and IUs.
- **Failure to meet compliance schedule deadlines** – Up to 90 days late is a pretreatment violation. SNC occurs after 90 days, and applies to SIUs only.
- **Failure to meet reporting requirements** – Up to 45 days late is a pretreatment violation. SNC occurs after 45 days and applies to SIUs only.
- **Failure to accurately report noncompliance** – this is considered a significant violation and applies to SIUs only.
- **Failure to comply with permitting requirements or pretreatment regulations, including BMP requirements** – generally, these would be considered pretreatment violations but not significant violations unless they are

shown to adversely affect the operation or implementation of the pretreatment program. SNC applies to all SIUs and IUs.

SECTION 3

ENFORCEMENT EVALUATION

3.1 SUMMARY OF ENFORCEMENT ACTIONS

A summary of the enforcement actions available to the Pretreatment Program Coordinator and enforcement personnel is below. Enforcement actions shall escalate as necessary to resolve the noncompliance. Administrative enforcement actions may include informal actions (e.g., phone call or email), written notice of violation (NOV), administrative orders resulting in increased monitoring and/or inspections, compliance schedule, and suspension or termination of discharge. Loudoun Water may also initiate civil and criminal law suits in conjunction with the Loudoun County Commonwealth Attorney.

3.1.1 Informal Actions

Informal enforcement actions may be used by Loudoun Water when violations are minor or in addition to other enforcement actions. Examples of informal actions used to address minor violations include phone calls, email, and inspection follow-up letters. A phone call might be used to inform an IU of a minor reporting violation (e.g., incomplete self-monitoring report submitted prior to the deadline). Inspection follow-up letters shall be used to document required actions that must be taken to correct both minor and significant violations.

3.1.2 Notice of Violation

A Notice of Violation (NOV) is a formal notice to the IU that a pretreatment violation has occurred. A NOV provides the IU with an opportunity to correct noncompliance on

its own initiative rather than through an imposed compliance schedule and/or administrative order. The NOV documents the initial attempts by Loudoun Water to resolve the noncompliance and sets the stage for escalating enforcement actions if required to resolve noncompliance.

The NOV requires an IU to submit a written response within 7 days. The IU response shall address the cause for the violation, corrective action taken, and measures to prevent recurrence. The Pretreatment Program Coordinator will closely track the IU's progress toward achieving compliance. If the IU demonstrates a good faith effort to correct the problem, it is likely no further enforcement action would be required. However, if the IU plan is unsatisfactory in achieving compliance, further enforcement action would be required.

3.1.3 Increased Monitoring

Increased monitoring may be included in a NOV response plan, a Consent Order or Compliance Order. The frequency and extent of increased monitoring shall be based on the magnitude or duration of the violation and/or the compliance history of the IU. For violations of Section 1068.6.8, the SIU must, at a minimum, resample the wastewater at the exact location where the violation occurred for those parameters that were violated and submit results to Loudoun Water within 30 days of becoming aware of a violation.

3.1.4 Annual Publication of Significant Noncompliance Users

A list of industrial users in significant noncompliance with pretreatment standards and requirements in any given calendar year will be published at least annually by Loudoun Water in any newspaper in general circulation in the jurisdiction (s) serviced in accordance with 40 CFR 403.8(f)(2)(viii). The procedures and criteria for determining

significant noncompliance are provided in Chapter 1068 of the Loudoun County Code. The notification will summarize the nature of the significant noncompliance and any enforcement action taken against the user during the 12-month period.

3.1.5 Compliance Schedule

Compliance schedules shall be provided as required in Section 1068.6. Additionally, a compliance schedule may be included in a NOV response plan, a Consent Order or Compliance Order. A compliance schedule is appropriate when insufficient progress has been made by an IU to voluntarily remedy its noncompliance or when the IU has been found to be in significant noncompliance due to recurring violations. Violations of compliance deadlines are subject to additional enforcement actions. A compliance schedule shall contain a detailed time schedule for specific actions that the IU shall take to either prevent a discharge or correct the source and/or cause of the violation. The time schedule for users voluntarily making progress may be longer and more flexible than those users demonstrating insufficient progress. Nothing in this section shall limit Loudoun Water ability to issue a compliance schedule at any time deemed necessary.

3.1.6 Notice of Show Cause Hearing and Proposed Order

If an IU has violated or continues to violate the pretreatment standards and regulations or permits, a notice may be issued to the IU to show cause before the General Manager why the proposed enforcement action should not be taken. The Pretreatment Program Coordinator will initiate this course of action upon approval from the General Manager. The Pretreatment Program Coordinator will work with Loudoun Water's General Counsel to draft the notice.

The notice shall include the following information:

- Time and place of the hearing
- The reason for such action, including the nature, time and place of the violation(s);
- Copy of the proposed order including corrective or remedial action to be taken;
- Request for the IU to show cause why the proposed enforcement action should not be taken; and
- Request for the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing.

The notice shall be served upon the IU at least ten (10) days before the hearing. The notice will be delivered personally or sent by certified or registered mail (return receipt requested). Failure on the IU's part to attend the hearing or respond to the notice may result in adoption of some or all of the proposed order. The proposed compliance order may require the IU to do the following:

- Eliminate the violation(s);
- Comply with the provisions of the Loudoun County Code Chapters 1064 and/or 1068; and
- Take specific actions to avoid future violations such as installation of adequate treatment facilities, including but not limited to increasing monitoring and improving management practices.

The proposed order may also include a compliance schedule for completion of any of the directives of the order identified above. The proposed order may also provide for the suspension or revocation of the wastewater discharge permit and termination of service if the IU does not comply with the order.

The General Manager will conduct the hearing and/or take the evidence. At the conclusion of the hearing, the General Manager shall transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Loudoun Water Board of Directors for action thereon. The Loudoun Water Board of Directors will review the reports and recommendations from the hearing and may issue a final compliance order that includes all or some of the requirements of the proposed order.

3.1.7 Emergency Suspension of Discharge

Loudoun Water also has the legal authority to suspend discharge, after informal notice to the discharger, in the event of an actual or threatened discharge that reasonably appears to present an imminent danger to the health or welfare of persons, in order to avoid or abate the danger. Loudoun Water may also suspend discharge if the actual or threatened discharge presents an imminent danger to the environment, operation, or integrity of the Blue Plains AWTP or collection system. However, in this case, Loudoun Water must also provide notice to the discharger as well as provide an opportunity to respond to the discharger in an attempt to avoid or abate the danger prior to suspending discharge.

3.1.8 Termination of Discharge

Loudoun Water may terminate an IU's discharge for violations listed in Section 1068.5.7 and 1068.10.7. Loudoun Water must provide notice to the IU and hold a show cause hearing in accordance with 3.1.6 above.

3.1.9 Civil Suits

Loudoun Water has the legal authority to file a civil suit against alleged violators seeking injunctive relief and/or civil fines. The Pretreatment Program Coordinator will confer with the General Manager, Loudoun Water's General Counsel, and the Loudoun County Commonwealth Attorney to determine if a civil lawsuit is warranted. Civil suits may be useful under the following circumstances:

- Previous enforcement actions have not been sufficient to achieve or maintain compliance;
- The violation is serious enough to warrant court action to deter future violations; or
- The danger presented by the IU noncompliance does not permit lengthy negotiation of a settlement (typically incurred with administrative orders).

The civil suit for injunctive court relief may require such actions as needed to correct any harm caused by a violation or to ensure that future violations do not occur, such as installation of IU pretreatment facilities. In addition, the IU may be liable for civil fines up to \$1,000 for each day the violation continues.

3.1.10 Criminal Prosecution

If the Pretreatment Program Coordinator has gathered evidence of illegal activity, the case may be referred to the Loudoun County Commonwealth Attorney for possible criminal prosecution. Criminal suits may be used in the following cases:

- A person willfully or negligently violates any provision of the Act or pretreatment regulations;
- A person knowingly makes any false statements in a pretreatment document; or

- A person falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required for compliance with pretreatment regulations.

Criminal suits require additional evidence and proof beyond a reasonable doubt of knowledge of the intent of the violator to conceal a violation or fact. The Commonwealth Attorney would coordinate further investigations for discovery of additional evidence or illegal activity. Federal assistance in developing the case may also be available from EPA Region III, EPA Environmental Crimes Unit in the Office of Enforcement and Compliance Assurance at EPA Headquarters, and the Federal Bureau of Investigation.

3.1.11 Water Supply Severance

Whenever an IU has violated or continues to violate any provision of this Chapter, a permit, or order, or any other Pretreatment Standard or Requirement, water service to the IU may be severed. Service will recommence, at the IU's expense, only after the IU has satisfactorily demonstrated its ability to comply.

3.2 RESPONSIBILITIES OF ENFORCEMENT PERSONNEL

The Pretreatment Program Coordinator is responsible for implementing the Loudoun Water pretreatment program. Responsibilities related to enforcement include the following:

- Reviewing, investigating, and tracking instances of IU noncompliance;
- Identifying suspected violations during facility inspections and sampling activities;
- Determining appropriate enforcement responses and ensuring timely action;

- Issuing verbal warnings, NOVs, compliance schedules, and publishing the annual list of IUs in significant noncompliance; and
- Initiating notices of show cause hearings, proposed orders, and assessing fines.

Loudoun Water's General Manager (GM) has final approval for issuing cease and desist orders, entering into consent orders, and issuing notices of show cause hearings and proposed orders. The GM also has the authority to suspend service, initiate judicial proceedings, and conduct show cause hearings.

Loudoun Water's General Counsel has the responsibility to advise the above individuals on enforcement matters, provide assistance in preparing administrative orders, and orchestrate judicial processes initiated by the GM.

Loudoun Water's Board of Directors has the responsibility to impose orders resulting from show cause hearings, and impose administrative orders.

The Loudoun County Commonwealth Attorney has the responsibility to prosecute civil and criminal cases.

3.3 SELECTING A PROPER ENFORCEMENT RESPONSE

Enforcement actions should match the seriousness of the violation, the IU's state of non-compliance (past and present), and, to some extent, the diligence with which the IU corrects the problem. The following criteria should be considered when determining a proper response:

- Magnitude and duration of the violation;
- Effect of the violation on the receiving water or POTW;
- Compliance history of the IU; and

- Good faith of the IU.

Magnitude and duration of the violation are important when determining compliance status and developing an enforcement response. An isolated instance of noncompliance can usually be handled by a NOV. If the magnitude (and duration) of the violation is sufficient to classify the user in SNC, then, in addition to the NOV, the user must be published in the newspaper with the annual list of violators. Additional levels of enforcement response may also be appropriate, if the magnitude of the violation is severe or the duration of the violations indicates an ongoing problem. A formal compliance schedule or notice of show cause hearing and proposed order may be necessary escalating enforcement actions to bring the IU back into compliance if the NOVs are not having the desired effect.

The impact of the violation on the receiving water and/or POTW should be assessed to determine if the industrial discharge contained pollutants at a sufficient level to damage the collection system, cause interference of plant operations, pass-through the plant, cause a violation of the NPDES permit, or have a toxic effect on the river. Some less obvious impacts on POTW operations may include increased treatment costs, worker health and safety issues, and increased sludge contamination. Communication with DC Water and Loudoun Water collection system staff is essential to identify and evaluate potential impacts on the collection system and plant. The enforcement response to a violation of this nature should include cost recovery (administrative fines), civil penalties (if intent is demonstrated or additional cost recovery is needed), and a requirement to correct the condition causing the violation. If the discharge causes repeated harmful effects to the receiving stream or POTW, then termination of sewer service should be considered.

The compliance history of an IU is important when determining an appropriate enforcement response. A pattern of recurring violations of similar magnitude usually

indicates that the user has not committed the resources necessary to identify and correct the problems causing the violations. In this case, a more severe enforcement action would be taken. If the compliance history shows improvement in the magnitude and duration of the violations or a sporadic pattern of noncompliance, then a less severe enforcement action may be appropriate.

Good faith efforts should also be recognized and rewarded with less severe enforcement action where possible. Good faith efforts are when the user honestly intends to correct the noncompliance and has documented corrective actions taken to substantiate this intent. Depending on the severity of the violations, a voluntary compliance schedule may be sufficient to bring the IU into compliance.

3.4 DOCUMENTING ENFORCEMENT ACTIONS

All pretreatment enforcement actions shall be documented by a formal letter to the IU and/or a memorandum to the IU correspondence file documenting phone conversations, meetings, and collection of supporting documentation. The time frame guidelines for documenting and initiating enforcement actions are provided below:

- All violations will be identified and documented in a memorandum to file within five (5) days of receiving compliance information;
- Initial enforcement responses (e.g., NOV letter) shall occur within 15 days of receiving compliance information; and
- Violations that threaten health, property, or environmental quality are considered emergencies and will receive an immediate response.

In addition, an annual pretreatment program report is prepared in February by Loudoun Water for DC Water that indicates those facilities within the Blue Plains service area that

are in SNC for the previous calendar year. A list of IUs in SNC during any period within the previous calendar year is then submitted for publication in the Washington Post.

3.5 CONDUCTING FOLLOW-UP ACTIONS

The Pretreatment Program Coordinator shall closely track the IU's progress toward achieving compliance. If IU actions are unsatisfactory, Loudoun Water can address the continued non-compliance in a progressive manner through implementation of consecutive enforcement actions. Initial follow-up actions may include requiring increased monitoring and/or inspections and issuing additional NOVs. If these enforcement actions are ineffective, the Pretreatment Program Coordinator will escalate enforcement actions to include establishing a compliance schedule, issuing a notice of show cause hearing and proposed order, and/or issuing fines. If these enforcement actions are ineffective in bringing the IU into compliance, then the Pretreatment Program Coordinator may need to pursue suspension of permit and/or water service or civil/criminal prosecution. Follow-up actions shall be taken within 60 days of the initial response for all continuing violations.

SECTION 4

ENFORCEMENT RESPONSE GUIDE

4.1 INTRODUCTION

The enforcement response guide (Table 4.1) is used as follows:

- Locate the type of noncompliance in the first column and identify the most accurate description of the violation.
- Determine the most appropriate response (see Section 3.3). For example, first offenders or IU's demonstrating good faith efforts may receive a more lenient response than repeat offenders or those demonstrating negligence in correcting compliance deficiencies.
- Apply the enforcement response to the IU, specifying corrective action or other responses required of the IU in accordance with the personnel and time frame guidelines established by the ERP.
- Follow-up with escalated enforcement action if the IU does not respond or the violation continues.
- All violations that are listed as SNC must be published in the Washington Post on an annual basis.

4.2 ENFORCEMENT RESPONSE GUIDE

The enforcement response guide is provided in Table 4.1.

Table 4.1 Enforcement Response Guide

Noncompliance	Nature of the Violation	Type	Enforcement Action	Personnel
Discharge of Prohibited Substance	Isolated, does not present an imminent endangerment to health, welfare, or the environment, no evidence of intent	NC	NOV Increased monitoring	P P
	Persistent, does not present an imminent endangerment, no evidence of intent	NC/ SNC	NOV Increased monitoring Compliance schedule Administrative order Administrative fine with Public Notice	P P P P/GM/BD/GC P/GM/BD/GC
	Isolated, causes an imminent endangerment to human health, welfare, the environment, or the POTW or evidence of intent or negligence	SNC	Increased monitoring Administrative order Administrative fine Civil Litigation with Public Notice	P P/GM/BD/GC P/GM/BD/GC GM/GC/CA
	Persistent, causes an imminent endangerment, or evidence that person intentionally, willfully or recklessly discharged a prohibited substance	SNC	Increased monitoring Administrative order Administrative fine Emergency Suspension of Discharge Water Supply Severance Termination of Discharge Civil Litigation Criminal Prosecution with Public Notice	P P/GM/GC/BD P/GM/GC/BD GM, GC GM, GC GM/GC GM, GC GM, GC/CA GM, GC/CA
Discharge Limit Violation	Isolated, not significant, no harm to POTW or environment	NC	Informal actions NOV Increased monitoring	P P P
	Persistent, not significant, no harm to POTW or environment	NC	NOV Increased monitoring Compliance schedule Administrative order Administrative fine	P P P P/GM/GC/BD P/GM/GC/BD
	Isolated, significant, no harm to POTW or environment	SNC	NOV Increased monitoring Compliance schedule with Public Notice	P P P
	Persistent, significant, no harm to POTW or environment	SNC	Increased monitoring Administrative order Administrative fine with Public Notice	P P/GM/GC/BD P/GM/GC/BD

Noncompliance	Nature of the Violation	Type	Enforcement Action	Personnel
	Isolated, significant, causes harm to POTW or environment	SNC	Increased monitoring Administrative order Administrative fines Civil litigation with Public Notice	P P/GM/GC/BD GM, GC/CA
	Persistent, significant, causes harm to POTW or environment or evidence that person intentionally, willfully or recklessly caused a discharge limit violation	SNC	Increased monitoring Administrative order Administrative fine Emergency Suspension of Discharge Water Supply Severance Termination of Discharge Civil litigation Criminal prosecution with Public Notice	P P/GM/GC/BD P/GM/GC/BD GM, GC GM, GC GM, GC GM, GC GM, GC/CA GM, GC/CA
Effluent Dilution Violation	Effluent dilution (unintentional)	NC	Informal actions Increased monitoring NOV Administrative order Administrative fine	P P P P/GM/GC/BD P/GM/GC/BD
	Intentionally, willfully or recklessly diluted wastestream in lieu of treatment	SNC	Increased monitoring Administrative order Administrative fine Emergency Suspension of Discharge Water Supply Severance Termination of Discharge Criminal prosecution with Public Notice	P P/GM/GC/BD P/GM/GC/BD GM, GC GM, GC GM, GC GM, GC GM, GC/CA
Reporting Violation	Late or incomplete report or certification (<15 days)	NC	Phone call or e-mail notification	P
	Late or incomplete report or certification (15-45 days)	NC	NOV	P
	Later or incomplete report or certification (>45 days)	SNC	Administrative order Administrative fine with Public Notice	P/GM/GC/BD P/GM/GC/BD
	Intentional, willful or reckless falsification of data or failure to report or accurately report non-compliance	SNC	Administrative order Administrative fine Water Supply Severance Termination of Discharge Criminal prosecution with Public Notice	P/GM/GC/BD P/GM/GC/BD GM, GC GM, GC GM, GC/CA

Noncompliance	Nature of the Violation	Type	Enforcement Action	Personnel
	Failure to report spill or changed discharge (no impact)	NC	Informal action NOV Increased monitoring Administrative order Administrative fine	P P P P/GM/GC/BD P/GM/GC/BD
	Failure to report spill or changed discharge (with impact to POTW)	SNC	Administrative order Administrative fine Water Supply Severance Termination of Discharge Civil litigation with Public Notice	P/GM/GC/BD P/GM/GC/BD GM, GC GM, GC GM, GC/CA
	Failure to provide requested information	NC	Informal actions NOV Administrative order Administrative fine	P P P/GM/GC/BD P/GM/GC/BD
Self-Monitoring and Inspection Violation	Improperly operated pretreatment facility	NC	Informal actions NOV Compliance schedule	P P P
	Negligently operated pretreatment facility	SNC	Administrative order Administrative fine with Public Notice	P/GM/GC/BD P/GM/GC/BD
	Failure to allow right of entry	NC	Informal actions NOV Administrative order Administrative fine Water Supply Severance Termination of Discharge	P P P/GM/GC/BD P/GM/GC/BD GM, GC GM, GC
	Failure to retain records for a minimum of 3 years	NC	Informal actions NOV Administrative order Administrative fine	P P P/GM/GC/BD P/GM/GC/BD
	Improper sampling technique (unintentional)	NC	Informal actions NOV Increased monitoring	P P P
	Improper sampling technique (intentional)	SNC	Administrative order Administrative fine Water Supply Severance Termination of Discharge	P/GM/GC/BD P/GM/GC/BD GM, GC GM, GC

Noncompliance	Nature of the Violation	Type	Enforcement Action	Personnel
	Failure to perform required monitoring during reporting period	SNC	Administrative order Administrative fine Water Supply Severance Termination of Discharge	P/GM/GC/BD P/GM/GC/BD GM, GC GM, GC
	Intentional, willful or reckless falsification or tampering with discharge monitoring equipment	SNC	Administrative order Administrative fine Water Supply Severance Termination of Discharge Criminal prosecution with Public Notice	P/GM/GC/BD P/GM/GC/BD GM, GC GM, GC GM, GC/CA
	Failure to report violations to Loudoun Water within 24-hours	NC	NOV	P
	Failure to collect and submit resample results within 30 days	NC	NOV Administrative order Administrative fine	P P/GM/GC/BD P/GM/GC/BD
	Failure to report additional monitoring	NC	NOV Administrative order Administrative fine	P P/GM/GC/BD P/GM/GC/BD
	Failure to comply with required Best Management Practices, isolated	NC	NOV	P
	Failure to comply with required Best Management Practices, recurring	SNC	Compliance schedule Administrative order Administrative fine with Public Notice	P P/GM/GC/BD P/GM/GC/BD
Compliance Schedule Violation	Missed milestone by less than 90 days, no effect on final milestone or effect on final milestone but valid cause	NC	NOV Administrative order Administrative fine	P P/GM/GC/BD P/GM/GC/BD
	Missed milestone by more than 90 days	SNC	Administrative order Administrative fine Water Supply Severance Termination of Discharge	P/GM/GC/BD P/GM/GC/BD GM, GC GM, GC
	Failure to comply with a term of a Notice of Violation, Notice of Infraction, or Administrative Order	NC or SNC	NOV Administrative order Administrative fine Water Supply Severance Termination of Discharge	P P/GM/GC/BD P/GM/GC/BD GM, GC GM, GC
Fees, Fines, and	Failure to remit within 30 days	NC	NOV	P

Noncompliance	Nature of the Violation	Type	Enforcement Action	Personnel
Costs	Failure to remit within 60 days	NC	Administrative order Administrative fine Water Supply Severance Termination of Discharge	P/GM/GC/BD P/GM/GC/BD GM, GC GM, GC
Unpermitted Discharge	Failure to apply for a permit and no harm to POTW or environment	NC	NOV Administrative order Administrative fine	P P/GM/GC/BD P/GM/GC/BD
	Failure to apply for a permit and harm to POTW or environment	SNC	Administrative order Administrative fine Civil litigation Water Supply Severance Termination of Discharge	P/GM/GC/BD P/GM/GC/BD GM, GC/CA GM, GC GM, GC
	Failure to apply for a permit continues more than 45 days after notice by POTW	SNC	Administrative order Administrative fine Civil litigation Water Supply Severance Termination of Discharge	P/GM/GC/BD P/GM/GC/BD GM, GC/CA GM, GC GM, GC
	Failure to renew permit prior to expiration date.	SNC	Administrative order Administrative fine Civil litigation Water Supply Severance Termination of Discharge	P/GM/GC/BD P/GM/GC/BD GM, GC/CA GM, GC GM, GC

NC = Noncompliance
SNC = Significant noncompliance
P = Pretreatment Program Coordinator
GM = General Manager

GC = General Counsel
CA = Commonwealth Attorney
BD = Board of Directors