

RESOLUTION NO. 2025/032625-BOW

A RESOLUTION OF THE CITY OF GREENFIELD BOARD OF PUBLIC WORKS AND SAFETY ADOPTING ENFORCEMENT RESPONSE GUIDE

WHEREAS, the City of Greenfield, Indiana has retained the services of Commonwealth Engineers, Inc. to advise and keep apprised the Greenfield Wastewater Utility with regard to changes in the statutes, rules, and regulations of the Indiana Department of Environmental Management, and the Environmental Protection Agency as it pertains to the operation of a wastewater utility and enforcement of its rules and regulations; and

WHEREAS, Commonwealth Engineers, Inc., working in conjunction with the staff of Greenfield Wastewater Utility, have determined that substantial modification of §§ 51.095 through 51.313 and 51.999 were required to bring those sections of the Greenfield Code of Ordinances into compliance with current law, rules, and regulations; and

WHEREAS, as part of the process for the application of NPDES Permit No. IN0020109, the adoption of the attached Enforcement Response Guide is required; and

WHEREAS, the Greenfield Board of Public Works and Safety believes it is in the best interest of the efficient operation of the Greenfield Wastewater Utility that said Enforcement Response Guide be adopted as part of the rules and regulations of the Greenfield Wastewater Utility.

NOW, THEREFORE, BE IT RESOLVED, by the Greenfield Board of Public Works and Safety as follows:

SECTION I

The attached Enforcement Response Guide is hereby adopted by the Greenfield Board of Public Works and Safety as part of the rules and regulations controlling the operations of the Greenfield Wastewater Utility.

SECTION II

This Resolution shall be in full force and effect from and after its passage in accordance with the law.

Adopted this _____ day of _____, 2025.

CITY OF GREENFIELD BOARD OF PUBLIC WORKS AND SAFETY

Voting Affirmative:

Voting Opposed:

Guy Titus, Mayor

Guy Titus, Mayor

Larry Breese

Larry Breese

Katherine Locke

Katherine Locke

Brent Robertson

Brent Robertson

Glenna Shelby

Glenna Shelby

ATTEST:

Lori Elmore, Clerk-Treasurer

Enforcement Response Guide (ERG)

City of Greenfield, Indiana

Wastewater Pretreatment Ordinance Enforcement

**City of Greenfield, Indiana
Enforcement Response Guide
Wastewater Pretreatment Ordinance Enforcement**

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SECTION 1
CATEGORIES OF NON-COMPLIANCE
CITY OF GREENFIELD, INDIANA

The following categories of noncompliance of industrial and commercial users shall be subject to enforcement procedures initiated by the City of Greenfield, Indiana.

- A. Failure to submit required reports (Baseline Monitoring Report, Self Monitoring Reports, Compliance Schedule Reports, and Monthly Reports).
- B. Failure to meet interim or final compliance schedule milestone dates without an approved extension.
- C. Violations of maximum or average pollutant limitation for industry specific categories (categorical standards).
- D. Violations of prohibited discharges under the National Pretreatment Standards (40 CFR 403.5).
- E. Violations of local limits outlined in Ordinance No. as amended.
- F. Violations of a Contributor Permit.
- G. Industrial user's falsification of information submitted to the POTW.
- H. Treatment plant upsets and interferences tracked to an industrial user.

SECTION 2
ENFORCEMENT RESPONSE PLAN
CITY OF GREENFIELD, INDIANA
WASTEWATER PRETREATMENT PROGRAM
Narrative Description of Enforcement Response Procedures

The following shows the enforcement response procedures of the City of Greenfield, Indiana:

A. Data Collection

This process involves the collection of all available information from inspections, monitoring, reporting, plant upsets and private complaints.

B. Inspections

This process involves the inspection of all Significant Industrial Users (SIUs) for conformance with all applicable categorical standards and ordinance limitations and conditions. Inspection frequency shall be at minimum one time per year although more frequent inspection and monitoring may be conducted as appropriate due to the nature of the SIUs operation or compliance status. The wastewater superintendent or his designee is responsible for conducting SIU inspections.

C. Compliance Screening

This process involves the review of available information including, but not limited to, reported or collected monitoring data and inspection results to identify noncomplying dischargers for appropriate enforcement response. This initial review will assess, as appropriate, compliance with required schedules, compliance with reporting features and/or compliance with applicable categorical standards and local ordinance limitation conditions.

D. Emergency Response

If the compliance evaluation reveals an Emergency Condition, the City will take appropriate measures to bring the violator into compliance, through immediate telephone contact with the discharger, identifying the problem specifics and requesting immediate corrective measures. If required, more formal measures such as cease and desist orders, injunctive relief or termination of the service shall be placed into effect so as to achieve compliance or eliminate the problem occurrence.

E. Enforcement Evaluation for Noncompliance

The violations and conditions identified during the screening processes are reviewed to make a determination relative to the nature of the violation and the type of enforcement necessary. This process is accomplished by using the criteria outlined under Section 4, Enforcement Response Guide.

F. Noncompliance

This process consists of notifying the industrial user by Notice of Violation, (mailed certified with return receipt requested). This Notice of Violation will outline the specifics of the noncompliance and seek remedial action and a response from the discharger. The City will then evaluate the response to the Notice of Violation and make a determination as to whether the

discharger has ceased the specific noncompliance identified in the NOV. If compliance is not achieved, the incident will return to Enforcement Evaluation for further action.

G. Significant Noncompliance

This process consists of notifying the industrial user by telephone and Notice of Violation (mailed certified with return receipt requested). The Notice of Violation will outline the known specific of the noncompliance (more serious, chronic types of noncompliance as set out under Section 4, Enforcement Response Guide) and will seek remedial action and response of the discharger. The City will then evaluate the response to the Notice of Violation and make a determination as to whether the discharger has ceased the specific noncompliance identified in the NOV. If compliance is not achieved, the City will initiate Formal Enforcement Action. Instances of Significant Non-Compliance (SNC) are Industrial User Violations which meet one or more of the following criteria:

Definition of SNC

1. Violations of Wastewater Discharge Limits

- a. **Chronic Violations.** Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period.
- b. **Technical Review Criteria (TRC).** Thirty-three percent (33%) or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six (6) month period.

There are two (2) groups of TRCs:

- (1) Group I for conventional pollutants
(BOD₅, TSS, fats, oil and grease) TRC = 1.4 (40%)
 - (2) Group II for all other pollutants TRC = 1.2 (20%) (e.g.: NH₃-3,
heavy metals, surfactants, pH and cyanide)
 - c. Any other violation(s) of an effluent limit (Average or daily maximum) that the Wastewater Superintendent believes has caused, along or in combination with other discharges, interference (e.g., slug loads) or pass-through; or endangered the health of the sewage treatment personnel or the public.
 - d. Any discharge of a pollutant which has caused imminent endangerment to human health/welfare or to the environment and resulted in the POTWs exercise of this emergency authority to halt or prevent such a discharge.
2. Violation of an portion of a compliance agreement contained in a local control mechanism or enforcement order
 3. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports).
 4. Failure to accurately report non-compliance.

5. Any other violation or group of violations which the Wastewater Superintendent considers to be significant.
6. Failure to notify Wastewater Superintendent of planned alterations or additions to the facility that could significantly change the nature of, or increase the quantity of, pollutants discharged.

H. Formal Action

1. Compliance Schedules

When the City finds that a discharge of wastewater has been taking place, in violation of the requirements prescribed in the ordinance or the provisions of an Industrial User Permit, the City may require the discharger, through written notification (mailed certified, return receipt requested), to submit for approval a detailed compliance schedule of specific actions which the discharger shall take in order to prevent or correct a recurrence of said violations, including but not limited to, milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the discharger to comply with the requirements of the ordinance, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, filing interim progress reports, completing construction and all other necessary related acts. The response reply to this directive will then be evaluated to determine whether the discharger has returned to compliance. If compliance is not achieved, the enforcement action will proceed to Cease and Desist procedures.

2. Cease and Desist

Further, when the City finds that a discharge of wastewater has taken place in violation of the requirements of the ordinance, or the provisions of an Industrial User's Permit, the City, following a discover meeting with the Industrial User, may issue an order to cease or desist, and direct that the discharger to:

- a. Comply forthwith;
- b. Comply in accordance with a compliance schedule set forth by the City; or
- c. Take appropriate remedial or preventive action in the event of a threatened violation

The industrial user's reply to the specific noncompliance. If the facility has not ceased the specific noncompliance, the enforcement action will proceed to the courts requesting injunctive relief and the imposition of Civil Penalties.

3. Injunction

Further, when the City finds that a discharge of wastewater is in violation of requirements of the ordinance or the provisions of an Industrial User Permit, or otherwise causes or threatens to cause a condition of pollution or nuisance, the City following a discover meeting with the Industrial user may petition the court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such a discharge. Such dischargers having significantly violated their Industrial user's

Permit, the terms of the City ordinance no. _____ as amended and prior enforcement proceedings are further subject to fines (as provided by the Federal Clean Water Act) imposed by the City, in amounts of not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per day for each violation cited.

Civil Penalties

Any discharger who is found to have significantly violated or fails to comply with any enforcement action of the ordinance, and the orders, rules, regulations and permits issued hereunder, may be fined an amount not to exceed Two Thousand Dollars (\$2,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover any applicable regulatory fines that may have been levied against the city relating to the specific noncompliance, reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suite at law against the person found to have significantly violated the ordinance or the orders, rules, regulations and permits issued.

The industrial user's reply to this directive will then be evaluated as to whether the discharger has returned ceased the specific noncompliance. If the user has not ceased the specific noncompliance, the enforcement action will proceed to Show Cause considerations.

Further, when a violation of the Ordinance or applicable pretreatment regulation occurs and is not corrected by timely compliance, the City may order any discharger to show cause, stating why permit revocation action should not be taken. A written notice shall be served on the discharger by a personal service, certified or registered mail, specifying the time and place of said hearing to be held by the Greenfield City Council or its designee. The hearing will consider the violation, proposed enforcement action, reasons why the proposed enforcement action should not be taken. The notice of the hearing shall be served not less than ten (10) days before the scheduled hearing.

4. Show Cause

Further, when a violation of the Ordinance or applicable pretreatment regulation occurs and is not corrected by timely compliance, the City may order any discharger to show cause, stating why permit revocation action should not be taken. A written notice shall be served on the discharger by a personal service, certified or registered mail, specifying the time and place of said hearing to be held by the Greenfield City Council or its designee. The hearing will consider the violation, proposed enforcement action, reasons why the proposed enforcement action should not be taken. The notice of the hearing shall be served not less than ten (15) days before the scheduled hearing.

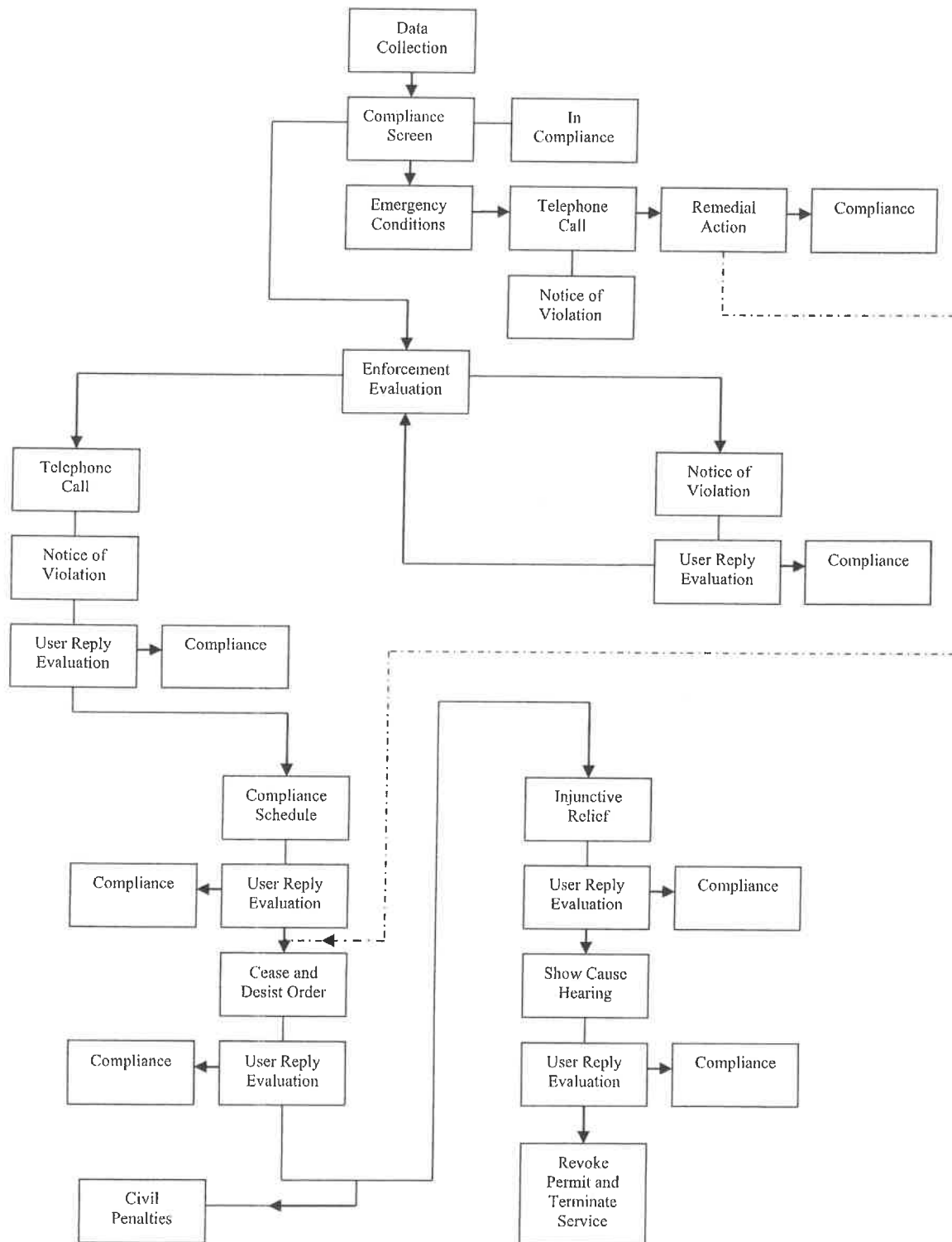
The industrial user's reply to this directive will then be evaluated as to whether the industry has ceased the specific noncompliance. If the user has not ceased the specific noncompliance, the enforcement action will proceed toward revocation of the Industrial Users Discharge Permit and subsequent termination of service.

5. Permit Revocation

Finally, the City may for good cause, suspend the wastewater treatment service and the Wastewater Discharge Permit of a discharger when it is evident to the City that an actual or threatened discharge presents or threatens an imminent or substantial danger to the environment,

interference with the operation of the POTW, violate any pretreatment limits imposed by the ordinance or any Wastewater Discharge Permit issued pursuant to the ordinance. Any discharger notified of the suspension of the City's wastewater treatment service and/or the discharger's Wastewater Discharge Permit, shall within a reasonable period of time, as determined by the City, terminate all discharges.

Enforcement Response Plan Process Flow Chart



ENFORCEMENT RESPONSE GUIDE

A. Enforcement Evaluation Factors and Range of Enforcement Guide

1. Sampling, Monitoring and Reporting

Noncompliance	Circumstances	Range of Response
1. Failure to Sample, Monitor, or Report (routine reports, BMRs).	Isolated or infrequent.	Written Notice of Violation (NOV) requiring a reporting within 5 days. No response leads to significant noncompliance, then formal action, then cease and desist order.
2. Failure to Sample, Monitor, Report or Notify	IU does not respond to letters, does not follow through on verbal or written agreement, or administrative order.	Civil penalties, injunction relief, follow, then show cause hearings leading to termination of service.
3. Failure to Notify of Effluent Limit Violation or Slug Discharge	Isolated or infrequent. No known effects.	NOV
4. Failure to Notify of Effluent Limit Violation of Slug Discharge	Frequent or continued violation.	Same as (1) above.
5. Failure to Notify of Effluent Limit Violation of Slug Discharge	Known environmental or POTW damage results.	Same as (2) above, but could include emergency considerations which accelerate enforcement features leading to termination of service.
6. Minor Sampling, Monitoring or Reporting Deficiencies (computational or typographical errors)	Isolated or infrequent.	NOV. Corrections to be made on next submittal.
7. Major or Gross Sampling, Monitoring or Reporting Deficiencies (missing information, late reports)	Isolated or infrequent.	Telephone notification, NOV, followed by formal action (compliance schedules).
8. Major or Gross Reporting Deficiencies	Continued. Remains uncorrected 30 days or more.	CD or judicial action leading to show cause hearing and termination of service.

2. Compliance Schedules (Construction Phases or Planning)

Noncompliance	Circumstances	Range of Response
9. Reporting False Information	Any instance.	Same as (1) above.
10. Missed Interim Date	Will not cause late final date or other interim dates.	NOV
11. Missed Interim Date	Will result in other missed interim dates. Violation for good or valid cause.	Same as (1) above.
12. Missed Interim Date	Will result in other missed interim dates. No good or valid cause.	Telephone notification, NOV, then formal action, then cease and desist with civil penalty recommendations.
13. Missed Final Date	Violation due to outside force (force majeure event) (strike, act of God, etc.).	Contact permittee and require documentation of good or valid cause.
14. Missed Final Date	90 days or more outstanding. Failure or refusal to comply without good or valid cause.	Same as (2) above.
15. Failure to Install Monitoring Equipment	Continued.	Telephone notification, NOV, formal action (compliance schedules) to begin monitoring (using outside contracts, if necessary) <u>and</u> install equipment within minimal time. Continued noncompliance leads to termination of service.

3. Effluent Limitation Non-Compliance

Noncompliance	Circumstances	Range of Response
16. Exceeding Final Limits (categorical, local or prohibited).	Infrequent or isolated minor violation.	NOV
17. Exceeding Final Limits	Infrequent or isolated major violations exceed the limits by TRC of a single effluent limit.	Same as (1) above.
18. Exceeding Final Limits	Four (4) or more violations of the same effluent limits or two (2) violations which exceed TRC.	Telephone notification, NOV, formal action (compliance schedules, and if necessary, CD with civil penalties recommended.
19. Exceeding Interim Limits	Results in known environmental or Wastewater Utility damage.	Same as (18) above, but could include emergency considerations which accelerate enforcement features leading to termination of service.
20. Reported Slug Load	Isolated without known damage.	NOV
21. Reported Slug Load	Isolated with known interference, pass through or damage.	Same as (19) above.
22. Reported Slug Load	Recurring.	Same as (1) above.
23. Discharge Without a Permit or Approval	One time without known environmental or Wastewater Utility damage.	Telephone notification, NOV, formal action, then CD if necessary.
24. Discharge Without a Permit or Approval	One time which results in environmental damage or continuing violation.	Same as (1) above, including civil penalties, but could include emergency considerations which accelerate enforcement features leading to termination of service.
25. Discharge Without a Permit	Continuing violation with known environmental or Wastewater Utility damage.	Same as (5) above.

4. Non-Compliance Detected Through Inspections or Field Investigation

Noncompliance	Circumstances	Range of Response
26. Minor Violation of Analytical Procedures	Any instance.	NOV
27. Major Violation of Analytical Procedures	No evidence of intent.	NOV
28. Major Violation of Analytical Procedures	Evidence of negligence or intent.	Same as (23) above.
29. Minor Violation of Permit Condition	No evidence of negligence or intent.	NOV
30. Minor Violation of Permit Condition	Evidence of negligence or intent.	Same as (1) above.

B. Measurement of Enforcement Effectiveness

This Range of Enforcement Guide addresses a broad range of pretreatment violations. It is not intended to cover all types of violations. The responses in this guide are suggested responses. The City of Greenfield may use alternative enforcement responses that are equally effective. The measure of the effectiveness of an enforcement response includes:

1. Whether the noncompliant discharger returns to compliance as expeditiously as possible;
2. Whether the enforcement response establishes the appropriate deterrent effect for the particular violator and for other potential violators; and
3. Whether the enforcement response promotes fairness of government treatment as between comparable violators, as well as between complying and noncomplying parties.
4. This guide has been developed for guidance and is not intended to create legal rights or obligations, or to limit the enforcement discretion of the City of Greenfield, Indiana.

C. Timeframe for Responses

1. All violations will be identified and documented within five (5) working days of receiving compliance information.
2. Initial enforcement responses (involving contact with the industrial user and requesting information on corrective or preventative action(s) will occur within thirty (30) days of violation detection.
3. Follow-up actions for continuing or reoccurring violations will be taken within sixty (60) days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.
4. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

5. All violations meeting the criteria for significant non-compliance (SNC) will be addressed with an enforceable order within sixty (60) days of the identification of significant non-compliance.

D. Officials/Personnel Responsible for Enforcement Response

The City's Wastewater Superintendent or his designee, is responsible for all tracking, inspection, sampling and administrative activity associated with compliance and enforcement of the City's Industrial Pretreatment Program. These activities include, but are not limited to, the following:

- I.U. Permit Development (Permit issuance is by City Council's authority and signature)
- Data Collection/Tracking
- Inspection (Yearly or as necessary)
- Emergency Response
- Enforcement/Compliance Evaluation
- Telephone Notification
- Compliance Meetings
- Written Notice of Violation
- Response Reply Evaluation
- Compliance Directives and Schedule Development

As enforcement activity is elevated to the level of cease and desist order, the City Attorney or his designee will provide legal oversight and assistance to the City's Wastewater Superintendent.

- Cease and Desist Order
- Response Reply Evaluation
- Injunctive Relief
- Response Reply Evaluation
- Show Cause Hearing
- Response Reply Evaluation
- Permit Revocation/Service Termination