

Oregon DEQ Industrial Pretreatment Program  
**ENFORCEMENT RESPONSE PLAN EVALUATION CHECKLIST**

|                      |                        |
|----------------------|------------------------|
| <b>Name of POTW:</b> | <b>Date of Review:</b> |
|----------------------|------------------------|

| Requirement   | YES | NO | N/A | Section Reference |
|---|-----|----|-----|-------------------|
| A. Does the Enforcement Response Plan (ERP) describe how the POTW will investigate instances of noncompliance?  |     |    |     |                   |
| 1. Does it indicate that inspections and sampling will be used as a means to identify IU noncompliance?   |     |    |     |                   |
| 2. Does it indicate that inspections and sampling will be used as a means to follow-up on IU noncompliance?   |     |    |     |                   |
| 3. Does it identify personnel responsible for conducting inspections and sampling?  |     |    |     |                   |
| 4. Does it identify personnel responsible for entering inspection and sampling results into the IU's file?  |     |    |     |                   |
| 5. Does it specify time frames for entering inspection and sampling data?   |     |    |     |                   |
| 6. Does it describe procedures for tracking and reviewing (including evaluating report completeness and accuracy) all IU reports and notifications?                   |     |    |     |                   |
| 7. Does it specify personnel responsible for reviewing reports and notifications?   |     |    |     |                   |
| 8. Does it specify personnel responsible for recommending enforcement action?   |     |    |     |                   |
| 9. Does it describe procedures for tracking responses to enforcement actions?   |     |    |     |                   |
| 10. Does it include appropriate procedures for determining violations and calculating SNC based on continuous pH monitoring?  |     |    |     |                   |
| 11. Does it clearly indicate the enforcement response that will be taken in response to SNC, including causing interference, pass through, filing late reports, etc.? |     |    |     |                   |
| 12. Does it indicate that the POTW will respond to instances of SNC with an enforceable order within 30 days of identification?                                       |     |    |     |                   |
| B. Does the ERP describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of violations?                         |     |    |     |                   |
| 1. Does it identify all possible types of noncompliance, including:   |     |    |     |                   |
| a. Discharge without a permit (no harm)   |     |    |     |                   |
| b. Discharge without a permit (harm)  |     |    |     |                   |
| c. Failure to renew permit  |     |    |     |                   |

## ENFORCEMENT RESPONSE PLAN EVALUATION CHECKLIST

continued

| Requirement  | YES | NO | N/A | Section Reference |
|--|-----|----|-----|-------------------|
| d. Isolated violations of discharge limit (no harm)  |     |    |     |                   |
| e. Isolated violations of discharge limit (harm)   |     |    |     |                   |
| f. Recurring violation of discharge limit (no harm)  |     |    |     |                   |
| g. Recurring violation of discharge limit (harm)   |     |    |     |                   |
| h. Reported slug load (no harm)  |     |    |     |                   |
| i. Reported slug load (harm)   |     |    |     |                   |
| j. Late report   |     |    |     |                   |
| k. Report is incomplete  |     |    |     |                   |
| l. Failure to monitor all regulated pollutants   |     |    |     |                   |
| m. Report is improperly signed or certified  |     |    |     |                   |
| n. Failure to submit a report or notice  |     |    |     |                   |
| o. Falsification of data   |     |    |     |                   |
| p. Use of improper sampling procedures   |     |    |     |                   |
| q. Failure to install monitoring equipment   |     |    |     |                   |
| r. Missed compliance schedule milestones (no effect on final compliance date)  |     |    |     |                   |
| s. Missed compliance schedule milestones (effect on final compliance date)   |     |    |     |                   |
| t. Use of dilution instead of treatment  |     |    |     |                   |
| u. Failure to properly operate and maintain pretreatment equipment   |     |    |     |                   |
| v. Denial of entry to POTW personnel   |     |    |     |                   |
| w. Failure to maintain records   |     |    |     |                   |
| x. Failure to report additional monitoring   |     |    |     |                   |
| 2. Does the ERP reflect the full range of enforcement responses that are allowed under State law and the POTW's sewer use ordinance? |     |    |     |                   |
| 3. Does the POTW's sewer use ordinance provide adequate legal authority for all enforcement actions the POTW proposes to initiate?   |     |    |     |                   |
| 4. When identifying appropriate enforcement actions, does the ERP allow for consideration of the following factors?                  |     |    |     |                   |
| a. Magnitude of the violation  |     |    |     |                   |
| b. Duration of the violation   |     |    |     |                   |
| c. Effect on receiving water   |     |    |     |                   |
| d. Effect on POTW  |     |    |     |                   |
| e. IU's compliance history   |     |    |     |                   |
| f. IU's good faith   |     |    |     |                   |

# ENFORCEMENT RESPONSE PLAN EVALUATION CHECKLIST

continued

| Requirement   | YES | NO | N/A | Section Reference |
|---|-----|----|-----|-------------------|
| 5. Does the ERP adequately describe procedures for escalating enforcement responses?  |     |    |     |                   |
| 6. Does the ERP include associated time frames for all activities including data review, initial and escalated enforcement actions, and follow-up actions?  |     |    |     |                   |
| 7. Does the ERP indicate that data will be reviewed no later than 5 working days after its receipt?   |     |    |     |                   |
| 8. Does the ERP indicate that initial enforcement actions will be taken no more than 30 days after detection of a violation?  |     |    |     |                   |
| 9. Do the proposed time frames in the ERP for initial enforcement actions make sense? For example, will NOV's be issued more promptly than more stringent enforcement action?   |     |    |     |                   |
| 10. Does the ERP allow for strong enforcement action to be taken immediately in the event of a major violation?   |     |    |     |                   |
| 11. Does the ERP indicate that initial follow-up compliance activities (e.g., inspections, sampling) will occur no later than 30 to 45 days after taking initial enforcement action?  |     |    |     |                   |
| 12. If the violation persists, does the ERP specify that escalating enforcement actions will be taken 60 to 90 days after the initial enforcement action?   |     |    |     |                   |
| C. Does the ERP identify by title the persons responsible for each enforcement response?  |     |    |     |                   |
| 1. Are the positions described in the ERP consistent with those described in the POTW's program implementation procedures and sewer use ordinance?  |     |    |     |                   |
| 2. Do the positions identified in the ERP allow enforcement actions to be initiated in a timely and effective manner?   |     |    |     |                   |
| D. Is the POTW's responsibility to enforce all pretreatment standards and requirements reflected in the ERP?  |     |    |     |                   |
| 1. Do the enforcement procedures in the ERP allow for final resolution of noncompliance? For example, is there a procedure to ensure that the same enforcement action will not be taken again and again without final resolution? |     |    |     |                   |
| 2. Are the procedures identified in the ERP consistent with those contained in the program implementation procedures and sewer use ordinance?   |     |    |     |                   |
| E. In general, are the relevant elements of the ERP referenced and incorporated into other sections of the implementation manual?   |     |    |     |                   |