



**CITY  
OF  
BOYNTON BEACH**

**INDUSTRIAL PRETREATMENT PROGRAM  
ENFORCEMENT RESPONSE PLAN**

**CITY OF BOYNTON BEACH, FLORIDA  
INDUSTRIAL PRETREATMENT PROGRAM  
ENFORCEMENT PLAN**

**TABLE OF CONTENTS**

<u>TITLE</u>	<u>PAGE</u>
1. Objectives	2
2. Enforcement Responses	2
3. Abbreviations	2
4. Using the Enforcement Guide	3
5. Legal Action	6
6. Surcharge Invoice	6
7. Notice of Violation	6
8. Consent Orders	6
9. Charges and Fees	6
10. Data Screening Procedures	7
11. Site Visits	8
12. Violation Enforcement Tracking	9
13. Inspection	9
14. Sampling	10
15. Show Cause Hearing	10
16. The City of Boynton Beach Enforcement Response Guide	12
17. Time Frame for Responses	30
18. Further Administrative/Legal Action	30

## **1. Objectives:**

This Enforcement Response Guide has the following objectives:

- a. To define the range of appropriate enforcement actions based on the nature and severity of the violation and other relevant factors.
- b. To promote consistent and timely use of enforcement remedies on a strict liability basis. Strict liability in this context is taken to mean that every instance of noncompliance (regardless of fault, negligence, or intent on the part of the industrial user) is a violation of the Boynton Beach Code and subjects the user to enforcement.

## **2. Enforcement Responses:**

The implementation of a particular enforcement response should be determined by evaluating the following factors:

- a. The magnitude and duration of the violation.
- b. The effect of the violation on the Wastewater Facility (WWF), its workers and the quality of its reclaimed water and sludges.
- c. The compliance history and good faith rating of the industrial user concerned.

## **3. Abbreviations:**

CA	-City Attorney (or his/her designee)
DEP	-The Florida Department of Environmental Protection
EPA	-United States Environmental Protection Agency
IU	-Industrial User
F.A.C	Florida Administrative Code
Fine	-Monetary Penalty Assessed by the City of Boynton Beach
IWP	-Industrial Wastewater Permit
NOV	-Notification of Violation
SNC	-Significant Noncompliance
SIU	-Significant Industrial User
WWF	-Wastewater Facility

**4. Using the Enforcement Response Guide:**

The following are actions that may be taken by the City to enforce the Pretreatment Ordinance and any applicable provisions of Federal or State Law (Rule 62-625, F.A.C), or regulation regarding industrial discharges to the WWF.

**a. *Descriptive Use:***

- 1) Locate the type of noncompliance in column one, and identify the description of the violation in column two.
- 2) Assess the appropriateness of the recommended response(s) in column three. First offenders or users demonstrating good faith efforts may merit a more lenient response. Repeat offenders, or those demonstrating negligence may require a more stringent response.
- 3) Apply the enforcement response to the industrial user. Specify corrective action or other responses required of the industrial user, if any. Column four indicates the personnel authorized to take each response. If you cannot apply this response, refer it immediately to the person that can.
- 4) Follow up the response with escalated enforcement action if the industrial user's response is not received or violation continues.

**b. *Severance of Service:***

The City may suspend the wastewater treatment service and/or a Discharge Permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the WWF or causes the City to violate any condition of the Discharge Permits. Any person notified of a suspension of the wastewater treatment service and /or the Discharge Permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize discharge to the WWF system or endangerment to any individuals. The City shall reinstate the Discharge Permit and/or wastewater treatment service upon **proof of** the elimination of the non-complying discharge. A detailed written statement submitted by the USER describing the causes of the harmful contributions and the measures taken to prevent any future occurrence shall be submitted to the City within fifteen (15) days of the date of occurrence.

**c. *Revocation of Permit:***

Any user who violates the following conditions of this Ordinance, or applicable State or Federal regulation, is subject to having their permit revoked in accordance with the procedures of the Pretreatment Ordinance:

- 1) Failure of a user to report factually the wastewater constituents and characteristics of his discharge;
- 2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- 3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- 4) Violation of conditions of the permit.
- 5) Discharging to the WWF any discharge that endangers public health or welfare, threatens the environment, or which threatens the operation of the WWF.

**d. *Notification of Violation:***

Whenever the City finds that any user has violated or is violating the Pretreatment Ordinance, a Discharge Permit, or any prohibition or limitation of requirements contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

**e. *Record of Conversation:***

Whenever the City finds that any user has filed an incomplete report, is less than fifteen days late in filing a report, or for other violations, the City may contact such user by telephone or informal site visit. In cases of repeat violations or when an initial visit does not result in adequate resolution of the violation, the user may be visited by higher authorities. A brief summary of conversations held concerning violations of user permits are to be placed in the user's file.

**f. *Publication for Significant Noncompliance:***

If users are identified as being in SNC, then the POTW will comply with the publication requirements of Rule 62-625.500(2)(b)(8), F.A.C. The City shall publish at least one time annually a list of the industrial users which, at any time during the previous twelve (12) months, were in "significant noncompliance" with applicable pretreatment standards and requirements. Public notification shall be included in a newspaper(s) of general circulation

within the jurisdiction served by the Treatment Works that meets the requirements of Section 50.011 and 50.013, F.S. (Florida Statute)

For the purposes of this Enforcement Response Plan the definition of Significant Noncompliance is as follows. An industrial user is in significant noncompliance if its violation meets one of the following criteria:

- 1) Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all the measurements taken during a six month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.
- 2) Technical Review Criteria (TRC) violations, defined as those in which 33% or more of all measurements for each pollutant parameter taken during a six month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, grease and 1.2 for all other pollutants except pH).
- 3) Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City, WWF personnel, or the general public).
- 4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the City or WWF exercising its emergency authority to halt or prevent such a discharge.
- 5) Failure to meet, within 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.
- 6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- 7) Failure to accurately report noncompliance.
- 8) Any other violation or group of violations, including a violation of the best management practices, which the City determines may cause interference or pass through or will adversely affect the operation or implementation of the City's pretreatment program.

**5. Legal Action:**

If any person discharges sewage, industrial wastes or other wastes into the wastewater disposal system contrary to the provisions of the Pretreatment Ordinance, Federal or State Pretreatment Requirements, or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court of Palm Beach County.

**6. Surcharge Invoice:**

The City may establish a surcharge schedule for any user that is exceeding the limits of the following parameters: CBOD, COD, oil and grease, and TSS. The purpose of the surcharge is to recoup the additional expense to the WWF for removing these excess charges. The surcharge is based on a cost per pound discharged and is included in the user's IWP.

**7. Notice of Ordinance Violation:**

If a violation is found during a site visit, a routine inspection, or any other visit, a notice of ordinance violation can be issued. The notice includes the specific nature of the violation and a time frame for correcting the violation. The notice is to be signed by the user and the inspector. Corrective actions in the notice of ordinance violation can include an order to cease and desist discharge if the violation discovered warrants immediate cessation of activities.

**8. Consent Orders:**

If the City finds that alterations must be made in an industrial user's pretreatment facility, the City may issue an order to which the user shall consent in order to establish a compliance schedule. The consent order will include milestone dates to be met to bring the facility in compliance with the user's IWP. The user will be allowed to continue discharging to the WWF as long as the schedule for compliance, established in the consent order, is followed. Violations of the compliance schedule can result in the revocation of the user's permit and severance of service.

**9. Charges and Fees:**

It is the purpose of this chapter to provide for the recovery of costs from users of the wastewater disposal system for the implementation and continued operation of the program established herein. These fees relate solely to the matters covered by the Pretreatment Ordinance and are separate from all other fees chargeable by the City. Charges and fees shall be for the recovery of actual costs of City labor, materials

and equipment (plus 25% overhead expenses and the invoiced charges by others for the above services).

The City may adopt charges and fees which may include:

- a. Fees for reimbursement of costs of setting up and operating the City's Pretreatment Program.
- b. Fees for monitoring, inspections and surveillance procedures.
- c. Fees for reviewing accidental discharge procedures and construction.
- d. Fees for permit applications.
- e. Fees for filing appeals.
- f. Fees for consistent removal (by the City) of pollutants otherwise subject to Federal Pretreatment Standards.
- g. Other fees as the City may deem necessary to carry out the requirements contained herein.

#### **10. Data Screening Procedures:**

##### **A. *Screening of City Monitoring Data:***

Laboratory analyses are performed by laboratories certified by the Florida Department of Health. Field Sheets are filed in order of sample collection date and summary sheets listing all sampling activities are generated on a monthly basis. All data shall be compared with pollutant limits, and all instances of noncompliance shall be immediately detected. Appropriate enforcement action will commence as required. Hard copies of all monitoring activities shall be retained in the file established for each user.

##### **B. *Screening of Industrial Periodic Compliance Monitoring Data:***

All pretreatment correspondence arriving at the pretreatment office shall be opened and date stamped. Envelopes shall be retained to determine postage dates where required. Periodic compliance monitoring reports shall be addressed or hand delivered to the program administrator as required by the user's IWP. The program administrator shall review and assess the periodic compliance monitoring report of each industrial user within five days from its receipt at the pretreatment office. All instances of noncompliance shall be immediately detected. Copies of the printouts shall be retained in the user's file.



**C. *Screening of Telephone and Fax Data:***

Analytical data relayed to the pretreatment office shall be recorded and inserted in the user's file and shall include the name of the person taking the call, the name of the caller, the Industrial User, and the results. These records shall only be used for identifying the date and time of required noncompliance reporting by an industrial user. The date and time automatically on fax transmitted analytical data shall be used to record the receipt of a periodic compliance monitoring report or omitted data, provided that an original copy of the complete report is received not more than two (2) working days after the fax. This procedure may be used as a method of avoiding late reporting penalties by industrial users. No data received by telephone shall be accepted for compliance.

**11. Site Visits:**

**A. *Response to Complaints:***

The sanitary sewer crews radio complaints when they encounter problems in the collections system that may be related to industrial users. The complaints include excessive grease in sewer lines or lift stations, suspected illegal connections, and suspected improper discharges. The IPP staff responds to these complaints and investigates for the source of any suspected discharge violations. The investigation may include consulting sewer line diagrams and tracking back to possible sources of the discharge. Other complaints may come from other users, agencies, or citizens. All complaints received are investigated as soon as possible. Complaint responses are documented on a complaint/emergency response report. Other documentation is also completed as needed.

**B. *Site Visits – Non-permitted Users:***

- 1) The program administrator maintains an Industrial Waste Program file to schedule periodic inspections on non-permitted users. These users include restaurants, garages, car washes and small laundries. The inspections include grease traps, oil water separators, and lint traps. The users are inspected for proper operation, maintenance and pumping of pretreatment devices. The City Ordinance recommends that all grease traps be pumped on a quarterly basis.
- 2) Copies of the inspection reports are maintained in files, and are reviewed by the program, administrator on a monthly basis. Violations detected during the site visits are documented.

**C. *Site Visits – Permitted Users:***

Permitted industrial users are inspected prior to permit issuance or renewal. Site visits for permits are conducted using the Industrial Inspection Checklist and Report. Any violations noted during an inspection are also documented for review prior to the issuance of any permit or permit renewal.

## **12. Violation Enforcement Tracking:**

### **A. *Violation Tracking File:***

The program administrator shall maintain a violation tracking file to track all enforcement action and violation responses. This file is checked at the beginning of each week to determine what user corrective actions are to be verified that week. As responses to violations and enforcement actions are received, the corresponding documentation is removed from the violation tracking file. If an adequate response to the violation is not received by the response due date, further enforcement action is initiated. Violations and enforcement actions that are tracked using the violation tracking file include but are not limited to the following:

- 1) *Notices of Violation* – A copy of all notices of violation that require a response from the user will be placed in the violation tracking file. If multiple due dates are listed on the NOV, a separate copy will be kept in the corresponding folders of the file.
- 2) *Grease Trap Inspection Reports* – If a user has been required to pump out a grease trap, a copy of the report is placed in the next week's file so that verification can be made that the trap was pumped.
- 3) *Industrial Monitoring Site Visit Report* – If a violation is detected during a user visit and a response due date is discussed with the user during the visit, a copy of the Site Visit Report is placed in the violation tracking files.
- 4) *Surcharge Invoices* – If a Surcharge Invoice is issued, a copy of the invoice is placed in the next month's folder so that follow-up can be made to verify that the user is paying the surcharge in a timely fashion and that the client is not questioning the surcharges.

### **b. *Publication File:***

Any time a user is found to be in significant noncompliance as outlined previously, a NOV shall be issued. A copy of the NOV will be placed in a file for publication. On a quarterly basis, the program administrator will review the publication file and users that are found to warrant publication will be published as outlined previously.

## **13. Inspection:**

- a. Inspections will be used to identify problem areas and IU noncompliance.
- b. Noncompliance will be re-inspected within 1 to 90 days depending on the severity of the violation.

- c. After identifying any problems, the delegated personnel will place the inspection report into the discharger's file.
- d. Any inspection problems will be documented and placed into a pending file which will be reviewed at a minimum of every 30 days or as needed. Any recommendations will be implemented.
- e. Inspections that are unscheduled will be on a case-by-case basis or as needed.
- f. Inspections will include:
  - 1) A pre-inspection preparation.
  - 2) Completion of an inspection form.
  - 3) Data collection and accompanying documentation.
  - 4) A post inspection evaluation.
- g. When the sampling results are received, a review for completeness and accuracy will be performed. Any enforcement action will be initiated.

**14. Sampling:**

- a. Samples will be collected according to the Department of Environmental Protection Standard Operating Procedures.
- b. A chain-of-custody form will be filled out for all samples.

**15. Show Cause Hearing:**

- a. The City may order any user who causes or allows an unauthorized discharge to enter the WWF to show cause before the City Commission or South Central Regional Wastewater Treatment and Disposal Board why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Commission or South Central Regional Wastewater Treatment and Disposal Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Commission or South Central Regional Wastewater Treatment and Disposal Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

- b. The City Commission or South Central Regional Wastewater Treatment and Disposal Board may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the City to:
  - 1) Issue in the name of the City Commission or South Central Regional Wastewater Treatment and Disposal Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
  - 2) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Commission or South Central Regional Wastewater Treatment and Disposal Board for action thereon.
  - 3) Take evidence.
- c. At any hearing held pursuant to the Industrial Pretreatment Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- d. After the City Commission or South Central Regional Wastewater Treatment and Disposal Board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a 30-day time period to provide remediation of noncompliance(s), penalties as per the City's Ordinance will go into effect. Further orders and directives as are necessary and appropriate may be issued.

**16. The City of Boynton Beach Enforcement Response Guide**

**I. DISCHARGE LIMIT VIOLATIONS (NON-PERMITTED USER)**

<b>NON COMPLIANCE</b>	<b>NATURE OF VIOLATION</b>	<b>ENFORCEMENT RESPONSE</b>	<b>PERSONNEL</b>	<b>FEE SCHEDULE</b>
<p>A. Exceedance of local, state, or federal standards for SIU (Sections 26-142 and 26-148)</p>	<p>1. I.U. is unaware of the requirement; no harm to system, workers, WWF or the environment.</p> <p>2. I.U. is unaware of the requirement; however, harm occurs to the system, workers, WWF, and/or the environment.</p> <p>3. Failure to comply after notice is given by WWF.</p> <p>4. Discharge without a permit (due to failure to renew)</p>	<p>Phone call, N.O.V. (no fine) and complete a site survey to determine if a permit is warranted.</p> <p>Site visit, give application for Permit. N.O.V. (with fine) Further administrative/legal action/sewer severance</p> <p>Legal Action Case by case enforcement including severity and perception of intent. Minimum of N.O.V.</p> <p>N.O.V. (with fine) and/or compliance schedule. And/or further administrative action.</p>	<p>E.I.</p> <p>E.I. E.I./D.DIR/DIR. D.DIR./DIR./O.C.A.</p> <p>D.DIR./DIR./O.C.A. E.I./D.DIR./DIR./O.C.A.</p> <p>E.I./D.DIR/DIR./O.C.A.</p>	<p>\$500/first 30 days;\$200/ addtl day</p> <p>\$500/first 30 days; \$200/ addtl day</p>
<p>B. Exceedance of local, state, or federal standards for other than SIU (Sections 26-142 and 26-148)</p>	<p>1. I.U. is unaware of the requirement; no harm to system, workers, WWF, or the environment.</p> <p>2. I.U. is unaware of the requirement; however, harm occurs to the system, workers, WWF, and/or the environment.</p> <p>3. Failure to comply after notice is given by WWF.</p>	<p>Phone call, N.O.V. (no fine) and complete a site survey to determine if a Permit is warranted.</p> <p>Site visit, give application for Permit. N.O.V. (with fine) Further administrative/legal action/sewer severance</p> <p>Legal Action Criminal Investigation Terminate Service</p>	<p>E.I.</p> <p>E.I. E.I./D.DIR/DIR. D.DIR./DIR./O.C.A.</p> <p>E.I./D.DIR./DIR./O.C.A.</p>	<p>\$500/first 30 days; \$200/ addtl day</p> <p>\$500/first 30 days;\$200/ addtl day</p>

**PERSONNEL LEGEND**

- 1. E.I.- Environmental Inspector
- 2. D. DIR.- Deputy Director of Public Utilities
- 3. DIR.- Director of Public Utilities
- 4. O.C.A.- Office of The City Attorney

**16. The City of Boynton Beach Enforcement Response Guide**

**I. DISCHARGE LIMIT VIOLATIONS (NON-PERMITTED USER)**

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL	FEE SCHEDULE
C. Exceedance of local, state, or federal standards for SIU, or non SIU, including permits (Sections 26-142 and 26-148)	1. First occurrence during previous 12 month period (not a slug load; no harm to system, workers, WWF and/or the environment)  2. Second occurrence during previous 12 month period (not a slug load; no harm to system, workers, WWF and/or the environment)  3. Third and any succeeding occurrence during previous 12 month period (not a slug load; no harm to system, workers, WWF and/or the environment)	Phone call   N.O.V. (no fine)   N.O.V. (with fine) and/or compliance schedule; and/or further administrative action	E.I.   E.I.   E.I./D.DIR./DIR./O.C.A.	\$500/first 30 days;\$200/addtl day

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**16 The City of Boynton Beach Enforcement Response Guide (continued)**

**II. DISCHARGE LIMIT VIOLATION BY PERMITTED USER**

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL	FEE SCHEDULE
A. Exceedance of local, state, or federal standards for SIU, or non SIU, including permits (Sections 26-142 and 26-148)	1. First occurrence during previous 12 month period (not a slug load; no harm to system, workers, WWF and/or the environment)  2. Second occurrence during previous 12 month period (not a slug load; no harm to system, workers, WWF and/or the environment)  3. Third and any succeeding occurrence during previous 12 month period (not a slug load; no harm to system, workers, WWF and/or the environment)	Phone call  N.O.V. (no fine)  N.O.V. (with fine) and/or compliance schedule; and/or further administrative action	E.I.  E.I.  E.I./D.DIR./DIR./O.C.A.	\$500/first 30 days;\$200/ addtl day
B. Exceedance of local, state, or federal standards for SIU, or non SIU, including permits (Sections 26-142 and 26-148)	1. Any occurrence which harms system, workers, WWF and/or the environment.	Site visit N.O.V. (with fine) Further administrative/legal action/sewer severance	E.I. E.I./D.DIR./DIR./O.C.A. D.DIR./DIR./O.C.A.	\$500/first 30 days;\$200/ addtl day

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**16. The City of Boynton Beach Enforcement Response Guide (continued)**

**II. DISCHARGE LIMIT VIOLATION BY PERMITTED USER**

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL	FEE SCHEDULE
D. Exceedance of local, state, or federal standards while on compliance schedule (Section 26-156)	1. First occurrence during previous 12 month period  2. Second and all succeeding occurrences	N.O.V. (no fine)  N.O.V. (with fine). The fine is based upon the industrial discharge loading and a percentage of the total fine amount will be assessed for payment upon discovery of the violation, with the remaining fine(s) to be held in abeyance pending timely and successful compliance with the compliance schedule.	E.I.  E.I./D.DIR./DIR./O.C.A.	
E. Significant Non Compliance (Section 26-170)	1. Exceeds significant non compliance criteria for any 6 month period  a. Chronic Violations (66%) b. Technical review criteria (33%)	Publish in local newspaper  Publish in local newspaper	E.I./D.DIR./DIR  E.I./D.DIR./DIR	

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**16. The City of Boynton Beach Enforcement Response Guide (continued)**

**III. SELF MONITORING AND REPORTING VIOLATIONS**

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL	FEE SCHEDULE
<p>A. Reporting Violation -monthly report late (Section 26-157)</p> <p><b>Note: All reports &gt;45 days late are considered significant noncompliance, and a disregard for N.O.V.</b></p>	<p>1. First occurrence during previous 12 month period                      A. Disregard for phone call                      B. Disregard for reminder letter                      C. Disregard for N.O.V.</p> <p>2. Second occurrence during previous 12 month period                      a. Disregard for reminder letter                      b. Disregard for N.O.V.</p> <p>3. Third and any succeeding occurrences during previous 12 month period                      a. Disregard for N.O.V.</p>	<p>Phone call on due date</p> <p>Reminder letter – 5 days                      N.O.V. (with fine) – 5 days                      Further administrative/legal action</p> <p>Reminder letter – 5 days</p> <p>N.O.V. (with fine)                      Further administrative/legal action</p> <p>N.O.V. (with fine)</p> <p>Further administrative/legal action.</p>	<p>E.I.</p> <p>E.I.                      E.I./D.DIR./DIR.                      E.I./D.DIR./DIR./O.C.A.</p> <p>E.I.</p> <p>E.I./D.DIR./DIR.                      E.I./D.DIR./DIR./O.C.A.</p> <p>E.I./D.DIR./DIR./O.C.A.</p> <p>E.I./D.DIR./DIR./O.C.A.</p>	<p>\$250/first 30 days;\$100/addtl day</p> <p>\$250/first 30 days;\$100/addtl day                      \$250/first 30 days;\$100/addtl day</p>
<p>B. Report improperly signed or certified (Section 26-157)</p>	<p>1. First occurrence during previous 12 month period                      a. Disregard for phone call                      b. Disregard for N.O.V.                      c. Disregard for N.O.V.</p> <p>2. Second occurrence during previous 12 month period                      a. Disregard for N.O.V.                      b. Disregard for N.O.V.</p> <p>3. Third and any succeeding occurrences during previous 12 month period                      a. Disregard for N.O.V.</p>	<p>Phone call</p> <p>N.O.V. (no fine)                      N.O.V. (with fine)                      Further administrative/legal action</p> <p>N.O.V. (no fine)</p> <p>N.O.V. (with fine)                      Further administrative/legal action</p> <p>N.O.V. (with fine)</p> <p>Further administrative/legal action</p>	<p>E.I.</p> <p>E.I.                      E.I./D.DIR./DIR.                      E.I./D.DIR./DIR./O.C.A.</p> <p>E.I.</p> <p>E.I./D.DIR./DIR.                      E.I./D.DIR./DIR./O.C.A.</p> <p>E.I./D.DIR./DIR./O.C.A.</p> <p>E.I./D.DIR./DIR./O.C.A.</p>	<p>\$250/first 30 days;\$100/addtl day</p> <p>\$250/first 30 days;\$100/addtl day                      \$250/first 30 days;\$100/addtl day</p>

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**16. The City of Boynton Beach Enforcement Response Guide (continued)**

III. SELF MONITORING AND REPORTING VIOLATIONS (continued)

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL	FEE SCHEDULE
C. Failure to report process changes (Section 26-157)	1. No harm to system, workers, WWF, or the environment	Unannounced inspection	E.I.	\$250/first 30 days;\$100/addtl day
	2. Potential created to harm system, workers, WWF and/or the environment	Unannounced inspection and N.O.V. (with fine)	E.I./D.DIR./DIR.	
	3. Harm to system, workers, WWF, and/or the environment	Unannounced inspection and Further administrative/legal action/sewer severance	E.I./D.DIR./DIR./O.C.A.	
D. Failure to respond when required (Sections 26-153 and 26-156)	1. Required documentation not submitted on due date	Phone call on due date	E.I.	\$250/first 30 days;\$100/addtl day
	a. Disregard for phone call	Final Notice 7 days past due date	E.I./D.DIR.	
	b. Disregard for Final Notice	N.O.V. (with fine)	E.I./D.DIR./DIR.	
c. Disregard for N.O.V.	Further administrative/legal action/sewer severance	E.I./D.DIR./DIR./O.C.A.		
E. Failure to monitor all pollutants as required by Permit (Section 26-157)	1. First occurrence during previous 12 month period	Phone call	E.I.	\$250/first 30 days;\$100/addtl day
		N.O.V. (no fine)	E.I.	
		N.O.V. (with fine)	E.I./D.DIR./DIR.	
	2. Second occurrence during previous 12 month period	Further administrative/legal action	E.I./D.DIR./DIR./O.C.A.	\$250/first 30 days;\$100/addtl day
		N.O.V. (no fine)	E.I.	
		N.O.V. (with fine)	E.I./D.DIR./DIR.	
	3. Third and all succeeding occurrences during previous 12 month period	Further administrative/legal action	E.I./D.DIR./DIR./O.C.A.	\$250/first 30 days;\$100/addtl day
		N.O.V. (with fine)	E.I./D.DIR./DIR.	
		Further administrative/legal action.	E.I./D.DIR./DIR./O.C.A.	

**PERSONNEL LEGEND**

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**16. The City of Boynton Beach Enforcement Response Guide (continued)**

III. SELF MONITORING AND REPORTING VIOLATIONS (continued)

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL	FEE SCHEDULE
F. Failure to obtain proper sample type (Section 26-158)	1. First occurrence during previous 12 month period a. Disregard for phone call b. Disregard for N.O.V. c. Disregard for N.O.V.	Phone call  N.O.V. (no fine) N.O.V. (with fine) Further administrative/legal action	E.I.  E.I. E.I./D.DIR./DIR. E.I./D.DIR./DIR./O.C.A.	\$350/first 30 days;\$100/ addtl day
	2. Second occurrence during previous 12 month period a. Disregard for N.O.V. b. Disregard for N.O.V.	N.O.V. (no fine)  N.O.V. (with fine) Further administrative/legal action	E.I.  E.I./D.DIR./DIR. E.I./D.DIR./DIR./O.C.A.	
	3. Third and all succeeding occurrences during previous 12 month period a. Disregard for N.O.V.	N.O.V. (with fine)  Further administrative/legal action	E.I./D.DIR./DIR.  E.I./D.DIR./DIR./O.C.A.	
G. Falsification of data (Section 26-171)	1. Any data which is submitted bearing an untruthful account of results or events	Administrative/Legal Action/Sewer Severance	E.I./D.DIR./DIR./O.C.A.	
H. Failure to report additional monitoring (Section 26-157)	1. First occurrence a. Disregard for phone call b. Disregard for N.O.V. c. Disregard for N.O.V.	Phone call  N.O.V. (no fine) N.O.V. (with fine) Further administrative/legal action	E.I.  E.I. E.I./D.DIR./DIR. E.I./D.DIR./DIR./O.C.A.	\$250/first 30 days;\$100/ addtl day
I. Failure to install monitoring equipment (Section 26-158)	1. First occurrence a. Disregard for phone call b. Disregard for N.O.V. c. Disregard for N.O.V.	Phone call  N.O.V. (no fine) N.O.V. (with fine) Further administrative/legal action	E.I.  E.I. E.I./D.DIR./DIR. E.I./D.DIR./DIR./O.C.A.	\$350/first 30 days;\$100/ addtl day

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**16. The City of Boynton Beach Enforcement Response Guide (continued)**

**IV. COMPLIANCE SCHEDULE VIOLATIONS**

<b>NON COMPLIANCE</b>	<b>NATURE OF VIOLATION</b>	<b>ENFORCEMENT RESPONSE</b>	<b>PERSONNEL</b>	<b>FEE SCHEDULE</b>
A. Missed milestone (no effect on final milestone) (Section 26-156)	1. Missed milestone is less than 90 days late	N.O.V. (no fine)	E.I.	
	2. Missed milestone is greater than 90 days late	N.O.V. (with fine)/SNC publication	E.I./D.DIR./DIR./O.C.A.	\$250/first 30 days;\$100/ addtl day
	3. Recurring violations of schedule.	N.O.V. (with fine)/ Further administrative/legal action/sewer severance	E.I./D.DIR./DIR./O.C.A.	\$250/first 30 days;\$100/ addtl day
B. Missed milestone (affecting the final milestone) (Section 26-156)	1. Missed milestone is less than 90 days late	N.O.V. (no fine)	E.S./L.D./P.C.	
	2. Missed milestone is greater than 90 days late	N.O.V. (with fine)/SNC publication	E.I./D.DIR./DIR./O.C.A.	\$350/first 30 days;\$100/ addtl day
	3. Recurring violations of schedule	N.O.V. (with fine)	E.I./D.DIR./DIR./O.C.A.	\$350/first 30 days; \$100/ addtl day
	4. Refusal to enter into a consent order	Further administrative/legal action/sewer severance	D.DIR./DIR./O.C.A.	
C. Failure to meet compliance schedule after final milestone date (Section 26-156)	1. Exceed final milestone deadline (<30 days)	Permit revocations/sewer severance	E.I./D.DIR./DIR./O.C.A.	
	2. Continues to exceed final milestone deadline (>30 days)	N.O.V. (with fine). The fine is based upon the industrial discharge loading and a percentage of the total fine amount will be assessed for payment upon discovery of the violation, with the remaining fine(s) to be held in abeyance pending timely and successful compliance with the compliance schedule. Further administrative/legal action/sewer severance	E.I./D.DIR./DIR./O.C.A.	

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**16. The City of Boynton Beach Enforcement Response Guide (continued)**

**V. VIOLATIONS DETECTED DURING SITE INSPECTIONS/VISITS**

<b>NON COMPLIANCE</b>	<b>NATURE OF VIOLATION</b>	<b>ENFORCEMENT RESPONSE</b>	<b>PERSONNEL</b>	<b>FEE SCHEDULE</b>
A. Facility Entry (Section 26-168)	Entry Denied	Leave area – consult O.C.A.	E.I./DIR./O.C.A.	
B. Records Review (Section 26-174)	Consent withdrawn to review/copy records	Leave area – consult O.C.A.	E.I./DIR./O.C.A.	
C. Prohibited materials/substances discharged to sanitary sewer system (Section 26-142)	1. No harm to system, workers, WWF and/or the environment.	N.O.V. (no fine) with letter	E.I.	\$500/first 30 days;\$200/ addtl day
	2. Potential created to harm system, workers, WWF and/or the environment	N.O.V. (with fine)	E.I./D.DIR./DIR	
	3. Harm to system, workers, WWF and/or the environment	Further administrative/legal action/sewer severance	E.I./D.DIR./DIR./O.C.A.	
D. Sampling at incorrect location (Section 26-158)	1. First occurrence	Verbal Notice (Documented)	E.I.	\$350/first 30 days;\$100/ addtl day
	2. Second occurrence	N.O.V. (with fine)	E.I./D.DIR./DIR	
	3. Third occurrence	Further administrative/legal action/sewer severance	E.I./D.DIR./DIR./O.C.A.	
E. Record Keeping (Section 26-159)	1. Records found to be incomplete	N.O.V. (no fine), with letter	E.I.	\$350/first 30 days;\$100/ addtl day
	2. Recurring	N.O.V. (with fine), and/or Further administrative/legal action/sewer severance	E.I./D.DIR./DIR /O.C.A.	

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**16. The City of Boynton Beach Enforcement Response Guide (continued)**

V. VIOLATIONS DETECTED DURING SITE INSPECTIONS/VISITS

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL	FEE SCHEDULE
F. Waste streams are diluted in lieu of treatment (Sections 26-148 and 26-151)	1. Initial findings 2. Recurring	N.O.V. (no fine), with letter  N.O.V. (with fine), and/or Further administrative/legal action/sewer severance	E.I.  E.I./D.DIR./DIR /O.C.A	\$500/first 30 days;\$200/addtl day
G. Failure to properly operate/maintain pretreatment equipment results in: (Section 26-148)	1. No harm to system, workers, WWF and/or the environment 2. Potential created to harm system, workers, WWF and/or the environment 3. Harm to system, workers, WWF and/or the environment	Phone call  N.O.V. (with fine)  Further administrative/legal action/sewer severance	E.I.  E.I./D.DIR./DIR  E.I./D.DIR./DIR /O.C.A	\$500/first 30 days;\$200/addtl day
H. Failure to mitigate noncompliance (or to halt discharge) (Section 26-152)	1. No harm to system, workers, WWF and/or the environment 2. Potential created to harm system, workers, WWF and/or the environment 4. Harm to system, workers, WWF and/or the environment	N.O.V. (with fine), further administrative action/sewer severance  N.O.V. (with fine), further administrative action/sewer severance  N.O.V. (with fine)/SNC publication/further administrative action/sewer severance	E.I.  E.I./D.DIR./DIR  E.I./D.DIR./DIR /O.C.A	\$500/first 30 days;\$200/addtl day  \$500/first 30 days;\$200/addtl day

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**16. The City of Boynton Beach Enforcement Response Guide (continued)**

VI. OTHER VIOLATIONS

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL	FEE SCHEDULE
A. Depositing Questionable Wastes on Public and Private Property (Section 26-119)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning  N.O.V. (no fine), with letter  N.O.V. (with fine)/ further administrative action/ sewer severance	E.I.  E.I./D.DIR  E.I./D.DIR./DIR/ O.C.A	\$250/ first 30 days;\$100/addtl day
B. Discharging into Natural Outlets (Section 26-120)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning  N.O.V. (no fine), with letter  N.O.V. (with fine)/ further administrative action/ sewer severance	E.I.  E.I./D.DIR  E.I./D.DIR./DIR/ O.C.A	\$350/ first 30 days;\$100/addtl day
C. Construction of a privy, septic tank of other facility (Section 26-121)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning  N.O.V. (no fine), with letter  N.O.V. (with fine)/ further administrative action/ sewer severance	E.I.  E.I./D.DIR  E.I./D.DIR./DIR/ O.C.A	\$250 first 30 days;\$100/addtl day

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**16. The City of Boynton Beach Enforcement Response Guide (continued)**

VI. OTHER VIOLATIONS

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL	FEE SCHEDULE
D. Installation of Suitable Toilet Facilities (Section 26-122)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning N.O.V. (no fine), with letter N.O.V. (with fine)/ further administrative action/ sewer severance	E.I. E.I./D.DIR E.I./D.DIR./DIR/ O.C.A	\$350 first 30 days;\$100/addtl day
E. Prohibited Discharge into Storm Sewer System (Section 26-123)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning N.O.V. (no fine), with letter N.O.V. (with fine)/ further administrative action/ sewer severance	E.I. E.I./D.DIR E.I./D.DIR./DIR/ O.C.A	\$350 first 30 days;\$100/addtl day
F. Damaging or Tampering with Sewage Works (Section 26-124)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning N.O.V. (no fine), with letter N.O.V. (with fine)/ further administrative action/ sewer severance	E.I. E.I./D.DIR E.I./D.DIR./DIR/ O.C.A	\$350 first 30 days;\$100/addtl day

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**16. The City of Boynton Beach Enforcement Response Guide (continued)**

VI. OTHER VIOLATIONS

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL	FEE SCHEDULE
G. Connecting building sewer to private disposal system (Section 26-125)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning  N.O.V. (no fine), with letter  N.O.V. (with fine)/ further administrative action/ sewer severance	E.I.  E.I./D.DIR  E.I./D.DIR./DIR/ O.C.A	\$250 first 30 days;\$100/addtl day
H. Obtain Written Permit for Private Sewage Disposal System (Section 26-126)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning  N.O.V. (no fine), with letter  N.O.V. (with fine)/ further administrative action/ sewer severance	E.I.  E.I./D.DIR  E.I./D.DIR./DIR/ O.C.A	\$350 first 30 days;\$100/addtl day
I. Connection of private sewage disposal system to public sewer (Section 26-129)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning  N.O.V. (no fine), with letter  N.O.V. (with fine)/ further administrative action/ sewer severance	E.I.  E.I./D.DIR  E.I./D.DIR./DIR/ O.C.A	\$350 first 30 days;\$100/addtl day

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**16. The City of Boynton Beach Enforcement Response Guide (continued)**

VI. OTHER VIOLATIONS

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL	FEE SCHEDULE
J. Maintenance of Private Sewage Disposal Facilities (Section 26-130)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning  N.O.V. (no fine), with letter  N.O.V. (with fine)/ further administrative action/ sewer severance	E.I.  E.I./D.DIR  E.I./D.DIR./DIR/ O.C.A	\$350 first 30 days;\$100/addtl day
K. Obtain Written Permit for use of Public Sewer (Section 26-131)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning  N.O.V. (no fine), with letter  N.O.V. (with fine)/ further administrative action/ sewer severance	E.I.  E.I./D.DIR  E.I./D.DIR./DIR/ O.C.A	\$350 first 30 days;\$100/addtl day
L. Connection of surface water runoff or groundwater to Public Sewer (Section 26-137)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning  N.O.V. (no fine), with letter  N.O.V. (with fine)/ further administrative action/ sewer severance	E.I.  E.I./D.DIR  E.I./D.DIR./DIR/ O.C.A	\$350 first 30 days;\$100/addtl day

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**16. The City of Boynton Beach Enforcement Response Guide (continued)**

VI. OTHER VIOLATIONS

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL	FEE SCHEDULE
M. Inspection of connection to Public Sewer (Section 26-138)	1. Initial Findings	Phone Call/ Verbal Warning	E.I.	\$350 first 30 days;\$100/addtl day
	2. Recurring (after one week of initial findings)	N.O.V. (no fine), with letter	E.I./D.DIR	
	3. Disregard for N.O.V	N.O.V. (with fine)/ further administrative action/ sewer severance	E.I./D.DIR./DIR/ O.C.A	
N. Discharge of Stormwater and other Unpolluted Drainage into Public Sewer (Section 26-141)	4. Initial Findings	Phone Call/ Verbal Warning	E.I.	\$350 first 30 days;\$100/addtl day
	5. Recurring (after one week of initial findings)	N.O.V. (no fine), with letter	E.I./D.DIR	
	6. Disregard for N.O.V	N.O.V. (with fine)/ further administrative action/ sewer severance	E.I./D.DIR./DIR/ O.C.A	
O. Installation/ Maintenance of Interceptors (Section 26-145)	1. Initial Findings	Phone Call/ Verbal Warning	E.I.	\$350 first 30 days;\$100/addtl day
	2. Recurring (after one week of initial findings)	N.O.V. (no fine), with letter	E.I./D.DIR	
	3. Disregard for N.O.V	N.O.V. (with fine)/ further administrative action/ sewer severance	E.I./D.DIR./DIR/ O.C.A	

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**16. The City of Boynton Beach Enforcement Response Guide (continued)**

VI. OTHER VIOLATIONS

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL	FEE SCHEDULE
P. Maintaining Flow-Equalizing Facilities and/or Interceptors for Waste Pretreatment (Section 26-146)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning  N.O.V. (no fine), with letter  N.O.V. (with fine)/ further administrative action/ sewer severance	E.I.  E.I./D.DIR  E.I./D.DIR./DIR/ O.C.A	\$350 first 30 days;\$100/addtl day
Q. Admission of Industrial and Commercial Waste (Section 26-147)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning  N.O.V. (no fine), with letter  N.O.V. (with fine)/ further administrative action/ sewer severance	E.I.  E.I./D.DIR  E.I./D.DIR./DIR/ O.C.A	\$350 first 30 days;\$100/addtl day
R. Require Notice to Employees in event of dangerous discharge (Section 26-154)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning  N.O.V. (no fine), with letter  N.O.V. (with fine)/ further administrative action/ sewer severance	E.I.  E.I./D.DIR  E.I./D.DIR./DIR/ O.C.A	\$250 first 30 days;\$100/addtl day

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**16 The City of Boynton Beach Enforcement Response Guide (continued)**

VI. OTHER VIOLATIONS

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL	FEE SCHEDULE
S. Notification of the discharge of hazardous waste (Section 26-155)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning  N.O.V. (no fine), with letter  N.O.V. (with fine)/ further administrative action/ sewer severance	E.I.  E.I./D.DIR  E.I./D.DIR./DIR/ O.C.A	\$500 first 30 days;\$200/addtl day
T. Wastewater Discharge Permit Application and Requirements (Sections 26-160 and 26-161)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning  N.O.V. (no fine), with letter  N.O.V. (with fine)/ further administrative action/ sewer severance	E.I.  E.I./D.DIR  E.I./D.DIR./DIR/ O.C.A	\$250 first 30 days;\$100/addtl day
U. Suspension of Wastewater Treatment; Notice to Stop Discharge (Section 26-169)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning  N.O.V. (no fine), with letter  N.O.V. (with fine)/ further administrative action/ sewer severance	E.I.  E.I./D.DIR  E.I./D.DIR./DIR/ O.C.A	\$500 first 30 days;\$200/addtl day

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**16. The City of Boynton Beach Enforcement Response Guide (continued)**

VI. OTHER VIOLATIONS

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL	FEE SCHEDULE
V. Retention of Required Records (Section 26-174)	1. Initial Findings 2. Recurring (after one week of initial findings) 3. Disregard for N.O.V	Phone Call/ Verbal Warning N.O.V. (no fine), with letter N.O.V. (with fine)/ further administrative action/ sewer severance	E.I. E.I./D.DIR E.I./D.DIR./DIR/ O.C.A	\$250 first 30 days;\$100/addtl day

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**17. Time Frame for Responses:**

1. All violations will be identified and documented within five (5) days of receiving compliance information.
2. Initial enforcement responses [involving contact with the industrial user and requesting information on corrective or preventive action(s)] will occur within thirty (30) days of violation detection.
3. Follow-up actions for continuing or recurring 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 noncompliance will be addressed with an enforceable order within thirty (30) days of the identification of significant noncompliance.

**18. Further Administrative / Legal Action:**

Administrative/Legal action may include, but shall not be limited to the following:

1. Petition for Federal or State enforcement as may be provided by applicable Federal or State laws to ensure compliance by industrial users of applicable pretreatment standards.
2. The City may file a petition in the Circuit Court of Palm Beach County or any other courts having jurisdiction, seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this division or other applicable law or regulation.
3. The Director of Public Utilities reserves the right to assess fines on a case by case assessment. Suit may be brought to recover any and all damages suffered by the City as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the WWF, or for any other expense, loss, or damage of any kind or nature suffered by the City.