



**TOWN OF PLATTSBURGH**  
**DEPARTMENT OF WATER AND WASTEWATER**

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**TOWN OF PLATTSBURGH, N.Y.**  
**ENFORCEMENT RESPONSE PLAN**  
**INDUSTRIAL WASTEWATER USERS**

**B 1. THE ENFORCEMENT RESPONSE GUIDE**

This comprehensive enforcement response guide designates several alternative enforcement options for each type (or pattern) of noncompliance. Control Authority personnel who detect noncompliance should select an appropriate response from the list of enforcement options indicated by the guide. There are a number of factors to consider when selecting a response from among these options:

- \* Good faith of the user
- \* Compliance history of the user
- \* Previous success of enforcement actions taken against the particular user (e.g., if Notice of Violation's have not previously succeeded in returning the user to compliance, an administrative order is the more appropriate response)
- \* Violation's effect on the receiving waters
- \* Violation's effect on the Publicly Owned Treatment Works (POTW)

Since the remedies designated in the guide are all considered appropriate, the Control Authority must weigh each of the above factors in deciding whether to use a more or less stringent response.

This guide identifies types of violations, indicates initial and follow-up responses, and designates personnel and time frames for these responses. The Control Authority may choose to specify responses different than those in this guide. However, all formal enforcement responses must be expressly authorized by Local and State Laws.

**B 2. USING THE ENFORCEMENT RESPONSE GUIDE**

The enforcement response guide is used as follows:

1. Locate the type of noncompliance in the first column and identify the most accurate description of the violation.
2. Assess the appropriateness of the recommended response(s) in column two. First offenders or users demonstrating good faith efforts may merit a more lenient response. Similarly, repeat offenders or those demonstrating negligence may require a more stringent response.

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3. Apply the enforcement response to the industrial user. Specify corrective action or other responses required of the industrial user, if any. Column three indicates personnel to take each response. The time frame in which that response should be taken is presented in Section B 5.
4. Follow-up with escalated enforcement action if the industrial user's response is not received or violation continues.

The Control Authority should remember to maintain all supporting documentation regarding the violation and its enforcement actions in the industrial user's file.

### **B 3. DESCRIPTION OF TERMS**

Terms and abbreviations used in the guide are defined below.

AO	- Administrative Order.
Civil Litigation	- Civil litigation against the industrial user seeking equitable relief; monetary penalties and actual damages.
Control Authority	- Town Supervisor and/or Town Board, Pretreatment Administrator and a Pretreatment Coordinator.
Criminal Prosecution	- Pursuing punitive measures against an individual and/or organizations through a court of law.
Fine	- Monetary penalty assessed by Control Authority officials. Fines should be assessed by the pretreatment administrator or the Supervisor and/or Council.
I	- Inspector
IU	- Industrial User
SC	- Town Supervisor and/or Town Board
Meeting	- Informal compliance meeting with the IU to resolve recurring noncompliance.
NOV	- Notice of Violation
PA	- Pretreatment Administrator – Director of Water & Wastewater Utilities
PC	- Pretreatment Coordinator – Director of Water & Wastewater Utilities
POTW	- Publicly Owned Treatment Works
SV	- Significant Violation
Show Cause	- Formal meeting requiring the IU to appear and demonstrate why the Control Authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

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**B 4. ENFORCEMENT RESPONSE GUIDE**

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**UNAUTHORIZED DISCHARGES (NO PERMIT)**

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**1. UNPERMITTED DISCHARGE**

<b>NATURE OF THE VIOLATION</b>	<b>ENFORCEMENT RESPONSE</b>	<b>PERSONNEL</b>
IU unaware of requirement; no Harm to POTW/environment	Phone call; NOV with application form	PC
IU unaware of requirement harm to POTW	AO with fine - Civil action	PA PA
Failure to apply continues After notice by the POTW	Civil action Criminal investigation Terminate service	PA PA PA

**2. NONPERMITTED DISCHARGE**

(failure to renew)

IU has not submitted application within 10 days of due date.	Phone call; NOV	PC
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**DISCHARGE LIMIT VIOLATION**

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**1. EXCEEDANCE OF LOCAL OR FEDERAL STANDARD (PERMIT LIMIT)**

Isolate, not significant	Phone call; NOV	PA
Isolated, significant	AO to develop spill prevention plan.	PA
Isolated, harm to POTW or environment	Show cause order Civil action	PA PA
Recurring, no harm to POTW Or environment	AO with fine	PA
Recurring; significant (harm)	AO with fine Show cause order Civil action Terminate service	PA PA PA PA

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**B 4. ENFORCEMENT RESPONSE GUIDE (continued)**

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**MONITORING AND REPORTING VIOLATIONS**

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**1. REPORTING VIOLATION**

<b>NATURE OF THE VIOLATION</b>	<b>ENFORCEMENT RESPONSE</b>	<b>PERSONNEL</b>
Report is improperly signed or certified	Phone call or NOV	PC
Report is improperly signed or certified after notice by POTW	AO Show cause order	PA PA
Isolated, not significant (e.g., 5 days late)	Phone call or NOV	PC
Significant (e.g., report 30 days or more late.)	AO to submit with fine per additional day.	PA
Reports are always late or no reports at all	AO with fine Show cause order Civil action	PA PA PA
Failure to report spill or changed discharge (no harm)	NOV	PC
Failure to report spill or Changed discharge (results In harm)	AO with fine Civil action	PA PA
Repeated failure to report Spills	Show cause order Terminate service	PA PA
Falsification	Criminal investigation Terminate service	PA PA

**2. FAILURE TO MONITOR CORRECTLY**

Failure to monitor all pollutants as required by permit.	NOV or AO	PC/PA
Recurring failure to monitor	AO with fine Civil action	PA PA

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**B 4. ENFORCEMENT RESPONSE GUIDE (continued)**

**MONITORING AND REPORTING VIOLATIONS (continued)**

**3. IMPROPER SAMPLING**

<b>NATURE OF THE VIOLATION</b>	<b>ENFORCEMENT RESPONSE</b>	<b>PERSONNEL</b>
Evidence of intent	Criminal investigation	PA
	Terminate service	PA

**4. FAILURE TO INSTALL MONITORING EQUIPMENT**

Delay of less than 30 days	NOV	PC
Delay of 30 days or more	AO to install with fine for each additional day	PA
Recurring, violation of AO	Civil action	PA
	Criminal investigation	PA
	Terminate service	PA

**5. COMPLIANCE SCHEDULES (IN PERMIT)**

Missed milestone by less than 30 days, or will not affect final milestone.	NOV or AO with fine	PC/PA
Missed milestone by more than 30 days, or will affect final Milestone (good cause for delay).	AO with fine	PA
Missed milestone by more than 30 days, or will affect final Milestone (no good cause for delay).	Show cause order	PA
	Civil action	PA
	Terminate service	PA
Recurring violation or violation or schedule in AO	Civil action	PA
	Criminal investigation	PA
	Terminate service	PA

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### B 4. ENFORCEMENT RESPONSE GUIDE (continued)

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#### OTHER PERMIT VIOLATIONS

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##### 1. WASTESTREAMS ARE DILUTED IN LIEU OF TREATMENT

<b>NATURE OF THE VIOLATION</b>	<b>ENFORCEMENT RESPONSE</b>	<b>PERSONNEL</b>
Initial violation	AO with fine	PA
Recurring	Show cause order Terminate service	PA PA

##### 2. FAILURE TO MITIGATE NONCOMPLIANCE OR HALT PRODUCTION

Does not result in harm	NOV	PC
Does result in harm	AO with fine Civil action	PA PA

##### 3. FAILURE TO PROPERLY OPERATE AND MAINTAIN PRETREATMENT FACILITY

Does not result in harm	NOV	PA
Does result in harm	AO with fine Civil action	PA PA

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#### VIOLATIONS DETECTED DURING SITE VISITS

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##### 1. ENTRY DENIAL

Entry denied or consent withdrawn. Copies of records denied.	Obtain warrant and return to IU	PC
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##### 2. ILLEGAL DISCHARGE

No harm to POTW or environment	AO with fine	PA
Discharge causes harm or evidence of intent/negligence	Civil action Criminal investigation	PA PA
Recurring, violation of AO	Terminate service	PA

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**B 4. ENFORCEMENT RESPONSE GUIDE (continued)**

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**VIOLATIONS DETECTED DURING SITE VISITS (continued)**

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**3. IMPROPER SAMPLING**

<b>NATURE OF THE VIOLATION</b>	<b>ENFORCEMENT RESPONSE</b>	<b>PERSONNEL</b>
Unintentionally sampling at incorrect location	NOV	PC
Unintentionally using incorrect sample type	NOV	PC

**4. INADEQUATE RECORDKEEPING**

Inspector finds files incomplete to missing (no evidence of intent)	NOV	PC
Recurring	AO with fine	PA

**5. FAILURE TO REPORT ADDITIONAL MONITORING**

Inspection finds additional files	NOV	PC
Recurring	AO with fine	PA

**B 5. TIMEFRAMES FOR RESPONSES**

- A. All violations should be identified and documented within five days of receiving compliance information.
- B. Initial enforcement responses [involving contact with the industrial user and requesting information on corrective or preventative action(s)] should occur within 15 days of violation detection.
- C. Follow up actions for continuing or reoccurring violations should be taken within 60 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.
- D. Violations which threaten health, property or environmental quality are considered emergencies and should receive immediate responses such as halting the discharge or terminating service.
- E. All violations meeting the criteria for significant noncompliance should be addressed with an enforceable order within 30 days of the identification of significant noncompliance.