

**LAURENS COUNTY WATER AND SEWER  
COMMISSION**

**SANITARY SEWER**

**AND**

**PRETREATMENT**

**ENFORCEMENT RESPONSE PLAN**

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**LAURENS COUNTY WATER & SEWERCOMMISSION**  
**Table of Contents**

<b>1. Introduction</b>	<b>1</b>
1.1 Treatment and Collection Facilities	1
1.2 Permit Status	1
<b>2. Sewer Use Regulations</b>	<b>3</b>
2.1 Purpose	3
2.2 Authority	3
<b>3. Enforcement Response Guide</b>	<b>4</b>
3.1 Enforcement Response Guide	4
3.2 Range of Enforcement Responses	4
3.2.1 Magnitude of the Violation	6
3.2.2 Duration of the Violation	7
3.2.3 Effect on the Receiving Water	7
3.2.4 Effect of the Violation on the POTW	8
3.2.5 Compliance History of the User	8
3.2.6 Good Faith of the User	8
3.3 Responsibilities of Personnel	9
3.3.1 Attorney	9
3.3.2 Executive Director	9
3.3.3 Pretreatment Coordinator	10
3.3.4 Inspectors/Field Crews	10
3.4 Application of the Enforcement Response Guide	10
3.5 Evaluating Effectiveness	11
<b>4. Enforcement Responses</b>	<b>13</b>
4.1 Notice of Violation	13
4.2 Administrative Fines/Penalties	14
4.3 Administrative Orders	14

**LAURENS COUNTY WATER & SEWERCOMMISSION**  
**Table of Contents**

4.4	Civil Litigation	15
4.5	Criminal Prosecution	16
4.6	Termination of Sewer Service	17
4.7	Supplemental Enforcement Responses	17
4.7.1	Public Notices	17
4.7.2	Water Service Termination	18
4.7.3	Performance Bonds/Liability Insurance	18
4.7.4	Contractor Listing Program	19
4.7.5	Other	19

**Appendices**

A	Enforcement Response Guide	
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**LAURENS COUNTY WATER AND SEWER COMMISSION  
Enforcement Response Plan**

**1. Introduction**

1.1 Treatment and Collection Facilities

The LCWSC wastewater system consists of the Clinton/Joanna Wastewater Treatment Plant (WWTP), a network of interceptor sewers, pump stations and force mains, and a system of collection sewers. The Clinton/Joanna WWTP is a 2.75 million gallon per day (MGD) activated sludge (oxidation ditch) treatment plant which went into operation August 1981. The plant discharges treated effluent to the Bush River south of Joanna downstream of SC Highway 66. The LCWSC sewer system consists of 220,068 feet of 6 to 36 inch gravity sewer lines, 827 manholes, 69,148 feet of 2 to 12 inch force main, 29 air relief valves and 10 pump stations (5 of the pump stations can be considered major pump stations).

The sewer collection system serves the predominately residential community of Joanna and the predominately commercial Laurens County Hospital area including a 175-acre Medical Business park. The customers tied directly to the LCWSC collection system are considered LCWSC customers and are charged both collection and treatment fees.

In addition to areas served by the LCWSC collection system, LCWSC provides service to several satellite collection systems. The major satellite collection system is the City of Clinton. The City's collection system connects through flow meters with LCWSC trunk lines. Whitten Center, although annexed to the City of Clinton, also operates its own sewer collection facilities separate from both the City of Clinton and LCWSC. Satellite collection systems are considered bulk customers and are charged treatment fees only.

Most of the industrial dischargers to the Clinton/Joanna WWTP are located within the City of Clinton.

1.2 Permit Status

**LAURENS COUNTY WATER AND SEWER COMMISSION**  
**Enforcement Response Plan**

The Clinton/Joanna WWTP discharges to Bush River under NPDES Permit SC0037974. The current permit became effective September 1, 1999, and expires August 31, 2004. The LSWSC is required to properly maintain and operate all facilities to achieve compliance with the conditions of the NPDES permit.

As a part of the LCWSC's efforts to operate their wastewater facilities in accordance with the terms of the NPDES permit, the LCWSC operates an industrial pretreatment program to avoid adverse impact(s) which may occur when industrial wastes are discharged into the sewer system.

The pretreatment program is designed to prevent four major problem areas.

1. Interference with POTW (publicly owned treatment works) operations.
2. Pass-through of pollutants.
3. Biosolids contamination.
4. Exposure of workers to chemical hazards.

The LCWSC's industrial pretreatment program includes issuance of industrial pretreatment permits to each of their industries. Each of these industrial pretreatment permits is currently being revised for reissuance.

## **2. Sewer Use Regulations**

### 2.1 Purpose

In reading this Enforcement Response Plan, it should be noted that this report deals only with the enforcement-related provisions of the Sewer use and Pretreatment Regulations. This plan is not designed to full cover all aspects of effective sewer use regulations, but merely to further describe and clarify those portions of the sewer use regulations which deal with enforcement of a pretreatment program.

### 2.2 Authority

The POTW (publicly owned treatment works) must have the power and authority to:

Deny or condition new or increased contributions of pollutants. or changes in the nature of pollutants discharged to the POTW:

- Require compliance with applicable pretreatment standards and requirements by industrial users:
- Control, through permit, contract, or other means, the contribution to the POTW by each industrial user.
- Require development of a compliance schedule by each industrial user and the submission of all notices and self-monitoring reports as necessary to assure compliance:
- Carry out all inspection, surveillance and monitoring procedures to determine compliance independent of information supplied by the industrial user.
- Obtain remedies for noncompliance, including the ability to seek injunctive relief, civil or criminal penalties, and/or collect liquidated damages; and
- Comply with the confidentiality requirements and limitations on data restrictions specified in 40 CFR 403.14.

DHEC requires an attorney's certification that the Sewer Use and Pretreatment Regulations meets State and Federal requirements. This certification is required to ensure that the LCWSC has the power and authority to perform the above-listed tasks.

**LAURENS COUNTY WATER AND SEWER COMMISSION**  
**Enforcement Response Plan**

### **3. Enforcement Response Guide**

#### 3.1 Enforcement Response Guide

The centerpiece of the POTW's enforcement response plan is the Enforcement Response Guide (the Guide). This Guide is a matrix which describes violations and indicates a range of appropriate enforcement options. The Guide serves two main functions:

- Defines the range of appropriate enforcement actions based on the nature and severity of the violation and other relevant factors and
  
- Promotes consistent and timely use of enforcement remedies.

In addition to eliminating uncertainty and confusion concerning enforcement, the consistency maintained by following the Guide lessens the likelihood of "selective enforcement" or harassment and promotes fair and consistent enforcement for all industrial users.

The Guide anticipates the types of noncompliance that are likely to be encountered. The more types and patterns of violations are anticipated, the more useful the Guide will be. The Guide then identifies enforcement responses appropriate for each violation (limited, of course, to those authorized under State law and implemented in the Sewer Use and Pretreatment Regulations).

The following sections of this plan describe various components of a typical enforcement response guide and summarizes the applicability of the components to the LCWSC. The following descriptions of the typical enforcement response guide components are compiled and excerpted from Guidance for Developing Control Authority Enforcement Response Plans, U.S. Environmental Protection Agency, September 1989.

The LCWSC's Enforcement Response Guide is presented in Appendix B of this plan and was developed from the typical enforcement response guide components.

#### 3.2 Range of Enforcement Responses

## LAURENS COUNTY WATER AND SEWER COMMISSION Enforcement Response Plan

The enforcement response guide allows for selection of several alternatives initial and follow-up actions. Initially, informal actions such as Notice of Violations (NOVs) are appropriate where violations are non-significant or when the industrial user is cooperative in resolving its problems. More severe enforcement responses, potentially including judicial proceedings, should be undertaken when the violation is significant or when the industrial user does not promptly undertake corrective action. Similarly, when the user fails to return to compliance following an initial enforcement response, the response should “escalate” in a follow-up, more stringent, action.

The appropriate enforcement response is chosen in the context of the user’s prior violations. For example, if the user continues its minor noncompliance despite informal enforcement measures, a more stringent approach should be adopted. Similarly, if a user has committed several types of violations, the response should address ~h violation. If a remedy is sought for only the most serious violation, the less significant violations could inadvertently escape enforcement.

Pretreatment enforcement is a matter of strict liability. The knowledge, intent, or negligence of the user should ~ be taken into consideration except when deciding to pursue criminal prosecution.

The enforcement response should be appropriate to the violation. The following criteria are considered when determining a proper response:

- Magnitude of the violation,
- Duration of the violation,
- Effect of the violation on the receiving water,
- Effect of the violation on the POTW,
- Compliance history of the industrial user and
- Good faith of the industrial user.

Each of these criteria is discussed in the following sections (4.2.1 through 4.2.6, respectively).



**LAURENS COUNTY WATER AND SEWER COMMISSION**  
**Enforcement Response Plan**

3.2.1 Magnitude of the Violation

Generally, an isolated violation of noncompliance can be met with an informal response (e.g., email or letter), or a “Notice of Violation (NOV)”<sup>1</sup>. However, since even an isolated violation could threaten public health and the environment, damage public and private property, or threaten the integrity of the pretreatment program (e.g., falsifying a self-monitoring report), EPA recommends that “significant noncompliance” be met with an enforceable order that requires a return to compliance by a specific deadline.

EPA has defined “significant noncompliance” as violations which meet one or more of the following criteria.

1. Violations of wastewater discharge limits.
  - a) Chronic violations. Sixty-six percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of exceedance).
  - b) Technical Review Criteria (TRC) violations. Thirty-three percent or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). TRC violations for pH is when any measurement is less than 5 point units, unless other limits are approved by the Executive Director.
  - c) Any other violation(s) of effluent limit (average or daily maximum) that the Control Authority (the entity directly administering and enforcing pretreatment standards and requirements: in this case the Control Authority will be the LCWSC) believes has caused alone or in combination with other discharges, interference or pass-through or endangered the health of the wastewater treatment personnel or the public.
  - d) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the

**LAURENS COUNTY WATER AND SEWER COMMISSION**  
**Enforcement Response Plan**

POTW's exercise of its emergency authority to halt or prevent such a discharge.

2. Violations of compliance schedule milestones contained in a local control mechanism or enforcement order, for starting construction, completing construction and attaining final compliance by 90 days or more after the schedule date.
3. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports and periodic reports) within 30 days from the due date.
4. Failure to accurately report noncompliance.

Any other violation or group of violations that the Control Authority (the LCWSC) considers to be significant.

#### 3.2.2 Duration of the Violation

Violations (regardless of severity) which continue over prolonged periods of time should subject the industrial user to escalated enforcement actions. The response to these situations must prevent extended periods of noncompliance from recurring. EPA recommends issuance of administrative orders for chronic violations. If the industrial user fails to comply with the administrative order, administrative penalties should be assessed or judicial action should be initiated. If prolonged violations results in serious harm to the POTW. consideration should be given to terminating service or obtaining a court order to halt further violations as well as to recover the costs of repairing the damage.

#### 3.2.3 Effect on the Receiving Water

One of the primary objectives of the National Pretreatment Program is to prevent pollutants from "passing through" the POTW and entering the receiving stream. Consequently, any violations which results in environmental harm should be met with a severe response. The EPA states that environmental harm should be presumed whenever an industry discharges a pollutant into the wastewater system which:

**LAURENS COUNTY WATER AND SEWER COMMISSION**  
**Enforcement Response Plan**

- Passes through the POTW,
- Causes a violation of the POTW's NPDES permit (including water quality standards), or
- Has a toxic effect on the receiving waters (i.e., fish kill).

3.2.4 Effect of the Violation on the POTW

Some violations may have negative impacts on the POTW itself such as resulting in significant increases in treatment costs; interfering with or harming POTW personnel, equipment, processes, operations; or causing sludge contamination resulting in increased disposal costs. These violations should be met with administrative fines or civil penalties and an order to correct the violation in addition to recovery of additional costs and expenses to repair the POTW.

3.2.5 Compliance History of the User

A pattern of recurring violations (even of different program requirements) may indicate either that the user's treatment system is inadequate or that the user has taken a casual approach to operating and maintaining its treatment system. These indications should alert the Control Authority to the likelihood of future significant violations.

Accordingly, users exhibiting recurring compliance problems should be strongly dealt with to ensure that consistent compliance is achieved.

3.2.6 Good Faith of the User

The user's "good faith" in correcting its noncompliance is a factor in determining which enforcement response to invoke. "Good faith" may be defined as the user's honest intention to remedy its noncompliance coupled with actions which give support to this intention. This willingness to comply should predispose the Control Authority (the LCWSC) to select less stringent enforcement responses; however, good faith does not eliminate the necessity of an enforcement action. For example, if a POTW experience a treatment upset, it should recover its costs regardless of prior good faith.

**LAURENS COUNTY WATER AND SEWER COMMISSION**  
**Enforcement Response Plan**

3.3 Responsibilities of Personnel

The Control Authority (the LCWSC) should clearly establish staff responsibilities for taking enforcement actions. These responsibilities should be in written form, delegating specific responsibilities to staff including the circumstances under which the delegated authority may be exercised.

EPA guidance documents urge the Control Authority to remember this general rule when delegating: the time necessary to take enforcement actions decreases as authority to initiate action is delegated. For example, allowing field personnel to initiate administrative actions such as issuing NOVs ensures that these actions are taken soon after the noncompliance is discovered.

The following sections describe proposed responsibilities for the LCWSC pretreatment program. It is expected that all personnel will undertake their responsibilities in a timely and prompt manner. It is further expected that all personnel will maintain complete records and will keep with other personnel assigned pretreatment program responsibilities informed of their actions as needed.

3.3.1 Attorney

The LCWSC's Legal Counsel will function as the Control Authority Attorney. The attorney will advise technical and managerial personnel on enforcement matters and orchestrate the judicial responses deemed necessary by the Executive Director of the LCWSC. The attorney will be consulted on all matters requiring the interpretation of the Sewer Use and Pretreatment Regulations and this Enforcement Response Plan.

3.3.2 Executive Director

The Executive Director is responsible for compliance with the terms and conditions of the POTW's NPDES permit. The Executive Director has the authority to terminate or suspend service, conduct show cause hearings, initiate judicial proceedings, assess penalties, issue administrative conferences, issue notice to show cause and reissue pretreatment permits. The Executive Director also has overall responsibility for

**LAURENS COUNTY WATER AND SEWER COMMISSION**  
**Enforcement Response Plan**

operation and maintenance of the POTW including employee safety, protection of the collection system and the treatment plant, effluent quality, and sludge use and disposal.

**3.3.3 Pretreatment Coordinator**

The Pretreatment Coordinator should be thoroughly familiar with pretreatment program requirements and is responsible for implementing those requirements. The Pretreatment Coordinator will provide guidance and assistance to industrial users as needed. The Pretreatment Coordinator will conduct compliance inspections, screen compliance monitoring data, detect noncompliance, inform the Executive Director of violations, make informal contacts (telephone calls, email letters), issue NOVs and publish the annual list of significant violators.

**3.3.4 Inspectors/Field Crews**

The Pretreatment Coordinator will train inspectors and field crew personnel to conduct compliance sampling and inspections as needed. The inspectors/field crew have the responsibility to detect possible noncompliance and to notify the Pretreatment Coordinator of all suspect conditions or discharges.

**3.4 Application of the Enforcement Response Guide**

Effective enforcement actions must be timely. To be timely, the violation must be detected and responded to promptly after its occurrence.

The Pretreatment Coordinator must assign a high priority to reviewing compliance reports (for both effluent violations and timeliness). Generally, compliance reports should be reviewed within five days of receipt. Violations observed by the inspectors/field crews should receive even swifter attention.

EPA recommends no more than 30 days be allowed to elapse between the detection of the violation(s) and the initiation of an enforcement response. If the appropriate response is an informal warning or a NOV, the response time should be much shorter.

After its initial enforcement response, the Pretreatment Coordinator should closely track the industrial user's progress toward compliance. The Pretreatment Coordinator

**LAURENS COUNTY WATER AND SEWER COMMISSION**  
**Enforcement Response Plan**

should follow-up on all compliance activities from relatively insignificant, informal actions to more serious, enforcement actions.

The LCWSC and all employees involved in implementing the pretreatment program should consistently follow the this plan especially the Enforcement Response Guide presented in Appendix B. To do otherwise sends a signal to industrial users and the public that the LCWSC is not acting in a predictable manner and may subject the LCWSC to charges of arbitrary enforcement decision making, thereby jeopardizing future enforcement.

Following the Enforcement Response Guide does not mean there are no choices to be made. The guide identifies types of violations and provides a range of initial and follow-up responses. The Control Authority (the LCWSC) chooses the enforcement response deemed appropriate for the specific situation. In choosing the appropriate response option, the following factors (several of which are identical to the factors listed in Section 4.2 of this plan) should be considered:

- Good faith of the user,
- Compliance history of the user,
- Previous success of enforcement actions taken against the particular user.
- Violation's effect on the receiving waters and
- Violation's effect on the POTW.

### 3.5 Evaluating Effectiveness

Once the Enforcement Response Plan has been adopted, the LCWSC needs to periodically assess its effectiveness in accomplishing pretreatment program goals. This review should be conducted in light of the primary objectives for developing an enforcement response plan:

**LAURENS COUNTY WATER AND SEWER COMMISSION**  
**Enforcement Response Plan**

- To ensure that violators return to compliance as soon as possible,
- To penalize non-compliant users for pretreatment violations,
- To deter future noncompliance and
- To recover any additional expenses incurred by the LCWSC attributable to the noncompliance.

When improvements or innovations are identified to improve effectiveness of the Enforcement Response Plan, they should be promptly incorporated into the Enforcement Response Guide.

This Enforcement Response Plan should be evaluated annually.

**LAURENS COUNTY WATER AND SEWER COMMISSION**  
**Enforcement Response Plan**

#### **4. Enforcement Responses**

##### **4.1 Notice of Violation**

The most common form of a Notice of Violation ('NOV) is an official communication from the Control Authority (the LCWSC) to the non-compliant industrial user which informs the user that a pretreatment violation has occurred. The NOV is an appropriate initial response to non-significant violations. In the case of significant noncompliance, a NOV may also be issued prior to issuing an administrative order or pursuing judicial remedies.

Since the NOV is simply a communication from the Control Authority to a non-compliant user, the sewer use ordinance/regulations ordinarily need not authorize its use. The LCWSC has authorized issuance of NOVs in Section 12.1 of the Sewer Use and Pretreatment Regulations. A NOV should be a written communication on LCWSC letterhead. The NOV should contain the following minimum findings of fact:

- The LCWSC is charged with constructing, maintaining and regulating the use of the sewer system and treatment works;
- To protect the sewer system and treatment works, the LCWSC administers a pretreatment program:
- Under this program, the industrial user was issued a permit;
- The permit contained numerical limits on the quality of pollutants which the industry could discharge as well as self-monitoring requirements and other duties;
- On (date), pollutant analysis showed that the quantity of (pollutant) exceeded the permit limitation, etc.

The NOV should either be hand-delivered or sent via certified mail. A copy should be placed in the users files, along with the certified mail receipt or similar statement by the person who delivered it.

As indicated, Section 12.1 of the Sewer Use and Pretreatment Regulations authorizes NOVs.



**LAURENS COUNTY WATER AND SEWER COMMISSION**  
**Enforcement Response Plan**

4.2 Administrative Fines/Penalties

An administrative fine is a monetary penalty assessed by the Control Authority for violations of pretreatment standards and requirements. Administrative fines are among the most effective responses to user noncompliance because they may be assessed at the Control Authority's discretion and the amount of the fines may be determined on an individual basis. Administrative fines differ from civil penalties (penalties imposed through court proceedings), since fines are assessed by the Control Authority directly and do not require court intervention unless the user contests the action or refuses to pay the fine. Administrative fines are punitive in nature and are not related to a specific cost born by the Control Authority. Instead, fines are to recapture the full or partial economic benefit of noncompliance, and to deter future violations.

The LCWSC, as a special purpose district, is not authorized to assess monetary fines; therefore, any fines must be assessed through court action as civil penalties. The LCWSC can assess administrative penalties to recover the costs of damage to the PQTW or to the sewerage facilities. Administrative penalties are authorized in Section 12.6 of the Sewer Use and Pretreatment Regulations.

4.3 Administrative Orders

Administrative Orders (AOs) are enforcement documents which direct industrial users to undertake or cease specified activities. The terms of AOs may or may not be negotiated with industrial users. Administrative orders are recommended as the first formal response to significant noncompliance (unless judicial proceedings are more appropriate), and may incorporate compliance schedules, administrative penalties and termination of service orders. The four most common types of administrative orders are:

- Cease and desist orders,
- Consent orders,
- Show cause orders and
- Compliance orders.

**LAURENS COUNTY WATER AND SEWER COMMISSION  
Enforcement Response Plan**

The Sewer Use and Pretreatment Regulations authorizes administrative orders in Sections 12.2 through 12.5. Section 12.2 authorizes Consent Orders. Section 12.3 authorizes Show Cause Hearings. Section 12.4 authorizes Compliance Orders. Section 12.5 authorizes Cease and Desist Orders.

The following elements are common to all AOs:

- Title (type of order, to whom it is being issued, summary of purpose(s) of AO, identification number, on Control Authority letterhead),
- Legal authority (Sewer Use and Pretreatment Regulations citation),
- Finding of noncompliance (description, date(s), violation(s), damages),
- Ordered activity (be specific),
- Milestone dates for corrective actions (compliance schedule), and
- Standard clauses (compliance with the terms and conditions of the AO will not be construed to relieve the user of its obligation to comply with applicable Federal, State or local law; violation of the AO itself may subject the user to all penalties available under the sewer use ordinance/regulation; no provision of the AO will be construed to limit the Control Authority's authority to issue supplemental or additional orders or take other actions deemed necessary to implement its pretreatment program; and the provisions of the AO shall be binding upon the use, its officers, directors, agents and employees).

#### 4.4 Civil Litigation

Civil litigation is the formal process of filing lawsuits against users to secure court ordered action to correct violation(s) and to secure penalties for violation(s) including recovery of costs to the POTW of the noncompliance. It is normally pursued when the corrective action required is costly and complex, the penalty to be assessed exceeds that which the Control Authority can assess administratively or when the industrial user is considered to be recalcitrant and unwilling to cooperate.

The General Pretreatment Regulations require the Control Authority to have legal authority to seek or assess civil (or criminal) penalties in at least the amount of \$1,000 a

**LAURENS COUNTY WATER AND SEWER COMMISSION  
Enforcement Response Plan**

day for each violation by industrial users of pretreatment standards and requirements. However, many sewer use ordinances and regulations are found to be deficient when civil litigation options are pursued.

This is particularly an issue for special purpose districts such as LCWSC. LCWSC's Sewer Use and Pretreatment Regulations authorization for civil litigation is contained in Sections 2.12 and 13.2. Section 2.12 requires that all users connecting to LCWSC's system agree to be bound by, and to abide with, all of LCWSC's rules and regulations. Section 13.2 then specifically authorizes the imposition of civil penalties by LCWSC.

For those users connection to LCWSC's system through a satellite collection sewer system such as that of the City of Clinton, the imposition of civil penalties is based on the terms of the service agreement between LCWSC and the owner of the satellite system. For example, the agreement between LCWSC and the City of Clinton requires the City to enforce the terms of LCWSC's Sewer Use and Pretreatment Regulations. The service agreement thus provides the basis for LCWSC to impose their requirements on those users connected to the satellite system.

#### 4.5 Criminal Prosecution

Criminal prosecution is appropriate when the Control Authority has evidence of noncompliance which shows criminal intent; it is recommended in cases involving repeated violations, aggravated violations (such as discharges which endanger the health of treatment plant employees), and when less formal efforts to restore compliance (such as NOVs and AOs) have failed. Criminal prosecution may be brought prior to, concurrently with, or subsequent to civil litigation.

As was the case with civil litigation, the Control Authority must enact and maintain legal authority for criminal prosecution. The provisions must satisfy Federal and State constitutional standards of fairness and due process. The provisions must also be broad enough to cover "environmental" crimes including those which do not involve actual discharge to the environment.

LCWSC's attorney has indicated that, as a special purpose district, LCWSC cannot enforce criminal prosecution. Section 13.3 of the Sewer Use and Pretreatment Regulations authorizes LCWSC to report facts or circumstances indicating a criminal activity or action to appropriate state and federal law enforcement agencies for prosecution.

**LAURENS COUNTY WATER AND SEWER COMMISSION**  
**Enforcement Response Plan**

4.6 Termination of Sewer Service

Termination of service is the revocation of an industrial user's privilege to discharge industrial wastewater into the Control Authority's sewer system. Termination may be

accomplished by physical severance of the industry's connection to the collection system, by issuance of an AO which compels the user to terminate its discharge, or by a court ruling. However, since termination of service may force industries to halt production and may force closure (if discharge privileges are not reinstated), the Control Authority must carefully consider all of the legal and operational implications of termination before using this enforcement response.

The Control Authority must have legal authority to immediately and effectively halt or prevent any discharge of pollutants to the POTW which reasonable appears to present an imminent endangerment to the health or welfare of persons, or to the environment, or which threatens to interfere with POTW operations. The sewer use and pretreatment ordinance/regulation must incorporate clear authority to terminate service by physical severance, cease and desist order, or both.

Since the LCWSC also provides sewer service to satellite collection sewer systems such as the City of Clinton, the service agreement between the LCWSC and the owner of the satellite collection system must provide proper authorization for LCWSC to require the City to enforce sewer service suspension for customers inside the City limits. The City of Clinton has agreed to enforce the LCWSC's sewer use regulations in the LCWSC/City of Clinton intergovernmental agreement dated February 4, 2008.

The Sewer Use and Pretreatment Regulations authorizes emergency suspensions in Section 12.7 and termination of discharge in Section 12.5.

4.7 Supplemental Enforcement Responses

EPA encourages Control Authorities to enact legal authority for each of the following supplemental enforcement responses.

4.7.1 Public Notices

According to EPA regulations, all Control Authorities must comply with public

**LAURENS COUNTY WATER AND SEWER COMMISSION  
Enforcement Response Plan**

participation requirements of 40 CFR Part 25. Among these requirements is an annual publication of a list of industrial users which were significantly violating applicable pretreatment standards or requirements [40 CFR 403.8(f)(2)(vii)]. Publication of this list is intended to deter industrial users from committing pretreatment violations and to satisfy the public's right to know of violations affecting its immediate environment and causing additional expenditures of public funds to operate and maintain the treatment system.

Section 11 of the Sewer Use and Pretreatment Regulations authorizes the LCWSC to publish a listing of users in significant noncompliance.

#### 4.7.2 Water Service Termination

Procedures for terminating sewer service were described in Section 5.6 of this report; however, termination of water service has proven equally, if not more, effective. Where the Control Authority has joint jurisdiction over both water and sewer services, as is the case for portions of the LCWSC sewer system, termination of water service for noncompliance with the pretreatment program is a relatively simple matter. However, the LCWSC also provides wastewater treatment services for dischargers not connected to the LCWSC water system.

Industrial dischargers served by the City of Clinton's separate water system could, however, be subject to suspension of water service. In order to terminate water service for Clinton customers, the LCWSC must request the City of Clinton terminate the service. The City of Clinton has agreed to enforce the LCWSC's Sewer Use and Pretreatment Regulations in their service agreement with the LCWSC and thus obligated to terminate water service upon LCWSC's request.

Section 14.3 of the Sewer Use and Pretreatment Regulations authorizes termination of water service for violating terms of the regulations.

#### 4.7.3 Performance Bonds/Liability Insurance

A requirement for posting a bond or obtaining insurance coverage can be placed in an AO and, thereafter, included as a condition of the industrial user's permit. For example, the Control Authority may require an industrial user to post a performance bond

**LAURENS COUNTY WATER AND SEWER COMMISSION**  
**Enforcement Response Plan**

covering expenses which the POTW might incur in the event of future violations. Similarly, the Control Authority may require the industrial user responsible for upsetting the treatment works to obtain sufficient liability insurance to cover the cost of restoring the treatment works in the event a second upset occurs.

The Sewer Use and Pretreatment Regulations authorizes performance bonds in Section 14.1 and liability insurance in Section 14.2.

#### 4.7.4 Contractor Listing Program

The EPA also suggests a contractor listing program as a source of economic leverage against non-compliant industrial users with significant contracts with the Control Authority or the LCWSC. This is not an effective response unless the industry has a contract with the LCWSC which is of greater value than the cost of compliance.

The contractor listing program is authorized in Section 14.5 of the Sewer Use and Pretreatment Regulations.

#### 4.7.5 Other

The following supplemental enforcement responses are normally available without specific legal authority:

- Increased monitoring and reporting,
- Rewards for informants,
- Short term permits.
- Special community awareness programs and
- Case referral to the Approval Authority (the EPA).

The LCWSC's Sewer Use and Pretreatment Regulations includes authorization for rewards for informants in Section 14.4.