

APPENDIX A
ENFORCEMENT RESPONSE PLAN

Table of Contents

Section	Page
I. Introduction	2
A. Regulations	2
B. Personnel	2
II. Provisions for Enforcement in Existing Sewer Use Ordinance	2
III. Enforcement Response Guide	3
IV. Enforcement Responses	4
A. Description of Enforcement Responses	4
B. Procedures for Implementation	8
C. Method of Tracking	9
D. Fines and/or Penalties	10

ENFORCEMENT RESPONSE PLAN
SPARTA, TENNESSEE

I. INTRODUCTION

A. Regulations

The City of Sparta, Tennessee, has an approved Industrial Pretreatment Program to protect the Publicly Owned Treatment Works (POTWs) and implement specific enforcement procedures. U. S. Environmental Protection Agency (EPA) has required that all POTWs with pretreatment programs develop and implement an Enforcement Response Plan (ERP) as part of the pretreatment program. The statutory requirements for the ERP are contained in the Federal Register (40 CFR 403).

B. Personnel

The personnel available for taking enforcement action, by title, in the case of instances of noncompliance are as follows:

- (1) Person responsible for receiving self-monitoring reports and determining compliance: **Pretreatment Coordinator**
- (2) Person responsible for providing legal assistance: **City Attorney**
- (3) Person responsible for initiation of enforcement actions: **Pretreatment Coordinator**
- (4) Person responsible for performing monitoring and inspections for the City: **Pretreatment Coordinator**
- (5) Person designated as Pretreatment Coordinator that can sign reports required by the Tennessee Department of Environment and Conservation and can represent Sparta in meetings or correspondence: **Pretreatment Coordinator**

II. PROVISIONS FOR ENFORCEMENT IN EXISTING SEWER USE ORDINANCE

The enforcement Provisions in the current officially approved Sewer Use Ordinance section 18-109 including any adopted revisions, are included herein. The major provisions are as follows:

Enforcement
Affirmative Defenses

III. ENFORCEMENT RESPONSE GUIDE

The centerpiece of the City of Sparta Enforcement Response Plan (ERP) is the Enforcement Response Guide. This guide is a matrix which describes violations and indicates a range of appropriate enforcement options. The Enforcement Response Guide serves two main functions:

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

The Enforcement Response Guide designates several alternative enforcement options for each type (or pattern) of non-compliance. Thus developed, City personnel who detect non-compliance need only select an appropriate response from the short list of enforcement options indicated by the matrix. There are a number of factors to consider when selecting a response from among the options, including:

Good faith of the user,
Compliance history of the user,
Previous success of enforcement action taken against the particular user,
Violations effect on the receiving waters, and
Violations effect on the POTW.

The Enforcement Response Guide matrix identifies types of violations, indicates initial and follow-up responses, and designates personnel and time frames for those responses. Once the Enforcement Response Guide has been adopted by the City of Sparta, the City should 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 Guide, namely:

To insure that the violators return to compliance as quickly as possible,

To penalize non-compliant users for pretreatment violations,

To deter future non-compliance,

To recover any additional expenses incurred that can be attributed to non-compliance.

The terms and abbreviations in the Enforcement Response Guide Matrix are described below:

AO	:	Administrative Order
CA	:	City Attorney
Civil	:	Civil action against the IU seeking equitable relief, monetary penalties, and actual damages.
Criminal Prosecution	:	Pursuing punitive measures against an individual and/or organization through a court of law.
Fine	:	Monetary penalty assessed by control authority officials. Fines should be assessed by the Pretreatment Coordinator and/or City Administrator.
IU	:	Industrial User.
Manager	:	City Administrator
NOV	:	Notice of Violation.
POTW	:	Publicly owned treatment works.
PC	:	Pretreatment Coordinator
S	:	Superintendent of wastewater facility.
Show Cause	:	Formal hearing 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.

IV. ENFORCEMENT RESPONSES

A. Description of Enforcement Responses

The City of Sparta begins its enforcement process by identifying an industrial user's violation. Once a violation is identified, the City of Sparta must determine whether the violation should be considered significant or non-significant.

The Enforcement Response Guide lists seven types of enforcement responses available to the City of Sparta. The seven types of enforcement responses are listed below and are described further herein:

Notice of Violation,
Administrative Orders,
Administrative Penalties,
Civil Actions,
Criminal Prosecution,
Termination of Permit or Sewer Service, and
Supplemental Enforcement Responses.

(1) Notice of Violation

The notice of violation is an official communication from the City of Sparta to the noncompliant industrial user which informs the user that a sewer use ordinance or IU permit violation has occurred. The NOV will be used in response to a non-significant violation. The NOV may be used in a case of significant noncompliance prior to issuing an AO or pursuing judicial remedies.

Whenever the manager finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued there under, the manager may serve upon said user written notice of the violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(2) Administrative Orders

When the manager finds that an industrial user has violated or continues to violate the ordinance or a permit or order issued there under, the manager may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

(3) Administrative Penalties

Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be fined not less than fifty dollars (\$50.00) and not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or be continued shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the city shall have such other collection remedies as it has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request for the city to reconsider the fine within ten (10) days of being notified of the fine. Where the manager believes a request has merit, he shall convene a hearing on the matter within fifteen (15) days of receiving the request from the industrial user.

(4) Civil Action

Any industrial user who has violated or continues to violate this chapter or any order or permit hereunder shall be liable to the city for a civil penalty of not less than \$100.00 nor more than \$1,000.00, plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the city may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

The city shall petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

(5) Criminal Prosecution

Violations-generally. Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed \$1,000 per violation per day or imprisonment for not more than one year, or both.

In the event of a second conviction, the user shall be punishable by a fine not to exceed \$3,000 per violation per day, or imprisonment for not more than three years, or both.

(6) Termination of Sewer Service

Termination of service is the revocation of an industrial user's privilege to discharge industrial wastewater into the City of Sparta's sewer system. Termination of service may be accomplished by physical severance of the system, by issuance of an AO which compels the user to terminate its discharge, or by a court ruling.

Termination of service may result where it is necessary to stop an actual or threatened discharge presenting, or causing, an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment. Where repeated violation of the sewer use ordinance or IU permit has occurred and prior enforcement has failed to bring the industry back into compliance, termination of sewer service may be necessary.

(7) Supplemental Enforcement Responses

Industrial users which have had significant violations shall be published annually in the largest local newspaper.

Where an IU has violated or continues to violate the provisions of this ordinance or the IU permit, water service to the industrial user may be severed and service will only recommence (at the user's expense) after it has satisfactorily demonstrated its ability to comply.

B. Procedures for Implementation

The Enforcement Response Guide indicates who is responsible for determining a violation has occurred and what type of enforcement response is required (refer to the Enforcement Response Guide). For purposes of reiteration, the type of violations and person responsible for determining that a violation has occurred are summarized below:

IU Violations	Person responsible for determining that a violation has occurred, and type of enforcement
Unauthorized Discharges	Pretreatment Coordinator Superintendent Manager (City Administrator) City Attorney
Discharge Limit Violation	Pretreatment Coordinator Superintendent Manager (City Administrator) City Attorney
Monitoring and Reporting Violations	Pretreatment Coordinator Superintendent Manager (City Administrator)
Other Permit Violations	Superintendent, Pretreatment Coordinator
Violations detected during site visits	Superintendent, Pretreatment Coordinator

The time frames for determining that a violation has occurred and for issuing the requisite enforcement responses are summarized below:

- (1) All violations will be identified and documented within five (5) days of receiving compliance data.
- (2) Initial enforcement responses, involving contact with the industrial user and requesting information on corrective or preventative action(s), will occur within fifteen (15) 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 non-compliance will be addressed with an enforceable order within thirty (30) days of the identification of significant non-compliance.

C. Method of Tracking Enforcement

As part of the Enforcement Response Plan, a tracking system is identified to assist the City of Sparta in determining that a violation has occurred. The method of tracking enforcement is summarized below:

IU Violations	Tracking Method
Unauthorized Discharges	Industrial User Survey Field Monitoring IU Inspection POTW Sampling
Discharge Limit Violation	IU Inspection and Sampling POTW Sampling
Monitoring and Reporting Violations	IU Inspection and Sampling IU Survey Field Monitoring
Other Permit Violations	Industrial User Survey Field Monitoring IU Inspection and Sampling POTW Sampling Collection System Monitoring
Violations detected during site visits	IU Inspection and Sampling

D. Fines and/or Penalties

A guideline for the dollar amounts that can be assessed for each type of offense or for repeat offenses are summarized below. These can include administrative fines, civil penalties and/or criminal penalties.

Noncompliance	Nature of Violation	Fines
Unpermitted Discharge	IU unaware, no harm to POTW	No Fine
	IU unaware, harm to POTW	\$50.00/ Violation
	Failure to apply after Notice	\$500.00
Exceedance of Local or Federal Standard (Permit Limit)	Isolated, no harm to POTW	No Fine
	Recurring, no harm to POTW	\$500.00/ Violation
	Recurring (harm)	\$1000.00/ Violation
Noncompliance	Nature of Violation	Fines
Monitoring and Reporting Violation	Insignificant	No Fine
	Significant Report over 45 days late	\$50.00/per day
	No Report	\$500.00
	Failure to Report Spill (harm)	\$1000.00
	Failure to Monitor as required in Permit	No Fine
	Recurring failure to monitor after NOV	\$500.00
	Failure to install Monitoring Equipment	\$50.00/per day

Noncompliance	Nature of Violation	Fines
	Falsification of Data	\$1000.00
	Missed compliance milestone by less than 30 days; or more than 30 days (with good cause)	\$50.00/per day
	Missed compliance milestone by over 30 days without good cause	\$500.00/per day
Illegal Discharge	Unaware, no harm	No Fine
	Recurring	\$50.00/per day
Inadequate Record Keeping	Recurring	\$500.00
Failure to Report Additional Monitoring	Recurring	\$500.00
Waste streams prediluted in lieu of treatment	Initial Violation	\$500.00/per day
	Recurring	\$500.00/per day
Noncompliance	Nature of Violation	Fines
Failure to mitigate noncompliance or halt production	Results in harm to sewer system	\$1000.00
Failure to properly operate and maintain pretreatment facility	Results in harm to sewer system	\$500.00

ENFORCEMENT

(1) Notice of Violation

Whenever the Superintendent finds that any industrial user has violated or is violating this Ordinance, or a wastewater permit or order issued thereunder, the Manager may serve upon said user written notice of the violation. Within ten

(10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation.

(2) Administrative Order

When the Superintendent finds that an industrial user has violated or continues to violate the ordinance or a permit or order issued there under, the Manager may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated.

Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(3) Show Cause Hearing

When the Manager finds that an industrial user has violated this ordinance or permit, he may order any industrial user which causes or contributes to a violation of this Ordinance or wastewater permit or order issued hereunder, to show cause before the Mayor and City Board why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner, or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(4) Administrative Penalties

Notwithstanding any other section of this Ordinance, any user who is found to have violated any provision of this Ordinance, or permits and orders issued hereunder, shall be fined not less than fifty dollars (\$50.00) and not exceed one thousand dollars (\$1000.00) per violation. Each day on which noncompliance shall occur or be continued shall be deemed a separate and distinct violation.

Such assessments may be added to the user's next scheduled sewer service charge and the City shall have such other collection remedies as it has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request for the City to reconsider the fine within ten (10) days of being notified of the fine. Where the Manager believes a request has merit, he shall convene a hearing on the matter within fifteen (15) days of receiving the request from the industrial user.

(5) Emergency Suspensions

When the Superintendent finds that an individual user has violated this Ordinance or permit, the Manager may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangered to health or welfare or persons, the POTW, or the environment.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate this contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Manager shall take steps as deemed necessary, including immediate severance of the sewer connection to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Manager shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in Paragraph (6) are initiated against the user.

An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Manager prior to the date service is reestablished.

(6) Termination of Permit

Significant industrial users proposing to discharge into the POTW must first obtain a wastewater discharge permit from the City of Sparta. Any user who violates the following conditions of this Ordinance or of a wastewater discharge permit or order, or any State or Federal law, is subject to permit termination:

- a) Violation of permit conditions,
- b) Failure to accurately report the wastewater constituents and characteristics of its discharge,

- c) Failure to report significant changes in operations or wastewater constituents and characteristics, and
- d) Refusal of reasonable access to user's premises for the purpose of inspection, monitoring, or sampling.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under Paragraph (3) of this Article why the proposed action should not be taken.

(7) Judicial Remedies

If any person discharges sewage, industrial wastes, or other wastes into wastewater disposal system contrary to the provisions of this Ordinance or any order or permit issued hereunder, the Manager through the City Attorney may commence an action for appropriate legal and/or equitable relief in the Chancery Court of White County.

(8) Civil Penalties

Any industrial user who has violated or continues to violate this Ordinance or any order or permit hereunder shall be liable to the City for a civil penalty of not less than \$100.00 nor more than \$1000.00, plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the City may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

The City shall petition the Court to impose, assess, and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

(9) Criminal Prosecution

a) Violations-Generally

Any industrial user who willfully or negligently violates any provision of this Ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed \$1000.00 per violation per day or imprisonment for not more than a year, or both.

In the event of a second conviction, the user shall be punishable by a fine not to exceed \$3,000 per violation per day, or imprisonment for not more than three years, or both.

b) *Falsifying Information*

Any industrial user knowingly makes false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than \$1000.00 per violation per day or imprisonment for not more than one year, or both.

a) *Annual Publication of Significant Violations*

When the Superintendent finds that an industrial user has violated this Ordinance or permit, the Manager shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those industrial users which are found to be in significant violation with any provisions of this Ordinance or any permit or order issued hereunder during the period since the previous publication.

b) *Water Supply Severance*

Whenever an industrial user has violated or continues to violate the provisions of this Ordinance or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence (at the user's expense) after it has satisfactorily demonstrated its ability to comply.

AFFIRMITIVE DEFENSES

(1) Treatment Upsets

Any industrial user which experiences an upset in operations that places it in a temporary state of noncompliance which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation shall inform the Manager thereof immediately upon becoming aware of the upset. Where such

information is given orally, a written report thereof shall be filed by the user within five (5) days. The report shall contain:

- a) A description of the upset, its cause(s), and impact on the discharger's compliance status
Attachment A: Proposed Revisions to Sewer Use Ordinance Enforcement Provisions
- b) The duration of noncompliance, including exact dates and times of noncompliance and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored.
- c) All steps taken or planned to reduce, eliminate, and prevent reoccurrence of such an upset.

Attachment A: Proposed Revisions to Sewer Use Ordinance Enforcement Provisions

An industrial user which complies with the notification provisions of this Paragraph in a timely manner shall have an affirmative defense to any enforcement action brought by the Manager for any noncompliance with this Ordinance, or an order or permit issued hereunder which arises out of violations attributable to, and alleged to have occurred, during the period of the documented and verified upset.

(2) Treatment Bypasses

A bypass of the treatment system is prohibited unless all of the following conditions are met:

- a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
- b) There was no feasible alternative to the bypass including the use of auxiliary treatment or retention of the wastewater.
- c) The industrial user properly notified the Manager as described below.

Industrial users must provide immediate notice to the Manager upon discovery of an unanticipated bypass. If necessary, the Manager may require the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass and the steps being taken to prevent its reoccurrence.

An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to insure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the Manager at least ten (10) days in advance. The Manager may only approve the anticipated

bypass if the circumstances satisfy those set forth above. (as added by Ord. #08-832, Sept. 2008)

APPENDIX B

ENFORCEMENT RESPONSE GUIDE
MATRIX

UNAUTHORIZED DISCHARGES (No Permit)

<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>	<u>FINE AMOUNT</u>
1. Unpermitted discharge	IU unaware of requirement. No harm to POTW or environment.	Phone call; NOV with application form.	PC	None
	IU unaware of requirement. Harm to POTW.	-AO with fine -Civil Action	PC CA	\$50.00/ violation
	Failure to apply continues after notice by POTW.	-Civil action with fine -Criminal prosecution -Terminate service	CA CA PC	\$500.00
2. Non-permitted discharge (failure to renew)	IU has not submitted application within 10 days of due date.	Phone call; NOV.	PC	None

DISCHARGE LIMIT VIOLATIONS

<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>	<u>FINE AMOUNT</u>
1. Exceedance of local or federal standards (permit limit)	Isolated, not significant.	Phone call; NOV.	PC	None
	Isolated, significant. (No harm)	AO to develop spill prevention plan and fine.	PC CA	Up to \$500.00
	Isolated harm to POTW or environment.	-Show cause hearing. -Civil action	PC CA	Actual damages
	Recurring, no harm to POTW or environment.	-AO with fine	PC	\$500.00/ violation
	Recurring, significant (harm)	-AO with fine -Show cause hearing -Civil action -Terminate service	PC PC CA PC	\$1000.00 \$1000.00 \$1000.00 \$1000.00

MONITORING AND REPORTING VIOLATIONS

<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>	<u>FINE AMOUNT</u>
1. Reporting violation.	Report is improperly signed or certified.	Phone call of NOV.	S/PC	None
	Report is improperly signed or certified after notice by POTW.	-AO -Show cause hearing	PC PC	None None
	Isolated, not significant (e.g. 10 days late)	Phone call; NOV.	S/PC	None
	Significant (e.g. report 60 days or more late).	AO to submit with fine per additional day.	PC	\$50.00/day
	Failure to report spill or changed discharge (results in harm).	-AO with fine -Show cause hearing -Civil action	PC PC CA	
	Failure to report spill or changed discharge (results in harm).	NOV	PC	\$1000.00
	Repeated failure to report spills.	-AO with fine -Civil action -Show cause hearing -Terminate service	PC CA PC PC	\$1000.00 As noted above

MONITORING AND REPORTING VIOLATIONS (continued)

	Falsification.	-Criminal prosecution -Fine, terminate service	CA PC	\$1000.00
2.	Failure to monitor correctly. Failure to monitor all pollutants as required by permit. Recurring failure to monitor.	NOV or AO -AO with fine. -Civil action	S/PC PC CA	None \$500.00
3.	Improper sampling. Failure to install monitoring equipment.	-Criminal prosecution -Terminate service	CA PC	Punitive by court
4.	Delay of less than 30 days. Delay of 30 days or more.	-NOV AO to install with fine for each additional day.	S/PC PC	None \$50.00/day
	Recurring, violation of AO.	-Civil action -Criminal prosecution -Terminate service	CA CA PC	\$50.00/day
5.	Missed milestone by less than 30 days or will not affect final milestone. Compliance schedules (in permit).	NOV or AO with fine.	PC	\$50.00/day

MONITORING AND REPORTING VIOLATIONS (continued)

Missed milestone by more than 30 days, or will affect milestone (good cause for delay).	AO with fine.	PC	\$50.00/day
Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay).	-Show cause hearing -Civil action -Terminate service	PC CA PC	\$500.00/ day
Recurring violation or violation of schedule in AO.	-Civil action -Criminal prosecution -Terminate service	CA CA	Actual damages

OTHER PERMIT VIOLATIONS

<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>	<u>FINE AMOUNT</u>
Waste streams are diluted in lieu of 1. treatment.	Initial violation.	AO with fine.	PC	\$500.00/ day
	Recurring.	-Show cause hearing -Terminate service	PC PC	\$500.00/ day

OTHER PERMIT VIOLATIONS (continued)

Failure to mitigate noncompliance or halt production.	Does not result in harm.	NOV	PC	None
2.	Does result in harm.	-AO with fine -Civil action	PC CA	\$1000.00
3.	Does not result in harm.	NOV	S/PC	None
Failure to properly operate and maintain pretreatment facility	Does result in harm.	-AO with fine -Civil action	PC CA	\$500.00

VIOLATIONS DETECTED DURING SITE VISITS

<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>	<u>FINE AMOUNT</u>
1. Entry denial	Entry denied or consent withdrawn, copies of records denied.	Obtain warrant and return to IU	S/PC	None
2. Illegal discharge	Unaware of discharge and no harm to POTW or the environment.	AO	PC	None
	Discharge causes harm or evidence of intent/negligence	-Civil action -Criminal prosecution	CA CA	\$50.00/day

VIOLATIONS DETECTED DURING SITE VISITS (continued)

	Recurring violation of AO.	Terminate service	PC	\$50.00/day
	Unintentional sampling at incorrect location.	NOV	S/PC	None
	Unintentionally using incorrect sample type.	NOV	S/PC	None
	Unintentionally using incorrect sample collection techniques.	NOV	S/PC	None
	Inspector finds files incomplete to missing (no evidence of intent).	NOV	S/PC	None
	Recurring	AO with fine.	PC	\$500.00
	Inspection finds additional files.	NOV	S/PC	None
	Recurring.	AO with fine.	PC	\$500.00
3.	Improper sampling.			
4.	Inadequate record keeping.			
5.	Failure to report additional monitoring.			

APPENDIX C

Fats, Oils & Grease (FOG) Management Policy**Basis:**

The City of Sparta, TN Fats, Oils & Grease (FOG) Management Policy is based on the City of Sparta Sewer Use Ordinance Title 18, and United States Environmental Protection Agency (Region IV) Capacity, Management, Operation and Maintenance Policy.

Scope & Purpose:

To prevent sanitary and combined sewer system blockages, obstructions and overflows due to the contribution and accumulation of fats, oils and grease (FOG) from food service establishments, commercial facilities and industrial facilities.

Definitions:

1. Fats, Oils, & Grease (FOG): Organic polar compounds derived from animal and/or plant sources. FOG may be referred to as "grease" or "greases" in this section.
2. Food Service Establishment (FSE): Any establishment, business or facility engaged in preparing, serving or making food available for consumption. These facilities include: restaurants, cafeterias, markets, grocery stores, hospitals, nursing homes, retirement centers, prisons, schools, churches, camps, caterers, and manufacturers. Single family residences are not a FSE, however, multi-residential facilities may be considered a FSE at the discretion of the City or Manager. Food Service Establishments will be classified as follows:
 - Class 1:** Deli - engaged in the sale of cold-cut and microwaved sandwiches/subs with no frying or grilling on site, Ice Cream shops and beverage bars as defined by NAICS 72213, Mobile Food Vendors as defined by NAICS 722330
 - Class 2:** Limited-Service Restaurants (a.k.a. Fast Food Facilities) as defined by NAICS 722211 and Caterers as defined by NAICS 722320
 - Class 3:** Full Service Restaurants as defined by NAICS 722110
 - Class 4:** Buffet and Cafeteria Facilities as defined by NAICS 72212
 - Class 5:** Institutions (Schools, Hospitals, Prisons, etc) as defined by NAICS 722310 but not to exclude self-run operations.

3. (Brown) Grease: Fats, oils and grease that is discharged to the grease control equipment, or is from kitchen or food prep wastewater.
4. (Yellow) Grease: Fats, oils and grease that has not been in contact or contaminated from other sources (water, wastewater, solid waste, etc ...) and can be recycled.
5. Grease Control Equipment (GCE): A device for separating and retaining wastewater FOG prior to wastewater exiting the FSE and entering the City of Sparta sewer system. The GCE is so constructed as to separate and trap or hold fats, oils and grease substances from entering the City of Sparta sewer system. Devices include grease interceptors, grease traps, or other devices approved by the Director.
6. Grease Interceptor: Grease Control Equipment identified as a large tank, usually 1,000 gallon to 2,000 gallon capacity with proper inlet and outlet Ts, that provides FOG control for a FSE. Grease interceptors will be located outside the FSE, unless a variance request has been granted.
7. Grease Trap: Grease Control Equipment identified as an "under the sink" trap, a small container with baffles, or a floor trap. For a FSE approved to install a grease trap, the minimum size requirement is the equivalent of a 20-gallon per minute/40 pound capacity trap. All grease traps will have flow control restrictor and a vent pipe.
8. Grease Recycle Container: Container used for the storage of yellow grease.
9. NAICS - North American Industry Classification System. The website is found at: (<http://www.census.gov/epcd/www/naics.html>)
10. Tee or T (Influent & Effluent): A T-shaped pipe extending from the ground surface below grade into the grease interceptor to a depth allowing recovery (discharge) of the water layer located under the layer of FOG. Influent & Effluent T's are recommended to be made of PVC or equivalent material, and extend to within 12" to 15" of the bottom of the interceptor.
11. (Black) Water: Wastewater containing human waste, from sanitary fixtures such as toilets and urinals.
12. (Gray) Water: Refers to all other wastewater other than black water as defined in this section.

General Requirements:

1. All existing Food Service Establishments (FSEs) are required to have grease control equipment (GCE) installed, maintained and operating properly.
2. All FSEs will be required to maintain records of cleaning and maintenance of GCE. GCE maintenance records include, at a minimum, the date of cleaning/maintenance, company or person conducting the cleaning/maintenance, amount or volume of grease wastewater removed. A grease waste hauler completed manifest will meet this requirement.
3. GCE maintenance records will be available at the FSE premises so they can be provided to City of Sparta personnel or their representative, and/or the Health Department. The FSE shall maintain GCE maintenance records for three (3) years.
4. No FSE will discharge oil and grease in concentrations that exceed the City of Sparta instantaneous grab limit for oil and grease.
5. All FSEs are required to dispose of yellow grease in an approved container, where contents will not be discharged to any storm water grate, drain or conveyance. Yellow grease, or any oils or grease, poured or discharged into the FSE sewer lines or City of Sparta sewer system is a violation of this ordinance.
6. Owners of Commercial Property will be held responsible for wastewater discharges from leaseholder on their property.

New Food Service Establishment, Upgrading of Existing Food Service Establishment or Change of Ownership of Existing Food Service Establishment Requirement: Any new FSE, upgrading of an existing FSE or change of ownership of existing FSE will be required to install and maintain a grease interceptor. Food service establishments in one of these categories must submit a FOG plan to the City of Sparta for approval. The FOG plan includes identification of all cooking and food preparation equipment (i.e. fryers, grills, woks, etc ...); the number and size of dishwashers, sinks, floor drains, and other plumbing fixtures; type of FSE classification; type of food to be served; and plans for the grease interceptor dimensions and location. The City of Sparta will review the FOG plan with the grease interceptor sizing and approve, or make changes as necessary, to aid in the protection of a FOG discharge from the FSE.

Existing Food Service Establishments will be phased in to compliance through their FSE permit and a Compliance Schedule. The Compliance Schedule will be an Agreed Schedule, with all Food Service Establishments coming into compliance with this policy no later than **May 1, 2008**.

Variance to Grease Interceptor Installation: At the discretion of the Manager, some FSEs may receive a variance from the required installation of a grease interceptor.

Grease Control Equipment Sizing:

Minimum acceptable size of grease control equipment for each FSE Classification will be as follows:

- Class 1:** Deli, Ice Cream shops, Beverage Bars, Mobil Food Vendors- 20 gallons per minute/40 pound Grease Trap
- Class 2:** Limited-Service Restaurants 1Caterers-1,000 gallon Grease Interceptor
- Class 3:** Full Service Restaurants- 1,000 gallon Grease Interceptor
- Class 4:** Buffet and Cafeteria Facilities- 1,500 gallon Grease Interceptor
- Class 5:** Institutions (Schools, Hospitals, Prisons, etc)- 2,000 gallon Grease Interceptor

To calculate the appropriate size GCE, the following formula will be used:
 Fixture Units (total) x Facility type multiplier x 36 (retention time) =Size of Interceptor (gals.)

Should the size of the interceptor calculate to 499 gallons or less with the formula above:

Size of interceptor (gals.) x 0.75 (max. cap. of sink) = Flow (gpm) x hours (work day) = Acceptable Flow rate with retention time

Grease Control Equipment Specifications

Grease Control Equipment must remove fats, oils, & grease at or below the City of Sparta Sewer Use Ordinance Limit for Oil and Grease. Failure to comply will require enforcement action in accordance with the City of Sparta Food Service Establishment Enforcement Response Guide.

Grease traps must have the Plumbing Drainage Institute certification. The minimum acceptable size is rated at 20 gpm / 40lbs. All grease traps will be installed as per manufacturer specifications, which include the flow restrictor and venting prior to the discharge entering the grease trap.

Grease Interceptors

Piping Design

1. The inlet and outlet piping shall have 2-way cleanout tees installed
2. The inlet piping shall enter the receiving chamber 2 1/2" above the invert of the outlet piping.

3. On the inlet pipe, inside the receiving chamber, a sanitary tee of the same size pipe in the vertical position with the top unplugged shall be provided as a turndown. To provide air circulation and to prevent "air lock", a pipe (nipple) installed in the top tee shall extend to a minimum of 6" clearance from the interceptor ceiling, but not less than the inlet pipe diameter. A pipe installed in the bottom of the tee shall extend to a point of 2/3 the depth of the tank. **See illustration.**
4. The outlet piping shall be no smaller than the inlet piping, but in no case smaller than 4" ID.
5. The outlet piping shall extend to 12" above the floor of the interceptor and shall be made of a noncollapsible material.
6. The outlet piping shall contain a tee installed vertically with a pipe (nipple) installed in the top of the tee to extend to a minimum of 6" clearance from the interceptor ceiling, but not less than the pipe diameter, with the top open. **See illustration.**

Baffles

1. The grease interceptor shall have a non-flexing (i.e. Concrete, steel, etc.) baffle the full width of the interceptor, sealed to the walls and the floor, and extend from the floor to within 6" of the ceiling. The baffle shall have an inverted 90 degree sweep fitting at least equal in diameter size to the inlet piping, but in no case less than 6" ID. The bottom of the sweep shall be placed in the vertical position in the inlet compartment 12" above the floor. The sweep shall rise to the horizontal portion, which shall extend through the baffle into the outlet compartment. The baffle wall shall be sealed to the sweep. **See illustration.**
2. The inlet compartment shall be 2/3 of the total liquid capacity with the outlet compartment at 1/3 liquid capacity of the interceptor.

Access Openings (Manholes)

1. Access to grease interceptors shall be provided by a minimum of 1 manhole per interceptor division (baffle chamber) and of 24-inch minimum dimensions terminating 1 inch above finished grade with cast iron frame and cover. An 8" thick concrete pad extending a minimum of 12" beyond the outside dimension of the manhole frame shall be provided. One manhole shall be located above the inlet tee hatch and the other manhole shall be located above the outlet tee hatch. A minimum of 24" of clear opening above each manhole access shall be maintained to facilitate maintenance, cleaning, pumping, and inspections.
2. Access openings shall be mechanically sealed and gas tight to contain odors and bacteria and to exclude vermin and ground water, in a manner that permits regular re-uses.
3. The manholes are to be accessible for inspection by the Department.

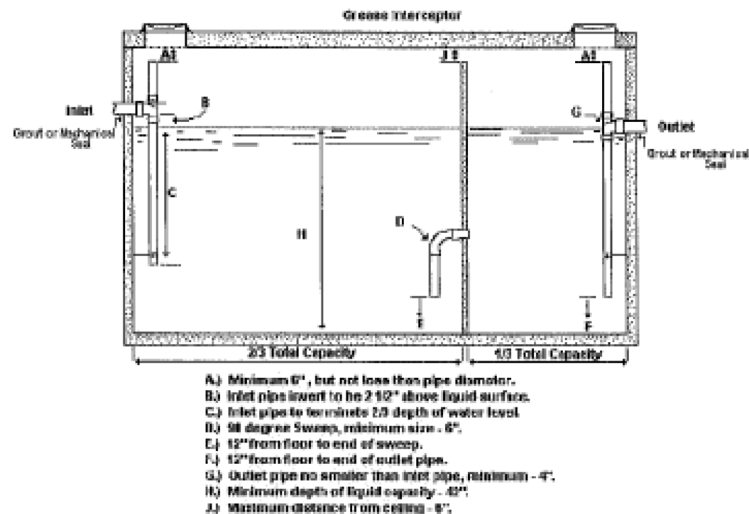
Additional Requirements

Water Tight - Precast concrete grease interceptors shall be constructed to be watertight. A static water test shall be conducted by the installer and timed so as to permit verification through visual inspection by regulatory agent. The water test shall consist of plugging the outlet (and the inlet if necessary) and filling the tank(s) with water to the tank top a minimum of 24 hours before the inspection. The tank shall not lose water during this test period. Certification by the plumbing contractor shall be supplied to the City of Sparta prior to final approval of grease control equipment.

Location - Grease Control Equipment shall be located so as to be readily accessible for cleaning, maintenance, and inspections. They should be located close to the fixture(s) discharging the greasy wastestream.

Responsibility - Removal of the grease from the wastewater routed to a public or private sanitary system, is the responsibility of the user/owner.

Construction Material - Grease Interceptors shall be constructed of sound durable materials, not subject to excessive corrosion or decay, and shall be water and gas tight. Each interceptor shall be structurally designed to withstand any anticipated load to be placed on the interceptor (i.e. vehicular traffic in parking or driving areas).



Grease Interceptor Cleaning/Maintenance Requirements

1. Grease Interceptor minimum size will be 1,000 gallon capacity, and maximum size will be 2,500 gallon capacity. If the FSE needs additional capacity, then grease interceptors will be installed in series.
2. Partial pump of interceptor contents or on-site pump & treatment of interceptor contents will not be allowed due to reintroduction of fats, oils and grease to the interceptor and pursuant to the Code Federal Regulation (CFR) § 403.5 (b) (8), which states "Specific prohibitions. In addition, the following pollutants shall not be introduced into a POTW: Any trucked or hauled pollutants, except at discharge points designated by the POTW".
3. Grease interceptors must be pumped-in-full when the total accumulations of surface FOG (including floating solids) and settled solids reaches twenty-five percent (25%) of the grease interceptor's overall liquid depth. This criterion is referred to as the "25 Percent Rule". At no time, shall the cleaning frequency exceed 90 days unless approved by the City of Sparta. Approval will be granted on a case by case situation with submittal by the FSE documenting proof of proposed frequency. Some existing FSEs in Class 2 through 5 will need to consider monthly pumping to meet this requirement.
4. Grease interceptor effluent-T will be inspected during cleaning and maintenance and the condition noted by the grease waste hauler's company or individual conducting the maintenance. Effluent-T's that are loose, defective, or not attached must be repaired or replaced immediately.
5. Grease interceptors must have access manholes over the influent-T and effluent-T for inspection and ease of cleaning/maintenance. Access manholes will be provided for all separate compartments of interceptors for complete cleaning (i.e. interceptor with two main baffles or three compartments will have access manholes at each compartment).

Grease Trap Cleaning / Maintenance Requirements

1. *All* grease traps will have flow control restrictor and vented. Failure to have flow restrictor and venting will be considered a violation.
2. Grease Trap minimum size requirement is a 20 gallon per minute / 40 pound capacity trap.
3. Grease Traps will be cleaned of complete fats, oils, and grease and food solids at a minimum of every two (2) weeks, unless less cleaning frequency is authorized by the City of Sparta. If the combination of FOG and food solids content of the grease trap is greater than 50%, then the grease trap must be cleaned every week, or as frequently as needed to prevent 50% of capacity being taken from FOG and food solids.

4. Grease Trap waste should be sealed or placed in a container to prevent leachate from leaking, and then disposed.
5. Grease Trap waste should not be mixed with yellow grease in the grease recycle container.

Food Service Establishment FOG Permits and Inspections

The City of Sparta may issue FOG permits to food service establishments to control FOG discharges to the Sparta sewer system, prevent obstruction and interference to the POTW, and prevent sanitary sewer overflows. Also, the City of Sparta, or their authorized representative, will conduct inspections of food service establishments for grease control equipment installation and maintenance, types of food served and preparation of food, impact to the Sparta sewer system, and review of best management practices. The City of Sparta, or their authorized representative, has the right to enter the food service establishments' premises to determine impacts to the City sewer system. The City of Sparta will conduct any additional monitoring of the food service establishment to determine compliance with the FOG management policy and the Sparta Sewer Use Ordinance Title 18.

Fees

The City of Sparta may charge FOG permit, inspection or monitoring fees to the food service establishments to get reimbursement for the FOG program costs. The basis for fees is City of Sparta Sewer Use Ordinance Title 18, Section 18-111.

"Additives" Prohibition for use as Grease Management and Control

1. Additives include but are not limited to products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes and bacteria.
2. At no time will additives be used just prior to under the sink or floor grease traps.
3. The use of additives is prohibited with the following exceptions:
 - a. Additives may be used to clean the FSE drain lines but only in such quantities that it will not cause fats, oil and grease to be discharged from the grease control equipment to the sewer system, or cause temporary breakdown of FOG that will later re-congeal in the downstream sewer system.
 - b. If the product used can be proven to contain 100% bacteria, with no other additives. Approval of the use of the product must come from the City and FSE must submit a full disclosure MSDS and certified sample results from the manufacturer of the product.

4. The use of approved additives will in no way be considered as a substitution to the maintenance procedures required herein.

Enforcement Action

Enforcement Action may be taken against the FSE, but is not limited to, the following reasons: failure to clean or pump grease control equipment, failure to maintain grease control equipment including inspection and installation of properly functioning effluent-T and baffles, failure to install grease control equipment, failure to control FOG discharge from the FSE, contributing to a sewer line blockage or obstruction, contributing to a Sanitary Sewer Overflow, and use of additives in such quantities so that FOG is pushed downstream of the FSE.

Fats, Oils and Grease blockage in downstream manhole from FSE:

If FSE inspections and field investigations by City of Sparta, or their authorized representative, determine that any fats, oils and grease interference or blockage in the sewer system, a sewage pumping station, or the wastewater treatment plant is caused by a particular food service establishment, then that food service establishment shall reimburse the City of Sparta for all labor, equipment, supplies and disposal costs incurred by the City of Sparta to clean the interference or blockage. The charges will be added to the FSEs water/wastewater bill. Failure to reimburse the City of Sparta will result in termination of water service.

FSE failure to maintain GCE after Notification or NOV due date:

If a FSE fails to pump, clean or maintain their GCE after a Noncompliance Notification or Notice of Violation due date, the City of Sparta may chose to pump/clean the GCE to prevent additional FOG problems downstream. The FSE will be charged for the cost of pumping and maintaining the FSE's GCE at a rate of 1.5 times the cost to the City of Sparta. Mechanical failure of the GCE will be considered a violation of the City of Sparta Sewer Use Ordinance which pertains to the construction and maintenance of pretreatment facilities and subject to penalties of up to \$10,000/day for each day in violation.

Penalties

Penalties will be issued as per the City of Sparta, Tennessee FSE Enforcement Response Guide.

APPENDIX D

FOOD SERVICE ESTABLISHMENT ENFORCEMENT RESPONSE GUIDE

This Food Service Establishment Enforcement Response Guide (FSE-ERG) was developed to ensure a consistent response to all food service establishments that cause, or have the potential to cause, interference, obstruction, sanitary sewer overflows, bypasses, or stormwater inflow to the City of Sparta wastewater collection system and WWTP. Food Service Establishments are nondomestic users and are monitored by the City of Sparta Pretreatment Section. This FSE-ERG is intended to be used for food service establishments only. Refer to the City of Sparta Fats, Oils & Grease Management Policy for additional information on the City of Sparta FOG management program.

SIGNIFICANT NONCOMPLIANCE OF WASTEWATER DISCHARGE LIMITS

The E.P.A. has defined "significant noncompliance" as violations that meet one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66%) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical Review criteria (TRC) violations, defined here as those in which thirty-three (33%) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily average maximum limit, or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH). The following compatible pollutants are exempt from TRC consideration if they exceed the surcharge level but do not exceed upper ceiling: BOD, TSS, FOG;
- (3) Any other violations of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or passthrough (including endangered the health of POTW 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 POTW's exercise of its emergency authority to halt or prevent such a discharge.

- (5) Failure to meet within 90 days after the schedule date a compliance schedule milestones contained in a local control mechanism or enforcement order for starting construction, completing construction, and attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-days 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 that the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

Generally, an isolated instance of noncompliance or a Category 0 violation can be met with an informal response or Noncompliance Notification (NCN). Any Category 1 to Category 4 violations should be responded to with an escalation in enforcement that requires a return to compliance by a specific deadline.

NONCOMPLIANCE NOTIFICATION (NCN)

Generally issued by the inspector/field personnel, the Noncompliance Notification (NCN) is an official communication from the City of Sparta to the non-compliant user that deficiencies have been identified. Most NCN's allow the non-compliant user a 30 day period to respond to the deficiencies. Failure to respond to an NCN will result in the issuance of a Notice of Violation. NCNs may be issued to food service establishments for the following deficiencies:

- Grease Interceptor Effluent (outlet) T not acceptable
- Grease Interceptor Effluent (outlet) T not visible or accessible for inspection
- Grease Interceptor mid-wall baffle or side walls indicates deterioration of concrete
- Grease Interceptor FOG and food solids layer are greater than 25% of the capacity of the interceptor tank, or interceptor was not pumped within last 90 days
- FOG evident in downstream sewer line from this facility
- Facility has no grease control equipment installed
- No Records of interceptor or trap maintenance available at the facility
- Sewer cleanout covers missing or damaged, allowing rainfall inflow to sanitary sewer

- FOG on ground, around recycle bin or dumpster, causing stormwater impact

NOTICE OF VIOLATION (NOV)

Generally issued by the inspector/field personnel, the Notice of Violation (NOV) is an official communication from the City to the non-compliant user that informs the user that the pretreatment violation has occurred. The NOV is issued for relatively minor or infrequent violations of pretreatment standards and requirements and should be issued within five (5) working days of the identification of a violation. A NOV does not contain assessment of penalties or cost recovery. The NOV provides the user with an opportunity to correct the noncompliance on its own initiative rather than according to a schedule of actions determined by the City. The NOV documents the initial attempts of the City to resolve the noncompliance. Authenticated copies of NOV's may serve as evidence in judicial proceedings.

SCHEDULE OF COMPLIANCE

A Schedule of Compliance is a detailed list of the steps to be taken by a non-compliant facility whereby compliance with all pretreatment regulations will be achieved. This schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g. hiring an engineer, completing preliminary plans, executing contracts for components, commencing construction, etc.).

ADMINISTRATIVE PENALTIES

An administrative penalty is a monetary penalty assessed by the City for violations of pretreatment standards and requirements. Administrative penalties are to be used as an escalated enforcement action and are punitive in nature and are not related to a specific cost born by the City. Instead, the amount of the penalty should recapture any economic benefit gained by noncompliance and/or deter future violations. An Administrative Order is to be used to assess an administrative penalty.

ADMINISTRATIVE ORDERS

Administrative Orders (AO) are to be issued by the Industrial Waste Coordinator, or the Director of the City of Sparta Wastewater Department. Administrative Orders are enforcement documents that direct users to undertake and/or to cease specified activities. Administrative Orders are to be

used as the first formal response to significant noncompliance, and may incorporate compliance schedules, administrative penalties, assessments for costs incurred during investigation and/or enforcement, attorney's fees, assessments for damages and termination of service. The City has adopted four (4) general types of AOs: Compliance Orders, Show Cause Orders, Cease and Desist Orders, and Agreed Orders.

COMPLIANCE ORDER

A Compliance Order directs the User to achieve or restore compliance by a specified date and is the primary means of assessing penalties and costs. The Compliance Order will document the noncompliance and state required actions to be accomplished by specific dates and is issued by the City.

SHOW CAUSE ORDER

An Order to Show Cause directs the User to appear before the City, explain its noncompliance, and show cause why more severe enforcement action should not be pursued. The hearing is open to the public and may be formal (i.e. conducted according to the rules of evidence, with verbatim transcripts and cross-examination of witnesses) or informal. The results of all hearings, along with any data and testimony (recorded by tape machine or stenographer) submitted as evidence, are available to the public and may serve as evidentiary support for future enforcement actions.

CEASE and DESIST ORDER

A Cease and Desist Order directs a noncompliant User to cease illegal or unauthorized discharge immediately or to terminate discharge altogether. To preserve the usefulness of this order in emergency situations, penalties should not be assessed in this document. A Cease and Desist order will be used in situations where the discharge is causing interference, pass through, environmental harm, or otherwise creating an emergency situation. The order may be issued immediately upon discovery of an emergency situation or following a hearing. In an emergency, the order to cease and desist may be given by telephone with a subsequent written order to be served by the City before the close of business on the next working day. If the User fails to comply with the order, the City may take independent action to halt the discharge.

AGREED ORDER

The Agreed Order is an agreement between the City and the User. The Agreed Order normally contains three elements: (1) compliance schedules with specific milestone dates; (2) stipulated penalties, damages, and/or remedial actions; and (3) signature by the City and the User representative. An Agreed order is appropriate when the User assumes the responsibility for its noncompliance and is willing (in good faith) to correct the causes.

PENALTY ASSESSMENT

Determining a penalty amount that reflects the violation's significance is extremely important. If the penalty is too small, its deterrent value is lost and the User may regard the amount as a tax or nominal charge to pollute. If the penalty is too great, it could bankrupt the industry (making necessary investment in pretreatment equipment impossible or potentially forcing unnecessary closure). The City has categorized the various types of violations, and assigned a penalty range to each category. Penalty categories are determined by using the Enforcement Response Table (attached). All penalty assessments will be approved and signed by the City or their designee. Penalty amounts are considered to be an economic deterrent to the illegal activity. Penalty ranges have been designed to recover any economic benefit gained by the violator through non-compliance.

CATEGORY 0 = NO PENALTY

CATEGORY 1 = \$50.00 to \$500.00

CATEGORY 2 = \$50.00 to \$1,000.00

CATEGORY 3 = \$50.00 to \$10,000.00

CATEGORY 4 = DIRECT LEGAL ACTION - Any penalties and/or costs to be assessed at the maximum penalty allowable by applicable law and included as part of the legal action.

Assessments for damages or destruction of the facilities of the POTW, and any penalties, costs, and attorney's fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcement, are not part of this penalty assessment procedure and would be in addition to any penalties assessed as described above.

Abbreviations:

FSE: Food Service Establishment

NCN: Noncompliance Notification

NOV: Notice of Violation

AO: Administrative Order

FOG: Fats, oils and grease

FSE: Food Service Establishment

GCE: Grease Control Equipment

POTW: Publicly Owned Treatment Works

SC: Show Cause

SPS: Sewerage Pumping Station

WWTP: Wastewater Treatment Plant

City of Sparta, TN Food Service Establishment Enforcement Response Guide

<u>Incident</u>	<u>Category Level</u>	<u>Action Taken</u>
1. Failure to install grease control equipment, or		
2. Grease Interceptor structural failure (baffle wall collapsed, walls deteriorated, tank leaking, infiltration/inflow in tank), or		
3. Failure to install proper effluent (outlet T), or		
4. No access to effluent (outlet T) to determine compliance		
A. Initial Notification - Noncompliance Notification of problem, with response due date.	0	Issue NCN -30 day deadline for response
B. Second Notification - Failure to comply with NCN. Issue NOV and 15 additional days to comply	1	Issue NOV -15 day deadline
C. Third Notification - Issue \$500 AO and 30 additional days to comply.	2	Issue AO \$500
D. Fourth Notification - Failure to comply with AO, Issue \$250 / day penalty.	3	\$250/day
2. Facility contributing FOG to downstream manhole, SPS, or WWTP. Classify degree of impact for appropriate response:		
A. Slight FOG impact (slight coating of FOG in POTW less than 1/4" coverage - 1/2 of pipe)	0	NCN - 30 day response
B. Moderate FOG impact (moderate coating FOG in	2	NOV - 30 day deadline

<u>Incident</u>	<u>Category Level</u>	<u>Action Taken</u>
POTW, less than 1/2," coverage - 1/2 of pipe)		Reimburse cleaning costs to City, Require interceptor mid-wall sweep.
C. Heavy FOG impact (heavy coating FOG in POTW, causing obstruction and/or interference in sewer line)	3	Reimburse cleaning costs to City & AO - \$1,000 Require Interceptor Mid-wall sweep
C. Heavy FOG impact (facility's discharge caused by pass or sanitary sewer overflow)	4	Direct Legal Action
6. Grease Control Equipment not maintained (pumped or cleaned) *Interceptor has > 25% FOG and solids, or > 90 days *Trap cleaned > monthly		
A. 1 Incident within 24 month period	0	NCN - 30 days
B. 2 Incidents within 24 month period	1	NOV - 15 days
C. 3 Incidents within 24 month period	2	NOV - \$500
D. 4 Incidents within 24 month period	3	SC - \$1000
E. 5 Incidents within 24 month period	3	City pumps GCE Charges FSE, + \$1000
7. Failure to respond to any notification letter within 30 days		Escalation of Enforcement
8. No records of grease control equipment maintenance or cleaning at facility		
A. 1 Incident within 24 month period	0	NCN
B. 2 Incidents within 24 month period	1	NOV

C.	3 Incidents within 24 month period	2	NOV - \$100
D.	4 Incidents within 24 month period	3	NOV - \$250
E.	5 Incidents within 24 month period	3	NOV - \$500
9.	Failure to allow access for inspectors to adequately assess grease control equipment	4	Show Cause
10.	Safety hazard at grease control equipment area (i.e. missing manhole cover, manhole cover damaged or not made of material of suitable strength)		Notify Health Dept/ Codes and issue NCN
11.	Facility in violation of numerical FOG limit		
A.	FOG concentration in excess of limit but less than 2x of limit	1	NOV - \$100
B.	FOG concentration between 2x to 4x of limit	1	NOV - \$250
C.	FOG concentration in excess of 4x of limit	2	NOV - min. \$300- \$500
12.	Facility using additives or chemicals that emulsify or otherwise cause FOG to be discharged to the City sewer system	3	Show Cause
13.	Failure of new facility, or an existing facility that upgrades their facility, to notify City, or submit Grease Control Equipment information.	1	Issue NOV & require GCE Inquiry
14.	Missing or damaged sewer cleanout covers, or any rainfall inflow		
	To city sewer	0	
	First Notification	0	NCN-30 days
	Second Notification	1	NOV-15 days
	Third Notification (repeat fine after every 15 days if unresolved)	3	NOV-\$500

APPENDIX D

DRAFT - 3/29/2022

SET #1

CITY OF SPARTA, TENNESSEE
EMERGENCY OPERATIONS PLAN

April, 2022

(as added by Ord. #22-945, April 2022 *Ch4_04-21-22*)

CITY OF SPARTA, TN.**EMERGENCY OPERATIONS PLAN****I. BASIC PLAN****A. PURPOSE**

This document establishes a framework through which the City of Sparta, Tennessee may prevent or mitigate the impacts of, prepare for, respond to, and recover from a wide variety of disasters that could adversely affect the health, safety, or general welfare of the citizens and visitors of the City of Sparta. This emergency operations plan outlines a method of incident management called the Incident Command System (ICS) that includes a coordinated (multi-department and/or multi-agency) response to incidents beyond the scope of normal city operations. Provisions are made for the need for flexibility of direction, coordination, and method of operation to enable City Government to accomplish the following specific goals:

1. Minimize suffering, loss of life, personal injury and property damage resulting from hazardous and/or emergency conditions.
2. Minimize disaster related shortages and service system disruptions that would have an adverse impact on residents, visitors, and the local economy.
3. Provide immediate relief and promote short-range and long-range recovery.
4. Avoid or reduce loss of life and property damage resulting from disasters.
5. Comply with state and federal disaster assistance regulations.
6. Document all disaster related expenses to ensure the fullest possible recovery of funds in the event of a presidential declaration.

B. SCOPE

The City of Sparta Emergency Operations Plan:

1. Describes the various types of emergencies and disasters that may occur, and provides procedures for disseminating warning and for determining, assessing, and reporting the severity and magnitude of disasters.

2. Establishes the concepts under which local government will operate during emergencies by:
 - a. Defining the emergency role and function of City Government.
 - b. Defining the responsibilities of City Government officials.
3. Create a framework for expeditious, effective, and coordinated deployment of available resources.
4. Identifies functional responsibilities and actions required of City Government to obtain and implement assistance and relief on a county, state, and federal level, and those actions to be taken in identification, organization, and mobilization of resources necessary to assist the city before, during, and after an emergency.
5. Outlines the forms of recovery assistance available to individuals, businesses, and governments.
6. Creates a framework to promote pre- and post- disaster hazard mitigation efforts.

C. ASSUMPTIONS

1. The City has developed and will continue to update its emergency plans and possesses the capability to execute such plans.
2. Prediction and warning systems have been established which make it possible to anticipate some disaster situations that may affect the City.
3. The City has entered into mutual aid agreements with other local governments, special districts, and private organizations to assist during emergency operations.
4. White County and the State of Tennessee possesses expertise and resources including specific plans and procedures that may be utilized in relieving emergency or disaster-related problems that are beyond the capacity of the City.
5. Should city, county, and state resources prove inadequate to cope with disaster demands, the Governor will request federal assistance under a presidential declaration.
6. The City has adopted the Incident Command System as its response model for daily emergency operations through disaster response operations.

D. LOCATION

The City of Sparta is situated in Middle Tennessee in the foothills of the Cumberland Plateau. Sparta is the county seat of White County. The City comprises a total land area of 6.7 square miles and is home to a resident population of about 5,000.

E. SITUATION

The City of Sparta is exposed to the effects of many hazards, varying widely in type and magnitude. Emergency conditions could result from a number of natural phenomena such as earthquakes, tornadoes, floods, winter storms, drought, fires (both grass and structural), high winds, or a combination of the above. Apart from natural disasters, the City is exposed to technological hazards such as transportation accidents involving chemicals, oil, and other hazardous material spills, leaks, or pollution problems, dumping of hazardous wastes, building or bridge collapse, utility service interruptions, energy shortages, civil disturbances or riots, warfare, or a combination of the above. A detailed Hazard Analysis is provided in Appendix (A).

F. DEFINITIONS

1. **Emergency:** Means the occurrence or imminent threat of a condition, incident, or event that requires immediate response actions to save lives, prevents injuries, protect property, public health, the environment, and public safety; or to lessen or avert the threat of a disaster. At the Federal level, an emergency is defined by Title V of P.L. 93- 288, Section 102(1), as any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety. Title V includes the authority for the President to direct federal agencies to provide emergency assistance to save lives and protect property and public health and safety for emergencies and other natural disasters. Under Title V, the President may direct the provision of emergency assistance either at the request of a Governor (Section 501(a)) or upon determination by the President that an emergency exists for which the primary responsibility for response rests with the United States (501(b)).

2. **Disaster:** The occurrence of widespread or severe damage, injury, loss of life or property, or such severe economic or social disruption that supplemental relief assistance is necessary for the city to recover and alleviate the damage, loss, hardship, or suffering caused thereby. At the federal level, as defined under P.L. 93-288, a disaster is any natural

catastrophe, (including hurricane, tornado, storm, flood, high water, wind- driven water, earthquake, landslide, mudslide, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of states, local governments, and disaster relief organizations.

3. Catastrophic Disaster: Although there is no commonly accepted definition of a catastrophic disaster, the term implies an event or incident, including acts of terrorism, which produces severe and widespread damages of such a magnitude as to result in the requirement for significant resources from outside the affected area to provide the necessary response. For the purposes of this plan, a catastrophic disaster is defined as an event that results in large numbers of deaths and injuries; causes extensive damage or destruction of facilities that provide and sustain human needs; produces an overwhelming demand on local and state response resources and mechanisms; causes a severe long-term effect on general economic activity; and severely affects state, local, and private sector capabilities to begin and sustain response activities.

II. ORGANIZATION

There are six (6) departments of City Government, organizationally configured as illustrated in Appendix (B).

III. CONCEPT OF OPERATIONS

A. This is an Integrated Emergency Management Plan based on the principle that local government bears the initial responsibility for mitigation in emergency preparedness, response, and recovery. Only after city resources are depleted or prove to be inadequate should the City request relief from the next level of government. State assistance is supplied as deemed appropriate by the Governor and as provided in the State Emergency Management Plan.

B. When local and state resources are determined to be inadequate, the governor will request a presidential disaster declaration through the Federal Emergency Management Agency based on state and local damage assessment reports.

C. Phases of Emergency Management: There are four (4) distinct phases of Integrated Emergency Management. They include: hazard mitigation, preparedness, response, and recovery. Specifically, each is described as follows:

1. Hazard Mitigation:

Actions taken to eliminate or reduce the degree of long-term risk to human life and property from natural and technological hazards.

2. Preparedness:

Actions taken in advance of an emergency to develop operational capacities and facilitate an effective response in the event an emergency occurs.

3. Response:

Actions taken immediately before, during, or directly after an emergency occurs, to save lives, minimize damage to property, and enhance the effectiveness and speed of recovery.

4. Recovery:

Activity initiated to return vital life support systems to minimum operating standards and long-term activity designed to return life to normal or improved levels.

IV. EXECUTION

A. ACTIVATION OF THE CITY PLAN

Upon activation of the plan by the Incident Commander, the City Administrator shall be notified to implement increased readiness procedures and such emergency response actions as might be necessary to ensure the protection of life and property. For the purposes of Integrated Emergency Management, the City will use the following terminology to describe its level of readiness: These readiness levels track those used by county and state government. In case of a Hazardous materials incident, the City Administrator along with the White County Emergency Management Director shall be notified.

B. OPERATING CONDITIONS (OPCONS)

These OPCONS increase the city's state of readiness on a scale from 5 to 1. Each OPCON level is declared when a pre-determined set of criteria has been met. The City Administrator will assign the appropriate OPCON level, based on the situation at any given time.

1. OPCONS for the City of Sparta shall be as follows:

OPCON LEVEL OF READINESS:

- 5 Day-to-Day Operations
- 4 Potential emergency or disaster conditions are threatening and may require activation of the Emergency Operations Center (EOC) that will serve as Incident Command Post (ICP) for large or city-wide incidents or when multiple incidents occur within the city requiring individual Incident Command Posts the Emergency Operations Center will serve as the Area Command. Small or localized incidents will be managed from a single Incident Command Post near the scene.
- 3 Emergency or disaster conditions are possible. Activation of the Emergency Operations Center and implementation of the Emergency Operations Plan is required.
- 2 Emergency or disaster conditions are certain. Full activation of the Incident Command Post is required. Highest level of preparedness.
- 1 Emergency or disaster conditions are occurring. Emergency response activities are on-going.

2. The OPCON in effect will be that level of operational readiness or response appropriate to the emergency.

3. The following outline those minimum actions to be taken by the City Administrator or his designee, under a locally declared numerical OPCON or when the county or state government has notified the City that a numerical OPCON is in effect:

- a. OPCON 4:

The City Administrator or his designee shall:

- (1) Continuously monitor the developing threat.
- (2) Review all pertinent operational readiness plans, policies, and procedures.
- (3) Conduct periodic situational briefings for designated personnel.
- (4) Ensure that all departmental personnel have been advised of the threat and have been placed in a "standby" status.

- (5) Recommend other necessary measures to ensure operational readiness.

b. OPGON 3:

The City Administrator or his designee shall:

- (1) Complete all OPGON 4 action items.
- (2) Prepare the Emergency Operations Center for activation.
- (3) Establish communications with all county/state/federal agencies; public utilities; and other agencies or organizations as appropriate to the developing situation.
- (4) Ensure the dissemination of warning information to the public.
- (5) Recommend other necessary measures to ensure operational readiness.

c. OPGON2:

An Incident Commander will be established. If the County Emergency Operations Center is activated, the City Administrator will send a City representative to the County Emergency Operations Center. The Incident Commander will:

- (1) Complete all OPGON 3 action items.
- (2) Fully activate, provision, and staff the Incident Command Post.
- (3) Activate all appropriate emergency plans, functional annexes, and procedures.
- (4) Ensure the dissemination of threat, evacuation, shelter, and other information necessary for the protection of life and property.
- (5) Activate all mutual aid agreements.
- (6) Ensure the recall and deployment of department personnel.
- (7) Coordinate all emergency management activities with county/state/federal agencies; public utilities; and other organizations as appropriate to the developing situation.
- (8) Recommend the issuance of emergency proclamations, orders, and ordinances commensurate with the emergency or disaster.
- (9) Implement measures to ensure the greatest level of protection possible to public facilities.

- (10) Implement financial procedures to fully document all emergency preparation/response/recovery expenditures.
 - (11) Recommend other measures to ensure operational readiness.
- d. OPCODE1:
The Incident Commander will:
- (1) Complete all OPCODE 2 action items.
 - (2) Ensure the implementation of such measures as are necessary to protect life and property.
 - (3) Or his designee, act as a liaison between the city and county/state/federal response agencies.
 - (4) Function as the City's "Applicant Agent".
 - (5) Direct all recovery activities.
 - (6) Recommend other measures to facilitate the expenditures and complete recovery of the community.

All personnel are reminded that in many cases the City may have to respond to a disaster without any advance warning and that internal operation plans need to include this flexibility.

C. ENACTMENT OF EMERGENCY ORDINANCES

Upon the recommendation of the City Administrator, the City Council may enact emergency ordinances necessary to respond to the emergency or disaster. These ordinances shall indicate the nature of the emergency or disaster; specify the impacts on the City; and outline those measures to be implemented to preserve the public safety and welfare and protect property. Copies should be distributed to White County Emergency Management Agency, Tennessee Emergency Management Agency, and be given the widest possible dissemination to ensure full public notification.

V. RESPONSIBILITIES

A. GENERAL

Appointed City officials share responsibility for the planning necessary to minimize losses and provide relief from disasters. This shared responsibility includes activities to ensure mitigation, preparedness, response, and recovery.

B. CITY GOVERNMENT

City Government should be prepared to:

1. Direct and control local response from a wide variety of emergencies.
2. Provide immediate response through local resources and personnel.
3. Establish readiness procedures that ensure proper training, notification of personnel and the availability of personnel, material, and equipment in an emergency.
4. Establish and activate mutual aid agreements when specific aid is needed.
5. Request assistance from state and federal government when: (1) local resources are fully committed and found to be inadequate and/or (2) a particular capability is required, but not available locally.
6. Participate in state and federal efforts to accomplish post-disaster hazard mitigation plans and studies.

C. CITY ADMINISTRATOR

The City Administrator or his designee(s) in an effort of disaster mitigation, preparedness, response and recovery shall;

1. Suspend the provision of any city ordinance prescribing the procedures for conduct of city business if strict compliance with the provision prevents, hinders, or delays necessary actions in coping with the emergency.
2. Use all the resources of the city as necessary to cope with the emergency.
3. Transfer the direction, personnel, or functions of city departments or divisions for the purpose of performing or facilitating emergency operation.
4. Receive, review, and approve departmental emergency operations plans.
5. Establish a NIMS compliant system for reporting, analyzing, displaying, and disseminating emergency information.
6. Establish procedures to document recovery efforts and expenses and act as the City's applicant agent in accordance with state and federal disaster assistance programs.
7. Identify critical areas of loss, perform damage assessments/surveys, coordinate and communicate with insurance representatives and representatives of state and other local authorities.

8. Coordinate evacuation operations.
9. Coordinate warning operations.
10. Coordinate military assistance.
11. Monitor local shelter operations and occupancy levels of critical facilities.
12. Monitor developing threat and conduct situational briefings for designated personnel.
13. Augment Incident Command Operations.

VI. RESPONSIBILITIES AND TASKS

A. INCIDENT COMMANDER

The Incident Commander's (IC) responsibility is the overall management of the incident/event. On most incidents, a single Incident Commander carries out the command activity. The Incident Commander is selected by qualification and experience. The Incident Commander may have a deputy, who must have the same qualification as the person for whom they work, as they must be ready to take over that position at any time. The major responsibilities of the Incident Commander are:

1. Assess the situation and/or obtain a briefing from the prior Incident Commander.
2. Determine the Incident's Objectives and Strategy.
3. Establish the immediate priorities.
4. Brief Command Staff and Section Chiefs
5. Review meetings and briefings.
6. Establish an appropriate organization.
7. Ensure planning meetings are scheduled as required.
8. Approve and authorize the implementation of an Incident Action Plan.
9. Ensure that adequate safety measures are in place.
10. Coordinate activity for Command and General Staff.
11. Coordinate with key people and officials.
12. Approve requests for additional resources or for the release of resources.
13. Keep Agency administrators informed of incident status.
14. Approve the use of trainees, volunteers, and auxiliary personnel.
15. Authorize the release of information to the news media.
16. Ensure incident status summary is completed.
17. Order the demobilization of the incident when appropriate.

B. PUBLIC INFORMATION OFFICER

The Public Information Officer (PIO) (if one is assigned by the Incident Commander), shall be the Mayor or his designee. The Public Information Officer (PIO) is responsible for developing and releasing information about the incident the news media, to incident personnel, and other appropriate agencies and organizations. The major responsibilities of the Public Information Officer are:

1. Determine from the Incident Commander if there are any limits on information release.
2. Develop material for use in media releases.
3. Obtain incident Commander approval of media releases.
4. Inform media and conduct media briefings.
5. Arrange for tours and other interviews or briefings that may be required.
6. Obtain media information that may be useful to incident planning.
7. Maintain current information summaries and/or displays on the incident and provide information on the status of the incident to assigned personnel.
8. Maintain unit activity log.

C. LIAISON OFFICER

Incidents that are multi-jurisdictional, or have several agencies involved, may require the establishment of the Liaison Officer position on the Command Staff. The Liaison Officer is assigned to the incident to be the contact for assisting and/or cooperating Agency Representatives. The major responsibilities of the Liaison Officer are:

1. Be a contact point for Agency Representatives.
2. Maintain a list of assisting and cooperating agencies and their representatives.
3. Assist in establishing and coordinating interagency contacts.
4. Keep agencies supporting the incident aware of incident status.
5. Monitor incident operations to identify current or potential inter-organizational problems.
6. Participate in planning meetings, providing current resource status, including limitations and capability of assisting agency resources.

D. SAFETY OFFICER

The Safety Officer's function is to develop and recommend measures for assuring personnel safety, and to assess and/or anticipate hazardous and unsafe situations. The major responsibilities of the Safety Officer are:

1. Participate in planning meetings.
2. Identify hazardous situations associated with the incident.
3. Review the Incident Action Plan for safety implications.
4. Exercise emergency authority to stop and prevent unsafe acts.
5. Investigate accidents that have occurred within the incident area.
6. Assign assistants as needed.
7. Review and approve the medical plan.
8. Develop the site safety plan and publish site safety plan summary.
9. Maintain Unit/Activity Log.

E. OPERATIONS SECTION CHIEF

The Operations Section Chief is responsible the management of all operations directly applicable to the primary mission. The major responsibilities of the Operations Section Chief are:

1. Develop operations portion of the Incident Action Plan.
2. Brief and assign Operations Section personnel in accordance with the Incident Action Plan.
3. Supervise Operations Section.
4. Determine need and request additional resources.
5. Review suggested list of resources to be released and initiate recommendation for release of resources.
6. Assemble and Disassemble strike teams assigned to the Operations Section.
7. Report information about special activities events, and occurrences to the Incident Commander.
8. Maintain Unit/Activity Log.

F. PLANNING SECTION CHIEF

The Planning Section Chief is responsible for the collection, evaluation, dissemination, and use of information about the development of the incident and the status of resources. Information is needed to: 1) understand the current situation, 2) predict the probable course of incident events, and 3) prepare

alternative strategies for the incident. The major responsibilities of the Planning Section Chief are:

1. Collect and process situation information about the incident.
2. Supervise preparation of the Incident Action Plan.
3. Provide input to the incident Commander and Operation Section Chief in preparing the Incident Action Plan.
4. Chair planning meetings and participate in other meetings as required.
5. Assign available personnel to Incident Command System organizational positions as appropriate.
6. Establish information requirements and reporting schedules for Planning Section Units.
7. Determine the need for any specialized resources in support of the incident.
8. If requested, assemble and disassemble Strike Teams and Task Forces not assigned to Operations Section Chief.
9. Establish special information collection activities as necessary (e.g., weather, environmental, toxic, etc.)
10. Assemble information on alternative strategies.
11. Provide periodic predictions on incident potential.
12. Report any significant changes in incident status.
13. Compile and display incident status information.
14. Oversee preparation and implementation of Demobilization Plan.
15. Incorporate plans (e.g., Traffic, Medical, Communications, Site Safety) into the Incident Action Plan.
16. Maintain Unit/Activity Log.

G. LOGISTICS SECTION CHIEF

The Logistics Section Chief is responsible for providing facilities, services, and material in support of the incident. The major responsibilities of the Logistics Section Chief are:

1. Plan the organization of the Logistics Section.
2. Assign work locations and tasks to section personnel.
3. Notify the Resource Unit of the Logistics Section Units activated and the names of assigned personnel.
4. Assemble and brief Branch Directors and Unit Leaders.
5. Participate in preparation of the Incident Action Plan.
6. Identify service and support requirements for planned and expected operations.
7. Provide input to and review the Communication Plan, Medical Plan, and Traffic Plan.

8. Coordinate and process requests for additional resources.
9. Review the Incident Action Plan and estimate Section needs for the next operational period.
10. Advise on current service and support capabilities.
11. Prepare service and support elements of the Incident Action Plan.
12. Estimate future service and support requirements.
13. Receive incident Demobilization plan from the Planning Section.
14. Recommend release of Unit resources in conformity with Incident Demobilization Plan.
15. Maintain Unit/Activity Log.

H. FINANCE/ADMINISTRATION SECTION CHIEF

The Finance/Administration Section Chief is responsible for all financial, administrative, and cost analysis aspects of the incident. The major responsibilities of the Finance/Administration Chief are:

1. Attend planning meetings as required.
2. Manage all financial aspects of an incident.
3. Provide financial and cost analysis information as requested.
4. Gather pertinent information from briefings with responsible agencies.
5. Develop the operating plan for the section.
6. Meet with assisting and cooperating agency representatives as needed.
7. Ensure that all personnel time records are accurately completed and processed.
8. Provide financial input to demobilization planning.
9. Ensure that all obligation documents initiated at the incident are properly prepared and completed.
10. Maintain Unit Activity Log.

I. DEPARTMENT DIRECTORS

City Department Heads are responsible for emergency operations within their departments as follows:

1. General
 - a. Continuing to perform routine day-to-day departmental tasks as needed.

- b. Providing departmental technical/operational response to disasters.
- c. Developing, maintaining, and exercising plans for performance of the disaster functions assigned to that department in this plan.
- d. Providing Incident Command Post representation as required in this plan or as required by the City Administrator.

2. Specific

- a. Legal Department
 - 1. Provide legal advice to members of the City Council, City Administrator, and City Staff.
 - 2. Prepare emergency ordinances, proclamations, etc., as necessary.
- b. Public information Officer
 - 1. Provide direction and control of public information through the preparation and release of official information and statements by and for City officials.
 - 2. Provide response to inquiries by media representatives and official visitors.
 - 3. Provide referral service for inquiries regarding missing persons, availability of assistance to disaster victims, and other related information.
 - 4. Provide technical coordination with the commercial broadcast media. Augment warning systems.
- c. Police Department
 - 1. Provide law enforcement services.
 - 2. Provide warnings/evacuations.
 - 3. Provide communications.
 - 4. Provide traffic management.
 - 5. Augment search and rescue.
 - 6. Augment recovery and identification of victims.
- d. Fire Department
 - 1. Provide fire service.
 - 2. Provide emergency medical services.

3. Provide search and rescue.
 4. Provide recovery and identification of victims.
 5. Provide radiological hazard assessment and establishes measures to mitigate effects.
 6. Augment evacuation.
 7. Augment warning systems.
 8. Provide set-up of Family Emergency Shelters and Emergency Management Systems.
- e. Public Works Department
1. Provide debris removal and clearing of rights-of-way.
 2. Assist in repair/restoration of water/sewer utility service.
 3. Provide heavy equipment resources.
 4. Provide the coordination of utility restoration.
 5. Provide the coordination of emergency transportation assets.
 6. Augment engineering services.
 7. Augment search and rescue.
 8. Augment damage assessments/surveys.
 9. Augment fire service operations.
 10. Augment traffic control.
 11. Manage mutual aid sector.
- f. Electric Department
1. Complete a wire down survey operation.
 2. Provide clearing of rights-of-way of electric lines.
 3. Repair/restoration of electric service.
 4. Provide response to inquiries regarding service restoration.
 5. Provide referral of life-support customers to appropriate departments.
 6. Augment engineering services.
 7. Augment damage assessments/surveys.
 8. Augment traffic control.
- g. Civic Center
1. Provide emergency shelter. (Recovery phase only)
 2. Provide emergency mortuary facility.
 3. Provide set-up of auxiliary Emergency Operations Center.

4. Augment recovery and identification of victims.
- h. Administration/Finance Department
 1. Provide accounting and financial services for receipt and disbursement of emergency funds. Provide information systems back-up and support.
 2. Provide and develop procedures for the procurement and availability of supplies, equipment, and materials.
 3. Maintain a list of critical resource vendors.
 4. Augment Incident Command Post operations.
 - i. Human Resources Department
 1. Provide coordination of volunteer resources.
 2. Augment Incident Command Post operations.
 - j. Codes Department
 1. Provide damage assessment/survey.
 2. Provide documentation for FEMA Flood Insurance Program.
 3. Provide condemnation of damaged structures.
 4. Augment coordination of utility coordination.
 5. Augments coordination of access to damaged structures.
 6. Augment warning systems.
 7. Augment evacuation.
 8. Augment coordination with White County Building Codes Department.
 9. Augment Incident Command Post operations.

VII. DIRECTION AND CONTROL

A. It is provided that this plan:
Is the official Emergency Management Plan for the City of Sparta governing all emergency operations.

B. Line of Succession:
"Emergency Interim Executive and Judicial Succession" references government succession on a local level City of Sparta Ordinances provide for an orderly succession should any elected/appointed official become unavailable.

C. Preservation of Records:

It is the responsibility of all local officials to ensure that all public records under their control are preserved and protected in accordance with state and local laws. Examples include: ordinances, resolutions, deeds, tax records, building permits, city council meetings, etc.

D. Emergency Operations Center:

During a state of emergency, the City of Sparta provides direction and control from the primary Emergency Operations Center, which is the Sparta City Hall located at 6 Liberty Square, Sparta. Staff members assigned duty in the Emergency Operations Center during emergency operations are designated in Appendix (C).

E. Alternate Emergency Operations Center:

Should relocation of the Emergency Operations Center be necessary, the alternate Emergency Operations Center is the Sparta Civic Center located at 514 E. Bockman Way, Sparta.

F. Relief Assistance:

In the event of a disaster, the City Administrator is responsible for the direction and support of all disaster relief activities.

G. Consumer Protection:

Consumer complaints pertaining to alleged unfair or illegal business practices will be referred to the City Legal Department.

H. Use of local firms:

When disaster assistance activities are carried out by contract or agreement with private contractors, firms, or individuals, preference will be given to the extent feasible and practical, to contractors, firms, or individuals residing or doing business primarily within the city limits.

VIII. PLAN DEVELOPMENT, MAINTENANCE, AND EXECUTION

A. The City Administrator has the overall responsibility for emergency planning, coordination of resources, and the conduct of disaster assistance and recovery activities.

B. City Department Heads have the responsibility for maintaining internal plans, Standard Operating Procedures, and resource data to ensure prompt and effective disaster response.

C. All departments are responsible for the development and maintenance of their respective segment of the plan.

D. The City Administrator will maintain and update this plan as required. Other City officials should recommend changes at any time and provide updated information as to changes in personnel, resources, or assignment of responsibilities.

E. The plan will be executed upon order of the City Administrator or his designee.

F. This plan applies to all elements of city government whether legislative, appointed, or volunteer.

G. For training purposes and exercises, the City Administrator may activate this plan to ensure readiness posture.

IX. Hazard Analysis - Appendix A

X. Emergency Operations Center Personnel - Appendix B

XI. City Emergency Phone List - Appendix C

Appendix A

Hazard Analysis

Risks from natural hazards are a combination of hazard, vulnerability, and exposure. The risk assessment process measures the potential loss to a community, including the loss of life, personal injury, property damage, and economic injury resulting from a hazard event. The risk assessment process allows a community to better understand its potential risk and associated vulnerability to natural hazards. This information provides the framework for a community to develop and prioritize mitigation strategies and plans to help reduce both the risk and vulnerability from future hazard events. Risks from human caused hazard events are very similar to natural hazards except for the issue of human intent or error, in the case of terrorist events, or human-caused accidents respectively. Intent, capacity, and technological sophistication limit most terrorist events, whereas human-caused accidents normally can be predicted in concert with the level and type of human activity. The risk assessment for the City of Sparta was based on the following four step process:

- 1) Identify Mitigation
- 2) Preparedness
- 3) Response
- 4) Recovery

Existing and planned mitigation measures such as building codes, fire codes, land use regulations, fire management plan, and floodplain management regulations were analyzed in conjunction with County and City plans. The risk assessment for this plan covers the entire geographical extent of the City of Sparta.

Hazard Identification:

The Natural Hazards identified and investigated for the City of Sparta include:

- Fire (Grass and Commercial)
- Floods
- Dam Failure
- Earthquakes
- Agricultural Hazards
- Natural Health Hazards
- Severe Weather
- Heavy Rain/Thunderstorm/Wind/Tornadoes/Lightning/Hailstorm

- Snow and Ice
- Drought

Human-Caused Hazards

Hazardous Materials -

The potential for a hazardous materials incident: Hazardous materials incidents may occur anywhere and anytime in the City of Sparta. The potential for a hazardous materials incident within the City of Sparta depends on the volume, distribution, and/or use of chemicals and other hazardous substances in a particular area. An assessment of the known hazardous material threats within the City of Sparta has been developed. In general, the likelihood of a hazardous materials incident is greatest in the following areas:

Transportation Routes -

Highways, railways, and commercial constitute a major threat because of the multitude of chemicals and hazardous substances transported along them.

Business and Industry -

The manufacturing and light industrial firms located in portions of the city offer the potential for hazardous materials incidents.

Agricultural -

Accidental releases of pesticides, fertilizers, and other agricultural chemicals may be harmful to human health, property, and the environment.

Illegitimate Business -

Illegitimate businesses, such as clandestine drug laboratories, are a significant threat to human health, property, and the environment. In many instances, the residue is discharged into the public sewer or private sewage disposal system, or is dumped in remote areas or along the side of the road, posing a serious health threat to the unsuspecting person who stumbles across it.

Arson and Commercial Fires -

Arson and/or commercial fires will continue to remain as serious threats to the commercial and business vitality of the City of Sparta's developed commercial areas. Enforcement of the City's building, hazardous materials, and fire codes will greatly mitigate against future losses of this type. A commercial fire within the business district of Sparta would result in serious losses of sales inventory, sales tax, property tax reduction, loss of employment, and/or loss of life. Secondary effects could be felt in the vibrancy of related businesses. In a worst-case scenario, multiple businesses, could be involved, as well as the loss of housing stocks that are sometimes found as "over the store" units.

As development occurs along identified trends, there will be an increasing potential loss due to hazmat issues. As would be expected, future development is largely now in areas now served by state highways.

The City of Sparta can reasonably expect that airborne hazards arriving by winds and atmospheric conditions could potentially be a health threat. While the City of Sparta and its public entities have been aggressive in reducing locally generated particulate material in the atmosphere (dust, smoke), increased traffic will add to airborne pollution. Burn restrictions and cleaner burning wood stoves will continue to be the most effective mitigation methods available, as well as rigorous enforcement on dust control procedures will lessen the impact of dust particulates.

SUMMARY HAZARD ANALYSIS: CITY OF SPARTA

HAZARD	ESTIMATED FREQUENCY	EXPECTED SEVERITY
FIRE	Low	Moderate
ARSON	Low	Moderate
HAZ/MAT INCIDENT	Low	Low
EARTHQUAKE	Rare	Low
SNOWSTORM	Low	Low
TORNADO	Low	Moderate/Severe
FLOODS	Low	Low
TERRORISM	Rare	Low
AIRBORNE	Low	Low

Appendix B

Emergency Operations Center Personnel

There are Six (6) Departments of City Government organizationally configured as follows:

Administration

Police

Fire
Public Works
Electric
Codes

Personnel should adhere to their department's internal emergency operations plan and report to their assigned emergency operations post. It should be understood that emergency conditions may dictate a restructuring of personnel deployment plans. Therefore, each department is cautioned to ensure the needed flexibility is incorporated into its personnel assignments.

Appendix C

City of Sparta Emergency Phone List - See Attached