

APPENDIX A

PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR THE EMPLOYEES OF CITY OF CAMDEN

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¹This appendix to the plan was deleted. The compiler has no record of the date of deletion.

I. PURPOSE AND COVERAGE.

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program for the employees of the City of Camden.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The City of Camden in electing to establish and maintain an effective occupational safety and health program for its employees,

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor, his designated representatives, or persons within the Department of Labor to whom such responsibilities have been delegated, including the Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor or his monitoring activities to determine the program effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational and health program.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

II. DEFINITIONS.

For the purposes of this program, the following definitions apply:

- a. "Commissioner of Labor" means the chief executive officer of the Tennessee Department of Labor. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor.
- b. "Employer" means the City of Camden and includes each administrative department, board, commission, division, or other agency of the City of Camden.
- c. "Director of occupational safety and health" or "Director" means the person designated by the establishing Ordinance, or executive order to perform duties or to exercise powers where assigned so as to plan, develop, and administer the occupational safety and health program for the employees of the City of Camden.
- d. "Inspector(s)" means the individual(s) appointed or designated by the Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Director of Occupational Safety and Health.
- e. "Appointing authority" means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal therefrom for a specific department, board, commission, division, or other agency of this employer.
- f. "Employee" means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as "volunteers" provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- g. "Person" means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- h. "Standard" means an occupational safety and health standard promulgated by the Commissioner of Labor in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.

- i. "Imminent danger" means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
- j. "Establishment" or "worksite" means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. "Serious injury or harm" means that type of harm that would cause permanent or prolonged impairment of the body in that:
 - 1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
 - 2. A part of an internal body system would be inhabited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

- l. "Act" or TOSHAct" shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. "Governing body" means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. "Chief executive officer" means the chief administrative official, County Judge, County Chairman, Mayor, City Manager, General Manager, etc., as may be applicable.

III. EMPLOYER'S RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from and unreasonable restraint on the right of the Commissioner of Labor to inspect the employer's place(s) of business. Employer shall assist the Commissioner of Labor in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to insure the provisions of this program are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this program.

IV. EMPLOYEE'S RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSHAct or any standard or regulation promulgated under the Act.

- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commissioner of Labor or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this program, any employee or authorized representative of employee shall be given the right to request an inspection and to consult with the Director or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Director any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor alleging such discrimination.
- j. Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety or others or when a medical examination may be reasonably required for performance of a specific job.
- k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Director within twenty-four (24) hours after the occurrence.

V. ADMINISTRATION

- a. The Director of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program.
 1. The Director may designate person or persons as he deems necessary to carry out his powers, duties, responsibilities under this program.
 2. The Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Director.
 3. The Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconvenience under this program.
 4. The Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.
 5. The Director shall prepare the report to the Commissioner of Labor required by subsection (g) of Section 1 of this plan.
 6. The Director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
 7. The Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
 8. The Director shall maintain or cause to be maintained records required under Section VIII of this plan.
 9. The Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees, insure that the Commissioner of Labor receives notification of the occurrence within eight (8) hours.
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.
 1. The administrative or operational head shall follow the directions of the Director on all issues involving

occupational safety and health of employees as set forth in this plan.

2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Director within the abatement period.
3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Director along with his findings and/or recommendations in accordance with APPENDIX V of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this program are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees.

VII. VARIANCE PROCEDURE

The Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
 1. A specification of the standard or portion thereof from which the variance is sought.
 2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by

- representatives by qualified personnel having first-hand knowledge of the facts represented.
3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
 4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
 5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor by registered or certified mail.
 - c. The Commissioner of Labor will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
 1. The employer
 - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
 - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
 - iii. Has an effective program for coming into compliance with the standard as quickly as possible.
 2. The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.
 - d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.

- e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
- f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a) (5) of this section).

VIII. RECORDKEEPING AND REPORTING

- a. Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet, RECORDKEEPING REQUIREMENTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (Revised 1978) or as may be prescribed by the Tennessee Department of Labor.
- b. The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix V to this plan.
- c. Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix V to this plan.

IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Director of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or

abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.

- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor. Any complaint filed with the Commissioner of Labor in such cases shall include copies of all related correspondence with the Director and the Chief Executive Officer or the representative or the governing body.
- f. Copies of all complaint and answers thereto will be filed by the Director who shall make them available to the Commissioner of Labor or his designated representative upon request.

X. EDUCATION AND TRAINING

- a. Director and/or Compliance Inspector(s):
 - 1. Arrangements will be made for the Director and/or Compliance Inspector(s) to attend seminars, workshops, etc., conducted by the State of Tennessee or other agencies.
 - 2. Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.
- b. All Employees (including supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employee's work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
2. Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, person hygiene, etc., which may be required.
3. Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees aware of specific requirements contained in Subparts H and M and other applicable subparts of TOSHAct standards (1910 and/or 1926).
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
 - i. "Confined or enclosed space" means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.
 - ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
 - iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be

responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an occupational safety and health program that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis and may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this program, the Director and/or Compliance Inspector(s), if appointed, is authorized:
 1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under jurisdiction of the employer and;
 2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
- c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.

- d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
- e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
- f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
- g. Advance Notice of Inspections.
 - 1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.
 - 2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.
- h. The Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
 - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Director.
 - 2. Records are made of the inspections and of any discrepancies found and are forwarded to the Director.
- i. The Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor or his authorized representative.

XII. IMMINENT DANGER PROCEDURES

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
 - 1. The Director shall immediately be informed of the alleged imminent danger situation and he shall immediately

- ascertain whether there is a reasonable basis for the allegation.
2. If the alleged imminent danger situation is determined to have merit by the Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
 3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes as imminent danger, the Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
 4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Director or Compliance Inspector and to the mutual satisfaction of all parties involved.
 5. The imminent danger shall be deemed abated if:
 - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
 - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
 6. A written report shall be made by or to the Director describing in detail the imminent danger and its abatement. This report will be maintained by the Director in accordance with subsection (i) of Section XI of this plan.
- b. Refusal to Abate.
1. Any refusal to abate an imminent danger situation shall be reported to the Director and Chief Executive Officer immediately.
 2. The Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS

- a. Whenever, as a result of an inspection or investigation, the Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Director shall:
 1. Issue an abatement order to the head of the worksite.
 2. Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.

- b. Abatement orders shall contain the following information:
 1. The standard, rule, or regulation which was found to violated.
 2. A description of the nature and location of the violation.
 3. A description of what is required to abate or correct the violation.
 4. A reasonable period of time during which the violation must be abated or corrected.

- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

XIV. PENALTIES

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.

- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the

duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:

1. Oral reprimand.
2. Written reprimand.
3. Suspension for three (3) or more working days.
4. Termination of employment.

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Director pursuant to this plan of operation or the legislation (Ordinance, or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- a. Compliance with any other law, statute, Ordinance, or executive order, as applicable, which regulates safety and health in employment and places of employment shall not excuse the employer, the employee, or any other person from compliance with the provisions of this program.
- b. Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the employer, the employee, or any other person from compliance with and law, statute, Ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, Ordinance, or executive order, as applicable, is specifically repealed.

GARY FARMER s/ Gary Farmer, Director
Director, Occupational Safety and Health

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN APPENDIX III

NOTICE TO ALL EMPLOYEES OF CITY OF CAMDEN

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the Director or Mayor and Board of Aldermen.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this program, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings of inspection under, or relating to, this program.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before Mayor and Board of Aldermen for assistance in obtaining relief or to file a complaint with the Commissioner of Labor alleging such discrimination.

A copy of the Occupational Safety and Health Program for the Employees of City of Camden available for inspection by any employee at Camden City Hall during regular office hours.

s/ Jim Travis
Mayor

OCCUPATIONAL SAFETY AND HEALTH PLAN

APPENDIX IV

PROGRAM BUDGET

1. Prorated portion of wages, salaries, etc., for program administration and support.
2. Office space and office supplies.
3. Safety and health educational materials and support for education and training.
4. Safety devices for personnel safety and health.
5. Equipment modifications.
6. Equipment additions (facilities)
7. Protective clothing and equipment (personnel)
8. Safety and health instruments
9. Funding for projects to correct hazardous conditions.
10. Reserve fund for the program
11. Contingencies and miscellaneous, TOTAL ESTIMATED PROGRAM FUNDING,

ESTIMATE OF TOTAL BUDGET FOR:

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN
ACCIDENT REPORTING PROCEDURES

- (1-15) Employees shall report all accidents, injuries, or illnesses directly to the Director as soon as possible, but not later than twenty-four (24) hours, of their occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Director will insure completion of required reports and records in accordance with Section VIII of the basic plan.
- (16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after their occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Director and/or recordkeeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.
- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours, after their occurrence. The supervisor will provide the Director and/or recordkeeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Director or Compliance Inspector, if necessary) and will complete a written report

on the accident or illness and forward it to the Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.

- (51-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).

Since a Workers' Compensation Form 6A or OSHA NO. 101 Form must be completed, all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 6 listed under PROGRAM PLAN in Chapter IV, Part IV of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

The four (4) procedures listed above are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parentheses in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation. Note also that the specific information listed for written reports applies to all three of the procedures listed for those organizations with sixteen (16) or more employees.

APPENDIX B

(Ord. #AW2011-04, July 2011)

**ENFORCEMENT RESPONSE PLAN
- City of Camden Pretreatment Program -**

Revision 0 - June 2001
Revision 2 - June 2008 (Proposed)

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I. INTRODUCTION

A. The Domestic Sewage Study (DSS) amendments to the General Pretreatment Regulations (Federal Register, July 24, 1990) require all Publicly Owned Treatment Works (POTW) with approved pretreatment programs to develop and implement an Enforcement Response Plan. The regulations require that the plan shall contain detailed procedures of how the POTW will respond to instances of industrial user noncompliance. At a minimum, the plan shall:

- (1) Describe how the POTW will investigate instances of noncompliance;
- (2) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
- (3) Identify by title the official(s) responsible for implementing each type of enforcement response;
- (4) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards as provided in 40 CFR 403.8(1)(1) and (2).

When properly developed and implemented, the Enforcement Response Plan will provide the POTW with an efficient and objective means of responding to instances of industrial user noncompliance.

The following document details the steps to be taken by the City of Camden to achieve compliance with all State and Federal regulations and amendments. The primary document utilized in preparing this plan was the EPA publication "Guidelines for Developing Control Authority Enforcement Response Plans". Federal and State regulations (40 CFR Part 403 and Tennessee Code Annotated 69-3-101 through 129, respectively) were also used as reference documents.

B. The available personnel along with the minimum responsibilities that will be required of each title needed to implement the Enforcement Response Plan will consist of the following:

Pretreatment Coordinator - Person primarily responsible for day to day monitoring of compliance status of IUs. Will perform scheduled and

unscheduled sampling and field inspection of IUs. Will schedule sampling events for IUs and at WWTP. Will implement demand monitoring when deemed necessary. Primary responsibility for tracking IU information and for determining necessary levels of enforcement. Principle liaison between City and IUs. Will keep the Superintendent apprised of all developments regarding IU compliance status and will be the primary source of reference for higher levels of enforcement. Can make phone calls and/or issue notice of violation (NOV) for minor and moderate levels of non compliance. Will issue administrative orders (AO) and/or penalties s after consultation with Superintendent.

Superintendent -

At the request of the Pretreatment Coordinator, will institute higher degrees of enforcement (i.e., termination, criminal prosecution). Will inform upper level City officials of the background and need for such actions. Has authority to issue cease and desist orders and/or emergency termination of service when necessary. Has final authority on all levels of enforcement proceedings.

City Administrator -

Will be consulted on all enforcement proceedings involving civil penalties/actions, criminal investigation, show cause orders, and non-emergency termination of service.

Attorney -

Will assist POTW personnel and provide guidance on legality of chosen enforcement procedures against IUs. Reviews Sewer Use Ordinance (SUO) other pertinent documents to assure

conformance to state and Federal law. Represents City in any court action resulting from enforcement actions.

Consultant -

At the request of the POTW, will provide guidance in all aspects of compliance tracking and monitoring of IUs. Will provide technical expertise when necessary to assure that enforcement actions follow generally accepted protocol.

II. PROVISIONS FOR ENFORCEMENT IN SEWER USE ORDINANCE

The City of Camden Sewer Use Ordinance was revised and updated to include pretreatment and enforcement issues in June of 2001. Items dealing specifically with enforcement actions against violators can be found in Section 10.

III. ENFORCEMENT RESPONSE GUIDE

The City of Camden Pretreatment Program was approved by the State of Tennessee. However, the City is responsible for the enforcement of all Federal, State, and Local wastewater discharge regulations and is required to develop the ERP.

The primary purpose of the Enforcement Response Guide is to assure fair, consistent, and impartial enforcement. This section describes each type of violation and indicates a range of appropriate enforcement options.

For the purposes of this guide, insignificant non-compliance is considered a relatively minor or infrequent violation of pretreatment standards or requirements. These will usually be responded to with a Notice of Violation (NOV). Examples of violations which may be considered insignificant non-compliance are:

- Failure to file a permit renewal application but remaining in compliance with the expired permit.
- A reported spill with no adverse effects.
- Isolated, minor exceedences of discharge limits.
- Failure to properly sign or certify reports (1st instance).
- Missed interim or final compliance deadline by 30 days or less (good cause).
- Filing a late report (less than 5 days late).

Significant non-compliance has been defined by the Environmental Protection Agency (EPA) as violations which meet one or more of the following criteria:

- (1) Chronic violations. Sixty-six percent or more of the measurements exceed the daily maximum limit or monthly average limit in a six month period (any magnitude of exceedence). Any violation of a pH limit is considered a significant violation.
- (2) Technical review criteria (TRC) violations. Thirty-three percent or more of the measurements exceed the daily maximum limit or monthly average limit by more than the applicable TRC in a six-month period. (TRC =1.4 for BOD, TSS, and oil and grease; 1.2 for all other pollutants except pH).

- (3) Any other violation of effluent limits that is believed to have caused, alone or in combination with other discharges, interference or pass-through or endangered the health of the sewage treatment personnel or the public.
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- (5) Violations of compliance schedule milestones contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.
- (6) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within 30 days from the due date.
- (7) Failure to accurately report non-compliance.
- (8) Any other violation or group of violations considered to be significant.

In general, an isolated instance of non-compliance can be met with an informal response or with a NOV. Any significant non-compliance should be responded to with an enforceable order that requires a return to compliance by a specific deadline along with the applicable monetary penalties.

In determining the proper response to a violation, whether significant or not, the following criteria should be considered:

- Magnitude of the violation
- Duration of the violation
- Impact of the violation on the receiving waters
- Impact of the violation on the POTW
- Compliance history of the industrial user
- Good faith of the industrial user

Since pretreatment enforcement is a matter of strict liability, the knowledge, intent, or negligence of the user should not be taken into consideration except when deciding to pursue criminal prosecution.

An administrative penalty is a monetary penalty assessed by the City for violations of pretreatment standards and requirements. Administrative

penalties should be used as an escalated enforcement action and are punitive in nature and are not to be related to a specific cost born by the POTW. The amount of the penalty assessed should recapture any economic benefit gained by the non-compliance and/or act as a deterrent to future violations.

Determining the penalty amount which reflects the violation's significance is very important. If the penalty is too small, its deterrent value is lost and the violator may regard it as a tax or nominal charge to pollute. If the penalty is too great, it could bankrupt the user, making necessary investments in pretreatment equipment impossible and forcing unnecessary closure. In cases of extreme hardship, the Superintendent or City Administrator may consider reducing or suspending the penalty as part of a consent decree or show cause hearing.

Each type of violation has been categorized and a range of penalties assigned to each category, thereby allowing the responsible designated official to apply an appropriate monetary assessment. **All penalty assessments are to be assessed per violation per day unless otherwise noted.**

Category 0	=	No penalty
Category 1	=	\$50.00 to \$500.00
Category 2	=	\$500.00 to \$1000.00
Category 3	=	\$1000.00 to \$5,000.00
Category 4	=	\$5000.00 to \$10,000.00 and/or direct legal action

Enclosed as Table IV.1 is the enforcement response guide which will be utilized by the City of Camden to determine appropriate and objective responses to instances of noncompliance. This guide is basically identical to the one contained in the previously cited guidance document. Minor changes have been made in order to adapt it to conditions applicable to Camden. A column has been added specifying the penalty category each violation falls under. Time frames for enforcement responses are included on the final page of the enforcement response guide.

The enforcement response guide is used as follows:

- (1) Locate the type of non-compliance in the first column and identify the most accurate description of the violation in column 2;
- (2) Assess the appropriateness of the recommended response(s) in columns 3 and 4 using the criteria of **magnitude, duration, effects, compliance history, and good faith**;

- (3) Apply the enforcement response to the industrial user, specifying corrective action(s) or other responses required of the IU. Column 5 indicates responsible POTW personnel;
- (4) Track IU's response and follow-up with escalated enforcement action if a response is not received within the specified time frame or the violation continues.

ABBREVIATIONS USED IN ENFORCEMENT RESPONSE GUIDE

PC	-	Pretreatment Coordinator
S	-	Superintendent
NOV	-	Notice of violation
AO	-	Administrative order
IU	-	Industrial user

**Table IV.1 - Enforcement Response Guide
City of Camden Pretreatment Program**

Unauthorized Discharges (no permit)				
Noncompliance	Nature of Violation	Category	Enforcement Response(s)	Personnel
Unpermitted discharges	IU unaware of requirement; no harm to POTW or environment	0	Phone call; NOV with application form	PC
	IU unaware of requirement; harm to POTW or environment (significant non-compliance)	3	- AO and penalty - Civil action, termination of service	PC S
	Failure to apply continues after notification by POTW	4	- Civil action - Criminal investigation - Terminate service	S S S
Failure to renew permit	IU has not submitted application within 10 days of due date	0	Phone call; NOV	PC
Discharge Permit Violation				
Exceedance of local, state, or federal standard	Isolated, not significant	0	Phone call; NOV	PC

Noncompliance	Nature of Violation	Category	Enforcement Response(s)	Personnel
	Isolated, significant (no harm)	1	AO to develop spill prevention plan (if not previously submitted) and penalty	PC
	Isolated, harmful to POTW or environment	3	- Show cause order - Civil action	PC, S S
	Recurring, no harm to POTW or environment	2	AO and penalty	PC
	Recurring, significant (harm to POTW or environment)	4	- AO with penalty - Show cause order - Civil action - Terminate service	PC PC, S S S
Monitoring and Reporting Violations				
Reporting violation	Report improperly signed or certified	0	Phone call; NOV	PC
	Report improperly signed or certified after notification by POTW	1	- AO - Show cause order	PC PC, S
	Isolated, not significant (5 days late)	0	Phone call; NOV	PC
	Significant (> 5 days late)	1	AO to submit with penalty each additional day	PC
	Reports always late; failure to submit (significant non-compliance)	4	- AO with penalty - Show cause order - Civil action	PC PC, S S

Noncompliance	Nature of Violation	Category	Enforcement Response(s)	Personnel
	Failure to report spill or discharge changes (no harm)	0	NOV	PC
	Failure to report spill or discharge changes (harm)	2	- AO with penalty - Civil action	PC S
	Repeated failure to report spills	4	- Show cause order - Terminate service	PC, S S
	Falsification	4	- Criminal investigation - Terminate service	S S
Failure to monitor correctly	Failure to monitor all permit required pollutants	1	NOV or AO with penalty	PC
	Recurring failure to monitor	2	- AO with penalty - Civil action	PC S
Improper sampling	No evidence of intent	0	NOV	PC
	Evidence of intent	4	- Criminal investigation - Terminate service	S S
Failure to install monitoring equipment	Delay of less than 30 days	0	NOV	PC
	Delay of more than 30 days	1	AO to install with penalty for each additional day	PC
	Recurring, violation of AO	4	- Civil action - Criminal investigation - Terminate service	PC S S

Noncompliance	Nature of Violation	Category	Enforcement Response(s)	Personnel
Permit compliance schedule	Missed milestone less than 30 days, will not affect final milestone	0	NOV	PC
	Missed milestone more than 30 days, will affect final milestone (good cause)	1	AO and penalty	PC
	Missed milestone more than 30 days, will affect final milestone (no good cause)	3	- Show cause order - Civil action - Terminate service	PC, S S S
	Recurring violation or violation of AO schedule	4	- Civil action - Criminal investigation - Terminate service	S S S
Other Permit Violations				
Waste streams diluted in lieu of pretreatment	Initial violation	1	AO and penalty	PC
	Recurring	2	- Show cause order - Terminate service - Criminal investigation	PC, S S
Failure to mitigate noncompliance or halt production	Does not result in harm	2	NOV	PC
	Does result in harm	4	- AO and penalty - Civil action	PC S
Failure to properly operate and maintain facility	Does not result in harm	1	NOV	PC
	Does result in harm	3	- AO and penalty - Civil action	PC S

Noncompliance	Nature of Violation	Category	Enforcement Response(s)	Personnel
Violations Detected During Site Visits				
Entry denial	Entry denied or consent withdrawn; copies of records denied	1	Obtain warrant and return to IU	PC
Illegal discharge (violation of general discharge prohibitions)	No harm to POTW or environment	2	AO with penalty	PC
	Causes harm or evidence of intent and/or negligence	3	- Civil action - Criminal investigation	S S
	Recurring, violation of AO	4	Terminate service	S
Improper sampling	Unintentional sampling at incorrect location	0	NOV	PC
	Unintentionally using incorrect sample type	0	NOV	PC
	Unintentionally using incorrect sampling techniques	0	NOV	PC
Inadequate record keeping Failure to mitigate noncompliance	Files incomplete or missing (no evidence of intent)	0	NOV	PC
	Recurring	2	AO and penalty	PC
Failure to report additional monitoring	Inspection finds additional files (unintentional)	1	NOV	PC
	Recurring (considered falsification)	3	AO and penalty	PC

Time Frames for Enforcement Responses

- A. All violations will be identified and documented within 5 days of receiving compliance information.
- B. Initial enforcement responses involving contact with the IU and requesting information on corrective or preventative action(s) will occur within 15 days of violation detected.
- C. Follow up actions for continuing or recurring violations will be taken within 60 days of initial enforcement response. For all continuing violations, the response will include a compliance schedule.
- D. Violations which threaten health, property or environmental quality are considered emergencies will receive immediate responses such as halting the discharge or terminating service.
- E. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification of the significant noncompliance.

V. ENFORCEMENT RESPONSES

The following paragraphs describe the various types of enforcement response, procedures, and person(s) responsible for identifying and implementing each level of response, and the time frames for determining that a violation has occurred and for initiating the appropriate response action. Most of this information has already been provided in Section IV, Table IV.1 (Enforcement Response Guide) and the written formats to be used in preparing the various responses will be taken from the previously cited guidance document.

Notice of Violation

- NOVs will be sent to any user found to be in violation of the SUO, IU permit, or any other applicable document. As a general rule, NOVs will be issued by the Pretreatment Coordinator for instances of minor noncompliance and will serve as an official notification to the user that a violation has occurred. Initial enforcement responses involving NOVs will occur within 15 days of violation detection. IU response to the NOV will commence within 10 days of receipt of the NOV and will include an explanation of the violation, a plan for satisfactory correction, and contingencies for prevention of future occurrences.

Administrative Order

- AOs are enforcement documents which direct industrial users to undertake or to cease specific activities. The terms of AOs may or may not be negotiated with industrial users. AOs are recommended as the first formal response to significant noncompliance (unless judicial proceedings are more appropriate), and may incorporate compliance schedules, administrative penalties, and termination of service orders. Consent orders, show cause hearings, cease and desist orders, and termination of service are types of administrative orders.

Consent Orders

- In certain instances, the Superintendent or his designee will

enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the IU responsible for the noncompliance. Such orders will also serve as compliance orders and/or schedules for the IU and failure to adhere to the conditions of the consent order will constitute significant noncompliance.

Show Cause Hearing

- The Superintendent or his designee may order any IU which violates conditions of the SUO or its permit to show cause 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, the reason(s) for such action, and a request that the user show cause why the proposed enforcement action should not be taken. Notice of the meeting shall be served personally or by registered or certified mail at least 10 days prior to the hearing. If the IU fails to appear as noticed, immediate enforcement action will ensue.

Cease and desist order

- If the POTW finds that an IU has violated or continues to violate the Sewer Use Ordinance or its permit, the Superintendent may issue an order to cease and desist all such violations and direct the party in noncompliance to do one of the following:
 - (1) Comply with the order
 - (2) Take appropriate remedial or preventive action needed to properly address a continued or threatened violation, including but not limited to halting

operations and terminating the discharge.

Termination of service

- The Superintendent may suspend the wastewater treatment service and/or revoke an industrial user permit when necessary, if, in the opinion of the POTW, the discharge presents or may present potential or actual danger to persons, the environment, causes interference to the POTW, or causes the POTW to violate conditions of its NPDES permit.

Civil penalties will be assessed based on the type and severity of violation outlined in the enforcement response guide found in Section IV, Table IV.1. Penalties will be assessed in an amount not to exceed \$10,000 per day for each violation. The amount of penalty will be determined using the following factors:

- (1) Whether the penalty imposed will be a substantial economic deterrent to the noncompliance;
- (2) Any damages to the POTW due to the noncompliance, which also includes any penalties, costs, and attorney's fees incurred by the POTW as a result;
- (3) Cause of the discharge or violation;
- (4) The severity of the noncompliance and its effect on the POTW and upon the quality of the receiving waters;
- (5) Effectiveness of action taken by violator to rectify the problem;
- (6) The economic benefit gained by the violator.

The Superintendent, at his discretion, may establish or adopt a schedule of the amount of civil penalty which can be assessed for certain specific violations or categories of violations. The methods used to determine penalty amounts are summarized in the Enforcement Response Guide.

Tracking of enforcement related situations will primarily be the responsibility of the Pretreatment Coordinator. Compliance status worksheets will be updated

on a weekly basis for each IU. These worksheets will provide instant updates of the compliance status of the IUs and allow personnel to flag noncompliance situations at a glance.

Currently, all permitted IUs are sampled semi-annually by the POTW and submit discharge self-monitoring reports on a regular basis to the POTW. Demand monitoring is instituted when warranted. A scheduled and an unscheduled IU facility inspection are performed semi-annually by the pretreatment coordinator. It is hoped that these actions will provide an effective means of tracking compliance status of IUs quickly and instituting necessary enforcement proceedings in a timely manner. The proposed time frames for initiating enforcement proceedings can be found in the enforcement response guide in Section IV.