

ORDINANCE NO. 2026-5

AN ORDINANCE UPDATING THE ENFORCEMENT RESPONSE PLAN FOR THE TOWN OF KOUTS WASTEWATER TREATMENT FACILITY

WHEREAS, the Town Council of the Town of Kouts, Porter County, Indiana owns and operates a municipal wastewater treatment facility, and

WHEREAS, the Town Council of the Town of Kouts, did duly adopt an ENFORCEMENT RESPONSE PLAN FOR THE TOWN OF KOUTS WASTEWATER TREATMENT FACILITY on the 12th Day of December 2022,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Kouts that the ENFORCE RESPONSE PLAN FOR THE TOWN OF KOUTS WASTEWATER TREATMENT PLAN is hereby updated and adopted in its entirety and be incorporated by reference and made part of the Town of KOUTS CODE OF ORDINANCES; and,

NOW, THEREFORE BE IT FURTHER ORDAINED that copies of the ENFORCEMENT RESPONSE PLAN FOR THE TOWN OF KOUTS WASTEWATER TREATMENT FACILITY be placed on file in the Clerk's Office of the Town of Kouts and made available to all interested parties; and,


NOW, THEREFORE BE IT FURTHER ORDAINED that an emergency exists for passage of this ordinance on first reading; and,

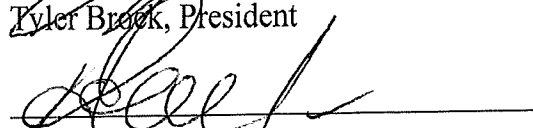
NOW THEREFORE BE IT FURTHER ORDAINED that any ordinances in conflict with the provisions of this ordinance are hereby repealed and of no further force and effect; and

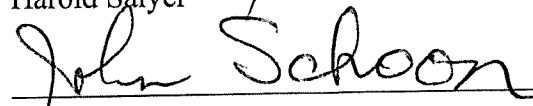
NOW, THEREFORE BE IT FURTHER ORDAINED that this ordinance be in full force and effect after its passage and posting in accordance with IC 36-5-2-10.

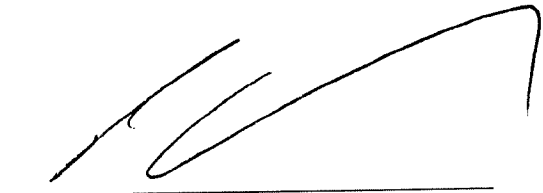
PASSED AND ADOPTED by the Town Council of the Town of Kouts, Porter County, Indiana this 9 day of March, 2026.


COUNCIL MEMBERS OF THE TOWN OF KOUTS,
PORTER COUNTY, INDIANA

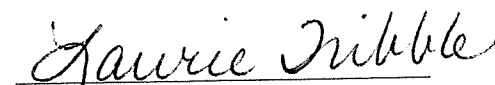

Tyler Brook, President


Harold Salyer


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ATTEST:
Laurie Tribble, Clerk Treasurer

ENFORCEMENT RESPONSE PLAN

Prepared for



Kouts Wastewater Treatment Plant
Wastewater Utility
Town of Kouts, Indiana

Prepared by:



More than a Project™

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Original: June 2022
Revised: February 2026

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1.0 ENFORCEMENT RESPONSE PLAN

1.1 Introduction

The Town of Kout’s (Town) has been issued a National Pollutant Discharge Elimination System (NPDES) Permit for the publicly owned treatment works, named the Town of Kout’s Wastewater Treatment Plant (WWTP). The NPDES Permit requires the implementation of a Pretreatment Program and the development of an Enforcement Response Plan (ERP). This ERP aims to provide consistent enforcement actions for all similar violations and circumstances for all users. The ERP does not prevent the Town from taking any, all, or any combination of actions against any non-compliant User. A comprehensive and effective ERP must:

- Adequately reflect the Town’s primary responsibility to enforce all applicable pretreatment requirements and standards.
- Identify (by title) the official(s) responsible for each type of action.
- Describe how the Town will investigate instances of noncompliance.
- Describe the types of escalating enforcement actions the Town will take in response to all anticipated types of industrial user violations.

The ERP is a guidance or policy document. It is part of the pretreatment program procedures and coordinates with the Sewer Use Ordinance (SUO); however, it is not part of the SUO and shall not be incorporated into the SUO. Terms used in the ERP are defined in the SUO.

1.2 Responsibilities

Implementing this ERP is the responsibility of the Sewer Superintendent with assistance from the Town Council and the Town Attorney when needed.

Title	Responsibilities
Sewer Superintendent	<p>The Sewer Superintendent is responsible for implementing and enforcing the industrial pretreatment program; delegating pretreatment program tasks and responsibilities to WWTP employees; and monitoring, inspecting, reporting, and recordkeeping for industrial users. The Sewer Superintendent may initiate these enforcement actions:</p> <ul style="list-style-type: none"> • Informal and Written Notices of Violation • Emergency Suspension Service (provide verbal or email notice to Town Council) • Recommendation to the Town Council for Termination of Service • Recommendation to the Town Council for Administrative Fines and Cost Recovery • Recommendations to the Town Council for other Administrative or Judicial Enforcement Remedies • Assistance with all enforcement actions • Recommendations to the Town Council to refer additional enforcement actions to IDEM or the US EPA

Title	Responsibilities
Town Council	<p>The Town Council is responsible for implementing and enforcing the industrial pretreatment program; delegating pretreatment program tasks and responsibilities to WWTP employees; and engaging the Town Attorney. The Town Council may initiate these enforcement actions:</p> <ul style="list-style-type: none"> • Informal Notice of Violation • Written Notice of Violation • Emergency Suspension and/or Termination of Service • Administrative Fines and Cost Recovery • Initiation of other Administrative or Judicial Enforcement Remedies with assistance from the Town Attorney • Participation in Show Cause Hearings, Appeals, and other enforcement actions • Penalties • Referrals to IDEM or the US EPA for additional enforcement actions
Town Attorney	<p>The Town Attorney is responsible for providing legal consultation as requested by the Town Council on Administrative and Judicial Enforcement Remedies and Cost Recovery. The Town Attorney may initiate or lead:</p> <ul style="list-style-type: none"> • Administrative Enforcement Remedies, including Consent Orders, Show Cause Hearings, Compliance Orders, Cease and Desist Orders, Administrative Fines, Emergency Suspension of Service, and Termination of Discharge • Judicial Enforcement Remedies, including Injunctions, Civil Fines, Criminal Prosecution, and other Remedies Nonexclusive • Cost Recovery • Appeals • Penalties • Assistance with referrals to IDEM or US EPA for enforcement actions

2.0 CATEGORIES OF A VIOLATION

Descriptions of potential violations and severity are provided in this section.

2.1 Minor Sampling, Monitoring, or Reporting Violations

Minor violations include, but are not limited to, the following:

- Reports/correspondence are infrequently submitted up to 10 business days late.
- Reports or chain-of-custody documentation are infrequently incomplete.
- Reports not certified by a responsible official and/or certified operator (as applicable).
- Transcription error.
- Infrequent improper sampling or analytical procedure.
- Infrequent late notification of a violation to the Town.

- Infrequent failure to report any operational changes that affect the discharge flow rate but do not impact the permit.
- Any other noncompliance issues categorized by the Town as a minor violation.

2.2 Major Sampling, Monitoring, or Reporting Violations

Major violations include, but are not limited to, the following:

- Reports or correspondence are late by 10 to 30 business days.
- The sampling point is not accessible to the Town.
- Reports repeatedly not certified by a responsible official and/or certified operator (as applicable).
- Recurring failure to report any operational changes that impact the discharge flow rate and the permit.
- Reports or chain-of-custody documentation is repeatedly incorrect/incomplete.
- Failure to submit all the information to determine the treatment category of an industrial user.
- Failure to use appropriate analytical methods (40 CFR 136).
- Failure to sample a parameter.
- Failure to report slug load discharge, illegal discharges, or spills with no damage to the WWTP.
- Illegal or unauthorized discharge that results in no damage to the WWTP.
- Unacceptable explanation for violation.
- Repeatedly conducting improper sampling or analytical procedures.
- Any other noncompliance issues categorized by the Town as a major violation.

2.3 Critical Sampling, Monitoring, or Reporting Violations

Critical violations are issued Administrative Enforcement Remedies (AERs) as the first enforcement action. Critical violations include, but are not limited to, the following:

- Reports greater than 30 days late (this is a significant noncompliance (SNC) for CIUs & SIUs).
- Complete failure to sample, monitor, or report per the industrial user's permit.
- Any sampling, monitoring, or reporting procedure deficiency that places a CIU/SIU in SNC.
- Failure to respond to a Show Cause or Administrative Enforcement Remedy.
- Illegal or unauthorized discharge that results in damage to the WWTP.
- Any violation of a sampling, monitoring, or reporting procedure that directly or indirectly contributes to, or is responsible for, the WWTP violating its NPDES Permit.
- Any non-compliance that directly or indirectly contributes to, or is responsible for, damaging the WWTP or collection system.
- Any other noncompliance issues categorized by the Town as a critical violation.

2.4 Definition of Significant Noncompliance (SNC)

Instances of SNC are defined as the status of an SIU (does not apply to non-significant industrial users) that has caused or allowed a violation that meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all the measurements taken during six months exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter.
2. Technical review criteria (TRC) violations, defined as those in which 33% or more of all the measurements for each pollutant parameter taken during six months equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC equals one and four-tenths (1.4) for biochemical oxygen demand, total suspended solids, fats, oil, and grease and one and two-tenths (1.2) for all other pollutants except pH (which is 1)).
3. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Sewer Superintendent determines has caused, alone or in combination with other discharges, interference, or pass-through, including endangering the health of WWTP personnel or the public.
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the Town's exercise of its emergency authority under the SUO (emergency suspension or termination of discharge) to halt or prevent such a discharge.
5. Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
6. Failure to provide, within 30 days after the due date, required reports such as:
 - a. Baseline monitoring reports;
 - b. 90-day compliance reports;
 - c. Periodic self-monitoring reports; and
 - d. Reports on compliance with compliance schedules.
7. Failure to accurately report noncompliance.
8. Any other violation or group of violations that the Sewer Superintendent determines will adversely affect the operation or implementation of the pretreatment program.

Violations resulting in SNC for SIU/CIUs will be addressed with a compliance order as the first enforcement action and not a written notice of violation. In addition, the Sewer Superintendent must contact IDEM within 10 days of becoming aware of any CIU/SIU in SNC.

2.5 Definition of Unauthorized Discharge

Discharge of any pollutant(s) from a location, process, cleaning operation, source, or categorical operation that has not been previously approved, identified, or permitted. Refer to the Enforcement Response Guide for applicable consequences of unauthorized discharges.

2.6 Definition of Damages to the WWTP

Damages to the WWTP occur when the discharge from an industrial user causes:

- Harm to the collection system, its accessories, and WWTP,
- Interference with the biological operations of the WWTP,
- Deterioration of sludge quality, or
- The WWTP to violate its NPDES Permit.

Refer to the Enforcement Response Guide for applicable consequences of violations that damage the Utility.

3.0 DESCRIPTION OF ENFORCEMENT ACTIONS

The following are the types of enforcement action that may be undertaken by the Town as identified in the SUO. The level of enforcement applied will be dependent upon the number and severity of the nonconformance, as well as the factors listed in Section 4.1.

3.1 Informal Notice of Violation

An informal notice of violation (NOV) may be issued through a phone call, email, on-site conversation, or another method that notifies the industrial user of a noncompliance incident requiring corrective action. Informal NOV's must be documented. Informal NOV's may be used for submission reminders, information requests, on-site interactions, minor violations from a typically compliant user, or discussions of potential issues.

If the informal NOV is delivered verbally, the Sewer Superintendent should document the conversation in a log or follow up with an email to the industrial user. If the informal NOV is sent via email, it should include a clear explanation of the identified issue and a timeline for resolution. The industrial user must respond within 10 business days with the requested information. Repeated occurrences of the same violation, a late response, or an escalation of the incident will result in the issuance of a formal written NOV.

3.2 Written Notice of Violation

A written NOV is issued when an industrial user has violated or is in violation of the SUO or an issued permit, or as an escalation from an informal NOV. A written NOV serves as the initial formal enforcement action for a violation.

The written NOV should be on Town letterhead and may be sent via email (with delivery and read receipts), certified mail (or another method providing delivery confirmation), or hand delivered by the Town. The written NOV must include the following:

1. A clear explanation of the violation;
2. A requirement to cease the violation;
3. A requirement to develop a plan to correct the violation and prevent future occurrences; and
4. A request for a written response within 15 business days of receipt of NOV.

Once a response is received, the Sewer Superintendent will review it to determine if the corrective actions are adequate. If they are, the Sewer Superintendent will document the correspondence and close the violation. If the corrective actions are insufficient, the Sewer Superintendent will

continue written communication with the industrial user. The Superintendent may request certain corrective actions, such as increased monitoring frequency. Phone calls or in-person meetings may be necessary for further clarification. In all cases, conversations and agreed-upon actions should be documented in meeting notes, follow-up emails, or letters.

3.3 Emergency Suspension of Service

The Town may immediately suspend an industrial user's discharge whenever necessary to stop an actual discharge that reasonably appears to: present or cause an imminent or substantial endangerment to public health or welfare; threaten to interfere with the WWTP's operation; or present an environmental risk. The Sewer Superintendent will notify (email or call) a member of the Town Council before suspending service.

1. The Town will provide the industrial user with an in-person, verbal, informal notice of violation before the emergency suspension of service and an opportunity to respond.
2. After an industrial user is notified, they shall immediately respond by stopping or eliminating the discharge. If the person fails to comply, the Town may take necessary actions, including severing the sewer connection, to prevent damage to the WWTP or protect individuals.
3. The Town may allow the user to resume the discharge only once they have shown the Town that the danger has passed.
4. The industrial user must submit a detailed written statement to the Town (or IDEM) within 15 calendar days of the suspension, describing the causes of the harmful discharge and the measures taken to prevent future occurrences.
5. The Town will notify IDEM of the emergency suspension and subsequent reauthorization of wastewater treatment service.

3.4 Administrative Enforcement Remedies

Administrative Enforcement Remedies (AER) are formal notifications to the industrial user to undertake or cease specified activities by a given deadline. For CIUs & SIUs, it is the first formal response to SNC (unless factors necessitate escalated enforcement actions).

The Sewer Superintendent will recommend to the Town Council that further enforcement actions be implemented and that the Town Attorney be consulted. The Town Attorney will determine the appropriate type of AER to issue. The AER may include consent orders, show-cause orders, compliance orders, cease-and-desist orders, administrative fines, and termination of discharge. It also identifies the parties involved, states the relevant facts, outlines the requirements for compliance, provides a timeline, and details the consequences of any future non-compliance. The types of AERs are described in this section.

3.4.1 Consent Orders

A consent order is an agreement between the Town and an industrial user responsible for non-compliance. It is initiated when written NOV's have failed to produce an adequate response from the industrial user or as an escalated enforcement action for a recurring violation. A consent order outlines specific actions the industrial user must take to correct the non-compliance within the time specified in the document.

3.4.2 Compliance Orders

A compliance order is a formal schedule in an enforcement order, designed to help non-compliant industrial users achieve compliance. The order outlines specific milestones, start and completion dates for key actions leading to compliance. A compliance order is the AER that is issued for a CIU/SIU in SNC. A compliance order must include the following:

1. Monitoring requirements, including the location for monitoring;
2. How the data will be used to evaluate compliance;
3. Enforcement measures for non-compliance; and
4. A closure date after which the industrial user will either be considered non-compliant with the established order or evaluated for compliance.

3.4.3 Show Cause Hearing

A show cause hearing occurs when the Town issues a written notice for the industrial user to appear before the Town Council to discuss the cause and impact of the violation, as well as their reasoning on why the proposed enforcement action should not be implemented. A hearing can be requested by the Town or a user.

The Town Council and Town Attorney will issue a notice to the industrial user at least 10 days before the hearing, specifying the time and location of the hearing. This notice will include details of the violation, the reasons for the proposed enforcement action, and a request for the industrial user to show cause before the Town Council as to why the proposed enforcement action should not be taken. A show cause hearing may only take place at least 10 business days after a written NOV was issued. The hearing may be conducted by the Town Council, Town Attorney, or other designated representatives.

3.4.4 Cease and Desist Order

The Town may issue a cease-and-desist order to an industrial user that has violated, or continues to violate, any provision of the SUO, issued permit, an order, or any other pretreatment standard or requirement, or if past violations are likely to recur. The order will direct the industrial user to cease all such violations and:

1. Immediately comply with all requirements (e.g., ceasing a noncompliant discharge); and
2. Take appropriate remedial or preventive actions to address the continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease-and-desist order does not preclude or require any other enforcement actions against the industrial user. **The Sewer Superintendent must notify IDEM before issuing or repealing such an order.** For an industrial user permitted by IDEM, this is typically the first enforcement action before emergency suspension or permit termination.

3.4.5 Administrative Fines

An administrative fine is a punitive monetary charge assessed by the Town (rather than a court) on an industrial user found to have violated provisions of the SUO, issued permit, or orders. Each day that non-compliance continues is considered a separate and distinct violation, and the amounts for subsequent violations increase. The purpose of the fine is to recover the economic benefit gained from non-compliance and to deter future violations.

When assessing an administrative fine, the following factors are considered:

1. Type and severity of the violation;
2. The number of violations cited;
3. The duration of non-compliance;
4. The impact of the violation on the receiving water, sludge quality, and WWTP operation;
5. Whether the violation threatened public health;
6. The economic benefits or savings the industrial user gained from the non-compliance;
7. The industrial user's compliance history; and
8. Whether the industrial user is making a good faith effort to comply.

Refer to the Schedule of Fines in Section 5.0 for the recommended fines based on the type of noncompliance. When the Town finds that a user has violated, or continues to violate, any provision of this ordinance, the Town may impose a fine of up to two thousand five hundred dollars (\$2,500.00) per day, per violation for a first offense, and up to seven thousand five hundred dollars (\$7,500.00) per day, per violation for subsequent offenses, per IC 36-1-3-8 (a)(10)(B), or as hereafter re-codified.

3.4.6 Termination of Discharge

Termination of discharge or service occurs when an industrial user fails to comply with the requirements of a permit or ordinance. Noncompliance that may lead to termination includes:

1. Failure to factually report wastewater constituents and characteristics of the user's discharge;
2. Failure to report significant changes in operations or wastewater constituents and characteristics;
3. Refusal of reasonable access to the user's premises for inspection or monitoring;
4. Violation of conditions of the IWP Permit or Industrial User Discharge (IUD) Permit; or
5. Failure to comply with a cease-and-desist order or other administrative orders.

Termination may be achieved through the physical severance of the industrial user's connection to the collection system, issuance of an AER requiring immediate termination of discharge, revocation of the IUD Permit, or a court ruling.

The Town shall contact IDEM to request the termination of discharge or revocation of an IWP Permit.

3.5 Cost Recovery

3.5.1 General

In addition to administrative fines recommended by the Sewer Superintendent, the industrial user shall be responsible for paying the following costs incurred by the Town due to the industrial user's failure to comply:

- Mileage and labor costs incurred in detecting and correcting the violation;
- Laboratory analysis costs related to the violation;
- Additional treatment costs caused by or associated with the violation;

- Costs of any additional equipment acquired by the Town for detecting or correcting the violation;
- Repair and/or replacement costs for any damaged parts of the sewer system;
- Any liability, damages, fines, or penalties incurred by the Town because of the violation;
- Expenses for outside professionals, including, but not limited to, engineers, scientists, and legal counsel; and
- Any other costs associated with the detection and correction of the violation.

3.5.2 Surcharges

Surcharges, as outlined in the SUO, are implemented to recover costs associated with treating high-strength wastewater from industrial users. They apply to users who exceed the compatible pollutant levels specified in the SUO. Surcharges are not considered an enforcement action; however, discharging higher-than-normal-strength wastewater that causes interference at the WWTP and may lead to enforcement actions. To address the potential for high-strength wastewater impacting the WWTP, the Town has implemented an escalation process detailed in the Enforcement Response Guide (ERG).

If an industrial user, or a combination of waste streams from industrial users, routinely causes issues at a WWTP, the Town should consider implementing an enforceable local (upper) limit for those pollutants. This limit may apply to a specific industrial user or to all industrial users. In some cases, implementing a local (upper) limit may require an industrial user to install and operate an on-site pretreatment plant.

3.6 Appeals

A user affected by any decision, determination, or action of the Town regarding the interpretation or implementation of the SUO or permit may submit a written request for review and reconsideration to the Town Council within 10 days of the decision. The request must include an explanation of the facts supporting the user's appeal.

The appeal shall be heard by the Town Council at the next regularly scheduled meeting, which will be no sooner than 30 days after the written request is received. The Town's decision will remain in effect during the reconsideration period unless the Town Council decides otherwise at the user's request.

3.7 Judicial Enforcement Remedies

Judicial Enforcement Remedies (JERs) will be pursued when necessary to compel an industrial user to correct a violation and/or comply with an issued permit. JERs may include injunctions, civil fines, criminal prosecution, civil fines/penalties, and other nonexclusive remedies, at the discretion of the Town and Town Attorney. Alternatively, the Town and the industrial user may agree to a voluntary zero discharge of industrial waste pending correction of the violation.

3.8 Referral to IDEM or US EPA

If the Town does not rely on criminal prosecution for its enforcement, a referral to IDEM or the US EPA may be made. For violations that may warrant criminal prosecution, the Town will refer

the case to IDEM for further action. Circumstances that may trigger such referrals include, but are not limited to, evidence of willfulness, negligence, or bad faith by the industrial user.

4.0 ENFORCEMENT RESPONSE GUIDE

4.1 Introduction

The ERG designates several enforcement options for each type of violation. The purpose of the ERG Table is to provide a decision-making process for escalating enforcement actions during a period of ongoing noncompliance. It aims to offer appropriate enforcement responses based on the user's specific circumstances and ensure consistent enforcement for similar violations. Factors considered when evaluating the appropriate response include:

- The good faith of the user;
- The user's compliance history;
- The success of previous enforcement actions (e.g., if past NOV's were ineffective in achieving compliance, an administrative order may be more appropriate);
- The impact of the violation on the environment and/or public health; and
- The impact of the violation on the WWTP.

For each violation example, the table identifies possible circumstances and corresponding levels of enforcement, which depend on the seriousness of the nonconformance and other factors listed above.

4.2 Standard Actions

4.2.1 Timeframes for Enforcement Responses

The Sewer Superintendent or designee shall review and respond within the following timeframes:

- **Identification and Documentation of Violations:** All violations will be identified and documented within 5 days of receiving compliance information (e.g., laboratory reports, monthly reports, self-reporting letters, etc.).
- **Initial Enforcement Response:** Informal or formal enforcement actions will be taken within 15 days of identifying a violation.
- **Follow-Up Actions:** The user must take follow-up actions for continuing or recurring violations within 60 days of the initial enforcement response.
- **Emergency Violations:** Violations threatening health, property, or environmental quality are considered emergencies and will receive an immediate response, such as emergency suspension or service termination.
- **Significant Noncompliance (SNC):** Violations that meet the criteria for significant noncompliance will be addressed through formal enforcement within 30 days of identification.

4.2.2 Violations Falling Under More Than One Category

Violations that fall under multiple categories in the ERG will be addressed with the more severe enforcement response. All alleged violations will be included in the more severe response.

4.2.3 Escalating Enforcement Response

An escalating enforcement response will be used for recurring violations or failure to achieve compliance after informal or formal enforcement. A recurring violation is one where the same type of violation occurs in consecutive reporting periods, seasonally, or follows any other identifiable pattern of noncompliance.

4.2.4 Violations Resulting in Significant Noncompliance

Any violation by a CIU/SIU that results in Significant Noncompliance (SNC) will be addressed through an administrative enforcement remedy, regardless of the enforcement response outlined in the ERG.

4.3 Annual Publication of Significant Noncompliance Users

As part of the Town's pretreatment program documentation, SNC for CIUs/SIUs are to be tracked and documented. The Superintendent should review monitoring data quarterly to determine if any CIUs/SIUs meet any of the eight (8) SNC criteria listed in Section 2.4. Annually, in January, the Superintendent shall identify those users who were in SNC for the previous year.

Per 327 IAC 5-19-7 (1) (references 327 IAC 5-19-3 (2)(L)), the Town will annually publish, in the largest daily newspaper distributed in the area (*NWI Times*), a list of users that were in SNC with applicable pretreatment standards and requirements during the previous twelve (12) months. The following information may be included in a public notice:

- Name of facility (minimum)
- Explanation of violations
- Enforcement actions implemented
- Schedule of compliance

Example language:

Minimum: The ABC Company is in Significant Noncompliance with the Town of Kouts Sewer Use Ordinance (Municipal Code Chapter 53) for pretreatment standards and requirements.

Additional: Their violations included exceeding pollutant-A and pollutant-B maximum daily limits in Month. After two Notice of Violation letters, ABC Company has not returned to compliance. The Town of Kouts has assessed penalties for chronic violation of standards and potential damage to health, stream aquatic life, and inhibition of the POTW. No agreement has yet been reached with ABC Company as to when consistent compliance will be obtained.

4.4 ERG Table

4.4.1 Remedies Nonexclusive

The remedies provided in this table are not exclusive. The Town may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally follow the ERG; however, the Town may take other actions against any

user when the circumstances warrant. Furthermore, the Town is empowered to take more than one enforcement action against any noncompliant user.

Cost recovery will be assessed when applicable for any violation that damages the collection system and/or WWTP.

Violation & Circumstance	Range & Progression of Enforcement Actions		
	Infrequent, No Harm	Frequent, No Harm	Infrequent, Harm Frequent, Harm
Unauthorized/non-permitted discharge			
1. Discharge without permit or approval: User unaware of requirements	Informal NOV with Application Form	NA	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist NA
2. Discharge without permit or approval: User aware and notified of requirements (existing connections are prohibited after 180 days without a permit)	NOV	NOV & Admin. Fine	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist Consent Order Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge
3. Failure to apply for or reapply for a permit with the intent to discharge: Not submitted within 10 days of the due date	Informal NOV	NA	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge NA
4. Failure to apply for or reapply for a permit with the intent to discharge: Not submitted after notice from the Town	NOV NOV & Admin. Fine	NA	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge NA
5. Unauthorized discharge through a manhole, septic receiving station, car wash, etc.	Informal NOV NOV	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist Consent Order Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge

Violation & Circumstance	Range & Progression of Enforcement Actions			
	Infrequent, No Harm	Frequent, No Harm	Infrequent, Harm	Frequent, Harm
6. Permitted/approved user discharging waste not authorized	Informal NOV NOV	NOV & Admin. Fines Consent Order Compliance Order Show Cause Hearing Cease & Desist	NOV & Admin. Fines Consent Order Compliance Order Show Cause Hearing Cease & Desist	Consent Order Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge
7. Failure to provide information leading to an incorrect determination of a user's category.	Informal NOV NOV	NOV & Admin Fine	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist	Consent Order Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge
Exceedance of Discharge Limitations or Prohibitions				
8. Discharging higher-than-normal-strength wastewater (CBOD5, TSS, and ammonia)	No violation; Surcharge only	No violation; Surcharge only	Non-SIU: NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist Refer to IDEM for IWP Permit CIU/SIU = SNC Compliance Order & Admin. Fine; increased sampling frequency Show Cause Hearing Cease & Desist	Non-SIU: Consent Order & Admin. Fines Compliance Order Show Cause Hearing Cease & Desist CIU/SIU = SNC Admin. Fine Show Cause Hearing Cease & Desist Term. of Discharge

Violation & Circumstance	Range & Progression of Enforcement Actions		
	Infrequent, No Harm	Frequent, No Harm	Infrequent, Harm
9. Exceed permit limit, local limit, or prohibitions	NOV & required to resample and report within 30 days	NOV & Admin. Fine; increase sampling frequency Compliance Order Show Cause Hearing	NOV & Admin. Fine; increase sampling frequency Compliance Order Show Cause Hearing Cease & Desist Non-SIU: Refer to IDEM for IWP Permit
10. Exceedance of TRC value by a frequency of 33% or more in 6 months (CIUs/SIUs only): SNC	Compliance Order; required to resample and report within 30 days	Compliance Order & Admin. Fine; increased sampling frequency Show Cause Hearing	Compliance Order & Admin. Fine; increased sampling frequency Show Cause Hearing Cease & Desist Term. of Discharge
11. Chronic violations of limits, by a frequency of 66% or more in 6 months (CIUs/SIUs only): SNC	Compliance Order; required to resample and report within 30 days	Compliance Order & Admin. Fine; increased sampling frequency Show Cause Hearing	Compliance Order & Admin. Fine; increased sampling frequency Show Cause Hearing Cease & Desist Term. of Discharge

Violation & Circumstance	Range & Progression of Enforcement Actions			
	Infrequent, No Harm	Frequent, No Harm	Infrequent, Harm	Frequent, Harm
<p>12. Discharges that damage the WWTP by causing:</p> <ul style="list-style-type: none"> • Harm to the collection system, its accessories, and WWTP, • Interference with the biological operations of the WWTP, • Deterioration of sludge quality, or • The WWTP to violate its NPDES Permit 	NA	NA	<p>Non-SIU: NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist</p> <p>CIU/SIU = SNC Compliance Order & Admin. Fine Show Cause Hearing Cease & Desist</p>	<p>Non-SIU: Consent Order Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge</p> <p>CIU/SIU = SNC Admin. Fine Show Cause Hearing Cease & Desist Term. of Discharge</p>
<p>13. Discharges that cause pass-through or interference</p>	NA	NA	<p>Non-SIU: NOV & Admin. Fines Consent Order & Admin. Fine Compliance Order Show Cause Hearing Cease & Desist</p> <p>CIU/SIU = SNC Compliance Order & Admin. Fine Show Cause Hearing Cease & Desist</p>	<p>Non-SIU: Consent Order & Admin. Fine Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge</p> <p>CIU/SIU = SNC Admin. Fine Show Cause Hearing Cease & Desist Term. of Discharge</p>

Violation & Circumstance	Range & Progression of Enforcement Actions			
	Infrequent, No Harm	Frequent, No Harm	Infrequent, Harm	Frequent, Harm
14. Discharges that cause imminent endangerment to WWTP, people, or the environment	NA	NA	Non-SIU: Emergency Suspension NOV & Admin. Fines Consent Order & Admin. Fine Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge CIU/SIU = SNC Emergency Suspension Compliance Order & Admin. Fine Show Cause Hearing Cease & Desist Term. of Discharge	Non-SIU: Emergency Suspension Consent Order & Admin. Fine Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge CIU/SIU = SNC Emergency Suspension Admin. Fine Show Cause Hearing Cease & Desist Term. of Discharge
Sampling, Monitoring, or Reporting Deficiencies				
15. Document/report is improperly signed or certified	Informal NOV NOV	NOV NOV & Admin. Fine	NA	NA
16. Report/reply submitted late: <30 days late	Informal NOV NOV	NOV NOV & Admin. Fine	NA	NA
17. Report/reply submitted late: >30 days late or multiple repeat occurrences	Non-SIU: NOV NOV & Admin. Fine CIU/SIU = SNC Compliance Order Show Cause Hearing	Non-SIU: Consent Order & Admin Fine Compliance Order CIU/SIU = SNC Compliance Order & Admin. Fine Show Cause Hearing	NA	NA

Violation & Circumstance	Range & Progression of Enforcement Actions			
	Infrequent, No Harm	Frequent, No Harm	Infrequent, Harm	Frequent, Harm
18. Report incomplete or inaccurate (analytical methods, chain-of-custody, sampling procedure, handling, etc.)	Informal NOV NOV	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing	NA	NA
19. Failure to report additional monitoring	Informal NOV NOV	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing	NA	NA
20. Unacceptable explanation or corrective actions for a violation	Informal NOV NOV	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing	NA	NA
21. Failure to report operational changes to the WWTP	Informal NOV NOV	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist Non-SIU: Refer to IDEM for IWP Permit	Consent Order & Admin. Fine Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge
22. Failure to sample a parameter	Informal NOV NOV	NOV & Admin. Fine Consent Order	NOV & Admin. Fine Consent Order	Consent Order & Admin. Fine Compliance Order Show Cause Hearing
23. Incorrect sampling location(s)	Informal NOV NOV	NOV & Admin. Fine Consent Order	NA	NA
24. Failure to resample within the required period	Informal NOV NOV	NOV & Admin. Fine Consent Order	NA	NA

Violation & Circumstance	Range & Progression of Enforcement Actions			
	Infrequent, No Harm	Frequent, No Harm	Infrequent, Harm	Frequent, Harm
25. Failure to accurately report a violation or other required notification.	<p>Non-SIU: Informal NOV NOV</p> <p>CIU/SIU = SNC Compliance Order</p>	<p>Non-SIU: NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing</p> <p>CIU/SIU = SNC Compliance Order & Admin Fine Show Cause Hearing</p>	<p>Non-SIU: NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist Refer to IDEM for IWP Permit</p> <p>CIU/SIU = SNC Compliance Order & Admin Fine Show Cause Hearing Cease & Desist</p>	<p>Non-SIU: Consent Order & Admin. Fine Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge</p> <p>CIU/SIU = SNC Admin. Fine Show Cause Hearing Cease & Desist Term. of Discharge</p>
26. Failure to report a spill/slug discharge	<p>Non-SIU: NOV & require a Slug Plan</p> <p>CIU/SIU = SNC Compliance Order & require a Slug Plan</p>	<p>Non-SIU: NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing</p> <p>CIU/SIU = SNC Compliance Order & Admin Fine Show Cause Hearing</p>	<p>Non-SIU: NOV, Admin. Fine & require a Slug Plan Consent Order Compliance Order Show Cause Hearing Cease & Desist Refer to IDEM for IWP Permit</p> <p>CIU/SIU = SNC Compliance Order, Admin Fine & require Slug Plan Show Cause Hearing Cease & Desist</p>	<p>Non-SIU: Consent Order & Admin. Fine Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge</p> <p>CIU/SIU = SNC Admin. Fine Show Cause Hearing Cease & Desist Term. of Discharge</p>

Violation & Circumstance	Range & Progression of Enforcement Actions		
	Infrequent, No Harm	Frequent, No Harm	Infrequent, Harm
27. Falsification of information or data: any instance	NOV	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist
28. Missed milestone or compliance date: <30 days late or will not affect the final compliance date	Informal NOV NOV	NOV & Admin. Fine Consent Order	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge
29. Missed milestone or compliance date: >30 days late and will affect the final compliance date	Informal NOV NOV	NOV & Admin. Fine Consent Order	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge
30. Missed milestone or compliance date: >90 days late and will affect the final compliance date	Non-SIU: NOV NOV & Admin. Fine	Non-SIU: Consent Order & Admin. Fine Compliance Order Show Cause Hearing	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge
Other			
31. Tamperers with the monitoring equipment or the sample	NOV	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge

Violation & Circumstance	Range & Progression of Enforcement Actions		
	Infrequent, No Harm	Frequent, No Harm	Infrequent, Harm
32. Inadequate recordkeeping	Informal NOV NOV	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing	NA
33. Entry denied or consent withdrawn	When entry is denied, state that it is a violation of the permit/ordinance to deny entry (this is an informal/verbal NOV). Obtain a warrant and return to the user. Follow up with a written NOV.	When entry is denied, state that it is a violation of the permit/ordinance to deny entry (this is an informal/verbal NOV). Obtain a warrant and return to the user.	When entry is denied, state that it is a violation of the permit/ordinance to deny entry (this is an informal/verbal NOV). Obtain a warrant and return to the user.
34. Failure to install monitoring equipment, sampling point, or control manhole	Informal NOV NOV	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist	Follow up with Consent Order & Admin Fine Compliance Order Show Cause Hearing Cease & Desist Term. of Discharge NA
35. Failure to separate non-domestic industrial waste from domestic wastewater to provide a single point of discharge for process wastewater; or to submit a waiver for separation	Informal NOV NOV	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist	NA

Violation & Circumstance	Range & Progression of Enforcement Actions		
	Infrequent, No Harm	Frequent, No Harm	Infrequent, Harm
36. Failure of the industrial user to provide a reliable measurement of the volume or quantity of industrial waste discharged into the sanitary sewer	Informal NOV NOV	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist	NA Frequent, Harm
37. Failure of the industrial user to calibrate flow meters (if applicable) annually	Informal NOV NOV	NOV & Admin. Fine Consent Order Compliance Order Show Cause Hearing Cease & Desist	NA Frequent, Harm

5.0 SCHEDULE OF ADMINISTRATIVE FINES

The table below outlines the suggested administrative fines that may be issued to ensure consistency. The ERG Violation column directly corresponds to the Fee Schedule Violation column. If the ERG identifies an “administrative fine,” locate the corresponding violation in the Fine Schedule to determine the suggested amount. The issuance of fines will be determined at the discretion of the Town, based on the factors described in Sections 3.4.5 and 4.1. Fines are intended to escalate with repeated violations. If not otherwise specified, cost recovery will be assessed when applicable for any violation that damages the collection system and/or WWTP.

Fines are broken into five categories, which the Town may progress through when issuing penalties. Each category specifies the suggested starting amount. The progression within the categories is outlined as follows.

- Category 1 is the suggested starting fine.
- If the Town determines that Category 1 fines are insufficient due to repeated violations, it may escalate to Category 2.
- Continued noncompliance and escalation may lead to Category 3.
- Category 4 is the initial penalty maximum that can be issued; it could also be the starting amount for a noncompliance causing harm to the WWTP.
- Category 5 is the maximum subsequent penalty that can be issued; it could also be issued for a repeat noncompliance that causes harm to the WWTP.

Fines can be issued at the Town's discretion based on any circumstances.

FINE SCHEDULE

Violation	Category 1	Category 2	Category 3	Category 4	Category 5
Unauthorized/Non-Permitted Discharge					
1. Discharge without permit or approval: User unaware of requirements	NA				
2. Discharge without permit or approval: User aware and notified of requirements (existing connections are prohibited after 180 days without a permit)	\$500	\$1,000	\$2,000	Max. \$2,500/day	Max. \$7,500/day
3. Failure to apply for or reapply for a permit with the intent to discharge: Not submitted within 10 days of the due date	NA				
4. Failure to apply for or reapply for a permit with the intent to discharge: Not submitted after notice from the Town	\$1,000	\$1,500	\$2,000	Max. \$2,500/day	Max. \$7,500/day
5. Unauthorized discharge through a manhole, septic receiving station, car wash, etc.: No WWTP damage	\$500	\$1,000	\$2,000	Max. \$2,500/day	Max. \$7,500/day
Unauthorized discharge through a manhole, septic receiving station, car wash, etc.: WWTP damage	\$2,000 + Cost Recovery	\$2,200 + Cost Recovery	\$2,400 + Cost Recovery	Max. \$2,500/day	Max. \$7,500/day
6. Permitted/approved user discharging waste not authorized: No WWTP damage	\$500	\$1,000	\$2,000	Max. \$2,500/day	Max. \$7,500/day
Permitted/approved user discharging waste not authorized: WWTP damage	\$2,000 + Cost Recovery	\$2,200 + Cost Recovery	\$2,400 + Cost Recovery	Max. \$2,500/day	Max. \$7,500/day
7. Failure to provide information leading to an incorrect determination of a user's category: No WWTP damage	\$500	\$1,000	\$2,000	Max. \$2,500/day	Max. \$7,500/day
Failure to provide information leading to an incorrect determination of a user's category: WWTP damage	\$2,000 + Cost Recovery	\$2,200 + Cost Recovery	\$2,400 + Cost Recovery	Max. \$2,500/day	Max. \$7,500/day
Exceedance of Discharge Limitations or Prohibitions					
8. Discharging higher-than-normal-strength wastewater (CBOD5, TSS, and ammonia): No WWTP damage	No Fine	Surcharge Only			
Discharging higher-than-normal-strength wastewater (CBOD5, TSS, and ammonia): WWTP damage	\$2,000 + Cost Recovery	\$2,200 + Cost Recovery	\$2,400 + Cost Recovery	Max. \$2,500/day	Max. \$7,500/day

FINE SCHEDULE

Violation	Category 1	Category 2	Category 3	Category 4	Category 5
9. Exceed permit limit, local limit, or prohibitions: No WWTP damage Exceed permit limit, local limit, or prohibitions: WWTP damage	\$200	\$800	\$1,400	Max.	Max.
	\$2,000 + Cost Recovery	\$2,200 + Cost Recovery	\$2,400 + Cost Recovery	\$2,500/day	\$7,500/day
10. Exceedance of TRC value by a frequency of 33% or more in 6 months (CIUs/SIUs only): No WWTP damage Exceedance of TRC value by a frequency of 33% or more in 6 months (CIUs/SIUs only): WWTP damage	\$500	\$1,000	\$2,000	Max.	Max.
	\$2,000 + Cost Recovery	\$2,200 + Cost Recovery	\$2,400 + Cost Recovery	\$2,500/day	\$7,500/day
11. Chronic violations of limits, by a frequency of 66% or more in 6 months (CIUs/SIUs only): No WWTP damage Chronic violations of limits, by a frequency of 66% or more in 6 months (CIUs/SIUs only): WWTP damage	\$500	\$1,000	\$2,000	Max.	Max.
	\$2,000 + Cost Recovery	\$2,200 + Cost Recovery	\$2,400 + Cost Recovery	\$2,500/day	\$7,500/day
12. Discharges that damage the WWTP by causing harm to the collection system, its accessories, and the WWTP; interference with the biological operations of the WWTP; deterioration of sludge quality; or cause the WWTP to violate its NPDES Permit	\$2,000 + Cost Recovery	\$2,200 + Cost Recovery	\$2,400 + Cost Recovery	Max.	Max.
	\$2,000 + Cost Recovery	\$2,200 + Cost Recovery	\$2,400 + Cost Recovery	\$2,500/day	\$7,500/day
13. Discharge that causes pass-through or interference.	\$2,000 + Cost Recovery	\$2,200 + Cost Recovery	\$2,400 + Cost Recovery	Max.	Max.
	\$2,000 + Cost Recovery	\$2,200 + Cost Recovery	\$2,400 + Cost Recovery	\$2,500/day	\$7,500/day
14. Discharge that causes imminent endangerment to WWTP, people, or the environment	\$2,000 + Cost Recovery	\$2,200 + Cost Recovery	\$2,400 + Cost Recovery	Max.	Max.
	\$2,000 + Cost Recovery	\$2,200 + Cost Recovery	\$2,400 + Cost Recovery	\$2,500/day	\$7,500/day
Sampling, Monitoring, or Reporting Deficiencies					
15. Document/report is improperly signed or certified	\$200	\$800	\$1,400	Max.	Max.
	\$200	\$800	\$1,400	\$2,500/day	\$7,500/day
16. Report/reply submitted late: <30 days late	\$200	\$800	\$1,400	Max.	Max.
	\$500	\$1,000	\$2,000	\$2,500/day	\$7,500/day
17. Report/reply submitted late: >30 days late or multiple repeat occurrences	\$200	\$800	\$1,400	Max.	Max.
	\$200	\$800	\$1,400	\$2,500/day	\$7,500/day
18. Report incomplete or inaccurate (analytical methods, chain-of-custody, sampling procedure, handling, etc.)	\$200	\$800	\$1,400	Max.	Max.
	\$200	\$800	\$1,400	\$2,500/day	\$7,500/day

FINE SCHEDULE

Violation	Category 1	Category 2	Category 3	Category 4	Category 5
19. Failure to report additional monitoring	\$200	\$800	\$1,400	Max. \$2,500/day	Max. \$7,500/day
20. Unacceptable explanation or corrective actions for a violation	\$200	\$800	\$1,400	Max. \$2,500/day	Max. \$7,500/day
21. Failure to report operational changes: No WWTP damage	\$200	\$800	\$1,400	Max. \$2,500/day	Max. \$7,500/day
Failure to report operational changes: WWTP Damage	\$1,000 + Cost Recovery	\$1,500 + Cost Recovery	\$2,000 + Cost Recovery	Max. \$2,500/day	Max. \$7,500/day
22. Failure to sample a parameter: No WWTP damage	\$200	\$800	\$1,400	Max. \$2,500/day	Max. \$7,500/day
Failure to sample a parameter: WWTP damage	\$1,000 + Cost Recovery	\$1,500 + Cost Recovery	\$2,000 + Cost Recovery	Max. \$2,500/day	Max. \$7,500/day
23. Incorrect sampling location(s)	\$200	\$800	\$1,400	Max. \$2,500/day	Max. \$7,500/day
24. Failure to resample within the required period	\$200	\$800	\$1,400	Max. \$2,500/day	Max. \$7,500/day
25. Failure to accurately report a violation or other required notification: No WWTP damage	\$500	\$1,000	\$2,000	Max. \$2,500/day	Max. \$7,500/day
Failure to accurately report a violation or other required notification: WWTP damage	\$500 + Cost Recovery	\$1,000 + Cost Recovery	\$2,000 + Cost Recovery	Max. \$2,500/day	Max. \$7,500/day
26. Failure to report a spill/sludge discharge: No WWTP damage	\$1,000	\$1,500	\$2,000	Max. \$2,500/day	Max. \$7,500/day
Failure to report a spill/sludge discharge: WWTP damage	\$2,000 + Cost Recovery	\$2,200 + Cost Recovery	\$2,400 + Cost Recovery	Max. \$2,500/day	Max. \$7,500/day
27. Falsification of information or data: No WWTP damage	\$2,000	\$2,200	\$2,400	Max. \$2,500/day	Max. \$7,500/day
Falsification of information or data: WWTP damage	\$2,000 + Cost Recovery	\$2,200 + Cost Recovery	\$2,400 + Cost Recovery	Max. \$2,500/day	Max. \$7,500/day
28. Missed milestone or compliance date: <30 days late, or will not affect the final compliance date	\$200	\$800	\$1,400	Max. \$2,500/day	Max. \$7,500/day

FINE SCHEDULE

Violation	Category 1	Category 2	Category 3	Category 4	Category 5
29. Missed milestone or compliance date: >30 days late and will affect the final compliance date	\$500	\$1,000	\$2,000	Max. \$2,500/day	Max. \$7,500/day
Other					
30. Tamperers with monitoring equipment or sample: no WWTP damage Tamperers with monitoring equipment or sample: WWTP damage	\$2,000 \$2,000 + Cost Recovery	\$2,200 \$2,200 + Cost Recovery	\$2,400 \$2,400 + Cost Recovery	Max. \$2,500/day Max. \$2,500/day	Max. \$7,500/day Max. \$7,500/day
31. Inadequate recordkeeping	\$200	\$800	\$1,400	Max. \$2,500/day	Max. \$7,500/day
32. Entry denied or consent withdrawn	\$500	\$1,000	\$2,000	Max. \$2,500/day	Max. \$7,500/day
33. Failure to install monitoring equipment, sampling point, or control manhole.	\$500	NA	NA	Max. \$2,500/day	Max. \$7,500/day
34. Failure to separate non-domestic industrial waste from domestic wastewater to provide a single point of discharge for process wastewater.	\$1,000	\$1,500	\$2,000	Max. \$2,500/day	Max. \$7,500/day
35. Failure of the industrial user to provide a reliable measurement of the volume or quantity of industrial waste discharged into the sanitary sewer.	\$1,000	\$1,500	\$2,000	Max. \$2,500/day	Max. \$7,500/day
36. Failure of the industrial user to calibrate flow meters (if applicable) annually	\$200	\$800	\$1,400	Max. \$2,500/day	Max. \$7,500/day