

# ***ENFORCEMENT RESPONSE PROCEDURES***

## **1. Enforcement Response Procedures Defined**

The Enforcement Response Procedures (ERP) contains detailed procedures on how the Town of Whitestown's Pretreatment Program investigates and responds to instances of Industrial User (IU) and/or non-residential noncompliance. It is to be understood that if an Industrial User's Noncompliance persists after notification by the Pretreatment Group, the Indiana Department of Environmental Management may proceed with enforcement action directly against the user. IDEM may also take its own enforcement action independently of the Town of Whitestown or in conjunction with other enforcement actions.

With this in mind, action taken by the Town is preferable to that of IDEM's. EPA retains its authority to take its own enforcement action where the State or Town of Whitestown has not taken timely or appropriate action.

These procedures have been promulgated by the Town of Whitestown, to include ranges of enforcement responses available to the Town of Whitestown. In any specific case, factors may warrant different responses than those contained in these procedures for a variety of reasons, such as, the degree of variance from pretreatment standards, duration of violation, previous enforcement actions, and the deterrent effect of the response.

These procedures address a broad range of pretreatment violations. It is not the intention of these procedures, therein, to limit the enforcement discretion of any of the administering agencies.

It should be noted that the Clean Water Act clearly expresses that all extraordinary efforts are required by industry to comply with pretreatment standards.

Enforcement of this Ordinance shall be subject to enforcement actions within the federal law, state law or Town code, the severity of the violation and the site operator's efforts to comply. The Town shall reserve the right to interpret enforcement on a case by case basis. Tiered enforcement will be practiced at the Town's discretion. The tiered enforcement may include:

1. Verbal or Written Warnings. The Superintendent may provide warnings in writing, by telephone, and/or during site visits to the respective property.
2. Site Visit. The Superintendent may request a site visit in order to discuss and observe an issue.
3. Notice of Violation. When the Superintendent determines that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the

Superintendent may serve upon that user a written Notice of Violation (NOV). The NOV may require, among other things, an explanation from the user of the violation and a plan for the satisfactory correction and prevention thereof, including specific required actions, to be submitted by the user to the Superintendent under a timeline determined by the Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. The NOV may also require the user to perform corrective actions under the terms and within the timeline determined by the Superintendent.

4. Agreed Orders. The Superintendent may enter into Agreed Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall be judicially enforceable.
5. Show Cause Hearing. The Superintendent may order a user which has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why any proposed enforcement action should not be taken. Notice may be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The Town Council may itself conduct the hearing and take the evidence, including compelling the attendance and testimony of the witnesses and the production of evidence relevant to any matter involved in any such hearing, and making orders consistent with this Ordinance.
6. Compliance Orders. When the Superintendent finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation.
7. Cease and Desist Orders. When the Superintendent determines that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Superintendent may issue a Cease and Desist Order to the user directing it to cease and desist all such violations and directing the user to: (i) immediately comply with all requirements; and/or (ii) take such appropriate

remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

8. Administrative Fines. In addition to the rates, charges, and fees established by applicable law including Town Ordinances, a user who has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be, to the greatest extent possible under applicable law, including Town Ordinances, liable to the Town for an administrative fine and/or civil penalty of not more than \$2,500.00 per day, per violation, for a first violation, nor more than \$7,500 per day, per violation for subsequent violations, in accordance with IC 36-1-3-8(a)(10)(B). In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
9. Costs, Expenses, and Damages. In addition to the rates, charges, and fees established by applicable law including Town Ordinances, a user who has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be, to the greatest extent possible under applicable law, including Town Ordinances, liable to the Town for all costs and expenses incurred by the Town as a result of such violation, including but not limited to any costs in protecting the wastewater system or operations, protecting the receiving waters, remedying the violation, clean-up, repairs and replacements, sampling and monitoring expenses, any costs of damages incurred by the Town, engineering fees, and legal fees.
10. Emergency Suspensions. The Superintendent may immediately suspend a user's discharge, after informal notice to the user, whenever suspension is necessary to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons or major structural damages. The Superintendent may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings of this Ordinance are initiated against the user.

A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the

Superintendent prior to the date of any show cause or termination hearing of this Ordinance.

Nothing in this Ordinance shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

11. Termination of Sewer and/or Water Service. When a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may terminate sewer service to the property, including through discontinuing water service, disconnecting the sewer connection, or other available means. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under why the proposed action should not be taken. The user is responsible for all costs and expenses of the Town for the termination and/or reconnection of service.
12. Litigation. When the Superintendent determines that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition a court of competent jurisdiction through the Town Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Ordinance on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. To the greatest extent permitted by law, the Town shall be entitled to collect any court costs and attorneys' fees incurred in any enforcement litigation.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor, and the expense shall be charged to the violator.

Anyone who has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, may further be subject to the following enforcement actions:

1. Criminal Penalties. Nothing in this Ordinance shall limit or otherwise alter possible criminal penalties as provided under applicable law. The Town reserves the right to report any criminal behavior to the proper authorities, and/or to seek civil penalties for such criminal behavior. The Town of Whitestown also reserves the right to refer suspected violations to the Indiana Department of Environmental Management or the U.S. Environmental Protection Agency, Region 5 for criminal prosecution. All reports and other documents required to be submitted or maintained pursuant to this Ordinance are subject to : (1) the provisions of 18 USC 1001 relating to fraud and false statements; (2) provisions of

Section 309(c)(4) of the Clean Water Act, as amended, governing false statements, representations or certification; and (3) the provisions of Section 309(c)(6) of the Clean Water Act regarding responsible corporate officers.

2. Civil Penalties. A user who has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town for a civil penalty per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.

The Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damage incurred by the Town. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

3. Public Nuisance. A violation of any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Superintendent, and is subject to rights and remedies for public nuisances.
4. Performance Bonds. The Superintendent may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the Town, in the sum not to exceed a value determined by the Superintendent to be appropriate to achieve consistent compliance.
5. Liability Insurance. The Superintendent may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Ordinance, any order, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

## **2. Enforcement Authority**

This Ordinance shall be enforced by the Town of Whitestown's personnel, also known as the Control Authority. The personnel shall be considered the Superintendent's duly authorized representatives in all enforcement activities, fines, and actions relating to this Ordinance.

The remedies and enforcement actions provided for in this Ordinance are not exclusive. The Town of Whitestown may take any, all, or any combination of actions against a non-compliant

user as permitted by applicable law. The Superintendent is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

### **3. Judgment Criteria**

Industries and all non-residential users found not to be in compliance with federal, state, and local requirements are subject to the conditions of these ordinance procedures. Informal enforcement actions, verbal telephone notices, letters of violation, site visits, administrative orders, enforcement compliance schedules and administrative fines shall be conducted by the Pretreatment Group under the supervision of the Superintendent. Enforcement actions which require legal action are made by the Town Council upon recommendation of the Superintendent of the POTW.

Violations and discrepancies that have been identified during the review process shall be evaluated as to the type of enforcement response necessary by the Superintendent of the POTW. In order to maintain equitable treatment of violators and provide a stronger basis for selection of appropriate responses to violations, the following Enforcement Response Procedures (ERP) will normally be followed, unless mitigating circumstances can be shown. The Superintendent of the POTW will take into account any efforts made in the past or present to correct violations as well as if the IU is normally in compliance.

The Enforcement Response Procedures identify the type of noncompliance and circumstances which might vary the type of response for that particular category of noncompliance. Judgment criteria used by the Town may include, but are not required and are not limited to:

- A. The nature and severity of the violation and overall degree of noncompliance;
- B. A uniform application of enforcement responses to comparable levels in types of violations;
- C. Demonstrating the importance of the Pretreatment Program along with proper operation of equipment and the meeting of standards and limits;
- D. Any other factors deemed relevant by the Town.

### **4. Types of Enforcement Response**

In order to provide a concise manual in a usable format, acronyms are used for several types of responses. The definitions for these acronyms are listed below in increasing order of severity. They are:

- A. VTN – Verbal Telephone Notice – Is meant to describe a response to a very minor type of violation which is normally conveyed verbally to the contact person at the industry and no further follow up normally is expected. An example might be when there is a very minor infraction, such as a report being received one or two days late with no other infractions.
- B. WW – Written Warning – Is meant to describe a response to a very minor type of violation which is normally conveyed via email to the contact person at the industry and no further follow up normally is expected. An example might be

when there is a very minor infraction, such as a report being received one or two days late with no other infractions.

- C. SV – Site Visit – A visit to the industrial site to discuss and observe an issue. This may be a substitution for VTN or NOV. The SV may also be made in conjunction with a Notice of Violation. The SV may also require a response within ten (10) days, indicating a reason for the noncompliance and what steps are being taken to eliminate any future violations of this nature. A field visit report shall be filled out upon each visit.
- D. NOV – Notice of Violation – Is a written notification to the User indicating the type of apparent violation and requiring a response within a timeline determined by the Superintendent, indicating a reason for the noncompliance and what steps are being taken to eliminate any future violations of this nature.
- E. AO – Agreed Order – An Agreed Order would be in such cases where the noncompliance has been recognized and the Superintendent shall require the Industrial User to perform corrective actions.
- F. SCH – Show Cause Hearing. – This is an order given by the Superintendent in which the user who has violated must appear before the Superintendent and show cause why any proposed enforcement action should not be taken.
- G. CO – Compliance Orders – The Superintendent may issue a compliance order to a user responsible for a discharge that is in violation of any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, directing that the user come into compliance within a specified time.
- H. CDO – Cease and Desist Orders – The Superintendent may issue a Cease and Desist Order to a user, who has violated, directing them to cease and desist all such violations and directing the user to: (i) immediately comply with all requirements; and/or (ii) take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- I. AF – Administrative Fine – An administrative fine is a fine for violating this ordinance and would be applicable in such cases where all lower types of enforcement responses have failed and/or where deemed appropriate by the Superintendent because of the nature and/or intent of the violation. The next response step is court action. The administrative fine step exists to try to prevent court activity and yet correct the problem, and/or show the seriousness of the problem to the industry involved. The administrative fine shall be in accordance with Town Ordinances and/or other applicable law. The administrative fine may also be part of an administrative order, Enforcement Compliance Schedule, or may be instituted as the next step above an administrative order.
- J. CED – Costs, Expenses, and Damages. – In addition to the rates, charges, and fees established by applicable law including Town Ordinances, a user who has violated, or continues to violate, shall be liable to the Town for all costs and expenses incurred by the Town as a result of such violation.
- K. ES – Emergency Suspensions. – The Superintendent may immediately suspend a user’s discharge whenever suspension is necessary to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial

endangerment to the health or welfare of persons or major structural damages; that threatens to interfere with the operation of the POTW; or which presents, or may present, an endangerment to the environment.

- L. TSWs – Termination of Sewer and/or Water Service – This termination involves terminating sewer service to the property, including through discontinuing water service, disconnecting the sewer connection, or via other available means.
- M. LIT – Litigation – Litigation is utilized to define several courses of action, including civil suits for injunctive relief and/or civil penalties, criminal suits, termination of service, etc. These types of actions would all involve the courts and would follow the procedures necessary for due process.

Utilizing the Enforcement Response Procedures, the Superintendent shall initiate the appropriate response and see that the files have been updated to show the type of action being taken. The Superintendent shall initiate any field surveying which he feels appropriate to substantiate previous data received, or to check the response of an Industrial User to the action which they have indicated that they have taken.

At the end of any EPA established six (6) month period, the Superintendent shall be responsible for reviewing the industry files to determine any SNCs, and if so, the Superintendent shall be responsible for seeing that the SNCs are tabulated on an annual basis and that the name of all SNCs are published in the local daily newspaper.

## 5. Significant Noncompliance

Significant noncompliance (SNC) are instances which meet one or more of the following criteria:

- A. Violations of wastewater discharge limits;
  - a. Chronic violations Sixty-six percent (66%) or more of all of the measurements taken during a six- (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.
  - b. Technical Review Criteria (TRC) Thirty-three percent (33%) or more of all of the measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).
    - i. Any other violation or violations of an effluent limit (average or daily maximum) that the Superintendent believes has caused, alone or in combination with other discharges, interferences (e.g., slug loads) or pass through, or endangered the health of the POTW personnel or the general public.
  - c. Any discharge of a pollutant(s) that has caused imminent endangerment to human health/welfare or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge.

- B. Failure to meet, within sixty (60) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- C. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- D. Failure to accurately report noncompliance.
- E. Any other violation(s) that the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

**6. Time Frames for Responses**

- A. All violations shall be identified and documented by the Pretreatment Group within thirty (30) working days of receiving noncompliance information.
- B. Any violation shall involve contact by the Pretreatment Group with the industrial user and request of information on corrective or preventative actions(s), and shall occur within thirty (30) days of violation detection.
- C. When a compliance schedule is required, the Pretreatment Group shall notify the IU of the requirement within (60) days.
- D. Violations which threaten health, property, or environmental quality shall be considered emergencies and shall receive immediate responses such as halting the discharges or terminating service, as per discretion of the Superintendent.
- E. Violations meeting the criteria for significant noncompliance (SNC) shall be addressed with an enforcement action within thirty (30) days of the identification of significant noncompliance.

**7. Sampling, Monitoring, and Reporting by User**

NONCOMPLIANCE	VIOLATIONS IN ANY 6 MONTH PERIOD	ENFORCEMENT RESPONSES
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Failure to sample, or monitor, or report any reporting required to POTW	1-2	VTN, WW, SV, and/or NOV requiring a report within 10 days.
Failure to sample, monitor, or report any reporting required to POTW.	Next Violation	AO or AF per day.
Reported slug load(s), slug discharge(s), or slug(s) to the POTW	1-2	VTN, WW, SV, and/or NOV requiring a report within 10 days. Depending on the severity of the slug, its duration, the timeline of notification from the user, and/or its effect on the POTW, responses can also include AO, CO, CDO, AF, CED, ES, TSWS and LIT.
Reported slug load(s), slug discharge(s), or slug(s) to the POTW	Next Violation	AO, CO, CDO or AF per day. Depending on the severity of the slug, its duration, the timeline of the notification from the user, and/or its effect on the POTW, response can also include CED, ES, TSWS and LIT.
Minor sampling, monitoring or reporting deficiencies (computational or typographical error, missing information, late reports and repeated occurrences).	1-3	VTN, WW, SV, and/or NOV. Corrections to be made on submission. AO if continued.
Major sampling, monitoring or reporting deficiencies (missing information, late reports and repeated occurrences of computational errors).	Next Violation (per type <sup>1</sup> of violation)	NOV, SV, AO, CO and/or AF per day. Corrections to be made on the next submission.
Falsification in reporting	Any reported value	Criminal Investigation and/or TSWS

1. The type of violation refers to the same violation, no matter if it occurs once, or repeatedly in the same report.

## 8. Compliance Schedule – Construction Phases of Planning

NONCOMPLIANCE	VIOLATIONS OCCURANCES	ENFORCEMENT RESPONSES
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Reporting False Information	Any violation-SNC	AF per occurrence. Criminal Investigation and/or TSWS
Missed Milestone of Compliance Schedule	Missed milestone by less than 30 days, or will not affect final milestone	NOV or AO
	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	AO, SCH and/or AF
	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	SCH, LIT, and/or TSWS
	Reoccurring violation or violation of schedule in AO	LIT and/or TSWS
Missed Final Date	Any violation-SNC	AF per day and TSWS
Failure to install monitoring equipment	Delay of less than 30 days	NOV
	Delay of 30 days or more	AO to install and AF for each additional day
	Reoccurring, violation of AO	LIT and/or TSWS

## 9. Discharge Limitations

NONCOMPLIANCE	VIOLATIONS IN ANY 6 MONTH PERIOD	ENFORCEMENT RESPONSES
Exceeding limit (permit, categorical, local limits or prohibited discharges)	1-3	SV or NOV
	Next violation or exceeds TRC criteria for any parameter(s).	NOV, AO, CO and/or AF per day
	Next violation or exceeding 2 or more TRC criteria per day for any parameter(s).	NOV, CO and/or AF per day and/or TSWS
Reported slug load(s), slug discharge(s), or slug(s) to the POTW	1-2	VTN, WW, SV, or NOV requiring a report within 10 days. Depending on the severity of the slug, it's duration, the timeline of notification from the user, and/or it's effect on the POTW, responses can also include AO, CO,

		CDO, AF, CED, ES, TSWs and LIT.
	Next Violation	AO or AF per day. Depending on the severity of the slug, its duration, the timeline of the notification from the user, and/or its effect on the POTW, response can also include CED, ES, TSWs and LIT.
Illegal discharge	Violation of any prohibited discharge. No harm to POTW or environment.	AO and AF per day
	Violation of any prohibited discharge. Discharge causes harm to POTW or environment.	AO and AF per day and/or LIT plus CED to the greatest extent possible under applicable law and/or Ordinances.
	Reoccurring, violation of AO	TSWS and/or LIT plus CED to the greatest extent possible under applicable law and/or Ordinances.
Discharge without a permit	Industrial user unaware of requirement(s). No harm to POTW or environment.	VTN and NOV, included in NOV is directions on how to apply.
	Industrial user unaware of requirement(s). Discharge causes harm to POTW or environment.	AO and AF per day and/or LIT plus CED to the greatest extent possible under applicable law and/or Ordinances.
	Failure to apply continues after notice by the POTW.	TSWS and LIT plus CED to the greatest extent possible under applicable law and/or Ordinances.
Nonpermitted Discharge (failure to renew)	Industrial user has not submitted application for renewal within 10 days of due date.	VTN, WW, and/or NOV
	Initial Violation	AO and AF

Waste streams are diluted in lieu of treatment	Reoccurring, violation of AO	SCH and/or TSWs
	Discharge does not result in harm to POTW	NOV and/or AO
Failure to alleviate noncompliance or halt production	Discharge does result in harm to POTW	CO, CDO, AF, and/or LIT plus CED to the greatest extent possible under applicable law and/or Ordinances
	Discharge does not result in harm to POTW	NOV and/or AO
Failure to properly operate and maintain pretreatment facility	Discharge does result in harm to POTW	CO, CDO, AF, and/or LIT plus CED to the greatest extent possible under applicable law and/or Ordinances

### 10. Noncompliance Detected Through Sampling or Field Investigations

NONCOMPLIANCE	VIOLATIONS IN ANY 6 MONTH PERIOD	ENFORCEMENT RESPONSES
Violation of analytical procedures and/or quality assurance	1-2	NOV and AO
	Next Violation	NOV and/or AF per day per occurrence or LIT plus CED to the greatest extent possible under applicable law and/or Ordinances.
Violation of permit condition(s)	1-3	VTN, WW, SV, and/or NOV
	Next Violation	AO and AF per day per occurrence or LIT plus CED to the greatest extent possible under applicable law and/or Ordinances.
Entry denial	Entry denied or consent withdrawn. Copies of records denied.	Obtain warrant and return to IU
Illegal discharge	Violation of any prohibited discharge. No harm to POTW or environment.	AO and AF per day

	Violation of any prohibited discharge. Discharge causes harm to POTW or environment.	AO and AF per day and/or LIT plus CED to the greatest extent possible under applicable law and/or Ordinances.
	Reoccurring, violation of AO	TSWS and LIT plus CED to the greatest extent possible under applicable law and/or Ordinances.
Improper sampling	Unintentional sampling at either the incorrect location, incorrect sample type, and/or incorrect sample collection.	NOV
Inadequate recordkeeping	Inspection personnel finds files incomplete or missing (no evidence of intent).	NOV and AO
	Reoccurring	CO and AF
Failure to report	Inspection personnel finds additional files	NOV and/or AO
	Reoccurring	CO and AF

## 11. Effective Date

The provisions of this ordinance shall be in full force and effect on its passage and publication as required by law.

PASSED AND ADOPTED by the Town Council of the Town of Whitestown, Indiana on this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

THE TOWN COUNCIL OF THE TOWN  
OF WHITESTOWN, INDIANA

YAY/NAY

\_\_\_\_\_  
Eric Nichols, President

\_\_\_\_\_  
Courtenay Smock, Vice President

\_\_\_\_\_  
Cheryl Hancock, Member

\_\_\_\_\_  
Dan Patterson, Member

\_\_\_\_\_  
Tobe Thomas, Member

**ATTEST:**

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Matt Sumner, Clerk-Treasurer  
Town of Whitestown, Indiana