

OXFORD CODE OF ORDINANCES
CHAPTER 21: WATER, SEWER & SEWER DISPOSAL
ARTICLE VIII, FATS, OIL AND GREASE ENFORCEMENT RESPONSE PLAN
§ 21-236

City Of Oxford Fats Oil & Grease (FOG) Enforcement Response Plan (ERP)

1. Introduction

It is the responsibility of The City of Oxford Wastewater Treatment Plant (WWTP) to enforce all applicable Federal, State, and City of Oxford pretreatment regulations. These regulations are outlined in Federal regulation 40 CFR 403, State regulation 15A NCAC 2H .0900, the City of Oxford Sewer Use Ordinance (SUO) and the City of Oxford FOG Ordinance. This Enforcement Response Plan (ERP) has been established as an element of the City Of Oxford's FOG program.

The purpose of the FOG ERP is to provide for fair and equitable treatment of all FSE's (Food Service Establishments) for anticipated enforcement situations. In general, enforcement actions will be taken in accordance with this Enforcement Response Plan. However, the enforcement actions available are not exclusive (City of Oxford SUO Section 8.4) Therefore, any combination of the enforcement actions can be taken against a non-compliant FSE/user.

2. Enforcement Actions Available to the Publicly Owned Treatment Works (POTW)

The City Engineer and WWTP Superintendent are empowered through North Carolina General Statute (NCGS) 143-215.6A and the City of Oxford (SUO) to take a wide variety of enforcement actions. The following is a list of those actions and the corresponding section of the City Of Oxford's SUO that describes each.

Notice of Violation	8.1 (a)
Consent Orders	8.1 (b)
Show Cause Hearing	8.1 (c)
Administrative Orders	8.1 (d)
Emergency Suspensions	8.1 (e)
Termination of Permit	8.1 (f)
Civil Penalties	8.2
Injunctive Relief	8.3 (b)
Water Supply Severance	8.3 (c)

In addition to the actions listed above, a FSE who violates the provisions of NCGS 143-215.6B may be referred by the City Engineer/ WWTP Superintendent to the District Attorney for possible criminal prosecution.

In determining the amount of civil penalties for a particular violation, the City Engineer/WWTP Superintendent shall consider the following factors (City of Oxford SUO section 8.2):

1. The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
2. The duration and gravity of the violation;
3. The effect on ground or surface water quantity or quality or on air quality;
4. The cost of rectifying the damage;
5. The amount of money saved by non-compliance;
6. Whether the violation was committed willfully or intentionally;
7. The prior record of the violator in complying or failing to comply with the pretreatment program;
8. The costs of enforcement to the POTW.

Adjudicatory hearing procedures regarding permit decisions, civil penalties, and administrative orders may be found in the City of Oxford SUO Section 10 (Adjudicatory Hearings).

3. Investigation of Noncompliance

The Staff of the POTW will generally investigate User compliance with permits or the provisions of the SUO in three ways:

- a) On-site inspections of the FSE's to include scheduled or unscheduled visits;
- b) Scheduled or unscheduled inspections and/ or sampling of the grease trap discharge
- c) Review of required documentation, as required, by the FSE's current FOG permit

The compliance status of permitted FSE dischargers will be evaluated at least once every 2 years.

4. Types of Violation

The following is a list of different types of violations, by category. This list is not inclusive, but serves as a general list of anticipated types of noncompliance. The FSE's permit, City of Oxford SUO, and State and Federal regulations serve as additional references for pretreatment requirements.

Unpermitted Discharges. FSE's are responsible for obtaining and renewing permits, if required.

Permit Limits. FSE's are responsible for maintaining compliance with all discharge limits. The POTW will evaluate the extent of the limits violation(s).

Records Violations. A FSE who fails to adequately retain records as required by the current permit.

Reporting Violations. A FSE who fails to provide information required in their Permit or by special request in the required time frame is in violation.

Permit Conditions. Failure to apply or reapply for a permit is considered a violation.

Enforcement Orders. Failure to meet the requirements of an order (e.g. Interim limits, milestone dates), whether the order was entered into voluntarily or mandated by the POTW, shall be considered a violation. Missing a scheduled compliance milestone by more than 90 days is considered Significant Non-Compliance.

5. Responses: Timeframes, Responsible Officials, Escalated Actions.

The attached chart further outlines types of violations and specifies POTW actions (initial and escalated), and the officials responsible for completing the actions. This chart shall be considered a part of the FOG Enforcement Response Plan. Responses to violations affecting the operation of the collection system, resulting in Collection system violations, or resulting in environmental harm or endangerment to human health will be taken immediately or as soon as possible following discovery.

A FSE may be sent a Notice of Violation (NOV) or Notice of Noncompliance (NNC) for each individual violation. Alternatively, violations over a period may be summarized. In general, NOV's in response to violations will be issued within 30 days of discovery of the violations. FSE's found to be in SNC for two (2) consecutive annual periods will be issued an enforceable order to return to compliance. In all cases, escalated or continuing enforcement action will be taken against FSE's who do not return to compliance in a timely manner.

Cases of falsifying reports, tampering with monitoring or sampling equipment, or otherwise preventing the collection of representative data may be referred to the District Attorney for possible criminal prosecution.

Show cause hearings may be held at the City Engineer's discretion prior to taking enforcement actions.

EFFECTIVE DATE

This ordinance shall be in full force and effect on the 10th day of November, 2015.

INTRODUCED the 10th day of November, 2015.

PASSED this 10th day of November, 2015.

Published this 12th day of November, 2015.

AMENDED DATES

Jacqueline vdH Sergent, Mayor

Attest:

Barbara J. Rote, Clerk

City Of Oxford Enforcement Response Guidance Chart

Tier I

Type of Violation	POTW Action	Send NOV or Correction	Responsible	Escalated Action If Required
Failure To maintain Permit cleaning interval	Notice Of Violation and \$50 Fine	Within 30 Days Of Inspection	Pretreatment Coordinator	2nd NOV and Fine \$100-500 3rd NOV and Fine \$500- \$1000 4th NOV and Water Supply Severance
Failure to maintain records	Notice Of Violation and \$100 Fine	Within 30 Days Of Inspection	Pretreatment Coordinator	2nd NOV and Fine \$100-500 3rd NOV and Fine \$500- \$100 4th NOV and Water Supply Severance
Failure to maintain interceptors proper condition	Notice Of Violation and \$100 Fine	Within 30 Days Of Inspection	Pretreatment Coordinator	2nd NOV and Fine \$100-500 3rd NOV and Fine \$500- \$1000 4th NOV and Water Supply Severance
Permit Limits Violation	Notice Of Violation and \$100 Fine	Within 30 Days Of Inspection	Pretreatment Coordinator	2nd NOV and Fine \$100-500 3rd NOV and Fine \$500- \$1000 4th NOV Water Supply Severance
Reporting Violation	Notice Of Violation and \$100 Fine	Within 30 Days Of Official request for information	Pretreatment Coordinator	2nd NOV and Fine \$100-500 3rd NOV and Fine \$500-\$1000 4th NOV and Water Supply Severance

City Of Oxford Enforcement Response Guidance Chart

Tier II

Type of Violation	POTW Action	Send NOV or Correction	Responsible Official	Escalated Action if Needed
Repeat Permit Violation (Previously Cited on annual inspection)	Notice of Violation and \$250 Fine	48 hrs. of Inspection	Pretreatment Coordinator	Notice of Violation with Penalty 2nd NOV and Fine \$ 500-\$1,000 3rd NOV and Fine \$ 1,000 - \$25,000 4th NOV Water Supply Severance
Failure To Clean out trap or contact contractor within 5 days of Notice	Notice of Violation and \$250 Fine	48 hrs. of Inspection	Pretreatment Coordinator	Notice of Violation with Penalty 2nd NOV and Fine \$ 500-\$1,000 3rd NOV and Fine \$ 1,000 - \$25,000 4th NOV and Water Supply Severance
Hot Flushing	Notice of Violation and \$250 Fine	Order to Cease Immediately Notice of Violation Within 48 hours of Discovering Violation	Pretreatment Coordinator	Notice of Violation with Penalty 2nd NOV and Fine \$ 500-\$1,000 3rd NOV and Fine \$1,000 - \$25,000 4th NOV and Water Supply Severance
Permit Limits Violation	Notice Of Violation and \$250 Fine	Within 30 Days Of Inspection	Pretreatment Coordinator	2nd NOV and Fine \$100-500 3rd NOV and Fine \$500- \$1,000 4th NOV and Water Supply Severance

City Of Oxford Enforcement Response Guidance Chart

Tier III

Type Of Violation	POTW Action	Send NOV or Correction	Responsible Official	Escalated Action If Required
Improper disposal FOG	NOV Min \$500 Fine	Within 48 hrs. of Inspection	Pretreatment Coordinator	2nd NOV and Fine \$1,000 3rd NOV and Fine \$1,000- \$25,000 4th NOV and Water Supply Severance
Failure To Meet a Compliance deadline	NOV Min \$500 Fine	Within 48 hrs. of deadline	Pretreatment Coordinator	2nd NOV and Fine \$1,000 3rd NOV and Fine \$1,000- \$25,000 4th NOV and Water Supply Severance
Falsification of records	NOV Min \$500 Fine	Within 48 hrs. of Inspection	Pretreatment Coordinator	2nd NOV and Fine \$1,000 3rd NOV and Fine \$1,000- \$25,000 4th NOV and Water Supply Severance
Denying FOG Inspector access to property	NOV Min \$500 Fine	Within 48 hrs. of Inspection	Pretreatment Coordinator	2nd NOV \$1,000 3rd NOV \$1,000- \$25,000 4th NOV and Water Supply Severance

City Of Oxford Enforcement Response Guidance Chart

Tier IV

Type of Violation	POTW Action	Send NOV or Correction	Responsible Official	Escalated Action if Needed
Source of Sewer blockage and SSO	NOV and Penalty \$1,000-\$25,000	Within 48 hours of Discovery	WWTP Superintendent City Engineer District Attorney	Possible Water Supply Severance Possible criminal action taken
Polluting Storm drainage System	NOV and Penalty \$1,000-\$25,000 Cease and Desist Order	Within 48 hours of Discovery	WWTP Superintendent City Engineer District Attorney	Possible Water Supply Severance Possible criminal action taken
Nuisance Violators as referenced in City of Oxford SUO section 8.3 (D)	NOV and Penalty \$1,000-\$25,000 Cease and Desist Order	Within 48 hours of Discovery	WWTP Superintendent City Engineer District Attorney	Possible Water Supply Severance Possible criminal action taken
Polluting sanitary sewer	NOV and Penalty \$1,000-\$25,000 Cease and Desist Order	Within 48 hours of Discovery	WWTP Superintendent City Engineer District Attorney	Possible Water Supply Severance Possible criminal action taken