

**TITLE : RPWRF INDUSTRIAL PRETREATMENT PROGRAM – Administrative Fine Schedule**

EFFECTIVE DATE: January 1, 2020

REVISION EFFECTIVE DATE: N/A

## 1.0 GENERAL

- 1.1 The City of Spokane Wastewater Management Department Riverside Park Water Reclamation Facility (RPWRF) established the following public rule, policy, procedures and protocol regarding the Industrial Pretreatment Program.

An administrative fine structure was added to the existing Enforcement Response Plan. The new protocol ensures that all administrative fines relating to enforcement of Federal, State, and City Wastewater Pretreatment Standards are implemented in a fair, consistent manner.

The administrative fine structure worksheet can be found onsite at RPWRF located at 4401 North Aubrey L. White Parkway, Spokane, Washington 99205.

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## 2.0 DEPARTMENTS/DIVISIONS AFFECTED

This public rule and policy shall apply to the City of Spokane Wastewater Management Department Riverside Park Water Reclamation Facility, and the City of Spokane Accounting Department.

## 3.0 REFERENCES

Chapter 13.03A SMC

Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977  
– 33 USC section 1251 et seq.  
General Pretreatment Regulations – 40 CFR Chapter I, Sub Ch. N part 403  
Chapter 90.48 RCW  
Chapter 173-216 WAC  
EPA Region 10 Model ordinance for pretreatment  
Enforcement Response Plan located at RPWRF  
Industrial Pretreatment Program Policy and Procedure (DEPT 4320-16-01)

#### 4.0 DEFINITIONS

See SMC 13.03A

#### 5.0 POLICY

5.1 The goal of the City's Industrial Pretreatment Program is to achieve continuing compliance with Industrial Pretreatment Program requirements in a fair and equitable manner. The City strives to educate Industrial Users of their requirements, and will make consistent and persistent efforts to obtain compliance. Three of the main tenets that guide implementation are:

- a. All instances of Non-Compliance are subject to formal enforcement action.
- b. Continuing or repeated instances of non-compliance or violations will result in escalation of enforcement responses.
- c. The violator is responsible for developing necessary compliance measures and implementing them.

5.2 Non-compliance and violations of Pretreatment Standards may result in administrative fines as provided in chapter 13.03A SMC, in accordance with the administrative fine structure located in the Enforcement Response Plan, and may also include any available Judicial and Supplemental Remedies under the law, without limitation and including a penalty of up to ten thousand dollars (\$10,000) plus the costs of prosecution, per violation, per day and/or be subject to imprisonment for up to three hundred sixty-four (364) days, or by both.

5.3 Enforcement actions, including fines, may be appealed using procedures provided in SMC 13.03A.0904 Administrative Appeals.

5.4 The City reserves the right to utilize any and all remedies available under state, federal or local law which could include civil and/or criminal penalties.

## 6.0 PROCEDURES

- 6.1 In compliance with 40 CFR 403.8(f)(5), the City's Industrial Pretreatment Program has developed and implemented an Enforcement Response Plan (ERP). The Plan contains detailed procedures indicating how RPWRF will investigate and respond to instances of Industrial User Non-Compliance.
- 6.2 Wastewater Management has the authority to amend the Enforcement Response Plan at any time in order to more effectively implement the requirements of the Federal Pretreatment regulations or the City of Spokane Industrial Pretreatment Program.
- 6.3 The addition of an administrative fine structure to the Enforcement Response Plan provides a fair, consistent protocol for determining dollar amounts for administrative fines for instances of Industrial User Non-Compliance.
- 6.4 A mathematical method has been developed to calculate administrative fines to be administered for violations and non-compliance of Pretreatment Standards. The method is in the form of an Excel worksheet format for ease of use.
- 6.5 Information from the Industrial User's Non-Compliance is entered into the spreadsheet to calculate a total dollar amount to be assessed. The administrative fine structure reflects the significance of the violation, the Industrial User's compliance history, the economic benefit to the Industrial User resulting from the violation, efforts to return to compliance, costs resulting from the violation (such as sampling, analysis, investigation) and/or any damage to the environment or the City's Publicly Owned Treatment Works, and other relevant factors as outlined in the administrative fine structure worksheet.

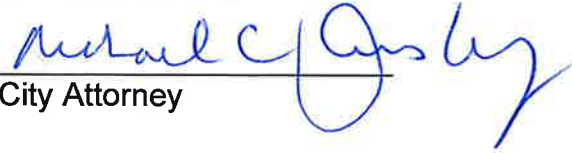
## 7.0 RESPONSIBILITIES

The Wastewater Management Department through its Industrial Pretreatment Program and Accounting Department shall administer this Public Rule and Policy. The Industrial Pretreatment Program will provide the calculated dollar amount to the Accounting Department. The Accounting Department will then invoice the Industrial User the total calculated amount from the fine worksheet. Unpaid charges, fines, and penalties shall, after thirty calendar days, be assessed an additional penalty of one percent (1%) of the unpaid balance per month.

## 8.0 APPENDICES

8.1 "A" - Fine Structure Worksheet

APPROVED BY:

  
\_\_\_\_\_  
City Attorney

December 10, 2019  
Date

\_\_\_\_\_  
Utilities Facilities Director

\_\_\_\_\_  
Date

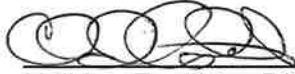
  
\_\_\_\_\_  
City Administrator

12/16/19  
Date

8.1 "A" - Fine Structure Worksheet

APPROVED BY:

\_\_\_\_\_  
City Attorney



\_\_\_\_\_  
Utilities Facilities Director



\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Date

12-11-2019

\_\_\_\_\_  
Date

12/16/19

\_\_\_\_\_  
Date

# APPENDIX " A "

## City of Spokane Industrial Pretreatment Program Administrative Fine Worksheet

Item	Factor	Value (1)	Base Fee
1) Any violations prior to this in the previous 6 months? Y/N = 1/0		200	0
2) Total number of violations in previous 6 months, including this violation		50	0
		1,000	0
<b>The Metric</b>			
3) Priority factor	Factor	Value (1)	Total (1)
4) Impact on the POTW		105	0
5) Impact on human health or environment		1005	0
6) Economic benefit or savings from the noncompliance		0	0
7) Significance of violation (SVC)		200	0
8) Late report fee		10	0
9) Inspection fee		196	0
10) Incremental cost of flow logger failure		30	0
<b>Cost Recovery Metric</b>			
11) RPOW cost recovery attributed to this discharge	Factor	Value (1)	Total (1)
12) RPOW response per hour			0
13) Total charges			0

Use the worksheet to the right to fill in data sets in the report above  
The sum in step #13 is the total fee to be assessed  
Total fees not to exceed \$10,000 per day per violation

1) Number of pretreat violations	Factor	0 or 1
2) Prior violations in the previous 6 months occur? Y/N = 1, No = 0	Factor	0 or 1
3) Compliance history	Factor	# violations
4) Total number of violations in the previous 6 months, including this violation	Factor	# violations
5) Priority factor	Factor	Factor
6) Is a pretreatment system currently being designed or installed?	Factor	0
7) Cooperative effort to maintain compliance by assigned deadline	Factor	1
8) Delay in return to compliance due to non-cooperation	Factor	3
9) Refusal to return to compliance or cooperative	Factor	6
10) Impact on POTW (based on average gallons per day discharged)	Factor	Factor
11) 0 - 4,500 gpd	Factor	1
12) 4,500 to 10,000 gpd	Factor	1.5
13) 10,000 - 25,000 gpd	Factor	2
14) 25,000 - 50,000 gpd	Factor	3
15) 50,000 - 100,000 gpd	Factor	4
16) > 100,000 gpd	Factor	5
17) Impact on human health or environment	Factor	Factor
18) No obvious impact on human health	Factor	0
19) Perfect impact on or threat to human health (e.g. sewer overflow or backup)	Factor	1
20) Direct impact on human health (e.g. injury, illness effect on individual(s))	Factor	2
21) Economic benefit or savings derived from the violation	Factor	Factor
22) No economic benefit derived	Factor	0
23) Economic benefit estimation	Factor	monetary value
24) Significance of violation (SVC)	Factor	Factor
25) Where SVC criteria as defined in SMC 15.04.0301	Factor	0 or 1
26) Late report fee	Factor	Factor
27) For reports 15-61 days late: Y/N = 1, No = 0	Factor	0 or 1
28) Extra inspections required due to violation	Factor	# of inspections
29) Inspection fee	Factor	Factor
30) Incomplete data: pH or flow logger failure	Factor	Factor
31) Data gaps of 3 consecutive days or more	Factor	1
32) RPOW costs caused by violation assessed by Central Authority	Factor	Factor
33) Cost recovery (RPOW flow, maintenance fees, third-party material cost)	Factor	monetary value
34) RPOW costs caused by violation assessed by Central Authority	Factor	Factor
35) RPOW costs assessed for investigation and enforcement	Factor	# of non-coms
36) Total fees	Factor	\$/hr
37) Sum the unit fees from steps 1-36 through step #10	Factor	\$/hr

**City of Spokane  
Industrial Pretreatment Program  
Administrative Fine Worksheet**

Fine Matrix			
	Factor	Value (\$)	Base Fee
1.) Any violations prior to this in the previous 6 months? Y/N = 1/0		300	0
2.) Total number of violations in previous 6 months, including this violation		50	0
	Sum:		0

	Factor	Value (\$)	Total (\$)
3.) Penalty factor		0	0
4.) Impact on the POTW		100	0
5.) Impact on human health or environment		1000	0
6.) Economic benefit or savings from the noncompliance			0
7.) Significance of violation (SNC)		500	0
8.) Late report fee		50	0
9.) Inspection fee		250	0
10.) Incomplete data: pH or flow logger failure		50	0

Cost Recovery Matrix			
	Factor	Value (\$)	Total (\$)
11.) RPWRF cost recovery: attributed to IU discharge			0
12.) RPWRF manpower: per hour			0
13.) Total charges			0

**Instructions:**  
Use the worksheet to the right to fill in clear cells in the matrix above  
The sum in step #13 is the total fee to be assessed  
Total fees not to exceed \$10,000 per day per violation

<b>1.) Number of previous violations</b> Did prior violations in the previous 6 months occur? Yes = 1, No = 0	<b>Factor</b>	0 or 1
<b>2.) Compliance history</b> Total number of violations in the previous 6 months, including this violation	<b>Factor</b>	# violations
<b>3.) Penalty factor</b> Is a pretreatment system currently being designed or installed? Cooperative effort to return to compliance by assigned deadline Delay in return to compliance due to non-cooperation Refusal to return to compliance or cooperate	<b>Factor</b>	0 1 3 6
<b>4.) Impact on POTW (based on average gallons per day discharge)</b>	<b>Factor</b>	1 1.5 2 3 4 5
<b>5.) Impact on human health or environment</b> No obvious impact on human health Indirect impact on or threat to human health (e.g. sewer overflow or backup) Direct impact on human health (e.g. injury, illness effect on individual(s))	<b>Factor</b>	0 1 2
<b>6.) Economics or savings benefited from the violation</b> No economic benefit derived Economic benefit estimation	<b>Factor</b>	0 monetary value
<b>7.) Significance of violation (SNC)</b> Meets SNC criteria as defined in SMC 13.03A.0801	<b>Factor</b>	0 or 1
<b>8.) Late report fee</b> For reports 15-44 days late: Yes = 1, No = 0	<b>Factor</b>	0 or 1
<b>9.) Inspection fee</b> Extra inspections required due to violation	<b>Factor</b>	# of inspections
<b>10.) Incomplete data: pH or flow logger failure</b> Data gaps of 3 consecutive days or more	<b>Factor</b>	1
<b>11.) RPWRF costs caused by IU and assessed by Control Authority</b> Cost recovery (RPWRF fines, maintenance fees, interdepartmental cost)	<b>Factor</b>	monetary value
<b>12.) RPWRF costs caused by IU and assessed by Control Authority</b> RPWRF man hours assessed for investigation and enforcement	<b>Factor</b>	# of man hours
<b>13.) Total Fees</b> Sum the unit fees from steps #3 through step #12.	<b>Sum</b>	