

**MAYOR AND CITY COUNCIL
OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
ENFORCEMENT RESPONSE PLAN FOR FATS, OILS AND GREASE (FOG)
GENERATED BY FOOD SERVICE ESTABLISHMENTS (FSEs)**

INTRODUCTION

Baltimore City, under the authority of Article 25 of the Baltimore City Code and in accordance with the State of Maryland and Federal regulations, established a program for the control of fats, oils and grease (FOG) generated by Food Service Establishments (FSEs.) This program is designed to monitor the discharge, or the potential for discharge, of FOG-bearing wastewater that may cause adverse effects on the sanitary sewerage system, treatment facilities and ultimately the water quality of Maryland's streams, rivers, and the Chesapeake Bay.

The definition of a Food Service Establishment (FSE) is a restaurant, cafeteria, hotel kitchen, church kitchen, school kitchen, hospital cafeteria, bar, or any other commercial or non-residential operation that discharges grease-laden wastewater.

This Enforcement Response Plan (ERP) will provide guidance for the Mayor and City Council of Baltimore, acting through the Bureau of Water and Wastewater under the Department of Public Works (DPW) (collectively referred to as DPW) for investigations and responses to non-compliance by FSEs.

Additional details about the FOG Program are in the City's FOG Program Manual and are herein incorporated by reference.

FOG PROGRAM REQUIREMENTS

All FSEs that discharge or have the potential to discharge FOG to the sanitary sewer must comply with the FOG Program as described below:

1. Have a valid Wastewater Discharge Permit (WWDP). DPW's Pollution Control Section issues these permits to non-residential users of the sanitary sewer system.
2. Have a properly sized, installed and functioning Grease Control Device (GCD). Each GCD is to be sized and installed in accordance with the Baltimore City Plumbing Code.
3. Clean and maintain the GCD frequently enough to comply with the *25% Rule* (FOG Program Manual (2013) 3.3.1.) This frequency will depend on the number of fixtures discharging to it, the seating capacity of the establishment and the capacity of the device.
4. Keep a GCD maintenance log up-to-date and on-site. The log must document each GCD inspection, maintenance and disposal activities performed. Waste hauler manifests and maintenance records must be retained for three years.
5. Properly collect and dispose of FOG. It should be disposed as solid waste or stored in a covered, leak-proof receptacle until it can be taken off-site by a licensed hauler.

DEVELOPMENT OF USER INVENTORY

DPW developed and maintains a database of FSEs subject to the requirements of the FOG Program. The database, based on Pretreatment and Surcharge Program records in the Bureau of Water & Wastewater, was augmented by Health Department records and is updated by canvassing utility maintenance reports, building permit applications and other available global communications electronic and print resources.

A new FSE must submit a Wastewater Discharge Permit application. FSEs subject to the FOG Program requirements will be added to the master list of regulated facilities. Inspections will be conducted to:

- Verify application information;
- Verify Wastewater Discharge Permit (WWDP) is valid;
- Educate the FSE owner/manager about the FOG Program;
- Verify that the GCD is properly installed;
- Measure the effectiveness of the GCD;
- Review maintenance records; and
- Confirm satisfactory FOG collection and disposal.

Consequently, the DPW will identify potential problems, cite violations, verify compliance and ultimately determine the impact of each FSE singly or in combination with other dischargers on the sanitary sewerage conveyance system.

PROCEDURES FOR INVESTIGATING/ASSESSING COMPLIANCE

INSPECTION ACTIVITIES

Inspections determine compliance with the FOG Program. An inspection may be scheduled or unscheduled and is somewhat dependent on the hours of operation of the FSE as well as the size and complexity of the operation. Permitted FSEs will be inspected at least once during the first five years following the implementation of the FOG Program. FSEs will be classified, or triaged, on the following criteria:

- Type and method of food preparation;
- Type and quantity of grease abatement systems;
- Size and grade of the receiving mainline sanitary sewer;
- History of grease blockages or sanitary sewer overflows (SSOs) downstream of the FSE;
- Compliance history.

Subsequent inspections may occur approximately twice annually for facilities with a high priority to once every two years for those with a lesser priority. The latter may or may not be permitted or receive routine inspections based on available resources.

Additional inspections may be required to:

- Verify compliance with an enforcement action;
- Investigate an illicit discharge;
- Evaluate a new facility;
- Evaluate a facility with effluent or seasonal variations;
- Verify installation of or changes to pretreatment equipment (i.e., a GCD);
- Resolve an employee, citizen or agency complaint;
- Address an SSO, odor complaint or sanitary sewer backup.

Inspection goals will verify:

- Required kitchen fixtures are served by a GCD;
- The GCD is adequately sized and is operating properly;

- The implementation of Best Management Practices (BMPs);
- Maintenance logs are kept by the FSE.

The sanitary sewer system may be inspected for any signs of grease accumulation at a lateral end-of-pipe first connection to the public sanitary sewer.

The inspection is also an opportunity for outreach to maintain a cooperative, as well as regulatory, presence with the food service community and discuss problems and/or concerns of either the DPW or the FSE related to the FOG Program.

The mandatory inspections procedures are detailed in the City's FOG Program Manual (2013) and are herein incorporated by reference.

Inspectors are responsible for documenting compliance by inspecting FSEs in the FOG Program. Duties include:

- Inspection of manual, automatic, and in-ground GCDs at FSEs;
- Distribution of FSE outreach material;
- Inspection of GCD installation and condition;
- Inspection of manholes to assess grease accumulation;
- Confirmation that GCD maintenance records are accurate and up-to-date;
- Cooperation with maintenance crews when grease contributes to sanitary sewer system blockages;
- Updating the FOG App with inspection data;
- Generation of daily and monthly records of inspections and violations;
- Unannounced visits to FSEs to inspect GCDs and maintenance logs;
- Performs other related duties, as assigned.

The inspector has knowledge and skills with regarding:

- Operation of the sanitary sewerage conveyance system;
- Manual, automatic, and in-ground GCDs;
- Applicable city codes and ordinances;
- Inspection of GCDs;
- Organization;
- Mathematical computations;
- Oral and written communication.

Follow-up inspections may be scheduled to evaluate compliance with enforcement activity utilizing the Field Investigation Report format. The results of each visit will be documented and the FSE will be notified of any deficiencies found. Non-compliance observed during the course of the inspection shall be noted in the report. Non-compliance will then be documented in a Notice of Violation (NOV), which will be sent to the FSE on or about the 15th day of the month following the month of the observation of non-compliance.

FSE inspection details are either transcribed to the FOG App from paper report forms or input directly during the course of the inspection. Whether creating a hand-written report or using the FOG App, The FSE inspection checklist must be completed at the time of the inspection. Field investigation reports should be completed the day of the response to the incident. Inspection

reports are reviewed by the compliance supervisor for completeness and for violations. The supervisor tracks the violations in a spreadsheet. Update forms are used to record general information changes. These are routed to the permits supervisor who forwards it to the clerical staff that updates the FSE records.

EVALUATING COMPLIANCE

The goals of evaluating FSE compliance are to:

- Ensure that applicable FOG Program standards (federal, state, and local) are being met;
- Verify that BMPs are followed;
- Confirm that local ordinance provisions and FSE permit provisions are being met;
- Make certain that maintenance logs are current and accurate;
- Identify the need for enforcement action to remedy existing conditions;
- Accurately report compliance progress to DPW; and
- Determine the adequacy of a GCD including its proper operation and maintenance.

VIOLATION TYPE	CONDITIONS	CITY RESPONSE	FSE ACTION	CITY FOLLOW-UP ACTIVITY
UNAUTHORIZED DISCHARGE	NO GCD	ISSUE NOV. REQUIRE COMPLIANCE SCHEDULE.	RESPOND TO REQUIRED ACTION WITHIN 30 DAYS	PERFORM FOLLOW-UP INSPECTION
	FAILS 25% RULE	ISSUE NOV	RESPOND TO REQUIRED ACTION WITHIN 15 DAYS	PERFORM FOLLOW-UP INSPECTION
FAILURE TO APPLY FOR A WASTEWATER DISCHARGE PERMIT	FAILURE TO PAY FOR WASTEWATER DISCHARGE PERMIT	SEND WARNING LETTER	SUBMIT PAYMENT	TRACK AND SUBMIT ROUTINE LIST TO LAW DEPT
	FAILURE TO OBTAIN A WWDP AFTER BEING NOTIFIED	ISSUE NOV	RESPOND TO REQUIRED ACTION WITHIN 15 DAYS	TRACK AND SUBMIT ROUTINE LIST TO LAW DEPT
	FAILURE TO APPLY FOR WASTEWATER DISCHARGE PERMIT	PROVIDE BLANK APPLICATION TO FSE	COMPLETE WWDP APPLICATION FORM B	PROCESS APPLICATION
INSPECTOR OBSERVES PLUMBING CODE VIOLATIONS	DISHWASHER CONNECTED TO GCD	ISSUE NOV FOR PASS-THROUGH. INFORM CUSTOMER OF POSSIBLE PLUMBING CODE VIOLATION	RELOCATE DISCHARGE TO ACCEPTABLE LOCATION	SEND COPY OF NOV TO HCD AND CHECK DURING SUBSEQUENT INSPECTIONS
	GCD LEAKING	ISSUE NOV FOR PASS-THROUGH. INFORM CUSTOMER OF POSSIBLE PLUMBING CODE VIOLATION	REPAIR OR REPLACE GCD	SEND COPY OF NOV TO HCD AND CHECK DURING SUBSEQUENT INSPECTIONS
	GCD NOT FUNCTIONAL	ISSUE NOV FOR PASS-THROUGH. INFORM CUSTOMER OF POSSIBLE PLUMBING CODE VIOLATION	MAKE NECESSARY REPAIRS	SEND COPY OF NOV TO HCD AND CHECK DURING SUBSEQUENT INSPECTIONS
	NO BAFFLES	ISSUE NOV FOR PASS-THROUGH. INFORM CUSTOMER OF POSSIBLE PLUMBING CODE VIOLATION	MAKE NECESSARY REPAIRS	SEND COPY OF NOV TO HCD AND CHECK DURING SUBSEQUENT INSPECTIONS
	BAFFLES NOT INSTALLED CORRECTLY	ISSUE NOV FOR PASS-THROUGH. INFORM CUSTOMER OF POSSIBLE PLUMBING CODE VIOLATION	MAKE NECESSARY REPAIRS	SEND COPY OF NOV TO HCD AND CHECK DURING SUBSEQUENT INSPECTIONS

VIOLATION TYPE	CONDITIONS	CITY RESPONSE	FSE ACTION	CITY FOLLOW-UP ACTIVITY
REFUSAL OF ENTRY	REFUSES TO ALLOW INSPECTION	ISSUE NOV	RESPOND TO REQUIRED ACTION WITHIN 15 DAYS	TRACK AND SUBMIT ROUTINE LIST TO LAW DEPT
ENZYMES OR EMULSIFYING CHEMICALS USED DIRECTLY IN GCD	THE USE OF ENZYMES OR EMULSIFYING CHEMICALS OR OTHER ADDITIVES DIRECTLY IN THE GCD IS PROHIBITED	ISSUE NOV	DISCONTINUE USE OF ENZYMES OR EMULSIFYING CHEMICALS	CHECK DURING SUBSEQUENT INSPECTIONS
INACCESSIBLE GCD	GCD INACCESSIBLE	ISSUE NOV	RESPOND TO REQUIRED ACTION WITHIN 15 DAYS	PERFORM FOLLOW-UP INSPECTION
INADEQUATE/NO MAINTENANCE LOG	NO MAINTENANCE LOG, MAINTENANCE LOG NOT UP-TO-DATE	ISSUE NOV	RESPOND TO REQUIRED ACTION WITHIN 15 DAYS	CHECK DURING SUBSEQUENT INSPECTIONS
MISSED MILESTONE OR FINAL COMPLIANCE DATE	FAILS TO SUBMIT REQUIRED DOCUMENTATION	ISSUE NOV	RESPOND TO REQUIRED ACTION WITHIN 15 DAYS	SCHEDULE MEETING WITH FSE MANAGEMENT
INADEQUATE MAINTENANCE OF WASTE/RECYCLE GREASE AREA	GREASE/OIL STORAGE AREA CREATES A THREAT TO PUBLIC HEALTH	REPORT TO HEALTH DEPT		CONTACT HEALTH DEPT IF CONDITIONS UNCHANGED.
	GREASE WASTE/RECYCLE AREA NOT ADEQUATELY MAINTAINED, NOT DIKED OR IMPACTING NEARBY STORMDRAINS	INFORM CUSTOMER IMMEDIATELY OF VIOLATION; ISSUE NOV	RESPOND TO REQUIRED ACTION WITHIN 5 DAYS; PROVIDE DISPOSAL MANIFIEST TO INSPECTOR	PERFORM FOLLOW-UP INSPECTION
OTHER	BEST MGT PRACTICES NOT IN USE	REISSUE BMPS OR REQUEST A BMP PLAN FROM FSE	PREPARE CUSTOM BMP PLAN AND IMPLEMENT OR USE CITY BMP RECOMMENDATIONS	CHECK DURING NEXT SCHEDULED INSPECTION

TABLE 1. VIOLATION MATRIX

Recordkeeping

The DPW utilizes manual and electronic methods for monitoring compliance. FSE inspections generate a compliance history with pretreatment standards and regulations. These records determine the effectiveness of the FOG Program. Information from the compliance monitoring program is used to evaluate the impact of FOG and FOG enforcement activities on the conveyance system.

In order to effectively track receipt of responses and follow-up inspections, the DPW utilizes an electronic tracking system for enforcement actions. This electronic report is called the "Violations Report." The Violations Report includes the following data elements for each violation:

1. Inspection Date;
2. FSE Number;
3. FSE Number assigned by FOG App for new customers without a WWDP;
4. FSE General information (Facility Name, address, contact, phone number);
5. Comments identifying the violation;
6. Violation Type;
7. Whether the FSE needs a WWDP;
8. Enforcement Action;
9. Whether an NOV was sent;
10. NOV Date;

11. Date Received by FSE (based on Certified Mail Return Receipt);
12. Response Due Date;
13. Response Date;
14. Sent to HCD, if applicable;
15. Sent to Health Department, if applicable;
16. Status of enforcement action (Open/Closed);
17. Compliance Comments.

Additional records such as emails are also maintained in each FSE permit file in order to document conversations and notifications.

ENFORCEMENT PROCEDURES

FSE compliance status is determined by the compliance supervisor. This status is dependent upon the results of the most recent inspection and the remedial actions taken by the FSE. The FSE is either in compliance or non-compliance.

TABLE 2. COMPLIANCE MATRIX			
CITY ACTION	FSE ACTION	COMPLIANCE STATUS	ADDITIONAL CITY ACTION
ISSUE NOV	TAKES CORRECTIVE ACTION*	C – COMPLIANCE	CONTINUE PERIODIC INVESTIGATIONS
	DOES NOT TAKE CORRECTIVE ACTION	NC – NON-COMPLIANCE	ISSUE SECOND NOV WITH PENALTIES
ISSUE SECOND NOV WITH PENALTIES	TAKES CORRECTIVE ACTION*	C – COMPLIANCE	CONTINUE PERIODIC INVESTIGATIONS
	DOES NOT TAKE CORRECTIVE ACTION	NC – NON-COMPLIANCE	ISSUE CONSENT AGREEMENT
CONSENT AGREEMENT	TAKES CORRECTIVE ACTION*	C – COMPLIANCE	CONTINUE PERIODIC INVESTIGATIONS
	DOES NOT TAKE CORRECTIVE ACTION	NC – NON-COMPLIANCE	ISSUE ADMINISTRATIVE ORDER
ADMINISTRATIVE ORDER	TAKES CORRECTIVE ACTION*	C – COMPLIANCE	CONTINUE PERIODIC INVESTIGATIONS
	DOES NOT TAKE CORRECTIVE ACTION	NC – NON-COMPLIANCE	PERMIT REVOCATION/TERMINATION OF SERVICE
PERMIT REVOCATION/TERMINATION OF SERVICE/JUDICIAL ACTION	TAKES CORRECTIVE ACTION*	C – COMPLIANCE	RESTORE PERMIT/SERVICE
*INSTALLS OR REPLACES GCD, INCREASES FREQUENCY OF GCD MAINTENANCE, OR OTHER REQUIRED MEASURES.			

Additional enforcement action(s) may arise from the following:

- Violation of a pretreatment prohibition or general requirement that the DPW determines the FSE has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- Failure to provide, within 30 days after the due date, required reports such as compliance reports and maintenance logs.
- Any other violation or violations, which the DPW determines will adversely affect the operation or implementation of the local FOG program.

A monthly summary report indicating the types and number of violations is prepared by the Compliance supervisor based on the Violations Report.

PROCEDURES FOR RESPONDING TO NON-COMPLIANCE

DOCUMENTING NON-COMPLIANCE

Issuance of NOV

The DPW may become aware of non-compliance through inspections, Utility Asset Management Division activities, and Utility Maintenance work orders, Health Department inspections, the Housing Department or citizen complaints. A Notice of Violation (NOV) is sent to a FSE that has violated the pretreatment standards. The NOV usually requires, within a designated time, a response from the user stating an explanation for the violation and steps the FSE will take to achieve and remain in compliance. The NOV is issued on or about the 15th day of the month following the month of the DPW becoming aware of FSE non-compliance (i.e. date of the inspection.)

The NOV can be automatically generated by a filtered mail merge operation after the compliance supervisor updates the Violations Report spreadsheet. After the NOV is generated, the compliance supervisor reviews it before it receives the program administrator's signature. It is then sent to the FSE by certified mail. The compliance supervisor oversees subsequent activities and makes assignments to ensure that the FSE compliance is achieved.

All FSE responses are recorded on the Violations Report. The Violations Report catalogues the dates of the enforcement action and the FSE response.

Initiating Additional Enforcement Action

When a violation of pretreatment standards or regulations is identified, it is evaluated to determine whether enforcement action is appropriate. Evaluations are generally performed by the program administrator and the compliance supervisor, with the assistance of the City Solicitor's Office, if required. Additional advice or approval may be required of the division manager, head of the Bureau of Water and Wastewater or the DPW Director and the City's Board of Estimates.

Formal enforcement action may be initiated by any of the following: the gravity of the violation, failure to achieve compliance within a specified period through less formal means, a review of the FSE's violation records, or in some cases, the advice of counsel.

The DPW uses the FOG Program Enforcement Response Guide (ERG) to assist in the evaluation of non-compliance cases. (See Exhibit A). This guide provides uniform enforcement responses to pretreatment violations. The response guide identifies types of responses that are appropriate based on the nature of the violation. The guide also specifies the enforcement response timelines and identifies administrative personnel qualified to initiate such a response.

Upon determination that additional enforcement action is required, the division manager or his designee provides guidance to the program administrator and/or compliance supervisor regarding such action and the period in which it shall be prepared. Timelines to complete enforcement actions are as follows:

- NOV with or without Administrative Penalty
- Consent Agreement
- Administrative Order
- 15th day of the month following the month of the inspection
- 6 months
- 6 months

The division manager/designee, in conjunction with the DPW and the City Solicitor’s Office, determines if judicial action is necessary. The division manager/designee instructs the program administrator or compliance supervisor to prepare a package of relevant information to be forwarded to the Solicitors' Office within four weeks. A meeting for discussion of the proposed litigation is held within two months of the decision to take such action.

Additional Enforcement Responses

Additional responses include Consent Agreements, Administrative Orders, judicial actions and termination of sanitary sewer service. The enforcement response is related to the significance of the violation and is escalated if compliance is not achieved expeditiously.

If the violation persists and/or is deliberate, enforcement actions escalate with formal enforcement responses and are detailed in Article 25 of the Baltimore City Code as amended, as follows:

- Administrative Remedies:
- Notice of Violation;
- Show Cause Order;
- Consent Order;
- Cease and Desist Order;
- Administrative Penalties;
- Termination of Service;
- Permit Revocation;
- Judicial Remedies:
- Injunctive Relief;
- Civil Penalties.

DESCRIPTION OF ENFORCEMENT ACTIONS

Consent Agreement

A Consent Agreement formally documents an agreement between an FSE and the DPW that commits the FSE to perform corrective action.

A consent agreement shall contain the following elements:

1. Title: Specifies the type of agreement, to whom it is being issued and the purpose of the agreement.
2. Legal Authority: Indicates the authority under which the agreement is issued.
3. Finding of Non-compliance: All violations shall be specified, including the date(s), the permit condition(s)/regulation(s) violated and any damages attributable to the violation.
4. Ordered Activity: Specify all ordered activity, including penalty payment.
5. Compliance Schedule.

6. Signatures of the DPW Director and the authorized representative of the FSE.

A consent agreement may also contain the following:

1. Compliance schedule establishing dates that the DPW can monitor the progress of corrective actions; and
2. Monetary penalties.

When to pursue: To address non-compliance.

How to pursue: After the compliance supervisor drafts the Consent Agreement and it is approved by the Division Manager, it is sent to the City Solicitor's Office for issuance to the FSE. A meeting is scheduled with the User to discuss the terms of the agreement. The agreement is then finalized and executed.

Unilateral Administrative Order

An Administrative Order is a mechanism to require corrective action by an FSE for non-compliance and to assess penalties.

An administrative order shall contain all of the following elements:

1. Title: Specifies the type of order, to whom it is being issued and the purpose of the order.
2. Legal Authority: Indicates the authority under which the order is issued.
3. Findings of Non-compliance.
4. Ordered Activity: Specifies all ordered activity, including penalty payments.
5. Compliance Schedule.

When to pursue: To address non-compliance.

How to pursue: After the compliance supervisor drafts the order and receives approval from the Division Manager, it is sent to the City Solicitor's Office for issuance to the FSE. A meeting is scheduled with the FSE user to discuss the terms of the order. It is then finalized and executed.

Permit Denial or Revocation

A permit denial occurs when DPW refuses to issue a permit to either an initial or a renewal applicant. A revocation is an enforcement action taken against an existing permit holder that results in temporary or permanent loss of the permit.

When to pursue: A permit may be revoked or denied when a user causes or threatens to cause a condition which could present an imminent or substantial danger to life, safety, the POTW, or the environment. It may also be revoked or denied when other actions have failed to achieve compliance.

How to pursue: The Division Manager, in consultation with the Director and the Bureau Head, makes a decision regarding the revocation. The Division Manager notifies the user, in writing, of the intention to revoke the permit. The user is given the opportunity to appeal.

Judicial Remedies

Judicial action is an action instituted by DPW in a Court of Law against violators. The most common types of court actions are those seeking injunctive relief and or monetary penalties. Injunctive relief is an equitable remedy issued or granted by a court requesting the violator to refrain from particular activities.

Civil Penalties: monies awarded by a court in a court action against violators.

RECORDS RETENTION

The DPW retains all records of compliance, monitoring and enforcement activities in its current files for at least three years. Older data is archived.

FOG ERP V.1.0 10-10-2014

FOG ERP V.1.0 10-10-2014

EXHIBIT A
Mayor and City Council
City of Baltimore
FOG PROGRAM
ENFORCEMENT RESPONSE GUIDE

NON-COMPLIANCE	NATURE OF NON-COMPLIANCE	TYPE	INCIDENT	ENFORCEMENT ACTION	TIME FRAME	PERSONNEL
<u>PERMIT VIOLATION</u>						
Discharge Standard Violations:	Exceedance of standard	NC	Any	NOV	15th day of the month following the month of the inspection	DC
	Continued non-compliance after compliance date of Consent Agreement, Administrative Order or Compliance Schedule	NC	Any	AP CA w/AP AO w/AP Judicial Actions Termination of Service	15th day of the month following the month of the inspection 6 months 6 months Filed within 12 months 12 months	DC DPW DPW DPW DPW
	POTW or environmental damage	NC	Any	NOV with AP CA w/AP, CmS AO w/AP, CmS Judicial Actions Termination of Service	15th day of the month following the month of the inspection 6 months 6 months Filed within 6 months	DC DPW DPW DPW DPW
<u>REPORTING:</u>						
Reporting Violation:	Failure to submit required report within 15 days following the due date	NC	1 st	NOV AP	15th day of the month following the month of the inspection 15th day of the month following the month of the inspection	DC DC
		NC	2 nd	AP CA w/AP AO w/AP	15 days 6 months 6 months	DC DPW DPW
	Failure to submit required report	NC	Any	AP CA w/AP AO w/AP	15 days 6 months 6 months	DC DPW DPW
	Required report is deficient; not signed, improperly completed or pertinent information	NC	1 st	NOV	15 days	DC

KEY NC – NON-COMPLIANCE NOV – NOTICE OF VIOLATION AP - ADMINISTRATIVE PENALTIES CmS - COMPLIANCE SCHEDULE
 CA - CONSENT AGREEMENT AO - ADMINISTRATIVE ORDER DC - DIVISION MANAGER DPW - DIRECTOR OF PUBLIC WORKS

EXHIBIT A
Mayor and City Council
City of Baltimore
FOG PROGRAM
ENFORCEMENT RESPONSE GUIDE

NON-COMPLIANCE	NATURE OF NON-COMPLIANCE	TYPE	INCIDENT	ENFORCEMENT ACTION	TIME FRAME	PERSONNEL
	omitted					
		NC	2nd	AP	15 days	DC
		NC	any	AP CA w/AP AO w/AP	15 days 6 months 6 months	DC DPW DPW
INSPECTIONS:						
Inspection Violation	Entry denial	NC	any	NOV	15th day of the month following the month of the inspection	DC
	Inadequate recordkeeping	NC	1st	Letter outlining inspection deficiencies that need to be corrected	15th day of the month following the month of the inspection	DC
		NC	2nd	NOV	15th day of the month following the month of the inspection	DC
		NC	3rd	AP	15th day of the month following the month of the inspection	DC
		NC	any	AP	15th day of the month following the month of the inspection	DC
	Illicit discharge; No evidence of intent	NC	1st	NOV	15th day of the month following the month of the inspection	DC
		NC	2nd	NOV CA w/AP AO w/AP	15th day of the month following the month of the inspection 6 months	DPW DPW
		NC	any	AP CA w/AP AO w/AP	15th day of the month following the month of the inspection 6 months 6 months	DC DPW DPW
	Illegal discharge; Evidence of intent; No POTW or environmental damage	NC	any	AP CA w/AP	15th day of the month following the month of the inspection	DC DPW

KEY NC – NON-COMPLIANCE NOV – NOTICE OF VIOLATION AP - ADMINISTRATIVE PENALTIES CmS - COMPLIANCE SCHEDULE
 CA - CONSENT AGREEMENT AO - ADMINISTRATIVE ORDER DC - DIVISION MANAGER DPW - DIRECTOR OF PUBLIC WORKS

EXHIBIT A
Mayor and City Council
City of Baltimore
FOG PROGRAM
ENFORCEMENT RESPONSE GUIDE

NON-COMPLIANCE	NATURE OF NON-COMPLIANCE	TYPE	INCIDENT	ENFORCEMENT ACTION	TIME FRAME	PERSONNEL
				AO w/AP Judicial Action	6 months 6 months filed within 6 months	DPW DPW
	Illegal discharge; evidence of intent; POTW or environmental damage	NC	any	AP CA w/AP AO w/AP Judicial Action	15th day of the month following the month of the inspection 6 months 6 months filed within 6 months	DC DPW DPW DPW
	Waste streams are diluted in lieu of treatment	NC	1st	NOV	15th day of the month following the month of the inspection	DC
		NC	any	AP CA w/AP AO w/AP	15th day of the month following the month of the inspection 6 months 6 months	DC DPW DPW
	GCD improperly operating or maintained	NC	1st	NOV	15th day of the month following the month of the inspection	DC
		NC	2nd	AP	15th day of the month following the month of the inspection	DC
	GCD improperly operating or maintained; Gross negligence or intent	NC	any	AP AO w/AP CA w/AP Judicial Action	15th day of the month following the month of the inspection 6 months 6 months filed within 6 months	DC DPW DPW DPW
<u>COMPLIANCE SCHEDULE:</u>						
Compliance Schedule Violation	Compliance Schedule Increment of Progress Report not received within five (5) days following the due date	NC	any	NOV	15 days	DC
	Compliance Schedule Increment of Progress Report not received within thirty (30) days	NC	any	NOV with AP	15 days	DC

KEY NC – NON-COMPLIANCE NOV – NOTICE OF VIOLATION AP - ADMINISTRATIVE PENALTIES CmS - COMPLIANCE SCHEDULE
 CA - CONSENT AGREEMENT AO - ADMINISTRATIVE ORDER DC - DIVISION MANAGER DPW - DIRECTOR OF PUBLIC WORKS

EXHIBIT A
Mayor and City Council
City of Baltimore
FOG PROGRAM
ENFORCEMENT RESPONSE GUIDE

NON-COMPLIANCE	NATURE OF NON-COMPLIANCE	TYPE	INCIDENT	ENFORCEMENT ACTION	TIME FRAME	PERSONNEL
	following the due date					
	Increment of Progress not met on the scheduled completion date	NC	any	NOV	15 days	DC
	Increment of Progress not met within sixty (60) days following the scheduled completion date	NC	any	NOV with AP	15 days	DC
	Failure to submit Compliance Schedule within ten (10) days following the due date	NC	any	NOV with AP	15 days	DC
FEES, FINES, AND COSTS						
Failure to Remit	Failure to remit within thirty (30) days following the due date	NC	1st	NOV	15 days 15 days	DC DC
		NC	2nd	AP	15 days	
	Failure to remit within sixty (60) days following the due date	NC	any	CA with AP AO with AP	12 months 12 months	DPW DPW
UNAUTHORIZED DISCHARGES						
Unpermitted Discharge	FSE unaware of permit requirements with no POTW or environmental damage	NC	any	NOV and require a Baseline Monitoring Report (if applicable) and issue a permit application	15th day of the month following the month of the inspection	DC
	FSE unaware of permit requirements with POTW or environmental damage	NC	any	AP AO w/AP CA w/AP Judicial Actions also require a permit application	15th day of the month following the month of the inspection 6 months 6 months filed within 6 months	DC DPW DPW DC
	Failure to apply for permit within thirty (30) days after receiving permit application	NC	any	NOV AO w/AP CA W/AP	15 days 6 months 6 months	DC DPW DPW

1) Notice of Violation requests an explanation of the violation and a plan of corrective action is submitted within fifteen (15) days. In addition, all Notices of Violation outline steps of escalating enforcement actions for continued non-compliance. The steps of escalating enforcement action are discretionary and based on past compliance history, seriousness of non-compliance and goodwill of the industrial user. Generally, escalating enforcement is as follows: Notice of

KEY NC – NON-COMPLIANCE NOV – NOTICE OF VIOLATION AP - ADMINISTRATIVE PENALTIES CmS - COMPLIANCE SCHEDULE
CA - CONSENT AGREEMENT AO - ADMINISTRATIVE ORDER DC - DIVISION MANAGER DPW - DIRECTOR OF PUBLIC WORKS

EXHIBIT A
Mayor and City Council
City of Baltimore
FOG PROGRAM
ENFORCEMENT RESPONSE GUIDE

NON-COMPLIANCE	NATURE OF NON-COMPLIANCE	TYPE	INCIDENT	ENFORCEMENT ACTION	TIME FRAME	PERSONNEL
Violation, Show Cause Hearing, Administrative Fine, Consent Order, Administrative Order, Compliance Schedule, Civil Action, Injunctive Relief, Criminal Action and Termination of Services.						
3) All times are in calendar days.						
4) Enforcement actions are originated by the Area Coordinator but issued by the Division Manager or Director possibly in conjunction with the City Solicitor.						

KEY NC – NON-COMPLIANCE NOV – NOTICE OF VIOLATION AP - ADMINISTRATIVE PENALTIES CmS - COMPLIANCE SCHEDULE
 CA - CONSENT AGREEMENT AO - ADMINISTRATIVE ORDER DC - DIVISION MANAGER DPW - DIRECTOR OF PUBLIC WORKS