CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Environmental Services

2009
First Semi-Annual Industrial User Pretreatment Compliance Report

2009 First Semi-Annual Industrial User Pretreatment Compliance Report
San Jose Santa Clara Water Pollution Control Plant

Tributary Agencies

Cities of:
San Jose,
Santa Clara
and Milpitas

Cupertino
Sanitary District

West Valley
Sanitation District
(Campbell, Los Gatos,
Monte Sereno and Saratoga)

County Sanitation
Districts 2-3

Sunol and Burbank
Sanitary Districts

Administered by the
Environmental Services
Department
City of San José

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San Jose
Santa Clara
Water Pollution
Control Plant

Administered by the
Environmental Services Department
City of San José

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Environmental Services Department
SAN JOSE/SANTA CLARA WATER POLLUTION CONTROL PLANT

WATERSHED PROTECTION

CONTRIBUTING AGENCIES

CITY OF SAN JOSÉ
CITY OF SANTA CLARA
COUNTY SANITATION DIST. NO 2 - 3
BURBANK SANITARY DISTRICT
CUPERTINO SANITARY DISTRICT
CITY OF CUPERTINO
CITY OF MILPITAS
SUNOL SANITARY DISTRICT
WEST VALLEY SANITATION DISTRICT
CITIES OF CAMPBELL, LOS GATOS
MONTE SERENO AND SARATOGA

July 31, 2009

Mr. Bruce Wolfe, Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

SUBJECT: **San Jose /Santa Clara Water Pollution Control Plant**
2009 First Semiannual Industrial User Pretreatment Report
NPDES Permit No. CA-0037842

Dear Mr. Wolfe:

Enclosed is the San Jose/Santa Clara Water Pollution Control Plant, 2009 First Semiannual Industrial User Pretreatment Report, which includes laboratory data on influent, effluent, and sludge monitoring results; compliance tables; and an update on our compliance with Pretreatment program requirements.

The City of San José (City) faces the challenge of preserving a portion of one of the most important estuaries in the United States, located directly adjacent to a complex urban community. As lead agency of a regional joint powers authority, the City operates the San Jose/Santa Clara Water Pollution Control Plant (Plant), and provides wastewater treatment to over 1.4 million residents and 16,000 businesses, including many of the leading computer and electronics manufacturing companies that make up "Silicon Valley." The City is also responsible for limiting the Plant effluent discharges to the South San Francisco Bay (South Bay), as required by its National Pollutant Discharge Elimination System (NPDES) Permit.

The Plant continues to maintain significant industrial pollutant reductions achieved over the years by enforcing stringent regulations, limiting the amount of pollutants that industries can discharge into the sanitary sewer system, and implementing aggressive pollution prevention and recycle and reuse programs. As just one example, City and the District Attorneys Offices are pursuing criminal charges against a Zero Discharge Categorical Industrial User based on the City's surveillance sampling investigation.

The City has also updated its Source Control Enforcement Response Plan to ensure the City is providing effective and consistent enforcement response. This plan was submitted to the Regional Board and EPA on June 30, 2009, and is attached. The annual Industrial User (IU) Academy was held on May 13, 2009. The IU Academy is a workshop designed to assist the IUs in understanding their permit and sampling requirements and how to maintain compliance. Inspectors present the different workshop modules, providing the IUs with their field experience and knowledge. Since the demand was very high, for the second year in a row, the City plans to conduct another IU Academy session in fall 2009.

170 W. San Carlos Street, San José, CA 95113 *tel* (408) 277-5700 *tel* (408) 945-3000 *fax* (408) 277-5775

The 2009 First Semiannual Industrial User Pretreatment Report is submitted in accordance with Provision E 5 of the Regional Board Order No. R2 2009-0038. Contained in the First Semiannual Report is a listing of all Significant Industrial Users (SIUs) that had any violation of federal or local standards during the first and second quarters of 2009. The parameters violated, comments on corrective measures, and enforcement actions taken on these SIUs are given in this report. The definitions used to determine significant noncompliance are contained in the 2008 Annual Pretreatment Program Report. These definitions are the same as those found in 40 CFR 403.8(f)(2)(vii)(A-H) and are designated as Significant Noncompliance Federal and Significant Noncompliance Local.

At the end of the second quarter of 2009, the Plant was monitoring 340 industries, of which 148 were Significant Industrial Users, 20 were Zero Discharge Categorical Industrial Users, and 172 were Non-Categorical Industries discharging under 25,000 gallons per day. Of the 148 Significant Industrial Users, 135 were Categorical Industrial Users and the remaining 13 were classified by their quantity of discharge. There were 154 Significant Industrial Users in the first quarter of 2009 and 148 Significant Industrial Users in the second quarter of 2009. The total number varies throughout the year as companies close or additional dischargers are identified. Table 1 is a summary of the compliance performance for all Significant Industrial Users.

We continue to monitor all industrial dischargers and permitted commercial sources to ensure that all violations are identified and corrected as soon as possible. Appropriate enforcement actions are taken if violations persist, and additional compliance measures are pursued with all significant violators.

Table 1: Compliance Performance of Significant Industrial Users in the SJ/SC WPCP Tributary Area

Category	1st Quarter 2009		2nd Quarter 2009	
	Federal	Local	Federal	Local
Consistent compliance	97.4%	97.4%	97.4%	93.3%
Inconsistent compliance	1.3%	1.3%	1.3%	6.0%
Significant Non-compliance	1.3%	1.3%	1.3%	0.7%

If you have any questions on this report, please contact Heidi Geiger, P.E., Senior Environmental Inspector, at (408) 277-2755.

Sincerely,

JOHN STUFFLEBEAN
Director Environmental Services

Attachment

cc: Ken Greensberg, USEPA Region 9
Keith Silva, USEPA Region 9
Phil Isorena, SWRCB
Michael Chee, RWQCB

SAN JOSE/SANTA CLARA WATER POLLUTION CONTROL PLANT
2009 FIRST SEMIANNUAL INDUSTRIAL USER VIOLATION REPORT

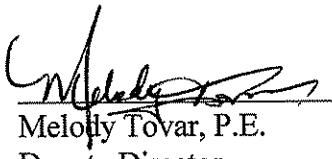
COVER SHEET

NPDES Permit Holder or Sewer Authority Name	The Cities of San José and Santa Clara
Report Date	July 31, 2009
Period Covered by This Report	From 01/01/2009 to 06/30/2009
Period Covered by Previous Report	From 07/01/2008 to 12/31/2008
Name of Wastewater Treatment Plant	San Jose/Santa Clara Water Pollution Control Plant
NPDES Permit Number	CA-0037842

Person to contact concerning information contained in this report:

Name	Heidi Geiger, P.E.
Title	Senior Environmental Inspector
Mailing Address	170 W. San Carlos St. San Jose, CA 95134
Telephone Number	(408) 277-2755

I have personally examined and am familiar with the information submitted in this document and attachments. Based upon my inquiry of those individuals immediately responsible for obtaining the information reported herein, I believe that the submitted information is true, accurate, and complete.



Melody Tovar, P.E.
Deputy Director
Environmental Services Department
Watershed Protection

7/29/09
Date

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INFLUENT, EFFLUENT AND SLUDGE MONITORING

Influent, Effluent, and Sludge Monitoring Results Pretreatment First 2009 Semi-Annual Report

I. SAMPLING PROCEDURES

A. SAMPLE LOCATIONS

1. **Influent -** Samples of influent are collected from the raw sewage wet well by automatic sampler and by grab sampling. This location corresponds to Station A-001 as set forth in the facility's NPDES Permit, CA-0037842.
2. **Effluent -** Samples of effluent are collected from the effluent wet well by automatic sampler and by grab sampling. This location corresponds to Station E-001 as set forth in the facility's NPDES Permit, CA-0037842.
3. **Biosolids -** Sludge samples were not available for collection and analysis in this monitoring period due to the off-site shipment of all biosolid stockpiles from the Sludge Management Facility for alternative uses.

B. COLLECTION TIMES

1. **Automatic Sampling -** Automated sampling is accomplished using flow-proportioned, composite samplers that operate from midnight to midnight on consecutive days. Influent and effluent samples are taken during the same 24-hour period.
2. **Grab Sampling -** Grab samples are collected at the time corresponding to maximum peak flow, 1400 hours.
3. **Biosolids Sampling -** Sludge samples were not available for collection and analysis in this monitoring period.

C. COLLECTION METHOD

1. **Direct Collection -** Wastewater samples used for VOC and BNA analyses are grab samples collected every three hours during the 24-hour sampling event, and composited in the lab just prior to analysis. Samples for the analysis of Volatile Organic Compounds (VOCs) are collected directly into 40-mL glass vials with Teflon septum, screw caps. The vials are filled to overflowing before being capped to avoid any headspace. Semi-volatile organic compounds are collected directly into 1-liter amber glass bottles. Samples are refrigerated and stored in the dark after collection. Mercury samples are collected by grab sampling directly into 1-liter Teflon bottles every 6 hours utilizing clean hands techniques. These grab samples are then composited into one sample representing a 24 hour period.
2. **Automatic Collection -** Wastewater samples for influent and effluent metal analyses, except effluent samples for mercury analysis, are collected using automated composite samplers. Samples are collected into plastic containers contained within the refrigerated samplers. Samples are then refrigerated and stored in the dark after collection.
3. **Biosolids Collection -** Sludge samples were not available for collection and analysis in this monitoring period.

D. STORAGE, PRESERVATION, AND HOLDING TIMES

1. **EPA Method 624 -** Samples for Volatile Organic Compound analysis are stored in glass vials, with Teflon-lined caps or septum, at four degrees Centigrade. Sodium thiosulfate is used to remove residual chlorine when necessary. Samples are analyzed within seven days.

2. **EPA Method 625 -** Samples for Semi-Volatile Organic Compound analysis are stored in amber glass containers, with Teflon-lined caps or septum, at four degrees Centigrade. Sodium thiosulfate is used to remove residual chlorine when necessary. Samples are extracted within seven days and analyzed within thirty days.

3. **Influent and Effluent Metals -** Samples for influent and effluent metal analysis, except for mercury, are stored in plastic or glass containers at four degrees Centigrade. Samples are preserved with nitric acid to a pH < 2 and analyzed within six months. Samples for mercury analysis are preserved with 5 mL/L of BrCl solution and analyzed within 90 days.

II. METHOD OF SAMPLE DECHLORINATION

A. EFFLUENT SAMPLES

Dechlorination of effluent samples is not required since the samples are collected downstream of the facility's dechlorination process. The treatment plant uses sulfur dioxide injection for dechlorination.

B. INFLUENT SAMPLES

Influent may be pre-chlorinated at various times as an odor control measure. Sodium thiosulfate is used as a dechlorinating agent when necessary.

III. SAMPLE COMPOSITING

A. INFLUENT AND EFFLUENT SAMPLES

Priority Pollutant Metals - Samples for priority pollutant metals analysis, except for mercury, are flow-proportion composited by automatic samplers. Mercury samples are collected by grab sampling every six hours.

B. BIOSOLIDS

Sludge samples were not available for collection and analysis in this monitoring period.

IV. DATA VALIDATION

A. METHOD BLANKS

Method blanks are routinely analyzed to demonstrate that the analytical system is interference-free and to demonstrate that contaminated glassware or reagents did not influence the analytical measurements.

B. TRAVEL BLANKS

Travel blanks are routinely submitted with wastewater samples collected to demonstrate that contamination did not occur during sample collection or transport.

C. REPLICATES

Field replicates are routinely collected and analyzed to determine the precision of the sampling process. Laboratory replicates are routinely analyzed to determine the precision for the analytical process.

D. SPIKED SAMPLES

Laboratory samples are routinely spiked with the analyte(s) of interest to determine the accuracy of the analytical process.

E. QA/QC CRITERIA

Acceptance criteria for the above listed chemical parameters follow protocol and/or guidelines of the EPA (40 CFR 136, EPA SW-846, EPA 600/4-79/020) and of the California Department of Health Services.

F. ANALYTICAL METHODOLOGY

Methods and techniques used for all chemical determinations strictly adhere to procedures published by the EPA (40 CFR 136, EPA SW-846, EPA 600/4-79/020) or as published in the latest approved edition of Standard Methods for the Examination of Water and Wastewater.

G. CERTIFICATION STATEMENT [ATTACHED]

V. SAMPLE RESULTS

A. WET-WEATHER SEASON SAMPLING – MARCH 3, 2009

See Appendix I - Data Tables

VI. DISCUSSION OF RESULTS

A. INFLUENT DISCUSSION

Bis(2-ethylhexyl)phthalate is a common plasticizer for polymeric materials (plastic pipe). Bis(2-ethyl-hexyl)phthalate is used primarily as a plasticizer during polyvinyl chloride and polymer production and is likely released into wastewater after water contact with plastic materials. **Bromodichloromethane** enters the environment primarily through its inadvertent formation during chlorination treatment processes of drinking water and wastewater. Bromodichloromethane is also biosynthesized and emitted to the environment by various species of marine micro algae that are abundant in the world's oceans. The general population is exposed through oral consumption of contaminated drinking water, beverages, and food products; inhalation of contaminated air; and dermal exposure to chlorinated swimming pool water. **Chloroform** is likely to enter the environment with its use as an industrial solvent, extractant, and cleaning agent as well as from indirect production in the chlorination of drinking water, wastewater, and cooling water. Artificial sources of chloroform include automobile exhaust, extractants, solvents, dry cleaning agents, fumigants, and synthetic rubber. If released into water, chloroform will be primarily lost by evaporation into the atmosphere. Chloroform may be subject to significant biodegradation based upon laboratory experiments, although the reported scientific literature is conflicting**. Dibromochloromethane** enters the environment primarily through its inadvertent formation during chlorination treatment processes of drinking water and wastewater. Dibromochloromethane is not produced or used on a large commercial scale, indicating that significant releases do not occur from such industrial practices. **Dichloromethane,**

a.k.a. methylene chloride, is used as a solvent, degreasing agent, and cleaning agent. Large quantities of methylene chloride are used each year in aerosols, paint removers, and chemical processing with most being released to the atmosphere. Releases to water will primarily be removed by evaporation. Methylene chloride is not expected to adsorb to sediment or bioconcentrate in aquatic organisms. **Naphthalene** is a component of crude oil and emissions may occur during its production from petroleum refining and coal tar distillation. Other uses of Naphthalene include carbamate insecticides, surface active agents and resins, as a dye intermediate, as a synthetic tanning agent, as a moth repellent, and in miscellaneous organic chemicals. Naphthalene is discharged into water from spills during the storage, transport, and disposal of fuel oil, coal tar, etc. Releases into water are lost due to volatilization, photolysis, adsorption, and biodegradation. **Phenol** is a common industrial chemical that enters wastewater during its use in resins, plastics, and adhesives. It is frequently found in wastewater from other commercial sources. **Toluene** is used as a general purpose solvent, as a fuel additive, and as a chemical manufacturing constituent. Considerable amounts are discharged during the storage, transport, and disposal of fuels and oils.

Priority pollutant metals were measured at concentrations characteristic of influent typically received by this facility.

B. EFFLUENT DISCUSSION

Bromodichloromethane enters the environment primarily through its inadvertent formation during chlorination treatment processes of drinking water and wastewater. Bromodichloromethane is also biosynthesized and emitted to the environment by various species of marine micro algae that are abundant in the world's oceans. The general population is exposed through oral consumption of contaminated drinking water, beverages, and food products; inhalation of contaminated air; and dermal exposure to chlorinated swimming pool water. **Chloroform** is likely to enter the environment with its use as an industrial solvent, extractant, and cleaning agent as well as from indirect production in the chlorination of drinking water, wastewater, and cooling water. Artificial sources of chloroform include automobile exhaust, extractants, solvents, dry cleaning agents, fumigants, and synthetic rubber. If released into water, chloroform will be primarily lost by evaporation into the atmosphere. Chloroform may be subject to significant biodegradation based upon laboratory experiments, although the reported scientific literature is conflicting. **Dibromochloromethane** enters the environment primarily through its inadvertent formation during chlorination treatment processes of drinking water and wastewater. Dibromochloromethane is not produced or used on a large commercial scale indicating that significant releases do not occur from such industrial practices. **Dichloromethane**, **a.k.a. methylene chloride**, is used as a solvent, degreasing agent, and cleaning agent. Large quantities of methylene chloride are used each year in aerosols, paint removers, and chemical processing with most being released to the atmosphere. Releases to water will primarily be removed by evaporation. Methylene chloride is not expected to adsorb to sediment or bioconcentrate in aquatic organisms. **Toluene** is used as a general purpose solvent, as a fuel additive, and as a chemical manufacturing constituent. Considerable amounts are discharged during the storage, transport, and disposal of fuels and oils.

Priority pollutant metals were measured at concentrations characteristic of effluent discharged by this facility. All priority pollutant metals detected in the effluent were below NPDES permit limitations.

C. BIOSOLIDS DISCUSSION

Sludge samples were not available for collection and analysis in this monitoring period.

RAW DATA

[available upon request]

QA/QC CERTIFICATION STATEMENT

Quality Assurance/Quality Control validation data was reviewed for each of the analytical measurements performed and deemed acceptable. Acceptance criteria were established using methodologies from the latest edition of Standard Methods for the Examination of Water and Wastewater, from EPA references (40 CFR 136, EPA SW-846, EPA 600/4-79/020), or as specified by the California Department of Health Services.

Alo Kauravlla

Alo Kauravlla
Environmental Laboratory Manager

Appendix I

DATE	SAMPLE TYPE	METHOD	UNITS	Dichlorodifluoromethane	Chloroethane	Vinyl Chloride	1,1-Dichloroethene	Methylene Chloride	Trichlorofluoromethane	1,1-Dichloroethane	Trans-1,2-dichloroethene	Chloroform	1,2-Dichloroethane	1,1,1-Trichloroeth
3/3/2009	Influent	EPA 624	ug/L	NA	<0.5	<0.5	<0.5	**1.3**	<1	<0.5	<0.5	**3.2**	<0.5	<0.5
3/3/2009	Effluent	EPA 624	ug/L	NA	<0.5	<0.5	<0.5	**1.3**	<1	<0.5	<0.5	**3.6**	<0.5	<0.5
	Sludge	EPA 8260B		NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	Influent	EPA 624	ug/L											
	Effluent	EPA 624	ug/L											
	Sludge	EPA 8260B	ug/kg											
CTR Limit			**ug/L**	**NA**	**NA**	**525**	**3.2**	**1600**	**NA**	**NA**	**140,000**	**470**	**99**	**NA**

DATE	SAMPLE TYPE	METHOD	UNITS	Phenol	Bis (2-Chloroethyl) Ether	2-Chlorophenol	1,3-Dichlorobenzene	1,4-Dichlorobenzene	1,2-Dichlorobenzene	Bis (2-Chloroisopropyl) Ether	N-Nitrosodi-n-Propylamine	Hexachloroethane	Isophorone	2-Nitrophenol
3/3/2009	Influent	EPA 625	ug/L	**18**	<1.1	<5.4	*	*	*	<2.2	<5.4	<1.1	<1.1	<11
3/3/2009	Effluent	EPA 625	ug/L	<1.1	<1.1	<5.3	*	*	*	<2.1	<5.3	<1.1	<1.1	<11
	Sludge	EPA8270C		NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	Influent	EPA 625	ug/L											
	Effluent	EPA 625	ug/L											
	Sludge	EPA8270C	mg/kg											
CTR Limit			**ug/L**	**4,600,000**	**1.4**	**400**	**2,600**	**2,600**	**17,000**	**170,000**	**1.4**	**8.9**	**600**	**NA**

SAMPLE TYPE	DATE	Carbon Tetrachloride	2-Chloroethyl Vinyl Ether	1,2-Dichloropropane	Cis-1,3-dichloropropene	Trans-1,3-dichloropropene	Trichloroethene	Benzene	Toluene	1,1,2-Trichloroethane	1,1,2,2-Tetrachloroethane	Tetrachloroethene	Chlorobenzene	Ethylbenzene	M&PXylene
Influent	3/3/2009	<0.5	<1	<0.5	<0.5	<0.5	<0.5	<0.5	**2.2**	<0.5	<0.5	<0.5	<0.5	<0.5	NA
Effluent	3/3/2009	<0.5	<1	<0.5	<0.5	<0.5	<0.5	<0.5	**0.8**	<0.5	<0.5	<0.5	<0.5	<0.5	NA
Sludge		NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Influent															
Effluent															
Sludge															
CTR Limit		**4.4**	**NA**	**39**	**1,700**	**1,700**	**81**	**71**	**200,000**	**42**	**11**	**8.85**	**21,000**	**29,000**	**NA**

SAMPLE TYPE	DATE	2,4-Dimethylphenol	Bis (2-Chloroethoxy) Methane	2,4-Dichlorophenol	1,2,4-Trichlorobenzene	Naphthalene	Hexachlorobutadiene	4-Chloro-3-Methylphenol	2,4,6-Trichlorophenol	2-Chloronaphthalene	Acenaphthylene	Dimethylphthalate	2,6-Dinitrotoluene	Acenaphthene	2,4-Dinitrophenol
Influent	3/3/2009	<2.2	<5.4	<5.4	<5.4	**6.5**	<1.1	<1.1	<11	<11	<11	<2.2	<5.4	<1.1	<5.4
Effluent	3/3/2009	<2.1	<5.3	<5.3	<5.3	<1.1	<1.1	<1.1	<11	<11	<11	<2.1	<5.3	<1.1	<5.3
Sludge		NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Influent															
Effluent															
Sludge															
CTR Limit		**2,300**	**NA**	**790**	**NA**	**NA**	**50**	**NA**	**6.5**	**4,300**	**NA**	**2,900,000**	**NA**	**2,700**	**14,000**

SAMPLE TYPE	DATE	1,4-Dichlorobenzene	1,2-Dichlorobenzene	1,3-Dichlorobenzene	Bromomethane	Chloromethane	Bromodichloromethane	Dibromochloromethane	Bromoform
Influent	3/3/2009	<0.5	<0.5	<0.5	<1	<0.5	**0.6**	**0.7**	<0.5
Effluent	3/3/2009	<0.5	<0.5	<0.5	<1	<0.5	**2.7**	**1.4**	<0.5
Sludge		NA	NA	NA	NA	NA	NA	NA	NA
Influent									
Effluent									
Sludge									
CTR Limit		**2,600**	**17,000**	**2,600**	**4,000**	**NA**	**46**	**34**	**360**

SAMPLE TYPE	DATE	4-Nitrophenol	2,4-Dinitrotoluene	Fluorene	Diethyl Phthalate	4-Chlorophenyl Phenyl Ether	4,6-Dinitro-2-Methylphenol	4-Bromophenyl Phenyl Ether	Hexachlorobenzene	Pentachlorophenol	Phenanthrene	Anthracene	Di-n-Butyl Phthalate	Fluoranthene	Pyre
Influent	3/3/2009	<11	<5.4	<11	<2.2	<5.4	<5.4	<5.4	<1.1	<5.4	<5.4	<11	<11	<1.1	<11
Effluent	3/3/2009	<11	<5.3	<11	<2.1	<5.3	<5.3	<5.3	<1.1	<5.3	<5.3	<11	<11	<1.1	<11
Sludge		NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Influent															
Effluent															
Sludge															
CTR Limit		**NA**	**9.1**	**14,000**	**120,000**	**NA**	**765**	**NA**	**0.00077**	**8.2**	**NA**	**110,000**	**12,000**	**370**	**11,000**

SAMPLE TYPE	DATE	Butyl Benzyl Phthalate	Benzo[a]anthracene	Hexachlorocyclopentadiene	Chrysene	Bis(2-Ethylhexyl)Phthalate	Di-n-Octyl Phthalate	Benzo[b]fluoranthene	Benzo[k]fluoranthene	Benzo[a]pyrene	Indeno[1,2,3-cd]pyrene	Dibenz[a,h]anthrecene	Benzo[ghi]perylene
Influent	3/3/2009	<11	<5.4	<5.4	<11	**12**	<11	<11	<11	<11	<11	<11	<5.4
Effluent	3/3/2009	<11	<5.3	<5.3	<11	<5.3	<11	<11	<11	<11	<11	<11	<5.3
Sludge		NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Influent													
Effluent													
Sludge													
CTR Limit		**5,200**	**0.049**	**17000**	**0.049**	**5.9**	**NA**	**0.049**	**0.049**	**0.049**	**0.049**	**0.049**	**NA**

DATE	As (influent)	As (effluent)	Cd (influent)	Cd(effluent)	Cr (influent)	Cr (effluent)	Cu (influent)	Cu (effluent)	Pb (influent)	Pb (effluent)	Hg (influent)	Hg (effluent)	Ni (influent)	Ni (effluent)	Se (influent)	Se (effluent)	Ag (influent)	Ag (effluent)	Zn (influent)	Zn (effluent)	Cyanide (influe	Cy
	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L
1/6/2009	1.82	0.75	<0.40	<0.10	6.01	0.42	121	2.82	4.48	0.22	0.090	0.00160	10.2	4.21	2.06	0.365	1.16	<0.10	218	24.2	<0.003	<0.003
2/4/2009	2.66	1.27	0.42	<0.10	4.72	0.47	97.3	2.82	4.81	0.52	0.140	0.00232	10.7	5.41	2.50	0.340	1.48	<0.10	174	22.4	<0.003	<0.003
2/24/2009	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	0.00201	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
2/25/2009	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	0.00239	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
2/26/2009	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	0.00229	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
3/3/2009	1.86	0.96	<0.40	<0.10	5.75	0.34	96.6	3.41	5.81	0.58	0.195	0.00262	12.7	5.74	2.32	0.399	1.40	<0.10	183	22.9	<0.003	<0.003
4/7/2009	1.96	0.97	<0.40	<0.10	5.45	0.55	121	3.64	10.9	0.39	0.141	0.00297	10.9	5.31	2.06	0.604	1.17	<0.10	176	24.3	<0.003	0.003
5/4/2009	1.42	0.95	<0.40	<0.10	4.93	0.52	102	3.85	3.41	0.24	0.222	0.00226	8.97	4.94	1.59	0.500	0.85	<0.10	161	17.7	<0.003	<0.003
6/1/2009	1.36	0.87	<0.40	<0.10	5.63	0.65	100	2.87	3.77	0.17	0.168	0.00238	9.99	5.57	1.87	0.542	1.10	<0.10	186	16.2	<0.003	<0.003

n.a. = not available

MDLs for 1/1/09 - 3/31/09

Analyte	Method	MDL	Analyte	Method	MDL
		ug/L			ug/L
As(influent)	EPA 200.8	0.15	**Ni(influent)**	EPA 200.8	0.04
As(effluent)	EPA 200.8	0.15	**Ni(effluent)**	EPA 200.8	0.04
Cd(influent)	EPA 200.8	0.04	**Se(influent)**	EPA 270.2	0.0015
Cd(effluent)	EPA 200.8	0.04	**Se(effluent)**	EPA 270.2	0.0015
Cr(influent)	EPA 200.8	0.12	**Ag(influent)**	EPA 200.8	0.01
Cr(effluent)	EPA 200.8	0.12	**Ag(effluent)**	EPA 200.8	0.01
Cu(influent)	EPA 200.8	0.03	**Zn(influent)**	EPA 200.8	0.73
Cu(effluent)	EPA 200.8	0.03	**Zn(effluent)**	EPA 200.8	0.73
Pb(influent)	EPA 200.8	0.02	**Cyanide(influent)**	SM4500-CN E	1.0
Pb(effluent)	EPA 200.8	0.02	**Cyanide(effluent)**	SM4500-CN E	1.0
Hg(influent)	EPA 1631	3.8E-05			
Hg(effluent)	EPA 1631	3.8E-05	MDL = Method Detection Limit		

MDLs for 4/1/09 - 6/30/09

Analyte	Method	MDL	Analyte	Method	MDL
		ug/L			ug/L
As(influent)	EPA 200.8	0.019	**Ni(influent)**	EPA 200.8	0.006
As(effluent)	EPA 200.8	0.019	**Ni(effluent)**	EPA 200.8	0.006
Cd(influent)	EPA 200.8	0.004	**Se(influent)**	EPA 270.2	0.0015
Cd(effluent)	EPA 200.8	0.004	**Se(effluent)**	EPA 270.2	0.0015
Cr(influent)	EPA 200.8	0.014	**Ag(influent)**	EPA 200.8	0.006
Cr(effluent)	EPA 200.8	0.014	**Ag(effluent)**	EPA 200.8	0.006
Cu(influent)	EPA 200.8	0.008	**Zn(influent)**	EPA 200.8	0.103
Cu(effluent)	EPA 200.8	0.008	**Zn(effluent)**	EPA 200.8	0.103
Pb(influent)	EPA 200.8	0.007	**Cyanide(influent)**	SM4500-CN E	1.0
Pb(effluent)	EPA 200.8	0.007	**Cyanide(effluent)**	SM4500-CN E	1.0
Hg(influent)	EPA 1631	3.8E-05			
Hg(effluent)	EPA 1631	3.8E-05	MDL = Method Detection Limit		

INDUSTRIAL USER COMPLIANCE STATUS

Semi-Annual Industrial User Violation Report

San Jose / Santa Clara Water Pollution Control Plant

Reporting Period 1/1/2009 to 6/30/2009

INDUSTRIAL CATEGORY: Electrical and Electronic Components - Semiconductor - 40 CFR 469 Subpart A

FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By	Para-meter	Samples in Violation			ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)	Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Fed Local Max Avg	Federal Max Avg	Local Max Avg		
Fairchild Imaging, Inc. 1801 McCarthy Blvd Milpitas, CA 95035 MI-100B **Flow =** 44,192 GPD	CC	CC	CC	CC	1/6/2009	OTHER	pH	4.0 (min)	5.0 (min)	6.0 (min)	VW	The 1-2 minute pH excursion was reported by the Industrial User (IU) on 1/6/2009. The pH dropped to 4.0 S.U. (Standard Units) due to rapid release of reagents from the clean room sink. The pH chart recorder was also reviewed during 1/9/2009 inspection and there were no further excursions noted. The results of subsequent sampling collected by the the City on 1/15/2009 were in compliance.

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Semi-Annual Industrial User Violation Report

San Jose / Santa Clara Water Pollution Control Plant

Reporting Period 1/1/2009 to 6/30/2009

INDUSTRIAL CATEGORY: Electrical and Electronic Components - Semiconductor - 40 CFR 469 Subpart A

FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By POTW / IU / OTHER	Para-meter	Samples in Violation			ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous					Reported Level (mg/L)	Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Max	Local Avg		
Micrel, Inc. 1849 Fortune Dr San Jose, CA 95131 SJ-258A **Flow =** Unknown	IF/IL	CC	IF/IL	CC	5/11/2009	OTHER	pH	4.0 (min)	5.0 (min)	6.0 (min)	VW	Two 5 minute pH violations (lowest value was 4.0 S.U.) occured on the same day during a 5/11/2009 compliance inspection. The violations were caused by low levels of calcium hydroxide. The IU immediately responded to the violation by instructing the calcium hydroxide supplier to deliver the chemical that day. A second inspection on 6/15/2009 verified compliance. The pH chart recorder was also reviewed during both inspections and there were no further excursions noted. The results of subsequent sampling collected by the City on 5/15/2009 and 5/20/2009 and collected by the IU on 6/4/2009 were in compliance.

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Reporting Period 1/1/2009 to 6/30/2009

INDUSTRIAL CATEGORY: Electrical and Electronic Components - Semiconductor - 40 CFR 469 Subpart A

FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By	Para-meter	Samples in Violation			ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)	Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Fed Max	Federal Avg	Local Max / Avg		
Micrel, Inc. 1849 Fortune Dr San Jose, CA 95131 SJ-258A **Flow =** Unknown	IF/IL	CC	IF/IL	CC	6/28/2009	OTHER	pH	4.0 (min)	5.0 (min)	6.0 (min)	VW	The 5 minute pH violation was reported by the IU on 6/28/2008. The violation was caused by a pump failure. The IU responded to the violation by switching to the back up pump. An inspection on 7/20/2009 verified compliance. The result of subsequent sampling collected by the City on 7/6/2009 and collected by the IU on7/14/2009 were in compliance.
Supertex, Inc. 71 Vista Montana San Jose, CA 95134 SJ-398B **Flow =** 45,002 GPD	IL	CC	NS	CC	5/1/2009	OTHER					WN AC	Late submittal of Self Monitoring Report (SMR) that was due on 4/30/2009, but was not received until 5/22/2009. The IU has committed to timely submittal of reports in the future. $250 fine for Late Reporting (16-30 days late reporting) per San Jose Municipal Code 15.14.695.

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San Jose / Santa Clara Water Pollution Control Plant

Reporting Period 1/1/2009 to 6/30/2009

INDUSTRIAL CATEGORY: Electrical and Electronic Components - Semiconductor - 40 CFR 469 Subpart A

FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By	Para-meter	Samples in Violation				ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)		Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Local Avg	Federal Max	Federal Avg	Local Max	Local Avg		
VISSSIX LLC 2966 Scott Blvd Santa Clara, CA 95054 SC-284B **Flow =** 38 GPD	CC	SNF/ SNL	NS	CC	1/1/2009	OTHER						NV	Late submittal of SMR that was due on 12/31/2008, but was not received until 4/28/2009. The IU has committed to timely submittal of future reports.

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San Jose / Santa Clara Water Pollution Control Plant

Reporting Period 1/1/2009 to 6/30/2009

INDUSTRIAL CATEGORY: Metal Finishing - New Source - 40 CFR 433.17 Subpart A

FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By	Para-meter	Samples in Violation				ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)		Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Local Avg	Federal Max	Federal Avg	Local Max	Local Avg		
Cirexx Corp. 3391 Keller St Santa Clara, CA 95054 SC-034A **Flow =** 22,300 GPD	CC	CC	CC	CC	4/30/2009	POTW	Ni	0.84			0.5		WN	The IU was unable to determine the source of the violation. The IU responded to the violation by committing to further operator training to ensure future compliance. An inspection on 6/5/2009 also did not identify the source of the violation. The results of subsequent sampling collected by the IU on 5/15/2009 and collected by the City on 5/18/2009 were in compliance.
Dynamic Details, Inc 1831 Tarob Ct Milpitas, CA 95035 MI-014A **Flow =** 103,600 GPD	CC	IF	CC	IF	2/10/2009	POTW	CN-T	1.55	1.55	1.2			VW	Violation was for exceeding the federal daily maximum concentration limit for cyanide. The cause of the violation was improper drag out timing in the gold plating tank. The IU responded to the violation by retraining staff on proper drag out procedures. An inspection on 4/2/2009 verified compliance. The results of subsequent sampling collected by the IU on 2/28/2009 and collected by the City on 2/27/2009 were in compliance.

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San Jose / Santa Clara Water Pollution Control Plant

Reporting Period 1/1/2009 to 6/30/2009

INDUSTRIAL CATEGORY: Metal Finishing - New Source - 40 CFR 433.17 Subpart A

FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By	Para-meter	Samples in Violation				ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)		Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Local Avg	Federal Max	Federal Avg	Local Max	Local Avg		
Dynamic Details, Inc 1831 Tarob Ct Milpitas, CA 95035 MI-014A **Flow =** 103,600 GPD	CC	IF	CC	IF	2/28/2009	OTHER	CN-T		0.93		0.65		VW	The federal monthly average concentration limit violation was an average of 4 samples. The cause of the violation was determined to be improper drag out timing in gold plating tank. The IU responded to the violation by retraining staff on proper drag out procedures. An inspection on 4/2/2009 verified compliance. The results of subsequent sampling collected by the IU on 2/28/2009 and 4/7/2009 and collected by the City on 5/15/2009 were in compliance.
ENS Technology 3165 Molinaro St Santa Clara, CA 95054 SC-252A **Flow =** 6,842 GPD	IL	CC	CC	CC	2/18/2009	POTW	CN-T	0.55			0.5		VW	The IU was unable to determine the source of the violation. An inspection on 3/11/2009 also did not identify the source of the violation. The results of subsequent samples collected by the City on 3/25/2009 and collected by the IU on 4/21/2009 were in compliance.

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San Jose / Santa Clara Water Pollution Control Plant

Reporting Period 1/1/2009 to 6/30/2009

INDUSTRIAL CATEGORY: Metal Finishing - New Source - 40 CFR 433.17 Subpart A

FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By	Para-meter	Samples in Violation				ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)		Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Fed Max	Local Avg	Federal Max	Federal Avg / Local Max / Local Avg		
ENS Technology 3165 Molinaro St Santa Clara, CA 95054 SC-252A **Flow =** 6,842 GPD	IL	CC	CC	CC	4/3/2009	OTHER						VW	This violation was for failing to comply with permit conditions. The IU sample results were not analyzed using 40 CFR 136 approved methods. The IU responded to the violation by committing to using appropriate sample methods in the future.
					5/8/2009	POTW	CN-T	0.60		0.5		VW	The IU was unable to determine the source of the violation. The IU responded to the violation by monitoring each batch at both the federal CN and final sample points for cyanide using in-house test kits. An inspection on 5/29/2009 verifed compliance. The results of subsequent sampling collected by the City on 5/29/2009 and collected by the IU on 5/29/2009 (duplicate) and 6/22/2009 were in compliance.

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Reporting Period 1/1/2009 to 6/30/2009

INDUSTRIAL CATEGORY: Metal Finishing - New Source - 40 CFR 433.17 Subpart A

FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By	Para-meter	Samples in Violation				ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)		Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Local Avg	Federal Max	Federal Avg	Local Max	Local Avg		
Flex Interconnect Technologies 1603 Watson Ct Milpitas, CA 95035 MI-116B **Flow =** 1,816 GPD	CC	CC	NS	CC	1/26/2009	POTW	pH	12.6			12.5	NV	The violation was caused by an employee who mistakenly discharged cleaning solution from the dry film developer into the collection tank which flows directly into the sample box. The cleaning solution is usually collected in a drum and batch treated with the other spent chemicals. The IU responded to the violation by re-training operators on proper chemical handling and equipment maintenance. An inspection on 3/13/2009 verified compliance. The results of subsequent samples collected by the IU on 2/12/2009 and by the City on 1/27/2009 and 4/14/2009 were in compliance.

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INDUSTRIAL CATEGORY: Metal Finishing - New Source - 40 CFR 433.17 Subpart A

FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By	Para-meter	Samples in Violation		ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)	Discharge Limit (mg/L)		
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Fed Max / Local Max / Fed Avg / Local Avg	Federal Max / Federal Avg / Local Max / Local Avg		
Headway Technologies, Inc. 497 S Hillview Dr Milpitas, CA 95035 MI-057A **Flow =** 72,699 GPD	CC	CC	CC	CC	4/17/2009	OTHER	pH	2.7 (min)	5.0 (min)	WN	The 2 minute pH violation was reported by the IU on 4/17/2009. The violation was caused by improper emergency response by acid waste neutralization system (AWNS) to pH excursions. The IU responded to the violation by retraining AWNS staff on proper procedures. The pH chart recorder was also reviewed during an inspection on 4/24/2009 to verify compliance and there were no further excursions noted. The results of subsequent sampling collected by the IU on 5/1/2009 and by the City on 5/15/2009 were in compliance.

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Reporting Period 1/1/2009 to 6/30/2009

INDUSTRIAL CATEGORY: Metal Finishing - New Source - 40 CFR 433.17 Subpart A

FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By	Para-meter	Samples in Violation		ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)	Discharge Limit (mg/L)		
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max Fed Avg Local Avg	Federal Max Avg Local Max Avg		
J & K Anodize, Inc 354 Umbarger Rd San Jose, CA 95111 SJ-550B **Flow =** Unknown	IL	CC	NS	NS	4/1/2009	OTHER				WN	Violations were for failing to comply with two permit condition violations. The first was for late submittal of SMR that was due on 3/31/2009, but was not received until 4/13/2009. The second was for failure to comply with their permit condition requirement of submitting copies of daily flowmeter totalizer readings. The IU has committed to timely and complete submittal of reports in the future. Note this IU was temporarily closed down for the entire compliance period.
LSA-Cleanpart, LLC 1610-B Berryessa Rd San Jose, CA 95133 SJ-318B **Flow =** 791 GPD	IL	CC	CC	CC	6/1/2009	OTHER				WN AC	Late submittal of SMR that was due on 5/31/2009, but was not received until 6/24/2009. The IU has committed to timely submittal of reports in the future. $250 fine issued for Late Reporting (16-30 days) San Jose Municipal Code 15.14.695

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INDUSTRIAL CATEGORY: Metal Finishing - New Source - 40 CFR 433.17 Subpart A

FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By	Para-meter	Samples in Violation				ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)		Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Local Avg	Federal Max	Federal Avg / Local Max / Local Avg		
Nanosolar 5521 Hellyer Ave San Jose, CA 95138 SJ-579B **Flow =** 900 GPD	SNF/ IL	IF/IL	UN	UN	2/25/2009	POTW	Cd	1.52	1.52	0.11	0.7	NV	Violations were for exceeding the federal monthly average and daily maximum cadmium concentration limits and the local maximum allowable cadmium concentration limit. The federal monthly average concentration limit violation was an average of one sample. See 4/28/2009 compliance meeting for further details.
												AC	$500 fine issued for Interfering Substances San Jose Municipal Code 15.14.585
					2/28/2009	OTHER	Cd		1.52		0.07	NV	Violations were for exceeding the federal monthly average and daily maximum cadmium concentration limits and the local maximum allowable cadmium concentration limit. The federal monthly average concentration limit violation was an average of one sample. See 4/28/2009 compliance meeting for further details.

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INDUSTRIAL CATEGORY: Metal Finishing - New Source - 40 CFR 433.17 Subpart A

FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By	Para-meter	Samples in Violation				ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)		Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Local Avg	Federal Max	Federal Avg / Local Max / Local Avg		
Nanosolar 5521 Hellyer Ave San Jose, CA 95138 SJ-579B **Flow =** 900 GPD	SNF/ IL	IF/IL	UN	UN	4/14/2009	POTW	Cd	1.43	1.43	0.11	0.7	NV AC	Violations were for exceeding the federal monthly average cadmium concentration limit, the federal cadmium daily maximum concentration limit, and local maximum allowable cadmium concentration limit violations. The federal monthly average concentration limit violation was an average of one sample. See 4/28/2009 compliance meeting for further details. $500 fine issued for Interfering Substances San Jose Municipal Code 15.14.585

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INDUSTRIAL CATEGORY: Metal Finishing - New Source - 40 CFR 433.17 Subpart A

FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By	Para-meter	Samples in Violation		ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)	Discharge Limit (mg/L)		
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Max / Fed Avg / Local Max / Local Avg		
Nanosolar 5521 Hellyer Ave San Jose, CA 95138 SJ-579B **Flow =** 900 GPD	SNF/ IL	IF/IL	UN	UN	4/30/2009	OTHER	Cd	1.43	0.07	NV	Violations were for exceeding the federal monthly average cadmium concentration limit, the federal cadmium daily maximum concentration limit, and local maximum allowable cadmium concentration limit violations. The federal monthly average concentration limit violation was an average of one sample. See 4/28/2009 compliance meeting for further details.

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Reporting Period 1/1/2009 to 6/30/2009

INDUSTRIAL CATEGORY: Metal Finishing - New Source - 40 CFR 433.17 Subpart A

FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By POTW / IU / OTHER	Para-meter	Samples in Violation				ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous					Reported Level (mg/L)		Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Local Avg	Federal Max	Federal Avg	Local Max	Local Avg		
												CM	At 4/28/2009 Compliance Meeting the violations and Compliance Schedule due on 7/31/2009 were discussed with the IU. The IU is a new facility having pretreatment system issues. The Compliance Schedule included the following: Submittal of compliance report detailing corrective actions by 5/12/2009, 3 months of sampling results in compliance, 3 months of daily in-house test kit zinc and nickel monitoring, and attendance at the City's 5/13/2009 IU Academy. The IU responded to the violation by modifiying their system and batching discharge to assure limits were meet during trouble shooting period of 5/22/2009 through 5/29/2009. Discharge resumed 5/29/2009 following the results of subsequent sampling collected by the IU during this batch discharge period. Inspections on 4/6/2009 and 6/3/2009 verified IU has been striving toward

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FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By	Para-meter	Samples in Violation		ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)	Discharge Limit (mg/L)		
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max Fed Avg Local Avg	Federal Max Avg Local Max Avg		
Nanosolar 5521 Hellyer Ave San Jose, CA 95138 SJ-579B **Flow =** 900 GPD	SNF/ IL	IF/IL	UN	UN	5/1/2009	OTHER				WN	meeting compliance. After initial compliance issues, results of six subsequent samples collected by the IU in May 2009 were in compliance however, preliminary results in June indicate that the IU is still having issues with meeting federal monthly average limit and may need further enforcement action taken at the end of the Compliance Schedule period in August 2009. Late submittal of SMR that was due on 4/30/2009, but was not received until 5/12/2009. The IU has committed to timely submittal of reports in the future.

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FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By	Para-meter	Samples in Violation				ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)		Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Local Avg	Federal Max	Federal Avg / Local Max / Local Avg		
Nanosolar 5521 Hellyer Ave San Jose, CA 95138 SJ-579B **Flow =** 900 GPD	SNF/ IL	IF/IL	UN	UN	5/20/2009	IU	Cd	0.78	0.94	0.11	0.7	NV	The violations exceeded federal daily maximum concentration limit and twice (0.780mg/l and 0.940 mg/l different composite samples taken the same day) the local allowable concentration limit for cadmium. See 4/28/2009 compliance meeting for further details.
					5/31/2009	OTHER	Cd		0.27		0.07	NV	Federal monthly average limit violation was an average of 11 samples. See 4/28/2009 compliance meeting for further details.

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	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)		Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Local Avg	Federal Max	Federal Avg	Local Max	Local Avg		
Pac Tech USA Packaging 328 Martin Ave Santa Clara, CA 95050 SC-343B **Flow =** 2,899 GPD	IL	CC	IL	CC	5/15/2009	IU	Ni	0.77			0.5	WN	Violations were for exceeding the local maximum allowable nickel concentration limit and failing to report the nickel violation within 24 hours. The IU was unable to determine the source of the violation. An inspection on 6/23/2009 verified compliance. The result of subsequent sampling collected by the IU on 6/03/2009 was in compliance. Awaiting results of subsequent sampling collected by the City on 7/10/2009.
					6/5/2009	OTHER						WN	Violations were for exceeding the local maximum allowable nickel concentration limit and failing to report the nickel violation within 24 hours. The IU was unable to determine the source of the violation. An inspection on 6/23/2009 verified compliance. The result of subsequent sampling collected by the IU on 6/03/2009 was in compliance. Awaiting results of subsequent sampling collected by the City on 7/10/2009.

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	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)	Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Fed Max / Local Avg	Federal Max / Avg	Local Max / Avg		
Process Stainless Lab., Inc. 1280 Memorex Dr Santa Clara, CA 95050 SC-276B **Flow =** 1,105 GPD	IF/IL	CC	CC	CC	5/27/2009	POTW	Cr	5.51	2.77	1.0	NV	Violations were for exceeding the federal monthly average concentration limit for chromium, the federal daily maximum concentration limit for chromium, and the local maximum allowable concentration limits for chromium and nickel. The federal monthly average concentration limit violation was an average of 2 samples. See 7/7/2009 compliance meeting for additional details.
					5/27/2009	POTW	Ni	1.23		0.5	NV	Violations were for exceeding the federal monthly average concentration limit for chromium, the federal daily maximum concentration limit for chromium, and the local maximum allowable concentration limits for chromium and nickel. The federal monthly average concentration limit violation was an average of 2 samples. See 7/7/2009 compliance meeting for additional details.

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	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)	Discharge Limit (mg/L)		
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Avg / Local Avg		
Process Stainless Lab., Inc. 1280 Memorex Dr Santa Clara, CA 95050 SC-276B **Flow =** 1,105 GPD	IF/IL	CC	CC	CC	5/31/2009	OTHER	Cr	3.24	1.71	NV	Violations were for exceeding the federal monthly average concentration limit for chromium, the federal daily maximum concentration limit for chromium, and the local maximum allowable concentration limits for chromium and nickel. The federal monthly average concentration limit violation was an average of 2 samples. See 7/7/2009 compliance meeting for additional details.

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	Current		Previous					Reported Level (mg/L)		Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Local Avg	Federal Max	Federal Avg	Local Max	Local Avg		
												CM	At the 7/7/2009 Compliance Meeting the violations and a Compliance Schedule due on 9/30/2009 were discussed with the IU. The causes of the violations were problems with pretreatment system's pH control and deteriorating plates in clarifier. The Compliance Schedule included the following: Submittal of compliance report detailing corrective actions by 7/30/2009, 3 months of sampling results in compliance, 3 months of daily in-house test kit chromium and nickel monitoring, and attendance at the City's October 2009 IU Academy. The City inspected the facility on 6/30/2008 and will reinspect to confirm that the pretreatment system is in working order after 7/30/2009. Awaiting results of subsequent samples collected by the IU on 7/06/2009 and collected by the City on 7/14/2009.

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	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)	Discharge Limit (mg/L)		
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Fed Max / Local Avg	Federal Max / Avg / Local Max / Avg		
SoloPower, Inc 5981 Optical Ct San Jose, CA 95138 SJ-570B **Flow =** 2,527 GPD	CC	IL	CC	UN	1/27/2009	OTHER				VW	Baseline Monitoring Report (BMR) due 1/28/2009 was missing Solvent Management Plan, TTO certification, and pH samples. IU sampled, completed the certification requirements, and submitted BMR upon resuming discharge.

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	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)	Discharge Limit (mg/L)		
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Fed Max / Local Avg	Federal Max / Avg; Local Max / Avg		
SoloPower, Inc 5981 Optical Ct San Jose, CA 95138 SJ-570B **Flow =** 2,527 GPD	CC	IL	CC	UN	2/12/2009	OTHER				WN	This violation was for failing to comply with permit condition. The IU failed to install the required pH and effluent flow meters at the point of discharge. During an annual inspection on 2/12/2009, it was observed that the pH and effluent flow meters were incorrectly installed prior to an emergency diversion valve, where wastewater can be diverted to a holding tank for offsite disposal if the pH is less than 6.0 S.U. local limit. The IU is currently determining the feasibility of a new treatment system that would include correct installation of pH and effluent flow meters as verified during 5/7/2009 inspection. Until then, they will log each batch discharged for pH and flow.

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	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)		Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Local Avg	Federal Max	Federal Avg	Local Max	Local Avg		
Streamline Circuits 1415 Richard Ave Santa Clara, CA 95050 SC-350A **Flow =** 34,113 GPD	CC	CC	CC	CC	3/13/2009	POTW	Ni	0.51				0.5		VW	The cause of the violation was determined to be a change of chemistry. The IU responded to the violation by increasing the dosage. An inspection on 4/17/2009 verified the increased dosage. The results of subsequent sampling collected by the IU on 4/21/2009 and collected by the City on 4/24/2009 were in compliance.
					4/3/2009	POTW	Ni	0.51				0.5		WN	The cause of the violation was a change in chemistry. The IU responded to the violation by increasing the new chemistry dosage. An inspection on 4/17/2009 verified the increased dosage. The results of subsequent sampling collected by the IU on 4/21/2009 and collected by the City on 4/24/2009 were in compliance.

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	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)		Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Local Avg	Federal Max	Federal Avg / Local Max / Local Avg		
U-Tech Media USA, LLC 1105 Montague Ct Milpitas, CA 95035 MI-124B **Flow =** 62 GPD	SNF/ SNL	SNF/ SNL	NS	IF/IL	1/28/2009	POTW	Ni	7.32	7.32	3.98	2.6	NV	Violations were for exceeding the federal monthly average concentration limits, federal daily maximum concentration limits, and the local maximum allowable concentration limits for nickel and zinc. The federal monthly average concentration limit violations were averages of one sample. See 3/20/2009 compliance meeting for additional details.
					1/28/2009	POTW	Zn	9.81	9.81	2.61	2.6	NV	Violations were for exceeding the federal monthly average concentration limits, federal daily maximum concentration limits, and the local maximum allowable concentration limits for nickel and zinc. The federal monthly average concentration limit violations were averages of one sample. See 3/20/2009 compliance meeting for additional details.

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	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)	Discharge Limit (mg/L)		
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Local Avg		
U-Tech Media USA, LLC 1105 Montague Ct Milpitas, CA 95035 MI-124B **Flow =** 62 GPD	SNF/ SNL	SNF/ SNL	NS	IF/IL	1/31/2009	OTHER	Ni	7.32	Federal Max 2.38 Avg; Local Max Avg	NV	Violations were for exceeding the federal monthly average concentration limits, federal daily maximum concentration limits, and the local maximum allowable concentration limits for nickel and zinc. The federal monthly average concentration limit violations were averages of one sample. See 3/20/2009 compliance meeting for additional details.
					1/31/2009	OTHER	Zn	9.81	Federal Max 1.48 Avg; Local Max Avg	NV	Violations were for exceeding the federal monthly average concentration limits, federal daily maximum concentration limits, and the local maximum allowable concentration limits for nickel and zinc. The federal monthly average concentration limit violations were averages of one sample. See 3/20/2009 compliance meeting for additional details.

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	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)		Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Local Avg	Federal Max	Federal Avg	Local Max	Local Avg		
U-Tech Media USA, LLC 1105 Montague Ct Milpitas, CA 95035 MI-124B **Flow =** 62 GPD	SNF/ SNL	SNF/ SNL	NS	IF/IL	3/3/2009	IU	Cd	3.43			0.7	NV	Violations were for exceeding the local maximum allowable concentration limits for cadmium and zinc and the 3/20/2009 violations were for local and federal failure to report within 24 hours. A Compliance Meeting was held on 3/20/2009, and a Compliance Schedule was established. See 3/20/2009 compliance meeting for additional details.
					3/3/2009	IU	Zn	21.3			2.6	NV	Violations were for exceeding the local maximum allowable concentration limits for cadmium and zinc and the 3/20/2009 violations were for local and federal failure to report within 24 hours. A Compliance Meeting was held on 3/20/2009, and a Compliance Schedule was established. See 3/20/2009 compliance meeting for additional details.

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	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)	Discharge Limit (mg/L)		
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Fed Max / Local Max / Fed Avg / Local Avg	Federal Max / Federal Avg / Local Max / Local Avg		
U-Tech Media USA, LLC 1105 Montague Ct Milpitas, CA 95035 MI-124B **Flow =** 62 GPD	SNF/ SNL	SNF/ SNL	NS	IF/IL	3/20/2009	OTHER				NV	Violations were for exceeding the local maximum allowable concentration limits for cadmium and zinc and the 3/20/2009 violations were for local and federal failure to report within 24 hours. A Compliance Meeting was held on 3/20/2009, and a Compliance Schedule was established. See 3/20/2009 compliance meeting for additional details.

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	Current		Previous					Reported Level (mg/L)		Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Local Avg	Federal Max	Federal Avg	Local Max	Local Avg		
												CM	At 3/20/2009 Compliance Meeting, the violations and Compliance Schedule, due on 6/30/2009, were discussed with the IU. The Compliance Schedule included the following: Submittal of short-term and long-term plans by 3/31/2009 and 6/30/2009, 3 months of sampling results in compliance, 3 months of daily in-house test kit zinc and nickel monitoring, and attendance at the City's 5/13/2009 IU Academy. Inspections on 4/1/2009, 4/20/2009, 5/6/2009, 5/15/2009, 6/8/2009, and 6/16/2009 verified the IU had modified and cleaned their pretreatment system and modified their metal plating process. The results of subsequent samples collected by the IU on 4/21/2009 and 5/15/2009 and by the City on 6/4/2009 were in compliance. As three months of consistent compliance was not achieved by the 6/30/2009, the IU sampling requirement has been extended

Compliance Status Key

SNF - Significant Noncompliance, Federal Limits
SNL - Significant Noncompliance, Local Limits
UN - Unknown
IL - Inconsistent Compliance, Local Limits
IF - Inconsistent Compliance, Federal Limits
NS - Not scheduled to be Sampled
* - On Time Schedule (Dates)
CC - Consistent Compliance

Enforcement Action Key

WN - Warning Notice
VW - Verbal Warning
SC - Sewer Surcharge
NV - Notice of Violation
AC - Administrative Citation
CM - Compliance Meeting

Semi-Annual Industrial User Violation Report

San Jose / Santa Clara Water Pollution Control Plant

Reporting Period 1/1/2009 to 6/30/2009

INDUSTRIAL CATEGORY: Metal Finishing - New Source - 40 CFR 433.17 Subpart A

FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By	Para-meter	Samples in Violation						ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)		Discharge Limit (mg/L)					
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Max	Fed Avg	Federal Max	Federal Avg	Local Max	Local Avg		
U-Tech Media USA, LLC 1105 Montague Ct Milpitas, CA 95035 MI-124B **Flow =** 62 GPD	SNF/ SNL	SNF/ SNL	NS	IF/IL	3/31/2009	IU	Ni	4.5	4.50	3.98	2.38	2.6		NV	to 7/30/2009. Violations were for exceeding the federal monthly average concentration limit, federal daily maximum concentration limit and the local maximum allowable concentration limit for nickel. The federal monthly average concentration limit violation was an average of one sample. See 3/20/2009 compliance meeting for additional details.
					4/3/2009	POTW	Ni	10.3	10.3	3.98		2.6		NV	Violations were for exceeding the federal monthly average concentration limit, federal daily maximum concentration limit, and local maximum allowable concentration limit for nickel. The federal monthly average concentration limit violation was an average of 2 samples. See 3/20/2009 compliance meeting for additional details.

Compliance Status Key

SNF - Significant Noncompliance, Federal Limits
SNL - Significant Noncompliance, Local Limits
UN - Unknown
IL - Inconsistent Compliance, Local Limits
IF - Inconsistent Compliance, Federal Limits
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Semi-Annual Industrial User Violation Report

San Jose / Santa Clara Water Pollution Control Plant

Reporting Period 1/1/2009 to 6/30/2009

INDUSTRIAL CATEGORY: Metal Finishing - New Source - 40 CFR 433.17 Subpart A

FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By	Para-meter	Samples in Violation		ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)	Discharge Limit (mg/L)		
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Fed Max / Local Avg	Federal Max / Avg; Local Max / Avg		
U-Tech Media USA, LLC 1105 Montague Ct Milpitas, CA 95035 MI-124B **Flow =** 62 GPD	SNF/ SNL	SNF/ SNL	NS	IF/IL	4/30/2009	OTHER	Ni	6.00	2.38	NV	Violations were for exceeding the federal monthly average concentration limit, federal daily maximum concentration limit, and local maximum allowable concentration limit for nickel. The federal monthly average concentration limit violation was an average of 2 samples. See 3/20/2009 compliance meeting for additional details.

Compliance Status Key

SNF - Significant Noncompliance, Federal Limits
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WN - Warning Notice
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SC - Sewer Surcharge
NV - Notice of Violation
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CM - Compliance Meeting

Semi-Annual Industrial User Violation Report

San Jose / Santa Clara Water Pollution Control Plant

Reporting Period 1/1/2009 to 6/30/2009

INDUSTRIAL CATEGORY: Steam Electric Power Generating - New Source - 40 CFR 423

FACILITY NAME AND ADDRESS	Semi-Annual Compliance Status				Date Violation occurred	Taken By	Para-meter	Samples in Violation				ENF ACT	Comments on Follow up, Corrective, or Enforcement Action Taken
	Current		Previous			POTW / IU / OTHER		Reported Level (mg/L)		Discharge Limit (mg/L)			
	Q2 2009	Q1 2009	Q4 2008	Q3 2008				Fed Max	Local Avg	Federal Max	Federal Avg	Local Max	Local Avg		
DVR Power Plant, dba Silicon Valley Power 850 Duane Ave Santa Clara, CA 95054 SC-354B **Flow =** 25,256 GPD	IL	NS	CC	CC	6/1/2009	OTHER						WN	This violation was for failing to comply with permit conditions. The IU did not take SMR samples due to plant not operating continuously during the SMR reporting period. The IU collected samples on 06/17/2009 and the results were submitted to the City on 06/29/2009. The IU has committed to timely collection of samples in the future.

Compliance Status Key

SNF - Significant Noncompliance, Federal Limits
SNL - Significant Noncompliance, Local Limits
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POTW'S COMPLIANCE WITH PRETREATMENT PROGRAM REQUIREMENT

COMPLIANCE WITH PRETREATMENT PROGRAM REQUIREMENTS

I. SIU Permitting

The City has completed the requirements of the EPA findings in the Administrative Order CWA-307-9-05-36 (AO) by implementing a number of program changes, including the changes to the permit document, reissuing of all the Significant Industrial User (SIU) permits on the revised format, and regulating categorical zero discharge users through a permit. The City has met the amended re-permitting schedule received from the EPA on July 9, 2007, reissuing all 156 SIU permits by June 2009, with a major midpoint milestone to reissue over 100 permits for specific types of companies by June 30, 2008.

During the 2009 First Semi-Annual Report period, the City submitted the two required quarterly progress reports to the EPA for the periods ending March 31, 2009, and June 30, 2009, with the June submittal also serving as the Final Report. The City has fulfilled all of the reporting requirements under the Administrative Order. The City will continue its commitment to meet all applicable pretreatment requirements under federal and state statutes, and to work closely with EPA staff and our dischargers to accomplish this commitment.

II. Updated Enforcement Response Plan

The City submitted an updated Source Control Enforcement Response Plan (ERP) to EPA and the Regional Board on June 30, 2009. This new ERP contains a variety of updates to ensure more effective and consistent enforcement. A copy of this plan is included in Attachment #1.

III. Environmental Protection Agency's Administrative Order CWA-307-9-05-36 Issued to the City of San José Pretreatment Program on March 17, 2005

On March 17, 2005, following its audit of the Pretreatment Program for the Plant, the U.S. Environmental Protection Agency (EPA) San Francisco office issued Administrative Order CWA-307-9-05-36 (Order). The Order required a series of analyses, corrections, and status reports focused on enhancing and improving the regulation and inspection of companies that discharge wastewater to the San José/Santa Clara Water Pollution Control Plant. It also included some of the issues found in the January 2004 PCI.

On March 30, 2007, in addition to the local limit and sewer use ordinance report reviews, the City also received comments on the following submittals required by the Administrative Order:

- Current inventory listing each industrial user (IU) and zero-discharging categorical industrial user (CIU), as well as procedures for updating the inventory submitted on June 30, 2005;
- Five revised SIU permits that include all requirements specified in the AO submitted on June 30, 2005;
- Report evaluating the causes of compliance monitoring inadequacies and a plan to remedy the inadequacies submitted on June 30, 2005;
- Plan describing how the City will ensure SIU compliance with the federal provision that prohibits SIUs from bypassing pretreatment submitted on June 30, 2005;

Table 1: Administrative Order Key Dates Timeline

KEY DATES	ADMINISTRATIVE ORDER CWA-307-9-05-036	STATUS
June 30, 2005	1) Submit inventory of Industrial Users. 2) Submit five revised SIU permits and fact sheets. 3) Propose a plan for remedying compliance monitoring inadequacies, including a plan to ensure Industrial User compliance with the bypass prohibition. 4) Submit analysis on budget, staffing, and equipment needs of the pretreatment program. 5) Submit a description of proposed training plan. 6) Submit first progress report on Order deadlines, listed below.	Report submitted to EPA and the Regional Water Board on June 30, 2005
October 31, 2005	Submit second progress report on Order deadlines.	Report submitted to EPA and the Regional Water Board on October 31, 2005
January 31, 2006	Submit revised Sewer Use Ordinance and multijurisdictional agreements.	Report submitted to EPA and the Regional Water Board on January 31, 2006
February 28, 2006	Submit third progress report on Order deadlines.	Report submitted to EPA and the Regional Water Board on February 28, 2006
June 30, 2006	Submit technical evaluation of adequacy of local limits.	Technical Report on the adequacy of local limits submitted to EPA and the Regional Water Board on June 30, 2006.
June 30, 2007	1) Submit revised permits and fact sheets for all significant Industrial Users. 2) Submit new local limits, if recalculation is necessary. 3) Submit results of internal audit of compliance monitoring program.	1) Deliverable date revised to June 30, 2009 per EPA and submitted. 2) Submitted on June 30, 2006 and Approved on June 28, 2007 3) Submitted Internal Audit Report on June 30, 2006
August 31, 2007	Submit a schedule of activities that will remedy all inadequacies in compliance monitoring based on the findings of an external audit.	Submitted on August 31, 2007
October 31, 2007	Adopt local limits and ordinance within 60 days of obtaining approval.	The adoption dates for City of San Jose and the other tributary agencies' ordinances were the following: • City of San Jose, 12/4/2007, • City of Milpitas, 2/5/2008, • City of Santa Clara, 5/19/2008, • West Valley Sanitation District, 5/28/2008, and • Cupertino Sanitation District, 6/18/2008. Adoption delays were due to legal reviews and scheduling meetings and hearings with the various tributary representatives.
***	Issue all pending permits with 180 days of obtaining approval. Amended July 9, 2007 1) Submit revised fact sheets and new permits for all job shops and metal finishing, printed circuit board manufacturers, zero discharge categorical industrial users and centralized waste treatment facilities. 2) Submit revised fact sheets and new permits for all other significant industrial users (SIUs) 3) Submit a list of re-permitted SIUs and the SIU Inventory each quarter	1) Submitted on June 27, 2008 2) Submitted June 30, 2009 3) Submitted, quarterly through December, 31, 2008 to June 30, 2009.

ATTACHMENT #1 – 6/30/2009 DRAFT ENFORCEMENT RESPONSE PLAN

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Environmental Services Department
SAN JOSE/SANTA CLARA WATER POLLUTION CONTROL PLANT

WATERSHED PROTECTION

CONTRIBUTING AGENCIES

CITY OF SAN JOSÉ
CITY OF SANTA CLARA
COUNTY SANITATION DIST. NO. 2 - 3
BURBANK SANITARY DISTRICT
CUPERTINO SANITARY DISTRICT
CITY OF CUPERTINO
CITY OF MILPITAS
SUNOL SANITARY DISTRICT
WEST VALLEY SANITATION DISTRICT
CITIES OF CAMPBELL, LOS GATOS
MONTE SERENO AND SARATOGA

June 30, 2009

Mr. Michael Chee
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: San Jose/Santa Clara Water Pollution Control Plant's (Plant's) Source Control Enforcement Response Plan (ERP)

Dear Mr. Chee:

Please find enclosed our latest version of the Plant's ERP for your review. After completing internal review, we are now submitting the ERP to you for your comments. Additionally, we will be submitting copies of our ERP to the Environmental Protection Agency (EPA) and the Plant's tributary agencies for their review and comments. Changes made to the ERP do not represent a significant change from our previous ERP. Our goal for this revision was to better define the roles of staff in administering the plan and to provide more specific guidance in issuing enforcement actions.

To collect and incorporate any changes so that we can finalize our ERP update, it would be appreciated if you could respond with comments back to us by August 15, 2009. Otherwise, we will conclude the ERP has been approved and will implement the changes included. If you have any questions, please contact me at (408) 277-2755.

Sincerely,

Heidi Geiger, P.E.
Senior Environmental Inspector

Enclosure

cc: Keith Silva, EPA

Draft San Jose/Santa Clara Water Pollution Control Plant Source Control 2009 Enforcement Response Plan

Table of Contents

Acronyms

40 CFR – Chapter 40 of the Code of Federal Regulations
AC – Administrative Citation
AER – Administrative Enforcement Remedy
BMR – Baseline Monitoring Report
BOD – Biological Oxygen Demand
CC – Consistent Compliance
CIU – Categorical Industrial User
Conc – Concentration
CSDOC – Cupertino Sanitary District Ordinance Code
EC – Enforcement Coordinator
EEDMS – Environmental Enforcement Data Management System
EPA – United States Environmental Protection Agency
EPA CID – EPA Criminal Investigation Division
ERP – Enforcement Response Plan
ESD – City of San Jose Environmental Services Department
FBI – United States Federal Bureau of Investigation
gpd – gallons per day
IF – Inconsistent Compliance based on federal regulations
IL – Inconsistent Compliance based on local regulations
IF/IL – Inconsistent Compliance based on both federal and local regulations
IU – Industrial User
min – minutes
MSC – Milpitas Sanitary Code
POTW – Publically Owned Treatment Works
SCCC – Santa Clara City Code
SIU – Significant Industrial User
SJMC – San José Municipal Code
SWDA – Solid Waste Disposal Act
SMR – Self Monitoring Report
SNC – Significant Non Compliance
SNF – Significant Non Compliance based on federal regulations
SNL – Significant Non Compliance based on local regulations
SNF/SML – Significant Non Compliance based on both federal and local regulations
TRC – Technical Review Criteria
TSS – Total Suspended Solids
WVSDOC – West Valley Sanitary District Ordinance Code

Definitions

Administrative Citations: Administrative enforcement actions, which assess monetary penalties for non-compliance.

Administrative Enforcement Remedies (AER): Enforcement actions, which are taken at an administrative (non-judicial) level. Administrative Enforcement Remedies include: Administrative Citation, Compliance Agreement, Compliance Order, Administrative Hearing Order, and Termination of Service or Permit Revocation.

Administrative Hearing Order: An order issued after an administrative hearing and may impose some or all of the following: an order to correct; administrative penalties; administrative costs.

Aware/Confirmation Date: The date the violation is confirmed as an actual violation either by inspection, missing a deadline, or receiving signed and verified sample results.

Categorical Industrial User (CIU): A source performing any categorical process subject to Federal Pretreatment Standards, as described in Chapter 40 of the Code of Federal Regulations (40 CFR) 405-471 that has any connection to the sanitary sewer system.

Categorical Industrial Zero Discharger: A source performing any categorical process subject to Federal Pretreatment Standards, as described in Chapter 40 of the Code of Federal Regulations (40 CFR) 405-471 that has any connection to the sanitary sewer system and does not discharge any wastewater except domestic wastewater to the sanitary sewer system.

Categorical Pretreatment Standards or Categorical Standard: Any regulation containing pollutant discharge limits promulgated by EPA that apply to specific categories of users and which appear in 40 CFR 406-471.

City: The City of San José operator of the San Jose/Santa Clara Water Pollution Control Plant (Plant) and administrator of the Plant's pretreatment program called Source Control.

Civil Action: A legal action which may result in the issuance of an injunction, the assessment of monetary penalties by the court, and/or an award of costs and/or attorneys fees to the agency.

Compliance Agreement: An agreement which documents non-compliance and includes actions required to be accomplished by specific dates. Compliance Agreements are developed during Compliance Meetings and both parties agree to terms.

Compliance Inspection: An inspection to determine compliance status and to identify practices that may lead to non-compliance. All IUs are required to have compliance inspections each year regardless of compliance status. Source Control Compliance Inspections are the monthly, quarterly, semi-annual and annual inspections assigned each year to facilities. Compliance inspections are normally not scheduled.

Compliance Agreement Record: A documented list of agreed tasks developed with authorized representatives of Source Control and an IU to bring the IU into compliance.

Compliance Meeting: A meeting with the IU to discuss the causes of non-compliance, corrective actions to achieve compliance, and time frames for the implementation of corrective actions.

Compliance Order: A written notice served on an industrial user (IU) in San José containing the following information: date and location of violation; Code section violated and description of violation; action required to correct the violation; time period after which administrative penalties will begin to accrue if compliance with order is not achieved; description of hearing and appeal process.

Compliance Schedule: A timetable for the implementation of corrective actions by an IU in order to achieve consistent compliance.

Compliance Status: The semi-annual quarterly review of a Significant industrial User's (SIU's) compliance status. Compliance status is either consistent compliance, inconsistent compliance, significant non-compliance, not sampled, or unknown.

Consistent Compliance: No more than one parameter in violation and that value was less than twice the most stringent limit. Additionally, within 45 days of the IU being notified of the violation, the IU has identified and corrected the cause of the violation and verified this through testing for that parameter. All pH chart recorder violations must have duration of equal to or less than fifteen minutes in any day and be outside all pH limits less than 66% of the days in operation within the compliance period.

Control Authority: A POTW with approved pretreatment program per 40 CFR 403.11.

Conventional Pollutant: Any of the pollutants listed under 40 CFR 401.16 "Conventional Pollutants." This section lists the five conventional pollutants as: biochemical oxygen demand (BOD), total suspended solids (TSS), pH, fecal coliform, and oil and grease.

Criminal Action: An action filed in criminal court to secure some or all of the following: injunctive relief, fines, jail sentence, costs, and attorneys' fees.

Environmental Enforcement Data Management System (EEDMS): The database software used by Environmental Enforcement to track and document all inspection, enforcement, and sampling activities among other information about the facility and Enforcement Program.

Environmental Enforcement Procedures: The procedures contained in the Environmental Enforcement Procedures Manual documenting the specific steps taken by the Plant to undertake enforcement actions per this Source Control Enforcement Response Plan.

Fines: Monetary penalties imposed by the court or by the City for violation of discharge regulations.

Good Faith Effort: Prompt and vigorous pollution control measures undertaken by the IU which show that extraordinary efforts have been made to achieve compliance. Good faith may also be defined as the user's honest intention to remedy its noncompliance coupled with actions, which give support to this intention.

Inconsistent Compliance: More than one parameter in violation, or any one parameter in violation that exceeded twice the most stringent limit, and within 45 days of the date the IU is notified of the violation, the IU has been re-sampled, found to be in compliance, and does not fall within the significant non-compliance classification. All pH chart recorder violations must have duration greater than fifteen minutes in any day and be outside all pH limits less than 66% of the days in operation within the compliance period.

Industrial User (IU): Any non-residential user that discharges industrial wastes to the sanitary sewer system.

Interference: A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- Inhibits or disrupts the processes or operation of the sanitary sewer system, including the Plant, or causes or significantly contributes to a violation of any requirement of the National Pollutant Discharge Elimination System (NPDES) permit, which is a permit issued to the City pursuant to Section 402 of the Clean Water Act.
- Prevents biosolids use or disposal by the Plant in accordance with published regulations providing guidelines under Section 405 of the Clean Water Act or in regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Water Act, the Toxic Substances Control Act, or more stringent state regulations (including those contained in any state biosolids management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the Plant.

Notice of Violation (NOV): An official notice that a violation of discharge regulations has occurred. A written response to the Notice of Violation identifying causes of the violation and corrective actions taken to prevent recurring violations is required within two weeks of the mailing date.

Publically Owned Treatment Works (POTW): Treatment works, which is owned by a state or municipality. This includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW Treatment Plant.

Plant: The San Jose/Santa Clara Water Pollution Control Plant, the POTW that is jointly owned by the Cities of San José and City of Santa Clara. The City of San José operates the Plant for the tributary agencies.

Significant Industrial User (SIU): All IUs in one or more of the following categories:

- All IUs subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N,
- Any IU that discharges a average of 25,000 gallons per day (gpd) or more of process water to the POTW (excluding sanitary and noncontact cooling and boiler blowdown wastewater,
- An IU that contributes a process wastewater stream that makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW.
- An IU designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the IU has a reasonable potential for adversely affecting the POTW operation by violating pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6).

Significant Non-Compliance (SNC): Significant non-compliance (as defined in 40 CFR 403.8(f)(2)(vii)), is a compliance status in which one or more of the following is found:

- Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD; TSS; and; fats, oil and grease, and 1.2 for all other pollutants except pH).
- Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the Director determines has caused, alone or in combination with other IUs, 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 to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge.
- Failure to meet, within ninety 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 forty five days after the due date, required reports such as self monitoring reports, ninety day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- Failure to accurately report non-compliance.

- Any other violation or group of violations, which the Director determines, will adversely affect the operation or implementation of the local pretreatment program.

Self Monitoring Report (SMR): Periodic discharge reports that may be required to include, but not be limited to, nature of process, volume, rates of flow, mass emission rates, hours of operation, number of employee, a hauling records, potential for slug discharge, or other information that relates to the generation of waste, including wastewater constituents and characteristics in the wastewater discharge and the ability of the discharger to meet applicable discharge limits.

Termination of Service or Permit Revocation: A notice delivered to an IU serving notification of the intent to revoke the IU's Permit or the termination of service.

Toxic Pollutant: Any of the pollutants listed under 40 CFR 401.15 "Toxic Pollutants." This section lists sixty-five pollutants and their compounds as toxic pollutants.

Tributary Agencies: The municipalities and sewer agencies in the service of area of the Plant, including: Cities of San José, Santa Clara, Milpitas, Cupertino, Campbell, Los Gatos, Monte Sereno, and Saratoga; adjacent unincorporated areas; and Sanitary Sewer Districts for Burbank, County 2 and 3, Cupertino, and West Valley.

Tributary Agency Sewer Use Ordinances: The sewer use ordinances and municipal codes in the various tributary agencies discharging to the San Jose/Santa Clara Water Pollution Control Plant.

Verbal Warning: A documented warning communicated to the IU orally. The violation is usually slight or within the range of analytical error.

Warning Notice: A written notice that a violation has occurred, the Warning Notice directs the IU to take actions to correct the violation, and does not require a formal response.

Introduction

This ERP has been prepared by following EPA's Guidance for Developing Control Authority Enforcement Response Plans.

On July 24, 1990, the Environmental Protection Agency promulgated regulations (55 Federal Regulation 30082) to require all Publicly Owned Treatment Works (POTWs) to adopt an enforcement response plan (ERP) as part of their approved pretreatment programs. The regulation as stated in 40 CFR 403.8(f)(5) is as follows:

- The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user (IU) noncompliance. The plan shall, at a minimum:
  - Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8(f)(1) and (f)(2);
  - Describe how the POTW will investigate instances of noncompliance;
  - Identify (by title) the official(s) responsible for each type of response; and
  - Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of IU violations and the time periods within which responses will take place.

The Enforcement Response Plan (ERP) outlines the procedures followed by Pretreatment Program staff to identify, document, track, and respond to noncompliance for the San Jose/Santa Clara Water Pollution Control Plant (Plant) pretreatment program. Incorporated into the ERP are specific criteria by which Pretreatment Program staff can determine the enforcement action most appropriate to the nature of a violation.

The Enforcement Response Guide (ERG)is an element of the ERP and includes tables the specifically reference the degree of non-compliance with the ***minimum*** type of enforcement response to be taken. The ERG lists the most common types of non-compliance and enforcement action taken.

Purpose

The purpose of the ERP is to provide consistent enforcement responses for similar violations, define the range of appropriate enforcement actions based on the nature and severity of the violation and other relevant factors, and identify the personnel responsible for finalizing enforcement.

Administration and Jurisdiction

All facilities discharging non domestic waste to the Plant and zero discharging categorical industrial users (CIUs) are subject to the provisions of the ERP. The City of San José (City), as administrator and operator of the Plant, is the control authority that administers and implements all elements of the ERP. The ERP does not preclude the City from taking any, all, or a combination of actions against a noncompliant IU or zero discharging CIU.

Environmental Enforcement Data Management System

The City has a database called the Environmental Enforcement Data Management System (EEDMS). This complex database is able at a minimum to perform the following:

- Store Plant Industrial Wastewater Discharge Permits and discharge limits information for each sample point;

- Track and store inspection information;
- Assign Source Control environmental inspector for each facility;
- Generate, track, and store chain of custodies, sample bottle labels, and sample activities;
- Access sample results from the Plant's laboratory information management system (LIMS) and download information to each facility;
- Inventory Self Monitoring Report (SMR) data;
- Generate and track violations and enforcement actions;
- Flag violations of local and federal limits; and
- Compile the Semi- and Annual Pretreatment Compliance Reports by tracking the violations, enforcement actions, inspections, and sampling activities for each IU.

When the system "generates" records of violations, the system is comparing information added to the system for a particular IU to relevant permit criteria and municipal code information stored in EEDMS by the City. Where the system is unable by design to automatically generate the record of violation, the environmental engineer or environmental inspector is responsible for creating the record of violation in the system. The City also maintains the more traditional paper filing system.

Pretreatment Program Staff Responsibilities

The Pretreatment Program Staff Responsibilities are divided into two sections, Source Control and Environmental Engineering. Source Control is responsible for enforcing the pretreatment program requirements and Environmental Engineering is responsible for writing permits and notifying the Source Control program of any violations related to permit processing. Both sections are supervised by the Senior Environmental Engineer that reports to a Deputy Director in the City's Environmental Services Department (ESD). Violations that are continuous or severe enough to warrant administrative enforcement remedies are referred for legal counsel. The following describes the specific enforcement responsibilities for each of these sect.

- Source Control Environmental Inspector,
- Environmental Engineering Section Engineer or Environmental Inspector,
- Clerical
- EEDMS Database Administrator,
- Assistant Enforcement Coordinator,
- Environmental Enforcement Coordinator,
- Senior Environmental Engineer,
- Director and Deputy Director for ESD, and
- Legal Counsel

Source Control Environmental Inspector

The primary duties of the environmental inspector are to inspect and monitor IUs, identify incidents of non-compliance, provide compliance information, and to process enforcement actions in a timely manner. There are two types of environmental inspectors: Assistant Environmental Inspectors and Environmental Inspectors. Assistant Inspectors collect most of the samples and are assigned temporary discharge

facilities. Environmental Inspectors are assigned to all other facilities including all Significant Industrial Users (SIUs). The following summarizes the duties required for both positions:

- Inspects assigned facilities;
- Attends permit inspections of all assigned facilities;
- Reviews SMRs;
- Reviews monitoring (SMR and City) results and identifies discharge violations;
- Enters violations that cannot be automatically created by the EEDMS except Industrial Wastewater Discharge permitting process violations (see Environmental Engineering Section Engineers and Environmental Inspectors);
- Links all violations to enforcement actions in EEDMS;
- Plans sampling events with Assistant Enforcement Inspectors;
- Collects samples;
- Monitors pH and reviews pH records;
- Generates and prints out enforcement documents and forms for approval by the Environmental Enforcement Coordinator;
- Signs the letters for routine enforcement actions (Warning Notices, Notice of Violations, and Administrative Citations);
- Tracks IU's response to Notices of Violations, Compliance Meetings, and Compliance Schedules, including resampling requirements;
- Reviews IU's response letters to ensure the response adequately addresses compliance issues;
- Schedules compliance meeting with IU representative, Enforcement Coordinator Assistant, Enforcement Coordinator, and applicable Tributary Agency representative if required;
- Reviews and tracks compliance meeting schedules and follows up with IUs to ensure that deadlines are being met;
- Prepares non-routine compliance letters, drafts enforcement reports, and citations;
- Reviews IU compliance history reports;
- Enters and tracks all enforcement actions into EEDMS violations and enforcement modules;
- Informs the EEDMS Administrator and Enforcement Coordinator of any EEDMS issues;
- Enters the data into EEDMS and writes, verifies, and compiles tables and sections for inclusion into the Semi-Annual and Annual Pretreatment Compliance Reports;
- Reviews monthly and updates, as required, draft Semi-Annual Pretreatment Compliance Reports; and
- Reviews quarterly and updates, as required, draft Annual Pretreatment Compliance Reports

Environmental Engineering Section Engineers and Environmental Inspectors

The Environmental Engineering Section is responsible for processing the Plant's Industrial Waste Discharge Permits. The environmental engineers and environmental inspectors send out letters to the IUs reminding them to submit applications, receive the applications, conduct permit inspections with Source Control environmental inspectors, draft the Industrial Waste Discharge Permits, forward the Industrial Wastewater Discharge Permits for review and approval, before finalizing and issuing the Industrial Wastewater Discharge Permits. Their responsibility in enforcement is as follows:

- Works with Source Control to Identify IUs as part of IU Inventory,
- Determines if a new facility requires an Industrial Waste Discharge Permit,
- Tracks the submission of Industrial Waste Discharge Permit Applications versus expiration dates to identify late applications,
- Describes in notes section of permit inspections any violations encountered during permit inspection,
- Writes letters requesting further permit application requirements with timelines included,
- Enters into the violations module of the EEDMS late or incomplete permit application violations, and
- E-mails the Source Control environmental inspector assigned to description of nature of the violations including a detailed description of any due dates not made, letters sent requesting further information, etc. Source Control environmental inspectors will issue enforcement action as described above.

Clerical

Clerical is responsible for data entry, document processing, and filing. Their responsibility is as follows:

- Entering SMR results into EEDMS;
- Checking City laboratory data for correct entry into EEDMS;
- Distributing to Source Control environmental inspectors City laboratory report forms;
- Finalizing and sending enforcement actions documents, and
- Filing enforcement actions in IU files.

EEDMS Administrator

The EEDMS Administer is responsible for maintaining the EEDMS and responding to any EEDMS issues that may arise. In addition, the EEDMS Administrator also manages the coordination of the laboratory information management system (LIMS).

Enforcement Coordinator Assistant

The primary role of the Enforcement Coordinator Assistant (ECA) is to identify violations, in a timely manner, and to assist the Enforcement Coordinator with tracking of compliance issues and schedules. The Enforcement Coordinator Assistant performs the following:

- Generates, reviews, and distributes to staff the violation and enforcement reports from EEDMS bi-weekly;
- Generates, reviews and distributes to environmental inspectors for review draft Semi-Annual Pretreatment Compliance Report tables monthly;
- Generates and distributes to environmental inspectors for review draft Annual Pretreatment Compliance Report sections quarterly;
- Notifies and tracks through reports generation and other documentation to assist environmental inspectors on tracking responses to Warning Notices, Notices of Violations, Compliance Meetings, and Compliance Schedules;
- Notifies Enforcement Coordinator of any enforcement action or IU response issues;
- Verifies with applicable environmental inspector that all City sampling has been completed on time;

- Assists environmental inspectors with compiling court enforcement case documentation; and
- Assists in the preparation and moderating of compliance meetings including writing Compliance Agreement Record, reviewing compliance meeting schedules, and ensuring that deadlines are being met.

Enforcement Coordinator

The primary role of the Enforcement Coordinator (EC) is to ensure that the ERP is followed in a timely and consistent manner. The EC is at a level of a Senior Environmental Inspector or higher. The EC performs the following:

- Reviews and approves violations and enforcement actions (the EC indicates authorization by initializing enforcement tracking forms, using documentation forms, and authorizing enforcement actions in EEDMS);
- Makes a final determination on the level of enforcement by reviewing inspection reports, sample data, reports, and enforcement action documents;
- Ensures that compliance actions taken are consistent and timely by reviewing ERP and by generating EEDMS Enforcement Summary Reports and other EEDMS reports;
- Reviews IU's response letters to ensure the response adequately addresses compliance issues;
- Signs the "Compliance Agreement Record" with authorized IU and assigned environmental inspector;
- Reviews Semi-Annual Pretreatment Compliance Reports comments and data in the EEDMS;
- Reviews Annual Pretreatment Compliance Report information developed by environmental inspectors;
- Coordinates and moderates compliance meetings and the preparation of compliance schedules;
- Reviews IUs Enforcement Summary Reports;
- Compiles compliance reports for the Semi-Annual and Annual Pretreatment Compliance Reports; and
- Communicates and coordinates with tributary agencies and their respective Attorney's Office.

Senior Environmental Engineer

The primary role of the Senior Environmental Engineer is to approve increasing the level of enforcement above and beyond the ERP. The Senior Environmental Engineer supervises the EC. The Senior Engineer performs the following:

- Reviews and approves the Enforcement Response Plan,
- Reviews and approves Industrial Waste Discharge Permits,
- Reviews and approves enforcement actions referred to:
  - City of San José and other tributary agencies' attorneys,
  - Regional Board,
  - EPA,
  - California Department of Fish and Game, and
  - Other law enforcement agencies.
- Reviews Semi-Annual and Annual Pretreatment Compliance Reports.

Director or Deputy Director of ESD

The Director of ESD or the Deputy Director (when authorized) signs and approves documents pertaining to:

- Industrial Wastewater Discharge Permits,
- Compliance Orders in San José
- Termination of Service in San José,
- Permit Revocation,
- Semi-Annual and Annual Pretreatment Compliance Reports, and
- Letters of Significant Non-Compliance.

Legal Counsel

The City of San José and the City of Santa Clara each have their own City attorneys to prosecute civil and criminal cases. In addition, the Santa Clara County District Attorney's Office will prosecute civil and criminal cases for all jurisdictions when warranted. Other tributary agencies coordinate legal referrals through their attorneys, boards, and commissions.

Legal Authority

All Pretreatment Programs must meet the requirements of Chapter 40 of the Code of Federal Regulations (40 CFR). The City has multi-jurisdictional legal authority agreements giving the Plant the legal authority to implement and enforce program requirements for all the tributary agencies to the Plant. Included in the legal authority is the ability to adopt and enforce local sewer use ordinances that regulates discharges to the Plant. The following is a list of the applicable ordinances for each tributary agency, henceforth collectively referred to as tributary agency sewer use ordinances:

- City of San José – City of San José Municipal Code Chapter 15.14 entitled *Industrial Waste Discharge Regulations*; Chapter 9.08 Part 9 entitled *Receiving Stations for Septic Tank Cleanings*; Chapter 1.08 titled *Enforcement of Code* Chapter 1.14 entitled *Administrative Remedies*; and Chapter 1.15 entitled *Administrative Citations*;
- City of Santa Clara – Chapter 13 of the Santa Clara City Codes (SCCC);
- City of Milpitas – Milpitas Sanitary Code Title VIII, Chapter 2, Article V, entitled *Use of Public Sewers*;
- West Valley Sanitation District of Santa Clara County (Campbell, Saratoga, Monte Sereno, Los Gatos, and some unincorporated county areas) – West Valley Sanitation Ordinance Sections 1.050 and Chapter 7;
- Cupertino Sanitary District (Cupertino and Saratoga) Cupertino Sanitary District Operations Code Chapters II and VI; and
- Burbank Sanitation District Regulations and Santa Clara County District No. 2 and 3 Operations Code.

Identifying Violations

There are many activities associated with the identification and investigation of noncompliance. Brief descriptions of these activities are provided in this ERP. Detailed discussions and procedures for these

activities can be found in other relevant sections of the Environmental Enforcement Procedures. The sources of potential violations for any pretreatment program are as complex and varied as the industries the program regulates. To manage these complexities the Environmental Engineering and Source Control Sections obtain compliance information from the following activities.

- IU Inventory,
- City Compliance Monitoring,
- Surveillance Compliance Monitoring
- IU Compliance Monitoring,
- Inspections,
- Deadline and Incomplete Submittals
- Categorical Industrial Zero Discharge Monitoring
- Septic Hauler Monitoring
- Meetings, and
- Interaction with other agencies.

The following section discusses these activities that facilitate identifying instances of noncompliance.

IU Inventory

An essential step in developing and updating a pretreatment program is to identify which facilities are discharging nondomestic waste to the Plant, where they are located, and the nature of the nondomestic waste being discharged. All facilities connected to the Plant's collection system that could be potentially discharging industrial wastewater or have categorical industrial processes need to be evaluated. The Source Control and Environmental Engineering Sections search for unpermitted facilities according to the IU Inventory Procedure contained in the Environmental Enforcement Procedure Manual. Environmental inspectors may issue violations if facilities are discharging without a permit. The ERP applies to violations at both permitted and non-permitted facilities.

City Compliance Monitoring

Trained Environmental and Assistant Environmental Inspectors collect at least one representative sample from each permitted discharging IU per year according to the annual monitoring plan for all facilities. After collecting samples and downloading tracking information to the EEDMS system, environmental inspectors relinquish the samples with chains of custody to the Plant's laboratory for analysis. The laboratory staff enters analytical results immediately into LIMS and EEDMS downloads the results. Approximately once per week EEDMS compares the sample results with permit limits stored in EEDMS and generates a violation. However, during this time the laboratory personnel often conduct quality control of the sample results. Therefore, environmental inspectors wait for the laboratory analytical sheets to arrive in the internal mail from the laboratory before pursuing enforcement actions. Environmental inspectors also notify the IU of the potential violations as soon as they are aware of the violation. Also, if there is a monthly limit violation and there were other samples collected by the City or the IU, the environmental inspector will wait until these results have been entered before issuing an enforcement action. Once these sample results are entered, the EEDMS system will average the sample results for the month and keep, remove, or add the violation, if applicable, automatically.

The environmental inspector is responsible for confirming that the EEDMS system captures all violations by reviewing the sample results for violations of local discharge limits, state hazardous waste limits, and

federal pretreatment standards. The types of local limits enforced are listed in the enforcement response guide section of this document.

The type of enforcement action to be taken is annotated on the laboratory analysis sheet, and the IU is notified that a violation occurred and the type of enforcement action to be taken. Additional City sampling will be conducted according to the type of violation per this ERP to determine compliance status.

Surveillance Compliance Monitoring

The City also has a surveillance program. Since surveillance sampling is conducted in manholes, only local maximum allowable limits apply. Surveillance sample activities are tracked in the EEDMS using specially created sample locations. Surveillance sample results are first reviewed by the surveillance sampling environmental inspector and by the environmental inspector assigned to the facility. Once the sampling program is complete and a violation is identified to be caused by a facility through the Surveillance Monitoring Procedure contained in the Environmental Enforcement Procedures, the surveillance sampling environmental inspector will contact the EEDMS administrator to generate the violations in the EEDMS.

IU Compliance Monitoring

All discharging IUs are required to sample and monitor at least once per year according to permit requirements or in response to sampling required for determining compliance status. When IUs submit sampling data in SMRs or baseline monitoring reports (BMRs), the environmental inspector first reviews the report to check if there are any problems with the data, to make sure all values are in the right units, or to calculate total toxic organic levels before forwarding the SMR to clerical for entry into EEDMS. Once entered, the EEDMS system generates a violation. If the EEDMS system cannot generate a violation, the environmental inspector is required to enter the violation manually. Violations can include but are not limited to:

- SMR/BMR contains permit limit violations,
- SMR/BMR contains violations that were not reported within 24 hours,
- Samples were not analyzed using California State Certified Laboratory,
- Samples were not analyzed using 40 CFR 136 sample methods, and
- The IU did not sample for all the correct parameters during the reporting period.

As soon as the environmental inspector is aware of the violation, the inspector notifies the IU that a violation occurred, the type of enforcement action planned to be taken, and any sample requirements. The City also conducts additional IU sampling according to ERP requirements based on the type of violation.

Inspections

Environmental inspectors inspect each IU at least once per year to evaluate compliance. In addition, the City also conducts inspections in response to violations or to gather needed information. During the facility's site inspection, the environmental inspector gathers data necessary for the evaluation of IU compliance. This data includes facility observations, implementation of best management practices, employee statements, analytical documents, physical evidence, and other information that may support a determination of noncompliance and the resulting enforcement action.

Deadline and Incomplete Submittal

Deadline violations occur when required reports, samples results, and permit applications are not received on time or when required submittals submitted by the due date but are incomplete. Any information requested is considered not on time when the report

- Does not arrive on time,
- Contains inaccurate information,
- Contains forms that are completed incorrectly or are incomplete,
- Is not signed by the appropriate executive officer,
- Does not contain complete laboratory quality control documentation,
- Does not include all the analyzed sample results,
- SMR does not include other reports required by the Industrial Waste Discharge Permit such as flow meter calibrations, and total toxic organic certifications,
- Failed to meet compliance schedule milestones, or
- Does not include the appropriate fee (i.e. permit applications).

Categorical Industrial Zero Discharger Monitoring

Categorical Industrial Zero Dischargers are required to apply for a categorical industrial zero discharge permit. These facilities are required to submit semi-annually a zero discharge certification. Environmental inspectors inspect these facilities twice per year to verify the facility is not discharging.

Septic Haulers Monitoring

Enforcement actions are taken for violations of City of San José Municipal Code Chapter 9.08 and 15.14 pertaining to hauling septic tanks waste to the Plant and record keeping.

Meetings

Formal and informal meetings with IUs are utilized to obtain and share information related to any aspect of the Industrial Wastewater Discharge Permit requirements and may be used to investigate compliance status and technical issues, such as IU classification, additional sampling procedures or locations, pretreatment requirements, laboratory analyses, or other requirements to ensure compliance.

Interaction with other Agencies

Tributary Agencies Hazardous Materials Investigation units, the San Francisco Regional Water Quality Control Board (Water Board), the Santa Clara County-District Attorney Offices (SCCDA), the Environmental Protection Agency (EPA) and its Criminal Investigation Division (EPA-CID), and the Federal Bureau of Investigation (FBI) are agencies utilized to further investigate IU compliance status.

Semi-Annual and Annual Pretreatment Compliance Reporting and Determining Compliance Status

The Plant's National Pollutant Discharge Elimination System (NPDES) Permit requires the City to publish two Semi-Annual and one Annual Pretreatment Compliance Reports. A required component of

these reports is the determination of the compliance status of all Significant IUs for each quarter reviewing the enforcement data from the previous six months. There are five different compliance statuses that are reported in these reports. The following section describes each status.

Unknown: Permit issuance in progress or a permit issued and the report is generated before a BMR or SMR is received.

Not Scheduled to be Sampled: No SMR or city sample was required to be collected during the particular quarter, or the permit coverage has been terminated, and thus no samples were scheduled.

Consistent Compliance: No more than one parameter in violation and that value was less than twice the most stringent limit. Additionally, within 45 days of the IU being notified of the violation, the IU has identified and corrected the cause of the violation and verified this through testing for that parameter. All pH chart recorder violations must have duration of equal to or less than fifteen minutes in any day and be outside all pH limits less than 66% of the days in operation within the compliance period.

Inconsistent Compliance: More than one parameter in violation, or any one parameter in violation that exceeded twice the most stringent limit, and within 45 days of the date the IU is notified of the violation, the IU has been re-sampled, found to be in compliance, and does not fall within the significant non-compliance classification. All pH chart recorder violations must have a duration greater than fifteen minutes in any day and be outside all pH limits less than 66% of the days in operation within the compliance period. Status is designated as IL, IF, or IF/IL for compliance periods depending if violations in the compliance period were local, federal, or both.

Significant Non-Compliance (SNC): Significant non-compliance (as defined in 40 CFR 403.8(f)(2)(vii)), is a compliance status in which one or more of the following is found:

- Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD; TSS; and; fats, oil and grease, and 1.2 for all other pollutants except pH).
- Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the Director determines has caused, alone or in combination with other IUs, 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 to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge.
- Failure to meet, within ninety 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 forty five days after the due date, required reports such as self monitoring reports, ninety day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- Failure to accurately report non-compliance.
- Any other violation or group of violations, which the Director determines, will adversely affect the operation or implementation of the local pretreatment program.

SNC status is designated as SNL, SNF, or SNF/SNL for compliance periods depending if violations in the compliance period were local, federal, or both. For pH chart recorder violations SNC is evaluated when violations:

- The IU caused corrosion to the sanitary sewer system,
- The violations have a common cause and the IU has failed to respond to the violations, and/or
- The number of days the pH chart recorder indicates the discharge is outside of permit limits 66% or more of the days in operation within the compliance period.

When any action by the IU meets one or more criteria for SNC, the IU shall be designated as SNC in the Semi-Annual and Annual Pretreatment Compliance Reports and published in the San Jose Mercury Newspaper in the first quarter of the following calendar year.

Enforcement Response Guide

This section of the Enforcement Response Plan, Appendix A, and Appendix B comprise the Enforcement Response Guide (ERG). This section is a list the routine types of non-compliance and enforcement actions to be taken. These routine actions include Verbal Warnings, Warning Notices, Notices of Violation, Administrative Citations, and Compliance Meetings. Appendix A is a matrix, which describes violations and indicates minimum enforcement actions. Appendix B contains flow charts illustrating the enforcement process.

Prior to taking any enforcement action, including Verbal Warnings, the environmental inspector must consult with the Enforcement Coordinator (EC). The EC will ensure that the type of enforcement action proposed is consistent with the enforcement response guide and is appropriate to the level of violation.

If multiple violations for one or more parameters occur during a calendar day, the IU will only be issued one enforcement action, and all violations will be listed. If during an inspection multiple violations are discovered, over a number of days, those violations will be grouped by day and each group of violations will be issued an enforcement action.

Violations falling under more than one category on any given day will be addressed using the more severe enforcement response.

When considering the type of enforcement action to be taken, the ERG serves as a **minimum standard**. EPA's Guidance for Developing Control Authority Enforcement Response Plans Chapter 4.1 discusses the six criteria that the Control Authority should consider when determining a proper enforcement response. Enforcement action may be **escalated** when considering the six criteria for evaluating the degree of non-compliance. When an enforcement action is increased over the minimum, written documentation will detail the reasons for the increased enforcement action. The six criteria for evaluating the degree of non-compliance are:

Magnitude of the violation

Generally an isolated incident of noncompliance can be met with an enforcement response listed in the Enforcement Response Guide. However, if an isolated violation threatens public health and the environment, damages public or private property, or threatens the integrity of the Plant's program, the enforcement response to this type of violation must be escalated to

- Mitigate the violation quickly,
- Prevent a reoccurrence of violation(s),
- Provide an appropriate level of response, and

- Provide for cost recovery as appropriate.

Duration of the violation

Violations (regardless of severity) which continue over prolonged periods of time should subject the IU to escalated enforcement actions. The POTW's response to these situations must aim to prevent extended periods of noncompliance from recurring.

Effect of the violation on the receiving water

One of the primary objectives of the Pretreatment Program is to prevent pollutants from "passing through" the Plant and entering the receiving waters. Consequently, any violation which results in environmental harm will be met with an escalated enforcement response. Environmental harm will be presumed whenever an industry discharges a pollutant into the sanitary sewer which:

- Passes through the Plant,
- Causes a violation of the Plant's NPDES permit limits, or
- Has a toxic effect on the receiving waters.

A minimum response to these types of violations would be an administrative enforcement remedy and referral to the attorney. In addition, the response should ensure the recovery from the IU of any NPDES fines and penalties paid by the Plant. Termination of service may also be considered for repeat violations.

Effect of the violation on the Plant

Some violations may have negative impacts on the Plant's operations or personnel. These violations can result in increased treatment cost, upsets to and interference with treatment processes, or harm to the Plant and collection system personnel or equipment. A minimum response to these types of violations would be an administrative enforcement remedy and referral to the attorney. In addition, the response should ensure the recovery from the IU of any costs by the Plant and collection system to correct the problem.

Compliance History of the IU

When evaluating the level of enforcement action to be taken for a violation, the previous twelve months compliance history of the IU shall be reviewed. If a pattern of recurring violations for the same parameter is noted, then an escalated enforcement action may be warranted. Any escalation of enforcement actions will be documented on the enforcement approval form. This documentation will include all details for the increased enforcement.

"Good Faith" Effort of the IU

The IU's "good faith" effort in correcting its noncompliance is a factor in determining which enforcement action to take. "Good faith" maybe defined as the user's honest intention to remedy its noncompliance, coupled with actions which give support to this intention. However, good faith does not eliminate the necessity of an enforcement action.

Types of Enforcement Actions

Any enforcement action taken must be reviewed and approved by the EC prior to being issued.

Informal Notices

A **Verbal Warning** is generally issued for slight violations, violations that, based on pretreatment program history, contain little risk to the collection system, the Plant or the Plant's compliance status and are known to respond well to verbal warnings. In this case, the environmental inspector notifies the IU that a violation occurred and directs the IU to take corrective actions. This notification serves as the enforcement action. Written documentation of a Verbal Warning will be posted to the company's file. The environmental inspector may schedule additional inspections and/or sampling, or may elect to implement more stringent enforcement action. A more stringent enforcement action may be the issuance of a Warning Notice in place of a Verbal Warning in cases where there have been previous recent violations for the same parameter and according to the ERG.

A **Warning Notice** is a written notice and is generally issued for slight or moderate violations depending on the criteria evaluation. A Warning Notice documents the type of violation that occurred and directs the IU to identify and correct the cause of the violation. The environmental inspector may schedule additional inspections and/or sampling, or may elect to implement more stringent enforcement action. A more stringent enforcement action may be the issuance of a Notice of Violation in place of a Warning Notice in cases where there have been previous recent violations for the same parameter and according to the ERG. Any enforcement action above a verbal warning including a warning notice requires written response by the IU on the cause of the violation, the response to the violation, and the steps taken to prevent future violations.

Notice of Violation

A **Notice of Violation** is generally issued for a severe violation or recurrent violations. The Notice of Violation documents the type of violation that occurred and directs the IU to identify and correct the cause of the violation. The IU is required to respond in writing, within two weeks, describing the cause of the violation and the corrective actions taken.

Letter of Significant Non Compliance

A **Letter of Significant Non Compliance** is issued for any violation that meets the criteria of significant non compliance. The Notice of Significant Non Compliance notifies the IU that the facility is in significant non compliance and that their name and violation will be published in the San Jose Mercury Newspaper in the first quarter of the following calendar year. In addition this letter documents the type of violation that occurred and directs the IU to identify and correct the cause of the violation. The IU is required to respond in writing, within two weeks, describing the cause of the violation and the corrective actions taken.

Newspaper Announcement

When any action by the IU meets one or more of the criteria for Significant Non-compliance (SNC) the IU shall be designated SNC in the Semiannual and Annual Pretreatment Compliance Reports, and published in the newspaper annually.

City of San José Administrative Citations

Administrative Citations are issued to City of San José dischargers when a provision in City of San José Municipal Code Chapter 15.14 Titled "Industrial Waste Discharge Regulations" or Chapter 9.08 Part 9 Titled "Receiving Stations for Septic Tank Cleanings" is violated. The fine amounts for violation of these Code sections are included in the San José City Council resolution setting forth the administrative citation

schedule of fines. The tables in Appendix A details which sections are cited and the fine amount (also see Administrative Citation Procedure # 2240).

Compliance Agreements

Compliance Agreements are developed during compliance meetings when severe violations occur or when previous violations appear to remain uncorrected as evidenced by repeated violations. Many Notices of Violation do not require a compliance meeting. The ERG details when compliance meetings are required. During a compliance meeting, the City attempts to develop an agreed upon compliance schedule and timeline with the IU. If an agreement is reached, it is documented in a Compliance Agreement Record. Progress on the compliance schedule is tracked by the environmental inspector and the Enforcement Coordinator Assistant and progress is reported to the EC. Compliance schedules are completed when all tasks are completed and consistent compliance is achieved. The IU's Permit may be modified to include the provisions of a compliance schedule. A compliance meeting is generally scheduled when:

- The IU exceeds 4 times the applicable discharge limit for any Toxic Pollutant or violates any California State Hazardous waste limit.
- The IU exceeds 4 times the applicable discharge limit for any oil and grease violation.
- The IU has a pH violation of less than 2 or greater than 12.5 and the duration of the violation is greater than 60 minutes in any given day or violates pH limits any day for 66% of the all days the IU is in operation within any compliance period.
- The IU has demonstrated a pattern of non-compliance. A pattern of non-compliance would include:
  - The IU has been listed as Inconsistent Local (IL) or Inconsistent Federal (IF), or both, for two consecutive quarters for the same parameter or
  - Did not respond to enforcement action as listed in the ERG.

A maximum of two compliance meetings per parameter, within a two-year period, may be held to address non-compliance before more stringent enforcement remedies are considered for types of violations. Slight violations which occur during the implementation of a compliance schedule, and which involve the parameter(s) addressed by the compliance schedule, may be documented through enforcement actions of a lesser degree than indicated in the ERG, if short term measures have been implemented to prevent violations. If a facility is under a compliance schedule and receives an enforcement action less than what is called for in the ERG, the environmental inspector must document the following on the enforcement action approval form:

- That the enforcement action is less severe than the procedural requirement because the facility is under a compliance schedule and
- Reference the specific compliance meeting.

This process allows for the documentation of all violations while acknowledging that an IU is actively working to correct the violation.

Post Compliance Meeting Enforcement

If compliance meetings with Pretreatment Program staff fail to obtain compliance, then additional enforcement actions are initiated. These additional enforcement actions are listed in Table 1:

- Description of updated budget, staffing, and equipment needs for the City's pretreatment program submitted on June 30, 2005;
- Description and schedule of a City staff training plan submitted on June 30, 2005; and
- Progress reports on actions taken in response to the AO submitted on June 30, 2005; October 31, 2005; and February 28, 2006.

On April 30, 2007 the City requested clarification and responded to some of the comments included in the March 30, 2007 EPA review. Due to the extent of EPA's comments on the revised SIU permits, the City requested an extension of the June 30, 2007 deadline for reissuing all SIU discharge permits. Additionally, timing of the final acceptance and approval of the local limits report by the EPA and Water Board required an extension to the local limits adoption schedule. After discussions with EPA Region 9 staff at the May 15, 2007 meeting, the City proposed a new timeline on May 31, 2007. The EPA officially modified the Administrative Order on July 9, 2007. The updated key dates for compliance activities in the Order are included in Table 1 on the next page.

With the June 30, 2009 Final Report submittal, the City has fulfilled all of the requirements under the Administrative Order. The City will continue its commitment to meet all applicable pretreatment requirements under federal and state statutes, and to work closely with EPA, and Water Board staff, and our dischargers to accomplish this commitment.

Table 1: Post Compliance Meeting Steps at Different Tributary Agencies

San José	Santa Clara	Milpitas	West Valley and Cupertino
Administrative Compliance Order by ESD Director	Meeting before the Director of Sewer and Utilities	Meeting before the City Engineer	Meeting before the Sanitary District Board
Administrative Appeals Board Hearing	Meeting before the City Attorney	Meeting before the City Council	Court Action
Court Action	Court Action	Court Action	

In addition to the above, any violations of California State Hazardous Waste limits may be referred to the County District Attorney. Note these samples must be analyzed using Toxicity Characteristic Leaching Procedure (TCLP), test Method 1311 in "Test Methods for EPA" Publication SW-846 after 'WET Extraction to get Soluble Portion per TCCR Title 22 Chapter 11 Article 3 §66261.24. Characteristic of Toxicity Soluble Threshold Lower Concentration Limit.

The specific steps for referring violations to the appropriate tributary agency representative to pursue Administrative Enforcement Remedies, Civil Penalties and/or Criminal Prosecution is documented in the Environmental Enforcement Procedures.

Administrative Enforcement Remedies

In those cases where non-compliance is not corrected, the next step in the escalation of administrative enforcement action is the issuance of Administrative Enforcement Remedies (AERs), which directs IUs to undertake or to cease, specified activities. Types of AERs include:

- **Compliance Order** – letter by the authorized sewer agency representative that directs the IU to achieve or restore compliance by a date specified in the order. A Compliance Order may provide that penalties will begin to accrue if compliance is not achieved by a specified date.
- **Notice of Administrative Hearing** – written notice of a hearing for the imposition of penalties for continued non-compliance after the timeframe for compliance specified in a Compliance Order has elapsed.
- **Administrative Hearing Board Order** – an order issued after an administrative hearing, which may impose some or all of the following: an order to correct, administrative penalties, and administrative costs.
- **Termination of Service** or **Permit Revocation** – In certain cases, written notice of the intent to revoke the IU's Permit or the termination of service may be delivered to the IU or zero discharger. The notice shall be effective ten calendar days after it is served to the discharger, unless the Director determines that immediate permit revocation or suspension of service is necessary for preservation of public health or safety or the protection of public or private property. If the Director determines that immediate permit revocation or suspension of service is necessary, then it will take effect immediately after written notice is delivered to the IU. The IU may appeal the notice and request a hearing. Except for immediate permit revocation or suspension of service to protect public health or safety or the protection of public or private property, the filing of an appeal stays the revocation or suspension.

Civil Penalties

Any person may be civilly liable to the agency in a sum of up to ten thousand dollars per day for the first day in which the violation occurs, up to twenty-thousand dollars for the second day in which the violation occurs, and fifty thousand dollars for each additional day, who:

- Intentionally or negligently violates
  - Any provision of the tributary agency sewer use ordinances or
  - Any provision of a permit issued pursuant to the tributary agency sewer use ordinances,
- Intentionally or negligently dischargers waste or wastewater which causes pollution,
- Violates any effluent limitation, national standard of performance, or national pretreatment or toxicity standard, or
- Falsifies information or tampers with monitoring equipment,

Civil penalties may be pursued through referral to legal counsel for the agency, the Santa Clara County District Attorney Office or EPA.

Criminal Prosecution

Any IU who violates any provision of the tributary agencies sewer use ordinances, 40 CFR, state hazardous waste laws, permit or order issued hereunder, or any other pretreatment requirement, may upon conviction be punished by a fine or jail or both, as determined by the court. Criminal charges may also be filed against any IU who knowingly makes false statements, representations, or certifications in any application, record report, plan or other documentation filed or required to be maintained pursuant to the following;

- The tributary agency sewer use ordinances,
- 40 CFR,
- Permit, or
- Any Order or

falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under the tributary agencies sewer use ordinances.

Criminal charges may be pursued through referral to legal counsel for the agency, the Santa Clara County District Attorney Office or EPA.

Septic Tank Receiving Station Enforcement Actions

Enforcement actions will be taken for violations of Chapter 9.08. The level of enforcement actions taken will be as follows: First violation is a Warning Notice; second violation (for the same code) within a six-month period is a Notice of Violation. Two Notices of Violation, for any code, in a six-month period is a compliance meeting. If there is another Notice of Violation issued within six months following the compliance meeting ,the septic hauler's bond will be forfeited.

Permit Application Delinquent Fees

The tributary agency sewer use ordinances contain provisions to increase permit application fees based on deadline violations for receiving completed permit applications. A permit application is due 90 days prior to commencing discharge to the sanitary sewer system or expiration of existing discharge permit. Any

person who fails to file an application for a discharge permit prior to discharge shall be assessed a penalty for delinquent filing as follows:

- Up to and including thirty days delinquency, the penalty shall be fifty percent of the permit fee.
- More than thirty days but less than one year delinquency, the penalty shall be one hundred (100) percent of the permit fee.
- More than one year delinquency, the penalty shall be one thousand (1000 percent) of the permit fees.

This penalty shall be in addition to any other penalties or fines that may be levied.

Additional Responses to Violations

In addition to issuing specific enforcement actions, additional reports, inspections, and sampling may be required to verify the corrective actions.

Written Response by IU

Violations that require enforcement actions of Warning Notice level or above must include the requirement to submit a report including the following:

- Explaining the cause of the violation and
- Documenting the steps being implemented to assure future compliance with federal, state, and local regulations.

Increase in City Sampling and Inspections

As a result of any discharge violation, there is a need to increase sampling and inspections to verify that the violation has been corrected. Since further sample results, inspections, and deadline requirements may lead to further violations, required inspections and sampling will continue until compliance is achieved. Table 2 summarizes the minimum additional sampling and inspections required. This additional sampling does not replace SMR sampling.

Table 2: Sampling and Inspection Requirements for Various Violations after Violation Aware Date

Type of Violation	Additional City Sampling	Additional IU Sampling	Re-Inspection
Interfering Substance - Verbal Warning, Warning Notice, and Notice of Violation	Within 45 days after becoming aware of violation	Within 30 days of notification of violation	Within 30 days
Illegal discharge, pH, and Concentration violations resulting in a first compliance meeting	Sample monthly for at least 3 months	Sample monthly for at least 3 months	Within 30 days
IU continuous pH monitoring violation greater than one hour	Within 45 days	Submit state certified sample results within 30 days	Within 30 days
IU continuous pH monitoring violation less than one hour	Within 45 days	Continuous Monitoring must be back in compliance	Within 30 days
All inspection violations other than pH			Within 30 days

Deadline violations missing parameter	Within 45 days	Within 30 days of notification of violation	

Informal Meeting

An Informal Meeting may be requested by the IU or the City to further provide clarity to a complex enforcement issue at any time. An informal meeting is not a substitute for any enforcement action.

Slug Discharge Report

If a violation is determined to be a slug loading or places the IU at risk as a potential for slug loading per the City's Slug Discharge Prevention Plan Procedure 3630, the IU's permit will be amended and the facility will be required to submit a Slug Discharge Prevention Plan within 90 days and implement the plan within 180 days from the permit amendment date.

Timelines for Enforcement Action Response

One of the foundations of effective enforcement is the timely response upon discovery of a violation. Therefore, timeframes are an important aspect of any ERP.

Identification and Documentation

The Plant shall identify and document non-compliance events as soon as practical. Once the violation is detected, the initial enforcement action shall be issued within 30 days. The following procedure will support the 30 day timeframe.

Within First 5 Working Days of Becoming Aware of Violation – Confirmation Date

The following tasks must be completed in the first five days of receipt of self-monitoring documents, laboratory result documents, inspection reports, or other documented violations. Note, EEDMS will create violations resulting from City collected samples upon receipt of the results and prior to completion of quality control and analysis, so environmental inspectors must wait for the actual laboratory reports documents to ensure the violations are valid. In addition, EEDMS also creates monthly average violations based on an average of one sample even though a new sample result may be pending that would change the monthly average. The environmental inspector must contact the IU and assistant environmental inspectors as well to determine if any other samples can be or were collected during that same month and wait for the sample results to come in for the EEDMS to recalculate the monthly average results before issuing a violation. The environmental inspector must complete the following tasks.

- Generate the violation in EEDMS during the same time frame if the violation is not generated automatically by the EEDMS system, such as inspection violations;
- Associate the violation to the enforcement action in the EEDMS;
- Schedule any required sampling with an assistant environmental inspector;
- Notify the IU by telephone of the potential violation, enforcement action that could be taken, and any compliance sampling requirements; and
- Submit to the EC the following:
  - Request for Enforcement Action Approval form,
  - Draft Enforcement Action Report generated from EEDMS,

- Analytical results, chains of custody, SMRs, inspection reports, inspection site photos, or any other documents to support the enforcement case file.

Within First 20 Working Days of Becoming Aware of Violation

Enforcement actions must be approved and signed by the EC.

Initial Enforcement Action Response

If no sample is required, the IU shall respond in writing within two weeks of the mail date of the notice describing the cause of the violation and the steps taken to prevent future violation. If a sample is required, the IU can submit the report along with the required sample results within 30 days of the mail date of the violation.

Follow up Actions

Within 30 days of either receiving the completed initial enforcement action response by the or expiration date of the initial past enforcement response deadline, the Source Control environmental inspectors must initiate follow up actions. This follow up action may include penalty determination, escalated enforcement action or case closure.

Emergency Enforcement Actions

Violations that threaten health, property and/or environmental quality are considered emergencies and shall receive immediate responses, such as halting the discharge or termination of service. The tributary sewer use ordinances have provisions for termination of sewer service if the situation warrants such drastic enforcement actions be taken.

Enforcement Actions for SNC

All permitted Significant IUs will be evaluated for SNC either during the event of a significant non compliance or at the end of each quarter for the previous six months as part of Semi Annual Pretreatment Compliance Reports.

SNC timeframe will be as follows:

- The IU found to be in SNC will be issued a Notification of SNC status,
- Within ten days of receipt of SNC notification, the IU will contact the Source Control Section to schedule a compliance meeting within the next thirty days,
- The IU will be given ninety days to achieve compliance,
- Failure to achieve compliance within the ninety day period will place the IU in a ninety day Compliance Order, and
- All IUs determined to be SNC for any period of the reporting year will be published in the San Jose Mercury News.

Rescinding Violations and Enforcement Actions

If a violation is found to be in error by both the issuing environmental inspector and EC, the violation must be rescinded in EEDMS with the reasons provided in the comments section of the violation in the EEDMS violations module and in the supporting documentation included in the IU hard file. EEDMS

requires the user to first delete any enforcement action before rescinding a violation. If an enforcement action is not a verbal warning and was already issued, the environmental inspector

- Calls the IU,
- Writes a rescinding violation letter notifying the responsible party of the reasons the violation and enforcement actions were rescinded,
- Deletes the enforcement action from EEDMS enforcement action module, then
- Rescinds the violation in EEDMS violations module.

If the enforcement action is a verbal warning the environmental inspector

- Calls the IU
- Documents the phone call in the file, then
- Deletes the enforcement action from EEDMS enforcement action module, then
- Rescinds the violation in EEDMS violations module.
- Rescinding violations or enforcement actions must be approved by the EC.

Using the Enforcement Response Guide

Tables 3 through 7 include the appropriate minimum enforcement actions required for different types of violations.

For any given day, some of the violations may be combined into one enforcement action. When combining enforcement actions the violation with the most stringent enforcement response will be the enforcement action used for all violations. For example, if there is a concentration violation that caused interference at the Plant, the enforcement action for interference at the Plant would be applicable. All administrative citations will be issued for each ordinance violated. These violations may be located on different tables.

The following are the tables in Appendix A:

Table 3: Corrosive Matter Violation Enforcement Action Guidelines

Table 4: Concentration Violation Enforcement Action Guidelines

Table 5: Inspection Violation Enforcement Action Guidelines

Table 6: SMR, BMR, and other Report Violation Enforcement Action Guidelines

Table 7: Permitting Violation Enforcement Action Guidelines

Table 8: Special Violation Enforcement Action Guidelines

Table Descriptions

The tables are organized to provide the appropriate enforcement response to a violation based on the magnitude concentration or missing a deadline or due date, the resulting severity of the impact to the Plant and collection system, and the number of times the violation has occurred during particular time periods

The tables include the following headers to describe the violation, how to determine the federal, state, or local source of the violation,

Violation types: This column describes the violation;

# of Times header lists the number of times the violation occurred in a specified and the corresponding appropriate enforcement action;

# of Days Late header defines the violation based on the range of days the report is late or received after the due date;

Federal Violation and **Local Violations**: These columns are where the table delineates violations as resulting from federal regulations and/or local ordinances. "Y" is for "yes", "N" for "no", and "D" for "depends";

Verbal Warning: An "X" indicates a Verbal Warning is warranted;

Warning Notice: An "X" indicates a Warning Notice is warranted;

Notice of Violation: An "X" indicates a Notice of Violation is warranted;

San Jose Administrative Citation: A dollar amount indicates that an administrative citation is warranted and the appropriate fine;

Letter of SNC: An "X" indicates a Letter of SNC is warranted;

1st Compliance Meeting: An "X" indicates scheduling the first compliance meeting is warranted;

2nd Compliance Meeting: An "X" indicates scheduling a second compliance meeting is warranted;

Referral for AERs, Civil, or Criminal Actions: An "X" indicates a referral is warranted;

Comments: Comments relevant to violations; and

Code: Lists of the sources of the federal or local regulations for all tributary agencies pertaining to each violation type.

However, the Tables include additional headers to customize each table for ease in determining the different factors involved in determining the appropriate enforcement response.

Appendix A

Appendix A Enforcement Response Guide Tables, including:

Table 3: Corrosive Matter Violation Enforcement Action Guidelines

Table 4: Concentration Violation Enforcement Action Guidelines

Table 5: Inspection Violation Enforcement Action Guidelines

Table 6: SMR, BMR, and other Report Violation Enforcement Action Guidelines

Table 7: Permitting Violation Enforcement Action Guidelines

Table 8: Special Violation Enforcement Action Guidelines

Table 3:Corrosive Mater Violations Enforcement Action Response Guide

pH Violation Type	pH Versus Limit	Duration	# of Times within 12 Months	Federal Violation	Local Violation	State Violation	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Resample Required	Comments	Codes and Violations
pH State Certified Sample	5.5≤pH< 6.0	NA	1	N	Y	N	X								Y		Corrosive Matter SJMC 15.14.575 SCCC 13.10.290 MSD 5.18 CSDOC 6213 WVSDOC 7.100 40 CFR 403.5(B)(2) CCR Title 22 Chapter 11 Article 3 §66261.22. Characteristic of Corrosivity (by pH meter)
			2					X									
			3						X								
			4						X			X					
			5						X				X				
			6						X					X			
	2.0<pH< 5.5 or pH >12.5*	NA	1	D	D	D		X									
			2						X	$500							
			3						X	$625		X					
			4						X	$750			X				
			5						X					X			
	pH≤2	NA	1	Y	Y	Y			X	$1,000		X					
			2						X	$1,250			X				
			3						X					X			
pH Chart Recorder	5.5≤pH< 6.0	≤1 min	1+	N	N	N									N	Note in file	
		>1 min and ≤15 min	1 to 15	N	Y	N	X								N	See next page	
			16					X									
			17						X								
			18						X			X					
			19+						X				X				
		15> and <60 min	1to 5	N	Y	N	X								N		
			6					X									
			7						X								
			8						X			X					
			9						X				X				
			10+						X								
		≥60 min	1to 3	N	Y	N		X							Y		
			4						X								
			5						X			X					
			6						X				X				
			7						X					X			

D = Depends status for federal violations: If ≥ 5.0 and <5.5 or > 12.5 then only local violation, otherwise federal. Depend status for state violation: Requires appropriate sample method to be applicable, see section "Post Compliance Meeting" in ERP page 14

* Can only issue San Jose Administrative Citations for pH <5.5

Table 3:Corrosive Mater Violations Enforcement Action Response Guide

pH Violation Type	pH Versus Limit	Duration	# of Times within 12 Months	Federal Violation	Local Violation	State Violation	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Resample Required	Comments	Codes and Violations
pH Chart Recorder	2.0<pH< 5.5 or pH >12.5*	≤1 min	1 to 15	D	D	D	X								N	It is common for pH charts to regularly have spikes (or pH system hiccups) that are do not always indicate a real violation and are part of the normal operation of the treatment system. Facilities that carefully log each discrepancy and spike in the system and have good reasons for the spike will not be referred for post compliance meeting enforcements for these <1 min spikes. However, when larger spikes occur too frequently or when after a year a facility chronically has several pH violations on its chart recorder and there has been two compliance meetings, it is time to refer the IU for further enforcement.	Corrosion Matter SJMC 15.14.575 SCCC 13.10.290 MSD 5.18 CSDOC 6213 WVSDOC 7.100 40 CFR 403.5(b)(2)
			16					X									
			17						X								
			18+						X			X					
		>1 min and ≤15 min	1 to 12					X							N		
			13						X	$500							
			14						X	$625		X					
			15						X	$750			X				
			16+						X					X			
		>15 min and ≤ 60 min	1 to 5					X							Y		
			6						X	$500							
			7						X	$625							
			8						X	$750							
			9+						X					X			
		> 60 min	1						X	$500					Y		
			2						X	$625		X					
			3						X	$750			X				
			4+						X					X			
	pH≤2	≤1 min	1 to 12	N	Y	N	X								N		
			13					X									
			14						X								
			15						X			X					
			16+						X				X				
		>1 min and ≤ 60 min	1 to 3				X								Y		
			4					X									
			5						X	$1,000							
			6						X	$1,250							
			7						X	$1,500							
			8+						X					X			
		> 60 min	1						X	$1,000					Y		
			2						X	$1,250		X					
			3						X	$1,500			X				
			4						X					X			

Table 4: Concentration Violations Enforcement Action Response Guide

Conc Violation Type[1]	Concentration (Conc) versus Limit	# of Times Within 12 Months	Federal Violation	Local Violation	State Violation	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Resample Required	Comments	Codes and Violations
Interfering Substances	1X<Conc≤ 2X	1	N	Y	N	X								Y	See Table 8 for SNC violations and Table 6 for late reporting and sampling violations	For Local Limits Interfering Substances (Once per day) SJMC 15.14.585 SCCC 13.10.310 MSC 5.20 CSDOC 6214 WVSDOC 7.110 For Federal Limits Federal Pretreatment and State Regulations (Once per day) SJMC 15.14.680 SCCC 13.10.610 CSDOC 6231 WVSDOC 7.200 40 CFR for the appropriate limit
		2					X									
		3						X								
		4						X			X					
		5						X				X				
		6						X					X			
	2X<Conc≤4X	1					X									
		2						X	$500							
		3						X	$625		X					
		4						X	$750			X				
		5						X					X			
	4X<Conc≤10X	1						X	$500		X					
		2						X	$625			X				
		3						X					X			
	10X ≤Conc	1						X	$1,000		X					
		2						X	$1,250			X				
		3						X					X			
Oil and Grease	1X<Conc≤ 2X	1	N	Y	N	X								Y	See Table 8 for SNC violations and Table 6 for late reporting and sampling violations	Grease, Oil and Fats SJMC 15.14.565 SCCC 13.10.270 MSC 5.16 CSDOC 6211 WVSDOC 7.080
		2					X									
		3						X								
		4						X			X					
		5						X				X				
		6						X					X			
	2X<Conc≤10X	1					X									
		2						X	$500							
		3						X	$625		X					
		4						X	$750			X				
		5						X					X			
	10X ≤Conc	1						X	$500		X					
		2						X	$625			X				
		3						X					X			

Table 4: Concentration Violations Enforcement Action Response Guide

Conc Violation Type[1]	Concentration (Conc) versus Limit	# of Times Within 12 Months	Federal Violation	Local Violation	State Violation	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Resample Required	Comments	Codes and Violations
Facility Caused Oil and Grease sanitary sewer line lateral blockage		**1**	N	Y	N			X	$500	X	X			Y	May seek cost recovery for blockage per 40 CFR 401.17	Protection from Accidental Discharge SJMC 15.14.530 SCCC 13.10.200 MSC 5.09 CSDOC 6203 WVSDOC 7.022
		2						X					X			

[1] Except for surveillance samples, where only local limits and hazardous waste limits apply, violations are for all limits that apply, not just the most severe.

Table 5: Inspection Violations Enforcement Action Guidelines

Violation Type[1]	# of Times	Federal Violation	Local Violation	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Time Period	Comments	Code
Falsification - Bypassing Sample Point	1	Y	Y			X	$500	X	X			Each	Federal requirements for planned bypasses is that they are prohibited unless preventing loss of life, personal injury, or severe property damage. Bypasses are allowed if they meet all discharge requirements and are requested in writing 10 days prior to discharge. However, the Plant can refuse these requests.	Falsification SJMC 15.14.685 SCCC 13.10.620 MSC 5.38 CSDOC 6234 WVSDOC 7.220 40 CFR 403.8(f)(2)(vii)(G) - failure to report accurately - significant noncompliance 40 CFR 403.17(d) Bypass prohibited
	2					X		X			X			
Power to Inspect - Access Denied	1	Y	Y			X			X			Each	EC will refer to appropriate party	Power to Inspect SJMC 15.14.690 SCCC 13.10.630 MSC 5.39 CSDOC 6235 WVSDOC 7.230 40 CFR
	2					X					X			
Improper Use of Diluting Waters	1	Y	Y		X							3 yrs		Dilution Waters SJMC 15.14.590 SCCC 13.10.320 MSC 5.21 CSDOC 6215 WVSDOC 7.111 40 CFR 403.6(d)
	2					X	$500							
	3					X	$625		X					
	4					X	$750			X				
	5					X					X			
Discharge of uncontaminated storm water or ground water into the sanitary sewer without a permit	1	N	Y	X								Each	Storm water, surface water, roof runoff shall not be discharged to the sanitary sewer is prohibited	Storm or Other Waters SJMC 15.14.545 SCCC 13.10.230 MSC 5.12 CSDOC 6206 WVSDOC 7.030
	2				X									
	3					X	$500							
	4					X	$625		X					
	5					X	$750			X				
	6					X					X			

Table 5: Inspection Violations Enforcement Action Guidelines

Violation Type[1]	# of Times	Federal Violation	Local Violation	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Time Period	Comments	Code
Failure to Implement Best Management Practice - Federal	1	Y	Y	X								3 yr	If Federal BMP requirement issue two ACs, one for Federal and one for local permit conditions	Federal Pretreatment Regulations SJMC 15.14.680 SCCC 13.10.610 CSDOC 6231 WVSDOC 7.200 40 CFR 403.12(e)
	2				X									
	3					X	$500							
	4					X	$625							
	5					X	$750							
	6					X					X			
Failure to Implement Best Management Practice - Local Permit Condition	1	N	Y	X										Permit Conditions SJMC 15.14.765 SCCC 13.10.490 MSC 5.49 CSDOC 6314 WVSDOC 7.390
	2				X									
	3					X								
	4					X			X					
	5					X				X				
	6					X					X			
Discharge of waters other than storm water to the storm drain	1	N	Y		X							3 yr	Refer facility to Watershed Enforcement or the local sewer agency directly if out of San Jose	Discharge to Storm Drain Prohibited SJMC 15.14.515
	2					X	$500							
	3					X	$625							
	4					X	$750							
Failed to Maintain Reports Onsite for 3 years	1	N	Y	X								3 yr		Failed to Maintain Records SJMC 15.14.675 SCCC 13.10.510 MSC 5.43 WVSDOC 7.221 40 CFR 403.12(o)
	2				X									
	3					X								
	4					X			X					
	5					X				X				
	6					X					X			

Table 5: Inspection Violations Enforcement Action Guidelines

Violation Type[1]	# of Times	Federal Violation	Local Violation	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Time Period	Comments	Code
Failed to Provide Pretreatment	1	N	Y			X	$500		X			Each		Pretreatment by Owner SJMC 15.14.535 SCCC 13.10.210 MSC 5.10 CSDOC 6204 WVSDOC 7.023
	2					X	$625			X				
	3					X					X			
Failed to Maintain Pretreatment System Equipment	1	N	Y	X								3 yr		
	2				X									
	3					X	$500							
	4					X	$625		X					
	5					X	$750			X				
	6					X					X			
Monitoring Facilities - Failed to Maintain, Install, Calibrate Sample Box, sample point, flow Meter other	1	N	Y	X								3 yr		Monitoring Facilities SJMC 15.14.540 SCCC 13.10.220 MSC 5.11 CSDOC 6205 WVSDOC 7.035
	2				X									
	3					X	$500							
	4					X	$625		X					
	5					X	$750			X				
	6					X					X			
Failure to maintain or install continuous discharger pH meters	1	N	Y	X								3 yr		Permit Conditions SJMC 15.14.765 SCCC 13.10.490 MSC 5.49 CSDOC 6314 WVSDOC 7.390
	2				X									
	3					X								
	4					X			X					
	5					X				X				
	6					X					X			
Oil and Grease Devices Failed to Maintain or install Oil and Grease Removal Device	1	N	Y	X								3 yr		Oil and Grease Devices SJMC 15.14.630 SCCC 13.10.380 MSC 5.28 CSDOC 6221 WVSDOC 7.152
	2				X									
	3					X	$500							
	4					X	$625		X					
	5					X	$750			X				
	6					X					X			
Permit Conditions - Other - Not Required by Compliance Schedule	1	N	Y	X								3 yr		Permit Conditions SJMC 15.14.765 SCCC 13.10.490 MSC 5.49 CSDOC 6314 WVSDOC 7.390
	2				X									
	3					X								
	4					X			X					
	5					X				X				
	6+					X					X			

[1]Violations in this section may require further documentation such as Permit Applications or Compliance Reports, and therefore may need to refer to Table 6

Table 6: SMR, BMR and other Report Violation Enforcement Response Guidance

Violation Type	# of Days Late	# of Times Violated	Federal Violations	Local Violation	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Time Period	Comments	Codes
Failure to submit complete and accurate (mistakes - not falsification) Late SMR Report, Late Zero Discharge Report, or Late Compliance Agreement Action Item	5 to 15	1	N	Y	X								3yr	Note signature requirements for SMRs are only local requirement	Discharge Reports - Late Reporting SJMC 15.14.695 SCCC 13.10.290 MSC 5.40 CSDOC 6312 WVSDOC 7.100 40 CFR 403.12(e) for CIUs 40 CFR 403.12(h) for non CIUs 40 CFR 403.12(l) only for CIUs - signature requirement
		2	N	Y		X		$100							
		3	N	Y			X	$125							
		4	N	Y			X	$150		X					
		5	N	Y			X	$150			X				
		6	N	Y								X			
		7+	N	Y											
	16 to 30	1	N	Y	X										
		2	N	Y		X		$250							
		3	N	Y			X	$312.50							
		4	N	Y			X	$375		X					
		5	N	Y			X	$375			X				
		6+	N	Y								X			
	31to 45	1	N	Y											
		2	N	Y			X	$500							
		3	N	Y			X	$625							
		4	N	Y			X	$750		X					
		5	N	Y				$750			X				
		6+	N	Y								X			
	46 to 60	1	Y	Y			X	$500	X	X					
		2	Y	Y			X	$625	X		X				
		3+	Y	Y			X					X			
	61 to 90	1	Y	Y			X	$500	X		X				
		2+	Y	Y			X	$625	X			X			
	91+	1+	Y	Y			X		X			X			
Failure to submit complete and accurate (mistakes - not falsification) BMR report, or Late BMR Report	5 to 15	1	N	Y		X		$100					Each	Applies only to CIUs	Discharge Reports - Late Reporting SJMC 15.14.695 SCCC 13.10.290 MSC 5.40 CSDOC 6312 WVSDOC 7.100 40 CFR 403.12(d)
	16 to 30	1	N	Y			X	$250							
	31 to 45	1	N	Y			X	$500							
	46 to 60	1	Y	Y			X	$500	X	X					
	61 to 90	1	Y	Y			X	$500	X		X				
	91+	1	Y	Y			X		X			X			

Table 6: SMR, BMR and other Report Violation Enforcement Response Guidance

Violation Type	# of Days Late	# of Times Violated	Federal Violations	Local Violation	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Time Period	Comments	Codes
Failed to Submit Report Requested by City in response to enforcement action other than compliance schedules	5 to 15	1	N	Y		X		$100					Each		Discharge Reports - Late Reporting SJMC 15.14.695 SCCC 13.10.290 MSC 5.40 CSDOC 6312 WVSDOC 7.100 40 CFR 403.8(f)
	16 to 30	1	N	Y			X	$250							
	31 to 45	1	N	Y			X	$500							
	46 to 60	1	Y	Y			X	$500	X	X					
	61 to 90	1	Y	Y			X	$500	X		X				
	91+	1	Y	Y			X		X			X			
Failed to resample with 30 days of becoming aware of violation	NA	1	Y	Y	X								Each	Combined with failed to submit on time if SMR is also late.	Permit Conditions - Failure to Report SJMC 15.14.765 SCCC 13.10.490 MSC 5.49 CSDOC 6314 WVSDOC 7.390 40 CFR 403.12(g)(2)
		2	Y	Y		X									
		3	Y	Y			X								
		4	Y	Y			X			X					
		5	Y	Y			X				X				
		6+	Y	Y			X					X			
Failed to Submit Slug Plan	6 to 30	1	N	Y		X							Each	Federal only for SIUs	Protection Against Accidental Discharge SJMC 15.14.530 SCCC 13.100.200 MSC 5.09 CSDOC 6203 WVSDOC 7.022 40 CFR 403.8(f)(2)(vi)
	31 to 45	1	N	Y			X	$500							
	46 to 60	1	Y	Y			X	$625	X	X					
	61 to 90	1	Y	Y			X	$750	X		X				
	91+	1	Y	Y			X					X			
Permit Conditions - Failed to Report Violation verbally within 24 hours and in writing within 5 days after receiving sample results	NA	1	Y	Y		X							3 yrs		Permit Conditions - Failure to Report SJMC 15.14.765 SCCC 13.10.490 MSC 5.49 CSDOC 6314 WVSDOC 7.390 40 CFR 403.12(g)(2)
		2	Y	Y			X								
		3	Y	Y			X								
		4	Y	Y			X								

Table 6: SMR, BMR and other Report Violation Enforcement Response Guidance

Violation Type	# of Days Late	# of Times Violated	Federal Violations	Local Violation	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Time Period	Comments	Codes
Accidental Discharge Failure to Report within one hour (immediately) of becoming aware discharge	NA	1+	Y	Y			X	$500					Each	Will be combined with actual concentration or damage violation per incident	Protection Against Accidental Discharge SJMC 15.14.530 SCCC 13.100.200 MSC 5.09 CSDOC 6203 WVSDOC 7.022 40 CFR 403.12(f)
Falsification of Information - Check marking X on "Yes" for no violations Identified - Not Significant Non compliance	NA	1	N	Y			X	$500					3 yrs	Checking marking the X is usually more of administrative error than real falsification.	Falsification of Information SJMC 15.14 SCCC 13.10.620 MSC 5.38 CSDOC 6234 WVSDOC 7.220 40 CFR 403.8(f)(2)(vii)(G)
		2	N	Y			X	$625							
		3	N	Y			X	$750		X					
		4	N	Y			X	$750			X				
		5	N	Y			X					X			
Falsification of Information - Other	NA	1	Y	Y			X	$500	X	X			Each		
		2	Y	Y			X		X			X			
Permit Conditions - Failure to analyze samples using 40 CFR 136 methods	NA	1	N	Y		X							3 yrs	Note variation in federal code for BMR versus other compliance reports. Requires resample.	Discharge Reports - Failure to Use Proper Sample SJMC 15.14.695 SCCC 13.10.490 MSC 5.40 CSDOC 6312 WVSDOC 7.250 40 CFR 403.12(b)((5)(v) (BMR) 40 CFR 403.12(g)(3) other
		2	N	Y		X		$500							
		3	N	Y			X	$625							
		4	N	Y			X	$750		X					
		5	N	Y			X	$750			X				
		6+	D	Y			X					X			
Permit Conditions - Failed to use required sample collection method	NA	1	N	Y		X							3 yrs	Note variation in federal code for BMR versus other compliance reports	Permit Conditions SJMC 15.14.765 SCCC 13.10.490 MSC 5.49 CSDOC 6314 WVSDOC 7.390 40 CFR 403.12(g)(4) BMR 40 CFR 403.12(g)(2) other
		2	N	Y		X									
		3	N	Y			X								
		4	N	Y			X			X					
		5	N	Y			X				X				
		6+	D	Y			X					X			

Table 6: SMR, BMR and other Report Violation Enforcement Response Guidance

Violation Type	# of Days Late	# of Times Violated	Federal Violations	Local Violation	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Time Period	Comments	Codes
Permit Conditions Failure to sample with the appropriate sample frequency described in permit conditions	NA	1	D	Y		X							3 yrs	D = Federal violation required depends on type of facility, the minimum requirement for federal violation is twice per year for SIUs per Permit Requirements for NSUs	Permit Conditions SJMC 15.14.765 SCCC 13.10.490 MSC 5.49 CSDOC6314 WVSDOC 7.390 40 CFR 403.12(e) for CIUs 40 CFR 403.12(h) for SIUs and NSUs
		2	D	Y		X									
		3	D	Y			X								
		4	D	Y			X			X					
		5	D	Y			X				X				
		6+	D	Y			X					X			
Permit Conditions - Reporting all samples taken by IU at sample point using approved methods	NA	1	N	Y		X							3 yrs		Permit Conditions SJMC 15.14.765 SCCC 13.10.490 MSC 5.49 CSDOC 6314 WVSDOC 7.390 40 CFR 403.12(g)(6)
		2	N	Y		X									
		3	N	Y			X								
		4	N	Y			X			X					
		5	N	Y			X				X				
		6+	D	Y			X					X			

Table 7: Permitting Violation Enforcement Response Guidance

Violation Type	#of Days Late or # of Times	Federal Violation	Local Violation	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Permit Fees	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Time Period	Comments	Codes Violated
Late, Inaccurate or Incomplete Wastewater or Zero Discharge Permit Application/Permit Amendment Letter	1 to 30	N	Y		X			Increased by 50%					Each	Permit Applications are due 90 days prior to commencing discharge to the sanitary sewer or expiration of existing discharge permits and includes incomplete applications and no fees attached. Corrections, additional information requests not obvious in permit application start 30 days after first letter requesting additional information.	Delinquent Fees for Permits SJMC 15.14.740 SCCC 13.10.440 MSC 5.48 CSDOC 6306 WSDOC 7.340 40 CFR 403.12(b)
	31 to 45	N	Y			X		Increased by 100%							
	46 to 60	Y	Y			X		Increased by 100%		X					
	61 to 90	Y	Y			X		Increased by 100%	X		X				
	90 to 1 year	Y	Y			X		Increased by 100%	X			X			
	1 year +	Y	Y			X		Increased by 1000%	X			X			
Late Additional Information Requests	1	N	Y	X									Each	Per ordinance have 30 days to provide additional information - used for requests not obviously included in permit application	Additional Permit Application Information SJMC 15.14.735 SCCC 13.10.460 MSC 5.44 CSDOC 6314 WSDOC 7.330
	2				X										
	3					X									
	4					X				X					
	5					X					X				
	6+					X						X			

Table 7: Permitting Violation Enforcement Response Guidance

Violation Type	#of Days Late or # of Times	Federal Violation	Local Violation	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Permit Fees	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Time Period	Comments	Codes Violated
Failed to Notify Change of Ownership	1	N	Y			X							Each	Provide IU Application with Violation, give 30 days to complete in Notice of Violation - after 30 days, the clock starts and the required permit application/letter becomes late, inaccurate or incomplete wastewater or zero discharge permit application/permit amendment letter violation	Permit Conditions SJMC 15.14.765 SCCC 13.10.490 MSC 5.41 CSDOC 6314 WSDOC 7.390
Discharging without a Plant Industrial Waste Discharge Permit	1	Y	Y			X	$500						Each		Mandatory Wastewater Discharge Permit SJMC 15.14.725 SCCC 13.10.410 MSC 5.41 CSDOC 6304 WSDOC 7.310 40 CFR 403.12(b)
Permit Condition - Failure to Notify Significant Change	1	Y	Y			X							Each		Permit Application - Significant Change SJMC 15.14.735 SCCC 13.10.430 MSC 5.42(D) CSDOC 6313 WSDOC 7.330 40 CFR 403.12(j)

Table 8: Special Violations Enforcement Action Guidelines

Violation Type	# of Times	Federal Violation	Local Violation	Resample	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Time Period	Comments	Codes
Adverse effects to Environment	1	Y	Y				X		X			X	Each	These violation must be combined with the cause of the violations as applicable. 40 CFR 403.5(b)(4) specifically discusses any pollutant with concentration including BOD and TSS that could cause interference	Interfering Substances SJMC 15.14.585 SCCC 13.10.310 MSC 5.20 CSDOC 6214 WVSDOC 7.110 40 CFR 403.5(a)(1) 40 CFR 403.5(b)(4)-interference
Interference of Treatment Works	1	Y	Y				X		X			X	Each		
Imminent endangerment	1	Y	Y				X		X			X	Each		
Discharge of Obstructing or Injurious Substances to Sanitary Sewer	1	Y	Y				X		X			X	Each		Obstructive or Injurious Substances SJMC 15.14.550 SCCC 13.10.240 MSC 5.13 CSDOC 6208 WVSDOC 7.050 40 CFR 403.5(b)(3)
Discharge of Hot Substances to Sanitary Sewer (Either above 150^{o}F or cause Plant to be 105^{o}F)	1	Y	Y				X		X			X	Each		Hot Substances SJMC 15.1.560 SCCC 13.10.260 MSC 5.15 CSDOC 6210 WVSDOC 7.070 40 CFR 403.5(b)(5)

Table 8: Special Violations Enforcement Action Guidelines

Violation Type	# of Times	Federal Violation	Local Violation	Resample	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Time Period	Comments	Codes
Discharge of Flammable or Explosive Substances to Sanitary Sewer (Flashpoint above 140°F)	1	Y	Y				X		X			X	Each		Flammable or Explosive Substances SJMC 15.14.555 SCCC 13.10.250 MSC 5.14 CSDOC 6209 WVSDOC 7.060 40 CFR 403.5(b)(1)
Discharge of Radioactive Matter to Sanitary	1	N	Y				X		X			X	Each		Radioactive Matter SJMC 15.14.615 SCCC 13.10.650 MSC 5.24 CSDOC 6218 WVSDOC 7.140
Discharge of Toxic Gases, Vapors or Fumes	1	Y	Y				X		X			X	Each		Toxic Gases, Vapors, or Fume SJMC 15.14.580 SCCC 13.10.300 MSC 5.20 CSDOC 6210.1 WVSDOC 7.105 40 CFR 403.5(b)(7)
Failed to Screen Industrial Wastes through Openings Less than 1/32"	1	N	Y			X							3 yr		Screened Industrial Water SJMC 15.14.635 SCCC 13.10.390 MSC 5.29 CSDOC 6222 WVSDOC 7.170
	2						X	$500							
	3						X	$625							
	4						X	$750							
	5						X					X			

Table 8: Special Violations Enforcement Action Guidelines

Violation Type	# of Times	Federal Violation	Local Violation	Resample	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Time Period	Comments	Codes
Discharge of Solid or Viscous Matter to Sanitary Sewer	1	Y	Y			X							3 yr		Solid or Viscous Matter SJMC 15.14.570 SCCC 13.10.280 MSC 5.17 CSDOC 6212 WVSDOC 7.090 40 CFR 403.5(b)(3)
	2						X	$500							
	3						X	$625		X					
	4						X	$750			X				
	5						X					X			
Discharge of Colored Matter to Sanitary Sewer	1	N	Y	Y		X							3 yr		Colored Matter SJMC 15.14.620 SCCC 13.19.360 MSC 5.25 CSDOC 6219 WVSDOC 7.150
	2						X	$500							
	3						X	$625		X					
	4						X	$750			X				
	5						X					X			
Discharge of Noxious or Malodorous Matter to Sanitary Sewer	1	N	Y				X	$500		X			3 yr		Noxious or Malodorous Matter SJMC 15.14.610 SCCC 13.10.340 MSC 5.23 CSDOC 6217 WVSDOC 7.130
	2						X	$625			X				
	3						X	$750				X			
Discharge of Excess Suspended Solids or Dissolved Matter to Sanitary Sewer	1	Y	Y	Y		X							3 yr		Suspended Solids - Dissolved Matter SJMC 15.14.595 SCCC 13.10.330 MSC 5.22 CSDOC 6216 WVSDOC 7.120 40 CFR 403.5(b)(4)
	2						X	$500							
	3						X	$625		X					
	4						X	$750			X				
	5						X					X			

Table 8: Special Violations Enforcement Action Guidelines

Violation Type	# of Times	Federal Violation	Local Violation	Resample	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Time Period	Comments	Codes
Discharge of Garbage to Sanitary Sewer	1	Y	Y			X							3 yr		Garbage SJMC 15.14.625 SCCC 13.10.370 MSC 5.27 CSDOC 6220 WVSDOC 7.160
	2						X	$500							
	3						X	$625		X					
	4						X	$750			X				
	5						X					X			
Limitation on Point of Discharge- Do not discharge any substance into a manhole	1	Y	Y				X	$500		X			Each		Limitation of Point of Discharge SJMC 15.14.510 SCCC 13.10.170 MSC 5.05 CSDOC 6200 WVSDOC 7.021 40 CFR 403.5(b)(8)
	2						X	$625				X			
	3						X	$750				X			
Discharge of Trucked or Hauled Waste without Industrial Waste Discharge Permit to sanitary sewer	1	Y	Y				X	$500		X			Each		Regulation of Trucked or Hauled Waste SJMC 15.14.520 SCCC 13.10.190 MSC 5.08 CSDOC 6201.1 WVSDOC 7.025 40 CFR 403.5(b)(8)
	2						X	$625				X			
	3						X	$750				X			
Discharge of Trucked or Hauled Waste to Treatment Plant Outside of Tributary Area	1	Y	Y				X						Each	Since discharges are in the Plant only in San Jose ordinance apply	Outside Waste Prohibited SJMC 9.08.1550
	2	Y	Y				X				X				
	3	Y	Y				X					X		Authorization to Discharge also revoked	

Table 8: Special Violations Enforcement Action Guidelines

Violation Type	# of Times	Federal Violation	Local Violation	Resample	Verbal Warning	Warning Notice	Notice of Violation	San Jose Administrative Citation	Letter of SNC	1st Compliance Meeting	2nd Compliance Meeting	Referral for AER, Civil, or Criminal	Time Period	Comments	Codes
SC-33% # of sample results > TRC Federal monthly average concentration	1	Y	Y	Y			X	$500	X	X			1 year	TRC for Metals is 1.2, for Oil and Grease, TSS, and BOD it is 1.4. Requires Publication of name in newspaper	Federal Pretreatment Regulations SJMC 15.14.689 SCCC 13.630 CSDOC 6231 WVSDOC 7.200 40 CFR 403.8(f)(3)(vii)
	2	Y	Y	Y			X		X			X			
SC-33% # of sample results > TRC Federal daily maximum concentration	1	Y	Y	Y			X	$500	X	X			1 year		
	2	Y	Y	Y			X		X			X			
SC-33% monthly average data > TRC Local concentration maximum	1	Y	Y	Y			X	$500	X	X			1 year		
	2	Y	Y	Y			X		X						
SC-66% # of sample results > federal daily maximum concentration limit	1	Y	Y	Y			X	$500	X	X			1 year		
	2	Y	Y	Y			X		X						
SC-66% monthly average data > federal concentration maximum	1	Y	Y	Y			X	$500	X	X			1 year		
	2	Y	Y	Y			X		X						
SC-66% sample results data > local concentration maximum	1	N	Y	Y			X	$500	X	X			1 year		
	2	N	Y	Y			X		X			X			
SC-66% of days there are pH results not in compliance on continuous pH chart recorders	1	N	Y	Y			X	$500	X	X			1 year	Any excursions no matter how many or how long on any day will be considered a whole day out of compliance.	
	2	N	Y	Y			X		X			X			

Appendix B

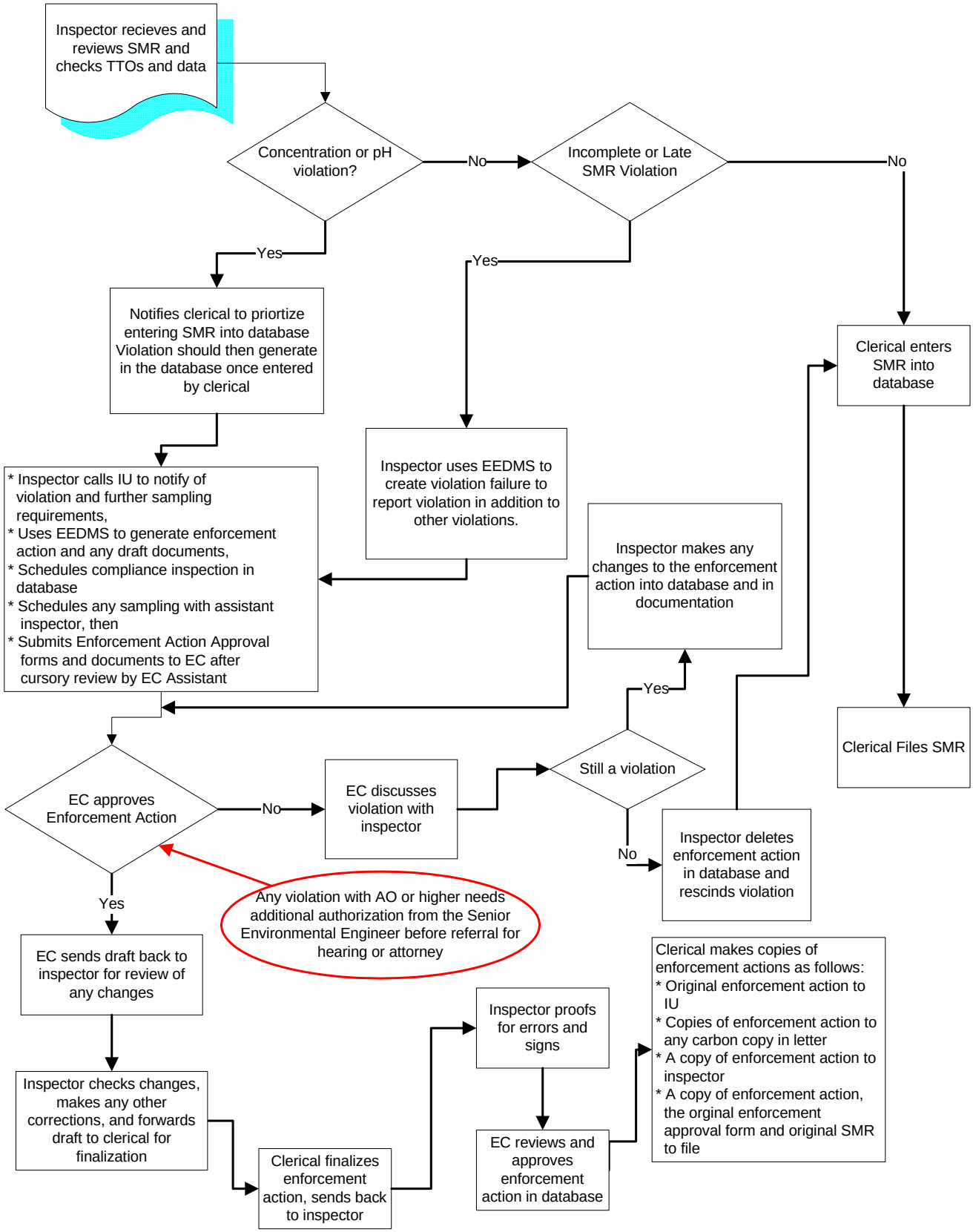
Appendix B includes enforcement process flow charts for the following:

Enforcement Processing Flowchart for Self Monitoring Reports

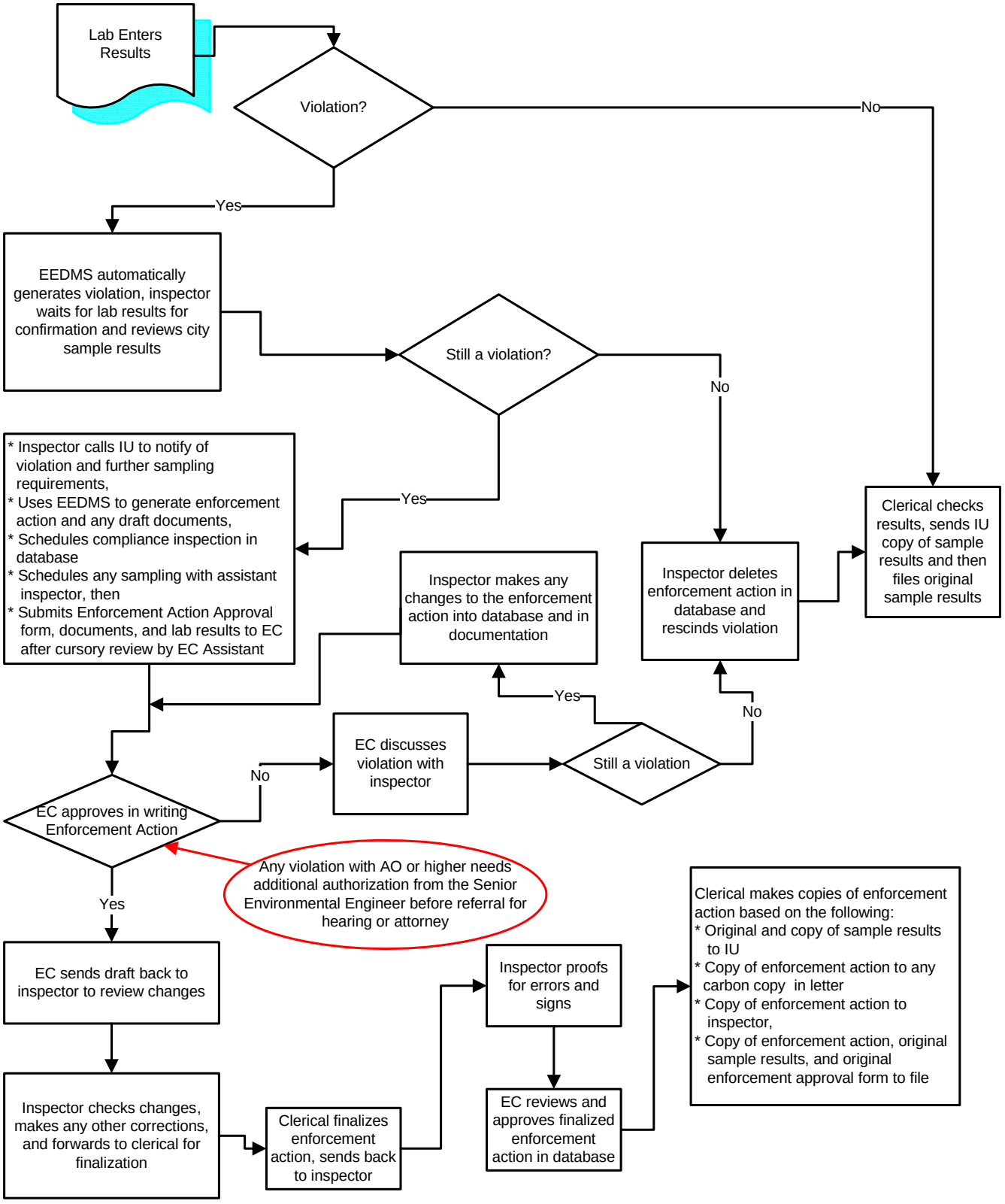
Enforcement Processing Flowchart for City Samples

Enforcement Processing after Enforcement

Enforcement Processing Flowchart of Self Monitoring Reports



Enforcement Processing City Samples



Enforcement Processing after Enforcement