

NOTICE OF VIOLATION

Date: _____

Dear _____:

The City of Defiance, Ohio has determined that your facility is in violation of Section(s) _____ of the Sewer Use Ordinance. This Notice is forwarded to your firm to officially inform you of this violation.

Your violation(s) consisted of _____

Said violation was determined via _____

on the following date(s): _____

_____.

In accordance with Section 925.13(c) of the Sewer Use Code, you are required to respond within ten (10) days of the date of receipt of this notice. The discharger shall respond in writing to the City advising of its position with respect to the allegations, as well as providing an explanation of the violation(s) and what corrective measures have been taken and/or are needed or planned to prevent reoccurrence.

Failure to respond to this notice within the specified time frame constitutes a violation in and of itself for each day beyond the response deadline. This may result in increased enforcement action. Increased enforcement action(s) can take the form of: A "Show Cause Hearing"; fines; Consent Order; termination of service; and placing the violator in "Significant Noncompliance".

"Significant noncompliance" means industrial user violations which meet one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a 6-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- B. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
- D. 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 to halt or prevent such a discharge.
- E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- F. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.

- H. Any other violation or group of violations that the City determines will adversely affect the operation or implementation of the local pretreatment program.

We are looking forward to your response to this notification. Please feel free to call should you have any questions or comments regarding this matter.

_____ Name (Authorized Municipal Official)	_____ Pretreatment Coordinator Title
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cc: Gino Silvestri, Superintendent