

PORTLAND WATER DISTRICT IPT PROGRAMS - ENFORCEMENT RESPONSE PLAN - Effective 02-15-21

Level	Types of Incidents	Nature of Response	Enforcement Tool(s)	Sample Violation (not limited to examples shown)	Typical Remedy	Timeframe
Tier 4	Inadvertant, oversight, paper violation, first time minor incident	Reminder	Informal notification by email or letter	Incomplete report	Submit complete report	Acknowledgment within 5 days. Corrective action within 30 days unless otherwise specified
				Late report	Submit report	
				Failure to meet corrective action milestone	Complete milestone. Return to compliance schedule or renegotiate schedule	
				Failure to provide signed certification statement	Submit signed statement	
				Use of incorrect analytical method	Retest using correct method	
Tier 3	Accidental discharge, repeat incident, discharge without permit, failure to act	Formal Notification	Notice of Violation (NOV), Compliance Schedule	Discharge without a permit	Apply for and receive permit	Acknowledgement and corrective action plan required within 5 days unless otherwise specified
				Failure to sample or test during compliance period	Sample, test and submit results. Letter of explanation and corrective action.	
				Failure to address Tier 4 informal notification	Complete remedy within specified timeframe. Letter of explanation and certification of continued compliance.	
				Failure to give notification within 24 hours of becoming aware of a violation; first failure to notify, notification received but outside of 24-hour window, and/or with explanation of why notification was late.	Letter of explanation with corrective action.	
				One time discharge limit exceedence	Retest and submit results as appropriate	
				Chronic Tier 4 violations	Letter of explanation with corrective action.	
				Failure to meet BMP permit requirement	Letter of explanation with corrective action.	
				Reported, one-time accidental discharge	Letter of explanation with corrective action.	
Tier 2	Significant non-compliance: deception, repeat discharge, failure to take required action or provide required information	Order and Action Required	Letter of Significant Non-compliance (SNC) and/or Consent Agreement with the possibility of fines, Public Notification required.	Documented chronic discharge violation	Resampling and/or engineering study and/or treatment changes and the possibility of fines.	Acknowledgement and corrective action plan required within 5 days unless otherwise specified
				Responsible for accidental discharge of prohibited materials (e.g. fire or explosion hazard, pollutant with toxic effect, hazardous materials, etc)	Letter of explanation and/or engineering study and/or treatment changes and the possibility of fines.	
				Exceed Technical Review Criterion	Resampling and/or engineering study and/or treatment changes and the possibility of fines.	
				Responsible for an incidence of pass through or interference	Engineering study and/or treatment changes and the possibility of fines.	
				Chronic Tier 3 violations	Corrective action plan and the possibility of fines.	
				Failure to respond to Tier 3 notice (NOV)	Resolve Tier 3 violation and the possibility of fines.	
				Failure to provide required reports within 45 days of scheduled date	Letter of explanation with corrective action and the possibility of fines.	
				Failure to meet compliance schedule deadline within 90 days of scheduled date	Letter of explanation with corrective action and the possibility of fines.	
				Failure to give notification within 24 hours of becoming aware of a violation; not the first instance of failure to notify, notification provided after an unreasonable amount of time, and/or no notification provided at all.	Letter of explanation with corrective action and the possibility of fines.	
				Failure to renew permit	Letter of explanation with corrective action and the possibility of fines.	
Tier 1	Refusal to Act	Enforcement	Legal Action. Public Notification required.	Chronic failure to report	Legal action possibly including fine.	Court-determined
				Discharge after permit termination		
				Failure to complete corrective action		
				Entry denial		
				Willful report of false information		
				Responsible for intentional discharge of prohibited materials (e.g. fire or explosion hazard, pollutant with toxic effect, etc)		
				Failure to report slug release, known accidental discharge, or other discharge violation		
				Failure to respond to Tier 2 notice (SNC Letter)		