

ARTICLE XXII

PENALTIES

Section 2201 Noncompliance

The Director may impose a civil penalty of up to \$100 per violation, or such other fines and penalties as are authorized by these Rules and Regulations upon any person who fails to comply with any provision of these Rules and Regulations.

All fines and penalties authorized by these Rules and Regulations shall be in conformity with applicable law and shall be in accord with fines or fine ranges approved by the Board.

Section 2202 Industrial Waste Violations

The Director may impose a civil penalty as set forth in Sections 2203 and/or 2204 of this Article upon any person who violates Section 409 of Article IV or any provision of Articles XIV or XV of these Rules and Regulations or any permit condition, effluent limitation, or pretreatment or toxicity standard, issued or established by the Board to implement these Rules and Regulations.

Section 2203 Civil Penalties

A. A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the District for a maximum civil penalty of \$10,000 per violation, per day.

B. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

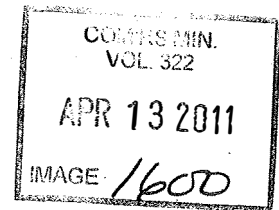
D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

Section 2204 pH Violations

The Director may impose the penalties established by the Board for pH ranges and periods of flow as set forth in Table 3 and 4 of the District's Enforcement Response Plan.

Section 2205 Criminal Prosecution

A. A User who willfully or negligently violates any provision of these Rules and Regulations, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor,



punishable by a fine of not more than \$25,000 per violation, per day, or imprisonment for not more than six (6) months, or both.

B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$25,000, or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or general permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$25,000 per violation, per day, or imprisonment for not more than six (6) months, or both.

Section 2206 Failure to Obtain Permit

The Director may impose an administrative penalty of up to \$1,000.00 per violation upon any person who violates Section 1201, Article XII by failing to obtain a permit for making any connection with, altering, or disturbing a public or private sanitary or combined sewer or appurtenance thereof, in addition to such other fines, fees, tap-in-fees, and penalties as are authorized by these Rules and Regulations.

It shall be the obligation of the person causing the violation to expose the work area or provide proof, to the satisfaction of the District that the work was done in accordance with these Rules and Regulations. The Director may revoke the Sewer Tapper's License, cause the forfeiture of the Sewer Tapper's bond, or both, for failure of the violator to cooperate.

Section 2207 Clean Water Violation

Any person who violates Section 1201a, Article XII by allowing clean water to enter a sanitary sewer system building lateral or appurtenance thereof shall be subject to a fine of up to \$25,000 per violation in addition to any liability for any consequential damage resulting from the violation for which the penalty is imposed. Consequential damages shall include, but not be limited to, fines and penalties imposed upon the District, or the Board by other public authorities.