

RESOLUTION NO. 2012.127

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF TEMPE, ARIZONA, APPROVING
AN ENFORCEMENT RESPONSE PLAN, DATED
NOVEMBER 1, 2012, FOR VIOLATIONS OF
TEMPE CITY CODE, CHAPTER 12, ARTICLE
VI, CHAPTER 27, AND CHAPTER 33, ARTICLE
V.**

WHEREAS, the Tempe City Code, Sections 12-153, 27-95, and 33-111, authorize the Public Works Director to develop and submit to the Council for approval a combined Enforcement Response Plan to ensure consistent enforcement responses to violations of Tempe City Code, Chapter 12, Article VI, Chapter 27, and Chapter 33 Article V; and

WHEREAS, the Public Works Director has submitted a combined Enforcement Response Plan to the Council for approval; and

WHEREAS, the City desires to ensure reasonable and consistent enforcement of the provisions of Tempe City Code, Chapter 12, Article VI, Chapter 27, and Chapter 33 Article V.

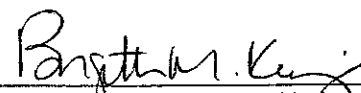
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, that:

The Enforcement Response Plan, dated November 1, 2012, for violations of Tempe City Code, Chapter 12, Article VI, Chapter 27, and Chapter 33 Article V, is hereby approved and shall be implemented and administered by the Public Works Director or his designee.

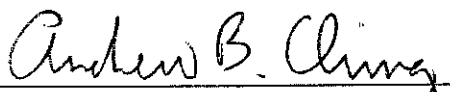
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 13th day of December, 2012.

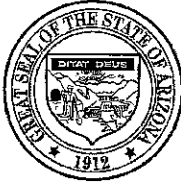

Mark W. Mitchell, Mayor

ATTEST:


Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:


Andrew B. Ching, City Attorney



Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Henry R. Darwin
Director

December 18, 2012

City of Tempe
Mr. Michael Golden
Environmental Compliance Supervisor
P.O. Box 5002
6600 S. Price Road
Tempe, AZ 85280

Re: Approval of Enforcement Response Plan Revision for the City of Tempe

Dear Mr. Golden:

The Arizona Department of Environmental Quality (ADEQ) is pleased to advise you of its approval of the Enforcement Response Plan (ERP) revision for the City of Tempe, Arizona. ADEQ has determined that the City of Tempe's revised ERP meets the requirements of 40 CFR §403.

The terms and conditions of the approved revised ERP are enforceable through the provisions of the Clean Water Act, the Code of Federal Regulations, Arizona Revised Statutes, and the Arizona Administrative Code. The City of Tempe's AZPDES wastewater permit (AZ0023248) already contains the necessary pretreatment program implementation requirements. As of the date of this letter, the City of Tempe is required to implement its pretreatment program in accordance with its wastewater permit.

ADEQ looks forward to working with you to protect your wastewater facilities and the waters of the state. If you have any questions on pretreatment program implementation requirements, please contact Galileo Gutierrez, Pretreatment Coordinator, at (602) 771-3958.

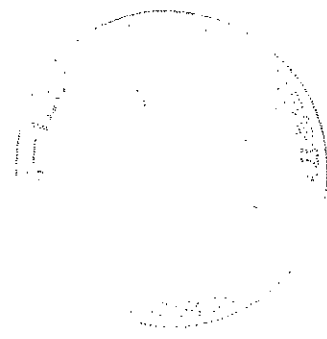
Sincerely,

Mike Fulton, Director
Water Quality Division

cc: Keith Silva, USEPA Region IX
Debra Daniel, Surface Water Section Manager
Rpt # 4513-428

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

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Public Works Department
Water Utilities Division
Environmental Services Section

Enforcement Response Plan

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I. PURPOSE

This Enforcement Response Plan (ERP) specifies how the City of Tempe (“City”) will investigate and respond to instances of noncompliance with the following Articles of the Tempe City Code (collectively, the “Human Health and Environmental Protection Ordinances” or “HHEP Ordinances”):

Chapter 12, Article VI:	Stormwater Pollution Control
Chapter 27:	Sewers and Sewage Disposal
Chapter 33, Article V:	Cross Connection Control

This ERP was developed in accordance with 40 C.F.R. Section 403.8(f)(5); Tempe City Code, Chapter 12, Division 4 – Enforcement, Section 12-153; Chapter 27, Section 27-95 and Divisions 10 – 12; Chapter 33, Section 33-111; and with the requirements of AZPDES Stormwater Permit No. AZS000005.

The intent of the ERP is to enforce the HHEP Ordinances in an equitable and consistent manner to ensure compliance with these ordinances. The HHEP Ordinances are important to protect public health and safety, the City’s investment in infrastructure, and the health and safety of personnel working in or on the potable drinking water system (“DW”), the publicly owned treatment works (“POTW”), the environment, and the municipal separate storm sewer system (“MS4”).

II. DEFINITIONS

In this Enforcement Response Plan, the following words and phrases shall have the following meanings, unless the context otherwise requires:

AO or Administrative Order: A consent order, a compliance order, or a cease and desist order issued by the City of Tempe.

ADEQ: Arizona Department of Environmental Quality.

ARS: Arizona Revised Statutes.

AZPDES: Arizona Pollutant Discharge Elimination System.

BMP: Best Management Practices.

Administrative Enforcement: Legal, independently enforceable orders issued directly by Tempe officials that define the Violation, provide evidence of the Violation, impose Administrative Fines and/or require the RP to take corrective action within a specified time period.

Administrative Fine: Monetary penalty assessed through Administrative Enforcement.

CFR: Code of Federal Regulations.

Due Date: Date by which report or action is to be completed.

EPA: U.S. Environmental Protection Agency.

Harm Caused: POTW process upset/inhibition/disruption of normal operation and/or adverse change in POTW effluent, adverse change in POTW sludge (bio-solids) characteristics/concentrations; a discharge into the MS4 which results in a Violation of the AZPDES Stormwater Permit; and/or adverse impact on the environment.

HHEP Ordinances: Tempe City Code, Chapter 12, Article VI (Stormwater Pollution Control); Chapter 27 (Sewers and Sewage Disposal); and Chapter 33, Article V (Cross-Connection Control).

IDDE: Illicit Discharge Detection and Elimination.

Judicial Enforcement: Enforcement, either civil or criminal, against a responsible party or organization through a court of law.

Nondomestic User: An individual, corporation, or organization other than a single-family domicile which uses the potable water, wastewater, or public storm drain systems.

NOI: Notice of Intent to Discharge to POTW

NOV: Notice of Violation.

Person: An individual, corporation, entity, or organization.

pH: A measure of acidity or alkalinity of a solution expressed in standard units.

POTW: Publicly Owned Treatment Works.

RP: Responsible Person; the owner and/or operator of the property where a Violation occurs.

SNC or Significant Non-Compliance Pretreatment: (a) In order to comply with the public participation requirements of 40 CFR Part 25 in the enforcement of National Pretreatment Standards, for nondomestic users permitted to discharge wastewater, the definition of significant non-compliance shall have the same meaning as set forth by 40 CFR 403.8(f)(2)(viii) and Section 27-82 of the TCC; (b) For Violations of Chapter 12, Article VI, Stormwater Pollution Control; and Chapter 33, Article V, Cross-Connection Control, the RP shall be determined to be in SNC if the RP accumulates four or more points at any time during the previous six (6) months preceding the end of a quarter.

S.U.: Standard Unit for measurement of pH.

TCC: Tempe City Code.

WL: Warning Letter.

Violation: Non-compliance with the HHEP Ordinances.

III. GENERAL RESPONSIBILITIES

PUBLIC WORKS DEPARTMENT

Public Works Director

The Public Works Director is responsible for administration and enforcement of the HHEP Ordinances and the appropriate application of the Enforcement Response Plan to suspected Violations and Violations. The Public Works Director may delegate authority to City staff as authorized by the TCC.

WATER UTILITIES DIVISION

Deputy Public Works Director - Water

If so delegated, the Deputy Public Works Director - Water is responsible for the appropriate application of the Enforcement Response Plan to suspected Violations and Violations. The Deputy Public Works Director – Water will:

- Conduct Show Cause Hearings;
- Issue Administrative Orders as deemed appropriate by the Deputy Public Works Director following a Show Cause Hearing;
- Approve assessment of Administrative Fines;
- Approve termination or emergency suspension of water or wastewater services;
- Implement enforcement responsibilities in the Tempe City Code, Sections 12-116, 27-2, and 33-101.

ENVIRONMENTAL SERVICES SECTION

Environmental Services Manager

The Environmental Services Manager is responsible for ensuring fair and consistent implementation of the ordinance requirements and ensuring that enforcement activities are consistent with the Enforcement Response Plan. The Manager will:

- Review all suspected Violations;
- Promptly notify the Deputy Public Works Director – Water of significant noncompliance;
- Sign Notices of Violation;
- Sign initial Administrative Orders;
- Consult with the City Attorney regarding Administrative Enforcement;
- Make recommendations to the City Attorney regarding initiating Judicial Enforcement.

Environmental Compliance Supervisor

The Environmental Compliance Supervisor is responsible for ensuring fair and consistent implementation of the ordinance requirements and ensuring that enforcement activities are consistent with the Enforcement Response Plan. The Supervisor will:

- Supervise and manage the Environmental Compliance Inspectors;
- Review all suspected Violations;
- Recommend appropriate enforcement for Violations;
- Initiate and conduct communication with the RP, including telephone contact, site inspections and meetings;
- Develop and oversee compliance monitoring schedules;
- Track enforcement response times;
- Approve compliance sampling schedules;
- Recommend Administrative Orders;
- Recommend emergency suspension and termination of service;
- Consult with the City Attorney on Administrative Enforcement;
- Recommend initiation of Judicial Enforcement;
- Collect Administrative Fines for Violations upon approval by the Environmental Services Manager and/or Deputy Public Works Director;
- Participate in Show Cause Hearings and court proceedings as deemed necessary by the Public Works Director, Deputy Public Works Director, Environmental Services Manager, and/or City Attorney.

Environmental Compliance Inspectors

Environmental Compliance Inspectors are responsible for conducting compliance inspections. Inspectors will:

- Conduct outreach and educational activities with regulated persons;
- Screen compliance monitoring data;
- Determine compliance with permit conditions or TCC through on-site inspections and prepare inspection reports;
- Identify instances of noncompliance;
- Promptly notify the Environmental Compliance Supervisor of noncompliance;
- Draft Warning Letters;
- Draft Notices of Violation (NOV);
- Assist in drafting Administrative Orders;
- Develop compliance sampling schedules;
- Provide compliance assistance as appropriate;
- Participate in Show Cause Hearings and court proceedings as deemed necessary by the Public Works Director, Deputy Public Works Director, Environmental Services Manager, and/or City Attorney.

Water Quality Specialists

The Water Quality Specialists will be responsible for conducting compliance monitoring. The Specialists will:

- Conduct compliance monitoring as required by permit or TCC;
- Conduct field testing consistent with approved test methods;
- Preserve samples as test methods require;
- Initiate and maintain chain of custody of sample(s) until sample delivery to laboratory;
- Prepare and maintain detailed notes of sampling activities, dates, times, and observations;
- Provide sampling assistance to Environmental Compliance Inspector(s);
- Participate in Show Cause Hearings and court proceedings as deemed necessary by the Public Works Director, Deputy Public Works Director, Environmental Services Manager, and/or City Attorney.

CITY ATTORNEY

The City Attorney's Office will:

- Provide assistance and advice on legal/regulatory issues, developments, and changes;
- Advise City staff during Administrative Enforcement matters as required;
- Consult with Environmental Services Manager on Administrative Enforcement actions and review Administrative Orders issued by the Manager;
- Manage and prosecute Judicial Enforcement on behalf of the City.

MAILING ADDRESS & CONTACT INFORMATION

P.O. Box 5002, Tempe, Arizona 85280

Phone: (480) 350-2678

Fax: (480) 350-2615

IV. CROSS CONNECTION CONTROL: ENFORCEMENT RESPONSE

Investigation of noncompliance will be conducted by the Environmental Compliance Inspectors (“ECI”). The methods used to investigate and to determine noncompliance may include, but are not limited to:

1. Respond to complaints received from the public;
2. On-site inspections of the nondomestic user, including scheduled and unscheduled visits;
3. Scheduled and unscheduled testing of nondomestic users’ backflow assemblies;
4. Conduct surveillance of testers to verify test procedures are being followed;
5. Review water purchase records and use of water of nondomestic users;
6. Review of reported backflow assembly test results.

The City’s Enforcement Response to any Violation of Chapter 33, Article V, may include, but is not limited to, the following:

1. Contact by inspector;
2. Provide educational material of BMP and TCC requirements and/or prohibitions;
3. Warning letter;
4. Notice of Violation;
5. Administrative Orders;
6. Administrative Fines;
7. Emergency suspension or permanent termination of water service;
8. Hearings to show cause;
9. Publication of significant violators and imposition of fines;
10. Judicial enforcement action, including injunctive relief and criminal prosecution.

ENFORCEMENT TIME FRAME

1. Enforcement responses to initial Cross Connection Control Violations will be initiated within five (5) days of discovery or at the discretion of the Environmental Services Manager. Whenever use of an NOV as an enforcement response is selected, immediate issuance is allowed.
2. When appropriate, follow-up inspections will occur within ten (10) days of a due date specified in a Notice of Violation.
3. Follow-up escalated action for repeat or reoccurring offenses will be taken within ten (10) days of discovery of the repeat or reoccurring offenses and may include additional Administrative Enforcement, including Administrative Orders and Administrative Fines, and Judicial Enforcement.
4. In emergency situations caused by Violations, including imminent danger to the public health, safety, or welfare, and endangerment to City personnel or the environment, the Public Works Director or his delegated representative may initiate enforcement responses, including without limitation:

- a. Issuance of cease and desist orders;
- b. Water or wastewater service termination;
- c. Revocation or termination of any permits issued by the Public Works Department.

V. PRETREATMENT: ENFORCEMENT RESPONSE

The City's Enforcement Response to any Violation of Chapter 27, Articles I & II, may include, but is not limited to, the following:

1. Contact by inspector;
2. Provide educational material of BMP and TCC requirements and/or prohibitions;
3. Warning letter;
4. Notice of Violation;
5. Administrative Orders, which may include:
 - a. Modification of wastewater discharge permits,
 - b. Affirmative obligations, such as increased monitoring,
 - c. Prohibited actions or obligations to cease and desist,
 - d. Other appropriate orders;
6. Administrative Fines;
7. Emergency suspension or permanent termination of service;
8. Hearings to show cause;
9. Publication of significant violators and imposition of fines;
10. Judicial enforcement action, including injunctive relief and criminal prosecution.

ENFORCEMENT TIME FRAME

1. Enforcement responses to initial Pretreatment Program Violations will be initiated within ten (10) days of discovery or at the discretion of the Environmental Services Manager. Whenever use of an NOV as an enforcement response is selected, immediate issuance is allowed.
2. When appropriate, follow-up inspections will occur within ten (10) days of a due date specified in a Notice of Violation.
3. Follow-up escalated action for repeat or reoccurring offenses will be taken within ten (10) days of discovery of the repeat or reoccurring offenses and may include additional Administrative Enforcement, including Administrative Orders and Administrative Fines, and Judicial Enforcement.
4. In emergency situations caused by Violations, including imminent danger to the public health, safety, or welfare, and endangerment to City personnel or the environment, the Public Works Director or his delegated representative may initiate enforcement responses, including without limitation:
 - a. Issuance of cease and desist orders;
 - b. Water or wastewater service termination;
 - c. Revocation or termination of any permits issued by the Public Works Department.

VI. STORMWATER: ENFORCEMENT RESPONSE

The City's Enforcement Response to any Violation of Chapter 12, Article VI, may include, but is not limited to, the following:

1. Contact by Inspector;
2. Provide educational material of BMP and TCC requirements and/or prohibitions;
3. Warning letter;
4. Written order to immediately remove pollutant or pollutant source or potential pollutant sources from MS4 and to restore City of Tempe property to conditions acceptable to the Public Works Director;
5. Written order to implement or correct BMP activities;
6. Issuance of Notice of Violation;
7. Issuance of Administrative Order, which may include:
 - a) Affirmative obligations; i.e., increased sweeping or track out pad maintenance,
 - b) Prohibited actions or obligations to cease and desist,
 - c) Other appropriate orders;
8. Administrative Fines;
9. Emergency suspension or permanent termination of water and wastewater service;
10. Hearing to show cause;
11. Publication of significant violators and imposition of fines;
12. Judicial enforcement action, including injunctive relief and criminal prosecution.

Enforcement of Violations of Chapter 12, Article VI, from domestic sources shall be limited to items 1 through 5 unless the Public Works Director determines that special circumstances warrant additional enforcement measures.

ENFORCEMENT TIME FRAME

1. Enforcement responses to initial Stormwater Violations will be initiated within ten (10) days of discovery or at the discretion of the Environmental Services Manager. Whenever use of an NOV as an enforcement response is selected, immediate issuance is allowed.
2. When appropriate, follow-up inspections will occur within ten (10) days of a due date specified in a Notice of Violation.
3. Follow-up escalated action for repeat or reoccurring offenses will be taken within ten (10) days of discovery of the repeat or reoccurring offenses and may include additional Administrative Enforcement, including Administrative Orders and Administrative Fines, and Judicial Enforcement.
4. In emergency situations caused by Violations, including imminent danger to the public health, safety, or welfare, and endangerment to City personnel or the environment, the Public Works Director or his delegated representative may initiate enforcement responses, including without limitation:
 - a. Issuance of cease and desist orders;

- b. Water or wastewater service termination;
- c. Revocation or termination of any permits issued by the Public Works Department;
- d. At the recommendation of the Public Works Director to another Department Director, termination of permits issued by that respective Department.

VII. POINTS ASSESSMENT CRITERIA

INTRODUCTION

In order to apply enforcement in an equitable and consistent manner, Violation points have been developed for each classification of Violation. (See Table B.) Points for Violations have been assigned depending upon the severity of the Violation; the potential for environmental, public, or employee harm; or facility damage that may result from a Violation, and the cost of the Violation to the City and its operations. Each Violation by an RP shall result in points being assigned to that RP.

When an RP's total points in any two consecutive quarters equals or exceeds 4.0 points, Administrative Fines will be assessed against the RP. The fines will be assessed in the amounts specified on Table A.

ASSESSMENT OF POINTS

- A. When Violations are discovered, the assessed points shall be applied to the RP.
- B. Significant Non-Compliance is calculated at the end of every quarter for the six (6) months preceding the end of the quarter:

<u>Compliance Review Date(s)</u>	<u>Period of Review</u>
April	October 1 of previous year through March 31 of current year
July	January 1 through June 30 of current year
October	April 1 through September 30 of current year
January	July 1 through December 31 of previous year

- C. When the total number of points equals or exceeds four (4) points during any two consecutive quarters, the Public Works Director or his delegated representative shall assess Administrative Fines consistent with this ERP and determine other appropriate enforcement actions which may include revocation of the Permit, if applicable; publication of those in significant non-compliance; and/or termination of service or cease and desist orders.
- D. If a permit or property is conveyed, points associated with that permit or property do not convey to the new permit holder or owner unless the new holder/owner is related to the previous holder/owner or unless it appears that the conveyance is an attempt to avoid enforcement. Determinations pursuant to this Section D shall be at the sole discretion of the Public Works Director.
- E. If a Violation is discovered, the City shall issue the RP an NOV and set forth points assessed and the potential enforcement penalties under this ERP.
- F. A single operational upset or activity, which leads to simultaneous Violations of more than one pollutant parameter, may be treated as a single Violation for point assessment, provided there is no Harm Caused.

VIII. ADMINISTRATIVE FINE SCHEDULE

ADMINISTRATIVE FINES FOR POINTS ASSESSED

As a result of significant noncompliance (SNC), when an RP is assigned four (4) points or more during any consecutive two-quarter period, the Public Works Director or his delegated representative will assess an Administrative Fine with a base value of \$2500 dollars.

In addition to the base Administrative Fine, each quarter (0.25) point assessed in excess of 4 points shall be assigned a dollar value of \$156.25. For each quarter point, the following values will be applied:

TABLE A

0.25	0.50	0.75	1.0	1.25	1.50	1.75	2.0
\$156.25	\$312.50	\$468.75	\$625.00	\$781.25	\$937.50	\$1,093.75	\$1,250.00
2.25	2.50	2.75	3.0	3.25	3.50	3.75	4.0
\$1,406.25	\$1,562.50	\$1,718.75	\$1,875.00	\$2,031.25	\$2,187.50	\$2,343.75	\$2,500.00

Following an SNC and the imposition of the base fine, each subsequent Violation during the same consecutive two-quarter period shall be assessed a fine based on the quarter-point increment schedule. For subsequent Violations, all points assessed during the two-quarter period are used to determine whether a penalty will be assessed, but the amount of the penalties are only assessed on points for which penalties were not previously assigned; i.e., no double billing for points assessed. At any time the accumulated points total less than four points for any consecutive two-quarter period, fines will not be assessed for that period.

Data used to determine compliance shall be maintained in accordance with the City's record retention policy and applicable state or federal regulations.

RECONSIDERATION OF THE FINE

If the RP desires to dispute an assessed Administrative Fine, the RP must file a written request for the Public Works Director to reconsider the Administrative Fine along with full payment of the Administrative Fine within 15 days of being notified of the fine.

PUBLICATION OF RP IN SIGNIFICANT NONCOMPLIANCE

The Public Works Director shall publish at least annually in a newspaper of general circulation a list of RPs which, at any time since the list was last published, were in Significant Non-Compliance.

Industrial Users found to be in Significant Non-Compliance shall be published in accordance with 40 CFR 403.8(f)(2)(viii)(A-H).

TABLE B

Any Violation of ordinance not specified in Table B may be awarded points at the discretion of the Public Works Director.

The description of the Violation is for ease of reference only. For the specific Violation, consult the corresponding ordinance section cited.

Table B, Part 1: Cross Connection Control Violations

Code	Violation	Points	Enforcement Response	Code Reference
CC-1	Incorrect installation of assembly	0.5	WL, NOV	§ 33-104(a)
CC-2	Incorrect size of assembly installed	1.0	WL, NOV	§ 33-104(b)
CC-3	Installation of by-pass around assembly	2.0	WL, NOV	§ 33-104(c)
CC-4	Incorrect type of assembly and/or valves installed	1.0	WL, NOV	§ 33-104(d-f)
CC-5	Installation of a non-approved assembly	1.0	WL, NOV	§ 33-106
CC-6	Failure to install assembly after notification issued – 1 st occurrence	1.0	WL, NOV	§ 33-110(b)
CC-7	Failure to install assembly after notification issued – 2 nd occurrence	2.0	WL, NOV	§ 33-110(b)
CC-8	Failure to install assembly after notification issued – 3 rd occurrence, discontinuance of service	4.0	WL, NOV, AO	§ 33-110(b) § 33-109
CC-9	Failure to maintain records of tests and/or repair	1.0	WL, NOV	§ 33-107(a)
CC-10	Failure to conduct annual testing - 1 st occurrence	1.0	WL, NOV	§ 33-107(b)
CC-11	Failure to conduct annual testing - 2 nd occurrence	2.0	WL, NOV	§ 33-107(b)
CC-12	Failure to conduct annual testing – 3 rd occurrence	3.0	NOV	§ 33-107(b)
CC-13	Failure to notify of testing	1.0	WL, NOV	§ 33-107(c)
CC-14	Failure to conduct initial test	1.0	WL, NOV	§ 33-107(b)
CC-15	Failure to conduct test by certified tester	1.0	WL, NOV	§ 33-107(d)
CC-16	Failure to re-test after repair, etc., of assembly	2.0	WL, NOV	§ 33-107(e)
CC-17	Failure to maintain system open for inspection	2.0	WL, NOV	§ 33-108

Table B, Part 2: Pretreatment Violations

Code	Violation	Points	Enforcement Response	Code Reference
P-1	Allow a prohibited discharge into the POTW which causes pass through or interference – 1 st occurrence.	2.0	WL, NOV	§ 27-10(a)
P-2	Allow a prohibited discharge into the POTW which causes pass through or interference – 2 nd occurrence within any two consecutive quarters.	4.0	WL, NOV	§ 27-10(a)
P-3	Allow a prohibited discharge into the POTW – 1 st occurrence.	2.0	WL, NOV	§ 27-10(b)(1-19)
P-4	Allow a prohibited discharge into the POTW – 2 nd occurrence within any two consecutive quarters.	4.0	WL, NOV	§ 27-10(b)(1-19)
P-5	Discharge from nondomestic source without a permit.	2.0	WL, NOV	§ 27-10(c)
P-6	Discharge from nondomestic source without a permit – 2 nd occurrence within any two consecutive quarters.	4.0	WL, NOV	§ 27-10(c)
P-7	Processing or storage of a prohibited pollutant, substance, or wastewater prohibited by Article I which could be discharged into POTW.	2.0	WL, NOV	§ 27-10(c)(2)
P-8	Violation of Local or Categorical limit - 1 st occurrence.	1.0	WL, NOV	§ 27-11
P-9	Violation of Local or Categorical limit - 2 nd occurrence within any two consecutive quarters.	2.0	NOV	§ 27-11
P-10	Violation of Local or Categorical limit - 3 rd occurrence within any two consecutive quarters.	4.0	NOV	§ 27-11
P-11	Use of process water to dilute discharge as a partial or complete substitute to adequate treatment – 1 st occurrence.	2.0	NOV, AO	§ 27-14
P-12	Use of process water to dilute discharge as a partial or complete substitute to adequate treatment – 2 nd occurrence within any two consecutive quarters.	4.0	NOV, AO	§ 27-14
P-13	Tamper, damage, or destroy monitoring equipment.	4.0	NOV, AO Revocation of permit	§ 27-15(a) § 27-46(5)
P-14	Tamper with manhole or unauthorized entry into POTW.	2.0	NOV, AO, CEASE and DESIST	§ 27-15(b)
P-15	Tamper with manhole or unauthorized entry into POTW – 2 nd occurrence within any two consecutive quarters.	4.0	NOV, AO, CEASE and DESIST	§ 27-15(b)
P-16	Tamper with pretreatment device – 1 st occurrence.	2.0	NOV, AO, CEASE and DESIST	§ 27-15(c)
P-17	Tamper with pretreatment device – 2 nd occurrence within any two consecutive quarters.	4.0	NOV, AO, CEASE and DESIST	§ 27-15(c)
P-18	Failure to provide pretreatment facilities.	1.0	WL, NOV	§ 27-21 or §27-22
P-19	Failure to restrict discharge during peak flow period.	0.25	WL, NOV	§27-22(a)
P-20	Failure to install suitable storage and flow control equipment as directed by the Public Works Director.	0.25	WL, NOV	§ 27-22(a)
P-21	Failure to properly maintain pretreatment equipment	1.0	WL, NOV	§ 27-22(c)

	– 1 st occurrence.			
P-22	Failure to properly maintain pretreatment equipment – 2 nd occurrence in any two consecutive quarters.	2.0	WL, NOV	§ 27-22(c)
P-23	Failure to properly maintain pretreatment equipment – 3 rd occurrence in any two consecutive quarters.	4.0	WL, NOV	§ 27-22(c)
P-24	Failure to maintain cleaning and maintenance records – 1 st occurrence.	1.0	WL, NOV	§ 27-22(c)
P-25	Failure to maintain cleaning and maintenance records – 2 nd occurrence within any two consecutive quarters.	2.0	WL, NOV	§ 27-22(c)
P-26	Failure to maintain cleaning and maintenance records – 3 rd occurrence within any two consecutive quarters.	4.0	WL, NOV	§ 27-22(c)
P-27	Failure to develop and/or implement accidental discharge/slug control plan – 1 st occurrence.	0.5	WL	§ 27-23
P-28	Failure to develop and/or implement accidental discharge/slug control plan – 2 nd occurrence within any two consecutive quarters.	2.0	WL, NOV	§ 27-23
P-29	Failure to develop and/or implement accidental discharge/slug control plan – 3 rd occurrence within any two consecutive quarters.	4.0	WL, NOV	§ 27-23
P-30	Discharge of hauled waste into POTW without discharge permit – 1 st occurrence.	4.0	NOV, AO, CEASE and DESIST	§ 27-24
P-31	Illegal disposal of pretreatment sludge and other material.	4.0	NOV, AO, CEASE and DESIST	§ 27-25
P-32	Failure to submit wastewater analysis within forty-five (45) days of request – 1 st occurrence.	1.0	WL, NOV	§ 27-31
P-33	Failure to submit wastewater analysis within forty-five (45) days of request – 2 nd occurrence within any two consecutive quarters.	2.0	WL, NOV	§ 27-31
P-34	Failure to submit wastewater analysis within forty-five (45) days of request – 3 rd occurrence within any two consecutive quarters.	4.0	WL, NOV	§ 27-31
P-35	Failure to submit information required by TCC Section 27-32(a).	0.25	WL	§ 27-32
P-36	Failure to obtain wastewater discharge permit - discharge occurring.	2.0	WL, NOV	§ 27-34
P-37	Failure to notify Public Works Director of significant changes to wastewater prior to changed discharge.	4.0	Revocation of permit	§ 27-46(1)
P-38	Failure to provide prior notification to the Public Works Director of changed conditions.	4.0	Revocation of permit	§ 27-46(2)
P-39	Misrepresentation or failure to fully disclose all relevant facts in wastewater discharge permit application.	4.0	Revocation of permit	§ 27-46(3)
P-40	Falsifying self-monitoring reports.	4.0	Revocation of permit	§ 27-46(4)
P-41	Refusing to allow the Public Works Director timely access to the facility premises and records.	4.0	Revocation of permit	§ 27-46(6) § 27-71
P-42	Failure to meet effluent limitations.	4.0	Revocation of permit	§ 27-46(7)
P-43	Failure to pay fines.	4.0	Revocation of permit	§ 27-46(8)

P-44	Failure to pay sewer charges.	4.0	Revocation of permit	§ 27-46(9)
P-45	Failure to meet compliance schedules.	4.0	Revocation of permit	§ 27-46(10)
P-46	Failure to complete a wastewater survey or the wastewater discharge permit application.	4.0	Revocation of permit	§ 27-46(11)
P-47	Failure to provide advance notice of the transfer of business ownership of a permitted facility.	4.0	Revocation of permit	§ 27-46(12)
P-48	Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.	4.0	Revocation of permit	§ 27-46(13)
P-49	Failure to immediately notify of potential problems.	1.0	WL, NOV	§ 27-56(a)
P-50	Failure to submit detailed written report within 5 days following discharge Violation.	1.0	WL, NOV	§ 27-56(b)
P-51	Failure to post notification information of POTW in the event of an accidental discharge, non-routine discharge, or slug load which may impact the POTW.	2.0	WL, NOV	§ 27-56(c)
P-52	Failure to notify Public Works Director within 24 hours of becoming aware of Violation – 1 st occurrence.	1.0	WL, NOV	§ 27-58
P-53	Failure to notify Public Works Director within 24 hours of becoming aware of Violation – 2 nd occurrence within any two consecutive quarters.	2.0	WL, NOV	§ 27-58
P-54	Failure to notify Public Works Director within 24 hours of becoming aware of Violation – 3 rd occurrence within any two consecutive quarters.	4.0	NOV, AO	§ 27-58
P-55	Failure to notify of discharge of hazardous waste.	2.0	WL, NOV	§ 27-59
P-56	Improper test method conducted – 1 st occurrence.	0.50	WL, NOV	§ 27-60
P-57	Improper test method conducted – 2 nd occurrence within any two consecutive quarters.	1.0	WL, NOV	§ 27-60
P-58	Improper test method conducted – 3 rd occurrence within any two consecutive quarters.	2.0	WL, NOV	§ 27-60
P-59	Failure to apply for renewal of discharge permit within 30 days of permit expiration.	2.0	WL, NOV	§ 27-47
P-60	Failure to apply for renewal of discharge permit within 30 days of permit expiration – 2 nd notice.	4.0	WL, NOV, AO	§ 27-47

Table B, Part 3: Stormwater Violations

Code	Violation	Points	Enforcement Response	Code Reference
SW-1	Discharging any substance to the public right-of-way and/or the public storm drain system that is not composed entirely of storm water – 1 st occurrence (non-domestic).	2.0	WL, NOV	§ 12-125(a)
SW-2	Discharging any substance to the public right-of-way and/or the public storm drain system that is not composed entirely of storm water – 2 nd or greater occurrence (non-domestic).	4.0	WL, NOV	§ 12-125(a)
SW-3	Discharging any substance to the public right-of-way and/or the public storm drain system that is not composed entirely of storm water (domestic).		Provide BMP pamphlet, WL	§ 12-125(a)
SW-4	Improper use, storage, spill, dump of material in a manner which could cause or contribute to the addition of pollutants to the storm system – 1 st occurrence.	2.0	WL, NOV	§ 12-125(b)
SW-5	Improper use, storage, spill, dump of material from a commercial/industrial activity in a manner which could cause or contribute to the addition of pollutants to the storm system – 2 nd or greater occurrence within any two consecutive quarters.	4.0	NOV, AO	§ 12-125(b)
SW-6	Establishment, use, maintenance, or continuance of any connection to the public storm sewer system which has caused or will likely cause a Violation.	1.0	WL, NOV	§ 12-125(f)
SW-7	Failure to remove any connection to the public storm drain system after written notification has been issued as required by §12-125(f).	2.0	AO	§ 12-125(f)
SW-8	Failure to clean up any release or discharge which may result in pollutant(s) entering the public storm drain system.	1.0	WL, NOV	§ 12-126(a)
SW-9	Failure to notify the City of discharge or release of pollutant into the public storm drain system.	2.0	WL, NOV	§ 12-126(b)
SW-10	Failure to implement BMP(s) (non-construction).	1.0	WL, NOV	§ 12-127
SW-11	Failure to implement BMP(s) (construction).	2.0	WL, NOV	§ 12-128
SW-11	Discharge of exempt discharges that are determined to be a significant source of pollutants or could place the City in violation with its AZPDES Permit.	2.0	WL, NOV	§ 12-125(c)