

Memorandum

Environmental Division



DATE: May 16, 2005
TO: At Risk Grading Permittee
FROM: Water Utilities Department / Environmental Division
SUBJECT: Storm Water Enforcement Standard Operating Procedure (SOP)

The following SOP has been developed from requirements of the Tempe City Code and the City of Tempe Storm Water Management Plan which is in fulfillment of the requirements of 40 CFR 122.26(B)(2)(IV) and incorporated into AZPDES No. AZS000005 by reference.

When a specific discharge to a storm drain or storm drain system is determined to be from a source that is not explicitly exempt under Section 12-125 of the Tempe City Code, enforcement action will be taken uniformly using the following enforcement escalation policy:

- (a) If no illicit discharges have been identified previously at a facility, a facility owner/operator will be given a written warning and will be provided with information/guidance on complying with Tempe's storm water ordinance. Such facilities will be scheduled for follow-up inspections within 30 days and for regular semiannual inspections.
- (b) If illicit discharges have been previously identified at a facility, a Notice of Violation (NOV), including a schedule for compliance, will be issued if prohibited discharges have not been discontinued upon reinspection, or if additional prohibited discharges are identified. All NOVs will require, at a minimum, written responses from violators within 10 days consistent with Section 12-146 of the Tempe City Code.

Escalated enforcement actions may include cease and desist orders, consent orders, civil penalties, and criminal prosecution.

Construction Site Inspections

All construction sites in Tempe, regardless of size, will be inspected for illicit discharges at least once during the construction using the "drive-by" approach described in the City of Tempe Storm Water Management Plan, Part II (B)(1). Violations of illicit discharge and materials tracking ordinances (Sections 12-125 and 19-50 of the Tempe City Code) at construction sites will be subject to the same enforcement procedures as other illicit discharges.

If a violation is detected at construction sites in which severe track out and/or pollutant discharge is occurring, Storm Water Investigators, as authorized in Section 12-148 of the Tempe City Code, may issue an order to the person causing the discharge/track out directing them to cease and desist all such violations and direct the person to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation.

Storm Water Investigators will follow the aforementioned enforcement escalation procedure and issue a warning letter or NOV.