

City of Flagstaff

Water Services Division

Enforcement Response Plan

2018

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## **I. PURPOSE**

The ERP is intended to enforce the Flagstaff City Code in an equitable and consistent manner as follows:

- To ensure compliance with Title 7, Chapter 1; Title 7, Chapter 2; Title 7, Chapter 3; and Title 12, Chapter 3 of City Code and the Small Municipal Separate Storm Sewer System (MS4) General Permit and to protect public health and safety;
- To provide guidance in enforcement responses that are appropriate to the nature and severity of the violation;
- To establish guidelines that encourage fair and uniform application of enforcement responses to varying types of violations;
- To describe the mechanism to review the appropriateness of responses; and
- Assign points to violations based on their nature and severity for which administrative penalties will be assessed.

## **II. LEGAL AUTHORITY**

This Enforcement Response Plan (ERP) specifies how the City of Flagstaff (“City”) will investigate and respond to instances of noncompliance with the following Articles of the Flagstaff City Code:

Title 7, Chapter 1:	Water Services
Title 7, Chapter 2:	Wastewater Regulations
Title 7, Chapter 3:	City Water System Regulations
Title 12, Chapter 3:	Illicit Discharge Detection and Elimination

This ERP was developed in accordance with 40 CFR Section 403.8(f)(5); Flagstaff City Code, Title 7, Chapter 1, Water Services; Title 12, Chapter 3, Illicit Discharge Detection and Elimination and with the requirements of AZPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) to Water of The United States, Permit No. AZG2016-002.

### **III. 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 Flagstaff.

***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 Flagstaff 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:*** Civil 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.

***IDDE:*** Illicit Discharge Detection and Elimination.

***MS4:*** Municipal Separate Storm Sewer System

***NOV:*** Notice of Violation *or* Notification of Violation issued to the responsible property and/or business owner.

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

***POTW:*** Publicly Owned Treatment Works.

***RP:*** Responsible Party; the owner and/or operator of the property where a violation occurs.

**Show Cause Hearing:** A formal meeting requiring the RP to appear, explain noncompliance, a show cause why more severe enforcement actions against the RP should not go forward. The meeting may also serve as a forum to discuss corrective action and compliance schedules

**SNC or Significant Non-Compliance:** (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 7-02-001-0020 of the Flagstaff City Code; (b) For Violations of Title 12, Chapter 3, Illicit Discharge Detection and Elimination; and Title 7, Chapter 02, Wastewater Regulations, 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.

**Significant Violation:** A Significant Violation is defined as a violation with an assessed value of 4 points as defined in Section IX of this ERP.

**SWPPP:** Stormwater Pollution Prevention Plan

**WL:** Warning Letter.

**Violation:** Non-compliance with the Flagstaff City Code.

#### **IV. DESCRIPTION OF ENFORCEMENT ACTIONS**

The following criteria will be considered when determining enforcement:

- Type of violation: minor, significant
- Severity of the violation: the duration, quality, and quantity of pollutants, and effect on public safety and the environment
- Apparent good faith of the site operator
- The potential deterrent value of the enforcement action

#### **INFORMAL NOTICE**

1. **Inspection Report**

***Responsible City Authority – Pretreatment Inspector or Watershed Specialist  
Timeframe – At time of inspection or within a maximum of five (5) business days of inspection***

An Inspection Report is prepared by the Pretreatment Inspector or Watershed Specialist after a site visit. The report can include recommendations and education materials to address minor issues, before they become violations, as deemed necessary by the inspector. Educational handouts and additional documented verbal instructions may be provided with the Inspection Report.

2. **Warning Letter**

***Responsible City Authority – Pretreatment Inspector or Watershed Specialist  
Timeframe – At time of inspection or within a maximum of five (5) business days of inspection***

The Warning Letter is the initial documentation to address minor violations. A Warning Letter may be issued by the inspector to the on-site representative at the time of the inspection or can be used after the inspection to follow-up on minor issues addressed in the Inspection Report. No enforcement action is typically taken if the issues listed in the Warning Letter are corrected immediately or within a timeframe deemed appropriate by the inspector.

#### **ESCALATING ENFORCEMENT**

1. **Notice of Violation or Corrective Action**

***Responsible City Authority – Regulatory Compliance Manager or Stormwater Manager  
Timeframe – Decision to issue within 10 business days of discovery***

A written NOV or Corrective Action may be issued if the RP fails to comply with a Warning Letter or if there is a significant violation of City Code. The NOV or Corrective Action will include a written notice on specific violations to City Code and include a timeline for correction. If the RP has corrected the violation(s) in the timeframe specified in the NOV or Corrective Action the NOV or Corrective Action will be closed.

Enforcement response will be escalated if the RP has not been in contact with Flagstaff Water Services to develop an alternative, mutually acceptable plan to reach compliance or if the NOV or Corrective Action conditions have not been met. Closure of an NOV or Corrective Action shall not preclude the City from taking further enforcement action if additional information regarding the alleged violations is discovered, or if further violations occur.

2. **Administrative Order**

***Responsible City Authority – Water Services Director***

An Administrative Order is an enforcement document to direct the RP to undertake and/or cease specified activities by specified deadlines. The Administrative Order may incorporate a Cease and Desist or Stop Work Order, revocation of City issued permit, or a Show Cause Hearing. At its sole discretion, the City may also correct the deficiency or hire a contractor to correct the deficiency and require reimbursement from the RP to the City for all costs incurred in correcting the violation. The City may also assess an Administrative Fine or Civil Penalty in the Administrative Order for instances of continued noncompliance as directed in this ERP.

3. **Administrative Fines/Civil Penalties**

***Responsible City Authority – Water Services Director***

Civil penalties are punitive monetary charges assessed by the City rather than a court. The purpose of the penalty is to recover the economic benefit of noncompliance and to deter future violations. When assessing a civil penalty, the following factors are considered:

- a. Type and severity of the violation
- b. Number of violations cited
- c. Duration of noncompliance
- d. Impact of the violation on the receiving water, sludge quality, and POTW operation
- e. Whether the violation threatened public health
- f. Economic benefit or savings the RP gained from the noncompliance
- g. Compliance history of the RP
- h. Whether the RP is making a good faith effort to comply

4. **Civil Litigation**

***Responsible City Authority – City Attorney***

Civil litigation is the formal process whereby the City files a lawsuit against the RP to secure court ordered action to correct violations and to secure penalties for the violations including recovery of costs for the noncompliance. Civil litigation also includes enforcement measures which require involvement or approval of the court, such as injunctive relief.

***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 Stormwater Manager or Regulatory Compliance Manager may escalate directly to a NOV, and recommend to the Water Services Director to go directly to an Administrative Order or Civil Litigation Action. Any violations deemed as significant will be published in the largest local newspaper, in accordance with City Code.***

## **V. CROSS CONNECTION CONTROL: ENFORCEMENT RESPONSE**

Investigation of noncompliance will be conducted by the Industrial Pretreatment Inspectors and/or the Industrial Pretreatment Supervisor. 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. Maintain database of City approved certified backflow testers;
5. Conduct surveillance of testers to verify test procedures are being followed;
6. Review water purchase records and use of water of nondomestic users;
7. Review backflow assembly test results.

The City will respond to inspections and violations of Title 7, Chapter 3, Section 001-0015, as follows:

1. Inspection Report
  - a. Contact by inspector;
  - b. Provide educational material of BMPs and Flagstaff City Code requirements and/or prohibitions;
2. Warning letter;
3. NOV;
4. Administrative Orders;
5. Administrative Fines;
6. Civil enforcement action, including injunctive relief and criminal prosecution.



## **VI.     **PRETREATMENT: ENFORCEMENT RESPONSE****

The City will respond to violations of Title 7, Chapters 1, 2 and 3, as follows:

1.    Inspection Report (7-02-001-0016)
  - a.    Contact by inspector;
  - b.    Provide educational material of BMP and Flagstaff City Code requirements and/or prohibitions;
2.    Warning letter;
3.    NOV (7-01-001-0012);
4.    Administrative Orders (7-01-001-0013), 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.    Suspension of access to the City Collection System (7-02-001-0021);
  - e.    Revocation of permit (7-01-001-0012.E);
5.    Administrative Fines (7-01-001-0018);
6.    Civil enforcement action, including injunctive relief and criminal prosecution (7-01-001-0019).

## **VII. STORMWATER: ENFORCEMENT RESPONSE**

The City will use City Code, permits, and penalties to enforce stormwater violations. The City has separated stormwater into four general categories for violations: construction sites; illicit discharges or connections to the City's MS4; grading/drainage; and post-construction. Potential RPs for violations include property owners, contractors, developers, businesses, industries, private citizens, and other governmental agencies. The general categories for stormwater violations are:

### **1. Construction Site Stormwater Control**

Developers and contractors working in the City are required to obtain all required permits and adhere to City development processes. Under the Small MS4 General Permit, the City is required to assure all construction sites control and contain sediment and construction site materials, debris, and wastes on the construction site using stormwater control measures or BMPs, as applicable. Construction sites that disturb over one acre, as well construction sites under one acre that construction activity is part of a larger common plan of development or sale that would disturb one acre or more, are required to submit an Erosion Control Plan (ECP) that outlines which types of BMPs will be installed and where. These sites are required to install their BMPs and have the Watershed Specialist or Stormwater Project Manager inspect and approve the site prior to earthwork commencing; and must maintain BMPs through the life of the project.

### **2. Illicit Discharges/Illicit Connections**

City Code prohibits the discharge of contaminated stormwater, wastes, or wastewater to enter storm drains or receiving waters through illicit discharges or illegal connections to the storm sewer system. The purpose of this is to provide for public health and safety as required under federal and state law. An illicit discharge is defined as any discharge to a MS4 that is not composed entirely of stormwater, with the exception of allowable non-stormwater discharges and separately permitted discharges. Illicit connections are defined as any man-made conveyance that connects an illicit discharge directly to the MS4. The City is required to implement a program to minimize, detect, investigate, and eliminate illicit discharges and connections, including unauthorized non-stormwater discharges and spills, into the MS4 system.

### **3. Grading/Drainage Violations**

There are stormwater requirements for new development and redevelopment projects. Depending upon the stormwater requirements for a specific project, volume and peak flow controls must be installed prior to increasing horizontal impervious surface on a site. These projects are required to have a Rough Grading Certification signed by the Engineer of Record, Grading Contractor, Geotechnical Engineer, and Surveyor, as applicable and approved by the City prior to installing impervious surface on a site. The certification affirms that rough grading substantially performs in accordance with the approved grading plan and that the SWPPP and/or ECP measures are in place per the approved plans. Work observed includes but is not limited to: all disturbed areas, locations that will be paved; cut and fill slopes; channels, swales, Low Impact Development (LID) features, terraces, berms, all drainage facilities as indicated on the plan(s), detention basins including the completed associated outlet structure(s). Projects are also required to submit, and have approved by the City, a Final Grading Certificate and As-Built Plans prior to receiving Certificate of Occupancy.

4. **Post-Construction Best Management Practices (BMPs)/Facilities**

The City of Flagstaff Stormwater Design Manual requires detention LID to mitigate stormwater impacts from new development and redevelopment based on certain criteria. Per the Stormwater Design Manual: “Maintenance of local on-site detention facilities shall be the responsibility of the property owner or homeowner's association. The City shall reserve the right to periodically inspect any detention facilities to verify that regular maintenance activities are being performed.”

The City will respond to inspections and violations of Title 12, Chapter 03, as follows:

1. Inspection Report:
  - a. Contact by Watershed Specialist and/or Stormwater Project Manager;
  - b. Provide educational material of BMP and Flagstaff City Code requirements and/or prohibitions;
2. Warning letter;
3. Corrective Action Letter;
4. Issuance of Administrative Order, which may include:
  - a. Cease and Desist or Stop Work Order (SWO);
  - b. Any means necessary to abate an incident to protect the public health, safety or the environment and charging all costs of such abatement to the violator;
  - c. Written order to immediately remove pollutant or pollutant source or potential pollutant sources from MS4 and to restore City of Flagstaff property to conditions acceptable to the Water Services Director or his delegated representative;
  - d. Affirmative obligations; i.e., increased sweeping or track out pad maintenance,
5. Administrative Fines;

## **VIII. 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, minor or significant as determined by the Inspector or Watershed Specialist. (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**

1. When violations are discovered, the assessed points shall be applied to the RP.
2. 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

3. When the total number of points equals or exceeds four (4) points in one quarter and equals or exceeds four (4) points in a consecutive quarter, the Water Services Director or his delegated representative shall assess Administrative Fines or Civil Penalties 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.
4. 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.
5. 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.

**IX. ADMINISTRATIVE FINE SCHEDULE**

**ADMINISTRATIVE FINES FOR POINTS ASSESSED**

As a result of significant noncompliance (SNC) determined by the Stormwater Manager or Regulatory Compliance Manager, when an RP is assessed four (4) or more points in one quarter and assessed four (4) or more points during any consecutive quarter, the Water Services Director in conjunction with the City Attorney will assess an Administrative Fine with a base value of \$2500.

In addition to the base Administrative Fine, each quarter (0.25) point assessed in excess of 4 points shall be assigned a 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 Water Services 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 Water Services 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 Water Services 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**

<b>Code</b>	<b>Violation</b>	<b>Points</b>	<b>Enforcement Response</b>	<b>Code Reference</b>
CC-1	Incorrect installation of assembly	0.5	WL, NOV	§7-3-1-15.F.4
CC-2	Incorrect size of assembly installed	1.0	WL, NOV	§7-3-1-15.
CC-3	Installation of by-pass or tampering with assembly	2.0	WL, NOV	§7-3-1-15.F.4
CC-4	Incorrect type of assembly and/or valves installed	1.0	WL, NOV	§7-3-1-15.E
CC-5	Installation of a non-approved assembly	1.0	WL, NOV	§7-3-1-15.D
CC-6	Failure to install assembly after notification issued – 1st occurrence	1.0	WL, NOV	§7-3-1-15 F.12
CC-7	Failure to install assembly after notification issued – 2nd occurrence	2.0	WL, NOV	§7-3-1-15. F.12
CC-8	Failure to install assembly after notification issued – 3rd occurrence, discontinuance of service	4.0	WL, NOV, AO	§7-3-1-15. F.12
CC-9	Failure to maintain records of tests and/or repair	1.0	WL, NOV	§7-3-1-15.K.9
CC-10	Failure to conduct annual testing - 1st occurrence	1.0	WL, NOV	§7-3-1-15. K.1
CC-11	Failure to conduct annual testing - 2nd occurrence	2.0	WL, NOV	§7-3-1-15.K.1
CC-12	Failure to conduct annual testing – 3rd occurrence	3.0	NOV	§7-3-1-15.K.1
CC-13	Failure to notify of removal	1.0	WL, NOV	§7-3-1-15.H
CC-14	Failure to conduct initial test	1.0	WL, NOV	§7-3-1-15.C.5
CC-15	Failure to conduct test by certified tester	1.0	WL, NOV	§7-3-1-15.K.4
CC-16	Failure to re-test after repair, etc., of assembly	2.0	WL, NOV	§7-3-1-15.K.3
CC-17	Failure to maintain system open for inspection	2.0	WL, NOV	§7-3-1-15.I
CC-18	Failure to notify after repair, relocation or replacement	2.0	WL, NOV	§7-3-1-15.F.3
CC-19	Failure to provide a copy of the test report to the City within 5 working days	1.0	WL, NOV	§7-3-1-15.K.4

**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 – 1st occurrence.	2.0	WL, NOV	§7-2-1-7.B.1
P-2	Allow a prohibited discharge into the POTW which causes pass through or interference – 2nd occurrence within any two consecutive quarters.	4.0	WL, NOV	§7-2-1-7.B.1
P-3	Allow a prohibited discharge into the POTW – 1st occurrence.	2.0	WL, NOV	§7-2-1-7.B
P-4	Allow a prohibited discharge into the POTW – 2nd occurrence within any two consecutive quarters.	4.0	WL, NOV	§7-2-1-7.B
P-5	Discharge from nondomestic source without a permit.	2.0	WL, NOV	§7-2-1-49
P-6	Discharge from nondomestic source without a permit – 2nd occurrence within any two consecutive quarters.	4.0	WL, NOV	§7-2-1-49
P-7	No warning of possible connection or entry point for a hazardous and/or prohibited substance to the permittee’s plumbing or drainage system.	2.0	WL, NOV	§7-2-1-51.C
P-8	Violation of Local or Categorical limit - 1st occurrence. The exception is a violation to BOD and TSS limits, which will be assessed surcharges in accordance with 7-02-001-0008.B and not be in violation of this ERP.	1.0	WL, NOV	§7-2-1-8.B
P-9	Violation of Local or Categorical limit - 2nd occurrence within any two consecutive quarters. The exception is a violation to BOD and TSS limits, which will be assessed surcharges in accordance with 7-02-001-0008.B and not be in violation of this ERP.	2.0	NOV	§7-2-1-8.B
P-10	Violation of Local or Categorical limit - 3rd occurrence within any two consecutive quarters. The exception is a violation to BOD and TSS limits, which will be assessed surcharges in accordance with 7-02-001-0008.B and not be in violation of this ERP.	4.0	NOV	§7-2-1-8.B
P-11	Use of dilution to meet a standard or local limit – 1st occurrence.	2.0	NOV, AO	§7-2-1-8.E
P-12	Use of dilution to meet a standard or local limit – 2nd occurrence within any two consecutive quarters.	4.0	NOV, AO	§7-2-1-8.E
P-13	Tamper, damage, or destroy monitoring equipment.	4.0	NOV, AO Revocation of permit	§7-2-1-3
P-14	Tamper with manhole or unauthorized entry into POTW.	2.0	NOV, AO, CEASE and DESIST	§7-2-1-3
P-15	Tamper with manhole or unauthorized entry into POTW – 2nd occurrence within any two consecutive quarters.	4.0	NOV, AO, CEASE and DESIST	§7-2-1-3
P-16	Tamper with pretreatment device – 1st occurrence.	2.0	NOV, AO, CEASE and DESIST	§7-2-1-3
P-17	Tamper with pretreatment device – 2nd occurrence within any two consecutive quarters.	4.0	NOV, AO, CEASE and DESIST	§7-2-1-3
P-18	Failure to provide pretreatment facilities.	1.0	WL, NOV	§7-2-1-08.G
P-19	Failure to properly maintain pretreatment equipment – 1st occurrence.	1.0	WL, NOV	§7-2-1-08.G

P-20	Failure to properly maintain pretreatment equipment – 2nd occurrence in any two consecutive quarters.	2.0	WL, NOV	§7-2-1-08.G
P-21	Failure to properly maintain pretreatment equipment – 3rd occurrence in any two consecutive quarters.	4.0	WL, NOV	§7-2-1-08.G
P-22	Failure to maintain cleaning and maintenance records – 1st occurrence.	1.0	WL, NOV	§7-2-1-4.I
P-23	Failure to maintain cleaning and maintenance records – 2nd occurrence within any two consecutive quarters.	2.0	WL, NOV	§7-2-1-4.I
P-24	Failure to maintain cleaning and maintenance records – 3rd occurrence within any two consecutive quarters.	4.0	WL, NOV	§7-2-1-4.I
P-25	Failure to develop and/or implement accidental discharge/slug control plan – 1st occurrence.	0.5	WL	40 CFR § 403.8(f)(2)(vi)
P-26	Failure to develop and/or implement accidental discharge/slug control plan – 2nd occurrence within any two consecutive quarters.	2.0	WL, NOV	40 CFR § 403.8(f)(2)(vi)
P-27	Failure to develop and/or implement accidental discharge/slug control plan – 3rd occurrence within any two consecutive quarters.	4.0	WL, NOV	40 CFR § 403.8(f)(2)(vi)
P-28	Discharge of hauled waste into POTW without discharge permit – 1st occurrence.	4.0	NOV, AO, CEASE and DESIST	§7-2-1-42.B
P-29	Illegal disposal of pretreatment sludge and other material.	4.0	NOV, AO, CEASE and DESIST	§7-2-1-6
P-30	Failure to submit sampling results to the City before the last day of a respective quarter – 1st occurrence.	1.0	WL, NOV	§7-2-1-10.B
P-31	Failure to submit sampling results to the City before the last day of a respective quarter – 2nd occurrence within any two consecutive quarters.	2.0	WL, NOV	§7-2-1-10.B
P-32	Failure to submit sampling results to the City before the last day of a respective quarter – 3rd occurrence within any two consecutive quarters.	4.0	WL, NOV	§7-2-1-10.B
P-33	Failure to obtain wastewater discharge permit - discharge occurring.	2.0	WL, NOV	§7-2-1-49
P-34	Failure to notify Water Services Director of significant changes to wastewater prior to changed discharge.	4.0	NOV, AO, Revocation of permit	§7-2-1-11.D
P-35	Failure to provide prior notification to the Water Services Director of changed conditions.	4.0	NOV, AO, Revocation of permit	§7-2-1-11.D
P-36	Misrepresentation or failure to fully disclose all relevant facts in wastewater discharge permit application.	4.0	NOV, AO, Revocation of permit	§7-2-1-50.C
P-37	Falsifying self-monitoring reports.	4.0	NOV, AO, Revocation of permit	§7-2-1-19
P-38	Refusing to allow the Water Services Director timely access to the facility premises and records.	4.0	NOV, AO, Revocation of permit	§7-2-1-16.A



P-39	Failure to immediately notify of potential problems.	1.0	WL, NOV	§7-2-1-11.B
P-40	Failure to submit detailed written report within 5 days following discharge violation.	1.0	WL, NOV	§7-2-1-11.C
P-41	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	§7-2-1-11.B
P-42	Failure to notify Water Services Director within 24 hours of becoming aware of violation – 1st occurrence.	1.0	WL, NOV	§7-2-1-11.E
P-43	Failure to notify Water Services Director within 24 hours of becoming aware of violation – 2nd occurrence within any two consecutive quarters.	2.0	WL, NOV	§7-2-1-11.E
P-44	Failure to notify Water Services Director within 24 hours of becoming aware of violation – 3rd occurrence within any two consecutive quarters.	4.0	NOV, AO	§7-2-1-11.E
P-45	Failure to notify of discharge of hazardous waste.	2.0	WL, NOV	§7-2-1-11.G
P-46	Improper test method conducted – 1st occurrence.	0.50	WL, NOV	§7-2-1-10.E
P-47	Improper test method conducted – 2nd occurrence within any two consecutive quarters.	1.0	WL, NOV	§7-2-1-10.E
P-48	Improper test method conducted – 3rd occurrence within any two consecutive quarters.	2.0	WL, NOV	§7-2-1-10.E
P-49	Failure to apply for renewal of discharge permit within 90 days of permit expiration.	2.0	WL, NOV	§7-2-1-50.B
P-50	Failure to apply for renewal of discharge permit within 90 days of permit expiration – 2nd notice.	4.0	WL, NOV, AO	§7-2-1-50.B

**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 – 1st occurrence (non-domestic).	2.0	WL, NOV	§12-03-001-0007
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 – 2nd or greater occurrence (non-domestic).	4.0	WL, NOV	§12-03-001-0007
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) – 1st occurrence.	2.0	Provide BMP pamphlet, WL, NOV	§12-03-001-0007
SW-4	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) – 2nd or greater occurrence within any two consecutive quarters	4.0	NOV, AO	§12-03-001-0007
SW-5	Improper use, storage, spill, dump of material in a manner which could cause or contribute to the addition of pollutants to the storm system – 1st occurrence.	2.0	WL, NOV	§12-03-001-0007
SW-6	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 – 2nd or greater occurrence within any two consecutive quarters.	4.0	NOV, AO	§12-03-001-0007
SW-7	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	§12-03-001-0009
SW-8	Failure to remove any connection to the public storm drain system.	2.0	AO	§12-03-001-0009
SW-9	Failure to clean up any release or discharge which may result in pollutant(s) entering the public storm drain system.	1.0	WL, NOV	§12-03-001-0014
SW-10	Failure to notify the City of discharge or release of pollutant into the public storm drain system.	2.0	WL, NOV	§12-03-001-0014
SW-11	Failure to implement or maintain BMP(s) (non-construction).	1.0	WL, NOV	Flagstaff Stormwater Management Design Manual
SW-12	Failure to implement or maintain BMP(s) (construction).	2.0	WL, NOV, AO	Flagstaff Stormwater Management Design Manual
SW-13	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	§12-03-001-0007