

Air Quality Division NOV Assessment Matrix

Violation Condition: Increasing risk to human health or the environment

Unpermitted release of contaminants into the environment: <i>HAZARDOUS AIR POLLUTANT</i>		Any volume of Any duration * A few specific pollutants in Small volume of Short duration may constitute an OTC; discuss with management		
Unpermitted release of contaminants into the environment: <i>NON-HAZARDOUS AIR POLLUTANT</i>		Low volume of Short duration	Low volume of Long duration High volume of Short duration	High volume of Long duration
Unpermitted release of contaminants into the environment: <i>FAILURE TO OBTAIN A PERMIT</i>		No general permit renewal	No general permit	No class I or class II permit No class I or class II permit renewal
Failure to act as required by permit or law: Missing monitoring, reporting, CEMS data		Days of missing data	Weeks of missing data	Months of missing data
Failure to act as required by permit or law: Improper operation of the facility including maintenance, potential emissions impact		Days of noncompliance	Weeks of noncompliance	Months of noncompliance
Recalcitrance / History of non-compliance		100% - 51% compliance in 30 days	50% - 26% compliance in 30 days	< 25% compliance in 30 days
		Upon reinspection, repeat violations within 12-24 months	Upon reinspection, repeat violations within 6-12 months	Upon reinspection, repeat violations within 6 months
Multiple violations within the program which would not likely impact emissions, includes paperwork violations		< 10 violations (none corrected onsite)	10-15 violations (none corrected onsite)	> 15 violations (none corrected onsite)

Violation Severity: Increasing deviation from the regulation, rule, or permit condition

OTC recommended
Discretionary: Requires consultation with Section Manager
NOV recommended - Requires Division Director Approval

Note: This matrix is designed to be used as a tool and not intended as a strict protocol; it is intended to facilitate decisions about when to issue an OTC versus an NOV. No tool or guidance can supplant good judgment; when in doubt consult with upper management.

Waste Programs Division NOV Assessment Matrix

Violation Condition: Increasing risk to human health or the environment

Risk posed off-site due to a release	Low Risk Constituent; On site impact only	High Risk Constituent; On site impact only	Low Risk Constituent; Off site impact probable	High Risk Constituent; Off site impact probable
Risk posed on-site due to a release	Low Risk Constituent; Appropriately Managed Response	Low Risk Constituent; Inappropriately Managed Response	High Risk Constituent; Appropriately Managed Response	High Risk Constituent; Inappropriately Managed Response
Release response deviation from rule, law, or permit	Release addressed, administrative violations	Release addressed, operational violations	Release addressed, timeframe violations	Release unaddressed or RP has a history of avoidable releases
Failure to act by permit or law-operations	One-off errors in container management, regulated substance storage, usage of machinery and equipment	Systemic failure in container management, regulated substance storage, usage of machinery and equipment.	Failure in container management, regulated substance storage, usage of machinery and equipment has resulted in a release to the environment or harm to human health.	
Failure to act by permit or law-administrative	One-off Errors in Labeling, Marking, Dating, Posting Signage; Incomplete Plans, Registration, or monitoring.	Systemic Failure to Label, Mark, Date, Post Signage; Lack of Plans, Registration, or monitoring.	Failure to Label, Mark, Date, Post Signage, have Plans, Register, or have monitoring has resulted in additional violations, a release to the environment, or harm to human health	
Recalcitrance	Violations Occurred During Previous Inspections	Violations Observed are Repeat Violations from Recent Inspections	Violations Observed are Repeat Violations which have now resulted in a release to the environment or harm to human health	
Multiple Violations	Random, some corrected during the inspection	Evidence of systemic compliance failure, multiple corrected during the inspection	Evidence of systemic compliance failure or violations have resulted in a release to the environment or harm to human health. Minimal violations corrected during the inspection, facility unconcerned with violations.	

Violation Severity: Increasing deviation from the regulation, rule, or permit condition

OTC recommended
Discretionary: Requires consultation with Section Manager
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Water Programs Division NOV Assessment Matrix

Violation Condition: Increasing risk to human health or the environment

Unpermitted Release of a Pollutant to the Environment	Low toxicity and mobility; Occurred within the PMA area; Low volume and duration	Low toxicity and low mobility; Outside of the PMA area / or potential to reach a Water of the U.S.; High volume and short duration	High toxicity and high mobility; High volume and long duration; Discharge was outside of PMA area or confirmed discharge to Water of the U.S.
Exceedance of an MCL, SNC, Permit Violations	Low toxicity (Tier II and III); Short duration; Responded as required (public notice or permit response)		Low toxicity (Tier II and III); Inappropriately managed response (no public notice or permit response); High toxicity (Tier I) regardless of response
Failure to Obtain a Permit/ATC/AOC	Low toxicity and mobility; short duration		High toxicity and mobility; Long duration
Improper operation of facility, O&M, storage	Actions did not cause any exceedances of regulatory limits (drinking water standards/permit limits) or discharges to the environment	Actions may have led to exceedances to regulatory limits (drinking water standards/permit limits) or discharges to the environment	Actions caused confirmed exceedances of regulatory limits (drinking water standards/permit limits) or discharges to the environment
Failure to conduct required monitoring (DW Compliance Monitoring, SMRFs, DMRs, Contingency Reporting)	Incomplete Reports; Low toxicity and short duration; CCRs; Tier III Public Notices	Tier II Public Notices, DMRs, and SMRFs; Low toxicity and long duration	MCL Monitoring; Tier I Public Notices; High toxicity regardless of duration
Recalcitrance	No Violations identified during previous inspections or file reviews	Violations Observed are Repeat Violations from recent inspections or file reviews	Violations Observed are Repeat Violations which have now resulted in a release to the environment or harm to human health
Multiple Violations	Random, some corrected during the inspection	Evidence of systemic compliance failure, multiple corrected during the inspection	Evidence of systemic compliance failure or violations have resulted in a release to the environment or harm to human health. Minimal violations corrected during the inspection, facility unconcerned with violations.

Violation Severity: Increasing deviation from the regulation, rule, or permit condition

Factors for determining environmental risk for AZPDES and APP include pollutant toxicity and mobility; the volume and duration of the incident; type of receiving water (perennial, OAW, impaired water); potential to reach a water of the U.S., and; public perception. For Drinking Water, use the Tier I, II, III classifications.

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